

Correspondence ID: 14001 **Project:** 10641 **Document:** 32596
Name: Young, Margaret
Received: May,11,2010 15:19:43
Correspondence Type: Web Form
Correspondence: After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document. I have however, reviewed the 77-page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rulemaking process, and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. I strongly support this Coalition option as the best alternative to date.

Correspondence ID: 14002 **Project:** 10641 **Document:** 32596
Name: Benjamin, Pete M
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: May 11, 2010
Michael B. Murray Superintendent, Cape Hatteras National Seashore National Park Service 1401 National Park Drive Manteo, North Carolina 27954
Subject: Comments on Cape Hatteras National Seashore Off Road Vehicle Management Plan and Draft Environmental Impact Statement
Dear Superintendent Murray:
This provides the comments of the U. S. Fish and Wildlife Service (USFWS) on the Draft Environmental Impact Statement (DEIS) for the Cape Hatteras National Seashore Off-Road Vehicle (ORV) Management Plan, dated February 2010. At the conclusion of the decision-making process mandated by the National Environmental Policy Act (NEPA), the alternative selected for implementation will become the ORV management plan, which will guide the management and control of ORVs at Cape Hatteras National Seashore (CAHA) for the next 10 to 15 years. The management plan will also form the basis for a special regulation to manage ORV use within CAHA. These comments are provided for NPS use in meeting your requirements under NEPA. Our agencies are currently in consultation pursuant to Section 7 of the Endangered Species Act, and specific comments and determinations regarding the effects of the proposed action on federally listed species will be provided through that process.
The USFWS has actively worked with the National Park Service (NPS) and other stakeholders regarding this issue for many years. We have provided technical assistance to the NPS regarding management of federal trust fish and wildlife resources, and have rendered biological opinions and incidental take statements regarding the Interim Strategy and Consent Decree, which have been used by NPS to guide management of ORV use at CAHA over the past few years. We also participated in the Negotiated Rule-making process convened by the NPS. At the conclusion of that process, we provided a detailed set of recommendations to the NPS (through the Consensus Building Institute via a memorandum dated March 27, 2009) for your use in developing the proposed ORV Management Plan. We have used our March 27, 2009, recommendations as the basis for the following comments.
The main thrust of our March 27, 2009, recommendations was to encourage the NPS to set goals and implement management actions for the fish and wildlife resources of CAHA that would ensure that CAHA is truly contributing to the recovery of federally listed species and the long term conservation of other priority federal trust resources. We continue to believe these steps are necessary to ensure that the natural resources of CAHA are not impaired. We also encouraged the NPS to pursue those goals through a robust adaptive management strategy that would ensure that the best science and continuous learning were fully integrated in the management process.
With respect to goals, we note that the DEIS describes a set of desired future conditions (i.e., target population levels) for beach-nest birds, sea turtles, and sea beach amaranth. We find that the desired future conditions for the federally listed species (nesting piping plovers, nesting sea turtles and sea beach amaranth) parallel recovery criteria described in the recovery plans for these species, and we support them. The desired future conditions for American Oystercatcher also appear reasonable. While we support the desired population growth rates for colonial waterbirds, we note that the baseline population levels for these species were drawn from a period during which populations of these species at CAHA were historically low. As such, the 10 and 20 year population targets described in the desired future conditions are likely lower than what could be supported at CAHA with sustained management. We anticipate that with continued implementation of management actions such as those described in Alternative F, populations of these species could easily exceed the desired future conditions as currently defined. We encourage the NPS to take another look at the historic data set to determine a more appropriate baseline, or prepare to re-calibrate the desired future conditions for these species at the first 5-year review period to reflect population levels that more closely reflect the likely ability of CAHA to support these species.
Our March 27, 2009, recommendations also emphasized the importance of modeling to the effective application of adaptive management. While the DEIS describes a number of research questions that the NPS would like to pursue as the ORV Management Plan is implemented, it does not articulate a desire on the part of NPS to develop and use species-habitat models as tools to inform management. As we have previously stated, models are important tools and essential components of an adaptive management framework. They would enable you to make better predictions about the effects of management actions relative to your desired future conditions, and would help focus research and monitoring efforts for maximum effectiveness. We continue to encourage the NPS to commit resources to the development of models for priority species, and we continue to offer our assistance toward that end.
Notwithstanding our above recommendations to strengthen the adaptive management component of the ORV Management Plan, we broadly support the identification of Alternative F as the preferred alternative. It largely embraces our March 27, 2009, recommendations and constitutes a baseline management program that is generally well grounded in our current understanding of the needs of these trust species. It also does include an adaptive component that will allow adjustment of management actions over time, based on improved knowledge and progress toward established goals. We support the ORV routes as described, the Species Management Areas and Management Levels. The buffer distances described for the protection of nesting birds and unfledged chicks reflect our current understanding of the biological needs of these species. Measures to protect nesting sea turtles are generally appropriate, including the restrictions on night driving and the nest relocation provisions. However, there are some specific issues regarding sea turtle management that we would like to explore further with you through the consultation process. They include lighting issues, fires on the beach, and the timing of beach closures relative to sunrise and sunset. We will provide further information regarding these issues under separate cover. We appreciate the opportunity to provide these comments. If you have any questions, please contact me at (919) 856-4520 extension 11, or via email at Pete_Benjamin@fws.gov.
Sincerely,
Pete Benjamin Field Supervisor

Correspondence ID: 14003 **Project:** 10641 **Document:** 32596
Name: Dawsom, Carol J
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
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statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

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However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

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Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

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9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules.

(p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as

understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Carol Dawson

Correspondence ID: 14004 **Project:** 10641 **Document:** 32596
Name: Lynch, Pat
Received: May, 11, 2010 00:00:00
Correspondence Type: Web Form
Correspondence: Date: May 11, 2010

To: National Park Service

From: Pat and Christina Lynch

Subject: DEIS Off-Road Vehicle Management Plan Comments

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Thank you,

Pat and Christina Lynch

Correspondence ID: 14005 **Project:** 10641 **Document:** 32596
Name: Paquette, Patrick J
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence:

On behalf of the Recreational Fishing Alliance I submit the following partial comments. The 60 day comment period was not enough time for RFA to analyze the document and make comment for the tens of thousands of members. To expect the public to digest and make informed comment on an 800 plus page document written in this manner is no reasonable.

I was a member of the CAHA Negotiated Rulemaking Advisory Committee and represented RFA throughout that process. 60 days was not enough time for me to analyze the document. It is even more difficult for those that are not educated on the subject.

On behalf of the RFA I submit the following comments

ORV Routes, Use Areas & Corridors (DEIS page xviii) ORV Use Areas ? I agree with Alternative C ORV Corridors ? I agree with Alternative C. I specifically do not agree that Alternative F was the language agreed to by the Advisory committee. Village, Campground and Day Use Area Beaches (DEIS page xix) Village Beaches ? I agree with Alternative C ORV Access ? For Oceanside I agree with Alternative C ? For Sound side I agree with Alternative F Interdunal Roads (DEIS page xx) Interdunal Roads ? I agree with Alternative C Interdunal Roads-Bodie Island District ? The DEIS is missing a required alternative in this section. There was an interdunal road that historically ran most of the way behind the primary dune between Ramp 1 and Oregon Inlet. I would like this historic road designated an ORV area and then only used as a bypass to maintain ORV access and avoid conflict with wildlife during nesting season and other sensitive times of year. Interdunal Road-Hatteras Island District ? I agree with Alternative F Interdunal Road-Ocracoke Island District ? I agree with Alternative F ORV Safety Closures (DEIS page xxi) ORV Safety Closures ? I agree with Alternative F Pedestrian Safety (DEIS page xxii) Pedestrian Safety ? I agree with Alternative A Administrative ORV Closures ? I agree with Alternative C. This "other" class of closures is confusing and will leave open issues of credibility and political influence for years to come. Temporary Emergency ORV Closure ? I agree with alternative C Permits (DEIS page xxiii) Permit Requirements ? I agree with Alternative C that an ORV permit should be required Permit Distribution ? I agree with Alternative C that permits should be available at permit issuing stations and online. Permit Issuance Requirements ? I agree with Alternative C that ORV owners must complete an education program either in person or on line and sign for their permits as described. Permit Types ? I agree with Alternative F that there should be both weekly (7 day) & annual (12 Month) permits that include a night driving component. Permit Number Limits ? I agree with alternative C that there should be no limit on ORV permits. ? I agree with the first bullet point exception of Alternative E that it is only common sense that there will be limits established for "park and stay" and SCV camping. Permit Fees ? I agree with Alternative F that that the permit fee would be based on a cost recovery program and that the fee for weekly ORV permits would be less than annual permits. Permits, Beach Parking & Vehicle Carrying Capacity (DEIS page xxiii) Permit Form (DEIS page xxiv) ? I agree with Alternative C that the ORV Permit would be affixed to vehicle in a manner approved by NPS. Permit Revocation (DEIS page xxiv) ? I agree that an ORV permit may be revoked for violations of regulations etc. Beach Parking (DEIS page xxiv) ? I agree with Alternative A that parking within routes should be allowed in any configuration as long as parked vehicles do not obstruct traffic. Vehicle Carrying Capacity (DEIS page xxiv) ? I disagree with all proposed Alternatives. ? I disagree that Alternative F represents the position of even close to a majority opinion of the Advisory Committee. ? I agree with Alternative C ORV Characteristics (DEIS page xxv) ORV Characteristic Requirements ? I agree with Alternative E Equipment Requirements ? I agree with Alternative C Tire Pressure ? I agree with Alternative C ORV Characteristics (DEIS page xxvi) Speed Limit ? I agree with Alternative C Essential Vehicles ? I agree with Alternative A Non ORV Areas ? I am unable to understand the Alternatives. I feel village areas must be designated ORV Areas and restricted by season. All other areas could then be treated as Alternative C Resource Education ? I agree with Alternative F ORV Characteristics (DEIS page xxv11) Temporary ORV Use ? I agree with Alternative C Parking Areas for Non ORV Use ? I agree with Alternative C Alternative Transportation ? I agree with Alternative A. I believe commercial transportation takes away from the remote and natural experience of the park. Bus service on state roads to the parking lots is acceptable but commercial boat or beach shuttle service would ruin my experience. ORV Characteristics (DEIS page xxv111) Camping and Nighttime Beach Use ? I agree with Alternative C. National Seashores are protected in some ways so that development and preservation of the natural beach experience is preserved. National Seashores are one of the few remaining places where self contained vehicle camping can responsibly be conducted. There is a culture and national past time that pre dates the Teddy Roosevelt years of popularizing this activity. I support the off season use of the campgrounds as a way to preserve this experience. Beach Fires ? I agree with Alternative A ORV Characteristics (DEIS page xxix) Pets ? I agree with Alternative F Horses ? I agree with Alternative A. Horses should be considered the same as a ORV. Science clearly state horses are more threatening to wildlife than and ORV. ORV Characteristics (DEIS page xxv) Commercial Fishing Vehicles ? I agree with Alternative B Periodic Review ? I agree with Alternative C Staffing & Management Measures ? I agree with Alternative E. Because of the very significant ties to the local economy and the importance of this area to members of the recreational fishing community, I feel it is justified to have a high staff budget in order to have the resources available to manage CAHA for coexistence of wild life and ORV Breeding Season Measures (DEIS page xxxi) Breeding Season Measures ? I can not comment on the alternatives as they are far too confusing in the manner that they are presented. I do not see an alternative based on Appendix G of the ESA. ? My suggestion for protection of breeding habitat during breeding season is to duplicate the methods used in the Cape Cod National Seashore. This is the most successful breeding area for PIPL and to not consider the exact methods used there seems wrong Non Breeding Season ? I can not comment on the alternatives as they are far too confusing in the manner that they are presented. I do not see an alternative based on Appendix G of the ESA. ? My suggestion for protection of breeding habitat during non breeding season is to duplicate the methods used in the Cape Cod National Seashore. This is the most successful breeding area for PIPL and to not consider the exact methods used there seems wrong Vegetation ? I agree with Alternative C

Once again, it is unfortunate the RFA did not have enough time to make a complete comment.

Correspondence ID: 14006 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 15:22:15
Correspondence Type: Web Form
Correspondence:

We advocate the continuation of the Cape Hatteras National Seashore as a recreational area to be maintained for the non-destructive pleasure and use of the citizens and legal guests of the USA.

We also advocate the brief and finite closures of discrete (i.e. non-continuous) portions of beach and dunes for the nesting of endangered animals (e.g. birds and turtles).

We also advocate the closure to ORV the beaches that have been degraded by storm activities - until the beaches have been restored either naturally or mechanically.

We also advocate the closure to mechanical watercraft (e.g. Skidoo's) the waters adjacent to Cape Hatteras National Seashore.

We also advocate the protection of wetland areas in and around the Cape Hatteras National Seashore - because it is known that such illegal activities have routinely occurred - without consequence to the perpetrators - to allow for development.

We also advocate the hiring of additional personnel by the Parks service to patrol and document any and all restrictions promulgated - not just "birders" to look for piping plovers. The approach must be well-rounded and encourage discussion and cooperation with the visitors to this beautiful recreation area.

Thank you.

Correspondence ID: 14007 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:26

Correspondence Type: Web Form

Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

- *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
- * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
- * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14008 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:26

Correspondence Type: Web Form

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Correspondence ID: 14009 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

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Correspondence ID: 14010 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:26

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Name: private

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Correspondence ID: 14012 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14013 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14014 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:27
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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14015 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. I understand that you are considering allowing Off Road Vehicles extended privileges for use of the Seashore. Furthermore, it is my understanding that all of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors.
Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Off Road Vehicles are loads of fun for the people who are driving them, not so much for those in the vicinity where they are being driven. They are noisy, they tear up the earth and do loads of damage to the areas where they are permitted. To even consider that their broad and unchecked use is about to get the ok for the Cape Hatteras National Seashore is disturbing.
Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14016 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:31
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
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* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

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Name: private
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I personally worked in parks for seven years and I do understand the need for a mixture of uses for parklands, but please push forward the "environmentally preferred" Alternative D to the plan. These protections are important.

Correspondence ID: 14018 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:31
Correspondence Type: Web Form
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This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
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* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14019 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:31
Correspondence Type: Web Form
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Correspondence ID: 14020 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

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Correspondence ID: 14021 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

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Name: private

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Name: private

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Name: private
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Correspondence ID: 14028 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:38
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Correspondence ID: 14030 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:42
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Correspondence ID: 14032 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:43

Correspondence Type: Web Form

Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.

* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14033 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:43

Correspondence Type: Web Form

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Superintendent Murray, please protect this beautiful and vital area during a time when animals are getting short shrift around this overpopulated world, a world overpopulated with our selfish species.

This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

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Correspondence ID: 14034 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:43

Correspondence Type: Web Form

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Correspondence ID: 14035 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:43

Correspondence Type: Web Form

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Correspondence ID: 14036 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:43

Correspondence Type: Web Form

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Correspondence ID: 14037 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:22:48

Correspondence Type: Web Form

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Correspondence ID: 14038 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 15:22:48

Correspondence Type: Web Form

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Correspondence ID: 14039 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 00:00:00

Correspondence Type: Web Form

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Correspondence ID: 14040 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 15:22:48

Correspondence Type: Web Form

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14041 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:48
Correspondence Type: Web Form
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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.
I am not familiar with the situation at Cape Hatteras but am aware that ORV enthusiasts everywhere are inclined to overlook the interests of wildlife. Appropriate regulations therefore should be adopted and enforced.

Correspondence ID: 14042 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:48
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
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Correspondence ID: 14044 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:50
Correspondence Type: Web Form

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Correspondence ID: 14045 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:55
Correspondence Type: Web Form

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Correspondence ID: 14046 **Project:** 10641 **Document:** 32596 **Private:** Y
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Received: May,11,2010 15:22:55
Correspondence Type: Web Form

Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this

approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.

* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14047 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:57
Correspondence Type: Web Form

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* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

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Name: private
Received: May,11,2010 15:22:57
Correspondence Type: Web Form

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Name: private
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Correspondence Type: Web Form

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Correspondence ID: 14050 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:57
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 In May 2005, my husband and I stayed a week at Cape Hatteras. We noticed that at an access point to the beach, the left side was roped off for wildlife protection and the right side allowed cars to drive on the sand. All the birds were clustered in the fenced area, with very few encountered on the part that was open to vehicles.
 Being from northwestern California, we are very familiar with the problems that plovers have successfully reproducing on beaches that allow vehicle access. Of course, our species is the Western Snowy Plover, while Cape Hatteras has Piping Plover, but the issues are the same. Letting vehicles drive on the beach not only directly affects reproduction by crushing plover eggs or chicks, it also flushes birds off the nests. Garbage thrown from vehicles attracts corvids, raccoons, or other predators to the area, raising the chance that they will find and eat eggs or chicks.
 Beach driving, especially during nesting season, is just not compatible with protecting threatened species, and that should be one of the highest responsibilities of the National Park Service. Do not allow entities like the Blue Ribbon Coalition to dictate how our public lands are managed. To watch birds was a major reason that we came all the way from California to visit the Outer Banks.
 Thank you for considering my comments.

Correspondence ID: 14051 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:22:57
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 The Public has many places to go, wildlife have fewer and fewer each year. Please save areas for the critters...they have no say in this! This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
 The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
 *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
 * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
 * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14052 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
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degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

To the above form letter provided by the wonderful National Audubon Society I would like to add: PLEASE LET US LEARN TO PRIORITIZE THE BIOSPHERE -- LET US PRESERVE AND PROTECT LANDSCAPES AND SEASCAPES AND ALL OF THEIR NON-HUMAN INHABITANTS. THEY DESPERATELY NEED PROTECTION AGAINST UNBRIDLED HUMAN GREED AND CRUELTY. THE PLANTS, THE TREES, THE ANIMALS OF ALL TYPES ARE THE BEAUTY OF THIS PLANET; HUMANITY IS THE NATURAL WORLD'S UNDOING.

Correspondence ID: 14053 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

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This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me. We have more than enough vehicles on our roads, we don't need them on our beaches much less A National Park. Several National Parks have or are considering eliminating free auto access on roads in the parks because we are loving them to death. We need to keep them wild for our children and my grandchildren.

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14054 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:23:03

Correspondence Type: Web Form

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14055 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

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I have been coming to the Cape Hatteras National Seashore since 1950. I grew up with parents and friends who went there as often as possible to surf fish. Then as a young adult I became an avid birder and came to the seashore to fish and to bird.

I support limiting the access to the beach by vehicles during critical nesting periods.

Sincerely, Paula Wright 405 Monticello Dr Wilson NC 27893

Correspondence ID: 14056 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:23:03

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Correspondence ID: 14057 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:23:03

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Correspondence ID: 14058 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:23:04

Correspondence Type: Web Form

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14059 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:23:04
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Name: private
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 *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
 * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
 * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14061 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:23:09
Correspondence Type: Web Form
Correspondence:

I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
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 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14062 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private

Received: May,11,2010 15:23:09
Correspondence Type: Web Form
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 Thank you for the opportunity to provide these comments. As a golden passport member, I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14063 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
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Correspondence ID: 14064 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
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Name: private

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Name: private
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Correspondence ID: 14067 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:23:10
Correspondence Type: Web Form
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Correspondence ID: 14068 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private

Received: May,11,2010 15:23:17
Correspondence Type: Web Form
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Correspondence ID: 14069 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:23:17
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Correspondence ID: 14070 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
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Correspondence ID: 14071 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private

Received: May,11,2010 15:23:17

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Correspondence ID: 14072 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

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Name: private

Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 I am a North Carolina native and someone who values our native wildlife and our national parks system. I believe that it is possible for wildlife and recreation to coexist at Cape Hatteras, but we must have a management plan that protects the voiceless in this issue: the birds and sea turtles that make our beaches such vital places. This is our responsibility as stewards of our national parks.
 This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
 The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
 *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
 * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
 * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14075 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:23:18
Correspondence Type: Web Form
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Name: private
Received: May,11,2010 15:23:23
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Correspondence ID: 14077 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:23:23

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Name: private

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Name: private

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If you don't preserve the beauty of this beach, which includes the dunes and ALL the wildlife, then you won't have any tourists here anyway. If people would have been respectful of this from the beginning none of this would have ever happened. This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

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Correspondence ID: 14080 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
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In light of the environmental issues in the Gulf which are a result of the oil rig explosion, it is especially important that we protect wildlife elsewhere. Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14081 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
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Correspondence ID: 14084 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:24:19
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray, I would like to encourage you to read the position statement put out by the OBPA. It is only 77 pages and much easier to read than the "beast," the 810 page DEIS. In my opinion, it is more responsive to the needs of all parties and sectors involved. I believe that reasonable protection is available without the prohibition of access. This is not an ORV issue though the SELC tries to parade it as such. I would have sent you a copy of the OBPA position statement but I feel that you already have it. I have been self-employed here on Hatteras Island for 11 seasons. The consent decree has changed my art business in so many ways. I no longer have business in springtime. May I suggest that instead of using useless economic models that incorporate the northern beaches, why not use real data that came from 2 full years of business conducted under the consent decree. Those are REAL numbers. The consent decree took a huge chunk out of my business and the businesses around me. Alternative F is even more stringent which makes it easy to predict that business will get even worse. The Park Service will get a better picture by using real Hatteras data than trying to lump the northern beaches into the equation. I pray that you have a heart in this situation. The American public has already had 2 large, unreasonable and hard-to-read documents thrust on them in recent time - one was the stimulus package and the other is the health care package. Please, Americans need government to hear us and understand our concerns. Please, Mr. Murray, don't sign our death warrant. I don't say this to be mean but to emphasize that the DEIS is that critical to those of us who call Hatteras our home.

Correspondence ID: 14085 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:25:15
Correspondence Type: Web Form
Correspondence: Hello, my name is Lee Cannady. I currently live away from the Outer Banks, however, I spent the last five years of my life living and working in Cape Hatteras, NC. I was a professional sport fishing mate in Hatteras for five years.
The life blood of the economy on the Outer Banks is beach access for pedestrians and off-road vehicles. I can't emphasize the importance of how valuable a public beach access is on the Outer Banks. For instance, there are no shopping malls, amusement parks, night clubs/nightlife, or golf courses for vacationers to have as sources of entertainment. The economy of Hatteras Island is 100% based on beach access. If you close the beaches or limit access in any way, you will have a catastrophic effect on the local economy. Good, God-loving, tax-paying American citizens will suffer, lose their businesses, and be forced to move to a new location. THE CLOSING OF BEACHES ON HATTERAS ISLAND WILL TURN CAPE HATTERAS INTO A GHOST TOWN!
In regards to the DEIS, none of the plans are really economically feasible. Plan F is absolutely the WORST, and without a doubt will destroy the economy.
I do agree that a management plan be created, implemented, and enforced. I could type thousands of words explaining how I feel, however, I think a management plan based on the agenda of the OBPA would be fair to all.
The beaches need to have year-round access, especially to Buxton Point. If you are a Muslim, you have to go to Mecca once in your lifetime, if you are a surf fisherman, you have to fish Buxton Point. Night driving and camp fires need to be permitted on the beaches. The stacking or double parking of vehicles need to be permitted in areas of popular fishing spots.
Obviously, this goes without saying, that indigenous species of fauna and flora need to be managed, protected, and preserved. However, organizations such as the Audubon society are exaggerating Man's impact to the population of plovers on Hatteras Island. They are doing this to push their own agenda. 95% of the people in this organization have never even visited Hatteras Island! They have NO clue what is really going on. They invasion rednecks and monster four-wheel drive trucks jumping and racing over the sand dunes, destroying baby birds. This is not what happens. Responsible people with off-road vehicles drive over designated access ramps to the area of beach, just above the high tide line down to the low tide line. No one goes into the dunes, you can't even walk in the dunes. If members of the Audubon society would come and visit Hatteras Island, they would realize this. It is not Man's responsible use of the beaches on Hatteras Island that is causing the decreasing number of piping plovers. The dinosaurs all went extinct before Man ever existed on this Earth. Since the beginning of time, species have come and gone.
I could go on, but I think I have communicated my point.
Sincerely,
Lee and Lindsey Cannady 919-696-8918

Correspondence ID: 14086 **Project:** 10641 **Document:** 32596
Name: Lyle, Fred
Received: May,11,2010 15:25:50

Correspondence Type: Web Form
Correspondence: please keep the beaches open so that my children can grow up sharing them with me,

Correspondence ID: 14087 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: Mike Murray, Superintendent
 Cape Hatteras National Seashore Recreational Area
 1401 National Park Drive
 Manteo, NC 27954

Dear Superintendent Murray,

Please accept this letter as my comment on the ORV DEIS before you at this time.

After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.

I have, however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Although our permanent residence is in Virginia, we also have a home in Rodanthe, NC. in which we like to vacation. When we vacation we like to include our dog. We respect and love the natural environment of the Outer Banks, and wish to continue to enjoy all that it offers.

Thank You, Bob Gruendl 113 Crescent Drive Williamsburg, Va 23188

Correspondence ID: 14088 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 15:26:16

Correspondence Type: Web Form

Correspondence: I am 15 years old and I have spent every summer and Easter down in Avon at my grandma's beach house. We go every year as soon as school lets out with all 21 cousins, as well as all the aunts for "Mom's week". It is always the highlight of my summer to spend time on the beach with my family. We also go down just as an immediate family later in the summer to relax. Even when we go down during my spring break for Easter when it is too cold for bathing suits or swimming, I always love being able to sit on the beach or on the pier right near the house and watch the waves or look for shells. Please don't take this away from me and all the other beach-goers at the Avon pier for a plover. It is ridiculous that you would close down the beach just because one ranger claimed they saw a bird. A bird which, I might add, is not even endangered, it is only on the watch list. The Avon pier is the outer reaches of their natural habitat, so how do you know that they are living there if you see one, and not just stopping on the way to their real home? Are you really going to sacrifice all the local shops and businesses that people have made their lives on for years with for a tiny bird? You've already taken away the Point and virtually every other major fishing area near Avon. Frankly, I think it is more than a coincidence that everywhere the fishermen go, someone suddenly sees a plover. Why don't you just shut down the entire Outerbanks while you're at it? Then you can really have your way and no people will be allowed to enjoy any of the beautiful area. I think this entire situation is ridiculous, and I hope you seriously take the opinions of the people writing in into consideration, because you will find that you are alone in your want to shut down the beaches for a tiny bird. DONT CHOOSE A BIRD OVER THE PEOPLE.

Christina Kaminsky

Correspondence ID: 14089 **Project:** 10641 **Document:** 32596

Name: Collins, Grayson
Received: May,11,2010 15:28:37

Correspondence Type: Web Form

Correspondence: Dear Sirs, I do agree that limiting predators of endangered species should be permitted, but that clearing vegetation allows the endangered birds more nesting areas and helps eliminate the areas for predators to multiply. I disagree with the enlarged buffer areas for nesting as this is overkill and does not promote the nesting of endangered species. (the Wildlife Commission has made a statement to this fact) I disagree with NPS on the use of the various uninhabited islands. The uninhabited islands would be great for nesting of the endangered species because of the lack of predators and the isolation of the islands in Pamlico Sound. I agree that the tampering of nests should be allowed by authorized personnel, to promote and protect the nests as this would help increase their population. This is done with such nests as alligators and other species and has only great effects! I agree that parking should be allowed in the south point wetlands if we are not allowed to use orvs to access these areas. I think a better plan can be used to allow orv travel.

Correspondence ID: 14090 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 15:30:17

Correspondence Type: Web Form

Correspondence: The "...prohibition of pets in the Seashore during bird breeding season..." is of grave concern to me. If there is a ban, meaning No pets in the public areas- beaches, campgrounds, sound front, foot trails, park maintained roads - from March 15 through July 31, I will NOT be returning to the area. My dogs are part of my family and are on leash. Four Couples travel together, renting for Ocean Front Houses for 7 to 10 days each year. Next year will be our 5th year. However, we will be canceling our reservation if this ban takes place. It is true that we only spent about \$8,500 in May, but I do believe the economic impact will be devastating to the area. Think of the birds, the turtles and the PEOPLE involved in this decision.

According to your own statistics, only 3% of the problem is caused human interference. Yes, that % is significant, but the cats running around the area may account for half of that number.

Sea Turtles have had their nests relocated in other states with great success.

A balanced approach must include people, economics and wild life. Presently, I believe you are going in the wrong direction which will have a GREAT price tag now and a greater one in years to come.

Correspondence ID: 14091 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 15:30:21

Correspondence Type: Web Form

Correspondence: It is a well known fact that the Piping Plover is at the southern most extent of its breeding range at the Hatteras Seashore (see the Peterson Field Guide to Birds).

Please explain the rationale for the extensive disruptive measures being taken to protect nesting Plovers when the Audubon society's own web page (see: <http://www.audubon.org/news/pressroom/bacc/pdfs/Birds%20and%20Climate%20Report.pdf>)

report on the effects of global warming concluded that 46% of shore bird species had moved northward in just the previous year.

Based on this Audubon Society data, it is highly likely that within the first five year period Piping Plovers will have abandoned the outer banks regardless of any human efforts to protect them.

Correspondence ID:	14092	Project:	10641	Document:	32596	
Name:	BeHage, Robert L					
Received:	May,11,2010 00:00:00					
Correspondence Type:	Web Form					
Correspondence:	<p>Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954</p> <p>Dear Superintendent Murray,</p> <p>Please accept this letter as our comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS, we must disagree with any of the six alternatives within the document.</p> <p>We have, however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule- making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.</p> <p>Sincerely,</p> <p>Robert L. BeHage and Leslie B. BeHage 13702 Long Cove Place Midlothian, VA 23112 804.639.9388</p>					
Correspondence ID:	14093	Project:	10641	Document:	32596	
Name:	Tolson, Lisa					
Received:	May,11,2010 15:31:09					
Correspondence Type:	Web Form					
Correspondence:	<p>The Park Service has a proud history. However the handling of the issues related to the closing of the beaches in Cape Hatteras have been short sighted and gravely unfair to the local population of "PEOPLE" and visitors to the Outer Banks.</p> <p>Preserve natural resources yes, but not close beaches that have historically been open and free. It truly is a disgrace, considering that there are plenty of spaces for this non endangered bird to breed.</p> <p>The Park Service has not upheld its original agreement with the local people who sold the land. It is not too late to get back on track. Someone with a brain at the Park Service should give it a try. Shame on you if you don't. Shame. Shame. So short sighted especially in today's economy.</p> <p>I remember when the Park Service people were respected and liked. I never hear anything positive anymore about the Park Service when visiting the Hatteras area, just that the Service passes out tickets and acts draconian. All this because the service failed to create a Master Plan for the Beaches, allowing themselves to be sued. Perhaps the service is OK with being sued, so the beaches could be closed.</p> <p>It is true that the beaches can't be turned into a parking lot, but be a bit more giving in finding middle ground. Remember it is the Peoples Beach, not yours. Why not start working more with the businesses and original families in Hatteras instead of having a private agenda with the Audubon. The locals love nature "too" and have a love and respect for the island that goes back centuries.</p> <p>Good Luck to all involved.</p>					
Correspondence ID:	14094	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	May,11,2010 00:00:00					
Correspondence Type:	Web Form					
Correspondence:	<p>I do not see an analysis of the likely impacts of climate change. What is the affect of warmer coastal temperatures on the nesting range of the shore birds? Would the change in climate affect not only nesting but feeding habitat? Since Hatteras Island is the most southern point of the piping plover's nesting range would the continued increase in coastal temperatures, associated with climate change, naturally drive the nesting areas further north? If so the plan would be meaningless and obsolete. A study by the Audubon society has noted that significant numbers (46%) of shorebirds have been moving north as a result of global warming. I refer you to: http://www.audubon.org/news/pressroom/bacc/pdfs/Birds%20and%20Climate%20Report.pdf</p>					
Correspondence ID:	14095	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	May,11,2010 15:34:24					
Correspondence Type:	Web Form					
Correspondence:	<p>My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area. Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."</p> <p>Pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc). However, I think it woefully wrong headed to deny pedestrian access to our beaches. Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."</p> <p>However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)) Page 121 ? 127. I strongly disagree with the huge buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.</p> <p>I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.</p> <p>Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.</p> <p>The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.</p> <p>Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.</p> <p>NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.</p> <p>7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.</p> <p>8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.</p> <p>9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab</p>					

Predation: 3%,
Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

I am hugely in favor of protecting the environment and making the hard choices to protect our natural resources. I agree that the park should be a more hospitable environment for all species that depend upon its resources. I pity the poor (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date. The public who visits our Cape Hatteras Seashore have not always understood how to protect the resources. The fishermen who work here have not always welcomed protection of the resource & they have watched while doctors and lawyers have sold fish on their docks. I have seen abhorrent abuses of our resources in the park and in the private sector. We have about 8 trillion gallons of oil maybe headed our way. Let's save some of our resources for the big issues. And work a little harder at improving the habitat both inside and outside the park. If USPS leans way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is an elusive goal and it seems rather foolish to have to search a map on the internet before going to the beach?! Let's make the DEIS clear and accessible and we will find proper balance of reasonable resource protection and access to the beaches of the National Park are restored so that all of us thrive. Thank you, Vicky Barris P.O. 273 Buxton, NC 27920

Correspondence ID: 14096 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with all of the six alternatives within the document. I agree we need to better protect the national seashore, but the restrictions seem to be overdone. Not allowing pets in the vicinity of the beach is an extreme measure. We are for a much more focused protection scheme rather than a generic prohibition of activities. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. //SIGNED// David Rhodes 58212 Sand Road Hatteras Village, NC

Correspondence ID: 14097 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:35:24
Correspondence Type: Web Form
Correspondence: We have not read the multi-hundred page documents concerning beach access in the Cape Hatteras National Seashore. However, from what we have read or heard in the media, it appears that a vocal minority are trying to impose their wills on the majority of us who love and/or depend on access to these beaches for our livelihood. We hope that somewhere between the 'howling extremes' on either side a solution can be found that will give reasonable protection to the wildlife AND allow vehicle and pedestrian access to the beaches. After all, the National Seashore belongs to all of us, not just to the birds and the Southern Environmental Law Council. We write as concerned Citizens of the United States, who have enjoyed this Seashore for forty-plus years and who now own property adjoining the Park in Hatteras Village. Daniel and Rita Seale

Correspondence ID: 14098 **Project:** 10641 **Document:** 32596
Name: Swartz, Neil
Received: May,11,2010 15:35:29
Correspondence Type: Web Form
Correspondence: Per article in the Virginian Pilot May 9,2010 "Numerous shorebirds in Cape Hatteras National Seashore are given higher levels of protection in a proposed off road vehicle management plan than what the law ever intended the birds to have, a state wildlife official said." "State listed species of concern, such as the American Oystercatcher do not require the extensive buffers and beach closures mandated for federally listed species such as the Piping Plover, said Gordon Meyers, the executive director of the North Carolina Wildlife Resources Commission". Meyers said that's beyond the intent of the state law; the state designation is suppose to be more of a call to action for a species. This seems to show me that the NPS plan was devised with little regard to existing regulations--Why would they do that? It pretty much creates some doubt regarding other sections and "facts" that are in alternative F-- I find this disturbing--This is too important an issue to be decided with faulty information. Thank You, Neil Swartz Avon NC

Correspondence ID: 14099 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: DEIS, dated March 2010, Comments
 1. I disagree with the distances of 1000 meters for the Piping Plover, a distance of 300 meters for the American Oyster Catcher (AMOY) and Wilson's Petrel, and a distance of 300 meters for the collective species of Colonial Waterbirds when the nests contain unfledged chicks. I think all distances stated in the DEIS need to be reevaluated and supported by science, not a special interest group's "spin" in support of their position. No other Seashore has implemented such radical closures using these distances, and these distances are not supported by scientific findings. Only the Piping Plover is listed as Endangered, and listing other bird species is counter to the Executive Order that requires ORV plans on Federal Lands. The Cape Hatteras National Seashore Recreational Area (CHNSRA) was created in the mid 1900s to provide a National Seashore environment for recreational purposes of the citizens and foreign visitors to the United States. The current DEIS plan for closure distances above indicate an attempt to completely close the beaches to human uses. Furthermore, it closes Bodie Island Spit, Cape Hatteras Point, Hatteras Spit (south end of Hatteras Island), North End of Ocracoke (Hatteras Inlet), and the South Point / Inlet of Ocracoke Island to ORV and Pedestrian (including pets) activity to these high value areas. These areas are prime fishing, shelling, swimming, surfing, and other water sports for thousands of people on a daily basis during the periods of time identified to be closed. That is, the prime Visitor season that the local economy depends upon to make its year's profits. Buffers in the Alternatives for piping plover are extreme and unnecessary. With the immense NPS monitoring given to these few nesting birds, much smaller, judgment based, flexible buffers could and should be put in place upon hatching to afford chick survival while at the same time allowing reasonable public access. Only on very rare occasions have chicks been observed to travel 1000 meters, and when that has happened they were moving to a food source where they stayed until fledging, thus requiring a much smaller buffer. Several published studies show that on average, chicks move about 200 meters. There has been no scientific evidence submitted during the Regulation - Negotiation (Reg-Neg) process discussions held over the last few years. It seems to me that the real goal of the environmental groups is to close the beaches altogether. The Federal Government guaranteed that these beaches are being established for the purposes of open beaches for residents and visitors alike. This DEIS Plan negates that promise, and has far reaching

consequences.

Reducing these closures to 200 meters and 100 meters seems adequate for the protection of the bird populations in these areas. Whenever these distances reach the high tide line, a corridor should be established allowing ORV access to the Spits and Inlets identified above.

2: I disagree that the bird population numbers are not included in the areas of the villages, the dredge islands around the inlets, and other sand bars along the Pamlico Sound shoreline. This is irresponsible for not providing a true and complete picture of the bird population / reproductive rates of the bird populations. This technique skews the numbers when presented as a percentage of the population or total numbers of the species' population.

3: Economic Impacts to Hatteras and Ocracoke Island businesses are excessive compared to the benefits and the high cost of implementing and enforcing these rules and regulations. Businesses have reported 25% cash flow losses, Dare County tax collections are down significantly, unemployment has soared, and the bird population remains relatively unchanged in the areas where the birds are being counted. I rent my property in Avon during the Visitor season. Last year, I had to drop the weekly rental charges by 20%, and still had a 15% drop in occupancy. I can not imagine the losses incurred by long time, established, successful businesses; and I am referring to everything from motels/cottages, restaurants, tackle shops, grocery stores, gas stations, etc., to art and craft shops, specialty shops, etc.

4: Negotiated Rulemaking Committee (NRC) Recommendations: In the interview stage to select members of the Negotiated Rulemaking Committee (NRC), the public was assured that the National Park Service (NPS) would give us a level playing field. The public and the interviewees were assured that the members would be able to think out of the box, to make adjustments to the interim plan, possibly finding solutions that would make the final ORV plan even less stringent than the interim plan.

As an Avon Property owner and interested audience of the Negotiated Rulemaking Committee that addressed this problem, I am astounded and disappointed in the direction the NPS took the alternatives shown in the DEIS. I am particularly disturbed by statements and comments that many of the parts of the NPS preferred Alternative F came from the Negotiated Rulemaking Committee. When three committee members who agreed in advance not to litigate, they brought suit against the NPS that resulted in the highly restrictive Consent Decree. Many of the members of this Committee on the access side wanted to terminate our good faith participation at that time, but were advised and encouraged by their support groups to not be quitters and stay the course, which they did. Some of the members of the panel were given legal advice during the law suit and signed on to the consent decree to avoid the judge shutting the entire beach until the new plan was in place which has been several years in the making counting the Interim Plan that was in effect at the time of the formation of the Reg-Neg committee.

Some members of the access group on the NRC went well beyond reasonable negotiation in a last ditch alternative that was an attempt to test if the environmental side was trying to come close to negotiating. However, even with NPS, USFW, and all state agencies on board with the last ditch, test proposal, the environmental groups would come to no consensus?they refused to negotiate, as they did from the very beginning of the 15 month process. I would never have agreed to several items in that plan including the buffer distances of up to 1000 meters and the closing of Ramp 27-30 year round. The Coalition for Beach Access has put together a very effective and factual based plan that will work well to protect the resources of the seashore.

5: Buffer Distances for Birds are More Restrictive than in Other National Seashores:

Piping Plovers: Cape Hatteras National Seashore (CHNS) is on the edge of the territory these birds frequent to nest and winter. CHNS is known for its turbulent weather that accounts for poor survival of Plovers on this seashore. Predators are the primary reason the success rate is poor. NPS has been very ineffective in the management of the nesting areas for many years making them predator friendly and bird unfriendly. Had these areas been maintained or included in the alternatives of management in the future, Oregon Inlet, Cape Point, both spits of Hatteras Inlet and South point of Ocracoke could have been made bird paradises that would have helped the success of nest survival. However, that out of the box NRC suggestion, supported by both access and environmental groups, was listed in the DEIS as being not suitable.

Experts speaking at the NRC meetings stated that the Piping Plover population has been rebounding in most all other locations, but population growth has not happened at CHNS. Vehicles are not shown in science to be the cause of their struggle to flourish in this seashore; storms and predations have been the problem. The culling (killing) of the predators that do not pose a threat to humans, their property, or stock will not resolve the problem. In fact, I am appalled that this course of action was even taken by the NPS. Modifying the habitat is a much more suitable solution. Mother Nature will just fill the void if animals are removed, that is a self regulating fact of nature.

AMOYS: AMOYS are on a North Carolina list of concern. By being placed on this list, North Carolina is monitoring and counting birds in a very limited fashion, but doing otherwise nothing to protect them. USFW does not provide enclosures in Pea Island Wildlife Refuge until an egg is laid. The management procedure is to "approach AMOY until it flushes then back away 15 yards for the closure." No more than this procedure should be used in the NPS area, keeping in mind that this is a recreational area first and a resource area second. If you state that you have only the Endanger Species Act (ESA) to go by for protecting a bird that is only on a list of concern in North Carolina, then either give it no protection or have regulations that are similar to the state procedures.

Colonial Waterbirds: The management procedures should be the same as the AMOY protection, if any protection is warranted.

6: Threatened and Endangered Sea Turtles: I refer you to the 210 page document being entered into these comments by OBPA, Larry Hardham and Bob Davis (<http://www.obpa-nc.org/turtles/TurtleMgmtProgram.pdf>) for what is the real science of turtles on this seashore. This document should and will be submitted for open, non-biased, scientific review. It holds the facts of turtle management needs on this seashore. The buffers and requirements of the present turtle management program are profoundly flawed and must be addresses. If only the management were similar to that of the USFW buffers and enclosures of Pea Island the alternatives would be different than those presented in the DEIS. We have 70+/- miles of seashore on which turtles nest or make false crawls. In the most turtle active years we have had approximately 210 totals for the year. If you divide the 70 miles into the 210 crawls and nests you will have 3 nests or crawls per mile in the May 1to September 15 window with no night driving. And we must not forget that much of the beach is closed during this period for village closures and bird closures where the turtles do still nest and crawl. With these statistics, and nowhere in any other data, one cannot find facts or suggestions that vehicles have had large encounters with turtles or have caused deaths of turtles. Nowhere does the data indicate or suggest that any nighttime closure is warranted.

Your alternatives want nests moved only for imminent danger to storms, but make no attempt to enhance or preserve recreational opportunities in high use areas in the recreational seashore. You are again misusing resource protection at the expense of recreational needs.

Nest enclosures should be no more than 10x10 and the exit to the ocean no more than 18 inches wide. They should be set up in the evening and removed in the morning as done in the USFW Pea Island Refuge. Which begs the question: Why is it different in the DEIS than what is done on Pea Island?

Excessive enclosures are not helping the turtles. They only reduce visitor experiences.

7: Year Round Closures: Year round closures in a dynamic weather related seashore is unacceptable and wrong. If the spits and Cape Point were made to be "bird" friendly and not predator friendly there would be no need for the beach front closures anywhere on the seashore. Poor past management practice should not be accepted in this plan as unfixable. Seasonal village closures, safety closures, the accepted closure of the beach in front of the light house and jetties should be the only closures for those wanting pedestrian only areas. While no one in the access coalition wants year round beach access for vehicle in front of the villages, I do believe that those areas should be open in the off season from Sept. 15 to May 15, as has been the practice until this time. Political closures have been in place in Frisco and Hatteras for several years, essentially privatizing those ocean fronts almost entirely for the owners of those cottages. This is wrong and in my eyes illegal. One reason for the establishment of the CHNSRA was to prevent the privatizing of the beach in front of beachfront property that is seen so often in the Northeast and Middle United States.

8: Socioeconomic Impact is Incomplete: NPS is using incomplete data and analysis to reach economic impact conclusions in the DEIS. Due to a hasty, underfunded, and limited (if any) data collection and analysis process, there is no completed and peer reviewed economic analysis. This makes the DEIS seriously flawed and an illegal, if not missing, component of the DEIS. The Cost / Benefit ratio needs to be determined and balanced against the intent and survival of the residents and visitors to the CHNSRA and its designated purposes (by the Federal Government in the 1930s and again in the 1950s).

9: Pets: Your preferred alternative has disallowed pets within the entire seashore from March 15 until July 31. This is unbelievable, and offers proof that this document is being unduly influenced by special interest groups. We all know that dogs will catch birds, but they are on a leash, and most people comply with that rule. We all agree that pets should be on a leash on the beach, but to punish the people who obey the leash law by prohibiting all pets is unacceptable. Nowhere has anyone from NPS checked with the rental agencies in the villages within the seashore to see the amount of increase in the number of "pet friendly" houses over the last few years. This new regulation prohibiting pets, completely unrelated to ORV management, will result in families staying away.

10: The DEIS is Flawed and Illegal: The NPS 6 alternatives begin with Alternative A ? No Action plan and Alternative B ? No action plan. Both of these plans were the result of actions. Alternative A was the result of the interim plan being put in place and Alternative B was put in place by the

consent decree. The DEIS should have had an Alternative No Action plan that reflected the regulations being enforced in 2004. These plans were adopted from the 1978 draft plan with updates through the Superintendent's compendiums. I contend that the entire DEIS is flawed and illegal.

Correspondence ID: 14100 **Project:** 10641 **Document:** 32596
Name: Doebley, Gene
Received: May,11,2010 15:36:41
Correspondence Type: Web Form
Correspondence: Please do not close the beaches to public access.

Correspondence ID: 14101 **Project:** 10641 **Document:** 32596
Name: kelly, shirley a
Received: May,11,2010 15:38:38
Correspondence Type: Web Form
Correspondence: My husband and I found the Outer Banks in 1983 and have been coming to Hatteras every year 2 -3 times a summer since that time even buying our own property in order to become a small part of the community. Our extended family has also enjoyed not only the beaches but the community and fellowship of the island and the respect and caring this community has given to us.
It seems that there should be some alternative to entirely closing the shoreline to human and animal usage except those which the Audubon Society deem to somehow be on a higher plain than the welfare of the residents of the villages of Hatteras Island and the revenue that the tourists bring to these communities. I do not say they are of no importance, they are but it would seem that with the brain power that these huge agencies have they could come up with a feasible way to merge both the community and the wildlife and make it a win/win situation. If beach driving is to be limited, so be it. If dogs need to be leashed and monitored so be it. If you need to limit the areas to be fished and walked that is understandable but NO is a stab in the heart to those whose livelihoods and mere existence depends on the working of the economy of the Outer Banks.
I would surly hate to think that the Federal Government would take the right to enjoy our United States shorelines to its people and give the rights to offshore gas drilling instead which if you may have noticed will probably effect more wildlife than any dog or person walking on a beach. My dismay is that this tragedy will cause you to stand even firmer in your resolve to execute this huge and wordy legislation without thought to these communities and people. They are worth saving too.

Correspondence ID: 14102 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:39:27
Correspondence Type: Web Form
Correspondence: Dear Mr. Murray,
Thank you for the chance to comment on the upcoming ORV management plan. My name is Liz Hamilton. I've recently moved here from Virginia Beach, leaving my job at Morgan Stanley, and taking a new job here in the village of Waves at REAL Watersports. I am an active kite-boarder, surfer, sailor, wake-boarder, and stand up paddle-boarder. I value access to our beaches so that I can practice all of these sports on a daily basis. For me, my main concern deals with open access to the water, both through my friends ORV or by myself by foot. Our main ocean access for the Tri-Village area is Ramp 23, and this was just closed for the majority of the summer season.
In reading the DEIS and also watching the Reg Neg meetings on TV, a topic that repeatedly came up was: why aren't birds counted on the Pamlico Sound Dredge Islands and in Pea Island Wildlife Refuge? It has been proven that conditions for bird nesting and reproduction have become unfavorable at Cape Point and many other areas due to vegetation growing and taking over the majority of the land's surface. Ironically, this vegetation has grown at the same time ORV's have been accessing Cape Point. The spread of this vegetation has caused the birds to seek out other foraging and nesting areas, namely the dredge islands listed above. Throughout the Reg Neg process, pro-access speakers clearly showed the biggest threat to the birds as being storm and tidal over wash as well as predation. Now, because a Least Tern has decided to land near Ramp 23, the main access for the three villages that we live in has been closed for the summer season. These villages were not developed to exist without a public ORV access to the beach and we are already seeing decreased visitor satisfaction as well as visitor/resident conflict due to the ramp closure.
My final question is regarding the buffers listed on pages 121-130 in the DEIS. If these birds require such substantial buffered distances between themselves and ORVs, why are Least Terns returning to Ramp 23 when it is the most trafficked ramp in a 30 mile stretch of coastline? This same question would apply as to why Piping Plovers have been spotted nesting on the roof of the Nags Head mall. Throughout the Reg Neg process, the pro access committee looked for a way to have a win-win result where both human and environmental access issues were addressed. I feel that this plan only addresses the environmental issues. Furthermore, after following the process and reading this book, I do not feel these issues are substantiated by proven peer review science.
I'd like to thank you again for the opportunity to make a comment on the ORV management plan. For further comments or questions, please feel free to reach me at the following address: Ehami004@odu.edu
Sincerely,
Elizabeth W. Hamilton

Correspondence ID: 14103 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:41:04
Correspondence Type: Web Form
Correspondence: Closing the beaches of Hatteras Island to off road vehicles not only effects seasonal tourists, it effects the local economy, and the local people who live on the Hatteras Island.
As a year round resident of Hatteras Island I feel it is very important to keep our beaches open. I feel that our tourist industry could be deeply effected by beach closures. Many times, my husband and I go to sit on the beach through out the year. During the summer months there are many other four wheel drive vehicles on the beach. Some of those vehicles are local, but many are from out of state. One of the things that attracts tourists to Hatteras Island is the fact that people are permitted to drive on the beach. They not only drive on the beach for enjoyment, but they also drive on the beach to find favorite fishing spots and favorite places to sit on the beach. It is very nice to be able to pull up to the oceans edge, take the beach chairs out of the trunk and have a picnic, or unload the fishing tackle and see if you can get a fish to nibble. I could not imagine Hatteras Island with out this special feature. Not being able to access the beach in this way could encourage tourists to vacation elsewhere.
Beach closures which would effect the tourist industry could also effect local economy. Both my husband and I work what we would consider, good local jobs. Unfortunately, it does not provide enough for our family of four to live on. I need to supplement my full time income with part time work. I clean cottages during the summer and I also make wedding cakes for paying customers who are usually from out of state. The beach closures affect on the local economy, would have a huge impact. Local people would not have cottages to clean, the grocery stores would have significantly less customers to sell too, the cottage owners would not get their rental fees which could in turn cause foreclosures on summer homes. Personally, I would not be able to afford my bills. I would not be able to continue to pay the college tuition for my son, or for the braces my daughter has in her mouth. Not only would closing the beaches to off road vehicles effect the tourist industry, and the local economy, it would effect local people as well. For generation after generation, local islanders have been fishing from the beaches of Hatteras Island. They have made their livings by beach hauling and launching dories from the beach. In order to fish in this manner, the fishermen need to be able to drive on the beach to launch their boats. If you take away that right, you take away a piece of Hatteras Island History.
I realize that beach closure to off road vehicles is in the name of preservation of endangered species. But there must be a happy medium. I have seen the number of bird sightings on the NPS website. I find it difficult to believe that we are going to close down miles of beach, effect the tourist industry,

effect the local Hatteras Island Economy, and effect the local people for less then a dozen bird nest sightings. I hope that you will consider these points in your final decision. Sincerely, Donna L. Tokazowski Hatteras N.C.

Correspondence ID: 14104 **Project:** 10641 **Document:** 32596
Name: Sammons, Rita J
Received: May,11,2010 15:41:41
Correspondence Type: Web Form
Correspondence:

There are many people who like to use loud motors to perform what they want to do. If people want to be on the beach or in the woods, they should not use motors because we have wild animals and birds and environmental loving people there. Many people like me suffer from Hyperacusis (allergy to loud noises, when I'm walking in a park and a loud motor comes by, I get upset, not only my ears but I lose my balance, I think maybe it affects our wild animals also. Tell people using them to switch to horses, they are so much better and now they are all wearing diapers so there is no reason not to allow horses everywhere!!! Rita Sammons

Correspondence ID: 14105 **Project:** 10641 **Document:** 32596
Name: Moser, Glenn A
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence:

Date: May 11, 2010 To: National Park Service From: Glenn Moser, Owner of vacation rental home in Avon, NC Subject: DEIS Off-Road Vehicle Management Plan Comments My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas. 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience. 3) Page six and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15. 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc) 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well. 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches. 7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access. 8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS. 9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%. So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park. 11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues. 12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages ? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts. ? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI. On page xlvi. Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement. I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible. 13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out. Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed. Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS. 14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31. 15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection. 16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years. 17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area. Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates. 18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas. Conclusion: Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed. It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date. The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit." Thank you,
Glenn A. Moser Owner, 41924 Ocean View Drive Avon, NC 27915

Correspondence ID: 14106 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 15:45:28
Correspondence Type: Web Form
Correspondence: I have lived on Hatteras Island my whole life. Never have I seen such ridiculous actions taken to protect birds over humans. Shutting down the beach to save a few birds, which are located all up and down the east coast, will end up killing the economy that is on Hatteras Island. I believe in Darwin's theory of "survival of the fittest". It is how nature has survived for thousands of years. If these birds, turtles, and other animals cannot survive in their local environments, then it is there time to go. I am not one to hate on animals and believe that humans and animals can co-exist together. But I do not understand why the government is willing to allow a bird to shut down an economy and lives of thousands of residents on Hatteras Island. I plan to spend my life here on the island and I want my children to have the same experiences growing up on the beach as I did. To take away the lives that we have built amazes me. The government claims to care about the people and to do whatever it takes to protect us in wars and against other threats, but this same government will not protect the livelihood of those living on Hatteras Island. To let a group of birds slowly damage our economy and slowly push humans off of Hatteras shows that the government does not care for its people. The residents of Hatteras Island have worked very hard to build our economy and to keep our beaches clean and open so that guests from all over may come and enjoy what our island has to offer. With out these people coming to the Island, our economy will die, forcing all locals to loose their homes, properties, businesses and finally force us to move away from the one place we call home. And all for a group of birds. If our government cares so deeply for it's people, then the government should help us keep our livelihood and our homes that we have spent so much time, money, and effort to build. I am appalled by our government and there lack of action to help aid us. Our whole country is in a declining economy and instead of helping us; the government is helping to destroy what is left of our economy on Hatteras. Because of beach closures, no one is going to want to come to a beach where they are not allow to step foot on. If there are no tourists coming, where do we get our money? There will be no one to come to our restaurants, docks, vacation homes, and local shops. How will we make our money? How will we, the locals of Hatteras, be able to survive in a place that is based on a tourist economy, with out any tourists? I surly hope that if our beaches are all shut down, that our so called government is going to help aid the locals of Hatteras Island in finding jobs, pay for our homes and businesses, and find us new living arrangements once we are forced to move away from the island. I really hope that I do no live to see the day when Hatteras Island becomes a deserted island because a group of birds has pushed every last human being off of it.

Correspondence ID: 14107 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:46:05
Correspondence Type: Web Form
Correspondence: I am a motel business owner in Buxton. The business is 57 years old managed by three different generations. The beach closures have damaged my business by about 30%. It seems every one wants to measure business by occupancy tax revenue. Those figures are not true year to year comparison with the increased supply/growth we have experienced on this Island. Two years of closures have changed our busy seasons to late summer and fall the spring and early summer have taken a hit. The economic impact has been severe for my business and I believe you have over looked that. I disagree with even having the American Oyster Catcher protected we can build habitat on the sound islands where they can nest. I disagree with the 1000 meter protection for the piping plover. There is plenty of area the inlet spits and cape point that could be managed/cultivated to accommodate this species for nesting. You the landowner NPS has to be proactive. Access to these traditional areas is a must for our economic survival. I disagree with the night driving ban why would you not follow the closure date. Is it about birds or is it just another way of restricting the American public from using what there former government bought as a national recreational area? I disagree with the lack of respect due to our cultural resources of the area. If we can move our national landmark one has to assume cultural impact is not important to NPS. In summary you need to consider trying to manage your

resources I believe it is one of your charges, not restrict like you are doing. Sitting doing nothing is just like our American government letting a handful of lawyers make your decisions. Alternate F is not a good choice.

Correspondence ID:	14108	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 15:46:22						
Correspondence Type:	Web Form						
Correspondence:	<p>I am an advocate of the outdoors and nature. I understand that the processes of mankind has made an impact on our natural environment. Personally, it is a tragedy for the taxpayers who go to the Cape Hatteras National Seashore and enjoy it the right way have to be punished because a certain group wants to feel worthy.</p> <p>I am a true believer in the fact that extinction of any species is saddening. If these birds are so endangered, why is there a group that wants to keep the fisherman away? It seems to me they would be trying to capture the birds and try sending them to a zoo to reproduce. The very nature of the outer banks is an everchanging environment. As barrier island's they constantly change due to rip tides, hurricanes, and normal tidal cycles. Is the park service going to stop mother nature after they get the fishermen taken out of the picture?</p> <p>I guess once more the American Sportsman is the evil to all things living. However, annually I purchase a Federal Duck Stamp, I am a member of Delta Waterfowl, I have held a lifetime hunting and fishing liscence since 1995 for the state of North Carolina. My wife is a lifetime liscence holder as well as my 3 year old daughter, who's liscences were purchased since her birth. I think my family's obvious commitment to the resources of this state should show that not all sportsmen are bad. We visit Ocracoke Island every chance we get (at least once annually). It gives my wife and I a chance to show our daughter the traditions of this great state and not worry about her playing on the beach and getting ran over. If you as a public official take these rights from us, it will be a great tragedy to my family and future generations to come.</p>						
Correspondence ID:	14109	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	<p>Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Thank you for your consideration.</p> <p>Teresa Y. Fort</p>						
Correspondence ID:	14110	Project:	10641	Document:	32596		
Name:	Rhodes, Charles B						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	<p>Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.</p> <p>Thankyou, Charles Rhodes 604 Sherringfield Terrace Chesapeake, VA 23322 757-410-8254</p>						
Correspondence ID:	14111	Project:	10641	Document:	32596		
Name:	N/A, N/A						
Received:	May,11,2010 15:48:51						
Correspondence Type:	Web Form						
Correspondence:	<p>I strongly disagree with the DEIS Plan F. The PIPL is not increasing in number on Cape Hatteras.The closures and restrictions are not working. according to your own Resource Management report: percent of fledged PIPL chicks: 1998-68% 199950% 2003-50% 2005-100% then the consent decree goes into effect- guess what? 2008-23% fledge rate 07=.67 08=.64 09 =.67 07 before the consent decree and 09 are the same, while 08 is actually less. If the restrictive closures were working, which they are not, or if the PIPLs survival were increasing due to the lack of human presence or beach driving, we would not have these decreases. I propose a return to the interim plan.</p>						
Correspondence ID:	14112	Project:	10641	Document:	32596		
Name:	McKee, Shawn A						
Received:	May,11,2010 15:49:23						
Correspondence Type:	Web Form						
Correspondence:	<p>The Cape Hatteras area is a wonderful and valuable part of this great State I call home. I am amazed that driving on the beaches is allowed at all; it seems like a violation of this natural resource and clearly has a detrimental effect on the wildlife. Option D doesn't seem to go far enough to me, however, I do understand the the NPS does have to take into account precedent.</p> <p>I just cannot see how walking your fishing gear down to the shore is nearly as horrible as the potential loss of species and biodiversity on our coastline.</p>						
Correspondence ID:	14113	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 15:50:08						
Correspondence Type:	Web Form						
Correspondence:	<p>These public lands given to the federal government should always be made available to public access. Denying the public access to the beauty of this natural environment degrades nature itself and is a paramount to a sin against mankind.</p>						
Correspondence ID:	14114	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 15:52:17						
Correspondence Type:	Web Form						
Correspondence:	<p>Mr. Mike Murray, First of all let me thank you for all the hard work that you are putting in on this subject. These must be trying times for you. I'm not going to bash any groups that are trying to close down the Cape Hatteras National Seashore. I understand how important it is to protect our wildlife. My</p>						

life revolves around each and every animal and where they live where ever I may be. I hunt and fish for recreation and food. What I don't understand about all of this is why this area has to be partially or completely closed for the preservation of wildlife. It seems to me that if people were allowed to be lets say within a couple of hundred of yards of the animals that are being protected it would probably cut down on the predator mortality and vandalism that may occur. There are people out there that would call in if they see someone or something harming these animals. I for one are among them. The people that reside, work, and have business in this area do not want to see any harm to come to these animals. They rely on them to survive. Take my family for instance. We try to visit Cape Hatteras Seashore at least twice a year if not more to fish and see the wildlife. I grew up visiting this area with my parents starting in the early 70's. My parents have been visiting here for over 60 years. I'm afraid that if the beaches close that many people will stop visiting the seashore and the people in this area will suffer greatly. Please consider all of this when it comes time to make a decision about this beautiful area.

Thank You, James Jarman NCBBA #13578

Correspondence ID: 14115 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:52:28
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 Actually I would prefer the elimination of ORV's. My experience with the drivers of ORV's is that "rules are made to be broken". In general, I have seen little respect by this group for nature or the property of others.
 If that can not be managed, they I would support the initiatives of the Audubon Society.
 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14116 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:52:28
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 I am disgusted with this plan. I live in Va and have visited Cape Hatteras for 47 years. One of my family's favorite activities is to drive out Ramp 49 and enjoy the beauty of the beach. We are not destroying any nesting areas or interfering with said nesting areas.
 You need to remember how this will affect the economy of the area.
 STOP manipulating the data to fit your agenda.
 Liz Vannicola

Correspondence ID: 14117 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
 The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
 *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
 * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
 * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.
 I have lived on Cape Hatteras for almost 23 years. In those years I have seen symptomatic entitlement and greed win out over the sense that we share the earth with other life that is as important as our own in the greatest sense. We as a people tend to have a myopic view instead of holding to now as a blueprint for the future. We, in the end, Have and will continue to endanger lives in the name of fun or recreation. I love the beach, I love driving on the beach, but I would be more than willing to give that up to preserve the species I drive and walk to see. I am most willing to share my world with all creatures and want my earth to be filled with the beauty of nature and not metal, gas guzzling ,beasts.

Correspondence ID: 14118 **Project:** 10641 **Document:** 32596
Name: Barker II, John
Received: May,11,2010 15:53:52
Correspondence Type: Web Form
Correspondence: I disagree with NPS management plan on the grounds that lack of any real science that the long standing ORV management plan affected nesting animals in a negative manner. I also disagree with the NPS management plan on the grounds that there is a need for excessive buffer zones for birds that aren't considered endangered. The buffer zones that are proposed are excessive and do not prove to be of any greater benefit to the wildlife. The evidence which has already been collected during the current implemented DEIS has proven these statements.

Correspondence ID: 14119 **Project:** 10641 **Document:** 32596
Name: Collins, Grayson`

Received: May,11,2010 15:54:59

Correspondence Type: Web Form

Correspondence: I disagree with the ruling of no night beach driving. Humans can help deter the predators from raiding the nests of endangered species. I disagree with the studies that understate the impact of limiting access of the beaches to orv and human traffic. The majority of visitors to Cape Hatteras National Seashore Recreational Area come to drive on the hard to access areas of the beach for fishing and recreation. In limiting the use of orv's on our beaches also discriminates against handicapped persons who can only access the beaches by orv's. The summer is a great time to spend time on the beach with many sunbathers and fishermen, but the majority of the off seasons are filled by fishermen. If you curtail the use of the beaches by orv's you will basically destroy the economy of the Island. I disagree with the limiting of pets during bird breeding season. I agree with the strict enforcement of leash laws and stiff fines for violators. There are probably such a low number of instances where pets destroyed nests that it would be wrong to limit all pets during these times. I disagree with the associations who want to dictate to the people what the masses can do. Their statistics are biased and presented to only show their side and should not be relied solely upon. These groups only represent their interests and not the interests of the people. Please use common sense in the rules you set forth in the use and protection of our beaches. Sincerely Grayson Collins

Correspondence ID: 14120 **Project:** 10641 **Document:** 32596

Name: Schleicher, Charles J

Received: May,11,2010 15:55:20

Correspondence Type: Web Form

Correspondence: I am a fisherman and environmental scientist from Mount Airy, MD. I travel to the North Carolina beaches 6-8 times a year. While there I enjoy fishing and relaxing on the beach. My wife and family also love the beach. I am an owner of an over-sand vehicle and I gladly pay for a permit for Assateague Island National Seashore in Maryland. I would also pay for a permit for the right to access beaches North Carolina beaches especially those near Cape Point, Hatteras Inlet and Ocracoke Island.

Although the Draft Environmental Impact Study is very long and detailed, I have taken as much time as I can to read through it. I would like to offer the following comments and hope for their consideration in the development of the final plan.

- I believe that the comment period for the DEIS has been poorly timed and will result in the submission of fewer comments. Many beach users may not even be aware of the development of this plan. An open comment period through the summer when people are using the beaches, both pedestrian and OSV users, would provide more useful information on proper restrictions on access and the impacts of those restrictions on visitors.

- As a member of the North Carolina Beach Buggy Association, I have read through the organization's stance and I agree with the detailed comments put forth by the Coalition for Beach Access.

- I believe that decreasing the amount of beach available to OSV users will have a negative economic impact on Hatteras and Ocracoke islands.

- I believe that adding new access ramps as described in the plan will allow access to more of the beach for OSV users and will minimize the negative impact of resource closures on the experience of visitors and disturbances to wildlife within the closures.

- I believe that intradunal roads will increase the amount of beach available to OSV users and will further minimize the negative impact on of resource closures on the experience of visitors. However I believe that intradunal roads should be exempt from buffers for nesting because dunes represent a barrier which is both impassable to unfledged chicks and sufficient to prevent disturbance to wildlife.

- I believe that protection of endangered species should be of the utmost importance in the development of this plan, but I believe that much of the science, such as the implementation of 1000 meter buffers for unfledged plovers, is excessive or unsound.

- I believe that responsible beach driving by OSV users is best ensured by a permitting process with stiff penalties for misuse of the beach or damage to resource closures, but arbitrary expansions for violations of enclosures only hurts those who respect the beach. Violators will continue to break laws and ruin the experience of others unless there is vigilant enforcement of the laws.

- I believe that suitable habitat such as spoil islands which are not part of the Seashore proper should be incorporated into the overall management plan for the protection of wildlife in the seashore. Success by shorebirds in habitats just outside the National Seashore should be recognized by the NPS not discounted.

- I believe that a 1000 meter buffer for unfledged plover chicks is overly excessive. This barrier exceeds any which I have seen recommended on any other Seashore. The only place I have been able to find mention of the 1000 meter buffer is in the Consent Decree, which should be learned from and adapted in the construction of the final plan, but not used as a template.

- I believe that the economic impacts on the villages within the seashore on Hatteras and Ocracoke Island will be severe and are understated in the DEIS. Northern beaches not governed by the NPS on Bodie Island will represent a more desirable alternative to the visitor who would normally chose southern beaches like Rodanthe or Frisco. While the overall impact on the "Region of Influence" may be minimal impacts to small businesses in Waves, Buxton, and Hatteras will be extreme.

Thank you very much for taking the time to review my comments. CJ Schleicher

Correspondence ID: 14121 **Project:** 10641 **Document:** 32596

Name: Austin, Susan M

Received: May,11,2010 15:55:26

Correspondence Type: Web Form

Correspondence: I have lived on Hatteras Island all of my 66 years. I can even remember when one had to drive the beach to access the villages on the Island. I would like to have the opportunity to continue having access to my beloved beaches and share it with the many visitors that visit this Island. Therefore, I disagree with all of the six alternatives.

I do however agree with the 77 page Coalition for Beach Access Position Statement signed by several groups that were apart of the negotiated rule making process. It succeeds in furnishing the best visitor experience and maintains the needs of protecting the fragile resources.

I asked you to please consider all aspects of this alternative.

Correspondence ID: 14122 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 15:56:25

Correspondence Type: Web Form

Correspondence: On May 1, 2010, the boat Tide Runner capsized in Hatteras Inlet with six (6) passengers (including the Captain). The passengers were in 59 degree water for over 3 hours.

Hatteras Island Spit (north side of the Inlet) and the North Spit of Ocracoke Island (south side of the Inlet) was closed to ORVs and pedestrians. No one could see the capsizing of Tide Runner from the point of the beach closures.

The Charter fleet does not return to port until approximately 4 PM.

One man drowned. Three (3) were able to cling to the Tide Runner. Two (2) others were swept off the boat by the wave action and current. These two (2) individuals were later found drifting and picked up by one of the returning charter boats. The young boy was exhibiting signs of hypothermia.

I can not help but wonder if the beaches had been open to ORVs and Pedestrians, that the accident would have been seen and help called for immediately, not found by happenstance hours later. One life would most likely have been saved, and several others would not have been put at risk.

Therefore for Safety purposes, please do not close beach access for some birds.

You can read the story at www.islandfreepress.org/local_news_page.

Correspondence ID: 14123 **Project:** 10641 **Document:** 32596

Name: Edwards, Debbie L

Received: May,11,2010 15:57:02

Correspondence Type: Web Form
Correspondence: I am an Outer Banks resident that opposes all beach driving. Studies show that vehicular traffic is the largest contributor to water pollution in our state. I am not aware of any studies on the impact of off road vehicles to our beaches and waters. Therefore, I believe all beach driving should be banned until it is scientifically proven not to harm the environment. Given that it is not politically feasible to ban all beach driving, I support Option E in the draft ORV Management Plan. Please act to protect our environment from the harm caused by ORV driving on our beaches.

Correspondence ID: 14124 **Project:** 10641 **Document:** 32596
Name: Hervert, Carla
Received: May,11,2010 15:57:22
Correspondence Type: Web Form
Correspondence: Thank you for allowing me to comment today. My family spent a fair amount of time, as we grew up, exploring Florida and its surrounding areas (Sanibel Is., the Keys, and Cape Hatteras) on our annual vacation. We all have great memories of these special places, and we hope they are protected, to stay special. Please adopt a modified Alternative D of the draft Environmental Impact Statement, protecting that which makes Cape Hatteras so special- abundant (and endangered) wildlife and the natural quiet of miles of Atlantic shoreline. Thank you for your time and consideration, Carla Hervert

Correspondence ID: 14125 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 15:58:31
Correspondence Type: Web Form
Correspondence: May 11, 2010
Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
RE: National Park Service DEIS Off-Road Vehicle Management Plan Comments
Dear Mr. Murray:
Thank you for the opportunity to comment on the NPS DEIS Management Plan currently under consideration. A visitor to this area since the early '70's, I have been a resident of Dare County for over 22 years. I have owned a business in Duck for over 20 years which employs up to 300 people during the summer. My concern is that Alternative F restrictions on beach access will have on the enjoyment of beaches by the citizens of the United States. Adequate pedestrian corridors should be maintained. On page xlvi, Alternative F is stated to have a "negligible to moderate" adverse impact on small businesses. This statement glosses over the facts that have already presented themselves ? businesses have struggled to keep open in this uncertain climate of immediate and unpredictable changes to beach access. Pages 270-286, 561-598: The socio-economic data and analyses are incomplete, resulting in an understatement of the effect the restrictions will have on Hatteras Island, Dare County and the state of North Carolina. Stating that businesses will have to "adapt: to the new rules (p.383) is making the assumption that no harm will be done to businesses. The uncertainty that has been brought about by ever-changing access points has resulted in an unraveling of the economic stability of this area. The effect on small businesses is not adequately addressed in the DEIS. With regard to turtle nesting areas, NPS should relocated turtle nests to a safe area and before any storms can destroy the nests. The existing turtle guidelines do not do enough to protect the turtles ? they should use alternatives such as nest relocation, captive rearing and hatcheries to improve the success of the nests. Page 121. I disagree with the proposed beach closings, including pedestrian access from March 15th through July 31st in 8 beach locations which have traditionally been available. Beach access for pedestrians should be allowed. Human influence on the success of the bird populations has been negligible. Education and cohabitation rather than prohibition would serve us all. I thank you for the opportunity to give you a few brief comments on this complex issue. Thank you for your time and the time that has been spent on this very critical issue. I hope that you will reconsider the study data used, use peer to peer scientific review of the study data, and allow citizens to use the National Sea Shore as it was intended. "I call this ocean front a national park, or a national seashore, or a state park or anything you please?I say that the people have a right to a fair share of it." Secretary of the Interior Harold Ickes, 1938 From: Creation and Establishment of Cape Hatteras National Seashore The Great Depression through Mission 66 August 1977 Cameron Binkley, Southeast Regional Office Cultural Resource Division, National Park Service Sincerely, Monica Thibodeau Owner, Carolina Designs Realty, Inc.

Correspondence ID: 14126 **Project:** 10641 **Document:** 32596
Name: Hux, Lisa K
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 14127 **Project:** 10641 **Document:** 32596
Name: Evans, Steven C
Received: May,11,2010 16:00:36
Correspondence Type: Web Form
Correspondence: I would like to ask you to extend the comment period to give more time to study the 800+ page papers. It leaves question on what you base your science on the amount of room required for the protection of the birds in question, the overall process taken to this point with the committee when members are negotiating in good faith when those same members are part of a law suit against the NPS. The whole process is looking bad for the NPS and gives you a bad image. When land is given to the NPS with a promise (which is a contract) that this closing of access would never happen, then that is a problem in America. My history tells me that is why we are here. Of the people, by the people, and for the people. The NPS needs to re-think the whole picture and not be contradicting themselves in there actions. Killing one animal to protect another? Taking land under a promise and then breaking that promise. Looks to much like a land grab rather than trying to protect a bird that is not treated by man or vehicles. Thank you ahead for your consideration to this request.

Correspondence ID: 14128 **Project:** 10641 **Document:** 32596
Name: N/A, N/A

Received: May,11,2010 16:02:25

Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray,

First off, thank you for giving the public the opportunity to comment on the new law that will possibly pass to allow ORVs onto Cape Hatteras. As a teenager in America, I understand that many people will not count my voice as much, but I hope that you will possibly consider my opinion. I have been visiting Cape Hatteras for as long as I can remember and would love to see the beaches preserved for many more years to come, but with ORVs that might not be possible. There are so many natural phenomenons and miracles that occur on these beaches and it would be a shame and a disrespect to nature to see these hindered. Cape Hatteras has a very unique feel to it and I believe that along with the destruction of nature, that aura will also deplete. Please reconsider your decision to pass this law and understand how many lives you will be putting in danger with the passing of the law. Cape Hatteras is a very special place, and I believe that it should be kept as pristine as possible. Thank you for your time.

Sincerely,
Lia Rosa Brunetti

Correspondence ID: 14129 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: George H. Suhr 9702 Locust Hill Drive 50090 Live Oak Lane 46215 Tower Circle S Great Falls VA 22066 Frisco NC 27936 Buxton NC 27920 703-759-0070 henrik_suhr@hotmail.com

May 11, 2010

Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo NC 27954 Sent via internet to Dear Mr. Murray:

I am hereby commenting on the DEIS Off-Road Vehicle Management Plan draft dated March 2010.

1. Executive Summary, page i, paragraph 1: I disagree with the naming of the area. Please change it to the Cape Hatteras National Seashore Recreational Area as defined in Title 16, Chapter 1, subchapter LXIII, dated June 29, 1940.
2. Elsewhere in the document, where the area is referred to as "Cape Hatteras Seashore", please change it to "Cape Hatteras National Seashore Recreational Area". (I will refer to it as Cape Hatteras National Seashore Recreational Area or CHNSRA from here on.)
3. Page 1. Purpose of the Plan. I disagree that the plan sufficiently addresses the charge to protect and preserve cultural resources. The glossary includes "cultural practices" as part of the definition of cultural resources.
Driving on the beach plays a large part in the culture practices of the local residents and visitors who have traditionally accessed the beaches via ORV for gatherings of families and friends and for surfing, picnicking, bathing, fishing and other beach activities. ORV access to a majority of the shoreline is an integral part of the island culture and should be considered more fully in the plan. When the park was established, netters were assured they would always have access. I and my friends have a cultural practice of fishing for drum from the surf line at Cape Point alongside people who have been doing the same for generations.
4. Page 1. Purpose of the Plan. I agree with the statement: "ORVs have long served as a primary form of access for many portions of the beach in the Seashore, and continue to be the most practical available means of access and parking for many visitors." However, designating pedestrian only or having different buffers for ORV and pedestrian access discriminate against individuals with limited mobility, families with small children, and those who use heavy or bulky recreational equipment (fishing equipment, surf boards, picnic equipment, kite boarding equipment, etc.). The enabling legislation established the area for the enjoyment and benefit of the people. Banning any class of people from access to the shoreline goes against the enabling legislation. It is disingenuous to "permit" the enjoyment of the resource while making it impractical to bring the necessary implements. Last year I fished alongside a couple, the wife catching and releasing 2 large drum while sitting in the front seat of their truck. He would cast for her since she had problems with her legs and could not walk or get about. And she had the biggest smile and greatest feelings for being out and enjoying the Recreational Area.
5. Page 1. Purpose of the Plan. I agree with the statements: "These habitats are also home to numerous other protected species, as well as other wildlife. The NPS is required to conserve and protect all of these species, as well as the other resources and values of the Seashore." However, the plan does not allow for conservation and protection of all species. According to the 2009 Annual Piping Plover report, the NPS trapped and removed 464 animals including 25 red fox, 1 gray fox, 152 racoons, 102 opossum and 105 opossum kits, 10 nutria, 3 coyote and 1 mink. The report did not detail what was done with these animals. Since other animals were taken to shelters or released, I assume these were killed. The plan does not address how these animals will be conserved and protected.
6. Page 2. I agree that the plan should provide protection for threatened, endangered, and other protected species. I disagree that North Carolina species of concern and non-endangered species should be given the same protection as endangered species. This is not intended by the ruling legislation and is effectively a re-writing of the law, which is overstepping the authority of the NPS.
7. Page 7. I disagree that the plan should be reviewed only at five year intervals. It should be reviewed annually and as social, economic and environmental changes may occur. What would happen if changes were made to the threatened and endangered species lists? What if the economic assumptions are incorrect and there is a large increase in unemployment, foreclosures, and bankruptcies? That has to be considered in the plan. The economic impact of restrictions to access must be weighed against the actual benefit to the endangered species. 3-4 fledged chicks per year of a 1,300 bird population does not pass the common sense test as equitable against the impact on humans' livelihoods and enjoyment of the Recreational Area.
8. Page 8. I disagree with targets for piping plover. Statistics show that the number of mating pairs of piping plovers is closely associated with severe weather en route to and from their wintering grounds in the southern U. S., particularly Florida. Having a target that has not been met during the last 17 years is unrealistic, given the association with factors that are beyond the control of the NPS. Page 186 of the DEIS lists that there were 331 breeding pairs of piping plover in DE, MD, VA and NC in 2008. The 11 counted in the CHNSRA account for a tiny 3.32%.
9. Page 16. I disagree that ORV driving is a "recreational activity" except in Toyota commercials. It is, as it has been historically, a means of getting from one place to another on the beach with the requisite gear. It is a means of getting from the road to the shoreline. No one that I know drives on the beach just to drive on the beach. And all are environmentally conscious, leaving the beach cleaner than they found it.
10. Page 31. I agree that local businesses are concerned with limiting ORV access to the shorelines. It has been well-documented by local businesses that their income decreases significantly when closures are in effect. Please include rental home owners in the "small business category." My husband and I own one oceanfront rental cottage in Buxton and one sound front rental cottage in Frisco. The 2010 oceanfront income is down by 7% and our sound front income is down by 18% from 2009. Oceanfront renters are less affected by ORV closures (especially ocean fronts in Buxton which have pedestrian access to prime fishing spots) than sound front renters who rely on ORVs to access the beach. People have written in our guest book and emailed me that they were very unhappy with the beach closures. They are also disturbed by the animosity caused by NPS callous methods and biased enforcement and assumptions about who the violators of bird closures are.
11. Pages 97 to 101. I strongly disagree with proposals that would prohibit ORVs year round at various places including but not limited to the area between ramps 27 and 30, Hatteras Inlet on Hatteras Island and Ocracoke Island, and Ocracoke Inlet.
These areas are the best fishing and family fun beaches in the National Seashore Recreational Area and are primarily inaccessible by foot. They are key areas of "cultural practices" of family outings and spectacular fishing. Closing them year round is unnecessary for the protection of any threatened or endangered species. For example, the NPS 2009 Piping Plover Report, page 17, showed no piping plover observations at Hatteras Island Spit between August 2008 and March 2009, less than ten sightings in August 2008 at Cape Point and none over the next seven months, and zero to ten sightings per month at northeast Ocracoke Island. There have been no breeding piping plover or other endangered species at Hatteras Island Inlet spit in six years. There has been no evidence of killed piping plover chicks due to ORV usage. Keeping these areas accessible by ORV is necessary for the survival of the residents and home owners of Hatteras and Ocracoke Islands. Furthermore, I personally believe the birds are not as bothered by ORVs or people as presumed. I have first hand observations of small shore birds doing their mating dances right between trucks. They are oblivious and may even feel safer close to people and their vehicles as there are no predators there.

12. Page 104. I disagree with the proposed night time driving restrictions. I agree there should be a ban on ORV night driving during turtle mating season and at times they are likely to be mating. Please limit the restrictions to mating season (more like June 1 to September 15) and when it is dark outside (more like after sunset to one hour before sunrise). Furthermore, I support the moving of turtle nests to areas that are not subject to wash over. This would serve two purposes: increased survival of the species and increased public access to the beaches.
13. Page 108, alternative D. I disagree that ORV parking should be limited to one deep. Driver discretion should be used as to not obstruct the flow of vehicles.
14. Page 108, Carrying Capacity. I disagree. There should be no carrying capacity restrictions. The cost of enforcing these would outweigh any environmental benefit. Do you propose that if the capacity is reached that there would be a waiting line to access the beach? Think about it? People would keep their ORV engines running sitting inside their ORVs with the air conditioning on, children would be climbing on the dunes, etc.
15. Page 110. I disagree with the proposed speed limit. I feel it should be 10 mph. If this is to protect Piping Plover chicks, almost the only ones documented harmed or run over were by NPS trucks inside protected areas.
16. Page 113. I disagree with the proposed ban of pets in the CHNSRA during bird breeding season. I propose dogs be allowed on six-foot leashes at all times in all areas. Dogs on six-foot leashes pose no threat to any species of any kind.
17. Page 127: Closures and buffers. I disagree with the proposed buffers. I support ORV pass-through corridors in all areas of the National Seashore Recreational area, except in front of the village ocean front homes. When one section of beach is closed (for example, north of Billie Mitchell Field) and another is closed (for example, south of Cape Point), although a relatively small area is officially closed, the effect is closure of miles of beach. Pass-through corridors near the high tide line will have no impact on endangered or threatened species. The buffers for unfledged piping plover chicks should be moved as the chicks move. A buffer of 1,000 meters is uncalled for and could be as small as 200 meters, according to research. Buffers for other birds listed in the proposal should be reduced to 30 meters, which is an adequate distance, supported by research. From my own observations, when birds foraging at the water line are approached, by a pedestrian or fisherman or ORV, they fly only some 20 yards away. They don't fly 1,000 yards to be rid of any "fear." So even 200 meters would be excessive as a buffer.
18. Page 130. Protect cultural resources? I disagree that plans C through F protect the cultural practices of the island people. As stated on page 1 of this letter, cultural practices are defined as being part of the "cultural resources". The plans put a much higher emphasis on birds and wildlife than human access to the beaches of the Cape Hatteras National Seashore Recreational Area. This is not a wilderness area. The 1938 charter that established the area did so for the enjoyment of the people for recreational purposes. It is interesting the times the park was established in are similar to our times now, when it is threatened to be taken away capriciously.
19. In general: ORV and pedestrian access to the shoreline is an insignificant factor in the survival of the piping plover on Hatteras and Ocracoke Islands, as detailed in the NPS 2009 Piping Plover report. When the death rate due to tropical storms and late season hurricanes during PPL southern migration is factored in, ORV and pedestrian traffic in the Cape Hatteras National Seashore Recreational Area is not even an issue. Several years ago the Army Core of Engineers flooded the Missouri River to raise the river level so a barge with \$300,000 of pet food could navigate upstream. In the process some 35 Piping Plover nests were flooded and destroyed. What hypocrisy in the government. Right there 10 or 15 years of OBX efforts were lost.
20. In general: The NPS captures bird, turtle and amaranth statistics only in the park. They do not include bird counts in other locations such as the dredge and spoil islands that are breeding grounds for thousands and thousands of birds. In 2009 NPS counted six fledged chicks and between 1992 and 2009 counted an average of 4.9 per year. It is likely there are many more fledging on the remote dredge and spoil islands and on Pea Island because there are no predators (i.e., foxes, raccoons, etc.). When calculating survival of a species, one must consider the entire mating area. And, related to that statement, the eleven piping plover chicks that fledged in 2008 represented just 3.32% of those counted in Delaware, Maryland, Virginia and North Carolina.
21. Page 143: Visitor use experience impact. ORV users in the areas under management comprise the vast majority people visiting the ORV access area, since most of the areas are inaccessible except by ORV. Creating a plan that has the cumulative impact that is "long term moderate to major and adverse to ORV users" is unacceptable. The assumption that it would be long term beneficial for non-ORV users is irrelevant since they comprise a minute percent of the population in areas accessible by ORV only.
22. Page 270 to 281 and more. The towns north of the CHNSRA should not be included in the ROI for economic analysis. As stated, the villages of Ocracoke, Hatteras, Frisco, Buxton, Avon, Salvo, Waves, and Rodanthe would be most affected by the proposed actions because they are located within the Seashore. The economic impact of beach closures has not been adequately addressed. Please carefully read comments from local business owners about the impact to their businesses and those from Dare County and North Carolina officials. I urge the NPS to do complete, unbiased research on the real economic impact of their alternatives on the CHNSRA residents and home owners. In addition to the impact on local businesses, please consider the adverse economic impact to rental house owners. This year's decrease of 18% on our sound front rental income is causing us severe harm. Our expenses remain about the same, regardless of our rental income. Just look at the number of houses for sale and the number of foreclosures. ORV driving restrictions are hurting everyone. Stating statistics for North Carolina or Dare County and making assumptions about the economy or demography of villages in the CHNSRA is erroneous.
23. Page 362. Economic impact. To estimate that the economic impact of plan F on income to sporting goods businesses and to other businesses in the "Seashore villages" would be 0% to -10% must be based on flawed research. Please conduct a complete survey of businesses in the villages and include their revenues for July of each year. That would allow you to calculate the impact of the recent closures. The 0% to -10% figure doesn't meet the first test of valid research which is, "Does it make sense?" The research done by RTI was not completely reported in the DEIS. Reference was made to "Even businesses that reported no decrease or an increase in revenue in 2008 under the consent decree were concerned about the long-term impacts of the alternatives, even alternatives similar to the consent decree." But no where did the DEIS quote statistics from those businesses that said income was down.
24. Page 570. No where is there mention of the economic impact on non-resident rental home owners. These people, including my husband and myself, should be considered as "small business owners", too. Furthermore, these investments were our "retirement plan" but now everything we worked for will be lost due to the inability to make mortgage payments. Our later years will suddenly not be what we dreamed about and worked for all this time.
25. Page 570. I am happy to see that additional data are being collected. I have not heard about the publication of the 12-month study which was expected to be completed in early 2010. I urge you to re-open the comment time after the new research has been published.
- Sincerely,
George Henrik Suhr
George Henrik Suhr

Correspondence ID: 14130 **Project:** 10641 **Document:** 32596
Name: Bruce, Mark W
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Respecting and protecting Animals is important, but are animals really more important than people? Any of your six alternatives will quite possibly destroy THOUSANDS of PEOPLES lives by killing local jobs, decreasing home values which will further destroy the local economy that is supported by visitors to our precious seashore. We want to protect the wildlife and HUMAN LIFE! PLEASE, DO NOT DESTROY MY FAMILY! Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Respectfully, Mark Bruce Home Owner

Correspondence ID:	14131	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.						
Correspondence ID:	14132	Project:	10641	Document:	32596		
Name:	Maxwell Jr, LeRoy S						
Received:	May,11,2010 16:09:15						
Correspondence Type:	Web Form						
Correspondence:	I have been coming to the Outer Banks of North Carolina since c.1954. My wife of 45 years first came here on our honeymoon. We have considered it a wonderful place in which we as a family could enjoy our family and commune with nature. All three of our sons and their families have enjoyed it here. We now learn that the National Park Service, in order to protect one species of birds and sea turtles will not allow fishermen and vehicles on the beach at prime fishing places to protect the Piping Plover and sea turtles. I am all for protecting threatened wildlife from improper human molestation but this can easily be done with a minimum of restricted land. The proposed (and even the current) restrictions are totally unnecessary. A killdeer, a kin of the piping plover, nests on gravel driveways sometimes. In Pennsylvania, we protect them by roping off a c. 2 foot radius circle around its nest. This is completely adequate. I understand that if a piping plover nested in the dunes in front of the beach house where we stay that we would not be able to get on the beach anywhere near our rental. This is a totally unnecessary restriction and a ridiculous imposition on me and my family as decent taxpaying citizens. I also now understand that it is proposed that my pet lab will not be allowed on National Park Service Land. I consider that to be absurd. Dog owners of course need to properly train their pets and keep them in check. I am an Eagle Scout as is my 95 year old dad and all three of my sons. We have heretofore held protecting the environment to be important and the National Park Service to be highly respected. It appears that the National Park Service is in dire danger of being controlled by people who have lost their common sense. The life style of the Outer Banks people is being destroyed and their economy is being destroyed also. The National Park Service itself will be the biggest loser...It will lose the respect of many of us who have heretofore been your biggest fans. It is obvious that 98 of the 100 Senators come from states which do not need to care about the Outer Banks...The cards are indeed stacked against the Outer Banks and their people...I can only hope that the underdog philosophy which once made this country great will some how prevail and that common sense will reign again in The National Park Service. Sincerely, LeRoy S Maxwell Jr						
Correspondence ID:	14133	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	To: Mike Murray Superintendent Cape Hatteras National seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have however reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Sincerely, Valerie Connolly Crosswicks, New Jersey						
Correspondence ID:	14134	Project:	10641	Document:	32596		
Name:	Babics, Dianne						
Received:	May,11,2010 16:11:42						
Correspondence Type:	Web Form						
Correspondence:	Page 136: I agree with Alternate F regarding the ban on pets between March 15st and July 31st. Unfortunately people do not obey the current rules. As I walked the beach yesterday, I saw no piping plovers, but dogs not leashed. I have yet to any NPS ranger address this issue. Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.						
Correspondence ID:	14135	Project:	10641	Document:	32596		
Name:	Gomba-Mack, Suzanne N						
Received:	May,11,2010 16:12:58						
Correspondence Type:	Web Form						
Correspondence:	Dear Superintendent Murray orvdeis I am writing to object to the beach closures at Cape Hatteras National Seashore, in North Carolina (ORV DEIS). Understanding the delicate balance in nature of people living with the wildlife at the beach, another alternative has to be found besides closing the beaches. Our family visits the Outer Banks quite frequently and we, as well as many others respect the nature and the people whose lively-hood depends on visitors to the Outer Banks. Every aspect of life will be affected from real estate to fishing, stores and restaurants, visitors alike. Close the beaches and you will send Hatteras Island in to a deep depression which the state of North Carolina will have to deal with for years to come. Nature and wildlife is important, but together, let's try to figure out a better alternative. I have been overwhelmed by the amount of pages with information contained and have tried my best to understand them. Bottom line, I object to the closure of Hatteras Island and parts of Ocracoke, NC. Suzanne Gomba-Mack						
Correspondence ID:	14136	Project:	10641	Document:	32596		
Name:	Porter, Erin						
Received:	May,11,2010 16:13:25						
Correspondence Type:	Web Form						
Correspondence:	I-I disagree with nps management plan on the grounds that buffer zones are excessive (1000m.						

2-I disagree with nps management plan on the grounds that there is a need for excessive buffer zones for birds that arnt endangered.
 3-I disagree with nps management plan on the grounds that lack of any real science that the long standing orv management plan affected nesting animals negatively.

Correspondence ID: 14137 **Project:** 10641 **Document:** 32596
Name: Taylor, Stephen
Received: May,11,2010 16:15:13
Correspondence Type: Web Form
Correspondence: May 10, 2010
 Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 RE: Public Comments on the Draft Environmental Impact Statement (DEIS)
 I am a longtime resident of Dare County North Carolina. My family and I are users of the Cape Hatteras National Seashore Recreational Area and have always enjoyed the seashore in a way that also protects the environment and its resources. I support the comments that have been made by North Carolina Senator Marc Basnight and Representative Tim Spear. I further endorse the comments and analysis provided by the Dare County Board of Commissioners and the Coalition for Beach Access. Alternative F needs the following changes: ? Provide corridors throughout all areas of the seashore ? Establish reasonable buffers based on peer-reviewed science. 1,000 meter buffers are not justified. I support a more reasonable buffer of 200 meters. ? Do not protect non-endangered birds with the same level of protection as if they were endangered. ? Use more proactive management practices to improve sea turtle hatchings. This should include more nest relocation.
 Respectfully submitted,
 Stephen Taylor

Correspondence ID: 14138 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954
 Dear Superintendent Murray,
 Please accept this letter as my comment on the ORV DEIS before you at this time.
 After reviewing the National Park Service DEIS I must disagree with all of the six alternatives within the document.
 I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore
 Sincerely, Captain William T. Sposato U.S. Navy (Ret.)

Correspondence ID: 14139 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:15:48
Correspondence Type: Web Form
Correspondence: I have visited the Cape Hatteras National Seashore Recreation Area for over 30 years. My children and wife have joined me in enjoying the wonderful beaches, the swimming and the fishing over this time. The many firsts we have experienced include large red drum caught, swimming in the ocean, watching a sunrise and sunset over water on the same day from the same spot and countless other experiences. I hope someday my grandchildren can experience the same things.
 However, the National Park Service has made some of those experiences very difficult. The 800+ page DEIS plan for ORV management is very disappointing. While it is massive in size it misses the mark in being responsive to visitors to CHNSRA. The CHNSRA was originally established as a seashore recreation area for the citizens of the United States and visitors from around the world. Every option presented in the DEIS seeks not to extend and enhance the access to this wonderful national recreation area but instead seeks to limit access by visitors in ORVs and pedestrians. The DEIS claims to solve several non-problems like visitor conflicts (never seen any), damage to turtle nesting (only one incident where less than a handful of turtle eggs and hatchlings were injured representing a fraction of one percent of the mortality), protect shore bird nesting (better than Pea Island Wildlife Sanctuary where no ORVs) and on and on.
 Not only has the NPS published this huge DEIS but they never once held a public information meeting to explain the document or the science behind the decisions made in the various options. The document consistently proposes huge "buffers" around various wildlife that is totally unnecessary and not required by law. This is done without peer reviewed science to substantiate the "buffers" used and is not consistent with other national parks and wildlife areas. It is appalling that the NPS would suggest in several of the options that areas of a national recreation area be close to all human activity on the seashore.
 Since it would be impossible to comment on all 800+ pages of the DEIS, I will focus on the "NPS Preferred Option F". The NPS proposes huge and unnecessary "buffers" around piping plover nests and hatched chicks. There is no evidence whatsoever that indicates up to 1000 meters buffer is needed for a hatched chick the size of a sparrow. Nor does the NPS suggest any solution to these piping plover "buffers" blocking vast areas of the seashore to any human activity. Beyond the discussion of piping plover "buffers", the NPS has proposed large "buffers" around birds that have no legal protection status and often nest in close proximity to significant human activity like shopping centers and Highway 12.
 The very large majority of mortality to both birds and endangered turtles occurs not from human activity but from natural predators and weather events. The NPS and the USFWS have killed hundreds of "predators" of birds and turtles to little avail. There is in fact little difference in the breeding success of birds and turtles from the 1978 de facto ORV plan versus the very restrictive Consent Decree plan. Those years when breeding and hatching were poor were a result of weather events with no im[pact from ORVs or pedestrian activity.
 The NPS preferred "Option F" fails to suggest plans to assure turtle nests are properly relocated above possible tidal events. This is a simple procedure done along the Atlantic Coast to assure healthy hatching of the eggs. ORVs have had a negligible effect on turtle nests and in fact many ORV users have assisted in identifying and protecting turtle nests. Again, natural predators like herring gulls and ghost crabs account for many lost nests and hatchlings not human activity. Nor is there any scientific evidence that night driving on the CHNSRA beaches has had any negative effect on false crawls or hatchling escapement to the ocean. In fact, the false crawls on CHNSRA are often better than those experienced on the Pea Island Wildlife Refuge where no ORVs are allowed.
 The "Option F" fails to recognize that there has been significant migration of bird populations to dredge and spoil islands behind Bodie Island, Pea Island, Hatteras Island and Ocracoke Island. These islands are in many cases a few hundred yards from the barrier islands and afford superior breeding locations to the seashore because there are few natural predators with protection from severe weather events.
 I cannot comment on the economic analysis done in the DEIS except to say the various businesses on Hatteras Island and Ocracoke Island indicate significant down turns in their business since the consent decree was enforced with many either out of business or for sale due to lack of patronage. In conclusion, I disagree with the many options presented in the DEIS since they fail to be responsive to the wishes of the vast majority of visitors to CHNSRA. These wishes are to have extensive access to the seashore not restricted access. The options presented will severely negatively impact the visitor experience particularly those who wish to enjoy the beach in the peak season of summertime. The NPS has failed to recognize CHNSRA as a recreation area for everyone to have access to the beach. The NPS suggests that "Option F" provides 52 miles of "open beach" but conveniently ignores the fact that nesting birds with huge "buffers" can virtually close miles and miles of "open" beach because there is no access route. This has happened consistently in the last 5 years. Nor has the DEIS even addressed sound side access in CHNSRA to any large degree. It is sad that our NPS would publish such a huge document that is so unresponsive to the desires of the people of North Carolina, those who so faithfully participated in the reg - neg

process and the rest of Americans.

Correspondence ID:	14140	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 16:16:07						
Correspondence Type:	Web Form						
Correspondence:	<p>Dear Superintendent Murray, I am replying re the ORV DEIS before you at this time.</p> <p>After reviewing the National Park Service DEIS, please know that as your "neighbor", (I own property immediately abutting the Park) I am disappointed in the position the Park Service has taken, and disagree with all six alternatives in the document.</p> <p>However, having reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that participated in the negotiated rule making process, I believe it is materially more successful in finding a proper balance of offering a quality visitor experience while protecting fragile resources.</p> <p>Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.</p> <p>Regards, Lee Weinstock 54243 Cape Hatteras Dr. Frisco, NC 27936</p>						
Correspondence ID:	14141	Project:	10641	Document:	32596		
Name:	allen, larry						
Received:	May,11,2010 16:18:38						
Correspondence Type:	Web Form						
Correspondence:	We have enjoyed driving on the beach for years. We hope to continue to do this! Please keep nature lovers in mind as you work though this project.						
Correspondence ID:	14142	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 16:18:49						
Correspondence Type:	Web Form						
Correspondence:	I STRONGLY SUPPORT FREE & OPEN HUMAN ACCESS TO BEACHES ON HATTERAS ISLAND.						
Correspondence ID:	14143	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 16:21:23						
Correspondence Type:	Web Form						
Correspondence:	<p>it is down right criminal that all this money has been spent at CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA yet the NPS cannot maintain the Vietnam Memorial in our nations capital.</p> <p>also the hiking trails in the nations capital are totaly unsafe to be on. how many people have been murdered on these trails the past 5 years. yet the NPS has plenty of money to protect nonendangered birds. if the public ever finds out stand by.</p>						
Correspondence ID:	14144	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 16:22:11						
Correspondence Type:	Web Form						
Correspondence:	<p>Dear Superintendent Murray,</p> <p>As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.</p> <ol style="list-style-type: none"> 1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations." 2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness...." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources. 3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals. <p>Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.</p>						
Correspondence ID:	14145	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 16:22:32						
Correspondence Type:	Web Form						
Correspondence:	<p>I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.</p> <p>This alternative plan would provide more oppourtunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.</p> <p>The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:</p> <ul style="list-style-type: none"> *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park. * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be 						

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consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14146 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
I agree strongly with all the sentiments expressed below. As someone who lives in NJ, I have seen what development has done to our coastline. You are so lucky to still have large stretches of undeveloped barrier islands and beaches and you should protect them for the jewel they are!
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14147 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:23:16
Correspondence Type: Web Form
Correspondence: Thank you for the opportunity to comment on the Cape Hatteras National Seashore Off-Road Vehicle Negotiated Rulemaking and Management Plan/EIS.
Please protect the rare birds and sea turtles for which Cape Hatteras is famous and ensure equal access for people who choose to visit the Seashore on foot. There are plenty of places with roads for driving, but not enough places for those who wish to walk and for wildlife to be protected from vehicles and the damage they inflict upon the land. Please ensure that unregulated ORV use will end here.
Thank you, Dawn Serra Missoula, MT

Correspondence ID: 14148 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:25:25
Correspondence Type: Web Form
Correspondence: I support the Coalition for Beach Access Position Statement. The closures are unnecessary and have had a negative effect on the economy. We can protect our wildlife etc. while still using the park as it was intended.... RECREATION!!

Correspondence ID: 14149 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:26:24
Correspondence Type: Web Form
Correspondence: My family and I enjoy the ability to drive on the beaches of NC. We also know there should be some restrictions to access to protect wildlife and such. However access should be allowed. I would suggest that the vehicles being allowed on MUST be in good repair and not leaking fluids. If a vehicle is found to be leaking or contaminating the beach, there should be heavy fines by Law Enforcement. Being able to drive on and use our beaches should be a right and privilege. 40% usage seems fair to me. Please consider keeping the access to the beaches open and just make stricter vehicle requirements and fine for violations.
Thank you, Kurt A. Henderson

Correspondence ID: 14150 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: May 11, 2010
Mike Murray Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC, 27954
Dear Mr. Murray: As owners of a rental house property in Avon, NC, I have some serious issues with the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area. My comments on the proposed plan are as follows. X Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It appears that transgressions into protected area are more the result of lack of NPS manpower and

enforcement, not the public purposely and willfully violating out of bounds areas.

X Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" Your proposal basically reduces the beach square footage available for beach users, potentially leading to more wear and tear on open beaches as well as turning the Hatteras beach experience into something more resembling the overcrowded beach experiences of Northern beaches such as Virginia Beach or Ocean City.

X Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

X Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN NOT get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The proposal makes at best an extremely weak scientific case for the need for 1,000 meter distances for the piping plover. It appears to be based on "best guess" science, which isn't science at all. A more rational distance, with precedent at other locations in the nation, would be 200 meters for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. Non-endangered birds should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

X Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

X Page 124: I strongly disagree with the NPS slant of favoring over protection of resource management over the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered MORE FREQUENTLY than the 5-year periodic review process identified in the DEIS.

X I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%. The percentage due to human interference is a mere 3%. This is insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles. This smacks of environmentalists running loose with the facts and pushing their own agenda.

X I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil islands that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are full of birds. The reason why so many birds? NO predators. These birds should be counted and incorporated in the stats when the NPS addresses the "decline in breeding pairs" in the National Park. The ORV Management plan is supposed to be an objective document. It becomes less so when the NPS statisticians ignore applicable statistics in their analyses. It lends the appearance of the NPS pushing its own agenda.

X Pages 270-281; 561-598: I totally disagree with your flawed economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages. Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts. Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

X On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement. I believe the negligible to moderate projection is inaccurate. It relies on economic surveys that have yet to be published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. This does not appear to be an innocent scheduling issue but more of a premeditated attempt to ram through the preferred NPS plan prior to providing the public the option to access all the pertinent facts. Again, the NPS is supposed to be impartial, not pushing an agenda. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and impacted vacation rentals. Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible. Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out. Again, don't pick and choose the statistics to match what you want your conclusions to be. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

X Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

X Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

X Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area. Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

X Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these

areas.

In summary, please incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds that nest on the spoil islands into the count. Base buffer zone recommendations on peer reviewed science and scale said zones back to more reasonable (and defensible) distances. It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date. The USPS proposal appears to be driven by an agenda?return the beaches to wildlife with little regard for human use of the beach. The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so the balance of reasonable resource protection and access to the beaches of the National Park is achieved. Thank you,
Steven Hussmann

Correspondence ID: 14151 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:28:21
Correspondence Type: Web Form
Correspondence: I would like to start off thanking you for listing to me a tax paying, voting, community volunteer and citizen of the Cape Hatteras National Sea Shore. I have a few but strong complaints regarding the proposed NPS DEIS. Limited Pedestrian Access (p.468) Pedestrian corridors or bypasses should be provided thru, around or below the high tide line in all SMAs during entire breeding season to maintain access. Large, Inflexible Buffers (p.468, 121-127) 1000m is NOT ok. Buffers should move with the brood as it relocates to reliable food source, not expanded. Pet / Horses Restrictions (p.136) These are not OK. Pets should be allowed in the Villages and adjacent beaches year round. Official Studies and numbers should be provided to evaluate the effectiveness of current and future closures. Currently there is no peer reviewed scientific studies that back the current data used in the creation of this plan, and that going forward with anything that restricts any access should be validated by multiple sources.

Correspondence ID: 14152 **Project:** 10641 **Document:** 32596
Name: D'Amato, Victor A
Received: May,11,2010 16:28:37
Correspondence Type: Web Form
Correspondence: Dear Mr. Murray ?
Thank you for this opportunity to comment on the Draft Cape Hatteras National Seashore (CHNS) Beach Off-Road Vehicle (ORV) Beach Access Plan/Environmental Impact Statement (DEIS). As a long time environmental activist in North Carolina as well as an avid beach enthusiast and surf fisherman, I urge you to carefully consider my comments. The management strategies adopted in the Final EIS will have implications for both resource management and the visitor experience at CHNS for decades to come.
Under your leadership, the DEIS represents an earnest attempt to balance ORV use, pedestrian access, and resource management under a difficult and divisive negotiating climate exacerbated by a lawsuit which resulted in recent CHNS management per conditions outlined in the so-called "consent decree". In general, it appears that NPS has deferred to the consent decree as the basis for many of the management strategies recommended in Alternative F (the NPS Preferred Alternative) in the DEIS. I believe that this reliance on the consent decree, while well-intentioned, is inappropriate. The EIS/ORV Access Plan represents an unprecedented opportunity for NPS to manage CHNS more intelligently, and more adaptively and responsively, in a way which maximizes both resource management and enhanced visitor accessibility. Additionally, NPS has an obligation to manage CHNS based on sound and defensible science. Unfortunately, several of the management strategies recommended in the DEIS are not scientifically defensible and, while NPS has made commendable efforts toward adaptive management of ORV access on CHNS, other opportunities have been missed. My numbered comments below address these shortcomings of the DEIS and provide recommendations for improvement.
1. Unwarranted closures and buffers for species that are not federally-listed as endangered or threatened. American oystercatchers, Wilson's plover, and colonial waterbird species are afforded pre-nesting closures and buffers of up to 300 meters in NPS Preferred Alternative F of the DEIS. While these species are not federally-listed as endangered or threatened, they may be state-listed by the North Carolina Wildlife Resources Commission (NC WRC) as "species of concern". The executive director of the NC WRC recently expressed the state's objections to the use of its "species of concern" designation to trigger ORV management strategies under the federal Endangered Species Act, as currently reflected in the DEIS (<http://hamptonroads.com/2010/05/orv-plan-gives-too-much-space-some-species-critics-argue>). A "species of concern" designation is not intended to trigger active management measures and surely not the excessively large closures recommended. The referenced species are designated as "Least Concern" by the International Union for Conservation of Nature (the designation corresponding to the lowest risk of extinction; for reference, humans are also an IUCN species of Least Concern). Considering the abundance of these species, as indicated by their conservation status, pre-nesting buffers are not warranted and should not be in the preferred alternative. Additionally, temporary closures, if provided, should be no greater than 30 meters and include ORV corridors around them.
2. Excessive closures for threatened piping plover. Unprecedented large, inflexible buffers of up to 1000 meters are afforded unfledged piping plover chicks under NPS Preferred Alternative F of the DEIS. As presented in the DEIS, 1000 meter buffer distances are not scientifically supportable and should be reduced to no more than 200 meters. Additionally, the buffers for unfledged piping plover chicks buffer should move with the brood as it relocates to reliable food source, not expanded.
3. Unjustified permanent closures. The beaches adjacent to Hatteras Inlet on both Hatteras and Ocracoke Islands as well as the beach between Ramp 27-Ramp 30 in Salvo are proposed for permanent ORV closure under NPS Preferred Alternative F of the DEIS. The implied need for these permanent closures is arbitrary and not scientifically supportable. Rather, closures should be based on species monitoring during the breeding season. From a resource management standpoint, the Hatteras Inlet closures fail to recognize the shorebird habitat provided by dredge/spoil islands behind the inlet and in the adjacent sound. Likewise, the Ramp 27-Ramp 30 closure fails to recognize both the resource benefits and pedestrian visitor opportunities provided by the approximately 15 miles of ORV-free beach just a few miles north at Pea Island National Wildlife Refuge (PINWR). Habitat and visitor access management scenarios for the proposed Ramp 27-30 closure (as well as the proposed floating closure in this area) and the ocean beaches in PINWR are nearly identical, emphasizing that new beach closures between Salvo and Avon in CHNS are not necessary.
4. Unwarranted prohibition of pets in CHNS during bird breeding season. The prohibition of pets in CHNS between March 15 and July 31 is severe and unwarranted and likely to result in serious economic consequences for Hatteras and Ocracoke Islands, consequences that do not appear to have been considered in the socioeconomic analysis presented in the DEIS. Properly leashed pets should continue to be allowed in CHNS (with the exception of closed areas) during the breeding season.
5. Insufficient use of corridors through resource closures. Corridors are only allowed in Management Level 2 (ML2) portions of Species Management Areas (SMAs) and are subject to resource closures at any time under NPS Preferred Alternative F of the DEIS. Corridors are a vital adaptive management tool for providing access while protecting resources and should be used to the extent possible in NPS' Preferred Alternative. Corridors should be permitted throughout the seashore during the entire breeding and nesting season including Management Level 1 (ML1) portions of SMAs, even if they are only "pass-through" corridors.
6. Insufficient socioeconomic analysis. The baseline socioeconomic analysis does not recognize the de facto plan that was in place in the years leading up to the "interim plan", unofficial only because of bureaucratic failures. The DEIS should have an No Action Alternative that reflects the regulations being enforced in 2004 that were adopted from the 1978 draft plan with updates through superintendents' compendiums. The cumulative impact of the NPS' Preferred Alternative F policies on the visitor experience and the regional economy should be assessed relative to this pre-interim plan baseline. Additionally, the region of influence (ROI) used for the socioeconomic analysis is inappropriately broad. In particular, visitors to the northern beaches (Nag's Head north) are not as reliant on the CHNS beaches affected by the DEIS, and should not be included in the ROI. The ROI should only include seashore villages adjacent to CHNS, from South Nag's Head down through Ocracoke Village.

Thank you for your consideration of my comments on this critically important Draft Cape Hatteras National Seashore (CHNS) Beach Off-Road Vehicle (ORV) Beach Access Plan/Environmental Impact Statement (DEIS). I look forward to an improved Final EIS that incorporates the concerns expressed above.

Sincerely, Victor A. D'Amato

Correspondence ID:	14153	Project:	10641	Document:	32596	
Name:	Johnson, Michael					
Received:	May,11,2010 16:29:46					
Correspondence Type:	Web Form					
Correspondence:	Please do not place further restrictions on the use of our coastline and barrier islands. A great number of our own residents and others cannot afford the offshore ocean sporting and only have the coastline and it's low cost recreational and scenic use. Both go hand in hand and both are and will survive the current use and the use that me and my family have experienced and respected since the early 1950's. A fisherman, a conservationist, a naturalist, and a plain old working citizen of North Carolina.. Sincerely, Michael S. Johnson					
Correspondence ID:	14154	Project:	10641	Document:	32596	
Name:	Nelson, Bud					
Received:	May,11,2010 16:31:23					
Correspondence Type:	Web Form					
Correspondence:	Re the DEIS - Why are the terms of the consent decree the strating point for this document ? Why isn't the Interim Plan considered as a starting point? I disagree with the need to close Hatteras Inlet, the Northern end of Okracoke Island and the area from ramp 27-30 in Salvo. American Oystercatcher - Why is a non-endangered species allocated such large closures ? NPS does not include locations adjacent to Cape Hatteras National Recreational Seashore such as Pea Island Wildlife Refuge when determining non-ORV accessible areas ? Pea Island provides pedestrian (p. 124)only access as well as habitat for protected species. The dredge islands adjacent to Hatteras Island also provide relatively predator free habitat for birds. NPS does not relocate turtle eggs regardless of the continual failure rate experienced presently. Other areas have greater success with relocation. (p. 86-87, 396-397). Why does the NPS remove predators instead of removing the NPS created habitat that harbors predator? I strongly disagree with the prohibition of pets (p. 136) from the recreational areas of this park. Why doesn't the NPS publish a list of incidents that occured between motorizd and non-motorized recreational users? IF such list exists. (p VI) Why doesn't the NPS publish a list of Piping Plover deaths attributable to ORV use? (p.210) TO improve Resource Protection and Visitor access the NPS should					
Correspondence ID:	14155	Project:	10641	Document:	32596	
Name:	Switzer, Bill					
Received:	May,11,2010 16:32:40					
Correspondence Type:	Web Form					
Correspondence:	Please close as much of the beach to vehicular traffic as you can. Although I will be 68 this summer and can no longer make it to the beach as often as I would like, I still support the ban not only for the protection of wildlife, but also for preserving the serenity and solitude of the beach as nature intended. I do support having a number of parking areas with places for pedestrians to cut through to the beach. I have not walked much of the Hatteras National Seashore, but I have walked the entire Cape Lookout National Seashore. Although I could not do it at this point in my life, those walks at Cape Lookout are among my fondest outdoor experiences.					
Correspondence ID:	14156	Project:	10641	Document:	32596	
Name:	Munson, Stephen L					
Received:	May,11,2010 00:00:00					
Correspondence Type:	Web Form					
Correspondence:	Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. I have been coming to the Outer Banks since 1958 and have been a property owner in Frisco, NC since 1986. I have reviewed the National Park Service DEIS and I do not agree with any of the six alternatives contained in the document. I have read and agree with the positions taken by the Dare County Board of Commissioners in their DEIS Position Statement. I have also reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while still protecting the fragile resources. Please consider all aspects of this alternative and use generally accepted science to guide you in establishing restrictions on access to Cape Hatteras National Seashore. Stephen Munson 531 King Charles Circle Summerville, SC 29485 stephenmunson@bellsouth.net (843)871-2235					
Correspondence ID:	14157	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	May,11,2010 16:36:45					
Correspondence Type:	Web Form					
Correspondence:	i'm against any of the proposed regulations . they are too strict and don't allow enough access.					
Correspondence ID:	14158	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	May,11,2010 16:38:01					
Correspondence Type:	Web Form					
Correspondence:	I would like to respond to the Cape Hatteras National Seashore Recreational Area DEIS. I strongly disagree with many parts of the NPS preferred option F in the 810 page DEIS. I believe thst a more rational balanced resource protection plan should be implemented, that would provide more resonable access for recreational purposes. Listed below are my comments on four of the issues: 1. Closures are so extreme under plan F, (pgs xii,xvii,468) as to render most of the recreational areas non-accesable. I believe that all closure areas should have at least one access corridor, whether it be on the ocean side or sand side, that would allow pedestrian and vehicular access to recreational areas that would otherwise be inaccessible due to closures on either side of them. 2. The proposed management buffer zones for the Piping Plover unfledged chicks (1000 meters in all directions or 770 acres)is so extreme that it borders on the absurd. (pgs 121-127) Giving 300 meters or about 250 acrea buffer zones for Oystercatchers, Least Terns and Colonial Waterbirds, when they are not threatened or endangered, is arbitrary and unsubstantiated by any science. Unthreatened birds should not be warranted this protection. The buffer zones should also be monitored throughout the breeding season to ensure that the area is infact a nesting ground and warrants protection. If it is not an active nesting area it should be reopened the public. Additionally, all bird monitoring and bird counts should encompass all of the ecosystem.					

The dredge islands are part of the parks ecosystem and should be included in all studies and monitoring. Since no predators exist on the islands, and if I was a bird, that's where I would nest.

3) Turtle management practices (pgs 125, 392-396) should take into account the very high nest loss in the park (46% in 11 yrs) Since only 1% of the turtle nests in the southeastern US are found in North Carolina and approximately one nest per 1.7 miles of park, it would seem more logical and essential for lower nest loss and subsequently higher turtle survival rates, that nest relocation is the answer. An even stronger argument is made for relocation of turtle nest when one realizes that relocation is a standard practice at Pea Island National Wildlife Refuge which is on Hatteras Island. Relocation would thus free up more beach for recreational purposes. The NPS DEIS should look at and take into account the Florida Fish and Wildlife Conservation Commissions handling of turtle nests, since their beaches have 91% of all turtle nest in the southeastern US. They do not have buffer zones around nest. Some beaches permit off road vehicle traffic and allow beach goers to recreate within feet of the nests. They have found that successful hatch and recovery depends on solutions to real problems-loss of nests due to high tides from weather events, failure to relocate nest, and predation, not human activity.

4. The DEIS devotes only 2 paragraphs in the 810 page document to the economic consequences of the preferred alternative F.(pg xllviii) The economy on Hatteras Island is based on tourism and the beach draws the tourists. Their is nothing else that employs the residents. To describe the impact of this alternative as have negligible to moderate impact on the Island economy is a gross understatement The consent decree and its closures have already severely hurt the Island. This plan with its buffers, closures and restrictions would be devastating. Two paragraphs in the DEIS does not satisfy the socioeconomic analysis required by the law. Where are the economic surveys that are required in this DEIS?

In closing I would like to say that I believe in a rational approach to environmental issues. The creatures of the park are entitled reasonable space. But Cape Hatteras National Recreational Area should be devoted to citizens enjoying, relishing, and recreating on an open unencumbered beach, devoid of massive development or unrealistic restrictions. It is ironic that NPS's alternative F is substantially more restrictive to people than Pea Island National Wildlife Refuge which is the wildlife refuge on Hatteras Island. This makes no sense to me!

Thank You for your time and allowing me to comment.

Correspondence ID: 14159 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:39:27
Correspondence Type: Web Form
Correspondence: Dear Sirs:
I am sincerely glad you are requesting input on a subject which effects so many of the people of this state. I know there needs to be balance between use of the park and protection of the habit. However, I feel that a park which the public can not use has a limited useful life because people will stop funding it and in the long run both the park and the people lose. If people are required to walk across the dunes more damage will be caused to the habit than allowing vehicle access to certain areas. A wise decision is required to reach a good compromise. I enjoy driving on the beach and have limited ability to walk a great distance to reach the ocean at the park. I have great hope a good compromise can be reached on this subject.

Correspondence ID: 14160 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:39:59
Correspondence Type: Web Form
Correspondence: I am writing as a concerned native of Eastern NC. Closing these beaches is a statement to the local people that the NC legislature has once again put others goals and economies ahead of theirs once again. These beaches are a very large part of the valued culture of eastern North Carolinians. I wont elaborate on the economic aspect of the lost dollars for tourism, that should be obvious by now. Once again, there has been underhanded methods of keeping local people from voicing there opinions. If not the red tape all over the proposals that is IMPOSSIBLE to navigate or understand just what is outlined, you have the media. Please answer one question. Has there been a single article or news report on television that tells you how or where you should go to voice your opinion. Sure the local outlets have made an attempt but just do an internet search on the comment deadline and I challenge you to find JUST ONE article that tells you where to submit your comments and opinions. Its nearly impossible for relocated locals as myself to voice my opinion. Not to mention, most articles only say the beaches are closed to driving....sounds like no big deal right? Funny they fail to mention just what is being proposed, no human body whatsoever can enjoy the beach wether it is walking or driving. In conclusion, I will sat that closing these beaches is a slap in the face to the local people of eastern NC that says our governing bodies do not care about our well being. I guess if we are not in Raleigh or Chapel Hill, we dont matter.

Correspondence ID: 14161 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:40:18
Correspondence Type: Web Form
Correspondence: DEIS Management, Having had the opportunity to have and hold the entire 800 page monstrosity of an impact statement,my hat is off to all that contributed to this effort.It had to have been a lot of work. I want to see the most stringent controls placed on ORV use in the Park not because I'm anti ORV per say,but because I want to see the Resource protected in accordance with the enabling legislation that created this entity in the first place. Id like to believe that in 50 or 100 years,or 5 for that matter, a person could come to this park and have a symbolence of a wild beach experience,complete with the plants and animals that belong here.So if I have to choose one of your alternatives,it would be Alternative D. Thanks for the opportunity to comment. Spencer Gregory Avon, NC

Correspondence ID: 14162 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:40:39
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and

tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicapped person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial

Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events.

Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

As a lifelong resident of Hatteras Island, we of the Hatteras Island community have always gotten together on the south beach on Sunday to enjoy the beach with our cookouts, gatherings, surf bathing, horse shoes and foot races, fishing, and surfing. Now the DEIS is proposing closing off most of the south beach during the summer which is the traditional period we local people use the beach. The continuation of this traditional pattern of land use is central to maintaining the historic identity of our island communities.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore.

? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits. That is certainly the case with Hatteras Realty.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete

visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31. Hatteras Realty books approximately 13,000 rental weeks for a total of 91,000 rental nights housing approximately 700,000 visitors. The ban on pets to July 31 will seriously hurt the rentals of my vacation homes as our pet homes encompass about 30% of our rentals. I propose allowing pets on 6 foot leashes year-round in all areas open to pedestrians or ORVs.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14163 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May.11.2010 16:41:09

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

- 7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.
- 8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.
- 9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,
So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.
- 10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.
Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.
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The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.
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Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.
- 17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.
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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14164 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:41:33
Correspondence Type: Web Form
Correspondence: Deeply attached to the experience of the Outer Banks beaches, Ocracoke in particular, my family and I have made a 1000 mile trip here each year for decades. While very concerned about how beach access restrictions might affect our ability to continue this, I must support reasonable efforts to manage access to preserve the essentials of this environment. In that light, I have been quite amazed while following much of the heated commentary at the typical lack of distinction between effects of vehicular and of pedestrian access. On a busy day down at the south point of Ocracoke it's kind of a cross between the New Jersey Turnpike and a crammed parking lot - hardly a very preserved environment or habitat. I can imagine how the poor creatures feel when I'm afraid to sit down on the beach for fear of getting run down (can't tell you how many times I've had to jump up!). Also, it would seem that the park service might arrange a flexible, designedly low impact system of foot trails through the dunes and by protected areas so that people could get to usable stretches of beach. Accommodating vehicles is really a rather different challenge. The Park Service might also run some sort of jitney service, especially for the handicapped or infirm, requiring a much smaller number of vehicles than now storms the place and passing over a much smaller footprint of terrain. This would also allow people to haul stuff (fisherman can also pull large wheeled carts such as I've seen in use on occasion though, heaven forbid, that would require them to get out of their vehicles and actually move their legs). I realize that restricting vehicular access in any significant way may affect the economies of the local communities. However, I note that the current level of such use was not always so, in my decades long experience; and therefore it could be always be again the way it was. Our mistake perhaps was to let something grow out of control when we shouldn't have in the first place. Surely we have to be able to change things as needed, and we must have the fortitude to do so. Otherwise any unwise development or practice would automatically get cast in (grandfathering) concrete, just by the dead weight of its current existence. As temporarily painful as it may be, intelligently controlled access will be better in the long run. ACCOMMODATE BUT CONTROL ACCESS!

Correspondence ID: 14165 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:42:28
Correspondence Type: Web Form
Correspondence: Response to the DEIS Statement,
I visit the Outer Banks of North Carolina probably about 12-15x a year. I grew up enjoying the beaches of Avon yearly with my family since age 3. Now that Im older I visit friends of Hatteras monthly if not several times a month. Hatteras Island holds a special place in my heart and even much so that I have Hatteras/Ocracoke Island tattooed down the right side of my back. I believe actions should be taken to protect the wildlife of Hatteras and Ocracoke Island. My impression of some of the buffer zones were that they far exceeded the size of what would be required for them to effectively protect the nestings etc..
Also, if some alternative routes could be opened so that closures would not completely shut down areas to ORVs and pedestrians. The quick and easy fix is to just shut everything down. But is that always the best method to the best solution? I believe that a common sense, reasonable approach to ORV Management that will protect public access and natural resources without impairment to either can be found.
I am for protecting the wildlife of Hatteras and Ocracoke Island. I am fine with closures that are truthfully helping and protecting certain species. But these closures have been far too extreme. I think there needs to be a balance. It might be more work/money to come to this balance and I'd even be fine with a permit that must be purchased before driving on the beach if the money was going towards the preservation of the animals and or new routes and keeping the beaches and the ramps maintained and open. I make yearly contributions to the Seaworld/Busch Gardens Conservation Fund eventhough i question whether these are the groups that are trying to take away my freedoms. But we need to come to common sense, realistic solutions that has both sides negotiating and not litigating. Thank you for taking the time to read this.

Correspondence ID: 14166 **Project:** 10641 **Document:** 32596
Name: Rinda, Robert W
Received: May,11,2010 16:44:24
Correspondence Type: Web Form
Correspondence: With regard to "Alternative F" (NPS Preferred Alternative):
-- I disagree that ORVs be prohibited year round between ramps 27 and 30, at Hatteras Inlet, at Ocracoke Inlet and various other locations (p.97-101). Doing so would result in severely impairing the visitor experience and the local economy.
-- I disagree that night driving be prohibited between May 1 and November 15, forcing visitors off the beaches early in the evening and preventing sunrise surf fishermen access in the morning (p.104). This would limit fisherman from being able to fish at "prime" times, and severely curtail the attraction that draws so many fisherman to Hatteras Island.
-- I disagree that pedestrian access will be prohibited from March 15 until July 31 in 8 different beach locations that have traditionally been available (p.121). Doing so would result in severely impairing the visitor experience and the local economy.
-- I disagree with the 1000 meter pedestrian/ORV closure in all directions around any piping plover unfledged chick brood, and that this closure may occur anywhere in the park, including beach directly in front of vacation homes (p.121-127). This buffer is excessive, and similar closures under the existing consent decree have been proven ineffective regardless.
-- I disagree with the 300 meter pedestrian/ORV closure in all directions around any American Oystercatcher nest or brood (p. 121-127). The American Oystercatcher is not even an endangered species. The NCWRC has gone on record as stating that this measure, as well as others, exceeds the protective measures ever intended by the NC state law.
-- I disagree with prohibiting pets (even when leashed) from Cape Hatteras National Seashore, including beaches, between March 15 and July 31 (p.136). This, and other such measures, would severely limit the intended legal use of these public lands since so designated by President FDR, and has become a recreational/cultural tradition for visitors/residents alike.
I understand and agree with the need to preserve our wildlife and natural resources, but a common sense approach that also preserves our cultural resources and the right to use them is paramount. There is little or no consideration for the latter in Alternative F, even though required by the National Environmental Policy Act.
It is also quite obvious that the data and analysis in this study related to the negative socioeconomic impact is incomplete, understated and erroneous.

Unless such data is accurate and considered in good faith, decisions will be made that completely devastate the economy on Hatteras and Ocracoke Islands whose small businesses, unemployment numbers and real estate market are already in a desperate state of affairs.

Correspondence ID: 14167 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:44:26
Correspondence Type: Web Form
Correspondence:

I am writing as a concerned native of Eastern NC. Closing these beaches is a statement to the local people that the NC legislature has once again put others goals and economies ahead of theirs once again. These beaches are a very large part of the valued culture of eastern North Carolinians. I wont elaborate on the economic aspect of the lost dollars for tourism, that should be obvious by now. Once again, there has been underhanded methods of keeping local people from voicing there opinions. If not the red tape all over the proposals that is IMPOSSIBLE to navigate or understand just what is outlined, you have the media. Please answer one question. Has there been a single article or news report on television that tells you how or where you should go to voice your opinion. Sure the local outlets have made an attempt but just do an internet search on the comment deadline and I challenge you to find JUST ONE article that tells you where to submit your comments and opinions. Its nearly impossible for relocated locals as myself to voice my opinion. Not to mention, most articles only say the beaches are closed to driving....sounds like no big deal right? Funny they fail to mention just what is being proposed, no human body whatsoever can enjoy the beach wether it is walking or driving. In conclusion, I will sat that closing these beaches is a slap in the face to the local people of eastern NC that says our governing bodies do not care about our well being. I guess if we are not in Raleigh or Chapel Hill, we dont matter.

Correspondence ID: 14168 **Project:** 10641 **Document:** 32596
Name: Nelson, Bud
Received: May,11,2010 16:45:45
Correspondence Type: Web Form
Correspondence: Re the DEIS -

Why are the terms of the consent decree the strating point for this document ? Why isn't the Interim Plan considered as a starting point?
I disagree with the need to close Hatteras Inlet, the Northern end of Okracoke Island and the area from ramp 27-30 in Salvo.
American Oystercatcher - Why is a non-endangered species allocated such large closures ?
NPS does not include locations adjacent to Cape Hatteras National Recreational Seashore such as Pea Island Wildlife Refuge when determining non-ORV accessible areas ? Pea Island provides pedestrian (p. 124)only access as well as habitat for protected species. The dredge islands adjacent to Hatteras Island also provide relatively predator free habitat for birds.
NPS does not relocate turtle eggs regardless of the continual failure rate experienced presently. Other areas have greater success with relocation. (p. 86-87, 396-397).
Why does the NPS remove predators instead of removing the NPS created habitat that harbors predator?
I strongly disagree with the prohibition of pets (p. 136) from the recreational areas of this park.
Why doesn't the NPS publish a list of incidents that occured between motorizd and non-motorized recreational users? IF such list exists. (p VI)
Why doesn't the NPS publish a list of Piping Plover deaths attributable to ORV use? (p.210)
TO improve Resource Protection and Visitor access the NPS should perform pro-active : Vegetation Management Habitat Management Enhanced Predator Management There is no provision for pass-through buffers at the foot of the dunes in these plans.
The plan should be reviewed on a 2 year basis, not on a 5 year basis.
NPS fails to address the issues that are far more detrimental to turtle recovery than ORV use, namely weather and Predation. (p.125,219,87)
In a massive 800 plus page document, the NPS only devotes two paragraphs to the cultural importance of beach access/Surf Zone to this area. (p. 15.18.83.260)
The Socioeconomic data is flawed. The Region of Influence should not include the beaches north of Hatteras Island. These ares are not under the control of the NPS and do not experience the excessive access restrictions that Hatteras Island residents and visitors do. There is poor visitation data, poor use data and no economic data from 2009, the first year of the consent decree.
Lastly, why are residents of Hatteras Island referred to as 'visitors' to the Cape Hatteras National Recreational Seashore? The NPS and the residents are neighbors. NPS needs to be a good neighbor and learn to co-exist with people who trusted the NPS with their land. Cape Hatteras National Resreational Seashore is unique in that people live and work within th park boundaries. They are as important as park visitors and certainly as inportant as birds. Respectfully submitted - Stewart Nelson, Haddonfield NJ and Buxton NC. Please try to treat the residents with respect as well.

Correspondence ID: 14169 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:45:47
Correspondence Type: Web Form
Correspondence:

To all concerned, I have been following the bureaucratic progression of this problem for some time now and it's apparent the problem is the bureaucratic progression. To be swayed by a few exercising liberal left wing ideals that hold very little merit is unfounded.Enough on the stump! We all love nature for what it is and hold Cape Hatteras to the highest regard. That being said,PLAN A is the lessor of evil for those who cherish the time spent there and the memories made within the boundaries of the park. Remember, the park is owned by the people of this nation, not some private enterprise, and the Park Service works for us, paid by our taxes from lifetimes of work. Any plan that stifles free enterprise in the area should not be adopted. The socio-economic issues need to be considered as well considering the present conditions. It's always about the money!It makes the world go round.. Just remember one word..... BALANCE.... It's required by everything to function including people and nature. Thanks, Bob

Correspondence ID: 14170 **Project:** 10641 **Document:** 32596
Name: Boone, Jim
Received: May,11,2010 16:46:16
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,

As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.

- 1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
- 2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses..., the said area shall be permanently reserved as a primitive wilderness...." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the

pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.

3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.

Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14171 **Project:** 10641 **Document:** 32596
Name: Carroll, Jr., William A
Received: May,11,2010 16:47:11
Correspondence Type: Web Form
Correspondence: Thank you for the opportunity to express my comments. I am opposed to the Park Services' recommendation on alternative F. I attended the public meeting held in Raleigh, NC on 28 April 2010. The discussion was interesting, but I couldn't help but notice the tone of the meeting from most of the speakers; look at the economic impact to the tourism industry, beach folks are as good as they come, they help keep the area clean and respect it (I know there are some bad apples, have you ridden on the Blue Ridge Parkway lately?, litter) there is no data available that suggest shorebirds have been negatively impacted over the last several decades, and the best comment of all (I thought it was funny, but too the point) "I haven't seen a piping plover yet that pays taxes" Think about that for a minute. I am saying this as the devils' advocate....what does it matter that a shorebird becomes extinct? Does this bird cure cancer? Is the evolution of man or animal going to change if it were to leave this area or worse become extinct? I would venture to say no. Another example, the other day I was riding down the road, I had to avoid several turtles in the road (probably box or snapping turtles) Should we ban driving on roads during the time that turtles (and butterflies, for that matter) seem to be most prevalent?
I was asked to leave ramp 23 in Salvo this past weekend (07 May 10) it was an absolute fiasco. There was a scrape observed early in the day, by afternoon the ramp was closed! The park service officer did say that the beach may be closed north of the ramp. He later found us about 1.5 miles south of the ramp. He stopped to say the ramp was closed and that we would have to exit from ramp 27. Problem was tide was coming in fast. He thought high tide was 6pm, he was wrong. I had already checked my tide chart and knew that high tide would be approx. 4pm. He alerted us at 3:30PM (approx) that we had to leave, actually exit on ramp 27. The access between these ramps is tricky, very narrow beach. Well what I thought would happen did. A truck was stuck. Park service had to help pull him out, meanwhile the water was lapping at the tires. There was no concern for people (or vehicles)It was handled very poorly as far as I am concerned. There isn't a bird on earth as important as a human.
Let me end by saying that I truly believe that there is a middle ground that can be reached. More access to areas for ORV and foot traffic, more sound access!!!! If the outcome is that birds and turtles have to be protected with barriers, just be reasonable, please!

Correspondence ID: 14172 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:48:34
Correspondence Type: Web Form
Correspondence: I will never forget going to Florida (Daytona Beach) back in the 50s. I hated everything about that place. I was less than 10 years of age. The beach was like a Los Angeles freeway. Cars parked all over the place stuck in the sand with high tide giving them a salt bath and washing the filth from the cars into the ocean; not to mention constantly worrying about being run over as drinking was also popular and the drivers were often the drinkers.
You see, we spent our weekends at Salter Path. That was when there was a little one lane graveled tar road from Atlantic Beach and just a sandy path from there down to the end of the island. Beach Buggies (rusted out old cars without hoods, trunk cover, doors and usually having had the top permanently removed) were what the people at Salter Path used to get around. There were only two cottages for the mainlanders. The remainder of the people lived out there. We rarely saw those buggies on the beach and never had to worry about them at all. Aside from the language problems (islanders vs mainlanders) it was a natural wonderland at that time.
When I returned to NC in 85 having left for Vietnam in 68; I was shocked at what had happened to our coast. I had lived 10 years in Southern California and 6 years in Colorado and seen first hand what over population did to the environment. I had seen how the laws favored materialism and were rarely concerned about the wildlife and the environment. I took a drive along the beach roads from North Myrtle Beach to Virginia Beach before returning to my original and new home town of Raleigh, NC. When I saw beach access for vehicles; it was like a nightmare come true. NEVER, EVER did I think this would happen here. My Dad had been surf fishing the Outer Banks very frequently during my youth. They drove down there and pitched tents that they carried from their vehicles on the road to the beach. NO, That is not too much to ask NOW! We may need parking (both by reservation as well as first come, first served [metered]) somewhere and public transportation (for a fee) to areas (with a fee) with public beach access to regulated fishing areas. Those willing to walk or bike to the beach should be free to do so ;) No vehicles on the beaches! More regulations for areas known to harbor wildlife. More regulations regarding litter (including fishing line and nets).
I returned to NC because I wanted the simple little world I left behind in 68. I found something far different. The two room house in Kure Beach where my girlfriend, her brother, Mother and Dad lived was converted into a skyscraper condominium complex as was the rest of the little Mayberry by the sea.
I rarely go to the ocean anymore. I find it too disturbing to do so; but, I still have strong feelings about saving what remains for North Carolinians of the future. PLEASE, PLEASE help us conserve and save what remains of natural NC wherever it remains ;)
Tom Farrow Raleigh, NC
AKA: A NC Native

Correspondence ID: 14173 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:50:01
Correspondence Type: Web Form
Correspondence: I am from down in Avon, NC. I go back to Hatteras all the time, my family love to drive out on the beach fishing, or just being on the beach. If they stop driving on the beach, Not only would it put a lot of people out of work, the state would lose a lot of tax money. Most people that drive out on the beach respect the beach. There would be a lot of good fishing spots lost. I ask that think smart and keep the beach open to drive on
Thanks, Eric Fredrickson
KEEP THE BEACH OPEN FOR DRIVING....

Correspondence ID: 14174 **Project:** 10641 **Document:** 32596
Name: Hagemann, Kenneth C
Received: May,11,2010 16:50:18
Correspondence Type: Web Form
Correspondence: COMMENTS ON ALTERNATIVE F (NPS PREFERRED ALTERNATIVE)
Re: Economic Impact
I strongly disagree with the economic information. I am a commercial crabber and fisherman and own my own business. The information used in the DEIS was not actual information supplied by Hatteras Island businesses. My personal business has suffered due to the decrease in tourism based on the beach closures. It is a "fact" that this decrease is due to the beach closures and not the economy. In communicating by email to some of my former customers from around the east coast and other parts of the country, they have told me that the reason they did not buy any seafood from me during the past two years has not been because of the national economy but because they have not visited Hatteras Island and have since gone elsewhere because of the fear of arriving here only to find that their favorite fishing and swimming areas on the beach were closed.
GENERAL COMMENTS

Failure on the part of the NPS - I believe that the NPS has not done their part in keeping the beaches open. They have failed to clear vegetation at Cape Point ponds to create more favorable Piping Plover habitat. They have failed to relocate turtle nests. They have failed in using "facts" when putting together the DEIS and instead used "best science available".
Please don't fail us again by implementing the DEIS. Please come up with a more common sense induced document. Thank you.

Correspondence ID: 14175 **Project:** 10641 **Document:** 32596
Name: Hafer, Sarah
Received: May,11,2010 16:51:14
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.
1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..."
Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.
Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14176 **Project:** 10641 **Document:** 32596
Name: Hagemann, Fran
Received: May,11,2010 16:51:22
Correspondence Type: Web Form
Correspondence: COMMENTS ON ALTERATIVE F (NPS PREFERRED ALTERNATIVE)
Re: Economic Impact
I disagree with the findings on the economic impact because they did not use actual Hatteras Island economic information. We are self-employed and can verify through our tax documents that we have had a decrease in the number of customers due to the beach closures. We have personally asked our customers whether or not this decrease was because of the economy and the answer was "no". Our customers were not returning to Hatteras Island because of the beach closures.
GENERAL COMMENTS
I do not feel that the DEIS was put together with much compromise. The Consent Decree that we have been living with for two years is bad enough, but Alternative F is even worse than the Consent Decree. How did that happen? Please use a more common sense approach when you read the public comments and be more understanding of both sides and come up with a fairer document. Thank you.

Correspondence ID: 14177 **Project:** 10641 **Document:** 32596
Name: Brooks, Eugene M
Received: May,11,2010 16:51:48
Correspondence Type: Web Form
Correspondence: Please accept my brief letter and comments on the DEIS for off road vehicle management within "Cape Hatteras National Seashore Recreational Area" as it was originally designated.
First, this goes way beyond ORV management. This flawed document attempts to manage vehicles, pedestrians, pets, other animals that call this island home. Predatory animals are being slaughtered to protect a few nests. There is nothing in it to give handicapped people access to this park. The socioeconomic impact will be even more devastating to the people of this island then the consent decree has already been. There are NO Walmarts or Home Depots or Mcdonalds or any other BIG corporations on this island to fight this DEIS. That is part of the beauty of this island but the small Mom and Pop local businesses are dieing a slow death. We live in a terrible economy and this thing will destroy the economy of this island.
I have read many very eloquent and informative letters written by people whose families have lived on and loved and protected this island for generations. Their families were promised many things by the government back when this park was developed and now these promises are being taken back. I must go on record as saying I do not any part of this DEIS and feel strongly feel that the "Coalition for Beach Access" position statement should be put in place as the new plan for Cape Hatteras National Seashore Recreational Area as this is the only practice management alternative for this and any "recreational area".
Thank You Sincerely
Eugene Brooks

Correspondence ID: 14178 **Project:** 10641 **Document:** 32596
Name: Kiser, Dale
Received: May,11,2010 16:52:01
Correspondence Type: Web Form
Correspondence: I am in favor of strict limitations to ORV use of the Cape Hatteras National Seashore. I believe this is Alternative D in the Management pLAN, THE MOST ENVIRONMENTALLY FRIENDLY. ORV use is a hazard to existing Flora and Fauna and a danger to pedestrians. I do not believe ORV's should be totally prohibited but should be carefully controlled with environmental concerns as the top priority.

Correspondence ID: 14179 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:52:33
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to

me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.

* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14180 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:52:33
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14181 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. This reminds me of a similar issue that arose more than a decade ago on a California Central Coast beach located in southern San Luis Obispo County in which important seasonal restrictions on ORV use important to wildlife nesting activities were implemented. Of all the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access. This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
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* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14182 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:52:33
Correspondence Type: Web Form

Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14183 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 16:52:33

Correspondence Type: Web Form

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Correspondence ID: 14184 **Project:** 10641 **Document:** 32596 **Private:** Y

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Correspondence ID: 14185 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 16:52:33

Correspondence Type: Web Form

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This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

- *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
- * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
- * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Ideally, the plan would ban ORVs from all areas within the Seashore. Wildlife make nondestructive use of the area, while OrVs are extremely destructive. Biodiversity is declining world-wide, while irresponsible behaviors and decisions are expanding exponentially.

Correspondence ID: 14186 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:52:33
Correspondence Type: Web Form
Correspondence:

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This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

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- * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

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This alternative plan would provide more opportunity for all the rest of us non-ORV uses of the beaches and result in less disturbance of wildlife. The extraordinary ecosystem with its beautiful landscapes and native plants and animals, many of them rare, are what make the Cape special. ORV riding may be fun for some people, but it ruins any environment it's in

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14191 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 Dear Superintendent Murray,
 I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 Using ORVs in an environmentally sensitive area has always been a mystery to me. People who do so are fouling their own nests, in a sense, because these beautiful areas and the animals who breed in them belong to all of us. I am an active user of national parks, from Teton National Park to Cape Hatteras. The Tetons have their own natural protection in that there's no way to get ORVs up the narrow, winding, switchback mountain trails and the animals are disturbed only by two-footed visitors (well, and maybe some horse riding groups). But the seashore can't protect itself, and we must. I am an active member of the National Audubon Society and the Nature Conservancy, working to protect natural habitat without totally shutting it down for some other uses.
 Should you not enact Alternative D, I think the following principles should underpin the park's formulation of its final plan.
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 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore. It's kind of a last chance, isn't it?

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Name: private
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Name: private
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Name: private
Received: May,11,2010 16:52:43
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*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Each year I and my family go to Hatteras Island and spend a week there. The abundance of wildlife and non crowded beaches are a major reason why we return each year.
While I do believe vehicles should be allowed on the beach, I believe their needs to be a confined area with strict regulation. Unfortunately not everyone who visits Hatteras has the same appreciation for nature and the recognition of the delicate balance that must be maintained there.

Correspondence ID: 14199 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:52:43
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
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I thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14200 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:52:43
Correspondence Type: Web Form
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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14202 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:52:43
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This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
Please consider the potentially detrimental impact on wildlife when making your decisions. People have plenty of places for recreation but the birds and turtles have to breed here!
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14203 **Project:** 10641 **Document:** 32596 **Private:** Y
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Received: May,11,2010 00:00:00
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* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding,

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migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

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Correspondence ID: 14204 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 16:52:43

Correspondence Type: Web Form

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Correspondence ID: 14205 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

I favor elimination of ORV traffic ENTIRELY on the North Carolina beaches.

Correspondence ID: 14206 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 16:52:48

Correspondence Type: Web Form

Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14207 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 16:52:48

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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14208 **Project:** 10641 **Document:** 32596 **Private:** Y
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Received: May,11,2010 16:52:48
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Correspondence ID: 14209 **Project:** 10641 **Document:** 32596
Name: wheless, karen s
Received: May,11,2010 16:52:58
Correspondence Type: Web Form
Correspondence: Mr. Mike Murray,
The NPS must formulate a plan that is consistent with the legislation establishing Cape Hatteras National Seashore Recreation Area. The enabling legislation for the Recreational Area states, in part, "said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area". Therefore, it is important to balance resource protection with reasonable access for recreation.
Corridors are a vital tool in providing access while managing resources. They provide a small path around temporary resource closures in order to provide access to open areas that would otherwise be blocked. Corridors should be permitted throughout the seashore during the entire breeding and nesting season including ML-1 portions of SMAs. These corridors would provide valuable access without impairment or damage to protected resources. Buffers, or closures, are important management practices for species recovery. However, to have long term benefit for the wildlife and the visiting public, buffers must be based on peer-reviewed science For example, the Piping Plover, a species classified as threatened and not endangered, is given a level of unprecedented protection in Alternative F. A 1,000-meter buffer in all directions represents over 771 acres. The DEIS does not cite any peer-reviewed science in supporting such closure. A more appropriate & effective buffer would be 200 meters.
Birds that are not listed as endangered should not be afforded the level of protection given to ESA (Endangered Species Act) protected species. Instead of 300-meter buffers for these birds, a more appropriate buffer would be 30 meters. Also, all birds in the same ecosystem of the seashore should be counted. This includes all the many birds on the dredge and spoil islands located just yards away and within sight of the seashore.
The National Park Service should consider turtle management practices successfully used in other federal and state areas to achieve nesting success. More proactive measures include relocating nests to more desirable locations, which is routinely and successfully done in other areas.
Please answer back on these suggestions as to why these are not inclusive in the DEIS report.
Thank you, Karen Wheless

Correspondence ID: 14210 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:54:49
Correspondence Type: Web Form
Correspondence: To NPS: I completely agree with the comments of Stuart Couch which are attached below. The proposed rules are well beyond what is necessary to protect the Piping Plover and Sea turtles. In addition these rules will have a tremendous impact on the investments of homeowner and business owners who have relied on the rules which have generally been enforced over the past 40 to 50 years. These rules will have a tremendous negative financial impact on virtually everyone who does business or owns property on Hatteras Island.
To: National Park Service
From:
Subject: DEIS Off-Road Vehicle Management Plan Comments

My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreation Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial

Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events.

Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%.

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

As a lifelong resident of Hatteras Island, we of the Hatteras Island community have always gotten together on the south beach on Sunday to enjoy the beach with our cookouts, gatherings, surf bathing, horse shoes and foot races, fishing, and surfing. Now the DEIS is proposing closing off most of the south beach during the summer which is the traditional period we local people use the beach. The continuation of this traditional pattern of land use is central to maintaining the historic identity of our island communities.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore.

? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits. That is certainly the case with Hatteras Realty. Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

Hatteras Realty books approximately 13,000 rental weeks for a total of 91,000 rental nights housing approximately 700,000 visitors. The ban on pets to July 31 will seriously hurt the rentals of my vacation homes as our pet homes encompass about 30% of our rentals. I propose allowing pets on 6 foot leashes year-round in all areas open to pedestrians or ORVs.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you, Jay du Von

Correspondence ID: 14211 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray,

I have pasted a form letter, which I totally agree with below. However, I also want to say that we should be preserving the place, not the public uses.

ATV's can be ridden in any type of terrain and on private land. We are not preserving land for ATV use. We are preserving land because it is unique and endangered. While I am a strong promoter of cultural and natural tourism, I also don't believe we should degrade the resource to attain these recreational and economic benefits. Thank you for considering my viewpoint.

As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.

1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."

2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.

3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals. Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing

an improved final ORV management plan.

***** Thank you very much for taking the time to protect one of America's most beautiful stretches of Atlantic seashore! Sea turtles, nesting shorebirds, and generations to come will be grateful for your action today. Thanks again!

Sincerely,
John Wilson

Correspondence ID: 14212 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:56:35
Correspondence Type: Web Form
Correspondence: How about a test simplified to driving on the beach in general, that takes in the wildlife's needs, the conditions of sand and tides,etc. Only those who pass and only those who care enough to pass gain legal access. Also when a area has reached the too many vehicles for one spot maximum, access is denied until some one leaves. Maybe possible to make it like a fishing license for additional revenue stream to pay for the oversight,etc. etc.

Correspondence ID: 14213 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 16:57:39
Correspondence Type: Web Form
Correspondence: Wow, I'm sorry I heard about this to late for a well presented comment, but here goes.
I believe that off-road vehicles have no business in the NATIONAL PARK lands.
We have decided to protect and preserve these natural areas, including floral and fauna by placing them in the NATIONAL PARK SERVICE, or at least I thought that was what it's all about.
Anyone who would consider something like this has never seen the results when orv's track across land and has no concept of how detrimental they are to any environment. Look at an ORV track or private land that allows them to enjoy riding there. They are no different than On Road Vehicles in impact to plants, animals, and natural terrain. They are not natural or non-infringing on the terrain, flora, or fauna. I have to ask 'Who would give any credibility to an attempt to argue otherwise?'
It is only common sense that allowing off-road vehicles to travel on protected area causes it to no longer be protected. As someone who has enjoyed the tranquility of many, but not yet all, of the National Park lands, I know that allowing ORV's to operate in any park land would destroy the likely-hood that now, or in the future, anyone would be able to experience an unmolested environment.
In closing, a decision to allow orv's is directly opposed to the purpose of the National Park System and a detrimental change to the system.
For what it is worth, Thanks, LC

Correspondence ID: 14214 **Project:** 10641 **Document:** 32596
Name: O'Brien, Edward J
Received: May,11,2010 16:57:41
Correspondence Type: Web Form
Correspondence: To Whom It May Concern:
I have vacationed on the Outer Banks of North Carolina from Corova to Ocracoke over the past 15 plus years. I have brought my children and now grandchildren to the OBX for an experience like no other. Being able to use our SUV for our beach explorations has been essential. Along with this freedom of movement we have also been very careful not to damage or compromise any plant, bird, or animal we've had the pleasure to see in their natural environment. I will tell you that I am not a scientist nor claim to be one. I have reviewed the draft Environmental Impact Statement (DEIS). I have supplemented my reading trying to understand both points of view here. I define it as those who want NO human presense on the OBX and those who have lived here for generations. In addition you can not ignore the effect the recent Conscent Decree has had on the economics and residents of the areas impacted.
In this regard, I offer my humble viewpoints:
Comment 1- To Be Closed Year Round: Hatteras Inlet, North End Ocracoke Island, Ramp 27-Ramp 30 (Salvo). The DEIS never fully addressed the economic impacts on the local economies of the effected villages by creating and enforcing these restrictions. These should be studied in more detail.
Comment 2- Why do non-endangered or non threatened species like Oystercatchers get so much area closed for them? They are being used for closing more area every year! For a long time, beach access advocates have urged the National Park Service not to extend protection to non-endangered birds as if they were endangered. The Park Service has given large buffers to non-endangered birds such as American oystercatchers citing the fact that they appear on a list of North Carolina's "species of concern." In the Draft Environmental Impact Statement (DEIS), the Park Service's preferred Alternative F would continue to give protection to non-endangered birds. This has drawn a reaction from Gordon Myers, the Executive Director of the North Carolina Wildlife Resources Commission, who claims this practice is beyond the intent of the state of North Carolina Comment 3- Large, inflexible buffers (p.121-127) Up to 1000 meters for piping plovers!
Numerous shorebirds in Cape Hatteras National Seashore are given higher levels of protection in a proposed off-road vehicle management plan than what the law ever intended the birds to have, a state wildlife official said. I did not read anywhere in the DEIS how it was determined that 1,000 meters would be the "gold standard" for piping plover needs. My understanding is that the piping plovers actually increased in numbers prior to the initiation of the boundries mandated in the current Conscent Decree. Comment 4- The NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem. This includes dredge and spoil islands that have less predator presence. (p124)
Comment 5- The DEIS indicates that the NPS will NOT adopt more proactive techniques used at other east coast locations to encourage turtle nesting success-WHY? (p392-396) If all parties are sincere in what they desire how could this important aspect be virtually ingnored?
Comment 6- Why is it OK to tamper with nature in some instances but not others? In the DEIS the NPS indicates that it is perfectly fine to set aside areas of beach to "extirpated" sea beach amaranth, but not OK to clear vegetation at Cape Point ponds to create more favorable piping plover habitat (outside of the prime ORV corridor). Can't this be included in an overall solution?
Comment 7- Why does the NPS feel that it is OK to relocate Turtle nests when storms are imminent, but not before. (Coincidentally the high-risk nests are in prime ORV corridors) Would'nt the relocation of some of these nest sites be a better solution to all concerned instead of a "bad weather" strategy? In this respect the nests would be moved anyway.
Comment 8- The DEIS states that there will be a "...Prohibition of PETS in the seashore during bird breeding season, including in front of the villages."(p136)= No pets in public areas-beaches, campgrounds, sound-front, foot trails, park maintained roads from March 15 -July 31. As all concerned are aware all of the beach communities on the OBX as well as the NPS have leash regulations to control pet activity. Since all pets are to be controlled at all times while visiting the beaches why is a prohibition needed? All we need do is to enforce laws and regulations already on the books.
Comment 9- I found this to be most perplexing. In the DEIS the NPS infers that it is OK to kill predators as it is assumed they are the greatest risk to birds and turtles. However, it is not acceptable to drive on the beach at night when we would all agree that human activity in these areas would be the greatest deterrent to predators, as well as a low risk to turtles and birds.
Comment 10- Nowhere in the DEIS is it clearly addressed that the OVERWHELMING majority of negative impacts will be felt by the small businesses in the seashore villages rather than by overall economic interests within the region of influence(ROI). In many instances the shop and business owners have lived and worked here for decades and in many cases generations. I would think that they would be the biggest boosters for maintaining the ecosystem. Without this balance with nature these folks could not survive because their livelihoods depend on it. Their stewardship of these areas for all these years can not, and should not, be ingnored.
I'm sure there are other concerns that other more learned and interested parties have addressed. I can only ask that whatever solution eventually becomes the final one, is fair to all the stakeholders.

Thank you for your consideration of my comments on this important issue.
Sincerely,
Edward J. O'Brien, Jr.

Correspondence ID:	14215	Project:	10641	Document:	32596	
Name:	Abashian, Tamara					
Received:	May,11,2010 17:00:06					
Correspondence Type:	Web Form					
Correspondence:	Please do not allow vehicles on the beach. There are many species of wildlife that depend on the area/habitat for breeding. Protecting wildlife from extinction should be much more important than allowing lazy, drunk fishermen to catch a few fish. Why can't they walk to the beach if they want to fish ?? There are plenty of other places these people can go fishing - while endangered birds and sea turtles (among others) are running out of safe and suitable habitat. Please do not cave to the fishing and tourism lobbies - our valuable yet vanishing wildlife need this protection. Thank you -					
Correspondence ID:	14216	Project:	10641	Document:	32596	
Name:	N/A, N/A					
Received:	May,11,2010 17:00:26					
Correspondence Type:	Web Form					
Correspondence:	Save the beaches - keep ORVs away!					
Correspondence ID:	14217	Project:	10641	Document:	32596	
Name:	O'Brien, Michael					
Received:	May,11,2010 17:03:00					
Correspondence Type:	Web Form					
Correspondence:	To put it simply ... This Land is My Land.. This Land is Your Land... This Land was made for You & Me.... The buffers are too big..... the closures are too many.... Do take into consideration the economic impact it will have on the people of Hatteras Island.... Heritage is at stake here... There are already enough laws to protect our land... we do not need any more.... Do not close this beach to the people.... This is the people's land... Listen to the people who live here.. not people who sue in court to change things... This is my land... and I want it open and free... Listen to the people!! Thank you for listening..					
Correspondence ID:	14218	Project:	10641	Document:	32596	
Name:	Peterson, Matthew T					
Received:	May,11,2010 17:03:01					
Correspondence Type:	Web Form					
Correspondence:	Mr. Mike Murray, Supt. Cape Hatteras National Seashore Manteo, NC 27954 Mr. Murray: As a dedicated visitor to the Cape Hatteras National Seashore, I appreciate the opportunity to comment on the Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plan Draft Environmental Statement. The alternative that appears to make the most sense for all stake holders is Alternative C. I am disturbed by the fact that the NPS preferred alternative is alternative F due to the fact that the economic impact facts were not properly investigated "...low end of estimated range rather than the high end..." and the negative environmental impacts were unfairly inflated: *addition of species not on the endangered list *failing to include dredge spoil islands bird populations figures * requiring 1000 meter buffers in all directions for unfledged piping plove chicks. The generations of residents and visitors to this area are a part of the ecosystem. The current mind set that humans are somehow not part of nature and the natural evolution of the planet is misguided and arrogant. The citizen users of the park system must abide by fairly reached guidelines established to give the endangered species a chance to make their comeback. Those who violate the guidelines should be prosecuted to the fullest extent allowed by law. The majority of visitors and residents should not be penalized by the irresponsible actions of the few. That appears to be the agenda of the NPS in favoring the Alternative F. I urge the NPS to re-evaluate the alternative preference selected and support alternative C so that all parties can have beneficial use of the resource. Sincerely, Matthew T. Peterson					
Correspondence ID:	14219	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	May,11,2010 17:06:19					
Correspondence Type:	Web Form					
Correspondence:	Dear Superintendent Murray, As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points. 1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations." 2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness...." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources. 3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals. Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan. 4)I visit my daughter in Buxton, NC 3 times a year. I know the local people do not want ORV traffic. ***** Thank you very much for taking the time to protect one of America's most beautiful stretches of Atlantic seashore! Sea turtles, nesting shorebirds, and generations to come will be grateful for your action today. Thanks again! Sincerely, Jeannitte Hays					
Correspondence ID:	14220	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	May,11,2010 17:06:43					
Correspondence Type:	Web Form					

Correspondence: I grew up mostly in North Carolina, with a few years growing up along the coasts of Virginia and South Carolina. Every summer was spent at the beaches at the Outer Banks or at my grandmother's in Norfolk. The beaches and ocean were clean and unspoiled. It wasn't until I moved to Austin, Texas to attend grad school that I learned beach driving was permitted. The damage to the beach and Gulf were apparent: no dunes or grass, dirty beaches, ruts, dirty water (also in part due to oil wells off shore), no sand crabs or variety of bird life.

It is bad enough that huge hotels and condos are built on the shoreline, destroying a natural ecosystem and the environmental defenses against storms and hurricanes (not to mention the public view). Virginia Beach and Myrtle Beach are examples of the ugliness of once pristine and beautiful beaches. I am strongly against driving on the beach. We have to protect the delicate ecosystem and life that depends on an unspoiled shoreline. The arguments for it are purely selfish.

Teddy Roosevelt is spinning in his grave. He must be in China by now. Whether it's off-shore oil drilling, strip mining or driving on the beach - to name a few, do humans expect the earth to continue to support their existence?

Please respect nature and our relationship to it. Ban vehicles from driving on the beach.

Thank you, Amanda Harding

Correspondence ID: 14221 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 17:07:37

Correspondence Type: Web Form

Correspondence: May 11, 2010 To Whom it May Concern: We have been visiting the Ocracoke Island for approximately twenty years and for the last ten have owned property on the island. We have always considered the island as sacred in the splendor and bounty of its beauty and wildlife and have always gone out of our way to protect the island and our property. Therefore, I am somewhat taken aback by the coalition wanting to close the beach access in order to protect the environment. First, I would want to know more of their agenda. Specifically, what studies have been done concerning the island, their conclusions, and that the study was made by scientifically by an unbiased party. Frankly, I can't be certain that this is not just a power play and an abuse of power. Hard to go against them?.they are trying to save the wildlife and planet at any cost! I have seen how the migrating and nesting turtles are treated in Florida. Half the beach isn't roped off and occasionally the nest may be moved to help nature alone. On Ocracoke large areas are roped off which is probably unnecessary. Study what is being done elsewhere and learn. As far as the birds which species are we trying to protect? Are any of them endangered? I have never seen a bird nest on the beach front. Therefore, it would seem practical to me to provide a "corridor" where necessary; the corridor would provide access plus protect nests. I believe that the parties behind this could be sued for abuse of power. I question if they have the rights to close the beach. If the beach gets closed then the tourists will go elsewhere. The businesses will go out of business. Some commercial fishing probably will remain. Under those conditions will the island lose its Federal Mandate as a public area? I believe originally that the beach was to serve the public plus be a preserve for the wildlife. By closing the beach the public will go elsewhere?.thereby violating the premise that is should be for the public as well as the wildlife! Tom Crall

Correspondence ID: 14222 **Project:** 10641 **Document:** 32596

Name: Patsell, Travis W

Received: May,11,2010 17:07:49

Correspondence Type: Web Form

Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.

Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.

In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.

Correspondence ID: 14223 **Project:** 10641 **Document:** 32596

Name: Mayhew, John R

Received: May,11,2010 17:09:03

Correspondence Type: Web Form

Correspondence: As a taxpaying US Citizen, frequent visitor to Cape Hatteras Naitonal Seashore for over 20 years, and a non-resident propety owner on Hatteras Island for over 10 years, I have some comments on the NPS ORV Management Plan released 4/13/2010. I suport the non-active "Alternative A" Management Plan as outlined in the DEIS, which factors in the 2007 FONSI, the CHNS Interim Protected Species Management Strategy/Environmental Assessment, the Superintendent's Compendium of 2007, the 1978 Draft Interim ORV Management Plan, and the Superintendent's Order #7. I feel that "alternative A" comes closest to the dual intentions of maintaining the public's right to access to our National Recreational Seashore's public beaches while responsibly managing our Park's resources.

I recognize that since the establishment of the CHNS Recreational Area over 50 years ago, increases in the visitorship of the park as well as the populations (year round and seasonal) of the adjacent villages of Hatteras Island has impacted park resources. I do not agree, however, that drastic changes in management policy as compared to those in place before 2008 are needed to protect those resources. For example, in the case of the Piping Plover, statistics published by the NPS in the DEIS show that nesting pairs increased 200% from 2002-07. under the previous management plans (p.187). In 2008, the number of pairs noted jumped from 6 to 11, due in part to increased success of the previous years' broods. Yet in 2009, the pairs number dropped to 9 (approx 20% loss). How does this fact support the effectiveness of the increased restrictions imposed by the Consent Decree? It does not make sense to me that these greatly increased protected areas have a positive impact on the brood success when the vast majority of the chick mortalities are due to other forces of nature, such as predation, storms, etc. I argue that the ML1 procedures in RSM areas (p.468) are TOO RESTRICTIVE to ORV access; therefore, pedestrian and ORV corridors should be provided in ALL SMA's during the entire breeding season, as provided prior to 2008.

I further argue that the NPS should aggressively pursue the Adaptive Management Initiative identified on p. 124 of DEIS to improve both resource management and visitor access. The success of these adaptive management initiatives should be evaluated more frequently than the 5 year periodic review process identified in the DEIS to allow for less restricted access if resource protection improves, i.e. evaluated yearly (alt F). The proposed NPS closure policies will have little impact on chick survival.

Concerning sea turtle nesting issues relating to night driving of ORV's or pedestrian access, I argue that the restrictions proposed by the NPS in the DEIS (p.125) are excessive as compared to what the statistics of ORV/pedestrian disturbance in CHNS indicate; i.e. major adverse events have not occurred (p.377). The NPS should adopt techniques used in other turtle-nesting localities, including nest relocation in highly visited areas of the seashore. The Nightly Turtle Nest Watch Program should ensure that nests are identified and, if located in heavy use areas, relocated to safer locations or to hatcheries, as the practice in many other turtle-nesting locations.

My strongest opposition to the NPS DEIS concerns the lack of consideration and sensitivity to the cultural, historical, and economic impacts on our citizens who live, work and recreate in the adjacent communities of CHNS. This is in clear contradiction to the National Environmental Policy Act, in

which agencies are charged with protecting and preserving both natural and cultural resources in the federal decision making process. The NPS is appearing to ignore its own guidelines of traditional cultural property designations as valued by the long term residents of the local communities. The DEIS identifies ORV access as historical in nature (p.83), historical commercial fishing (p.18), and recreational fishing (pgs 15, 260) as well as general recreational activities (p. 259). Yet the NPS, in favoring "Alternative F", seems to be ignoring these vital historical and cultural activities on Hatteras Island. Businesses have already been severely affected by the consent decree yet the NPS position on economic impact is that local businesses will adapt to policy changes (p. 383). Our rental property has seen a 25% down turn from renters who are not returning due to the closures.

In closing I would add that I have faith that the NPS will read these comments in an open-minded manner. Compromise can be reached with regard to the HUMAN ASPECTS of the issues I have described. The delicate resources that exist within the CHNS can be managed in the manner in which the seashore was established- as a National Park for the enjoyment and recreational opportunities it provides to our citizens.

Thank you for your consideration of these comments.

Respectfully your, Diane and John Mayhew

Correspondence ID: 14224 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:09:58
Correspondence Type: Web Form
Correspondence: As a small business owner in Virginia Beach, VA and a homeowner in Frisco, NC, I am extremely concerned about the impact of this proposed DEIS on the small business owners that survive on the tourist business that comes to the Island to access the beaches! No where in the DEIS is there any mention of how greatly this proposal would affect and bankrupt the economy and small business owners. This island is made up almost exclusively of small business owners. Therefore my assumption is this proposal long term effect is to drive off the local population and make the island exclusively a nature preserve.
The Ecosystem on the Island has sustained itself prior to all these closings. The solution is to be reasonable. No one wants to kill or destroy nature wildlife or habitat. In my 30 + years going to the Island I have never seen anyone intentionally harming wildlife.
Let's be reasonable to all parties!!!

Correspondence ID: 14225 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:12:30
Correspondence Type: Web Form
Correspondence: While I am not much of an online person -- the importance of this selection of an alternative is so critical to the livelihood of Hatteras Island I am compelled to respond.
I am deeply concerned about the Park Service's preference for Alternative F. Alternative F appears filled with superfluous control measures which have no basis or any scientific support. I hate to suggest, but it does appear to be the alternative which may be cost effective for the park service but financially detrimental to all of Hatteras Island. There is no logical reasoning for a number of the control measures in Alternative F. So to be clear: I disagree with the 1000 meter pedestrian/ORV closure in all directions for piping plover unfledged chick brood (p. 121-127). As I read in the Virginian Pilot on May 9,2010, "no scientific reasoning" has been presented "for this management strategy." The impact of this rule could cause closures not just in ORV areas but may close the beach in front of houses. The financial impact of visitors renting ocean front/ocean side houses and being unable to walk out on the beach in front of "their house" would kill Hatteras Island rentals -- our lifeblood (as well as for North Carolina taxable income). I disagree with the 300 meter pedestrian/ORV closure in all directions for any American Oystercatcher nest or brood, as the Oystercatcher is not a federally threatened species (p121-127). Again, the unnecessary closure of beaches and consequent lack of access to the beach and ocean for pedestrians (and ORVs) is not sensible. I live in north Avon. Last year the beach was closed directly in front of our house due to Least Tern nesting. As we are the farthest north set of houses we could walk slightly south and still get to the beach, but if buffer areas are extended -- and used for non federally threatened species it is highly likely the beach would be closed in front of ocean front houses that visitors have rented.
I disagree with the Alternative F rule that No pets, including dogs, will be permitted on Cape Hatteras National Seashore lands including the beaches between March 15th and July 31st (p 136). This rule has no benefit for the preservation of birds or turtles. If people are allowed in an area, than a dog on a leash is of no environmental concern. I have heard numerous times from visitors on the island that they come to Hatteras because we are "pet friendly" on the beach. We own an Ocean front home that allows pets. In the spring every week of rental is with visitors with pets. Should this rule be put in place Hatteras Island's spring and summer business will be adversely impacted as individuals will find somewhere else to vacation. Additionally many homeowners have pets and walking on the beach is the only place we have to exercise our dogs. We have very limited sidewalks and no walking trails on Hatteras Island.
I have been living on Hatteras Island for 15 years. I am a building contractor and am struggling to make it through the economic crisis. If these measures go through, I will undoubtedly be forced to foreclose on a number of properties and move off the island. We simply cannot "work through" another hit to the lifeblood of what Hatteras is, beautiful beaches with open access while preserving the beauty.
May those reading this be clear that the option presented in Alternative F are not well-founded, researched or explainable. I truly cannot see how not allowing pets in areas people are allowed makes any sense at all (as well as buffers that again are not based on any scientific reasoning.)
I appreciate the opportunity to comment. Hatteras Island is an amazing and special place. If you are reading this and have not visited, please come--you will then understand.
Kind regards
Les Weaver, Jr.

Correspondence ID: 14226 **Project:** 10641 **Document:** 32596
Name: Light, John E
Received: May,11,2010 17:12:32
Correspondence Type: Web Form
Correspondence: I have been a regular visitor to Cape Hatteras since 1963. I have been a full time resident of the Outer Banks since 1980. I have always supported the ideals of conservation and largely support the efforts of the environmental movement. Over the years, I have enjoyed many of the activities that the seashore offers: hiking on the beach and in the maritime forest, fishing, kayaking, camping and watching the birds and other wildlife.
Recently, I have spent a lot of time learning about the Park's history, following the proceedings of Reg Neg meetings, attending public hearings, and understanding the resource and access issues.
While I support the National Park Service's mission to preserve park resources in a reasonable manner, the DEIS falls far short of supporting important recreation activities within the Park at Cape Point and at the spits at Oregon, Hatteras and Ocracoke Inlets.
Cape Hatteras is world renown for its surf fishing. In fact, there is no other spot in the world where a surf caster can catch large numbers of trophy sized red drum (channel bass) from the surf. The issue I have with DEIS and the consent decree is that the beaches are closed to all access during the peak fishing seasons due to unreasonable buffers for nesting shore birds and the unwillingness of the Park Service to occasionally move a turtle nest when that nest is blocking a critically important recreational area such as Cape Point and the spits.
Last year, in April and May of 2009, I caught 25 large red drum at Cape Point. Some of the fish were in the 40 to 50 pound range and twenty-three of these drum were over 40 inches in length, the minimum length to be judge "Exceptionally Meritorious" by the State of North Carolina and eligible for their citation.
My experience catching these fish under the Consent Decree in spring of 2008 and 2009 always involved wading around at least one and often two American Oyster Catcher resource closures at low tide. My fishing seasons would eventually end when the Piping Plover chicks fledged and the unreasonable 1000 meter buffer closed the beaches to all access. For most of the fishing season, the total walk to the point was a half mile each way

until 10:00 PM at which time I would have to move my truck and park at the dumpsters at Ramp 44 or in the parking area at Ramp 43. At either location, the walk is one mile each way.

The importance of this letter is to explain my experience accessing the Seashore under these conditions and to make a few common sense suggestions for improvement to the DEIS.

In 2008 and 2009 I waded around the AMOY enclosures about 25 times during the daytime. While wading around the enclosures, I was always looking for the AMOY and I got the impression that they must spend most of their time on the dune side of the enclosure rather than the ocean side of the enclosure where I was wading. On only one occasion did I see an AMOY near the water and he was at least fifty feet from the water and he did not seem to notice me wading by. In the mornings, I frequently see the Park Service's ATV's drive around the AMOY enclosures and on one occasion I saw a Park Service Jeep drive around the AMOY enclosure. So it is pretty obvious that some kind of reasonable access is possible around the AMOY enclosures.

My first suggestion is that since wading around the AMOY enclosure does not disturb the birds and since the Park Service's ATV's don't disturb the birds even though they travel closer to the birds than I do wading, I would like to be able to walk around the enclosures where the Park Service runs their ATV's. Making me wade around the enclosures lugging heavy equipment is unreasonable.

The size of the resource enclosures are unreasonably large, especially the 1000 meter buffer for the Piping Plover. If an ORV corridor is not possible through the Plover enclosure, then at the very least, a pedestrian corridor should also be established for access to Cape Point.

I think that walking up to a half mile down the beach carrying equipment is reasonable, but walking a mile each way is unreasonable. And wading around the enclosures is the real burden.

From 10:00 PM until 6:00 AM to access Cape Point I have to park at Ramp 43 or 44 and walk the mile down the beach to the point. This could be improved by a special permit that would allow us to park on the beach all night. This permit could include a fee for enforcement, a requirement for resource education, and an agreement not to camp on the beach, move our vehicles or shine bright lights.

During the periods when night time driving on the beach is prohibited, the DEIS should include provisions for night time parking near the beach at the end of the access ramps on the beach side of the dunes. Night time parking should also be allowed in certain areas along the sand roads that run behind the dunes at Cape Point and at the spits. Parking near the beach at the end of the access ramps has no negative impact on resource protection, but would greatly enhance user experience and reduce a burdensome walking requirement.

I would also suggest that the Park Service consider cutting a permanent pedestrian path from Cape Point to the parking areas at Ramps 43 and 44, and the campground. This path could be cut through the brush between the west side of the sand dunes and the east side of the pond at Cape Point. This path would have no negative impact on the Park's resources. The path would provide reliable year round access to Cape Point when all other access is lost during times of resource and safety closures. This access would be safer than wading around the enclosures at night and could prove useful for resource observation, predator management and park enforcement.

I agree that in most cases, turtle nests should not be moved, but the DEIS should allow for exceptions such as when the nests are obviously going to be washed away by storms and where the nest blocks access to critically important recreational areas such as Cape Point and the spits.

Last year, I observed a loose dog running around the AMOY enclosures and so I do support the DEIS's ban on pets on the beach from March 15 to July 31. And when dogs and horses are allowed on the beach, their owners should be required to clean up after them. Last week I parked at Cape Point after a group of horses had passed through and I found that the pile of horse manure left behind negatively affected my visual enjoyment of the beach.

Although opening the park at 6:00 to ORV's is reasonable in the early spring, by late spring a 5:00 opening time would be more appropriate.

Finally, since none of the villages within the Seashore offer public parking or public access within the villages the DEIS restricted ORV access in front of the villages effectively privatizes large portions of the National Park Service's beaches for the benefit of the wealthy beach home owners and their tenants and shuts the public out of these beaches. A reasonable exchange for the Park Service restricting ORV access within the villages would be for the villages to agree to provide public parking along the shoulders of the roads and allowing the public to use the existing private beach easements.

The United States has a great National Park system. And since the days of John Muir and Theodore Roosevelt, the greatest supporters of the National Parks have been the users of the Parks. The disturbing trend of gradually shutting users out of the parks and effectively turning the Parks into wildlife preserves is causing the Park Service to lose its public support. Thank you for considering my comments.

Correspondence ID: 14227 **Project:** 10641 **Document:** 32596

Name: Kiser, Sherry C

Received: May,11,2010 17:15:00

Correspondence Type: Web Form

Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.

Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.

In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community.

Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.

Correspondence ID: 14228 **Project:** 10641 **Document:** 32596

Name: Barton, Doug

Received: May,11,2010 17:17:07

Correspondence Type: Web Form

Correspondence: I oppose the DEIS because the objectives on page iii are fatally flawed. Two additional objectives must be added:

1. Recreational Access Is A Priority 2. Conservation Measures Will Be Based On Honest Science and Common Sense

Unless these objectives are stated and met, large stretches of beach will be closed every year to protect a handful of marginal nesting sites at a cost of over \$3,000,000 per year.

*** The economy and culture of the Outer Banks will be diminished. *** Little or no benefit will derive to the birds and turtles. *** The only beneficiaries will be rich, urban environmentalists.

I suggest a plan that incorporates the following:

A Commitment To Conrad Wirth's 1952 Promise - "There will always be access to the beach for all people, whether they are local residents or visitors from the outside."

Shorebird Habitat Restoration ? Recreate the overwash ecosystem that dominated the Outer Banks before the CCC dunes. The interior and south beach of Cape Point and the sound side of Hatteras Spit are the most obvious sites. Get rid of the vegetation and let the ocean do its job. Maintain ORV and pedestrian access adjacent to the surf.

Continued Turtle Patrols ? Turtle patrols have been 100% effective for decades. Nothing needs to be changed.

Common Sense ORV Management Policies ? (1) Enforce vehicle carrying capacities on busy weekends. (2) Delegate beach traffic enforcement (speeding, reckless driving, drunk driving and traffic courts) to Dare County. Let Dare County decide how to pay for it.

0012741

Correspondence ID: 14229 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:17:15
Correspondence Type: Web Form
Correspondence: I am a fifty year old avid outdoors man, I have been going to the point at Buxton twice a year since I was sixteen, that is, until I was denied access to the best place on earth. I started taking my twenty year old son there when he was six and exposed him to a gift of nature that I have found no where else. I had hoped that I could take my five year old grandson, next year and show him a place like no other, but I am afraid that might not happen. I have always respected the boundaries that were set to protect the dunes and the wildlife and have never seen anyone, other than park service personnel inside those areas. I can not believe the overkill and ridiculous boundaries that are being imposed upon us to supposedly to protect a species of bird, that is not even on a protected species list. I have been told that an Oystercatcher will build it's nest in the gravel on the side of the highway, What next, CLOSE RT 12,I hope not , but that would not surprise me, with the complete lack of common sense that has been exercised so far. I had always thought that the taxes I pay would go to helping maintain the parks and keep them open for the enjoyment of everyone, WRONG AGAIN. It would seem to the average person that the Audubon Society and the other special interest groups, have the judge that is making these one side rulings in their back pocket. OPEN THE BEACHES and let us continue the tradition of caring for the nature that brings us so much joy, We can take care of those that abuse what we love.

Correspondence ID: 14230 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent
Cape Hatteras National Seashore Recreational Area
1401 National Park Drive
Manteo, NC 27954
Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Truly Concerned Home Owner: Daniel J. Woods

Correspondence ID: 14231 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:21:13
Correspondence Type: Web Form
Correspondence: Please accept this letter as my comments on the ORV DEIS before you at this time. After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document. The DEIS management alternatives have little to do with developing a responsible off road vehicle management plan. The alternatives map out a plan to exclude humans from the Cape Hatteras National Seashore and Recreation Area. Unless my feet are now classified as off road vehicles, this document is wat off base.
A 1000 meter buffer zone for common shore bird nests ia absolutely absurd. This buffer zone allows a bird nest a circle that cannot be entered by humans that is over a mile across! We do not afford this type of easment to any other animal. We do not provide this much of a buffer zone to the president! It makes no sense what so ever to place the buffer zone around the nests of oyster catchers and terns let alone the misguided plovers that are attempting to nest outside of their natural range.
Another thing that really bothers me is the way the National Park Service is slaughtering mamalian wildlife under the guise of protecting endangered birds. THE BIRDS ARE NOT ENDANGERED! The fact that the park service is deciding which wildlife can live and which species should be irradiated disgusts me.
I have reviewed the 77 page Coalition for Beach Access Statement signed by several groups that were a part of the negotiated rule making process (another travesty) and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put actual people, not lawyers, back into the management of Cape Hatteras National Seashore.
Watson A. Thomas P.O. Box 234 Avon, NC 27915

Correspondence ID: 14232 **Project:** 10641 **Document:** 32596
Name: Ware, Charles M
Received: May,11,2010 17:21:20
Correspondence Type: Web Form
Correspondence: On the issue of corridors through the seashore, I fully agree with this initiative throughout the breeding and nesting season so that the threatened wildlife will be protected during those times while not restricting large parcels of land from the both the local and visiting public. The corridors would provide valuable access and ample protection to the natural resources in the area. On the issue of restrictive species management areas, I disagree with eliminating pedestrian and ORV access during the entire breeding season. I also disagree with the extent to which the buffer zones are spelled out. A buffer zone of 30m-50m for all but unfledged chicks should be adequate, and a buffer of 200m for unfledged chicks would be adequate. I agree with pro-active adaptive management on a cycle more frequent than a 5-year periodic review process. I also agree with enhanced predatory management, recognizing that the feral cat and fox population causes much more damage to the bird and turtle fledglings than pedestrian and ORV usage in the nesting areas. I agree with a Turtle Night Nest Watch program as opposed to around the clock closures. I also agree with a closure area of 10 square meters as opposed to the suggested 105m wide closure area. I also agree with using hatcheries, nest relocations and captive rearing to increase the success rate of turtle nesting. The Cape Hatteras National seashore has an historical identity tied to the activities that are considered for restrictions or elimination altogether. Continuing the pattern of land use enjoyed by generations of locals and visitors alike is central to maintaining this identity. I have read through the DEIS and noted more than a few erroneous conclusions meantioned that present a very lopsided argument instead of complete user data and analyses. Incorporating areas to the north that are not part of the seashore area being restricted produces a fallacy in that the number of visitors to the north beaches generally don't travel to the Cape Hatteras seashore during their visit. If it were true that those north beach visitors were venturing to the south beaches and ORV areas, the local merchants would be seeing much less of an economic impact than they currently face. If anything, the beach closures for the 2009 season adversely affected the Hatteras economy because the true visitor count to the Cape was markedly lower in number. Small businesses run by the generational descendants of the seashore area will be driven out of their way of life if the seashore closures continue to discourage visitors to the area that want to enjoy ORV and pedestrian usage of the seashore beaches. I disagree with counting visitors to the Wright Memorial and Fort Raleigh National historic site because those areas are completely unrelated to the Cape Hatteras seashore. Those visitor counts need to also be factored out of the DEIS findings. Thank you for your time and consideration, Charles M. Ware

Correspondence ID: 14233 **Project:** 10641 **Document:** 32596
Name: Tucker, John T
Received: May,11,2010 17:22:07
Correspondence Type: Web Form
Correspondence: I am privileged to have used the Cape Hatteras National Seashore and consider it a treasure. As such, I protect the shore and beach trying to use it

without damaging the park or it's wildlife.

I think that a reasonable solution can be reached that allows the public to use the park and the wildlife can be protected.

Please consider a solution that allows vehicles and pedestrians in an access area next to the high tide line and protected areas for the birds and turtles.

This solution can protect and at the same time allow use in a controlled manner.

Thank you, John W Tucker,Jr West End, NC

Correspondence ID: 14234 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:22:34
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
Please PUT NATURE FIRST! Recreation should be consistent with protecting nature.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14235 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
Please support habitat that is crucial to wildlife. Available habitat is disappearing due to new construction and now the oil spill in the gulf. These threats make undisturbed nesting ground even more important.
The following principles should guide the park's final plan:
*Provide access for wildlife and for pedestrian visitors. With obesity threatening the nation, opportunities to enjoy walking are a valuable national resource.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should be a priority, and recreational use should be consistent with this protection. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. These goals should protect migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14236 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:22:34
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14237 **Project:** 10641 **Document:** 32596

Name: Feissel, John
Received: May.11,2010 17:23:29
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
 As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.

- 1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
- 2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness...." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
- 3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.

Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14238 **Project:** 10641 **Document:** 32596
Name: Switzer, Maryellen P
Received: May,11,2010 17:23:30
Correspondence Type: Web Form
Correspondence: I love a pristine beach. I spent many wonderful summers camping on Ocracoke with my family. We camped on Hatteras a few times, but even 30 years ago, Hatteras had too many vehicles for me. We went instead to the Core Banks and Cape Lookout. My preference would be to allow NO beach driving. Instead have parking areas and foot access. It is crucially important to protect wildlife habitat. For example, sea turtles are hatched on the beach, then return 30 years later to the same spot to lay their eggs. What if that spot is no longer there? If we protect the beaches by limiting access now, we can always increase the access later. If we allow a lot of access now and degrade the beaches, we can never go back to a pristine beach.

Correspondence ID: 14239 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:23:50
Correspondence Type: Web Form
Correspondence: Put people back into the management of CHNS!
 Reconsider restrictions such as: 1.) prohibition of all pets in the Seashore during bird breeding season including in front of the villages. 2.) Implementing a 1,000-meter buffer in all directions of an unfledged piping plover chick resulting in 771 acres of closed beach and 3.)Closing of the beaches at Hatteras Inlet, both the South Tip of Hatteras Island and the North tip of Ocracoke Island permanently and year-round. We need our beaches OPEN and AVAILABLE to all...ORV, pedestrians and pets!

Correspondence ID: 14240 **Project:** 10641 **Document:** 32596
Name: Little, Patty M
Received: May,11,2010 17:25:16
Correspondence Type: Web Form
Correspondence: Our family enjoys driving on the beach at Oregon Inlet, NC to fish, relax, and picnic. It's a very nice and inexpensive way for our family to enjoy the beauty of our NC coast up close and personal. My husband and I both have had extensive knee surgeries. Driving on the beach allows up to carry our personal belongings right onto the beach without having to walk and carry fishing and picnic gear a long ways. It's not a struggle for us.

Correspondence ID: 14241 **Project:** 10641 **Document:** 32596
Name: Kiser, Sherry C
Received: May,11,2010 17:28:44
Correspondence Type: Web Form
Correspondence: Comment 1 As currently structured, Alternative F is not primarily an ORV management plan. It is primarily a public access restriction plan. The plan is biased toward bird and turtle protection, seashore isolation and not to a reasonable extent on public use and visitor access?specifically ORV and pedestrian access. Responsible environmental management uses sound science and unbiased professional judgment that balances the human needs and rights of people with the needs to manage and sustain natural processes. The preferred proposal, Alternative F, fails to meet these criteria. Alternative F fails to recognize objective science, enabling legislation, citizen rights, historical uses, and past promises of access to their environment. Promulgation of Alternative F as it is currently structured will be the basis for widespread public dissatisfaction, continued distrust of government, especially the National Park Service, and costly litigation.

Correspondence ID: 14242 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:29:16
Correspondence Type: Web Form
Correspondence: 11 May 2010
 Mike Murray Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954 252-473-2111 x 148 Re: DRAFT CAPE HATTERAS NATIONAL SEASHORE OFF-ROAD VEHICLE MANAGEMENT PLAN /ENVIRONMENTAL IMPACT STATEMENT
 Dear Mr. Murray,
 I am writing to comment on the draft Cape Hatteras National Seashore off-road vehicle management plan/environmental impact statement, released for comment on 12 March 2010. My first reaction would be to not allow ORV use in these areas at all. The fact is that there are several federally recognized threatened and endangered species, including the piping plover and the Seabeach amaranth that the NPS is required to conserve and protect in accordance with the Endangered Species Act of 1973. There are also several species of special concern recognized by the state as well, as needing special protection and consideration. Wetlands and estuaries are sensitive ecosystems that can be disturbed quite easily by human traffic and use, adding

ORVs to the mix only increases the chances of destroying these necessary ecosystems for breeding populations and the services that these ecosystems provide. This national seashore is a barrier to much of the Atlantic Oceans fury, protecting the coastal areas of the state of North Carolina from erosion, flooding, and other weathering factors. It is important that the community understand that this seashore is not just a recreational site that provides for an economy to the 11 surrounding villages, but that the seashore is a barrier to a host of environmental factors that could impact the villages near and around the seashore. With that being said, the DEIS also demonstrates a necessity for ORV use at the Cape Hatteras National Seashore. It is important that if ORVs are to be used to grant access to all that the seashore has to offer the community and public that a management plan be drafted and implemented, and I applaud the NPS for their efforts to this difficult task.

After reviewing all the alternatives in the DEIS, I would have to agree with the NPS preferred alternative, Alternative F. In my opinion it is the most agreeable of all the alternative actions that satisfies the requirements of the national seashore as a place of recreation for the public and as a breeding ground for many key species to the ecosystem. The buffer provisions are important for breeding shorebirds and the 4.5 month restriction on ORV use allows for shorebirds to have optimal conditions for the breeding season. As stated in the DEIS history and background of the current situation, the increased use of ORVs in the 1990s has shown a decrease in the amount of nesting shorebirds in the Cape Hatteras National Seashore area. This would suggest that noise from the vehicles is disturbing these birds from their regular nesting grounds. Might I suggest that with ORV utilization as transportation to grant access to those who otherwise could not access these areas that special noise reducing devices be required.

Night restrictions are more than necessary as well. Most recreation uses for the Cape Hatteras National Seashore are day activities; therefore, only day use of ORVs should be required. Another good point to alternative F is that it would establish a carrying capacity of ORVs, this is good start to restricting the total amount of ORVs that can be utilized on park property. This would meet the objective of minimizing the harm to physical resources of the seashore; however, by allowing large areas of beach to be accessed and used for ORV recreational use, could further disturb and degrade the seashore. It is my opinion that the use of ORVs be restricted solely to providing access for recreational uses such as fishing, swimming, birding, etc. Allowing ORVs to be driven on the beach can erode soils more quickly, disturbing the dune system that is restricted to ORV use to begin with. If attempting to minimize impact and protect the dune system that protects the rest of the barrier islands, then no use on open beach areas should be implemented. I suggest a revision in this nature be more in compliance with alternative E.

Alternative F, meets the requirements of adaptability with changing conditions of the seashore and also in providing the public with timely notification of closures of ORV use sites due to weather or other issues. It is the most adaptable, giving the most alternatives to access to the public. I am in support of Alternative F, with the exception of large areas of open beach access to ORVs and maybe adding a noise reducing device to ORVs. In my studies at the University of Missouri in environmental science: land use, I have come to realize that land, if available, will be utilized by human beings. It is important to consider the appropriate uses of the land with regards to land productivity and its capability for certain uses. One thing the NPS might want to ask itself is has all the alternatives been considered? Was there proper consideration of a soil survey and have all low impact development alternatives been considered. It is impossible to mitigate all the problems associated with ORV use and the seashore ecosystem, but with proper management they can be minimized and the ecosystem can thrive for the protection of the coast and for enjoyment by the public. The purpose of the NPS is conserving these systems for the enjoyment of future generations; therefore, it might be prudent to have more educational components for the community and public to fully understand the decisions of the NPS for the Cape Hatteras National Seashore.

One last thought, as I have conducted my research behind this issue, it has been apparent to me that one concern of the public and surrounding communities is the effects of restrictions to the local economy. I may have missed it, but could not find a complete economic impact study. My question would be what percentage of people currently utilize ORVs to gain access to the many sites and facilities of the seashore? Also of concern is are areas restricted to ORV use, many say the vegetation has overgrown and become unsuitable for nesting, what is being done to manage areas where vegetation has overgrown? If restriction areas are to be designated by nesting sites and wetland sensitive areas, wouldn't it be prudent to manage vegetation in these areas to create safe havens for birds, rather than hiding places for predators? This is just one area where it seems the DEIS fails; there lacks a sense of consistency in goals and reasons for regulation.

This DEIS addresses many complex issues involving land use and management for the Cape Hatteras National Seashore. The public should be assured that their economic concerns are fully addressed in the final management plan, but they should also be educated to the full reason behind some restrictions to certain areas and no restriction to others. I feel that this issue can not be fully resolved until a full economic impact study can be conducted and analyzed, as well as a more precise and consistent goal for regulation is established. For this reason I urge the NPS to revisit the DEIS and revise alternative F to include a few of my suggestions. Then reopen public comment with revisions made.

Sincerely,

Denean Brady 36 Albany Drive Columbia, MO 65201 E-mail: dbpfb@mail.missouri.edu

Correspondence ID: 14243 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:29:44
Correspondence Type: Web Form
Correspondence: I disagree with the rules proposes in alternative F. They are much too draconioan for the local community and visiting public. A better solution for all can and should be worked out between the local government and the national Park Service.

Correspondence ID: 14244 **Project:** 10641 **Document:** 32596
Name: ,
Received: May,11,2010 17:29:51
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.
1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.
Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan. There are not many beaches remaining that have not been spoiled by the pollution, noise and unpleasantness that comes with the ORVs. Please allow Cape Hatteras to remain as it is.

Correspondence ID: 14245 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:29:54
Correspondence Type: Web Form
Correspondence: My husband has been a lifelong sport fisherman. Out of all the beaches that we surely enjoy it is Cape Hatteras. I am also an extreme nature lover but this should not mean to take this enjoyment away from the fishermen and the livelihoods of people. It's other people that don't appreciate the wonders of nature and/or fishing that take it away from people that do. In my last remarks you should not prevent respectable people from driving on the beach.

Correspondence ID: 14246 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
Mr. Murray below please find my comments with regard to CHNS Recreational Area Off-Road Vehicle Management Plan DEIS, specifically the Alternative F portion.
Before I make comments I would like to express my concern over the insulting minimum amount of time given to read and digest the 800+ document, formulate feedback and compile and transmit back comments for review. A document with such outreaching community, cultural and economic impact that took many man-hours on your part to develop and is given such a small public comment period does not evoke the partnership required to effectively implement a successful protection plan for all interests!
Specific area of comment:
Corridors-
P(xii, xvii, 468)Corridors should be provided and permitted though out the seashore during the entire breeding and nesting season including ML-1 and SMA's.
Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations.
Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)
Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.
I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access
BIRD BUFFERS AND CLOSURES
P 121-127 Bird closure for birds other then those listed in the endangered species.
Non Endangered species such as the American Oyster, Least Terns and Colonial Water Birds are given Pre-Nesting closures and buffers (up to 300m) that are associated with those on Endangered Species Act. These birds are not under the ESA and therefore should have reduced buffer zone in the 30M range.
P 121-127 Bird closure buffers- I disagree with the buffers set.
Bird closure buffers need to be based upon reviewed science. Buffers associated with unfledged chicks are too restrictive and not based upon any provided scientific data and are much larger than that required by the species recovery plan. In addition, the buffer zones should move with the brood as it relocates instead of expansion.
The 1,000 meter distance for the piping plover is too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
I disagree with the stats of breeding plovers and the other birds in the Park. NPS does not consider other nearby locations in their data reports. Dredge and spoil island bird activity is not included. For example the black skimmers can be seen on both Pea Island and Coro Island in vast numbers yet the data used by NPS suggest otherwise. These birds are part of the same ecosystem and should be included.
Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas in addition to volunteer programs for hatch periods.
As recent as May 05, 2010 a documented attempt for Sea Turtle Management for Cape Hatteras Seashore Recreation Area was written by Larry Hardham and Bob Davis. I agree with the approach taken and hope the NPS will read and review this document and consider this approach to Sea Turtle protection. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.
Other Areas of concern:
Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.
The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.
Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.
Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road

area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

Human interaction has very little influence on the success rate of breeding birds and turtles yet actions imposed by NPS on human access is the most severe.

Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues. Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

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

Background:

My family and I began visiting Hatteras Island over 30 years ago. We visit from 7-10 times a year with family and friends. The majority of our quality family time has been spent exploring the bounty of recreational activities and unique settings afforded through ORV access on Hatteras. My children over the years have gained an enormous appreciation for the land, wildlife and culture associated with the Hatteras through ORV access to many different beaches, inlets, etc. We love and respect the Island, it is our second home.

I now own a home in Frisco where I will move permanently for retirement. I live in Maryland but yet travel 6-7 hours so many times a year seeking this unique environment. There are many places much closer but none like Hatteras. If it were not for ORV beach access we would sell our home and not return.

I have seen the changes over the years in the restriction in public access. Most I have supported and abided by to preserve the natural setting, endangered species, safety, wildlife, etc. We too want to protect this natural treasure. We do our part to educate new visitors and assist the NPS in keeping a watchful eye on this ever changing island environment. In most recent years however, I feel the access restriction have gone above and beyond acceptable. It seems apparent that special interest groups are forcing the Island restrictions towards those of a Wildlife Refuge instead of the recreational area it was intended to be. Please help us by considering my comments and input and help protect and preserve the cultural experience of the Cape Hatteras National Seashore Recreation Area.

Regards, Anne Wheeler, Sykesville, MD / Frisco, NC

Correspondence ID: 14247 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:30:47
Correspondence Type: Web Form

Correspondence: ORV access to the Cape Hatteras National Seashore and Recreation area needs to be unrestricted and unlimited year round. It is not a wildlife refuge and should not be treated as such. Birds that are being protected are not on the endangered list and therefore the current restrictions are not called for. There has not been any scientific evidence that supports the current regulations. When the seashore was established the residents of the area willingly gave up their land with the promise that beach access would always be allowed. Many residents are currently losing money with the way beach access has been limited. Please allow the beaches to remain open and free. Thank you.

Correspondence ID: 14248 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:31:04
Correspondence Type: Web Form
Correspondence: Michael B. Murray, Superintendent: Cape Hatteras National Seashore Recreational Area

May 2, 2010

Dear Mr. Murray,

I am writing to express my disappointment and rejection of the various provisions set forth within the Draft Environmental Impact Statement (DEIS) that was prepared by your agency, The National Park Service (NPS or the Service) in an effort to promulgate a rule for Off Road Vehicle (ORV) access to the Recreational Area here at Cape Hatteras as required by Executive Order 11644 (Nixon 1972).

Having reviewed the contents of the DEIS, I find that the Service has ignored the traditional uses and values associated with the Seashore in direct conflict with NPS policy and congressional mandate.

I find that the proposals for wildlife management and protection are excessive and have been proposed with the use of little sound, peer reviewed science as is required by the National Environmental Policy Act (NEPA).

The Service has failed to provide a properly studied and vetted Economic Impact Statement also required by NEPA.

The Service has failed to account for diminished visitor experience that will occur if any of these provisions are enacted, particularly alternatives D and F. I find that all of the proposed alternatives include provisions that will produce negative visitor experience.

I also find that most of the proposals contained within the DEIS are in direct conflict with existing Congressional legislation mandating policy and practice to be followed by NPS specifically at Cape Hatteras National Seashore Recreational Area, in addition to being in direct conflict with various published management policies of the Service itself.

As the Service has announced that proposed Alternative F of the DEIS is the policy that NPS would prefer to enact, my focus will, of course, follow this proposal as even sixty days is not enough time to prepare meaningful and informative comment on the remaining five alternatives presented by the Service.

Before I begin my discourse about NPS preferred Alternative F, I would like to address the lack of a suitable public comment period.

The National Park Service took approximately 38 years from the issuance of the aforementioned E.O. 11644 to draft a proposal for a final ORV management plan. At 810 pages in length, this often contradictory document is, and has been, difficult for even the most knowledgeable members of the public to understand and formulate comment. For those members of the public without comprehensive understanding of the various and sundry issues related to access, wildlife management, and the future of the Seashore, a sixty day comment period is simply not enough time. This is especially true since at no point has the Service made any attempt at educating the public about the contents and ramifications of the proposed alternatives. By virtue of the fact that the as of yet incomplete economic impact study has not been proffered for public scrutiny, I believe that public comment should be extended until at least sixty days after the DEIS has been completed. Proposed extension has been requested numerous times by elected federal and state representatives, our community leaders and the public at large. If the Service is genuine in its appeal for comment as is required within a NEPA process, then NPS needs to respect the request for additional time and provide for such.

It is with great dismay that I notice the title of the DEIS utilizes the term Cape Hatteras National Seashore. I would be remiss were I not to remind the Service that the true and proper name of this area is Cape Hatteras National Seashore Recreational Area as mandated by Congress within 16USC459 which states: (in part) "said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area." Though the Service chose to drop the full name during the 1970's as it was considered cumbersome, all but the most mundane of documents are still supposed to carry the full title.

When Congress began to formulate the legislation that created the nation's first National Seashore, and as these bills were signed into law, nowhere was included anything that resembles NPS preferred Alternative (F). (Hereafter referred to as Alt. (F).) This proposal by the Service will have the effect of changing the stated mission of the Seashore and severely impact the economy of the Islands that comprise the bulk of this area and Dare and Hyde Counties as a whole.

It was the stated goal of Congress to establish an area for the people to come where they would be able to pursue recreational activities on these beaches and away from developed areas as debate began about the creation of this Seashore. When their eyes fell upon this area, they found a place steeped deep in history, tradition, and miles of pristine beach that had remained relatively free of development as it is so remote. Though Congress provided a dual mandate to NPS at the Seashore, it is recreation, not the protection of flora and fauna that is consistently mentioned within the relevant portions of the Organic Act (16USC459), although this too, is an important function of the Service.

What's clear is that at Cape Hatteras National Seashore Recreational Area, Congress established an area wherein recreation was to be the dominant activity. This same legislative body determined that the Service was to develop this area for such uses as needed by the public. 16USC459 Sec.4 states: (in part) "Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed" (emphasis added). This is in direct conflict with proposed and preferred Alt. (F) as introduced by NPS which will effectively un-develop important areas of the Seashore. Here Congress tells NPS that as the people come to the Seashore to recreate, NPS is to develop the area to accommodate the recreational needs of the visitor. This is not a hint, it's not asking NPS to consider making the area accessible. No, it states quite plainly "which shall be developed for such uses as needed"

Had Congress intended that the area become a wildlife refuge, the provision included within the enabling legislation discussing any "lands and waters now or hereafter included in any migratory-bird refuge" found in 16USC459 Sec.5 would not have been included as part of this legislation. The NPS preferred Alt. (F), by permanently shutting down vast areas of the seashore under the auspices of protecting wildlife, will effectively transform the Seashore into a "preserve" status without actually calling it so. And as such, violates the intent of Congress and its legal dictates relevant to this area, and published NPS management policy.

Further evidence of the intent of Congress to develop an area for recreational purpose can be discovered within 16USC459 Sec.3. Here Congress guarantees the right of the legal residents of the Islands the right to make a living by fishing "subject to such rules and regulations as the said Secretary may deem necessary in order to protect the area for recreational use as provided for in this Act." (emphasis added). This provision resulted in the creation of an area of the Seashore that was set aside specifically for the "protection and enhancement of recreational sports-fishing". 36CFR7.58.21.b. (6) (in part) ? Specifically identifies boundaries "A zone is established for the protection and enhancement of recreational sport-fishing commencing at Beach Access Ramp No. 22 and continuing south and west along the ocean shore, including Cape Point (Cape Hatteras), to Beach Access Ramp No. 30. Within this zone commercial fishing, as specified in the Act of August 17, 1937 (50 Stat. 669), is permitted." Of note is that with the Beach Access Ramp number re-designation that has occurred since this statute was enacted, the aforementioned Ramp 30 is now designated as Beach Access Ramp No. 45.

Enacting NPS preferred Alt. (F) will result in the closure of the majority of the above mentioned area without scientific justification or the ability to show that ORV and pedestrian use of the Seashore has caused harm sufficient to warrant the drastic measures outlined within the preferred proposal.

As I have mentioned numerous times before, it is not just federal law that conflicts with preferred Alt. (F) but a collection of Service policy indicates that NPS is attempting to stray from its mission as a division of the Department of the Interior. In example, the following is extracted from NPS policy. NATIONAL PARK SERVICE ADMINISTRATIVE POLICIES for the Recreation Areas of the National Park System FEDERAL EXECUTIVE BRANCH POLICY GOVERNING THE SELECTION, ESTABLISHMENT, AND ADMINISTRATION OF NATIONAL RECREATION AREAS BY THE RECREATION ADVISORY COUNCIL Circular No. 1, March 26, 1963 (in part)

The system of National Recreation Areas should:

1. "Provide for Federal investment in outdoor recreation that is more clearly responsive to recreation demand than other investments that are based primarily upon considerations of preserving unique natural or historical resources, the need to develop and conserve public lands and forests, or the requirements of major water resource development undertakings;"

PRIMARY CRITERIA FOR SELECTION OF NATIONAL RECREATION AREAS

6. "Within National Recreation Areas, outdoor recreation shall be recognized as the dominant or primary resource management purpose. If additional natural resource utilization is carried on, such additional use shall be compatible with fulfilling the recreation mission, and none will be carried on that is significantly detrimental to it." (emphasis added)

SECONDARY CRITERIA FOR SELECTION OF NATIONAL RECREATION AREAS

3. "National Recreation Areas may include within their boundaries scenic, historic, scientific, scarce or disappearing resources, provided the objectives of their preservation and enjoyment can be achieved on a basis compatible with the recreation mission." (emphasis added)

5. "Whenever possible, National Recreation Areas should be selected, developed, and managed to provide maximum compatibility with the recreation potential of adjacent rural areas in private ownership."

Furthermore, considering that the intent of Congress was to create an area within which the public could pursue ventures, "particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature" (16USC459 Sec.4), the following NPS published policy must also be considered when management considerations are being developed for application within the bounds of the Seashore.

NPS Management Policies 2006 handbook, Introduction; "Hierarchy of Authorities" (in part) - "It is especially important that superintendents and other park staff review their park's enabling legislation to determine whether it contains explicit guidance that would prevail over Service-wide policy."

NPS Management Policies 2006 handbook, Para 1.4.4 (in part) ? "The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment."(emphasis added)

NPS Management Policies 2006 handbook, Para 8.1 (in part) ? "The 1970 National Park System General Authorities Act, as amended in 1978, prohibits the Service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established (except as directly and specifically provided by Congress)"(emphasis added)

Clearly, even at this point, those that read this letter must agree that proposed Alt. (F) is in direct conflict with the above mentioned statutes and published policy. The derogation of the above described intended mission of the Seashore suggested within Alt. (F) infringes upon the guaranteed right of the legal residents of Hatteras and Ocracoke Islands to make a living by fishing. 16USC459 Sec.3 clearly provides: (in part) "That the legal residents of the villages referred to in section 1 of this Act shall have the right to earn a livelihood by fishing within the boundaries to be designated by the Secretary of the Interior, subject to such rules and regulations as the said Secretary may deem necessary in order to protect the area for recreational use as provided for in this Act."

Neglected within Alt. (F) are measures to insure that this right, bestowed by Congress, is respected. The law does not indicate that this is a privilege that can be arbitrarily waived by NPS; but must be treated as what it truly is, a right guaranteed by Congress that is as important and legally defensible as is the freedom of speech asserted by Congress within the Bill Of Rights. In order for a fisherman to make a living by fishing, his nets must be set where the fish are likely to be found. As the structure of the beaches at Cape Hatteras National Seashore Recreational Area change daily, so do the locations of the targeted fish. The closures proposed by NPS preferred Alt. (F) will prevent the exercise of this right as provided by Congress and is, as such, a violation of federal law.

I would choose to close this section of my comment with yet one more reminder to the Service of their responsibilities as directed by Congress, the only body of our government with the authority to write law and dispose of public property as provided by the Constitution Of the United States. 16USC459 1a-1 (in part)" Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System . . . shall be consistent with and founded in the purpose established by section 1 of this title to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress." (emphasis added)

I submit that the Service has no authority to alter the mission of this Seashore from a recreational area as provided within 16USC459 CHNSRA (in part) ".said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area..", (emphasis added) as NPS has no Congressional authorization to do so and as such, NPS preferred Alt. (F) carries the potential to be, and will be if enacted, in violation of federal law.

Remember, Congress clearly stated that the mission of this Seashore was for recreational purpose and specifically stated that it was to be developed for such use as needed.

In examining Alt. (F), I am struck with the similarities proposed by NPS with the conditions set forth within the current "consent decree". It appears that ALT. (F) is no more than thinly veiled attempt at making a much more restrictive version of the consent decree become codified federal regulation.

As a service, NPS must balance between the traditional and historic uses of the seashore, the rights of the public, and sound resource management. The public has been imbued with law enacted by Congress, the promises made by the government through NPS Director Conrad Wirth to the people of the Outer Banks, and deep tradition and traditional cultural use patterns that NPS is required to respect and protect. NPS preferred Alt. (F) as proposed, fails to do this. National environmental policy dictates that NPS must make sound, science based management choice while ensuring that the pendulum does not sway too far to one side when attempting to strike a balance between access and resource management. Currently, the members of the public including the residents of Hatteras and Ocracoke Islands, as well as the citizenry of both Dare and Hyde Counties are experiencing the economic effect of the pendulum swinging well far to the protection side as a result of the consent decree. No where within the DEIS is a substantive study detailing the effects of this decree upon the economies that are dependent upon beach access to survive. Considering that NPS preferred ALT. (F) is considerably more restrictive than the current court sanctioned NPS management policy, the devastation to the local economy at present will pale in comparison to what will occur if proposed Alt. (F) is enacted. Already, the economic impact of the consent decree far outweighs the projected impact of Alt.(F) as stated within the DEIS. And within the DEIS, the Service admits that the Economic Impact Study is incomplete and as such calls into question the legitimacy and legal defensibility of this document as a whole.

The NPS preferred Alt. (F) buffer distances are largely based upon USGS protocols which have to have been properly peer reviewed even by USGS standards. In some cases the cited studies were in fact "peer reviewed" by the authors themselves in direct conflict with USGS peer review regulation. In many cases these so called studies had nothing to do with the Seashore at all. When examining these documents, the names Walker Golder and J.B. Cohen arise, and yet both of these individuals have actively participated in efforts within the Negotiated Rulemaking process and in the case of Golder, the lawsuit that promulgated the consent decree, to close the seashore for recreational use.

These protocols have yet to be shown as emanating from specific scientific, peer reviewed study and in fact by the governments own admission, "This report does not establish NPS management protocols but does highlight scientific information on the biology of these species to be considered by NPS managers who make resource management decisions at CAHA." As such, NPS preferred Alt. (F) is considerably flawed.

Of particular note and dismay, are the buffer distances and duration of closures as stipulated within Alt. (F) as they are excessive and not based upon sound peer reviewed science. The Service seeks, within Alt. (F), to provide a mechanism wherein species listed in the State of North Carolina as "species of concern" are given protections normally only directed at federally listed endangered or threatened species. Recently, the North Carolina Wildlife Resource Commission objected to this proposal contained within Alt. (F). Gordon Myers, executive director of the commission stated "State-listed "species of concern," - such as the American oystercatcher - do not require the extensive buffers and beach closures mandated for federally listed species such as the piping plover." And, "To treat it as synonymous with threatened and endangered is not congruent".

The proposed closures in respect to Piping Plovers are excessive. Nowhere does sound peer reviewed science exist that suggests that a 1000 meter closure around a plover chick is warranted. These proposed buffers have been effectively field tested during the last two nesting seasons here at the Seashore and yet plover numbers have declined. Never in the history of the Seashore can a plover death be attributed to either an ORV or pedestrian. The restriction on pets within the Seashore as proposed by Alt. (F) is well beyond excessive and not only will it induce negative visitor experience it will result in further economic loss to this community. Again, there is no sound peer reviewed science that will support the theory that even if a dog is on an NPS mandated six foot leash, it will disturb a piping plover or American Oystercatcher nesting a mile away. As such, this portion of the rule should be discarded as junk science.

Furthermore, NPS, in calculating both wildlife counts and pedestrian only access at the Seashore, needs include bird, turtle, and available pedestrian only access in the area known as Pea Island National Wildlife Refuge. (PINWR) This refuge was created by Executive Order a year after the enabling legislation that created the Seashore was passed into law. 16USC459 Sec. 5 states: (in part) "Notwithstanding any other provisions of this act, lands and waters now or hereafter included in any migratory-bird refuge under the Jurisdiction of the Secretary of Agriculture, within the boundaries of the national seashore, as designated by the Secretary of the Interior under section 1 hereof, shall continue as such refuge under the jurisdiction of the Secretary of Agriculture for the protection of migratory birds, but such lands and waters shall be a part of the aforesaid national seashore and shall be administered by the National Park Service for recreational uses not inconsistent with the purposes of such refuge and under such rules and regulations as the Secretaries of the Interior and Agriculture may jointly approve." Even within the 2006 Interim Management Strategy for PINWR as filed into the federal register, USFWS admits that PINWR is only an "overlay" of the Seashore. NPS has refused to recognize this in spite of clear and concise federal mandate.

Turtle management as proposed within Alt. (F) will, in all likelihood, result in a documented and stable, nearly 40% loss in viable nests. It is ironic that

within PINWR, though still within the Seashore, an entirely different set of protocols are observed with a much higher nest success rate. Turtle management at CHNSRA needs be proactive. Our beaches change daily, though in some cases are seasonally predictable in form. When turtles nest in high risk areas, we as a community attempt to inform NPS that a given nest needs relocating. We have usually been ignored only to see the Service plow the nest into the sea because it was collectively deceased. The Service has a long history of ignoring local knowledge which is in conflict with its own policy. In spite of this rejection of local knowledge and in spite of years of night driving on the beaches of CHNSRA, the Seashore still presents a better false crawl ratio than that USFWS expects from a totally undisturbed beach.

It is imperative that NPS consider all of the factors that make up what Cape Hatteras National Seashore is to the visitor as well as the residents of the islands that comprise the bulk of the Seashore. Impact to the economy as well as visitor experience are as much, if not more, a part of the NPS mission as directed by Congress. It is imperative that NPS recognizes the traditional cultural aspects and values that the results of any decision made by the Service might inflict upon residents and visitors alike. Of no small consequence is the rule of law as established by the Congress; which NPS seems wont to ignore.

With all of the above considered in detail, and with a sufficient review on NPS preferred Alt. (F), and the remaining portions of the DEIS, I find the entire document to be flawed and in all likelihood, illegal in nature.

The most sensible approach to Seashore management will incorporate a balance between nature and access. NPS preferred Alt. (F) fails to do this. The most sensible approach to date has been proffered by the Coalition for Beach Access within the position statement published at: <http://www.obpa-nc.org/position/statement.pdf> I strongly agree that this is the most practicable approach to satisfying the consistent recreational mandates directed by Congress to NPS while at the same time ensuring adequate protection of wildlife and providing access to these beaches, "which shall be developed for such uses as needed", by the public as directed by federal law.

Furthermore, I recommend that NPS turtle management policy be amended to reflect local knowledge and experience. This requirement can easily be met at the Seashore by adopting the proposed policies recommended by Larry Hardham and Robert Davis as these individuals have more collective knowledge of sea turtle nesting at CHNSRA than probably any employee of the Service or NCWRC. Their approach is adaptive and sound. Similar approach has been shown to be highly successful. It must be remembered, its not the number of nests that ultimately count but the number of hatchlings that make it to the sea. Their work can be found at: <http://www.obpa-nc.org/turtles/TurtleMgmtProgram.pdf>

I hope that the service will come to its senses and recognize the law relevant to the Seashore, the traditional cultural values, traditional uses, and will recognize the extraordinarily devastating impact that proposed Alt. (F) will have on the already fragile economy that suffers immeasurably as a result of just the consent decree.

Jeffrey Golding Buxton, Hatteras Island, Cape Hatteras National Seashore Recreational Area, North Carolina, 27920

Correspondence ID: 14249 **Project:** 10641 **Document:** 32596
Name: Byrd, Terry
Received: May,11,2010 17:31:52
Correspondence Type: Web Form
Correspondence: keep my home beaches open always and forever

Correspondence ID: 14250 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:31:57
Correspondence Type: Web Form
Correspondence: Sixty days was not a sufficient period for public comment. The DEIS is more than 800 Pages! Most of the people (my opinion) who have concerns and wish to comment work for a living and could not read, understand, and make intelligent comments in that time frame. Your invitation for public comment lacks sincerity and speaks volumes as to your true intent.

Correspondence ID: 14251 **Project:** 10641 **Document:** 32596
Name: Burch, John A
Received: May,11,2010 17:32:53
Correspondence Type: Web Form
Correspondence: We have recently discovered the joy's that the barrier islands provide's its visitors and I must say I would drive 10 hours to get there with no hesitation. The major reason's why are the friendliness provided us by the local community and with out a doubt the beach access that we enjoyed so very much. I understand the need for reserve's for species to flourish and also for needs of endangered species. While we were there we NEVER saw anyone acting in a way that would endanger wildlife, I saw no irresponsible drivers or people littering or someone acting in anyway that damaged the dunes or areas that were already listed as bird sanctuaries/ reserves. It was my impression that everyone respected the land and took care of it accordingly. People were leaving marked areas well enough alone as there was enough space provided for the birds and visitors to the beach's. I even noticed people brought 5 gallon buckets and small portable tents to use as bathrooms while on the beach, we will do the same next month when we are there again. We made it a point to pick up as much trash from the beaches we walked on to do our part as responsible stewards of the environment. We enjoyed driving on the beach so very much it is one reason I say we would drive 10+ hours to get there. I would think if beach access were closed, I would definately NOT come to the Outer Banks for my vacation. I know in the 7 day's we were there, we spent close to \$600.00 in the local economy (not including rent). I think a third of that was spent on fishing gear, bait and all that allowed us to enjoy the beaches. I say do not close the beach access as the economy for local communities has no choice but to suffer. I don't know how many visitors come to Cape Hatteras to enjoy the beaches but I do know I'm not driving 10 hours if the beaches are restricted or worse closed to access and that is money I will be spending elsewhere. We will be there in one month and I hope all is well at the Cape Hatteras National Seashore.
Thank You for allowing me to submit this statement John Burch & Becky Steber
1) the wildlife Resource Commission, he said, will voice its objections to the use of state "species of concern" lists to trigger ORV management strategies under the federal Endangered Species Act.
3) Corridors are a vital tool in providing access while managing resources. They provide a small path around temporary resource closures in order to provide access to open area that would otherwise be blocked. In alternative F Corridors are only allowed in ML-2 portions of SMA's and are subject to resource closures at any time. In a more reasonable approach Corridors should be permitted throughout the seashore during the entire breeding and nesting season including ML-1 portions of SMA's. These corridors would provide valuable access without impairment or damage to protected resources
4)) Large, inflexible buffers (p.121-127). These buffers that are being considered in the DEIS of 1,000 meter buffer in all directions for the piping plover is to large to allow a balance of human use of the seashore as stated in the original "Park Enabling Legislation". The DEIS does not cite any peer-reviewed science in supporting such large closures and these extremely large buffers are not used in other federal and state areas for the piping plover! A more appropriate & effective buffer would be 200 meters
2) Non-endangered species, such as American Oystercatchers, Least Terns and Colonial Water birds are given Pre-Nesting closures and buffers up to 300 meters. Birds that are not listed as endangered should not be afforded the level of protection given to ESA (Endangered Species Act) protected species. Instead of 300 meter buffers for these birds, a more appropriate buffer would be 30 meters
Following is an excerpt from a May 9, 2010 Virginian-Pilot news article by Catherine Kozak: This shows that the "species of concern" was not intended to be used as an additional ESA list.
*State-listed "species of concern," - such as the American oystercatcher - do not require the extensive buffers and beach closures mandated for federally listed species such as the piping plover, said Gordon Myers, the executive director of the North Carolina Wildlife Resources Commission.
Myers said that's beyond the intent of the state law: the state designation is supposed to be more of a call to action for a species.
Turtle Management (Pg.125, 392-396) DEIS claims North Carolina Wildlife Resources Commission turtle guidelines will be followed. The National Park Service should consider turtle management practices successfully used in other federal and state areas to achieve nesting success. More proactive

measures include relocating nests to more desirable locations, which is routinely and successfully done in other areas and this would allow better access to beach areas for visitors enjoyment and night driving and fishing.

5) Prohibition of Pets (p136) in the seashore during bird breeding season, including in front of the villages. No pets in public areas, beaches, campgrounds, sound-front, foot trails, park maintained roads from March 15 -July 31 The DEIS does not cite any peer-reviewed science supporting that such a ban on pets would have any positive impact on the breeding birds over the current rules of pets on 6ft leash.

6) Year Round Closures: Hatteras Inlet, North End Ocracoke Island, Ramp 27-Ramp 30 (Salvo) are set to be closed year round to ORV, I am most familiar with the Hatteras inlet area and this area does not have the characteristics of prime habitat for the plover and the other supposed reason for the closure was the need for a pedestrian only area. It would not be economically or environmentally feasible to pave "pole road" and create parking lots in a beautiful and natural setting at the Hatteras Inlet. The need for pedestrian only areas is addressed in adjacent 15 miles of beach on Pea Island, which never gets included in the amount of beach for pedestrian only and is also a wildlife refuge.

7) Economical Impact: the negative economical impact of the "consent decree" has been profound and well documented. Any projected financial losses from these changes will only affect the businesses that are on Hatteras and Ocracoke islands and the impact studies should reflect that and not be spread across the region to lessen the negative financial impact on the villages.

Correspondence ID: 14252 **Project:** 10641 **Document:** 32596
Name: LaGrange, Perry K
Received: May,11,2010 17:34:58
Correspondence Type: Web Form
Correspondence:

The following are points in the current DEIS that where I strongly disagree:

1)Corridors should be permitted throughout the seashore during the entire breeding and nesting season including ML-1 and SMA's. These corridors would provide valuable access without impairment or damage to protected resources. 2)Buffers. or closures, are important practices for species RECOVERY. However, to have long term benefit for the wildlife and the visiting public, buffers must be based on PEER REVIEWED SCIENCE.The Piping Plover is given a level of unprecedented protection in Alt.F The DEIS does not cite any PEER REVIEWED SCIENCE in supporting a 1000 meter buffer in all directions to support a closure of over 700 acres. A more appropriate buffer would be less than half of that. 3)American Oystercatchers, Least Terns and Colonial Waterbirds are NON ENDANGERED SPECIES and are given pre-nesting closures and buffers up to 300 meters. The more appropriate buffer for these NON ENDANGERED SPECIES should be 30 meters.Many of these birds are located on the dredge and spoil islands just yards away and within sight of the seashore. 4)The NPS should consider turtle management practices successfully used in other federal and state areas to acheive nesting success. More proactive measures include relocating nests to more desirable locations, which is routinely and successfully done in other areas.

In closing, during the 40 years I have been travelling to the Outer Banks, I have and I have never seen any sportsmen or anglers kill or maim any birds or turtles while driving on the beach.We love the beauty of the seashore, and would never "cut our nose off to spite our face" by damaging the environment and its inhabitants. The measures being taken by the DEIS are Draconian, and the seashore should be as intended by Congress, a NATIONAL RECREATIONAL SEASHORE.

Sincerely, Perry K LaGrange

Correspondence ID: 14253 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:35:13
Correspondence Type: Web Form
Correspondence:

I am a 30 year resident of Hatteras Island and have managed my own business for 26 years here. I have considered myself an environmentalist all my life but find your support for alternative F to be way beyond the realm of resonable. Closing over 750 acres of beach and dunes for one unfledged piping plover chick is offensive to the citizens and visitors to Hatteras Island [p.121-127 of the DEIS] Closing the beach to dogs from March to end of July would kill our economy during those months. People travel with their pets and will certainly go where the beaches are prt friendly. [p.136]

Correspondence ID: 14254 **Project:** 10641 **Document:** 32596
Name: Kiser, Roy J
Received: May,11,2010 17:35:54
Correspondence Type: Web Form
Correspondence:

Comment 1 As indicated by Alternative F, it is the intention of National Park Service (NPS) to transform a major part of the Cape Hatteras National Seashore Recreational Area?set aside over 70 years ago for use and enjoyment of American citizens??into a wildlife sanctuary, predominantly a national bird and turtle use area. NPS is using as its justification for this radical transformation and departure from traditional and intended public use, a thirty-five year old executive order directing NPS to formally promulgate an ORV management plan.

Alternative F management plan, with its excessive restrictions and denial of public access, both pedestrian and ORV, is in large part incompatible with the legislative purpose and intent of why the national seashore was established (16USC459 CHNSRA Enabling Legislation):

"said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area."

Nowhere is it indicated in the DEIS where enabling legislation intends or permits both pedestrian and vehicular access denial for a major part of the year, particularly visitor or vacation season.

Correspondence ID: 14255 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:36:31
Correspondence Type: Web Form
Correspondence:

This comment is on the Draft ORV Management Plan/EIS (DORVMP/EIS) for Cape Hatteras National Seashore and is focused on the proposed discrimination against motorcyclists.

I enjoy both surf fishing and motorcycle riding. For years I have been able to combine these two activities on the beaches of the Outer Banks. I usually make several trips a year to the Outer Banks where I enjoy taking my fishing rod on the bike and looking for a spot to fish along the beach. I have spent thousands of dollars on motorcycles that can safely and effectively travel on both the road and the sand; street legal vehicles that adhere to all applicable standards of the federal and state governments. This allows me to travel efficiently from a central base at either a motel or campground.

Whether riding on the beach or the road, I abide by the regulations. My motorcycles make less noise than many heavier vehicles. My motorcycles return better than 50 miles per gallon and I am frequently carrying a passenger. I do not ride on the dunes or the wrack line and am quite capable of traveling safely through any sand conditions that I have encountered on the Outer Banks. I create a tire track on the beach that is less than 7 inches wide. In other words, the motorcycles allow me to travel efficiently and produce less impact than driving my truck while abiding by the same regulations as 4-wheeled vehicles.

My understanding of the DORVMP/EIS is that unless either of the "no action" options (A or B) is choosen, motorcycles will be prohibited on the beach. I urge you to continue to apply the same rules to motorcycles that you currently apply to all other street legal vehicles, allowing the same beach access. Please do not discriminate against people who choose to use motorcycles for regular conveyance. Please amend options C,D,E, and F so that all street legal vehicles are treated in an equitable manner.

In addition, I ask that you not burden the motorcyclist with needless equipment requirements. A jack is not necessary on a motorcycle.

0012751

Correspondence ID: 14256 **Project:** 10641 **Document:** 32596
Name: Johnson, Johnny M
Received: May,11,2010 17:36:41
Correspondence Type: Web Form
Correspondence: Dear NPS I feel I need to comment on how much it means to me to be able to drive on the beach at the park. After my knee replacement surgery the ability to drive on the beach and fish was so vital to my recovery and peace of mind. I understand it is with deep respect to all the environmental issues and protection of wildlife that must be observed for this opportunity to continue. I must say that all the sportsmen and families using the beach were responsible. Thank you Johnny M Johnson

Correspondence ID: 14257 **Project:** 10641 **Document:** 32596
Name: Fisher, Samantha
Received: May,11,2010 17:38:17
Correspondence Type: Web Form
Correspondence: My husband introduced me to the true beauty of nature and what it has to offer. I have a NC lifetime hunting and fishing license because I love nature. I am an avid fisher and hunter when we're not caring for our three year old daughter who incidentally has her lifetime hunting and fishing license as well. I want to do my part to help protect what I so enjoy. However, it seems that things have gone to an extreme and the wrong group is being punished. Who really pays for prohibiting access? I guarantee you it will be the law abiding citizens. The people who are not following the rules and regulations will continue to go where they shouldn't be going. There is no other place where my shoulders drop and I feel hope like when I step on Ocracoke Island. I want to be able to share that experience with my daughter and teach her that she can catch just as big a fish if not bigger than her daddy and me. What do I tell her next time? "I'm sorry sweetie but our public officials decided that a special interest group's ideals were more important than ours." We care about the turtles and birds but this earth is our to share, that is why national parks were created. This is a true shame. It's a disappointment dear sir or madaam but I'm sure your mind is already made up and our comments are a mere formality before placing the final stamp on your decision. I would challenge you to look beyond your "politics" and the true issue at hand. There is a time and place for everything and I assure you whatever your ultimate decision is the problem will remain.

Correspondence ID: 14258 **Project:** 10641 **Document:** 32596
Name: Kiser, Roy J
Received: May,11,2010 17:39:41
Correspondence Type: Web Form
Correspondence: NPS Request for public comment appears to be more of a bureaucratic process than a search for substantive decision-making information. By virtue of its massive size, complexity, biased and incomplete explanation of science, and the inability for members of the public to access cited scientific literature and references, and ask questions of government officials responsible for the science and DEIS content, no single citizen can effectively review, understand, and constructively comment or suggest improvement to the DEIS in the 60 day comment period. It appears by way of emphasis in the discussion in the DEIS that NPS has every intention to promulgate Alternative F in the next year, regardless of past or present public comment. There is virtually no significant reference to the workbooks the public provided in the early stages of the plan development process or to countless constructive comments made by the public during the 15 month Regulation Negotiation Process. The National Park Service (NPS) should make it known to the public the specific information it seeks so as to make a final, objective decision with regard to an ORV management plan for Cape Hatteras National Sea Shore Recreational Area. Thus far NPS has failed to do so. By not asking for specific information, NPS is simply "going through the motions" superficially, and wasting the public's time.

Correspondence ID: 14259 **Project:** 10641 **Document:** 32596
Name: Kiser, Roy J
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: NPS Request for public comment appears to be more of a bureaucratic process than a search for substantive decision-making information. By virtue of its massive size, complexity, biased and incomplete explanation of science, and the inability for members of the public to access cited scientific literature and references, and ask questions of government officials responsible for the science and DEIS content, no single citizen can effectively review, understand, and constructively comment or suggest improvement to the DEIS in the 60 day comment period. It appears by way of emphasis in the discussion in the DEIS that NPS has every intention to promulgate Alternative F in the next year, regardless of past or present public comment. There is virtually no significant reference to the workbooks the public provided in the early stages of the plan development process or to countless constructive comments made by the public during the 15 month Regulation Negotiation Process. The National Park Service (NPS) should make it known to the public the specific information it seeks so as to make a final, objective decision with regard to an ORV management plan for Cape Hatteras National Sea Shore Recreational Area. Thus far NPS has failed to do so. By not asking for specific information, NPS is simply "going through the motions" superficially, and wasting the public's time.

Correspondence ID: 14260 **Project:** 10641 **Document:** 32596
Name: Campbell, Norm
Received: May,11,2010 17:41:37
Correspondence Type: Web Form
Correspondence: I am 60 years old. I grew up in Richmond, VA and we vacationed on Hatteras Island every summer while I was growing up. We spent every day on the beach. We enjoyed seeing all the birds, fish and other wildlife. I have, for my entire life, held deep respect for every living thing. I moved to Hatteras Island in 1999. A lifes dream! My brother and sister always give me grief on how I did it and they could not. I have seen birds nesting and turtles on the beach and continue to marvel at how they seem to enjoy this wonderful island as much as I do. I enjoy driving out on the beach on a weekend, after a fast paced work week, and setting up my chair with the Sunday paper, my rod in the sand spike, enjoying the sandpipers and seagulls. I am always aware of the fragile environment I live in. I count my blessing every day on how fortunate I am to live in one of the world's most beautiful spots. This is a NATIONAL Park and every person in the world should continue to be allowed access. To even think that my grandchildren would be denied form viewing this miracle that I live, brings tears to my eyes. God designed the landscape to show his miracle and no man should be allowed to play God and take this away from me, my family and the hundreds of thousands of people who come here every year. The people coming here are not coming to hurt the wildlife, they are coming here to honor and respect what nature has held dear for hundreds of years. PLEASE do not take my access to this natural wonder away from me,PLEASE let my grandchildren's children come to know the blessing I have been given.

Correspondence ID: 14261 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954
Dear Superintendent Murray,
Please accept this letter as our comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS we must disagree with any of the six alternatives within the document.
We have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule

making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Lea and Ilan Lewkowksi

Correspondence ID: 14262 **Project:** 10641 **Document:** 32596
Name: Warren, Ron or Stephanie
Received: May,11,2010 17:45:18
Correspondence Type: Web Form
Correspondence: Living on Bogue banks for 25 years we appreciate what the ocean has to offer and what it can take away. A balance very difficult to even consider that management can make a dent. But that dent we must try to aid through actions the things that man may put assunder.

Correspondence ID: 14263 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:46:01
Correspondence Type: Web Form
Correspondence: Sir,
My wife and I own a North Carolina house so we are North Carolina stakeholders who want a beautiful island that our children and family members can enjoy.
I believe in a balanced approach to allowing citizens to enjoy the beach, but in addition protecting the natural beautiful and the wildlife of Hatteras Island.
Please keep the beach open so that families and their pet dogs (as well) can enjoy the wonderful feeling of the fresh ocean breeze. We all need a break from the big cities and the serene sense that feels at the ocean.
We rent our house to renters who often bring dogs to the ocean. Many have told me the dogs are their companions and are part of their family. They are exceptionally respectful of our house and the property.
Also I support the upholding of the laws and the punishment of those found guilty.
Finally, I am a member of the local Audubon Society. I support the outdoors and want the National Parks to be kept open for the use of the citizens. However, I do not agree with the local Audubon position which seems to be too one sided. The Point should be available to fisherman, visitors and the wildlife. We see birds eating fish that the fisherman catch and leave bait for the birds. We have walked to the Point and we have carefully driven our Jeep to the Point as well, being sensitive and respectful of the breeding grounds. Both people and wildlife can share the point. The keep I've learned is the notion of a balance of diverse opinions.
Please endorse a strategy where the beach and its beauty can be open and shared in a balanced and reasonable manner for people, wildlife and the long term life of such a beautiful environment.
Thank you,
Tom Kraly

Correspondence ID: 14264 **Project:** 10641 **Document:** 32596
Name: Hawkins, Roy B
Received: May,11,2010 17:47:35
Correspondence Type: Web Form
Correspondence: My wishes for the future of the Cape Hatteras National recreational Seashore is for this park to be managed as it was intended, and promised to the people of Hatteras Island. Decisions regarding management of all aspects of the park should be based upon GOOD SCIENTIFIC REASONING. The existing consent decree and everything associated with it have been nothing less than political blackmail. Opinions from non-science based origin have no place in management of our parks. Show the people some fact based decisions without fear from overshadowing, behind the scenes influences. This park was intended to be USED by the people of this land for not only recreation, but for educational opportunities of the importance of conservation of all resources. How do you learn the importance of such a wonderful resource without first learning to appreciate what it has to offer us? Good management begins and ends with good decisions. Thank you for your consideration of these comments.

Correspondence ID: 14265 **Project:** 10641 **Document:** 32596
Name: Feese, Kevin H
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: For many years the Cape Hatteras National Seashore has been the vacation spot for many generations of families because of what the island offers. The natural beauty, the nature, the recreational fishing, driving on the beach (pg 97-101), walking dogs on the beach (pg 136), long walks/runs on the beach (pg 121), water sports, seafood and the friendliness of the island's residents. Hatteras has everything vacationers want that's why everyone loves it and has been returning with new generations!
We all want to preserve our beaches and protect natural resources but do not want to prohibit pedestrian and ORV access.
Some residents on the island are still suffering loss from Hurricane Isabel in 2004. Since the implementation of the decree in 2008, businesses have been suffering with decline in business up to 40%; some have even closed. Since last year, there has been a tremendous increase in the number of residents on Hatteras Island who are dependent on assistance from the Cape Hatteras ER Assistance Program and Food Pantry.
In regard to the quote from the US Park Service "Businesses will have to adapt to the new rules" (pg 383)...We find this totally in humane and thoughtless for those who live and earn their living on the island mainly during tourist season for many many years.
We totally disagree with the validity of the economic impact analysis which is included in the Draft Environmental Impact Statement for proposed new rules for access to the Cape Hatteras National Seashore. The analysis doesn't adequately convey the economic impact of the proposed Alternative F. In addition it fails to address any of the alternatives listed in the DEIS. The data is misleading, incomplete, and the so called "facts" are without sound basis. The area is very unique as it has limited transportation infrastructure and is removed from large populations. This in turn translates into a higher cost of living which isn't mentioned at all in the DEIS. It appears that the authors of the economic impact analysis lack familiarity with the area.
Here are a few of the problems with the economic impact analysis:
1) Page 595, table 80. This table isn't logical and it appears to lessen the actual impact by including all portions of Dare and Hyde counties. The footnote is also very troubling as it is quite obvious that the impact will be substantially higher than 54 percent in the seashore villages.
2) Page 566 in the DEIS states "To provide information for the economic analysis, a survey was conducted by RTI, International of selected categories of potentially affected businesses. The results of this survey are currently being analyzed and will be addressed in the final plan/EIS." Page 571 also notes that data is still being analyzed and will allow future analysis of the economic impact. How are we supposed to comment on something that does not yet exist?
3) There is a list of federal rules, policies, etc. that the DEIS must comply with as stated in the beginning of the DEIS. Missing from this list is compliance with the Regulatory Flexibility Act which requires "federal agencies to consider the effects of their regulatory actions on small businesses and other small entities and to minimize any undue disproportionate burden." The economic impact analysis in this document does not comply with the Regulatory Flexibility Act and therefore should not be certified.
4) Page 568 uses "visitation" statistics reported annually by the National Park Service. These statistics are based on traffic counts, the amount of which is then multiplied by a formula. There is no way to know the passenger count of the vehicles or whether they are even a visitor. In addition many events such as storm damage warrant high numbers of construction vehicles. There is no valid way to count visitors on the seashore and the only gauge of impacts is factual data such as unemployment and the increases/decreases in government aid, in given localities.

5) There is no appropriation of funds in the NPS budget through 2011 for the statements made on page 56, 80, 81, 593, or 598. Each of these statements would require funding so they shouldn't be used to imply that they will minimize economic impacts. The unpredictability of each budgetary cycle after 2011 would make it difficult to quantify any economic impact of the improvements (pg 56, 80, 81, 593, 598) given the likelihood they will be implemented over an unknown time period and are likely to be subject to modifications which will be dependent on future budget constraints. To allow those statements in the DEIS or to use them as a basis to predict, determine, or minimize economic impact could raise questions about compliance with the Antideficiency Act described on Page 40.

Other issues of concern with the DEIS:

6) Page 58. "Beach access points and boardwalks compliant with the American with Disabilities Act requirements would be provided at Coquina Beach, the Frisco Boathouse, the Ocracoke Pony Pen and the Ocracoke day use area. Beach wheelchairs could be checked out at each district on a first-come, first-served basis." These statements are questionable since there is no appropriation of funds in the NPS budget through 2011 similar to issues previously cited in issue # 5 above. If the projects are removed from the alternative chosen, it then raises questions about compliance with the Architectural Barriers Act of 1968 and the Americans with Disabilities Act of 1990. There have been a large number of commenters at recent public hearings expressing concerns about those with disabilities and others who have an inability to walk long distances and wouldn't be able to enjoy the beach and fish.

7) CORRIDORS - Corridors are vital to providing access in a way that does not hinder resource protection. Pass through corridors should be maintained for pedestrians and ORV's in all areas of Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season.

8) MANAGEMENT BUFFERS - We disagree with DEIS pgs 121-127. These extreme buffers must be modified to reduce the minimum 1,000 meter buffer in all directions required in Alternate F for unfledges Piping Plovers chicks to a 200 meter buffer in all directions which is supported by ample scientific evidence. We also suggest that NPS provide peer-reviewed science that justifies a 1,000 meter closure in all directions. We disagree with the 300 meter buffer for American Oystercatchers, Least Terns and Colonial Waterbirds. An effective 30 meter buffer should be established.

9) NON-ENDANGERED BIRDS - We disagree with management buffers DEIS pgs 121-127. These should be modified to allow pre-nesting closures for ONLY endangered or threatened species. This important modification would result in establishing pre-nesting closures exclusively for the Piping Plover, the only threatened bird species in the seashore. It is a known fact that Colonial Waterbirds do not return to the exact same place for nesting each year, establishing pre-nesting closures for these birds is both unpredictable and very unnecessary. American Oystercatchers are not endangers and threatened and should not be included in closures.

10) TURTLE MANAGEMENT - We totally disagree with DEIS pgs 125, 392 and 396 and think they should be modified to allow nest relocation as a tool for species recovery. By not supporting nest relocation, the Cape Hatteras National Seashore Recreational Area has lost over 46% of the nests laid in the last 11 years. It is known fact that only 1.0% of turtles nest on The Cape Hatteras National Seashore Recreational Area and the weather and predators represent the greatest threat to sea turtles.

Beach closures have already had a devastating and unfair impact on the residents and businesses in Dare County. These are very hard working people and it is so unfair and inaccurate for the NPS to simply write off these people and describe their pain under Alternate F as "negligible to moderate".

We have reviewed the 77-page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rulemaking process, and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore

Sincerely, Kevin and Debbie Feese Avon, NC Homeowners (42127 Pheasant Circle)

Correspondence ID: 14266 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreation Area 1401 National Park Drive Manteo, NC 27954
Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS I must strongly disagree with any of the six alternatives within the document.
I have however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor and residential experience while maintaining the needs of protecting our beautiful and fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Yours Sincerely,
Richard H Dement 2623 Alvey Drive Haymarket, Va. 20169

Correspondence ID: 14267 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 17:51:59
Correspondence Type: Web Form
Correspondence: That we have reached this point is both laughable and sad at the same time. Simply stated it is a designated recreational area. This designation was made by the Congress of the United States of America, not a federal judge.
As I'm restricted to 35,000 characters and you have surely been inundated with facts, figures, and official statements, I will pass on the cut and paste. Instead I will merely try to voice my own observations and experiences.
For thirty seven years I have had the great opportunity to visit Hatteras. I use the term opportunity instead of vacation due in fact that Hatteras is no mere vacation. The people of Hatteras Island have, over the years, opened their homes and their hearts to myself and my family. Through them I gained a deep appreciation for the culture and the island itself. From the proud commercial fishermen to the bag boys at Burris Red and White they poses a quiet stoicism so very rare in our country today. The sad part is that the casual visitor to the island is so self absorbed that they do not notice what is truly the greatest treasure Hatteras has to offer. These people have stood strong in the face of war, hurricanes, nor-easters, declining fish stocks, high taxation, and economic recessions. That they are now under a tremendous threat from their own government is truly ludicrous. Yes, I freely use the term threat, as that is what it is. Do not think for a second that their current economy has not been greatly affected by the beach closures.
I don't care what the counting compiled in Nags Head tried so feebly to demonstrate. Nags Head, really? Why not just stand on highway 64 and count. Since the closures went into effect there has been a notable decline in visitors to the Recreational area. Note that these are the people that come and stay for a week or more at a time, not the travelers merely passing through headed to Ocracoke and beyond. How do I know this is truly occurring when the official counting states otherwise? Simple, my family is among the many that have curtailed their visits. Understand that we have not stopped coming completely but the closures have cost the village of Hatteras over \$2800 a year in just lodging alone and that's just one family. Off hand, I can think of at least four other families that have curtailed or even eliminated their visits to the island. If you care to talk to them I would be glad to provide their contact information.
Another indicator is the reduce amount of traffic on the little bits of beach open to orv use. I've heard it categorized as "door to door trucks". True, it is "door to door" sometimes but common sense dictates that it takes less matter to fill a smaller area. If the pre-closure areas were still available to those same number of vehicles it would seem virtually deserted.
Care to gain some first hand experience? Spend a day in any of the local tackle shops. Yes you will see some foot traffic but not like it use to be. As one of my friends finally confided in me, and I quote, "Man, believe it or not it's the boaters that are keeping us barely hanging on." This is the same tackle shop that had been showing an average revenue increase of eighteen to twenty percent yearly, and that was driven primarily by the beach users. When you leave the tackle shop go to any of the restaurants and ask the owners how business is holding up. Visit Rocco's in Hatteras Village specifically, as this was the restaurant I was in negotiations to buy before this mess came to pass. After reviewing the books it was no longer viable much less profitable to continue with the deal.

On to the actual utilization of the RECREATIONAL area. I have been driving on the Hatteras beaches for twenty one years. In those twenty one years I have never driven on the dunes, never driven in designated closed areas, nor violated a bird enclosure. In the thirty seven years I've been on the beach I can only recall three instances where I have witnessed any of the above mentioned activities. These three instances where people driving on the dunes. When these activities were stopped by beach users, not NPS personnel, the common explanation to all three were " That's what they show in the commercials, I didn't know." The beach users constantly educate and monitor the resource.

Not only do we monitor and educate we protect our beaches and wildlife from environmental issues. Not the lawyer contrived issues, the real issues. See any lawyers out clearing storm debris, discarded commercial fishing nets, bags of ranch flavored Doritos from the beach? Nope, and you never will. The orv users have hauled untold tons of trash and debris from the Hatteras beaches, the Doritos were a bonus though as they tasted great!

I have a picture of myself at age fifteen, using a pair of finger nail clippers the cut a sand piper free of an old commercial net that it had become completely entangled in. I happened to be riding on the tail gate of my grandfather's pickup truck when we passed the pile of net and driftwood and was able to spot the entangled bird from my position. We quickly stopped and carefully freed the sand piper, even providing fresh water and shade until it was able to regain it's strength. Probably broke a "LAW" or two by rendering aid but it was the right thing to do. It was the HATTERAS thing to do as taught to me by the great people of the island. The same people the federal government seems too timid to do the right thing by and defend.

Funny how a loose knit community of user groups have been brave enough to stand up to DOW, SELC, Audubon, even U S Fish and Wildlife, to fight for whats right while the NPS rolls over. The truth is never hard to defend, only lies and manipulations take a dog and pony show to hide.

Open and free access to the CAPE HATTERAS RECREATIONAL SEASHORE, plain and simple.

Correspondence ID:	14268	Project:	10641	Document:	32596		
Name:	Lyons, Stuart						
Received:	May,11,2010 17:52:33						
Correspondence Type:	Web Form						
Correspondence:	I enjoy taking my friends and family out of the beach in my 4 wheel drive SUV. I always do so under the careful intent of tread lightly and I believe everyone else on the committee does as well. Its one of the few things that attracts us to the beaches as well as the fishing. I for one do clean up my mess and any trash that is on the beach left behind by some others. I do appreciate the ability to have access to the beautiful beaches of Hatteras Island and many other accesses along the barrier islands. I am one voice of many asking to keep the beach accesses open for all future generations to enjoy. Stuart Lyons						
Correspondence ID:	14269	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 17:52:36						
Correspondence Type:	Web Form						
Correspondence:	I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access. As a native North Carolinian (since 1952) I URGE YOU TO ADOPT alternative plan to provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are of ultimate importance to me. The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D: *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park. * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles. * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones. Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore. In particular THANK YOU - from a fisherman who is willing to actually WALK down to the beach.						
Correspondence ID:	14270	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 17:52:46						
Correspondence Type:	Web Form						
Correspondence:	I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access. This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me. The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D: *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park. * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles. * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones. Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.						

Correspondence ID:	14271	Project:	10641	Document:	32596	
Name:	Spraggins, Thomas A					
Received:	May,11,2010 17:54:25					
Correspondence Type:	Web Form					
Correspondence:	<p>While I generally consider myself a "tree hugger", I'd like to see some moderation of the proposed policies on beach closures on Hatteras Island. As I understand it, the Piping Plover population is already making a comeback. By some calculations, only 3% of the damage to the population has been caused by man's presence on the beaches, and that has been with much less drastic beach closures than are currently proposed.</p> <p>There are a number of dredge islands and uninhabited barrier islands (e.g., Portsmouth Island), where the birds could nest. I don't know the specifics of their return nesting habits, but if they find an ideal, say, four-mile stretch of closed beaches to nest, and return to the same area in subsequent years, is this area not likely to increase in size? How much of the beach could ultimately be closed?</p> <p>I think that the potential economic impact of beach closures on small businesses is being underestimated. I own two rental cottages on Hatteras Island, which represent what I thought was a rational "retirement plan" at the time that I bought them. These are "small businesses". Sustained loss of even a couple weeks of rentals over a period of a few years is likely to result in the bank foreclosure of these two homes, and quite possibly my primary residence in Virginia. I ask you to consider the effects of beach closures on literally thousands of small business owners like me.</p> <p>Thank you for your consideration.</p>					
Correspondence ID:	14272	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	May,11,2010 17:54:55					
Correspondence Type:	Web Form					
Correspondence:	<p>I'm a hunter, fisherman and conservationist. I have a 4 year Computer Science degree from NC State and a 2 year Robotics degree from Wake Technical College. I'm very sorry to see the way the National Park Service seems to have become a preservation organization which seems to be driven by the various preservation special interest groups which seem to be calling the shots for how the Parks and natural areas in America are managed. This ORV plan seems to be just another example of the Park Service catering to the preservation special interest groups. It's unfortunate that with all the areas which are already off limits to people for the nesting of birds and turtles the Park Service feels it must take away even more areas from people. If this is the best the NPS can do than at this point I will contact my elected representative to see if something can be done through that avenue. I hope after the comments the NPS receives they will come back with a more realistic plan to preserve beach access for people.</p>					
Correspondence ID:	14273	Project:	10641	Document:	32596	
Name:	Ruggles, Jeanne					
Received:	May,11,2010 17:56:21					
Correspondence Type:	Web Form					
Correspondence:	<p>For me the national parks are a respite from the noise and stress of modern life. Walking in quiet woods or along a pristine shore line is a wonderful experience, one that we must preserve for generations on! We don't need cars, etc in our national parks! If people need to be in their cars there are countless places where they can go. Please let's keep our parks quiet and peaceful and free of noise, pollution,etc</p>					
Correspondence ID:	14274	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	May,11,2010 17:56:34					
Correspondence Type:	Web Form					
Correspondence:	<p>I support retaining ORV usage to the greatest extent possible under the federal regulations. The balance between the preservation of habitat and human/vehicular activity must be equally weighted in favor of responsible human activity.</p> <p>On balance, a single hurricane will do more damage to the environment in a single day than 100 years of ORV usage might do. Hurricane damage will be no worse as a result of responsible ORV uses. However, a coastal tradition of ORV use at Hatteras provides a link to our natural resources, and an important amenity for the local tourism industry.</p> <p>PLEASE PRESERVE ORV RIGHTS AT HATTERAS NATIONAL SEASHORE TO THE GREATEST EXTENT POSSIBLE. THANK YOU.</p> <p>Bill Parr Cape Charles, Va 23310 a lifelong Hatteras visitor</p>					
Correspondence ID:	14275	Project:	10641	Document:	32596	
Name:	Wolfe, Patricia					
Received:	May,11,2010 17:56:45					
Correspondence Type:	Web Form					
Correspondence:	<p>My husband & I fear for the future of Hatteras Island. We are avid animal & wildlife lovers but fear that the overly extreme protection measures that are being suggested will do more harm to the people & economy of this island than we could ever do to any bird. We have had a business here for almost 15 years and we have seen many businesses and rental homes erected over the years. The people who built & invested in those businesses and homes did so with the understanding that those who use them would have access to the beaches and all the park amenities. That's what they come here for. We have always heard that the Island was deeded to the Park Service by the ancestors who lived here on the condition that it would be available for "recreational use". What kind of recreation would there be if you can't even get to the beach? How would Dare County & North Carolina make up for the loss of revenues if no one came to a beach they couldn't use? People would go elsewhere for vacation. We are all for the issuance of permits. There are a few people who have abused their privileges when they visit the beaches. They make it bad for all the rest who respect and take care of them. Please don't penalize everyone for the ignorance of a minority. Perhaps the cost & requirements for permits would deter & discourage some of the abuse. This island has to be big enough so that both man & birds can co-exist somehow. After all, the people who live here are probably more indigenous to Hatteras Island than the plover ever was. Don't they have any rights??!!</p>					
Correspondence ID:	14276	Project:	10641	Document:	32596	
Name:	Moser, Constance E					
Received:	May,11,2010 00:00:00					
Correspondence Type:	Web Form					
Correspondence:	<p>Date: May 11, 2010 To: National Park Service From: Constance Moser, Owner of vacation rental home in Avon, NC Subject: DEIS Off-Road Vehicle Management Plan Comments My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.</p> <p>1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas. 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.</p> <p>3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing</p>					

beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15. 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc) 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well. 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches. 7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access. 8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS. 9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%, So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park. 11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues. 12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages ? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts. ? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI. On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement. I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts. Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible. 13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out. Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed. Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS. 14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31. 15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection. 16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years. 17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th,

forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area. Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates. 18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas. Conclusion: Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed. It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date. The USFS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit." Thank you,
Constance E. Moser Owner, 41924 Ocean View Drive Avon, NC 27915

Correspondence ID:	14277	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 17:59:14						
Correspondence Type:	Web Form						
Correspondence:	Closures due to birds: page 124 I disagree with the theory that human events have been more harmful to birds than other factors such as storms, tides, predatory animals or birds. In my experience (13 years) walking on the beach or driving on the beach have not notice anyone harming birds and in fact have called the proper channels whenever we have seen birds in need of assistance because of ill health or other reasons.						
Correspondence ID:	14278	Project:	10641	Document:	32596		
Name:	Enoch, Sharon						
Received:	May,11,2010 17:59:17						
Correspondence Type:	Web Form						
Correspondence:	In this scary world of terrorism, war, oil spills, environmental devastation and economic hardship I recently came to the conclusion that the true local enemy is the indifference and insouciance of the National Park Service. Have you no regard for the economic suffering of the people of the Outer Banks? Would you decimate the human population of Hatteras Island in an attempt to save a species that is not even on the endangered list? Would you weild power so pointlessly and ruthlessly just because you can? I question the true agenda of the NPS. When the land was turned over to the NPS it was with the good faith and understanding that people would have access to their "national park". The semantic bullying of the last few years has left the people who have trusted the stewardship of the NPS reeling in disbelief. Humans do not destroy the habitat of the terns and plovers: nor easters, hurricanes and predators do. This is our home. We have always taken care of it and we always will. Can you honestly say that the economic impact of the beach closures is really not an issue? Just who are you listening to? A compromise is within your reach. Stop treating us like children who destroy everything they touch and start treating us like adults who can and will honor nature and the natural order of things.						
Correspondence ID:	14279	Project:	10641	Document:	32596		
Name:	N/A, N/A						
Received:	May,11,2010 18:00:32						
Correspondence Type:	Web Form						
Correspondence:	I reccomend Alternative A.						
Correspondence ID:	14280	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:00:46						
Correspondence Type:	Web Form						
Correspondence:	Please Keep the Beaches Open for Everybody.						
Correspondence ID:	14281	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:01:43						
Correspondence Type:	Web Form						
Correspondence:	Please keep our beach areas free from ORV's. They are noisy, nasty and destructive. If they want to ride them, let them build special tracks or places where they can't bother other people. It is also a safety issue. Thank you, Earlene Webster						
Correspondence ID:	14282	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:02:29						
Correspondence Type:	Web Form						
Correspondence:	I have been a resident of Hatteras Island for almost 20 years. I do not agree with everything in the Draft Environmental Impact Statement for the Cape hatteras National Seashore Recreation Area. It is very difficult to sift through the many many pages of the DEIS, but I do fear that the beaches of this most amazing National Seashore will be taken from the citizens who love it so dearly - and those who have not had the opportunity to visit yet. Please make changes on pages xii, xvii, and 468 of the DEIS to allow corridors for pedestrian and some off road vehicle use on the beaches in all areas of the Cape Hatteras National Seashore Recreation Area throughout the entire breeding and nesting season. Closing the beach to pedestrians is too radical. Pedestrians and fishermen can stay away from the protected nesting areas by walking and shelling below the high tide line. Please modify the 1,000 meter buffer (DEIS pages 121 to 127) in all directions for unfledged Piping Plover chicks to a more appropriate and yet effective 200 meter buffer. Protect the birds, but continue to allow citizens to walk along the beach. The management buffers described in pages 121 to 127 of the DEIS should be modified to allow pre-nesting closures for only endangered or threatened species. This important modification would result in establishing pre-nesting closures exclusively for the Piping Plover, the only threatened bird secies in the seashore. Please modify the turtle management practices outlined on DEIS pages 125, and 392 to 396 to allow nest relocation as a tool for species recovery. I believe implementing turtle management practices successfully used in other federal and state areas will achieve better turtle nesting success. The bottom line is - please do not deny me and the rest of the visitors to this special national treasure, the Cape Hatteras National Seashore, from enjoying this special, special place. Please do not take away many of the beaches and the traditions of fishing and enjoying this seashore that belongs to the citizens of this country. Let us all work together to continue to responsibly care for the birds, turtles and wildlife which can be achieved with some modifications to the current DEIS. Sincerley, Rita Dwight						

Correspondence ID: 14283 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:03:30
Correspondence Type: Web Form
Correspondence: Dear Mr. Murray,
I have been fortunate to have visited the beaches of this fine nation from Maine to Cape Cod to Nantucket to New Jersey to Hatteras south through Georgia to Key West and through parts of the Gulf states. I have spent time on the beaches of the Nles de la Madeleine in Quebec where the Piping Plover nests in numbers successfully.
These trips involved fishing, ORV use at times, shelling, birding and simply enjoying the beach as many have done for generations. I have watched the film at the Cape Cod National Seashore that I believe you helped institute as a requirement for obtaining a beach driving permit. I am indeed a blessed individual to have had these opportunities to experience nature in this way.
I have spent parts of the last 29 years visiting the Outer Banks of North Carolina in all seasons. I normally spend 4-6 weeks annually on these beaches and have found them to be some of the most beautiful and valuable on the Atlantic coast of North America.
What I have seen in the last few years as a result of the Consent Decree agreement has angered me deeply. Without almost any scientific verification, you, Judge Boyle and the NPS have agreed to allow outside forces to manipulate the laws to prohibit the use of these beaches that have been historically used by local residence for various recreational and commercial (fishing, shelling, surfing etc.)uses for generations. In 800 hundred pages these historic uses are hardly mentioned and that is just wrong.
The lack of a large amount of concrete scientific evidence in the report leads me to believe that justice has not been done in this report and I suspect that outside pressure has come to bear on Federal employees to submit to the lawyers that represent these outside environmental groups.
I do not know you personally but I have been told by those that do that you are an honorable man. The next generations of "bankers" will be directly effected by the inevitable outcome of the this access issue. I ask you to do the right thing and to push for a reasonable access plan that will provide protection for all endangered species which may well soon include man on the Outer Banks of North Carolina if a reasonable compromise is not found on the issue of access.
Respectfully,
Lee Haller

Correspondence ID: 14284 **Project:** 10641 **Document:** 32596
Name: Eckler, Robert
Received: May,11,2010 18:03:56
Correspondence Type: Web Form
Correspondence: There should be no restrictions on the use of the waterfront without permission and approval by Dare County government.

Correspondence ID: 14285 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent
Cape Hatteras National Seashore Recreational Area
1401 National Park Drive
Manteo, NC 27954
Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Lisa McHaney Corbett

Correspondence ID: 14286 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I am glad to be an American and to have the ability to submit my thoughts and feelings in areas where the government will impact my way of life, both personally and financially through my job. My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service for the Cape Hatteras National Seashore Recreation Area. Page 1: I agree with the statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
But if many of these areas are eliminated and pedestrian only areas become the norm this will discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and sports enthusiasts who require recreational equipment such as boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc.
Page 53: I disagree with the proposed guidelines for special use permits. It is impractical and unsafe to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, for that person to then drive to a parking area, then for them to hike the long distance back to the site of the drop off, then hike back to get the vehicle.
If the handicap person wants to go to the beach, is capable of driving himself, but does not have a driver does this mean they can't go? Or, if the rule is followed and the driver does all the required hiking back and forth, does this mean that the disabled person is left unattended for long periods with the risk of needing a quick departure due to a medical situation arising? This rule creates unnecessary hardships and risks in the event of an emergency.
Page 136: I strongly disagree with your pet restriction proposals. Pets have and always will be a part of a family and there are many responsible pet owners who wish to travel with their pets. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." This would mean NO PETS in public areas which would include beaches, campgrounds, soundfront locations, foot trails, park maintained roads -from March 15 ?July 31 which is when most families come to Hatteras Island to vacation.
Page 121 ? 127. I strongly disagree with the proposed buffers. Pass through corridors should be provided. The beach is linear; the ocean buffers on one side and the dune line on the other. If you close off access on one side of a 3 mile linear beach and close off access on the other side of the 3 mile section of beach with no corridor, then you effectively have closed off all 3 miles of the beach because you CAN'T get there. The proposed buffers for the birds are too large and thus will block access to the interior sections from the two "buffered" ends.
Instead, I would suggest ORV pass-through corridors and to use the bird buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for both pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. These corridors are essential to providing access in a way that does not hinder resource protection.
The 1,000 meter distance for the piping plover is too large. Why wouldn't you use a more rational distance of 200 meters as do other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

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Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

Not allowing ORV access is paramount to denying the public access to these beaches.

I have lived and worked on Hatteras Island since 1991 and have enjoyed the many things that the National Seashore have to offer. I have watched my children grow up building sandcastles, digging for sand crabs and learning to cast a surf rod at the point. I hope that these are not just my memories, but will also be the memories of my grandchildren and their grandchildren.

The NPS is leaning so strongly towards over protection and not giving enough consideration to the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the proposed DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Correspondence ID: 14287 **Project:** 10641 **Document:** 32596

Name: Jones, Donald W

Received: May,11,2010 18:07:07

Correspondence Type: Web Form

Correspondence: I will keep this simple. What about the name does not say it all? As seems to fit all government agencies now, you change the name to suit your taste. The name of the park is Cape Hatteras National Seashore Recreational Area. Don't see any where in that name about bird sanctuary, restricted access or animal sanctuary. If it was to be such, it would have been named from the beginning. No breeding bird needs 800 acres for reproductive process or they would have been extinct 40 years ago. The people who are swinging the big clubs in this have no vested interest in living or most likely even visiting our beautiful islands. Please let common sense rule in these activities. Thank you. Donald W. Jones

Correspondence ID: 14288 **Project:** 10641 **Document:** 32596

Name: Gulch, Jillian

Received: May,11,2010 18:07:35

Correspondence Type: Web Form

Correspondence: The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness...."
Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.
Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14289 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 18:09:51

Correspondence Type: Web Form

Correspondence: We recently purchased a house in Salvo with the expectation to rent it out during the summer season. We are able to do this because of the many wonderful businesses on Hatteras Island that support the rental community. Beach closure would have a negative impact not only on our investment but on all the other families that have invested in Hatteras Island. Without renters and rental income, many of the businesses on Hatteras Island will fold. We are in tough economic times and additional beach closures/restrictions will further damage the local economy. In addition, tax revenues from the wealthiest county in North Carolina will dwindle.
As we understand it, the beach closures are designed to protect the habitat of the piping plover. We believe that the current plan would enable the piping plover to thrive whilst allowing people to enjoy the beach area. Other states have constructed barriers to protect nesting turtles and birds and have done so successfully without actually having to close a beach. With proper education, we can all enjoy the beach together, humans and animals alike. We disagree with the aggressive beach closures that are proposed in this document.
Glenn & Pam Kmezc 26155 Otter Way Salvo, NC 27972

Correspondence ID: 14290 **Project:** 10641 **Document:** 32596

Name: Manson, Ivan B

Received: May,11,2010 18:10:18

Correspondence Type: Web Form

Correspondence: I disagree with Prohibition of Pets (p136). Why do you have to punish the masses for the few that don't obey the lease requirements. The way it is written, you can't even stop in parking lot and walk your pet on a lease. This is very unfair.

Correspondence ID: 14291 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 18:11:44

Correspondence Type: Web Form

Correspondence: I wish to protect endangered animals (even if they aren't native from here but pushed here by New Jersey land developers) however the draconian measures taken to date have been ludicrous. Where are the experts that support buffers larger than the island is wide? By crowding people into ever shrinking areas beach damage will become a self fulfilling prophecy. With 23 closed last summer and no decent break at any other open areas except a very limited area at 27 (even to foot traffic) there were inevitable conflicts between various recreational flavors (kites, windsurfers and surf fishermen). The biggest advantage that Hatteras has is the ability to spread out. Crowd people together and it's a recipe for failure.
Dan Runyan P.E.

Correspondence ID: 14292 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 18:12:14

Correspondence Type: Web Form

Correspondence: Off road vehicles should not be allowed in such a pristine environment as Cape Hatteras. A large part of the enjoyment of the Cape is the opportunity to commune with nature in a quiet setting without the blaring noise and nasty gas odors of ORVs.

Correspondence ID: 14293 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 18:12:31
Correspondence Type: Web Form
Correspondence: While I understand the need to protect the creatures of the Cape Hatteras, I also feel the ORV access is what draws myself and thousands of others each year there. I feel strongly that ORV access should be carefully looked at to ensure adequate room for tourism to the area to keep the area alive in the future.

Correspondence ID: 14294 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:12:43
Correspondence Type: Web Form
Correspondence: Fishermen, Surfers, Swimmers, Vacationers, and Visitors should be allowed to drive on the entire beach all day each day and be allowed to access the entire subject beach area all day each day year-round and be afforded the opportunity to enjoy the entire Cape Hatteras National Seashore beach area and the beach shoreline area referenced in the Cape Hatteras National Seashore Off Road Vehicle Management Plan/Environmental Impact Statement.

Correspondence ID: 14295 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:13:31
Correspondence Type: Web Form
Correspondence: Page 18, xi - Alternative F Out of all of the Alternatives, this would be the least disruptive to Hatteras Island, but still not acceptable. People on Hatteras Island are highly affected by tourists who want to come to Hatteras Island to enjoy the beautiful island by relaxing on the beach, walking and driving on the beach, fishing on the beach, playing with their children and families and enjoying family cookouts and games, watching the sunrises and sunsets, collecting shells, educating their children on the birds, fish, tides, etc. People are not going to spend the money that they have worked so hard for throughout the year to come to an area that is so restrictive that they are not able to do any of the above. Most of the people who live on Hatteras Island have retired here, some on limited incomes, others have lived here all of their lives who have to work several jobs in order to maintain a standard of living. Without access to our beaches, the economy of the people who own businesses and people who live here will be severely affected financially.

Correspondence ID: 14296 **Project:** 10641 **Document:** 32596
Name: Corbett, William T
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
William Corbett 109 Creek Dr. Moyock, NC 27958

Correspondence ID: 14297 **Project:** 10641 **Document:** 32596
Name: Zeh, Brian R
Received: May,11,2010 18:15:29
Correspondence Type: Web Form
Correspondence: Having vacationed on the Cape Hatteras National Seashore and Recreational Area (CHNS&RA) for the past 40 years and owning property there for fourteen years, this Beach Access and Off Road Vehicle Access is an extremely important issue for us, our children and grandchildren. Since CHNS&RA came into existence in 1937, the National Park Service (NPS) has always promised the people of this area access to the beaches for their families and vehicles. Pea Island Wildlife Refuge which is approximately 13 miles in length was set aside decades ago for wildlife which I am sure includes birds. The rules being proposed are so extreme that they will change the original intention of providing human beings and vehicles free access on the beaches to no access at all or only in certain specific cases and at unknown times. The result will be that miles of some of the finest fishing and walking beach in the nation would be closed to the public despite little qualified scientific evidence to support the decision. The main subject of the decree (Piping Plover) is not an endangered species. The areas being restricted are consistently washed over during normal storms making them unstable and unsuitable for nesting. (The reason there are so few nesting in these areas.) I am pro-environment and understand there may be circumstances when nesting birds require protection. However, this is not the case on CHNS&RA. The flawed process by which the six alternatives in the NPS DEIS document were put forward, and to which I disagree whole heartedly, would result in unwarranted recreational restrictions and local economic hardship. I have reviewed the 77 page Coalition for Beach Access Position Statement (CBAPS) signed by several groups that were a part of the negotiated rule making process and furnishes the best experience for those using the seashore and recreational area at Cape Hatteras while protecting the fragile resources. My wife and I ask that you consider all aspects of this alternative and reinstate the primary purpose of CHNS&RA for humans. We thank you for your consideration.

Correspondence ID: 14298 **Project:** 10641 **Document:** 32596
Name: pappas, marie
Received: May,11,2010 18:15:30
Correspondence Type: Web Form
Correspondence: please protect the wild and beautiful land and ocean of cape hatteras - thank you

Correspondence ID: 14299 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:16:25
Correspondence Type: Web Form
Correspondence: May 11, 2010 Dear Mr. Murray, My name is Brittainy Forman. I am originally from Colorado with a background in Investment Banking. I moved here in 2003 and have been in full time residence in Buxton, NC since. The reason I moved here is for year round ocean and sound access to practice the watersports of Kiteboarding, Surfing, Standup paddle boarding, Sailing, Fishing and general beach enjoyment. Thank you for the opportunity to make public comment on the draft ORV Management Plan. I would like to focus my comment on the economic impacts of restricted ORV and pedestrian access to the water. On page 383 of the draft ORV Management Plan, it states that the restrictions would have a negligible to moderate impact on Hatteras Islands economy. I strongly disagree with this reason for the following reasons:
1. For the past 10 years, Cape Hatteras and Hatteras Island has become the top International destination for the sport of Kiteboarding with over 500,000 participants worldwide. Recognizing Cape Hatteras as their #1 travel destination.
2. Kiteboarders, Surfers, Standup Paddle Boarders and Fishermen recognize Cape Hatteras their favorite destination due to favorable conditions for their sport and nearly unlimited access to the waters to practice their sports.
3. Many of the islands businesses have developed over the past 70 years to support and enrich the National Park experience surrounding these sports. 4.

The above mentioned sports value the previously experienced access levels and will either reduce or eliminate their Cape Hatteras travel plans based on your proposed access restrictions.

5. My current position as the CFO of REAL Watersports, Inc. which has chosen the Village of Waves as their International Head Quarters. Over the past ten seasons, the company has grown from 2 employees to over 75 employees. Each year, we teach on average over 6,000 new students who bring an estimated \$3,000 per person to the Island's economy, totaling \$18 Million annually*. It is estimated that our events throughout each year draw and additional \$36 Million annually. Before REAL Watersports began as a business, one of the current employees was a full time resident in Cape Hatteras. This means that 74 people moved from outside locations both nationally and internationally to pursue their lifelong dream in the Water sports industry. With over \$54 Million dollars in revenue and 150 employees (REAL plus other Watersport Businesses) livelihoods pending on the outcome of this plan, how is it possible that this can be characterized as a negligible to moderate impact?

I would like to thank you again for making public comment on the draft of the ORV Management plan. I can be reached at the following for additional comment. Brittainy Forman PO BOX 476 Waves, NC 27982 brittainy@onebox.com 252.987.6011

Sincerely, Brittainy Forman *Statistics documents in Outside Magazine and Kiteboarding Magazine.

Correspondence ID: 14300 **Project:** 10641 **Document:** 32596
Name: Manson, Ivan B
Received: May,11,2010 18:19:53
Correspondence Type: Web Form
Correspondence: I disagree with the buffer areas you have in your proposal. It's more restrictive than any other seashore.(p121-127) Closure for birds not threatened or endangered does not make since.

Correspondence ID: 14301 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:21:58
Correspondence Type: Web Form
Correspondence: Dear Mr. Murray
I would like to thank you for this opportunity to give my feedback on the draft of the ORV management plan.
I would like to focus my comments on maintaining a positive national park visitor experience. I was a resident of Michigan and had moved here to have access the beaches to enjoy surfing, kiteboarding, stand up paddle boarding and fishing. Myself a resident of the village of Waves and a year around user of ramp 23 and many other access points. The proposed plans troubles me as ramp 23 was closed for the summer of 2009 and recently again for 2010. This location and many others are a part of my daily experience in the park. Within the villages of Rodanthe, Waves, and Salvo there is limited public access points and this would limit myself and other enthusiasts' access to the beaches. This leaves visitors and residents in conflict as the beaches are limited by parking and access on private property. It became clear to me that the three villages and the future economic health is dependant on open access to the beaches for visitors to the park.
The Cape Hatteras National Recreation Area was created in 1940. Over 70 years ago the villages were designated as the visitors host and an economy grew around that focus. Charging this over 70 years later will be detrimental to this plan. How is that 70 years later the government can change their mind on this decision?
I would like to thank you again for the opportunity to talk with you on the daft of the ORV management plan. I can be reached at the following for future comments.
Thomas Kogut PO box 16 Waves NC 27982 Tkogut@gmail.com 252.987.6018

Correspondence ID: 14302 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:22:04
Correspondence Type: Web Form
Correspondence: I would like to express my concerns with the current proposal and amount of time provided to review and make comments. The comment period should have remained opened longer. With that stated, the comments I do have are as follows: 1) Closing of the Ocracoke North & South ends, as well as the Hatteras point do not offer sanatory for wildlife, as many times these areas go under water and are subject to significant changes with each storm. These areas should remain open with closures only near any nests that may be found. 2) Over all closures of the beach and the limiations on night driving truly will hurt the economy for this area. Families, water sport enthusiast, and fisherman travel to this area to for all it has to offer. By removing the opportunity to use this area - folks will not have a need to come there. No tourist - no money for local business, no fishing permits, and etc. 3) It would be nice if the "bird lovers" could share the beach and not offer such stringent and overwhelming lack of consideration for others. I feel the NPS is being bullied and succumbing to these groups. 4) I feel the NPS should take control of the situation and remember that this area was to be a public beach with access by vehicle and it should remain that way.

Correspondence ID: 14303 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:22:39
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14304 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:22:39
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
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* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14305 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:22:45
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14306 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:24:03
Correspondence Type: Web Form
Correspondence: Closures due to Turtles, p. 125
ORV and other recreational use would have long-term major adverse impacts on sea turtles....
I disagree since Nesting females have not been kills, nests lost due to human activity has not occurred frequently.
Purpose of DEIS set forth by NEPA - I agree that that cultural traditions of the long term residents of the community are considered.
Closures due to Birds: p. 121-127: I disagree, buffers use breeding/nesting buffer distances to establish ORV pass through only corridors to ensure beach access is always maintained. Piping Plover unfledge chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

Correspondence ID: 14307 **Project:** 10641 **Document:** 32596
Name: Stevens, Stanley L
Received: May,11,2010 18:24:04
Correspondence Type: Web Form
Correspondence: With due respect, I disagree with several key points of this ORV Plan for the Cape Hatteras Seashore and, specifically, Ocracoke Island. First and foremost, Ocracoke is unique to this Recreational Area. We are the only island where the residents sold or donated all of the privately owned seashore- Sound and Oceanside, to the National Park Service. This was done under the expressed promise by the Park Service and the Department of Interior that the sale or donation of the properties would in no way compromise our quality or way of life. Consequently, the beach is our only recreational area. We have no parks or athletic fields for our children. The Park Service owns all properties outside of our small village. North and South Points are where we take our children to learn to swim or to have enough area for a pick up soccer game. They are also the areas that are safe for our young children to swim due to the strong tides and rip currents on the beachside. Permanent closure of North Point and seasonal closure of South Point with no corridor access seriously affects our community and our quality of life.
Secondly, defining buffers for endangered species far and above those established in other areas such as the National Seashores in Virginia, Cape Cod, Delaware, etc., without any documented and supportive science is punitive to our communities. Inclusion of non-endangered species also goes far

beyond purpose and definition outlined in the Charter for this Recreational Area as does the practice of trapping and killing natural predators which have just as much right to this Preserve. Daily, we see how nature is much smarter than we can be as we see the bird populations increase on the dredge islands as we cross on the ferry or are in the Sound with our families- they know where they are safe and where there are no predators. Yet these animals are not counted in the Plan. Is this not exactly what brought back the Brown Pelican?

Thirdly, as a business owner on Ocracoke Island, the Study of Economic Impact in no way represents the demographic of our community and is seriously flawed. I also find it curious that I own the 2nd largest Hotel on the Island, am one of the larger employers, yet I was never contacted for input to this very important segment. I would have been more than happy to provide hard figures and specific comment as to the impact, which has been negative to date and will be astronomical if the plan is enacted as outlined.

In closing, My family provided over 150 acres to the Seashore including such important areas as Quork Hammock, Loop Shack Hill and the area from the campground to South Point Road (ramp 72). And did so gladly- believing the Department of Interior that these properties would form a recreational area improving our quality of life. Ocracoke has had a close working relationship with the Park Service from the very inception of this Recreational Area. We all also want responsible ORV access that is defined and based on documented and supportable scientific evidence that also follows the very charter and definition of a National Park designated for Recreational Use. I do not believe this current plan does.

Respectfully,
Stanley L. Stevens

Correspondence ID: 14308 **Project:** 10641 **Document:** 32596
Name: Todd, Thomas E
Received: May,11,2010 18:24:12
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, I am writing you today to make formal comments on the Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plan Draft Environmental Impact Statement, specifically Alternative F, created by the National Park Service with input from the negotiated rulemaking advisory Committee. I wish to thank the National Park Service for an opportunity to comment on the Cape Hatteras National Seashore ORV Management Plan DEIS. I have been a practicing Doctor of Veterinary Medicine for the past 51 years and have spent my life looking after the welfare of animals. I have been a frequent visitor to the Cape Hatteras National Seashore Recreational Area for the past 54 years and a property owner and part time resident of the seashore village of Frisco for the past 20 years. My daughter is married into an established Island family whose genealogy can be traced back in Hatteras history for over 3 centuries. My five grandsons and one great grandchild are residents and their individual family incomes are dependent on the Island's economy.

The selected alternative "F" is not acceptable. It is not primarily an ORV management plan, rather a public access restriction plan. The Cape Hatteras National Seashore Recreational Area was established by the Congress of the United States to preserve a substantial area of coastal shoreline for public recreation. Please show me where and how Congress changed this objective?

The proposed plan is biased toward bird and turtle protection; seashore isolation with little or no attention to public use and visitor access ? specifically ORV and pedestrian access. The Congressional mandate was and still is public use alongside resource management. Human beings are part of the Seashore ecosystem.

Comment #1:
Why will the Cape Hatteras National Seashore Recreational Area not take more proactive measures to increase the success of hatching sea turtles as is done in other turtle nesting areas throughout the world?
Other areas throughout the world:
a.) Dig the nests and relocate them to a secure area b.) Use incubators with great success to ensure optimal hatching rates c.) Release hatchlings into the water beyond the surf zone eliminating one of the most hazardous steps in the survival of young turtle hatchlings

Comment 2:
It is my understanding that the Piping Plover prefers open sand beach areas with limited vegetation. It would make sense that areas of limited vegetation would benefit the species by not harboring predators that would harm the Plover eggs and young. Lou Browning, a wildlife rehabilitation specialist for Frisco made very astute and informed comments for record in the public meeting held in Buxton, North Carolina as to the lack of proper vegetative management on the seashore by the National Park Service in regards to the nesting areas. I am fully in support of his comments and action plan.

Comment 3: Birds listed as North Carolina species of concern should not be given protected status under the Endangered Species Act. It is my understanding that both the Chairman and Executive Director of the North Carolina Wildlife Resources Commission have informed you that these unnecessary protections were never the intent of the Commission's participation in this process, nor a requested outcome. They also have stated that other species of concern are not given ESA status on other federal lands. Pre-nesting closures should be exclusively for the piping plover; the only federally listed threatened bird species. Also, non-ESA listed birds should not have buffers of 300 meters. The following is an excerpt from a May 9, 2010 Virginian-Pilot news article by Catherine Kozak: Numerous shorebirds in Cape Hatteras National Seashore are given higher levels of protection in a proposed off-road vehicle management plan than what the law ever intended the birds to have, a state wildlife official said. State-listed "species of concern," - such as the American oystercatcher - do not require the extensive buffers and beach closures mandated for federally listed species such as the piping plover, said Gordon Myers, the executive director of the North Carolina Wildlife Resources Commission. Myers said that's beyond the intent of the state law: the state designation is supposed to be more of a call to action for a species. The Wildlife Resource Commission, he said, will voice its objections to the use of state "species of concern" lists to trigger ORV management strategies under the federal Endangered Species Act. That is of concern to us because it's apples and oranges," he said. "To treat it as synonymous with threatened and endangered is not congruent."

Comment 3: Nowhere in the DEIS is it mentioned that protected species populations are growing without the needs of additional restrictions such as those of consent decree and Alternative F.

Published USFWS data suggests that the piping plover is "recovering" well beyond 1986 levels and do not suggest that additional restrictions beyond regional recovery plans are necessary or essential at the Cape Hatteras National Seashore Recreational Area for the continued recovery of the species.

Piping Plover--Atlantic Coast Pairs
Year 1986 1999 2005 2006 2007 Nesting Pairs (est.) 790 1386 1632 1749 1880
<http://www.fws.gov/northeast/pipingplover/index.html> **Comment 4:** A 1,000-meter buffer in all directions of an unfledged piping plover chick represents 771 acres of closed beach. This seems a bit arbitrary and capricious when managing a species. I have yet to read any scientific reasoning behind this management strategy. It is my understanding that in Assateague Island National Seashore the buffer is 300 meters. Why is the 1,000 meter buffer being proposed for CHNSRA? Why is one National Seashore being treated so differently than others when we are at the extreme southernmost extremity of the nesting area? A much smaller buffer would be just as effective for the survival of a piping plover chick without the extreme penalization of the residents and visitors of Hatteras Island.

Comment 5: In the past during a closure, the NPS and our State government were able to work with you and your staff to create corridors around resource closures. These alternative paths are indispensable to the continued movement of pedestrians and vehicles. Also, the corridors allow visitors to access an open area that may be sandwiched between two closed areas. These corridors have limited negative impacts to the protected species, but they are crucial to providing access during closure periods. I stand with Dare County and our North Carolina state government in requesting that corridors be maintained for pedestrians and vehicles in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season.

Comment 6: It appears as if the preferred alternative prohibits pets in the Seashore during bird breeding season including in front of the villages. This means no pets in public areas ?beaches, campgrounds, sound front, foot trails, and park maintained roads from March 15 ?July 31. If this is a correct interpretation, I am totally opposed. I support the previous leash law (all pets must be on a leash 6 feet or less in length).

Comment 7:
The economic analysis found in the DEIS is fatally flawed. By your own admission it is incomplete, but your actions taken now will have serious adverse effects on the people and businesses of Hatteras and Ocracoke Islands for years to come. You are using economic figures covering Dare County in it's entirety and are assuming that these figures apply to Hatteras and Ocracoke. Your actions (ie. Beach restrictions) do not affect the use of the

beaches of Northern Dare County, but severely affect Hatteras and Ocracoke islands.

To allow this plan to go forward without a good solid well thought out Economic Impact Analysis can only be described as criminal negligence!
 Comment 8: Alternative F will significantly change the economy and unique culture of the Outer Banks. The DEIS has failed to properly assess those changes. The Economic Impact Analysis found the DEIS by its own admission is incomplete. How can I comment on an incomplete document? The Economic analysis is structured in such a manner that it fails to address full costs?direct costs, indirect costs, lost opportunity costs, costs of future liability, and hidden costs.

The Economic Analysis fails to recognize that the national seashore environment is a unique form of capital that serves the local economy, and in turn the health and well being of citizens and families that depend of that economy. Access to the seashore is essential for family business operations on the Outer Banks.

The cost to society and the local communities under the restrictive consent decree has now been extended indefinitely into Alternative F. Economic losses in millions of dollars have occurred to island businesses especially motels, campgrounds, restaurants and tackle shops. The full costs of Alternative F are very much understated in the DEIS. Annual economic losses under the consent decree are already in excess of those estimated by Research Triangle Institute. It is my understanding that the Outer Banks Chamber of Commerce, on behalf of its more than 1,000 members with businesses in Dare, Hyde and Currituck counties, has gone on record as vehemently disagreeing with the validity of the economic impact analysis included in the Draft Environmental Impact Statement for proposed new rules for access to the Cape Hatteras National Seashore. This group of professional business owners states unequivocally states "Not only does the analysis not adequately convey the economic impact of the proposed Alternative F, it fails to address any of the alternatives listed in the DEIS. The data is incomplete, misleading and the statements of what are supposed to be facts are without sound basis." Comment 9: If I understand the document correctly, it would appear as if the DEIS proposes to close the beaches at Hatteras Inlet, both the South Tip of Hatteras Island and the North tip of Ocracoke Island permanently and year-round. Aside from the fact that such a closure would forever alter the traditional uses of these areas, such a closure has already and will impact the public safety of mariners traversing the inlet. On Saturday, May 1st 2010, an inshore charter boat overturned in Hatteras Inlet. There were 6 occupants of the boat, all family members, 3 children and 3 adults. The captain was a professional charter captain. They spent 4 hours in the water awaiting rescue. They could have been seen from the beach, had it been open but instead had to wait until the offshore charter fleet was returning in late day for any hopes of being rescued. One of the group died as a result.

Comment 10:

I will be 75 years of age this Summer my wife is 79. We have always loved and enjoyed Cape Hatteras, the Village of Buxton is where we spent our honeymoon. The only realistic way we can continue to enjoy this major pleasure in our lives is by ORV access. The natural, eternal beauty and the solitude of the beach has enabled us to find the peace that has allowed us to work through the loss of many close family members. To us, the Cape Hatteras Seashore is almost the memorial where we pay tribute to the memories of our loved ones.

Comment 11:

After reviewing the National Park Service DEIS we must disagree with any of the six alternatives within the document. I have, however, fully reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Finally, as a citizen of the United States of America, I am appalled and outraged that my comments as a citizen on the DEIS are given the same weight as a non-United States Citizen. Sincerely, Thomas Todd DVM Salisbury, MD and Frisco, NC

Correspondence ID: 14309 **Project:** 10641 **Document:** 32596
Name: Detwiler, Sandra
Received: May,11,2010 18:25:48
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. This issue is important to both visitors and residents. People and birds have coexisted for many years and it is not reasonable to demand total segregation. this is not only an economic problem, but a personal freedom issue as well. Please recommend that the environmentalists do not dictate what should happen in a national park. Thank you

Correspondence ID: 14310 **Project:** 10641 **Document:** 32596
Name: N/A, Jason
Received: May,11,2010 18:27:24
Correspondence Type: Web Form
Correspondence: we visit cape hatteras twice every year and we love it. we enjoy being able to drive on the beach and enjoy the beauty here. we want the beaches to be preserved but to still be able to drive on them and enjoy them. what is the point of them being preserved if they can not be enjoyed. i would be sad to see what would happen to this community if the beaches were slosed to the public. please keep them open so they can be enjoyed. thank you

Correspondence ID: 14311 **Project:** 10641 **Document:** 32596
Name: Boyle, Vincent E
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Page 201- I disagree,in closure areas plovers are not at risk from ORV,s and pedestrians
 Page 24- closing more beaches crams recreational beach goers into smaller areas doing more damage to the enviornment and will curtail vacationers from comming to the Outer Banks.
 page 19 & 23- All beaches, north and south need to have the same closure dates and times May 15 to Sept 15.
 Page 1- I agree ORV's have been the main access means yo most of Hatteras Island beaches for over 70 plus years. Closure of any of these areas limits access to only healthy and younger persons
 Page 53- I disagree with the special use permit persons such as myself find it impossible for my wife to drop me off thenpark the car and walk back, this is a great hardship to us and our family.
 page 121-127- I strongly disagree with all of this,Closing 3-4 miles of beach without access through the buffers closes the beach.Pass through corridors can be defined while also protecting the resorce. Hatteras Island plover chicks do not require a 1000 meter perimeter, the national standard of 200 meters should apply. The Plover buffer zone should move with the chicks and not just expanded Non endangered birds should not have the same protection as endangered birds.A 30 meter buffer is sufficient.
 page 468I disagree with the limitationsimposed on ORV,S and pedestrians, corridors should be provided through, around or below the high tide linein all SMSs during the entire breeding season to maintain access
 Page 124- I strongly disagree with the NPS idea of providing for over protection of resource management over the publics right to access the beaches for recreation purposes. Proactive initiatives include: vegetation management, habatit management, enhanced predator management, colonial water bird social attraction, plover chick fledge rateplover chick buffer distance, and pass thru buffers during the incubation period.Opportunities to implement less restrictive clousures as a result of the above initiatives should be considered more frequently than the 5 year periodic reviewprocess identified in the DEIS.
 I disagree with NPS resorce management pedestrian/ORVclosure policies. These policies address the least significant factors affecting nest

survival with little chance to have more than negligible impact. Example the AMOY nest failure are predominately due to non human events. These are the stats, predation from mammals 54%, storm tides 29%, nest abandonment 6%, Avian 5%, ghost crab 3%. That leaves 3% by human interference, its insignificant, yet the NPS wants to ban humans when their actions provides very little influence on the success rate of breeding birds and turtles. I disagree with the stats of breeding plovers and other birds in the park when NPS does not adequately consider other locations bordering the recreational area that are part of the same ecosystem namely dredge and spoil islands just yards from the seashore, are part of the same ecosystem and should be included. these islands, developed by man while dredging the sound are packed full of nesting birds where they are safe from predators. Page 270-281;561-598- I strongly disagree with your economic analysis of the impact of the DEIS, the northern beaches north of Hatteras Island should not be included in the economic analysis since they suffer no financial loss from beach closures on Hatteras Island. (My rental house in Avon has dropped from 25-30 rentals per year to 15- 20. This has drastically reduced our retirement income)

Page xlvi - I disagree the alternative F as having little to moderate impact on small business when in reality it is having a disaster affect on small business. As in the DEIS small businesses will have to adapt to the new rules will be difficult if you are no longer in business because of the new rules Overall visitor counts should not be skewed by including counts from non Hatteras Island National historic sites

Cape Point and Ocracoke south beach must remain open for the majority of the high season, since this is when the majority of recreational fisherman and vacationers are here, they need access. If there is no access they will not come.

Page 125:392-396- Sea Turtles, I strongly disagree with the stats and restrictions imposed. Proactive relocation of the nest , as is currently done in other State and Federal controlled area would be more beneficial to the success of the turtles survival.

Pages 97-101- I strongly disagree with proposals in this section closing these areas year round between ramps 27-30, Hatteras inlet (spit) and North Ocracoke inlet and other areas. This in effect closes these areas to recreational access since it offers no parking locations within reasonable distances. Also there have been no documented plover nest in the past 6 years. NORTH CAROLINA IS THE SOUTHERN MOST NESTING RANGE OF THE PIPING PLOVER COMPRISING ONLY 3% OF THE TOTAL POPULATION

Page 121- I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available, please leave these beaches open for beach walkers, shell collectors, and those who want to access those areas of the beach.

CONCLUSION Please, incorporate access corridor through any SMA so we can to the open beach beyond. Incorporate the birds that nest on the spoil islands in your count. It is not reasonable or logical to spend so much time and money and energy to overprotect the piping Plover that is on the southern most fringe area of its breeding area on Hatteras Island, and that also goes for the loggerhead turtle which is on its Northern most breeding area. The USFS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National seashore. The proper balance is not achieved in the proposed DEIS and needs to be modified so that proper balance of reasonable resource protection and public access to the National seashore is achieved. PROTECT NOT PROHIBIT IS THE WAY

Thank You

Correspondence ID:	14312	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May.11.2010 18:31:01						
Correspondence Type:	Web Form						
Correspondence:	My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.						

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas. 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closure rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15. 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc) 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well. 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN "T get there. The proposed bird buffer areas are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 100 - 150 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 100-150 meter buffer.

Last year piping plover nested in the right-of-way of US 12 within 50-75 feet of traffic traveling at 60 mph and they were perfectly fine and safe! Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches. 7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access. 8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledged rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS. 9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%, So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles. 10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore.

These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park. 11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues. As a lifelong resident of Hatteras Island, we of the Hatteras Island community have always gotten together on the south beach on Sunday to enjoy the beach with our cookouts, gatherings, surf bathing, horse shoes and foot races, fishing, and surfing. Now the DEIS is proposing closing off most of the south beach during the summer which is the traditional period we local people use the beach. The continuation of this traditional pattern of land use is central to maintaining the historic identity of our island communities. 12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages ? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts. ? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI. On page xviii, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement. I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts. Even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits. That is certainly the case with Hatteras Realty. Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible. 13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out. Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed. Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS. 15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection. 16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years. 17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area. Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates. 18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas. Conclusion: Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed. It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date. The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. A context sensitive solution that finds a balance between all users of the beach and national park is not achieved in the proposed DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit." Thank you, Jon Obenberger

Correspondence ID: 14313 **Project:** 10641 **Document:** 32596

Name: Rizzo, Charles

Received: May,11,2010 18:31:38

Correspondence Type: Web Form

Correspondence:

Congress set aside a recreatioal area[thus the name Cape Hatteras National Seashore Recreational Area] for the use and enjoyment for the AMERICAN people long before many of us were born. Why is it that a few people feel they can take away from many of us something that our elected officials gave us? As a man and woman nearing retirement and not able to move around like we use to we,our family,have long enjoyed the beaches of Hatteras Island and the fact that we can drive on them has made alot more enjoyable and easier especially when my mother and father want to take a trip out on the beach. Not long ago we had four generations out on the beach ages from their 80's to 4 again the fact that we could drive out to our favorite spot made so much more enjoyable. Last year I had a hard time explaining to our 3 year old grandchild why the Park Ranger told us to leave the beach he was closing it! Our family does not live on Hatteras Island nor do we own property there WE vacation there,WE spend our hard earned money there,WE enjoy it there, something that has been in our little heritage for as long as I can remember. We respect the beach,it's rules,it's cleanliness,it's bird's,it's fellow users,it's Rangers always have and instill into our children and grandchildren. I HOPE and PRAY that our family can enjoy what we have enjoyed for many more years to come. It will be a very sad day in AMERICA when a very small precentage of people take away from the rest of us what CONGRESS gave to people of this country to enjoy! PLEASE leave Cape Hatteras National Seashore Recreational Area to the PEOPLE as CONGRESS intended it to be. THANK YOU for your time

Correspondence ID: 14314 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
 Received: May,11,2010 18:32:25
 Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas. 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15. 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc) 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well. 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreation Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 100 - 150 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 100-150 meter buffer.

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10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreation Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park. 11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues. As a lifelong resident of Hatteras Island, we of the Hatteras Island community have always gotten together on the south beach on Sunday to enjoy the beach with our cookouts, gatherings, surf bathing, horse shoes and foot races, fishing, and surfing. Now the DEIS is proposing closing off most of the south beach during the summer which is the traditional period we local people use the beach. The continuation of this traditional pattern of land use is central to maintaining the historic identity of our island communities. 12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages ? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts. ? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI. On page xviii, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement. I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published.

Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts. Even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits. That is certainly the case with Hatteras Realty. Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible. 13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out. Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses

predicated on assumption of access are fundamentally flawed. Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS. 15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection. 16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years. 17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area. Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates. 18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas. Conclusion: Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed. It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date. The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. A context sensitive solution that finds a balance between all users of the beach and national park is not achieved in the proposed DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit." Thank you, Donna Norman

Correspondence ID: 14315 **Project:** 10641 **Document:** 32596
Name: Auwarter, Rodney B
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Sincerely, Rodney B. Auwarter

Correspondence ID: 14316 **Project:** 10641 **Document:** 32596
Name: Roberts, Gary E
Received: May,11,2010 18:33:04
Correspondence Type: Web Form
Correspondence: I see no reason to destroy a naturally beautiful resource just so people can drive their vehicles on it. There must a stop to this. You can't allow a few people to obliterate all our natural areas because they're to lazy, or just to ignorant, to enjoy nature without destroying it.

Correspondence ID: 14317 **Project:** 10641 **Document:** 32596
Name: Rizzo, Charles
Received: May,11,2010 18:33:14
Correspondence Type: Web Form
Correspondence: Congress set aside a recreatioal area[thus the name Cape Hatteras National Seashore Recreational Area] for the use and enjoyment for the AMERICAN people long before many of us were born. Why is it that a few people feel they can take away from many of us something that our elected officials gave us? As a man and woman nearing retirement and not able to move around like we use to we,our family,have long enjoyed the beaches of Hatteras Island and the fact that we can drive on them has made alot more enjoyable and easier especially when my mother and father want to take a trip out on the beach. Not long ago we had four generations out on the beach ages from their 80's to 4 again the fact that we could drive out to our favorite spot made so much more enjoyable. Last year I had a hard time explaining to our 3 year old grandchild why the Park Ranger told us to leave the beach he was closing it! Our family does not live on Hatteras Island nor do we own property there WE vacation there, WE spend our hard earned money there, WE enjoy it there, something that has been in our little heritage for as long as I can remember. We respect the beach,it's rules,it's cleanliness,it's bird's,it's fellow users,it's Rangers always have and instill into our children and grandchildren. I HOPE and PRAY that our family can enjoy what we have enjoyed for many more years to come. It will be a very sad day in AMERICA when a very small precentage of people take away from the rest of us what CONGRESS gave to people of this country to enjoy! PLEASE leave Cape Hatteras National Seashore Recreational Area to the PEOPLE as CONGRESS intended it to be. THANK YOU for your time Charlie&Betsy Rizzo

Correspondence ID: 14318 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:33:32
Correspondence Type: Web Form
Correspondence: I support Option F

Correspondence ID: 14319 **Project:** 10641 **Document:** 32596
Name: Jeffrey, Wescoat B
Received: May,11,2010 18:34:24
Correspondence Type: Web Form
Correspondence: I am writing this comment to protest any further closures to the beach .I am a former business owner who has just gone out of business this year.I started my shop in 2003,selling local made oceanic arts.It was profitable for four years,until 2007 with the first major closures.My busiest month was June,which has the most amount of beach closures.My customers said they would not come any more.June of 2009 was my worst one since my opening.This is prof that economic science wrong.This is why i support plan h.

Correspondence ID: 14320 **Project:** 10641 **Document:** 32596
Name: Todd, Mary Jane
Received: May.11,2010 18:35:23
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time. I have been a frequent visitor to the Cape Hatteras Nation Seashore Recreational Area for the past 54 years and a property owner and part time resident of the seashore village of Frisco for the past 20 years. My husband and I were married in 1960 and spent our honeymoon in Buxton, North Carolina on the Seashore. I raised my three daughters to respect and honor the Seasore and the National Park Service. My daughter Anne Marie was a seasonal employee of the National Park Service for 6 years. My daughter Beth, is married into an established Island family whose genealogy can be traced back in Hatteras history for over 3 centuries. My five grandsons and one great grandchild are residents and their individual family incomes are dependent on the Island's economy. My husband and I have a vested interest in protecting the future of Hatteras Island as a whole; our property, our friends?.the people who live here, access to the seashore and the beaches, the natural surroundings, wildlife, sea life, and all that makes this island special.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have, however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. I believe that a reasonable and realistic approach into the management of CHNSRA will allow adequate protection of wildlife while maintaining a balance and necessary access to our beaches and seashore. As a visitor and part time resident I have benn both a host of this beautiful island and a welcome visitor. It has been my belief and experience that together we all share an interest and an obligation in preserving and protecting access to this land and the seashore for our families now. In turn, generations to come will be able to enjoy all that the Cape Hatteras National Seashore Recreational Area has to offer, both now and in the future.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore Recreational Area (CHNSRA).
Thank you for your consideration of this very important issue.
Respectfully,
Mary Jane Todd, Salisbury, Maryland.

Correspondence ID: 14321 **Project:** 10641 **Document:** 32596
Name: Cullifer, Margaret R
Received: May.11,2010 18:35:26
Correspondence Type: Web Form
Correspondence: Socioeconimc Analysis:
(pages 270 - 281, 561 - 698)
I disagree that the Northern Beaches should be included in this analysis as they are not connected or affected by the impacts on the economy.
I disagree with the analyses used in surveys conducted as they were not done in 2009 and those visitors may have been unaware of the impacts on the Island and the research.
I disagree that the survey and analysis compiled understates the econmic impact on the Island.
Pet/Horses Restrictions - p. 136: I disagree that pets should be restricted from the beaches. Pets are on leashes and controlled by their owners. I can say that all of the people who come to visit here plan their trips (sometimes a year or two ahead) for enjoyment and conservation. They are very concerned about the Island since most of them come here year after year to enjoy the beauty and to bring along their pets. If people cannot bring their pets to the Island or the residents cannot walk their dog on the beach, there would be an extreme drop in visitation with an extreme impact on the local economy here. People who own horses and ride on the beach are very aware of their surroundings and guid their horses. They should be allowed on the beach.

Correspondence ID: 14322 **Project:** 10641 **Document:** 32596
Name: Leh, Robert L
Received: May.11,2010 18:35:55
Correspondence Type: Web Form
Correspondence: I disagree with your prohibition of leashed dogs and pedestrians, neither one has anything to do with beach driving. The status of a dog in most of the families who include them is usually high. Many times they take the place of lost loved ones or grown children. To exclude them is unreasonable. For God's sake, even New Jersey has dog beaches where they are permitted to be off the leash. The only reason I can see for a new prohibition of leashed dogs is just pure meanness on the part of the NPS. I have used the word prohibition with purpose. It took over 100 years for a small group of people to turn prohibition into law. The majority did not want it. That amendment created crime where there had been none, millions were spent on enforcement, jobs were lost and otherwise good people became criminals. It took 13 years for common sense to prevail and repeal the Volstead Act. Nothing was gained, much was lost. Those who do not learn the lessons of history are destined to repeat its mistakes.

Correspondence ID: 14323 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May.11,2010 18:36:10
Correspondence Type: Web Form
Correspondence: I have read the ORV management plan/environmental impact study and would agree with the NPS that Plan F would limit ORV and pedestrian traffic during sensitive breeding periods and allow for ORV and pedestrian traffic for longer periods than the other plans A-E. Plan F appears to be a good compromise. I have personally enjoyed 50 years of outer banks experiences from camping as a toddler and being eaten by swarms of mosquitos to proposing to my wife on the tailgate of my ORV watching the sun come up. The Outer Banks is such a great natural resource and it has taught me to be an environmentalist through access.

Correspondence ID: 14324 **Project:** 10641 **Document:** 32596
Name: Fox, Tammy
Received: May.11,2010 18:36:28
Correspondence Type: Web Form
Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.
Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.
In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in

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December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.

Correspondence ID:	14325	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:37:42						
Correspondence Type:	Web Form						
Correspondence:	Most of the visitors to this island have been visiting here for years and many of us for decades. Some of us have become property owners and/or permanent residents. We come here for the rest and recuperation we gain from the peaceful pleasure of this beautiful natural environment. This is America's Beach to be enjoyed by all. We need affordable places to relax. Hatteras and Ocracoke Island's fit the bill for many American's. What if this was YOUR vacation destination of choice? Wouldn't YOU want YOUR family and friends to find restful peace on these beautiful beaches? Please protect our recreational area!!!! We, the people, need our peace! Thank you, Misty Gillikin						

Correspondence ID:	14326	Project:	10641	Document:	32596		
Name:	Snedeker, Vera E						
Received:	May,11,2010 18:38:58						
Correspondence Type:	Web Form						
Correspondence:	As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV. Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures. In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.						

Correspondence ID:	14327	Project:	10641	Document:	32596		
Name:	Kiser, Jennifer G						
Received:	May,11,2010 18:40:21						
Correspondence Type:	Web Form						
Correspondence:	As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV. Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures. In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.						

Correspondence ID:	14328	Project:	10641	Document:	32596		
Name:	Caron, John H						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. John H. Caron 58209 Sutton Place Dr Hatteras Village, NC 27943						

Correspondence ID:	14329	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:41:51						
Correspondence Type:	Web Form						
Correspondence:	Please return to the old plan that kept beaches open for recreation with unnecessary closures. I remember when people coexisted with nature that is what I loved about Hatteras Island before I moved here. I watched as small closures became permanent closures and the areas that I frequented with my young children are now lost to the next generation of humans. The birds will not nest there as the natural (and unnatural) vegetations has overgrown the area. The closures are not a result of science and do nothing to preserve nature. The economic impact on the Island is disturbing especially since the land was given to the Government for recreation. File these comments as you wish but understand that my family supports FREE AND OPEN ACCESS TO OUR BEACHES.						

Correspondence ID:	14330	Project:	10641	Document:	32596		
Name:	Bracher, Capt. Arch						
Received:	May,11,2010 18:41:59						
Correspondence Type:	Web Form						
Correspondence:	The Cape Hatteras National Seashore and Recreation Area has been a pivotal part of our local economy. Limiting and/or prohibiting recreational use of						

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our park is unreasonable, economically detrimental and will change the footprints of our local history forever. CHNS offers a unique combination of profound surfing opportunities that cannot be found anywhere else in our world, in addition, beach access is "the" not "a" reason that we have towns, communities and livelihoods built on the island. Without twenty four hour access to the beaches, Hatteras Island will suffer immeasurable consequences. The question we continue to ask ourselves is, when did a bird or any animal have more rights than people. I have fished recreationally and professionally for most of my life on the Outer Banks and depend on tourism, it is difficult for me to imagine that I and the people of our communities will be dictated by the well being of birds, turtles, seashore animals ect. considering how advanced we've become and the abilities offered to protect these animals without interfering with our way of life and those around the world who share alike . Scientifically, we are capable of finding innovative ways to save animals not at the cost of our communities. This is an unnecessary and foolish act of extreme environmental recklessness, seemingly cult - like behavior and unfortunately this has gone this far. We should act responsibly towards conservation, as we understand that if we dont care for nature and its resources it will not care for us. Environmental special interest groups should not manage our paychecks or our resources to live the "American Dream".
Capt. Arch and Summer Bracher

Correspondence ID: 14331 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:42:33
Correspondence Type: Web Form
Correspondence: Please reconsider closing the beaches of North Carolina to ORV it is one of the few great trips people can take in NC without spending a fortune at some resort. Fishing on Ocracoke and Hatteras has been a long tradition for my family and would hate to see it change, also consider what it would do to so many families that make a living in these areas!!
As mentioned before these birds are not on the endangered species list!

Correspondence ID: 14332 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:42:42
Correspondence Type: Web Form
Correspondence: General Comment:
I disagree with most of the findings in the DEIS concerning bird and turtle disturbances, driving on the beach, walking on the beach, and allowing pets and Horses on the Beach.
I have lived here since the 1970s owning several businesses and raising a family. We have always respected the beaches and have been environmnetally conscientious. It has been a wonderful place to raise my daughters.
If further restrictions are put on the beach as stated in the impact statement, they will severely affect the many people who live here and who own businesses.

Correspondence ID: 14333 **Project:** 10641 **Document:** 32596
Name: Auwarter, Deborah A
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Sincerely, Deborah A. Auwarter

Correspondence ID: 14334 **Project:** 10641 **Document:** 32596
Name: kehs, mark s
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: ATTN MIKE MURRAY as a long time visitor of the outer banks i ask that common cence be used in making the laws that may change the outer banks forever. as an avid sportsman and protector of wildlife, i see the special interest groups as almost radical in there requests and proposed limited use of an aera that has existed unharmed for many years. as i asked please use common cence in creating a program that all can live with. mark kehs

Correspondence ID: 14335 **Project:** 10641 **Document:** 32596
Name: Caron, Christine L
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Christine L. Caron 58209 Sutton Place Dr Hatteras Village, NC 27943

Correspondence ID: 14336 **Project:** 10641 **Document:** 32596
Name: Hicks, Jeremy S
Received: May,11,2010 18:46:42
Correspondence Type: Web Form
Correspondence: The Cape Hatteras National Seashore is designated as a recreational use area. Wildlife, including birds that are NOT on the endangered list what so ever, do not hold legal representation. Closing of the seashore on Hatteras island will be detremental to almost everyone who lives there. And you will be held accountable for the loss of not only jobs and livelihood, but land, businesses and and years of lineage on the outer banks.

Correspondence ID: 14337 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:47:02
Correspondence Type: Web Form
Correspondence: The NPS must formulate a plan that is consistent with the legislation establishing Cape Hatteras National Seashore Recreation Area. The enabling legislation for the Recreational Area states, in part, "said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area". Therefore, it is important to balance resource protection with reasonable access for recreation.

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Corridors are a vital tool in providing access while managing resources. They provide a small path around temporary resource closures in order to provide access to open areas that would otherwise be blocked. Corridors should be permitted throughout the seashore during the entire breeding and nesting season including ML-1 portions of SMAs. These corridors would provide valuable access without impairment or damage to protected resources. Buffers, or closures, are important management practices for species recovery. However, to have long term benefit for the wildlife and the visiting public, buffers must be based on peer-reviewed science. For example, the Piping Plover, a species classified as threatened and not endangered, is given a level of unprecedented protection in Alternative F. A 1,000-meter buffer in all directions represents over 771 acres. The DEIS does not cite any peer-reviewed science in supporting such closure. A more appropriate & effective buffer would be 200 meters. Birds that are not listed as endangered should not be afforded the level of protection given to ESA (Endangered Species Act) protected species. Instead of 300-meter buffers for these birds, a more appropriate buffer would be 30 meters. Also, all birds in the same ecosystem of the seashore should be counted. This includes all the many birds on the dredge and spoil islands located just yards away and within sight of the seashore. The National Park Service should consider turtle management practices successfully used in other federal and state areas to achieve nesting success. More proactive measures include relocating nests to more desirable locations, which is routinely and successfully done in other areas. Thanks for taking the time to read my comments.

Correspondence ID: 14338 **Project:** 10641 **Document:** 32596
Name: Todd, A Morris
Received: May,11,2010 18:47:14
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time. I have been a frequent visitor to the Cape Hatteras Nation Seashore Recreational Area for the past 30 years My late wife and I spent our honeymoon in Hatteras, North Carolina on the Seashore. We were married very late in life after both becoming widowers. A very special part of our life as a couple was spent in Hatteras Village and on the beach. I wish to protect the future of Hatteras Island as a whole, our friends?.the people who live there, access to the seashore and the beaches, the natural surroundings, wildlife, sea life, and all that makes this island special.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have, however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. I believe that a reasonable and realistic approach into the management of CHNSRA will allow adequate protection of wildlife while maintaining a balance and necessary access to our beaches and seashore. It has been my belief and experience that together we all share an interest and an obligation in preserving and protecting access to this land and the seashore for our families now. In turn, generations to come will be able to enjoy all that the Cape Hatteras National Seashore Recreational Area has to offer, both now and in the future.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore Recreational Area (CHNSRA).
Thank you for your consideration of this very important issue.
Respectfully,
A Morris Todd, Towson, Maryland.

Correspondence ID: 14339 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:47:29
Correspondence Type: Web Form
Correspondence: I strongly disagree with all of the proposed alternatives, especially the preferred Alternative F. The most fair and reasonable solution is to revert back to the interim management plan that was in place before the court-ordered fiasco began. The interim plan represented a workable and effective solution that came out of fair and due process by participants acting in good faith. This last attempt to reach a workable plan has been anything but fair and reasonable given the agenda and efforts of many of the participants, many of whom have no interest in the fairness of the process or the well being of the residents of Hatteras Island or its hundreds of thousands of visitors each year. The Park Service should just simply complete the job they failed to do many years ago by finalizing the previous interim plan. Had they done so at the time when they should have, all of this would have been avoided. The residents and visitors to Hatteras Island should not have to pay the price for the Park Service's failure to do their job properly when the interim plan was first created.
If you are unwilling to correct your past misdeed, then at least establish a plan that is better balanced with respect to pedestrian and ORV use. I reference here all the flaws and lack of accurate and objective science that has been well documented regarding the current proposals. As additional comment: 1> 1000 foot perimeters are excessive and unreasonably restrictive 2> Protecting species not on the Endangered Species List in this way is overstepping your authority and adding to the undue burden caused by the closures. 3> It is wrong that you will try to forcibly create a safe environment for the special birds by removing or killing thousands of their natural predators and blocking off 1000 meters while not being willing to relocate turtle nests to avoid closures, particularly when relocation will often save them from natural perils as well. How does this make sense? I have personally witnessed successful hatches of sea turtle nests on Topsail Beach that had been relocated and roped off in about a 20 foot diameter safe zone. It was a great experience as a visitor and perfectly safe for the turtles as well, real proof it can be done more reasonably than you are proposing. 4> I do not understand how there can be such complete disregard for the economic impact of the proposed alternatives on the residents of Hatteras Island, Dare County and the state. The Park Service took over management of the island many years ago with a commitment to the people that they would always have access for their recreation and livelihood. Now you are turning your back on them without even considering the true impact because of outside interests who's livelihoods have no stake in this and many of whom have never even visited the island and likely never will.
I implore you to step out from under all the trees of special interest and look at the whole forest. I think you have lost sight of practical reason. Finalize and file the previous interim plan that had long been in place and lets put the ugliness of the past few years behind us.
Thank you for listening and giving consideration to my comments. I hope you will make the right decision for all of us.
God Bless!

Correspondence ID: 14340 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:47:37
Correspondence Type: Web Form
Correspondence: Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

Correspondence ID: 14341 **Project:** 10641 **Document:** 32596
Name: Sheriff, Logan W
Received: May,11,2010 18:48:32
Correspondence Type: Web Form
Correspondence: Superintendent, Cape Hatteras National Seashore Recreational Area:

It is a real travesty when another SIG (Special Interest Group) can deprive so many hardworking people their rights established by congress. In this case Congress established Cape Hatteras National Seashore Recreational Area for the people to enjoy. If the SIGs prevail the beach access will be restricted causing more business and homes to go into foreclosure resulting in less tax revenue for Federal, State and Local government.

Vacationers who visit our little place of peace and relaxation on earth have already had fireworks banned and are now forced to buy a fishing license to cast their line into the ocean in hopes of catching a memory. Now Beach Access restriction and not allowing mans best friend to tag along.

Here is another recent example of a SIG bullying our local leaders. Watching the local government meetings on television. It was an outrage when I saw the leaders in one of our communities forced to stop having a prayer before their meetings. It was decided the community would not be able to spend the taxpayer's money to fight a lawsuit when there are so many other expenses needing attention. I am not a very religious person, but I do believe in the power of prayer. It can help when making the difficult decisions our leaders face.

I do have faith there are still people with good judgment and common sense in this world. It is very difficult to watch as the SIGs suppress them. The SIGs have companies, organizations and people sending them money when the donators do not have all the facts. Please do not let this happen in this case. Allow the vacationers and the fine people who call this area home to continue to enjoy the beaches without restrictions.

Reading different articles on the Piping Plovers it seems the use of "enclosures" is an effective way of notifying people where the birds are nesting and keeping the predators away. If one of the nests are found in a heavy traffic area and it is in emanate danger; move it as in the case of a Hurricane. No need to close the beach and grant the bird so much real estate. Post signs within a reasonable limit of the nests so everyone with binoculars can observe natures beauty if they like. If someone is caught doing intentional harm to any of the wildlife on our beaches they should be prosecuted. The majority of the visitors and residents would never do anything to harm the wild life. Please keep this in perspective when expanding the area after someone runs over a sign. It was probably a vacationer who felt that was his or her way to protest, not knowing the repercussions. Also I believe that the birds have plenty of land and resources for their nesting in our beautiful habitat known as Pea Island. So why close all of the humans beaches also for them when they even have their own Beach.

It sure would be interesting to see what our founding fathers, past leaders and Veterans who fought for the people's rights would be thinking about this. The world and our human rights have been going to the birds since 9-11, please do the right thing and don't allow the masses to be bullied by the SIGs. God Bless America! And may you enjoy peaceful walks on her beaches with your best friend or be awestruck by the awesome beauty of the sun rising next to your fishing pole. Stay real and don't allow the SIGs to bully you.

Correspondence ID: 14342 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:48:40
Correspondence Type: Web Form
Correspondence:

After watching this for the past years I feel as though we are being pushed out by an undermanned NPS and they are using birds that are not endangered to do so. An example is here from Hampton roads newspaper.

By Catherine Kozak The Virginian-Pilot) May 9, 2010 Numerous shorebirds in Cape Hatteras National Seashore are given higher levels of protection in a proposed off-road vehicle management plan than what the law ever intended the birds to have, a state wildlife official said.

State-listed "species of concern," - such as the American oystercatcher - do not require the extensive buffers and beach closures mandated for federally listed species such as the piping plover, said Gordon Myers, the executive director of the North Carolina Wildlife Resources Commission.

Myers said that's beyond the intent of the state law; the state designation is supposed to be more of a call to action for a species.

The Wildlife Resource Commission, he said, will voice its objections to the use of state "species of concern" lists to trigger ORV management strategies under the federal Endangered Species Act.

"That is of concern to us because it's apples and oranges," he said. "To treat it as synonymous with threatened and endangered is not congruent."

The piping plover is the only seashore bird species protected under the act.

In a letter about the 810- page draft plan sent to park Superintendent Mike Murray on Tuesday, state Sen. Pro Tempore Marc Basnight of Manteo and state Rep. Timothy Spear of Creswell also questioned the 1,000-meter buffers required in all directions around an unfledged piping plover chick.

"We have yet to read any scientific reasoning behind this management strategy," the legislators wrote, adding that a more reasonable buffer would be 200 meters.

The National Audubon Society and the Defenders of Wildlife are involved in a court-sanctioned consent decree that will regulate beach driving until the final management plan goes into effect next year.

In a March statement, the groups supported an alternative that would close more beach to ORVs, while improving access for pedestrians.

"The Park Service's preferred alternative allows driving on 52 of the 68 miles of the seashore, and that doesn't strike us as a balanced response," said Jason Rylander, attorney for Defenders of Wildlife.

The groups have not submitted their comments, he said on Friday.

Rylander said the Park Service has many competing mandates that require protection of the species, including the Migratory Bird Treaty Act.

"It's not just an endangered species issue," he said.

Of all the proposals in the document, the size of the buffers has been a top complaint from beach-driving proponents. The resource closures can be so large that, in some cases, they may block access to open beach for not only ORVs but also for beachcombers, surfers, horseback riders, anglers and swimmers.

Basnight and Spear support Dare County's request to establish corridors around closures so public access to open beaches can be maintained, and to decrease buffers for non threatened species from 300 meters to 30 meters.

Resources commission director Myers said the Park Service has always looked at numerous factors in determining its resource protection needs, including state lists. But until the draft plan stated - on page 419 - that the agency was managing state-listed species similarly to federally listed species, its policy had never been in black and white, he said. Catherine Kozak This along with the poor science used to establish the boundaries set aside for these no-endangered birds. These boundaries combined with the short term and long term target numbers are ridiculous. The fact that one pair of birds gets more protection than the president of the united states is hilarious and unfounded in peer reviewed science.

I also wanted to state that the NPS is supposed to use the whole name of te park in official documents b government mandate (Cape Hatteras National Seashore Recreational Area). This leads me to also say that the NPS is incorrect in stating that the name was only in reference to Hunting and bears no meaning to this situation. What is the truth is that Cape Hatteras National Seashore Recreational Area was originally intended to be a recreational area with Pea Island being a Refuge for wildlife. If you look into what it takes to be a recreational area you will see that Cape Hatteras National Seashore Recreational Area fits the bill perfectly.

People have only seen Piping Plovers on this island for 30 years or so and yet when we wanted the NPS to consider using an ORV to Access Recreation in Cape Hatteras National Seashore Recreational Area we were told that 50 years does not make a case for this. These birds as far as anyone knows did not exist before the first sighting 30 years ago. The Concent Decree that was signed by all parties did not include the full name for the seashore and therefore should not be included into the management and this also goes for the DEIS.

I want to make clear to all who read this that 99% of the people who drive on the beaches of Cape Hatteras do so to get to the recreation and not to recreate. By eliminating the ability to drive out on the beach now eliminates a need for me to bring my children down to Cape Hatteras National Seashore Recreational Area. This is due to the fact that at a moment's notice access to the entire seashore can be shut down if any one of a dozen NON-ENDANGERED birds were to show breeding behavior at all access points. Basically with roughly 119,000 meters of beach open to access it would only take 119 plover nests and the NPS has basically shut down any reason to visit the seashore as there would be nothing to do or see except the inside of the rental house you paid thousands of dollars for.

The economic studies are screwy also as they include areas not affected by the beach closures in Nagshead and kittyhawk. They also fail to mention the tax increase that skews the numbers.

Originally the park wanted to prevent any and all development in the areas of Okracoke, Buxton, and Hatteras villages. Well that is an example we cannot get all of what you want. Another example of the everwise NPS is that they once considered Nagsheads preventing ORV's on the beach as forshit!!! Lets see is this what we can expect from the future managing of the seashore? Broken Promises! We the access groups look forward to

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working with the NPS in the protection of the NON-ENDANGERED species of Cape Hatteras. Or we can just Sue like the Environmentalist did to get our way.

SAVE OUR RIGHT TO ACCESS THE NATIONAL PARK SYSTEM WE BOTH PAY FOR AND ENJOY.

Correspondence ID:	14343	Project:	10641	Document:	32596
Name:	Widen, Stephen D				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Web Form				
Correspondence:	Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Stephen D. Widen 41 Dolan Road Millbury, MA 01527				

Correspondence ID:	14344	Project:	10641	Document:	32596
Name:	Augustson, Jennifer B				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Web Form				
Correspondence:	Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the NPS DEIS I must disagree with the alternatives selected. I do, however, believe that the Coalition for Beach Access Position Statement, signed by several groups that were a part of the negotiated rule-making process, offers the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider these comments and put people back into the management of Cape Hatteras National Seashore. Sincerely, Jennifer Augustson on behalf of the Board of Directors of the Kinnakeet Civic Association				

Correspondence ID:	14345	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:49:51						
Correspondence Type:	Web Form						
Correspondence:	Protecting wildlife should be the number one goal of the National Seashore. There are lots of places in North Carolina where people can fish and enjoy the beach. There are very few wild places left along our coast where species may thrive away from the influences of people and their vehicles. It is vital that we maintain this refuge in as pristine a state as possible to preserve the wildlife that is unique to and dependent upon our Outer Banks. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan- are minimums and should be increased if necessary to protect breeding birds and sea turtles. My son's Cub Scout den is currently studying wild bird flyways and migratory patterns. It's obvious to ten year old's how important our Seashore is to migrating birds. Not only should the plan incorporate standards to maintain the levels of all bird and turtle populations that depend on the area, the plan should have specific and measurable goals to increase those population to something close to historical levels. I'd really hate to have to explain to my grandchildren that the turtles and the birds that my children have been fortunate enough to see aren't around any more because some people decided taking SUVs out on empty beaches was more important than protecting the natural heritage that God has blessed our state with. I'd like to be able to tell them to thank you for your foresight in making sure that the National Seashore they enjoy is even better than the one we enjoy today.						

Correspondence ID:	14346	Project:	10641	Document:	32596
Name:	Krumsiek, Anthony M				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Web Form				
Correspondence:	Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Anthony M. Krumsiek 32 Gover Road Millbury, MA 01527				

Correspondence ID:	14347	Project:	10641	Document:	32596
Name:	Pantone, Donald S				
Received:	May,11,2010 18:50:35				
Correspondence Type:	Web Form				
Correspondence:	I would like to submit that the last "plan", if it can be called that , was a failure due to the variables with-in the plan itself. The new plan should respect the right of all people to use the beach access areas. The right of the people against the use of ORV's on the beach is no more sacrosanct than those to whom the right to drive on the beach is undeniably cherished. Furthermore, total beach closure for the extremely limited use of a nesting bird is a nonetheless totally bird-brained solution. The nests aren't in the the tidal zone that is accessable to both ORV's and humans during most of the day. That the nesting birds should be "protected" is arguable, given the predators and natural calamities inherent in the areas they chose to make their nests. That being said, they COULD, and probably should, be afforded some protection during some of the more challenging periods of their nesting cycles. Total beach closure not to be considered as one of these options. There are avenues of passage outside of the nesting areas for both ORV's and humans that would have zero impact on the nesting birds. The new plan should give avenues of passage for both ORV's and humans, in a well defined, and easily indentified corridor. A distance of 50-75 ft, 2 or 3 truck lengths, 1/2 the distance from the water to the dune or some other easily identified measurement from the mean water mark would provide an adequate buffer for the nesting birds, yet allow all citizens unfettered access to the beach they have every right to enjoy.				

Correspondence ID:	14348	Project:	10641	Document:	32596
Name:	Widen, Carol A				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Web Form				
Correspondence:	Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the				

management of Cape Hatteras National Seashore.
Carol A. Widen 41 Dolan Road Millbury, MA 01527

Correspondence ID: 14349 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 18:52:40
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14350 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
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Name: private
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Correspondence ID: 14354 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
I have worked in areas where ORV's are allowed and I believe that ORV users need strict regulations in order to protect wildlife, particularly in delicate habitats.
I agree with the list of information below and I hope that you will take this message hardily. The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well

as breeding ones.

I hope that you will chose for the nature and future of the well-being for all at Cape Hatteras National Seashore !!

Correspondence ID:	14355	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:53:10						
Correspondence Type:	Web Form						
Correspondence:	Mike Murray, I'm writing you in regard to the DEIS plan. I can't fathom how anyone in their right mind would agree to this. It is excessive for a few birds and turtles. There is NO need for the large area of closures. I can get closer to the President of the United States than a plover. Not that I want to get near to either one! I think things are heading to the extreme and we the people of Hatteras Island are going to become extinct! I love this place and the folks that visit us love it because it's unique. There's no other place like it! It has the best surf fishing and surfing around. For most it's a tradition,a family tradition! Families, with their dogs, come here to drive on the beach, surf or fish, cookout have a bonfire and enjoy the stars! They can't do that with the plan you may put forth. NO DOGS! Dogs are a part of the family, if they aren't welcomed on our beaches, the people will not come. NO BONFIRES! Again, bonfires are a time of friendship & family-time. It's a time for storytelling and learning and enjoying one's company. There won't be any of that either in your new plan. We need a place people can come and enjoy. Get away from the busy world as we know it. I'm afraid if the plan goes through, no one will want to come to Hatteras Island and enjoy our Park! People will loose their business, jobs, homes, etc...It's happening now, it will just get worse. Don't let the extremists win..Don't loose the FAMILY TRADITIONS! Thank You, Kristie Brown						
Correspondence ID:	14356	Project:	10641	Document:	32596		
Name:	Auwarter, Julianne M						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Sincerely, Julianne M. Auwarter						
Correspondence ID:	14357	Project:	10641	Document:	32596		
Name:	Krumsiek, Paula M						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Paula M. Krumsiek 32 Gover Road Millbury, Ma 01527						
Correspondence ID:	14358	Project:	10641	Document:	32596		
Name:	Steagall, Mike						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	As a property owner on Hatteras Island I object to the proposed ORV Management Plan because it does not provide proper access to the beaches. Many homeowners, including myself are already struggling to hang onto their rental property. Without renter access to the beaches and the right to bring their dogs onto the beach, I expect I will lose so much rental income that I will lose my two houses there. Please do not adopt any of these plans.						
Correspondence ID:	14359	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:55:20						
Correspondence Type:	Web Form						
Correspondence:	I am a regular vacationer to the Eastern Coast beaches, I prefer to see the beaches be free of any vehicles, and preserved as much as possible for the benefit of the wildlife- turtles, birds and other wildlife. I would be horrified to see vehicles driving along seashores. THANK YOU, MARGARET TUCK						
Correspondence ID:	14360	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 18:55:36						
Correspondence Type:	Web Form						
Correspondence:	Thank you for allowing me the opportunity to comment on the Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement (DEIS). I am a resident of Hatteras Island and reside in the village of Avon. Although I am not a native to the island, my husband, his mother, and two brothers have lived here since 1966. Since that time, their spouses, children, and grandchildren now call Cape Hatteras home. I fell in love with Cape Hatteras National Seashore Recreational Area the first time I saw it ? in the years since I have learned how deeply intertwined both the lives and livelihoods of the residents are to the preservation and access to this Recreational Area. It is my understanding that of the six Alternative Plans considered in the DEIS, Alternative "F" is the preferred option of the National Park Service. I would like to express my support for either of the two no-action Alternatives ? A or B in lieu of the more restrictive Alternative F. I disagree with the recommendation to prohibit pedestrian access from March 15 through July 31 in 8 beach locations (p.121). Whatever brings visitors to our island, be it fishing, swimming, shelling, bird /wildlife watching, or a variety of water sports that draws vacationers to our shores ? limiting their beach access will directly impact the desirability of the Cape Hatteras National Seashore and Recreational Area as a vacation destination. I disagree with the recommendation to restrict pets (including dogs on leashes) on Cape Hatteras National Seashore public lands for the period between March 15 and July 31 (p.136). This covers the island's peak vacation season ? and in addition to residents, many of our visitors like to bring their pets with them on their beach vacations. This restriction may prompt families with pets to choose an alternative vacation location ? again, having a significant impact on not only the vacation rental industry that is so vital to our island, but the many restaurants and small businesses that rely on tourism dollars throughout the year ? particularly during "peak season" (which is impacted by this restriction.) I disagree with the stated socio-economic impact (p.270-286, 561-598) and believe that it is an inaccurate reflection of the devastating impact this						

preferred Alternative would have on the economy, lives, and livelihood of not only the residents of Hatteras Island, but Dare County, and the state of North Carolina as a whole. Our County makes a substantial financial contribution to the state of North Carolina through tax dollars. Loss of tax revenue through decreased property values, lost tourism dollars, and businesses in Dare County would create a ripple effect that will be felt across the entire state.

I agree with and understand the need for reasonable and responsible management and restrictions. However, I believe the regulations and restrictions set forth in Alternative "F" go beyond what is necessary to preserve and protect the Cape Hatteras National Seashore and Recreational Area. I am fully aware of the necessary balance between nature and man. I hope that my husband and I, our children, and grandchildren will be allowed to continue to enjoy this beautiful island as it was originally set aside ? while working to preserve and protect the environment under a less restrictive Alternative. Thank you for allowing me to comment on this vital issue.

Stephanie Bowers Avon, North Carolina

Correspondence ID:	14361	Project:	10641	Document:	32596
Name:	Widen, Andrew S				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Web Form				
Correspondence:	Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Andrew S. Widen 41 Dolan Road Millbury, MA 01527				
Correspondence ID:	14362	Project:	10641	Document:	32596
Name:	private				
Received:	May,11,2010 18:56:16				
Correspondence Type:	Web Form				
Correspondence:	Over a number of decades my wife and I have enjoyed surf fishing and other recreational activities along the Outer Banks. We also enjoy travel in general, as well as nature and wildlife. During our 39 years of marriage we have observed a general decline in people's respect for authority and for one another. Alongside this trend we have also seen a rising willingness of some to deplete our resources, and this has resulted in serious damage to our environment. While we recognize and respect the long history of people's access to coastal areas, we also recognize an alarming sense of entitlement among many people to have and to do whatever they want, regardless of the effects of their actions. Because of these things, we believe that Alternative D is the best means to assure that nesting species along our coast be protected. We believe that in the absence of permanent restrictions for the greatest period of the year, many people will seek to shrink the periods and areas of protection by advocating this result, as well as by actively disregarding the restrictions.				
Correspondence ID:	14363	Project:	10641	Document:	32596
Name:	Widen, Patrick S				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Web Form				
Correspondence:	Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Patrick S. Widen 41 Dolan Road Millbury, MA 01527				
Correspondence ID:	14364	Project:	10641	Document:	32596
Name:	Caron, Jr, John H				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Web Form				
Correspondence:	Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. John H. Caron, Jr 217 Kissing Oak Dr. Austin, Tx 78748				
Correspondence ID:	14365	Project:	10641	Document:	32596
Name:	Caron, Shannon M				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Web Form				
Correspondence:	Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Shannon M. Caron 217 Kissing Oak Dr. Austin, Tx 78748				
Correspondence ID:	14366	Project:	10641	Document:	32596
Name:	mORRISON, Steve k				
Received:	May,11,2010 18:59:40				
Correspondence Type:	Web Form				
Correspondence:	I moved to NC 22 years ago. My daughter was a student @ UNCW and we fell in love with the beaches in NC. I was and still am a still AVID surf fisherman and the opportunity to fish the NC beaches was and still is a great opportunity. Matter of fact am leaving tomorrow for a week @ Ocracoke fishing with 2 buddies. I cannot imagine NOT having access to these pristine beaches. I for one can say that I ALWAYS leave the beach with more things than when I entered. I am dismayed that these beaches are not going to be available to my grandchildren and theirs as well in the future.				

0012779

I believe that the majority of people who use these beaches are true "keepers of the beach" and will continue to be.
DO NOT close access to these beaches as they are really loved by all the people who regularly use them and take care of them.
Steve Morrison

Correspondence ID: 14367 **Project:** 10641 **Document:** 32596
Name: Kiser, Jennifer G
Received: May,11,2010 19:00:36
Correspondence Type: Web Form
Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.
Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.
In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.

Correspondence ID: 14368 **Project:** 10641 **Document:** 32596
Name: McKenney, Lorraine G
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Lorraine G. McKenney 14 Lake Street Millbury, MA 01527

Correspondence ID: 14369 **Project:** 10641 **Document:** 32596
Name: Caron, Crystal L
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Crystal L. Caron 217 Kissing Oak Dr. Austin, Tx 78748

Correspondence ID: 14370 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:01:10
Correspondence Type: Web Form
Correspondence: I have not read the entire proposal, has I have just learned about this possibility. I will be going back to read the proposal in it's entirety. As far as banning street legal motorcycles from the beaches in question would be a bias violation of the law. If the committee wants to protect the natural resources, like I imagine they do, banning a vehicle with a small foot print and that generally ride in the ruts of other vehicles or the wet sand, I feel that the committee should reevaluate what they are proposing.
If the concern is for the safety of those visiting, I can only say that what I have seen as the biggest violators of safety, are the 4 wheel vehicles that are driving in excessive speeds between the shore line and the guests enjoying the beach.
I enjoy the beach every time that I go and am hoping I can still take my street legal, dual sport motorcycle, as well as my money.
I understand that there are those who ride motorcycles in an unsafe manner, and for those, I apologize from the rest of the motorcycling communities. The majority of the responsible motorcyclist should not have to suffer for the irresponsible actions of the few that make it hard for the rest of us.
With the highest regards,
Tyler Holmes Raleigh, NC

Correspondence ID: 14371 **Project:** 10641 **Document:** 32596
Name: McIntosh, John M
Received: May,11,2010 19:01:13
Correspondence Type: Web Form
Correspondence: As a resident of Rodanthe, NC, I am very concerned about the economic impacts of additional beach closures. Our economy relies on open access, and I strongly urge the NPS to maintain such access for all users - both residents and visitors alike.

Correspondence ID: 14372 **Project:** 10641 **Document:** 32596
Name: Friend, Richard
Received: May,11,2010 19:01:22
Correspondence Type: Web Form
Correspondence: I am sad that what has become a tradition of recreation for my family is coming to an end. I have spent my leisure time and raised my two sons surf fishing at the inlets and the cape point of Hatteras national recreational saeside park. It is more than a sport, it is an obsession. I hope the science and reasons behind taking away a way of life for my family are sound, but I have severe rational doubts. The pleasure and fun I have had fishing at these excellent fishing spots is impossible to measure. The good times and shared stories of these adventures with family and friends are soon to end and I must find something else in life to fill the void no longer being able to have these experiences will leave in my life. I do not understand the reasoning behind these decisions, but must pay the price of them. I am filled with loss and regrets. It is a sad time for myself and my family. May you find the strength to do the right thing and preserve access to these wonderful places for the future.

Richard Friend

Correspondence ID:	14373	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:02:21						
Correspondence Type:	Web Form						
Correspondence:	<p>Dear Superintendent Murray,</p> <p>Please accept this letter as my comment on the ORV DEIS before you at this time.</p> <p>After trying to review the 800+ page National Park Service DEIS I must disagree with any of the six alternatives within the document. This is the strictest management of the beach ever and I'm pretty disgusted at how this plan is just bypassing the historic lifestyle and culture of the National Seashore and the totally does not care about the economic issues it will create for the area. I'm 32 years old. My wife and dog went to the beach 22 days in less than 3 months for drum fishing. We drive from Winchester VA and stay on the beach for 4-5 day stents, camping at local campgrounds. We spend an easy \$500 a trip not including gas. This is spent at all the local tackle shops, food stores, hotels, convenience stores, groceries, etc? We stay on the beach most of the night fishing for big drum and we have met some of the best people in the world. Fishing brings out the best in people and we plan on retiring in Hatteras Village when we are ready. We are in the stages of family planning and honestly, it makes me want to cry when I think that my son or daughter will never experience the culture, people, attitude and wilderness that I've come to love with every ounce of my blood. This whole debate is not about the birds. It is about clearing out the beaches of trucks. Why would you go along w/ this? There is all of Pea Island which is a preserve and tons of barrier islands that house massive flocks of birds. For some reason this land is being taken away from the standard American person w/ standard American dreams. I've had enough. Honestly, you want to take away bringing our dog on the beach!? You have gone too far. I have, however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.</p>						
Correspondence ID:	14374	Project:	10641	Document:	32596		
Name:	Kiser, David M						
Received:	May,11,2010 19:02:34						
Correspondence Type:	Web Form						
Correspondence:	<p>As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.</p> <p>Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.</p> <p>In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.</p>						
Correspondence ID:	14375	Project:	10641	Document:	32596		
Name:	Lenhart, Bob L						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	<p>Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954</p> <p>Dear Superintendent Murray,</p> <p>Please accept this letter as my comment on the ORV DEIS before you at this time.</p> <p>After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.</p> <p>I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.</p> <p>Regards, Bob Lenhart</p>						
Correspondence ID:	14376	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:03:31						
Correspondence Type:	Web Form						
Correspondence:	<p>THERE SHOULD BE NO VEHICLES ALLOWED ON ANY OF OUR BEACHES. PEOPLE ARE ALREADY ENCROACHING ON OUR WILDLIFE. TO ALLOW VEHICLES WITH THEIR POLLUTION, BOTH NOISE AND TOXIC, IS BEYOND THE SCOPE OF RATIONAL THINKING. PLEASE DO NOT ALLOW SUCH DISRUPTIONS TO THE ECOLOGY OF OUR BEAUTIFUL BEACHES.</p>						
Correspondence ID:	14377	Project:	10641	Document:	32596		
Name:	Caron, Colleen H						
Received:	May,11,2010 00:00:00						
Correspondence Type:	Web Form						
Correspondence:	<p>Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.</p> <p>Colleen H. Caron 4 Grove Street Millbury, Ma 01527</p>						
Correspondence ID:	14378	Project:	10641	Document:	32596		
Name:	Kiser, David M						

Received: May,11,2010 19:04:40
Correspondence Type: Web Form
Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.
 Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.
 In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.

Correspondence ID: 14379 **Project:** 10641 **Document:** 32596
Name: Schober, Corey
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent
 Cape Hatteras National Seashore Recreational Area
 1401 National Park Drive
 Manteo, NC 27954
 Dear Superintendent Murray,
 Please accept this letter as my comment on the ORV DEIS before you at this time.
 After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
 I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
 Regards, Corey Schoeber

Correspondence ID: 14380 **Project:** 10641 **Document:** 32596
Name: Wassell, Pat L
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore
 Pat Wassell 216 Millbury Ave Millbury, Ma 01527

Correspondence ID: 14381 **Project:** 10641 **Document:** 32596
Name: Kiser, Jennifer G
Received: May,11,2010 19:06:08
Correspondence Type: Web Form
Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.
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Correspondence ID: 14382 **Project:** 10641 **Document:** 32596
Name: Caron, Colleen H
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore
 Colleen H. Caron 4 Grove Street Millbury, Ma 01527

Correspondence ID: 14383 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
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Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

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Thank you, Micheal Howeton

Correspondence ID: 14384 **Project:** 10641 **Document:** 32596
Name: Kiser, David M
Received: May.11.2010 19:07:39
Correspondence Type: Web Form
Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.
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Name: Kiser, Jennifer G
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Name: private

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Thank you,
zach jordan

Correspondence ID: 14387 **Project:** 10641 **Document:** 32596
Name: Partin, Marcia
Received: May,11,2010 19:09:58
Correspondence Type: Web Form
Correspondence: We do not need a Daytona Beach in NC - we have wonderful birds nesting on the beach and we can share it with them by walking on the beach. However, driving on the beach jeopardizes their environment and is unfair to the environment and ecology of the beach.

Correspondence ID: 14388 **Project:** 10641 **Document:** 32596
Name: Kiser, David M
Received: May,11,2010 19:10:51
Correspondence Type: Web Form
Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.
Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.
In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.

Correspondence ID: 14389 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 19:11:39
Correspondence Type: Web Form
Correspondence: Closing the beaches in Outer Banks would be a horrible thing. There has to be a solution that will keep the beaches open and protect the environment. Please do not close the beaches. We love coming to Outer Banks and enjoy our time walking, sitting, and playing with our dogs and kids on the beach.

Correspondence ID: 14390 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 19:11:55
Correspondence Type: Web Form
Correspondence:

My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closure rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledged rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules.

(p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you, cory ramsey

Correspondence ID: 14391 **Project:** 10641 **Document:** 32596
Name: Kiser, Jennifer G
Received: May,11,2010 19:12:24
Correspondence Type: Web Form
Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.
Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.
In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.

Correspondence ID: 14392 **Project:** 10641 **Document:** 32596
Name: Wassell, Robert
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Robert Wassell 495 Marshall Street Leicester, Ma 01524

Correspondence ID: 14393 **Project:** 10641 **Document:** 32596
Name: Sheriff, Elliott G
Received: May,11,2010 19:13:16

Correspondence Type: Web Form
Correspondence: Superintendent, Cape Hatteras National Seashore Recreational Area:
 It is a real travesty when another SIG (Special Interest Group) can deprive so many hardworking people their rights established by congress. In this case Congress established Cape Hatteras National Seashore Recreational Area for the people to enjoy. If the SIGs prevail the beach access will be restricted causing more business and homes to go into foreclosure resulting in less tax revenue for Federal, State and Local government.
 Vacationers who visit our little place of peace and relaxation on earth have already had fireworks banned and are now forced to buy a fishing license to cast their line into the ocean in hopes of catching a memory. Now Beach Access restriction and not allowing mans best friend to tag along.
 Here is another recent example of a SIG bullying our local leaders. Watching the local government meetings on television. It was an outrage when I saw the leaders in one of our communities forced to stop having a prayer before their meetings. It was decided the community would not be able to spend the taxpayer's money to fight a lawsuit when there are so many other expenses needing attention. I am not a very religious person, but I do believe in the power of prayer. It can help when making the difficult decisions our leaders face.
 I do have faith there are still people with good judgment and common sense in this world. It is very difficult to watch as the SIGs suppress them. The SIGs have companies, organizations and people sending them money when the donators do not have all the facts. Please do not let this happen in this case. Allow the vacationers and the fine people who call this area home to continue to enjoy the beaches without restrictions.
 Reading different articles on the Piping Plovers it seems the use of "enclosures" is an effective way of notifying people where the birds are nesting and keeping the predators away. If one of the nests are found in a heavy traffic area and it is in emanate danger; move it as in the case of a Hurricane. No need to close the beach and grant the bird so much real estate. Post signs within a reasonable limit of the nests so everyone with binoculars can observe natures beauty if they like. If someone is caught doing intentional harm to any of the wildlife on our beaches they should be prosecuted. The majority of the visitors and residents would never do anything to harm the wild life. Please keep this in perspective when expanding the area after someone runs over a sign. It was probably a vacationer who felt that was his or her way to protest, not knowing the repercussions. Also I believe that the birds have plenty of land and resources for their nesting in our beautiful habitat known as Pea Island. So why close all of the humans beaches also for them when they even have their own Beach.
 It sure would be interesting to see what our founding fathers, past leaders and Veterans who fought for the people's rights would be thinking about this. The world and our human rights have been going to the birds since 9-11, please do the right thing and don't allow the masses to be bullied by the SIGs. God Bless America! And may you enjoy peaceful walks on her beaches with your best friend or be awestruck by the awesome beauty of the sun rising next to your fishing pole. Stay real and don't allow the SIGs to bully you.

Correspondence ID: 14394 **Project:** 10641 **Document:** 32596
Name: Lagere, Michelle
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
 Michelle Leger 495 Marshall Street Leicester, Ma 01524

Correspondence ID: 14395 **Project:** 10641 **Document:** 32596
Name: Kiser, Roy J
Received: May,11,2010 19:14:18
Correspondence Type: Web Form
Correspondence: As a retired Va Tech Lecturer I spent 27 years reviewing research and find this document so flawed that I must come the the following conclusion. For the record, I would prefer the adoption of the Coalition for Beach Access Statement in lieu of any of the Draft EIS plans.
 I agree with Dr. Mike Berry's Comment that;
 "Responsible environmental management uses sound science and unbiased professional judgment that balances the human needs and rights of people with the needs to manage and sustain natural processes. The preferred proposal, Alternative F, fails to meet these criteria. Alternative F fails to recognize objective science, enabling legislation, citizen rights, historical uses, and past promises of access to their environment."

Correspondence ID: 14396 **Project:** 10641 **Document:** 32596
Name: Caron, Katie
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
 Katie Caron 316 Millbury Ave Millbury, Ma 01527

Correspondence ID: 14397 **Project:** 10641 **Document:** 32596
Name: Rice, Sue
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
 Sue Rice 7 Atwood Avenue Millbury, Ma 01527

Correspondence ID: 14398 **Project:** 10641 **Document:** 32596
Name: Esham, David s
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Ocracoke Civic and Business doesn't agree with what is proposed in Alt. F as that it has not used proven science and doesn't take into account the socio-economic issues that are required. Alt. F will bring an end to both the spring and fall beach fishing therefore putting an even greater strain on our

already stressed economy. The areas that are proposed to be closed and their dates is unjustified and will have no measurable benefit to the birds and turtles it is supposed to protect.

North Point of Ocracoke will be closed down completely to ORV's year round except .25 miles north and south of Ramp 59. Pg. 100 Alt F "new interdunal rd. established parallel to the beach extending from ramp 59 for .3 mile NE toward inlet, with parking at the terminus." Where is there room here for a road to be located? Also it states parking but doesn't say how many spots and what type of lot, there is no room for this either. This area contains a lot of wetlands, why destroy them when there is enough room for both birds, people and orv's to coexist. Why close down the North end of Ocracoke when there haven't been Piping Plover nests there? Pg. 200 chart states that not one Piping Plover nest since there was 1 in 1996 and only 4 chicks fledged in the last 18 years. Those numbers do not justify closing down one of our points to ORV's for the next approx. 15 years. The North Point of Ocracoke is currently growing and there is enough room for both birds, people and ORV's to use this valuable area. This area is both very important fishing, shelling, swimming, bird watching and family area to both Ocracoke and Hatteras islands. Many people staying in Hatteras get up early to catch the ferry and come to an uncrowded beach that they can enjoy.

Pg. 100 new ramps 62 to ramp 64 open to ORV's. This area has been closed for a safety closure for the past 25-30 years or more now under this plan NPS wants to open it up. Why is this? So it will look good on paper for NPS when they know that it won't be open or do they want to put the visiting public on an unsafe beach and close down area that have traditionally been open. I feel that yes if NPS is going to close down all of these areas we do need more open but why close them down if there is no need.

Pg. 100 ".5 mile SW of ramp 68 to 1.2 miles NE of ramp 70" has dates for ORV route Nov. 1st to Mar. 14th. These dates do not allow for any spring and fall fishing. Closing the beach from Mar. 15 to Oct. 31 would cause an economic hardship on the Ocracoke community as a whole. Most businesses open around the middle of March and close the 1st of November, fishermen sustain these businesses until there is enough other traffic from school being out for family vacations. This area is also a long way from the road and parking making it extremely difficult for fishermen, elderly people and families to be able to use this area without the benefit of an ORV. The dates of May 15th to Sept 14 non-ORV area would allow more use of this area while people are visiting here specifically to fish without affecting the wildlife.

Pg. 101 "1.2 miles NE of Ramp 70 to .5 mile NE of ramp 70" the dates for ORV area are Nov. 1st to Mar. 30, these dates also have the sme affect on the island economics as the paragraph above. The dates should also be changed to non-ORV area May 15th to Sept 14th. These shoulder months are crucial to the economic survival of our island and without them we will not be able to survive.

Pg 101 states ".5 mile SW of ramp 72 to inlet" is "3 miles" it is not 3 miles and has been grossly overstated. This area what is called South Point of Ocracoke is the most important fishing area on our whole beach. For NPS to make such an error in measure is hard to believe. The actual distance to South Point is 1.3 miles. How could NPS miss this by 1.7 miles. Pg. 101 states "there would be 1.0 mile of "floating" ocean shoreline area for nonbreeding shorebirds. Area would be bypassed via the ORV corridor on the upper beach during nonbreeding season." With only 1.3 miles of beach there is no room for a "floating" area. What happens when part of the South Point washes away like it has in the past? Does it then close off South Point? There are to many unknowns to such an important area to close it off. 95% of this area is already closed in breeding season and over 75% is closed in non-breeding season this is to both ORV's and pedestrians, is this not enough? Pg. 124 states "if resource protection staff determines that any single activity or collection of activities is negatively impacting shorebird use of specific location they NPS may implement additional restrictions on compatible activities." This area is extremely impt. to fishermen, shellers, families, etc. so if the fish are really biting in this 1.0 mile closure and there are a lot of fishermen will it be closed off. We cannot take this chance and this 1.0 mile "floating" area should be removed from Alt. F. There is enough room for both people, ORV's and bird to share.

The buffers used if Alt. F are far to excessive and are not based on sound science. 1000 meter buffer for an unfledged Piping Plover chick is equally to over 700 acres, this is unjust and unfair. American Oystercatchers are being treated as endangered eventhough they are not. Their buffer are closing off our beach when it is not required. Night driving should be allowed with a permit. Turtles have not been impacted by an educated public.

Our village is surrounded by Cape Hatteras National Seashore Recreational Area and everything that NPS does affects us that live in Ocracoke Village. We all have to work together to coexist on this ever changing island, withput an ORV plan that allows access to both our points and our beaches we will cease to exist

Correspondence ID: 14399 **Project:** 10641 **Document:** 32596
Name: Medley, Mary D
Received: May,11,2010 19:16:54
Correspondence Type: Web Form
Correspondence:

Allowing cars to drive on a beach is a bad idea for a number of reasons, but the first in my mind is that beaches are a great place for families to enjoy nature. When cars are present, however, it can easily become an unsafe environment for children. If the state of North Carolina intends to continue to attract tourists to their beaches they should consider the implications of those beaches becoming unsafe for families.

Correspondence ID: 14400 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:17:05
Correspondence Type: Web Form
Correspondence:

Dear Sirs, I live on Cape Hatteras Island. I disagree with plan F of the Draft Environmental Impact statement. The off road management plan doesn't take into consideration the impact of shutting off the beaches to the people who live here. People have lived mostly in harmony with nature here for thousands of years. People vacation here to be closer to nature. I feel there should be an economic impact study to the off road plan. This park was established as a National Seashore Recreational area. People come here to walk, fish and drive on the beach. I also do not believe the buffer zones around a piping plover nest need to be as big as the Park Service has established. I do not believe people would intentially harm a bird nest. I think there can be corridors around these nests. There have never been any piping plover nests at Hatteras Point or Ocracokes northern end and yet the document calls for these beaches to be closed. The piping plover is not native to this area. The science that plan F comes from is flawed. Please do not listen to people that do not live here. This is a beautiful place. It will be destroyed by mans audacity to think they are in charge of where a bird will mate and nest. The Park Service is killing racoons, possums, muskrats, cats, and fox to try to protect a bird nest. Who will speak up for these animals? Please allow us to go back to the drawing board on this subject. The Park Service was doing a fine job in 2007 of roping off areas around bird and turtle nests and allowing ORV to go around them to historically favorite fishing spots. In the "Off Road Plan" there is no mention of the history or culture of the people who are native here. I feel that the plan should consider them.

Thank you for your time.
Angela Lofty

Correspondence ID: 14401 **Project:** 10641 **Document:** 32596
Name: Rice, Dave
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence:

Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Dave Rice 7 Atwood Avenue Millbury, Ma 01527

Correspondence ID: 14402 **Project:** 10641 **Document:** 32596
Name: Chamberlain, John E
Received: May,11,2010 19:17:29
Correspondence Type: Web Form
Correspondence: I am an avid surf fisherman and beach lover who enjoys recreational opportunities offered by the Cape Hatteras National Seashore and Recreational Area. I have been visiting this wonderful place since 1968. In the last decade my wife, our dogs and I have come down from Connecticut two to three times a year for week long vacations.
 Creating this Recreational Area was one of the greatest acts of the US Congress. People from all economic levels are able to enjoy this national treasure. The resource is enjoyed by people of all economic levels. From locals and day trippers to tourists and owners staying in accommodations ranging from tents to luxury mansions everyone is able to access this type of resource which would be private, commercial or a designated a wildlife refuge by now in other coastal areas.
 Reasonable and safe pedestrian and vehicular access to the beach is essential to participate and enjoy these resources and opportunities. I also support restrictions and conditions necessary to protect the birds, sea turtles, and other biota that are supported by scientific data and can make the Seashore home for part of the year. I believe the favored alternative (f) advanced by the NPS is more restrictive than necessary to meet protection of the Seashore. As a long term ORV user at CHNSRA I have observed and experienced the impacts and consequences of ORV management. From a long term beach users perspective, NPS did a decent job operating with the Interim Plan but by when the Consent Decree came into effect focus was lost on what the purpose of this Recreational Area is and why it was created. The Species Management Area concept is wrong. It is not the responsibility of the NPS to provide habitat beyond endangered species (Piping Plover and Sea Turtles). Attempting to manage the Seashore for birds listed by North Carolina as species of concern (Atlantic Skimmers etc.) is beyond the role of the NPS. If the NPS wants to get involved in bird species management it can be done by grooming inshore areas near Cape Point for bird habitat. This could be done similar to Pea Island. Closing these areas to the people and pets is a violation of the concept and purpose that created the CHNSRA.
 I have read and agree with the proposal to manage ORV's on the Seashore prepared and submitted for consideration by the Coalition for Beach Access. My position is that the NPS accept this alternative or at least postpone a final decision on the ORV Plan pending further review and negotiation on the counter points raised by the Coalition for Beach Access." Sincerely, John E Chamberlain Jr

Correspondence ID: 14403 **Project:** 10641 **Document:** 32596
Name: Street, Molly
Received: May,11,2010 19:17:33
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
 1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
 3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
 However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)
 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.
 Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.
 I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
 Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.
 The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
 Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.
 NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.
 7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.
 8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.
 9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,
 So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.
 10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the

Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14404 **Project:** 10641 **Document:** 32596
Name: Knically, Darin A
Received: May,11,2010 19:18:26
Correspondence Type: Web Form
Correspondence:

Good Evening, I am speaking in opposition of all options presented by the National Park Service and DEIS. While my wife and I have spent many wonderful summers basking in the sunlight and enjoying nature, there are some inherent inconsistencies in findings to support these newly formed laws. It is unfortunate that the view of the Outer Banks cannot not be larger to understand that lobbyist and activist are using their weak stature to create a

domino effect for future findings in their favor. I do not speak to say the beaches have been mismanaged or I have found the Park Rangers unsatisfactory, but that they are overwhelmed by the litigation and strength of the environmentalist's push. A simple opinion does not carry much clout so please see excerpts from experts in the field of study that is in question.

To begin the research, it is evident that Piping Plovers can succeed limitations. "Our observations and evidence indicate that adult Piping Plovers are capable of moving eggs and establishing nests at new sites during incubation. Furthermore, our results suggest that Piping Plovers evaluate their reproductive investment under potential threat of nest loss and may be capable of acting prospectively (moving nests prior to inundation) and reactively (regathering eggs after inundation) to avoid nest failure." - Mark T. Wiltermuth, Michael J. Anteau, Mark H. Sherfy, and Terry L. Shaffer. (2009) Nest Movement by Piping Plovers in Response to Changing Habitat Conditions. The Condor.

Further research shows that the issue in Piping Plover populations does not lie on the Atlantic Coast. "Complete population estimates for widely distributed species are rarely possible. However, for the third time in 10 years, an International Piping Plover (*Charadrius melodus*) Breeding and Winter Census was conducted throughout the species range in 2001. Nearly 1,400 participants from 32 U.S. states and Puerto Rico; 9 Canadian provinces; St. Pierre and Miquelon, France; Cuba; and the Bahamas visited 2,244 sites covering 11,836 km of shoreline habitat. During the winter census, 2,389 piping plovers were observed at 33.5% of potentially occupied sites (n = 352). Of these, 56.8% had ?10 birds present. The breeding census recorded 5,945 adults at 777 of 1,892 sites surveyed. More than 80% of sites with piping plovers present had ?10 birds. Results indicated an 8.4% increase from 1991 but only a 0.2% increase since 1996. Regional trends suggest that since 1991, number of breeding birds increased on the Atlantic Coast by 78% (2,920 birds; 12.4% increase since 1996) and by 80% in the Great Lakes (72 birds; 50% increase since 1996). However, plovers declined 15% (2,953 birds; 10% decline since 1996) in Prairie Canada/U.S. northern Great Plains. Subregional trends since 1991 reflect a 32.4% decline in Prairie Canada (972 birds; 42.4% decline since 1996), a 2.5% decline in the U.S. northern Great Plains (1,981 birds; 24% increase since 1996), 5.5% decline in eastern Canada (481 birds; 14% increase since 1996), although a 66.2% increase on the U.S. Atlantic Coast (2,430 birds; 12% since 1996). While numbers were down in much of the U.S. northern Great Plains since 1996, an increase (460%, 1,048 birds; 67.7% increase since 1991) was detected on the Missouri River. Results from 3 complete species census efforts provide essential data for conservation planning and assessment and illustrate the utility of global censuses for species of concern" - SUSAN M. HAIG, CHERON L. FERLAND, FRANCESCA J. CUTHBERT, JACK DINGLEDINE, J. PAUL GOOSSEN, ANNE HECHT, and NELL McPHILLIPS (2005) A COMPLETE SPECIES CENSUS AND EVIDENCE FOR REGIONAL DECLINES IN PIPING PLOVERS. The Journal of Wildlife Management.

It seems from this information that diverse perspectives were not taken into account while creating this solution, moreover the experts in the field of study were not consulted on the creation of this work. A larger question is, "Why does the park service think it will help the population instead of hurt it or grow it past capacity for the region?". One example is the overpopulation of deer in Virginia, specifically southside and southeastern Virginia. The research even supports that human solutions often yield no positive results. "...current sites used by breeding plovers are protected, and reasons for the decline in recent years are difficult to elucidate." - Abby N. Powell and Francesca J. Cuthbert (1992). Habitat and Reproductive Success of Piping Plovers Nesting on Great Lakes Islands. Wilson Ornithological Society.

Consider alternatives, understand the need for empirical, un-bias research. All current options are unsuitable for coexistence without first fully implementing the interim plan set forth in 2005 for period replicable to initiation (1990's identify, implement plan 2005, revise plan 2020).

Correspondence ID: 14405 **Project:** 10641 **Document:** 32596
Name: Pothier, Gary
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
 Gary Pothier 42 Manor Road Millbury, Ma 01527

Correspondence ID: 14406 **Project:** 10641 **Document:** 32596
Name: Greene, Carl C
Received: May,11,2010 19:19:05
Correspondence Type: Web Form
Correspondence: I am 65 years old and have been coming to the Outer Banks for 60 years. In the 1950's my family arrived here by wooden bridge from the mainland and the only way to Hatteras Island was by ferry. There was no bypass, only the beach road. Six years ago, I retired and moved here to make my permanent home on Roanoke Island. I've seen a lot of changes over the years and have witnessed devastating hurricanes and northeasters. I've also seen outsiders wreak havoc from time to time. But I've yet to witness something as unnecessary and mismanaged as the consent decree and its aftermath. I'm still stunned that so few could change a way of life for so many. I had slim but some hope that the negotiated process would bring some common sense to the issue. What I see is the continued use of bad statistics on bird counts. I am an avid fisherman and have been since I could walk. I have fished most of these islands over the years whether by foot or by boat. You do not take into account the bird counts on Pea Island or on the dredge islands or on the many islands in Oregon Inlet. You have not done sufficient study of the economic impact already suffered or on our heads for the future as a result of your proposals. You have not taken into account that piping plovers are opportunistic nesters and have been found nesting in parking lots and 300 miles inland on river banks. You are protecting species that are not even endangered. You have taken into account the effect of hurricanes, northeasters and other natural events on bird populations and habitat. You have assume that man is wildlife's worst enemy when it is nearly always other wildlife and the forces of nature. You have enacted ridiculous ever expanding dimensions for closure areas. (If two teenagers can manage to conceive in the back of a 57 Chevy, why does a pair of plovers required three football fields?) You have failed to take into account all the other wildlife refuges in our area ?. and there are many. The Outer Banks are world renowned for surf fishing. Since I was a young child, families came to the beach to fish and enjoy the beach. Many of us would pile into our old trucks and spend the whole week on the beach down at the point because that was the only vacation we could afford. We bought our supplies locally not at some big box retailer. You will find no greater respecter of wildlife than someone who has actually spent lots of time in nature ? a fisherman. He understands that nature is harsh. He understands about survival of the fittest. He knows that he is small in the scheme of things. My best friend is now 75. His wife is 76. For decades we enjoyed fishing on the surf at Oregon Inlet or at the Point at Hatteras. Now they are feeble and barely able to walk. Still we pile them into the vehicle, take the chairs and park ourselves near the water's edge for a few hours of surf fishing. There is no better medicine in the world. How are they supposed to see and smell the water? How are they supposed to fish when you implement your plans? You are discriminating against a culture, a people, an economy and a whole way of life that has been here for decades. I have no problem with requiring permits for beach driving. A little education wouldn't be a bad thing particularly among the younger set. But to stop an entire way of life over birds is just against the principles of our freedom and flies in the face of the purpose of the Park Service and the entire reasons for establishing the Cape Hatteras area. Please go back to the drawing board and return Cape Hatteras National Recreational Seashore to the people? as it was originally intended.

Correspondence ID: 14407 **Project:** 10641 **Document:** 32596
Name: Pothier, Linda
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must

disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Linda Pothier 42 Manor Road Millbury, Ma 01527

Correspondence ID:	14408	Project:	10641	Document:	32596	Private:	Y
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Name: private
Received: May,11,2010 19:20:10
Correspondence Type: Web Form
Correspondence: DEIS Comments I am opposed to Alternative F, the NPS preferred alternative. The NPS has chosen the most restrictive possible buffers and regulations. These are more restrictive than any other national park. There is no basis in science or protocol for the selected alternative. Because of the consent decree the NPS will not be able to accurately estimate the economic impact on island villages. Without understanding the economic impact you should not implement a plan that will decimate small businesses. This is a bad plan and should not be implemented. What can be done to improve the plan. 1. Realistic buffers that adapt to behavior of the birds and geography of the nesting location. 2. Access corridors to spits and points year round. 3. Night Driving Restrictions based on when and where turtles nest not arbitrary dates. The night driving restrictions start on may 1st. Last year the first turtle nest was may 22nd. 4. Leave both sides of Hatteras inlet open for orv access. Comments on individual items in the document. The very first page of this document says: "Improved access, increased population, and the popularity of the sport utility vehicle have resulted in a dramatic increase in vehicle use on Seashore beaches. There has also been a decline in most beach nesting bird populations on the Seashore since the 1990s." This implies a cause and effect. Page 265 "Although 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 annual estimate of vehicles on the beach." Comment:First you say there has been a dramatic increase in vehicles on the beach now you say you do not have enough information to make an estimate, much less actual counts of users by date or location. Page 563 "Unfortunately, the data on visitation, especially broken down by different types of Seashore visitors, are not complete enough to provide reliable estimates of baseline visitation." Comment:So not only do you not know how many vehicles where on the beach and where, you also do not know why 2.1 million visitors are visiting the park. Yet you can project that that "Small businesses would experience long-term negligible to moderate adverse impacts." Page xlviix Comment:It would be one thing if we were talking about a single site, but the park is 90 miles long, crosses two inlets, and multiple villages. I would bet a large percentage of people never cross the bonner bridge, and huge percentage of the 2.2 million never set foot on the beach south of the bonner bride. The preferred alternative is not substantially different from Consent Decree. You do not have baseline data on visitation before the consent decree. There is no way for NPS to do a realistic economic analysis of the impacts of the implementation of the preferred alternative. That is an extreme disservice to the people of hatteras and ocracoke island We know from the report that shorebird numbers declined from 1996 to 2003. The document suggest, despite the fact they have no data to support it, that an increase in ORV use on the beach is the cause. What else happened between 1996 and 2003? 96 14 TS Fran, Bertha 98 9 TS Bonnie 99 6 TS Floyd 02 2 2 TS 03 2 Isabel Comment:The science behind this document is: (Haig and Oring, 1988). A Review and Synthesis of the Scientific Information Related to the Biology and Management of Species of Special Concern at Cape Hatteras National Seashore, North Carolina by USGS According to that document: "Flooding due to tides or weather may alter habitat enough to render it unsuitable for nesting. This may lead to territory abandonment within or among breeding seasons. " Comment:The DEIS requires 1000 meter buffers, or 1.25 miles of beach closed for Plovers. The FWS protocol for the recovery of grizzly bears only requires 500 meter buffers. "No published accounts exist of breeding piping plovers in North Carolina from 1902 to 1960, when a pair was found on Ocracoke Island (Golder, 1985) Comment:Historically there have been no Piping Plovers in NC. They started appearing the 1980`s reaching a high in 1989 and have been in some state of decline since. The DEIS has a long term goal of 30 breeding pairs which is 2X the largest number ever recorded. Imagine 30 Breeding Pairs with 1.25 mile closures for each, you do the math! Comment:American Oyster Catchers and Least Terns The Scientist say they 200 meter buffers for successful breeding and fledging. Last Year Oystercatchers nested 40 feet from Hwy 12 in the 55mph zone. In 2007 some of the largest colonies of least terns in NC were on the roofs of shopping centers. My favorite line of the entire document: However, piping plovers may be more sensitive to disturbance in the Atlantic Coast southern recovery unit, as evidenced by longer flush distances in response to disturbance sources at Assateague. Island National Seashore (Loegering 1992). So you are saying Southern Plovers may be more sensitive than Northern Plovers. If this is the case maybe we should find out if sweet tea and banana pudding will help improve breeding and fledging. All of these buffers come from the USGS protocols in the A Review and Synthesis of the Scientific Information Related to the Biology and Management of Species of Special Concern at Cape Hatteras National Seashore, North Carolina by USGS Comment:This is being used as the best available science. I question does this document even qualify to be considered as science in the NEPA process? Has it been correctly peer reviewed? USGS protocols say Peer reviews must include at least two qualified scientists who have no stake in the outcome of the review, who are not associated with the work being performed, and who are without conflict of interest. Comment:I do not see any reference to who peer reviewed the document. It appears the references in the document are either very old or from a small group of USGS employees at the Patuxent Wildlife Research Center, NPS and Audobon employees. It appears that this is a small insular group with frequent collaboration. This document does not indicate the qualifications of persons cited, so it is not clear if they are all trained scientist. There are also writers in document who have a clear conflict of interest. At least 10 references to Walker Golder. Representative of the Audobon Society who has filed suit to have these protocols implemented. An NPS Employee whose husband participated in the Negotiated Rulemaking process and consistently voted with the environmental organization seeking to close the beaches. 47 References to Marcia Lyons. These conflicts of interest were not disclosed in the document as required. According to the document:"This report does not establish NPS management protocols but does highlight scientific information on the biology of these species to be considered by NPS managers who make resource management decisions at CAHA." Why then does Alternative F, the preferred NPS solution use the maximum buffers highlighted in this document. I could not find any justification anywhere in the document for permanently closing both side of Hatteras inlet? Have you ever ridden the ferry to Ocracoke in a storm? Northern Ocracoke and Hatteras inlet are two of the least hospitable places you could possibly be. Any species that is going to rely on habitat on either side of hatty inlet is not long for this world. The document references Frisco Pier as a fishing destination, Frisco Pier has been closed for two years is virtually condemned now. It is disingenuous to suggest it is a fishing destination. The Eena Project. Is a campaign to educate people about the dangers of rip currents started by a family that lost a member swimming on the obx. Multiple people die every year in the surf on hatteras island. If I was a parent I would not let my kids in the water. This plan closes the safest place to swim, the hook at cape point for most of the year. Executive Summary page viii "Fishing Facilities. Fishing piers are located in Frisco, Avon and Rodanthe on Hatteras Island, and a marina is located at Oregon Inlet on Bodie Island. These would continue to be available to the public." The Frisco Pier has not been open in several years and is in a severe state of disrepair. The nearest public fishing access is in Avon 13.5 miles north. Executive Summary page xi-xii "Alternative F ? Management Based on Advisory Committee Input. Alternative F is the National Park Service Preferred

Alternative. The NPS used the Negotiated Rulemaking Advisory Committee's input to create this action alternative, which is designed to provide visitors to the Seashore with a wide variety of access opportunities for both ORV and pedestrian users."

Comment: The negotiated rule making process ended with no consensus. A NC State Study found issues with the process. Specifically the selection of stakeholders, the quality of the mediation, and the quality of the science used. It also indicated that NPS did not define the repercussions of breaking the ground rules. This allowed stakeholders to sue the NPS and violate the spirit of negotiated rule making and still participate in the process.

http://www4.ncsu.edu/~mnpeters/411511/FW411511_Class_Presentation.pdf

Chapter One Page 7-8 Defines Defines Desired Future Conditions terms as: "Short-term means 10 years (or two 5-year periodic review cycles) after implementation of plan."

Comment: Due to the dynamic nature of the seashore this is to long to go between reviews. For example in the last 2 years Hatteras Inlet has suffered extensive erosion to the benefit of Ocracoke. The NPS should evaluate the conditions of the final plan every 3 years at a minimum.

Table 1 Desired Future Conditions for Piping Plovers Page 8 Are the future conditions realistic? According to the USGS A Review and Synthesis of the Scientific Information Related to the Biology and Management of Species of Special Concern at Cape Hatteras National Seashore, North Carolina <http://pubs.usgs.gov/of/2009/1262/pdf/ofr2009-1262.pdf> Page 12 "No published accounts exist of breeding piping plovers in North Carolina from 1902 to 1960, when a pair was found on Ocracoke Island (Golder, 1985). Four nests and one brood were discovered within the boundaries of Cape Hatteras National Seashore (CAHA) (fig. 1-1) in 1984 incidental to monitoring of other species, and 5 chicks were known to have fledged that year (Golder, 1985). Nine pairs were counted in 1986, again incidentally (Golder, 1986), and 10 pairs were discovered in 1987 in specific surveys for the plover (Cooper, 1990). The plover population reached a high of 15 pairs in 1989 and varied between 11 and 14 pairs until 1996, after which a sharp decline began. The population reached a low of 2 breeding pairs in 2002 and 2003 with only 3 breeding pairs reported in 2004 (fig. 1-2, Lyons, 2001; Lyons, 2002; Lyons, 2003; Lyons, 2004; M. Lyons, National Park Service, written commun., 2004), and 2 in 2005."

Comments: Historically the park has supported few if any Piping Plovers. Breeding pairs of plovers spend a small part of their life in the park. Is it realistic to expect in the short term to meet the maximum number of breeding pairs and in the long term to double the number experienced in the last 110 years?

TABLE 4. DESIRED FUTURE CONDITIONS FOR AMERICAN OYSTERCATCHERS Page 9 TABLE 5. DESIRED FUTURE CONDITIONS FOR COLONIAL WATERBIRDS Page 10

Comment: The methodology to determine the number for each species should include areas outside of NPS Jurisdiction. Specifically it should count all species from Kitty Hawk to Ocracoke as part of the population. The current methodology fails to count species in Pea Island, emergent islands in the sound such as Cora June Island, and non traditional nesting sites. A 2007 NCWRC found 3rd largest least tern nesting location was the roof of the Belks in Kitty Hawk. According to the same study Least Terns have previously nested in great numbers on the roof of the Outer Banks Mall. The survey also found that there were 55 least terns, 78 black skimmers, and 79 Colonial water birds on Cora June Island. Failure to include nesting areas contingent to the park is short sighted and does not reflect the actual status of the species in the area. Certainly you should include the wildlife refuge in the boundaries of the park.

Part 1 Basis and Need for Action Page 23 states "Dates of seasonal closures shall be May 15 through September 15 of each year, except on Pea Island National Wildlife Refuge, where the Refuge Manager shall post such closures as he may find necessary to implement the regulations of the USFWS."

Comment: Why was Pea Island Considered in the 1978 Plan and not today.

Page 28-29 States "Invertebrates are impacted by ORV use. A recent study at the Seashore researched the ghost crab (*Ocypode quadrata*) as an indicator of ecosystem health, since it may show the impacts of ORVs and other recreational uses. The study considered the impacts of ORVs on ghost crab population densities and Issues and Impact Topics Draft Off-Road Vehicle Management Plan / EIS 29 recovery rates in relation to ORV use and usage regulations. Data to determine the impacts of ORVs on crab populations were collected in several areas in the Seashore. Closures of the beaches to vehicles were initiated to study short-term effects and recovery rates. It was found that ORVs had a detrimental impact on ghost crab populations at the Seashore and that areas subject to vehicle use had significantly fewer ghost crab burrows than those areas without vehicles. As shown by Steiner and Leatherman (1981), ghost crabs can be killed or mortally injured by ORVs driving over them, or by altering their environment. This study concluded that high-energy weather events change the dynamics of the population, allowing more ghost crabs to inhabit the area, but ORVs reduce the ability for ghost crabs to inhabit the area (Hobbs et al. 2008)."

Page 30 "As an example, the burrows of ghost crabs, the most common beach inhabitants, are nearly absent from beaches where ORVs are allowed."

Comment: Ghost crabs are one of the predators of eggs and chicks. Why is the reduction of ghost crabs considered a negative for ORV access, but the murder of hundreds of mammals a management practice

Loefering, J.P., Fraser, J.D., and Loefering, L.L., 1995, Ghost crabs prey on piping plover chick: *Wilson Bulletin*, v. 107, no. 4, p. 768?769.

Page 30 "Other issues related to visitor use and experience include viewsheds, aesthetics, and night skies. While the sight of ORVs can destroy the viewshed and aesthetics for some visitors, they also change the viewshed by altering the natural landscape. Some visual signs of ORVs include tire ruts and markings and trash left behind. ORV use impedes or destroys coastal features like wave or wind ripples in the sand, tide wrack lines, overwash deposits, wind sorted sediments, dune formation, etc".

Comment: Pedestrians can leave trash behind and impede or destroy coastal features like wave or wind ripples in the sand, tide wrack lines, overwash deposits, wind sorted sediments, dune formation, etc. This shows some sort of pre-disposition against ORV.

Chapter 2 Alternatives Page 58 "Fishing piers are located near Frisco and at Avon and Rodanthe on Cape Hatteras Island, and a marina is located at Oregon Inlet on Bodie Island. These would continue to be available to the public."

Comment: As mentioned above the Frisco Pier has not been open in several years and is in a severe state of disrepair.

Page 67-68 "Appendix G of the Piping Plover Recovery Plan" "Protection of Chicks ? Sections of beaches where unfledged piping plover chicks are present should be temporarily closed to all vehicles not deemed essential. (See the provisions for essential vehicles below.) Areas where vehicles are prohibited should include all dune, beach, and intertidal habitat within the chicks' foraging range, to be determined by either of the following methods:" "The vehicle free area should extend 1000 meters on each side of a line drawn through the nest site and perpendicular to the long axis of the beach."

"Specifies the minimum size of vehicle-free areas to be established in the vicinity of unfledged broods based on the mobility of broods observed on the site in past years and on the frequency of monitoring. Unless substantial data from past years show that broods on a site stay very close to their nest locations, vehicle-free areas should extend at least 200 meters on each side of the nest site during the first week following hatching. The size and location of the protected area should Chapter 2: Alternatives 68 Cape Hatteras National Seashore be adjusted in response to the observed mobility of the brood,"

Comment : The NPS has defaulted to the greatest possible protection . There are options which would allow the buffers to adapt to the mobility of the brood. The 1000 meter buffer closes 1.25 miles of beach. In your short term goal for recovery that could close 18.75 miles, the long term goal would close 37.5 miles which is nearly all of the beach.

Assateague Island National Seashore uses 200m buffers for all parts of the plover breeding season. In this document there is no justification for the use of the largest possible buffer.

Discussion of Alternative F Page 82 "Alternative F would include a carrying-capacity requirement (peak use limit) for all areas based on a physical space requirement of one vehicle per 20 linear feet for Bodie Island, Hatteras Island, and Ocracoke Island Districts, except that 400 vehicles would be allowed within a 1-mile area centered on Cape Point. The carrying capacity would prevent safety concerns associated with overcrowding, such as at peak use periods during major summer holidays and weekends."

Comment: Based on past breeding history and the closures required by this alternative Bodie Island Spit, Cape Point and South Point would all be closed to access during major summer holidays. Why is it necessary to have carry limits outside of the breeding season.

Alternatives Page 100 Comment: Hatteras Inlet Spit and North Ocracoke are designated as permanently closed to ORV access. These have historically been good fishing areas. North Ocracoke is the finest place on the islands for flounder gigging. Currently Hatteras Inlets is eroding and North Ocracoke is benefiting. If the inlet moves will the access adjust accordingly. Where are people supposed to park at south end of the pole road.

Page 104 "Hours of allowable ORV Operation on the Beach. " Comments: Alternative F provides from May 1st to November 15th . Designated ORV routes in potential sea turtle nesting habitat would be closed from 1 hour after sunset until the turtle patrol has check the beach in the morning. In 2009 the first turtle nest was not located until May 22nd. The nighttime regulations appear to be based on the possible dates for first nests not the likely first dates. Regulations should be established based on the existing result set and modified accordingly.

Page 144 Socioeconomic Impacts "The ROI is expected to experience long-term negligible to minor adverse impacts."

Comments: The ROI used for the analysis utilizes all the villages in the Park. The impact will primarily impact Ocracoke, Avon, Frisco, Buxton and Hatteras. There is existing data that the consent decree has had a major impact on business in the area. The increase in pedestrian only areas will have a minimal impact on the economies of the areas. Survey the parking lots with pedestrian access versus the number of vehicles on the beach. ORV users are the vast majority of users and most pedestrians will only walk a limited distance in heavy sand.

Chapter 3 Affect Environment

"A University of Idaho study indicated that one of the reasons people visited the Seashore was to escape crowds and seek solitude. When asked about crowding, 27% of visitors said they felt "crowded" to "extremely crowded," while 43% of visitors felt "somewhat crowded." Thirty percent of visitors surveyed indicated that they felt "not at all crowded." Many visitor groups (49%) reported that crowding "detracted from" their park experience (University of Idaho 2003)."

Comment: Closures increase crowding.

I did not have time to evaluate the rest of the document. In the future the public comment period should be adjusted accommodate the complexity and size of the documents.

Correspondence ID: 14409 **Project:** 10641 **Document:** 32596

Name: Kiser, David M

Received: May, 11, 2010 19:20:15

Correspondence Type: Web Form

Correspondence: Comments on the Cape Hatteras National Seashore ORV Management Plan DEIS I wish to thank the National Park Service for an opportunity to comment on the Cape Hatteras National Seashore ORV Management Plan DEIS. As a concerned citizen, scientist, retired public administrator and university educator, I feel it is my professional and civic duty to make timely comment on a matter that affects thousands of citizens who wish to visit and have access to the Cape Hatteras National Seashore.

Comment 1 There is a clear need for an equitable, balanced, and effective seashore access policy and management plan. Growing national population, seashore visitation, transportation avenues into the Outer Banks region mandates an access management policy?but one which has widespread public support and one that balances the rights and traditions of public use and access to the national seashore with responsible but reasonable resource protection.

As currently structured, Alternative F is not primarily an ORV management plan. It is primarily a public access restriction plan. The plan is biased toward bird and turtle protection, seashore isolation and not to a reasonable extent on public use and visitor access??specifically ORV and pedestrian access.

Responsible environmental management uses sound science and unbiased professional judgment that balances the human needs and rights of people with the needs to manage and sustain natural processes. The preferred proposal, Alternative F, fails to meet these criteria. Alternative F fails to recognize objective science, enabling legislation, citizen rights, historical uses, and past promises of access to their environment.

Promulgation of Alternative F as it is currently structured will be the basis for widespread public dissatisfaction, continued distrust of government, especially the National Park Service, and costly litigation. Comment 2 As indicated by Alternative F, it is the intention of National Park Service (NPS) to transform a major part of the Cape Hatteras National Seashore Recreational Area?set aside over 70 years ago for use and enjoyment of American citizens??into a wildlife sanctuary, predominantly a national bird and turtle use area. NPS is using as its justification for this radical transformation and departure from traditional and intended public use, a thirty-five year old executive order directing NPS to formally promulgate an ORV management plan.

Alternative F management plan, with its excessive restrictions and denial of public access, both pedestrian and ORV, is in large part incompatible with the legislative purpose and intent of why the national seashore was established (16USC459 CHNSRA Enabling Legislation):

"said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area."

Nowhere is it indicated in the DEIS where enabling legislation intends or permits both pedestrian and vehicular access denial for a major part of the year, particularly visitor or vacation season.

Comment 3 NPS Request for public comment appears to be more of a bureaucratic process than a search for substantive decision-making information. By virtue of its massive size, complexity, biased and incomplete explanation of science, and the inability for members of the public to access cited scientific literature and references, and ask questions of government officials responsible for the science and DEIS content, no single citizen can effectively review, understand, and constructively comment or suggest improvement to the DEIS in the 60 day comment period.

It appears by way of emphasis in the discussion in the DEIS that NPS has every intention to promulgate Alternative F in the next year, regardless of past or present public comment. There is virtually no significant reference to the workbooks the public provided in the early stages of the plan development process or to countless constructive comments made by the public during the 15 month Regulation Negotiation Process.

The National Park Service (NPS) should make it known to the public the specific information it seeks so as to make a final, objective decision with regard to an ORV management plan for Cape Hatteras National Sea Shore Recreational Area. Thus far NPS has failed to do so. By not asking for specific information, NPS is simply "going through the motions" superficially, and wasting the public's time.

Comment 4 NPS presents Alternative F as if it were recommended by the recent Regulatory Negotiation process. However, upon close examination Alternative F is found to be a biased and highly restrictive management plan that is in complete opposition to majority recommendations of the recent Regulation Negotiation process. Alternative F strengthens and codifies the denial of public access provisions of the current consent decree. The public access denying provisions of the consent decree, put into effect April 30, 2008, have been extended and transferred to Alternative F. The majority of Regulatory Negotiation Committee stakeholders (19 vs. 5) and numerous public commentators did not recommend an extension of the restrictive provisions of the consent decree as part of a final ORV plan. Comment 5 If promulgated, Alternative F will significantly change the economy and unique culture of the Outer Banks. The DEIS has failed to properly assess those changes. The Economic Impact Analysis found the DEIS by its own admission is incomplete. This alone is the basis for future litigation challenging the legality of the proposed plan. In addition the Economic analysis is structured in such a manner that it fails to address full costs?direct costs, indirect costs, lost opportunity costs, costs of future liability, and hidden costs. The Economic Analysis fails to recognize that the national seashore environment is a unique form of capital that serves the local economy, and in turn the health and wellbeing of citizens and families that depend of that economy. Access to the seashore is essential for family business operations on the Outer Banks.

The cost to society and the local communities under the restrictive consent decree has now been extended indefinitely into Alternative F. Economic losses in millions of dollars have occurred to island businesses especially motels, campgrounds, restaurants and tackle shops. The full costs of Alternative F are very much understated in the DEIS. Annual economic losses under the consent decree are already in excess of those estimated by Research Triangle Institute.

Comment 6 The DEIS has failed to inform the public of the extent of expected closures to the most popular recreational sites of the national seashore. Experience with the consent decree closures for the past two years (2008, 2009) provide a clear indication of the extent to which the national seashore will be closed to public access?ORV and pedestrian. In recent court testimony the National Seashore Superintendent indicated the extent of the closures, but nowhere does that data appear in the DEIS. The public should know what to expect when Alternative F is promulgated.

The Bodie Island Spit was closed a total of 136 days in 2009. Cape Point was closed 101 days in 2009. The Hatteras Island Spit was closed 125 days and south Ocracoke was closed 80 days. These are some of the most popular recreational use areas at the national seashore which will not be accessible to the public during late spring and summer months.

Comment 7 Nowhere in the DEIS is it indicated that should listed species populations grow in size through natural population cycles or management programs, the public loses even more access given the way the boundary distance are applied.

Comment 8 Nowhere in the DEIS is it mentioned that protected species populations are growing without the needs of additional restrictions such as those of consent decree and Alternative F.

Published USFWS data suggests that the piping plover is "recovering" well beyond 1986 levels and do not suggest that additional restrictions beyond

regional recovery plans are necessary or essential at the Cape Hatteras National Seashore Recreational Area for the continued recovery of the species.

Piping Plover--Atlantic Coast Pairs

Year 1986 1999 2005 2006 2007 Nesting Pairs (est.) 790 1386 1632 1749 1880

<http://www.fws.gov/northeast/pipingplover/index.html>

Comment 9 Data collected and published by NPS in recent suggest that Cape Hatteras National Seashore Interim Management Plan prepared with public input and publically reviewed in 2005, published in the Federal Register was showing every sign of being effective at protecting birds and natural resources. The Interim Management Plan was set aside by the court and replaced by the consent decree and settlement that mandated extensive closures without public comment or review.

The consent decree closures of recent years have been of exorbitantly high cost to the public but have not contributed to an improvement in species production or safety. The consent decree has produced no natural resource benefit over and above the interim plan. The fledge counts were higher under the interim plan than under the consent decree. 7 Piping Plovers fledged in 2008 under the interim plan, 6 in 2009 under the highly restrictive consent decree. 17 American Oyster Catchers (AMOY) fledged in 2008 under the interim plan and 13 in 2009 under the highly access restrictive consent decree, the same management structure now found in Alternative F. Species productivity is decreasing under consent decree and now Alternative F restrictions. Comment 10 The majority of nests and hatched birds the past two closure seasons under the consent decree were lost to predation, a few to storms, one at the hands of a university researcher trying to band a bird. None has been lost to ORVs or pedestrians accessing the national seashore. The huge closure distances in the consent decree and Alternative F restrictions keep pedestrians and ORVs off the seashore while birds are nesting. At the same time, the extensive closures also provide for the proliferation and increased free movement of predators. In effect, the extensive closures create an ecological trap for birds in large closures that encourage and enhance predation.

Comment 11 When the boundary distances shown on Table 11 are applied to the Alternative F framework, it is evident that the public, ORV and pedestrian, lose access to a vast amount of the seashore for most of the visitor season. Closure boundaries are overly restrictive at CHNSRA and are not used at other NPS properties. There has been no administrative or science based explanation given to the public for these especially restrictive closures that limit public access to the seashore.

NPS has failed to explain specifically why, by way of science justification, 1000 meter boundaries must be established every time a Plover chick is observed, where the literature indicates on average movement under 200 meters. There is no study or science based explanation that justifies an automatic 1000 meter boundary closure every time a plover chick is observed. In fact the public access denial consequences of such management policy for a national seashore set aside for public use is excessive and does not indicate a balance of responsible usage.

If, as the Alternative F regulation dictates, one extends a boundary out 1000m in every direction from a nest, one creates a circle with a boundary circumference of approximately 3.9 miles, and an area of approximately 1.2 square miles or approximately 775 acres. Given that the boundary regulation dictates 775 acres of national seashore be set aside for the exclusive use of a plover chick?during the height of vacation and visitor season, it obviously does not take too many widely distributed plover chicks to shut down a significant portion of Cape Hatteras National Seashore Recreational Area especially if the Plover population increases.

Comment 12 Alternative F, as with the consent decree, establishes a policy of denial of access punishment for the general public when intrusions into closure areas occur. Every time there is a closure intrusion the National Park Service, now at its own discretion, extends restrictive boundaries and widens non-access areas. There is no basis in science or environmental management practices that justifies such punitive measures. Comment 13 Many of the references used to justify Alternative F are those of individuals and activists organizations who have supported litigation that denies public access. The major science references are published by environmental activist organizations and authored by individuals trying to shut down ORV access to the national seashore: Audubon, Blue Water, Hatteras Island Bird Club, etc. Most of these references have not been reviewed for their accuracy or objectivity and are unsuitable for government decision-making. Many of the references are out dated, biased, contain incomplete and misleading information, and few have ever been reviewed in open forum.

Comment 14 NPS has failed to provide the public with essential items of information, specifically properly reviewed science. The main science references are unsuitable and inappropriate as the basis for a government regulation that restricts public access to the national seashore and has significant negative impacts on the Outer Banks economy.

The 2005 USGS Protocols are indicated by NPS as the primary basis for the highly restrictive boundary distances that restrict public access to the national seashore. The USGS Protocols are cited as being "in press" 5 years after they first appeared on the Park Service website. The 2005 USGS Protocols were challenged two years ago as being in non compliance with USGS Peer Review Policy. At that time the documents were not dated, had no government publication number, and were not published in the open literature or Federal Register and were clearly unsuitable to be a credible scientific basis for government decision-making, especially costly regulation. The documents were sent back to USGS for "review" in 2009, five years after they were first made known to the public.

NPS has indicated a new citation for the USGS Protocols. They are currently referenced on page 660 as: Cohen, J.B., R.M. Erwin, J.B. French Jr., J.L. Marion, and J.M. Meyers In press, Recommendations for Management of Endangered Species at Cape Hatteras National Seashore. U.S. Geological Survey Open-File Report 2009-1262.

NPS uses the USGS protocol recommendations as if they are "best available science." They are not science and have not been shown to be connected with specific scientific studies. The management options presented in the protocols are the policy and management recommendations and opinions of biased and non-reviewed contributors, deemed by USGS to the "experts." Nowhere is a specific science basis (study, data) for a given management option?established solely for the Cape Hatteras National Seashore Recreational Area??demonstrated.

In a slightly modified introduction to the most recent release of the Protocols, the government official responsible for the document states: "Although no new original research or experimental work was conducted, this synthesis of the existing information was peer reviewed by over 15 experts with familiarity with these species. This report does not establish NPS management protocols but does highlight scientific information on the biology of these species to be considered by NPS managers who make resource management decisions at CAHA."

The new publication was not accessible, peer reviewed, or fully explained by government authority at the time the DEIS was submitted to the public for comment in early March 2010.

The literature reviews found in the USGS Protocols as currently published are significantly out of date. In fact many studies were decades out of date at the time the document was prepared in 2005. They are mainly non-replicated, selective papers and studies. Many citations are over 20 years old and most are not related to the Cape Hatteras National Seashore Recreational Area. The public does not have access to the literature reviewed in this essential report and most of the citations are so insignificant they cannot even be found in a major university library (UNC-CH).

Comment 15 There is an "appearance of impropriety" and "conflict of interest" associated with the primary science basis justification for the Alternative F recommendation.

As noted two years ago, the cited protocols are not reviewed consistent with published USGS peer review policy guidelines (<http://www.usgs.gov/usgs-manual/500/502-3.html>) especially with regard to full disclosures and conflicts of interests. In fact the Protocols were developed and prepared in large part by well known environmental activists who subsequently used them as the basis for law suit against NPS, thus creating a very clear conflict of interest in full view of the federal government.

A review of the public record indicates that USGS commissioned well known environmental activist scientists to selectively review and discuss the science as they choose to represent it, and then formulate and recommend management options and policies. There was no outside questioning and review of their work--paid for by federal tax dollars.

It is clear to those of us who understand the scientific methods and process, objective scientific review, and the internal workings of federal government, that the 2004-2005 cooperative agreement review of the science (undertaken in part by members of the Audubon Society and other activist organizations) is biased and selective, misrepresented, fraught with speculation and opinion, and in many cases based on information that has nothing whatsoever to do with Cape Hatteras National Seashore.

In 2005 the architects of the access denying protocols were acknowledged for their contributions. For nearly three years now we have asked NPS and USGS to identify the "independent outside reviewers" of the USGS Protocols consistent with USGS Peer Review Policy. We are now being informed by USGS through their press office that the "science peer reviewers" are the original contributors and architects of the Protocols (which are not science at all, but policy and management opinions/recommendations that regulate the public and deny public access to the national seashore). We are also being informed by press officials that it is the policy of USGS to not identify outside independent peer reviewers or their comments. This is a violation

of the Freedom of Information Act and the Federal Advisory Committee Act.

Some of the original contributors (Cohen and Golder) have used the Protocols to be the basis for litigation and insist on denial of public access to the seashore. A lead author "J.B. Cohen" has previously shown his conflict of interest and activist affiliation when he "J.B. Cohen" signed a sworn affidavit in support of the Consent Decree for SELC (2008) and also signed the recent Audubon letter directed at NPS Officials recommending the highest level of access restriction (2009). Scientists working on behalf of the public cannot turn around and use that same work to sue to public without having the objectivity of their work called into question.

For over 15 months of Regulation Negotiation Process, Golder, other environmental activist members, and the federal government never disclosed participants' roles in the design of the Protocols, but constantly referred to them as being the definitive "best available science" justification for closures. Golder and others now appear as "peer reviewers" of their own work. This is discrediting in and of itself, but what is most disturbing and unethical about this is the fact that this highly biased, pseudo science process, sponsored by the federal government, has denied thousands of citizens access to their national seashore and will continue to do so unless it corrected by NPS, the federal courts, or the congress.

The above is clearly a "apparent conflict of interest" known to NPS and USGS officials and calls into question the credibility of science which in the public policy making process? specifically that of denying public access to the national seashore? must be "objective" beyond any doubt. Local media have noted this "apparent conflict of interest" and brought it to the attention of NPS and USGS officials who refuse to offer an explanation or response. The best course of action to resolve this matter is to turn the science review and update over the National Academy of Sciences or some other neutral party, to objectively, critically, and comprehensively review all relevant science, disclose the facts and restore some public trust in the scientific process used as the basis for environmental management decisions at Cape Hatteras National Seashore.

Respectfully Submitted

Correspondence ID: 14410 **Project:** 10641 **Document:** 32596
Name: Nelson, Gary
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Gary Nelson 3 Atwood Avenue Millbury, Ma 01527

Correspondence ID: 14411 **Project:** 10641 **Document:** 32596
Name: Nelson, Celia
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Celia Nelson 3 Atwood Avenue Millbury, Ma 01527

Correspondence ID: 14412 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:21:24
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
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Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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Conclusion:

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Correspondence ID: 14413 **Project:** 10641 **Document:** 32596

Name: Robinson, Janelle r

Received: May,11,2010 19:21:57

Correspondence Type: Web Form

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Thank you,

Correspondence ID:	14414	Project:	10641	Document:	32596
Name:	Beard, Joe H				
Received:	May,11,2010 19:22:12				
Correspondence Type:	Web Form				
Correspondence:	I disagree with the plan to regulate the Cape Hatteras National Seashore in the manor you have provided. The disregard for "ALL" information is troubling. The park service has provided adequate protection for plant life, animals and visitors since the park opened. While it is true the population has increased there is no reason to close this RECREATION area and treat it as though it were a refuge. We hope you will act on this in the correct manor. Our Children will thank you for making the right decision. If the wrong decision is made then they will never know the beauty of the Outer Banks, and that will be tragic.				

Correspondence ID:	14415	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:22:15						
Correspondence Type:	Web Form						
Correspondence:	137 Steve Basnight Road Manteo, NC 27954 May 11, 2010 RE: Cape Hatteras National Seashore ORV Negotiated Rulemaking Management EIS Dear Cape Hatteras National Seashore Officials, We are writing to comment on the Draft Environmental Impact Statement (DEIS) for managing Off Road Vehicle traffic at the Cape Hatteras National Seashore. We submit these comments as private citizens and long-time residents of Dare County, and not as representatives of our employers. In addition, we would like to state that we wholeheartedly support beach driving in CAHA but oppose management of the beaches as nothing more than a highway. We believe it is essential that a comprehensive, balanced management plan be adopted, implemented and enforced. We have reviewed the						

DEIS and are especially concerned about the paucity of quality, year-round pedestrian-only access. When we moved to Dare County in 1985, there was year-round pedestrian-only access in several locations, including from Ramp 1 to Coquina Beach and at what was then the Cape Hatteras Lighthouse beach south to Ramp 43. Pedestrian-only access continued for several years after the lighthouse was moved to its current location. Opening of these beaches to ORVs has occurred only during the tenure of the current superintendent. From examining the preferred alternative F, it seems that several of the pedestrian-only beaches are in areas where the beach is too narrow for driving. These areas would likely be closed to vehicles anyway because of safety concerns. In addition, some of the pedestrian-only areas are among the least desirable in the park. The area on the north end of Buxton is an example. The narrowness and steepness of the beach, the lack of any semblance of a natural beach setting and the noise from traffic on nearby roads would not give pedestrians along this stretch a quality park experience. In other instances, beaches are closed to ORVs only during the bird nesting season, and pedestrians would be confined to narrow corridors. An example is the 1.9 mile seasonal closure from .2 miles south of Ramp 4 to the bait pond. This would not allow the kind of relaxed beach walks that have always been one of the most important qualities afforded by the national seashore. The sad reality is this: The beaches are narrowing because of erosion and the continued insistence that Highway 12 be maintained in its current location. Because of this, everyone is losing?the ORV drivers, the pedestrians, and the birds and other wild animals that use the beaches and dunes as vital habitat. Without a paradigm change in beachfront management that will allow the islands' natural geologic migration, the National Park Service is simply struggling to cut up an ever-diminishing pie. While NPS has attempted to balance the needs of all users, we feel alternative F gives an abundance of access to those park visitors who want to drive the beaches and very little to those who want to enjoy wide, quiet beaches without having to be alert for and interrupted by motorized traffic. An alternative should be developed that provides additional pedestrian-only areas for the large number of seashore users who value a more natural experience. Thank you for this opportunity to comment. Sincerely, Jeff and Jan DeBlieu

Correspondence ID: 14416 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:22:35
Correspondence Type: Web Form
Correspondence: I disagree with Closure Due to Birds addressed on page 468 - ML1 closure is too restrictive during breeding season; pedestrian and vehicular corridors should be provided for in order to mitigate significant economical impacts.
The closures should be moved, and not expanded, as birds relocate for access to food (ref pages 121-127)
I also disagree with the size of closure areas; they are extremely large for the population of birds
It is also not clear to me why the NPS has not addressed other areas (dredge islands, reefs in the sounds, Pea Island, etc) that would be more conducive to survival and also present fewer predators issues to deal with.
page 125 - Turtle Closures: Why not relocate the turtle nests? It seems that this would provide safer hatching areas and also eliminate the need to close areas of the beach for extended periods of time. As a minimum NPS should consider reducing closure times based on more accurate gestation periods. If turtles can be relocated before storms, why not simple relocate them earlier with an eye toward facilitating more success during the hatching process?
It seems clear to me that the Cultural & Historic Values have been slighted in the entire study, why? Only two paragraphs address this issue in an 800 page document. These traditional values have not been given their due.
The socioeconomic data (pages 270-281, 561-698) seem to result in erroneous conclusions re: Region of Influence, visitation/business surveys, recreational user data.
Why does the NPS selectively eradicate predators? There should be an overall integrated predator management policy that is made a part of the public record.

Correspondence ID: 14417 **Project:** 10641 **Document:** 32596
Name: Jernigan, Raymond E
Received: May,11,2010 19:22:46
Correspondence Type: Web Form
Correspondence: Caring about wildlife is appreciated, but the conservationist/National Park Service seems more concerned about wildlife welfare than human welfare.
The proposed rules seem to exclude regular people who want to enjoy the parks, and eliminate access for the handicapped and the elderly. That seems to be especially true for fishermen/women who have to LUG a significant amount of equipment considerable distances to fish IF BEACH ACCESS IS ALLOWED.
Is it your intent to deny access to the average Joe and Jane?

Correspondence ID: 14418 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:22:47
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14419 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:22:47
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to

provide greater pedestrian access.

This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.

* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14420 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
I have reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Sincerely,
Jenna C. Auwarter

Correspondence ID: 14421 **Project:** 10641 **Document:** 32596
Name: Kiser, Jennifer G
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Comments on the Cape Hatteras National Seashore ORV Management Plan DEIS I wish to thank the National Park Service for an opportunity to comment on the Cape Hatteras National Seashore ORV Management Plan DEIS. As a concerned citizen, scientist, retired public administrator and university educator, I feel it is my professional and civic duty to make timely comment on a matter that affects thousands of citizens who wish to visit and have access to the Cape Hatteras National Seashore.
Comment 1 There is a clear need for an equitable, balanced, and effective seashore access policy and management plan. Growing national population, seashore visitation, transportation avenues into the Outer Banks region mandates an access management policy?but one which has widespread public support and one that balances the rights and traditions of public use and access to the national seashore with responsible but reasonable resource protection.
As currently structured, Alternative F is not primarily an ORV management plan. It is primarily a public access restriction plan. The plan is biased toward bird and turtle protection, seashore isolation and not to a reasonable extent on public use and visitor access??specifically ORV and pedestrian access.
Responsible environmental management uses sound science and unbiased professional judgment that balances the human needs and rights of people with the needs to manage and sustain natural processes. The preferred proposal, Alternative F, fails to meet these criteria. Alternative F fails to recognize objective science, enabling legislation, citizen rights, historical uses, and past promises of access to their environment.
Promulgation of Alternative F as it is currently structured will be the basis for widespread public dissatisfaction, continued distrust of government, especially the National Park Service, and costly litigation. Comment 2 As indicated by Alternative F, it is the intention of National Park Service (NPS) to transform a major part of the Cape Hatteras National Seashore Recreational Area?set aside over 70 years ago for use and enjoyment of American citizens??into a wildlife sanctuary, predominantly a national bird and turtle use area. NPS is using as its justification for this radical transformation and departure from traditional and intended public use, a thirty-five year old executive order directing NPS to formally promulgate an ORV management plan.
Alternative F management plan, with its excessive restrictions and denial of public access, both pedestrian and ORV, is in large part incompatible with the legislative purpose and intent of why the national seashore was established (16USC459 CHNSRA Enabling Legislation): "said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area."
Nowhere is it indicated in the DEIS where enabling legislation intends or permits both pedestrian and vehicular access denial for a major part of the year, particularly visitor or vacation season. Comment 3 NPS Request for public comment appears to be more of a bureaucratic process than a search for substantive decision-making information.
By virtue of its massive size, complexity, biased and incomplete explanation of science, and the inability for members of the public to access cited scientific literature and references, and ask questions of government officials responsible for the science and DEIS content, no single citizen can effectively review, understand, and constructively comment or suggest improvement to the DEIS in the 60 day comment period.
It appears by way of emphasis in the discussion in the DEIS that NPS has every intention to promulgate Alternative F in the next year, regardless of past or present public comment. There is virtually no significant reference to the work by the public provided in the early stages of the plan development process or to countless constructive comments made by the public during the 15 month Regulation Negotiation Process.
The National Park Service (NPS) should make it known to the public the specific information it seeks so as to make a final, objective decision with regard to an ORV management plan for Cape Hatteras National Sea Shore Recreational Area. Thus far NPS has failed to do so. By not asking for specific information, NPS is simply "going through the motions" superficially, and wasting the public's time.
Comment 4 NPS presents Alternative F as if it were recommended by the recent Regulatory Negotiation process. However, upon close examination Alternative F is found to be a biased and highly restrictive management plan that is in complete opposition to majority recommendations of the recent Regulation Negotiation process. Alternative F strengthens and codifies the denial of public access provisions of the current consent decree. The public access denying provisions of the consent decree, put into effect April 30, 2008, have been extended and transferred to Alternative F. The majority of Regulatory Negotiation Committee stakeholders (19 vs. 5) and numerous public commentators did not recommend an extension of the restrictive provisions of the consent decree as part of a final ORV plan.
Comment 5 If promulgated, Alternative F will significantly change the economy and unique culture of the Outer Banks. The DEIS has failed to properly assess those changes. The Economic Impact Analysis found the DEIS by its own admission is incomplete. This alone is the basis for future litigation

challenging the legality of the proposed plan. In addition the Economic analysis is structured in such a manner that it fails to address full costs?direct costs, indirect costs, lost opportunity costs, costs of future liability, and hidden costs.

The Economic Analysis fails to recognize that the national seashore environment is a unique form of capital that serves the local economy, and in turn the health and wellbeing of citizens and families that depend of that economy. Access to the seashore is essential for family business operations on the Outer Banks.

The cost to society and the local communities under the restrictive consent decree has now been extended indefinitely into Alternative F. Economic losses in millions of dollars have occurred to island businesses especially motels, campgrounds, restaurants and tackle shops. The full costs of Alternative F are very much understated in the DEIS. Annual economic losses under the consent decree are already in excess of those estimated by Research Triangle Institute.

Comment 6 The DEIS has failed to inform the public of the extent of expected closures to the most popular recreational sites of the national seashore. Experience with the consent decree closures for the past two years (2008, 2009) provide a clear indication of the extent to which the national seashore will be closed to public access?ORV and pedestrian. In recent court testimony the National Seashore Superintendent indicated the extent of the closures, but nowhere does that data appear in the DEIS. The public should know what to expect when Alternative F is promulgated. The Bodie Island Spit was closed a total of 136 days in 2009. Cape Point was closed 101 days in 2009. The Hatteras Island Spit was closed 125 days and south Ocracoke was closed 80 days. These are some of the most popular recreational use areas at the national seashore which will not be accessible to the public during late spring and summer months.

Comment 7 Nowhere in the DEIS is it indicated that should listed species populations grow in size through natural population cycles or management programs, the public loses even more access given the way the boundary distance are applied.

Comment 8 Nowhere in the DEIS is it mentioned that protected species populations are growing without the needs of additional restrictions such as those of consent decree and Alternative F.

Published USFWS data suggests that the piping plover is "recovering" well beyond 1986 levels and do not suggest that additional restrictions beyond regional recovery plans are necessary or essential at the Cape Hatteras National Seashore Recreational Area for the continued recovery of the species.

Piping Plover--Atlantic Coast Pairs

Year 1986 1999 2005 2006 2007 Nesting Pairs (est.) 790 1386 1632 1749 1880

<http://www.fws.gov/northeast/pipingplover/index.html>

Comment 9 Data collected and published by NPS in recent suggest that Cape Hatteras National Seashore Interim Management Plan prepared with public input and publically reviewed in 2005, published in the Federal Register was showing every sign of being effective at protecting birds and natural resources. The Interim Management Plan was set aside by the court and replaced by the consent decree and settlement that mandated extensive closures without public comment or review.

The consent decree closures of recent years have been of exorbitantly high cost to the public but have not contributed to an improvement in species production or safety. The consent decree has produced no natural resource benefit over and above the interim plan. The fledge counts were higher under the interim plan than under the consent decree. 7 Piping Plovers fledged in 2008 under the interim plan, 6 in 2009 under the highly restrictive consent decree. 17 American Oyster Catchers (AMOY) fledged in 2008 under the interim plan and 13 in 2009 under the highly access restrictive consent decree, the same management structure now found in Alternative F. Species productivity is decreasing under consent decree and now Alternative F restrictions.

Comment 10 The majority of nests and hatched birds the past two closure seasons under the consent decree were lost to predation, a few to storms, one at the hands of a university researcher trying to band a bird. None has been lost to ORVs or pedestrians accessing the national seashore. The huge closure distances in the consent decree and Alternative F restrictions keep pedestrians and ORVs off the seashore while birds are nesting. At the same time, the extensive closures also provide for the proliferation and increased free movement of predators. In effect, the extensive closures create an ecological trap for birds in large closures that encourage and enhance predation.

Comment 11 When the boundary distances shown on Table 11 are applied to the Alternative F framework, it is evident that the public, ORV and pedestrian, lose access to a vast amount of the seashore for most of the visitor season. Closure boundaries are overly restrictive at CHNSRA and are not used at other NPS properties. There has been no administrative or science based explanation given to the public for these especially restrictive closures that limit public access to the seashore.

NPS has failed to explain specifically why, by way of science justification, 1000 meter boundaries must be established every time a Plover chick is observed, where the literature indicates on average movement under 200 meters. There is no study or science based explanation that justifies an automatic 1000 meter boundary closure every time a plover chick is observed. In fact the public access denial consequences of such management policy for a national seashore set aside for public use is excessive and does not indicate a balance of responsible usage.

If, as the Alternative F regulation dictates, one extends a boundary out 1000m in every direction from a nest, one creates a circle with a boundary circumference of approximately 3.9 miles, and an area of approximately 1.2 square miles or approximately 775 acres. Given that the boundary regulation dictates 775 acres of national seashore be set aside for the exclusive use of a plover chick?during the height of vacation and visitor season, it obviously does not take too many widely distributed plover chicks to shut down a significant portion of Cape Hatters National Seashore Recreational Area especially if the Plover population increases.

Comment 12 Alternative F, as with the consent decree, establishes a policy of denial of access punishment for the general public when intrusions into closure areas occur. Every time there is a closure intrusion the National Park Service, now at its own discretion, extends restrictive boundaries and widens non-access areas. There is no basis in science or environmental management practices that justifies such punitive measures.

Comment 13 Many of the references used to justify Alternative F are those of individuals and activists organizations who have supported litigation that denies public access. The major science references are published by environmental activist organizations and authored by individuals trying to shut down ORV access to the national seashore: Audubon, Blue Water, Hatteras Island Bird Club, etc. Most of these references have not been reviewed for their accuracy or objectivity and are unsuitable for government decision-making. Many of the references are out dated, biased, contain incomplete and misleading information, and few have ever been reviewed in open forum. Comment 14 NPS has failed to provide the public with essential items of information, specifically properly reviewed science. The main science references are unsuitable and inappropriate as the basis for a government regulation that restricts public access to the national seashore and has significant negative impacts on the Outer Banks economy.

The 2005 USGS Protocols are indicated by NPS as the primary basis for the highly restrictive boundary distances that restrict public access to the national seashore. The USGS Protocols are cited as being "in press" 5 years after they first appeared on the Park Service website. The 2005 USGS Protocols were challenged two years ago as being in non compliance with USGS Peer Review Policy. At that time the documents were not dated, had no government publication number, and were not published in the open literature or Federal Register and were clearly unsuitable to be a credible scientific basis for government decision-making, especially costly regulation. The documents were sent back to USGS for "review" in 2009, five years after they were first made known to the public.

NPS has indicated a new citation for the USGS Protocols. They are currently referenced on page 660 as: Cohen, J.B., R.M. Erwin, J.B. French Jr., J.L. Marion, and J.M. Meyers In press, Recommendations for Management of Endangered Species at Cape Hatteras National Seashore. U.S. Geological Survey Open-File Report 2009-1262.

NPS uses the USGS protocol recommendations as if they are "best available science." They are not science and have not been shown to be connected with specific scientific studies. The management options presented in the protocols are the policy and management recommendations and opinions of biased and non-reviewed contributors, deemed by USGS to the "experts." Nowhere is a specific science basis (study, data) for a given management option?established solely for the Cape Hatteras National Seashore Recreational Area??demonstrated.

In a slightly modified introduction to the most recent release of the Protocols, the government official responsible for the document states: "Although no new original research or experimental work was conducted, this synthesis of the existing information was peer reviewed by over 15 experts with familiarity with these species. This report does not establish NPS management protocols but does highlight scientific information on the biology of these species to be considered by NPS managers who make resource management decisions at CAHA."

The new publication was not accessible, peer reviewed, or fully explained by government authority at the time the DEIS was submitted to the public for comment in early March 2010.

The literature reviews found in the USGS Protocols as currently published are significantly out of date. In fact many studies were decades out of date at the time the document was prepared in 2005. They are mainly non-replicated, selective papers and studies. Many citations are over 20 years old and

most are not related to the Cape Hatteras National Seashore Recreational Area. The public does not have access to the literature reviewed in this essential report and most of the citations are so insignificant they cannot even be found in a major university library (UNC-CH). Comment 15 There is an "appearance of impropriety" and "conflict of interest" associated with the primary science basis justification for the Alternative F recommendation.

As noted two years ago, the cited protocols are not reviewed consistent with published USGS peer review policy guidelines (<http://www.usgs.gov/usgs-manual/500/502-3.html>) especially with regard to full disclosures and conflicts of interests. In fact the Protocols were developed and prepared in large part by well known environmental activists who subsequently used them as the basis for law suit against NPS, thus creating a very clear conflict of interest in full view of the federal government.

A review of the public record indicates that USGS commissioned well known environmental activist scientists to selectively review and discuss the science as they choose to represent it, and then formulate and recommend management options and policies. There was no outside questioning and review of their work—paid for by federal tax dollars.

It is clear to those of us who understand the scientific methods and process, objective scientific review, and the internal workings of federal government, that the 2004-2005 cooperative agreement review of the science (undertaken in part by members of the Audubon Society and other activist organizations) is biased and selective, misrepresented, fraught with speculation and opinion, and in many cases based on information that has nothing whatsoever to do with Cape Hatteras National Seashore.

In 2005 the architects of the access denying protocols were acknowledged for their contributions. For nearly three years now we have asked NPS and USGS to identify the "independent outside reviewers" of the USGS Protocols consistent with USGS Peer Review Policy. We are now being informed by USGS through their press office that the "science peer reviewers" are the original contributors and architects of the Protocols (which are not science at all, but policy and management opinions/recommendations that regulate the public and deny public access to the national seashore). We are also being informed by press officials that it is the policy of USGS to not identify outside independent peer reviewers or their comments. This is a violation of the Freedom of Information Act and the Federal Advisory Committee Act.

Some of the original contributors (Cohen and Golder) have used the Protocols to be the basis for litigation and insist on denial of public access to the seashore. A lead author "J.B. Cohen" has previously shown his conflict of interest and activist affiliation when he "J.B. Cohen" signed a sworn affidavit in support of the Consent Decree for SELC (2008) and also signed the recent Audubon letter directed at NPS Officials recommending the highest level of access restriction (2009). Scientists working on behalf of the public cannot turn around and use that same work to sue to public without having the objectivity of their work called into question.

For over 15 months of Regulation Negotiation Process, Golder, other environmental activist members, and the federal government never disclosed participants' roles in the design of the Protocols, but constantly referred to them as being the definitive "best available science" justification for closures. Golder and others now appear as "peer reviewers" of their own work. This is discrediting in and of itself, but what is most disturbing and unethical about this is the fact that this highly biased, pseudo science process, sponsored by the federal government, has denied thousands of citizens access to their national seashore and will continue to do so unless it corrected by NPS, the federal courts, or the congress.

The above is clearly a "apparent conflict of interest" known to NPS and USGS officials and calls into question the credibility of science which in the public policy making process—specifically that of denying public access to the national seashore—must be "objective" beyond any doubt. Local media have noted this "apparent conflict of interest" and brought it to the attention of NPS and USGS officials who refuse to offer an explanation or response. The best course of action to resolve this matter is to turn the science review and update over the National Academy of Sciences or some other neutral party, to objectively, critically, and comprehensively review all relevant science, disclose the facts and restore some public trust in the scientific process used as the basis for environmental management decisions at Cape Hatteras National Seashore.

Respectfully Submitted

Correspondence ID:	14422	Project:	10641	Document:	32596	Private:	Y
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Name: private
Received: May,11,2010 19:23:40
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

- 1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
- 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
- 3) Page six and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
- 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)
- 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
- 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.
The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.
NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%.

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "?prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

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Thank you,

Correspondence ID: 14423 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 19:23:52

Correspondence Type: Web Form

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4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

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Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

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9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

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Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

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I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

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Correspondence ID:	14424	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:24:02						
Correspondence Type:	Web Form						
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Thank you,

Correspondence ID: 14425 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:24:03
Correspondence Type: Web Form
Correspondence: I do not agree with the National Park Service, DEIS, plan to limit off-road vehicle access to the Cape Hatteras National Seashore. This will be a detriment to the economy of the Islands and the tourism industry. The wildlife, cultural resources, and natural processes are not endangered by visitors having off road access. It is a shame sea turtle and wildlife have more protection than humans. Please change this plan in the interest of the visitors and the locals who depend on tourists for their livelihood.
 Thanks for the opportunity to share thoughts.

Correspondence ID: 14426 **Project:** 10641 **Document:** 32596
Name: rowe, woody
Received: May,11,2010 19:24:03
Correspondence Type: Web Form
Correspondence: MIKE MURRAY
 My name is woody rowe my wife bonnie and i own two small companies on hatteras island. We work,pay taxes employ abide laws, all the things that make america the greatest place on earth. Unnecessary restrictions are being placed on the enjoyment of our beaches . The size of the buffers around nesting areas has no credible backing . I hope reasonable measures will come about that will protect wildlife as well humans. My wife and i are both dare county natives and love and enjoy the beauty of our beaches,and wish to able to enjoy the area to the fullest. In the years of going to beaches of dare county we have seen so few people mistreating our natural resoures it seems hard to believe that problem is as large as it has been turned into.
 WOODY AND BONNIE ROWE

Correspondence ID: 14427 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:24:13
Correspondence Type: Web Form
Correspondence: To whom it may concern,
 I disagree with Plan F of the Off Road Vehicle management plan. The negotiating rule comittee did not reach agreement so any plan that comes from lawsuits filed by a few parties should not stand and is not the will of the people who live and work here.
 Thank you
 Tony Meekins

Correspondence ID: 14428 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:25:32
Correspondence Type: Web Form
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Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

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I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

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Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

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Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

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? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

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13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

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The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "?prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

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The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

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Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID:	14429	Project:	10641	Document:	32596
Name:	N/A, N/A				
Received:	May,11,2010 19:26:55				
Correspondence Type:	Web Form				
Correspondence:	To whom it may concern,				

Correspondence ID:	14430	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:27:20						
Correspondence Type:	Web Form						
Correspondence:	My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.						

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Thank you,

Correspondence ID: 14431 Project: 10641 Document: 32596 Private: Y
 Name: private
 Received: May,11,2010 19:27:43

Correspondence Type: Web Form

Correspondence: "When we look up and down the ocean fronts of America, we find that everywhere they are passing behind the fences of private ownership. The people can no longer get to the ocean. When we have reached the point that a nation of 125 million people can no longer set foot upon the thousands of miles of beaches that border the Atlantic and Pacific Oceans, except by permission of those who monopolize the ocean front, then I say it is the prerogative and duty of the Federal and State Governments to step in and acquire, not a swimming beach here and there, but solid blocks of ocean front hundreds of miles in length. Call this ocean front a national park, or a national seashore, or a state park or anything you please ? I say that the people have a right to a fair share of it."
 ? Harold Ickes, U.S. Secretary of the Interior, 1938
 Every effort on the part of the National Park Service should be in carrying out the ideal of the Cape Hatteras National Seashore Recreational Area in the spirit of the original intention on which this park was established. Established by the U.S. Congress with local villagers donating the land of their families who have lived there for generations.
 There is no scientific data that supports the level of protection for the piping plovers and turtles that the environmentalists are demanding on this beach. The other species of concern which are being given an unprecedented level of protection are not even endorsed by NCWRC.
 I love coming to this beach as much as possible and would like to be able to bring my mother to the beach who is disabled and only able to get to the beach by vehicle.
 *Corridors need to be in place to access beaches that are open but not accessible due to nests.
 *Buffers need to be reasonable and based on scientific data that has been peer reviewed.
 *All the birds on the dredge islands and Pea Island Wildlife Reserve should be counted and not just on the Seashore.
 *Studies of how other parks and beaches manage the turtle nests to give them the best protection possible, including moving the nests to better locations to ensure their safety.
 *Pets should be given the same access as people although leashed and under the owners control.
 We need to use a common sense approach to this and not take the attitude that it is one or the other. The Cape Hatteras National Seashore Recreational Area has been shared by all in the past and the wildlife have been respected and protected for generations. There shouldn't be such a divisive attitude on either side but a coming together to allow this Seashore to be what it was intended and also protect the wildlife that comes there, but keeping in mind the wildlife refuge on Hatteras Island has already been established.
 Thank you for your consideration and I pray that common sense will prevail.
 Cynthia A. Hudson

Correspondence ID: 14432 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:27:48
Correspondence Type: Web Form
Correspondence: Opening the Outer Banks beaches to 24/7 vehicle traffic will ruin the beaches for those of us who want to enjoy the peace and quiet of the beautiful shore, listen to the waves rather than motors, and want to see wildlife. Vehicle traffic will interrupt their migration and reproduction cycles. Please keep the Outer Banks quiet and beautiful! Thank you

Correspondence ID: 14433 **Project:** 10641 **Document:** 32596
Name: Lyons, Patrick T
Received: May,11,2010 19:28:09
Correspondence Type: Web Form
Correspondence: To Whom It May Concern,
 Having grown up and witnessed firsthand the changes that increased ORV utilization has brought to the beaches of CAHA, I have a strong interest in the NPS's future plans for managing ORV use. I believe that the argument around beach driving has been illogically framed as primarily an issue of users rights as opposed to resource management. Simply because ORV use was not managed or restricted before the inception of CAHA does not mean that future regulation must respect some sort of inherent right to vehicular access, especially if it mitigates the duty of the NPS to preserve the park's natural resources. Although I've read the explanation of why the "No Action" plan does not prohibit ORV access, I believe that complete prohibition should have been presented. A fortiori, virtually unrestricted ORV access should not be the line from which increased conservation and management policies should have to prove their worth. That being said, I do believe that with careful highly restricted management and monitoring, some amount of vehicular access can be accommodated. Of the plans put forth, Alternative D is in my mind the most palatable in this sense.
 ORV access areas should be clearly demarcated, and any areas not clearly set aside for this use should be considered off limits to ORV access. The superintendent should not have discretionary power to increase access beyond this point, nor should these areas change seasonally. Current routes that bisect wetlands should be closed and replaced with footpaths to reduce the damaging effects that unnatural culverts have on the complex hydrodynamics inherent to these environments. Furthermore, the reduction in areas open to ORV traffic should be accompanied with the construction of new gravel parking lots to allow for continued public access (albeit via pedestrian routes). The total length of beach containing ORV access areas also needs to be reduced. Under the NPS preferred plan F, only 16 total miles of beach will be vehicle-free throughout the year, as compared to 52 miles of beach that will allow at least seasonal vehicular access. I again question why the NPS seems to regard ORV access as some sort of inherent right that carries greater worth than the rights of pedestrians to enjoy areas of the seashore without having to dodge trucks and SUVs. This allotment needs to be re-evaluated. Pedestrian use has the benefits of providing public access to the park while limiting the environmental implications (habitat destruction, carbon emission, sedentary lifestyles, etc) that vehicles bring with them.
 Policies concerning threatened and endangered species should also be managed more carefully than they have in years past. Pedestrian and vehicular access to areas surrounding piping plover, nesting sea turtle, and sea-beach amaranth habitat needs to be further curtailed to comply with the Threatened and Endangered species act. The first priority of the NPS should always be the protection and restoration of these dwindling and irreplaceable natural resources.
 I agree that a carefully managed permit process for vehicles needs to be implemented, and feel that tying this process to mandatory education (as outlined in alternative F) should be stipulated.
 In conclusion, I believe that alternative D is the best option proposed by the NPS at this juncture. It should be amended to provide for increased 'pedestrian only' areas of the beach and further limit ORV accessibility.
 Sincerely, -Patrick T Lyons

Correspondence ID: 14434 **Project:** 10641 **Document:** 32596
Name: Kiser, Roy J
Received: May,11,2010 19:28:18
Correspondence Type: Web Form
Correspondence: I have a broad public service record, technical, and scientific background. I have in-depth knowledge of environmental sciences, research methods, and review procedures, especially those related to animal behavior. I am a retired lecturer from Va Tech with 27 years of experience.
 I agree with Dr Mike Berry's comment4
 "NPS presents Alternative F as if it were recommended by the recent Regulatory Negotiation process. However, upon close examination Alternative F is found to be a biased and highly restrictive management plan that is in complete opposition to majority recommendations of the recent Regulatory Negotiation process. Alternative F strengthens and codifies the denial of public access provisions of the current consent decree. The public access denying provisions of the consent decree, put into effect April 30, 2008, have been extended and transferred to Alternative F. The majority of Regulatory Negotiation Committee stakeholders (19 vs. 5) and numerous public commentators did not recommend an extension of the restrictive

provisions of the consent decree as part of a final ORV plan."

Correspondence ID:	14435	Project:	10641	Document:	32596	Private:	Y
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Name: private

Received: May,11,2010 19:28:28

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

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2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

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Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

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Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

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16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14436 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:28:38
Correspondence Type: Web Form
Correspondence: Dear Superintendent,

I am a student from the University of Missouri, Columbia and am Majoring in Environmental Studies. It gives me great pleasure to write to you giving my input on this certain issue. I find the thought that there has yet to be created a set of rules and regulations limiting the use of ORVs on one of our national Seashores. I personally have never been to Cape Hatteras but as a potential visitor and citizen of the United States, I am stakeholder in the issue. When I do come to Hatteras I want to be able to see as much endemic wildlife and habitat as possible. That's why I humbly ask that you pass this plan into a solid set of regulations of ORV usage.

Some of the animals that would be protected under alternative C in the EIS are; piping plover, three kinds of sea turtles (loggerhead, green, and leatherback) and seabeach amaranth. I read in the EIS that according to the USFWS, seabeach amaranth has been eliminated from two-thirds of its historic range and ORVs are cited as one of the more serious threats. Natural threats to the seabeach amaranth like storms are uncontrollable by the NPS however, "vehicular traffic, which can easily break or crush the fleshy plant and bury seeds below depths from which they can germinate" (EIS) can also create problems for the endangered species. We do have control over the amount of vehicular traffic on the seashore of Cape Hatteras. Though there haven't been any signs of amaranth for a few years, there still remains the possibility that the seeds still exist in the area, they just haven't manifested themselves, the population is known to bounce back after several years in dormancy.

Also, according to several graphs that I found, after the Consent Decree that was agreed upon as a temporary measure by the NPS to limit ORV use, numbers of sea turtles, piping plover, least tern, and other endangered or threatened shore birds took to the rise (North Carolina Wildlife Resources Commission). However, just enforcing the minimum regulation (or the status quo, Alternatives A and B) would be a mistake, more restrictions must be placed on ORVs if this precious natural resource is going to be protected.

Alternative C is attractive because of the "peak use limit" put on ORVs. This seems like a very good alternative to keeping management to the status quo because it accounts for use by each area. For instance one vehicle per 30 linear feet is allowed for the Ocracoke Island District while its one vehicle per 20 feet on Bodie and Hatteras. This, to me, is more specific management for the areas that need it and allows for different max densities of vehicles on the beach at once.

The yearly review of species non-breeding and breeding habitat will ensure that transient as well as annual populations of protected animals will be protected from ORV traffic that would be potentially threatening. This method of changing closed or restricted areas shows a great deal of effort on the part of the Park service to protect valuable natural resources and fits the description of the Organic Act which charges the park service with preservation of resources "unimpaired for the enjoyment of future generations". "Courts consistently interpret the Organic Act and its amendments to elevate resource conservation above visitor recreation." (DEIS) So though ORV users are being limited on recreation opportunities, conservation of the

resources is paramount for the Park Service.

I also like how the cost of the permit will be determined by the prices of management. This means the users who require special management are the ones bearing the brunt of the cost. For example if you were to raise the cost of camping permits in order to manage ORVs this wouldn't be fair to those campers who don't use the beach for an ORV.

Furthermore, the requirement of doing an online or in person training to obtain a permit makes the permittee responsible for knowledge of all the regulations and restrictions that come along with the permit. If they were just given out without anything required of the permittee, there exists the possibility that they can claim ignorance to the regulations and beach closures, and they could just ignore the signs. This clause ensures accountability as well because their permits could be taken away if they are caught breaking the agreement they consented to when obtaining the permit.

I want to now take a moment to point out one thing I disagree with that was under the "Issues Considered But Dismissed from Further Analysis" in Chapter One of the EIS. I respectfully disagree with geologic impacts on beaches being left out of the EIS. The document said that " the Seashore is part of a dynamic coastal barrier ecosystem, and visual effects of ORVs on ocean beaches can no longer be visible in a matter of hours due to daily tidal action, winds, rain, hurricanes, and other storm events." (EIS). This is true but if the use of ORVs is not limited at all, then the tracks might be always visible because there will always be ORVs to make new tracks after the old ones have been washed away and it might be possible for a visitor to walk the beaches all day without enjoying a view unobstructed by tire marks on the beach. This leads me to a discussion on aesthetics.

Under Chapter Two, Consistency with the purposes of NEPA, the second objective reads: NEPA should "Ensure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings,"(EIS). ORVs destroy coastal features like wave or wind ripples in the sand, tide wrack lines, overwash deposits, wind sorted sediments, dune formation, etc. As an example, the burrows of ghost crabs, the most common beach inhabitants, are nearly absent from beaches where ORVs are allowed (EIS). Alternative C , seems to be the best in between option that restricts ORVs on certain areas at biologically sensitive times. The noise is also a factor, it was found that, "Loud engines in quiet environments can disturb wildlife and affect visitor enjoyment for those who use parks as places of peace and solace" (Proescholdt 2007). I would count myself as one of these people. However I feel like those that need or want to use ORVs should also be represented, an ORVs definitely account for a major group of park users. I think Alternative C is the best option for the Park Service and all the stakeholders involved.

Thanks for your time, Kurt Heine

Sources: Proescholdt, K. 2007 Off-Road Vehicle Impacts on Hunting and Fishing. St. Paul, MN: Izaak Walton League of America.

North Carolina Wildlife Resources Commission, Colonial Waterbird Survey; USGS Management Protocol for Piping Plover: Cape Hatteras National Seashore 2007 Annual Report; and Cape Hatteras National Seashore Resource Management Weekly Field Accessed online: 5-10-10.
<http://www.nps.gov/caha/naturescience/natural-resource-reports-and-publications.htm>

Correspondence ID:	14437	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:29:15						
Correspondence Type:	Web Form						
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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Conclusion:

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Thank you,

Correspondence ID: 14438 **Project:** 10641 **Document:** 32596
Name: Clark, Frank
Received: May,11,2010 19:29:18
Correspondence Type: Web Form

Correspondence: The comments provided by Senator Basnight, and the Chamber of Commerce illustrate what a slanted, poor (probably purposely incomplete and misleading) analysis of the economic impacts of the option B thru F alternatives that are included in the DEIS. By proposing such deeply flawed options casts a poor light on the NPS in general, and the Superintendent in particular. What a sad way for a career officer to end up. He is on site, and knows the truth, so you think he would finish his career with some pride.
Option A is the, while not good, is the only choice an honest man could make.

Correspondence ID: 14439 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:31:05
Correspondence Type: Web Form
Correspondence: The economic impact on the residents and businesses of this region should receive the upmost consideration in any rules or regulations that impact their everyday lives and to earn a living. Environmental impact is important, but we're talking about Human Beings here!

Correspondence ID: 14440 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:31:12
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
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2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
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However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)
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Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.
I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.
The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.
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On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

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Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

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Thank you,

Correspondence ID:	14441	Project:	10641	Document:	32596
Name:	Smock, Addie				
Received:	May,11,2010 19:31:37				
Correspondence Type:	Web Form				
Correspondence:	I urge you to adopt a modified Alternative D of the draft Environmental Impact Statement, protecting that which makes Cape Hatteras so special--abundant (and endangered) wildlife and the natural quiet of miles of pristine Atlantic seashore.				

Correspondence ID:	14442	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:31:39						
Correspondence Type:	Web Form						
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Thank you,

Correspondence ID: 14443 **Project:** 10641 **Document:** 32596
Name: Niebuhr, Robert H
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent

Cape Hatteras National Seashore Recreational Area
 1401 National Park Drive
 Manteo, NC 27954

Dear Superintendent Murray,

Please accept this letter as my comment on the ORV DEIS before you at this time.

After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.

I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Robert H. Niebuhr,17008 Sunswep Lane, Parkton, Md 21120

Correspondence ID: 14444 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:34:47
Correspondence Type: Web Form
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Correspondence ID: 14445 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:34:52
Correspondence Type: Web Form
Correspondence: please help control this.

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Name: private
Received: May,11,2010 19:34:54
Correspondence Type: Web Form
Correspondence: Please do not allow off road vehicles access to another national treasure. We have seen what these vehicles and their drivers do in the Boundary Waters. Even if the drivers stay on designated paths, they create problems for the environment, and they are always tempted to drive anywhere they feel like.

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Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14449 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Date: May 11, 2010

To: National Park Service

From: Stephen L. Ingram

Subject: DEIS Off-Road Vehicle Management Plan Comments

My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

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4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go

to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

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I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial

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NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

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Thank you, Stephen L. Ingram

Correspondence ID: 14450 **Project:** 10641 **Document:** 32596
Name: gundersen, david m
Received: May,11,2010 19:36:55
Correspondence Type: Web Form
Correspondence: I am a resident of NC who enjoys the recreational opportunities offered by the Cape Hatteras National Seashore and Recreational area. Reasonable and safe pedestrian and vehicular access to the beach is essential to participate and enjoy these resources and opportunities. I also support restrictions and conditions necessary to protect the birds, sea turtles, and other animals that are supported by scientific data and can make the Seashore home for part of the year. I believe that alternative #7 advanced by the NPS is more restrictive than necessary to meet protection of the seashore. I have read and agree with the proposal to manage ORV's on the Seashore prepared and submitted for consideration by the Coalition for Beach Access. My position is that the NPS accept this alternative or at least postpone a final decision on the ORV Plan pending further review and negotiation on the counter points raised by the Coalition for Beach Access.
Thank You for the opportunity to comment, David Gundersen

Correspondence ID: 14451 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:37:08
Correspondence Type: Web Form
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Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Correspondence ID: 14452 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:38:17
Correspondence Type: Web Form
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Thank you,

Correspondence ID: 14453 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 19:39:37

Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray,

As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.

1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."

2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..."

Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.

3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.

Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14454 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 19:39:38

Correspondence Type: Web Form

Correspondence: Please accept this letter as my comments on the ORV DEIS before you at this time.

This 800+ page manifesto is government BS at it's best. The sum of dollars spent, and the numbers of life-long employees (or wannabe's) to produce such an overwhelming book of foolishness is unbelievable. My gosh!

The problem was that the NPS never finished the ORV Executive Order requirements, right? The NPS screwed up badly, but how many NPS people were fired or lost their jobs, retirement, savings etc.? You know the answer. ZERO.

Now the reimbursed lawyers for about three lunatic groups sue the NPS and others to cash in. Guess who gets off their butts, acts and reacts. NPS. Not an original thought came forth, just WE CONSENT.

You CONSENTED, and now you take that and even add to it to come up with this 800+ page pile of garbage. This is all written by people many miles from where the land-grab is taking place. The NPS opponent (or co-conspirator) is many miles away as well.

Government is local when it works best. The Hatteras Island people, Conrad Wirth, and the US Congress had a vision and signed on to create the Recreation Area, NOT a bird sanctuary.

Again, government is local when it works best. I recommend you review and I recommend the 77 page Coalition for Beach Access Statement signed by several groups that were a part of the negotiated rule making process (another travesty) and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put actual people, not lawyers, back into the management of Cape Hatteras National Seashore.

Correspondence ID: 14455 **Project:** 10641 **Document:** 32596

Name: ernolm, wendy

Received: May,11,2010 19:39:42

Correspondence Type: Web Form

Correspondence: I have been vacationing on the outer banks since i was a child. My fondest memories are of flying kites at sunset. I now take my children every summer.

It is wonderful to watch them enjoy the same things that I did at their age.

When I heard of the plans to close the beaches, I felt like I was loosing a life long friend.

The outer banks hold a special place in my heart. Please don't let the beaches close..

Correspondence ID: 14456 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 19:39:54

Correspondence Type: Web Form

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Thank you,

Correspondence ID:	14457	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:41:09						
Correspondence Type:	Web Form						
Correspondence:	As a frequent tourist in NC, I have enjoyed your beaches. Please do not ruin them by allowing motorized traffic. The beach structure, the protective						

dunes and the wildlife who call the NC beaches their homes can be destroyed by this sort of traffic. I'd like my future grandchildren to enjoy these beaches as I have. Thank you.

Correspondence ID: 14458 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 19:41:10

Correspondence Type: Web Form

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4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

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Correspondence ID:	14459	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:41:16						
Correspondence Type:	Web Form						
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Thank you,

Correspondence ID: 14460 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:41:17
Correspondence Type: Web Form
Correspondence: I am a homeowner at Emerald Isle, NC. Vehicles are allowed on the beach there at varying times throughout the year. The problems that vehicles can cause at Cape Hatteras are undoubtedly the same as those caused at Emerald Isle.
I just learned about the comment period and I will simply list a number of reasons that all vehicles should be banned from beaches, rather than write an organized and edited statement.
1 - Vehicular traffic interferes with wildlife, particularly with the behavior of nesting turtles. 2 - Vehicles are often driven in an unsafe manner. 3 - Even if driven slowly, vehicles cause unsightly tracks on the beach and make it more difficult to walk along the shoreline. 4 - Although the argument is sometimes made that elderly people need vehicles in order to access the beach, the reality is that most drivers are younger, often teens. 5 - There seems to be no good reason for vehicles to be on the beach. 6 - The American epidemic of obesity provides a salutary reminder that we need policies that encourage physical activities, not sedentary ones. 7 - Not only are vehicles detrimental to marine wildlife, other environmental problems are associated with vehicles on the beach, not least of which is air pollution and the pointless "spending" of resources.
Thank you very much, Katherine McGinnis

Correspondence ID: 14461 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:41:42
Correspondence Type: Web Form
Correspondence: Please do not close our beaches to driving here in NC
KEEP THE BEACH OPEN TO DRIVE ON.....

Correspondence ID: 14462 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:41:53
Correspondence Type: Web Form
Correspondence: I am in 6th grade. If the beaches are closed down because of these birds that arent even native here I will loose all hope. Most of my friends parents fish. If the tourists stop coming here they will probably loose their jobs and I will loose all my best friends. The population of the Plovers has gone down since the begining of the closures now what does that tell you. Even a sixth grader can tell that this is absurd. No matter what you do to help the birds the population of Plovers is plummeting and it will continue to do so. If you can move a turtle nest it should be about the same for a Plover. Like one of the signs says " we the people NOT we the plovers" and that is exactly why I disagree with plan F.
Thanks for your time,
PLEASE COME UP WITH A DIFFERENT PLAN
Hannah Lofty
6th grader that cares

Correspondence ID: 14463 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I think that it is a miss-directed approach to preservation of our natural environment and our wildlife. It is a direct violation of our rights and freedoms as Americans and as naturalists who love and take care of our natural environment. As a fisherman, a surfer, a beach and wildlife lover as well as the owner of a well behaved and trained Golden Retriever, I feel that these proposals are unnecessary, arbitrary, illegal and totally uncalled for. I have reviewed the Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Balance is a must and a requirement of our democratic society. Extremist views must be countered and balanced by reasonable approaches Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. We love this seashore and will take care of it and ensure its endurance through the course of our lives. Please do not let extremist, radical views misguide and misdirect the intent of legislation and efforts to protect our beautiful and valuable natural environment. Reasonable and balanced access to our natural resources is a requirement of our democratic society that many of us have spent time and effort to protect and defend.
Thank you Sincerely
Jose & Sharon Simon

Correspondence ID: 14464 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:42:27
Correspondence Type: Web Form
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I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

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So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

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Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

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Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

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Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14465 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 19:42:52

Correspondence Type: Web Form

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Thank you,

Correspondence ID: 14466 **Project:** 10641 **Document:** 32596
Name: Dente, Jr, Michael A
Received: May,11,2010 19:43:14
Correspondence Type: Web Form
Correspondence: For as long as I have been living, now 64 years, the Cape Hatteras National Seashore has been for all living things pretty much equally. We humans have respectfully guarded the living beings intrusted to us. Any being that has been endangered has always been protected and guarded. The idea that now suddenly, we are not responsible is preposterous to me.

In reviewing the demands of the political group pushing this suit, I see something that disturbs me. First, I see the attempt by a small group of misguided persons to take away from the group at large. Then I see this political group manipulate the facts and the law to achieve a narrow victory that will impact the lives of many.

This manipulation is determined to strip the very rights the larger group has enjoyed for longer than this current group has been living on this earth. All for the idealistic longing of a utopian life that no one can really sustain even if it did come true.

The danger in what is taking place is more than just a request to protect birds and turtles that have survived for longer than humans have been walking on the Outer Banks. The danger is real and present to the rights of humans to be free.

Think about this please, you in the National Seashore service. You, who are required to protect ALL living things, (that would include humans....) we are all entitled to walk, ride, drive, fly, swim, and however you can get there, to enjoy the Outer Banks.

You are required by the laws set forth in your founding documents to allow the citizens of this country to have FREE access to and to allow the enjoyment of these lands set forth as a National Seashore for the citizens of the United States of America. Not to try to use flawed and untrue information as a basis to manipulate the courts to block the use of these treasures for the general public, but only a select few.

I admonish you to take careful thought as to what you are trying to do. To what benefit is this request? To block the use of these lands set aside for the public to use? Why? Who benefits if the people whose ancestors first settled these banks are run out of business and can no longer live here? I suggest you look further up the Coast to the lands between Sanderling and the Virginia state line. Do you remember the developers who achieved a similar coup? Let's bring this back up now, before Hatteras Island becomes another Carolla at best, or an abandoned sand bank at worst.

Thank you, Michael Dente

Correspondence ID: 14467 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:44:02
Correspondence Type: Web Form
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Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

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Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

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So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

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Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

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? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

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I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules.

(p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the

beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."
Thank you,

Correspondence ID: 14468 **Project:** 10641 **Document:** 32596
Name: Midgett, Todd L.
Received: May,11,2010 19:44:50
Correspondence Type: Web Form
Correspondence: Dear Mr. Murray, I am a 14 year old student of Cape Hatteras Middle School and a life-long resident of Hatteras Island. My family has been here for over 3 centuries. I am very proud to be a Midgett. I love our beach and Hatteras Island. I love to swim, surf and skateboard. I am very sad about the government taking control of the beaches in a way that gets rid of humans and mostly only allows birds. I like birds, but I have seen them on the islands behind Hatteras, they are happy there and are nesting without raccoons or cats getting the eggs and babies. I learned in school that a species needs to adapt to survive. Haven't they done that by moving their nests to a safer place? My Dad and I ride the beach to Hatteras Inlet every Sunday (when it is not closed). It is our time. We look for shells and driftwood, listen to music, but mostly talk. I will miss that.
If you all put these rules in place I can't even take my dog to the beach on a leash and that just does not make sense to me. My Mom and Dad are worried about the family and the family business but they try not to let me see it. That is stressful to me. I want them to be happy. I want my family to be happy and successful. I work hard at school and get great grades so I can go to college. I have 4 brothers and they all work hard and live here on the Island. Will they have to move away to get jobs? Will I have to when I get older? I hear from my Pop that the Park Service promised that the beach would always be open to the public and that the government wanted us to be good to the visitors and make them feel welcome. We do that. Did the government lie to them? I don't think it is right to say a promise doesn't matter. Thank You, Todd Midgett Hatteras Village Resident all my life.

Correspondence ID: 14469 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:44:54
Correspondence Type: Web Form
Correspondence: 1. Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
Although I currently do not drive to the beach, as I get older I can see the time when I will take advantage of driving to the beach.
2. Page 121 ? 127. I disagree with the buffers, as I think pass thru corridors must be allowed. I think ORV pass thru only corridors and use of buffer distances to set the corridors will allow for beach access without hindering resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. . The 1,000 meter distance for the piping plover is too big and not based upon peer reviewed science. A more reasonable distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. NON-ENDANGERED BIRDS should not have same protection as if endangered
3. Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. These areas should be open to beach walkers, shell collectors and those that want to access the beaches in these areas.
4. Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.
5. I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.
6. Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore.
On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.
As an owner of rental property, my 2008 rentals were about 20% down from the average of the previous three years. In addition, my rental fees have been reduced in an attempt to compete and continue to fill out the rental calendar. Reduced rental weeks affect not just me, but also those locals who service and maintain my property.
We spend at least 4 weeks per year on Hatteras Island and have for many years. Thru that time I have become acquainted with many locals and I'm aware of the severe impact the Beach closures have already had on many Dare County businesses, causing foreclosures, bankruptcies, lay-offs, and drastic cutbacks.
7. Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31. We have brought our pets many times, and I see many other people with their pets.
8. Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.
9. Pages 97- 101. I disagree with proposals saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is the same as denying the public access to these beaches. They are located far from the nearest parking or paved road area and too far to access on foot.
Final comments
Please, incorporate access corridors so we can get to the open beach beyond. Incorporate birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back as noted. It is not reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. The proper balance needs to be achieved between public access and resource protection. The resource protection can be achieved without the severe restriction on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. Thank you for your consideration of my comments.

Correspondence ID: 14470 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:45:14
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and

enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

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Thank you,

Correspondence ID:	14471	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:45:14						
Correspondence Type:	Web Form						
Correspondence:	I support the limiting of off-road vehicles to permit quiet enjoyment of the area by the public and minimization of interruption of the wildlife and waterfowl.						

Correspondence ID:	14472	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 19:45:21						
Correspondence Type:	Web Form						
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The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USFS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14473 **Project:** 10641 **Document:** 32596
Name: Green, Francis S
Received: May,11,2010 19:46:06
Correspondence Type: Web Form
Correspondence:

I have been a frequent visitor to the Cape Hatteras NS for the last 15 years. I go to fish, windsurf and just get away from it all. Having the ability to access the beaches by vehicle is essential for these activities.

While I understand some ORV restrictions are going to be necessary, I would like of course to see the minimum amount of restrictions put in place.

Having had almost unrestricted access in the past, the visitors and residents of the outer banks have a lot to lose both in terms of beach access and lost revenue due to decreased visitors. It seems reasonable to implement minimal restrictions at this time and then monitor the wildlife populations to see if the improvements are sufficient to ensure their long term survivability.

I believe the wildlife and ORV's can coexist at the outer banks and I support alternative E.

Thank you.

Frank Green

Correspondence ID: 14474 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 19:46:19
Correspondence Type: Web Form
Correspondence:

I believe that wildlife is important, but it is human who can use places without destroying them. So keep the places open for human use!!!!

Correspondence ID: 14475 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:46:45
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Correspondence ID: 14476 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 19:47:01

Correspondence Type: Web Form

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Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

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Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

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Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14477 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:47:22
Correspondence Type: Web Form

Correspondence: Dear Sir or Madam, I view with great concern the proposed new plan for beach access on the Cape Hatteras National Seashore. The proposed plan goes far beyond what I believe is necessary to protect a bird whose population is actually increasing. My primary concerns are as follows: 1. The 1,000 meter closure allocated to a piping plover unfledged chick seems excessive. As a citizen I can not support an area larger than a square mile for one nest. The 300 meter restriction for the oyster catcher, a bird that is not threatened, also seems excessive. 2. Pets, including dogs on leashes, will not be permitted on the beach between March 15 and July 31. I know that pets can harm ground nesting birds but not when they are leashed. This ruling will impact use of the beach without doing anything to help the birds. 3. Large sections of the beach will be closed to even pedestrians during the March 15 and July 31 period. This seems excessive. 4. Off road vehicles will be prohibited year round at the Hatteras and Ocracoke Inlet areas. This too seems excessive. I believe that it is important to protect wildlife, but I also believe that such protection must be viewed as rational by the general population such that the political body will continue to support it.

Correspondence ID: 14478 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 19:48:05
Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.

1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."

2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.

3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.

Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

***** Thank you very much for taking the time to protect one of America's most beautiful stretches of Atlantic seashore! Sea turtles, nesting shorebirds

Correspondence ID: 14479 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954
Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Victoria T. Oliver Dunes East Drive Hatteras, NC

Correspondence ID: 14480 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:49:02
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am agnind having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.
Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.
I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.
The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.
NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14481 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:49:04
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954
Re: ORV DEIS
Dear Superintendent Murray,
First I would like to note that I have never driven, or ridden in, an ORV on the beach in the Seashore despite owning various rental properties in the area

for nearly 35 years.

It is clear that reasonable beach access has been available and utilized for many generations as a crucial aspect of residents' way of life and livelihood. The prohibition of future development in the National Seashore is reasonable and supported by nearly everyone as a benefit to all, including wildlife. On the other hand, aggressive beach closures proposed in the DEIS appear to well exceed means necessary to reasonably protect wildlife and balance its needs with those of humans. In particular, aggressive closures implemented at huge economic loss to protect one or two species appears quite foolish when weighed against the observations (1) that the effectiveness of these means remain unproven, and (2) when thousands of species are being lost worldwide by means whose prevention is vastly more practical and cost effective.

I would like to strongly suggest that all of the six ORV management policies in the DEIS exceed the means necessary to reasonably protect wildlife, and that a much less aggressive policy be considered. I believe that the measurable impact on wildlife of such a policy would differ little, if at all, from the most aggressive DEIS approach, and that striking a reasonable balance amongst all concerned weighs heavily in support of the less aggressive policy. Your serious consideration of these thoughts would be most sincerely appreciated in reaching a decision that equitably balances the needs of wildlife preservation with historical use patterns and the future lives and livelihoods of all who love the Outer Banks.

Sincerely Yours,

Peter A. Jansson
19 Arthur Drive Hockessin, DE 19707
elm_forest@yahoo.com

Correspondence ID: 14482 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:49:48
Correspondence Type: Web Form
Correspondence:

As a resident of Hatteras Island, North Carolina, I respectful request that you consider the residents of this island in your decision to preserve the wildlife. I'm a N.C.Licensed Professional Counselor and I truly love nature and the wildlife, but I also see the devastation that has been occurring to the families with children on this island. Anxiety has increased, people are fearful of their livelihood, and children suffer when families are under stress. Birds are important, but at what expense? I hear about the studies of the economic impact, but what about the emotional impact and the disruption of peoples lives. Please consider a realistic balance for those who live on this island, those who have invested in this island, and the wildlife. Stephen Covey wrote a great book, "The Seven Habits of Highly Successful People." There is a possibility of a "win - win" solution if everyone would agree to expand their thinking. We are in the 21st century, we can expand our perspectives and go for a win - win solution. Please don't get stuck on a position and disregard the people and children. Sincerely, Nellene M. Groetsch

Correspondence ID: 14483 **Project:** 10641 **Document:** 32596
Name: Clark, Ian M
Received: May,11,2010 19:49:50
Correspondence Type: Web Form
Correspondence:

I am heartened to see that the NPS is finally getting serious about ORV regulation on our National Seashore. However, I see some serious flaws in the document. In my analysis of the NPS preferred plan (Alternative F), the use and experience of non-ORV visitors to the year-round non-ORV areas will not be regarded as beneficial because they include some of the least attractive and cramped areas of beach in the entire seashore. These areas compare most unfavorably to the grand vistas of the expansive stretches that are open to ORV use. The NPS preferred plan obviously favors the ORV user, much to the detriment of pedestrian use of the seashore. For aesthetic and safety reasons this pedestrian user (and many others I know) is discouraged from using beaches when ORV's are present. The greater the density of these machines, the more intimidating they are to an individual on foot. It is also quite apparent that the NPS preferred plan affords inadequate protection of the seashore physical resources, threatened, endangered and other protected species, native plant species, other wildlife and wildlife habitat. Squandering these resources for the sake of adding a few miles of recreational driving is an unwise trade off that generations to come will regret.

Correspondence ID: 14484 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 19:51:11
Correspondence Type: Web Form
Correspondence:

May 6, 2010
Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
Dear Superintendent Murray,

While I believe in the preservation of life, whether human or animal, I find what is happening at the Cape Hatteras National Recreational Seashore (and I emphasize "Recreational") a travesty to the community. The "recreational" seashore was developed with the promise of open and free access to the beaches. After all wasn't the beach the initial means of travel?

I have visited Cape Hatteras for most of my life and am now a resident and business owner in Frisco, North Carolina. I am astounded every day by the number of visitors who are not even aware of the money fueled controversy that is occurring and the number of those visitors who find it appalling that our government would allow the devastation of a community, a community they love to visit in order to enjoy the nature and beauty. Where is the public coverage and education that this dilemma deserves? Haven't the good people of this country suffered enough? Is this another Goldman Sachs fiasco!

I find it hard to believe that we are a nation that can go to the moon but we cannot find a way for humans and wildlife to coexist on the shoreline. In my experience, the birds appear to be appreciative of the piece of shrimp that I throw to them while I am on the beach. Evolution and predation are facts of life, however, there continues to be the destruction of other species. And this is allowed?

My recommendations would be as follows:

1. Develop a nesting site for Piping Plovers and Turtles where they can nest free from predators, weather and tides that will also enable residents and visitors of Cape Hatteras to access the beaches. As the saying goes, "build it and they will come".
2. Develop and distribute educational material regarding the species of Cape Hatteras so that the public is aware of their responsibilities when accessing the beaches. With the enormous amount of funds that have been obtained and spent fighting, the Audobon Society, SELU and NPS could provide a vast amount of material to the community and businesses to assist in education.

I hope that the devastation that the beach closures will cause to this community are taken into consideration. Access to the beaches is vital and was always guarantee by Congress.

Sincerely,

Bob and Beverly Cox Frisco Tackle

Correspondence ID: 14485 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:51:45
Correspondence Type: Web Form
Correspondence:

My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations

are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

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8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the

assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14486 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Please accept this letter as our comment on the ORV DEIS before you at this time. After reviewing the National Park Service DEIS, we cannot agree with any of the six alternatives within the document. We have reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process, and we believe it will furnish the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. We need some return to sanity and balance in both the use and the maintenance of our natural resources.
Sincerely,
Frank Crawford & C. S. Reinhardt

Correspondence ID: 14487 **Project:** 10641 **Document:** 32596
Name: Contestable, John
Received: May,11,2010 19:52:01
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
I would like to submit my comments on Alternative F of the DEIS. Like most people I have not had time to read the whole document, but a couple items mean the most to me.
I believe the buffer zones set forth by the consent decree are much too large and the policy of expanding the buffer whenever there is a violation (willful or not) makes no sense whatsoever. The act of an uninformed individual resulting in punishment for everyone else who uses the beach is ridiculous. I believe the buffers in place and enforced by the NPS before the consent decree were fair and adequate for all involved, including the birds and turtles. While I am happy that more access ramps are proposed I fear they will be a waste of time and effort if the current closures and buffers are still in place. Please take into consideration the comments of the vast majority of residents, property owners, and others who use the beaches and return to the procedures and buffers in place before the consent decree. I can live with the permits, night driving restrictions and seasonal closures in front of the villages but the amount of beach set aside for very few birds has no scientific justification.
And just to be clear, I am NOT an ORV enthusiast. Just a guy who uses his vehicle to take the family to the beach.
Thank you,
John Contestable Salvo, NC

Correspondence ID: 14488 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:52:02
Correspondence Type: Web Form
Correspondence: PG 1 I Disagree
Pea Island is a pedestrian-only area and should be a sufficient area for wildlife without closing areas in the NPS to ORV'S.
PG 121 - 127 I Disagree
The buffer zones are much too large for the individual nesting areas.
PG 136 I Disagree

Pets should be allowed in all areas open to ORV's & pedestrians as long as they are on a 6ft leash as currently required.

We totally believe that the National Seashore was developed for the use of people as a recreational area. We have a wildlife refuge at Pea Island. We are very sympathetic of endangered species, but feel National Parks are for people. We are also concerned about the economic impact on all of Hatteras Island & Ocracoke Island. If this legislation goes through we could end up being like Portsmouth Island (which is a ghost town). We really have to look at the total affect.

We feel if the NPS wants to develop this as a total refuge then homeowners & businesses should get fair market value for their properties if they are forced to leave the island.

Correspondence ID: 14489 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:52:40
Correspondence Type: Web Form
Correspondence: Dear Mr. Murray; of the several plans described in the Draft, I could endorse only plan D, which appears to be the most stringent in protecting the natural aspects of the Park and in limiting ORV access. It is, in my opinion, the plan that comes closest to the Presidential directives that we were supposed to discuss and respect during the long negotiating process.
At the last hour, I need to convey once more my greatest concern regarding the entire project and your feedback operation. I worry that the entire discussion did not take sufficiently into account, from the very beginning, the opinion of the "larger" American public. Rather, it seemed more focused around local forces, despite the fact that the Park is not a State Park, but a federal entity. Some groups described themselves as representing out-of-state constituencies that were either true "one-color" memberships (as the dune buggy association, to quote one example) or loosely aggregated groups of "property owners". In neither case was the Park visitor truly represented.
You may recall that I suggested to you on several occasions for the Park Authority to run an independent survey among the Park visitors and identify their recommendations. To my knowledge, this was never done, despite the significant amount of time and money spent in the negotiating process. (Still to my knowledge, I was the only one who forwarded to you the opinions of individual visitors, written in their own hands and with their identities spelled out. I strongly recommend that you include them in this feedback process!)
I suspect that during these past sixty days the Park's attempts to reach the larger public have been limited, if present at all. Once again, it appears to me that the feedback has been sought at a local level and through local advertisement, as if it were mainly a local or State issue
I may be wrong. If I am right, however, the process of validation of the Park's choice through feedback may indeed be largely meaningless. If this is the case, I would recommend that you extend the feedback period so that you may incorporate a survey from the seasonal visitors who are beginning to visit the park in growing numbers.
In closing, I strongly recommend that recreational ORV access be at most limited to selected areas distant from the villages; that ORV use of the Park be limited to access, without any driving through; that the protection of the Villages areas and beaches be a permanent, all year process. Non recreational (business-related) access should be allowed upon documentation of need and through a permit system at the discretion of the Park Authority.
Sincerely;
Vincenzo Sanguineti MD
Philadelphia, PA

Correspondence ID: 14490 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are of paramount importance to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent an equitable balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information available. Wildlife disturbance buffers in the preferred plan are minimums and should be increased to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14491 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:53:00
Correspondence Type: Web Form
Correspondence: In response to the proposed ORV Management Plan for the Cape Hatteras National Seashore, I would like to comment on a number of issues pertinent to residents and visitors of Hatteras Island.
The first issue of concern is the economical impact such proposed plans do not address. The Draft Environmental Impact Statement provides only a glance to what extent the proposed plans would cause on island economy. Loss of jobs, tourism, and income to the county is something that should be of great concern before such a permanent solution is put into place.
Second, it is of unknown certainty throughout the NPS as to what acceptable barriers provide proven protection for the endangered species located on the National Seashore. It seems that the Audubon Society and other environmental special interest groups have provided evidence that does not support scientific evidence as to the best management of the species. The NPS should closely examine models founded in science, not emotion, to provide appropriate measures taken to protect the endangered species.
If it is indeed proven that limited ORV access is warranted, it is important to consider that access be allowed by pedestrians for recreational purposes. The Cape Hatteras area is the home to many entrepreneurs that provide for their families that comes from recreational usage of park service property. Finally, it seems most appropriate to allow more public input on the issues that directly impact those that reside and visit the National Seashore.

Correspondence ID: 14492 **Project:** 10641 **Document:** 32596
Name: Van Riper, Jeanne
Received: May,11,2010 19:53:08
Correspondence Type: Web Form
Correspondence: We have been going to the outer banks for over 25 years. It has been our choice because of its nearness to nature, the ability to be on the beach with the birds. 15 years ago we chose to buy in Avon because it was different from all other beaches. There has to be a way that we can keep the outer banks we love and save the wild life. We also travel to Captiva Island in Florida and the beaches there are very similar to the Outer Banks. They have saved the turtles by just marking the spot - because of the people these markers are never moved and the turtle eggs are saved. Why can not the same thing be done in the outer banks have strips of areas reserved for the bird nesting area and this way both can survive. Without the vacations there will be no tax bases to sustain the beaches. The type of people who use these beaches understand nature and the beauty of nature. They want to preserve the beaches and animals as well because that is what makes the outer banks what they are. Please us true scientific information to do the best thing that the beaches, nature and for all of us that enjoy the outer banks. thanks you

Correspondence ID: 14493 **Project:** 10641 **Document:** 32596
Name: Lyons, Marcia M
Received: May,11,2010 19:53:23
Correspondence Type: Web Form
Correspondence: Having just submitted lengthy comment pertaining to policies and regulations, I realized it may not have captured the heartfelt feelings I have for this coastal resource. Over thirty years ago and new to the Outer Banks, I found myself with friends at a tail gate dinner party at Cape Point. I remember looking around at all the noisy vehicles coming and going and people clumsily trying to negotiate the tire ruts as they walked from one potluck dish to the other. The whole landscape was marred with tire tracks in every direction. The scene felt disrespectful to me. I couldn't believe I was in a national park. Some years later on an occasion when the park service closed the beaches to vehicles due to a passing tropical storm, I had a very different experience. Just after the storm, I walked out to see what the Point looked like without vehicles. The scene was one of the most beautiful sights in my memory. A wild, windswept landscape replaced the usual rutted terrain. Different shades of black, white and gold sand sorted by wind and waves covered the beach surface. Fresh overwash fans. Stratified erosional scarps. Wrack lines alive with Sargassum life. A sooty tern, blown towards shore by wind, rested above the tide line. The Point looked like a gem of a geological feature that it was. I could actually see the Point - the view unbroken, unobstructed - get a feel for the east facing shoreline curving at the shoals to meet the shoreline moving up from the west. There were others out there that day enjoying this rare occasion. A friend later said that she had never thought of the Point as a beautiful place until that moment. I thought how sad- this is a national park.

Correspondence ID: 14494 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:54:01
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
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6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreation Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.
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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14497 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:56:00
Correspondence Type: Web Form
Correspondence:

The off road vehicle is not used for recreation in the normal sense on the Cape Hatteras Seashore. It is a tool that gets you to a location to fish,surf,picnic and see the wildlife of the park. It does this without large asphalt or concrete roadways and parking lots on sands that may or may not be there next week or next year. I can not understand how people who do not live here can come in with no understanding of our environment and want to change it to their beliefs that are based on weak science. If the piping plover is truly in danger it is because they nest on barren storm swep beaches that are covered with one of their natural enemies the ghost crab. The birds that nest further to the north seem to do a lot better. Less storms and fewer if any crabs. I have seen nest that the plovers did not care if heavy equipment operated within 100yds only to be wiped out by a late May northeaster. This example alone makes your proposal of 1000m look a ridiculous.The nesting area at Isabelle inlet has Tractor trailers travelling by at 55mph and the bird do not care.You do not count the birds on the islands in the sound yet many species nest there with out predators except other birds. Giving endangered status to the terns and oystercatchers is also poor science,the birds are here in greater numbers than in the early 70s. When I was net fishing on the beach in the early 70's seldom did you see the colorful oystercatcher and there were very few off road vehicles then. Now you see them often. People are part of the environment and should not be blocked out like the many hundreds of small mammals you have killed. You are playing god with only your love of small feathered critters being allowed. The island of Hatteras has per person more acres of wildlife habitat than any place that you people live that regulate us. Even with the anger that swells up inside with the heavy handed NPS and Judge Boyle consent decree based on lies by the audubon and defenders [haha] of wildlife I understand that these birds need help with nesting protection of reasonable distances. A number that has proven to work in other areas of the coast with a chance for people to use the land also. The turtle nest are also a bit tough to understand. With the birds you kill and trap predators but with the turtles you want nature to take its course even if it means nest wash into the sea or are not kept warm enough to hatch. If these turtles are so endangered move the eggs and incubate them to make sure they make it. If you moved one or two nest to allow beach traffic and the turtles make it to hatching then this is win win. In closing I believe the NPS has an obligation not only to the wildlife but to the people from which they took this land and promised that the future generations could enjoy it. To do so you must sometimes move eggs,use good solid science and allow pedestrian and orv traffic thru areas so that the people can use the park as it was intended and yet protect the wildlife. Then maybe you will find an ally in all of the park visitors.

Correspondence ID: 14498 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:56:08
Correspondence Type: Web Form
Correspondence:

My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200

meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%.

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

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? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

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Thank you,

Correspondence ID: 14499 **Project:** 10641 **Document:** 32596
Name: Gwin, Betsy H
Received: May,11,2010 19:56:13
Correspondence Type: Web Form
Correspondence: I disagree with the NPS preferred option F. I disagree with prohibiting pedestrian access. Access is the core component of the cultural and historical values of the Park, and these values were not adequately recognized in the DEIS. The Park was designated a recreational area and access to humans must be available for recreation to occur. In the socioeconomic analysis, the region of influences should be the villages within the National Seashore Recreational Area. The towns in northern Dare County are not as directly affected by decisions in the off-road management plan. The data concerning businesses is incomplete. Correct data about economic impact does not come from a projection model, but instead would come from business owners and residents. I support the positions taken by the Coalition for Beach Access.

Correspondence ID: 14500 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:56:31
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
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Thank you,

Correspondence ID: 14501 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 19:57:13

Correspondence Type: Web Form

Correspondence: I'm afraid of the economic impact of the beach closures / restrictions. Times are already difficult and this could make being a resident on Hatteras Island even more difficult. Perhaps this would make living here financially impossible.

Secondly, I'm concerned about not being able to access certain areas of the beach via walking or ORV. There are specific areas (Cape point, Hatteras spit, South point) that are like no other place on the Outer Banks for fishing, surfing, kiteboarding, shelling, bird watching, and windsurfing. If these areas are inaccessible it will limit the recreation opportunities available for residents and visitors alike. This leads back to my first concern.

Thanks for considering my comment.

Correspondence ID: 14502 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 19:57:27
Correspondence Type: Web Form
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 I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
 Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.
 The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
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 I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.
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cutbacks, expensive refinancing, and depleted college funds and savings accounts.

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13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

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Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14503 **Project:** 10641 **Document:** 32596
Name: Binder, Holly
Received: May,11,2010 19:57:30
Correspondence Type: Web Form
Correspondence: As a long time visitor to the outer banks I ask you to please save the beaches. my summer vacations will never be the same if I have to find another beach.

Correspondence ID: 14504 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:00:01
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Thank you,

Correspondence ID: 14505 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: I am a 30 plus year resident of Hatteras Island. Hatteras Island has been good to me. I met my wife in NC and we have a 20 year old native Hatteras Island son. I have travelled the world. My wife and I both have advanced college degrees. We could have called anywhere home. We chose Hatteras Island because of the beauty of the island, ocean, sound, the nature, but most importantly the people. 35 years ago a young long haired hippy could not have settled happily just anywhere in NC. However on Hatteras the islanders accepted me with open arms and smiles. The island friends that I started with are even better friends today. We have argued over everything from beer brands, to fishing poles, and politics but today the new argument over beach access has provided a huge divide. I hope the new plan for access and management will provide an equitable and protective use of the resource.

Page 121 Pass through corridors are necessary and I believe not detrimental to the animal populations.

Page 124: Please allow shorter than 5 year periods to review and revise management strategys.

I absolutely disagree with the punitive nature of entrance into restricted areas by persons unknown. That the protected areas could be expanded with geometric proportions is absurd.

I disagree with the predation of the NPS on the species on Hatteras Island. The killing of unwanted animals to protect a now wanted animal is absurd. I miss the wild pheasants that use to inhabit Hatteras Island.

I strongly disagree with the 1,000 meter distance for piping plover nest and brood protection. I believe these birds benefit by the proximity of man. Man keeps the beach open and the predators at bay.

I could go on and on. We have a shrinking resource. Hatteras Island is getting smaller every day. Visit the beach in North Rodanthe, Kinnakeet Shores Avon, and the beach just north of the point. It is shrinking daily. We need to make this resource work for both man and animal. Thank you.

Bob Barris Buxton resident

Correspondence ID: 14506 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:01:27

Correspondence Type: Web Form

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I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

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Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14507 **Project:** 10641 **Document:** 32596
Name: Jennette, Wayland W
Received: May,11,2010 20:01:43
Correspondence Type: Web Form
Correspondence: I strongly oppose the beach closures. We are real people who live on Hatteras Island and live here year round. Human Life on our Island must be a priority vs.birds and turtles. We cannot survive on this island with our beaches being closed. Our beaches are so well known in this country and tourist are not coming here if our beaches are closed to vehicles and pedestrians. Hatteras Island is noted for the most beautiful beaches for tourist to vacation and Hatteras is the FISHING CAPITAL! It is absurd to consider the birds and turtles existance and not our survival. I have lived on Hatteras Island for 66years and we have never had any problem getting along with them and they have always gotten along with us. Without our beaches it will be devastating to my business and every business on the Island. We are already suffering from the stagnant economy and closure of our beaches will take us to the bottom. Please consider OUR EXISTANCE!

Correspondence ID: 14508 **Project:** 10641 **Document:** 32596
Name: storer, kathleene e
Received: May,11,2010 20:01:44
Correspondence Type: Web Form
Correspondence: I have been vacationing here for over 24 years. I love it here and the people, your beaches are beautiful. Our dogs also love the beaches. However the closing of your beaches will force me to go somewhere else. Please do not close these beaches!!! We love it here and so do our dogs! I realize birds are important too but so are people and with the economy the way it is I would ask that you reconsider. Most people on vacation here spend money and I would think it would certainly hurt your economy even more if we quite comming. Again please do not close these beaches.

Correspondence ID: 14509 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:02:05
Correspondence Type: Web Form
Correspondence: I am a 25 year resident of Dare Co. and the Outer Banks and have always enjoyed open access to the beaches and its ability to bring us closer to nature and the enviroment.To restrict this access limits our ability to enjoy and appreciate the unique nature of the Outer Banks and changes the chance to celebrate in its beauty.To view our beaches from afar and behind protective barriers will only cause people to not understand our enviroment and not be as open to its presevation.Life is all about balance and how nature adjusts to us and we adjust to nature,but this should not be controlled by groups that have a narrow scope and limited vision.All interests must be concidered and everyone should have a choice in such decisions. Thank You, Billy Moseley

Correspondence ID: 14510 **Project:** 10641 **Document:** 32596
Name: Kiser, Joshua J
Received: May,11,2010 20:02:36
Correspondence Type: Web Form
Correspondence: I am 6 years old and asked my PaPa to type this for me. I do not understand how people could be so evil to keep me from fishing with my papa and hunting seashells with my nana at cape point. I will never be able to visit again because of being in school the only time the point is open if it is open at all. This has been my favorite place since my first visit when I was just 5 months old. I can show you pictures of me fishing there 3 years ago before it was closed. I still tell all my friends how great the beach is. Again how could people be so evil to not let me go back to the point. I hate birds and hope they all die since they are the reason I cannot go to the beach.
Josh Kiser 6 years old Salem Va

Correspondence ID: 14511 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:02:54
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
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2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

- 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.
Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
- 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.
I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
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Thank you,

Correspondence ID: 14512 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:03:22

Correspondence Type: Web Form

Correspondence: To whom it may concern:

I have reviewed the National Park Service's Off Road Vehicle (ORV) Management plan for the Cape Hatteras National Seashore (CHNS).

I am a long-time resident of North Carolina who enjoys visiting the CHNS. I spend money during my visits and supports the local Hatteras economy by doing so. I enjoy a variety of beach activities including sunbathing, bird watching, walking and driving on the beach. I firmly believe that protecting all of these activities and creating a predictable experience is best served by "Alternative D ? Increased Predictability and Simplified Management."

With this option D, I will never again be surprised while stretched out prone on the beach by a roaring ORV. I will know that our birds are protected for future generations, and I will continue to have predictable access to the beach whenever I choose to visit with my 4-wheel drive truck.

I encourage you to protect our beaches and to keep things simple for residents and visitors alike.

Thank you for this opportunity to comment.

Sincerely,

Elizabeth Hilborn

Correspondence ID: 14513 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:04:02

Correspondence Type: Web Form

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Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

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Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

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The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

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Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14514 **Project:** 10641 **Document:** 32596
Name: Hughes, Meg
Received: May, 11, 2010 00:00:00
Correspondence Type: Web Form
Correspondence: May 11, 2010
To: National Park Service
From: Meg Hughes (22 year resident of Avon; owner of two small businesses)
Subject: DEIS Off-Road Vehicle Management Plan
Following are my comments on the proposed Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore:
Page 1 - I agree with "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." Thousands of people come to the CHNS (Cape Hatteras National Seashore) every year because it is one of the best places to fish and the ability to drive on the beach is a huge part of the appeal. To my knowledge there has never been an incident involving an ORV and a pedestrian. I live right on the ocean and I have never observed ANY problem with ORVs.
Page 210 ? I disagree that people or ORVs have resulted in incidents involving bird or turtle nests. In my experience, anyone who comes to the CHNS loves nature and is very respectful of any wildlife ? They just think that the buffer area is too large (pages 121 ? 127). Access through the buffer by ORVs and pedestrians is of utmost importance to the enjoyment of the beach by residents and vacationers.
Page 124 ? I disagree with the time period of five years until the restrictions are reviewed. In my opinion, any and all courses of action should be reviewed after one year, or at most two. The results can certainly be measured sooner than the five-year period outlined in your plan.
Page 124 - I disagree with the way the NPS calculates successful nesting areas. Why don't calculations of successful nesting areas include the dredge islands in the Pamlico Sound and Pea Island Wildlife Refuge? Everyone who lives here knows that the dredge islands in the Sound are filled with Piping Plover (and other bird) nests. No one bothers or even approaches those islands! Pea Island is an area where ORVs are prohibited already ? why not count those miles of seashore in the total number of miles closed to vehicles?
Pages 125 and 377 ? I agree with your concern about the sea turtle nests and hatchlings. Although we have an active volunteer group that monitors the nests there is a chance that driving at night might be a hazard. However, I don't think there has been any interference to date that has affected the hatchling population. Certainly, other factors are far more significant ? storms and ghost crabs, for example. Pages 270 ? 281 and 561 ? 598. I strongly disagree with your analysis of the economic impact of ORV restrictions and beach closures due to nesting. Hatteras Island is a unique environment that does not exist in the other parts of the Outer Banks. Many of our visitors/tourists come because of the access to fishing on the points of land in Buxton and Hatteras as well as other locations on the Island. They come to the beaches on Hatteras Island because they are unspoiled and uncrowded. They don't come for the nightlife (there is none), boardwalks (there are none) or beaches with lifeguards (we have almost none). They are independent people who want to be able to go to a beach where they can be completely alone if they want to. I know of no other beach like ours? it is a VERY special place. The economic impact of some of the NPS policies in the last couple of years has definitely affected our two businesses. Our building is located next to a tackle shop ? if the fishermen and women don't come back (and MANY didn't) our businesses suffer. At this time, when our country's economy is suffering, no one feels it more than small businesses. Neither my husband nor I took a paycheck in the calendar year of 2009 or so far in 2010! We basically keep our business open in order to keep our employees employed! I know that I am not the only business owner on Hatteras Island in this situation. We don't need any more hardships! We need all the vacationers we can attract!
Page 136 ? I very strongly disagree with the proposed restrictions on pets. First of all, it will result in the immediate demise of at least two businesses on Hatteras. Trail rides to the beach are extremely popular with the tourists. If horses are not allowed on the beach, those businesses will close. I have been coming to Hatteras Island since the opening of the CHNS. From the time I first came here to camp with my family in 1958 until probably 1978, our family dog was an integral part of our vacation. As a resident I cannot imagine going to the beach without my dog. The leash law on the beach has made all of us very diligent about keeping our dogs in control and on a leash! I have NEVER observed an incident involving a dog and a turtle or a piping plover! Where did this idea come from? Certainly it is far too restrictive and, in my opinion, without cause!
I know from working in real estate that MANY people rent houses because they accommodate dogs. Approximately 30% of the rental houses allow pets. The other alternative has been to bring their dogs and put them in a kennel where they can take them out during the day to take them to the beach ? many people take advantage of this policy. If pets are not allowed on the beach, I guarantee you that at least 25% of those renters will never come back to Hatteras Island. In addition, the owners of the kennels will suffer to the point that they, too, may have to close.
In conclusion, I would like to ask that the NPS be more lenient in their efforts to protect the wildlife. This National Seashore was created for the use and enjoyment of the citizens, not as a wildlife refuge. I think that compromises can be made that will allow us to enjoy our beaches while respecting nature and all animal species ? endangered or not.
Thank you for any consideration you may give to my opinions on this matter.

Correspondence ID: 14515 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May, 11, 2010 20:04:58
Correspondence Type: Web Form
Correspondence: I am opposed to the NPS preferred Alternative F. I am a nature lover but this plan goes too far in restricting access with no demonstrated benefits for birds and turtles. The plan implements all of the protocols recommended by Environmental Organizations and makes no allowances for protecting traditional access.
The plan uses the most restrictive USGS protocols including protections for state listed birds that do not require that level of protection. Gordon Myers, the executive director of the N.C. Wildlife Resources Commission, said that some birds don't require the buffers and beach closures that the plan allows. The NPS does not have baseline economic data prior to the consent decree. Without this data they cannot reliably estimate the impact to island businesses.
I would change the plan as follows. 1. Realistic buffers that adapt to behavior of the birds and geography of the nesting location. 2. Access corridors to spits and points year round. 3. Night Driving Restrictions based on when and where turtles nest not arbitrary dates. The night driving restrictions start on may 1st. Last year the first turtle nest was may 22nd. 4. Leave both sides of Hatteras inlet open for orv access. 5. Implement the turtle management plan recommended in this document: <http://www.obpa-nc.org/turtles/TurtleMgmtProgram.pdf>

Correspondence ID: 14516 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May, 11, 2010 20:05:35
Correspondence Type: Web Form
Correspondence: I would like to address two different aspects of this plan. Number one I would like to look at the socioeconomic aspects. I work for two small

businesses, one is a headboat operation, the other a small marina. Both of these businesses have and will be affected by the beach closures. I have seen many customers on the headboat who also surf fish all week long with one trip offshore. These customers also shop in the marina where I work. Many customers have not been back due to the beach closures. We will definitely feel an impact in Hatteras village if there is no driving on the beach. Why not keep roping areas off where no vehicles or foot traffic are allowed. Everyone that uses the beach understands turtle nests and breeding areas, plus the predators are kept to a minimum, without the park service having to dispose of them. More interpretation and less enforcement might help to gain the support of the uneducated public. The second aspect I would like to address is the closure of Hatteras Inlet. This has been a very popular fishing spot in the past, especially when the bluefish are running. A man I worked with at the marina would stay out there until he couldn't see to tie his hooks on anymore. Just recently a charter boat capsized on the Hatteras side of the inlet. One man died and five more were rescued, if the Hatteras side of the inlet had been open to beach drivers that man may still be alive. They were in the water for a couple hours before the first boat came in from fishing. I am sure with interpretation and explanation, beach drivers and fishermen could be responsible enough not to intrude in certain areas.

Correspondence ID: 14517 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May, 11, 2010 20:05:45

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closure rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreation Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

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Thank you,

Correspondence ID: 14518 **Project:** 10641 **Document:** 32596
Name: Mathews, Heather L
Received: May,11,2010 20:06:16
Correspondence Type: Web Form
Correspondence: As an avid angler on the North Carolina seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV.
Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of the provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures.
In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the Negotiated Rulemaking Committee into the preferred alternative.

Correspondence ID: 14519 **Project:** 10641 **Document:** 32596
Name: Chamberlain, Joanne
Received: May,11,2010 20:06:54

Correspondence Type: Web Form

Correspondence: To Mike Murray, I am writing to state my opposition to the DEIS proposal of Alternative F. The solution that is suggested is no solution at all. The only thing that will be accomplished is that a chosen number of special interest groups will benefit in taking public land and making it a private entitlement area. Many decades have passed since I first discovered C.H.N.S.R.A.. It has for many years been the place where we vacation with our family, including our pets. We enjoy a variety of activities. We have come to feel that it is like a second home. The fact that this magnificent piece of shoreline was set aside for ALL citizens of our country no matter what socioeconomic background they come from is truly beyond words. It is a NATIONAL seashore and RECREATIONAL area for all to enjoy and cherish. And should remain as such. In reviewing the proposals of each Alternative it seems very clear that this is leaning toward special interest groups and not the community or the population of visitors this will effect. We have already noticed a decline in people on the island which in turn effects the whole economic stability of it, residents. It is also very clear that certain property owners would like nothing better than to have the beaches closed off so they can create a private beach effect to entice a higher rent for themselves. It is also no secret that every autumn Ornithologist converge down to the Outer Banks to observe the migration of birds on their Winter trek. Again they also would like nothing better than to have all this area available for their viewing pleasure. It is also very clear that your research is weak and not very accurate. Anywhere you drive on the island you see Oystercatchers, Terns, & Skimmers. They are all over the place from sitting on the beach to hanging out in the Food Lion parking lot. Perhaps you would like to eliminate the grocery store in your proposal also? Clearly they are doing just fine among the population. As for the plovers, yes, they do need a little extra care but, not the whole CHNSRA. After all it is the outer boundary of where they travel. They actually enjoy cool weather better. Now the turtles are another concern. As stated by other people the biggest danger to the beloved Turtle is the natural environment of tide lines and natural wildlife predators, Not visiting or residential Dogs. I have always brought my dogs for decades to CHNSRA and I can assure you that they have never had an interest in any Turtle nesting enclosure. I support having dogs on leashes and keep ours accountable. In conclusion I urge you to realize how important CHNSRA is to everyone. That it was preserved for Everyone and should remain open and free to all citizens, including, being able to bring their dogs. It is a National Seashore & Recreational Area and that means it is not just for a chosen few but for ALL people in this country. Respectfully yours, Joanne Chamberlain 75 Tremper Drive Wallingford, CT. 06492

Correspondence ID: 14520 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May, 11, 2010 20:07:08

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

- 1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
- 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
- 3) Page xix and page 23: I am against having two different closure rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
- 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)
- 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
- 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreation Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.
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- 8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.
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- 10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason

why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

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? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "?prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USFS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14521 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:07:10
Correspondence Type: Web Form

Correspondence: I do not agree with the new rules proposed for the beaches at Cape Hatteras, NC. We have spent four months or more each year on the Island for the last twenty years. We have an ORV and love to surf fish and ride on the beautiful beaches.. We feel if the new rules are passed it will be a disaster for the island. Not only for us BUT for all the people who live and work on the island It will close ALL the businesses and people will lose their homes as well as their livelihoods. Think of the money that North Carolina will lose by the loss of all the vacationers alone. The empty campgrounds, motels, homes, businesses, it would be devastating. You might as well cut the island off the map and let the ocean swallow it up!!!!!!

God made these birds and he will take care of them. They will survive as they have for many, many years.....These bird lovers are crazy and don't think of the people who will be effected.

I ask that you think of the people of Hatteras Island and not a birds that are not even in danger and PLEASE do not close our beaches.....

Thanks,
Betty Noel

Correspondence ID: 14522 **Project:** 10641 **Document:** 32596
Name: Klea, Joe
Received: May,11,2010 20:07:16
Correspondence Type: Web Form
Correspondence: May 11, 2010
 To: National Park Service
 From: Joe Klea (22 year resident of Avon; owner of two small businesses)
 Subject: DEIS Off-Road Vehicle Management Plan
 Following are my comments on the proposed Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore:
 Page 1 - I agree with "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." Thousands of people come to the CHNS (Cape Hatteras National Seashore) every year because it is one of the best places to fish and the ability to drive on the beach is a huge part of the appeal. To my knowledge there has never been an incident involving an ORV and a pedestrian. I live right on the ocean and I have never observed ANY problem with ORVs.
 Page 210 ? I disagree that people or ORVs have resulted in incidents involving bird or turtle nests. In my experience, anyone who comes to the CHNS loves nature and is very respectful of any wildlife ? They just think that the buffer area is too large (pages 121 ? 127). Access through the buffer by ORVs and pedestrians is of utmost importance to the enjoyment of the beach by residents and vacationers.
 Page 124 ? I disagree with the time period of five years until the restrictions are reviewed. In my opinion, any and all courses of action should be reviewed after one year, or at most two. The results can certainly be measured sooner than the five-year period outlined in your plan.
 Page 124 - I disagree with the way the NPS calculates successful nesting areas. Why don't calculations of successful nesting areas include the dredge islands in the Pamlico Sound and Pea Island Wildlife Refuge? Everyone who lives here knows that the dredge islands in the Sound are filled with Piping Plover (and other bird) nests. No one bothers or even approaches those islands! Pea Island is an area where ORVs are prohibited already ? why not count those miles of seashore in the total number of miles closed to vehicles?
 Pages 125 and 377 ? I agree with your concern about the sea turtle nests and hatchlings. Although we have an active volunteer group that monitors the nests there is a chance that driving at night might be a hazard. However, I don't think there has been any interference to date that has affected the hatchling population. Certainly, other factors are far more significant ? storms and ghost crabs, for example.
 Pages 270 ? 281 and 561 ? 598. I strongly disagree with your analysis of the economic impact of ORV restrictions and beach closures due to nesting. Hatteras Island is a unique environment that does not exist in the other parts of the Outer Banks. Many of our visitors/tourists come because of the access to fishing on the points of land in Buxton and Hatteras as well as other locations on the Island. They come to the beaches on Hatteras Island because they are unspoiled and uncrowded. They don't come for the nightlife (there is none), boardwalks (there are none) or beaches with lifeguards (we have almost none). They are independent people who want to be able to go to a beach where they can be completely alone if they want to. I know of no other beach like ours? it is a VERY special place.
 The economic impact of some of the NPS policies in the last couple of years has definitely affected our two businesses. Our building is located next to a tackle shop ? if the fishermen and women don't come back (and MANY didn't) our businesses suffer. At this time, when our country's economy is suffering, no one feels it more than small businesses. Neither my wife nor I took a paycheck in the calendar year of 2009 or so far in 2010! We basically keep our business open in order to keep our employees employed! I know that I am not the only business owner on Hatteras Island in this situation. We don't need any more hardships! We need all the vacationers we can attract!
 Page 136 ? I very strongly disagree with the proposed restrictions on pets. First of all, it will result in the immediate demise of at least two businesses on Hatteras. Trail rides to the beach are extremely popular with the tourists. If horses are not allowed on the beach, those businesses will close.
 As a resident I cannot imagine going to the beach without my dog. The leash law on the beach has made all of us very diligent about keeping our dogs in control and on a leash! I have NEVER observed an incident involving a dog and a turtle or a piping plover! Where did this idea come from? Certainly it is far too restrictive and, in my opinion, without cause!
 I know from working in real estate that MANY people rent houses because they accommodate dogs. Approximately 30% of the rental houses allow pets. The other alternative has been to bring their dogs and put them in a kennel where they can take them out during the day to take them to the beach ? many people take advantage of this policy. If pets are not allowed on the beach, I guarantee you that at least 25% of those renters will never come back to Hatteras Island. In addition, the owners of the kennels will suffer to the point that they, too, may have to close.
 In conclusion, I would like to ask that the NPS be more lenient in their efforts to protect the wildlife. This National Seashore was created for the use and enjoyment of the citizens, not as a wildlife refuge. I think that compromises can be made that will allow us to enjoy our beaches while respecting nature and all animal species ? endangered or not.
 Thank you for any consideration you may give to my opinions on this matter.

Correspondence ID: 14523 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent
 Cape Hatteras National Seashore Recreational Area
 1401 National Park Drive
 Manteo, NC 27954
 Dear Superintendent Murray,
 Please accept this letter as my comment on the ORV DEIS before you at this time.
 After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
 I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore

Correspondence ID: 14524 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:07:28
Correspondence Type: Web Form
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2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

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Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

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Thank you,

Correspondence ID: 14525 **Project:** 10641 **Document:** 32596
Name: Davis, Laura J
Received: May, 11, 2010 20:08:24
Correspondence Type: Web Form
Correspondence: May 11, 2010
Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
RE: Cape Hatteras National Seashore Recreational Area ? 2010 DEIS

Dear Mr. Murray,
My first comment is on the 800+ page document known as the DEIS. How does the general public take a document that size, digest it logically and form a well informed comment in 60 days? Seems a bit unfair. You've had several years to create this, a minimum 90 day comment period seems more reasonable to me.

Second comment is the fact that this Park was named by Congress the Cape Hatteras National Seashore Recreational Area in 1937. The word "Recreational" needs to be put back in the name in all literature, signs, advertising, etc.

Third comment is that I STRONGLY DISAGREE with the DEIS and Plan F that you, Mr. Murray, feel is the best use of Park Service lands for the Cape Hatteras National Seashore Recreational Area. And here's why:

Your lack of thorough comment on this area being a Traditional and Cultural Property (TCP) is downright inexcusable. For someone who grew up coming to this area with your family, you of all people should know the access to the surf zone has LONG been of traditional and cultural importance to the Outer Banks. It has long been a tradition of locals and visitors to meet on the beach for a broad and diverse range of social, economic and other cultural experiences. Many uses come to mind but mostly the annual fishing tournaments held on the Seashore. The thought of the annual tradition of tournaments not being held because of lack of access to the surf zone is just wrong. The economic impact that will have on the Seashore is mind boggling. Have you noticed the average age of those that participate? The culture and heritage of the Outer Banks IS the free and open access to the water's edge. To remove access to those whose families landed here hundreds of years ago is unacceptable. The visitors will never be able to know and experience the history of this area, which is also unacceptable.

The economic impacts are already apparent under the Consent Decree. To put a plan in place that mimics this Decree in any degree is like putting the last nail in the coffin. We have already seen many businesses fail and the food pantries cannot keep enough food in them to feed those that are not working because of the Consent Decree. As a local Realtor, I have lost many clients who love the Cape Hatteras National Seashore but felt they should not purchase here because of the threat of beach closures and the drop in valuation of their homes if that was to happen. Another comment from them is the fact they wanted to move here because they would have ORV access to the beaches. Without it, they could move to another State and find a cheaper home and walk to the beach, which a few of them have done. I challenge you to take a long hard look at the economic statistics and take the time to digest this information and come up with a plan that benefits all, including the birds and turtles. There is a way that we can ALL coexist. If you implement Plan F, it will be the death of Cape Hatteras National Seashore Recreational Area and the blood will be on your hands.

The recreational values of this area span all ages and all hobbies. By taking ORV access away, it takes away the privilege of quiet enjoyment of the beach by those that have disabilities, those that are aging and those that have young families. To park and then carry all that may be needed is a hardship for many. The long walk it would take for those just carrying binoculars would discourage even the healthiest visitors of the Park on a hot summer day. Activities that would be affected are birdwatching, fishing, horseback riding, shelling, swimming and water sports. This pretty much knocks out every person that would like to visit our beaches. As for ORV Management, new ramps and inter-dunal roads should be created to help avoid past situations where an area becomes closed to access because there is no practical ingress due to necessary, temporary protection or safety closures. All ramps whether they be new or not, must be maintained as two lanes wide because deep loose sand at ramps often requires continuous forward motion to avoid getting the ORV stuck. The allowable hours of access for ORV operation should be 24/7. The facts show that night driving does not harm the turtles. It is understood that ORV use is only in areas and on routes designated open for ORVs an must comply with posted restrictions.

Resource protection measures are important and there IS a way that we can ALL coexist. Alternatives that can be taken to protect the natural resources within the Seashore and allow public access without impairment to endangered and threatened species can be the following: restrictive fencing, buffers, access corridors, nest relocation and vegetation controls. I totally disagree with Plan F closure measurements and ask that you incorporate the

suggestions of The Coalition for Beach Access, Cape Hatteras National Seashore Recreational Area, ORV Access Environmental Impact Position Statement, namely Exhibit H ? Resource Protection Position Statement dated March 5, 2010. I STRONGLY DISAGREE WITH THE KILLING OF INNOCENT ANIMALS FOR THE PROTECTION OF ANY OTHER ANIMAL, BIRD OR TURTLE. There is only one God in this universe and the NPS is not it. Again, the blood is on your hands Mr. Murray.

In closing, in 1937, during the Great Depression, Congress established the Cape Hatteras National Seashore Recreational Area as a recreational area for the benefit and enjoyment of the people for the purpose of lifting the spirits of economically distressed citizens who could not otherwise afford other forms of recreation. Mr. Murray, the Park is for "the people" and "the people" do not agree with your DEIS. Our current economy may not be as bad as the Great Depression however; it doesn't take a rocket scientist to see how distressed we are.

KEEP THE BEACHES OPEN MR. MURRAY! Go back to your office and start over, your current DEIS is unacceptable!

Regards,

Laura Davis P. O. Box 3175 Kitty Hawk, NC 27949 Director ? North Carolina Beach Buggy Association NC Licensed Realtor (also licensed in Virginia)

Correspondence ID: 14526 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May, 11, 2010 20:08:29

Correspondence Type: Web Form

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Correspondence ID: 14527 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:09:44

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Correspondence ID:	14528	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 20:09:53						
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Received: May,11,2010 00:00:00
 Correspondence Type: Web Form
 Correspondence: May 11th, 2010

Dear Mr. Murray,

Thank you for the opportunity to make public comment on the draft ORV Management plan.

My name is Trip Forman. I am a 20 year, full time resident of Hatteras Island. I am also a former member of the Board of Directors for the Outer Banks Chamber of Commerce. My business employs over 75 people, 74 of which moved here (Cape Hatteras), from out of state or foreign countries, specifically to pursue careers in the watersports industry. I am the primary representative of the WSIA (Watersports Industry Association) which represents millions of watersports enthusiasts worldwide, who consider Cape Hatteras one of the top destinations in the world.

I would like to focus this comment on "our" (myself and WSIA alternate Matt Nuzzo's) involvement in the Reg Neg process and the following DEIS Draft ORV Management Plan. While I may mention Reg Neg throughout this comment, I would like to make clear that this comment is purely based on the Draft ORV Management Plan and the inaccuracies that I/we found during the review of such plan:

1. Our sole interest in being involved in the nearly three year long, Reg Neg process, was to make sure that the sports of kiteboarding, surfing, windsurfing, paddleboarding, sailing, kayaking, etc were properly represented/and documented in this process and that the new ORV Management document CLEARLY listed these sport's involvement in the park on equal footing. These sports, their participation, and international draw, have grown to incredible levels over the past 70 years. When the Cape Hatteras National Seashore Recreation Area was created in 1937, it was fishing alone listed as a sport, and all other sports grouped together as "other sports". In reading the over 800 page document, we waited for a detailed watersports description, as detailed as the information for the birds and turtles, to be delivered. It was not. There was a very small description of the fishing community and the local fishing tournaments, but there was no description of the active watersports use, watersports tournaments, past and current world champions who frequent the area, or detailed map of popular areas of interest for each sport which was provided to the NPS during the Reg Neg process. Up until this point, we were very optimistic about the Reg Neg process, as we felt that this process would provide a very beneficial platform, of which qualified experts in their field could deliver invaluable information to the NPS on how the park is actually used on a daily basis in each of the user groups. Once we saw the final DEIS, we more clearly understood that this was not the case. Because of this, we ask the following information: Where is the information we provided on our user groups? Why is the non-peer reviewed bird information being portrayed as "science"? What happened to creating a new plan for the future with legitimate information from experts in their field? Our goal remains the same. To produce a plan that includes our sports as equal participants of the park (in which they are now majority users of the park), and to make sure that each user group is fairly represented and has access the waters that have drawn them here.

2. During the course of the Reg Neg process, on three occasions, two of these on televised Channel 12 broadcast, we pointed out the fact that "Kite Point" was pinned in the wrong location on NPS maps. We know of this location, and the exact coordinates, because I was one of the three original kiteboarders on the island, and our group named "Kite Point", which was originally populated with kiteboarders to draw them away from the windsurfer-rich Haulover day Use area, AND to keep kiteboarders further away from the high voltage power lines (660 ft distance at KP, compared to less than 100ft at Haulover). Why is it, that after informing the National Park Service on 3 separate occasions, that something as simple as this was missed? For the record, Kite Point is the first sand point to the south of the Haulover Day Use Area, located between Ramp 58 and 59 on the new draft ORV Management Plan. While we truly appreciate a dedicated parking area being constructed at "KP", it is equally troubling to us that over the course of nearly 3 years, something as simple as the true location of Kite Point, was disregarded, and put on the maps in the wrong place when 2 experts witnesses provided nearly 3 years of volunteer time each to provide this information. These are two examples.

In summarizing our involvement in this process, we took part in all meetings, provided a wealth of expert information about the sports we represent, and almost none of this information was properly represented in the draft ORV Management Plan. At the same time, the information (not peer reviewed science) provided by Environmental Groups was documented in this draft plan as science, with a draft ORV Management Plan built around it. How are we expected to believe in the outcome of this plan or the future of our sports in the Cape Hatteras National Seashore Recreation Area?

I would like to conclude by thanking you again for the opportunity to make public comment on this ORV Draft Management Plan. We sincerely hope that watersports users groups are more positively represented in the final plan. I can be reached at the following contact info for further comment: Trip Forman PO Box 456 Buxton NC 27920 trip@realwatersports.com

Correspondence ID: 14530 Project: 10641 Document: 32596 Private: Y

Name: private

Received: May,11,2010 20:10:55

Correspondence Type: Web Form

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The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

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Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14531 **Project:** 10641 **Document:** 32596

Name: du Pont, Brent

Received: May,11,2010 20:11:02

Correspondence Type: Web Form

Correspondence:

Hello, I believe that closing the park to people and vehicles is wrong. The park was originally set up for the use of the people. The communities surrounding Cape Hatteras have relied on the revenue brought in by tourists, vacationers, and recreational fishermen. If the beaches are shut down, there would be no reason for those people to come to the island and all that revenue would be lost. This plan could destroy the economy of an entire community. In a time where the national economy is suffering the way it is, we can not afford to destroy an entire community.

Correspondence ID: 14532 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:11:10

Correspondence Type: Web Form

Correspondence:

I am opposed to all of the alternatives presented in the DEIS because they are all flawed in the fact they diminish the existing visitor experience and do not recognizing the socioeconomic and cultural resource impacts.

None of the alternatives recognize the 12 or so miles of pedestrian only beaches contained within Pea Island National Wildlife Refuge. Yes, it is managed by the USFWS, but it is still contained within CAHA. This is a serious flaw.

Alternative A would require less restrictive wildlife closures, opening of interdunal roads, and free (or minimal cost) education and permits for ORV users in order for it to be acceptable.

Alternative B should be completely removed from consideration in this document. A court ordered consent decree, with arbitrary and capricious rules, that were not vetted properly in the NEPA process do not belong in this document as a viable alternative. Unprecedented wildlife closures, no pass through corridors, closures disturbance penalties, and unsubstantiated night time driving restrictions are all new rules brought on by the consent decree. How do non-NEPA vetted rules now become part of every alternative (except alt A), including the preferred alternative?

In the effort to manage wildlife at CAHA, pedestrian and ORV usage is being unfairly portrayed as a significant factor affecting nesting success of birds, even birds not even listed on the U.S. Endangered Species List. The proposed buffers for nesting birds are not based in peer reviewed science, and are not standards used anywhere else on NPS managed lands. In essence the public is being penalized where predation and storms are the true factors to lack of nesting success.

This penalization diminishes the existing visitor experience. Species on North Carolina's list of concern certainly shouldn't trigger closures like those species listed on the U.S. Endangered Species List. In addition, buffers for those species on the U.S. Endangered Species List are excessive, not based on peer reviewed science, and serve only to penalize the visiting public.

Night time driving restrictions are part of every alternative to protect sea turtles (except alt A), yet the science does not exist that proves night time driving affects the turtles. Pass through corridors for ORVs behind nests, any time of day or night, should be part of a preferred alternative.

Proposed year round closures at any points or spits should not be considered, particularly when suitable habitat is available elsewhere. This is another reason that Pea Island National Wildlife Refuge should be recognized in all alternatives. In addition, dredge spoil islands adjacent to CAHA should be recognized as suitable habitat, and any nesting success there should be attributed to CAHA.

Safety closures in front of the villages should continue from mid May to mid September and re open for the remainder of the time. This rule should also be consistently applied to the villages of Hatteras and Frisco.

Also, the pet restrictions from March through July need to be removed from consideration because leash laws will prevent any incidents with pets.

The sound side access locations in the document seem to be lacking. A better and more complete inventory of sound side access needs to be included in the final document.

This Seashore is unique from all others in that multiple villages and communities exist inside the boundary of the park. Impacts to these town and communities are more acute then to surrounding communities whenever the Parks Service institutes rules. I don't believe the alternatives in this document have properly evaluated the socioeconomic and historical and cultural impacts to these communities contained therein. The large ROI mentioned is too large to adequately assess the economic impacts to the villages. And very little is addressed in terms of historic access to the shoreline.

This National Seashore was created so many years ago with the national public's diminishing access to the shoreline in mind, due to privatization of the beach. Its primary mission was people first. It was meant to be long open stretches of beach for those people not fortunate enough to live on the water.

This document and these alternatives do nothing to further that initial goal. Instead, it seeks to chop up this National Seashore into little manageable pieces, where the visiting public and the people that live there suffer the most.

Please address these deficiencies in the final document. Or, put the "Coalition for Beach Access" position statement in as the preferred alternative.

Thank you,

Correspondence ID: 14533 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:12:35

Correspondence Type: Web Form

Correspondence:

My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

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2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

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Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

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Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

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12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

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Correspondence ID:	14534	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 20:12:50						
Correspondence Type:	Web Form						
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Thank you,

Received: May,11,2010 20:13:27

Correspondence Type: Web Form

Correspondence: I would like to voice my support for Option A.

I have traveled to Cape Hatteras each of the 25 years of my life and it holds a very special place in my heart. The first time I placed my hands on a steering wheel, I was sitting in my father's lap, driving to Cape Point. I still remember it and I will remember it when he can no longer cast a line with me. To think that I will not be able to share the experience with my son or daughter...is an overwhelming sense of loss that I cannot begin to express to you in a letter.

Correspondence ID: 14536 Project: 10641 Document: 32596 Private: Y

Name: private

Received: May,11,2010 20:13:48

Correspondence Type: Web Form

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However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

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I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

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Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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Thank you,

Correspondence ID: 14537 **Project:** 10641 **Document:** 32596
Name: Christopher, Bob
Received: May,11,2010 20:14:21
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,

As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.

1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."

2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..."

Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.

3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.

Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14538 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May, 11, 2010 20:14:55
Correspondence Type: Web Form
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Correspondence ID: 14540 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May, 11, 2010 20:16:16

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Correspondence ID: 14542 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954
Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Tom and Barb Yingling 1491 Mission Rd. Lancaster, PA 17601

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Name: private
Received: May,11,2010 20:18:06
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16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14545 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 20:19:34

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%.

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small

Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14546 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,

Please accept this letter as my comment on the ORV DEIS before you at this time.

After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.

I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Mrs. R. Bradshaw

Correspondence ID: 14547 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:20:10
Correspondence Type: Web Form
Correspondence:

As a frequent Cape Hatteras National Seashore visitor for 24 years and an Avon Village property owner since 1992, I have participated in most of the activities cited in the Figure 23 Visitor Activity Survey Results (Page 260). I would like to continue enjoying the recreation at the seashore for the remainder of my years, however I am seriously concerned that the preferred proposed Alternative F will severely impede my ability to do so. As stated in the Act, Congress established the Seashore in 1937 as a national seashore for the enjoyment and benefit of the people, and to preserve the area. (page iv). Although I agree with the premise of protecting the natural resource, Alternative F would do so at the expense of humans, as well as the local economy and culture. Deficiencies in the economic impact analysis: 1. Page 566 in the DEIS states "To provide information for the economic analysis, a survey was conducted by RTI, International of selected categories of potentially affected businesses. The results of this survey are currently being analyzed and will be addressed in the final plan/EIS." Page 571 also notes that data is still being analyzed and will allow future analysis of the economic impact. How is it possible to comment on something that does not yet exist? Since most of the local residents and businesses need tourists and visitors to make a living, if the beach is off limits, who will come to Hatteras Island? Even nature lovers won't come, since they won't be able to see the birds and turtles either...

In addition, I disagree with the following:

I disagree: Page 121. To completely prohibit pedestrian access in sections of the national seashore, runs completely contrary to the basis upon which the Park was founded, which was for recreation.

I disagree. Page 121-127. I find the proposed 1000 meter buffers unnecessarily restrictive and arbitrary. The use of such large buffers will cause people to be forced into smaller areas, with a subsequent greater impact on resource in the area. In addition, the expansion of the buffers as a punitive measure for infractions is also arbitrary. Please do not punish all for the offenses of one.

I disagree. Page 97-101. The complete prohibition of ORVs, year round, is entirely unnecessary, and will also impede human ability to partake of many recreational activities in the stated areas between ramps 27-30, Hatteras Spit, Ocracoke Inlet and others. This also impacts the culture of Hatteras Island, whose residents fish, surf, and enjoy the beach year round.

I disagree. page 104, 377. It has not been proven scientifically that human interference is extensively responsible for damage to turtles and nesting birds, (less than 3%) so the prohibition against night driving for over half of the year is unnecessarily restrictive. No piping plover deaths have been attributable to ORVs. In addition, the NPS has included state-listed "species of concern," - such as the American oystercatcher - with the birds who are on the federal endangered species list. The species of concern do not require the extensive buffers and beach closures mandated for federally listed species such as the piping plover.

Overall, there is a lack of scientific data in the consent degree. There needs to be a balance between protecting birds and turtles, among others, and allowing locals and visitors to enjoy the beach and the recreational activities it was originally designed for. Pea Island National Wildlife Refuge is located on Hatteras Island as well, and is a specifically designated wildlife area for birds and animals.

I am hoping that a reasonable compromise will be reached so that humans as well as birds and animals are protected financially, culturally, and recreationally.

Thank you for your time. Robin Kosstrin

Correspondence ID: 14548 **Project:** 10641 **Document:** 32596

Name: Broadway, Robert G
Received: May,11,2010 20:20:42
Correspondence Type: Web Form

Correspondence: It appears that all alternatives give priority to the birds. This is unacceptable for those of us that travel to Hatteras Island under the assumption we can access the beach at all present ramps. Has anyone made an alternative that gives priority to those of us that support the economy. I understand that the birds already have 6,000 acres available for their breeding and non-breeding activities.
 I am quite sure that this comment will not impact your decision. However, I have been a visitor of the island for the past thirty years and am very displeased with the restrictions and regulations that have been imposed on ORV owners over the past two years such as:
 * restricted ORV beach access due to the birds * restricted ORV night access for fishing purposes * curfew on ORV access * March meetings with May deadlines prohibit us to vote effectively as well as 1,000's that are unaware of their option to vote
 Keep our beaches OPEN for future generations.
 Thank you!

Correspondence ID: 14549 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:21:20
Correspondence Type: Web Form
Correspondence: I am opposed to all of the alternatives presented in the DEIS because they are all flawed in the fact they diminish the existing visitor experience and do not recognizing the socioeconomic and cultural resource impacts.
 None of the alternatives recognize the 12 or so miles of pedestrian only beaches contained within Pea Island National Wildlife Refuge. Yes, it is managed by the USFWS, but it is still contained within CAHA. This is a serious flaw.
 Alternative A would require less restrictive wildlife closures, opening of interdunal roads, and free (or minimal cost) education and permits for ORV users in order for it to be acceptable.
 Alternative B should be completely removed from consideration in this document. A court ordered consent decree, with arbitrary and capricious rules, that were not vetted properly in the NEPA process do not belong in this document as a viable alternative. Unprecedented wildlife closures, no pass through corridors, closures disturbance penalties, and unsubstantiated night time driving restrictions are all new rules brought on by the consent decree. How do non-NEPA vetted rules now become part of every alternative (except alt A), including the preferred alternative?
 In the effort to manage wildlife at CAHA, pedestrian and ORV usage is being unfairly portrayed as a significant factor affecting nesting success of birds, even birds not even listed on the U.S. Endangered Species List. The proposed buffers for nesting birds are not based in peer reviewed science, and are not standards used anywhere else on NPS managed lands. In essence the public is being penalized where predation and storms are the true factors to lack of nesting success.
 This penalization diminishes the existing visitor experience. Species on North Carolina's list of concern certainly shouldn't trigger closures like those species listed on the U.S. Endangered Species List. In addition, buffers for those species on the U.S. Endangered Species List are excessive, not based on peer reviewed science, and serve only to penalize the visiting public.
 Night time driving restrictions are part of every alternative to protect sea turtles (except alt A), yet the science does not exist that proves night time driving affects the turtles. Pass through corridors for ORVs behind nests, any time of day or night, should be part of a preferred alternative.
 Proposed year round closures at any points or spits should not be considered, particularly when suitable habitat is available elsewhere. This is another reason that Pea Island National Wildlife Refuge should be recognized in all alternatives. In addition, dredge spoil islands adjacent to CAHA should be recognized as suitable habitat, and any nesting success there should be attributed to CAHA.
 Safety closures in front of the villages should continue from mid May to mid September and re open for the remainder of the time. This rule should also be consistently applied to the villages of Hatteras and Frisco.
 Also, the pet restrictions from March through July need to be removed from consideration because leash laws will prevent any incidents with pets.
 The sound side access locations in the document seem to be lacking. A better and more complete inventory of sound side access needs to be included in the final document.
 This Seashore is unique from all others in that multiple villages and communities exist inside the boundary of the park. Impacts to these town and communities are more acute then to surrounding communities whenever the Parks Service institutes rules. I don't believe the alternatives in this document have properly evaluated the socioeconomic and historical and cultural impacts to these communities contained therein. The large ROI mentioned is too large to adequately assess the economic impacts to the villages. And very little is addressed in terms of historic access to the shoreline.
 This National Seashore was created so many years ago with the national public's diminishing access to the shoreline in mind, due to privatization of the beach. Its primary mission was people first. It was meant to be long open stretches of beach for those people not fortunate enough to live on the water.
 This document and these alternatives do nothing to further that initial goal. Instead, it seeks to chop up this National Seashore into little manageable pieces, where the visiting public and the people that live there suffer the most.
 Please address these deficiencies in the final document. Or, put the "Coalition for Beach Access" position statement in as the preferred alternative.
 Thank you, Jeff Ingalls

Correspondence ID: 14550 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:22:46
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 This alternative plan would provide more opportunity for non-ORV users of the beaches and result in less disturbance of wildlife, which are important to me.
 If for some unfortunate reason you fail to select Alternative D, I hope you would at the very least prohibit ORVs year round on at least half of the total miles of Seashore beach. That would allow a fairer balance for wildlife and non-ORV users. Pedestrians and families with children would be able to enjoy the Seashore safely, and wildlife and the nesting areas would be better protected.
 The numbers and diversity of wildlife have been diminishing so every possible effort should be made to provide safe and healthy habitat to improve this situation. ORVs can be driven in many other areas, but breeding, migrating and winter species of birds as well as sea turtles go to specific and unique areas, such as the Cape Hatteras National Seashore, and should be given preference in the use of this area. Wildlife recovery is essential for all people. Where the numbers and diversity of these wildlife species are not improving, additional protective measures should be taken.
 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.
 Sincerely,
 Joyce Bryk 30 Pinetree Lane Roslyn Hts., NY 11577

Correspondence ID: 14551 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:22:46
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the

alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.

* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14552 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
Alternative D, with more pedestrian access (including more parking, walkovers, and other ways to make the beach more accessible by foot) would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are very important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach, leaving 52 miles available for driving at least part of the year. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park. As a mother and an environmentalist, I value places on the beach where children and animals can be safe from vehicles.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information, like the USGS protocols and the science-based Consent Decree buffers. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14553 **Project:** 10641 **Document:** 32596
Name: Hartmann, Jim
Received: May,11,2010 20:23:28
Correspondence Type: Web Form
Correspondence: Please continue to allow beach access as it is permitted now. Further restriction is neither necessary nor needed. We have always enjoyed the NC coast and have always been respectful of the natural habitat. Please put funding into educational programs instead of restrictions and enforcement budgets. Thank you.

Correspondence ID: 14554 **Project:** 10641 **Document:** 32596
Name: Mahler, Peggy E
Received: May,11,2010 20:23:52
Correspondence Type: Web Form
Correspondence: I truly feel that the practices that are being suggested are not looking at the issues from the right direction. The impact on the local economy, especially in today's climate, is very noticeable. I am a "card carrying" Sierra Club member and I feel the many of the ideas presented here are too extreme for even me.
Outer Banks NPS-managed beaches should be an example of smart co-existence and balanced management practices, not extremist bans and excessive management practices driven by fear of punitive law suits. The current process appears to be driven, in part, by "single-issue groups", who would seek to restrict the rights and recreational opportunities of the majority solely to further their well intended, but extreme views of appropriate conservation measures.
I agree with and support the positions established by the Coalition for Beach Access (see <http://www.obpa-nc.org/position/statement.pdf> and <http://www.obpa-nc.org/position/assessment.pdf>).
I agree with and support the positions established by Dare County, NC (see <http://www.hatteraslandtimes.com/PDFs/DCDEIS.pdf>).
Thank you for extending the opportunity for public comment. I trust that you will weigh our views carefully in finalizing any regulatory regimes, which would restrict our access to land which we as U.S. Citizens own in common.
Peggy Mahler Peggy Mahler Peggy Mahler

Correspondence ID: 14555 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:25:16
Correspondence Type: Web Form

Correspondence: My family and I have been coming to the Outer Banks (Avon) for twenty-four (24) years to vacation. We have always enjoyed the open access to the beaches for our vehicles, children, and pets. It would be a shame to not have this for our grandchildren to enjoy also. I realize what a wonderful gift from God that the beautiful birds, as well as other wildlife, are not only to the Outer Banks but to my own part of the country. I provide feeders and bird baths for the local birds, as well as nesting areas in my own yard. With the economy the way it is I would not like to spend my vacation money somewhere other than Avon, NC.

Correspondence ID: 14556 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May, 11, 2010 20:26:07
Correspondence Type: Web Form

Correspondence: As a long time vacationer of the Outer Banks and a home owner of a vacation home in Avon, NC I am greatly concerned with the proposed ORV Management plan. Of greatest concern are aspects of Alternative "F". These concerns include, but are not limited to:

- 1) Any piping plover unfledged chick brood will require a 1,000 meter pedestrian/ORV closure around it in all directions. This equals approximately 771 acres per brood. (p. 121-127)
- 2) Any American Oystercatcher nest or brood will require a 300 meter pedestrian/ORV closure around it in all directions. This restriction is almost as severe as that for the piping plover, even though the Oystercatcher is not a federally threatened species. (p.121-127)
- 3) No pets, including dogs, will be permitted, either leashed or unleashed, on Cape Hatteras National Seashore public lands including the beaches between March 15th and July 31st. (p. 136)
- 4) ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. (p. 97-101)
- 5) Night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fi shermen access in the morning. (p. 104)
- 6) Pedestrian access will be prohibited from March 15 until July 31 in 8 different beach locations which have traditionally been available. (p. 121)

These measures are beyond restrictive they are ruthless. They will have a detrimental impact on the life of Hatteras Island and will decimate an already struggling economy in Dare County.

As stated in the Dare County DEIS Position Statement
"Dare County believes endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast. In this area, weather and predators represent the greatest threat to sea turtles.
Nesting in the United States occurs primarily in four southeastern states as detailed in the USFWS & NMFS species "Recovery Plan"
North Carolina 1.0 % The northernmost area with the fewest nests South Carolina 6.5 % Georgia 1.5 % Florida 91.0 % Primary area where the most nesting occurs
The Loggerhead Recovery Plan recognizes that, "Historically, relocation of sea turtle nests to higher beach elevations or into hatcheries was a regularly recommended conservation management activity throughout the southeast U.S." (2009, Second Revision, page 52) while the North Carolina Wildlife Resources Commission (NCWRC) sea turtle program currently recommends relocation only as "a last resort."
The National Park Service in page 125 of the DEIS relies upon the approach used by North Carolina Wildlife Resources Commissioner (NCWRC). This contradicts the U.S. Fish and Wildlife Service (USFWS) practice of relocating nests on the Pea Island Wildlife Refuge, located on the north end of Hatteras Island, North Carolina.
By not supporting nest relocation, the Cape Hatteras National Seashore Recreational Area has lost over 46% of the nests laid in the last 11 years. Meanwhile, South Carolina relocated 40.1% of its nests during 2009, resulting in an incredibly low lost nest rate of only 7.7% making a strong case for the relocation of nests. The turtle management practices outlined on DEIS pages 125, and 392 to 396 should be modified to allow nest relocation as a tool for species recovery.
CONCLUSION
Dare County urges the National Park Service to make changes in their preferred alternative F to incorporate the provisions outlined in this position statement. In doing so, we believe it will be beneficial to the long range success for wildlife, enhance the visitor experience and improve the lives of those living near the Cape Hatteras National Seashore Recreational Area. Without these changes, people will suffer harm. On the subject of harm, we conclude this position statement with comments about the economic harm as outlined in the DEIS. On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses.
We believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.
Family-owned businesses are the backbone of Dare County. Hard working, local families have for generations provided employment opportunities for the community, and offered outstanding service and hospitality to Outer Banks visitors. These small business owners do not ask for special favors or government handouts, just a fair opportunity to earn their part of the American dream."
Final Comments
Balance and rationale conclusions must be reached; the stakes are far too high for the future of Hatteras Island. No realistic or significant economic impact study has been completed to determine the harmful effects of Alternative "F". At the very least NPS should conduct a realistic economic analysis and see how Alternative "F" will impact local businesses and their families. The Outer Banks rely on tourism, without tourist, the island will suffer an economic depression! It is imperative that the livelihoods of those who live on Hatteras Island are not trumped by environmental organizations that have no true vested interest in the life of Hatteras.
As stated earlier I have been a long time vacationer to the Outer Banks. For the last 30 years I have traveled to the Outer Banks on average of three times a year to enjoy the magnificent beaches, the wonderful waters and the ability to drive on the beaches at sunrise and sunset to surf and fish. In 1987 my family and I invested in a beach house located in Avon, NC and now visit the Outer Banks with greater frequency. In 1995 my brother and his wife relocated from Maryland to reside year round in Kill Devil Hills, and three years ago, they opened their own business in Kill Devil Hills. All of this is in jeopardy if tourists are no longer able to flock to the Outer Banks because they have been banned from using the beaches.
This is not just an environmental issue; this is also an economic one. Balance must be maintained between projecting the environment and preserving jobs at the Outer Banks. Anyone who has visited the Outer Banks falls in love with the area and wants to protect the beaches and the habitat of the island. In my 30 years of visiting the Outer Banks I have never witnessed people purposefully impacting the environment or species that reside on the island. People have always respected the harmony that exists between people and nature on Hatteras Island. I ask that NPS also respect that harmony and not ban people from using the beaches that have been such an integral part of the lives of millions of people.
I thank you for taking the time to read my comments.
Respectfully submitted,
Sven M. de Jong

Correspondence ID: 14557 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May, 11, 2010 20:26:17
Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]."

No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events.

Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396; SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14558 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:26:33
Correspondence Type: Web Form
Correspondence:

The 60-day comment period is not a long enough time frame for the average American to read, understand and research.

To my understanding a lot of business have lost millions due to the consent Decree, for no gain in Piping Plover increased nesting of fledging.

I respectfully request that you implement Alternative A (2007 FOSNI Interim Strategy) for the purposes of Species/Resource Management and codify the ORV Management Policies contained therein. With respect to the Interim Plan, as evidenced by facts

1. That there was no final adjunction or admission of the violations claimed by SELC, et al as they related to the Interim Plan, 2. That there were no negative impacts on managed species either during the implementation of the prototype of the Interim Plan in 2005 & 2006 or the first year of the full implementation of the Interim Plan, 3. That the more aggressive management approach used in 2008 and 2009 did not result in any marked improvement for managed species, and 4. That the Interim Plan triggers and buffers are consistent with the triggers and buffers utilized at other seashores,

There is NO basis for continuing to ramp up the species protection protocols. Furthermore, continuation of the Interim Plan would leave twice as much room for visitors to spread out thus, add to the variety of experiences available to visitors and would minimize the potential for crowding and user conflicts without denying visitors access.

With respect to Alternative A ORV management policies, the primary argument against this approach is that much has changed since the park was opened in 1955. It is true that the number of visitors has increased, especially during the summer. However, current management policies reflect the responses to these changes (i.e. seasonal ORV closures in high-density pedestrian use areas behind the villages and designation of Pea Island as a non-ORV/day use area

There is no reason that the ban of night driving is harming the turtles if there was a restriction it should only to be no driving on the beach but the vehicle should be allowed but not to be moved unless there is a medical emergency or to move a few yards to get away from the tide rise, that away you would have some protection from the weather. But there should be no ban.

Not all areas are even being accounted for driving or bird counts. The closure zones are not consent with other places and no flexibility with them.

I do not agree that Alternative F provides "visitors to the Seashore with a wide variety of access opportunities." Alternative F dramatically reduces the shoreline available for visitor use and severely limits the variety of access opportunities available for ALL .

Correspondence ID: 14559 **Project:** 10641 **Document:** 32596
Name: LOWE, Victoria C
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence:

While I agree completely that the endangered species and natural beauty of Cape Hatteras National Seashore should be protected, I believe they can be protected in a reasonable way. I do not believe that the banning of pets, especially dogs from public areas (as mentioned on p136 of the document) is necessary.

Many thousands of people visit Hatteras Island each year with their families and pets to enjoy the outdoors, it would be a crime to prevent these people from bringing their pets. Surely it would be adequate protection for the birds and turtles if the dogs are simply leashed in specific areas during breeding times? Of course they should be protected but not to the detriment of the people and pets who live and visit the Island each year?

Yours sincerely
Victoria Lowe

Correspondence ID: 14560 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:27:29
Correspondence Type: Web Form
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Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14561 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:28:56
Correspondence Type: Web Form
Correspondence: My preference for a more balanced park usage plan is not fully addressed by any of the six options.
Options A,B & C are too ORV use oriented with little or no consideration for the many people who come here and are not interested in the "ORV experience".
Option D is too restrictive and would be particularly unfair to recreational fisherman with the permanent point, spit and inlet closures.
This leaves Options E & F which are the closet to my preference but do not provide enough pedestrian access points and year around pedestrian only areas.

Correspondence ID: 14562 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:28:56
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
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2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
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Thank you,

Correspondence ID: 14563 **Project:** 10641 **Document:** 32596
Name: Kinnaird, Rick F
Received: May,11,2010 20:29:58
Correspondence Type: Web Form
Correspondence: Preferred Alternative F would prohibit PETS from March 15 to July 31. This should be changed to allow pets year round on a six foot leash.

The plan has given higher levels of protection to shore birds than what is intended in the law. State listed "species of concern" such as the American oystercatcher do not require the extensive buffers and beach closures mandated for federally listed species such as the piping plover.

ORV and pedestrian restrictions are unnecessarily restrictive. The data within the plan shows that ORV and pedestrian access are not the threats to nesting of birds or turtles. Restrictions should be lifted completely. Nesting restrictions should be to 50m as they are at other parks but only for endangered species.

The Cape Hatteras Recreational Area should be left as it was intended as a recreational area not a wild life preserve; to do otherwise is illegal as people who gave the property for this area were assured that was the way the area would be managed to change this underlying premise leaves the Federal Government open to legal action and possible loss of this area as a park. The Pea Island Wildlife Refuge should be the focus of fledgling birds and turtles. Birds or turtles found in recreational area that are threatened should be moved to safer areas such as the wildlife preserve.

The dredge islands should be included in counts of birds.

The economic impact statements should only include the communities on Hatteras Island.

The plan spends precious little time looking at the cultural impact on the village communities of Hatteras Island.

The preferred plan should not be plan F but the original interim plan which has worked well for 30 years and would be in place today if the Park Service had done their job originally. The Hatteras communities should not be penalized for the lack of action by the Federal government.

If the Park Service worked with and listened to the local citizens who know how to preserve the island rather than people who don't and haven't provided accurate information if any the island would continue to be a preserve for animals and birds as well as citizens.

The economic impact has already been huge from the current NPS beach closures and Plan F will be more restrictive the economic impact will not be "negligible" as the Park Service contends.

Hatteras Island has not been a place where Piping Plovers have nested in any significant numbers. This according to NPS data contained within the DEIS and associated documents. It is not ORVs or pedestrians that pose a threat to these few birds. Therefore there is no real reason to have ORV and pedestrian restrictions for these birds because they are not the problem.

Correspondence ID: 14564 **Project:** 10641 **Document:** 32596
Name: Vaccarello, John A
Received: May,11,2010 20:30:15
Correspondence Type: Web Form
Correspondence: I disagree with what is proposed. This will damage this part of North Carolina for many years to come. I these times It is hard to beleive what this has come to. The economic impact will be felt for generations to come!lam a home owner and I do care about protecting what little is left in this country but this is not how to resolve what is being proposed.

Correspondence ID: 14565 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:30:16
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

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Correspondence ID: 14566 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:30:19

Correspondence Type: Web Form

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4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

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I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

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8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

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Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

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I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

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Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Conclusion:

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Thank you,

Correspondence ID: 14567 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:30:28
Correspondence Type: Web Form
Correspondence: Closures Due to Birds: I disagree that birds that are not federally protected should be afforded large buffers and pre-nesting and nesting closures. Pre-nesting closures should be exclusively for the piping plover, the only federally listed threatened bird. There is no reason that a federal agency should grant birds listed under the state's species of special concern equal protection with federally listed birds under the ESA.
I disagree that the entire ecosystem is not considered when assessing the health of bird populations. Birds on dredge spoil islands adjacent to the Park are not being considered in the population counts. These islands have no predators and are ideal locations for nesting. If the intent of the process is to protect these birds and make sure they have adequate nesting locations, it is disingenuous to not include these islands. Pea Island National Wildlife Refuge is also not counted by the Park Service. This refuge is located on Hatteras Island within the seashore. These 12 miles of seashore are set aside for pedestrian-only use and should be included as available habitat. The entire ecosystem should be included in order to give an accurate picture of bird populations in the area.
Socioeconomic Analysis: I disagree with the socioeconomic and analyses in the DEIS. The data used results in misleading and often erroneous conclusions. The Region of Influence(ROI) incorporates the Northern Beach communities, which are almost completely disconnected from ORV use and access issues relating to the Cape Hatteras National Seashore. Their inclusion significantly dilutes estimates of economic impact on the Hatteras Island villages. Emphasis in the DEIS seems to be on the ROI-wide or county-wide level, which significantly downplays the economic impact to the villages of Hatteras Island.

Correspondence ID: 14568 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:31:52
Correspondence Type: Web Form
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Name: private
Received: May,11,2010 20:31:59
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17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USFS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14570 **Project:** 10641 **Document:** 32596

Name: Barlow, Cheryl S

Received: May,11,2010 20:32:54

Correspondence Type: Web Form

Correspondence: I would like to comment on the nesting data used to support the DEIS alternatives and let it be known that I disagree with the closure policies proposed in all alternatives. It has been shown that ORV and pedestrian closures have negligible impacts on nesting success. With predators and storms causing 83% of failed nests and humans causing only 3%, the need for expanded and increased closure areas is not necessary. In addition I would like to know why the data used does not include all of the areas surrounding Hatteras Island. The villages, dredge islands and Pea Island Wildlife Refuge all contain bird activity and nesting. To neglect these areas when compiling target productivity levels is not only detrimental to good science but a gross negligence. Bird activity should be tracked fairly and consistently in order to ascertain the best use of the park for public availability while also protecting the wildlife. In any and all parts of the park, at any given time or season, the night closures, prohibition of horses and pets, the absence of ORV or pedestrian corridors, not allowing beach campfires will all adversely affect the tourism to our area thus depleting our livelihood. In addition, the culture and history of the island will be lost to future generations. Our National Parks are rich in heritage and in lessons for our children. Please use the best possible information when making decisions that will change a way of life. Thank you for your time.

Correspondence ID: 14571 **Project:** 10641 **Document:** 32596

Name: Brown, David

Received: May,11,2010 20:33:01

Correspondence Type: Web Form

Correspondence: My wife and I are NC residents, voters and taxpayers. We have been vacationing on the Outer Banks (in Frisco) yearly for 15 years and Outer Banks property owners for 5 years. We do not drive on the beaches ourselves, but support access to the beaches for vehicles and pedestrian traffic. We support the ban on ORV beach traffic directly in front of the beachfront homes between May 15 and Sept 15 but do not support the ORV ban for the large areas of beaches published in the plan.

The beaches are for all of the residents of NC. While this includes protections for the avian residents, it also includes access to the beaches for human use, including recreation. We have observed the barriers ourselves and have watched the fishermen observe the barriers for nesting birds for a few years now and feel that that system is offering protections for sensitive birds. We feel that several of the protections are excessive. For example, a 1000 yard perimeter for plovers is extreme. No access to large areas of beach for pedestrians or leashed dogs is extreme. We have a dog and like walking it on the beach. It has never been outside of our house when not on it's 6-foot leash and we feel that a leash law should be enforced. Banning leashed dogs is unnecessary. We do not support the night time access ban. A more reasonable approach would allow access from one hour before daylight until one hour after sundown. This would allow fishermen access to the prime fishing hours of dawn and dusk.

Please reconsider the plan. These beaches are public lands and the use policy needs to reflect balanced use, including reasonable protections, for all.

Regards,

David Brown

Correspondence ID: 14572 **Project:** 10641 **Document:** 32596

Name: Taylor, Douglas A

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: In our quest to protect endangered species we tend to forget the use of common sense and attribute everything to dollars and sense; What can be gained by suing, using of junk science, extracting only what will be beneficial to "OUR OWN " side, massaging statics to make it make it better for one side. Continuing along this line, concerning Sea Beach Amaranth, from reading all of the articles that I could find, along with my own experiences, is a plant that cannot be reliably predicted as to where it will grow from one season to the next. The life history of this plant, combined with the dynamic coastal habitat within which it evolved, give this species the ability to move within the coastal landscape as a fugitive species, colonizing habitat as it becomes available in both space and time. (Endangered Plants of New Jersey Fact Sheet). An example of this is section of beach which is continually fenced off for the Piping Plovers only had one good year where this plant appeared in close to ten years. The speculated reason for their sudden appearance is there

was a series of energetic storms that could have caused seeds to be either to have washed up from the storms or exposed by the storms. Again all of the right conditions existed for that year. For the next two years there have been no plants in this area. For this reason no area should be pre-designated nor can the area be predicted for the sea beach amaranth. Only under Plan "A" could preservation be properly applied without the public being subjected to un-needed restrictions that cannot be acted upon within any of the other Alternatives.

Concerning the monitoring of noise within the park, the low range of 20dBA during low activity for the locations shown does not sound feasible for an extended period of time. By definition 20dBA has been compared to whispering or rustling leaves. 30dBA is associated with a quiet nighttime in the desert. 60dBA is normal conversation and a car moving slowly (Ref: <http://www.makeitlouder.com/Decibel%20Level%20Chart.txt>) Using the rank that is quoted in the DEIS without a reference table to me is misleading to what people expect for noise levels. It also should be noted that as one moves away from the noise source the measurement drops. In this park there are two types of sound scapes. One being the natural and the other man made (i.e. Walking along the beach and talking, driving on the beach close to the ocean). As one moves away from the manmade "sound" the "natural" surrounds it and will gradually drown it out. So if one takes into account that as a "sound source" moves away by a distance of 10 meters the sound drops by approximately two fold, there is a point of a very short distance the background "Nature" sounds drown out the intruding noise. This piece should have been included in the Off Road Vehicle Management Plan. This also should include how much sound is killed by sand dunes, grass, and trees. The problem is this is all taken for granted because it relates to common sense; Alternative "A" again allows for the greatest leeway in management for adjustments.

Going a step further, take a look at the policies as they pertain to the Piping Plovers and Sea Turtles. For some reason the plan for the Piping Plover as applied in other parks have proven to work, but are claimed not to work at Cape Hatteras. Adaptation of these policies would work under Alternative "A". It seems that whenever the Plover census was taken the problem of storms seem never to be counted into the factors for low population count. Only how well a more restrictions might help. However, in the Piping Plover Recovery Plan Revised 1996, warns of this problem and census should be treated with these factors being taken into account. Concerning Sea Turtles, a new study just came out on May 5, 2010, where a section concerning the Loggerhead Turtle Recovery Plan, "CHNS seemingly has the most protective sea turtle policy resulting in the most restrictive public access and the poorest results in their breeding area." Under Alternative "A" these influences could be addressed immediately allowing for the best science to be used. In our estimation Alternative "A" is the best choice if common sense is used. It allows for the best "timely" action to be taken while at the same time allowing for the best access, if the parts of the other plans concerning access are incorporated.

In the National Park Management Policies 2006 book under section 1.5 "Appropriate Use of the Parks" it states that These preferred forms of use contribute to the personal growth and well-being of visitors by taking advantage of the inherent educational value of parks. Equally important, many appropriate uses also contribute to the health and personal fitness of park visitors. These are the types of uses that the Service will actively promote, in accordance with the Organic Act. Other forms of park uses may be allowed within a park in accordance with the policies. It continues to say that the policies will vary from park to park and even from spot to spot within that park. Under Alternative "A" this mandate can most easily be accomplished. As the Official Representative of the Jersey Devil's Fishing Club, we endorse the use of Alternative "A" with the inclusion of the projects for better access from the other alternatives.

Correspondence ID: 14573 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:33:16
Correspondence Type: Web Form
Correspondence: the endangered ones are the horse's of corolla. ever since the beach restrictions at Hatteras the traffic has increased and last year 3 were killed. this plan is not working.the direction should be education not closure. keep the beaches open to protect everyone.

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Correspondence ID: 14575 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:33:44
Correspondence Type: Web Form
Correspondence: This Issue is a great example of the cost of conservation. This Draft plan is not a good idea. There is room for a compromise, but there has been very little compromise here. This process has turned people who love nature into avid anti-conservationist. A small victory may have been achieved for the few birds, but a culture of mistrust of the Park Service and Conservation agencies has been fostered here on amongst the locals. Any future project will be met not only with suspicion, but downright hostility.
 As a liberal and environmentalist I cringe to think about how bad this make us look. This is the type of thing that the right uses to demean, and ostracize the conservation movement. If this plan passes it will be all over the conservative blogosphere and right wing radio. I can hear them now. "A few rich hippies convinced the extremist Obama administration to close the entire beach for a few birds! Now thousands of people are losing their livelihoods over this stupid bird that deserves to go extinct!" Don't give them this ammunition.
 There is a middle ground compromise worth exploring.

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Name: private
Received: May,11,2010 20:34:11
Correspondence Type: Web Form
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Name: private

Received: May,11,2010 20:35:29

Correspondence Type: Web Form

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I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

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I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

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Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper

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Thank you,

Correspondence ID: 14579 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:36:46
Correspondence Type: Web Form
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Thank you,

Correspondence ID: 14580 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May.11,2010 20:36:48

Correspondence Type: Web Form

Correspondence: Closures Due to Birds: I disagree that birds that are not federally protected should be afforded large buffers and pre-nesting and nesting closures. Pre-nesting closures should be exclusively for the piping plover, the only federally listed threatened bird. There is no reason that a federal agency should grant birds listed under the state's species of special concern equal protection with federally listed birds under the ESA.

I disagree that the entire ecosystem is not considered when assessing the health of bird populations. Birds on dredge spoil islands adjacent to the Park are not being considered in the population counts. These islands have no predators and are ideal locations for nesting. If the intent of the process is to protect these birds and make sure they have adequate nesting locations, it is disingenuous to not include these islands. Pea Island National Wildlife Refuge is also not counted by the Park Service. This refuge is located on Hatteras Island within the seashore. These 12 miles of seashore are set aside for pedestrian-only use and should be included as available habitat. The entire ecosystem should be included in order to give an accurate picture of bird populations in the area.

Socioeconomic Analysis: I disagree with the socioeconomic and analyses in the DEIS. The data used results in misleading and often erroneous conclusions. The Region of Influence(ROI) incorporates the Northern Beach communities, which are almost completely disconnected from ORV use and access issues relating to the Cape Hatteras National Seashore. Their inclusion significantly dilutes estimates of economic impact on the Hatteras Island villages. Emphasis in the DEIS seems to be on the ROI-wide or county-wide level, which significantly downplays the economic impact to the villages of Hatteras Island.

Correspondence ID: 14581 **Project:** 10641 **Document:** 32596

Name: Downs, Paula

Received: May.11,2010 20:37:00

Correspondence Type: Web Form

Correspondence: I have lived in NC for 45 years and I love our beaches. I do not believe that any changes need to be made in regard to vehicles having access to the beaches of the outer banks. Driving along the beach and fishing from the beach has been a tradition for many North Carolina residents and visitors.

Correspondence ID: 14582 **Project:** 10641 **Document:** 32596

Name: Devlin, Thomas M
Received: May,11,2010 20:37:24
Correspondence Type: Web Form
Correspondence: I wish to simply state that I am AGAINST the decision to implement option F of the ORV Management Plan. For the record, I have been a long standing member of the National Wildlife Federation, the Environmental Defense Fund, and the North Carolina Coastal Federation. I do consider myself an environmentalist, just not part of the fanatical fringe. I am a property owner in Duck, NC and have driven on the beach several times stretching from north of Corolla to south on Ocracoke Island. I can not believe that the Park Service felt it necessary to address human traffic as well as pets. Just what is the real unspoken purpose here? Of course the park has seen a significant increase in visitors; all parks across the country have seen an increase. Guess what, baby boomers are retiring. There has to be a balance and this draft plan goes way, way too far protecting species that has yet to be determined that driving, walking (humans and canines), fishing, and other activities have caused their natural habitat to be destroyed. It is a travesty the economic hardship that is being dealt to the local economy and the denial to thousands of tax paying visitors to experience the beauty and pleasure of the beaches within the Cape Hatteras National Seashore. It is truly ashamed that my National Park Service didn't feel it necessary to do more to protect human access to the beaches.

Correspondence ID: 14583 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:37:44
Correspondence Type: Web Form
Correspondence: May 11, 2010
Mr. Michael B. Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
Subject: Public Comments - Draft Environmental Impact Statement (DEIS)
Dear Mr. Murray:
My name is Connie Craigie and I reside in Greensboro. I am a second generation fan, vacationer and supporter of this amazing national treasure. I am writing to you this day to express my deepest concern regarding the future of the Cape Hatteras National Seashore. By now, I am certain that you have received countless letters, e-mails and phone calls from many concerned citizens, from all walks of life. I will forgo listing all of the talking points that are at the forefront of this situation. But in all fairness, it clearly appears that by implementing the extreme regulations proposed by the "special interests" of a few will only result in punishing many. The livelihood of generations of families is being threatened by the proposed regulations and extreme act.
I sincerely hope that the final decisions will result in "fair" and "common sense" regulations that will protect and sustain the wildlife as well as a thriving community.
Thank you for your time.
Connie B. Craigie 5 Gwyn Lane Greensboro, NC 27403

Correspondence ID: 14584 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:38:29
Correspondence Type: Web Form
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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14585 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:38:39

Correspondence Type: Web Form

Correspondence: I am a retired educator who taught, among other subjects, science which included awareness and appreciation of our environment and ecology for 30 years to intermediate grade students. Even though I favor protecting our environment and natural resources the DEIS will deprive students from learning about and experiencing and appreciating firsthand the beauty of nature.

The statement on page 124 states that the NPS will prioritize protection of the resources over the student's and public right to access the beaches. There are better techniques to manage the resources than are listed here. Other national parks use relocation to improve specie survival. We have numerous spoil island where there are no natural predators where endangered animals could be moved safely and humanely. Maybe then, since they weren't included in the DEIS enumeration, the numerous species living on these spoil islands would then be incorporated in the count. The tremendous numbers of birds living safely on these islands indicate they have more common sense than those extolling extreme and radical measures to protect the resource. Why are human beings constantly accused by some of having such a detrimental effect on the resource. The human factor is very limited in scope compared to all the natural factors that come into play. The current methods have done more to damage the survival of species than have helped. Mother Nature has a food chain wherein each species is susceptible to predation to another species. This holds true even at Cape Hatteras National Seashore Recreation Area, even though there are some who don't believe natural selection applies here.

Why are the buffers or roped off areas so huge? Pages 121 - 127 states that closures for piping plovers are 1,000 meters. That figure is mind boggling to me. How was such a ridiculous number derived? There is no serious scientific evidence that I can find that would remotely indicate that an area that size is needed. I suggest an area of 50 to 100 meters would be more than sufficient to protect the resource. We've had birds nest right next to Highway 12 and they have hatched and fledged without incident. Even non-endangered species according to the DEIS are protected with buffers of 300 meters. Again, this is to large large a shield for a non-protected species. I would respectfully suggest an area of 25 - 35 meters is more than adequate.

The DEIS says on pages 270 - 281 and 561 - 598 that the economic impact of all the Alternative F proposals will have "negligible to moderate" impact on the business, both small and large on Hatteras Island. The numerous business owners that I've talked to regarding the economic impact of the draconian measures in place for the 2009 season reported their earnings were down considerably and if the trend continues they will mostly likely be forced to close. Whatever happened to the economic survey that was to be included that would show the real impact of these closures on Hatteras Island businesses?

We can not forget our sea turtle guests to our shores. Pages 125 and 392 - 396 enumerate some "F" procedures that don't do enough to protect the species. Why not relocate endangered nests to areas that are more desirable. This is done in other national parks. Is Hatteras Island and its populace being discriminated against? Seems to me like it is! What ever happened to using common sense for the protection of our wildlife? It seems to me that these proposals will have many unintended consequences for the people of the Island as well as the animal population. As I have aged, my mobility has lessened, making it much more difficult for me to walk onto the beach. As page 1 states, "off road vehicles have long served as the primary form of access to the beach." Now you will be taking the access that I have envisioned in my elder years from me. Page 53 mentions a permit program to have a disabled person deposited on the beach. To me, the total process is ridiculous and untenable. Again, discrimination comes to mind and is in my belief a violation of The American's with Disabilities Act.

In conclusion, Cape Hatteras National Seashore Recreation Area was created for the people to enjoy. The DEIS document is an instrument that was deliberately designed to negate the rights of the American public to visit a national treasure whose access was assured when the park was created. The citizens of Hatteras and those who visit have endured much; hurricanes, earthquakes, floods and more but this document is by far the most devastating proposal the island has ever withstood. The DEIS document isn't about the birds; It's About The People and disenfranchising them from something that belongs to them.

Thank you for allowing me this chance to respond.

Correspondence ID: 14586 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:38:39

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

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Thank you,

Correspondence ID: 14587 **Project:** 10641 **Document:** 32596

Name: Marko, Lynne

Received: May,11,2010 20:38:41

Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray,

Please keep ORV traffic out of Cape Hatteras National Seashore.

After this major, ongoing Gulf oil spill, it behooves each and everyone of us to preserve and protect our fragile seashore environments.

With the added Off Road Vehicle (ORV) use on the beaches can only hurt and hinder protections to our valuable pristine seashores.

Thank you for your time.

Correspondence ID: 14588 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:38:55

Correspondence Type: Web Form

Correspondence: Jim Lyons POB 698 Buxton, NC 27920

To: National Park Service Mangers

Comments On DEIS For CHNS

Because I will be challenging the accuracy of analysis and disputing information in the DEIS I think it appropriate to give some background information about myself.

My history with Cape Hatteras Seashore spans 50 years. I am 59 years old and have been a resident of Dare County living on Hatteras Island since 1973. Before that time I was a frequent visitors to Hatteras Island and CHNS. My parents brought me to the Seashore in the late 1950's. We camped in NPS Cape Point campground and walked to the beach from there or from one of the parking areas. We seldom saw a vehicle on the beach. In the late 1960's and early until 1973 I spent considerable time on Hatteras Island mostly staying in the Cape Point Campground in CHNS. My friends and I accessed the Park by foot. Vehicle use on the beach was very minimal. The only time I remember encountering a vehicle on the Park beach was when we were in the vicinity of Cape Point.

In addition I was on the recent negotiated rulemaking committee whose task was to recommend an ORV management plan for CHNS. I was on the routes and areas subcommittee and attended all the meetings and the last subcommittee meeting where we meet for 5 straight days. I am very familiar with the work of the negotiated rulemaking committee. I find it very hard to say any of the DEIS plans reflects in any way the recommendations or input from the committee. We seldom agreed on anything. The meetings were dominated by a core group who engaged in endless discussions, accusations , insults and posturing as the norm for the meetings.

I have participated in many different forms of recreation (fishing, surfing, swimming, shelling, walking) on the Park's ocean beaches. The last few years I have found it harder to find places on the Park beaches to participate in these activities in solitude away from vehicles on the beach. The solitude and wilderness, that was an important part of this Park's formation, is the reason why I moved here 37 years ago. Areas in the Park that are not part of an ORV route are an integral component of the experience of my friends and myself. ORV routes can negatively impact my park experience.

The NPS's preferred plan F escalates the impairment of "Park Values" and further degrades the solitude that was the cornerstone for this park. Careful selection of larger pedestrian access only areas in the Seashore is essential if these qualities are to be available for future generations to enjoy.

The importance of ORV access is overstated because driving ranks 6th on visitor activities behind walking 3rd and enjoying solitude 4th.

Important Criteria Not Addressed

No study has determined if ORV use is the most practical means of access now or in the future. How many visitors use ORVs to access the seashore, where are the portions of the beach they access and the size of those portions is essential information that has not been gathered.

Criteria for pedestrian access only areas based on NPS Management Policy that address NPS values should have been included in decision making for ORV routes.

The No-impairment clause is an important component of the Organic Act and includes not only park resources but also "Park Values". During the negotiated rulemaking meeting I submitted a proposal asking that, "Park Values" be included when deciding where ORV routes are made. Management Policy 2006 specifically addresses these values. Using this information I proposed criteria and areas to use in establishing ORV routes during the reg/neg meetings.

Management Policies 2006 indicates what National Park Values are.

"1.4.6 What Constitutes Park Resources and Values" "The "park resources and values" that are subject to the No-impairment standard include * the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;

Inaccurate Or Misleading Information

There has been a history of prohibition of ORV use in this Park. There are places in the Seashore where vehicles have not been allowed to drive since the early 1980's. These areas were not kept closed because of safety closures, as there were physically similar areas that were open to ORV use. I have requested in writing to park officials for documentation of why these areas have remained closed to ORV use. Park officials have informed me they can find no documentation as to why these same areas have been only accessible only by pedestrian access for so long. An analysis of these areas is needed to ascertain the effects of no ORV areas in the Park. Plan F changes some of these long established pedestrian areas into ORV areas.

Plans A and B were based on the Interim protective species management plan, the consent decree and Superintendent's order # 7. These plans managed resource protection and ORV use. Visitor use and recreational conflicts were not considered in formation of these plans. Superintendent's order # 7 was written by 1 superintendent and amended by a second superintendent. It was based in part on a 1978 draft plan that was never approved or had public comments. Superintendent's order #7 was not presented for public comment. The Park received written protests concerning the implementation Superintendent's order #7 for both safety issues and recreational conflicts.

There should be pedestrian only access areas in locations of low pedestrian use. Assigning ORV routes into areas of low pedestrian use with vehicle capacity set at 1 vehicle for every 20 feet of shoreline will severely impact "primitive wilderness". Managing the Park for "primitive wilderness" is an important component of the enabling legislation. If areas of lower visitor use are identified as an attribute of ORV assessable beaches and not pedestrian only access beaches then visitors seeking lower visitor use areas without the presence of vehicle will be denied that experience. The opportunity for maintaining primitive wilderness will be lost. The set carrying capacity of ORV beaches negates primitive wilderness.

I question the Park's analysis that Plan F will increase pedestrian access to visitors. The history of past beach use has not been put in its proper context. In 2002 there was considerable more ocean beach available to pedestrians seeking recreational activities away from ORV routes than today and what is proposed in plans A, B, C, E, F. For example, just on Hatteras Island: there was an area north (approximately .5 mile) of Avon fishing pier to a spot north of ramp 38 that had been closed to ORV access but open to pedestrian access for considerable time (10 plus years). The entire ocean beach from 1

mile south of ramp 38 to ramp 43 had been open for pedestrian access only in excess of 20 years with portions open for pedestrian access only longer than that. The entire beach from ramp 49 to ramp 55 had been closed to ORV access but open to pedestrian access for at least 15 years. The initial reason these beaches were closed to ORV use is unclear as the beach conditions on many of these beaches were no different than beaches open to ORV access. Past superintendents kept these beaches as pedestrian access only beaches. Superintendent's order # 7 changed the status quo of how these beaches were being managed with respect to pedestrian and ORV access. This is essential information when assigning thresholds impacts while evaluating visitor use expectations and experience.

Scenic and Wilderness Areas Not Adequately Addressed

All visitors (ORV access and pedestrian access) should expect a choice for the type of experience they can participate in. Listed below is new information to consider which would identify and protect primitive wilderness experience in CHNS. The greatest potential for wilderness areas in this park is areas where access is by foot and the above attributes are present. Scenic features; natural visibility, both day and night; natural landscapes; natural soundscapes and smells") a. In an unaltered state with minimal adjacent Infrastructure, b. Natural coastal and dune building processes, c. Observable wildlife resources, d. Wide beach with minimal degree of slope,

1. Ease of egress, all egress through NPS property with Ramps, boardwalks or established breaks through the dune 2. Traditional pedestrian beaches, beaches that have been Used extensively for pedestrian access only in the past and have suitable established parking infrastructure 3. Diversity of experience a. Areas convenient to NPS services b. Remote areas

The areas suggested in Plan F misses the mark on scenic features by designating the majority of those places to ORV access.

Long-term Major Adverse Impacts For Visitors Seeking Solitude Or Wilderness Areas

Visitor use conflict issues do exist. The NPS has received complaints of conflicts involving both safety issues and recreational conflicts dealing specifically with soundscapes, and viewsapes being negatively impacted by ORV routes.

Alternative F has not provided for a diversity of visitors experience. The majority of pedestrian access areas are placed in areas where national park values are lacking. Specifically these areas are in sections of the beach where highway noise is noticeable, the beaches are eroded to the dunes, and village infrastructure is adjacent. There is less area of pedestrian access now than there was in 2002

One would not expect to find incidents of pedestrian being struck by vehicles because there is little pedestrian traffic on ORV beaches. Most pedestrian find high use ORV beaches lacking the aesthetics they should expect in a National Park, feel unsafe or in conflict with vehicle traffic. It is extremely uninviting for visitors to access the beach on foot because: 1. There is no designated ORV or pedestrian corridor on these beaches 2. The beaches could be as narrow as 20 meters, or less in some plans (See photo #5) 3. Vehicles leave some beaches highly rutted making walking difficult (See photo # 5) Walking on ORV trails on the beach is difficult as vehicles turn up the sand changing it from a packed flat surface into soft uneven surface. Deep tire ruts, besides esthetically unpleasing also pose extra difficulties for the young and old. Visitors using ORVs as access tend often to congregate and park their vehicles in the ORV trail. This causes other vehicles to deviate from the established trail and create a new trail to detour around the parked ORV. The result of this is a very unnatural beach. The day-to-day physiographic process is destroyed. Often parked ORV visitors set up day camping: playing music, cooking, erecting awnings and tents, setting up volleyball nets and increasing their footprint on the beach/ORV route. While these are all valid recreational activities in the Seashore they become major recreational conflicts to other visitors wishing to recreate in solitude and with scenic features present.

On ORV beaches when there are no vehicles the ORV tract is usually as close to the tideline as possible. From past experience vehicles get stuck below the high tide line often resulting in total losses of the vehicle. Visitors that access the beach by foot are much more exposed than visitors who are recreating outside but near their vehicle. ORV users have their vehicles to alert other drivers to their presence. Lowering the speed limit and yielding right-of-way to pedestrians will have a negligible beneficial impact to pedestrians because few pedestrians frequent ORV beaches. It will be difficult to enforce without a considerably larger staff of law enforcement rangers.

Plan F will cause long-term major adverse impacts for visitors seeking solitude. Overlapping the ORV and non-ORV corridors will be a continuation of the failed policy currently in place. Pedestrians don't use ORV beaches because of these policies. There will still be rutted beaches, loud music, obnoxious smells from exhaust, overheated transmission, burnt engine oil and radiator coolant present. These are real conflicts that reducing the speed limit will not solve. The proposed non-ORV areas have little aesthetic value and are small in comparison to the designated ORV areas.

Many of the proposed pedestrian access beaches are situated very close to highway 12. Vehicle noise from highway 12 can clearly be heard on these beaches. On ORV access beach music from vehicle sound system can impact the soundscape and was not considered in the study. Loud music constitutes a recreational conflict for many visitors. The park's analysis on soundscapes is incomplete.

ORV beaches are inadequate for pedestrian access. A 20-meter wide beach is of insufficient width in front and adjacent to village beaches. These beaches should be a minimum of 35 meters from the toe of the dune to the high tide line. The top half of the beach starting 5 meters from the toe of the dune out to 20 meters should be designated as the ORV route and from 20 meters to the mean high tide (15 meters) should be the pedestrian/recreation corridor of the beach. Most recreation occurs in the section of beach close to the tideline and it would be the most logical place to insure the safety and reduce recreational conflicts between pedestrian and ORVs (On beaches wider than 35 meters it would be better to start the ORV route 10 meters from the toe of the dune and then divide the rest of the beaches with an ORV corridor next to the dune and the recreation corridor next to the tideline. Having a beach closed to ORV access because park managers see congestion as a pedestrian safety issue is problematic as pedestrians and ORV users visit the beach at unscheduled times and it would be difficult to predict when to close the beach because of congestion.

Plan F does not sufficiently identify natural physiographic conditions in the Park and or set standards to protect them.

Plan F will cause an impairment of "Park Values". Criteria to identify where areas of the Seashore that have Park values and appropriate means to protect them is lacking. Those looking for a non-ORV experience at the Seashore would experience long-term adverse impacts. There was more year round non-ORV areas in the Park in 2002 than proposed in plan F. In addition the areas proposed for non-ORV access are areas that so eroded and narrow that it is unlikely they would be open to ORV use. The majority of the proposed pedestrian areas are of marginal aesthetic value and would constitute an impairment of values under NPS Management Policies 2006 (1.4.6 What Constitutes Park Resources and Values)

Plan F fails to minimize conflicts because of insufficient amount of YR pedestrian access. Plan F places emphasis on ORV use as a preferred method of access. Plan F fails to promote the safety of all visitors by mixing ORV and pedestrian routes with no separation.

It is unlikely that a 30' long 3-axle vehicle pulling a trailer of unspecified length will get very far on a beach that is 20 meter wide. The beach would have to be at a minimum of 30 meters and very flat with hard packed sand for a vehicle of these characteristics.

I strongly oppose creating new interdunal roads to access North Ocracoke Spit. There is more to pedestrian access than just vehicle free areas. During the reg/neg the committee discussed extensively on a way to keep one inlet spit of the three NPS inlet spits in a wilderness setting. North Ocracoke was the spit that would be easiest to keep in a primitive wilderness manner. The idea was to make North Ocracoke Spit a primitive Wilderness area that would only be accessible by foot. Adding a new interdunal road would defeat that purpose. Ramp 59 would be the logical place to stop ORV traffic. Visitors could walk from there to the inlet or a pedestrian trail could be established from a parking lot at the ferry terminal on North Ocracoke and gain access to the inlet by that route. There are not many places in the Seashore to accomplish this and North Ocracoke was agreed during meetings by park managers as the best place to have a primitive wilderness inlet spit if that experience were desirable in the Park. It would be better to let visitors use vehicles to get to either Hatteras Spit or North Ocracoke spit and makes the other Spit a wilderness area than to create interdunal roads where none existed so visitors can drive to some of the last areas in the Park that could be a wilderness area. Creating interdunal roads where none existed so visitors can drive to some of the last areas in the Park that could be a wilderness area violates the No-impairment standard of the Organic Act.

With new access roads to both Hatteras and North Ocracoke spits very little walking will be involved to fish these spits, vehicles will be in close proximity to the fishing areas this would result in negligible to minor impacts to ORV users.

Additional information to consider

The only groups that have any historical rights to all areas of the Seashore and are part of the cultural tradition are the legal residents of the village engaged in traditional (dory) commercial fishing. They should be entitled to fish in pedestrian access only areas.

Other information to collect and consider is from the early 1980's to 2003- 09 sections of the CHNS have been closed to ORV access but open to pedestrian access. A survey of the amount of pedestrian only access beaches available year-by-year compared to economic indicators for those years should be conducted. This information is essential to make economic judgment of the impact of both ORV access with respect to pedestrian only access. My own antidotal information is that balanced mixtures of visitor access opportunities (ORV access and pedestrian only access) have a positive effect on local economics. Information could be gathered that provides exact dates, mileage and years for the amount of pedestrian access that was available in

the past. Visitors had come to expect large areas of the Seashore to be vehicle free.

The NP campgrounds don't have any adjacent or near adjacent non-ORV beaches for campers to recreate in. ORV /pedestrian areas are becoming increasingly less inviting to pedestrians because of the lack of ORV management by NPS. A dramatically non-historical rise in ORV use coupled with an ocean beach that is becoming narrow and more eroded by the year are creating long-term major adverse impacts on those visitors seeking a non-ORV experience.

Narrow beaches with more vehicles make pedestrian access less appealing. Incidents of recreational conflicts on these beaches are less because visitors seeking solitude and a non-ORV experience don't frequent these beaches. This has created a change in the demographics of visitors that come to CHNS. A National Seashore that promoted National Park values would attract visitors that would benefit and enjoy a non-ORV experience. The NPS has encouraged ORV access by not having an ORV plan for many years. ORV organizations have formed because of this and created unrealistic expectations for ORV use in a National Seashore.

Respectfully, Jim Lyons Buxton NC 27920

1930's 1990's

Proposed Pedestrian Beach High Value NP Beach

Low NP Values

Natural Landscape

One car every 20 feet

Correspondence ID: 14589 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:39:40

Correspondence Type: Web Form

Correspondence: I feel that restricting and even prohibiting access of ALL ORVs on shoreline properties - and on many inland properties for that matter - should be enforced. These vehicles do terrible damage by destroying animal's habitats including their nests and burrows - as well as running over these animals. I have seen the destruction of property in my own neighborhood and in the Sandhills of NC. I know about the needed protection of nesting sea turtles. We do not have the right to destroy natural areas just because we think something we do is "fun." In fact we need to think more about our responsibilities as we share the Earth and we need to protect it as much as we can. I read this quote once: "We live on this Earth as if we had another one to go to." It is sad that so many of us humans are so selfish. We NEED this Earth and all it's creatures to keep the balance - to provide us with clean air and water to survive. The Earth CAN survive without US though.

Correspondence ID: 14590 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:39:40

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

- 1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
- 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
- 3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
- 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)
- 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
- 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.
- 7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.
- 8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.
- 9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab

Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USFS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14591 Project: 10641 Document: 32596 Private: Y
 Name: private
 Received: May,11,2010 20:39:49

Correspondence Type: Web Form
Correspondence: Please consider alternate E. It seems to provide at least a consideration of beach camping in conjunction with night fishing. In the fall when surf fishing is the best and the campgrounds are closed, it is unreasonable to not allow a fishing vehicle to remain at a fishing hole for the night and allow a weary fisherman to take a nap. Rather he is forced to leave the beach and disrupt sleeping wildlife by having to drive in the dark to nowhere with any reasonably accessible accommodations. Why not allow Camping on the Beach, just no night driving on the beach.

Correspondence ID: 14592 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:40:26
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The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14593 **Project:** 10641 **Document:** 32596

Name: Couch, Daniel C

Received: May,11,2010 20:41:20

Correspondence Type: Web Form

Correspondence: I am deeply appreciative of your efforts on the DEIS. That being said, I disagree with (1) the economic data used in determining impact on businesses based within the Seashore, and (2) the lack of acknowledgement given the history, heritage and cultural aspects within the Cape Hatteras National Seashore.

Since 2003, I've operated Hatteras Tours within the villages located inside the Seashore bounds. It's not lucrative by any stretch, but it's all I have. Through Dec. 2005, approx. 5% of my annual gross receipts came from tour patrons originating from the northern beaches (north of Bonner/Oregon Inlet Bridge) of Dare County, yet your assessment relies heavily on economic data from north of the bridge. Let me assure you, I am struggling mightily to provide for my family. On what is the rationale based that Nags Head, Kill Devil Hills, Kitty Hawk, Southern Shores and Duck (i.e., approx. 75% of the population of Dare Co.) factor in and are relevant to businesses within the Seashore? The hardships placed on my ability to provide for my family, given the inadequacy and dysfunction of the Consent Decree and the turmoil inherent with the development of a management plan, are all too real to me. There has been no sincere effort to accurately gauge the economic impact the various alternatives, particularly Alternative F, will most certainly have on businesses located within the boundaries of the Seashore. The ECU/Vogelsong effort was disgraceful, an embarrassment to the NPS and an insult to small businesses. In my opinion, until a competent economic analysis is done correctly based on accepted methods endorsed by recognized authority, any EIS, Draft or otherwise, is irreparably flawed as submitted. I recommend implementing a good-faith economic analysis/study immediately, before the EIS is issued, to replace the glaring inadequacies of the data you have used in this DEIS. It should not be burdensome, given the considerable efforts and money expended by the NPS to gauge natural resource activity within the Seashore.

It is incomprehensible to me how an 800+ page official document can relegate over 300 years of documented habitation in villages within the Seashore to approx. three paragraphs. Didn't the NPS authorize, endorse, and publish an ethnohistorical study of the 8 villages within the Seashore recently? And none of the most basic of that research find its way into the DEIS? I can trace my ancestry back 7 generations (nine inc. nearby coastal VA) and fear for the impact the brush-off of the substantial history, heritage and culture here will have on the future of my three children. It is crushing to me to know that most likely, the very beaches their ancestors lived and worked on will be a stange place. I recommend a repeal of the excessive meter buffers (1200 meters? Based on what? Observation of two birds two years ago? Aren't other buffers at other areas inc. Fire Island, Cape Cod and Padre 200 meters at most?) and the implementation of a permit system to allow 20 foot ingress and egress access corridors in the six inlet areas and Cape Point to native

peoples, based on proof of residency.

Thank you for your consideration of these suggested simple remedies to a complex issue. As a taxpayer and proud American, I am grateful for the NPS. I shudder to think what this area would be without you; however, at some point, the needs of human beings have to factor more heavily into the equation.

Correspondence ID: 14594 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 20:41:46

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.
Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.
I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.
The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.
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Thank you,

Correspondence ID: 14595 **Project:** 10641 **Document:** 32596

Name: N/A, N/A

Received: May,11,2010 20:41:52

Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray,

As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.

1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."

2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..."

Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.

3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.

Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14596 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private

Received: May,11,2010 20:42:19

Correspondence Type: Web Form

Correspondence: As a long time visitor of Cape Hatteras National Seashore, and a property in Avon Village since 1992, I am very concerned about the proposed Alternative F. There seems to be an overall lack of scientific data to support the proposed closings and lack of access. I disagree with the following: 1. I disagree: Page 121. To completely prohibit pedestrian access in sections of the national seashore, runs completely contrary to the basis upon which the Park was founded, which was for recreation.
 2. I disagree. Page 121-127. I find the proposed 1000 meter buffers unnecessarily restrictive and arbitrary. The use of such large buffers will cause people to be forced into smaller areas, with a subsequent greater impact on resource in the area. In addition, the expansion of the buffers as a punitive measure for infractions is also arbitrary. Please do not punish all for the offenses of one.
 3. I disagree. Page 97-101. The complete prohibition of ORVs, year round, is entirely unnecessary, and will also impede human ability to partake of many recreational activities in the stated areas between ramps 27-30, Hatteras Spit, Ocracoke Inlet and others. This also impacts the culture of Hatteras Island, whose residents fish, surf, and enjoy the beach year round.
 4. I disagree. page 104, 377. It has not been proven scientifically that human interference is extensively responsible for damage to turtles and nesting birds, (less than 3%) so the prohibition against night driving for over half of the year is unnecessarily restrictive.No piping plover deaths have been attributable to ORVs. In addition, the NPS has included state-listed "species of concern," - such as the American oystercatcher - with the birds who are on the federal endangered species list. The species of concern do not require the extensive buffers and beach closures mandated for federally endangered species such as the piping plover.
 5. Page 566 in the DEIS states "To provide information for the economic analysis, a survey was conducted by RTI, International of selected categories of potentially affected businesses. The results of this survey are currently being analyzed and will be addressed in the final plan/EIS." Page 571 also notes that data is still being analyzed and will allow future analysis of the economic impact. How is it possible to comment on something that does not yet exist? The economic impact of the proposed changes would be devastating to the local businesses, homeowners, and residents. There needs to be a balance between protecting birds and turtles, among other wildlife, and allowing locals and visitors to enjoy the beach and the recreational activities that the Cape Hatteras National Seashore was originally designed for. Pea Island National Wildlife Refuge is located on Hatteras Island as well, and is a specifically designated wildlife area for birds and animals. One of my greatest joys was to enjoy recreation and wildlife at the same time. The proposed closures and lack of access would preclude my ability to do both of those things. I hope that there will be a reasonable compromise to preserve and protect (not prohibit) a very special place.
 Thank you, Bob Yanuck

Correspondence ID: 14597 Project: 10641 Document: 32596 Private: Y

Name: private

Received: May,11,2010 20:43:04

Correspondence Type: Web Form

Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

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- 3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
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So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

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On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

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Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID:	14598	Project:	10641	Document:	32596
Name:	N/A, N/A				
Received:	May, 11, 2010 20:45:50				
Correspondence Type:	Web Form				

Correspondence: To Mike Murray, Superintendent, Cape Hatteras National Seashore Recreational Area,
Dear Sir,
Thank you for your time. My comment is this.
I believe that you are a good man, Mr. Murray. I know you have been doing your job to the best of your ability. I am not going to talk about page numbers and buffer zones and closures, you know these issues better than anyone. I am simply going to say this. The DEIS is obviously the result of politics and money, making fairly simple issues needlessly complicated. There is very little real science and even worse, there is a complete lack of common sense. The history, economics, and the lives of the people who depend on beach access is not properly addressed.
I know you are only one man who is trying to do his job. I know in my heart that the DEIS is wrong. The beaches can be shared by man and wildlife if common sense is applied. Please do what you can to help create a reasonable ORV plan for CHNSRA.
Thank you, Sean Marsh

Correspondence ID: 14599 **Project:** 10641 **Document:** 32596
Name: Galloway, James D
Received: May,11,2010 20:46:02
Correspondence Type: Web Form
Correspondence: Dear NPS, I am a property owner in Hatteras Village. I own two properties, a rental and a private residence. The impact of the proposed legislation would be devastating to my enjoyment of my home and to my ability to rent my property. I support the position held by the Coalition for Beach Access. I believe the Audubon Society, through their lawyers, have manipulated a loop hole that should never have happened. They should be ashamed.
sincerely, James Galloway

Correspondence ID: 14600 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:46:02
Correspondence Type: Web Form
Correspondence: Closures Due to Birds: I disagree that birds that are not federally protected should be afforded large buffers and pre-nesting and nesting closures. Pre-nesting closures should be exclusively for the piping plover, the only federally listed threatened bird. There is no reason that a federal agency should grant birds listed under the state's species of special concern equal protection with federally listed birds under the ESA.
I disagree that the entire ecosystem is not considered when assessing the health of bird populations. Birds on dredge spoil islands adjacent to the Park are not being considered in the population counts. These islands have no predators and are ideal locations for nesting. If the intent of the process is to protect these birds and make sure they have adequate nesting locations, it is disingenuous to not include these islands. Pea Island National Wildlife Refuge is also not counted by the Park Service. This refuge is located on Hatteras Island within the seashore. These 12 miles of seashore are set aside for pedestrian-only use and should be included as available habitat. The entire ecosystem should be included in order to give an accurate picture of bird populations in the area.
Socioeconomic Analysis: I disagree with the socioeconomic analyses in the DEIS. The data used results in misleading and often erroneous conclusions. The Region of Influence(ROI) incorporates the Northern Beach communities, which are almost completely disconnected from ORV use and access issues relating to the Cape Hatteras National Seashore. Their inclusion significantly dilutes estimates of economic impact on the Hatteras Island villages. Emphasis in the DEIS seems to be on the ROI-wide or county-wide level, which significantly downplays the economic impact to the villages of Hatteras and Ocracoke Islands.

Correspondence ID: 14601 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:47:01
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.
1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..."
Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.
Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14602 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:48:00
Correspondence Type: Web Form
Correspondence: I first came to the Outer Banks with my family approximately 15 years ago. It was "love at first sight" for all of us. Two years later we purchased property in Avon which is currently a vacation rental which we enjoy in person at least three times yearly. We love this area and want what is best for it in all possible ways. However, I am not convinced that the Audubon Society position comprises what is "best" for this area. The Piping Plover is, at best, approaching the southernmost area of its habitat if, in fact, it is indigenous to the area at all. It is not appropriate for a special interest group to dictate how national public use areas should be utilized. It is not appropriate to devastate the local economy to try to support wildlife that is (questionably)natural to the area. Yes, my rental income is severely impacted by the severe restriction of the public area to off road vehicle and pedestrian use. This is part of why people love to come here. We have always been aware of and respected the limitations set up to protect wildlife. We all care about this area (and, yes, our special interests within it) BUT there needs to be compromise and common sense, and, unfortunately, I am not sensing that the Audubon Society even understands the definition of this word. My impression is that it is "their way or NO way". No one wins with that approach. With reasonable changes there is room here for everyone to enjoy this very unique area as it has been enjoyed for years.
I support the LEAST restrictive use option. Let us work together to secure & preserve the best interests of all.
Barbara A. Jared

Correspondence ID: 14603 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May.11.2010 20:49:15
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
 However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

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Thank you,

Correspondence ID: 14604 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 20:49:30
Correspondence Type: Web Form
Correspondence: The importance of keeping our precious wildlife areas cannot be overstressed. Please consider and remember that this area was to be preserved as a "...primitive state." Off road vehicles do not belong in any of our precious parks. We need to keep them as pristine as possible for future generations. Please make the right decision and protect our precious wildlife and protect us from our very selfish desires!
Lisa Nohl Brown Deer, WI 53209

Correspondence ID: 14605 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:51:00
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and

tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events.

Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%.

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules.

(p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from

management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14606 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:51:18
Correspondence Type: Web Form
Correspondence: I disagree with these strict alternatives. There is plenty of beach for both people and birds. The NPS needs to come up with a commonsense alternative that will work for each party. The statement that business will have to "adapt" is a unsatisfactory answer. The true is that most of them will lose their business and their lively hood and in this Economy where will they find work. I know the NPS can come up with something better than this.

Correspondence ID: 14607 **Project:** 10641 **Document:** 32596
Name: Nelson, Jeffrey S
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Greetings;
This comment addresses a few concerns regarding the Hatteras Island proposed rules for beach access (DEIS). As a member of the Coalition, they reflect my values and concerns with regard to this issue.
As a rental property owner and frequent visitor to the area, it greatly concerns me that some groups are trying to be so unreasonable and restrictive in developing a plan to manage beach access by vehicles and people. Common sense and reason need to dominate without catering to specific groups and sound scientific data needs to support the path proposed. Alternative F is clearly unacceptable for the reasons stated below.
The NPS's mission needs to be strictly adhered to by protecting the natural resources AND simultaneously providing for the public's right to recreational beach activities. Their mission is NOT to deny public entry to large areas of the park NOR restricting public access to all parts of the beach.
This response is in agreement with the position of the Coalition to Preserve Beach Access. Some issues with Alternative F are listed below:
P121-127 ? I disagree with the size of the closure area for piping plover chick broods and American Oystercatchers ? this is extremely excessive.
P136 ? I disagree with the no pet position - pets should be allowed on leashes.
P97-101 ? I disagree with the ORV prohibition.
P104 ? I disagree with the elimination of summer night driving.
P121 ? I disagree with the summer prohibition of pedestrian beach access specified in 8 locations.
The plan needs to address the preservation of cultural resources in detail ? two paragraphs are pathetically insufficient when the document is 810 pages in length. Socio-economic data and the ensuing analysis are incorrect, incomplete and erroneous. They result in an understatement of the effect Alternative F will have on the region and the state of NC. P 270-286, 561-598.
Please listen and take into account the voice of us ? the Coalition ? the people whose lives will be most affected by the proposed changes and adopt a plan that is more reasonable and less restrictive.
Sincerely, Jeff Nelson

Correspondence ID: 14608 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:51:51
Correspondence Type: Web Form
Correspondence: Closures Due to Birds: I disagree that birds that are not federally protected should be afforded large buffers and pre-nesting and nesting closures. Pre-nesting closures should be exclusively for the piping plover, the only federally listed threatened bird. There is no reason that a federal agency should grant birds listed under the state's species of special concern equal protection with federally listed birds under the ESA.
I disagree that the entire ecosystem is not considered when assessing the health of bird populations. Birds on dredge spoil islands adjacent to the Park are not being considered in the population counts. These islands have no predators and are ideal locations for nesting. If the intent of the process is to protect these birds and make sure they have adequate nesting locations, it is disingenuous to not include these islands. Pea Island National Wildlife Refuge is also not counted by the Park Service. This refuge is located on Hatteras Island within the seashore. These 12 miles of seashore are set aside for pedestrian-only use and should be included as available habitat. The entire ecosystem should be included in order to give an accurate picture of bird populations in the area.
Socioeconomic Analysis: I disagree with the socioeconomic and analyses in the DEIS. The data used results in misleading and often erroneous conclusions. The Region of Influence(ROI) incorporates the Northern Beach communities, which are almost completely disconnected from ORV use and access issues relating to the Cape Hatteras National Seashore. Their inclusion significantly dilutes estimates of economic impact on the Hatteras Island villages. Emphasis in the DEIS seems to be on the ROI-wide or county-wide level, which significantly downplays the economic impact to the villages of Hatteras and Ocracoke Islands.

Correspondence ID: 14609 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 20:52:50
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 I feel the environment should be put first, and protection of the wildlife in the area. A clear plan of how the wildlife will be portected is necessary.

Correspondence ID: 14610 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:52:50
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 This alternative plan would provide more oppportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
 The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
 *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
 * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
 * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14611 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:52:50
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 I want decreased OVR use and OVR FREE zones with a plan for recovery of wildlife and birds as well as designated zones for breeding, wintering and migrating wildlife with increased buffer zones for protection. Also include followup studies to increase the buffer areas as necessary to protect the wildlife recovery and establishment.
 Please no expansion of OVR areas, but decrease these areas as our national wildlife is dying. The wildlife has decreased by 84%. This is not acceptable. I go to the National Parks to see wildlife thrive and enjoy their environment. Please I want to be able to walk the beaches and not be run over by a vehicle and I want to see mother and baby on the beach.
 OVR use not only destroys the land, but pollutes it and prevents other use and prohibits wild life useage as well. Cape Hatteras is not "my backyard issue" it is a National treasure and must be managed as such.
 Thank you for listening and now do the right thing and protect and promote the wildlife that live and use the land BY LIMITING OVR USE and DECREASE OVR ZONES sas well as the followup studies to assure of wildlife vitality and repopulation. Our National Parks are not for local use ONLY. They are for all Americans and for our wildlife!
 I urge the National Park Service to protect the rare birds and sea turtles for which Cape Hatteras is famous and to ensure equal access for people who choose to visit the Seashore on foot.(not in dune buggy as that kills mother and baby plovers).
 Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14612 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:52:50
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
 This alternative plan would provide more oppportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
 The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
 *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
 * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
 * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well

as breeding ones.

These fragile ecosystems are already under too much anthropogenic stress. Please take these steps to reduce vehicular impacts.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14613 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:52:50
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
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The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
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* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
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Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14614 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:52:53
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)
5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.
Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.
I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.
The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.
NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.
7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.
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I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

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Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

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The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

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Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

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Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14615 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:54:15
Correspondence Type: Web Form
Correspondence: Mr. Murry, I have traveled for 30 + years to the Outer Banks of North Carolina and have spent a great deal of leisure time at the Cape Hatteras National Seashore. I am a lifetime supporter of our National Park system and derive great pleasure from using parks throughout the United States. The proposed DEIS plan position published on March 12 2010, if adopted as stated is disconcerting.
I fish, own and drive a 4WD vehicle, am an avid bird watcher, and have the enthusiasm of an amateur naturalist. I will continue to respect, examine all that is offered, and be inspired by our parks to conserve all natural environments.
My main concerns with the proposed DEIS are as follows:
? Cape Hatteras is a National Seashore and Recreational Area and what is proposed is not the purposed plan for this area. It is cause for concern when it appears that the Seashore will be used more as a Wildlife Refuge, which is not the mandate of the park. ? The proposed plan serves to restrict access to clients of the park service who respect this area and use it to learn and educate ourselves as well as our children. ? I understand that the NPS duty is protect and preserve our natural resources but if the cost is such that an average taxpayer cannot participate in what a park has to offer because of restrictions, this is where the NPS and other organizations greatly overstep their mandate. ? I take exception to the NPS analyses of the socio-economic impact of the actions taken in the DEIS. It is a hard life for the many local that I support with my leisure monies and the thousands of dollars invested each year in the local economy. ? I disagree with the restrictions (as proposed in Alternative "F" p. 97-101) of the ORV access between ramps 27 and 30 at the Hatteras Inlet, Ocracoke Inlet, and all other locations in the park. There must be a method to allow pedestrian and ORV access points to these areas without disturbing the natural resources. I would no longer continue to spend vacation money for a beach house where I was not allowed access to the beach. ? I question the restrictions (as proposed in Alternative "F" p.121-127) put on the public's ability to access certain parts of the beach when a piping plover or American Oystercatcher nest or brood exists in the park. Many birds nest close to Highway 12 and the methods of gleaning nesting information is incorrect. ? The severe restrictions of beach access times and dates (as proposed in Alternative "F" p. 104 and as proposed in Alternative "F" p. 121)) can only negatively impact the traffic and number of vehicles during the times that would be unrestricted. ? A NO PET restriction (as proposed in Alternative "F" p. 136) should be a non-issue as one can overall observe respectful dog owners abiding to rules as they exist now. We must be able to coexist in this beautiful environment, not prohibit its enjoyment with access restrictions which can only serve to reduce the public's awareness of this educational natural resource.
Thank you for your attention.
Sincerely,
D. E. Schuster

Correspondence ID: 14616 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:54:34
Correspondence Type: Web Form
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4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)
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Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
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I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
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Thank you,

Received: May,11,2010 20:54:54
Correspondence Type: Web Form
Correspondence: /Users/jlyons/Desktop/DEIS folder/photos/1 Low NP Values .jpg/Users/jlyons/Desktop/DEIS folder/photos/2 One car every 20 feet.JPG/Users/jlyons/Desktop/DEIS folder/photos/3 1930's.jpg/Users/jlyons/Desktop/DEIS folder/photos/5 Proposed Pedestrian Beach.JPG/Users/jlyons/Desktop/DEIS folder/photos/7 .JPG/Users/jlyons/Desktop/DEIS folder/photos/11 1990's.jpg/Users/jlyons/Desktop/DEIS folder/photos/13 Natural Landscape..JPG/Users/jlyons/Desktop/DEIS folder/photos/High Value NP Beach.JPG
 Photos to attach with previous comments
 Jim Lyons

Correspondence ID: 14618 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 20:55:20

Correspondence Type: Web Form

Correspondence: Mr. Murray,

I humbly ask you to please take into consideration the people who so enjoy the access to the Outer Banks of North Carolina that we have so enjoyed over the years. I, my Dad, my two sons, my brother-in-law, and my now late father-in-law have fished Hatteras Island since the mid 70's. We have always respected the land and the wildlife, trying in our own ways to protect and preserve it.
 It seems such a shame to penalize the current generation of folks whose families have grown up on the island, and who now see their way of life being changed forever.
 Once again it seems our government is more about special interest groups than they are about the average working class guy. The piper plover is abundant in Virginis and Maryland, yet groups are trying to force the breeding at Hatteras which is not really it's native nesting place.
 I ask you to please take a look at a better compromise than what is getting ready to be pushed through. I am 58 years of age and I really hate the thought of not being able to experience with my grandchildren the same joys I have shared with my sons on the Banks.
 Please step up to plate for people like me and my family and keep our beaches more accessible.
 Kindest regards,
 Mike Haynes

Correspondence ID: 14619 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 20:55:50

Correspondence Type: Web Form

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The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID:	14620	Project:	10641	Document:	32596
Name:	Woodard, Will				
Received:	May, 11, 2010 20:55:58				
Correspondence Type:	Web Form				
Correspondence:	Please keep the Hatteras beaches open to surfers and fishermen! Will Woodard				

Correspondence ID: 14621 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:57:14
Correspondence Type: Web Form
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Correspondence ID: 14622 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:58:12
Correspondence Type: Web Form
Correspondence: I feel it would be a tragedy to keep the fishermen from driving on the beach on the banks. This is the only way they can get down to the surf to fish. I used to surf fish on the banks in my younger days (I am a female) and would not have been able to enjoy such a unique experience without the convenience of driving down the beach to find a good fishing spot. I spent many hours enjoying this activity, the sun, the sand, and the surf and reminisce about it often. We took our children there to enjoy its remoteness. Please don't cut future generations out of having these same experiences. Thank you.

Correspondence ID: 14623 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:58:31
Correspondence Type: Web Form
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Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "?prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from

management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14624 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:58:52
Correspondence Type: Web Form
Correspondence: I wish my comment to be entered into the federal record.

I am very upset with the NPS Alternative F. I feel it is too restrictive. The plan the park had in effect in 2007 was a much better balance of the resources, and lead to a very good breeding year for the birds. Alt F in nothing more than the consent degree made into a management plan.

Specifically,

The large and inflexible buffers cites on p 468 and 131-127. 1000m is excessive for a plover. The law requires 200-1000m. In the past, the park service has had very successful nests with 300-400m buffers. 1000m is an arbitrary number picked simply because it is the maximum allowed. This large buffer closes and makes inaccessibly large areas of beach that could be enjoyed by park visitors if a smaller, yet still effective buffer were put in place.

Also, the closures should be allowed to move with the birds.

From page 136, no pets in any public areas is ridiculous. How is a dog walking on a leash 65 miles from a plover nest and a completely different habit going to effect a plover? How will this rule be enforced. If this rule becomes law, I will not visit the park March 15 to July 31.

Thank you Phillip Anderson Raleigh, NC

Correspondence ID: 14625 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 20:59:30
Correspondence Type: Web Form
Correspondence: It's very sad that people in Hatteras Island is endangered because,our economy and bussineses are suffering with the closure of the beaches and limiting the income of the population, and is forced to receive welfare to survive. Our strengths are, the National Park and Recreational area and the people who live here. We can't let one group take away our right to the beaches, just because they think they have to protect a few birds, we respect nature more than they think, and it seems that they are not familiar with the area, please allow local people survive!!

Correspondence ID: 14626 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:00:07
Correspondence Type: Web Form
Correspondence: My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%. So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages ? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts. ? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI. On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement. I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts. Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out. Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed. Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road

area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14627 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: Date: May 10, 2010 To: National Park Service From: Lou Lawrence and Family, Avon NC Homeowners Subject: DEIS Off-Road Vehicle Management Plan Comments My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." Research has concluded no Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. This is a direct result of result of lack of NPS manpower (under-budgeted) and enforcement and lack of public awareness of the results of such transgressions more than the public purposely and willfully violating out of bounds areas. 2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and without a doubt a diminished visitor experience?? We do not need a Virginia demography on the Outer Banks.

3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. It would be less confusing and certainly more cost effective to make them alike: May 15 - September 15. 4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas are a definitive discriminatory event against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc). The NPS is placing itself in a precarious position of being the focus of yet another lawsuit for lack of attention to access for the disabled. 5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well. Again, do not try and resolve one situation while creating another adversarial issue. 6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are overly large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. If they vacate an area, that area should not be considered "occupied". Using that logic, their natural movement for food sources could conceivably expand the area of closing to any distance, in any direction. This is not even remotely reasonable. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. We should not use Cape Hatteras for a "precedent setting event". Use the proven data compiled to guide reasonable restrictions. Unless it can be clearly proven and demonstrated the an expansion of over 800 meters is warranted or any more beneficial to the Plovers nesting here, the restriction is then arbitrary and subjective, neither of which belongs in this most important decision!

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. Again, do not use this event as "precedent setting" Historical documentation has basis, these demands do not! NON-ENDANGERED BIRDS should not have same protection as if endangered. What is the precedent for this type of restriction?. show me the evidence! The Not allowing ORV access is paramount to denying the public access to these beaches. 7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access. 8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS. 9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own statistics, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%, So what is the percentage due to human interference: just 3%! This borders on insignificant and certainly NOT a large contributor to the nest survival yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles. While I respect your concern, your own statistics PROVE the human interference is equal to the ghost crab. I would very much like to see the plan on restricting the ghost crab invasion and if that is successful what do you intend to do with the other 94%? The intentions here are good?.the restrictions are an example of overreaction at its best. 10) I disagree with the statistics of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring

the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are a haven for birds. The reason why so many birds? NO PREDATORS. You MUST count these birds and incorporate them in the statistics when the NPS is talking about any alleged decline in breeding pairs in the National Park. You have failed to do this. How can you not include these? For any valid argument the rationale must be clear as to why they were not included. No explanation was given. I can offer one? limited predators???but that does not relieve the responsibility to provide an explanation of why is. Thus the statistics are skewed and therefore unreliable. 11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues. This is a travesty. How, in good conscience, could any organization devote this much energy and MY TAXPAYER MONEY to developing a plan that totally ignores the most affected portion of the plans. You have, I hope unintentionally, dismissed the economic impacts this has on the Island, the cultural and historical impacts on the generations of residents, the continuity of the community and the future economic viability of this area. That said, you must include this in ANY assessment. Failure to do so this represent an incomplete assessment on which you based the plan details. 12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages ? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts. ? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI. On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement. I believe the negligible to moderate projection is inaccurate and relies on economic surveys that have not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts and foregoing much needed capital improvements. This is a flagrant disregard for critical economic information . Also, it is necessary to publish the quantitative and evaluative data that drove what appears to be highly subjective judgments on the "negligible to moderate" ratings. In short "show me the money!" Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules. (p.383). The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible. A, if you are positive of the impacts, show us the figures and make sure they are validated by a 3rd party. Your data is highly suspect and does not render a fair and equitable evaluation of the impacts. To bring it closer to home? you could not get away with this paucity of economic , income and expenditure data for YOUR budget! 13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas. To provide a valid picture of impact, this data needs to be factored out. Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the main visitor season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are absolutely flawed and seemed to be based on conjecture rather than personal and documented experience. Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they will not. If they do not, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. Have you factored in the cost of this uncertainty ? No! And it will be less at first and grow almost exponentially as the "word gets out". The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. None of these important aspects of the management alternatives are adequately presented in the DEIS. How can you defend the evaluation and analysis of this data? To ensure fair and equitable representation these analyses need to be clearly presented. In short, how did you gain this information, through what sources, the recency and the thoroughness of the data? This is simple documentation 101. Providing and defending it is a legitimate request. 14) Page 136: I strongly disagree with your pet restriction proposals. The "?prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31. Have you truly considered the impact of this? I think not. Across-the-board prohibition is akin to saying "visitors?your animals are dangerous ?.. do not bring them here". Nice. Think about it! Leash them, tether them, maintain control of them?..but to ban them ?.. I suspect none of you have pets ?? . Think about this. More and more families are opting for pets rather than children. Discrimination? Be very careful here and think about the possible ramifications downside?.discrimination? Don't be surprised. 15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection. We have taken exceptional steps to protect the turtles in the past and have had significant recognition and respect by visitors to the Island. The areas we have bordered off during the season have been very successful. This is not broke! No need to try to fix it. 16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years. What more is needed in terms of data? No breeding pairs, no issues, no restrictions. This is purely overkill. Should breeding pairs locate here, impose restriction. A critical part of this entire effort is constant diligence and adaptability to relocate restriction areas. What you have suggested is arbitrary restriction. Not a viable alternative to achieving the goals of protection and providing the best alternative to visitors. 17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area. Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates. 18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. What data do you have to prove damage and disruption to the breeding pairs? Statistics talk?the rest walks. I have not seen this. If you cannot substantiate the ravaging of nests by the walking visitors your argument and arbitrary decision to close these areas is invalid and intrusive. Failing that proof, leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas. Conclusion: I good conscience you must incorporate access corridors through any SMA so visitors and natives of our historical area can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to distances that are historically proven as discussed previously. It is neither logical, reasonable and borderline legal to spend so much time, taxpayer money and energy to overprotect a single bird (Piping Plover) in the Cape Hatteras National Seashore. To repeat, this bird is on the very southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. It appears the USPS is bent on over protection and represents any easy way out of this situation. The lack of

data suggest the public's right to enjoy the beaches of the National Seashore and the economic impacts have been give minimal consideration. The proper balance is not achieved in the propose DEIS. It absolutely needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. Let us not forget the original reasons for creation of this resource in the first place???. The fowl have only benefitted from what we have done in the first place. Now, the creators are displaced?

I can sum it up by saying "Protect, not Prohibit.

I'm not advocating doing nothing, but I am advocating being reasonable in our collective efforts to protect the species. We can have both, It will take work and effort, both of which the residents, home owners and visitors of this beloved area are willing to give. The "easy" way is to opt for the restrictions you have suggested. While they are considerate of the fowl, they are not of the very people who have made this are conducive for the fowl to rest and regenerate. Moderation is the key. Scale back the buffer zones. Suing he historical data. What rationale can you provide to double, triple or exponentially increase protective zones? Through vigilance we can always, and most probably must, adjust at a later date. Give this community an opportunity to prove itself and to so.

Respectfully Louis Lawrence Property owner and concerned citizen

Correspondence ID: 14628 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Robert G. Powell MD
11136 Old Telegraph Road Ashland, Va. 23005

Correspondence ID: 14629 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:00:45
Correspondence Type: Web Form
Correspondence: NPS PEPC
Having been an active surf fisherman and visitor to the outer banks of my wonderful state for the last forty years, the recent and on-going struggles between the conservationist and the preservationist factions over my favorite destination disturb me greatly.
The theme is a familiar one. The first time I encountered this well meaning but clueless trend of thought was in the early eighties. At the time I was in charge of an effort to save from development a large track of land near the largest metopolitian area of our state.(NC) The goal of the organization I represented was to continue the status quo. To preserve in pepituity the natural area and wildlife refuge that my organization had sponsored, helped to establish and had maintain for the preceding twenty something years. Hopefully we could garner enough support to continue to provide a save haven for the native and migratory wildlife while providing a convenient outdoor classroom for the huge urban population of a rapidly growing area, to instill in those urbanites a sense of responsibility and appreciation for the natural world outside their neighborhoods.
It was both shocking and disappointing to find that there were a couple of groups of "environmentalist" who felt that the proposed refuge should not have any visitors or classroom type interruptive activities because it should be natural preserve only. These groups felt that the area should prohibit human interaction with wildlife in all it's forms and strive to eradicate all non-native species in order to return the area to the pristine natural state it existed as prior to human impact.. This same level of thinking seems to currently be pervasive within the NPS, the NFWS, their NGO associations and the sponsors of the "Consent" degree, Audobon, Defenders of Wildlife and the SELC. How disappointing it is for a citizen to realize that his government protectors of the resources how want to exclude the people who own and pay for the property these agents manage.
Forty years ago, at my introduction to the outer banks, I was taught to respect that habitat and the wildlife we so enjoyed. I learned to not only tread lightly but to be sure that all within my influence should also. It has always been so. Never in my exposure to the banks from Duck to Little River inlet have I ever witnessed intentional damage to the environment, birds nor turtles. The DEIS under review is poorly conceived, unsupported in scientific policy, illogical in design and ignorant in impact. The DEIS in all it's alternatives ignores the reality that the environment must work with and for the people who own and support it. The park exists for the people. The goal is to protect and preserve the resource while allowing regulated enjoyment. NPS totally mismanaged this entire process from the "lost" first plan through the workbooks, through the "consent" degree, through the reg-neg process. And now NPS has the audacity to propose a DEIS that was seeming written by authors who feel that their job would be easier if they could only eliminate human participation !
Shame !
W. Edward Godwin, Jr.

Correspondence ID: 14630 **Project:** 10641 **Document:** 32596
Name: horan, diane
Received: May,11,2010 21:00:53
Correspondence Type: Web Form
Correspondence: Dear Mike:
I love the Cape Hatteras National Recreational Park, and am so fortunate to have part of it as one of my property boundaries. I agree that we should protect and preserve these natural and cultural resources.
But what I do not understand, is, why it is OK to move (protect) nesting areas for an oncoming storm, but we can not move (protect) these same areas to maintain open access for the humans?
Therefore, I do not agree with the NPS DEIS policies.
sincerely ,
Diane Horan

Correspondence ID: 14631 **Project:** 10641 **Document:** 32596
Name: Furner, Mary O
Received: May,11,2010 21:01:45
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954
Dear Superintendent Murray,
Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. As a member of the National Wild Life Federation, I am very much concerned about protection of wild life. Yet I consider the proposed measures included there excessively draconian and very likely to needlessly and grievously impair the livings of many, many members of the Hatteras community, including Hatteras lovers nationwide. I am convinced after study that the Coalition for Beach Access Position Statement prepared by several groups that were a part of the negotiated rule making process succeeds admirably in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Regards, Mary O. Furner

Correspondence ID: 14632 **Project:** 10641 **Document:** 32596
Name: Taylor, Douglas A
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: As a member and Director of the NJBBA we the members and officers (1500 members) fully endorse the OPBA statment as formed by the Coalition For Beach Access. Further we endorse the right of pedestrians to have have access to all beaches with the limits as set forth in the OPBA statement.

Correspondence ID: 14633 **Project:** 10641 **Document:** 32596
Name: Blessing, Wayne
Received: May,11,2010 21:02:39
Correspondence Type: Web Form
Correspondence: Comments on the Deis . May 11,2010
This is to register my opposition to Alternative F as favored by the park service. Although I agree with their proposal for more parking places, the use of some interduanal roads, and some additional ramps. I have great concerns about the fairness of alternative F as favored by NPS.
In essence. the NPS has used the extremely restrictive and unfair court ordered consent decree as a basis for even greater restrictions on beach access for the general public.
Specifically: A. Year round closing of access to both sides of Hatteras inlet cuts off access to prime surf and commercial fishing areas. B. The 1000 meter buffer for piping plover chicks is the largest in the USA. and far exceeds distances at Cape Cod., Assateague, Cape Lookout and others I have researched.. It is arbitrary and unscientific. C. The 1000 meter buffer in effect has in the past year stopped access to the world famous Cape Hatteras Point as no provision was made under the consent decree for simple access corridors. There is no provision for flexible and creative management. D. The closing of Cape Point has definitely caused many fishermen to change vacation plans directly causing monetary loss to business that cater to surf fishermen. E. Closing the beaches to pets (even on a short leash) during bird breeding season will definitely cause some friends of mine to go elsewhere if they can't take their pets with them on vacation. F. The night driving restrictions are claimed to favor turtle nesting and hatching but past policy has closed and smoothed beaches when a nest enters its "hatch window" with very excellent results. Why fix something that is not broken? G. It appears that most of the "best available science" is not science at all but rather opinions of groups like the Audubon Society which is often biased speculative, and frequently "spins" their public comments as effectively as Joseph Goebbels did in the 1930s. H. Before the court order, which came about because the park service never published the orv plan formed in 1978 after public hearings and much review, The Cape Hatteras National Seashore was operating under an "interim" plan established by the current Superintendent which was approved by Fish and Wildlife and produced more plover chicks in 2008 than the subsequent court ordered plan in its first year. WHY WAS THIS PLAN NOT USED AS THE BASIS FOR THE CURRENT RECOMMENDATIONBS RATHER THAN THE OPPRESSIVE COURT ORDERED PLAN? It certainly appears that the Interior Department and the extreme environmental groups have written the last two alternatives in concert with the long term view of making the Recreational Seashore a bird sanctuary with little concern for the rights of the humans who share it.

Correspondence ID: 14634 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:02:57
Correspondence Type: Web Form
Correspondence: May 11, 2010
Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
Re: Draft Environmental Impact Statement Cape Hatteras National Seashore Off-Road Vehicle Management Plan
Dear Superintendent Murray:
My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
? On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement ? Page 136: I strongly disagree with your pet restriction proposals. The "?prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31 ? Pages 97- 101. I disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. ? Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area. ? Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas. ? Ramp 23 under Alternative F Under Alternative F, the National Park Service's preferred alternative, seashore beaches accessed at Ramp 23 could be closed year-round to drivers and limited for walkers. For the villages of Rodanthe, Waves and Salvo, such closures would be an economic disaster and deprive villagers of traditional access. During the years the beach management plan is in effect, Ramp 23 will at one time or another most likely be closed for nesting colonial waterbirds. Under Alternative F, a "floating" 1.5 miles of ocean shoreline between Ramps 23 and 34 (Avon) is to be set aside during non-breeding season, July through May. If established at Ramp 23, that floating zone could effectively close access to the beach year-round. ? Reference pages 121-127, DEIS) I disagree with your recommended buffers for the Piping Plover, American Oystercatcher and other colonial shore birds. I have been unable to find any scientific research or data that would justify such large buffers before and during breeding season.
Thank you for the reviewing these comments concerning the Draft Environmental Impact Statement.
Sincerely,
April Contestable 27680 NC HWY 12 Salvo, NC 27972
252-987-2130 aprilisin@gmail.com

Correspondence ID: 14635 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:03:10
Correspondence Type: Web Form
Correspondence: Please do not ban dogs in the park as listed on p 136. Enforce the rules you have not, we do not need new ones. My dog is part of my family, and visiting the seashore without him will not be any fun at all. We will stop coming.
Please do not make 1000m enclosure for plovers. This is way too big. The birds have been increasing in numbers for decades with small, yet still protective, closures
Thank you
Athena Anderson Raleigh, NC

Correspondence ID: 14636 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
 Received: May,11,2010 21:03:39
 Correspondence Type: Web Form
 Correspondence:

My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.

1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.

2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.

3) Page xix and page 23: I am against having two different closure rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.

4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledged rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules.

(p.383) The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

Correspondence ID: 14637 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 21:03:45

Correspondence Type: Web Form

Correspondence: I strongly disagree with the proposals outlined in the NPS's DEIS. Myself, along with 30 to 40 other men and young boys from Forest Hills Baptist Church in Wilson, NC, make an annual trip to Cape Hatteras every fall for a weekend of fishing and fellowship. On Sunday we lead the morning worship service at Cape Hatteras Baptist Church in Buxton, NC, and over the last six years we have made a lasting bond with the members of the church. Many of them are local fisherman and small business owners and since the inception of the consent decree, along with the nationwide economic downfall, they have gone through some extremely tough times. The NPS's DEIS will only add to the economic hardships that these people are currently facing. It's hard to believe that most of these people's hardships started over six little birds (3 nesting pairs).

The Coalition for Beach Access has offered some very reasonable, and common sense alternatives to this delima. That is what this whole thing has been lacking from the start, COMMON SENSE and LOGIC!!! The Coalition has conservation at the heart of their plan and still allows for use of the beaches by ORV's and pedestrians in a common sense approach with respect to the wildlife and the environment. When I think about this situation I'm always reminded of the old saying, "Outdoorsman are the best Conservationists". I strongly urge that the NPS take a good long look at the Beach Access Coalition's plan and think long and hard about the decisions that they have made and are about to make. I also hope that common sense and logic will have a bigger role in the NPS's future decisions.

I also agree with the members of the Coalition that an extension of 30 days should be added to the public comment period. I just found out about the public comment time just this very night. The NPS should have advertised the time frame for the public comment session in more than just a few local newspapers and on a couple of government websites. I'm sure that alot of other NC resident users, along with non-resident users, have no idea of the public comment session simply because they never heard about it. If the NPS closes its ears to public comments and not grant an extension to the people, I feel that they will make some bad decisions that will have long lasting negative effects on the people of Cape Hatteras, Dare County, and North Carolina.

Correspondence ID: 14638 **Project:** 10641 **Document:** 32596

Name: Jennette Jr., Wayland W

Received: May,11,2010 21:03:56

Correspondence Type: Web Form

Correspondence: My name is Wayland Jennette Jr. and I am a native of Hatteras Island. I grew up an avid waterman. Fishing, surfing and duck hunting are just some of the many activities I enjoy on the island. I recently moved back to the island after living and practicing Architecture in Wilmington NC. The beauty and pristine beaches along with family and friends have helped my decision to live here. Day's after moving back I was outraged to hear what was going on. I heard of this DEIS booklet that was put together and public hearings to let the people feel as though they have a saying in all this political garbage. I have read most of this booklet and understand parts but the parts I do not agree with are the ones that deal with closing the Cape Point and Hatteras Point. If these areas are closed in the Spring to Fall months many businesses and people will suffer. These particular areas are a vital artery to Hatteras Island as a whole. I wish, hope and pray that the people in charge of creating this heart attack would stop and look at the bigger picture. Rethink the

process. The Island has plenty of areas where birds can nest and will not be bothered. I have explored most of this island as a young lad and know of the specific areas that the birds nest. The people here on the island have coexisted with nature for hundreds of years and still to this day help protect the nature and beauty of this island. Unfortunately there are those that abuse these areas and create a devastating outcome for the large majority. I still to this day stop and help turtles cross the road while going down the lighthouse road. Many of my friends and family enjoy watching and painting the variety of wildlife Hatteras has to offer. While I was away from the island I became outraged again when I heard of the NPS trapping and killing these animals that I have enjoyed since a child. The Federal Government cannot play God that is why we have natural selection and sickness. Let Nature take its course. The NPS and Audubon Society are not being logical to kill other animals that may or may not threaten a bird that exist in many other areas of the East Coast. The study's that are presented to the public in the DEIS booklet are choppy and lack the attention to detail. If the public had any voice in this, a proper meeting would be held by every party that is in favor of these ideas and explain what they are trying or would like to do. We call this in the professional world a vision book. Then proper workshops and meetings would be held to create a master plan that would reflect the Majority's voice but when we the people of Hatteras are given only one chance to speak our mind then the Federal Government has already made a decision without the majority of the people. I am sad and pray that the people of Hatteras Island will be given access to these major arteries. Thanks!

Correspondence ID: 14639 **Project:** 10641 **Document:** 32596
Name: coleman, steve
Received: May,11,2010 21:09:27
Correspondence Type: Web Form
Correspondence: The consent decree was way overdone in terms of the resource protections it spelled out. The people who signed it had no right to speak for the American public, just their own organizations. The park belongs to the American public, not them. To use that as a baseline for ongoing restrictions at hatteras is ludicrous.
 The "interim plan" thoroughly protected the wildlife from my observations, and your refusal to continue with it is 1) misguided, and 2) criminal. I conclude that you are unduly influence by special interest groups whose only desire is to prevent people from enjoying the parks, and are pursuing their agenda, not the agenda of what I envision the Park Service to have - that of providing a park for the citizens of this country to enjoy.
 With that in mind I submit that you are going pursue the policy of closing the park when at all possible, so I wonder that good these comments will have. Therefor I have nothing to add to the DEIS as your comment gathering is merely a smokescreen to pretend to care what we the public really think. The game is rigged.
 NPS your policies make me be ashamed to be an American as they violate all that I hold dear about responsibility, fair play, common sense, and good science.
 I visited the park frequently throughout my life to fish, swim, and just hang out. My favorite places are the points and spits, those which you are going to close. Without vehicle access to them I will no longer visit the park that I have held so dear all my life.
 You win.
 Sincerely, Steve Coleman

Correspondence ID: 14640 **Project:** 10641 **Document:** 32596
Name: Wertenbaker, William
Received: May,11,2010 21:10:01
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
 As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.
 1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
 2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness...."
 Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
 3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.
 Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.
 William Wertenbaker

Correspondence ID: 14641 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:10:24
Correspondence Type: Web Form
Correspondence: Dear Sir or Madam,
 Though we live in California we visit the Outer Banks when we visit family in the east and I view with great concern to the proposed new plan for beach access on the Cape Hatteras National Seashore.
 My family and I have visited the park multiple times a year for the past thirty three years. I have lived & worked on these islands - I love the beach and want to maintain its spirit and beauty. As a bird watcher, nature photographer, past member of the Audubon Society, and a generally concerned citizen, I have supported the temporary plan of the Cape Hatteras National Seashore to protect the plover even when it meant closing some sections of the beach during breeding and fledging season.
 However, the proposed plan goes far beyond what I believe is necessary to protect a bird whose population is actually increasing.
 My primary concerns are as follows:
 1. The 1,000 meter closure allocated to a piping plover unfledged chick seems excessive. As a citizen I can not support an area larger than a square mile for a nest. The 300 meter restriction for the oyster catcher, a bird that is not threatened, also seems excessive.
 2. Pets, including dogs on leashes, will not be permitted on the beach between March 15 and July 31. I know that pets can harm ground nesting birds but not when they are leashed. This ruling will greatly harm many visitors' use of the beach without doing anything to help the birds.
 3. Large sections of the beach will be closed to even pedestrians the March 15 and July 31 period. This seems excessive.
 4. Off road vehicles will be prohibited year round at the Hatteras and Ocracoke Inlet areas. This too seems excessive.
 I believe that it is important to protect wildlife, but I also believe that such protection must be viewed as rational by the general population such that the political body will continue to support it.
 Thank you,

Daniel Fripp

Correspondence ID: 14642 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 21:11:21
Correspondence Type: Web Form
Correspondence: COMMENTS ON THE CAHA DEIS ON ORV MGT. 5/6/10

I am a 35 year alumni of the US National Park Service. I spent 25 years on barrier island type National Seashores. I prefer Environmentally Preferred Alternative D. While time has not permitted me the complete examination of the DEIS that I would like, my comments on the DEIS are: - Though this may require significant rewrite of the document; rename the Plan the "Threatened and Endangered Species Habitat (Management or Preservation?) Plan". The NPS is viewed as an expert in nature and is an intruder on dept. of transportation areas when the Plan highlights vehicle management. The two Executive Orders intimate the ORV actions are for the Endangered Species protection and not attempting to "take away American freedoms" as the government is often "beaten with" at this time. - Call all areas that exclude ORVs" Vehicle-Free Areas" (VFAs). This in part, takes away much of the emotional terror of "closing our beaches", etc. - Increase the idea of the CAHA legislation need to treat much of the National Seashore as a wilderness type area. - In the economics sections, is it not possible to give examples of the changes locals can make to maintain or increase their livelihood as others have done in NPS areas that have developed T/E Species Plans? Highlight areas that are (or should be) doing well. I.e. increased wildlife, a local economy not really harmed by the Habitat Preservation Plan. - Required all those applying for an annual/seasonal Oversand Vehicle Permit to view a short 8-15 min video highlighting the species and natural processes the park is attempting to preserve, general beach driving rules and why with a warning that permits will be revoked for many beach driving violations. - Highlight the negative effects on wildlife and their habitat due to the increase in humans at NPS areas. - Limit interior habitat disturbance (roads, parking lots, etc. in previously undisturbed areas) due to the effects on barrier island natural processes. Describe the indirect negative effects on the barrier island ecosystem as a whole. - Corridors are fine for pedestrians but ORV corridors have a greater negative impact on T/E species attempting to breed, feed, germinate, etc. in this particular barrier island habitat. Save them as a reward when T/E species numbers are routinely up to those needed to take them off the Endangered Species Listing. - Find a way to highlight that only the most experienced in beach habitat wildlife have even a chance to spot a plover or nest before driving or stepping on one. Describe the plovers methods of evading detection such as walking, halting and slightly changing profile so the human eyes continue moving after the plover has stopped and when the eyes move back to find the bird it has frozen in a different profile making it hard to see even if only 20 feet or less away. I would not believe anyone who says they know they have never disturbed, stressed, run over, etc. a piping plover. - Point out that "disking" the beach vegetation changes "wildlife" to a human managed "herd" requiring indefinite funding. Not a good thing in any economy and it may foster additional habitat manipulation actions for this and other species. This also would be true of using other direct costly animal husbandry actions such as spoil islands. Such manipulation of habitat may not be legal. Perhaps the definitions section could include some basics such as: "wildlife", "natural processes", etc. - It may be helpful to discuss the topic of "Take" and note that once an area has met its Endangered Species numbers there is the possibility of relaxing preservation actions and "permitting Take" as has been the case in Massachusetts. - From my perspective viewing and listening to others, the "IF YOU ARENT FOR US; YOU ARE AGAINST US" attitude found concentrated in Dare County politics and the general Hatteras Island population has had a great effect on general Dare County tourism. Few desire to vacation in a "war zone". Of all the negative comments, disinformation, and misinformation I have witnessed being involved in the Endangered Species Management Plans for Cape Cod and Fire Island; this areas been the most negative of all by far. I pray the NPS staff have the strength to do the right thing for the wildlife and future humans in this area. - If Alternative F is used there should be an addition of a vehicle-free area extension for habitat or preservation action violations. This violation extension should also be incorporated in Alternative D. - Is data available to show T/E Species numbers are not likely down due to natural processes such as hurricanes? One might argue that increased access in these habitats may lead to a "Wal-Mart Perspective" rather than persevering wildlife and their habitat for future generations. In closing I would like to thank all involved in this attempt to preserve our American Heritage of wild places. If more information is needed or requested from me, Outer Banks Group staff working here prior to 2005 know how to reach me. I turned a copy of these comments in to the park HQ but that may have been misplaced so I am also attaching this to the park planning website. Thank You

Correspondence ID: 14643 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray, Please accept this letter as my comment on the ORV DEIS before you at this time. I am a homeowner in the village of Fridco on Hatteras Island After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document. I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore. Thank you. Dr. Nancy F. Carter

Correspondence ID: 14644 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:13:16
Correspondence Type: Web Form

Correspondence: The NPS must formulate a plan that is consistent with the legislation establishing Cape Hatteras National Seashore Recreation Area. The enabling legislation for the Recreational Area states, in part, "said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area". Therefore, it is important to balance resource protection with reasonable access for recreation. Corridors are a vital tool in providing access while managing resources. They provide a small path around temporary resource closures in order to provide access to open areas that would otherwise be blocked. Corridors should be permitted throughout the seashore during the entire breeding and nesting season including ML-1 portions of SMAs. These corridors would provide valuable access without impairment or damage to protected resources. Buffers, or closures, are important management practices for species recovery. However, to have long term benefit for the wildlife and the visiting public, buffers must be based on peer-reviewed science For example, the Piping Plover, a species classified as threatened and not endangered, is given a level of unprecedented protection in Alternative F. A 1,000-meter buffer in all directions represents over 771 acres. The DEIS does not cite any peer-reviewed science in supporting such closure. A more appropriate & effective buffer would be 200 meters. Birds that are not listed as endangered should not be afforded the level of protection given to ESA (Endangered Species Act) protected species. Instead of 300-meter buffers for these birds, a more appropriate buffer would be 30 meters. Also, all birds in the same ecosystem of the seashore should be counted. This includes all the many birds on the dredge and spoil islands located just yards away and within sight of the seashore. The National Park Service should consider turtle management practices successfully used in other federal and state areas to achieve nesting success. More proactive measures include relocating nests to more desirable locations, which is routinely and successfully done in other areas. I visit this area several times a year and without beach access there is no reason to travel there. I live ten minutes to a beach that i can't access already.

Correspondence ID: 14645 **Project:** 10641 **Document:** 32596
Name: Barlow, Jr, Henry C
Received: May,11,2010 21:13:46
Correspondence Type: Web Form

Correspondence: I would first like to express my disagreement and to question why the nesting buffers are so inflexible and large since no piping plover deaths have been attributed to ORVs. In fact it seems that ORV violations have been on the decline since there have been more signs and more ORV beach driving instructions available. It seems to be an uncalled for exaggeration of boundaries. In addition, I would like to comment on the accessibility of the park to individuals with limited mobility or physical disabilities. I would like to express my disagreement and disappointment that they are being discriminated against by areas designated for pedestrians only. It has been a great pleasure to me to be able to provide friends and family members access by ORV to visit the shore. For them and many others it is the only way they can enjoy this opportunity. To take away this opportunity using information that is not 100% accurate and proven is not in the best interest of the people whose tax dollars support the parks. Hatteras Island ORV access has long been a gift to many people who deserve to enjoy our parks to the fullest. Finally I would like to express my concern for the economy here on Hatteras Island as I see and hear about the decline in tourism dollars. While the park service continues to limit the public's rights in the very parks their tax dollars support we owe it to them and to our future to FULLY and HONESTLY examine the facts before final decisions are made.

Correspondence ID: 14646 **Project:** 10641 **Document:** 32596

Name: Long, Barry E

Received: May,11,2010 21:14:00

Correspondence Type: Web Form

Correspondence: I am an environmentalist, a conservationist, an ecologist and a defender of wildlife and nature. I am also a sufer, a fisherman, a camper a beachcomber and a lover of all the recreational oportunities found in the Cape Hatteras National Seashore. From the first time my parents took our family to the Outer Banks in the 1960's, I have spent countless days and nights on Hatteras Island. My family and I have rented cottages, hotel rooms and have been campers at the national campgrounds in Buxton, Frisco, and Salvo(when it was a campground) for over 40 years. We enjoy the experience that few places can offer like cape Hatteras can. And this experience is amplified by the availability of Off Road Access to the beaches on the Atlantic and Sounds sides of the Island, to the Point and the inlets. During all of this time I have been a good steward of the beach and have treated it with reverence and respect. Being on the beach for sunrises and sunsets, thunderstorms and blissinging heat. and in the water with schools of fish and dolphins jumping around you gives you a sene of being one with your planet. It is hard to describe but it is a feeling I want to see be passed on to future generations. And that is why I am a supporter of Option C. I believe in preservation and management of our natural rescorces, but I believe in responsible use and access to our beaches also. Option C will help to achive a good balance for all parites concernd. I urge you to Choose this option for the benifit of the American people.
Thank You, Barry Long

Correspondence ID: 14647 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 21:14:42

Correspondence Type: Web Form

Correspondence: Men fishing, children building sandcastles, and the women visiting with relatives while enoying the beach at the Outer Banks is the scenario for the last sixteen years that I have been vacationing here but unfortunately for us there are a select few people who think that they are above the rest of us and they and only they should be privy to enjoy our beaches. These people are jeopardizing not only the enjoyment of others but the economic impact that it will have is monumental. These people who live on the Outer Banks are dependant on the tourist visitations to survive. We use our ORV to get to the beach because there are some in our family who have physical disabilities who without this resource would not be able to enjoy the natural shoreline. I have never seen abuse of any kind taking place on the beaches pertaining to the birds or any other creatures. The people who I have met duting these sixteen years have come from all over our country and to take away the chance to enjoy the beaches is such an injustice in order to appease a select group of people.

Correspondence ID: 14648 **Project:** 10641 **Document:** 32596

Name: kurtz, donna m

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: Mr. Murry,

As a long time visitor to the nations parks system, especially Cape Hatteras National Seashore I am deeply disturbed at some of the positions the NPS is proposing in the DEIS plan published on March 12 2010. I understand and agree with the NPS duties to protect and preserve our natural resources. My area of concern is when in the protection of these resources the NPS over steps its bounds, and in the case of the CHNS, completely restricts the public to the point that this wonderful magnificent resource cannot be enjoyed by most citizens who wish to spend time there. There does not seem to be any regard in this entire plan for a community plan and what will effect the local area.

???? I disagree with the special use permit (as proposed in Alternative "F" p. 53) proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well. ? I disagree with the restrictions (as proposed in Alternative "F" p. 97-101) of the ORV access between ramps 27 and 30 at the Hatteras Inlet, Ocracoke Inlet, and all other locations in the park. There must be a method to allow pedestrian and ORV access points to these areas without disturbing the natural resources. My past experience has been such that the visitors have respected the signs and detours to all areas to allow them continued access to these wonderful areas. ? I disagree with the severe restrictions (as proposed in Alternative "F" p. 104) not allowing night driving in the park. Over the past 40 years I have witnessed and enjoyed hundreds of sunsets and sunrises which cannot be viewed from any other areas in the park with the same majestic experience. These night closures would significantly reduce the time that the many fishermen can enjoy the resources at a time of day when the fishing can be the most productive and active. Given the right instruction on how to access these areas I know that all the individuals I have seen over the years could enjoy the park without disturbing the natural resource. The am at daybreak and pm hours have been very productive times for fisherman, plus it also allows the local people to fish at times that don't interfere with their work day. ? I disagree with the prohibition of pedestrian access (as proposed in Alternative "F" p. 121) at the 8 different park locations from March 15 to July 31 each year. These locations have traditionally been available for all to enjoy. The removal of such large tracks of the park limits the overall positive experience that the park has to offer and significantly reduces ones desire to return to the seashore. I don't understand why such a large area will need to be closed when for over 30 years I have had access to the park and there did not seem to be any problems. I also wonder if this reaction and closures follows a devastating hurricane Isabelle, (when the island was destroyed by winds and water surge) and the loss of wildlife just from the storm and not necessarily because of human traffic. ? I disagree with the drastic and large restrictions (as proposed in Alternative "F" p.121-127) put on the public's ability to access certain parts of the beach when a piping plover or American Oystercatcher nest or brood exists in the park. These closures of such large tracts of park lands makes enormous parts of the park non accessible by the public. There must be a common sense compromise which both protects the natural resource and does not prohibit pedestrian and ORV access to some of the most valued parts of the park to visit.

? SEA TURTLES. I disagree with the stats and procedures (as proposed in Alternative "F" p.125; 392 -396). I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

? I disagree with the NO PET restriction (as proposed in Alternative "F" p. 136) from March 15 to July 31. This restriction must be reconsidered with a more stringent enforcement of the current 6' leash rule, year round. Over the 30 years I have been enjoying CHNS my family and hundreds of park

guests I have seen and obeyed the current pet rules with no damage to the natural resource. You must consider that too many individuals, the only important thing in their lives are their pets. These individuals treat their pets as one of their family and would treat the park with the same respect. I disagree with the restriction of public access with their pets in front of the many homes and businesses in the many towns that share, respect, and have been the primary caretakers of this area even before the NPS was there. We as pet owners take great pride in our resource and the wildlife. We clean the beaches whenever we go out and get all the debris that has washed ashore. We report injured wildlife to the authorities and help on clean up days sponsored by the local organizations. We keep our local beach in Buxton clean and alert the authorities for anything that needs to look at. The local and visitors use our beach daily as part of the THEIR environment ? and use it to survive, fishing for food ? just like the wildlife. We greatly respect this area and wish to keep it open at all costs. I disagree and take real exception to the NPS analyses of the socio-economic impact of the actions taken in the DEIS and the negative drastic effect it will have on the region and the state of N.C. as stated on p. 270-286 , 561-598. For the NPS to state as they do on p. 383 that the local region will have to "adapt" to the new rules I find insulting to the hardworking people in the region who have nothing but the best interest of the park for their entire lives. I have seen the effects of what some of the types of restrictions imposed over the last couple of years by the Federal Court Consent Decree will do to the local region. The loss of business, jobs, homes, and the noticeable loss of tourism has all been a direct effect to the restrictions on park access. The NPS proposal in the DEIS, Alternative "F" is more restrictive than the Consent Decree and therefore could be more damaging than what's already in place. There are many alternatives used in our society to allow public use to coexist without disturbing our natural resources. Many of these approaches the NPS uses in other parks in the park system. In Alternative "F" of the DEIS plan the NPS is taking the more restrictive approach at the expense of the public use. There is no credible science to back up the NPS plan in Alternative "F" and a less restrictive approach must be taken to allow both public use and resource management of one of the nation's most valuable resource. It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date. The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Correspondence ID: 14649 **Project:** 10641 **Document:** 32596
Name: Gano, Victor D
Received: May,11,2010 21:19:37
Correspondence Type: Web Form

Correspondence: I am concerned about all wildlife, both land and aquatic species. Please preserve Cape Hatteras. Please listen to the biologists who make valuable suggestions concerning habitat and breeding areas. Some areas should not be disturbed and left wild. Some areas should be left undisturbed during breeding seasons. We are suppose to be stewards of the land. I Love fishing, birding, surfing, and all activities in the wild. God Bless America and her wild places. P.S. I would love to work for the National Park Service U.S. Department of Interior full time.

Correspondence ID: 14650 **Project:** 10641 **Document:** 32596
Name: Buchanan, Rodney B
Received: May,11,2010 21:20:01
Correspondence Type: Web Form

Correspondence: Please accept this letter as my comments on the ORV DEIS before you at this time. After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document. The DEIS management alternatives have little to do with developing a responsible off road vehicle management plan. The alternatives map out a plan to exclude humans from the Cape Hatteras National Seashore and Recreation Area. This is not the reason that the seashore was set up. A 1000 meter buffer zone for common shore bird nests is absolutely absurd. This buffer zone allows a bird nest a circle that cannot be entered by humans that is over a mile across! We do not afford this type of easment to any other animal. We do not provide this much of a buffer zone to the president! It makes no sense what so ever to place the buffer zone around the nests of oyster catchers and terns let alone the misguided plovers that are attempting to nest outside of their natural range. Another thing that really bothers me is the way the National Park Service is slaughtering mamalian wildlife under the guise of protecting endangered birds. THE BIRDS ARE NOT ENDANGERED! The fact that the park service is deciding which wildlife can live and which species should be irradiated disgusts me. I have reviewed the 77 page Coalition for Beach Access Statement signed by several groups that were a part of the negotiated rule making process (another travesty) and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. Please consider all aspects of this alternative and put actual people, not lawyers, back into the management of Cape Hatteras National Seashore. It is time for all government agencies to realize that they work for all the people, not small, special interest groups that have money to give to one political party. The amount of money that has been given to the political party in power is amazing, and now they want their payback, and they are getting it, no matter what the science that actually applies to the birds says.

Correspondence ID: 14651 **Project:** 10641 **Document:** 32596
Name: King, Gregory F
Received: May,11,2010 00:00:00
Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I would like to register my opposition to the current draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. It is my feeling that, in its current form, the draft environmental impact statement privileges ORV use over all other visitors and does not properly take into account the damaging effects on the wildlife and plantlife that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.
1) The National Park Service must take seriously the obligation to preserve Cape Hatteras for future generations and ensure that any recreational ORV use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
2) It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.
Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14652 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:22:54
Correspondence Type: Web Form

Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to

me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.

* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14653 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:22:54
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore. Sincerely, Peggy Maslow 14 Hilltop Road Port Washington, NY 11050

Correspondence ID: 14654 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. One must remember that while ORV users are vocal and visible, the majority of the National Seashore's users, and the overwhelming majority of the National Seashore's taxpayer-owners are NOT ORV users. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14655 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:25:23
Correspondence Type: Web Form
Correspondence: Dear Mr. Murray, Please do not let ORV's take over the beaches and other areas of the Hatteras National Seashore area. I am opposed to it and want to be counted along with all the others who are opposed to such a thing.

Think about the birds and other wildlife that call that area home. There are birds who are already endangered that lay their eggs in the sand. It would be a crime to allow their species to be wiped out by an Off Road Vehicle.

There must be other places where those people can go to play and listen to their own noise without disturbing the tranquility and habitat of the Hatteras area.

Sincerely,
Virginia Fitzmaurice

Correspondence ID: 14656 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 21:28:39

Correspondence Type: Web Form

Correspondence: I have observed poor and probably illegal use of off-road vehicles during the last 20 years when I've vacationed along the Outer Banks. My concern is that such vehicles over the years have caused damage to native vegetation such as the Sea Oats which help hold the sand that could not be rectified. The beauty of the national park area stands in great contrast to the built-up areas that border it. I don't think the vehicles should be allowed on the beach areas. Just one irresponsible person can cause a lot of damage. The local towns have their off-road regulations. With reduced national funding and less policing it may be impossible to keep them out but those park rangers who remain on the job should have regulations with teeth in them that leave no gray areas for enforcement and fines.

Correspondence ID: 14657 **Project:** 10641 **Document:** 32596

Name: N/A, N/A
Received: May,11,2010 21:28:44

Correspondence Type: Web Form

Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.
1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness...." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.
Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14658 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 21:29:05

Correspondence Type: Web Form

Correspondence: I have read the arguments on this topic ad nauseam over the past several years. The solution to this debate should be clear and simple -- ** Pedestrian beach-goers and motor vehicles simply DO NOT MIX! ** To suggest this debate is about anything else, is duplicitous. As a member of Safe Kids USA, I have learned that motor vehicle incidences account for the leading cause of death and injury among children 3-14. It is no surprise that motor vehicle crashes are a leading cause of death among adults as well - not to mention the debilitating injuries that they cause. Beaches are no place for motor vehicles. Unlike on neighborhood streets, the sound of the ocean masks the sound of an engine motor. Pedestrians on the beach cannot react to the sound of a vehicle until it is upon them. And because beaches are not paved roadways, pedestrians are more vulnerable because they are caught off guard in this unnatural situation. Over the years, I have observed reckless speeds, erratic driving patterns and disregard for beach-goers from beach drivers on Hatteras village beaches. There is no adequate traffic enforcement and drivers know that. I have feared for my safety and for the safety of my family. How does a parent teach a child to look both ways before crossing a sand castle?
I will no longer risk our lives and limbs on the reckless shores of Hatteras Village if driving is permitted. Tragedies will be inevitable if you allow traffic on beaches. Whose lives and limbs are you willing to risk?

Correspondence ID: 14659 **Project:** 10641 **Document:** 32596

Name: Porter, John
Received: May,11,2010 21:29:49

Correspondence Type: Web Form

Correspondence: I and some fishing buddies of mine have been regular visitors to the Outer Banks for years. We are not visiting this year because the beach closures have ruined the fishing experience. The only way we will ever return is if the beaches are re-opened to off-road vehicles, specifically The Point at Buxton.

Correspondence ID: 14660 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 21:30:27

Correspondence Type: Web Form

Correspondence: May 11, 2010
Mr. Mike Murray, Superintendent Cape Hatteras National Recreational Area 1401 National Park Drive Manteo, NC 27954
Dear Superintendent Murray,
The DEIS is a disaster and a failure. It has failed on almost every front in its stated goals. It has not evaluated the impact of several alternatives, it started from a position that ORV's should have access severely restrained or eliminated from the Cape Hatteras National Seashore. The economic impact of this action has never been assessed accurately. The cultural impact of any plan presented so far will be devastating. The people of and visitors to this island have a way of life that will be decimated. It claims to develop regulations and procedures that would carefully manage ORV use/access in the Seashore. It fails miserably here also. I was not a participant in the REG/NEG process but followed it very closely. The groups that violated the

agreement to not bring legal action during the process should have been removed. These groups stonewalled the committee. The fact that they were not removed shows a lack of good judgment and reflected a reckless drive toward a predetermined goal, banning ORV access and Cape Hatteras National Seashore. The use of any information in the resulting Consent Decree in planning for the future management practices is unconscionable. When a bird the size of your hand is given a 1000 yard buffer, it demonstrates a serious lack of study and accurate information. A careful analysis of a 900 page document should take more than 60 days. The document was several months later than its projected release date and all requests for extension were denied. The public comment period for this plan was a joke. There were three meeting in three different locations in a very short period of time. The science used in this plan is junk. It has not been peer reviewed nor has there been any real effort to really study this unique seashore and its use patterns. These facts point to a reckless and not very careful use of public money(NPS salaries) to deny access to Cape Hatteras National Seashore. It claims to protect and preserve natural and cultural resources and natural process. It fails here also. Closing the beach to ORV access is decimating the local culture. In my visit in the fall, there were articles in the local paper about the local food bank. It no longer had enough food to feed the people that need help on the island. How can a community preserve its culture when it doesn't have enough food to help its poorest neighbors? The Consent Decree's affect on the culture has been extremely negative. It has pitted the best naturalists I know, the local residents, against the birds and the turtles. The best fishing on the East Coast of the US is one of the most precious resources on in the Cape Hatteras National Seashore. Banning access by ORV and pedestrians is going to ruin this resource, not manage it The DEIS's wildest claim is that it is minimizes conflicts for the users of Cape Hatters National Seashore. WOW. When almost every home owner, business owner and visitor to the seashore is disgusted and stunned by the process it isn't minimizing conflicts. It is exacerbating and reinforcing a lack of ability to manage properly. The fishermen are now in conflict with Audubon and SELC. The environmentalists are now in conflict with anyone that doesn't agree with them. Any past user of the Cape Hatteras National Seashore now has a conflict with piping plovers, lease terns, and turtles. I realize that not everyone will be happy with a management plan, but a plan based on sound science, reasonable limits on access, conservation of wildlife is nowhere to be found and this DEIS is an insult to anyone that studies the plan with an open mind. There are several other problems with the DEIS. Banning driving in the beach at night is ridiculous. This ban does nothing to preserve wildlife. It has never been PROVEN a danger to piping plovers, lease terns or turtles. It is an assumption based on heresy and conjecture. When the natural process of erosion and accretion change the profile of the island, there is no flexibility built into this plan. It doesn't even account for all the wildlife in the area. I have seen the spoil areas teeming with birds and am told that they don't count in the management plan. This DEIS doesn't consider environment and storms, two of the most harmful events that negatively impact the species at hand. An attempt at predator control is apparently to kill hundreds of predators with traps and gas. Who thinks that Nuremburg is the model for species management in a National Seashore? It took almost twenty years to convince the residents of this island to become the nation's first recreational park. The original name in 1953 of this park was Cape Hatteras National Recreation Park. The local residents were told that their government would nurture and preserve this national treasure so that all people could enjoy its beauty. This DEIS and the plans that will follow from it are broken promises to our forefathers and a disgrace. It will destroy a way of life. I would prefer an open process where all voices are heard and reasonable plans are made to protect birds, turtles, environmentalists, fishermen and economies, this isn't it.

Bill Almon Concerned American Citizen

Correspondence ID: 14661 **Project:** 10641 **Document:** 32596
Name: layton, jean
Received: May,11,2010 21:30:46
Correspondence Type: Web Form
Correspondence: why oh why would any official allow the cape to have off-road vehicals?????? why??? why?? can't we Americans just keep nature as intended??? who ever would do this is not thinking of their children & protecting nature.. Does \$\$\$ rule your life ah . can't take it with ya !!

Correspondence ID: 14662 **Project:** 10641 **Document:** 32596
Name: Robinson, Dennis W
Received: May,11,2010 21:31:23
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Recreational Area 1401 National Park Drive Manteo, NC 27954 Dear Superintendent Murray, I am writing you today to make formal comments on the Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plan Draft Environmental Impact Statement (DEIS). I appreciate you taking time to read each and everyone's responses and I urge you to listen to the concern of Hatteras Island residences. I have lived on Hatteras Island all my life, as has my family. We have always taken pride in our community, and enjoyed the natural beauty of Hatteras Island. Area of concern #1; Economic Impact At an early age I knew that Hatteras was one of the most beautiful places on earth and wanted to be able to enjoy it for many years to come. As I began my college career I choose a major that would allow me to work and live in Hatteras. I choose Hospitality Management because it is Dare County's number one industry and I thought it was a relatively stable commerce. Many of my life decisions and investments will be effected by the DEIS. I urge you to continue the economic impact study and make it an apples-to-apples comparison. Hatteras Island is not comparable to Northern areas. As a Motel manger I can testify what beach closures do to the tourism business. Tourists are the lifeblood of the local economy. They eat at the restaurants and buy food from the grocery stores. They put gas in their vehicles. They support the local shops by getting bait and tackle, bathing suits, surfboards and books. They buy souvenirs, local art and T-Shirts to remember their time here on the islands. Long story short I do not understand/agree with decisions being forged from an economic impact statement that is not complete. Area of concern #2; Closure of Hatteras Spit It appears as if the DEIS proposes to close the beaches at Hatteras Inlet, both the South Tip of Hatteras Island and the North tip of Ocracoke Island permanently and year-round. I live less than = mile from ramp 55 and have always enjoyed open access to the inlet. I have always respected bird-nesting areas and have been a steward of the beach. The Hatteras spit has always been a place for our family to gather and enjoy the splendor of Hatteras. Hatteras inlet has world-class beach fishing and is second to none. I strongly disagree that a 1000-meter closure for Piping Plover is necessary. 200 meters is more than adequate and has proven to be just as effective or more effective. Area of concern #3; Pets in the Park
As a responsible pet owner, I think that the current leash law is adequate. If pet owners are not responsible punish them on an individual basis. Area of concern #4; Being considered a "visitor" to the park. WOW! I'm outraged that I am considered a park visitor and have no more rights than a non United States Citizen. My ancestors gave their land to the park in 1937 for the Cape Hatteras National Seashore Recreational area. They were promised that access would never be restricted, and in short were lied to. I would love a full explanation of how/why/who decided that a 5th-generation native to Hatteras is considered a visitor. Area of concern #5; Cape Hatteras National Seashore Recreational area The National Seashore Cape Hatteras National Seashore Recreational Area was authorized on August 11, 1937, and established on January 12, 1953. I underlined recreation as I feel that the DEIS will drastically impede "visitors" from enjoying the park as it was intended for. Inclosing, I want to thank you for reading and considering my concerns. And please understand my main intent was to present a few concerns in a factual manor. However in sentence number two my passion began to boil. I'm disheartened that my 18 month old niece might not be able to enjoy the Cape Hatteras National Seashore Recreational Area as I have during my tenure on Hatteras Island. I urge you to find a more reasonable compromise. With Respect, Dennis W. Robinson Hatteras Village, NC

Correspondence ID: 14663 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:33:47
Correspondence Type: Web Form
Correspondence: Don't do it !!!

Correspondence ID: 14664 **Project:** 10641 **Document:** 32596
Name: Gerwe, Gregg
Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence:

Please accept this as my comments on the ORV DEIS before you at this time.

My family and I have vacationed in Hatteras, North Carolina for over 30 years. We have vacationed in the fall, spring and summer. For the last 10 years, we vacation every summer and try to add another trip in the spring or fall. We enjoy surf fishing, walking on the beach, bird watching, ORV access, and the folks that live and work in the Outer Banks.

If the NPS were to implement any of the six alternatives within the document, we would no longer vacation in the Outer Banks.

After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.

I have; however, reviewed the 77 page Coalition for Beach Access Poaition Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

In addition, I would like to say that I also fully support the thoughts and facts contained in the following letter submitted to and read to the National Parks Service by Dr. Michael A. Berry:

-----START QUOTE----- Dr Michael A. Berry -----

April 27, 2010

Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954

Comments on the Cape Hatteras National Seashore ORV Management Plan DEIS I wish to thank the National Park Service for an opportunity to comment on the Cape Hatteras National Seashore ORV Management Plan DEIS. As a concerned citizen, scientist, retired public administrator and university educator, I feel it is my professional and civic duty to make timely comment on a matter that affects thousands of citizens who wish to visit and have access to the Cape Hatteras National Seashore.

For the record, I have a broad public service, technical, and scientific background. I have in-depth knowledge of environmental sciences, research methods, and review procedures, especially those related to human health. I have basic knowledge of the federal environmental statutes and programs, and many years of firsthand experience with federal environmental policy-making processes. I hold the following degrees: Doctor of Philosophy in Public Health with a specialty in environmental management and protection from the University of North Carolina at Chapel Hill; Master of Science in Management from Duke University's Fuqua School of Business; both Bachelor and Master of Science degrees in Mathematics from Gonzaga University. I am a retired Lieutenant Colonel, Army Engineers and a combat veteran of the Viet Nam War. I have from time to time advised the Chief of Army Engineers and Under Secretary of Defense for Environment on a range of environmental issues, projects, and policies. In my civilian life, I retired from the US Environmental Protection Agency in 1998 after a 27-year career with that agency. For over 22 years, I served as the Deputy Director of the National Center for Environmental Assessment at Research Triangle Park, NC. During my EPA career I had extensive interactions with foreign, state, and local governments; federal environmental agencies and offices; the federal courts; US Congress; universities world-wide; institutions to include the National Academy of Sciences, the World Health Organization, and the North Atlantic Treaty Organization; the major environmental organizations; private industry and trade associations. For more than 20 years, I was either an adjunct or full-time faculty member at the University of North Carolina where I taught environmental science and management courses in the Department of Environmental Sciences and Engineering, the Kenan-Flagler Business School, and Environmental Studies Program.

I wish to state clearly for the public record that I have been for the past four decades and remain today and forever in the future, professionally committed to protection of the environment. I am primarily concerned with environmental conditions that affect the health and well-being of humans and with the conservation of natural resources that are essential components of a healthy environment. Given the ever changing environmental conditions brought about by growing human populations and expanding regional and global economies, effective environmental management is more essential now than ever before, but never at the expense of violating human and Constitutional rights of citizens.

I reside at - - - - - , North Carolina. I can be contacted with regard to these comments at drmikeberry@gmail.com.

Comment 1 There is a clear need for an equitable, balanced, and effective seashore access policy and management plan. Growing national population, seashore visitation, transportation avenues into the Outer Banks region mandates an access management policy?but one which has widespread public support and one that balances the rights and traditions of public use and access to the national seashore with responsible but reasonable resource protection.

As currently structured, Alternative F is not primarily an ORV management plan. It is primarily a public access restriction plan. The plan is biased toward bird and turtle protection, seashore isolation and not to a reasonable extent on public use and visitor access??specifically ORV and pedestrian access.

Responsible environmental management uses sound science and unbiased professional judgment that balances the human needs and rights of people with the needs to manage and sustain natural processes. The preferred proposal, Alternative F, fails to meet these criteria. Alternative F fails to recognize objective science, enabling legislation, citizen rights, historical uses, and past promises of access to their environment.

Promulgation of Alternative F as it is currently structured will be the basis for widespread public dissatisfaction, continued distrust of government, especially the National Park Service, and costly litigation.

Comment 2 As indicated by Alternative F, it is the intention of National Park Service (NPS) to transform a major part of the Cape Hatteras National Seashore Recreational Area?set aside over 70 years ago for use and enjoyment of American citizens?into a wildlife sanctuary, predominantly a national bird and turtle use area. NPS is using as its justification for this radical transformation and departure from traditional and intended public use, a thirty-five year old executive order directing NPS to formally promulgate an ORV management plan.

Alternative F management plan, with its excessive restrictions and denial of public access, both pedestrian and ORV, is in large part incompatible with the legislative purpose and intent of why the national seashore was established (16USC459 CHNSRA Enabling Legislation):

"said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area."

Nowhere is it indicated in the DEIS where enabling legislation intends or permits both pedestrian and vehicular access denial for a major part of the year, particularly visitor or vacation season.

Comment 3 NPS Request for public comment appears to be more of a bureaucratic process than a search for substantive decision-making information.

By virtue of its massive size, complexity, biased and incomplete explanation of science, and the inability for members of the public to access cited scientific literature and references, and ask questions of government officials responsible for the science and DEIS content, no single citizen can effectively review, understand, and constructively comment or suggest improvement to the DEIS in the 60 day comment period.

It appears by way of emphasis in the discussion in the DEIS that NPS has every intention to promulgate Alternative F in the next year, regardless of past or present public comment. There is virtually no significant reference to the workbooks the public provided in the early stages of the plan development process or to countless constructive comments made by the public during the 15 month Regulation Negotiation Process.

The National Park Service (NPS) should make it known to the public the specific information it seeks so as to make a final, objective decision with regard to an ORV management plan for Cape Hatteras National Sea Shore Recreational Area. Thus far NPS has failed to do so. By not asking for specific information, NPS is simply "going through the motions" superficially, and wasting the public's time.

Comment 4 NPS presents Alternative F as if it were recommended by the recent Regulatory Negotiation process. However, upon close examination Alternative F is found to be a biased and highly restrictive management plan that is in complete opposition to majority recommendations of the recent Regulation Negotiation process. Alternative F strengthens and codifies the denial of public access provisions of the current consent decree. The public access denying provisions of the consent decree, put into effect April 30, 2008, have been extended and transferred to Alternative F. The majority of Regulatory Negotiation Committee stakeholders (19 vs. 5) and numerous public commentators did not recommend an extension of the restrictive provisions of the consent decree as part of a final ORV plan.

Comment 5 If promulgated, Alternative F will significantly change the economy and unique culture of the Outer Banks. The DEIS has failed to properly assess those changes. The Economic Impact Analysis found the DEIS by its own admission is incomplete. This alone is the basis for future litigation challenging the legality of the proposed plan. In addition the Economic analysis is structured in such a manner that it fails to address full costs?direct costs, indirect costs, lost opportunity costs, costs of future liability, and hidden costs.

The Economic Analysis fails to recognize that the national seashore environment is a unique form of capital that serves the local economy, and in turn the health and wellbeing of citizens and families that depend of that economy. Access to the seashore is essential for family business operations on the

Outer Banks.

The cost to society and the local communities under the restrictive consent decree has now been extended indefinitely into Alternative F. Economic losses in millions of dollars have occurred to island businesses especially motels, campgrounds, restaurants and tackle shops. The full costs of Alternative F are very much understated in the DEIS. Annual economic losses under the consent decree are already in excess of those estimated by Research Triangle Institute.

Comment 6 The DEIS has failed to inform the public of the extent of expected closures to the most popular recreational sites of the national seashore. Experience with the consent decree closures for the past two years (2008, 2009) provide a clear indication of the extent to which the national seashore will be closed to public access?ORV and pedestrian. In recent court testimony the National Seashore Superintendent indicated the extent of the closures, but nowhere does that data appear in the DEIS. The public should know what to expect when Alternative F is promulgated.

The Bodie Island Spit was closed a total of 136 days in 2009. Cape Point was closed 101 days in 2009. The Hatteras Island Spit was closed 125 days and south Ocracoke was closed 80 days. These are some of the most popular recreational use areas at the national seashore which will not be accessible to the public during late spring and summer months.

Comment 7 Nowhere in the DEIS is it indicated that should listed species populations grow in size through natural population cycles or management programs, the public loses even more access given the way the boundary distance are applied.

Comment 8 Nowhere in the DEIS is it mentioned that protected species populations are growing without the needs of additional restrictions such as those of consent decree and Alternative F.

Published USFWS data suggests that the piping plover is "recovering" well beyond 1986 levels and do not suggest that additional restrictions beyond regional recovery plans are necessary or essential at the Cape Hatteras National Seashore Recreational Area for the continued recovery of the species.

Piping Plover--Atlantic Coast Pairs

Year 1986 1999 2005 2006 2007 Nesting Pairs (est.) 790 1386 1632 1749 1880

<http://www.fws.gov/northeast/pipingplover/index.html>

Comment 9 Data collected and published by NPS in recent suggest that Cape Hatteras National Seashore Interim Management Plan prepared with public input and publically reviewed in 2005, published in the Federal Register was showing every sign of being effective at protecting birds and natural resources. The Interim Management Plan was set aside by the court and replaced by the consent decree and settlement that mandated extensive closures without public comment or review.

The consent decree closures of recent years have been of exorbitantly high cost to the public but have not contributed to an improvement in species production or safety. The consent decree has produced no natural resource benefit over and above the interim plan. The fledge counts were higher under the interim plan than under the consent decree. 7 Piping Plovers fledged in 2008 under the interim plan, 6 in 2009 under the highly restrictive consent decree. 17 American Oyster Catchers (AMOY) fledged in 2008 under the interim plan and 13 in 2009 under the highly access restrictive consent decree, the same management structure now found in Alternative F. Species productivity is decreasing under consent decree and now Alternative F restrictions.

Comment 10 The majority of nests and hatched birds the past two closure seasons under the consent decree were lost to predation, a few to storms, one at the hands of a university researcher trying to band a bird. None has been lost to ORVs or pedestrians accessing the national seashore. The huge closure distances in the consent decree and Alternative F restrictions keep pedestrians and ORVs off the seashore while birds are nesting. At the same time, the extensive closures also provide for the proliferation and increased free movement of predators. In effect, the extensive closures create an ecological trap for birds in large closures that encourage and enhance predation.

Comment 11 When the boundary distances shown on Table 11 are applied to the Alternative F framework, it is evident that the public, ORV and pedestrian, lose access to a vast amount of the seashore for most of the visitor season. Closure boundaries are overly restrictive at CHNSRA and are not used at other NPS properties. There has been no administrative or science based explanation given to the public for these especially restrictive closures that limit public access to the seashore.

NPS has failed to explain specifically why, by way of science justification, 1000 meter boundaries must be established every time a Plover chick is observed, where the literature indicates on average movement under 200 meters. There is no study or science based explanation that justifies an automatic 1000 meter boundary closure every time a plover chick is observed. In fact the public access denial consequences of such management policy for a national seashore set aside for public use is excessive and does not indicate a balance of responsible usage.

If, as the Alternative F regulation dictates, one extends a boundary out 1000m in every direction from a nest, one creates a circle with a boundary circumference of approximately 3.9 miles, and an area of approximately 1.2 square miles or approximately 775 acres. Given that the boundary regulation dictates 775 acres of national seashore be set aside for the exclusive use of a plover chick?during the height of vacation and visitor season, it obviously does not take too many widely distributed plover chicks to shut down a significant portion of Cape Hatters National Seashore Recreational Area especially if the Plover population increases.

Comment 12 Alternative F, as with the consent decree, establishes a policy of denial of access punishment for the general public when intrusions into closure areas occur. Every time there is a closure intrusion the National Park Service, now at its own discretion, extends restrictive boundaries and widens non-access areas. There is no basis in science or environmental management practices that justifies such punitive measures.

Comment 13 Many of the references used to justify Alternative F are those of individuals and activists organizations who have supported litigation that denies public access. The major science references are published by environmental activist organizations and authored by individuals trying to shut down ORV access to the national seashore: Audubon, Blue Water, Hatteras Island Bird Club, etc. Most of these references have not been reviewed for their accuracy or objectivity and are unsuitable for government decision-making. Many of the references are out dated, biased, contain incomplete and misleading information, and few have ever been reviewed in open forum.

Comment 14 NPS has failed to provide the public with essential items of information, specifically properly reviewed science. The main science references are unsuitable and inappropriate as the basis for a government regulation that restricts public access to the national seashore and has significant negative impacts on the Outer Banks economy.

The 2005 USGS Protocols are indicated by NPS as the primary basis for the highly restrictive boundary distances that restrict public access to the national seashore. The USGS Protocols are cited as being "in press" 5 years after they first appeared on the Park Service website. The 2005 USGS Protocols were challenged two years ago as being in non compliance with USGS Peer Review Policy. At that time the documents were not dated, had no government publication number, and were not published in the open literature or Federal Register and were clearly unsuitable to be a credible scientific basis for government decision-making, especially costly regulation. The documents were sent back to USGS for "review" in 2009, five years after they were first made known to the public.

NPS has indicated a new citation for the USGS Protocols. They are currently referenced on page 660 as: Cohen, J.B., R.M. Erwin, J.B. French Jr., J.L. Marion, and J.M. Meyers In press, Recommendations for Management of Endangered Species at Cape Hatteras National Seashore. U.S. Geological Survey Open-File Report 2009-1262.

NPS uses the USGS protocol recommendations as if they are "best available science." They are not science and have not been shown to be connected with specific scientific studies. The management options presented in the protocols are the policy and management recommendations and opinions of biased and non-reviewed contributors, deemed by USGS to the "experts." Nowhere is a specific science basis (study, data) for a given management option??established solely for the Cape Hatteras National Seashore Recreational Area??demonstrated.

In a slightly modified introduction to the most recent release of the Protocols, the government official responsible for the document states: "Although no new original research or experimental work was conducted, this synthesis of the existing information was peer reviewed by over 15 experts with familiarity with these species. This report does not establish NPS management protocols but does highlight scientific information on the biology of these species to be considered by NPS managers who make resource management decisions at CAHA."

The new publication was not accessible, peer reviewed, or fully explained by government authority at the time the DEIS was submitted to the public for comment in early March 2010.

The literature reviews found in the USGS Protocols as currently published are significantly out of date. In fact many studies were decades out of date at the time the document was prepared in 2005. They are mainly non-replicated, selective papers and studies. Many citations are over 20 years old and most are not related to the Cape Hatteras National Seashore Recreational Area. The public does not have access to the literature reviewed in this essential report and most of the citations are so insignificant they cannot even be found in a major university library (UNC-CH).

Comment 15 There is an "appearance of impropriety" and "conflict of interest" associated with the primary science basis justification for the Alternative

F recommendation.

As noted two years ago, the cited protocols are not reviewed consistent with published USGS peer review policy guidelines (<http://www.usgs.gov/usgs-manual/500/502-3.html>) especially with regard to full disclosures and conflicts of interests. In fact the Protocols were developed and prepared in large part by well known environmental activists who subsequently used them as the basis for law suit against NPS, thus creating a very clear conflict of interest in full view of the federal government.

A review of the public record indicates that USGS commissioned well known environmental activist scientists to selectively review and discuss the science as they choose to represent it, and then formulate and recommend management options and policies. There was no outside questioning and review of their work—paid for by federal tax dollars.

It is clear to those of us who understand the scientific methods and process, objective scientific review, and the internal workings of federal government, that the 2004-2005 cooperative agreement review of the science (undertaken in part by members of the Audubon Society and other activist organizations) is biased and selective, misrepresented, fraught with speculation and opinion, and in many cases based on information that has nothing whatsoever to do with Cape Hatteras National Seashore.

In 2005 the architects of the access denying protocols were acknowledged for their contributions. For nearly three years now we have asked NPS and USGS to identify the "independent outside reviewers" of the USGS Protocols consistent with USGS Peer Review Policy. We are now being informed by USGS through their press office that the "science peer reviewers" are the original contributors and architects of the Protocols (which are not science at all, but policy and management opinions/recommendations that regulate the public and deny public access to the national seashore). We are also being informed by press officials that it is the policy of USGS to not identify outside independent peer reviewers or their comments. This is a violation of the Freedom of Information Act and the Federal Advisory Committee Act.

Some of the original contributors (Cohen and Golder) have used the Protocols to be the basis for litigation and insist on denial of public access to the seashore. A lead author "J.B. Cohen" has previously shown his conflict of interest and activist affiliation when he "J.B. Cohen" signed a sworn affidavit in support of the Consent Decree for SELC (2008) and also signed the recent Audubon letter directed at NPS Officials recommending the highest level of access restriction (2009). Scientists working on behalf of the public cannot turn around and use that same work to sue to public without having the objectivity of their work called into question.

For over 15 months of Regulation Negotiation Process, Golder, other environmental activist members, and the federal government never disclosed participants' roles in the design of the Protocols, but constantly referred to them as being the definitive "best available science" justification for closures. Golder and others now appear as "peer reviewers" of their own work. This is discrediting in and of itself, but what is most disturbing and unethical about this is the fact that this highly biased, pseudo science process, sponsored by the federal government, has denied thousands of citizens access to their national seashore and will continue to do so unless it corrected by NPS, the federal courts, or the congress.

The above is clearly a "apparent conflict of interest" known to NPS and USGS officials and calls into question the credibility of science which in the public policy making process?—specifically that of denying public access to the national seashore?—must be "objective" beyond any doubt. Local media have noted this "apparent conflict of interest" and brought it to the attention of NPS and USGS officials who refuse to offer an explanation or response. The best course of action to resolve this matter is to turn the science review and update over the National Academy of Sciences or some other neutral party, to objectively, critically, and comprehensively review all relevant science, disclose the facts and restore some public trust in the scientific process used as the basis for environmental management decisions at Cape Hatteras National Seashore.

Respectfully Submitted

Michael A. Berry -----END QUOTE-----

In closing, again, Stand with me in support of bill H.R. 718 To Reinstatement the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service. H.R. 718 and the Preserving Public Access to Cape Hatteras Beaches Act of 2009 (S.1557) are important to Cape Hatteras National Seashore and Recreation Area public beach access.

Respectfully submitted,

Gregg Gerwe ggerwe@cinci.rr.com Milford Ohio

Correspondence ID: 14665 **Project:** 10641 **Document:** 32596
Name: N/A, BETH
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent

Cape Hatteras National Seashore Recreational Area
1401 National Park Drive
Manteo, NC 27954

Dear Superintendent Murray,

Please accept this letter as my comment on the ORV DEIS before you at this time.

After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.

I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 14666 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:35:26
Correspondence Type: Web Form

Correspondence: We're members of the Audubon Society, support them in most things and consider saving the world's wildlife to be a top global priority. However, on Hatteras Island, people, pets, and wildlife have co-existed for generations. The challenge is to maintain a symbiotic, balanced relationship so all species can benefit. Hatteras Island is one of the few places where strong people with energy and spirit can hone their skills against the awesome forces of nature and learn to respect and harmonize with water, wind, and weather. It can also be enjoyed by young families and older people who walk with their dog companions on the beach away from the stresses and crowding of the city. It's a place for spiritual renewal. The cost of reducing this rare opportunity for humans needs to be balanced with what can be gained for the wildlife. Why not more strictly discourage disrespectful behavior and encourage everyone to watch out for the wildlife. The young boy fishing at the point with his father might be inspired to live his life as an advocate for natural places. And the bait they leave behind might feed a piping plover family for a week. I'm not willing to forgo that opportunity. Please reconsider your restrictions in this case.

Correspondence ID: 14667 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:36:42
Correspondence Type: Web Form
Correspondence: PLEASE!!!! Keep our beaches open!!!!

Correspondence ID: 14668 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:37:41

Correspondence Type: Web Form

Correspondence: I wanted to take this opportunity to make it known that while the deadline for public comment is rapidly approaching, that voices from Cape Hatteras Secondary's Middle School students are not going to be considered. This unfortunate reality is apparently due in part to my own lack of research or proper protocol. However, on May 7th I hand delivered an envelope containing student letters to a secretary at the Manteo office on National Park Drive, indicating to the recipient that the package contained numerous student letters. I was not informed that this method was unacceptable by park service personnel until I was conveniently contacted on May 11th, the final date of public comment. Park Service representative, Cindy Holder made it very clear that my students' comments wouldn't be official despite the authenticity of their signatures because I happen to combine them in a single envelope. The circumstantial timing of her phone call towards the end of a school day made it impossible for students to resubmit their statements prior to today's deadline. As a result, I did not want the assumption to be made that the youth of Hatteras Island are indifferent to the impact of beach closures in our area, and I apologize that any act of neglect on my behalf could possibly limit their opinions from being taken into consideration. I feel that it is necessary to document that evidence of our children's concerns are in possession of the National Park Service should their views happen to be of interest.
Thank You.

Correspondence ID: 14669 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:38:35
Correspondence Type: Web Form
Correspondence:

My wife and I have visited Ocracoke Island for seven years and come back each year for the pristine beaches and simplicity of life/pace. We do not drive on the beach when we visit but walk from access areas. Fishing is also a large part of our visit and access to all of the beach is important. After reading the document it appears that the proposed restrictions would negatively effect the human population on the island more than expected. If the NPS's goal is to eliminate all human activity and access to Ocracoke than they are heading that direction. Proper balance between human activity and wildlife is always the correct answer rather than a blanket approach that does nothing but waste resources. If the vast swaths of the beaches continue to be closed for months because of perceived impact from humans and ORVs the beach will cease to be a real park. Parks are meant to be enjoyed and used with proper management and education, not sectioned off and isolated- that is a reserve. It seems that rather than addressing the real issues of weather and predation the minimal impact of humans is the scapegoat. What if the time and energy spent on limiting beaches (3% impact) was spent on the predation issue (54%)? Seems that chasing the 3% is a waste and tackling the big issue would be more effective. People's lives are in the balance with overly restrictive policies. It will shut down business and tourist will stay away as the "park" becomes a "reserve". Soon you may find that there are no funds to manage the "park" because there is no appeal to visit. Kids and adults will not learn the valuable lesson of thoughtful, correct management with natural resources and the population as a whole loses a little bit of this great nation. Use the coalition plans, keep the beaches open and manage with intelligence. If you do, we and future generations will return year after year and enjoy the natural beauty of the park. Michael and Melanie

Correspondence ID: 14670 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:38:36
Correspondence Type: Web Form
Correspondence: No, don't let it happen!!!!!!!!!!!!

Correspondence ID: 14671 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:38:51
Correspondence Type: Web Form
Correspondence:

We must protect Cape Hatteras! Off-road vehicles must not be allowed to erode the coast line of the capes around the United States. A few people must not be allowed to put their quick fun over the future of our country. Please stop this! I have an ORV and would never consider destroying our coast with it!!

Correspondence ID: 14672 **Project:** 10641 **Document:** 32596
Name: parrish, donnie r
Received: May,11,2010 21:39:07
Correspondence Type: Web Form
Correspondence:

i have enjoyed fishing on the island's for a long time and would hate to know it would be stopped forever as it appears to be headed in that direction. i see the need to protect the bird's and other wildlife as they were there first and a lot of people enjoy seeing them. with some compromise i think smaller closures would work, and still allow access to the most fished areas. as i'am a disabled fisherman who has trouble walking long distance's i have to have some way to access places to enjoy the sport i have enjoyed all my life. donnie

Correspondence ID: 14673 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:42:48
Correspondence Type: Web Form
Correspondence:

For the last several weeks, I have studied the proposed and preferred alternative of the DEIS. I attended the public comment meeting held in Hampton (I did not make a public comment), and have formulated my opinions about ORV use in Cape Hatteras National Seashore Recreational area. I am a homeowner on Hatteras Island (Hatteras Village), and care deeply about the preservation of the environment of Hatteras Island as well as the economic health of the island. I DO NOT support alternative F for the following reasons, and seek a more balanced compromise between preserving wildlife and providing beach access. My thoughts are as follows:

1. Beach Access is a fundamental economic requirement to the economic vitality of the island. The study uses faulty analysis when comparing the economy of the area over time. Specifically, the study evaluates economic activity of the island considering combined data from Hatteras Island and other northern beach communities of Dare County. If you have ever spent any time on Hatteras island, it is easy to recognize that the economic activity of the area is totally isolated to the island itself. Hatteras Island vacationers largely make the trip there to avoid the crowds and activity of the northern beaches. They do not travel off of the island to dine, sight see or shop. Their expenditures are largely confined to the merchants and services available on the island itself. As such, the economic vitality of the area is totally dependent on tourism. While the study suggests there are a variety of economic sectors on the island, they are all tied back to the presence of vacationers. Construction is not necessary without tourists. People do not build or repair homes that will not get rented. Shops, restaurants, stores, fishing charters are all dependent on tourist visitation. This area has been significantly impaired due to the lack of access to the beaches during the period of time covered by the Consent Decree and further beach access restrictions will continue to handicap the economy of the island. Property values decline, businesses fail, unemployment rises, occupancy rates decline. The residents and landowners of Hatteras Island deserve the protections afforded by the enabling legislation of the national seashore - to preserve the beach and its resources for the benefit of the people. Alternative F does not provide an adequate BALANCE of protection for wildlife while maintaining appropriate access to the seashore itself.

2. Buffer Size - Maintaining and enhancing wildlife on Hatteras Island is a clear need. But the buffers suggested to protect Piping Plover chicks is excessive, and has not been demonstrated through peer reviewed scientific evaluation to guarantee that these birds will thrive as a result. Seriously, 1,000 meters is a completely arbitrary distance and is an excessive distance considering the area available within the park. Since ORV use in the area

has been proven to have only a minimal impact on survival rates, there should be greater focus on eliminating the most significant threats, predation and the impact of weather and storm tides that result. Certainly, more resources can be brought to bear on removing these threats, while allowing a balanced access to the beach through or around buffers without increasing the threat to these birds as a result.

3. I have read the 77 page position statement and completely support the recommendations set forth by both the Coalition for Beach Access, as well as the comments to the DEIS made by Dare County. These thoughts and arguments are balanced and provide for both access to the surf zone, while providing for adequate protection of the wildlife resources of the park. These positions are supported by organizations that actually live and use the area in question, not by legal and environmental organizations that fight to limit access to the park from far away. The SELC, Audobon Society, and Defenders of Wildlife have no vested interest in balancing protection with access to preserve the economic viability of the area while also preserving the environment. Why do you suppose that the overwhelming public comments that were made during the meetings was to balance access with preservation and those comments were made by residents and homeowners of Hatteras Island that traveled to a public comment meeting? The reason is that the environmental lobbies do not have any vested interests in Hatteras Island and the preservation of its economy. This is a local issue that impacts good, hardworking people who love their island and its beauty.

4. I completely disagree with the prohibition of pets within the park even when that pet is adequately confined on a leash. Predation by properly constrained pets represents no threat to wildlife while the natural predators that abound in the park should be the more significant concern. This requirement also seems like a complete over reaction on the part of the NPS.

I trust that this comment process has been enlightening to the Park Service. Hopefully the process actually works and leads to a compromise that balances beach access with protection for wildlife. Overall, I feel that access can be preserved, and birds and turtles can also thrive. Having the courage to compromise is truly necessary at this time given that the future of access to our beaches will be governed by the final plan. Please do not kill the economy of this island with overzealous regulations.

Sincerely,
Richard Keatley

Correspondence ID: 14674 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 21:45:48
Correspondence Type: Web Form
Correspondence: For what it is worth, I am a resident of the Outer Banks, NC, and a frequent visitor to Cape Hatteras National Seashore. I would personally like to see the whole beach CLOSED to off road vehicle use. NOWHERE in the laws and regulations governing this national seashore does it mandate that allowable recreation must include off road vehicle use. Locals like to think it is their right to drive all over this beach; but it is not. The laws and regulations do, however, require the protection of our natural resources. Certain types of recreation CAN NOT be allowed at the expense of protection of natural resources, ESPECIALLY listed threatened and endangered species, and also, contrary to the beliefs of Sen. Basnight, Rep. Spear, and NCWRC, state listed species of special concern. They claim that there is no available science to support the large protective buffers outlined in your preferred plan. Well where is the science to support the reduced buffers that they propose? If we err in our decision, we must err on the side of caution, and protection of our natural resources.

The past couple of years under the consent decree speak for themselves: Record numbers of sea turtle nests, increased success of nesting shorebirds, etc. This is in stark contrast to the troubling trend that occurred the last few years before the consent decree was instilled. It is therefore quite obvious that reducing ORV use directly helps the survival and reproductive success of listed species.

Locals like to proclaim gloom and doom for the local economy if ORV use is reduced or banned. First of all, even if it were true (which I doubt), that alone is NOT a valid reason to put natural resources on NPS property at risk. Second of all, I just don't buy it. Local tourism really hasn't missed a beat the last couple of years, and if a few individual businesses took a hit, it could just as easily be due to the poor national economy. Businesses have been hurting almost EVERYWHERE in this country. It can not be simply blamed on ORV restrictions. With a ban on ORV use, the park would still get plenty of visitation, and the locals would still get plenty of business. I, and many others, would like the ability to recreate on and enjoy CHNS, as with any other national park or recreation area, WITHOUT the disturbance and disruption caused by off road vehicles - to be able to experience one of the last few places on earth, our national treasures under the PROTECTION of the National Park Service, the way nature intended it.

Whatever plan you put into place, there also has to be room for adaptive management, meaning if, in time, the plan is determined to insufficiently protect the natural resources, it must be amended accordingly. If you fail to protect these resources appropriately, you will only be opening yourself up to lawsuits by environmental groups, who would likely have the law on their side.

As you are more than aware, there has been no shortage of screaming, whining, bitching and complaining around here for some time from ORV users, business owners, fishermen, and even, to my extreme displeasure, our local governments. It is my hope that you can look beyond all the rhetoric and do the right thing, which also happens to be the legal thing. Protecting our natural resources HAS to be top priority. If they don't receive proper protection from our National Parks, where on earth are they going to get the protection needed to survive in today's world?

Thank you.

Correspondence ID: 14675 **Project:** 10641 **Document:** 32596
Name: Whiting, Carolyn
Received: May,11,2010 21:47:35
Correspondence Type: Web Form
Correspondence: Instead of allowing significant amounts of year-round off-road-vehicle use on Cape Hatteras National Seashore, I urge you to develop an ORV management plan that places greater emphasis on pedestrian access and wildlife management, especially with regard to endangered sea turtles and shorebirds.

Correspondence ID: 14676 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:47:51
Correspondence Type: Web Form
Correspondence: I disagree with Beach closing any of the beaches in Hatteras for pedestrian and ORV use. I am a property owner in Avon and I have enjoyed the beaches and the environment on Hatteras Island my entire life. My grandparents and parents were borned and raised on the Otter Banks. Pea Island is a Wild Life Refuge and expands eleven miles between Oregon and Rodanthe. OVR use is not allowed in this area. This area provides sufficient space for nesting birds and other wildlife. Please keep the beaches open for ORV use.

Correspondence ID: 14677 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:49:04
Correspondence Type: Web Form
Correspondence: I am a college graduate and retired teacher from the Newport News City Schools. I have taken college courses in conservation and recreation. I AM ALSO A NATURE LOVER, AND ADDICTED TO THE WATER AND SANITY THAT THE WATER AND SHORES CAN PROVIDE. Some of the most wonderful moments of my life have been spent on the water - both at the Outer Banks and in and around the Peninsula's wonderful water ways. I have participated in the conservation effort for Rock fish, and supported the seafood industry. Over the last 40

years I have lived on the Peninsula and sadly watched "progress?" gobble up more and more wet lands and access to the water and its wonders. I understand both the need to protect wildlife and the need for the promotion of natural areas for relaxation, fishing, and the education of mankind. I do not want to see any more destruction of wetlands so necessary for the protection of our coastal shores, and the homes of both animal and man. Nor do I want to see the commercial and recreational use of our waterways diminished or destroyed. Although I rarely comment on public issues, I feel qualified and compelled to comment on this current crisis.

THE BEST WAY TO GET THE PUBLIC TO SUPPORT CONSERVATION IS TO ALLOW THE PUBLIC TO USE AND APPRECIATE OUR NATURAL WONDERS. THE PUBLIC WILL NOT SUPPORT A CONCEPT THEY HAVE NOT SEEN AND EXPERIENCED FIRST HAND. IN THIS TIME OF ECONOMIC INSECURITY, THERE ARE TOO MANY OTHER CONCERNS CLOSER TO HOME THAT DRAG INTEREST AWAY FROM PRESERVING ACCESS TO COASTAL AREAS, AND THE PROTECTION OF THE ENJOYMENT, NATURE, AND OUR NATURAL RESERVES. THERE MUST BE A PLAN TO ALLOW BOTH WILDLIFE AND HUMANS TO ENJOY THE INCREDIBLE MARVEL THAT IS THE OUTER BANKS WITHOUT ENDANGERING EITHER THE ENVIRONMENT, WILDLIFE, THE FISHING INDUSTRY OR HUMAN ACCESS AND USE. THE PUBLIC AT LARGE IS MORE LIKELY TO SUPPORT CONSERVATION OF RESOURCES AND WILDLIFE IF THEY HAVE EXPERIENCED OUR NATURAL WORLD IN PERSON AND NOT ONLY SECOND HAND FROM CONSERVATION GROUPS OR PUBLICITY CAMPAIGNS. BOTH MAN AND WILDLIFE CAN LIVE SIDE BY SIDE AND LEARN TO SHARE AND EVEN PROTEST THE RIGHTS OF BOTH.

I PRAY YOU FIND A PLAN TO ALLOW BOTH TO EXPERIENCE THE OUTER BANKS THAT IS A HOME, PLAY GROUND, INDUSTRY, AND SANITY SAVER FOR BOTH MAN AND BEASTS.

Correspondence ID: 14678 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:50:50
Correspondence Type: Web Form
Correspondence: Dear Mike Murray,
 After reviewing the DEIS I have a couple concerns.
 While I understand that budget shortfalls are rampant in every area of government and for most business's. I can understand the need for a permit system in order to help offset this deficit and to help with the management of this park, but I am unable to accept this responsibility by myself, as an ORV user. It is the job of the NPS to find ways to disperse this cost amongst all the users groups. It is unacceptable to put this cost just on the ORV users and the NPS should not institute an ORV permit fee, until the NPS can develop other means to collect money.
 Whether this is with collection agents at popular day use areas and/or the use of parking meters at all public ramps. The temporary or year round permit holder should be allowed to use these lots at no additional costs, while all others are charged by the hour, day, etc.
 It is unfair for the ORV user to front the cost of the proposed new lots or any reconstruction of an existing lot, as it is equally unacceptable for the ORV user to face the brunt financially of the wildlife management.
 Also, I find it disturbing that the NPS is utilizing such extreme buffers for the North Carolina species of concern. Even the North Carolina Wildlife Commission has recently publicly expressed their concern with your measures for birds that were not ment to be treated as such.
 I ask that you review your current proposals for the NC species of concern and follow the suggestions of the NCWC.
 Rob Alderman

Correspondence ID: 14679 **Project:** 10641 **Document:** 32596
Name: Schmidt, Andrea
Received: May,11,2010 21:51:06
Correspondence Type: Web Form
Correspondence: I am opposed to National Park Service's Alternative Plan F. I especially find objectionable the proposal that would mandate a 1,000 meter pedestrian and/or ORV closure for any piping plover unfledged chick brood anywhere in the Cape Hatteras National Recreation Area.(p 121-127) Said proposed closure area would be roughly equivalent to an area equal to 30 football fields long X 30 football fields wide. That amount of space is scientifically unjustified and capable of sustaining many other types of birds and animals much larger than the piping plover.
 The NPS has a legal responsibility to both protect the natural resources and wildlife of the Cape Hatteras National Seashore Recreation Area but also protect and ensure the public's right to access and enjoy the National Seashore. This area was designated by Congress to be a recreation area, not a wildlife preserve. There needs to be a rational balance between the two responsibilities. Establishing an excessively large perimeter for piping plover unfledged chicks is not supported by scientific evidence proving that 1,000 meters will result in more positive results than a 200 meter perimeter.

Correspondence ID: 14680 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:51:29
Correspondence Type: Web Form
Correspondence: I am writing as an owner of several properties in the Outer Banks to express my strong opposition to the plans that are currently under consideration to limit and/or close beach access to vehicles and/or pedestrians in The Cape Hatteras National Seashore. I understand that this change to access of the beaches in the region is being forced into law by a suit initiated by Defenders of Wildlife and the National Audubon Society.
 First of all I am very concerned about the precedent of such a chain of events whereby specific groups force the hand of our Federal Government Agencies via the threat of legal action and the resulting diminished rights of the property owners, residents, business owners, and others with a vested interest in the enjoyment of this land. Will the next threat be to limit or eliminate the enjoyment of boats, windsurfers, surfboards, kayaks, and canoes in the waterways due to some perceived problem with aquatic wildlife preservation.
 I have to say that our concerns and resources would be best served in looking at the major culprits of negative impact to the nests of these endangered birds and turtles. The two outstanding culprits are predators and storms/tides. If anyone viewed the changes to the shoreline and habitat after storms, it would be clear that this is a huge issue with the protection of the nesting sites and habitat. Additionally perhaps a plan to minimize the effects of known predators would be most helpful in controlling the demise of these creatures in the region. Realizing that these two factors represent 83% of the nest failures in this Resource Management Area wouldn't it make sense to concentrate on them.
 Given the fact that closure of beach access to vehicles and/or pedestrians will have devastating consequences with regard to the local economy and property values at a time when both business owners and homeowners are already suffering from a depressed economy; wouldn't it be much more feasible to work on other aspects of wildlife management than to add additional negative impact to the local recreation and tourism industry??

Correspondence ID: 14681 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private

Received: May,11,2010 21:51:34

Correspondence Type: Web Form

Correspondence: It seems to me, that very little regard is given to another habitat on the Outer Banks. One should never destroy one habitat to save another. It doesn't make sense to do so. Yet that is what is happening. We here on the Outer Banks depend solely on our waters and beaches to be economically sound. We depend on the fishermen, shell seekers, surfers, boaters and all other visitors and vacationers to keep our economy going. We have already lost many business due to economic failure. We have the highest unemployment rate in the nation. Closing the beaches destroys our habitat. No Question about it. It must stop to save our beloved Outer Banks. Some would like all human habitat to cease. That's not going to happen. Surely someone has enough common sense to settle this where we can all coexist together. I haven't given up on human-kind yet. There is a middle ground. If you just keep your hearts and minds open. You can and will find a fair and just solution.

Correspondence ID: 14682 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 21:52:20

Correspondence Type: Web Form

Correspondence: My name is Myrna B. Peters I own the Sea Chest Gift Shop in Rodanthe, located on the Outer Banks of North Carolina, I have been in business here for 39 years. I was born and raised here my whole life. This letter is to tell you I disagree with the closure of the beaches to ORV's. In recent years I have become handicapped to be able to get on and off the beach on foot. The last time I tried parking my vehicle and crossing the dunes to get to the beach, to spend time where I grew up and that has been like a backyard to me, I took a bad fall and could not get back on my feet, I had to crawl back up the beach on my hands and knees and in the same manner crawl over the dune to get back to my vehicle on the other side. I have not been able to go back to the beach since, I live by myself here from Easter till Thanksgiving running my business, it was always a blessing to be able to take a break and go down by the waters where I grew up as a child. Now I cannot even enjoy that simple pleasure because I can not drive on the beach to reach the ocean, this is something that I never thought could or would happen in my, my children's, or even my grandchildren's lifetimes. The Outer Banks has always been a friendly, family oriented place for people to come to relax, fish and play on the beaches, for young and old alike. Without the use of ORV's to transport families with young children, elderly folk, beach and fishing gear, more and more people are not returning for their family vacations, reunions and weddings. I can state these facts because many of my regular customers have told me that they would not be returning to vacation here, and they haven't. The past few years alone my business has suffered severely in income, the income that was supposed to pay my land and property taxes, State and Federal taxes, wages for my employees, unemployment and all of the other expenses that go along with owning a business and providing employment for several local folks with families. Business hours have had to be shortened and employees hours have had to be cut just to try to cover my overhead. The past few years I have ended in the "RED" and have had to keep borrowing from my almost non-existing nest egg. These are supposed to be my Golden Years and I am too old to try to learn something new and find a way to provide and take care of myself without my business. So I repeat NO... I disagree with the closures of the beaches to ORV's. Sincerely, Myrna B. Peters Rodanthe, NC

Correspondence ID: 14683 **Project:** 10641 **Document:** 32596

Name: Couch, Raymond S

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence: Date: May 11, 2010 To: National Park Service From: R. Stewart Couch Subject: DEIS Off-Road Vehicle Management Plan Comments
I own two businesses on Hatteras Island. One is Hatteras Realty with three offices located on Hatteras Island (Waves, Avon and Hatteras Villages), employing approximately 235 people during the season and representing approximately 580 rental homes (3,000 bedrooms) generating about \$25,000,000 in rental income. Additionally, I am a part owner of the Red Drum Shopping Center located in Buxton, NC.
My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
2) Page xxiv: I question the statement as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."
However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods, etc.)
5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to retrieve the vehicle.
Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.
6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get to the beach in the interior. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.
I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreation Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.
Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.
Buffers for other species, including American Oystercatchers, Least Terns and Colonial Water Birds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.
Non-endangered birds should not have same protection as if endangered. Not allowing ORV access is tantamount to denying the public access to these beaches.
7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding seasons to maintain access.
8) Page 124: I strongly disagree with the NPS slant in providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water Bird social

attraction, Piping Plover check fledge rate, Piping Plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%.

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep, are slammed full of birds. The reason why so many birds? NO PREDATORS. So, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

As a lifelong resident of Hatteras Island, we of the Hatteras Island community have always gotten together on the south beach on Sundays to enjoy the beach with our cookouts, gatherings, surf bathing, horse shoes and foot races, fishing, and surfing. Now the DEIS is proposing closing off most of the south beach during the summer which is the traditional period we local people use the beach. The continuation of this traditional pattern of land use is central to maintaining the historic identity of our island communities.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore.

? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is woefully inaccurate and relies on economic surveys that have not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits.

That is certainly the case with Hatteras Realty. Sales of Real Estate on Hatteras Island are 1/5 of what they were in 2005. Granted, the current economy has a large part to do with it, but so does the beach closures. People are hesitant to invest in Real Estate on Hatteras and Ocracoke Islands. Along with fewer investors, comes a decrease in property values, the lowering of tax revenues for Dare and Hyde counties, and a real loss of wealth for property owners.

Additionally, I own the Red Drum Shopping Center in Buxton, NC with my two brothers. We have not been able to go up in the rent for the past few years as our tenants are experiencing a tremendous slowdown in revenues. It is not fair that I have to pay through my loss of wealth for the bird closures.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules (p.383). The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fishermen want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and don't spend their money in the stores, shops and restaurants on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, sound front, foot trails, park maintained roads -from March 15 ?July 31.

Hatteras Realty books approximately 13,000 rental weeks for a total of 91,000 rental nights housing approximately 700,000 visitors. The ban on pets to July 31 will seriously hurt the rentals of my vacation homes as our pet homes encompass about 30% of our rentals. I propose allowing pets on 6 foot leashes year-round in all areas open to pedestrians or ORVs. 15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests prone to weather and ocean events to more desirable locations as is done in other state and federally controlled areas which would dramatically increase the nesting success rates.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection.

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is tantamount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and

November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if the science proves one is absolutely needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

There is no direct evidence of ORV nighttime driving and light infraction affecting turtle nesting results. The false crawl ratio at CAHA is not over the 1:1 accepted standard! At CAHA the ratio is below that standard. Proposed "Nest Watches" along with increased signage, education, captive rearing, turtle nest hatcheries and nest relocations in the inlet, spit areas and Cape Point beach shoreline areas, will continue to diminish hypothetical fears of harming nest and false crawl concerns.

NPS must relocate every turtle nest as Pea Island does, to a safe area and well before any storms can destroy the nests. CAHA nest mortality is "catastrophically" 38 % every year. NPS needs a hard look at the failed NCWRC turtle guidelines that are totally inadequate for turtle protection. Using these proposed protection alternatives of nest relocation, captive rearing and hatcheries will accomplish the best results of introducing, back into the ocean the maximum number of hatchlings. The rest is up to Mother Nature.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, beach shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the nearby spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

I thank the USNPS for its efforts in drafting this plan. It certainly has been a long and arduous process. We all want to protect the natural resources of the Cape Hatteras National Seashore Recreational Area.

However, the USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you,

R. Stewart Couch Hatteras Realty, Inc. Lifelong Resident of Buxton on Hatteras Island, NC www.hatterasrealty.com 800-HATTERAs (428-8372) ext. 222 Cell: 252-996-0510

Correspondence ID: 14684 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:52:56
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:
*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.
* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.
* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14685 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:56:23
Correspondence Type: Web Form
Correspondence: Thank you for your interest in my coment on this matter of ORV...I have been visiting CALO island for approx 13+ years and thoroughly enjoy it with all it has to offer to me and my family...
This place has been very educational to me as well as my family..we have enjoyed the nature , wildlife , environment , history and the seculsion of the island... we also enjoy the respect the people have for this place whether it be camping , hicking, touring as well as driving along the beach to enjoy the sunrise or sunset...fishing...bird watching or just out for a drive...
I think it is very important to keep orv access alive for its security and stability...we help clean and maintain its history for our grandkids...we the people that come here are what its all about and our generations to come...please let my kids share their experiences they have experienced with their kids and grandchildren....Thanks Robert Wilson

Correspondence ID: 14686 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:57:09
Correspondence Type: Web Form
Correspondence: I disagree with the closure of any beach to pedestrians. Humans and animals can live harmoniously. Wild horse areas in the north have not been closed off to humans. Because of this, humans get to enjoy the beauty of the horses and in fact protect them through organized patrols. Closing off areas to favor one species versus another can only create an advisorial situation which hurts all species and sets back the animal rights cause. In fact, closing off areas can actually be counter productive for the species being protected. Should this species nest outside the area of protection, the excluded species sees this as a negative and the possibility of being excluded from another area. So instead of welcoming the nesting and the beauty of it, fear and protectionism becomes the mindset. Again, not good for either species. Nesting areas can be protected through organized volunteer groups patrolling the beach responsibly. The best protection against any terrorism is for responsible citizens to be involved in identifying and deterring possible problems. Irresponsible humans should be met with harsh punishment. However, all should not be punished for the stupidity of the few. Keep all beaches open at

all times to responsible citizens. These citizens will keep out the irresponsible and all species will live in harmony and thrive.

Correspondence ID: 14687 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:57:13
Correspondence Type: Web Form
Correspondence: I am writing in reference to the strict regulations that have been proposed in this plan by the NPS. I am a preschool teacher in Hatteras Village and currently we are researching and learning about shipwrecks and sea turtles. We began looking into these subjects because of the interest of children in my classroom. The local library has been extremely helpful in finding information about these subjects.
The interest of these children is amazing. Children love to learn and learn best when they are able to experience their environment through their senses. In order to learn about their environment they need to be able to experience it. When you educate children they educate others around them. With that in mind instead of blocking off a larger area around a turtle and bird nest, I think the NPS should be thinking of ways to educate the public. Education leads to less ignorance. I would love for my preschool class to be able to learn more about the wonderful environment that we live in.

Correspondence ID: 14688 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:59:07
Correspondence Type: Web Form
Correspondence: Supt. Murray, I have read and studied the DEIS Assessment for Cape Hatteras National Seashore Recreation Area and would like to comment on the information located within the DEIS. The 6 alternatives outlined in the DEIS are excessively restrictive and fail to abide by the intent of the Park's development as outlined in the enabling legislation that established CHNSRA. This enabling legislation designated the CHNSRA as a National Park for the specific purpose of "recreation". Each of the 6 alternative given in the DEIS strives to place unnecessary and excessive restrictions on access to the Park and therefore prevent Park users from being able to use the Park as intended. While I understand the need to protect resources and wildlife, the DEIS fails to address any type of alternative means to access restriction that could provide for protection of the Park's wildlife and resources while still allowing reasonable access throughout the entire year. In the DEIS, it is stated that "Visitor experience could be affected by conflicts between motorized and non-motorized recreation users." (p.vi) This statement is made without any documentation of incidences where "visitor experience" has been "affected by conflicts between motorized and non-motorized recreation users." In fact, a review of the last two years of Park operations under the Consent Decree will show that the excessive restrictions have not substantially increased the protection of the wildlife, but that "visitor experience" has been negatively impacted. NPS states that visitation has increased during this time, but the figures that are used to qualify this statement include visitation to areas that are located outside of CHNSRA (Wright Brother's Memorial, Kill Devel Hill, Northern Beaches) and does not focus on the area affected by the closures and Consent Decree. As a visitor to CHNSRA I can assure that my "visitor experience" has been negatively affected by the closures that are currently in place and I know that the alternatives in the DEIS will only make this worse. On page 210 of the DEIS, it is stated that "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs], but yet there are no documented episodes of protected species being killed or having their deaths attributed to ORVs. There is a plethora of documentation on the NPS website of protected species being killed/harmed by natural predators, but not by human beings. There is also some very disturbing reports of how many of these predators that NPS has killed in order to protect a handful of birds that are not even native to CHNSRA. Are these predators (animals that are native to CHNSRA) not considered a part of the Park's resources and wildlife? In each alternative that is listed in the DEIS, there is no documentation or peer reviewed scientific evidence to support the reasons for the excessive closures and usage restrictions. The reports that are referenced have been shown to be flawed and incorrect in their conclusions. A true balanced environmental impact assessment has to consider all factors and should also explore every available alternative for comment. The DEIS simply fails to do this. The DEIS suggested alternatives also fail to meet constitutionality and adherence to the American's with Disability Act. All 6 alternatives make it nearly impossible for individuals with disabilities to have access. The idea of allowing vehicles to ferry disabled individuals to the beach but not to be allowed to stay out on the beach with that individual not only causes undue hardship on the disabled, but it also places that individual at risk. The disabled have every right to access that anyone else has and the suggested alternatives take that very right away. The DEIS also fails to take into account the historical and cultural uses of CHNSRA. Unpeeded acces for both pedestrian and ORV has been a way of life for this area dating back to the first inhabitants. WHEN the Park was first formed and designated, a promise was made to NEVER TAKE AWAY ACCESS. A promise that was made by NPS and the Federal Government. The DEIS not only breaks that promise, it also seeks to destroy a cultural and historical way of life. The current Consent Decree is already accomplishing this and the 6 alternatives in the DEIS will only speed up that destruction. In addition to reading the DEIS, I have read the Coalition for Beach Access Position Statement. I believe that this should be accepted as a favorable alternative. This position statement provides for wildlife and resources protection through reasonable closures and management without excessive restrictions on access. The DEIS needs to be amended and the Coalitions alternative should be added as the PREFERRED alternative. PLEASE consider all aspects of this alternative and put the management of CHNSRA back in the hands of the people.
Sincerely, Cathy L. Almon

Correspondence ID: 14689 **Project:** 10641 **Document:** 32596
Name: siebert, arlie b
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Date: May 11, 2010
To: National Park Service
From:
Subject: DEIS Off-Road Vehicle Management Plan Comments
My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area.
To begin with your set of proposals and alternatives are inconsistent with the EO you cite as the rationale for your actions. Reading EO 11989 the President prefaced the measure that could be taken to protect from ORV's with these important words: "...which cause or is causing considerable adverse affects on .. wildlife, wildlife habitat..." The timorous and highly subtle relationship between the Piping Plover (PP) and the turtles and ORV and people and dogs in no way constitutes causing considerable adverse affects. The President did not mean to allow the shut down of many miles of beaches due to a few birds and turtles.
1) Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas.
2) Page xxiv: I question the statement of as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront?" If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience.
3) Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches in villages of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15.
4) Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors."

However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc)

5) Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to get the vehicle.

Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well.

6) Page 121 ? 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CAN'T get there. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends.

I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Corridors are vital to providing access in a way that does not hinder resource protection.

Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer.

Buffers for other species, including American Oystercatchers, Least Terns and Colonial

Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7) Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access.

8) Page 124: I strongly disagree with the NPS slant of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water bird social attraction, Piping Plover check fledge rate, Piping plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9) I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events.

Using your own stats, the mammalian predation is 54%, Storm / Lunar Tides: 29%, Nest Abandonment: 6%, Avian Predation: 5%, and Ghost Crab Predation: 3%,

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles.

10) I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are slammed full of birds. The reason why so many birds? NO PREDATORS. SO, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11) Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

I understand that lifelong residents of Hatteras Island have always gotten together on the south beach on Sunday to enjoy the beach with our cookouts, gatherings, surf bathing, horse shoes and foot races, fishing, and surfing. Now the DEIS is proposing closing off most of the south beach during the summer which is the traditional period local people use the beach. The continuation of this traditional pattern of land use is central to maintaining the historic identity of our island communities.

12) Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore.

? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages

? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement.

I believe the negligible to moderate projection is inaccurate and relies on economic surveys that has not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial.

Beach closures have already had a devastating and unfair impact on many Dare County Businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

As a retired federal employee my wife and I saved for years to buy my small dream property on the ocean in Avon. I need good rents to pay my mortgage and make ends meet. I do not think it appropriate for the federal government to rob me of my income by scaring away tenants either due to alternatives which restrict access to the beach in front of my house or to restrict my customers from bringing their leashed dogs to the beach. Neither EO 11989 or 11644, upon which your draft regulations and alternatives are based, envision such drastic actions based on such a flimsy set of excuses. There is absolutely no showing this regulation is even necessary. There is no "...considerable adverse affects on soil, vegetation or wildlife or wildlife habitat..." Note the words "considerable adverse affects." A few birds nesting out side their normal nesting habitat and a few turtles (which can easily be protected by non draconian proposals) do not constitute "considerable adverse affects." Therefore your proposals are not appropriate based on the clear wording of the EO.

13) Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and

South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and spend their money on Hatteras and Ocracoke Islands. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14) Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas ?beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15 ?July 31. In addition to my comments above I want to tell you that I value my ability to go to the beach with my dog on a leash very highly. It is one of live's great pleasures. So high and so fundamental to my liberty and freedom of movement in fact that I will not obey your rules if they unwisely purport to apply to when and where I walk my dog in Avon in front of my home. My dog is on a leash and neither the dog nor I pose any threat whatsoever to a what at best is a small population of birds and turtles and likely there is nothing there at all to "protect." I have been going there for 20 years and have never seen a turtle or a PP in that location. Certainly neither I nor others similarly situated are causing "a severe adverse affect" as specified in EO 11989 and therefore I believe as amtter of law that any enforcement you would attempt to stop me and my dog on the beach would of course not be legal since the minor threat your enforcement would mean to stop does not satisfy the clear wording of the EO. Outside of armed guards and fences and satellite/camera surveillances how would you stop people from using the public's beaches? Are you going to throw citizens in jail and put their dogs in teh pound because of a non existant bird and turtle population? This is why Prsident Carter wrote: "...causing considerable adverse affects...". You cannot bite of more than you can afford to enforce and justify in court and in this case you are in for big enforcement problems because people are just not going to follow the rules brought by the draconian measures some of your alternatives would produce. They do not go to the beach to stay off the beach do they?

The ban on pets to July 31 will seriously hurt the rentals of my vacation home as my pet home encompasses more than 50% of our rentals. I propose allowing pets on 6 foot leashes year-round in all areas open to pedestrians or ORVs.

15) Pages 125; 392 ? 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreation Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection. Again read the EO: "...causing considerable adverse affects..."

16) Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years.

17) Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if one is needed, perhaps from June 1 ? September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area.

Certainly more proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

18) Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those that want to access the beaches in these areas.

Conclusion:

Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed.

It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area.

Let's scale back the buffer zones. You can always increase at a later date.

The USPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the proper balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Thank you, A. B. Siebert

Correspondence ID: 14690 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 21:59:55
Correspondence Type: Web Form
Correspondence: I disagree with Alternative F. As an island visitor for over 25 years, I find the restrictions being imposed upon the residents and visitors deplorable. It is not "Management", but rather a "shut down" of the island so that the NPS doesn't have anything to manage. I disagree with the NPS statement "Even with resource closures in place, protected species are still at risk (from pedestrians and ORV)." (p. 210). There have been no Piping Plover deaths attributed to ORVs. Back when I was in middle school, we were taught a principle called "natural selection". It seems to me, the NPS wants to play God by protecting one species, (the Piping Plover), over others: feral cats, raccoons, snakes and Man. I disagree with the NPS statement "carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront..."(p.xxiv). Why do ORV counts provided for Memorial Day and July 4 2009 which state: "ramp 4: includes Bodie Island Spit" and "ramp 43 to ramp 49: includes Cape Point fail to recognize Bodie Island Spit and Cape Point were closed to ORV access on these dates due to resource protection closures, which thereby increased ORV congestion at ramps 4,43,44 and 49?" (p.265). Why are the buffers and closures administered such that more people are forced into smaller areas, potentially resulting in more resource impairment and diminished visitor experience? I disagree with the NPS policy for Shorter Off-Season ORV access on South-facing villages (p.xix). Why are Frisco, Hatteras and Ocracoke Villages closures to ORV access longer than the traditional May 15 to September 15 period, even though seasonal visitor statistics are similar for all villages? (p.23) I disagree with the NPS Limited Pedestrian and ORV Corridors (p. 468). Pedestrian and ORV Corridors or bypasses should be provided thru, around or below high tide line in SMA during entire breeding season to maintain access. I disagree with the NPS: Large, Inflexible Buffers (p. 121-127). Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

Correspondence ID: 14691 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 22:00:47
Correspondence Type: Web Form
Correspondence: Please do not allow SUVs and other vehicles on Cape Hatteras Beaches! We need to keep the environment as clean as possible. If people want to fish so badly, they can put a little effort in and haul their gear out there to fish. Please keep the beaches clean!!

Correspondence ID: 14692 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 22:12:13
Correspondence Type: Web Form
Correspondence: I back the proposal set forth by the "Coalition for Beach Access" group. I have no official association with any of the groups publishing that group of proposals and am making this statement solely due to my having been born on the N.C. coast and having the opportunity to enjoy what is now the Cape Hatteras National Seashore for almost 60 years.

Correspondence ID: 14693 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 22:16:29
Correspondence Type: Web Form
Correspondence: Please stop the banishment of the public from our public parks! The NPS's refusal to defend the public's right to access Cape Hatteras National Seashore Recreation Area is indefensible. The land that the park occupies was given by the people of Hatteras for the people of the US. Now, the NPS is more concerned about bowing down to a handful of self righteous lawyers who claim to be defending the environment. Those same lawyers are currently trying to sell land classified as wildlife refuge to a condo developer just a few dozen miles to the north. Ask the Audubon Society why they want to sell beachfront, the same beachfront they so covet in CHNSRA, to a developer. You will see exactly what their true motivation is. As for some of the finer points of the DEIS: No pets? Really? You're going to ban pets from a recreational area? There are actually NO federally endangered species. The piping plover, not noted as nesting in the park until the 1960s, is a new arrival, having previously nested only further to the north. Given the fact that air and water temperatures are increasing as a result of global warming, the plover should be looking to nest further to the north, for the good of their own survival. Nesting in CHNSRA would be completely opposite what natural selection would suggest for appropriate breeding areas. 1000 meter buffer for any nest? Do you know that the largest number of plovers nested in concentrated areas in the past few years have been on the top of the Food Lion? I realize my comments will be immediately discounted and dismissed, if they are even read, as decisions have already been made. Just to comment for the record- keep the beaches open.

Correspondence ID: 14694 **Project:** 10641 **Document:** 32596
Name: Hicks, Christina
Received: May,11,2010 22:18:30
Correspondence Type: Web Form
Correspondence: My name is Christina Ballance Hicks. I have lived in Hatteras Village all of my life until I came to Raleigh to pursue a college education in Veterinarian Medicine. And after I graduate on May 15th of this year, I hope to return home and work and live. My family roots run deep on the outer banks, tracing back to the early 1800's, 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 in my village. The NPS states in the DEIS (Draft Environmental Impact Statement) 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. 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 affect that requires pets on the seashore to be on a leash 6 foot long or less, thus minimizing the effect of pets on breeding birds. And bringing the responsibility of keeping pets away from the nesting areas on the owners of the pets and law enforcement. On pages 121- 127, the DEIS states information about buffer zones, or closures of the seashore due to breeding, nesting and unfledged chicks of birds that are endangered and birds that are not endangered. I DISAGREE with the size of the buffer areas. NPS could successfully manage these areas with smaller buffer zones and ORV pass thru only corridors as other National Seashore parks have done in other areas on the east coast. These areas have documented more resident birds than we do with fewer closures than we currently have. On page 210, the NPS DEIS states that "Even with resource closures in place, protected species are still at risk from pedestrians and ORV's. I DISAGREE. 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 ORV's, but to NPS vehicles only. Pedestrian violations are much more significant than ORV violations. On pages 1 thru 830, no where is it clearly addressed that the OVERWHELMING majority of negative impacts will be felt by families, businesses and livelihood in the seashore villages rather than by the overall economic interests within the region of influence. Please take into consideration the economic impact ant the livelihood that will be affected if there are further restrictions placed on our beach access. Thank you.

Correspondence ID: 14695 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
Dear Superintendent Murray,
I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on the Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.
This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.
As our society increasingly becomes more hectic and complicated, oppostunities to escape and observe the world in it's natural state become more rare and special. Your office has a unique oppourtunity to balance the desires and demands of both ORV and pedestrian visitors. These two activities can be mutually exclusive. However, there is plenty of space for each group to enjoy the beauty of Cape Hatteras National Seashore.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.
Sincerely,
Andrew Rogers Cayce, SC

Correspondence ID: 14696 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird

watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.

1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife MUST take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "UNIMPAIRED for the enjoyment of future generations." These revolting, polluting, land destroying, ecosystem trampling, noisy, dangerous, vehicles have absolutely no place on our national seashores.

2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be PERMANENTLY reserved as a primitive wilderness...."

Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.

3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.

Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Sandra Alto, and avid attendee and supporter of our National Parks.

Correspondence ID: 14697 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 22:36:25
Correspondence Type: Web Form
Correspondence: I DO NOT agree with this proposal. Beach closures would be detrimental to the livelihood of the island. It is not in the best interest of the PEOPLE living and working on the Island, and would destroy the tourist industry, which we all rely on to survive. Please think long and hard about any decisions you make that will have an effect on the lives of many others. We love our island, and care about the wildlife that inhabits it, however the well being of our families and the privilage of raising our families on this beautiful island come first to us, and should to you as well. Thank you and God Bless!

Correspondence ID: 14698 **Project:** 10641 **Document:** 32596
Name: Foster, William A
Received: May,11,2010 22:39:51
Correspondence Type: Web Form
Correspondence: The plan/EIS contains numerous flaws and deficiencies in both the scientific and economic analyses. It also contains no alternative which promotes both vehicle access and resource protection. For these reasons there are few incentives for and numerous discentives against civic participation in any future plan.
Rather than pointing out the flaws within the plan/EIS, the purpose of these comments is to propose a mor reasonable alternative than any considered by the NPS.
PROPOSED MOST REASONABLE PLAN
No plan will be successful in the short or long run unless it has the support of all the stakeholders involved in the Seashore. The only way to get support from all of the stakeholders is to implement a plan which will benefit all stakeholders. The only way to benefit all is to promote access as well as to protect the natural, cultural, and physical resources of the seashore.
Sand is the primary habitat feature required (desired) for both ORV access and nesting of the birds and turtles. Because of the almost continuous dune system, tthe rising sea level, and the succession of vegetation dtthe strip of sand forming the beach is getting narrower and narrower. Nothing in the preferred alternative (or any other) will increase or change the existing habitat in any way. Even a total closure of the beach would not improve the habitat in any way.
Creating "habitat islands" within the Seashore would provide increased high quality habitat for the birds. Areas such as the north sides of Hatteras and Oregon Inlet and the upper portions of Cape Point would be ideal for this. Corridors around these habitat islands would allow access to the most popular fishing sites.
For purposes of comparison the most reasonable plan would contain (1) elements of the interim plan, (2) habitat islands, and (3) access corridors would be more reasonable than any offered in the plan/EIS.

Correspondence ID: 14699 **Project:** 10641 **Document:** 32596
Name: Nugent III, Alfred S
Received: May,11,2010 22:48:33
Correspondence Type: Web Form
Correspondence: There is much not to like about this plan. I disagree with the selection of Alternative F in the DEIS. If No Action Alternative A is not selected, I support the adoption of the reasonable alternative proposed by the "Coalition for Beach Access" as described in their statement dated March 5, 2010. See <http://www.obpa-nc.org/position/statement.pdf>.

Correspondence ID: 14700 **Project:** 10641 **Document:** 32596
Name: Nugent III, Alfred S
Received: May,11,2010 22:49:39
Correspondence Type: Web Form
Correspondence: There is much not to like about this plan.
I disagree with how the executive summary frames the historical record leading up to the creation of the DEIS. The first inaccuracy is the statement in the Executive summary that historically "Beach Driving was for the purpose of transportation not recreation". This is irrelevant at the present time and has been for decades. The purpose of national parks is to provide recreation and this DEIS addresses that issue, not the historical ratio between travel for transportation and travel for recreation on the Outer Banks. As the Summary goes on to point out the introduction of roads, and the paving of NC12, occurring as it did well before 1963 (another bit of deception), removed the need to drive on the beach for transportation. Driving on the beach to access the park and the shore for recreation, the statutory rational for the existence of the park, is what this report is about, not how people got from one end of the Island to the other over 50 years ago. Driving on the beach for purposes other than transportation is documented from well before 1963, for example in the Stick books on the Outer Banks. You can watch a film of one of the historical uses of the beach for fishing, facilitated by a 4 wheel drive, made in 1947, long before the park was opened at <http://www.youtube.com/watch?v=F-SenP12DIQ>. I believe the NPS term of art for this type of activity is a "Cultural practice important in maintaining its historic identity" when discussing what a "Traditional Cultural property "is. I disagree with the failure of the DEIS to mention how the 1978 ORV plan, drafted with the assistance and input of the OBPA and approved at the local level by NPS, failed to be implemented and to clearly explain the responsibility of the Park Service for it not being implemented. The people who have come to this Island for decades and the inhabitants did what they were required to do to comply with the law and executive orders in 1978. The entire sequence beginning with the court case and consent decree and ending with the need for this DEIS, a New ORV Plan are a result of that failure by the NPS. Simple honesty requires that this be made explicitly clear in this document. The DEIS states; "This management strategy was challenged in court and subsequently modified by the consent decree that was signed on April 30, 2008". Again this is not strictly accurate. The standing of the anti-access coalition was based on the failure of the NPS to finalize the 1978 plan's implementation. There would be no basis for the courts threat had it been signed and

published as required at the time. The "Consent" was obtained under a threat of total park closure after the failure of some of the interested parties to negotiate in good faith. Hardly a freely given agreement.

As described on page x Alternative A would restore the conditions existing before the consent decree and implement the plan drafted in 1978. TABLE ES-4. ANALYSIS OF HOW ALTERNATIVES MEET OBJECTIVES and all the subsequent discussion in the DEIS fails to rebut the presumption that a perfectly adequate response to the legal requirement for an ORV plan is to adopt No Action Alternative A. I request the PARK Service explicitly address what the objection to this course of action would be. The response should be based on the best available science and the documented bad results which were occurring under the Interim Management plan between 1978 and January 2006 when the National Park Service the Interim Protected Species Management Strategy/Environmental Assessment Strategy and the adoption of the "Consent Decree" in October of 2007. If there is no documentary evidence of "Significant Impact" to make the case for modification of the pre-October 2007 plan(s), then address why a period of operation under Alternative A should not occur to allow for it to be gathered.

Correspondence ID: 14701 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 22:51:50

Correspondence Type: Web Form

Correspondence:

I have frequented the Outer Banks for almost 40 years. I am writing to save the Island life that I love.

I disagree with the NPS: "ORV and other recreational use would have long-term major adverse impacts on sea turtles due to the amount of Seashore available for ORV use and by allowing nighttime driving on the beach." (p.377). "Major Adverse" (NPS definition, p. 369) events have not occurred at the Recreational Area - Night Driving Restrictions are Not Necessary: 1. Nesting femails have not "been killed". 2. Complete or partial nest lost due to human activity has not "occurred frequently". 3. Hatchling disorientation/disruption due to humans have not "occurred frequently". 4. Direct hatchling mortality from human activity has not "frequently occurred". The Pro-active Turtle Night Nest Watch program will insure no ORV impact.

I feel the NPS should adopt more proactive techniques used at other East Coast locations to encourage turtle nesting success. Captive Rearing (p.86), Routine Nest Relocation (p.86) and Hatcheries (p.87) are successful along the East Coast. WHY NOT TRY IT ON HATTERAS ISLAND??!!Why turn your back on proven techniques? It can't be that difficult to train NPS staff rather than shut down an island.

The purpose of the DEIS as set forth in National Environmental Policy Act is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 800 page document devotes only 2 paragraphs to analysis of cultural resource issues. Why does the DEIS ignore the traditional cultural importance of surf zone access to Outer Banks communities? Why has the NPS filed to appropriately address the traditional cultural value of surf zone access? The NPS failure stands in direct violation of its legal responsibility under Section 106 of the NEPA and the NEPA framework as a whole.

The socioeconomic data and analyses in the DEIS (pg 270-281;561-598) result in misleading and sometimes erroneous conclusions. The region of Influence incorporates the Northern Beach communities, including Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the Seashore villages. Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI. Economic analyses in the DEIS do not use data from the first full year of the Consent Decree (2009). Many 2008 visitors were either unaware of the scope and breadth of Consent Decree beach closures, or had already made plans/reservations. Actual business survey data rather than model projections for economic impact for Seashore Villages businesses are not available in DEIS.

I disagree with the "Overall Visitor Counts". Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

WHY was Alternative F attributed to the Advisory Committee?? The rules, policies and procedures in the Alternative F were not reviewed nor approved by the participants within the Reg-Neg process. The Coalition members that participated in the Reg-Neg do not endorse the DEIS plan.

Why is around the clock law enforcement an issue? If access restrictions are due to violations, those responsible should be held accountable. The law-abiding public should not be penalized as they have under the Consent Decree.

DO YOUR DUTY: PROTECT HATTERAS ISLAND VILLAGERS AND VISITORS FROM THE NATIONAL PARK SERVICES' OVERLY RESTRICTIVE POLICIES. SAVE THE HUMANS!!!

Correspondence ID: 14702 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 22:52:51

Correspondence Type: Web Form

Correspondence:

In 1987 I purchased my first four wheel drive vehicle with one of the main reason for its purchase was to be able to drive on the beach. I have made sure that one of my vehicles was a four wheel drive since that time. One of the greatest pleasures that I get from going to the beach is to be able to drive on the beach to fish, and look sea shells. Most of the people from other states with lots of money have built large cottages on the beach. All of these visitors make parking and beach access a problem. Being able to drive on the beach is one way that I can also enjoy the beach. I do obey all posted signs and stay off the dunes and do not drive in places where I shouldn't. I do not believe that driving on the beach harms the turtles, birds, or environment. I have been driving there for many years and see plenty of wildlife there. I feel that development has hurt the horse population on the Outer Banks that I used to enjoy. Developments in other places have driven out deer and other wildlife, but I still see towns growing. So, why pick on the people that enjoy using the four wheel vehicles on the beach. I, like others, will stop filling up the beach hotels if I can't enjoy the use of the beach in the one manner that I enjoy.

Correspondence ID: 14703 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private
Received: May,11,2010 22:53:02

Correspondence Type: Web Form

Correspondence:

I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.

*Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan

are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14704 **Project:** 10641 **Document:** 32596
Name: Nelson, Edward D
Received: May,11,2010 22:55:56
Correspondence Type: Web Form
Correspondence: I am writing you today to make formal comments on the Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plan Draft Environmental Impact Statement, specifically supporting Alternative F located on pages xi and xii of the DEIS, as created by the National Park Service. I don't agree with the year round closures that Alternative F mentions and feel it's too restrictive in many areas. I have had conversations with small business owners and residents on Hatteras Island, and it is clear that the restrictions in beach access has have severe economic impacts to their businesses and families. In an already horrible economy, the actions taken by the Court and the National Park Service have proved devastating to all businesses and most residents on Hatteras Island. For anyone to claim differently would be either a misguided statement of ignorance or just a pure falsification of the truth. In previous years I made the 800 + mile trip from Charleston, WV 2 or 3 times a season, but with the current Consent Decree in place and beach closures I now only make one trip in the fall after beaches re-open. I have contacted my senators and congressional leaders in both West Virginia and North Carolina as well as the elected leaders of Dare County, and have reminded all of them that first and foremost the Cape Hatteras National Seashore was created to be set aside as a recreational area for the public not a wildlife preserve or bird sanctuary. The National Park Service is charged with maintaining access areas so the public can recreate and enjoy the natural wonder that is the Cape Hatteras National Seashore. I have bad knees, which make walking even short distances in the sand challenging if not impossible, an ORV gives me the needed freedom to fish the surf, recreate and otherwise enjoy the Hatteras Island National Seashore. I would like to comment on a few areas of concern in the Hatteras Island DEIS, the first being the vitally important management tool of corridors. In the past during the Consent Decree a closure on the north and south of the ramps leave "open" beaches inaccessible, the NPS must create corridors around these closures or open additional ramps to allow public access to these cut off but open beaches. These alternative corridors for are necessary to provide continued movement of pedestrians and vehicles around the closures. I stand with Dare County in requesting that corridors be maintained for pedestrians and vehicles in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season. Upon reviewing the management of wildlife species by the state of North Carolina, it looks like management plans are based on reliable and reputable science and data. Political whims should not be entered into the formula for the management of species by the State or the National Park Service. I am concerned that pressure from political groups is the reason for and basis of the management buffers within the Hatteras Island DEIS and not scientific data. On Page 127 of the DEIS a 1,000-meter buffer in all directions of an unfledged piping plover chick for ORV's represents 771 acres of closed beach. This amount of closed beach is unacceptable and outrageous. I have yet to read any scientific reasoning behind this management strategy. I believe a buffer of 100 or 200 meters would be just as effective for the survival of a piping plover chick without the extreme penalization of the residents and visitors of Hatteras Island. Another confusing issue I have are the buffers listed in the Hatteras Island DEIS page 127, why is protective buffers of 300 meters given to species not on the endangered species list? Birds listed as North Carolina species of concern should not be given protected status under the Endangered Species Act. I have also been informed that other species of concern are not given ESA status on other federal lands. Pre-nesting closures should be exclusively for the piping plover, the only federally listed threatened bird species. Also, non-ESA listed birds should not have buffers of 300 meters. I agree with Dare County which feels a more appropriate buffer would be 30 meters. The last portion of my comments centers on the treatment of the nests of endangered sea turtles within the Seashore. I would urge the Park Service to allow for the relocation of nests to higher beach elevations. The United States Fish and Wildlife Service practices this management tool in Pea Island National Wildlife Refuge, as do other management agencies on state and federal lands. I have read he Hatteras Seashore has lost over 46% of the nests laid in the last 11 years, while South Carolina relocated 40.1% of their nests during 2009, finishing the year with only a 7.7% loss of nests. To not allow for the relocation of nests puts both the visitors of the parks and the turtle hatchlings at competitive disadvantage. I think the key to any management plan is flexibility. Without the ability to change ORV corridors while keeping access open, the Cape Hatteras National Seashore Recreational Area will become a memory to generations of beach enthusiasts from across the nation. I would say that nowhere in our great nation can individuals enjoy the beauty and serenity of the coast as in the Hatteras Island National Seashore. I would like to comment on a lot more concerns but time has ran out, the DEIS for the Hatteras Island National Seashore Recreation Area is more than 800 pages and is a difficult read at best. As the National Park Service moves forward with its management plan, you must remember first and foremost the reason for the creation of the Hatteras Island National Seashore was to be a coastal recreation area set aside for public recreation, not a bird sanctuary. The National Park Service should see to it that the public has year round ORV access to the beaches of the Hatteras Island National Seashore.
Sincerely,
Edward D. Nelson 50 Alison Way Cross Lanes, WV 25313 (304)776-6012

Correspondence ID: 14705 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 22:59:12
Correspondence Type: Web Form
Correspondence: Dear Superintendent Murray,
As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points.
1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations."
2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources.
3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals.
Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14706 **Project:** 10641 **Document:** 32596
Name: Nugent III, Alfred S
Received: May,11,2010 23:00:12
Correspondence Type: Web Form
Correspondence: I disagree that there is adequate access for handicapped persons provided by this plan. Page 58 mentions the provision of 4 access ramps, only one of which is on Hatteras Island. The provision of a permit to drive a handicapped access vehicle on the beach is a start, but the requirement to return the vehicle after dropping off the person is unreasonable. If they need to be driven to the beach they need to be watched/helped and cannot be left alone. My 80(+) year old mother has been coming to the banks for more than 40 years. Eventually she will need help getting to the beach. Driving her there is the most reasonable way to do this. Remember all the dynamics of a son with his mother applies to a family with small children. Hiking over the dune with them in tow while simultaneously carrying and afternoon's worth of supplies is not practical. The net effect of Alternative F will be to limit families beach access to the areas in front of towns. HANDICAPPED ACCESS IS FAMILY ACCESS TOO.

Correspondence ID: 14707 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 23:01:41
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 Re: Comment Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan/Environmental Impact Statement--DEIS
 I disagree that Alternative F should be the preferred alternative. I prefer Alternative B.
 My concerns with Alternative F are primarily with the Species Management Areas. First of all, treating state listed species of concern at the same heightened level of care of federally listed endangered species seems inappropriate and unnecessarily rigorous.
 Secondly, the ML1 and ML2 buffers for the shorebirds seem inordinately generous, out-of-step with buffers for these species in other locations, and do not have data-based evidence to support their size. (p. 123)
 Similarly the buffers for sea turtles, a minimum of 25 meters on pedestrian only beaches (p. 125), also seems excessive and beyond what is being done in other places with successful turtle programs.

Correspondence ID: 14708 **Project:** 10641 **Document:** 32596
Name: Ensogna, Lisa M
Received: May,11,2010 23:08:58
Correspondence Type: Web Form
Correspondence: My husband & I are big into surf fishing. We travel from Winchester, VA to the Outer Banks almost every weekend in the Fall & Spring, many times spending 4 days & sometimes staying as many as 10 days, to fish for red drum. More than > of that time is spent in the Cape Hatteras National Seashore. We also take some weekend trips in the winter for striper & spend some weekends enjoying the beach during the summer. During our trips we will either fish through the night or head into town to stay at campgrounds, rented houses, or hotels/motels. These trips have become a large part of our lives & we hold the Outer Banks very dear to our hearts. We have always admired and respected its beauty and uniqueness. Our time in the Cape Hatteras National Seashore has not only created many happy memories, it has also brought us many good friends. It tears us apart that what makes the Cape Hatteras National Seashore so special is being diminished and steps are being taken to take what we love doing away from us completely. ORV access is a large part of what makes the Outer Banks so unique. I can think of few other places that allow you to enjoy the beach so completely. Restricting or prohibiting beach access will start vicious cycles that will destroy the communities within the Cape Hatteras National Seashore. These communities are dependent on visitors. Many of these visitors have been coming to the area for generations. They enjoy the fact that they can drive their families onto the beach, bringing with them whatever gear they would like, ensuring a comfortable & enjoyable experience for everyone. Those who fish do not have to worry about limiting the amount of tackle, rods, & other gear that may be left behind if they had to strap on backpacks, juggle rods, and walk for miles to their favorite spots, treks that could become dangerous depending on time of day & conditions. Whatever a person's reasons are for visiting, all visitors SPEND MONEY. During our many trips, we frequent local establishments, contributing to the local economy through purchases at tackle shops, grocery stores, convenience stores, restaurants, gas stations, souvenir shops, as well as at the aforementioned campgrounds, hotels/motels, and house rentals. All of these establishments are visited by us multiple times within the course of a weekend. Without visitor money, local businesses cannot survive. The idea that the current closures are in the best interest of bird populations is absurd. Weather and predation are the most detrimental factors these populations face, not vehicles. There have been reasonable enclosures set up for the protection of turtles, birds, & other wildlife for years. Enclosures that people are very respectful of. This type of sensible protection is understandable, admired, and respected. It is unreasonable to close down miles of beach because a couple of American Oyster Catchers have been seen hopping around. If the Audubon Society & Defenders of Wildlife want the Plovers away from people, close down the Food Lions and Wal-Marts that these birds build their nests on. If they are so concerned with population numbers, count the many birds that inhabit Pea Island. I am angered by the role NPS has been forced to take in all this. For the most part, these are people who love the outdoors and enjoy their role in preserving the balance of nature and people so that all may enjoy the beauty of the National Seashore. Because of actions such as the Consent Decree, NPS has been forced to put up closures that prevent people from enjoying many areas. They have become tools of the Audubon & Defenders of Wildlife, a far stretch from the stewards of the National Seashore they signed on to be. People cannot enjoy a National Seashore they are not able to actually get to. We are in the process of starting a family. I want our children to experience the same amazing things we have been able to see and do, to meet the same type of great people we've been able to meet. There is a certain camaraderie visitors to the Outer Banks feel, a comfortable vibe that makes friends out of strangers, a place where you're sure to get a wave as you drive by on the beach, everyone excited to be there & share stories. On a final note, I am absolutely blown away by the section that would prohibit dogs. What?!?!? Our dog is a part of our family & a big beach lover. When she sees the rods go on the truck, she's just as excited as we are; she hops in the truck even as we're still packing up, knowing she's going to her favorite place. The current leash laws are more than enough to keep dogs away from other wildlife. I have actually never heard of a dog attacking a bird, or other wildlife, and certainly have never seen it happen. Why dogs would be prohibited is completely beyond me. "Protect" some animals, prohibit others? None of it seems to make much sense. All of the plans proposed do more harm than good to the spirit, livelihood, and enjoyment of the Cape Hatteras National Seashore. I implore you to keep the beaches open! Lisa Ensogna Winchester, VA

Correspondence ID: 14709 **Project:** 10641 **Document:** 32596
Name: Gaskill, Jr., Enoch C
Received: May,11,2010 23:10:15
Correspondence Type: Web Form
Correspondence: I endorse the Dare County, NC Board of Commissioners May, 2010 position statement on the Draft Environmental Impact Statement (DEIS) for the Cape Hatteras National Seashore Recreational Area.
 Nearly sixty years ago, Congress created the Cape Hatteras National Seashore Recreational Area as a resource to be managed for the use and enjoyment of the public - Americans and international visitors alike. Congress also provided for wildlife by establishing wildlife refuges that ring the Seashore. As the Dare statement notes, wildlife also flourishes in many adjacent areas not under state or federal ownership.
 I urge the NPS to interpret and implement requirements for wildlife and endangered species protection in ways that also protect responsible human use of the Cape Hatteras National Seashore Recreational Area, as Congress intended. I believe the DEIS proposes conservation methods of undemonstrated effectiveness based on improper statistics, and restrictions far in excess of those known to be adequate in other coastal locations. Implementing the DEIS in its current form means that the local economy will lose, visitors to the Seashore (including local residents) will lose, without any reliable assurance that wildlife will win.

Correspondence ID: 14710 **Project:** 10641 **Document:** 32596
Name: Nugent III, Alfred S
Received: May,11,2010 23:13:42
Correspondence Type: Web Form
Correspondence:

There is much not to like about this plan.

I disagree that there is adequate sound side access provided by this plan. Various parts. Drivable areas and parking spaces at the sound end of the ORV accesses to the sound which have remained open has been decreasing for years. For families the sound is a safe and benign environment when children are small. Fishing is versus child size species. The absence of surf and normally gently sloping bottoms makes for safe swimming. Non-boat access for visitor clamming and Scalloping in season is from the sound. The Haul over area north of Buxton is no longer family friendly due to the number of windsurfers and sailboarders using it. Lack of parking areas at ORV ramps and the absence of walking paths to the sound shore not associated with ORV ramps means for all practical purposes ORV access is the only realistic option for getting to the sound. Even given the hostility to ORVs, failure to provide park and walk options does a disservice to people who lack 4WDs and wish to get to the sound.

Correspondence ID: 14711 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence:

Dear Superintendent Murray,

Please accept this letter as my comment on the ORV DEIS before you at this time.

After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.

I have reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Sincerely,

Jared A. Auwarter

Correspondence ID: 14712 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: May,11,2010 00:00:00
Correspondence Type: Web Form
Correspondence:

Dear Superintendent Murray, As a member of the National Parks Conservation Association and a supporter of national parks, I appreciate the chance to submit comments on the draft plan to manage Off Road Vehicle (ORV) use on the beaches of Cape Hatteras National Seashore. The Seashore is a nationally significant resource with its sandy beaches, salt marshes, and maritime woods on the storied Outer Banks of North Carolina. This area is cherished by family vacationers, bird watchers, and many other people who enjoy undeveloped beaches. All of the alternatives presented in the draft environmental impact statement privilege ORV use over all other visitors. Overall, this approach is unbalanced and fails to conserve and protect the wilderness, birds, and turtles that make this area nationally significant. Of the six alternative plans outlined in the draft, I support the identified "environmentally preferred" Alternative D, if it is modified to include and recognize the following points. 1) The National Park Service cannot ignore its responsibilities under the Organic Act and the National Seashore's authorizing legislation to protect all visitors and wildlife and the habitat on which it depends. Conserving Cape Hatteras for future generations and protecting its wildlife must take precedence over one form of recreation (ORVs), and any recreational use is required by law to leave the resource "unimpaired for the enjoyment of future generations." 2) When Cape Hatteras was established, Congress specifically designated it a park system unit for the following reason, "Except for certain portions of the area, deemed to be especially adaptable for recreational uses... , the said area shall be permanently reserved as a primitive wilderness..." Thus, the intent of Congress was to protect the visitor experience of primitive wilderness, not ORV use. It is absolutely essential that NPS protect the pedestrian visitor experience to Cape Hatteras and allow ORV use only if it can occur without harming wilderness and wildlife resources. 3) The final Plan/EIS must assert NPS authority to adaptively manage the wildlife resources, in response to information produced by monitoring and analysis, to achieve wildlife species recovery goals. Thank you for the opportunity to provide these comments. I appreciate the hard work and dedication of the National Park Service in preserving the best examples of America's natural and cultural heritage for future generations. I look forward to seeing an improved final ORV management plan.

Correspondence ID: 14713 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 23:23:05
Correspondence Type: Web Form
Correspondence:

I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access.

This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me.

The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D:

*Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park.

* Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles.

* Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones.

Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.

Correspondence ID: 14714 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 23:25:46
Correspondence Type: Web Form
Correspondence:

Supt. Murray, I would like to make a few additional comments concerning the DEIS. It is appalling to me that NPS does not consider any type of proactive techniques for turtle and bird nest success. There are many areas on the East Coast that use captive rearing, nest relocation, and hatcheries to

ensure that both turtles and birds have nesting success. Why does the DEIS not adequately address the environmental issues that are more detrimental to turtle recovery success than ORVs and Pedestrians? Pages 392 -396 of the DEIS claim to address this, but there is no mention of the numerous weather events that drown out nests. There is no mention or discussion on the fact that current predator management and nest enclosure practices encourage goshst crab predation. Gohst crabs are the primary predator for turtle nests and hatchlings. On page 125 and page 219 of the DEIS, NPS lists false crawl statistics that prove that the theory of light pollution being a significant problem in the Recreation Area is unfounded and untrue. North Carolina Wildlife Resource Commission's Gordon Myers has stated publicly that the current closures and restrictions are excessive and unnecessary. Mr. Myers also points out that there are species that do not qualify for protective status being listed as protected. NCWRC is a main contributor to NPS decision making process for wildlife protection. If NCWRC feels that the restrictions are excessive, why does NPS continue to offer excessively restrictive plans and alternatives? A look at the NPS website shows that under the excessive restrictions of the current Consent Decree, NPS has drastically increased its predator control program to the point that each year NPS traps and kills hundreds of native species. The fact that NPS is seeing more predators can be directly related to the fact that without the human presence on the beach to keep the predators at bay, they will become more active. Does NPS plan to kill all of these native animals off in the name of protecting Piping Plovers and turtles? Are we not to be concerned for ALL wildlife in CHNSRA? Should we ignore the fact that all 6 of the alternatives in the DEIS call for a continuation of predator removal? If the goal is to protect resources and wildlife, why on earth is NPS killing red foxes, nutrias, raccoons, muskrats, dogs, cats, and other animals? This is totally unacceptable and any alternative that calls for continued predator removal should be eliminated from the DEIS. The birds and the turtles are not the only animals that have the right to live.

In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 800 page document devotes only two (2) paragraphs to analysis of cultural resource issues. The DEIS completely ignores the traditional cultural importance of surf zone access to Outer Banks communities. NPS guidelines clearly define and outline what a traditional cultural property is and how to define it. Based on these definitions, the Outer Banks surf zone is a traditional cultural property and must be thoroughly studied and analyzed as a part of any plan. This is a direct violation of the National Environmental Policy Act which NPS claims to be using as a guideline in the development of the DEIS.

The socioeconomic analysis on pages 270-281 and pages 561-598 are misleading and erroneous. There are critical weaknesses in the analyses of the statistical definition of the Region of Influence, incomplete visitation/business survey data (p.566), erroneous recreational user data, inflated overall seashore visitor counts pertaining to beach use, and flawed key assumption concerning the maintenance of access under Alternative F. These flaws are directly manifested in both the Effected Environmental and Socioeconomic Impact sections of the DEIS. Areas that are not even associated with CHNSRA or ORV use are included in the ROI and the economic impact statistics. This allows NPS to downplay the excessiveness of the restrictions to access as well as the horrendous economic impact that the restrictions are causing in CHNSRA. Additionally, NPS completely ignores data from the first FULL year under the Consent Decree (2009) and therefore does not accurately present the true impact on the socioeconomic status of CHNSRA. A true and accurate impact statement does not include areas that are not affected by restrictions. NPS should conduct a new impact study and should limit the ROI of the new study to the areas that are actually affected. Ask the local shop owners - those that live south of Whalebone Junction. Survey the local homeowners and business that are actually affected by the closures and restrictions. Do not count visitors that never even enter CHNSRA or county business statistics that include the Northern Beaches. This whole section of the DEIS is inaccurate and flawed beyond belief.

While I am appreciative of all of the hard work that went into developing the DEIS, I am greatly disappointed at the lack of exploration into alternatives that is apparent when reading the DEIS. Each alternative that is offered for choice is excessively restrictive without providing any substantial benefit to resource or wildlife management. A good long look at the current Consent Decree will show that the excessive restrictions do not offer any increased benefit to resource or wildlife management, but they do cause catastrophic socioeconomic results. NPS has taken 800 pages to offer 6 alternatives that do nothing but harm the local economy, destroy the historical and cultural way of life in CHNSRA, and prevent visitors from enjoying the beauty of CHNSRA. It is my suggestion that NPS consider the Coalition for Beach Access Position Statement as a viable alternative. This 77 page document provides for sensible closures for resource management that will protect wildlife without removing access. The Coalition has conducted a socioeconomic impact analysis that does not include erroneous figures from outside areas. It focuses on the true ROI - CHNSRA. This position paper was signed by several groups that were a part of negotiated rule making and it by far present the best alternative for furnishing an excellent visitor experience while maintaining the needs of protecting the fragile resources of CHNSRA.

Cape Hatteras National Seashore Recreation Area was developed and designated for the use of citizens. It was meant to be a place for people to come to "recreate". The alternatives in the DEIS do not support this. The Coalitions Position Statement does. Please consider the Coalition Statement as a viable alternative. CHNSRA was supposed to be for the people. Our access was guaranteed and it time for that access to be restored.

Sincerely, Cathy L. Almon

Correspondence ID: 14715 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 23:26:25
Correspondence Type: Web Form
Correspondence: My family and I appreciate the ability to drive on Cape Hatteras beaches. This type of beach access allows us to travel to areas of the beach that would be difficult otherwise. We observe the laws carefully to protect the beaches. We enjoy the natural environment at Hatteras and would not harm it. If there were signs indicating nesting areas to avoid, we would respect them.
There are few places where people that cannot afford to buy or rent beach-front property are still able to enjoy the full benefit of the beach in the same way as Hatteras Island. We return every year because of the activities we enjoy at Hatteras beaches, which frequently require off-road vehicles to access. If we were unable to access the beaches, we would likely vacation elsewhere.
We find that park rangers and other law enforcement are frequently visible and their presence felt in enforcing beach access laws. Restricting access to the beach will not prevent the occasional vandals from causing harm; it will simply prevent law-abiding citizens from enjoying a unique way to access this beautiful area.
Allowing this connection to nature helps us all want to preserve it even more. Please do not restrict a wonderful and rare privilege.

Correspondence ID: 14716 **Project:** 10641 **Document:** 32596
Name: Weston, Patricia S
Received: May,11,2010 23:26:50
Correspondence Type: Web Form
Correspondence: Date: May 11, 2010
To: National Park Service
From: Pat Weston, Avon, NC
Subject: Cape Hatteras National Seashore "Draft" ORV Management Plan and Environmental Impact Statement - Comments
The official name of the subject area of concern is the CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA, and should be referred to as that.
I strongly disagree with Alternative F being touted as the NPS preferred alternative "with Advisory Committee Input." That statement is simply NOT true.
1. Page xl: Under Alternative F American Oystercatchers, I disagree with the banning of pets from the seashore, including in front of the villages, during breeding season, which runs from March 15th to July 31st. This is simply ridiculous and is more restrictive for a non-endangered species than an endangered species.
Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues.

Year round residents of Hatteras Island communities have traditions, and many returnees their own, have used south beach for gatherings, beach and surf activities. These are things passed through generations, and enjoyed by multiple generations, together. It allows for historical identity to perpetuate and for visitors to continue their own traditions while sharing this island.

2. Page 1: I agree with your statement "ORVs have traditionally served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." However, pedestrian-only areas discriminate against individuals (such as myself) with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods and tackle, etc.) Pea Island National Wildlife Refuge, 12 miles of pristine beach lying within CAHA, more than fulfills the needs of those who desire a walking beach free of ORVs.

3. Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street or parking area, leaving the disabled person alone for the time it takes for the driver to make both his trips to return to the beach and later on to retrieve the vehicle for the return trip. This also makes an "emergency" situation much more dire, having no vehicle with which to transport the subject individual off the beach to seek medical attention.

4. Pages 97- 101: I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations.

Not allowing ORV access actually means denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. This is far excessive and offers no attempt to balance public use with resource management, again, violating the spirit of the original creation and establishment of Cape Hatteras National Seashore Recreational Area.

5. Page 104: I disagree with the proposed night time driving closures, i.e. night driving will be prohibited between May 1 and November 15th. This will force visitors off of the beaches early in the evening and prevent sunrise surf fishermen access in the morning. Please consider a more moderate night time ban if one is needed, perhaps from June 1?September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their belongings and exit the beach area.

6. Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, shell collectors and those who want to access the beaches in these areas.

7. Page 121-127: I strongly disagree with the buffers as presented. You must allow for pass-thru corridors. The proposed bird buffers are too large, blocking access to the interior sections from the two closed buffered" ends. As recently stated by Gordon Myers of the North Carolina Wildlife Resources Commission, the Park Service has given large buffers to non-endangered birds and who claims that this practice is beyond the intent of the state of North Carolina. The 1000 meter distance for the piping plover seems excessive and not founded on other scientific findings or successful operations in other areas hosting similar birds. Other precedent supports a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds need to be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS. NON-ENDANGERED BIRDS should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

8. Page 124: I disagree with the NPS practice of providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Waterbird social attraction, Piping Plover chick fledged rate, Piping Plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS.

9. I disagree with the NPS Resource Management Pedestrian/ORV Closure Policies. Nest failures are predominantly due to non-human events, according to your stats.

10. I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Spoil islands developed by man from dredging the waterways in the Pamlico Sound for channel upkeep are full of birds. The reason why so many birds? NO PREDATORS. SO, birds are resourceful. You have to count these birds and incorporate them in the stats when the NPS is talking about any so called decline in breeding pairs in the National Park.

11. Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages. Many visitors pass through Hatteras Island from the northern villages, most do not engage in activities on these beaches. Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI. Based upon the economic harm the village businesses have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. According to local business owners, beach closures have already had a devastating and unfair impact, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts. Even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits.

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13. Pages 125; 392; 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas. More proactive measures such as relocating nests prone to weather and ocean events would dramatically increase the nesting success rates.

14. Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs.] Piping Plover deaths have not been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations.

PRESERVE AND PROTECT, NOT PROHIBIT

Respectfully,

Patricia S. Weston Resident, Avon, NC

Correspondence ID: 14717 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private
Received: May,11,2010 23:27:07
Correspondence Type: Web Form
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954

Re: Comment Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan/Environmental Impact Statement--DEIS
The DEIS discusses socioeconomic impacts in Chapter Three beginning on page 270 and defines the region of influence, in for example Figure 26, as including communities as far north as Duck and Southern Shores. This seems disingenuous and to some degree permits the NPS to proclaim that the economic impact will not be as severe than if the NPS had more strictly defined the Region of Influence as simply the southern beaches, or just Hatteras Island and Ocracoke Island. These communities, especially Buxton and Frisco with its high concentration of year-round residents, have the most substantial historical and cultural links with the Seashore and will be the most harmed economically by resource closures and the reduction in ORV usage. The anticipated impact on these communities of implementing Alternative F or any of the Alternatives is intentionally muted by the inclusion of the northern beach communities.

This slight of hand is inherently unfair and calls into question the even-handedness of the NPS on a number of other controversial issues in the DEIS.

Correspondence ID: 14718 **Project:** 10641 **Document:** 32596
Name: Smith, Heidi J
Received: May,11,2010 23:29:18
Correspondence Type: Web Form
Correspondence:

I am a weekly summer visitor to the Cape Hatteras National Seashore. Until the summer of 2007, my weekly destination was the national seashore at Ocracoke. I would board the Swan Quarter ferry at 7 a.m. and within 3 hours drive into the island's northernmost beach access parking lot and make my way through the dunes to enjoy a day on what is truly the most beautiful stretch of beach in the U.S. This area is also adjacent to Beach Access Ramp #59 and until the summer of 2007 most vehicles drove in and headed farther north up the beach for prime fishing spots. So the beach remained relatively unspoiled as did my visits to the Ocracoke shore.

That all changed in 2007 when Ocracoke was named the best beach in America followed by a top 5 world ranking by Conde Nast. Soon that relaxing stretch of beach was transformed into a sandy superhighway. Novice beach drivers knew little to nothing about how to drive on the beach and even fewer seemed to understand the limitations of their own vehicles. Time and time again I watched vehicles get stuck in the sand which usually made the drivers angry or upset. Generally they seemed to be most upset by the lack of warnings that they could indeed get stuck. The most egregious offenses I witnessed were attempts to drive up the dunes, attempts at side-by-side racing Daytona style, and several near misses of an area that was roped off due to nesting. Early on I attempted to warn several drivers that they needed to observe the beach driving speed limits if they hoped to avoid a ticket but after several insulting replies I gave up on that endeavor and decided that a hefty park service fine would speak louder than words. That summer I watched park service vehicle traffic pick up as well as the frequency of beach patrols dramatically increased. It occurred to me at the time that park rangers had largely been relegated to federal traffic cops at the expense of their core duties as public educators, biologists, conservationists and overall managers of a finite national resource. I am also increasingly worried during these turbulent financial times that the park service will be forced to make financial cuts that will further erode the founding and enduring mission of the park service which is to preserve and protect the nation's wilderness habitat for future generations. That is exactly what will happen if the park service must increasingly invest time and labor in ORV management and traffic control.

As a result of my very negative experience with Ocracoke ORVs during the summer of 2007, I migrated to Pea Island during the 2008 and 2009 summer seasons. At Pea Island I was largely able to recapture the solitude found at Ocracoke in earlier years even though it meant putting many more miles on my vehicle. I am hopeful that the situation at Ocracoke has improved and will venture back over on the 7 a.m. Swan Quarter ferry the last week of May.

I am not opposed to beach driving under well managed conditions. I believe the most effective measures can and should be implemented by responsible ORV drivers. Driving on the beach, like driving itself, is a privilege. It is not an inherent right. Those who appreciate the privilege can and should be part of the policing effort. I would encourage the park service to require some sort of a public manpower match as part of its long range plan. There should also be a stringent permitting process that requires some level of driver education prior to driving on the national seashore.

Correspondence ID: 14719 **Project:** 10641 **Document:** 32596
Name: Weston, James W
Received: May,11,2010 23:29:52
Correspondence Type: Web Form
Correspondence:

Date: May 11, 2010

To: National Park Service

From: Jim Weston, Avon, NC

Subject: Cape Hatteras National Seashore "Draft" ORV Management Plan and Environmental Impact Statement - Comments

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Respectfully,

James W. Weston Resident, Avon, NC

Correspondence ID:	14720	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 23:34:01						
Correspondence Type:	Web Form						
Correspondence:	While Alternative D is the most preferable, Alternative F could be a workable compromise given several modifications: 1. Allow fishing in certain parts of Hatteras Inlet; 2. Lengthen the calendar year closure periods; 3. Set firm times for the "dusk to dawn" driving limits. I understand that many members of the Outer Banks community cannot access the beaches right now; they should be given greater access under any proposal which is created (through the construction of additional accessible areas or other means). Furthermore, their right to access the beach through driving in "wildlife safe" areas should not be (and is not being) restricted - just as with other citizens. Nobody is trying to close the entire coastline to beach driving - only a minority of areas must be protected in order to preserve the beauty of the Outer Banks. The different values conservation and recreation groups place on the Outer Banks must be preserved through a balanced management plan, though this plan ultimately requires protecting the ecosystem so that the banks are still special enough to merit being a spot for recreation. Driving-related economic can continue on the remaining coastline, and may even be able to adapt to the changes brought on by whatever management plan results.						

Correspondence ID:	14721	Project:	10641	Document:	32596	Private:	Y
Name:	private						
Received:	May,11,2010 23:53:11						
Correspondence Type:	Web Form						
Correspondence:	I appreciate the opportunity to comment on the National Park Service's proposed plan to manage ORV use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the identified "environmentally preferred" Alternative D if modified to provide greater pedestrian access. This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife, which are important to me. The following principles should underpin the park's formulation of its final plan, should it not choose to enact Alternative D: *Provide Equal Access for All Visitors. Under the National Park Service's preferred plan, Alternative F, ORVs would be prohibited year round on only 16 of the 68 total miles of Seashore beach. This does not represent a fair balance for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife. Combined with more walkways and better access facilities, this approach would provide balanced access for all visitors. Pedestrians and families could then more safely enjoy the Seashore, and wildlife could have a chance to rebound to its traditional numbers and diversity within the park. * Put Natural Resources First. Protection of the natural resources and wildlife of the Seashore should come first, and recreational use should be consistent with this protection. The preferred plan fails to set aside adequate areas that are free of ORV use year round for wildlife including breeding, migrating, and wintering species. Wildlife protection must be based on the best scientific information. Wildlife disturbance buffers in the preferred plan are minimums and should be increased if necessary to protect breeding birds and sea turtles. * Establish and Meet Clear Goals for Wildlife Recovery. A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles, and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones. Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore.						

Correspondence ID:	14722	Project:	10641	Document:	32596
Name:	Nugent III, Alfred S				
Received:	May,11,2010 23:58:03				

Correspondence Type: Web Form

Correspondence:

There is much not to like about this plan.

I disagree that the economic analysis associated with this plan is adequate. 3 examples The chart of housing growth Table 45 at page 284. A better piece of data would be new houses on the Island 2000-2009 available at <http://islandfreepress.org/2010Archives/03.02.2010-HatterasIslandRealEstateWhatIsHappeningInTheMarketForUnimprovedLot.html>. See the chart on single housing permits. You'll see the Island results are not the County results, and so the ROI definition is flawed. Request the NPS response address the Hatteras and Ocracoke micro housing markets vulnerability to beach closure effects by comparison with larger area data, ie. Dare and Hyde Counties minus villages in NPS. The data on recreational fishing fails to draw some obvious conclusions. Table 46 shows 519,000 participants for 2008 in the state. A comparison of that total to the total for 2007 would provide the context to understand the next chart. Table 47 shows a drop in Dare county license sales of over 10,500, or 10% from 2007 (93225) to 2008 (82635). This drop would need to be compared to the overall state recreational fishing participants, both in state and out of state, as in Table 46 for proper context as to the effects of the consent decree. If that drop isn't greater than or equal to 10% then you have evidence of the effect of the consent decree's harm. I request a more valid analysis of the effect on fishing license sales (a proxy for paying visitors) for the past three years, the 2009 data must be available as the license process is performed on line.

Finally the "away from home" wildlife watching definition, set at one mile, and yielding a state wide total of 686,000 is not equal to the salt water fishing requirement to actually come to the Park and Fish. To suggest some equivalence is not warranted. By that standard a life long Buxton resident who drives to the point to fish, is an away from home fisherman. If 516,000 salt water fisherman yield 83,00 sales and presumably a like ratio of fishermen on the Island, what is the percent of Birders who make it to the SeaShore? Request the NPS answer address this obvious mismatch and determine how many wildlife watchers actually come to the Park.. Note in keeping with Plover count protocols do not include visitors to Pea Island wildlife refuge in the NPS birder count.

Correspondence ID: 14723 **Project:** 10641 **Document:** 32596 **Private:** Y

Name: private

Received: May,11,2010 00:00:00

Correspondence Type: Web Form

Correspondence:

I recommend re-visiting the assumptions and restrictions which have been imposed without peer-reviewed scientific data to support them.

I concur strongly with the comments of the Coalition for Beach Access, particularly:

- the need to keep ORV and pedestrian access corridors throughout the seashore at all times
- the need to re-visit the overly generous buffers, and treatment of non-endangered or threatened species
- the grave need to re-visit the purported basis for restricting night driving

Respectfully submitted,

Chris Salp

Correspondence ID: 14724 **Project:** 10641 **Document:** 32596

Name: Corbett, Crystal

Received: May,11,2010 00:00:00

Correspondence Type: Letter

Correspondence:

Comment on NPS DEIS for Cape Hatteras

I strongly disagree with the NPS routes and restrictions proposes by their beach driving plan as being non-compliant with the ADA. We need to drive to the beach. We can not access it any other way. These restrictions prevent us from fishing at the best fishing spots.

Correspondence ID: 14725 **Project:** 10641 **Document:** 32596

Name: Corbett, James

Received: May,13,2010 00:00:00

Correspondence Type: Letter

Correspondence:

Correspondence ID: 14726 **Project:** 10641 **Document:** 32596

Name: Upton, David

Received: May,13,2010 00:00:00

Correspondence Type: Letter

Correspondence:

Correspondence ID: 14727 **Project:** 10641 **Document:** 32596

Name: Giannotti, Nancy

Received: May,13,2010 00:00:00

Correspondence Type:

Correspondence:

Correspondence ID: 14728 **Project:** 10641 **Document:** 32596

Name: Corbett, Crystal

Received: May,10,2010 00:00:00

Correspondence Type: Letter

Correspondence:

Comment on NPS DEIS for Cape Hatteras

I strongly disagree with the NPS routes and restrictions proposed by Plan F as being far too restrictive for no reason. Why has the NPS never made public a list of reported incidents where birds have been harmed. There have been no piping plover deaths attributed to Orv's

Correspondence ID: 14729 **Project:** 10641 **Document:** 32596

Name: Upton, David

Received: May,13,2010 00:00:00

Correspondence Type: Letter

Correspondence:

Correspondence ID: 14730 **Project:** 10641 **Document:** 32596

Name: Giannatti, Nancy

Received: May,13,2010 00:00:00

Correspondence Type: Letter

Correspondence:

Correspondence ID:	14731	Project:	10641	Document:	32596
Name:	Giannatti, Nancy				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Comment on NPS DEIS for Cape Hatteras I strongly disagree with the routes proposed by Plan F of the beach driving plan as being far too restrictive and negative to the purpose of the seashore. It completely eliminates some of our best fishing areas and makes others virtually impossible to enjoy.				
Correspondence ID:	14732	Project:	10641	Document:	32596
Name:	Corbett, James				
Received:	May,13,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:					
Correspondence ID:	14733	Project:	10641	Document:	32596
Name:	Corbett, Crystal				
Received:	May,13,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:					
Correspondence ID:	14734	Project:	10641	Document:	32596
Name:	Upton, Betty				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Comment on NPS DEIS for Cape Hatteras I strongly disagree with the 50-meter penalty for any infraction or vandalism of protected areas. There is not enough information for visitors at the ramps , parking areas, or walkovers. Visitors do not understand the penalty process or how it takes away more beach area. There should be bigger signs, better rope and more information distributed to visitors. The current signs and lettering are too small and look un-important.				
Correspondence ID:	14735	Project:	10641	Document:	32596
Name:	Baum, Johnny				
Received:	May,13,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:					
Correspondence ID:	14736	Project:	10641	Document:	32596
Name:	Baum, Betty				
Received:	May,13,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:					
Correspondence ID:	14737	Project:	10641	Document:	32596
Name:	Corbett, Crystal				
Received:	May,13,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:					
Correspondence ID:	14738	Project:	10641	Document:	32596
Name:	Perry, Kimberly				
Received:	May,10,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Mr Mike Murray Re: Pet Ban. My Murray, I am greatly concerned about the proposed pet ban on the beaches of Hatteras and the Soundside. My decision to live in Hatteras several days per month is directly related to live actively with my dogs. I am a responsible pet owner and have never encountered a bird nest or chick on the island. I support a leash requirement but find a six foot leash requirement to be too restrictive . Sincerely, Dr Kimberly Perry Kperry@bikewalkvirginia.org				
Correspondence ID:	14739	Project:	10641	Document:	32596
Name:	Perry, Kimberly				
Received:	May,10,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Mr Mike Murray, Re: Pedestrian Ban Mr Murray, I do not support the proposed ban on pedestrian access to beaches on the oceanfront and sound. Obesity rates in NC are at unacceptable levels. That frightening trend is not limited to this state, but extends to all regions within driving distance to Hatteras. Limiting pedestrian access on Hatteras further limits and discourages walking, swimming and other healthy activities. Please support active recreation on the seashore. Employ education versus enforcement to resolve user conflict on the beaches. I suggest an education and permitting process for anyone driving on the seashore, but suggest unlimited pedestrian access. Dr Kimbelry Perry Executive Director Bike Walk Virginia Kperry@bikewalkvirginia.org				
Correspondence ID:	14740	Project:	10641	Document:	32596
Name:	Wojciechowski, Ginger				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	To: National Park Service Received May 22 2010 I disagree on DEIS prohibition of pets in Cape Hatteras National Seashore Recreational area during bird breeding season including in front of the villages (p136). No pets in public areas-beaches-campgrounds, sound front, foot trails, park maintained roads from March 15-July 31! I do agree pets on six foot leashes year round in all areas open to pedestrians or ORV. I also agree on set fines for those who violate. I have worked with domestic animals for 28 years as a veterinary tec/ conformation and obedience trial handler. In 26 years visiting and now a resident of Hatteras Island, I have never observed a domestic animal cause harm to a bird. What peer review study or documentation was used to determine that a domestic animal did harm to the birds, resulting to a band so harsh. We consider our dachshund a big part of our family life. Please				

reconsider banding "mans best friend"
Ginger Wojciechowski PO BOX 1021 Buxton NC 27920

Correspondence ID: 14741 **Project:** 10641 **Document:** 32596
Name: Hooper, Zenovch
Received: May,11,2010 00:00:00
Correspondence Type: Letter

Correspondence: Salvo, N.C. 27972 Received May 11 2010

Dear Supt., I am writing you to tell you I don't agree with your 800 pages of "Road Vehicle Mangement Plan/EIS". The beach has always been used to drive and walk on. Some beaches are in the best position its been in a long time. If the locals and tourist can't use it, we will lose the tourist trade. They will go where they can find a beach to ride on. That will leave us in troubles. Is that what you want to see people in trouble? Right now the tourist business is doing fairly well except the carpenters are mostly out of work. I feel sorry for them. My grandson is having to sell his home and move in a trailer. He has three teenagers in school. We better try to help people like this, than bring more trouble on them. God has given us a good beach and closing the beach would interfere with our businesses, homes, and churches. The tourist attend the churches and they give to them. I can't understand how the people working under the government can even thing of doing something to harm people. When the government is for the people and by the people. The golden rule I learned is school is to love your neighbor as yourself. No where does it say to love birds and turtles better than people. God grows worms for birds to eat and He wants people to work for their food. I know he will care for both if man abides by His Commandments. I believe if our beaches are closed something bad will happen to our island. It will put hatred instead of love in people's hearts. I believe it will even cause a little war because it is our livelihood. The locals have always used it and they were promised to always to be able to use it. I stood in front of our old School building in 1936 and heard these words. One thing I do know the Park Service paid no one in Salvo for the beach property, because it was deeded to 11 heirs by Mr. Jesse Midgett and there is only 2 that got their deedes and they weren't paid. I wasn't born yesterday. I'm 91 years old. I have worked hard all my, my husband, father, and grandfather before me. Now its better for me, but it will call be in vain if the governments controls us. We will lose all, if the tourist don't come. I have made a lot of friends but will lose them. They come every year to the Motel and Cottages to enjoy the beach. You asked me when I spoke with you if I knew your Mother? I wonder if she agrees with your plans? I wish you would do a lot of thinking and praying about this. We are all Neighbors. This is my third letter. Yours truly, Zenovch Hooper

Correspondence ID: 14742 **Project:** 10641 **Document:** 32596
Name: Camp, Edith
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: Dear Mike Murray,

I am a resident and business owner on Hatteras Island. I have an art gallery (Catfish Pottery) and a vacation rental house. Given the decrease in my rental buisness these last 2 years (gallery is new this year) it seems inevitable that if plan F is enacted, boht businesses will decline. My customer base being fishing and/or water sports enthusiasts. I am baffled by the 1000 meter buffer, which is extreme in any case _ anywhere. It can only be realistically viewed as a punitive measure. The buffer alone will close most areas enjoyed by the visitors who economically support our communities. It needs to be noted again that Hatteras Island is a National Recreational Park, located within viable communities. In as much as it is mind numbing that there is little regard being shown for the communities proposed in Plan F, it is shocking that a national recreational park will, in effect, be closed to the public. There is no logic to be found in Plan F. The decisions seem arbitrary. You can pave over wet lands and yet you cannot remove vegetation to increase nesting areas for a bird that all this is being enacted for. A bird, which by the NPS data, has not increased or declined, in the past 10 years. Maintaining a steady number of pairs, despite the NPS best or worst efforts. To think that even moderate closures would not havea significant impact on communities dependent on the beach and beach activities is ludicrous. Add these strictures to the challenges of the hurricanes and road closures faved every year by the residents, and it is simply an eviction notice. That is as plain as the nose that grows longer on Derb Carter's face everytime he speaks. I would like to add my agreement and support to the public comments made by Lou Browning regarding bird habitat and Bobby Outten regarding sea turtle protection. Both based on easily available information and something else. Something that all of the proposed plans lack_common, reasonable sense.

Thank you,
Edith Camp Frisco, NC

Correspondence ID: 14743 **Project:** 10641 **Document:** 32596
Name: Krenzel, James
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: Dear Mr. Murray,

There is no greater convergence of ocean and land on the East Coast of North America than Cape Point itself. It is an unique ongoing natural event which the public is entitled to witness. An inflexible 300 meter closure intended to protect wildlife ignores the legitimate concerns of those who can pass on foot at the ocean's edge to Cape Point. The whereabouts of piping plovers are constantly mointored and they can be kept only out of harm's way as needed. A dollar value is not been given for the protection of a species yet that value is no greater than that of the healthy interaction by individuals with this particular place.

Sincerely,
James Krenzel Buxton, May 2010 MFA Painting 1972 Yale University

Correspondence ID: 14744 **Project:** 10641 **Document:** 32596
Name: Medlin, Sonya
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: Dear Mr. Murray,

I approve of protecting wild life but at what cost to humans? Voters-Taxpayers-U.S Citizens I disapprove of the 1000 meter pedestrian and OVR closure in all directions (Alt. F P. 121-127) Piping Plover. I disapprove of the 300 meter pedestrian and OVR closure i nall directions of the American Oystercatcher (Alt F P. 121-127) This bird is not a federally threatened species. I disapprove of OVR's being prohibited year round between ramps 27 & 30, at Hatteras Inlet, Ocracoke Inlet and various other locations (Alt. F p. 97-101) I disapprove of pedestrian access being prohibited from March 15 thru July 31 in 8 different beach locations which have been traditionally been available (Alt. F P 121) I agree that glaring shortcomings in Alt F include: 1) Out of the 810 pages that detail all aspects of the plan, only two paragraphs are devoted to the analysis of the preservation of cultural resources, even though this action is required by the Nat. Environmental Policy Act. 2) The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the island, region, and state of NC. (P270-286, 561-598) The U.S> Park Service answer: Businesses will have to "adapt" to the new rules. (P383) The negative economic impacts of the decree "Are Known", so to say that the added restrictions would have negligible to moderate impact is indefensible.

Sincerely,
Sonya Medlin

Correspondence ID: 14745 **Project:** 10641 **Document:** 32596

Name: Medlin, Tim
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: aa

Correspondence ID: 14746 **Project:** 10641 **Document:** 32596
Name: Medlin, Tim
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray,

I approve of protecting wild life but at what cost to humans? Voters-Taxpayers-U.S Citizens I disapprove of the 1000 meter pedestrian and OVR closure in all directions (Alt. F P. 121-127) Piping Plover. I disapprove of the 300 meter pedestrian and OVR closure in all directions of the American Oystercatcher (Alt F P. 121-127) This bird is not a federally threatened species. I disapprove of OVR's being prohibited year round between ramps 27 & 30, at Hatteras Inlet, Ocracoke Inlet and various other locations (Alt. F P. 97-101) I disapprove of pedestrian access being prohibited from March 15 thru July 31 in 8 different beach locations which have been traditionally been available (Alt. F P 121) I agree that glaring shortcomings in Alt F include:
1) Out of the 810 pages that detail all aspects of the plan, only two paragraphs are devoted to the analysis of the preservation of cultural resources, even though this action is required by the Nat. Environmental Policy Act. 2) The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the island, region, and state of NC. (P270-286, 561-598) The U.S> Park Service answer: Businesses will have to "adapt" to the new rules. (P383) The negative economic impacts of the decree "Are Known", so to say that the added restrictions would have negligible to moderate impact is indefensible.
Sincerely,
Tim Medlin

Correspondence ID: 14747 **Project:** 10641 **Document:** 32596
Name: Spiess, Sharon
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray,

I am writing you today in order to voice my concerns about the Cape Hatteras National Seashore Recreational Area Draft Off-Road Vehicle Management Plan/Environmental Impact Statement known as DEIS. I agree that our beautiful beaches and wildlife should be protected for the enjoyment of all people and the proliferation of all the species of birds, turtles, and animals living here. I disagree with the following statement on page 210 which says, "Even with resource closures in place, protected species are still at risk (from pedestrians and ORV's)." The facts are that there have been no Piping Plover deaths attributed to ORVs; ORV violations are continually decreasing as signage and education improve; and pedestrian violations are much more significant than ORV violations. Which, by-the-way, only 3% of nest failures were caused by human interference. This is an insignificant impact that should not cause such restrictive measures to be taken against pedestrians and ORV users. I disagree with the around the clock closure from each turtle's nest to the surf line as stated on page 125. I would agree to an effective measure to closure to the surf line from 1 hour before sunset until dawn with the nest being monitored by a Turtle Night Nest Watch Team. This would ensure the safety of the hatchlings and the use of the beach for all people, local and/or visitors. I disagree with the statement on page 377 that says, "ORV and other recreational use would have long-term major adverse impacts on sea turtles due to the amount of seashore available for ORV use and by allowing nighttime driving on the beach. There have not been any major adverse events at the Recreational Area so, therefore, night driving restrictions are unnecessary. Limiting the use of the beach in such restrictive measures as the above mentioned and many more in the DEIS area affecting our economy severely in an adverse way. We rely on the tourism for our jobs and therefore, our income. The purpose of the DEIS as set for in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. There are only two paragraphs in the 800 page document devoted to analysis of cultural resource issues. Why does the DEIS ignore the traditional cultural importance of surf zone access to Outer Bank communities? I have been a resident of Frisco on the Hatteras Island since June 1978 and am a property owner. My husband and I built our home in 1992, raised our two children, and now enjoy our two grandchildren visiting with us. We have long enjoyed the beach and the sound and now my husband is also a commercial fisherman. His cabinet business relies on the success of other home owners who either need new cabinets for their personal homes or for their rental cottages. We have experienced a great reduction in his cabinet business over the last two years because of the economy. The restrictions outlined in the DEIS will further cripple us economically due to a reduction in tourism. I own an in-home day care which relies on the children's parents having jobs because of tourism. The NPS Guidelines state, "A traditional Cultural Property designation can and should be based on patterns of land use that reflect cultural traditions valued by the long term residents of the local community." My family and I are certainly long term residents of the local community. I stated earlier that I agree with protecting our beaches and wildlife. I just ask that more consideration be given to all of the inhabitants of our Outer Banks. Please look into other measures which will be less restrictive for people to be able to enjoy more access to our beaches such as relocating nests before storms and above the high tide line. Thank you for your kind consideration. Sincerely,
Sharon H. Spien

Correspondence ID: 14748 **Project:** 10641 **Document:** 32596
Name: Patrick, Olive
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murry,

I am sorry that I missed the meeting at The Rodanthe, Waves and Salvo Community Building on May 5, 2010. I am writing to put my complaint in concerning the closing of the beach on Hatteras Island. I was born and raised here in Rodanthe. It is so hard to believe what is happening on our Island. I just talked to someone last night from W. Virginia that looks forward to coming here in the Spring and Fall of the year on vacation in order to visit with friends on the beach, in order to fish and watch the sun rise. This law will affect so many peoples income. Also the Churches which depends on these people in order to survive. I am a Christian and I am praying that a miracle will take place. I feel that God isn't pleased in the plans to close our beach. He takes care of the birds and turtles and Man and Woman (or humans) are much more important, as many depend on the income to live on this time of year. Please reconsider and don't do this terrible thing. One day will we face Our Maker and I want to be told "Well done, My Faithful Servant." Please help us! May God Bless You!
Sincerely, Olive O. Patrick

Correspondence ID: 14749 **Project:** 10641 **Document:** 32596
Name: Mason, Linda
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mike Murray,

Something smells fishy about hte NPS' plan to close areas of Cape Hatteras I've enjoyed as a visitor for over 30 years. I have read that to protect the piping plover nests (not a federally recognized endangered species), the turtles and other species, the NPS will close areas that have brought fishermen, swimmers, and all others together on this Cape Hatteras National Seashore Recreational area. These areas were not designated to be a wildlife preserve, like Pea Island, but a recreational area for people to come and enjoy from all over the world. The 1000 meter buffer proposed to protect the plover nests sounds like most of the beaches would close. The folks who say "you can fish anywhere" obviously don't fish-and swimming and fishing areas don't

mix. The special beauty of Cape Hatteras Point and the Inlet is what has drawn me to this place for so long. To close the beaches would deny people the experience of appreciation and enjoyment that makes them want to protect the beaches and all of its birds and wildlife. Can't the Park Service come up with a plan that would include the well-being of the visitors, the community, and the wildlife? Sincerely,
Linda Mason

Correspondence ID:	14750	Project:	10641	Document:	32596
Name:	Beck, Elsie				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	I have my doubts if this letter will ever be read. So I have to ask the question do you and who ever is responsible for trying to this unspeakable thing have in ideas what this is going to do to the people of Hatteras Island and all the people that invested in housed on this Island. No one wants to destroy birds or turtles God made them just as he made us. He gave us dominion over them, but not at the live hood of people. The 1000 m is asking to much I feel there is a better way for the birds and people Please pray about what you are trying to do and reconsider.				
Correspondence ID:	14751	Project:	10641	Document:	32596
Name:	Beck, Horatio				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	I was born on Hatteras Island Aug 17, 1940. I have been a commercial fishermen must of my life and still am. I am also a property owner who has rental property with large mortgages. Please! And again I say Please! do not ruin my island by closing the beaches on Hattras Island to ORV and pedestrian and destroying our tourist industry. Also the things that I have enjoyed since I was a boy.				
Correspondence ID:	14752	Project:	10641	Document:	32596
Name:	Buhler, JoAnn				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	I agree that we the people do need to be aware of everything and everyone in our environment. I disagree with the way this matter is being handled with no regard to the human population. This effects all aspects of life on the Outer Banks. From visitors to people that choose to make this their home because of our seashore, beaches, soundfront, and all it's activities to be enjoyed.				
Correspondence ID:	14753	Project:	10641	Document:	32596
Name:	Hagedon, Sam				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Dear Mr. Murray, Good luck. Thanks for your patience. If I could be king for a day I would change two things in the DEIS. 1st Buffer Zones. Make them as small as possible. 2nd Shifting closures. Close an area and make it static. If people really bother nesting behavior etc. the birds will go to the close areas (think Pea Island) Yours, Sam Hagedon PS It goes against the grain to punish the whole community for vandalism caused by ??				
Correspondence ID:	14754	Project:	10641	Document:	32596
Name:	Shea, Jacqueline				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	My name is Jacqueline Shea 1) I wish to voice my objection to DEIS alternative F as per pages 121-127. Reasoning the buffer zone is 1000 meters in all directions. There is no science behind this buffer zone. I feel 200 m is large enough space to provided ample protection for these birds. 2) Corridors DEIS roman numeral 12-17 pg 468. Corridors are only allowed in management area Level 2 portion of SMA's. I believe there should be corridors in all areas to allow people access to this Public National Park. Sincerely, Jacqueline Shea				
Correspondence ID:	14755	Project:	10641	Document:	32596
Name:	Clay, Jimmy				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	I do not think that driving on the beach hurts the birds as described in the DEIS on page 119. Giving 771 acres to a single bird does not seem logical or right. I disagree that 10% of the people can tell 90% what to do Jimmy Clay				
Correspondence ID:	14756	Project:	10641	Document:	32596
Name:	Schwester, Eugene				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	I am totally against putting page 104 in the DEIS! It forces fisherman off the beaches when the best fishing occurs from just after dark and to just before dawn. Since bird activity is nil at these times it makes no sense to institute this restriction into the ORV plan. Please omit page 104!!! Thank You. Sincerely, Eugene J. Schwester				
Correspondence ID:	14757	Project:	10641	Document:	32596
Name:	Schwester, Audrey				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Regarding DEIS pages 121-127. The New Jersey Sandyhook Park allows access by hundreds of thousands of visitor reach year. Birds and people coexist. Why should the CHNS be any different?? This has become a fiasco! It is a disgrace to our American heritage and must be stopped. Use the money to prevent terrorists from disemboweling the USA. Thanks Audrey Schwester				

Correspondence ID:	14758	Project:	10641	Document:	32596	
Name:	Rothman, Phifer					
Received:	May,11,2010 00:00:00					
Correspondence Type:	Letter					
Correspondence:	As a resident of the Outer Banks, and not a member of any group involved in the process, I fully support the service's plan. I consider the financial objections exaggerated and believe they are based on the effects of the bad economy and not the effects of the service's efforts to protect the wildlife.					
Correspondence ID:	14759	Project:	10641	Document:	32596	Private: Y
Name:	private					
Received:	Apr,29,2010 00:00:00					
Correspondence Type:	Letter					
Correspondence:	<p>I am Ted Hamilton, a native Tar Heel, who has owned a house in Salvo since 1971 and a visitor to the area prior to that. Even having seen the area evolve over those years. I still wish to state that I fully support the Coalition for Beach Access DEIS Assessment (4/13/2010) as contained at the following web site. http://www.obpa-nc.org/position/assessment.pdf</p> <p>Of particular note is the Coalition Access Alternative Positions shown in column 3 of the matrix on pages 8-10 of the assessment and the Comments shown in column 4. Additionally of note is the Coalition proposed bird buffer distances on page 12 and the proposed turtle closure revisions in pages 15 - 16.</p> <p>I believe these Coalition Alternatives strikes a far better balance for human access vs resource protection and is based on experience, observations and data more specific to the Seashore than the NPS Alt F. This is further evident from the document's supporting information. Further the following web site contains the Coalition Position Statement (3/5/2010) [updated 4/6/2010], that further justifies the rationale behind the Coalition Assessment and the Access Alternatives offered by the Coalition. http://www.obpa-nc.org/position/statement.pdf</p> <p>I request that each aspect of the Coalition Alternatives that differs from the NPS Alt F be specifically addressed by NPS and that I and the rest of the public be provided the NPS rationale for either acceptance or rejection of each particular differing aspect. A response of this sort is indicated by item 1 of the ground rules I was given at the start of this meeting.</p> <p>Finally, for those who say only a small percentage of the Seashore is being affected. Well the closures proposed in NPS Alt F for the Inlet Spits, Cape Point and the South Beach are like closing Old Faithful in Yellowstone. Yes there is more beach just like there are more geysers. But all beaches just like all geysers are not equal.</p>					
Correspondence ID:	14760	Project:	10641	Document:	32596	
Name:	Quillen, Howard					
Received:	Apr,29,2010 00:00:00					
Correspondence Type:	Letter					
Correspondence:	<p>The preferred Alternative F for the management of Cape Hatteras National Seashore and Recreation Area as defined is over restrictive and excessive in natural. I believe that a more balanced approach to preservation, conservation and recreation can be achieved. A few examples are as follows:</p> <p>Species Management: page 468 Piping Plover - Current plan as well as proposed states that a 1000m buffer zone around the area of a nest be employed. The suggested parameters are 300m-1000m. The current maximum practice on CHNSRA has not increased the fledged chick count. It is a well know fact that vehicle traffic is less disturbing to a nest than pedestrian traffic. If a vehicle rides by, a bird will sit on the nest. If someone approaches on foot, the bird will leave the nest. The primary reason for failed piping plover nests are not due to human intervention, it is due to weather and predation. Furthermore, activity in the area actually helps to diminish predation due to consistent activity. By reducing or stopping activity in the area, we are increasing the likelihood of predation.</p> <p>Implementing a flexible buffer zone (page 121-127) that allows traffic to pass will serve to the best interest of all. Starting with the 300m zone and increasing when and IF necessary as the chicks hatch depending on which way the chicks go to feed, the zone could be expanded. Once the chicks have fledged, remove the buffer zone and return the beach to normal activity (page 87).</p> <p>This management process is employed where I live. Assateague Island NPS management works very cooperatively with the OSV community and routinely have good results. Last year we averaged 1.38 chicks per nest.</p> <p>To further assist the increase of fledglings, a pro-active management system (page 124), where by management of habitat, vegetation and natural predators to facilitate a more conducive environment. would greatly help the plover thrive.</p> <p>In the Species Management analysis, one must include all areas of a region in order to determine the effectiveness of management programs and not focus on selected areas. Sea shores change daily, thus changing the habitat. When areas are created either man made or by natural and are conducive to bird procreation, they must be included in the overall management of the species.</p> <p>Turtles - In any give year, approximately 40% of turtle nests are lost due to storm activity and predation.</p> <p>Again, the current management approach is over reactive to over restrictive. Major Adverse conditions (page 369) have not resulted due to night driving. The current practice of restricting night driving (page 125) on the beach will do little increase the survivability of turtles.</p> <p>In order to truly assist the turtle population, improved management should be employed . Since the female turtle, leaves the nests once laid, the nests should be moved (page 86) in order to truly protect it from storm activity and predators. It is understandable that the eggs should be allowed to hatch naturally due to the turtles behavior. However, it seems appropriate and prudent to help the survivability by something as simple as moving the nest, if in fact we are serious about helping the turtles.</p> <p>It is common practice for the nests to be moved when there are expected storms. Unfortunately, it is often too late to attempt to move that many nests and many nests are lost Utilizing management techniques that allow vehicle and pedestrians to pass at night is a more balanced approach than simply shutting down the beach. Additionally, CHNSRA has a lower false crawl ratio than that of other areas that does not have the lighting that Cape Hatteras does. There is precedence of other turtle management techniques employed in other locations along the eastern seaboard as referenced on page 86-87. The DEIS identifies the various risks of moving nests. These risks must be competently weighed against the benefits and contributing economic impact that an OSV management plan is and will certainly have on Cape Hatteras.</p> <p>Socia-Economic Impact CHNSRA has long been a summertime vacation spot and a spring and fall fisherman's attraction. This has helped every village and community thrive. These villages, culture and activities pre-date the National Park Service presence and management by many decades. Alternative F overly restrictive practices of resource manage will further cripple the economy and people's lives. Under the current consent decree, the economic impact has been severe and devastating in many cases. When this impact was voiced to the National Park Service, there answer of "Businesses will have to adapt" (page 383), is short sighted and unacceptable. Adaptable management plans must be put in place that will allow the cultural history of the Outer Banks to be preserved, businesses to thrive and seashore wildlife and habitat to thrive as well. This rich and proud heritage is acknowledged on pages 15, 18, 83 and 259-260. Yet the data provided in the DEIS (pages 270-281:S61-S98) provide incomplete and misleading information.</p> <p>Examples of this are over generalization of the specific area this management plan will address. The DEIS includes areas that minimize the true impact to the OSV areas. While understood, the management plan must incorporate these areas for management, it should account for the unique uses employed in the various area of the seashore and be managed accordingly. The DEIS reads as if the US Government is willing for sacrifice these small villages, culture, economy, people and way of life by putting reactive and overly restrictive management regulations in place. The more commercial areas of the seashore will not experience the significant impact these villages will due to the current lack of OSV access or other large business entities. An economic impact study for the CHNSRA should have been done independent of the DEIS. The larger resort data obscures the smaller villages true impact.</p> <p>Simply put, when the current management techniques are proving inadequate, doing the same thing in a more restrictive manner will not change the results. Change for the sake of change and employing overly restrictive reactive management will not achieve the long term result we all want. Regardless of what rules are in place, violations will occur. Punish the guilty, not the general public. The NPS must employ adaptive management in the many areas it has under its control. Most areas should be multiuse areas that allow both pedestrian and OSV access. Rarely is there a need to restrict one</p>					

or the other all year long.

In closing and I hope and pray that the NPS and the US Government do not implement these alternatives as stated in this DEIS due to the severe impact it will have on CHNSRA and the ripple effect it will have throughout America by setting a precedence for other National Parks to follow.

Correspondence ID: 14761 **Project:** 10641 **Document:** 32596
Name: Boys Jorlett, Joel and Elizabeth
Received: Apr,29,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray: We disagree with all of the proposed [draft] Environmental Impact Statement Alternatives put forth by your office for the following reasons. These reasons also apply to the Consent Decree under which the park is currently operating. The size of buffers [bird enclosures] have no known scientific basis. Other National Parks have enclosures for the piping plover of 200 meters but Cape Hatteras National Seashore [CHNSI has established enclosures of 1000 meters. Establishing enclosures for bird that are not threatened or endangered. No known flexibility within the CHNS... nesting areas on the inland side of dunes result in closures on the ocean side of the dunes. Are chicks really going to walk over the dunes? Allowing formerly open areas of the park to become overgrown with vegetation. Not providing for draining of flooded areas in the park. Closures from the dune line to the ocean without access corridors yet birds have nested next to Highway 12 with no apparent impact on nesting. Counting miles of beach open but accessible only by water...this is misleading to the general public. This is a national "recreational" seashore not a wildlife refuge but actions of the CHNS would lead one to believe otherwise. It is apparent to us that every year more and more acres of the parks are being closed year round to use by visitors...not all visitors to the park just want to use the ocean beach areas. In regard to the park area west of the ferry dock...numerous sound access points were lost during past storms but the CHNS has taken no action to reopen or establish access points to the sound. It is clear to us and many other users of the park that numerous acres of the park are lost each year to administrative actions or inactions...these losses are exclusive of action taken by mother nature! No mention of provisions afforded individual with disabilities. CHNS has done very little if anything to provide for the disabled over the years. We believe that the American with Disabilities Act should be taken into consideration in all actions taken by the CHNS. You are quick to protect birds not threatened or endangered but what about providing for the disabled? On the CHNS NPS website in the "Nature and Science" section there is a reference to the piping plover as "endangered" when in fact the bird is "threatened". Statements like this on the official NPS website are misleading to the general public. Just how much more false and misleading information is in documents published by the NPS relating to the situation at hand? We assumed that the credit to "Sidney Maddox" was for the picture of the piping plover and hopefully not the statement that the bird is endangered. We believe that both humans and animals can use the park jointly but feel that the humans are not getting a fair shake...the park was established as a "National Recreational Seashore" and not a wildlife refuge. Respectfully, Elizabeth Boys Jorlett Copy furnished: The Secretary of the Interior The Director of the National Park Service

Correspondence ID: 14762 **Project:** 10641 **Document:** 32596
Name: Valchet, Dave
Received: Apr,29,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am opposed to all of the alternatives presented in the DEIS because they are all flawed in the fact they diminish the existing visitor experience and do not recognizing the socioeconomic and cultural resource impacts. In the effort to manage wildlife, pedestrian and ORV usage is being unfairly portrayed as a significant factor affecting nesting success of birds not even listed on the ESA. The proposed buffers for nesting birds are not based in peer reviewed science, and are not standards used anywhere else on NPS managed lands. In essence the public is being penalized where predation and storms are the true factors to lack of success. This diminishes the existing visitor experience. This Seashore is unique from all others in that multiple villages and communities exist inside the boundary of the park. Impacts to these town and communities are more acute then to surrounding communities whenever the Parks Service institutes rules. I don't believe the alternatives in this document have properly evaluated the socioeconomic and historical and cultural impacts to these communities contained therein. The large ROI mentioned is too large to adequately assess the economic impacts to the villages. And very little is addressed in terms of historic access to the shoreline. Please address these deficiencies in the final document.

Correspondence ID: 14763 **Project:** 10641 **Document:** 32596
Name: Myer, Merrill
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Cape Hatteras Comments
MERRILL MYER 760 ASPEN CIRCLE Red Hill, PA 18076
I disagree with closing ramp 1 north of Oregon Inlet. It is needed to take fishing pressure off of Ramp 2 and 4. It is OK to close it seasonally, late May to late August, but needs to be open the rest of the year. I disagree with your closures from Ramp 4 to Oregon Inlet. This should be left open at all times. By your own records, this is not a breeding area for endangered species. With the exception of the seasonal closures in the village areas, I disagree with closing any areas on Hatteras Island with consideration given to nesting areas. These areas should have seasonal closures ? not the ridiculous 1000 meter as proposed.
Thank ? you, Merrill Myer 5/6/10

Correspondence ID: 14764 **Project:** 10641 **Document:** 32596
Name: Lamm, Kimberly
Received: Apr,29,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am responding in regards to the recent review and possible implementation of banning ORV access to driving on the beaches in Hatteras, NC. I have been spending my summers with my friends and family on the beaches of Hatteras for more than 20 years. Though I only live 40 minutes away from Virginia Beach and could easily save time and gas by going there. I chose to drive 2 hours away to spend whether it's a day at the beach, a weekend at the KOA campground or my yearly week long vacation in Hatteras. Why spend the extra time and gas for one beach over another, the simple answer is the experience and pleasure of driving on the beach. [cannot imagine a day going to the beach and not being able to drive to our spot, park and spend a quality day with my family and friends. We frequent Hatteras throughout the year and a lot during the summer, spending our hard earned money in food, gas, lodging, and shopping throughout Hatteras Island. If ORV is to be banned from traveling on the beaches, then I will not go to Hatteras anymore. I have meet many of the hard working residents/business people with our many trips to the Outer Banks area. Upon our return we are greeted and remembered for our returning business. These local business people have become friends as well. If the closure of the beaches to ORV is allowed, then the future of the surrounding towns will be in jeopardy. People will not vacation in an area that they are not allowed to enjoy what they want to the most and that is to drive on the beach. Whether it is surfing, fishing, swimming, or just playing on the beach with the kids, the way to get there is by driving. It is an experience like no other. I understand the need to protect and preserve the wildlife, but is it really at the expense of these towns. I live near a water way and actually have the

same bird, the piping plover that nests in my yard annually. I do not have to quarantine off the yard and neighborhood and yet with 2 kids and 2 dogs this bird survives and returns every year. Charles Darwin a great scientist discovered something, it was called EVOLUTION. Animals learn to adapt and survive in their environment. The destruction that is claimed to be from ORV cannot be as damaging as the storms that batter this island such as the ones this past year. Can we stop Mother Nature from her damage? Over the years, my experience of driving on the beach has been one of a positive. I rarely see anyone destroying dunes or wildlife areas just for the heck of it and most people leave the beaches cleaner than they found it. The recent vandalism is just an outbreak of stupidity during this conflict with the wildlife lovers and the ORV people. The Alternative to support would be one that continues to allow ORV access to the recreation areas that are currently established. I do not feel that banning ORV access to the beaches and providing parking lots is the answer. Since this is a Federal property and my taxes dollars are used, I do not support this kind of unnecessary spending. To line the beautiful Hatteras Island with parking lots would be a travesty. Please save our way of life and our tax dollars.

Correspondence ID: 14765 **Project:** 10641 **Document:** 32596

Name: Pitt, Alan
Received: Apr.29,2010 00:00:00

Correspondence Type: Letter

Correspondence: All, My name is Alan Pitt. I live in Richmond, VA, and have had a summer place in Frisco NC since 1993. Thank you for allowing me to speak. I have read these entire 800+ pages of the ORV DEIS, and I feel it is a gross misrepresentation to claim that this is only regulatory toward ORV use, as it proposes mandates that encompass every single beach related activity from kite flying to pedestrian and pet access in the Seashore for the next 10-15 years.

The two preferred Alt's in the DEIS, (Environmentally Preferred "D", and NPS Preferred "F"), set forth the most stringent protocols used in any National Seashore or park. If the lack of success toward species recovery after 2 seasons of similar measures under the Consent Decree is any indicator, these proposed measures are likely to fail as well, all while devastating the local economy and putting undue pressure on all user groups who visit the park through overreaching, confusing and dubious regulations.

Pedestrian closure violations are by far the most numerous year after year, yet education and permitting for this user group is not required, and there are no instructional signs at pedestrian entrances to ORV zones, which leaves this group the most uninformed within the park.

Few will argue that increased resource management is needed as user numbers rise, but the management techniques touted in the two preferred Alt's have not shown significant successes when in practice under the CD, as predation and overwash continue to be the greatest concern for sensitive species in CHNSRA, not ORV's or human disturbance. Large buffer closure and buffer sizes allow for more unrestrained movement of predator species, and the lack of ORV traffic in said closures allows for denser vegetation growth, creating more and larger areas of predator habitat within the areas that are supposedly being protected.

The NPS' lack of habitat creation and management policies, in particular at Cape Point in relation to PIPL habitat, is especially troubling. Fairly reasonable and practical long-term vegetation mitigation surrounding the ephemeral ponds on Cape Point could vastly improve PIPL habitat. Doing so could negate the need for massive and long-lasting closures of this all important visitor destination, all the while helping with shorebird recovery numbers.

Ever increasing levels of predator trapping and removal operations within the seashore have shown little to no improvements for all the effort and loss of life involved for the targeted species, and this policy is quite troubling for many. There can never be a totally predator-free ecosystem within the seashore, so it makes perfect sense to manage the predator habitat such that they are separated as far as possible from the critical habitat needed for species recovery efforts. The fact that this fairly simple and totally plausible management strategy is not seriously entertained within the DEIS is appalling.

Massive turtle closures and other stringent regulations under the CD have shown no appreciable beneficial effects, as nesting numbers within the park have mirrored those at PINWR, statewide and along the entire Atlantic seaboard, where the CD mandates were not in place. Large closures allow for more unrestrained movement and burrowing of Ghost Crabs within the fencing. Light abatement enclosures made from solid-weave materials further exacerbate the predation issue, as ghost crab and other mammalian predators are given a visible target for the location of the egg clutch. These light barriers also trap blowing sand within them placing further weight and depth of sand upon the eggs, and they are notorious for trapping water and/or causing erosion over the egg clutch during period of overwash, putting the eggs and risk of drowning. Once again, PINWR uses protocols quite different and more effective than those just 60 miles southward.

After reading the entire DEIS, it becomes clear that ORV use, in all terms other than species concerns, is benign to the ecosystems and habitat of CHNSRA. From study topics such as sand/soil compaction, soundscape/viewshed degradation, pollution, visitor use and experience, most of these are shown to be long-term negligible, as the dynamic nature of the seashore negates any and all impacts to the short term. ORV use is not causing any appreciable negative impacts outside of species concerns, which in turn shows that ORV's can and should continue to be used on the seashore beaches in their cultural and traditional roles, in balance with reasonable, practical and flexible species protections.

The single most troubling aspect of the entire DEIS is the recommendations within the AMOY section in Chapter 2, Page 136, Table 13, Alt F that states "... Prohibition of pets within the seashore during breeding season including in front of the villages, and establishment of breeding and non-breeding SMA's would benefit the AMOY". This sentiment is repeated in reference to AMOY several more times throughout the DEIS, and a reference to PIPL on Page 66 of Chapter 2 reads "Pets should be leashed and under control of their owners at all times from March 15 to July 31 on beaches where PIPL are present or have traditionally nested. Pet's should be prohibited on these beaches from April 1 to August 31 if, based on observations and experience, pet owners fail to keep the pets leashed and under control" Nowhere in the DEIS cited studies for AMOY is there a mandate for total pet exclusion, only restraint. Also, out of the 12 National Seashores nationwide, on two deny pet entry, and both are bound to do so by Florida law, not species protection mandates. Per 2009 NPS field summaries on violations, the vast majority of closure violations involving dogs involve humans as well, as there are very few documented cases of unleashed dogs entering closures by themselves.

Make the penalties for violations severe, and enforce them, but do not deny access to the beloved members of our extended families for dubious reasons and unproven expectations. These portions of the DEIS are absolutely unacceptable, and should be stricken, as even the environmentally preferred Alternative D makes no mention of such drastic measures against our domesticated non-human family members.

In closing, I can state that I will lawfully abide by any and all measures enacted at the end of this affair, but I fully expect that if these measures are implemented, they will continue to fail as the did under the consent decree, resource numbers will continue to fall short of their marks, and visitor experience will suffer alongside the local economy.

Let us hope that the economy and livelihood of an entire island, along with its irreplaceable human culture and the quality of life the locals deserve, are not destroyed by your experiments in biology. Good Day.

Correspondence ID: 14766 **Project:** 10641 **Document:** 32596

Name: Lent, Dennis
Received: May.01,2010 00:00:00

Correspondence Type: Letter

Correspondence: Dear Mr. Murray, My name is Dennis Lent and I am a property owner on Hatteras as well as a kitesurfer and a friend to animals and the environment. I am not rich. I bought a house on Cape Hatteras in Avon because of its beauty, beaches and the pleasure I'd received from visiting there for many years. I own no other house as I rent an apartment locally. I must rent my house to make my mortgage payments.

It is my investment, my bank account, and virtually all my money is spent on it. The NPS beach closures have virtually driven me towards bankruptcy and foreclosure and the loss of EVERYTHING I worked for 30 years to amass. My rentals used to 100% in the peak summer months. Ever since the first closure a few years ago my rentals have steadily decreased. Last year I booked 50%. Quite frankly, the fisherman are not coming as they used to and now that beaches may be closed, especially under the Draconian plan F, right in front of my house's beach access, I think the rest of the people may decide to go elsewhere. As I said, I am not rich, don't have unlimited assets like the Audubon Society, and these closures are killing us that own property here. My block has 11 houses on it. Last year 6 were foreclosed on. If this year is like last year by Dec. I'll be next. I guess the Audubon Society and NPS will only be happy when Hatteras Island is a ghost town, as vacant of humans as Pea Island. You may feel otherwise but the general population's

perception is the NPS and the birders could care less about their fellow human beings. I would be more humanely treated if I was a bird or an endangered slug.

It seems like the NPS has a grudge against everybody but the Animals First crowd (most of whom have never even stepped on Hatteras Island and have no economic, social or recreational ties to the island). Even the punishment for "transgressions" is to punish us like we're children, in that I mean because somebody decides to deface a sign we are ALL punished by having the enclosures enlarged. How does that even further the alleged purpose of the closures? It doesn't one bit. Its keeping the whole class after school because one kid acted up.

How does the NPS even know that its not a bird lover trying to enlarge the closures? Sounds almost paranoid but isn't the NPS treating the "anti closure" people as a big conspiracy?

I love how the birders always portray this as "anti ORV". They use that as a rallying cry but its really people they are against. That is the crux of the issue. They will not be satisfied until the entire island is vacant (except for the birders and NPS personnel who will be driving their vehicles off road to "monitor" the beaches). I think that is the problem that most people on the island have. They are trying to be reasonable and steward the environment as well as continuing to survive here but the NPS and the birders are not being reasonable at all. That is why the frustration is building to critical point. People are finally coming to the conclusion that this is all headed to the entire island being off limits, not to vehicles but to people. And option F puts the nail in the coffin.

Option C is the only option that will allow the island to survive. I think, in general, people have actually, despite all the vitrol, been more than tolerant to an entire lifestyle being disrupted, both financially and recreationally. It boggles the mind to think that we, as a group, are subject to enhanced closures due to a few bad eggs or misguided individuals. It is not so much the ORV restrictions as it is Human Being restrictions. I thought the NPS to be a mediator, by that I mean pro birds/turtles but also pro human being. Option F basically makes the NPS the strongarm of the Audubon Society rather than an independent agency. It is also interesting that even Option C still requires more closures, more penalties, than the status quo. Where is the human being friendly approach? I guess that is not even an option. Our choices are to get hit in the head with one stick, & o sticks, three sticks or a bat. Gee, I guess I'll take getting hit in the head with one stick rather than being completely knocked out.

I also am a kitesurfer and cannot think of a more benign use of the environment. The impact on the environment, if any, is minimal, as is surfing, windsurfing and kayaking. With roughly 60 miles of beachfront I cannot understand why closures to such extent exist and that an EVEN HANDED approach cannot be done. The reason the parties could never come to an agreement is because of the overreaching, unbending resolve of the "birders" to shut the entire island down. I know it doesn't matter to the NPS but its hard to find any one locally that is pro birder. Once again, please adopt Option C if you must subject us to a plan. OUR FUTURE IS IN YOUR HANDS.

Correspondence ID: 14767 **Project:** 10641 **Document:** 32596
Name: Jones, Jeff
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: I strongly disagree with the proposed 1000 meter buffer zones proposed. This seems very arbitrary and lacks common sense. Everyone involved in this process knows that a simple solution to the nesting areas would be to simply restore the hundreds of acres of habitat out by "the pond" to its natural state as it was before the park service altered the landscape with front end loaders. I witnessed this process during my tenure as a windsurfing instructor at the pond starting at 1987. I also gave demonstrations to visitors at "the Pond" on behalf of the park service. Thank you for your consideration.

Correspondence ID: 14768 **Project:** 10641 **Document:** 32596
Name: Ouellette, A. Joseph
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Murray, I choose to dispense with a politically correct format and will keep my comments brief and to the point. I am a retired U.S. Army Special Forces Soldier having honorably served the country I love during both times of war and peace for a period of 23 years. I have always respected and enjoyed all species of wildlife and the NPS along with the clown special interest groups you sleep with have gone out of your way in an attempt to make me feel as though I and we the people were harming certain species of wildlife. That attempt has failed but you have succeeded in causing me to feel nothing but contempt which now borders on hatred for the NPS. The respect I once had for the NPS is now far removed and as far as I'm concerned you don't even exist. The DEIS is a total joke. An ORV plan that should have been implemented years ago has now become a 900 page document hastily put together without any community input and what a waste of tax payer money. It is my contention that no matter what any of us say, you have every intention of closing the beaches your proposed amendment is even worse than the consent decree, and knowing you're just another bureaucratic branch of this clown government we now have, F is in all probability a foregone conclusion. What truly bothers me at this writing is the gross misuse of tax dollars. Disgusting signs along the highway and beaches that soil the natural beauty of this Island. Personnel being paid to watch birds mating and the list goes on and on. I am already pursuing this matter and refuse to lay down while the NPS throws my money away. In summation, the NPS in this area does very little to serve the people or the community. I find the vast majority of Park personnel and Rangers to be rude and arrogant. I served in three combat Tours in Vietnam and had a hell of a lot more respect for the enemy than I now have for the NPS. As aforementioned, you don't even exist. A. Joseph Ouellette Retired, US Army

Correspondence ID: 14769 **Project:** 10641 **Document:** 32596
Name: Whittaker, Mike
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: After reviewing the NPS DEIS I must say that I disagree with all of the alternatives offered therein. Following is just a brief list of my concerns and objections: 1. Why such large inflexible buffers ? up to 1000 meters for piping plovers? (p. 121-127) 2. Why doesn't NPS adequately consider locations neighboring the Recreational Area that are part of the same ecosystem; namely dredge and spoil island that have less predator presence? (p. 124) 3. Why doesn't NPS adopt more proactive techniques used at other east coast locations to encourage turtle nesting success? (p. 392-396) 4. Why is it OK to set aside areas of beach to extirpated sea beach amaranth, but not ok to clear vegetation at Cape Point ponds to create more favorable piping plover habitat outside of the ORV corridor? 5. Why is it permissible to relocate turtle nest when storms are imminent but not when they are in prime ORV corridors? 6. Why do non-endangered or non-threatened species, like American oystercatchers, get so much area closed for them? 7. Why do the following areas ? Hatteras Inlet, North end of Ocracoke island, and Ramp 27-30, need to be closed year round? 8. According to your own studies, only 3% of mortality rates of the American oystercatcher (AMOY) are due to human interference. Considering the overwhelming negative economic impact to local businesses caused by this imposition of any alternatives in the DEIS; it just doesn't make sense to me to attempt to lower these mortality rates. Please accept this letter as my comment on the ORV DEIS. And please, please consider other alternatives such as the ones outline in the 77 page coalition of Beach Access Position Statement.

Correspondence ID: 14770 **Project:** 10641 **Document:** 32596
Name: Gilmour, M. Ian
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: My name is Dr Ian Gilmour and I am a Senior Research Biologist (GS-15) with a Federal Agency and hold Adjunct Professorships in Environmental Sciences at the University of North Carolina, Chapel Hill and at the NC State School of Veterinary Medicine. I have published over 90 peer reviewed articles in Environmental Sciences and Public Health and have participated in numerous National and International Science Advisory boards. I first

started coming to the Outer Banks 20 years ago when I used to h i e out to the beach to surf fish. Over the last 15 years I have accessed my favorite fishing spots such as Cape Point, Hatteras Inlet and the South Side of Ocracoke by 4 wheel drive vehicle. I also fish along the northern beaches from Avon to Salvo as well as on Pea Island which as you know, is a wildlife sanctuary that has no ORV use. I have become increasingly concerned about the extensive beach closures that are being implemented to protect wildlife that are thought to be endangered or are of concern, when in fact the science behind the rationale for these actions is highly selective and at times specious.

I would first like to say for the record that I disagree with all the management options (AF) proposed in the DEIS but instead agree with the reasonable and well conceived management plan proposed by the Coalition For Beach Access ORV Access Environmental Impact Position Statement (www.obpa-nc.org/position/statement.pdf)

Secondly, I regard myself as an environmentalist and am very much in favor of developing an ORV management plan that minimizes how beach driving, having pets, or simply even walking along the shore, may impact the flora and fauna while maintaining recreational access. Potential closures however must be smaller, more targeted and managed in a more effective manner. I have outlined a number of specific cases from the NPS DEIS that I object to and feel that these need to be reconsidered.

1. Why do non-endangered or non threatened species like Wilson's plover and American Oystercatchers get so much area closed for them? They are being used for closing more area every year despite the fact these birds are common in other areas up and down the east coast

2. Up to 1000 meters in each direction for unfledged piping plover chicks is in my mind ludicrous (p.121-127). What is the justification for this and surely 50-75 m is adequate?

3. NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem. This includes dredge and spoil islands that have less predator presence. (p124). Also bird counts for Pea Island and soundside locations across the island result in a massive under estimation of the number of birds on Hatteras Island. In a related matter, why does the NPS refuse to acknowledge that Pea Island is a prime pedestrian-only area for visitors and therefore overstate the need for more ORV-free areas?

4. NPS will NOT adopt more proactive techniques used at other east coast locations to encourage turtle nesting success (p392-396) For example, it is fine for NPS to relocate Turtle nests when s t o m are imminent, but not before. Why isn't there a sound proactive management plan?

5- "Prohibition of PETS in the seashore during bid breeding season, including in front of the villages."(p136)= No pets in public areas-beaches, campgrounds, sound-front, foot trails, park maintained roads from March 15 -July 3 1. It would appear the recreation part of the national seashore is not available to families with pets.

6. NPS mandates killing predators but disallows beach driving at night which deters predators while being a low risk to turtles and birds if managed appropriately

7. Nowhere is it clearly addressed that the OVERWHELMING majority of negative impacts will be felt by the small businesses in the seashore villages rather than by overall economic interests within the region of influence (ROI).

I agree that there needs to be a management plan and the endangered species need to be protected by implementing ORV corridors and cordoning off small sections of beach where there is breeding activities, be it by, turtles, birds, or plants. But this needs to be done with a broader view of how well these species are thriving up and down the entire geographical region rather than picking on some prime ORV use areas that coincidentally have large economic and recreational benefit. It also should be managed in a more effective manner such that, for example, turtle closures are NOT in effect long after the breeding season is over. In addition, closing some sections of beach from tide-line to dunes in effect closes greater length of the recreational area because some of the open areas can and have become inaccessible because of ramp location.

I would be happy to discuss this further with you or any other representatives of the Park Service and hope that a sound and logical plan can be developed that provides maximum access while protecting the natural resources of the seashore to a reasonable degree.

Sincerely M Ian Gilmour Ph.D Professor Environmental health Sciences

Correspondence ID: 14771 **Project:** 10641 **Document:** 32596
Name: Riffe, Thomas
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14772 **Project:** 10641 **Document:** 32596
Name: Morris, Lynn
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Dear Sir/Madam: On behalf of the Kitty Hawk Town Council, please find enclosed a copy of the Resolution Supporting Open and Accessible Beaches on the Cape Hatteras National Seashore Recreational Area adopted on May 3, 2010.

Resolution Supporting Open and Accessible Beaches on the Cape Hatteras National Seashore Recreational Area

Whereas, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937 as America's fist National Seashore with the promise that people would always have access for recreation; and

Whereas, a tourism based economy has been developed on Bodie Island, Hatteras Island and Ocracoke Island, where the Cape Hatteras National Seashore Recreational Area is located, comprising part of the area known as the Outer Banks of North Carolina; and

Whereas, access to the beaches of this area has always been the defining element of the visitor's complete seashore experience and is the foundation of the area's economic base upon which thousands of families depend for their livelihood; and

Whereas, the National Park Service has managed the Cape Hatteras National Seashore Recreational Area and in July of 2007, adopted an Interim protected Species Management Plan (Interim Plan) to protect the natural resources of the CHNSRA while still providing for public access to the most popular and traditionally used beaches of the area; and

Whereas, in October 2007, environmental groups filed suit in U.S. Federal Court seeking to enjoin access to large areas of the CHNSRA resulting in a Consent Decree issued in April of 2008 by the U.S. Federal District Court modifying the Interim Plan and resulting in the closure to the public of large areas of the CHNSRA; and

Whereas, the unprecedented closures as a result of the Consent Decree has created significant economic harm to businesses in the area and disrupted a recreational heritage which has been responsibly enjoyed by families for generations; and

Whereas, in January 2009, Congressman Walter B. Jones (R-NC) introduced H.R. 718, to reinstate the Interim Management Plan on the CHNSRA, which he first introduced as H.R. 6233 on June 11, 2008; and

Whereas, H.R. 718 would set aside current mandates put in place in the wake of the Consent Decree, restore public access and improve economic conditions by reinstating the Interim Management Plan until the National Park Service establishes a long-term management plan for use of the CHNSRA.

Whereas, in August 2009, Senator Richard Burr (R-NC) introduced S. 1557 to reinstate the Interim Management Plan on CHNSRA, which was first introduced in 2008.

Whereas, in March 2010, the National Park Service released the Draft OFF-ROAD VEHICLE MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT which is more restrictive than the Consent Decree, closing (to ORV) the Inlet spits and the Points during the migrations of large Bluefish, Red Drum, and Cobia.

Now Therefore Be It Resolved that the Kitty Hawk Town Council supports open public access to the Cape Hatteras National Seashore Recreational Area consistent with promises made in the enabling legislation, recognizes the importance of recreational access to sustain the economic viability of this unique area and finds the Interim Management Plan of the National Park Service the most effective tool available to regulate the area until a long-term plan can be adopted.

Correspondence ID: 14773 **Project:** 10641 **Document:** 32596
Name: Cox, Richard
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray,

I disagree with all the plan that have been proposed. One thing I do not understand is why the buffer zones for birds and turtles is so much larger in Cape Hatteras National Seashore than in any other National Park and refuges. There should be some kind of uniform management on these buffer zone in all NPS parks. This not the case. There for I feel CAHA is being single out to deter people from coming there and helping wreck the local economy: If it continues the way it is going you will be out of a job, there because a lot more us will not go there for our vacations. You will only have a smaller number of people in the summer. This will closed a lot of business and put hardworking decent people out of work You need to reconsider buffer zones and bring them in line with other parks
Richard Cox Vietnam Decorated Combat Veteran

Correspondence ID: 14774 **Project:** 10641 **Document:** 32596
Name: Jones, Dan F
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

I wish to enter my comments in the public record on the DEIS. I disagree with all the alternatives the Park Service has listed especially AIt-F. I feel the Park Service has failed the people of the United States by caving in to the special interest groups. They have also failed to protect our endangered wildlife by denying them co-existence with humans.
A lot of times animals rely on other animals for protection from predators, and for food or other services, as we have all seen on the Discovery Channel. Birds are no different. They are smart enough to try to nest near people for protection from their predators. They know that people do not try to eat them and that the animals that do eat them tend to shy away from people.
The Park Service's rules immediately stop all human contact for such a distance that they along with their nest become easy prey to whatever predator comes along. I have lived on a farm all my life and at the age of 52, while hunting and during regular farming activities, have seen a lot of amazing interactions between the different types of wildlife. I'll give you a few examples. I have a pen full of beagles that I use to rabbit hunt. One spring we had an overabundance of foxes on the farm and a smart old cottontail rabbit decided to make her nest not more than 10 ft from my beagles. She successfully raised her entire litter next to my dog pen and nearly drove my beagles crazy. She knew that all those foxes would not dare come near my dogs and also knew that they could not get out to get her or her babies, so she felt very safe there. That rabbit is still hanging out near my dog pen. We've also had a Kildeere, which is the first cousin to the plover, nest in a pile of rocks next to our garden for 3 years straight. We have to walk within 3 ft. of her several times a day to tend our garden and she puts on her wounded bird show every time for us. She has enough sense to know we aren't going to bother her because she has returned every year until my sister got 3 cats that now roam the yard freely. There is absolutely no reason for these outrageous closures. You are doing the birds a disservice and the people that enjoy the beaches. I'm in favor of the more common sense approach of the coalition position statement!
On page 377 of the DEIS the NPS says ORV and other recreational use would have long-term major adverse impacts on sea turtles due to the amount of seashore available for ORV use by allowing nighttime driving on the beaches. I have not seen any listings of "major adverse events" happening on the seashore recreational areas and therefore feel night driving restrictions are not necessary. I have also learned from doing a little research that the turtles only come to shore to lay eggs every 3 to 5 years therefore any increase in turtle nesting during the years of the consent decree is indeed due to the policies in place before the consent decree.
The weather would be the sea turtles main obstacle to overcome as nor'easters and hurricanes would have a devastating effect on their nest. Pro-active turtle nest watch programs would insure no ORV impact. NPS wants 105 meter wide closures as described on page 125 and nowhere else in the country are there any closures this big for turtles. It seems odd to me that everywhere else closures 10 meters square during the day have worked just fine. Inco-operated with the Keyhole pattern fencing to the surf line at night during hatching would allow less chance of light disorientation and would allow the beaches to remain open at night for those who enjoy fishing in peace and quiet and out of the hot summer sun!
The socioeconomic data & analyses in the DEIS on pages 270-281,561-898 result in very misleading and erroneous conclusions. They count the northern beach communities along with the southern communities. The northern communities are almost disconnected from ORV use and access issues related to beach closures and therefore should not be counted in the economic impact analyses. Anyone who has visited the CHNS prior to the consent decree and has visited lately can immediately see the impact it has had on the southern end of Hatteras Island by the lack of traffic alone. It is a "DISTINCT" difference.
People do not want a disappointing vacation because of a lack of access to the beaches! I have cut back from approximately 12 trips a year pre-consent decree to 1 or 2 trips a year since. I end up getting mad every trip down and coming home and calling my congressman and senator to complain. I work very hard all year to be able to take my family to our favorite place on earth, Cape Hatteras. It really digs into my craw to find out that the government that I pay my taxes to, has used that same tax money to close the beaches we all love so much. We have never been so let down by the country we have always been so proud of!!

Correspondence ID: 14775 **Project:** 10641 **Document:** 32596
Name: Geref, Dennis
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

I am a resident of North Carolina, bidwatcher, fisherman and nature lover in general who enjoys the recreational opportunities provided by the Cape Hatteras National Seashore and Recreational Area. Reasonable and safe pedestrian and vehicular access to the beach is essential for everyone to be able to enjoy these wonderful resources and opportunities. I do support restrictions and conditions that are supported by full scientific data to protect the birds sea turtles and other biota that make the Seashore home for part of the year. I believe the favored alternative (#7) proposed by the NPS is more restrictive than necessary. I have read and agree with the proposal to manage ORV's on the Seashore prepared and submitted by the Coalition for Beach Access. My position is that the NPS accept this alternative or at least postpone a final decision on the ORV Plan pending further review and negotiation on the counter points raised by the Coalition for Beach Access.

Correspondence ID: 14776 **Project:** 10641 **Document:** 32596
Name: Robert, Paul
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: 8 May 2010 To Mike Murray
From Paul Robert

1. I disagree with The More Restrictive Routs and areas in The DEIS. They are More Restrictive than The Previous Superintendents Order #7
2. P 263 I disagree with NPS as a sound side access should be installed on Bodie Island.
3. P 468 I disagree with NPS MLI is To Restrictive. ORV and Pedestrian Access should be provided thru or around SMA's.
4. P 121-127 I disagree with NPS. Buffers are too Big. I am 80 ys old and have been hunting & in the field all my Life and know That if you walk By a Nest or chicks They are Not disturbed even If you are only a hundred Feet away.
5. (Pvi) I disagree with NPS. They have Never Made a List of Reported incidents available To Public. If Policing of The area is costing Taxpayer Millions of dollars we should be able to Assess who and what The incidents were. And IF They Justify such Restrictive use of the National Seashore.

Paul J. Robert

Correspondence ID: 14777 **Project:** 10641 **Document:** 32596
Name: Seymour, Jessica
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14778 **Project:** 10641 **Document:** 32596
Name: Boy, John
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14779 **Project:** 10641 **Document:** 32596
Name: Henry, William
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14780 **Project:** 10641 **Document:** 32596
Name: Metzgar, Patti
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: May 7, 2010 Dear Superintendent Murray, For 30 years we have been coming down to the Outer Banks. For about half of those years we took advantage of the the National Park programs & what was offered there. Our 3 children got "Seashore Ranger" patches etc. Now as they've grown we have been trying to give back. We became members of the NCBBA & my husband has been a dedicated director. We take 6-8 trips per year to "our" park. I disagree with the beach closures because: 1. God put us on this earth together with the birds, turtles etc. We can coexist. 2. There are always going to be good & bad people in the world ? that's reality. 3. What the NPS is trying to do isn't fair by all the closures. It will hurt the local economy greatly & then you will have a "Bare" barrier island ? no people no birds, no existence . . . 4. With what is going on in the Gulf right now with the major oil spill one man remarked "Okay what about the birds . . . but What About the people?" Please reconsider your decision & hear the voices of the people ? we count too!
Sincerely, Patti Metzgar

Correspondence ID: 14781 **Project:** 10641 **Document:** 32596
Name: Greward, Robert
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14782 **Project:** 10641 **Document:** 32596
Name: Mel, A
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14783 **Project:** 10641 **Document:** 32596
Name: Jones, J.E.
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: 5/7/10 Dear Sir, I have been surf Fishing and Riding on Hatteras' beaches For 50 years and love The place so much I bough a house in Avon. I cannot believe you are thinking of closing these beaches To ORV and/or pedestrians. Please keep it open and let us Taxpayers get some benefit For our dollars!
Thanks, JE Jones Mr. & Mrs. J.E. Jones 1401 Windsor Way Manakin-Sabot, VA 23103

Correspondence ID: 14784 **Project:** 10641 **Document:** 32596
Name: Hunkele, Cal
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14785 **Project:** 10641 **Document:** 32596
Name: Bell, Steve
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14786 **Project:** 10641 **Document:** 32596
Name: Howell, Don
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14787 **Project:** 10641 **Document:** 32596
Name: Pierson, James and Vicki
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: May 5, 2010 Dear Mr. Murray,
My wife and I both support the Alternative F (of the six plans) which is the preferred option of the National Park Service. Regarding point #1 There is still enough room for people wander around the beach. Point #3 Regarding pets they should not be allowed on the beach anyway since people do not clean up after their dogs.
I also wonder how these people no feel about the BP oil spill, which will affect us for generations.
Sincerely yours, James & Vicki Pierson P.O. Box 1195 Ocracoke, North Carolina 27960

Correspondence ID: 14788 **Project:** 10641 **Document:** 32596
Name: Furr, Dora M
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: 201 Sunset Drive Brooksville, F343601 May 7, 2010
Dear Superintendent Murray,
I am in favor of more of Cape Hatteras National Seashore being reserved for non-driving users, for beach goers, families on vacation, bird watchers to safely access the park's many features. Wild life have safety needs as do nesting birds and nesting turtles. ORV's uncaring use endangers all pedestrians. I understand that Alternative D the "environmentally preferred" plan is not the National Park Service's preferred plan but I beg you to consider the merits of plan D if not an even more environmentally friendly one. Yours truly, Dora M. Furr

Correspondence ID: 14789 **Project:** 10641 **Document:** 32596
Name: Poole, Matt
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14790 **Project:** 10641 **Document:** 32596
Name: Venema, Phil
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14791 **Project:** 10641 **Document:** 32596
Name: Dodenhoff, Glenn
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: May 6 '10 SIR:
NAME. GLENN DODENHOFF 73 YRS BUXTON RESIDENT 36 YRS ARTIST
I AM CERTAINLY NOT OPPOSED TO THE PROTECTION OF ALL WILDLIFE (MYSELF INCLUDED) BUT ? I AM DEFINITELY OPPOSED TO USING THAT "GREEN" PREMISE TO WREAK HAVOC ON LONG ESTABLISHED RELATIONSHIPS. IE: FISHERMEN, SUN BATHERS, BIRDERS, BIRDS, TURTLES, PLANTS, FOOD SOURCES. RE-CREATION OPPORTUNITIES, PARK SERVICE. PROMISES, ETC. "EDUCATE PEOPLE ? DON'T JUST DEMONIZE THEM INSTEAD OF (OR IN ADDITION TO) ALL THE TINY LETTERED SIGNS SAYING NO THIS AND NO ? THAT, LET US SEE SOME (AT LEAST) SAYING YES! YES! ENJOY (INJOY) OUR BEAUTIFUL BEACHES AND WILDLIFE, AND DUNE STABILIZING GRASSES AND SEA OATS. EDUCATE! THEN SEND ALL THE BULLYS PACKING. IT'S NOT REALLY ABOUT BIRDS IS IT? G. Dodenhoff

Correspondence ID: 14792 **Project:** 10641 **Document:** 32596
Name: Gerard, W. Robert
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: May 6, 2010 Box 3535 Waves, NC 27982
Mr. Murray,
As a year-long (38+ years) resident of Hatteras Island, and (an aging) surfer, I strongly disagree with "Alternative F" in the plan for ORVing in Hatteras Park. I think there should be (at least) foot access to the points on Hatteras Inlet and Ocracoke inlets as I use these areas frequently (in the off-season) so, not allowing people in there then is not conducive to being here ? Sincerely, W. Robert Gerard
P.S. Contact me at 987-2453 anytime -

Correspondence ID: 14793 **Project:** 10641 **Document:** 32596
Name: Hathorne, Scot E
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: 5/6/2010 Subject: DEIS Proposal
I am in disagreement with your plan to selectively eradicate predators. NPS can not pick which species should live or die. You are not "God". My family and our pets use federal lands for recreation. I disagree with access being denied to me, my family and my pets. We have always had them on leashes and cleaned up after them. In closing I would like to express my complete disagreement with NPS Plan F. This is the most restrictive plan I have ever seen in regards to federal land. I am very disappointed with this.
Sincerely,
Scot E. Hathorne 2920 Allentown Rd. Quakertown, PA 18951

Correspondence ID: 14794 **Project:** 10641 **Document:** 32596
Name: Gehman, Jr., Carl W
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: DEIS CARL W. GEHMAN, JR. 345 GAP ROAD MACUNGIE, PA 18062 MAY 6, 2010
As me and my family have enjoyed the beach for surf fishing and shelling, we have learned of the DEIS plan to restrict beach driving and pedestrian access during the premium fishing seasons. Also, I have learned that family dogs will not be allowed access. These restrictions would result in our family vacationing elsewhere. There has to be a common sense balance between wildlife and reasonable human use of the beaches (and family canines). We have been made aware of Plan F and it's totally unreasonable and unacceptable restrictions and disagree totally with the language in this plan. This plan, if finalized, will literally destroy the economy and recreational beauty of the area. Please, please, do not enact Plan F. Sincerely,
Carl W. Gehman, Jr.

Correspondence ID: 14795 **Project:** 10641 **Document:** 32596
Name: Jones, Clarence
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: I wish to enter my comments in the public record on the DEIS I am a 76 year old Building Contractor and farmer. I was born and raised on a farm and own and manage a 100 acre farm. I have one of the few farms left in my area that still has wild quail on it. We manage our property by creating habitat for the birds and deer along with other small game. We plant food plots early for the deer, to get them going there, instead of in our fields when they are planted and it has worked very well. These same food plots are havens for the quail and small game. I have never heard of anyone protecting anything by preventing all human contact. The way to increase your plover numbers would be to develop favorable habitat around the marsh ponds by cutting back brush that predators can hide in. Our circumstances here on the farm are quite different because we have to provide tall grasses for the young birds to hide in. I think if you would look at the coalition's position statement and adopt their recommendations you would see a substantial increase in your wildlife and also regain a lot of your public support that was once a good thing on the Outer Banks.
I first came to the CHNRS before there was even a bridge across Oregon Inlet. I have always enjoyed fishing at night with my son as he was growing up and still do. We would sit and watch the shooting stars if the fish weren't biting and have had some insightful conversations about life in general sitting on that beach at night. We never fished at the point because we wanted a place to ourselves and usually had the entire beach except for a few widely spaced vehicles. I have never encountered any turtles on the beach but have seen several otters and a few raccoons and foxes. There are so few things a father and his son or daughter can do together these days of computers and games to help sculpt them into productive young people and by closing the beaches at night you are taking away yet another.
I would suggest a pro-active turtle nest watch program that could get young people involved and keep the beaches open for the rest to enjoy as well. I would also like to suggest setting up a volunteer community beach watch program for anyone fishing at night to report any violations they see on the beach to law enforcement.
I personally do not like any of the alternatives in the DEIS and feel you need to look real hard at accepting the coalitions position statement as a lot of good common sense went into developing this plan and it would be good for everyone and the wildlife also. I absolutely do not like alt. F, because it closes the best fishing grounds in the seashore permanently. That simply can't be an option I can live with. Thank you for your time and listening to my concerns and I sincerely hope you will work to get our beaches opened back up for the people of this great country.

Correspondence ID: 14796 **Project:** 10641 **Document:** 32596
Name: Hoelscher, Gregory
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: As a frequent visitor to the Outer Banks, both in winter and summer, I am appalled to hear that your office has proposed to close access to humans to much of the Outer Banks. This letter is to state my opposition to your plan to severely restrict pedestrian and vehicle access to the Cape Hatteras National Seashore. As you know, the Cape Hatteras National Seashore was established in 1937 to be "set apart as a national seashore recreational area for the benefit and enjoyment of the people." The 1937 act also provided for ample protected wildlife refuges. Please ignore the special interest groups who have no regard for citizens, only birds, when they plea to close the beaches to human access.

Correspondence ID: 14797 **Project:** 10641 **Document:** 32596
Name: Lea, James
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am writing as a homeowner in Buxton and a citizen and taxpayer committed to maintaining public access to the public beaches of the Cape Hatteras National Seashore. The Draft Environmental Impact Statement and ORV management plan proposal incorporates many unacceptable restrictions on that access, the most onerous of which are totally unreasonable closures of the beaches for unreasonable periods of time. Specifically:
The year-round total prohibition of ORV access between ramps 23 and 27, at the Hatteras and Ocracoke Island spits, Hatteras Inlet and other locations (pages 97-101)
Total prohibition of pedestrian access to eight different beach areas between March 15 and July 31 (page 121)
Prohibition of all pets on the Seashore's public lands between March 15 and July 31 (page 136)
Prohibition of night driving on the beaches between May 1 and November 15 (page 104)
Establishment of 1000-meter pedestrian and vehicle buffers around any and all unfledged plover chicks everywhere in the park (pages 121-127), a provision that is totally unsupported by legitimate science
Establishment of 300-meter buffers around any and all American Oystercatcher nests and broods everywhere in the park (pages 121-127),
Progressive expansion of closed areas whenever they are violated, whether intentionally or Unintentionally
These proposed closures and others are unreasonable and unjustified. They punish responsible residents and visitors while doing little to preserve wildlife. I urge you to modify or delete them from the DEIS/ORV management plan.
Thank you for this opportunity to comment.

Correspondence ID: 14798 **Project:** 10641 **Document:** 32596
Name: Taylor, Joy
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am writing in response to the NPS DEIS. 1. I disagree with your Socioeconomic Analysis --- I believe that the study done by NPS is flawed. The ROI should NOT have included the northern beaches when figuring the impact on the southern towns on Hatteras Island. That makes no sense at all. The people of Hatteras Island are MUCH MORE impacted by the loss of ORV access that the people of Duck (for instance). Fishing is the mainstay of Hatteras Island, but NOT Duck or Southern Shores. 2. Cultural/ Historical Values---DEIS describes ORV access as historical in nature (pg.83) and also both predating the Seashore and as being integral to the public use by both residents and visitors. The document also illustrates and captions historical commercial fishing (pg 18) historical recreational fishing (pgs.15,260) and historical general recreational activities (pg. 259). These same traditional cultural activities are featured on the front cover. I AGREE that Hatteras Island should remain open and accessible by ORV's and pedestrians. The Cultural/Historical values of the Islands should continue without interference from Special Interest Groups that have no regard what-so-ever, for the families that have lived there for generations. These groups DO NOT CARE ABOUT THE PEOPLE OF THE ISLANDS.. . . .THEY DO NOT CARE ABOUT THE SOCIOECONOMIC PROBLEMS THEY ARE CAUSING AND THEY DO NOT CARE ABOUT THE HISTORICAL AND CULTURAL VALUES OF CAPE HATTERAS OR THE REST OF THE ISLANDS. Do you realize that people are losing their homes and businesses because of the beach closures? DO YOU CARE ABOUT THE PEOPLE ? Oh.. . . .another thing?why is it ok for the Defenders of Wildlife to kill lots of other animals to "save" a bird or turtle? Doesn't seem fair to me.
Did you happen to read the NPS report that gave the % 's for AMOY nest failures? and that those failures are Predominately due to NON-HUMAN events? 97% of nest failures are "Mother Nature" related. 3% of nest failures are Human related.
Since at 97% "Mother Nature" is by far the biggest threat to birds and turtles than humans are at only 3% I would like to know what you, the Defenders of Wildlife and the Audubon Society are going to do about "Mother NATURE"?

Correspondence ID: 14799 **Project:** 10641 **Document:** 32596

Name: Daniels, Thomas
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: My name is Thomas B. Daniels and I was born in Manteo NC on June the 7th 1923. I have lived here all my life of 86 years, and during this time there has always been driving and pedestrian traffic allowed on the beach. This has brought many tourists to the area and local people have built livelihoods from this fact. I feel that the driving and pedestrian traffic has been a good thing and should continue to be allowed. Thank you for your time and attention to this matter.

Correspondence ID: 14800 **Project:** 10641 **Document:** 32596
Name: Laughon, Jr, Frank
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: PLEASE consider the harsh impact you are about to impose on good, taxpaying citizens across the country. Limiting or eliminating beach access for a bird that is not endangered could cause an entire community to become a tax burden to all of us. There is nothing worse than taking away families' livelihood. Understand how many lives are affected by the beach closures and try to be Community friendly. None of us want to cause hard working people to become wards of our state and government. Once again, please think carefully about your decision and how it will impact many innocent people.

Correspondence ID: 14801 **Project:** 10641 **Document:** 32596
Name: Martin, Wash
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: I respectfully submit my comments concerning beach access at Cape Hatteras National Seashore. Abraham Lincoln was not educated in the classroom to become a great man of letters, but he became a man with a head of wisdom and a great heart of compassion for the people whom he governed. I pray that our government, like Abraham Lincoln said in his Gettysburg address, is a government of the people, by the people and for the people. I believe that a compromise can be applied so that the people and their families that have lived her for so many years can continue to do so in the years ahead. God created man in His own image and gave them dominion over the fish of the sea and over the fowl of the air and over the cattle and over the earth and every thing that creeps on the earth, (Gen. 1:29,30). God has also given His people wisdom to make wise decisions in ruling His people, If any man lack wisdom, let him ask of God, and it shall be given him, (James 1:5). Please pray for a fair decision about this.

Correspondence ID: 14802 **Project:** 10641 **Document:** 32596
Name: Summers, David
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14803 **Project:** 10641 **Document:** 32596
Name: Wilson, JIm
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Yes, I agree, all wildlife should be protected. I disagree the killing of all other wildlife at the beach. The birds, turtles, and all other wildlife have lived here long before us. Lets protect all wildlife. But not kill off human's from the beach.

Correspondence ID: 14804 **Project:** 10641 **Document:** 32596
Name: Burke, Jack
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with your buffer zone for un-fledged plover chicks. Any rational person with any common sense finds this laughable. 200 meters is reasonable anything mor is offensive. I also disagree with your assumptions around law enforcement. Why should the general public be penalized as they have been under the consent degree because the NPS fails to do their job. Please enforce the existing rules and arrest and prosecute violators. Cape Point should always remain open. Protect endangred species with buffer zons (reasonable) but provide corridors for ORVS. The socio/economic impact far exceeds and all concerns for the few birds that may have to re-locate. Please remember that we are all members of the outer Banks Community -- not of the Audubon Society and their lobbyists.

Correspondence ID: 14805 **Project:** 10641 **Document:** 32596
Name: Berridge, Tom
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: As a resident of PA, ME & my Family, vacation on the outer Banks. every season. We have been made aware of the DEIS BeaCH ACCESS, which will in fact restricted beach access, and our vistor experince in every way. on a negitive way. We all enjoy the fishing and birds and feel there must be a way to accomate wildlife as, well as human activity. Plan "F" is totally unreasonable and disagree with it 100% percent.

Correspondence ID: 14806 **Project:** 10641 **Document:** 32596
Name: Burke, Denice
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: 5-7-10 I DISAGREE WITH THE BEACH CLOSINGS. FOR THE LAST 33 YEARS I HAVE BEEN ENJOYING THE BEACHES OF THE OUTER BANKS AS A VACATION SPOT. I BELIEVE THE ENVIORNMENTALISTS ARE WRONG IN STATING THAT THE BEACHES CAN NOT BE SHARED EQUALLY BY BOTH HUMANS, PETS & WILDLIFE. PLEASE DO NOT CLOSE OUR BEACHES. DENICE BURKE GLEN ALLEN, VA

Correspondence ID: 14807 **Project:** 10641 **Document:** 32596
Name: Letourneau, Oliver
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: 5-7-10 I DISAGREE WITH THE BEACH CLOSINGS. I MOVED TO VA FROM MA & HAVE BEEN ENJOYING THE BEACHES OF THE OUTER BANKS FOR THE LAST 5 YEARS.
I DISAGREE WITH THE ENVIRONMENTALIST THAT THE BEACHES CAN NOT BE SHARED EQUALLY BY HUMANS, PETS & WILDLIFE.
PLEASE KEEP OUR BEACHES OPEN.
OLIVER LETOURNEAU AYLETT, VA

Correspondence ID: 14808 **Project:** 10641 **Document:** 32596
Name: Cooper, Lisa
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: 5/5/10
DEAR MIKE MURRAY, MY HUSBAND AND I ARE ARTISTS, AND HAVE LIVED IN BUXTON FOR 36 YEARS. WE HAVE ALWAYS BEEN "ENVIRONMENTALISTS", AND HAVE DONATED TO AUDUBON IN THE PAST. THE ECONOMIC IMPACT OF THE BEACH CLOSURES FOR US, AND ALL HATTERAS ISLANDERS HAS BEEN DIRE, AND WILL BE WORSE WITH PLAN F. OUR CLIENTELE THROUGHOUT THE YEARS, A LARGE PERCENTAGE BEING FISHERMEN AND THEIR WIVES, ARE NOW GOING ELSEWHERE. THOSE STILL COMING TO HATTERAS ARE NOT INCLINED TO BUY ARTWORK, WHEN THEIR FAVORITE RECREATIONAL BEACHES ARE CLOSED AND MARRED BY SIGNS EVERYWHERE. THE BEST FISHING AREAS ARE THE POINT AND HATTERAS INLET. TO DENY ACCESS, WHEN COMPROMISE HAS WORKED AND WILL WORK, IS TOTALLY UNREASONABLE. CAPE HATTERAS NATIONAL SEASHORE IS A PARK FOR THE PEOPLE. PEA ISLAND IS THE WILDLIFE REFUGE. SINCERELY, LISA COOPER

Correspondence ID: 14809 **Project:** 10641 **Document:** 32596
Name: Dodenhoff., Glenn
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: HELLO: MY NAME IS GELNN DODENHOFF. I'M A 73 YR OLD RESIDENT OF BUXTON. I'VE BEEN HERE 36 YRS. I FISH FOR FOOD, TEND AN ORGANIC GARDEN AND CONSIDER MYSELF VERY CONCERNED WITH OUR ENVIORNMENT. AS AN ARTIST, I'VE MADE MY LIVING PAINTING "THE HATTERAS SCENE". CONCERNING THE BEACH CLOSURES, PEOPLE ON THE ISLAND KNOW THAT IF THE FIRST QUESTION HAD BEEN: "WHAT CAN WE ALL DO NOW TO PROTECT THE BIRDS, TURTLES, AND OTHER FLORA AND FAUNA AND CREATE A SITUATION WHERE THEY AND THE MANY PEOPLE FROM HERE AND ELSEWHERE CAN THRIVE, AND ENJOY, THE NATURAL WONDERS OF OUR SEASHORE" THEN THERE WAS REALLY NO PROBLEM. UNFORTUNATELY, THE DISPARATE GROUPS WHO VISIT HERE CAN'T GO TO MANY MEETINGS AND ARE A BIT DIFFICULT TO ORGANIZE, THEREFORE THEY WERE SOMEWHAT OVERWHELMED BY EXPENSIVE LAWYERS AND SPECIAL INTEREST GROUPS: AUDUBON, FRIENDS OF, ETC. WHO ARE PUTTING BIRDS WAY AHEAD OF PEOPLE (IN A NATIONAL PARK RECREATION AREA) WITH IDEAS THAT MOST ISLANDERS CONSIDER RIDICULOUS AND BAD SCIENCE. WE WERE TOLD TO BE THANKFUL THAT 4 CERTAIN PERCENTAGE OF THE ISLAND WOULD BE OPEN ? BUT WE ALL KNOW IT WOULD BE CLOSED WHERE MOST FISH CONGREGATE ? AREAS WHERE THERE IS STRUCTURE OF SOME KIND: THE POINT, THE INLET, PIERS, JETTYS, NATURAL SLOUGHS, WHICH TEND TO APPEAR IN CERTAIN AREAS YEAR AFTER YEAR.
A TWO TRUCK WIDTH CORRIDOR COULD BE EASILY ESTABLISHED ALONG THE ENTIRE BEACH, EXCEPTING VILLAGES, HOMES AND SWIMMING AREAS, REALIZING THAT IF BIRDS WERE REALLY STUPID ENOUGH TO NEST IN THOSE AREAS THEY WOULD LIKELY BE WIPED OUT BY THE NEXT OVERLY AGGRESSIVE HIGH TIDE. (NOT UNCOMMON) AS FOR SKIMMERS, WHEN THEY'RE AROUND THEY DO THEIR THING. WE (HUMANS) DON'T SEEM TO BOTHER THEM AT ALL. ENCLOSURES FOR TURTLE NESTS SEEMED TO HAVE WORKED PRETTY WELL. IT SEEMS IT WOULD BE SIMPLE TO ALLOW ONE LANE VEHICLE ACCESS SOMEWHERE BETWEEN THE WATER LINE AND THE DUNES SO FOLKS COULD GET BY WITHOUT HAVING TO DRIVE AROUND, 20 MILES OR SO. DRIVING ON THE POINT AT NIGHT WHEN DRUM AND OTHER SPECIES OFTEN FEED, SHOULD NOT IMPACT THE TURTLES. (WHOS EGGS CAN BE MOVED IF NECESSARY.) BECAUSE I'M ON THE BEACH MUCH OF THE TIME, OFTEN IN MY VEHICLE, I'M AUTOMATICALLY PUT INTO THE CATEGORY OF THOSE WHO DON'T CARE ABOUT THE ENVIORNMENT BY THE "ENVIORNMENTALISTS" SO YOU SEE THEY AREN'T REALLY ACTING IN "GOOD FAITH" THEY HAVE POLARIZED AND POISONED THE SITUATION, AND SEWN THE SEEDS OF ANGER AND FEAR, AND DIVIDED EVERYONE WITH LITTLE OR NO REAL CONSIDERATION FOR THOSE WHO'S ENTIRE LIVES AND WELL BEING ARE TOTALLY DEPENDENT AND INTERTWINED WITH THE FREEDOM TO ENJOY OUR UNIQUE WONDERLAND I'M FOR THE LEAST AMOUNT OF RESTRICTION AND THE MOST AMOUNT OF EDUCATION BASED ON ALL THE COMMENTS MADE AT THE BUXTON PUBLIC COMMENT MEETING. EXCEPT OF COURSE THOSE TWO "GREEN PEOPLE". THANK YOU ? GLEN DODENHOFF

Correspondence ID: 14810 **Project:** 10641 **Document:** 32596
Name: Heyneman, Laura
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: May 8, 2010
Laura Heyneman 2020 Longwood Dr. Chapel Hill NC 27514
Dear Superintendent Murray, I appreciate the opportunity to comment on the National Parks Service's plan to manage off-road vehicle use on Cape Hatteras National Seashore. Of the alternative plans presented in the draft environmental impact statement, I support the "environmentally preferred" Alternative D if modified to provide greater pedestrian access. This alternative plan would provide more opportunity for non-ORV uses of the beaches and result in less disturbance of wildlife. Both of these factors are important to me. If the National Park Service chooses Not to enact Alternative D, I ask that you please keep in mind the following principles: 1. Put Natural Resources first. Protection of the natural resources and wildlife of the Seashore should be the greatest priority. Recreational use should be consistent with this protection. 2. Establish and meet clear goals for wildlife recovery. A plan must include clear goals and milestones for wildlife recovery. 3. Provide equal access for all visitors. Under the National Park Service's preferred plan, Alternative F, ORV's would be prohibited year-round on only 16 of the total 68 miles of Seashore beach. This does not represent a fair and balanced division for other users and wildlife. If ORV use is allowed within the park, at least half of the beach should be available year round for non-ORV users and wildlife.
Thank you for the opportunity to provide these comments. I will be following the progress of your efforts at Cape Hatteras, and look forward to a more balanced final plan for all visitors that better protects the natural resources of the Seashore. Sincerely, Laura Heyneman

Correspondence ID: 14811 **Project:** 10641 **Document:** 32596
Name: Johnson, Allen and Lee
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: May 8, 2010
Dear Superintendent Murray,
My wife and I have been regular visitors to CHNS since 1972. We built a house in Avon in 1979 which we and our family use while on the island. Yesterday driving South on NC 12 to Avon I couldn't help but notice the many signs for bird closures and it brought back memories of an incident that

happened many years ago. We went over Ramp 34 and headed North for the area in front of Kinnakeet Life Saving Station about 2 = miles distant. We started fishing. My wife noticed birds flying close about, calling, and not acting as you would expect. She found an egg, then another and so on. We had stopped in a tern nest area. We packed up and with her walking in front of the Blazer she guided me out of the area. We called the Park Service and returned later that day to have a look. The area was posted and we felt good about our deed. The birds were safe and we still had access to the beach. I'm sure this scenario has been repeated many times. A common sense approach to caring for the beach. Now my wife and I are both handicapped but we still use the beach. We like to drive out, find an area not crowded and enjoy the beach. To us, that's what it all about. We respect and love the seashore. No one has ever had to tell us how to act and all signs of our stay disappear with wind and water. Sincerely, Allen & Lee Johnson

Correspondence ID:	14812	Project:	10641	Document:	32596
Name:	Barnett, Eldon				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	I disagree with the Coalition for Beach Access position statement. One piping plover will WARRANT 1,000 meters in flexible closure. One piping plover will arrant 1,000 meters in flexible closure. That close to 10 foot ball field which is UNREAL. 200 meters would be Excessive for one chick. I am 80 years old born and Raised in Buxton. I go to Cape Point At Least 6 days a week fishing or Just Enjoying the beach when you dont have me stopped. I AM Not Able to walk to the point. ME and some of my Friend fought in 2 WARS for the privelege of come home and Engoying what we fought for. The beach was my only Road until 1962. Now you say it Not A Road. When did it change. I beg you Not to close me off From the point. Give me the same Freedom you give the birds.				
Correspondence ID:	14813	Project:	10641	Document:	32596
Name:	Bagwell, James				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	No economic statement on how the towns of Hatteras Island are affected. Most piping plovers to fledge in North Carolina are raised on Portsmouth Island. We are still allowed to dump on Portsmouth Island and it does'nt affect the fledgings birds. Why not Hatteras and Ocracoke Islands.				
Correspondence ID:	14814	Project:	10641	Document:	32596
Name:	Martin, Michael				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	May 9th, 2010 Sir: I, Michael R. Martin, disAgrees with the closure size for the piping plover ? 1,000 meters; 200 meters (656 feet ? over 2 football fields iN length) should be used. I am a retired N.P.S. Cape Hatteras Group employee and believe all closed areas should have a corridor for pedestrains and vehicles so as to Access other open beach areas. I honestly thought I was a conservationist and an enviRonmentalists, but evidently not. There needs to be a compromise by the plaintiffs (Southern Environmental Law Center) iN this Action, so the average American Taxpayer at least feels like they ? we have constitutional Rights ? as there is NO equal representation for us now. Perhaps the Endangered Species Act and the Migratory Bird Treaty Act need to be updated to realistically protect both species ? wildlife and the American Taxpayer. Thank you. Michael Martin P.O. Box 310 Avon, N.C. 27915				
Correspondence ID:	14815	Project:	10641	Document:	32596
Name:	Wuerth, Andrea				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	May 7, 2010 Dear Mr. Murray, I am writing on behalf of my family and myself; we have vacationed on or near the Cape Hatteras National Seashore and want to express our grave concern about the impact any extension of access to the beach for ORVs. We strongly endorse expanding non-driving areas for use by families who share our interest in wildlife and safety. We support the "environmentally preferred" Alternative D if it is changed to allow for greater access by pedestrians. It is absolutely critical that we preserve the habitats in this region so that our children and grandchildren will know the natural beauty of this area and get to experience wildlife there the way we have. Thank you. Dr. Andrea Wuerth Dr. Herbert Struemper Milena (12) Lily (8)				
Correspondence ID:	14816	Project:	10641	Document:	32596
Name:	Hardham, Dee				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	The proposed Cost Recovery Fee Permit for vehicular use to access beach areas which may be too distanced for many citizens to reach on foot is in conflict with the U.S. government's original plan for U.S. Public Parklands. The U.S. Park Service is mandated to protect and preserve historical and cultural aspects related to public lands. Historically, island village inhabitants accessed distant beach areas by horse transportation. Motor vehicles have replaced horses for transportation. For government to charge a fee for historical and cultural activity of island inhabitants is an act toward destruction of historical and cultural activities of historical villages held by the confines of U.S. Parkland. Any plan for a Permit to use a vehicle for access to beach areas must omit any Fee for said Permit in order to preserve and protect the critical history and culture of the islands villages.				
Correspondence ID:	14817	Project:	10641	Document:	32596
Name:	Preston, Pat				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	5-9-10 DEAR SIR, PLEASE DO THE RIGHT THING IN MAKING YOUR DECISION ON THE BEACH CLOSURES. I'VE RIDDEN AND DRIVEN THE BEACHES FOR 53 YEARS AND HAVE NEVER SEEN A BIRD OR TURTLE HARMED. THE FACT THAT SO MANY FAMILIES ARE GONNA BE AFFECTED HAS TO BE CONSIDERED IN YOUR DETERMINATION. THE BIBLE, CHAPTER 1 VERSE 26, 27 IN GENESIS SAYS THAT GOD MADE A LIKENESS OF MAN TO RULE THE BIRDS, CREATURES, AND FISH IN THE SEA. MY STUDY BIBLE SAYS THAT THESE ARE NOT TOBE EXPLOITED, WASTED OR DESPOILED IN ANY MANNER. I FIRMLY BELIEVE THAT WE ARE NOT HARMING THE TURTLES, BIRDS IN THIS SEASHORE PARK AND WE ARE STEWARDS OF GODS WORD. AS A YOUNG BOY, PIPING PLOVERS WERE NOT EVEN AROUND HERE, SO RATHER THAN ENDNAGERED, THEY ARE ACTUALLY INCREASING IN NUMBERS DOWN HERE.				

0013016

AS FOR WORRYING ABOUT A LAWSUIT FROM THE DARK SIDE, LET THEM SUE. WE HAVE GOVERNMENT LAWYERS ON RETAINER, AND THIS WOULD LET THE WHOLE COUNTRY SEE THE ABSURDITY OF THIS SITUATION. I'M SURE YOU WILL TRANSFER OUT OF HERE IN A COUPLE OF YEARS AS MOST DO, BUT PLEASE LEAVE YOUR LEGACY IN A GOOD LIGHT. YOUR CONSCIENCE WILL BE FOLLOWING YOU.
THANK YOU FOR YOUR TIME.
SINCERELY,
PAT PRESTON BOX 102 317 VILLA DUNES DR. NAGS HEAD, NC 27929

Correspondence ID: 14818 **Project:** 10641 **Document:** 32596
Name: Schwarz, Barbara
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: To: Superintendent Mike Murray Cape Hatteras National Seashore Park Service
I want to say I strongly Disagree With the size of the Buffer zone set aside for Plover, American Oyster Catcher and other species of Concern This National Park was an expanse put in place in the 1930s for the enjoyment of The PEOPLE
Page one of the original Draft
Thank You Barbara Schwarz Richard C Schwarz Buxton, N.C.

Correspondence ID: 14819 **Project:** 10641 **Document:** 32596
Name: Rogers, Opal
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: TO WHOM IT MAY CONCERN: I'M NOT IN FAVOR OF CLOSING SO MUCH OF THE BEACHES TOO O.R.V. OR WALKERS: IT HAS AFFECTED RENTAL ON OUR BEACH HOUSES THE BEACH HOUSE RENTAL WAS PLANNED TO SUPPLEMENT OUR SOCIAL SECURITY IN RETIREMENT. The ECONOMY BEING SO BAD WE NEED ALL THE HELP WE CAN GET!! THE BIRDS NEED PROTECTION: I DISAGREE ON HOW MUCH IS PLANNED FOR BEING FENCED OFF. I ALSO DISAGREE ON DOGS (ON LEASH) NOT BEING ALLOWED ON BEACH. I AGREE ON NIGHT CLOSING. BUT SHOULD BE HOURS FROM 10:00 PM TILL 5:00 AM PLEASE DONT CLOSE OUR BEACHES AND THE WAY OF LIFE ON THIS TINY ISLAND.
THANKS JACK AND OPAL ROGERS Opal Rogers 107 Wayne Ave. Creston, Oh. 44217 Phone 330-435-4091

Correspondence ID: 14820 **Project:** 10641 **Document:** 32596
Name: Toben, Megan
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: May 8, 2010
Dear Superintendent Murray,
Thanks for reading this note. Please consider supporting the "environmentally preferred" Alternative D, modified to give greater pedestrian access. I understand that the National Park Service organic act, 16 U.S.C. 1 specifies that the means by which the Parks are to be enjoyed "will leave them unimpaired for the enjoyment of future generations." I hope you will consider future generations of all species, the herons, egrets, ghost crabs, sea turtles, horseshoe crabs, loons, grebes, pelicans, hawks, eagles, and gulls. Thank you for your service, Megan Toben & Tim Toben 919.619.5475 8300 Pickards Meadow Chapel Hill, NC 27516

Correspondence ID: 14821 **Project:** 10641 **Document:** 32596
Name: Jordan, Jo-Elisa
Received: May,03,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am writing to express my strong opposition to Plan F in the Draft Environmental Impact Statement (DEIS), as I believe that closing the beaches is a direct violation of the promise made by the federal government when the CHNSRA was first established, declaring that people would always be able to access the beaches for recreation.
Because the landform of the Cape Hatteras National Seashore is different from that of the Northern beaches, ORV access is the only practical way of accessing the beach. Many tourists enjoy vacationing and fishing in Cape Hatteras, simply because of their right to ORV access. It is what makes Cape Hatteras unique! The right to ORV access drives tourism and boosts the economy. Prohibiting ORV access, will have an unprecedented, negative impact on the Island's economy. Humans and nature should be able to coexist. It is the responsibility of the National Park Service to manage the CHNSRA in a fashion that is beneficial to all that enjoy the area. The protection of wildlife is critical to our eco-system and environmental goals, however when it is done to the detriment of the people, the compromise has been lost. I am opposed to any plan that impedes the economy on Hatteras Island and does not comply with the original promise made by the federal government upon acquiring the land in 1937 to establish the Cape Hatteras National Seashore Recreation Area. Thank you for your time and consideration, Mr. Murray. It is my sincere hope that Plan F will be abolished and the National Park Service will review their process in managing the CHNSRA in way that effectively protects the rights of both humans and wildlife to enjoy its beauty and resources.

Correspondence ID: 14822 **Project:** 10641 **Document:** 32596
Name: Zeagler, Robert
Received: May,03,2010 00:00:00
Correspondence Type: Letter
Correspondence: I live in Batavia, NY but grew up in Chesapeake, VA in the fifties to middle sixties. I have been visiting Cape Hatteras National Seashore since 1959, and as recently as October 2009, to fish, sight-see, climb the great lighthouse in Buxton, enjoy the areas uniqueness, take my 4 wheel drive out to Cape Point, and the other beach access areas, including Ocracoke Island. Just walking or driving out on these beaches is a huge treat, you don't even need to fish ? just enjoy the surf, sand in your toes, win, waves, pristineness, and the magnificent wildlife, that has been in this very special place, for hundreds and hundreds of years. This is my wife and I's most favorite place in the whole world. It is truly a god send.
We subscribe to the Coastland Times newspaper from Manteo, NC and have relatives in Avon, on Hatteras Island, and have followed the beach access issue since it has arrived. It is very disturbing to see the devastating adverse economic impact on the local businesses and people of these great barrier islands.
The current DEIS is woefully and extremely inadequate, and is deficient in that it does not fully address the economic impact of beach closure on the businesses and people of these scoped and impacted areas. A comprehensive, in depth, and extensive discussion is an absolute must, because the island people's livelihood depends on beach access. It is a very critical issue, for the future economic well being of these great people, and this very unique area. Please re-evaluate and re-examine this "top priority" issue.
Cape Hatteras National Seashore and the other potentially impacted areas should remain a place to enjoy this "national treasure" and not be severely restricted to only small areas. To do anything differently, is in our opinion, discriminatory toward all peoples from around the world who visit, love and enjoy this very special place ? on our big blue planet. It will be a national disgrace if excessive, superfluous, and other restricted proposal are forced and enforced on these beautiful open areas. Driving and walking on these special beaches in this area is a fundamental, and inherent right of all citizens. It

should not be denied, and must not be.

Sir Walter Raleigh, no disrespect intended please, would turn over in his grave, if he knew of the unnecessary and counterproductive restrictive uses proposed for this area. May got rest his great soul.

Please, re-evaluate, reconsider, and reexamine these very critical, and important issues in your DEIS, carefully and fully.

That being said, I and my wife want our comments, and concerns entered into the official record. We also want you to know that we agree with the Coalition of Beach Access position statement on the DEIS.

Correspondence ID: 14823 **Project:** 10641 **Document:** 32596

Name: Egghart, Chris

Received: May.05,2010 00:00:00

Correspondence Type: Letter

Correspondence:

Please find below my written comments on the Draft DEIS and ORV Management Plan for the Cape Hatteras National Seashore Recreation Area. The comments address deficiencies in the document pertaining to Socio-economic Analysis and Cultural Resources.

The socioeconomic data and analyses presented in the DEIS result in misleading and sometimes erroneous conclusions. Critical weaknesses in the analyses pertain to: 1) the statistical definition of the Region of Influence (ROI); 2) erroneous recreational user data; 3) inflated overall Seashore visitor counts; and 4) flawed key assumption concerning the maintenance of access under Alternative F. These flaws are directly manifested in both the Effected Environment and Socioeconomic Impact sections of the DEIS.

ROI The ROI is defined as Outer Banks Dare and Outer Banks Hyde counties. This includes: The Northern Beaches communities of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, and Nags Head and Manteo; and Hatteras Island communities of Rodanthe, Waves, Salvo, Avon, Frisco, Hatteras, and Ocracoke, referred to as the Seashore Villages in the DEIS.

The collective use of all these communities as the ROI can serve to significantly dilute stated impacts of the Alternatives on the Seashore Villages, which by any reasonable measure constitute the Effected Environment in socioeconomic context. According to the DEIS (pg 278), the Northern Beach communities (not including Manteo) account for: Roughly two-thirds of the economic activity within the ROI, based on these localities sustaining 64 percent of establishments and 67 percent of employment.

However, little economic or social connection exists between a typical resident of, or visitor to Duck and Southern Shores, and access to the Seashore as addressed in the DEIS. Changes in access and visitor use within the Seashore can not reasonably be expected to have any meaningful impact within the communities of Duck and Southern Shores, beyond depressing overall tax revenue for county wide services.

While some effort is made to cull out anticipated impacts to the Seashore Villages, this is inconsistently done. Analytical results and discussion frequently center on the ROI or Dare and Hyde counties as a whole, sometimes mixing the two. The IMPLAN program on which much of the statistical economic impact analysis is done, defaults to the whole county level (pg 261). Both these factors could result in understating negative economic impacts to the Seashore Villages. Some effort is made at adjusting the IMPLAN runs to better capture data for Seashore Villages. However, these adjustments are based on estimates. Results of these adjustments are mentioned only in passing, and summary text and tables continue to focus on the entire ROI or county levels.

Further results of actual business surveys and visitor survey presently being conducted are not included in the DEIS.

Inclusion of the Northern Beaches communities and mainland Dare and Hyde areas in socioeconomic analyses serves only to dilute (understate) the negative economic impacts of the DEIS alternatives.

Given the unique geography, settlement patterns, socioeconomic conditions and visitor use on the Outer Banks, the appropriate ROI for the ORV Plan DIES would be: Nags Head, Manteo, and the Seashore Villages of Rodanthe, Waves, Salvo, Avon, Frisco, Hatteras, and Ocracoke.

In short, socioeconomic impacts of the management alternatives need to be clearly presented in context of the Seashore Villages as this is where these impacts will undoubtedly be concentrated. It must also be made clear that these impacts will be felt almost exclusively by small business interests.

Economic Activity Associated with Specific Recreational Use The DIES wildly inflates the number of bird watchers that visit the Seashore, and by extension the amount of economic activity generated by this user group. The presented data implies that bird watching and recreational fishing are similar in economic importance. The underlying analysis on bird watching is obviously and fundamentally flawed. According to the DEIS (pg 285), in 2008 there were: A total of 519,000 salt water fishing participants in North Carolina; Direct expenditures by these anglers totaled \$692,977,000; Outer Banks anglers totaled 207,000 spending \$277,190,000* *based on reported license sales in Dare and Hyde counties; 40 percent of NC total "Birders" visiting the Seashore are listed as 310,000 spending \$123,453,000

The 310,000 birder number is arrived at by tallying all individuals in all of North Carolina who report watching wildlife at least one mile from home (n =686,000) and assuming 90 percent of these "Away-From-Home Wildlife Watchers" are birders (n=620,000) (pg 286). The figure of 310,000 birders is derived from 50% percent of the total birders reporting watching non-fowl "other waterbirds" and that this serves as "the best representation of birds on Cape Hatteras." This extrapolation has no statistical validity whatsoever.

Data on the direct economic value of recreational fishing is hard and robust. What is totally lacking is any quantification on the economic value of birding versus recreational fishing. Antidotal observations would indicate that birding generates only a small fraction of the economic activity that recreational fishing does. Further, when compared to economic activities generated by the sum of the diverse recreational activities dependant on beach access, birding could only make marginal economic contributions.

Overall Visitor Counts Overall visitor counts to the Seashore used in the socioeconomic analysis are misleading. For one, the totals appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors (perhaps a significant majority) vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. Therefore, these counts have little or no bearing on how Seashore management alternatives affect visitation. In order for valid analysis to be conducted per the ORV Plan, visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

In addition, the analytical discussion of overall visitor counts seems misleading. The DEIS states (pg 568) that overall visitor counts stayed roughly the same during the first year of the Interim Plan and the first year of the Consent Decree (2008). However, many visitors were either unaware of the scope and breadth of Consent Decree beach closures, or had already made plans/reservations. More importantly, some analysis of economic impacts of the Consent Decree utilizes the 2007 versus 2008 data. What is lacking from the analysis is firm data from the first full year (2009) of the Consent Decree closures.

Maintenance of Access Cape Point and South Point Ocracoke under Alternative F All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. This is not a viable assumption. The DIES states that under Alternative F, the access corridors will be subject to Resource Closures. These closures will be based on buffers similar or identical to the Consent Decree. The Consent Decree buffers resulted in long term blocked access to point and spit areas that were not subject to nesting use. Further, the DEIS states that NPS management personnel can expand nesting buffers based on subjective criteria (e.g. birds not appearing at ease). In light of this, unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed.

In summary, the definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, inflated overall Seashore visitor counts pertaining to beach use, and key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socioeconomic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

Cultural Resources The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 800 page document devotes only two paragraphs to analysis of cultural resource issues.

The DEIS completely ignores the traditional cultural importance of surf zone access to Outer Banks communities. In publishing the DEIS, the National

Park Service (NPS) has failed to acknowledge the identification of point and spit areas as Tradition Cultural Properties (TCPs) despite repeated formal requests to do so. The identification of point and spits as TCPs was not addressed even though these areas clearly qualify for consideration as such based on the NPS's own published criteria found in Guidelines for Evaluating and Documenting Traditional Cultural Properties. Per these NPS guidelines:

A Traditional Cultural Property designation can, and should be based on patterns of land use that reflect cultural traditions valued by the long term residents of the local community. A landscape can also constitute Traditional Cultural Property if it is a location where a community has traditionally carried out economic or other cultural practices important in maintaining its historic identity.

These published criteria clearly define the traditional use and cultural value of the Outer Banks surf zone.

In ignoring the formal identification of TCPs, the NPS has not fulfilled its NEPA obligations. It is further not in compliance with the Section 106 of National Historic Preservation Act of 1966, as Amended (NHPA), which mandates that federal agencies take into consideration the effect of their actions on historic properties. Historic properties in NHPA context (and under NEPA) refer to all cultural resources to include ethnographic resources, TCPs, and historic landscapes and their traditional uses.

The total failure to address the traditional cultural value of surf zone access in the DEIS is curious on several additional counts. For one, the DEIS describes ORV access as historical in nature (pg 83) and also both predating the Seashore and as being integral to the Seashores' public use by both residents and visitors. The document also illustrates and captions historical commercial fishing (pg18), historical recreational fishing (pgs 15, 260) and historical general recreational activities (pg 259). These same traditional cultural activities are featured on the cover of the DEIS. The surf zone has long been not just a location for traditional economic activities such as surf dory seine net fishing but also other cultural activities as well. These include general beach recreation activities, social gatherings, and hook and line recreational/subsistence fishing. Collectively these activities are components of an unbroken patten of land use that extend back many generations before the establishment of the Seashore and remain integral to the fabric of the historically unique Outer Banks communities. Further yet, the continuation of this traditional pattern of land use is central to maintaining the historic identity of these same communities. In short, the failure of the NPS to appropriately address the traditional cultural value of surf zone access stands in direct violation of its legal responsibility under Section 106 of the NHPA and the NEPA framework as a whole.

Correspondence ID: 14824 **Project:** 10641 **Document:** 32596

Name: Reynolds, Trafton

Received: May,04,2010 00:00:00

Correspondence Type: Letter

Correspondence: I'm hoping you have taken in the great deal of pain that the National Park Service has caused the Hatteras Island Community as a result of not have a driving plan in place. I can only hope you feel the need to accommodate the mission statement of the Park Service reflected in your press release that states "National Parks are places for everyone to have fun, reconnect with nature, build a sense of ownership and stewardship toward parks and the environment, and to learn more about our great country. Also, provide opportunities for affordable vacations close to home". This seems rather contrary to what is happening doesn't it Mike?

What you really need to consider is how much is enough? You are opening up a larger breach of future problems by letting them close our beaches over a few birds. And then Mike, here comes the turtle lady from Topsail trying to close the sound and another group trying to close all the rivers and creeks over some snails. Do you see the issue here, where is it going to stop?

Cultural/Historical Values- per DEIS "the purpose is to protect and preserve natural and cultural resources". "A traditional cultural property designation can and should be based on patterns of land use?", "a landscape can also constitute and traditional cultural property if it is a location where a community has traditionally carried our economic or other cultural practices important in maintaining its historic identity". Mike these are Park Service statements. For Lord Sake's man stand up and do what is right! Keep these corridors open year round to the wonderful taxpaying citizens of the US who traditionally and historically socialize, marry, fish, surf and recreate here.

The Points and Spits get a dose of Mother Nature's over wash every year Mike. The buffers in place are already large enough. Please do not expand them! You need to stand up for AMERICA who wants to access the beach in the National Park. Don't let these environmental groups push you Mike or the next group will bury you with their request for more closings and false data. This process has already aged you plenty.

What do you think the Founding Fathers of this country would do concerning this issue Mike? Do you think they would ruin the lives of a community and not allow the American people to enjoy what is set aside for them to enjoy? I think they would be sick to their stomachs and prevent, detour and restrain the environmentalist, who have lied and used the judicial system to achieve the unthinkable "Beach Closure in the National Park".

Correspondence ID: 14825 **Project:** 10641 **Document:** 32596

Name: Hissey, Steve

Received: May,06,2010 00:00:00

Correspondence Type: Letter

Correspondence: Here are my comments on the CHNSS Off Road Vehicle Plan/EIS.

I disagree on page xii "Hatteras Inlet Spit and North Ocracoke would be non-ORV areas year round, with one mile closed on each side (Table ES-2).

You will be denying access to the general public especially the young, old, and disabled to Hatteras Inlet. Designation Hatteras Inlet as an SMA with no PCE goes against prior federal judges ruling. I would suggest you stay with the interim plan. If you close Hatteras Inlet as an SMA the economic impact would be devastating. I believe litigation would be eminent.

On page 210, how can you state with resource closures in place "protected species are still at risk" when there is no evidence of any plover deaths by ORVs in the Seashore except for your official vehicles? I suggest you again go back to the Interim Plan. The 1000 meters in plan F will only allow for more mammalian and avian predation as was indicated by the worst survival rate ever for CHNSS.

Your plan mentions your continuance of predator management. Since you are killing these animals instead of relocating like many other national parks, lets call is predator extermination. In a past conversation with one of your trappers he said only young and dumb predators trap. This leads to a smarter breed that won't trap and eat eggs anyway. The vegetation in our villages are full of predators where you have no jurisdiction. They will eventually go to forage on park land. You are wasting our federal tax dollars on traps and trappers and the end result you will still have no control on predation. I suggest you stop the trapping and slaughter.

On page 23 I disagree with your again flawed data calling for shorter ORV season on Frisco and Hatteras beaches. There is evidence of collusion between NPS and Millionaire oceanfront property owners to privatize park land in front of their dwellings. I would strongly suggest you stick with the traditional village closure from 5/15 to 9/15. If not the investigation of evidence will continue.

Page 136 no Pets during the entire breeding season or during tourist season (Same), on any NPS Land. Realtor added more pet friendly houses to hopefully entice more families with pets to come here to help boost our sagging economy.

Nothing you have done by choosing Plan F helps the people, in CHNSS. The promises in the enabling legislation and Conrad Worth Letter have all been broken.

Correspondence ID: 14826 **Project:** 10641 **Document:** 32596

Name: Newbold, Mr and Mrs John

Received: Apr,25,2010 00:00:00

Correspondence Type: Letter

Correspondence: We have watched with disbelief as the Off-road Management Plan has been developed and is not being presented to the public as the "best way to manage ORV usage within the park." To us, it comes across as a very complex bird management plan, with little or no regard to the public use and enjoyment of the park.

We are listing observations and realities of this plan we disagree with.

1. We live here on a core-bank strip of land that changes daily in size and is treated harshly by wind, waves, and weather. There were never any native

- species here. Just as man came to be here, so did birds and animals. The strongest people and animals that could adapt were able to survive here. Those that did not, left or died off. That is a fact of life and nature. That fact should be a part of any ORV plan. We live in an adapting and changing world.
2. No where in the "Off-road Plan" is there any real mention of cultural and historical values of the peoples who settled here, work here and call this their home. Also completely missing and required by park protocol is any sort of economic impact statement. This plan has already and will continue to cause great financial chaos. Judge Boyle's plan has already done grave financial damage to the businesses and families who live and the course NPS is favoring is even more damaging. You are attempting to turn a national park into a bird sanctuary.
 3. The refusal of the national park to use the traditional name of the park, The Cape Hatteras National Seashore Recreation Area, if effect, is saying recreation in the park is not a prime concern at all. When the land was given to the park, the peoples of this area were promised continued traditional usage and access to the beach. With the name change came restrictive closures that were made without scientific data to support them.
 4. Our understanding was that the Off-road Plan was to be developed by a carefully screened and selected group of some 30 parties who were to be the co-authors in the formulation of the plan. NPS told all parties that participation in the group required a spirit of negotiation which would eliminate lawsuits and develop a plan by consensus and that members of the group who did not work in the spirit would be excused and replaced. Shortly after formulation of the group, three parties joined in a lawsuit requesting park closure to ORV's until a plan was developed. When NPS failed to replace these three parties and allowed them to continue to participate, there was no hope for any consensus, and the three parties put road block after road block on the table to derail any hope of consensus. This failure was the result of the NPS to enforce it's own rules of participation.
 5. Facing a lawsuit, NPS did nothing to defend itself in court, and this set the stage for the three parties and a very biased judge to come up with a temporary ORV plan until the final draft could be written. Park users either had to accept the plan or face full closure, and the plan was filled with closures that were not science-based and contained penalties that were imposed for violating closures. The consent decree handed down by Judge Boyle was heavy handed and did nothing to really change bird populations by NPS figures. The act of refusing to defend yourselves in court turned management of the park over to the three parties who still appear to be calling the shots. It is obvious to us and it should be to other that NPS has little interest in doing anything except the wishes of the three parties who are anti-ORV usage.
 6. NPS bird counts are flawed at best and extensive closures for birds that are not endangered is not necessary. If indeed you lay claim to dredge islands in the sound, then count the hundreds of bird who make their homes there. There are tern and skimmer colonies on these islands as well as pelicans and their numbers are impressive. Failure to include these birds give your counts unrealistically lower number of species than are present here. Protocol for a plover, a species of concern, is a 300 meter closure for a nest, yet NPS has established a 1000 meter closing, almost 800 acres for one bird nest. It is unnecessary and excessive. With NPS records to support me, there have been no predation of plover nests or chicks by ORV's in the park.
 7. NPS has no right to place stakes in the water around the pond at Oregon Inlet. The basis for the action by the NPS is the fact that in the sound you are allowed to fence 100 feet from shore areas. However, the pond area at the Inlet is east of the bridge and considered ocean rather than sound. The State of North Carolina clearly stipulates that waters east of the bridge fall under ocean rules and fishing laws reflect this. they should be removed now and are a clear hindrance to navigation. NPS rangers and Marine Fisheries Officers have issued warnings and tickets to anglers who were in possession of flounder and striped bass that met the sound limits but were in violation of ocean limits. You can't have two sets of conflicting rules governing the same area!
 8. Birds will forage for food, gather nesting materials and mate along the beaches adjacent to the ocean, but no bird of even limited intelligence would attempt to build a nest in such a place. ORV users should easily be given corridors along the ocean to access the area for fishing. To randomly close large sections of beach to the public is not in the interest of good visitor experience. If there is a concern over user conflict between ORVs and pedestrians, it is a fabricated one. In the past en years, only on such minor incident occurred and the driver was not blamed or charged in the incident.
 9. To kill one or more species to protect another is a far cry from letting nature take it's course, which is usually the position of park protocol. To fill foxes, raccoons, muskrats and other animals who live here to promote the bird population is arcane and cruel. Only the killing of over four-hundred Canadian geese by the U.S. Fish and Wildlife Service is worse. Why kill a natural resource? Most plover chick predation is done by feral cats and by sea gulls. I am also surprised the environmentalist accept this action by you.
 10. The turtle nest issue has gone on for so long that it is almost not worth mentioning. Bottom line, look into the management plan in Costa Rica where some of the world's best hatch rates occur, and there are even eggs allotted to the natives who wish to eat them. Why? Because they move the nest and protect the eggs! NPS protocol is to let the nest stay because moving the eggs may alter the sex of hatchlings. But, in time of dire weather, it is suddenly OK to move them. Seems to us too many of one sex or another beats the pants off letting the nest die because of exposure to cold water, which occurs often here. You want turtle population, MOVE THE NESTS.
 11. Of the six options listed for an off-road plan, your choice of Alternative F to us is the worst possible choice. Bird populations won't change, but the effect on the peoples who live here and the visitors who come to enjoy the each will be changed forever. The worst part of all this closure is that it is not based on science and has given no consideration to the horrific economic consequence it has already, and will continue to take on the businesses that operate on the core banks.
- Thanks for taking the time to listen to us. Our concerns are real, based on truth, and not influenced by third parties with their agendas or a biased judge!

Correspondence ID: 14827 **Project:** 10641 **Document:** 32596
Name: Wier, Jr, Dallas
Received: May.05.2010 00:00:00
Correspondence Type: Letter
Correspondence: Note: Table provided in comment that can be seen in administrative record.

The purpose of this letter is to submit my comments regarding the Cape Hatteras National Seashore Recreational Area Draft Off-Road Vehicle Management Plan /Environmental Impact Statement (DEIS). I request that my comments be recorded and considered in the analysis and preparation of the final NEPA and APA.

I am a life-time resident of the Piedmont region of North Carolina and a second generation surf fisherman. My father began surf fishing on the North Carolina coast after World War II. He introduced me to surf fishing in 1955. My first visit to the Cape Hatteras National Seashore Recreational Area was a vacation trip with my wife in August 1967. My first surf fishing trip to the Cape Hatteras National Seashore Recreational Area was in October 1976. My most recent surf fishing trip to Ocracoke and the Cape Hatteras Point was in November 2009. Surf fishing is important to me, as it is my only recreational hobby. One of my sons now surf fishes with me. I have a two-year old grandson that I want to be able to teach surf fishing skills at Cape Hatteras someday. He will hopefully become the fourth generation of surf fisherman in my family.

Cape Hatteras is known worldwide as a Mecca for surf fishing. The rapid expansion of coastal residential development over the last fifty years has significantly reduced the availability of beach access for surf fishing in many areas. The surf fisherman is in danger of becoming extinct due to the loss of suitable ORV beach habitat. Miles and miles of prime surf fishing shoreline have become inaccessible to surf fishing in my lifetime. Towns in Dare, Carteret and other counties have severely restricted ORV use by requiring costly permits and closing access ramps. Snobby private homeowners claim the surf as their private property, even though North Carolina law recognizes all beaches as public. Cape Hatteras National Seashore Recreation Area is the best remaining shoreline in North Carolina for surf fishing. It has a good variety of prime fishing areas including inlets, East-facing shoreline, South-facing shoreline and the famed Cape Hatteras Point. It has long stretches of shoreline well suited for responsible ORV vehicle access. This ORV habitat is critical for the survival of the surf fisherman. The management of this prime surf fishing habitat is entrusted the National Park Service to ensure that the rich surf fishing heritage survives and thrives for current and future generations.

I have recently retired after working forty-three years in product engineering, the last twenty-eight years in a middle management role. I plan to increase my surf fishing activity now that I have more time available. Part of my career success was in learning how to make a balanced decision. I had to balance the product performance and features with the product cost. I had to balance the project development time schedule with the verification testing time. I had to balance the needs of the company with the needs of employees. In every case there was pressure to sway to an extreme position. I had to be diligent and creative to make good balanced decisions.

My assessment of the DEIS is that the preferred Alternative F does not represent a balanced decision because it is excessively restrictive on ORV use. I am therefore opposed to Alternative F. I prefer a more common-sense, balanced and reasonable solution that is not offered in any of the DEIS alternatives.

The following are some examples of unreasonable ORV restrictions in the DEIS preferred Alternative F:

Page xxiv: Table E3-3. Summary of Alternative Elements: Vehicle Carrying Capacity Determination

The carrying capacity limits listed in the table are arbitrary and unnecessary. Carrying capacity would be difficult and expensive to enforce at Cape Hatteras National Seashore. Carrying capacity is actually self regulating in the real world. If users perceive an area to be too crowded, they will move to a less crowded area or they will return during a less crowded time. I recommend that carrying capacity limits not be included in the ORV plan.

Page 104: Table 8. Summary of Alternative Elements: Hours of Allowable ORV Operation on Beach The proposed limits on ORV night use are excessively restrictive. Some of my most fond fishing memories are the nights catching Whiting under the stars on the beach between the Cape Hatteras Point and the airport. There is no scientific evidence of significant impairment of resources caused by responsible ORV use at night. Occasional incidents in the past do not justify these excessive restrictions. The educational aspect of the proposed ORV permitting process should minimize the risk of night time incidents.

The proposed dates and times should be removed from the ORV plan. All areas of the Seashore should continue to be open 24 hours a day year-round to provide those wonderfully unique night time user experiences.

Pane 125: Table 10. Species Management Strategies: Night-Driving Restrictions The proposed night-driving restriction from May 1 to Nov 15 is excessive. All areas of the Seashore should continue to be open 24 hours a day year-round to provide those wonderfully unique night time user experiences.

Page 125: Table 10. Species Management Strategies: Nest Closures/Buffers The proposed turtle nest buffer in areas with ORV traffic of 105 meters wide is excessive. All turtle nest areas should be a consistent area of 5 meters by 5 meters bounded by symbolic fencing and signage. I am concerned that a few irresponsible people will be tempted to encroach on a buffer zone that is obviously unreasonably oversized. Bigger is not always better. Smaller buffers will have a lower rate of human intrusion.

Page 127: Table 11. Shorebird /Waterbird Buffer Summary The buffer distances as listed in the table are not based on scientific data and are excessively high distances. I propose the following distances as being more reasonable for ORV users and yet effective in protecting the birds: (Table available in AR)

The DEIS preferred Alternative F appears to be an attempt to minimize the risk of another law suit from the Southern Environment Law Center. I understand the strategy of avoiding law suits. I have seen it practiced in the private business world all too often. But, I believe it is a weak strategy that does not result in the best long term solution. To take the path of doing the right thing for the users of Cape Hatteras National Seashore will require courage. I encourage you to have the courage to take a fresh look at the ORV plan with a focus on use by the people as the primary mission. The people's government established the Cape Hatteras National Seashore Recreational Area for the use and enjoyment of the people. If the Seashore does not meet the needs of the users, the people's government can dissolve the Cape Hatteras National Seashore Recreational Area. I am not in favor of such action, but we should all recognize that any organization that loses sight of its mission is doomed to failure.

Correspondence ID: 14828 **Project:** 10641 **Document:** 32596
Name: Buske, Paul
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence: RESOLUTION BY THE DARE COUNTY TOURISM BOARD OF DIRECTORS REQUESTING FURTHER CONSIDERATIN TO ITEMS WITHING THE NATIONAL PARK SERVICE DRAFT ENVIRONMENTAL IMPACT STUDY
WHEREAS, OVER 180 million Americans make nearly two billion annual trips to the beach which contribute significantly to the economic development of the local, state and national economy' and . WHEREAS over five million people visit Dare County s Outer Banks annually; and WHEREAS , these visitors create Dare County s economic foundation and support the livelihoods of many of its citizens' and WHEREAS , the Dare County Tourism Board continues to support free and open access to all beaches in Dare County? and WHEREAS, the Dare County Tourism Board encourages the National Park Service to balance access andndpreservation of resources;
NOW THEREFORE BE IT RESOLVED that the Dare County Tourism Board considers the National Park Service Draft Environmental Impact study to be flawed and in need of additional study in the following areas, at a minimum: ? Corridors for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season
? Management buffers based on peer reviewed science ? Endangered Species Act (ESA) protection solely for endangered species not for species of Concern
? Turtle nest relocation as a preferred tool for species recovery which would help maintain the balance of preservation and access
? Conduct an actual economic impact study specifically of Hatteras Island to determine the impact on its residents and business based on real science and data
AND BE IT FURTHER RESOLVED that the Dare County Tourism Board has attached supporting documentation for these areas of concern from Dare County and the Coalition for Beach Access.
ADOPTED THIS 3rd DAY OF MAY 2010, by unanimous support by the Dare County Tourism Board. DARE COUNTY TOURISM BOARD Paul Buske, Chair

Correspondence ID: 14829 **Project:** 10641 **Document:** 32596
Name: Tine, Paul
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Supt. Murray: The Outer Banks Chamber of Commerce, on behalf of its more than 1,000 members with businesses in Dare, Hyde and Currituck counties, vehemently disagrees with the validity of the economic impact analysis included in the Draft Environmental Impact Statement for proposed new rules for access to the Cape Hatteras National Seashore.
Not only does the analysis not adequately convey the economic impact of the proposed Alternative F, it fails to address any of the alternatives listed in the DEIS. The data is incomplete, misleading and the statements of what are supposed to be facts are without sound basis. The area is unique because it is removed from any large populations and has limited transportation infrastructure. These two points translate into a very high cost of living which gained no mention in the DEIS.
Part of the problem of the economic impact analysis seems to be that its authors lack familiarity with the area.
Dare County, the largest county in the state, includes 1584 square miles, of which only 384 square miles are land; the remaining area encompasses a large portion of the Pamlico Sound. Although there are six municipalities and an unincorporated portion of the county, only about 25 square miles -- 16,000 acres -- are both suitable for development and in private ownership. The remaining land is held in conservation by nonprofits or owned government entities - primarily US Fish and Wildlife Service and the National Park Service. Thus, approximately 6.5 percent of the county's buildable land area is used to support approximately 30,000 residents.
The Dare County portion of the Outer Banks stretches about 80 miles from north to south. Each of the towns, as well as the villages in the Cape Hatteras National Seashore, has a distinct personality and socioeconomic make-up ranging from wealthy retirees in the towns of Duck and Southern Shores in the northern part of the county to Hatteras village, a commercial fishing village, on the south end of Hatteras Island. Access to Hatteras Island is limited to NC 12 from the north, a ferry that runs between Hatteras and Ocracoke islands, and a small landing field. ... Ocracoke Village in Hyde County also is unique in geographic as well as socioeconomic character. Located on the 16-mile-long Ocracoke Island, the village is situated on approximately 600 acres of buildable land. The remainder of the island is owned by the federal government and is part of the national seashore. The only access is by ferry, boat or small plane. Although Ocracoke village is home to only 10 to 15 percent of Hyde County's population, it provides approximately 50 percent of the tax revenue for the entire county, the bulk of which is on the mainland.
The primary product of the region is both simple and unique. The environment, history and culture of the area are intricately woven together into a tapestry that makes up what is in effect the largest outdoor interactive museum in the world.
Deficiencies in the economic impact analysis:

1. Page 566 in the DEIS states "To provide information for the economic analysis, a survey was conducted by RTI, International of selected categories of potentially affected businesses. The results of this survey are currently being analyzed and will be addressed in the final plan/EIS age 571 also notes that data is still being analyzed and will allow future analysis of the economic impact. How is it possible to comment on something that does not yet exist?"
 2. Page 566, table 63 uses what it purports to be revenues from 2004 when current data was available. And the revenues in the table are incorrect even for 2004 and don't appear to include Ocracoke village.
 3. Page 568 uses "visitation" statistics reported annually by the National Park Service. These statistics are based on traffic counts, the amount of which is then multiplied by a formula. There is no way to know if vehicles have five passengers or just a driver or whether they are even a visitor. The formula utilized doesn't take into account events such as high numbers of construction vehicles in the area due to storm damage or other extraordinary events. Attempts often are made to use the gross occupancy tax collected as a method to determine the number of visitors, however, there are numerous confounders that negate this from being a reasonable barometer for visitation. There is no valid way to count visitors on the seashore and the only gauge of impacts available is current data such as unemployment, increases/decreases in government aid, etc. in a given locality.
 4. Page 595, table 80. There is no logical basis for this table and it seems to attempt to dilute impact by including all portions of Hyde and Dare counties. And there appears to be no basis for the footnote that states that 54 percent of the direct impact is expected occur in the Seashore villages. Obviously direct impact is going to be felt most by those in the seashore and it will be substantially more than 54 percent.
 5. Page 595. "This uncertainty may impact small businesses disproportionately." By Small Business Administration's definition almost all of the businesses in the seashore are small businesses.
 6. Page 56. "This alternative would involve the construction of a pedestrian access trail and improvements and additions to the interdunal road system." Page 80.....by improving interdunal road and ORV ramp access. Pedestrian access would be enhanced by providing increased parking capacity at various points of access to vehicle-free areas?"
 - Page 81. " would include the construction of a short ORV route to access a new pedestrian trail to the sound on Ocracoke Island..."
 - Page 593. "...additional pedestrian and ORV access would be facilitated by construction and relocation of access ramps, and the designation of ORV access corridors at Cape Point and South Point. ..
 - Page 598. "The extra efforts to increase ORV access and pedestrian access should increase the probability that the impacts are on the low rather than high end of the range." The inclusion of these forward-looking statements is troublesome. There is no appropriation in the NPS budget through 2011 for these plans so they should not be used to imply that they will minimize economic impact. Furthermore, given the inherent unpredictability of each future budgetary cycle after FY 2011, it would be difficult or impossible to quantify any economic impact of these improvements given the likelihood they will be implemented over an unknown term and are likely subject to additional modification dependent on future budgetary constraints. Leaving these statements in the DEIS or using them as a basis to determine/predict/minimize economic impact could raise questions about compliance with the Antideficiency Act described on Page 40.
 7. In the beginning of the DEIS, there is a list of federal rules, policies, etc. that the DEIS must comply with. Missing from this list is compliance with the Regulatory Flexibility Act which requires "federal agencies to consider the effects of their regulatory actions on small businesses and other small entities and to minimize any undue disproportionate burden." The economic impact analysis in this document does not comply with that and thus should not be certified.
 8. There has been no obvious attempt to gauge indirect impact. Because they are in small, semi-isolated communities, businesses in the seashore villages must depend to varying degrees on vendors outside the area for supplies and services. Any decrease in visitors in the villages translates into a decrease for their chosen purveyors. Also ignored is that any negative financial impact in the seashore villages in Dare County translates into decreased revenues from a county-wide occupancy tax which is shared by the six municipalities and the county. A decrease in the amount collected on Hatteras Island reflects in the amount of the pool that is divided amongst the local governments. In Hyde County, the importance of the revenues generated in Ocracoke village can not be overstated. The small village is the economic engine of the rural county which is among the poorest in the state. Any decrease in revenues translates into further straining budgets for schools, emergency personnel and other critical services provided and/or funded by the county.
 9. Since the implementation of the Consent Decree, there have been documented impacts to the seashore villages that are verifiable and should be included in any economic analysis related to the DEIS and its proposed alternative. Although the country is in a nationwide economic downturn and gas prices have added to the woes, Hatteras Island has had disproportionate adverse impacts compared to the rest of the county. The following data should be included in the economic analysis related to the implementation of the Consent Decree: In September 2009, (the first full year under the Consent Decree) the beginning of the prime fall fishing season - Dare County as a whole experienced an unemployment rate of 6.8 percent, one of the lowest in the state, but when the North Carolina Division of Labor Marketing broke the unemployment down to zip codes it showed that Hatteras Island's villages had extraordinary unemployment. The island as a whole had 12.8 percent unemployment. When broken down to the villages, Salvo was at 28 percent; Buxton 16.5 percent; and Rodanthe was 12.4. According to data provided by the Dare County Social Services, in 2009, the first full year under the Consent Decree, the Hatteras Island increase in individuals applying for food stamps was 81.6 percent over 2008. The remainder of Dare [north of Oregon Inlet] 56.6 percent, and the countywide 59.3 percent. In October 2009, Cape Hatteras United Methodist Men's Emergency Assistance and Food Pantry reported that requests for food and other assistance in the seashore villages were continuing to rise. In 2008, the group paid out \$56,000 the entire year to help with utility bills, rent, etc.. but in 2009, the amount was surpassed before the end of October.
- Other issues of concern
10. Page 58. "Beach access points and boardwalks compliant with the American with Disabilities Act requirements would be provided at Coquina Beach, the Frisco Boathouse, the Ocracoke Pony Pen and the Ocracoke day use area...Beach wheelchairs could be checked out at each district on a first-come, first-served basis." These statements raise the same issues as those listed in item 6 above. In addition, if the projects are removed from the alternative chosen, it then raises questions about compliance with the Architectural Barriers Act of 1968 and the Americans with Disabilities Act of 1990. A large number of commenters at the recent public hearings specifically expressed concerns about those with disabilities and others who have an inability to walk long distances and would no longer be able to enjoy the seashore, particularly those who fish.
- II. In March of this year, "A Review and Synthesis of the Scientific Information Related to the Biology and Management of Species of Special Concern at Cape Hatteras National Seashore, North Carolina" by authors Jonathan B. Cohen, R. Michael Erwin, John B. French, Jr., Jeffrey L. Marion, and J. Michael Meyers was published by the U.S. Geological Survey's Patuxent Wildlife Research Center (PWRC) which conducted the original study at the National Park Service's request in 2005. According to the published report's summary, the intention was to "review, evaluate, and summarize the available scientific information for selected species of concern at CAHA (piping plovers, sea turtles, seabeach amaranth, American oystercatchers, and colonial waterbirds). This work consisted of reviewing the scientific literature and evaluating the results of studies that examined critical life history stages of each species, and focused on the scientific findings reported that are relevant to the management of these species and their habitats at CAHA...Although no new original research or experimental work was conducted, this synthesis of the existing information was peer reviewed by over 15 experts with familiarity with these species...To ensure that the best available information is considered when assessing each species of interest at CAHA, this review included published research as well as practical experience of scientists and wildlife managers who were consulted in 2005. PWRC scientists evaluated the literature, consulted wildlife managers, and produced an initial draft that was sent to experts for scientific review. Revisions based on those comments were incorporated into the document. The final draft of the document was reviewed by NPS personnel to ensure that the description of the recent status and management of these species at CAHA was accurately represented and that the report was consistent with our work agreement... " The document has been at the center of controversy since first referenced during the negotiated rule-making process. There are continuing questions about whether it was peer reviewed per the USGS guidelines and although the published version states that there is no new science or additions to it, there are a number of changes that are referenced as being the result of research that occurred after the original document was produced. Questioned about the peer review process, a spokesperson for USGS responded that the acknowledgments at the end of each chapter of the original document was actually the list of those who peer reviewed that particular section. Calls to some of those listed as such said that they had never seen the document and therefore had not peer reviewed it. Those acknowledgments are not at the ends of the chapters in the published version of the report. Federal environmental regulations are to be based on best available science, yet the process to ensure that seems to be missing in this instance. This matter should be referred to the Department of Interior Inspector General with a request that the science we reviewed and that an investigation be conducted to determine if in fact the USGS complied with its own peer review guidelines.

12. The Outer Banks Chamber of Commerce supports the adoption of Alternative A - aka the Interim Plan. Under the plan there was negligible economic impact, however, there was an increase in piping plovers that was clearly demonstrated by increased numbers in 2007 and in 2008. In the latter year, the Consent Decree went into effect but not until after the nesting season was underway. In 2009, the first full year under the decree, the numbers actually declined. This alternative was based on science and balanced access by the public with protection of the wildlife. Sincerely, Paul N. Tine, Chairman Outer Banks Chamber of Commerce Board of Directors

Correspondence ID: 14830 **Project:** 10641 **Document:** 32596
Name: Thomas, Jr, Watson
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14831 **Project:** 10641 **Document:** 32596
Name: Gery, Michael
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Congratulations to the National Park Service-Cape Hatteras Group for assembling a comprehensive impact statement to manage motorized vehicles in Cape Hatteras National Seashore. The cautious, even-handed and thorough approach NPS maintained throughout this process should earn NPS the respect it deserves. Like the National Seashore itself, this document and the Park Service in general are valuable assets to us in Dare County and to the nation as a whole.

I would like to make one general comment about the Impact Statement and seven specific ones.

General Comment An official and serious plan to manage off-road vehicles in this National Seashore is more than 30 years overdue. The current impact statement does not analyze the damage that 30 years of neglect caused to the natural environment on these beaches. The Park Service, ignoring its legal obligation, allowed motorized vehicles free reign in a National Seashore during a time when the number offour-wheel-drive SUVs alone (not including pick-up trucks) increased in the U.S. by more than 4 1/2, million vehicles (more than 2600%). If a management plan is adopted here to span the next 15 years, the Park Service should continually analyze whether it is repairing the damage that has been done here as opposed to maintaining the current state of the natural environment As it stands today, the National Park Service here has saved paradise and put up a parking lot.

My specific comments are as follows.

1. **Supplement Your Administrative History.** As soon as a management plan is implemented, the Park Service should analyze why it did not implement one when it was supposed to. The Park Service published an admirable administrative history last year that - like this DEIS -- failed to explain why it neglected to publish an official ORV management plan 30 years ago. If you understand why that process failed, you may prevent it from happening again and prevent wasting the time, heartache, natural resources and taxpayer dollars that went into finally coming out with one now.
2. **Respect Pedestrians. Let Them Walk on More of the Beach.** The DEIS cites a 2003 Visitor Activities Survey which found that 80% more respondents engaged in "walking" than in "driving" on the beach, and 55% more were there to "enjoy solitude" than were there to drive on the beach or do surf fishing. Yet the negotiated rulemaking process allotted only one of 29 seats to a stakeholder group that prefers the opportunity for walking and solitude on the beach. The Park Service preferred Alternative F, based largely on that negotiated rulemaking process, preserves less than 25% of the managed National Seashore beach to areas where pedestrians can enjoy the natural beauty of it without the intrusion, noise and sight of motorized vehicles. It's like putting the quiet kids in the playpen and letting the bullies run free. On nearly 16 miles of Ocracoke beach, where the village doesn't even have an ocean beach, Alternative F proposes only 4.7 miles for walking without the presence of ORVs. I support Alternative F but respectfully suggest that the Park Service add pedestrian-only areas as follows: ? Hatteras Island beach immediately north of Ramp 43. ? Ocracoke beach from Ramp 59 to Ramp 67. There's no explained need for a new ramp and a new 2-mile beach-driving section here at the Pony Pens. ? Ocracoke Day Use Area in winter. Otherwise there's no year-round pedestrian only area at the most heavily visited beach on Ocracoke Island.
3. **Respect the Nature of the Seashore. Limit Access Corridors.** Animals, plants, surf, sand, sunshine, stars at night - the natural elements of these beaches are what made local people and the nation fall in love with them. The Dare County government tourism industry inaccurately calls these "pristine" beaches. They are not pristine as long as motorized vehicles drive on them. The natural beach is the main reason there's a tourism industry here at all. Please allow the natural ecology to develop naturally by permitting expanses where vehicles and pedestrians are not allowed to disturb them, especially during breeding season. Pedestrians don't demand "access corridors" when birds and turtles are breeding, and ORV drivers should not demand those corridors either. Please allow birds freedom to breed so we can see them here later in the year. ? Keep corridors in Species Management Areas totally off limits during the entire breeding season.
4. **A Parking Lot Is a Parking Lot.** The DEIS presents weak information for determining the carrying capacity of any of the designated ORV use areas. The proposed 20-foot space between vehicles on the ocean beach is a space about as wide as two parking spaces in a paved shopping mall parking lot. The DEIS makes no case for this distance. Allow parking lots at the surf's edge to be real parking lots. If drivers find this too crowded, human nature will take its course. ? Reduce the distance between parked vehicles to 10 feet.
5. **Driving on the National Seashore Beach is a Privilege.** Driving on the National Seashore beach has never been a right, except for local commercial fishermen. Local residents and tourists both were relieved when a hard-surfaced road came in here. Only since 4-wheel-drive became widespread did tourists begin driving on these beaches in droves. For years, serious fishermen, surfers and birdwatchers have resented the joy-riding cowboys who come to the National Seashore for the sole purpose of driving wildly on the beach and raising hell. They are the drivers who typically send park rangers on wild goose chases and typically are not caught. It's past time that the Cape Hatteras National Seashore joins the other National Seashores and charges a fee for permission to drive on the nation's beach. The cost to manage this program must include the cost to repair the damage that reckless drivers have caused for 30 years. ? Set a weekly and an annual fee for permits. In other National Seashores today it's \$50 a week, \$150 for a year. Consider it a parking fee: anywhere else we pay maybe 25 cents an hour or \$7 for the day. Putting it in perspective, North Carolina charges \$15 one-way to bring a vehicle to Ocracoke Island on a ferry. Private concessions charge \$75 to take a vehicle to Cape Lookout National Seashore.
6. **Define a Commercial Fisherman More Specifically.** The DEIS proposes that the National Park Service allow commercial fishermen to drive Anywhere in the National Seashore as long as they can show a recent receipt from a local fish house. This rule is open for widespread abuse. ? Describe specifically how the Park Service will monitor and enforce the rule protecting access for commercial fishermen.
7. **Show It to Some Lawyers.** The failure of the National Park Service to implement an ORV management plan has caused a shameful waste of time and money in court. Even a conservative, Republican federal judge who was once a lieutenant to the late Jesse Helms can see that the National Park Service ORV management in Cape Hatteras National Seashore has been violating federal law and federal orders. ? Before making a final determination on a management plan, send it to a panel of independent legal authorities who understand federal law so we don't see this back in court again.

Correspondence ID: 14832 **Project:** 10641 **Document:** 32596
Name: Benner, Stacy
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14833 **Project:** 10641 **Document:** 32596
Name: Eustis, III, Frederic
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray:

This letter is sent to you as a public comment under your draft EIS referred to above.

I. The Draft EIS Is Not Supported by Quality Scientific Data.

I strongly disagree with the basis under which the EIS was formulated and its lack of scientific data. The EIS is a series of suppositions and assumptions with essentially no underlying scientific evidence of their accuracy or even relevance. As such the EIS (and its plan) are fundamentally flawed and cannot be used for the purposes of creating a legally valid plan to manage ORV use (or access in general).

The EIS repeatedly presents statements as truths with no scientifically credible studies or evidence to back them up. For example, on page 319 of the EIS, the EIS assumes, for all of the considered alternatives that human interference is a major cause of damage to bird populations. This basic assumption underlies all of the plans laid out in the EIS and rests on assumptions and personal prejudices, not scientifically based data. The large number of lists of assumptions throughout the document (e.g., pages 241, 242, 243, 292, 305, 351, 384 ("additional assumptions"), 385 ("range of assumptions"), Appendices A-F) emphasize how much the conclusions and recommendations of the EIS are based on guess work and personal beliefs. Nowhere in the EIS did I find any peer reviewed, published studies that support the EIS's justification of the need for the plan or the highly punitive provisions and restrictions the EIS contains. See References, pages 657-685 (N.B., the selection of references reinforces the lack of data; for example on pedestrian access - there is practically nothing demonstrating damage from pedestrian access; in addition, most of these "studies" are merely accounts, apparently not produced according to the standards required as discussed below).

The EIS tries to remedy the total lack of scientific data by invoking "adaptive" approaches (see, e.g., pages 162,274); but this merely emphasizes the fact that the EIS proposes major changes in current use for which there is a lack of scientific data. One of the few pieces of data that appear to have some credible scientific basis (though seemingly no statistical analysis was done on any of these "data gatherings") is the statement that only four percent of the AMOY nest failures is due to human likely result and do not wish it to come to light. The lack of credible factual information for the actions being considered in the EIS suggests that such evidence would not support the action the Park Service wants to take. This, in turn, implies that the Park Service made its mind up before constructing the Plan (see introductory memo at start of ErI; no page number. where the Park Service explains that it has made its choice prior to public input).

I believe that the Park Service has fundamentally failed its mission in balancing the needs of people and that of animals and that it has done so through its own failures and its fear of lawsuits from the radical environmentalists who apparently have it too scared to do what is right - both ethically and legally. This is no basis for agency actions, which threaten the livelihood and lifetime commitments of tens of thousands of people.

Please scrap the EIS, start over and develop scientific evidence that justifies the huge and very damaging series of proposals in the EIS. Don't assume, speculate and guess: you are hurting the people you are supposed to protect.

Thank you for considering these points.

Sincerely yours, Frederic A. Eustis, III Avon,NC

Correspondence ID: 14834 **Project:** 10641 **Document:** 32596
Name: Eustis, III, Frederick
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray:

This letter is sent to you as a public comment under your draft EIS referred to above. This letter discusses the use throughout the draft EIS of punishments against those who do not commit a violation (e.g., the extension of restricted areas after a violation). The provisions typically require the imposition of more severe restrictions as a result of the violation.

I strongly disagree with the principle of punishing one party for the failure or violations of another.

This approach violates fundamental tenets of American justice. You do not punish people for actions that others take. That is the way of a dictatorship and is an attempt to subjugate a group by fear. This is one of the techniques used by North Korea to cower its people; it penalizes an entire family through three generations for the "failures" of one member. It is like punishing the Park Service because another agency makes a mistake.

That a person cannot be punished for the misbehavior of others (to which (s)he did not contribute) is so obvious that there is little commentary or court cases that address the issue. It is clearly unconstitutional to punish where the person being punished has no relation to the violation. Notwithstanding the absence of cases, it is instructive to consider the Supreme Court case of Furman v. Georgia, 408 U.S. 238 (1972), in which Justice Brennan wrote in considering whether a punishment is unconstitutional because it is cruel and unusual, "There are ... four principles by which we may determine whether a particular punishment is 'cruel and unusual'. [A] punishment must not by its severity be degrading to human dignity A severe punishment [is one] that is obviously inflicted in wholly arbitrary fashion. A severe punishment [is one] that is clearly and totally rejected throughout society. A severe punishment [is one] that is patently unnecessary."

It is obvious that the violations which lead to punishment of nonviolators is wholly arbitrary and is patently unnecessary (would deterrence or even revenge be provided by punishing someone who did not create or contribute to the violation?). I believe the only reason for such a policy is its terrorizing effect.

These provisions punishing those other than the perpetrators are not drawn so as to protect birds, turtles, etc. - they appear to be there only to create fear. In addition, such provisions allow the persons pushing such action to commit violations so as to strengthen the restrictions. Thus, such provisions undermine their own stated intent.

These kinds of punishment violate basic norms of American justice and represent vindictive actions more typical of abusive regimes.

You should not punish people for the misdeeds of others. If this kind of discipline is permissible, perhaps Park Service personnel should be punished for the acts others have committed. This would be no more logical than the presented plan.

Sincerely yours,

Frederic A. Eustis, III? Avon,NC

Correspondence ID: 14835 **Project:** 10641 **Document:** 32596
Name: Karnes, Clyde
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree ? conflicts between motorized and non-motorized users. I have never had a pedestrian complain about ORV's on beach

I disagree ? protected species at risk from pedestrians and ORV's. I have never seen a piping plover. They also have Pea Island to rest on.

I disagree ? carrying capacity. On holidays their will be high capacity at any area that the NPS has not closed. Does anyone at NPS have brains to figure this out.

I agree ? ORV's primary form of access to beach. People with limited mobility and families with small children and engaging in activities with equipment need access to beach by ORV's. If they don't have it they will not come.

I disagree with alternative A-B-C-D-E and F. Any beach closures due to birds and turtles which our god in heaven has always protected, does not need man help. We can't help ourself.

Cultural/Historical Values DEIS and NPS need to think what economic activities will be host to all business at outer Bank communities if they close Beaches.

Socioeconomic analysis If data and analyses in the DEIS (pg270-281; 561-698) is misleading and erroneous conclusions, then DEIS needs to step back and go over it again.

PET/Horse Restrictions I disagree. If people cannot bring pets to beach from March 15-July 31 they will not come.

I disagree species eradication. One animal over another. When did you NPS Become God?

Final Comment I am a fisherman off of surf. I have many rods & other equipment. It can't be carried on to beach. If beach's are closed to ORV's, then I or any other fisherperson cannot get out. If we can't get out we will not continue to come to the Outer Banks.

Clyde Karnes

Correspondence ID:	14836	Project:	10641	Document:	32596
Name:	Karnes, Brenda				
Received:	May,07,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	<p>I disagree with the Park Service to use alternative (?) restrictive of ORV will cause the lost of visitors and there will be a loss of jobs for the people living here.</p> <p>Pea Island is reserved for birds. Is it possible to relocate the endangered birds and move there eggs?</p> <p>ORV visitors is a reason for visitors coming to this part of the Island.</p> <p>Brenda Karnes.</p>				
Correspondence ID:	14837	Project:	10641	Document:	32596
Name:	NA, NA				
Received:	May,06,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	<p>COMMENTS ON THE CAHA DEIS ON ORV MGT. 5/6/10 L.) I am a 35 year alumni of the US National Park Service. I spent 25 years on barrier island type National Seashores. I prefer Environmentally Preferred Alternative D.</p> <p>While time has not permitted me the complete examination of the DEIS that I would like, my commentson the DEIS are:</p> <ul style="list-style-type: none"> - Though this may require significant rewrite of the document; rename the Plan the "Threatened and Endangered Species Habitat (Management or Preservation?) Plan". The NPS is viewed as an expertin nature and is an intruder on dept. of transportation areas when the Plan highlights vehicle management. The two Executive Orders intimate the ORV actions are for the Endangered Species protection and not attempting to "take away American freedoms" as the government is often "beaten with" at this time. - Call all areas that exclude ORVs" Vehicle-Free Areas" (VFAs). This in part, takes away much of the emotional terror of "closing our beaches", etc. - Increase the idea of the CAHA legislation need to treat much of the National Seashore as a wilderness type area. - In the economics sections, is it not possible to give examples of the changes locals can make to maintain or increase their livelihood as others have done in NPS areas that have developed T/E Species Plans? Highlight areas that are (or should be) doing well. I.e. increased wildlife, a local economy not really harmed by the Habitat Preservation Plan. - Required all those applying for an annual/seasonal Oversand Vehicle Permit to view a short 15 min video highlighting the species and natural processes the park is attempting to preserve, general beach driving rules and why with a warning that permits will be revoked for many beach driving violations. - Highlight the negative effects on wildlife and their habitat due to the increase in humans at NPS areas. - Limit interior habitat disturbance (roads, parking lots, etc. in previously undisturbed areas) due to the effects on barrier island natural processes. Describe the indirect negative effects on the barrier island ecosystem as a whole. - Corridors are fine for pedestrians but ORV corridors have a greater negative impact on T/E species attempting to breed, feed, germinate, etc. in this particular barrier island habitat. Save them as a reward when T/E species numbers are routinely up to those needed to take them off the Endangered Species Listing. - Find a way to highlight that only the most experienced in beach habitat wildlife have even a chance to spot a plover or nest before driving or stepping on one. Describe the plovers methods of evading detection such as walking, halting and slightly changing profile so the human eyes continue moving after the plover has stopped and when the eyes move back to find the bird it has frozen in a different profile making it hard to see even if only 20 feet or less away. I would not believe anyone who says they know they have never disturbed, stressed, run over, etc. a piping plover. - Point out that "disking" the beach vegetation changes "wildlife" to a human managed "herd" requiring indefinite funding. Not a good thing in any economy and it may foster additional habitat manipulation actions for this and other species. This also would be true of using other direct costly animal husbandry actions such as spoil islands. Such manipulation of habitat may not be legal. Perhaps the definitions section could include some basics such as: "wildlife", "natural processes", etc. - It may be helpful to discuss the topic of "Take" and note that once an area has met its Endangered Species numbers there is the possibility of relaxing preservation actions and "permitting Take" as has been the case in Massachusetts. - From my perspective viewing and listening to others, the "IF YOU ARENT FOR US; YOU US" attitude found concentrated in Dare County politics and the general Hatteras Island population has had a great effect on general Dare County tourism. Few desire to vacation in a "war zone". - If Alternative F is used there should be an addition of a vehicle-free area extension for habitat or preservation action violations. This violation extension should also be incorporated in Alternative D. -Is data available to show T/E Species numbers are not likely down due to natural processes such as hurricanes? One might argue that increased access in these habitats may lead to a "Wal-Mart Perspective" rather than persevering wildlife and their habitat for future generations. <p>In closing I would like to thank all involved in this attempt to preserve our American Heritage of wild places. If more information is needed or requested from me, Outer Banks Group staff working here prior to 2005 know how to reach me.</p>				
Correspondence ID:	14838	Project:	10641	Document:	32596
Name:	Howard, Eddie				
Received:	May,06,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	<p>My name is Eddie Howard and I am a permanent resident in Chesapeake, VA. I purchased a beach house in Salvo, NC. in the spring of 2003. This has been a lifetime dream of mine and my family.</p> <p>Over time, my dream has begun to fade. The island was hit with a consent decree that restricts public access to prime locations in many parts of this recreational area. The Cape Hatteras National Seashore Recreational Area is ultimately controlled by Congress and belongs to all American taxpayers. I am a taxpayer in Virginia and North Carolina and I am not feeling any love. I support open beaches and accessibility to all.</p> <p>There are many issues I disagree with the DEIS but I will limit my comment to just a few. First of all, the length and complexity of the manual. It is way too long and very complicated to read. The document is eight hundred pages long. A month ago, Congress took up health care for Americans and that legislation was only twelve hundred pages long. Do you see my point?</p> <p>The Management Buffers (closures) P. 121-127 are important management practices for species recovery. However, buffers must be based on peer-reviewed science. The DEIS does not cite any peer review science in supporting such a closure. Where is the science?</p> <p>The Non-Endangered Birds P. 121-127 such as American Oystercatcher, Least Terns and Colonial Water birds are given pre-nesting closures and buffers up to three hundred meters under Alternative F.</p> <p>Birds that are not listed as endangered should not be afforded the level of protection given under the Endangered Species Act.</p> <p>On April 26,2010,I attended the DEIS public forum in Buxton, NC. After listening to speaker after speaker the message was quite clear. 'We the people support open and accessible beaches". The last time I checked, this country was based on democracy and ruled by majority.</p>				
Correspondence ID:	14839	Project:	10641	Document:	32596
Name:	Wojkowski, Gerard				
Received:	May,03,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	<p>I am writing the NPS to express my comments regarding the draft DEIS.</p> <p>My wife and I own a home in Avon, NC (42146 Greenwood Place) which we had built in 1994. Prior to building we rented up in the Duck area for 10</p>				

years. Over the last 16 years we have had renters from multiple states (OH, NY, CT, MA, NJ, MD, VA, NC, and WV) who have written in our guest book to express how much they enjoyed their vacations on Hatteras Island. We have a real concern that alternate "F" of the 6 alternate plans in the DEIS will have major impacts on both the local economy of Hatteras Island and the thousands of renters who enjoy their HI beach vacations every year. Some of my concerns are as follows:

Large, Inflexible Buffers I agree that we must provide for the well being of specific endangered species. However, the size of the buffers contemplated under alternative " F seems to go way beyond commons sense and what is required at other national parks along the Atlantic seaboard. The idea of a 1000 meter buffer for Piping Plover would imply that you would need to close highway 12 in some areas. Additionally, I disagree with the proposal to provide for a 300 meter buffer for the American Oystercatcher even though it isn't on the federal threatened species list. I also question why pedestrian access below the high water mark to areas like Cape Point would not be allowed.

Region of Influence (ROI) I disagree with the inclusion of the northern beaches (Southern Shores and Duck) in the analysis of the economic impact of alternate "F". Those areas are very different and need to be separated out so as not to underweight the direct impact to HI residents and visitors.

Vacationers coming to HI are looking to experience a more natural and less built up setting as currently available on HI.

Predator Management I disagree with the current and proposed approach of eliminating certain species in order to try and protect other species. It's like playing God. We live on Cape Cod and there was a very recent proposal to poison crows in order to protect Piping Plover eggs. Fortunately, they are not going forward with this idea. We ought to just let nature take its course.

I know you are in a very difficult position trying to work through multiple organizations with conflicting goals. However, we need to find a way to better take into account the economic livelihoods of the residents of HI and the desires of visitors to enjoy the natural wonders of a beach vacation on HI. People and wildlife ought to be able to co-exist at the Cape Hatteras National Seashore.

Correspondence ID: 14840 **Project:** 10641 **Document:** 32596
Name: Long, Iris
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14841 **Project:** 10641 **Document:** 32596
Name: Willard, Daniel
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14842 **Project:** 10641 **Document:** 32596
Name: Zeeman, Charlie
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14843 **Project:** 10641 **Document:** 32596
Name: Waterfield, Gilda
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with the many things you are trying to do and have done to our beaches. This is a way of life for us and has been for over seventy years. We have needed these waters for survival and still do. WHEN economy is rough and we have no other way to go we have always had the waters as our only hope please don't take this away from use because of a few birds. They know more about how to survive than you can ever teach them. Please leave our beaches alone. Don't take the only think away from us that we can count on.
Yours truly,
Gilda

Correspondence ID: 14844 **Project:** 10641 **Document:** 32596
Name: Stump, Eric
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: To think I will have to tell my son how it used to be!
Please, please, please repeal this nonsense. Use truthful enclosure activities and use the normal park policing that has always been in place. It would be better to hire more park employees to help with education/interaction with the public than putting up a bunch of signs to run an understaffed operation so that we can later say I told you not to go in there but you did it while no one was here so we will make the closure area larger. The special interest groups would better spend their money donating to the park service for mroe staff. Quit following the example that big government has shown us, this will bring nothing that we want or need.
Sincerely, Eric Stump
I am a business owner, a family man, and an islander (in order to be an islander you have access to the area that makes is an islans: the beach!)

Correspondence ID: 14845 **Project:** 10641 **Document:** 32596
Name: Swartz, Neil
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: I strongly disagree with the information and recommendations contained in the alternative F presentation.
I have found the Coalition For beach Access position statement more factual, realistic, and practical.
The Outer Banks Chamber of Commerce economic impact statement also addresses the financial concerns much more effectively than alternative F.
These two statements should be used as a basis for formulating a new and better policy regarding the future usage of the Cape Hatteras National Recreation Area.

Correspondence ID: 14846 **Project:** 10641 **Document:** 32596
Name: Vickhouse, Mike
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14847 **Project:** 10641 **Document:** 32596

Name: Poole, Daniel
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14848 **Project:** 10641 **Document:** 32596
Name: Scarborough, David
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr Murray:
I submit this letter as an official comment to the Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan/ Environmental Impact Statement (DEIS)
I disagree with the measure proposed under Alternative F for the protection of "State Listed Species of Concern" as document on page 468 and elsewhere within the DEIS. These species are not endangered or threatened and do not require the same level of protection as for those species that are. The NPS has attributed the decisions concerning buffers and closures for N.C. State listed species of concern within the last several days (including comments provided thru this DEIS process) that the species of concern listing is not intended to require or provide special resource protection measures assigned to endangered or threatened species.
The NPS should recognized the intent of the NCWRC as it establishes buffers and closures for listed species of concern. Public access corridors can, and should be provided around nesting activities for these species. Full closures and 300 meter buffers are not justified under normally accepted protection guidelines and create conflict for the NPS to fulfill its responsibility to maintain the CAHA as a recreation area.

Correspondence ID: 14849 **Project:** 10641 **Document:** 32596
Name: NA, NA
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: One does not envy the position you are in relative to this overall situation. On one side of this issue are thousands of everyday people, citizens of the United States who wish to see a wonderful resource remain accessible and open for themselves, their children, and grandchildren. On the other side are also citizens of the United States but with a very different agenda. This wish to turn this beautiful recreational area into a wilderness preserve. PLEASE overcome their attempted political pressure and attempts to make a points of concern by exaggeration, under stating the economic impact, and greatly magnifying the harm they claim will occur by the mere presence of humans to a few nesting birds. My position on this issue is as follows: The Cape Hatteras National Seashore Recreational area is exactly that, not a wildlife preserve that a few individuals and groups are looking to make happen. Many parts of the proposed Draft proposed mangment plan authored by the Park Service and US department of interior are extremely unbalanced in favor of a few wildlife species as opposed to the hardship that will be imposed on the human species. I support a free, open and balanced access to this beautiful national recreational treasure with reasonable resource management. I am against as they now read the following the following portions of the proposed Park Service and Department of Interior Draft. 1) Any piping plover unfledged chick brood will require a 1,000 meter pedestrian/ORV closure around it in all directions. This equals approximately 771 acres per brood. This restriction will apply anywhere in the park, even on the beach in front of your home as well as in the designated "wilderness areas." (p. 121-127) 2)Any American oystercatcher nest or brood will require a 300 meter pedestrian/ORV closure around it in all direction. This restriction is almost as severe as that for the piping plover, even though the Oystercatcher is not a federally threatened species (p.121-127) 3) No pets, including dogs, will be permitted, either leashed or unleashed, on Cape Hatteras National Seashore public lands including the beaches between March 15th and July 31st. (p. 136) 4)ORVs will be prohibited year-round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations (p. 97-101) 5) Night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing surf fishermen access in the morning. (p. 104) 6) Pedestian access will be prohibited from March 15 until July 31 in 8 different beach locations which have traditionally been available. (p. 121) 7.) only 1 % of the Piping Pluvers breed on The Cape Hatteras National Seashore Recreational Area. Does that warrant turning the entire beach into a wildlife preserve? No! Reasonable management? Yes, always!

Correspondence ID: 14850 **Project:** 10641 **Document:** 32596
Name: Zachwieja, John
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence: I would like to comment on the beach access in the Outer Banks area. I will begin by saying that I am not an expert on environmental issues, but I am 57 year old and have been in management all of my life. I do appreciate the effort of the NPS to do their jobs as best they can. However, I do not believe that that proposed Beach Access to protect habitat will be of any significant benefit to the wildlife, but will have a negative impact on the community, socially and economically. My wife and I bought a place in 2006 because I love to fish and she loves the beach ? we love to go (in our vehicle) to the beach. It is a way of life and I see no harm in this. Specific issues are: (pvi) there are no problems between motorized and non-motorized vehicles which would not be found in any street. (P1) Pea Island should be counted as ORV free area (p210) no piping plover deaths have been caused by ORVs, violations are decreasing (p468) ML1 should provide pedestrian and ORV corridors around or below the high tide line in all SMAs during the entire breeding and nesting season (p122-127) The buffers should not be equal, but more with the unfledged chicks (P124) Only 3% of nest failures are due to human interference and that does not mean ORV's necessarily, so NPS should focus on other areas such as predation (54%) of failures. There are other areas which are doing well such as dredge and spoil islands. As for the turtles it seems that the debris line is a more appropriate to help the nest for relocation, nest and hatchlings seldom have been interfered with by humans. Overall, please remember that beach access (ORV) is a way of life in Hatteras and the surrounding areas. I ask that you help keep it that way and we will help in every way to protect the wildlife.

Correspondence ID: 14851 **Project:** 10641 **Document:** 32596
Name: Shelton, Henry
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please accept this letter as my comments on the ORV DEIS before you at this time. After reviewing the NPS DEIS, I disagree with all six alternatives discussed within the document. The alternative provided in the Coalition for Beach Access Position Statement provides a much better visitor experience while protecting the fragile resources. I could state many facts and numbers, but you have heard them all before. When people state facts make sure it is true science and the full story; not a public relations sound bite.
I participated in preparing the workbook during the failed negotiated rule making process and I have written to authorities about building a new bridge across Oregon Inlet. The intent of the "environmentalists" is to effectively close Hatteras Island. Please prevent the effective closing of the Cape Hatteras Recreational Seashore and in your deliberations consider all aspects and all impacts to the local culture, the local economy and the pleasure of the many visitors to our small piece of paradise.

Correspondence ID: 14852 **Project:** 10641 **Document:** 32596
Name: Dunn, Edward
Received: May,07,2010 00:00:00
Correspondence Type: Letter

Correspondence: I am writing in regards to the proposed legislation that will effect the usage of land on the Outer Banks. The protection of the Piping Plover Bird & the Oystercatcher Bird is a noble idea, but in the perimeters set forth in "Alternative F" is absurd. The proposed 1000 meter perimeters around nesting area's at the expense of recreational usage by people is outrageous & completely overreaching. A small protective area could be established that would help the birds without impeding upon the overall usage of the land. As a land owner in Avon, NC, I find it irresponsible that environmental groups could effect such a harsh penalty on people who have livelihood & investment on the Island when it is completely unnecessary. The need for a PROPORTIONAL SOLUTION is urgent. If the voice of residents & business owners is not heeded, a slew of bankruptcies & foreclosures will hit the Island. I urge commonsense in this matter. Please find a solution without the harsh, overreaching limitations.

Correspondence ID: 14853 **Project:** 10641 **Document:** 32596
Name: Lea, James
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am a long-time visitor to the Cape Hatteras National Seashore and a recent new homeowner in Buxton. I'm writing to comment on the National Park Service's DEIS/ORV management plan. I find it unacceptably insensitive to the culture and traditions of Hatteras and Ocracoke Islands and the people, families and communities whose lives it seriously threatens to change forever if it is adopted. The Plan is therefore in violation of the provisions for preservation of cultural resources of the National Environmental Policy Act. Hatteras and Ocracoke Islands have been a culturally coherent community for nearly 400 years. Many of the families who live and earn their livings there are descendants of early European settlers, shipwreck victims who washed ashore, the first Outer Banks and Atlantic fishermen, and others who have made the islands home and shaped its distinctive traditions. Their access to the beaches now in the National Seashore and use of them for recreation and transportation have strong historical foundations, as you know. At the core of the island residents' culture is an unwavering respect for the sea and for their wildlife neighbors on the land. The DEIS/ORBV management plan pits the people of Hatteras and Ocracoke, fewer than 6,000 in number with very meager resources, against the million-member National Audubon Society which posted an income of more than \$82,06,000 in 2009. It's not a fair contest, and the National Park Service's proposals for restricting and even closing pedestrian and vehicle access to the prime parts of the islands' beaches undercuts the islanders' ability to resist the advocacy group and even to survive over the long term. I'm told that economy and culture are supposed to play very small roles in planning for national park management. I find that short-sighted and decidedly against the larger interests of this park and the Park Service itself, to say nothing of the people of the Outer Banks. I urge you either to withdraw the current DEIS/ORV management plan or to incorporate a much broader perspective on the local culture and traditions that are a major part of the Seashore's appeal to visitors. Thank you for this opportunity to comment on the DEIS.

Correspondence ID: 14854 **Project:** 10641 **Document:** 32596
Name: Fleming, Patricia
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: I agree with the Alternative "F" option of the National Park Service. Specifically, I agree to closure to access from pedestrians or ORV to nesting sites of piping plovers and American oyster catchers. I agree there should be no pets allowed on the beach, and prefer no pets on the beach ever. I agree that ORVs should be prohibited from driving on the beaches. Surf fishermen can park in designated areas and walk to the beach. Thank you for preserving our beaches and wildlife.

Correspondence ID: 14855 **Project:** 10641 **Document:** 32596
Name: Righter, John
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am writing to ask the National Park Service to thoroughly and completely examine the traditional uses of the surf zone before implementing a draconian restrictions on said surf zone. In the 1980s my family began visiting the Outer Banks because we heard that one could drive on the beach, camp, surf, and wild surf. We came every year to enjoy these activities. In the course of that time, we rented motel rooms and cottages, as well as camp sites until we purchased land and built a house here. We, as well as our grandchildren now, still enjoy those activities. It is fair to say that under the proposed restrictions we would not have moved to the Outer Banks. If we feel this way I am certain that other do too. What then would be the financial impact on local businesses? How would the traditional uses of this recreational area be affected? I believe the affect would be devastating. Please implement sufficient ORV corridors, flexible corridors, to allow the continuation of a traditional way of life.

Correspondence ID: 14856 **Project:** 10641 **Document:** 32596
Name: Dennis, Jr, Curtis
Received: May,03,2010 00:00:00
Correspondence Type: Letter
Correspondence: My name is Curtis I. Dennis, Jr. I am 60 years of age and have been frequenting the Outer Banks most of my life. I am an avid outdoorsman and believe in management of all wildlife but I do not agree with a lot of NPS DEIS alternative F.
1. I completely disagree with the lack of science in determining the buffers for the Piping Plovers of 1000 meters. This seems extremely excessive for a bird that is not on the endangered species list.
2. I disagree with the large numbers of predators being eradicated to protect the Piping Plover. What management guideline promotes us to practice this without a scientific impact study? In my opinion dredge islands should be considered for management of all birds where they have no natural predators.
3. I agree with management of all birds on the beaches with a compromise to let people also enjoy the beaches to include buffers around shorebirds and turtles which allow ORV usage of the beaches.
4. I disagree with pet restrictions on all beaches. How can a leashed pet destroy nesting birds?
5. I disagree with your conclusions about the economic impact on Hatteras Island and Ocracoke. To restrict ORV usage and close beaches, in my opinion, will have a devastating impact on the region. I know many people that are already going other places for vacation or just not going back to the Hatteras Islands or Ocracoke because of restrictions now in place.
In summary, I do not understand how the management of NPS would put the priority of birds and turtles over people. I know management works when implemented properly and impact studies are done. The NPS needs to manage using science and not dictate. Thank you for reading and considering my concerns.

Correspondence ID: 14857 **Project:** 10641 **Document:** 32596
Name: Dennis, Wanda
Received: May,03,2010 00:00:00
Correspondence Type: Letter
Correspondence: I believe in the management of the Cape Hatteras Seashore. However, I disagree with the NPS DEIS alternative F for the following reasons: 1. The buffers for Piping Plovers of 1000 meters are excessive and unnecessary. It is not based on proven science. Assateague Island, MD uses 200 meter buffers. Why is this not acceptable in Cape Hatteras? I do not believe the Piping Plover is an endangered species or native to the area.

2. I do not agree with the pet restrictions. Dogs on leashes pose no threat to birds or turtles. Have there been a number of incidents where dogs on leashes have destroyed nests? If not, then why are there new restrictions under alternative F?
3. I believe the DEIS fails to emphasize the importance the new restrictions will have to the socioeconomic status and culture of the residents and visitors of Cape Hatteras. Communities developed and businesses were established as a result of the recreational status of Cape Hatteras beaches. There are no amusement parks, golf courses, or boardwalks. They have always had ORV access to beautiful beaches. Management can be done while maintaining open corridors between closed nesting areas and access to the surf zone. If businesses are suffering under the restrictions of the Consent Decree, why does the Park Service want more restrictions under alternative F?
4. I do not agree with the killing of natural predators. Why is it alright to kill foxes, raccoons, or other animals to protect birds?
5. Dredge islands should be considered when counting nesting birds.

Correspondence ID: 14858 **Project:** 10641 **Document:** 32596
Name: Wright, Albert
Received: May,03,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am 77 years old and have been going to Cape Hatteras National seashore at Buxton since 1968. The way things are going, I will not leave it in very good shape for my children and grandchildren.
I cannot believe what the N.P.S. and the courts are doing to the Park, and the people of the outer Banks.
YOU are KILLING the businesses down there, over 8 or 10 pairs of birds.
I was at the public meeting on April 26th, I agree with Mrs Dillon. The Park was set up for the people, not to be a Bird sanctuary.
The birds and turtles can be protected with the fences that you were using. But dont close the whole beach. Give the people a chance.
Why is it a few people with lots of money and power can force there will on the Majority?
I am after my Senators an Representative to support H R 718 and senate Bill s1557.

Correspondence ID: 14859 **Project:** 10641 **Document:** 32596
Name: Heiser, Richard
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence: As stated earlier at the public meeting in Raleigh on 28-Apr-10, I support the positions of the North Carolina Beach Buggy Association and the Outer Banks Preservation Association with regards to the Draft Environmental Impact Statement. Further, I have the following overall comments: 1. I strongly favor repeal the Consent Decree which violates the unalienable rights (of the human inhabitants of the villages within the CHNSRA) to their life and the pursuit of happiness as expressed in the US Declaration of Independence July 4,1776.
2. Referring to item 1 above, it appears that the US citizens who live within the boundaries of the CHNSRA are under siege by the federal government. This is in part due to the actions of the National Audubon Society. I find this shameful.
3. The establishment of a beach driving permits system. Permit fees would and should help to support the enforcement of the system. All permitted operators of beach vehicles should be educated to the law so there would be no excuse for violations.
4. The opening of the south side of Oregon Inlet to beach buggies for access to the open beach prior to the commencement of the southern dune line. A corridor could be established for in and out access.
5. People should not intrude in nesting areas for wildlife, either by foot or by vehicle.
6. I oppose the destruction of one form of wildlife in favor of another (i.e. predators who feed on bird nests). Foxes, raccoons, etc. predate chicks and nests, so do ghost crabs and various birds (sea gulls). Eradicating the mammals specifically does not address the predator issue. To prevent these issues, particularly the ones regarding predators, there are alternatives including hatcheries and wildlife support in the form of gathering of turtle nests for incubation and later release, etc. Thank you for your time. I know this takes a lot of energy.
I hope to see how the comments on the DEIS are weighted after they are tallied ... statistically speaking and then be able to match them up to the final EIS.

Correspondence ID: 14860 **Project:** 10641 **Document:** 32596
Name: Burbic, Mark
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: I would like to express my disapproval with the plan the NPS has submitted for approval in regard to the ORV Management in Cape Hatteras National Seashore and Recreational Area. After reviewing the DEIS, I 'm drawn specifically to information described in the report that is disturbing to me as a resident and tax payer of Dare County, and as a person who enjoys the use of the park.
First, I do not understand the NPS supporting Alternative F as it was not sanctioned by the Reg-Neg Committee. The Court was very specific that the NPS was to submit the DEIS based on the findings of the Reg-Neg committee. Additionally, the National Environmental Policy Act (NEPA) is not significantly addressed in the DEIS. The NPS has failed to address or recognize the severity of their proposed actions against the cultural and historical requirements of NEPA.
I do not support the DEIS as proposed by the NPS, and feel it should be discarded and redone in compliance with all parties involved.

Correspondence ID: 14861 **Project:** 10641 **Document:** 32596
Name: Patchel, Gary
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: According to Page 561 Socioeconomic Impacts states "Impacts on the economy and on small businesses were assessed using estimates of change in revenue from any change in visitations that might result from the alternative."
I believe as a small business owner that the impacts are already being felt. So, the chance of this is in fact present today. Several of my repeating customers visiting in the summer of 2009 expressed their concerns and stated they will not return because of the beach closures that they experienced. Now with floating beach closures and ORV limitations I believe we will see a decline in tourists. My profits at this time do not exist to consider alternative change. You must consider that businesses south of Oregon Inlet have limited suppliers that come to this end of Dare County.

Correspondence ID: 14862 **Project:** 10641 **Document:** 32596
Name: NA, NA
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with the "table ES2" year-round closure, or both sides of Hatteras Inlet. There is no PCE and it does not meet any SMA criteria. (p 121-127) I totally disagree with 1000m buffers when 200 m seems to be protocol, in other parks and refuges. This 800 page document does not adequately address both cultural and historical values, NEPA now, has there been a thorough study of the economic impact of the resource closure!

Correspondence ID: 14863 **Project:** 10641 **Document:** 32596
Name: O'Neill, Janice

Received: May,04,2010 00:00:00

Correspondence Type: Letter

Correspondence: First I do not agree with the DEIS. At a time when this country is faced with a drastic economic reversals, the proposals set forth, would wipe out the businesses in that area whose livelihood depends on the tourist and fishing enthusiasts trade. This would greatly impact all places that depend on their business down the line.
The Piping Plover is not even on the endangered species list but the families of that area are. A 1000 meter buffer around each bird is totally unrealistic. These birds are not even known to migrate to this area. The numbers of Piping Plovers has decreased since the consent decree had been written and the large buffer zones went up.
Our turtles suffer not from the vacationers and sport fishermen, but from the extreme weather we have slow our coast. These storms wash the eggs out to sea. Please consider all the facts carefully before making a decision that would destroy this most enjoyable and beautiful recreational area.

Correspondence ID: 14864 **Project:** 10641 **Document:** 32596

Name: Cohen, William

Received: May,06,2010 00:00:00

Correspondence Type: Letter

Correspondence: Even with resource closures in place, protected species are still at risk (p 210). - No piping plover deaths have attributed to ORVs - ORV violations continue to decrease as signage and education improve - Pedestrian violations are more significant than ORV violations

Correspondence ID: 14865 **Project:** 10641 **Document:** 32596

Name: Jordan, Lynn

Received: May,06,2010 00:00:00

Correspondence Type: Letter

Correspondence: Many have asked why a 1,000 meter buffer is necessary to secure piping plover nests on Cape Hatteras National Recreational Seashore. From some of the access parking areas it is approximately 1,000 meters to the ocean. Is it realistic to expect tourists to walk 1,000 meters with beach chairs, umbrellas, coolers, fishing gear, children and grandparents? A walk of that distance discriminates against everyone except maybe the young, healthy adults who visit Hatteras Island. Many tourists who had reservations to vacation here in 2009 are not returning because of last years buffers and no driving zones. In 2010 there will be an even greater decline in tourism. Real estate sales, which are down all over the country, are practically nonexistent on Hatteras Island as a result of beach closures. Businesses are suffering tremendous losses. The consent decree has had a tremendously negative impact on Hatteras Island's economy. Statistics may not show this because the statistics include all of Dare County. This is totally unfair to Hatteras Island. Dare Counties northern beach towns have oceanfront motels, night clubs, numerous restaurants and shopping areas, golf courses, cinemas, historical sites and many other forms of entertainment for vacationers. The main tourist attraction on Cape Hatteras are the beaches that must be accessed by ORVs unless you are physically able to walk 1,000 meters to the ocean. Why hasn't a survey been done on tourism exclusive to Hatteras Island? That is imperative if you want a true assessment of the economical damage the consent decree continues to impose on Cape Hatteras.
Plan A is the only viable plan to protect wildlife and support economical growth on this island. Judge Boyle's statement that the citizens of Hatteras island are "complaining about something that is not impacting on them" is absolutely false! The economical impact has been and continues to be devastating! The cultures, traditions, lifestyles and economy on Hatteras Island is completely different from those in the towns to the north and cannot be fairly compared. Plan A is the only plan that will protect wildlife, serve the people, and allow the NPS and the citizens of Hatteras to work together once again to preserve we all love. Cape Hatteras is totally dependent on its beach access ramps to exist. The deterioration of the economy here in the past two years is solid evidence that if tourists do not have an easy access to the beaches, they will not come! A survey of business owners and real estate offices on Hatteras island will prove just how detrimental the consent decree has been on the island's economy. Plan A is the island's only hope!

Correspondence ID: 14866 **Project:** 10641 **Document:** 32596

Name: Righter, John

Received: May,05,2010 00:00:00

Correspondence Type: Letter

Correspondence: I am writing to strongly disagree with the Park Service proposed restriction on pets. I disagree for a number of reasons. Pets are an integral part of American culture, shown to reduce blood pressure and stress for people with heart problems. I am such a person. Pets need exercise as much as humans. To suggest that pets on leashes are a threat to wildlife at the beach is absurd. The current leash restriction, properly enforced, is sufficient and I support that restriction. Please remove the restriction on pets as they appear on page 136 of the proposal and allow leashed pets with their owners to exercise on the beaches.

Correspondence ID: 14867 **Project:** 10641 **Document:** 32596

Name: Self , Louis

Received: May,04,2010 00:00:00

Correspondence Type: Letter

Correspondence: In addition to ruining the economy, your protecting and saving mal-adapted species is slowly destroying the local ecosystem. These species have not adapted to Earth's ever-changing environment and should not be allowed to continue ? especially at the expense of other species, including humans. Please stop the beach closures.

Correspondence ID: 14868 **Project:** 10641 **Document:** 32596

Name: Wilson, Jim

Received: May,06,2010 00:00:00

Correspondence Type: Letter

Correspondence: I agree: Birds and turtles have to be protected. I strong disagree on how the park service is going about this problem. I have been driving the beach since 1982. I have never abused the beach or its wildlife. Without the wildlife there is no beach. Do not go for op F it is not the right way to go.

Correspondence ID: 14869 **Project:** 10641 **Document:** 32596

Name: Duke, Cecil

Received: May,06,2010 00:00:00

Correspondence Type: Letter

Correspondence: I disagree with the following points in Alternative F: 1. There is no vehicle access corridor at Bodie Island Spit during the Bird Breeding season 2. Buffers for p plovers and Am oystercatchers are too too large 3. No ORV interdunal road access to Bait Pond at Bodie Island (Oregon Inlet Spit) 4. The Relocation f ramp 2, further South 5. The DEIS document was difficult to read and understand, by the average person 6. Time for public input was too short.

Correspondence ID: 14870 **Project:** 10641 **Document:** 32596

Name: Perry, Samuel

Received: May,10,2010 00:00:00

Correspondence Type: Letter

Correspondence: I am opposed to bans for pets on Hatteras Islane Beaches due to bird nesting. We've selected Hatteras as a place to reside part time and a major factor in this was our ability to walk with our dog on the beaches of the sound and oceanfront. The measure to ban pets from the beach for months at a time is an extreme restriction that will drastically affect our ability to reside in and visit Hatteras.
I support a leash requirement.

Correspondence ID: 14871 **Project:** 10641 **Document:** 32596
Name: Perry, Samuel
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am opposed to bans restricting recreational access to pedestrians, surfers and kiteboarders on Hatteras Island Beaches due to bird nesting. I have spent summers on Hatteras Island for the past 40 years and now live in Hatteras 2-3 days per week for six months of the year. During the 40 years of time I have spent here surfing, walking and kiteboarding I have never encountered a bird nest or in anyway harmed a bird.
I support bans on motorize vehicles in limited temporary closures that are directly linked to active bird nests.

Correspondence ID: 14872 **Project:** 10641 **Document:** 32596
Name: Perry, Kimberly
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am opposed to bans restricting recreational access to pedestrians, surfers, and kiteboarders on Hatteras Island Beaches. I live in Hatteras 2-3 days per week for 6 months of the year.
I support closure to motorized vehicles in nesting areas however I do not feel that pedestrian and water activities should be restricted as those kiteboarding, walking, and surinf pose little risk to nests, no more than natural predators.
In 2009 I spent over \$10,000 in purchases in over 6 months (lodging, equipment, meals, and fuel) in Dare county to support my pursuit of kiteboarding on the seashore

Correspondence ID: 14873 **Project:** 10641 **Document:** 32596
Name: Donahue, Larry and Pam
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr Murray:
I ask myself, "What is the worst thing that could happen if the NPS completely reversed themselves and allowed free and open beaches on Hatteras and Ocracoke islands?"
The bird numbers would probably remain the same as they have for a decade. You would be a hero to thousands of people. ORV usage would be spread out among all of the beaches again and no overcrowding of one or two beaches that have managed to remain open. You would be standing up for what the National Park Service promised in the beginning. Audubon and Defenders of Wildlife have been lying to you also. You would have done something in your lifetime that truly benefited your fellow man. You would cause the islanders to believe in their government again.
I know I'm not supposed to write anything philisophical, but in fact the lady who spoke at the April 26th meeting in Buxton was right; this is not a normal National Park as this park was put into place around existing villages with full time residents. These residents were here first.
These highly educated special interest groups seem to have forgotten that there are two entities that govern us all...nature and God.

Correspondence ID: 14874 **Project:** 10641 **Document:** 32596
Name: Alderson, George & Frances
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please include this letter as our comment on the draft ORV plan and EIS. We thank you for undertaking this project, and we believe NPS has an obligation under Executive Orders 11644 and 11989 to designate areas that are closed to off-road vehicles in Cape Hatteras National Seashore.
I (George) visited Cape Hatteras 35 years ago, staying several nights at Buxton. I had looked forward to seeing the wild beaches and the birds and the waves, but I soon discovered the whole beach was open to ORVs except a few small areas that were reserved for ocean swimming. I could not enjoy the beach because the ORVs were roaring up and down the island. I have never returned, because Cape Hatteras was not a place to seek an experience with nature, and I would not recommend it to anybody else unless larger parts of the beach are closed to ORVs.
Your preferred alternative (Alt. F) allots only 16 miles to nonmotorized uses year-round. Where is the balance? Where will you send visitors who want a real national park experience? Where can visitors walk on the beach and enjoy that spectacular coastline without the roar of vehicles? Where can people find a quiet spot to get away from the roads and crowds and lie down to soak up some sun? I didn't dare lie in the sun because the vehicles were roaring up and down the beach, looking for spots where the gulls were diving into a school of fish.
We are opposed to Alternative F because it does not give wildlife the habitat they need, and it does not provide for visitors who want a true national park experience. To protect wildlife and restore the wild character of Cape Hatteras National Seashore, we urge you to adopt Alternative D, with added pedestrian access as proposed by conservation groups in North Carolina.
The Highest Priority: Protection of the natural resources of the park should be the highest priority, including its wildlife. Recreational activities should be fostered only in times and places where they are compatible with wildlife populations in excellent condition. The history of ORVs at Hatteras shows the fallacy of letting recreational activities take first priority. Birds and sea turtles have taken a hit, and that has degraded the value of Cape Hatteras for visitors.
Nonmotorized Zones: At least half the beach should be closed to ORVs year-round, as in Alt. D. Seasonal closures for bird nesting periods are not the complete answer, because those do not provide quiet, wild beaches in other seasons of the year where visitors can go without fear of ORV traffic, and where migrating and wintering birds can rest and feed without being disturbed and stressed by passing vehicles.
Strict Regulation: Strict regulation like that used at Assateague Island National Seashore should be used at Hatteras, with limits on the number of vehicles on the beach at any time, permits issued by NPS to individual drivers, and a strict designation of areas open and closed to vehicles. At Assateague, approximately half the beach mileage is closed to vehicles, which has proven a reasonable balance.
Wildlife Protection and Monitoring: The final plan should: 1. exclude ORVs from all the lands used for nesting by protected species or historically used before the species retreated to smaller territory because of ORV impacts. 2. set annual goals for wildlife recovery. If the protected species are not meeting the goals, more protection should be added. These measures should include migrant and wintering species as well as nesting species.
Expect an Increase in Nonmotorized Uses: Cape Hatteras has the potential for much greater visitor use of the beach without vehicles. Visitors in other national parks and seashores typically have their favorite park experiences on foot, on horseback, or on a bicycle. At Hatteras the domination of the beaches by ORVs has driven away those visitors. Removing ORVs from more of the beach under Alternative D will create new opportunities for nonmotorized public uses. This will mean business opportunities for riding stables and bicycle rentals in Buxton and other communities. Visitors will have reasons to stay more days, using lodgings operated by private owners. In the end, more people will visit Hatteras and stay longer if you reduce ORV traffic and make the seashore more hospitable to traditional park visitors.
We thank you for undertaking this project and we wish you well in achieving better protection for the natural values of Cape Hatteras National Seashore. Please keep us informed of further action on this project.

Correspondence ID: 14875 **Project:** 10641 **Document:** 32596

Name: Eustis, III, Frederic
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: This letter is a comment made under your draft EIS as referred to above. I believe that this EIS is a Trojan horse: the Plan has been drafted under the auspices of Executive orders 11644 and 11989, which call for the establishment of an ORV plan. And the NPS has presented this plan as a plan to regulate ORV use; even its title suggests that is the limit of the Plan.
 But the Plan is much more than that: it regulates all use of the Park and access to the Park. It goes way beyond the provisions called for in the Executive Orders under which it is purportedly issued and it does so in a way that I believe is deceptive and misleading. Even articles I have seen in the papers appear to believe this is only about driving on the beach. But like many, I believe they had been misled. If you the law says you must implement an ORV plan, then you must. But that does not authorize or countenance using such a plan to sneak in hugely broader restrictions on all access to the Park lands and even to the waters surrounding the Park (how can regulation of usage of the waters be part of an ORV plan?). Please eliminate from the Plan all restrictions that do not relate to ORV use. Otherwise, I believe your Plan is misleading and deceptive.

Correspondence ID: 14876 **Project:** 10641 **Document:** 32596
Name: Enoch, Sharon
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: RESOLUTION BY THE OUTER BANKS RESTAURANT ASSOCIATION REQUESTING FURTHER CONSIDERATION TO ITEMS WITHIN THE NATIONAL PARK SERVICE DRAFT ENVIRONMENTAL IMPACT STUDY (DEIS).
 WHEREAS, over 180 million Americans make nearly two billion annual trips to the beach, which contribute significantly to the economic development of the local, state and national economy: And
 WHEREAS, over five million people visit Dare County's Outer Banks annually; and
 WHEREAS, these visitors create Dare County's economic foundation and support the livelihoods of many of its citizens; and
 WHEREAS, the Outer Banks Restaurant Association represents over 120 affiliated members whose livelihood is affected by the economic health of Dare County; and
 WHEREAS, the Outer Banks Restaurant Association, in conjunction with the Dare County Tourism Board and the Dare County Commissioners, continues to support free and open access to all beaches in Dare County; and
 WHEREAS, the Outer Banks Restaurant Association encourages the National Park Service to balance access and preservation of resources;
 NOW THEREFORE BE IT RESOLVED that the Outer Banks Restaurant Association considers the National Park Service Draft Environmental Impact Study to be flawed and in need of additional study in the following areas, at a minimum: ? Corridors for pedestrians and ORVs in all areas of Cape Hatteras National ? Seashore Recreational Area throughout the entire breeding and nesting season ? Management buffers based on peer reviewed science ? Endangered Species Act (ESA) protection solely for endangered species, not for species of concern ? Turtle nest relocation as a preferred tool for species recovery, which would help maintain the balance of preservation and access ? Conduct an actual economic impact study, specifically of Hatteras Island, to determine the impact on its residents and business based on real science and data
 ADOPTED THIS 4TH DAY OF MAY, 2010 by unanimous support by the Outer Banks Restaurant Association.

Correspondence ID: 14877 **Project:** 10641 **Document:** 32596
Name: Huff, Nancy
Received: May,05,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am writing as a resident of Dare County, concerned about the DEIS as it relates to beach access. It appears that many elements of the statement are based on false or otherwise incorrect information.
 There have been no Piping Plover deaths attributed to ORVs. In ten years, there has only been only one minor incident involving a stuck vehicle and a pedestrian. ORV violations continue to decrease as signage and education improve. These facts and many others just do not justify the extreme restrictions that are being proposed and, in fact, would indicate just the opposite.
 The detrimental effect these restrictions would have on our economy, as well as the lifestyle of our residents, is difficult to even put into words. Is there no solution that protects our wildlife but also allows our residents and visitors the beach access that makes our area unique and a desired destination? Surely, there are less restrictive and extreme measures that can be taken. I support education for beach-users including a permitting process for ORV-drivers, that would require attendance at informational sessions about the protection needed by the birds and turtles on the beach.
 I have been actively involved in animal rescue work for many years and am a strong proponent for wildlife protection. I believe it is possible for animals and people to coexist on the beaches, as it is elsewhere. I also believe it is crucial that the impact of any major changes in beach access be carefully evaluated before extreme measures are taken, so that the implications for the human population are carefully considered as well as that of the animals that need our protection. Thank you for this opportunity to voice my opinions and for your consideration.

Correspondence ID: 14878 **Project:** 10641 **Document:** 32596
Name: Hardham, Dee
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Supt. Murray, Areas to be closed year round to any human use should be omitted from any management plan. Beach areas of the N.C. Outer banks are subjected to forces of nature and are changing and altering with every tide and wind shift. Subtle changes are caused as that shore birds have been known to refuse to nest at a once "preferred" area of beach. The only wise and good management plan would involve "floating", moveable, changeable areas which adapt to the dictates of nesting birds, not any fixed area that government bureaucrats dictate. Also, migrating birds cannot be directed by government dictates as to where they should feed by fixed, delineated areas of beach. Observations show that birds locate oddities in the eddies and wash of the surf for optimum feeding. Government cannot predict where the minute sand shifts will occur daily or weekly, then dictate where birds will feed. Birds are amazingly adaptable, but beyond government directives to control where and how to feed or nest.

Correspondence ID: 14879 **Project:** 10641 **Document:** 32596
Name: Barber, Everett
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: I understand that The Park Service is requesting public comment regarding ORV driving on the beaches in Hatteras and Frisco.
 My wife and I own an ocean front house in Hatteras. We built the house in 1993 in that location in part because ORV's were not permitted there. We also preferred Hatteras to other island communities. Eventually, we had planned to retire there.
 Both of us are opposed to the use of ORV's along the beach in Hatteras or Frisco, although we have no objection to them when used on the portion of the beach between the end of the paved road in Hatteras and the Hatteras Inlet. Our opposition is based on the loss of quiet due to motor vehicles running along the beach; to the loss of the sense that this is a beach for people and not a street where traffic and pedestrians must mingle; and to the hazard the ORV's pose to beachgoers, day and night. I have young grandchildren who love the beach and I really worry about their safety if they are on the beach at the same time as ORV's are there.
 One of the first questions that comes to mind when we consider this unwelcome change to life in Hatteras is, why do the residents need to drive on the beaches in front of Hatteras and Frisco? It is not as though they have no access to the beaches. They have access to approximately 6 miles of beach, between the ferry in Hatteras and the Inlet. That is in an area where there are very few pedestrians, thus ORV drivers who may not be particularly

attentive to where they are going don't have to worry about people lying on the beach at night.

Related: why is The Park Service even considering the opening of the beach to ORV's in front of Hatteras and Frisco, when it has closed the beach, not only to ORV's but to pedestrians, at the Hatteras Inlet? If I were an ORV driver I would be far more upset about the loss of access to the inlet where the fishing is generally good, than to the beaches in front of Hatteras and Frisco where the fishing is, at best, no better than along the 6 mile stretch between the ferry and the Inlet. To us, it appears that The Park Service will be inconsistent in its stand if it does open the beaches in front of Hatteras and Frisco, yet leaves the beach at the inlet closed.

Lying on the beach at night in Hatteras is not an uncommon activity during the summer months, particularly because looking at the stars at night in Hatteras is such an experience. I swear the stars are brighter there than in New Mexico. Clearly the risk of injury goes up when visitors lay on the beach at night and ORV's are permitted to drive along the beach. So, with ORV's on the beach, if we want to watch the stars, do we have to build a fire to act as a beacon to alert the drivers coming along the beach? Or, do we plant a rotating beacon, perhaps? The fire or beacon may result in some greater safety, but any ambient light ruins star watching. The beacon would be simply annoying. If you do approve the use of ORV's on the beach, what sorts of incidents will it take to reverse your decision. Which begs the question mentioned below, what sorts of incidents have occurred where ORV's are permitted on the beach. But first, if ORV's are approved, what happens if someone is injured by an ORV, or if the driver of an ORV is driving on the beach in a reckless manner? We can't complain to the town police. They have no jurisdiction over the beach which is Park Service turf. That leaves Park Service Police. If an incident occurs in Hatteras and the Park Police are in Rodanthe, for example, how long will it take a Park Policeman to arrive at the scene? How many Park Police will be available on the island throughout the year?

What has been the experience with ORV related accidents along the Outer Banks? Is there some place I can go to find that information? Surely this must be public information. Where might I go to find information on ORV related incidents along the Outer Banks over the past 10 years? My wife and I are not the only ones opposed to the ORV's on the Hatteras beach. The guests who have stayed in our house, at least those who have written opinions about this issue in the guest logs, are uniformly opposed to the use of ORV's on the Hatteras Village Beach. Two have even gone so far as to say that they would not return to rent any place in Hatteras or Frisco if the ORV's are permitted on the beach. Who knows if that was an idle threat. Nonetheless the rental income is critical to our ability to afford the house. If that is jeopardized we may not be able to afford to keep the house.

The prospect of ORV's on National Park Service land is all the more vexing because it is my understanding that this activity is prohibited by federal law where the use of ORV's poses a hazard to Park visitors. Clearly, they pose a hazard to Park visitors on foot, on the Hatteras and Frisco beaches. We pay rather significant Dare County property taxes and would like to think that our taxes would entitle us to a vote in this matter. We are able to pay our property taxes in part because guests like to return to the house year after year. No ORV's between the town and the ocean is part of the attraction. I would hate to have the rental income jeopardized, and thus our ability to retain the house, because of this likely reversal of a long standing restriction. I wonder if the residents of Hatteras and Frisco, many of whom I understand are advocates of ORV's on the beach, appreciate the benefit to their community derived from the tax dollars paid by nonresidents.

I've read that non-residents pay over 50% of the tax dollars collected by The Dare County Tax assessor. Thus, the residents benefit from our tax money and yet want it both ways. They want the tax support our money brings to the community and the ORV's that we oppose. By the way, you can find our names and the above address on the Dare County tax roles. I have considered making the trip there to speak my mind in earlier hearings on this issue, but the drive for us is 12 to 14 hours, each way.

Correspondence ID: 14880 **Project:** 10641 **Document:** 32596

Name: Outlaw, Brenda

Received: May,07,2010 00:00:00

Correspondence Type: Letter

Correspondence:

This is such a sad time in Dare County. Beaches are being closed almost daily ...just when summer is just around the corner and all the businesses are getting ready for the tourists. These tourists come to fish, play on the beach, visit the Wright Brothers Monument, the lighthouses, Elizabethan Gardens and other sights in Manteo, ride the ferries, etc. Sadly, two of these things may no longer be possible due to beach closure.

This is a situation that is detrimental to the economic survival of Dare County and surrounding counties. Because if the tourists don't come to Dare County, they won't pass through the surrounding counties. As an accountant, I have lost several clients because they had to close their business. Why? Because since they couldn't get on the beach to fish, swim, pick up shells or just lay in the sun, the tourists chose to not come. I am truly amazed at what is happening. Why do entire portions of the beach have to be closed so the turtles can hatch or so the birds will be protected? This isn't happening at other national parks. I've seen the pictures of the turtle nests in Florida; they're small and adequate and their survival rate is much better than on our beaches.

Since when did birds, turtles, etc., get to be more important than the people that the Seashore was set aside for? It is my understanding that it was set aside as the Cape Hatteras National Seashore Recreational Area. Nowhere in that name do you see the words Bird Sanctuary or Animal Sanctuary. I received the DEIS statement and the first thing I noticed was the cost of mailing it - \$20.05 - a waste of my tax money. It could have been mailed in a flat rate box for about \$11.00. I am very familiar with the cost of postage as I do all the mailing for NCBBA. The second thing I noticed, naturally, was the size of the document. How in the world do you expect the average person to be able to read all of this, much less comprehend all of it? I was totally overwhelmed by it and I don't think I am dumb by any stretch of the word. It would have been a great help if you had granted the extension of time for the response period.

In studying the document, I guess the thing that surprised me the most was the proposed treatment of handicapped persons. Just carry them to the beach and leave them? Give me a break! There would be no way for them to get out of any storm or get to the bathroom. That treatment is inhumane. Not everyone wants to be able to drive or fish on the beach. I have spent many lovely hours just walking, picking up shells, etc. To me, there is no more beautiful place than the beaches in Dare County.

It saddens me to think that those walking days are coming to an end. I don't think you fully realize or understand the economic impact the beach closure would have on the businesses. Cape Hatteras National Seashore Recreational Area should remain a Recreational area, open to everyone. Please rethink your decisions and keep the park in the hands of the people. Thank you for your consideration of my comments.

Correspondence ID: 14881 **Project:** 10641 **Document:** 32596

Name: Rardin, Tim

Received: May,02,2010 00:00:00

Correspondence Type: Letter

Correspondence:

I have lived here for almost 18 years now. I don't fish nor do I own an SUV, but your pending decision effects will indeed effect me and others like me who enjoy access to popular beaches.

I moved here primarily because of the ocean and the wonderful nature around it so let's just cut to the chase here. What you are planning to do seems like a partial castration to the Outer Banks. Sorry if you do not find that politically correct but what you are doing will effect all of us who live and/or vacation here for at least the next 10-15 years ... by letting a very small group of people who don't even live here dictate what our lives and our economy will be like.

The system of government in Washington is flawed and broken. Government for the people went out the window along with Common Sense years ago. Your incredible 700-page NPS DEIS document is yet but another example, transparently driven by special interests. The carefully researched and drafted 27-page Impact Statement summary by the Coalition, is in my judgment, well presented, factual, straightforward, clearer, more concise, more user-friendly, infinitely more compelling, and refreshingly honest on the issues at hand. Really, it should stand as the guiding document. And it did not cost the taxpayers a dime to produce. Use it.

Every problem, even the complex ones, has a simpler and obvious solution. We desperately need Uncle Sam to quit obsessing over this issue and get on with a fair solution. Is it also true that you have narrowed down the 5-6 options down to the most restrictive option F (an option that far exceeds those under the original Consent Decree), all on your own without acknowledging all the local input and, even as we speak, not having yet even completed the economic impact study? What logic and whose input did you use then?

I also feel that the American people are way ahead of the politicians. We seem to have the ability to see and feel what our society needs and what our

pocketbooks can afford. In the case of the Hatteras beaches, we can clearly see these very special God-given places slipping away from us. ?for no real good reason other than another short term gain/victory chalked up by a few of the special interests. . .the only ones who will actually gain (other than perhaps a small handful of wildlife). . .at the people's expense. Your proposal is severe in its limitations of access and other restrictions. Surely you know this. Access to these very popular beaches are part and parcel of the lifeblood of the economy in both Hatteras and Ocracoke. . .beaches that support the vacationers, the local pastimes and the economy. That economy surely has no business being undermined at any time by anyone, especially these difficult times we now find ourselves in. How can you disagree with that?

I agree that this is a bad environmental action being used as political sport. We might all take a lesson from Jane Goodall who powerfully said "Surely we can use our problem-solving abilities, our brains, to find a way to live in harmony with nature." Here's hoping that your decision is made with a lot more thought for, and about, the people it will directly impact. What you do in May is vitally important. Enough is enough. Your motto should also be: Preserve and Protect - Don't Prohibit. God speed.

Correspondence ID: 14882 **Project:** 10641 **Document:** 32596
Name: Matthews, Bruce
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am currently employed as Vice President by Surf or Sound Realty a Property Manager on Hatteras Island managing almost 500 homes with approximately 11,000 reservations per year and 80,000 visitors staying in our homes. We employ 42 full time employees, 150-170 part time cleaners and inspectors, and 3 broker agents. I mention these numbers, because after attending the informational sessions and the public comments at the Wright Memorial, I am appalled at the lack of a thorough study of the economic impact in the DEIS. Clearly, you have not taken into consideration what will happen to our employees, homeowners, or visitors in your study. This is a flawed document.
I believe choosing any alternative other than Alternative A at this point in time is premature without a thorough economic impact study. The continuation of Alternative A allows the most common sense approach, reacting as necessary to the changing habitat and leaving in place a system that has worked for many years. Then, and only then, take the next step and conduct a thorough socio-economic impact study and modify the plan protecting human needs as well as environmental needs.
We need to remember that the National Park System was established for the current and future enjoyment of the human species. Part of that enjoyment is the beauty of the environment and our wildlife. Good stewardship of our park system calls upon us to take all factors into consideration. For the first 100 years of our countries existence we had little consideration for the Native Americans that inhabited the land before we took over. The DEIS as presented and the preferred NPS alternative makes that same mistake to the residents, businesses and property owners on Hatteras Island. Please stop now before it is too late and take the time to do the needed socio-economic impact study.

Correspondence ID: 14883 **Project:** 10641 **Document:** 32596
Name: Martin, Nathan
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14884 **Project:** 10641 **Document:** 32596
Name: Cotes, Susan
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I support a management plan that will restore the Cape Hatteras National Seashore beaches to a more natural condition as was envisioned when the Park was created and as existed in the 1970s when the National Park Service was required by law to set in place a management plan for vehicles on the beach.
To that end, I support Alternative D as described in the DEIS.
Allowing 75% of the CHNS beaches to be open to ORVs ignores the fact that more beachgoers prefer a beach without vehicles on it. It is offensive to cram people who respect the natural beach into a small area while allowing drivers who don't respect the natural beach to run over it and park on it. It's like allowing vehicles to drive on any of the Civil War battlefields and national cemeteries. Many of us consider our national parks, including the national seashores, to be as sacred as those battlefields and cemeteries. The CHNS management must restore to this national seashore the peace and quiet, and the opportunities for experiencing nature, as Americans expect in their national parks.
The National Park service does not owe a living to the Hatteras Island tackle shops that have complained of "losing" their livelihood. If an ORV management plan had been implemented in the 1970s, it is very likely that the Hatteras and Ocracoke economies would have evolved to serve visitors who appreciate nature, birds, wildlife and the natural ecology, just as local communities have evolved near other national parks. A legal ORV plan for the next 10-15 years could usher in a whole new economy predicated on that type of visitor who now shuns the CHNS because of the presence of ORVs. The North American Bird Life organization recently reported that there are more Americans who engage regularly in birding than who play golf and tennis combined. The CHNS should welcome these visitors back to the Outer Banks, even if the Dare County government doesn't. Among its many dangerous and counterproductive exaggerations, the Dare County government and its tourism agency continually spend our tax dollars on lobbying and advertising campaigns that depict the beaches here as a natural wonderland. But when people who are lured here by that advertising see all the vehicles on the beaches, they not only realize they were lied to, but also probably vow never to return.
An alternative for beachgoers who have difficulty reaching the more remote areas of the CHNS could be a concession that would drive people to the beach, drop them off and pick them up later. This would allow not only physically-challenged people a means of reaching the beaches, but also would provide a service to the fishermen and families who feel the need to carry so much heavy equipment and toys to the beach.
Please work to return the CHNS beaches to the natural state that drew visitors here in the first place. It was that natural beach experience, so rare in the U.S. today, that brought serious tourism to the Dare County economy.

Correspondence ID: 14885 **Project:** 10641 **Document:** 32596
Name: Daniel, Louis
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: The North Carolina Division of Marine Fisheries has reviewed the DEIS - Cape Hatteras National Seashore Off-Road Vehicle Management Plan and submits the following comments pursuant to N. C. General Statute 1 13-13 1.
Alternative F - Management Based on Advisory Committee Input is the National Park Service (NPS) Preferred Alternative. Many of the actions in this alternative were from the Negotiated Rulemaking Advisory Committee's input, which the Division served on. This alternative is designed to provide visitors to the Seashore with a wide variety of access opportunities for both off road vehicle (ORV) and pedestrian users. Alternative F would re-open some Species Management Areas (SMAs) to ORV use earlier and for a longer time, once shorebird breeding was concluded, than the other alternatives. Under this alternative, Hatteras Inlet Spit and North Ocracoke Spit would be non-ORV areas year-round, with interdunal roads that allow access to the general area, but not the shoreline. SMAs would be closed to ORV use from March 15 through July 31, except South Point and Cape Point would have initial ORV access corridors and Bodie Island Spit would have an initial pedestrian access corridor at the start of the breeding season, with increased species monitoring in these areas. These access corridors would close when breeding activity is observed. All village beach closures would vary under Alternative F with the northern beaches closed to ORV use from May 15 - September 15 and southern beaches closed from March 1 - November 30. Seasonal night-driving restrictions would be established from one hour after sunset until after turtle patrol (NPS) has checked the beaches in the morning, approximately one-half hour after sunrise. There are numerous elements that are common between all alternatives. Several of the elements -

commercial fishing vehicles would be exempted from some ORV restrictions, when not in conflict with resource protection; ORV permits would be required, establish a carrying capacity, ORV routes and areas would be officially designated, etc.

The DMF can support parts of Alternative F - Management Based on Advisory Committee Input - elements. We believe it is appropriate that we emphasize our specific concerns regarding access. While the DMF has no jurisdiction over birds and turtles on the beach, we do pay close attention to best management practices that may impact our stakeholders, the recreational and commercial fishermen of North Carolina. It is with this understanding that we support any comments or suggestions from our partners with the Wildlife Resources Commission that support alternatives to modify buffers and permanent closures to provide more fair and open access.

The Division of Marine Fisheries believes it is critical to maintain the cultural and historical traditions of access on the North Carolina Outer Banks. We remain very concerned about any permanent closures, particularly with the Hatteras Inlet, North Ocracoke, and Oregon Inlet Spits, Cape Point, South Beach, and the South Point on Ocracoke areas being designated non-ORV areas year round. These areas are very important to the recreational and commercial fishing public. We are convinced that flexibility in regards to these closures is critically important and that the use of corridors and modified buffers that protect species of concern and provide year-round access to the greatest extent practicable are critical. Thank you for the opportunity to comment on this very important issue.

Correspondence ID: 14886 **Project:** 10641 **Document:** 32596
Name: Magliar, Stern J
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: To Whom it May Concern

I am in disagreement with 1,000 meter buffer for the piping plover I agree that all beaches should be free and open on Hatteras island. After attending 90% of all neg/neg meetings i have concluded that there is no science in changing the way we have been handling the turtle issues. Night time regulations are not needed. It was not proven at all that ORV play any part in harming of disrupting birds or turtles on this island. With the exception of the storms and Huurricanes disrupting birds & turtles i heard of no other science stated. Stern J. Magliar

Correspondence ID: 14887 **Project:** 10641 **Document:** 32596
Name: Bizzell, Robert
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am writing on behalf of the N.C. Marine Fisheries Commission to comment on the Draft ORV Management PladEIS (DEIS) for the Cape Hatteras National Seashore.

Our commission is charged with regulating recreational and commercial fishing activities in the coastal waters of North Carolina and we feel strongly that fishing is an appropriate and traditional use of the Cape Hatteras National Seashore. It is our belief that access should and can be maximized for all user groups while providing protection of our natural resources.

Our commission, along with the Division of Marine Fisheries, had representatives on the Negotiated Rulemaking Advisory Committee which ended without consensus. We find that many of the statements and positions of the Coalition for Beach Access are consistent with the work of the Negotiated Rulemaking Advisory Committee; therefore, we endorse and support the following portions of the position statement of the Coalition for Beach Access relative to the Draft ORV Management Plan/EIS (DEIS) for the Cape Hatteras National Seashore: ? 3.0 Importance of Public Beach Access ? 3.1 Traditional and Cultural Values ? 3.2.3 Fishing ? 3.2.8 High Recreational Value Ocean Beaches ? 3.2.9 High Recreational Value Sound Side Locations ? 3.3 Commercial Values ? 5.0 Selected Legislation and Management Policies Relevant to an ORV Plan ? 6.1 ORV Ocean Side Ramps ? 7.0 Conclusion ? In addition to the above comments, the Marine Fisheries Commission is concerned about the recommendation that Hatteras Inlet Spit and North Ocracoke Spit areas be classified as non-ORV areas year round. These locations are very important to the recreational and commercial fishing public. We believe seasonal access could be allowed while protecting species of concern. Thank you for the opportunity to comment on this important issue of mutual concern.

Correspondence ID: 14888 **Project:** 10641 **Document:** 32596
Name: Keene, W. James
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am compelled to begin this letter by noting the dissatisfaction of our organization and many others with your refusal to acknowledge and use the true/legal name of our seashore; Cape Hatteras National Seashore Recreational Area. I question that the use of any other shorter name without reference to the true name may/should void the document in discussion. As defended in the suit filed by SELC, the US DO1 represented by the Office of the Attorney General used the true name as assigned, by Congress, to this the first national seashore.

I strongly note our dissatisfaction with the NPS use of the worse case photograph on the cover of this document. While this document is to present a balanced management plan you chose to publish, on the cover, a photograph depicting a crowded beach (taken Memorial Day Weekend 2007). You failed to report that the concentration visible in this photo was not normal but rather a worse case scenario caused by the closure of Ramp #2 and most of the area south of Ramp #4 during a Holiday weekend. The closure @ Ramp #2 was for the swimming beach, Coquina, which is in fact located North of Ramp #2 and the closure South of Ramp #4 was for a neither endangered nor threatened American Oyster Catcher. You chose to concentrate and possibly endanger the families in this reduced area rather than provide a corridor around the non-endangered bird.

As a member of the Regulatory Negotiation Committee I strongly object to the NPS reference that Alternative F reflects in any important measures, the consensus or even the majority agreement of those who served on this committee (Ref. pages; 80,467,500,593, 625, tables 7-13 & table ES-2). The NPS initially refused to record or broadcast our meetings and now inaccurately states that this document is a result of our actions. Your reference is very similar to the biblical actions of Pontius Pilot who symbolically washed his hands after committing the most grievous act of all time. Of the 30 (27 voting + 3 governmental reps abstaining) committee members an overwhelming majority opposed the excessiveness of proposed buffer distances, nighttime closures, inconsistent village closures, pre-nesting closures, excessive permanent closures, etc. While the committee could not reach consensus, it is untenable that NPS has nearly totally ignored the input of an overwhelming majority in favor of preconceived regulations supported by a small minority group of 3-5 members who never engaged themselves in legitimate, fruitful negotiations. We the majority, find Alternative F to be little more than an enhanced publication of the "Consent Decree" that resulted from the Lawsuit filed by the Sothern Environmental Law Center on behalf of Audubon and the Defenders of Wildlife.

The recommendations contained in the "Coalition for Beach Access - Cape Hatteras National Seashore Recreational Seashore Area - ORV Access Environmental Impact Position Statement" are supported by the North Carolina Beach Buggy Association and an overwhelming majority of the organizations appointed to the Cape Hatteras Regulatory Negotiation Committee. NPS needs to use the information contained in this document to promulgate reasonable, locally applicable regulations for the continuing management of the Cape Hatteras National Seashore Recreational Area. The size of this document (over 800 pages) makes it impossible for the general public to comprehend what is proposed for their Seashore. To further complicate public participation, NPS refused to grant an extension to the 60 day response period. While the Regional Director in his refusal to extend the response period stated that the committee participants have had sufficient time to analyze alternative F, the general public has been provided with little information from NPS. The Public Comment meetings while spread over a reasonable area, only provided for comment and NPS did nothing to further educate the general public of its' contents and/or consequences.

Permanent Closures as defined in the Routes & Areas table 7 are impractical on this barrier island. Basic geological structure of this unstable ribbon of sand makes it an unsuitable place to enact any permanent closures based on an oceanfront geography that is ever changing. Often our ocean front, in particular the spits and points change with general storms (not necessarily hurricanes), lunar tides accompanied by winds and other offshore events.

These changes can/will obliterate or enhance permanent closures and exclude visitors from areas that should be otherwise opened. Page iii "Objectives In Taking Action" bullet point 2 states "Establish ORV Management practices and procedures that have the ability to adapt in response to changes in the seashore's dynamic physical and biological environment". With respect to your published objectives, NPS personnel should on a regular basis, visit the ocean and sound front beaches and establish closures that reflect the requirements of ESA species and/or the safety of visitors. There should be no permanent closures but rather active, flexible management of this seashore.

Ramp #1 closure as noted in the Routes & Areas table 7, makes it unnecessary to move ramp #2 southward since the closure of Ramp #1 will add to the pedestrian only area of the adjoining Coquina Beach. It is financially irresponsible to move an ORV ramp (#2) that has been in existence for over 30 years and has an established foundation and configuration that will take years to duplicate. If NPS truly believes that this move is necessary to provide better pedestrian access by using the existing Ramp #2, it would be far less expensive to construct 1 or more (handicapped accessible) ramps from the existing parking lots. If additional parking is required, it should be to the north of the existing bathing/bathroom facilities and therefore provide better access to these existing facilities.

Handicapped access will be seriously limited with the closures proposed in Alternative F. We could (prior to the Consent Decree) move the handicapped to and from the beaches of our seashore with minimal difficulty by using private vehicles. Pedestrian only areas close the spits, points and most beaches both ocean and soundside to most handicapped individuals. Alternative F proposes to allow transport of the handicapped to the beaches, leave them to fend for themselves while the vehicle is returned to a designated parking area. This makes no provision for moving the handicapped to bathroom facilities (often with little or no warning) and makes no provision for weather related (lighting or rain) or emergency removal should it be necessary. Our seashore should be accessible to all and not only the physically fit.

New ramps (as identified in table 7) are proposed with no time table for their construction. Any and all closures or limitations must be timed to coincide with the construction of new ramps, interdunal roads and parking lots. Any closures without comparable construction will amount to the denial of access to our seashore. Our history within this park all too often reflects the temporary become permanent and the proposed never sees the light of day. We strongly recommend that all construction precede any closures.

Ramp #4 if relocated (table 7) due to the construction of the new Oregon Inlet Bridge should be moved minimally in a northerly direction. Those familiar with the past dynamics of this oceanfront can assist NPS in their choice of locations. This location is critical since a move that is too far to the North will in affect close all beaches south of the campground. Dune configuration coupled with typical winter erosion in this area often closes the accessibility of the beach between Ramp #2 and Ramp #4.

Ramp #23 thru #34 including new Ramp #32.5 should be ORV accessible year round with the possible exception of a 1.5 mile floating non-ORV area for breeding shorebirds that may be closed if the birds chose to use this area.

Ramp #43 thru Frisco east village line should be ORV accessible year round. There shall be a 1.5 mile floating, non-ORV area for breeding shorebirds that may be closed if the birds chose to use this area. Should any of this area be closed for nesting birds or turtle nests, every effort shall be made to provide pass thrus and corridors for the safe passage of visitors, both ORV and pedestrian.

Frisco & Hatteras Village Beaches shall be ORV routes Sept 16 to May 14 and non-ORV areas May 15 to Sept 15. These dates are the same as those recommended by NPS for the villages of Avon, Rodanthe, Waves and Salvo. These dates that we recommend are consistent with historical closure dates and all villages need to be the same as Avon and the tri-villages. Visitors deserve consistency and closure dates should not be controlled by a minority of property owners in the Frisco/Hatteras area.

Ramp #55 to the soundside of Hatteras Inlet should be an ORV area open year round except for safety closures and/or necessary closures as dictated by ESA. Interdunal roads and crossovers should remain in place and be maintained.

Ocracoke island beaches should all be ORV Areas and closed only for safety closures, Campground area and day use areas during the season. A 1.0 mile floating ocean shoreline area shall be closed if breeding shore birds chose to nest anywhere on the islands' ocean beach. Any other bird/turtle closures shall be in accordance with requirements of ESA. NPS shall make every attempt possible to route both pedestrians and ORVs around or thru closures with pass-thrus and/or corridors.

Soundside access must be maintained as it now exists with the following additions. Bodie Island does not have a soundside access that is readily accessible to the handicapped or families with children. The first access point within the seashore is 24 miles south of the northern entrance. Soundside access is important to visitors who with children, wish to safely recreate away from the often angry ocean surf. The soundside is also an important place for teaching both young & old about this important estuary and marine breeding area. This area is not for the physically fit alone. We recommend an ORV accessible parking area that is close to a soundside beach on Bodie Island. Traditional Cultural Places are believed to exist on the beaches of Cape Hatteras National Seashore Recreational Area. Since October of 2008 I have repeatedly requested NPS to fulfill their responsibility as directed by NEPA (the National Environmental Policy Act) to conduct a thorough review of these beaches as potential

Traditional Cultural Places. After repeated delays NPS has finally (March 3,2010) agreed to conduct an ethnographic analysis of four locations; Bodie Island Spit, Cape Point, Hatteras Inlet North & South and South Point Ocracoke and the adjoining beaches at the above locations. In the 17 months since my original request, NPS has published and released the DEIS without proper inclusion of a thorough TCP investigation. The DEIS as written includes in its' 800+ pages a brief two (2) paragraphs denying the existence of TCPs while at the same time acknowledging their lack of knowledge. The claim of "...Insufficient evidence..." is not acceptable since it is NPS's responsibility to conduct a section 106 review. Under the NHPA, historic properties for which insufficient information concerning NRHP eligibility is available should be considered potentially eligible to the NRHP until it can be demonstrated otherwise. This needs to be completed prior to the publication of the final EIS and/or Off-Road Vehicle Management Plan.

In the "Prospectus-Cape Hatteras National Seashore" as presented March 1938 it is noted "It is desirable therefore to provide ample shoreline for all types of beach recreation. The Cape Hatteras National Seashore provides such an area in that there is extensive shoreline for all forms of recreation both for immediate use and for future development". This prospective written over 72 years ago recognizes the cultural and historic use of these places.

Families that arrived centuries ago continue to exist and flourish on these very properties. Many of these same families donated or sold the land that is now Cape Hatteras National Seashore Recreational Area displaying a continuing and uninterrupted used of these lands for recreational purposes. NPS Guidelines state; "A Traditional Cultural Property designation can and should be based on patterns of land use that reflect cultural traditions valued by the long term residents of the local community."

It is imperative that ORV use be recognized for exactly what it is: A historical means of access to an area especially attractive for recreational opportunities. The use of an ORV is not considered a recreational activity in this Recreational Area. These recreational opportunities sought, allow the public to enjoy the Seashore's resources and values. Denying access to recreational opportunities, many of which are specifically protected in the Enabling Legislation, denies the Seashore's current visitors the opportunity to enjoy the park's resources and values and denies future generations the opportunity to enjoy the park's resources in direct violation of Park Services Management Policies. The vast stretches of undeveloped shoreline between villages are a major attraction for visitors. Closing any of the 68 miles of shoreline forces more people into smaller areas, increasing the potential for user conflict and diminishing the attractiveness for visitors. It is unreasonable to expect, or attempt to provide, a beach wilderness experience with over two million annual visitors on only 68 miles of shoreline. For those wishing to experience a beach without vehicles, NPS & USFWS has provided 2(plus or minus) miles @ Coquina Beach and 15 (plus or minus) miles @ Pea Island National Wildlife Refuge.

Resource closures/buffers established for non-ESA listed species. These species (American Oyster Catchers, Black Skimmers, Common Terns, Least Terns, Wilson's Plover, etc) are listed in the "Protected Wildlife Species of North Carolina" as "North Carolina Special Concern Species". The excessive closures as defined within the DEIS Species Management Strategies (pages 121-127, Table 10) in no way reflect the protection afforded these species by the state of North Carolina. The excessive closures granted these species by NPS has and will close more beach access than the closures afforded the ESA listed Piping Plover. Should a Black-capped chickadee or Least Bittern (both appearing on the same list as the above species) choose to display mating behavior in the NPS headquarters grounds or Wright Memorial parking lot; I seriously doubt that you would cordon off a 300+ meter closure. We recommend that NPS not establish closures in excess of those defined/established by ESA or the state of North Carolina. The attempt @ justification (pages 135-140) should not be given precedence.

"Appendix G of the "Piping Plover Atlantic Coast Population Recovery Plan" provides the guidance necessary to insure the recovery of this threatened (not endangered) bird. Other areas and national seashores (i.e.; Cape Cod) have had excellent results by adhering to the basic requirements of this well thought out and developed plan. Our seashore is in a marginal area with reference to the successful breeding of PPL in fact the Audubon Society Field Guide to North American Bird as early as 1977 and perhaps before, clearly states "Range: Lakes in interior Canada and Newfoundland south along the Atlantic Coast to Virginia, rarely to the Carolinas (emphasis added). Now, 33 years later, to say that recent increases in ORV usage within the seashore,

has led to the demise of PPL on our seashore is not acceptable. The rewriting of ESA protocols for PPL should not be undertaken at Cape Hatteras National Seashore Recreational Area. We recommend an adherence to the basic protocols as defined in the Recovery Plan as opposed to the measures proposed on pages 121-127, Table 10 and the attempted justification on pages 135-140.

The NPS selectively identifies pro-active, resource protection actions but avoids pro-active visitor experience actions. Actions described as pro-active for the visitor experience are often much less than what they would seem. For example, the NPS makes a half-hearted attempt to continue access by creating Special Management Areas with ORV corridors at Cape Point, Bodie Island Spit and South Point. The NPS is fully aware that these corridors, due to the extreme sizes of the buffers, will be closed by typical high tides as soon as or possibly before nesting occurs. NPS' inflexibility in the administration of buffers, and NPS' unwillingness to pursue other methods needs to be changed. NPS must adapt the type of flexibility referred to in the "Objectives in Taking Action" "Management Methodology" page iii.

Economically tourists are the lifeblood of the Outerbanks including all of the villages surrounding the seashore. They stay at motels and rental houses. They eat at the restaurants and buy food from the grocery stores. They put gas in their vehicles. They support the local shops by getting bait and tackle, bathing suits, surf boards and books. They buy souvenirs, local art and T-shirts to remember their time here on the islands. During the summer, it was difficult to find a place to stay if you didn't have a reservation and there were always long waits to get into restaurants. For decades, Cape Hatteras National Seashore Recreational Area was immune from recession including the fallout from Sept. 11, 2001. Economic downturns that would cripple the national economy tended to give a boost to the Hatteras economy because people were inclined to come to our seashore for inexpensive, short-distance vacations. Without sensible beach access, there is no reason for tourists to come here. Since 2008, with the increased closures, successful businesses that are older than the park itself have started to fail. All walks of business are reporting that staffs have been reduced by 25 to 50% and the same for their sales figures. Restaurants are often half full in summer and finding a place to stay is now easy. The people who are still working are earning less. Charity organizations are reporting a tremendous increase in the number of families needing their assistance, doubling every year since the Consent Decree took effect. Church donations have decreased. Area banks are reporting that businesses have exhausted most of their lines of credit trying to stay afloat. Dare County now has the highest rate of unemployment in the state of North Carolina.

It is imperative that NPS recognize the importance of access to this seashore that is the engine that drives our local economy and fuels the economies of the surrounding area. The economic analysis provided with the DEIS is flawed in its use of an R01 not comparable to the villages within & immediately adjoining the Seashore. It's flawed in its economic data extrapolated without regard to the seasonality of a beach community. Little or no data was gathered on the ground, within real time, within the effected areas. We recommend that a thorough, year Long study be made in an effort to truly understand the economics of the villages that will be most effected by the resulting ORV Management Plan.

Vegetation control measures should be implemented at Cape Point, Bodie Island spit, Hatteras Inlet and the south Point of Ocracoke Island. Such controls could contribute to more successful reproduction rates through the improvement of the natural habitat for the piping plover, and to the reduced likelihood of human interaction:

"We make the following recommendations to help enhance the populations of CAHA [Cape Hatteras] and CALO... Continue vegetation removal at Cape Point along the south shore of the brackish pond. To delay the re-growth of vegetation in these treated areas, it may be beneficial to use raking machinery after disking to prevent vegetative growth from cuttings. Growth of vegetation in other piping plover foraging and nesting areas of CAHA should be monitored; additional areas may need to be maintained. Preservation of interior wet and mud flats on CAHA is critical; otherwise piping plovers may only find suitable foraging habitat along the ocean intertidal zone where human disturbance is a problem."

Jaime A. Collm, J.R. Walteq and J.F. Pamell, Facton Affecting Reproduction and Migration of Waterbirds on the North Carolina Banier Islands, Final Report to the National Park Service Cape Haitem and Cape Lookout Seashores (1995).

As the president of the North Carolina Beach Buggy Association I speak for the almost 4800 families who are some of the most frequent visitors to this seashore. Our members have and always will be good stewards of Cape Hatteras National Seashore Recreational Area as long as we are welcomed to responsibly recreate in this beautiful seashore. It is our belief that NPS has underutilized the information available from local sources while being overly reliant on information and questionable studies conducted and or theorized under conditions neither applicable to nor comparable to the conditions within Cape Hatteras National Seashore Recreational Area.

Correspondence ID: 14889 **Project:** 10641 **Document:** 32596
Name: Dodenhoff, Glenn
Received: May, 10, 2010 00:00:00
Correspondence Type: Letter
Correspondence: (Top of letter has drawing making fun of the DEIS)

MR. MIKE, JUDGING FROM THE BUXTON PUBLIC COMMENT MEETING, THIS IS PRETTY MUCH WHAT MOST LOCALS THINK OF THE 800 PAGE DRAFT ENVIORNMENTAL IMPACT STATEMENT. IF YOU WANT RIGHT ANSWERS YOU MUST ASK THE RIGHT QUESTIONS. IN THIS CASE THE RIGHT QUESTION COULD/SHOULD HAVE BEEN ? "HOW CAN WE PROTECT ? THE FLORA AND FAUNA OF THIS BEAUTIFUL AREA AND PROTECT AND PROVIDE ACCESS TO THE PEOPLE FOR THEIR RE-CREATION, RELAXATION, ESCAPE FROM THE CITIES ETC. IF YOU WERE TO DUMP THE "DEIS" AND START OVER FROM THIS STANDPOINT I BELIEVE THIS COULD BE EASILY ACCOMPLISHED. I'M A 73 YR OLD ARTIST. I'VE LIVED IN BUXTON ON THE BANKS FOR 36 YRS. I'VE PAINTED AND SOLD HUNDREDS OF PAINTINGS OF FISHERMEN/WOMEN, BEACH COMBERS, BIRDS FISH, DUNESCAPES, SEA OATS, YOU NAME IT. I'VE FISHED, SWAM, SWUM, SWIMMED? ON THE BEACHES ALMOST DAILY, INTERESTINGLY I'VE NEVER SEEN OR RUN OVER A PIPING PLOVER, NOT BECAUSE I'M NOT AWARE OR NOT OBSERVANT BUT BECAUSE THEY ARE NOT NEAR THE SHORE AREAS WHERE WE DRIVE THROUGH TO FISH. IF THEY NESTED THERE THEY WOULD OBVIOUSLY BE WASHED OUT ON THE NEXT STORM TIDE. BIRDS DON'T SEEM TO BE THAT STUPID. THE PEOPLE WHO SAY THERE WILL STILL BE PLENTY OF PLACES TO FISH WHEN THEY CLOSE THE MOST POPULAR AREAS ARE SEEMINGLY UNAWARE THAT FISH FEED PRIMARILY IN CERTAIN AREAS YEAR AFTER YEAR AND HARDLY AT ALL IN OTHER AREAS. WHEN ONLY SMALL AREAS ARE LEFT OPEN ? IT FORCES BATHERS/SURFERS TO SWIM WHERE FISHERS ARE CASTING LURES AND HOOKS AND FISHERMEN TO TRY TO FISH WHERE SURFERS, SKIM BOARDERS ETC. ARE STIRRING UP THE WATER AND DRIVING FISH AWAY, CREATING A LOSE/LOSE SITUATION FOR EVERYBODY.

PEOPLE AND CRITTERS ARE HIGHLY ADAPTABLE. THEREFORE I REJECT THE IDEA THAT WE CANNOT CO-EXIST AS WE ALWAYS HAVE. I AM ALL FOR MUCH MORE EDUCATION AS OPPOSED TO RIDICULOUS RESTRICTIONS. HOW IN THE WORLD CAN PRESENT AND FUTURE GENERATIONS LEARN TO LOVE AND APPRECIATE WILD NATURAL AREAS IF THEY ARE SIMPLY KEPT OUT?! MEETING HUNDREDS OF TRAVELERS EACH YEAR FROM ALL OVER THE WORLD IT HAS BEEN MY EXPERIENCE THAT THE GREAT MAJORITY WANT TO DO THE RIGHT THING, SO, EDUCATE THEM SO THEY KNOW WHAT THE RIGHT THING IS. LET THE PARK SERVICE ONCE AGAIN BE A SERVICE AND NOT JUST THE PARK POLICE. LET THE SIGNS WHEN YOU ARRIVE SAY: ENJOY, RE-CREATE, PLAY, TAKE CARE OF OUR TURTLES AND BIRDS, LEARN! AND NOT JUST NO, NO, NO, NO, NO!

I'VE LONG CONSIDERED MYSELF AN ENVIORNMENTALIST AND CONTRIBUTED TO THAT CAUSE, BUT THE DEEP POCKETED SPECIAL INTERESTS WHO ARE TRYING TO CLOSE HATTERAS ISLAND BEACHES HAVE GONE (IN MY OPINION) WAY OVERBOARD. THEIR VISIONS ARE LIMITED AND THOUGH WE THE PEOPLE ARE ALLOWED 1 MONTH TO EXPRESS OUR VIEWS, THEY HAVE ALREADY DECIDED THAT THOSE WHO WANT TO USE VEHICLES TO ACCESS AREAS TOO FAR AWAY TO WALK, ARE THE ENEMY, THAT DOESN'T CARE ABOUT THE ENVIORNMENT, THEY HAVE CREATED AN ATMOSPHERE OF FEAR AND ANGER AMONG THOSE WHO SEE EASILY THROUGH THEIR PLOY!

AT THE BUXTON PUBLIC COMMENT MEETING SOME 60 PEOPLE Poured THEIR HEARTS OUT AND REFUTED (IN MY OPINION) ALL THE REASONS FOR MORE DRACONIAN RESTRICTIONS. THOSE WHO SEE THE NATURAL INVIORNMENT AS PRIMARILY "FOR THE BIRDS" AND SEEING PEOPLE AS OUTSIDERS AND INVADERS, SEEMED TO HAVE AN EMPATHY DEFICIT DISORDER, COLD AND CARELESS. UNFORTUNATELY (OR NOT) THEY WERE GREETED WITH DISDAIN. NOT REAL HARD TO UNDERSTAND! THANK YOU. Glenn Dodenhoff GLENN DODENHOFF BOX 208 BUXTON N.C. 27920

0013037

Correspondence ID: 14890 **Project:** 10641 **Document:** 32596
Name: Lehman, Wayne
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please accept this letter as my comments on the ORV DEIS before you at this time.
After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Poaition Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 14891 **Project:** 10641 **Document:** 32596
Name: Lehman, Susan
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Plese accept this letter as my comments on the ORV DEIS before you at this time.
After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Poaition Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 14892 **Project:** 10641 **Document:** 32596
Name: Roberts, Karen and Bobby
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please accept this letter as my comment on the ORV DEIS before you at this time.
After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Poaition Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 14893 **Project:** 10641 **Document:** 32596
Name: Moir, Cathy
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on NPS DEIS for Cape Hatteras
I strongly disagree with the NPS routes and restrictions proposed by Plan F as being far too restrictive for no reason. Why has the NPS never made public a list of reported incidents where birds have been harmed. There have been no piping plover deaths attributed to Orv's

Correspondence ID: 14894 **Project:** 10641 **Document:** 32596
Name: Waterfield, Gilda
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on NPS DEIS for Cape Hatteras
I strongly disagree with the 50-meter penalty for any infraction or vandalism of protected areas. There is not enough information for visitors at the ramps , parking areas, or walkovers. Visitors do not understand the penalty process or how it takes away more beach area. There should be bigger signs, better rope and more information distributed to visitors. The current signs and lettering are too small and look un-important.

Correspondence ID: 14895 **Project:** 10641 **Document:** 32596
Name: Laws, Joe
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Supt. Murray, This letter is in reference to the ORV DEIS before you at this time. It is my opinion that none of the six alternatives presented are acceptable methods to reconcile the variety of uses that have always been the mainstay of Hatteras Island, the National Seashore as it has been defined and the desires to protect the natural resources contained within those areas. It is my opinion that the 77-page Coalition for Beach Access Position Statement signed by groups associated with the negotiated rulemaking process is a superior document which more closely meets the goals mentioned above. I would hope that the National Park Service, and you, its senior local representatiave would consider this document most seriously and most importantly, come to agree that it more fully meets the needs of all of the interested parties and stakeholders while minimizing the negative impact upon the same entities.
Sincerely, Joe Laws

Correspondence ID: 14896 **Project:** 10641 **Document:** 32596
Name: Robert, Julie H
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: As you well know the Congressional Act establishing the Cape Hatteras national Seashore Recreation Area stated the purpose was to provide RECREATION, FISHING, HUNTING AND conservation. Indeed much of the early development was primarily recreational. See Conrad Wirth's letter and National Park Service Reports. Is it proper for the USPS under pressure from conservation groups to aritratily, without Congressional amendment to the establishment act, to nullify 3 of the 4 purposes of the seashore by severely limiting access?
At the present time the OBX economy is suffering. During the 1st quarter of 2007 building permits totaled \$30,000,000 see The Virginian Pilot March 30, 2008. On May 6, 2010, The Coastland Times gave the total building permits for the first 4 months of 2010 as \$5,15,535.18 This represents a decline of over 83%. Our unemployment has been among the highest in the state; often twice the state's average.
You are trying to save a few birds and turtles whose future numbers you cannot accurately predict at the expense of 100s of families, businesses, and workers who will be forced to leave the OBX. Property values have already tumbled; foreclosures abound -- several on my street. It appears you desire the OBX described by Eliot Wigginton -- quaint, quiet, poverty stricken.
Julie H. Robert

Correspondence ID: 14897 **Project:** 10641 **Document:** 32596
Name: Nagel, Paul E
Received: May,14,2010 00:00:00

Correspondence Type: Letter
Correspondence:

Correspondence ID: 14898 **Project:** 10641 **Document:** 32596
Name: McKown, Ray
Received: May,14,2010 00:00:00
Correspondence Type:
Correspondence:

Correspondence ID: 14899 **Project:** 10641 **Document:** 32596
Name: Grimes, Wayne
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14900 **Project:** 10641 **Document:** 32596
Name: Pridgen, Wynton K
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14901 **Project:** 10641 **Document:** 32596
Name: Reynolds, Reece
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14902 **Project:** 10641 **Document:** 32596
Name: McConnell, John B
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14903 **Project:** 10641 **Document:** 32596
Name: unknown, unknown
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with additional closure when there is damage to signs that should not be there!!

Correspondence ID: 14904 **Project:** 10641 **Document:** 32596
Name: unknown, unknown
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with closing the beach for birds!!

Correspondence ID: 14905 **Project:** 10641 **Document:** 32596
Name: unknown, unknown
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with closing the beach because of birds!!

Correspondence ID: 14906 **Project:** 10641 **Document:** 32596
Name: Ellinwood, Jack D
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14907 **Project:** 10641 **Document:** 32596
Name: Harrington, Jeremiah F
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14908 **Project:** 10641 **Document:** 32596
Name: Whittaker, Mike
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14909 **Project:** 10641 **Document:** 32596
Name: Bernard, Charles and Marjory
Received: May,14,2010 00:00:00
Correspondence Type:
Correspondence:

Correspondence ID: 14910 **Project:** 10641 **Document:** 32596
Name: Benner, Jr., Richard W
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14911 **Project:** 10641 **Document:** 32596
Name: Corcoran, Mark R
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14912 **Project:** 10641 **Document:** 32596
Name: Corbett, Crystal
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: I strongly disagree with the DEIS Plan F. It does not allow for enough corridors around closure areas. I believe there should be corridors around all areas of the seashore. There is no peer-reviewed science that proves human presence nor slow beach driving is detrimental to a PIPL's reproductive cycle. I prefer the Coalition for Beach Access Plan, Dare Co. Plan or the Old Interim Plan.

Correspondence ID: 14913 **Project:** 10641 **Document:** 32596
Name: James , Catherine
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Regarding the DEIS Impact on Businesses on Cape Hatteras Island. As a business owner of over 35 years on Hatteras Island I am concerned that the NPS has not done a complete economic analysis of the community for the first full year of the consent decree. I would think you would need actual business survey data rather than projected models to know the true impact on the businesses that are being impacted by these decrees. The absence of these facts should keep you from ruling or acting on a plan until the actual and true impact is taken into consideration. Our rights as citizens were violated according to the Constitution of the United States of America, (Article 1 sec.2, sec.7 and sec.19) when our local government representatives without consulting "the the people" took it into their own hands to sign an unconstitutional consent decree from a Judge Boyle. Our rights were violated when those local officials, out of fear or ignorance, signed those unconstitutional documents. Our NC State Constitution, (Article XN sec.5 - Conservation of Natural Resources) specifically states that the State will conserve and protect lands and waters for the benefit of ALL IT'S CITIZENRY. And to this end it shall be a proper function of the State of NC and it's political subdivisions to acquire and preserve park recreational and scenic areas... including beaches. Our Federal Government designated Cape Hatteras a National Recreational Seashore Park and it designated Pea Island a Wildlife Refuge and Preserve. We have places on Hatteras Island where shore birds go for breeding grounds. In particular the dredge islands, spoil islands made from dredging inlets. These shore birds thrive there unmolested by man or beast. No predators! Common sense dictates this matter needs further study before any more closures are enacted. We, the local citizens of Hatteras Island, should be stewards along with the NPS to effectively care for, manage and protect the heritage of this fragile Environmental and Economic community. The NPS needs the help of the people of Hatteras Island that eat, sleep and breathe this area on a daily basis to put their heads together to build a true and real plan for the successful co-habitation of all wildlife and people on Hatteras Island. The National Park service should not be protecting on species of wildlife to the detriment or extermination of another. Or filling in our wetlands to make a parking lot to channel beach traffic because of closures of other beaches to ORV use because of enlarging unsubstantiated buffer zones for a few seasonal migratory birds. This is not management of a park, it is gross mismanagement, forced on the gun by environmental groups who do not eat, sleep, and breathe this area and do not have the whole picture. There are so many more habitats for the birds in this area that would better suit there needs like the dredge islands. Or clearing the vegetation from around the pond at the point which is keeping birds from nesting there. It would also take away hiding spots for predators who molest and kill birds and it could be closed to foot and ORV traffic without closing the entire beach front. If the NPS would truly engage in a true fact finding mission with the best interests of the environment, man and ALL wildlife on Hatteras Island we could respectfully work together and accomplish good things and the true heritage of Hatteras Island could and would be preserved. Thank you.

Correspondence ID: 14914 **Project:** 10641 **Document:** 32596
Name: Riopel, Wendy
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14915 **Project:** 10641 **Document:** 32596
Name: Jolliff, Frances
Received: May,02,2010 00:00:00
Correspondence Type: Letter
Correspondence: As a life-long resident of Dare County I write today to thank you for your wonderful stewardship of the national treasure that all Americans know as "Cape Hatteras National Seashore." This Plan is long overdue and I hope that you will stay to see through to completion this time around. I want to thank you for listening to all Americans who visit and play and value Cape Hatteras National Seashore (Seashore.) When it comes to ORV use in the Seashore, I prefer a more balanced approach and therefore, I support Alternative D in the Draft Environmental Impact Statement (DEIS) but request that you modify it slightly to provide for greater pedestrian access. I feel that every National Park should promote pedestrian access whenever and wherever possible as long as the protection of the bird species can also be accomplished which may mean smaller buffers in some areas or for some species of birds. I urge you to put resource protection first in this treasured landscape, ORV recreational use must take a backseat or there will be no wildlife, birdlife or scenic and wild areas left? on the East Coast. Using the best scientific information available, please protect the birds and turtles that call this Seashore their home as well. They are dependent on humans to find the civility to allow them to exist, breed and raise their young in these valued and wonderful areas. There are far too few left. ...both animals and wild places!
I not calling for an all-out ban of ORVs?I too have a Jeep and have spent many happy hours exploring the beaches. But I cherish this as a privilege, not a right, and am willing to share this national seashore with the birds and turtles. They need space from March to September for breeding activity?so I'll go to the beaches on foot or in the limited ORV spaces available until such time that the birds have finished raising their young and the turtle nests have hatched. The winter beaches are best explored with an ORV and October to March is plenty of time for me to enjoy them in my ORV.
Again, from a life-long native of Dare County, I thank you for your visionary leadership and your many years of dedicated service to Cape Hatteras National Seashore. Best of luck with the Plan and know that there are many, many silent folks amongst the population watching and hoping for the best in this effort and wish you well in your endeavor.

Correspondence ID: 14916 **Project:** 10641 **Document:** 32596
Name: Hioson, Ardith
Received: May,08,2010 00:00:00

Correspondence Type: Letter
Correspondence: Unbelievable. I hope you will accept these comments on the ORV DEIS. It is as confusing as the Health Care Act our Government just voted in. How has our National Park System, governed by the DOI, allowed its ruling thumb to be controlled by Special Interest groups? I am in disagreement with any of the six alternatives in the document for the ORV DEIS. Please keep the people in consideration. We can all be better Stewards, this includes the NPS. We all want to protect our fragile Outer Banks, but prohibiting us is narrow sighted. Please consider all aspects of this alternative. Put people back into the management of Cape Hatteras National Seashore. Make the people the reason to make better decisions about the future of OUR Outer Banks.

Correspondence ID: 14917 **Project:** 10641 **Document:** 32596
Name: Meeker, Leonard
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: This letter is sent to comment on the recently prepared and circulated DEIS concerning use of the beaches in the Cape Hatteras National Seashore. It comes from a permanent resident of Ocracoke who has been a property owner here since 1952. I believe Alternative F supported by the Park Service is the most reasonable and should be adopted. It is a fair accommodation of the interests of the consuming public -- in fishing and other recreational uses -- and the interests of those including environmental organizations and many members of the public- in protecting and preserving wild life along the Outer Banks. These areas have been used for nesting and nurturing birds, turtles, and other species for ages extending far back of human memory or indeed any human presence. Before 1953 when the Seashore was established relatively very few motor vehicles were driven over the sands of the Banks, and the natural environment and wild life were relatively undisturbed. Human activities have the power to destroy and eliminate the wild life. Rational regulation of these activities is required to prevent such an outcome. There is not only the scientific and cultural interest in preserving species. There is also the reality that the traditional character of the Outer Banks and their natural beauty attract large numbers of people to come here. If these important features were lost, there would be major impact on tourism and the many businesses that have become the industry of the Outer Banks. Suitable measures of protection are required. Careful study has gone into the preparation of the DEIS. There has been in-put from many groups and individuals. The result is a very reasonable proposal, Alternative F, for governing use of the beaches in the Cape Hatteras National Seashore. It will afford protection for wild life and will allow generous use by members of the public. The plan will remain under the supervision of the federal district court having jurisdiction. The Park Service is to be greatly commended for its careful work. I write this letter in full support of the Park Service and Alternative F

Correspondence ID: 14918 **Project:** 10641 **Document:** 32596
Name: Bingney, Michael
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: As a resident and business owner on Hatteras Island, I am opposed to the latest draft of The Cape Hatteras National Seashore Recreational Area Draft Off Road Vehicle Management Plan/Environment Impact Statement (DEIS). I am all for protection of wildlife. All wildlife not just birds. The National Park Service kills a lot of birds and other animals for the, so-called good, of a few birds, this is not right. It maybe ok to limit Off Road Vehicles from driving in some areas, but to block access to the ocean or sound completely, even to pedestrians is not right. In North Carolina it may even be illegal to block access to the ocean. The government stopping anyone from going to the ocean is down right un-American. This plan is trying to take away public recreation areas on land. What is next? Will they try to take our sky or sea? The plan should at least let people walk to and on the beach, where ever and when ever they choose. The thousand meter buffer for Piping Plover Nest is unacceptable as a lot of the island is not even one thousand meters wide. In other areas of the country with the same birds the buffer is much smaller. What is up with using meters as measurement? In the USA we still us miles, feet and inches. Are we still in America "Home of the Free"? Please consider John Couch's and the Outer Banks Preservation Association's Proposal.

Correspondence ID: 14919 **Project:** 10641 **Document:** 32596
Name: Mooney III, John
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with Cape Hatteras National Seashore Recreational Area instituting an Off-Road Vehicle Management Plan temporarily closing portions of the beach ORVs in which the plan will dictate the use of the beach for the next 15 to 20 years. I further disagree that this plan will protect all wildlife and plant species. I have been a homeowner of three (3) homes since 1989 in Avon, NC and I am opposed to any beach closure as that has always been one reason I and my friends and family come to the OBX.

Correspondence ID: 14920 **Project:** 10641 **Document:** 32596
Name: Mowers , Carol
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Let me start off by commending those that were part of the Negotiated Rule Making Committee. The time and efforts of the participants was a tremendous undertaking for volunteers that care about the future of Cape National Seashore Recreational Area. Of the 30 people on the Committee, very few were actually paid to be there. The entire 2 year process was dead in the water from the beginning when it was voted on that 100% agreement was needed before a Consensus could be reach. It was very obvious, during the meeting I attended, that there were participants that were there NOT TO COMPROMISE BUT TO RULE. Not at anytime will 30 people agree on everything totally. In reviewing the alternatives suggested by the Draft Environmental Impact Statement, it is clearly demonstrated that the majority did not rule in this entire process. The NPS allowed public comment on the DEIS. This is a joke. Not many people have the time to fully read and completely understand the consequences of this mammoth 800+ page Draft Statement. I support the Coalition, because the people are truly dedicated to the future of Cape Hatteras National Seashore Recreational Area. The NPS should listen to what they are saying. They are people who live and work here. The authors are well versed on the area and have spent many years fighting to keep the rights of the people to enjoy the Seashore as it was intended, as a Recreational Area. Mankind and wildlife can coexist, but it has to be in a fair manner. I disagree with Alternative F in regards to the Special Managed Areas. Page 468 states there will be 7 SMAs, managed under ML 1 procedure and would be closed to both ORVs and pedestrians during the breeding season. Of these, four SMAs would be designated as non-ORV year round (Table 7 pages 97-101) to include Ramp 27-30, approximately 1.7 miles south of Ramp 38 to Buxton line with new Ramp 39 across from Haulover and new sound side parking at Kite Point, Ocean Shoreline 0.2 miles Southwest of Bone Road to Hatteras Inlet and Ocracoke North-south Inlet to 0.25 miles Northeast of Ramp 59. One SMA would be designated as non-ORV March 15" thru October 31, 0.5 mile Southwest Ramp 68 to 1.2 mile Northeast of Ramp 70. Two SMA would be designated as non-ORV March 15th through July 31st, but there are actually three SMA listed (table 7, pages 97-101, new Ramp 32.5 thru Ramp 34, Cape Point 0.2 miles West of the hook to Ramp 45 and Ramp 45 to Ramp 47. In addition to 8 (not 7) there will be 3 areas managed under ML2 which are subject to corridor closures according to breeding activity. The proposed areas of the buffer zones are much to large than what is necessary. This closes down 16 miles of beach SMA managed under ML1 and 23 miles designated for seasonal use. The areas stated above are predetermined to be closed or limited to access when it is not for sure that the breeding will take place in these areas. Closures should only be determined on actual occurrences, not WHAT MAY HAPPEN. The weather is unpredictable in reference to storms and natural erosion, no one is to say how this will effect the breeding of any species and where they will go to breed.

After Negotiating Rule Making did not reach a Consensus, I was in hopes that the NPS would at least take into account the suggestions of the majority. This document definitely does not represent the majority of the people that use the beaches, take care of the beaches, protect the wildlife and add to the economy of Dare and Hyde counties. I for one, am a very disappointed tax payer and citizen.

Correspondence ID: 14921 **Project:** 10641 **Document:** 32596
Name: Furr, A Keith
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please excuse this typed letter but my handwriting, never good in the first place, has deteriorated significantly as I grow older. My present age is 78. I am a North Carolinian by birth and my family's roots have been in North Carolina for more than eight generations. For almost seventy years, I have been visiting the barrier islands from north of Nags Head to South Port. During that time I have seen the beaches becoming more commercialized which were at one time friendly to wildlife as well as enjoyable to visitors but are rapidly becoming less so. I strongly support, as a minimum, the current level of restricted vehicular access to the beaches of Hatteras Island. For the life of me I cannot fathom why it is necessary for individuals to need to race up and down the beaches in ORV's to have so-called fun. I have enjoyed swimming, picnicking, and simply observing nature as it was meant to be. If I and my children and grandchildren are having a day at the beach, I cannot imagine anything that would ruin our day more than immature semi-adults running up and down where we are in jeeps and ATV's, in addition to the actual danger to us. Why do people go to Our National Parks and similar areas? The answer for most of us is to enjoy a respite from the hue and cry of their normal lives. Another issue is to protect wildlife and the environment in which they live. We came very close to wiping out the buffalos, and here in Florida, there are less than a hundred panthers left. We almost did the same to our national bird, the Bald Eagle. We have over fished our seas so that many species of fish have severely restricted fishing limits. I could go on and on. Turtles are a special concern. They return to the beaches where they were hatched. Not only are they losing ground by their nests being crushed, but the lights of huge MacMansions being built along the beach's confuse the hatchlings so many of them do not ever reach the sea. We do NOT have the right to say that humanity's desires overrule the needs of every species with which we share this planet on which we all live. Catering to the claims that people have the right to do whatever they want in this case is tantamount to justifying animal genocide. Please look out for the rights of those that cannot do so themselves.

Correspondence ID: 14922 **Project:** 10641 **Document:** 32596
Name: Lutz, Shirley
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: The following are my comments on the NPS "Draft Off Road Vehicle Management Plan/Environmental Impact Statement."
1. I agree and wholeheartedly support the Coalition for Beach Access Position Statement.
2.1 disagree with the title of the Plan as an "Off-Road Vehicle Management Plan". The Plan is really a beach access plan for ORV's, yes, but also for pedestrians.
3.1 disagree that NPS has not included Pea Island National Wildlife Refuge with it's 6,000 acres and 13 miles of ocean beach that is pedestrian only, year round.
4.1 disagree that NPS has not included the thousands of birds that inhabit Pea Island National Wildlife Refuge and the nearby dredge and spoil islands which are part of the eco-system as CHNS. The population of the entire eco-system must be included
5.1 disagree with NPS decision to put into place a closure of a much larger size than necessary for a list of bird species, none of which is endangered, and only one that is threatened. It would appear that NPS has bowed to pressure from the environmental groups without regard to the effect of the closures on the residents of, and, the visitors to CHNS.
6.1 disagree with the NPS and the Department of the Interior deciding to ignore the historical fact that CI-INS was established as Cape Hatteras National Seashore Recreational Area and not as a wildlife refuge.

Correspondence ID: 14923 **Project:** 10641 **Document:** 32596
Name: Korab, Terry
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: I would like to comment on the proposed plans for the draft environmental impact plan for off-road vehicle management at the Cape Hatteras National Seashore. I fully support the environmentally preferred Alternative D plan to prohibit ORV's from this treasured area. Never before has it been more important to preserve our beautiful shore areas and protect its wildlife. Allowing ORV's use will negatively impact the delicate balance of nature in that area, and put the questionable recreational needs of a minority before the users of the shore area who truly appreciate its beauty. Certainly, ORV users do not particularly care about their affect on wildlife and the beach. Alternative F plan, which will prohibit ORV's year-round on only 16 of the 68 miles of beach, is not an appropriate alternative. Vehicles, other than maintenance or rescue vehicles, should not be allowed on the beaches at all. Studies have shown endangered baby sea turtles struggling and getting disoriented trying to navigate deep tire tracks, shore birds nesting areas being disturbed, and beach erosion. Thank you for the opportunity to provide my comments on this important matter. I will continue to keep informed of your efforts to protect Cape Hatteras and look forward to a final plan that will more fully protect this area from the ravages of ORV's.

Correspondence ID: 14924 **Project:** 10641 **Document:** 32596
Name: Reed, Donald
Received: Apr,29,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14925 **Project:** 10641 **Document:** 32596
Name: Campbell, PhD, Janet
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: In regard to the National Park Service proposed plan for managing ORV use at Cape Hatteras National Seashore, which I visit frequently, I find Alternative Plan D represents the best way to accommodate human and wildlife needs, and I also think we pedestrians need to be considered. Basically, wildlife needs for nesting birds, and turtles should be given a first priority. There need to be areas set aside, free of ORV's for breeding bird nesting, for migrant and wintering birds. The determination of what areas to set aside for bird habitats should be developed based on scientific studies already available. Buffers for these breeding areas are needed to keep ORV traffic away from areas where traffic could disturb the nests or chicks. After that, both ORV users and pedestrians should have equal consideration, and adequate facilities available. Goals developed to achieve the aims of the Statement should recognize that the areas have been seriously degraded by current practices. New management plans should allow time for habitat recovery and the return of migrating, wintering and breeding birds. Get the populations up to levels the habitat can optimally hold.

Correspondence ID: 14926 **Project:** 10641 **Document:** 32596
Name: Knaus, Mr and Mrs Ron
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please do not close the Cape Hatteras National Seashore beaches to humans. We have a home at Avon, NC, and love it because it is on National Seashore, which keeps it more natural and not so commercialized. We've been coming for over 30 years and want our children and grandchildren, who love it as much as we do, to be able to enjoy this special place. We love everything about it, including the Piping Plovers. Surely there is a way all creatures can enjoy the beaches, including humans. Thanks for hearing us.

Correspondence ID: 14927 **Project:** 10641 **Document:** 32596
Name: Ritchie, Marjorie
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence: My purpose in writing to you at this time is to express my views on the DEIS, option F I agree that the two birds in your plan would be nice to protect but why 1000 meters in all directions. Is it possible to help these two species nest closer together to develop a colony which could be permanently cordoned off? I don't understand why pets are not allowed on the beach (3/15 -7/3 1) even when leashed.
Night driving (at dusk or what time?) can be dangerous. I have seen beach people asleep on towels a distance away from the water in the area where orvs drive. The beach people should be required to show some responsibility, too.
All in all I am overwhelmed with awe and consternation at the power of a well-financed environmental lobbying group that is behind this plan that has no interest or consideration for the residents off this community. It is beyond belief. Yours is not an easy job to say the least. I appreciate your taking the time to learn of my views.

Correspondence ID: 14928 **Project:** 10641 **Document:** 32596
Name: Riopel, Rick
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14929 **Project:** 10641 **Document:** 32596
Name: Koping, Kent
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence: I have been a visitor to the Cape Hatteras Seashore since 1973. I began regularly driving on the beach for access to recreational activities in 1984. A resident of New Jersey, my family and I continue to spend approximately 3 weeks at the National Seashore per year; end of June, occasionally including July 4th weekend, end of August, occasionally including Labor Day weekend and Thanksgiving week.
I visit and patronize the local businesses for the specific purpose of accessing the beachfront by vehicle for surfing, fishing and swimming. Note that my interest is such that I maintain a separate vehicle specifically for this purpose.
I encourage you to continue to provide wide vehicular access to traditional beaches as my personal observations indicate to me that there have been only a few specific and easily correctable impacts related to beach driving. My primary concern is the beaches south of Pea Island.
My personal observations over the years are as follows: 1) In general, driver behavior has greatly improved due to general awareness of the fragility of the environment, and awareness of local laws and enforcement. I have not witnessed reckless or damaging behavior in over ten years. I have never witnessed violation of posted areas by vehicles.
2) The example of vehicles at Cape Point shown on the cover of the proposal is a misleading and potentially inflammatory. I suggest that this extreme occurs only a few days around Thanksgiving weekend. Likewise, beaches on July 4th are densely crowded only when coincidental with extensive beach closures. I have pictures of empty beaches near July 4 when there were no closures.
3) I have noticed that pedestrians cannot see and/or read the postings of restricted areas from a distance and will enter due to lack of adequate signage.
4) Ocean tide and wave action dwarfs the geophysical and plant impact of vehicles in the dune front region (below the storm high tide marks). These non-human physical effects, coupled with natural predation, dwarf any human destructive impact on animal life.
5) Back dune driving on prepared sand roads is the one place that I have observed damage to vegetation. Please note that this damage is a direct result of what I believe to be lack of "maintenance". Deep holes and puddles force vehicles around them and can impinge on vegetation. Simple infrequent or post-storm grading, as little as one drive down the road dragging an I-beam, could eliminate this effect.
I believe that the pledge of the US government to keep the National Seashore beaches open for the enjoyment and RECREATION of the public, with access maintained at customary levels, is your most important responsibility.
I object to the existing restrictions and the adoption of any restrictions that would deny even more access. Species protection in the days prior to the Consent Decree was fair and adequate. The degree of access the public enjoyed should be restored.

Correspondence ID: 14930 **Project:** 10641 **Document:** 32596
Name: NA, NA
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: I have reviewed the current NPS DEIS document. While there have been extensive additions to previous versions, the basic structure of the NPS plan is fundamentally flawed. I reviewed the data presented with the first document and found them to be scientifically inadequate. I see no improvement in the quality of data on which the current DEIS is based. The original data could not withstand informed statistical analysis and interpretation.
The problem is basically this: It is scientifically wrong to only make observations where an effect is anticipated. The date must be compared to a comparable control situation where no effect is anticipated. To do less is to only make an association which may be fundamentally wrong. One well known example of this approach is the correlation of the annual increase in births in Britain with the annual Stork migration. An ideal control situation for Hatteras Island exists on Pea Island where there is no/minimal vehicular activity. NPS should work with its sister Federal Agency to conduct a statistically designed and interpreted study. Since vehicular activity is not a component on Pea Island you will be able to accurately assess the contribution from human activity on bird and turtle habitat in comparison to natural (storms) and predatory activity. Your current data do not allow for this, hence you have made an assumption that human activity is the problem. The data which you now use could not pass expert statistical scrutiny or be published in any reputable environmental scientific journal, You must conduct such a designed study before you implement a plan as draconian as the DEIS. The NPS has an obligation to American Citizens to base its policies and decisions on sound scientific data. I can recommend some highly qualified federal statisticians to aid you in the design and interpretation of such a study.
To continue to rely on inadequate or flawed scientific data will open the NPS to serious legal challenges to your policy, particularly when your policy results in such restrictive rules which may have little basis in fact. Your policy carries huge economic, social and cultural Impact and should not be implemented in haste.
Storks play no role in the birth of babies and humans may play little role in the fluctuation of bird and turtle populations. Only good scientific data can answer that issue and only the NPS can and should provide it before implementing a plan based on presumptions.

Correspondence ID: 14931 **Project:** 10641 **Document:** 32596

Name: Eakes, Bob
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Having been a conversationalist most of my life and having received numerous awards for same including a Vice Presidential Award from then Vice President Al Gore along with other awards including one from Audubon I am about to become something other than a conversationalist. National Park Service has never paid any attention to my community's desire to work with NPS much less recognized our community effort to work with those of differing views. I attempt one more time that which is quite impossible, bringing my point of view to this issue.

The DEIS is a major failure. Years of preparing for this moment and NPS does not even have the integrity to bring forth a plan which both provides resource protection and provides for recreational access. The DEIS greatest flaw comes from its bias and its very weak attempt to rationalize a position of non access though resource management. There are so many failures in the DEIS that it is just simpler to list same than try, yet again, to explain and argue against them.

The public meeting process was very poorly handled. No outreach or education was offered to my community and most were not qualified to respond to 900 or so pages of the DEIS. I do not understand why someone like Dr. Bert Frost, Associate Director of NPS, could not come down and explain the points of view of the DEIS to the public. After all, he has attended every meeting in Washington, DC on this issue where I have been in attendance. Obviously he is well versed in the promises made by past directors and secretaries of interior. I hope it is well noted that after all of these years of hearing about the so called other side of this issue and how many people are upset and complaining about off road vehicles; that the public meeting attendance had almost no participation except for paid environmental lawyers and lobbyist and only a couple of those. Yet, my community was well represented. I know you are smart enough to know that when the paid plaintiffs in the so called consent decree agree with the DEIS then NPS has crossed a line of fairness and equity.

The List: The Interim Strategy was both approved by NPS and USFWS as a means of progressing through and to the DEIS. This strategy plan was sold to our community as a defense against a lawsuit and would allow NPS and all to participate in a fair plan. Needless to say NEPA, FONSI, Chapter 7, NPS promises, and all the work put into this are worthless.

The Consent Decree was done behind closed doors with no participation by my community. I was not consulted or asked about the consent decree. My recommendation was not to sign. Repeatedly the CHNS communication's person has stated that all is well and everybody happy with the consent decree. After all, everyone signed off on it. Not one soul is happy on Hatteras Island about the consent decree. The penalty provision of the decree is ridiculous and presumes my community is guilty and punishable for all resource closure violations. That NPS enforcement has had no effect and made little or no effort to catch the perpetrators of consent decree violations simply enhances the chances that the perpetrators are either environmentalist or NPS personnel. Not one resource violation under the consent decree has harmed the resource in any manner according to you, the superintendent.

Negotiated Rule Making was a failure. My community, many times over, came to the negotiating table only to find that the plaintiffs in the consent decree could not comment because they were in litigation (they should have been replaced). When the plaintiffs finally had their way with the consent decree and us, they simply would not participate in a meaningful discussion. Over and over again and again we met only to waste our time. To finally get to the DEIS and have it presented as coming from reg neg is an affront and an insult. The vast majority did not approve the position the DEIS has taken and only yet again it was manifested by the plaintiffs. Other criticisms of the reg neg process came on the very weak and often times influenced professional speakers who gave their renditions on birds and so on. I can hear most of it right now, "turtle hatchlings whose nest are moved appear to be less vigorous than unmoved turtle hatchlings". Of course a non moved nest which floods and kills all the hatchlings will have even less vigorous turtles than one moved. It is really poor management of the ESA to allow the states to manage turtles while killing thousands of unhatched eggs. Again, it was transparent that banning access was the desire of NPS and hence most of the presenters had real problems coming up with excuses to do so. A stumbling bunch they were.

NPS legal counsel argued throughout reg neg a very resounding defense of why access would and should be denied. Every consultation and question came back with the same answer: sorry, we have to close Hatteras Island. Again, the repetitiveness from the solicitors only highlighted the bias and did not help reach any accord. The current director, Mrs. Obama the President's wife, executive orders on making recreational fishing sustainable, and every other positive about recreational fishing just made no difference.

The enabling legislation which was decades after the Organic Act is very clear that recreation is the main function of this recreational area. I find it amazing that NPS takes an old act and uses it to supersede what congress wanted and intended. The concept of preserving for future generations public resources would mean a desire to protect cultural and historical use both recreational and other for this area. The DEIS again brings none of this discussion forward. In the enabling legislation were grave concerns and promises made about commercial fishing since it was the only method the islanders had for making a living and so protections were offered. If interpreted correctly, the concerns were for the local citizens to be afforded protection in order to make a living but of course today NPS only looks at commercial fishing and their misinterpretation and their closures do not even take in commercial fishing access.

The traditional use of the beach and seashore is being completely ignored. While the DEIS tries to give a very mundane oversight of transportation use though out the 1940's and up to today, it fails. CHNRA was one of the very first surf fishing Mecca's in the world. The photo of the guys on the front of the DEIS has a picture of my father and friends with red drum caught just after World War II. The traditional use of the beach to fish and recreate was and is history. Hunting shorebirds for profit and recreation was also a part of that history. Long before NPS began trying to manage and close the beach the locals were profiting from taking visitors to hunt and fish and to also furnish the same visitors with food and lodging.

Promises made by NPS are simply worthless. Past directors, secretaries of interior, regional directors, superintendents, and even the present director's desires are worthless to the bureaucrats in the NPS. I have had promises from a great many of you that this process would be fair and above board and it is not. There are many in NPS who should be publicly censured and fired. Pink slips given and not simply transferred to another park but retirement funds taken away, health insurance canceled, and pay checks stopped because this is what my community is suffering. To think that I helped sell my community on promises from you and the director about fairness is just a joke.

The Protocols were written for a superintendent who was only trying to cover his liabilities. The protocols do not factor in a balancing act between recreational access and resource protection and they also do not take economics into account. The protocols were promoted from within local NPS by NC Audubon and recommended upward and onward by the weakest of weak resource managers. His incompetence is the reason for regulations today. When the protocols writer Dr. Irwin spoke at reg neg I asked the question of why ESA restrictions were being enforced on non listed species and he replied he just did not know why. This appears to be the first time ever. While little effort has been made to take a realistic look at the protocols the defense of same by NPS has come many times over. Sandy Hamilton, plan writer, stated she had peer reviewed the protocols (like she is qualified) and this sort of sums up the problem we all have with the protocols. Influence and written by the plaintiffs and never peer reviewed.

North Carolina's position is in support of our community. Both the NC Wildlife Resources Commission and the NC Marine Fisheries Commission with minor reservation are in support of the access point of view. This may surprise some who attended reg neg but the position stated by the biologist from NCWRC was his own and not the formal position by the state. I find it highly disturbing that NPS places such a high priority on the species of concern list generated by North Carolina while the state does not. The list is only there for increased monitoring of the species if needed and no further restrictions are recommended or suggested. I also find it disturbing that NPS picks and chooses its species for regulation from the list. There are at least two other species in the seashore which are on the list. One of the species is located at NPS headquarters and nothing is being done to protect it there (Outer Banks king snake). At least put a sign up there to slow down and help a fellow species out.

USFWS while playing a role at reg neg, many times over stepped into the arena of recreational punishment. Many of the arguments and renderings made by USFWS were simply assumptions not borne by fact and even sometimes not understood by the renderer. The best example I can give is of Pete Benjamin, local field supervisor, recounting that at least 25% of turtle nest in CHNRA are not found by employees. Even though this was not supported by local NPS turtle experts the argument was still the only reason given for night time driving restrictions. If Benjamin were right, the 50 year goal set for this area of gaining 25 additional nest has been met and we achieved this with no restrictions whatsoever. Again the point of this is he is denying access without proper studies or even using adaptive management processes to achieve the closings. My Recommendations Are:

NPS should acknowledge that the DEIS is only here to deny access. Predation, storms, and interference by outside monitors and guest are the real reasons for the lack of birding success in the area. The DEIS continues to promote the theory that there are more vehicles on the beach today than ever before. This is just supposition. The bluefish suns in the early eighties had much greater numbers of people and vehicles on the beach. I well remember the nineties with the island's resource manager giving what appeared to be bird watching tours of piping plover nest. Twenty or thirty people with their

binoculars and scopes up close and personal to the nest and whoops, we flushed one. Oh well, there is another nest at Hatteras Inlet and maybe we can be more careful. Hurricane charts mirror the decline of plovers in the nineties but these tables are simply discounted in the DEIS. Predators are now being killed by the thousands and one can only imagine the resurgence of ghost crabs and the harm future generations of plovers will face by this menace. The protocols make reference to 25 predators killed the first year of management that this should help increase bird numbers. I wonder if they ever imagined thousands being killed (sort of like mowing your grass). Throughout reg neg I listened to the best of my community leaders and most experienced beach users give recommendations which would help increase populations of shore birds in the seashore only to hear these same recommendations discounted until guess what? We are becoming a community of "we don't give a damn" conversationalist. What a joke to try to help the birds while Audubon and the rest of the environmentalist sit silent. They were not at reg neg to help the resource but to close the beaches.

1. Develop an average of closure buffers after the plan been approved. Until such time as an ARM study can be done utilize the access buffers offered by the access lobby. Surely NPS will have the desire and need to enforce these buffers on other parks and recreational areas. Objective viewing of the birds and their reaction to intrusion by either pedestrian or vehicle shows without question the suggested buffers under alternative F to be vastly too large. Any unbiased person can walk up to an American oyster catcher and note that it is not disturbed until only a few meters away. The same scenario happens while driving slowly past. The number 1,2, and 3 nesting sites for least terns in this county are on the roofs of various department and grocery stores. Least tern populations are going up year after year and they seem content to nest amongst us. Why the great penalty?
2. Bird Populations should be managed by area. I well remember the hysteria brought forth by the plaintiffs about black skimmers being extinct in CHNRA. Oh my God, guess what? They simply moved 500 yards off and on to a spoil site just off the sound in Hatteras. Last year there were 500 or more nest of black skimmers on the north end of Hatteras Island which were not included in NPS reposts. If NPS is going to succumb to the lies and hype of the environmental lobby; at least try to manage with some kind of honesty.
3. Turtle management should be maintained by NPS. The great amount of nest lost to water emersion is unacceptable to my community and leads only to questioning why local managers of NPS would listen to one biologist from the state when such vast numbers of eggs are being destroyed. I grow really tired of even worrying about the credibility of NPS. Many years lost eggs account for 50% of the total laid eggs and last year's 37% is a disgrace. The state of South Carolina with a much greater number of nests too manage lost 7% last year. The only clear reason I see for the present management is the bias of the state biologist against vehicle use. By the way, this same biologist did a study (the grant was worth hundreds of thousands of dollars) which showed that moving the nest caused the hatchlings to be less vigorous in his opinion. Of course a dead egg is even less vigorous than a moved egg. It is just ridiculous.
4. Night time restrictions are again not founded in science but simply in mixing assumptions and then using the mix for a rule. For example, 70% of all turtle nest are in non vehicle areas already. Therefore 30 nest are in vehicle areas and 15 of these will be moved. All of this nighttime closure for the 15 nest out of the 56,000 plus east coast turtle nest. Alternative F recommends night time closure one month before turtles arrive and 3 months after they quit nesting. This is just not acceptable. Not allowing campfires on the open beach but allowing campfires in front of the first row of village rental cottages smacks of pay offs for those same few owners who lobbied for both vehicle and pedestrian access restrictions. The very most basic study of false turtle crawls in closed, open, and village area show no justification for nighttime closure. After all, there never has been a turtle or nest harmed in the area by vehicle nighttime traffic (NPS has no study on use). All of the assumptions made are just that, assumptions.
5. Flexibility is not being shown in the DEIS. The flexibility for future managers shown in the interim strategy is not shown here. The future will close vast areas to all even though those areas may change and have little benefit to the birds. Today areas are closed which could be open and much criticism of NPS alleviated yet those areas are closed because of inflexible buffers.
6. I find no discussion about "take" in the DEIS. Realizing that the DEIS was written with the predetermined thought process of a no take seashore, the lack of this discussion surprises me. I know this seashore cannot be managed without a provision for take. For all the failures of the consent decree and all the animosity created by NPS, there has been no take in this seashore since the interim strategy was created according to the superintendent. 7. The disabled, old, and infirm will pay a great price for the DEIS. Local NPS has neither studies nor inclination to understand its customers and users. Interpreters and managers do not get involved with the public. Sure the fee gathering spots such as the Cape Hatteras Lighthouse and Wright Memorial or even the campgrounds may be easy places to generate information but the beach user is not studied. This does not surprise me since upper management is never seen on Hatteras or Ocracoke Island. There will be a grave injustice done to the handicapped under the DEIS.
8. The economic study done for NPS is a travesty. The consternation shown throughout reg neg by the hired economist was the same as that of many of the so called professional presenters. They were asked to develop a study which shows no harm. I personally had to lay off 25% of my staff and have now lost over a million dollars in sales because of consent decree restrictions. This amount will increase under the DEIS since it is even more restrictive. Note that Hatteras Island's recession stated with the consent decree and not when the rest of the county's recession started. I also grow weary of hearing about how hard this is on NPS. There is not an employee in NPS who has lost a nickel over the consent decree or a night's sleep. The economic harm will be and is in the hundreds of millions of dollars to Dare and Hyde County.
9. Change the name from: Cape Hatteras National Recreational Area to The Cape Hatteras Special Interest Group Area - National Audubon Only Birds Area!

Correspondence ID: 14932 **Project:** 10641 **Document:** 32596
Name: Folb, Frank
Received: May,08,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please accept this letter with my comments on the DEIS for Off Road Management within Cape Hatteras National Seashore, due in your office by May 11,2010.

#1: Negotiated Rulemaking Committee (NRC) Recommendations. In the interview stage of becoming members of the Negotiated Rulemaking Committee (NRC) we were assured that the National Park Service (NPS) would give us a level playing field. We were assured that we would be able to think out of the box, to make adjustments to the interim plan, possibly finding solutions that would make the final ORV plan even less stringent than the interim plan.

As a primary member of the Negotiated Rule Making Committee at addressed this problem, I am astounded and disappointed in the direction NPS took the alternatives shown in the DEIS. I am particularly disturbed by your statements and comments that many of the parts of the NPS preferred Alternative F came from the Negotiated Rule Making Committee. When the three committee members who agreed in advance to litigate brought suit against the NPS that inevitably brought about the highly access restrictive consent decree, many of us on the access side wanted to terminate our good faith participation at that time, but were advised by people we respected to not be quitters and stay the course, which we did. Some of the members of the panel were given legal advice during the law suit and signed on to the consent decree to avoid the judge shutting the entire beach until the new plan was in place.

Some members of the access group on the NRC went well beyond reasonable negotiation in a last ditch alternative that was an attempt to test if the environmentalist side was trying to come close to negotiating. However, even with NPS, USFWS, and all state agencies on board with the last ditch, test proposal, the environmental groups would come to no consensus ? they refused to negotiate, as they did from the very beginning of the 15 month process. Had they accepted the proposal, I assure you I would have been the dissenting vote to block it. No way would I have agreed to several items in that plan including the buffer distances of up to 1000 meters and the closing of Ramp 27-30 year round.

The Coalition for Beach Access has put together a very effective and factual based plan that will work well to protect the resources of the seashore.

#2: Buffer Distances for Birds are More Restrictive than in Other National Seashores. Piping Plovers: Cape Hatteras National Seashore (CHNS) is on the edge of the territory these birds frequent to nest and winter. CHNS is known for its turbulent weather that accounts for poor survival of Plovers on this seashore. Predators are the primary reason the success rate is poor. NPS has been very ineffective in the management of the nesting areas for many years making them predator friendly and bird unfriendly. Had these areas been maintained or included in the alternatives of management in the future, Oregon Inlet, Cape Point, both spits of Hatteras Inlet and South point of Ocracoke could have been made bird paradises that would have helped the success of nest survival. However, that out of the box NRC suggestion, supported by both access and environmental groups, was listed in the DEIS as being not suitable. Experts speaking at the NRC meetings stated the the Piping Plover population as been rebounding most all other locations, but population growth has not happened at CHNS. Vehicles are not shown in science to be the cause of their struggle to flourish in this seashore; storms and

predation have been the problem.

Buffers the Alternatives for piping plover are extreme and unnecessary. With the immense NPS monitoring given to these few nesting birds, much smaller, judgment (risk based) based, flexible buffers could and should be put in place upon hatching to afford chick survival while at the same time allowing reasonable public access. Only on very rare occasions have chicks been observed to travel 1000 meters, and when that has happened they were moving to a food source where they stayed until fledging, thus requiring a much smaller buffer. Several published studies show that on average, chicks move about 200 meters. My comparison to this outlandish 1000 meter buffer is that if you have a food source and a foraging plover on the bow rut aircraft carrier (330 yd, long) and the crew and Navy bald on the stem singing and playing "Anchors Away," the piping plover chick could care less. And that distance is one third the buffer you want to put in this plan.

AMOYS: AMOYS are on a North Carolina list of concern. By being placed on this list, North Carolina is monitoring and counting birds in a very limited fashion, but doing otherwise nothing to protect them. USFW does no enclosures in Pea Island Wildlife Refuge until an egg is laid. The management procedure is to "approach AMOY until it flushes then back away 15 yards for the closure." No more than this procedure should be used in the NPS area, keeping in mind that this is a recreational area first and a resource area second. If you state that you have only the Endanger Species Act (ESA) to go by for protecting a bird that is only on a list of concern in North Carolina, then either give it no protection or have regulations that are similar to the state procedures.

Colonial Waterbirds: The management procedures should be the same as the AMOY protection.

#3: Threatened and Endangered Sea Turtles:

I refer you to the 210 page document being entered into these comments by OBPA, Larry Hardham and Bob Davis (<http://www.obpa-nc.org/turtles/TurtleMgmtProgram.pdf>) for what is the real science of turtles on this seashore. This document should and will be submitted for open, non-biased, scientific review. It holds the facts of turtle management needs on the seashore. The buffers and requirements of the present turtle management program are profoundly flawed and must be addressed. If only the management were similar to that of the USFW buffers and enclosures of Pea Island the alternatives would be different those those presented in the DEIS. We have 70+/- miles of seashore on which turtles nest or make false crawls. In the most turtle active years we have had approximately 210 totals for the year. If you divide the 70 miles into the 210 crawls and nests you will have 3 nests or crawls per mile in the May 1 to September 15 window with no night driving. And we must not forget that much of the beach is closed during this period for village closures and bird closures where the turtles do still nest and crawl. With these statistics, and nowhere in any other data, one cannot find facts or suggestions that vehicles have had large encounters with turtles or have caused deaths of turtles. Nowhere do data indicate or suggest that any nighttime closure is warranted.

Your alternatives want nests moved only for imminent danger to storms, but make no attempt to enhance or preserve recreational opportunities in high use areas in the recreational seashore. You are again misusing resource protection at the expense of recreational needs.

Nest enclosures should be no more than 10X10 and the through to the ocean not more than 18 inches wide. They should be set up in the evening and removed in the morning as done in the USFW Pea Island Refuge. Excessive enclosures are not helping the turtles. They only reduce visitor experiences.

#4: Year Round Closures Year round closures in a dynamic weather related seashore is unacceptable and wrong. If the spits and Cape Point were made to be "bird" friendly and not predator friendly there would be no need for the beach front closures anywhere on the seashore. Poor past management practice should not be accepted in this plan as inflexible. Seasonal village closures, safety closures, the accepted closure of the beach in front of the light house and jetties should be the only closures for those wanting pedestrian only areas. While no one in the access coalition wants year round beach access for vehicle in front of the villages, we do believe that those area should be open in the off season from Sept. 15 to May 15, as has been the practice until this time. Political closures have been in place in Frisco and Hatteras for several years, essentially privatizing those ocean fronts almost entirely for the owners of those cottages. This is wrong and in my eyes illegal.

#5: Socioeconomic Impact is Incomplete NPS is using incomplete data and analysis to reach economic impact conclusions in the DEIS. Due to a hasty, under budgeted, and limited data collection and analysis process, there is no completed or peer reviewed economic analysis. This makes the DEIS seriously flawed and an illegal component of the DEIS. I have had to reduce employees and now at a time that I have reached an age when I want to spend less time in my business and more time enjoying old age. The present consent decree has forced me to work almost every day and employ less people. Alternative F will provide no relief. The impact has been, and will continue to be, a major loss for my business.

#6: Pets Your preferred alternative has disallowed pets within the entire seashore from March 15 to July 31. We all agree that pets should be on a leash on the beach, but to punish the people who obey the leash law by prohibiting all pets is unacceptable. Nowhere has anyone from NPS check with the rental agencies in the villages within the seashore to see the amount of increase in the number of "pet friendly" houses over the last few years. This new regulation prohibiting pets, completely unrelated to ORV management, will result in families staying away.

#7: The DEIS is Flawed and Illegal The NPS 6 alternatives begin with Alternative A - No Action plan and Alternative B -No action plan. Both of these plans were the result of actions. Alternative A was the result of the interim plan being put in place and Alternative B was put in place by the consent decree. Because the DEIS should have had a Alternative No Action plan that reflected the regulations being enforced in 2004 that were adopted from the 1978 draft plan and updates through Superintendent's Compendium, I content that the entire DEIS is flawed and illegal.

I respectfully submit that you have no option but to put the "Coalition for Beach Access" position statement in place as the new ORV plan for Cape Hatteras National Seashore. It is the only acceptable and practical management alternative for a recreational area, Cape Hatteras National Seashore, the first in the nation.

Correspondence ID: 14933 **Project:** 10641 **Document:** 32596

Name: Long, Stephen and Louise

Received: May,05,2010 00:00:00

Correspondence Type: Letter

Correspondence:

We have read with great interest the pertinent parts of the above document that have specific bearing on Hatteras Island and future beach access. We have been property owners since 1998 in Avon, NC, and have experienced heartfelt joy at having a family vacation spot not only for us, but to offer to others. We would like to respond as follows to Alternative plan "F". 1) From pages 1221-127: "Any piping plover unfledged chick brood will require a 1,000 meter pedestrian/ORV closure around it in all directions. This equals approximately 771 acres per brood.. *"

For hundreds of years, man and animal have managed to inhabit Hatteras Island with very little damage or elimination of species. 1,000 meter (actually less recommended) pedestrian/ORV closure should only be enforced with both interests in mind. Minimal invasion vehicle or foot traffic, yet keep an access area nearby, so properties do not disintegrate and affect the economy. Hard to understand extinction of this species since it is apparently still nesting on Hatteras Island.

2) From pages 121-127: "Any American Oystercatcher nest or brood will require a 300 meter pedestrian/ORV closure around it in all directions. ." Too severe for a species that is not endangered. Compromise needed on the closure distance of 300 meters, if any at all. Review of this item necessary.

3) From page 136: "No pets, including dogs, will be permitted, either leashed or unleashed, on Cape Hatteras National Seashore public lands including the beaches between March 15 and July 31."

Man's best friend is a proven therapeutic resource for most humans. Responsible owners curb their dogs and clean u-p after them. Restrictions due to nesting are posted, so complying is required. There is a singular joy in a pet retrieving in the ocean, and playing on the beach. Seniors and children alike delight in this activity and it should not be restricted during any period. This has been allowed since the development of Hatteras Island, and is an existing use that supersedes restrictions. Control of pets is needed, but eliminating some summer months would hurt more than help property owners, residents and businesses, thus the economy.

4) From pages (97-101): "ORV's will be prohibited year around between ramps 23 and 27 at the Hatteras and Ocroake Inlet spits and at various other locations."

There is nothing more meaningful for a surf fisherman than casting that line after having driven across the beach to access a favorite fishing spot. Hundreds of people visit Hatteras Island and its beaches because of this opportunity, and indeed the residents have known no other use. The economy of this area would be devastated with the loss of beach access driving any time of the year in these areas. Some restrictions possible and compromise encouraged so all can enjoy and still maintain wildlife. 5) From page 121: "Pedestrian access will be prohibited from March 15 until July 31 in eight different beach locations which have traditionally been available." WHICH HAVE TRADITIONALLY BEEN AVAILABLE says it all. Wildlife

species notwithstanding, culture must prevail in an area that would suffer economically, culturally, socially, educationally. These are existing uses and it is possible to re-route some pedestrian traffic, rather than eliminate it. It would be devastating to close off access for close to four months during prime vacation and weekend use. Hundreds if not thousands of residents, not to mention property owners, would suffer economically; businesses would close and revenues lost which also includes taxes.

There seems to be very little analysis devoted to the preservation of cultural resources. In 810 pages, more attention need be focused on this aspect, and indeed is required by the National Environmental Policy Act. This cannot be buried in paperwork. Socioeconomic data in addition to very little analysis appear incomplete and simply in error considering the growth of this very special geographic location in our country.

Correspondence ID: 14934 **Project:** 10641 **Document:** 32596
Name: Kohlman, Roxanne
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am writing this letter to impress upon you the importance of maintaining pedestrian vehicular access to the Cape Hatteras National Seashore (CHNS). This is a state park with a rich history and closing it under the guise that it will save the environment is misleading and unfair to the visitors who have a legal right to experience it. I think there are other alternatives to the ill-written Management Plan currently proposed that will benefit both the local wildlife and the public alike.

There are adjacent areas to those used by visitors that provide perfect habitats for the wildlife discussed in the Off Road Vehicle (ORV) Management Plan. These island areas are byproducts of dredging projects which are not overrun with natural predators, have no vehicular access, and are already a part of the same ecosystem in which the wildlife currently thrive. The concept of utilizing these areas only makes sense because it is potentially a win-win option for the local wildlife and the public. There is absolutely no need to close the beaches to visitors when there are more productive solutions available. Why would the NPS not want to take this into consideration? Don't let special interest groups create unnecessary problems with their hidden agendas. Let's work together to keep the beaches and the environment open to people and wildlife alike. Please give the aforementioned option an opportunity to work.

I am passionate about having the opportunity to show my kids the beauty of Cape Hatteras and its shoreline much like my parents did for me. Unfortunately, the current ORV Management Plan is jeopardizing that. With that in mind, I leave you this excerpt from the National Park Service website that talks about its mission:

"Since 1916, the American people have entrusted the National Park Service with the care of their national parks. With the help of volunteers and park partners, we are proud to safeguard these nearly 400 places and to share their stories with more than 275 million visitors every year. But our work doesn't stop there. We are proud that tribes, local governments, nonprofit organizations, businesses, and individual citizens ask for our help in revitalizing their communities, preserving local history, celebrating local heritage, and creating close to home opportunities for kids and families to get outside, be active, and have fun. Taking care of the national parks and helping Americans take care of their communities is a job we love, and we need - and welcome - your help and support."

" I mission: The National Park Service cares for special places saved by the American people so that all may experience our heritage."
Please help the local community and champion a comprehensive ORV Management Plan that embraces not only environmental preservation, but also the NPS long standing mission of cultural preservation for the visitors to the CHNS. The NPS has a responsibility to both the wildlife AND the people. Please, let's not lose sight of that.

Correspondence ID: 14935 **Project:** 10641 **Document:** 32596
Name: Kohlman, Chris
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am writing this letter to express my concern over the tenets that define the current ORV Management Plan. I have followed this issue for many years hoping that a comprehensive solution would be formulated that would help promote the well being of both the environment and the continued use by visitors.

Sadly, it would appear that the new plan provides poorly developed solutions that fall much short of the desired goal. One issue particularly disturbing for me is the recommendation of unprecedented buffer zones for some of the wildlife that appear along the Cape Hatteras National Seashore (CHNS). It would seem that the verbiage is truly aimed less at wildlife protection and more at simply preventing ORV and pedestrian use of a prized national asset. I would have to question the rationale for providing buffers for certain fowl that encumber more than a half a mile perimeter in certain instances. I have been visiting the CHNS for more than thirty years and have seen wildlife thrive in a habitat shared with park visitors. And during this time there has never been any kind of restriction as cumbersome as this current proposal. The buffers at Pea Island have been successful for many years so why is that not a viable option now? And why are we protecting flourishing species to the level afforded by those rightfully found on the endangered species list? This list is established for the protection of wildlife that is truly threatened to the level of extinction. It is not a tool for special interest groups to manipulate for their own personal agendas. This latter approach is actually detrimental to the cause because it forces otherwise environmentally friendly visitors to have to choose sides between continued use and the preservation of wildlife. My solution to this dilemma would be to embrace the many people who love the beaches AND who equally enjoy the wildlife and work with them to protect the sanctuary that is the CHNS. The beachgoers could be a great asset in the protection of the local wildlife but the NPS has to be willing to work with them instead of fighting to close the beaches altogether. It is a simple concept, really. If the end goal is to truly protect the local wildlife along the CHNS, then working together with the masses is the ONLY true solution. Educate those who need it and show them what to look for to help protect all wildlife on the beaches, Let the visitors be an extension of your "eyes and ears" and you would quickly see that local birds and other animals would benefit from having such a large support group. Please consider giving this a chance. The current plan precludes this idea completely.

I apologize for the dissertation. But I am passionate about having the opportunity to show my kids the beauty of Cape Hatteras and its shoreline much like my parents did for me. Unfortunately, the current ORV Management Plan is jeopardizing that. With that in mind, I leave you this excerpt from the National Park Service website that talks about its mission:

"Since 1916, the American people have entrusted the National Park Service with the care of their national parks. With the help of volunteers and park partners, we are proud to safeguard these nearly 400 places and to share their stories with more than 275 million visitors every year. But our work doesn't stop there.

We are proud that tribes, local governments, nonprofit organizations, businesses, and individual citizens ask for our help in revitalizing their communities, preserving local history, celebrating local heritage, and creating close to home opportunities for kids and families to get outside, be active, and have fun.

Taking care of the national parks and helping Americans take care of their communities is a job we love, and we need - and welcome - your help and support"

" I mission: The National Park Service cares for special places saved by the American people so that all may experience our heritage."
Please help the local community and champion a comprehensive ORV Management Plan that embraces not only environmental preservation, but also the NPS long standing mission of cultural preservation for the visitors to the CHNS. The NPS has a responsibility to both the wildlife AND the people. Please, let's not lose sight of that.

Correspondence ID: 14936 **Project:** 10641 **Document:** 32596
Name: Lewis, Patti
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Regarding the National Park Service (NPS) Draft Environmental Statement (DEIS) I would like to comment as follows:

The Cape Hatteras National Seashore Recreational Area (CHNSRA) was established by Congress in 1937 for the use of the citizens of this country as a recreational area. The DEIS plan will violate the long standing historical and cultural heritage of the area. Beach driving was the main route of transportation prior to the building of paved roads. Beach driving has continued throughout the history of the island for access for commercial and recreational fishing, many other recreational activities as well as to provide access for the handicapped to areas that would otherwise be inaccessible. The CHNSRA was established for the residents and visitors of the islands. It is for recreation, it is not a wildlife preserve. There are other vast areas set aside for wildlife preserves such as Pea Island which are not open to ORV traffic.

I disagree with the DEIS Restrictive Species Management Areas (page 468) and I feel that MLI is overly restrictive. I urge the NPS to adopt the corridors and bypasses as outlined in the Coalition for Beach Access Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement as a more commonsense and reasonable plan.

I disagree with the DEIS large, inflexible buffers (pages 121-127) as I feel they are too extreme. The current 1000 meter buffer for nests equals 771 acres per nest, this is far exceeds any realistic and reasonable need for protection of the nests. The Piping Plover breeding/nesting buffer should not exceed 50 meters. The unfledged piping plover chick buffer should not exceed 200 meters and should move with the brood as it relocates to reliable food sources not simply expand. These ORV buffers as well as corridors should be maintained to allow ORV's to pass through or around nesting areas to ensure beach access is always maintained.

The NPS should aggressively pursue the adaptive management initiatives identified in the DEIS with an object to Improve its success with both resource protection and visitor access (p.124). NPS Resource Management Pedestrian / ORV closure policies address the least significant factor affecting nest survival with little chance to have more than negligible impact -for example: AMOY Nest Failures are Predominately due to non-human Events Mammalian Predation: 54%- highly significant Storm / Lunar Tides: 29% -highly significant Nest Abandonment: 6% Avian Predation: 5% Ghost Crab Predation: 3% Human interference: 3%-least significant

The NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem such as villages, dredge and spoil islands and Pea island National Wildlife Refuge. The dredge and spoil islands typically have fewer predators to threaten nesting birds. Bird activity within neighboring areas should be tracked and included in target productivity levels. Fluctuations and trends in Recreational Area bird populations should be viewed relative to regional and state experiences-not in isolation.

I disagree with the NPS statement: "ORV and other recreational use would have long-term major adverse impacts on sea turtles due to the amount of Seashore available for ORV use and by allowing night time driving on the beach." (p. 377). In actuality, Nesting females have not "been killed", complete or partial nest lost due to human activity has not "occurred frequently", hatchling disorientation/disruption due to humans have not "occurred frequently" and direct hatchling mortality from human activity has not "frequently occurred". The main danger to the nests is natural predators and weather with ORV driving having a minimal impact. The NPS should adopt more proactive techniques such as used at other east coast locations to improve the protection of the nests. The island economy has already been severely negatively impacted due to the consent decree restrictions. The current DEIS will only serve to be even more restrictive and it will surely further devastate an already precarious economic situation for the people of the island villages. The Region of Influence (ROI) incorporates the northern beach communities, including Southern Shores and Duck.

These areas are almost completely disconnected from ORV use and access issues relating to the seashore villages. Inclusion of the northern beaches in analysis significantly dilutes estimates of economic impact on the seashore villages. Analysis of economic impact to the seashore villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts.

Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the seashore villages rather than by overall economic interests within the greater ROI. Economic analyses in the DEIS do not use data from the first full year of the Consent Decree (2009) thus do not present an accurate picture of economic impact to the seashore villages. Many 2008 visitors were either unaware of the scope and breadth of Consent Decree beach closures, or had already made plans/reservations. Actual seashore village business survey data should be used rather than the model projections currently in the DEIS.

Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the northern beaches communities and recreate on the non-federal beaches outside of the Seashore. Visitors who patronize the Fort Raleigh National Historic site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out. The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages.

Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS. I find it morally unacceptable that the NPS has actively been killing hundreds of various predator species in the park. It is also a financially irresponsible use of tax dollars for the murder of innocent animals. Human and ORV presence is a significant deterrent to predators, if access is limited, more killing will be needed to "protect" the birds and turtles.

I strongly urge the NPS to carefully consider the Coalition for Beach Access Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement. The positions stated in that document and its attachments represent a common sense, reasonable approach to address two of the most significant responsibilities the National Park Service must fulfill within the ORV Management Plan. These responsibilities are: The protection of resources without impairment to or from the visiting public and the protection of Traditional, Cultural, Recreational and Commercial values c with limited disruption. The goals written by Congress in the enabling legislation that created the Recreational Area recognized these responsibilities. The Coalition is confident ORV access to the beaches has not historically adversely affected the Recreational Area environment. The Coalition is equally confident that, in the future, the ORV management plan guidelines it endorses will not negatively impact the environmental qualities that were responsible for the creation of the Cape Hatteras National Seashore Recreational Area and its continued popularity.

Correspondence ID: 14937 **Project:** 10641 **Document:** 32596
Name: Labrum III, Joseph
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: As a regular visitor to the Cape Hatteras National Seashore and Recreational Area for the past 40 years, and as a person who believes that you are an eminently reasonable person, I write to make a predominantly negative comment on the DEIS. While I agree with the proposed plan's goal of protecting and preserving natural and cultural resources, I strongly disagree with and condemn the plan's most restrictive access restrictions for ORV, pedestrian and pet access in the Seashore's history, as set forth in the preferred alternative, Alternative F. This proposed plan is far too restrictive in terms of public access to tile most popular areas of the Park, including Cape Point, Hatteras Inlet and North and South Ocracoke. I believe that this plan will forever wreck tile public's traditional uses of, and access to the Seashore. In addition, I believe that the plan is flawed in that it does not correctly gauge the huge negative economic impact of this plan on the local economies of the villages within the Park.

I disagree that there will be demonstrable, scientifically provable benefits to any natural resources with the implementation of this plan. While the goal is to protect species - birds and turtles-- the restrictions on ORV and pedestrian access to areas of the Seashore will have an insignificant, if any, effect on the preservation of birds and turtles. The plan does not even attempt to address the problems posed to species by predation and ocean overwash, which, together, account for the vast majority (at least 80%) of the loss of the species allegedly protected by this plan. Human caused losses are insignificant and less than 3%. Cutting off human access will have little or no ameliorative effect 011 survival rates. I believe that a more pro-active approach is necessary, especially with regard to preserving bird and turtle nests that are frequently destroyed due to ocean overwash and storms. Relocation of threatened nests should be considered an option to improve survival rates.

The benefits to natural resources from implementing this plan are not supported by any truly peer-reviewed science. The allegedly peer-reviewed science supporting the proposed closures of huge areas of the National Seashore is, in reality, the work of a handful of people who are members of several special interest groups that desire to close off the use of the Seashore to the public and turn the area into a wildlife preserve. These are the same people who sued the National Park Service and forced the implementation of the consent decree in 2008. They are also the same people who refused to compromise or attempt to reach a consensus on public access to the Seashore with pro-access groups in tile Reg-Neg process. There is a massive

conflict of interest in their views, which should disqualify these groups from controlling the outcome of the future of access to the Cape Hatteras National Seashore and Recreational Area.

These special interest groups are conflicted and dominated entirely by their desire to close off the park to human access. The enabling legislation for the Seashore does not support this kind of use of the Cape Hatteras National Seashore and Recreational Area. It is an area Congress intended to set aside for human use and recreation. I refuse to be a willing participant in the process these environmental groups seek to accomplish in removing this outstanding park and recreational area from a place that people can access and enjoy, into a non-accessible wildlife preserve. As you are well aware, there is already a wildlife preserve, the Pea Island National Wildlife Preserve, an expansive area with very limited access open between Oregon Inlet and north Rodanthe, an expanse with no ORV access whatsoever for more than 13 miles of coastline.

Surely, the CHNSM does not need to be transformed from a recreational area into an additional wildlife preserve to save or promote the hatching of perhaps several additional pairs of piping plover chicks, and thereby prevent the use and enjoyment of the Park by hundreds of thousands of people each year.

With regard to piping plover chicks, I strongly condemn and disagree with the need for a 1,000 meter buffer zone for piping plover chicks. There is no verifiable, peer-reviewed science which supports the implementation of the consent decree's 1,000 meter buffer zone. This enormous buffer zone was a capitulation by the Park Service to the demands made by special environmental interest groups. It is wholly unnecessary. Other national park areas, including Assateague Island National Park have routinely used, as I understand it, a 200 meter buffer for piping plover chicks. It has been found sufficient. There is no science that supports the need for a 1,000 meter buffer for these birds. A 1,000 meter buffer amounts to a radius of .6 of a mile, which is totally absurd and not supported by science. It is a ridiculous and wholly unneeded buffer zone that should be reduced to, at most 200 meters, a zone found to be sufficient in other national parks.

This plan appears, in a real sense, to be a massive caving in of the National Park Service to special interest groups, including the Audubon Society, the Defenders of Wildlife and the SELC, in order to avoid further litigation. I implore the National Park Service and the Department of the Interior to stand up to these special interest groups who hope to close off the Seashore to human use.

The adverse economic effect of the proposed changes to be implemented by the final version of this plan is not adequately gauged in this plan. Any information you have is skewed because it does not adequately consider the area affected by the DEIS, which is the area south of Nags Head to the end of Ocracoke. Your economic impact area includes areas that are north of the CHNPRA, and this has the effect of skewing and reducing the actual economic impact to this area. Areas north of the CHNPRA should not be included in the economic analysis as they are not part of the Park.

I also vehemently disagree with the banning of pets in all SMAs, and in all public areas of the Seashore from 11 March 15 to July 3 1st each year, as set forth at page 136 of the DEIS. This proposed restriction amounts to a constitutional violation of equal protection of the laws and invidiously discriminates against all pet owners who visit the Seashore. It is not only unconstitutional, but it is an irrational and a wholly unnecessary restriction given that current Park regulations require pet owners to keep dogs on a 6-foot leash at all times within the Park, so that there can be no danger of bird or turtle predation, or other disturbances on the beaches or in SMAs. This restriction, as proposed, is invidiously discriminatory and should be removed from the plan.

I believe that there should also be provisions in the plan for ORV access corridors around nesting areas in SMAs, particularly in the most popular areas of the Park, including Cape Point, Hatteras Inlet and North and South Ocracoke. The DEIS has no such provisions, and I strongly disagree and contend that that is a glaring deficiency in the plan.

Please consider this letter my very strong opposition to the current DEIS; I believe that, while voluminous, it is ill-considered, lacking in scientific support and that it will likely, if implemented, result in the loss of a huge number of annual visitors and sound the economic death knell for the villages that lie within the Cape Hatteras National Seashore and Recreational Area. Thank you for your consideration of my views.

Correspondence ID: 14938 **Project:** 10641 **Document:** 32596

Name: Broadbent, Dorothy

Received: May,06,2010 00:00:00

Correspondence Type: Letter

Correspondence:

I do not agree with the DEIS list of six provisions that are set forth for the NPS to choose from for a sensible approach to beach access.

The economic catastrophe will devastate the family's and businesses of Hatteras and all of Dare County. The resulting effect of the now in place Consent Decree has and is already showing signs of impacting the economy of these islands. Without sensible beach access there is no reason for tourist to come here.

Since 2008, successful businesses that are older than the park itself have started to fail. All walks of businesses are reporting that staffs have been reduced by 25%-50% and the same for their sales figures. Charity organizations are reporting a tremendous increase in the number of families needing their assistance, doubling every year since the Consent Decree took effect. Dare County now has the highest rate of unemployment in the state of North Carolina.

The Consent Decree and the resulting soft economy happened months before the nation began suffering from the recession. When the stock market plunged in Sept. '08, the Hatteras and Ocracoke economies were rebounding because the beaches re-opened the month before. Previous bird protection plans, specifically the Interim Protected Species Management Plan, had no effect on the local businesses.

As a National Seashore, the Cape Hatteras National Seashore Recreational Area is subject to legislation, rules and policies that effect how it is managed by its authorities and enjoyed by its visitors. Public access has been acknowledged as a key value since the inception of the Park Service and the Recreational Area. Many requirements of the legislation, rules and policies cannot be accomplished unless public access is guaranteed.

The NPS Organic Act of 1916 defined the original responsibilities of the U.S. Department of the Interior and the NPS with regard to the management of units within the national park system. The act recognized both conservation and public access as responsibilities of these units as reflected in this quotation:

"The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of the future generations" (NPS Organic Act, section 1)

In 1952, Conrad Wirth, Director of the National Park Service, reiterated the responsibility of the NPS to assure vehicular access to the beaches for residents and visitors alike.

Access to the surf zone has long been traditional and cultural importance on the Outer Banks, and continues to be so today. The Seashore beaches have traditionally been utilized by the Outer Banks communities for a broad and diverse range of social, economic and other cultural activities. Traditional activities range from dory seine net fishing to social gatherings and community events, to hook and line surf fishing, and general recreation. These social and economic cultural activities represent an unbroken pattern of traditional land use that spans from historical times through the establishment of the Seashore up to the present day. Further, the continuation of these traditional practices is central to the preservation of the historic social and cultural fabric of the Outer Banks villages.

Nonsdangered birds The fact that non-endangered birds need more room than we give our own President or the Pope is just unreasonable. The birds that are mentioned in the DEIS are all breeding elsewhere. I have seen with my own eyes on top of flat buildings and dredge islands where there are no predators. To kill off one species to protect another is playing with fire. Who is defending the thousands of animals that are slaughtered to save a non-endangered one.

Turtles Turtle nest relocation as a preferred tool for species recovery, which would help maintain the balance of preservation and access. History shows that ORV access has not impaired loggerhead sea turtles within the Cape Hatteras National Seashore Recreational Area. No adult turtle was killed by ORV or pedestrian, day or night, during the past 10 years. In the Cape Hatteras National Seashore Recreational Area, they have the worst record of turtle hatchlings on the entire eastern seaboard.

Ending comments I for one being a concerned citizen do not understand why the NPS refuses to use the true and legal name of our seashore; Cape Hatteras National Seashore Recreational Area.

The DEIS is not only flawed by so called science, but being over 800 pages long makes it impossible for the general public to comprehend what is

proposed for their seashore. With the NPS providing the American people with little or no information and the same in time response, it does not surprise me the Regional Director refused an extension.

I am a member of the North Carolina Beach Buggy Association, and as a member have participated in many beach and highway clean ups, never have I witnessed anyone from the Defenders of Wildlife, Southern Environmental Law Center or the Audubon Society organize any of the same.

I hope you will take away from my comments a feeling of concern for the future of not only the families that depend on the access of these said beaches but the future generations that will indeed be impacted if the Cape Hatteras National Seashore Recreational Area is closed. We can and have co-existed with these animals for years.

Correspondence ID: 14939 **Project:** 10641 **Document:** 32596
Name: Basnight, Marc
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: We are writing you today to make formal comments on the Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plan Draft Environmental Impact Statement, specifically Alternative F, created by the National Park Service with input from the negotiated rulemaking advisory committee.

Before commenting on the contents of the document, we would like to call attention to the shocking exclusion of useful data to determine the potential economic impact of Alternative F. The DEIS suggests "F" will have revenue impacts on small businesses "at the low end of the estimated range rather than the high end." From our conversations with small business owners on Hatteras Island, any restriction in access will have severe economic impacts to their families, as the closures in the past years have. In an already disastrous economy, the actions taken by the Court and the Service have proved devastating to all businesses and residents on Hatteras Island. For anyone to claim differently would be either a misguided statement of ignorance or just a pure falsification of the truth. The last names of the original settlers of Hatteras Island can be found in the phone books to this day. These families have been rooted in this community even before the founding of our nation. Today, their livelihoods are being threatened by that government.

After consulting with the elected leaders of Dare County, we would like to comment on the four critical aspects of the DEIS, the first being the vitally important management tool of corridors. In the past during a closure, our offices were able to work with you and your staff to create corridors around resource closures. These alternative paths are indispensable to the continued movement of pedestrians and vehicles. Also, the corridors allow visitors access an open area that may be sandwiched between two closed areas. These corridors have limited negative impacts to the protected species, but they are crucial to providing access during closure periods. We stand with Dare County in requesting that corridors be maintained for pedestrians and vehicles in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season.

When reviewing the management of any wildlife species by the state of North Carolina, anyone can see our management plans are based on reliable and reputable science and data. Political whims are not entered into the formula for the management of species by our State. We are concerned that political inclination is the reason for and basis of the management buffers within the DEIS. A 1,000-meter buffer in all directions of an unfledged piping plover chick represents 771 acres of closed beach. This seems a bit arbitrary and capricious when managing a species. We have yet to read any scientific reasoning behind this management strategy. We would argue a buffer of 200 meters would be just as effective for the survival of a piping plover chick without the extreme penalization of the residents and visitors of Hatteras Island.

Another confusing issue in the buffers listed in the DEIS is the equal and even more protective status given to species not on the endangered species list. Birds listed as North Carolina species of concern should not be given protected status under the Endangered Species Act. We have spoken with both the Chairman and Executive Director of the North Carolina Wildlife Resources Commission regarding this matter. Both have informed us that these unnecessary protections were never the intent of the Commission's participation in this process, nor a requested outcome. They have also informed us that other species of concern are not given ESA status on other federal lands. Pre-nesting closures should be exclusively for the piping plover, the only federally listed threatened bird species. Also, non-ESA listed birds should not have buffers of 300 meters. The county feels a more appropriate buffer would be 30 meters. We also spoke with NCWRC regarding the inclusion of all birds in the ecosystem being counted when doing any type of management plan. Currently, birds on dredge spoil islands located adjacent to the Park are not being included in the population figures. They agree these islands have no predation and are ideal locations for nesting. To not include the populations of these islands is disingenuous to the intent of this process.

The last technical portion of our comments centers on the treatment of the nests of endangered sea turtles within the Seashore. We would urge the Park Service to allow for the relocation of nests to higher beach elevations. The United States Fish and Wildlife Service practices this management tool in Pea Island National Wildlife Refuge, as do other management agencies on state and federal lands. The Seashore has lost over 46% of the nests laid in the last 11 years, while South Carolina relocated 40.1% of their nests during 2009, finishing the year with only a 7.7% loss of nests. To not allow for the relocation of nests puts both the users of the parks and the turtle hatchlings at competitive disadvantages.

The key to any management plan is flexibility. Without the ability to change user patterns while keeping access open, the Cape Hatteras National Seashore Recreational Area will become but a memory to generations of users from across the globe. We would say that nowhere in our great nation can individuals enjoy the beauty and serenity of our coast as in the Seashore. For decades, families have been coming to Hatteras and Ocracoke Islands to utilize this area as President Roosevelt envisioned.

As you move forward with your plan, you must remember the promises made by previous directors and superintendents and protect the access for residents and visitors alike

Correspondence ID: 14940 **Project:** 10641 **Document:** 32596
Name: Kayota, Steven
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please accept this statement as a comment and response to the ORV Management plan Environmental Impact Statement. I have a home in Frisco and pay taxes to Dare County each year. I rent this house for 27 weeks per year and the roughly 560 renters/year help support the local economy by frequenting the restaurants, gas stations and tackle shops, etc. The current proposal Alternative P recommends opening the villages of Frisco and Hatteras to ORVs from December 1 until March 1. These villages have been closed to ORVs year round for over 30 years. Homeowners and renters have grown accustomed to a year- round pedestrian beach in this area. Renters value the opportunity to enjoy their National Seashore year- round without motor vehicle traffic on the beach. Many are worried about the safety of their children on a narrow beach if trucks are permitted to share the same space. Others are concerned about the aesthetic beauty of their beach experience being ruined. There are many grave concerns about your proposed Alternative F and they are as follows:

- Safety of pedestrians will be compromised; These are just a few examples: (1) On March 22,2010, a 4 year old child was run over and killed by a beach driver in Daytona Beach after the child ran in front of the car and the driver stepped on the gas instead of the brake pedal. The driver was traveling the posted speed limit of 10 mph and child was holding his mother's hand when the accident took place. Children and motor vehicles on the beach is a dangerous combination. If it happened there, it could happen here.
- (2) In 2005 an ORV driving recklessly on the beach in Ocracoke (CHNS) flipped over and killed a passenger, a 17 year old German exchange student.
- (3) A child was struck by an ORV on the Avon beach-front(CHNS) this past year and fortunately not seriously injured.
- (4) In 2003, two teenagers were killed on Coquina Beach (CHNS) when they were speeding and flipped their jeep.
- (5) There have been countless citations issued for speeding and reckless driving in the CHNS over the years resulting in many convictions in Federal Court.

-Lack of NPS Ranger enforcement: During the off-season months there is only one or two Rangers on duty covering the 60+ miles of National Seashore. This lack of manpower results in untold abuse of the law. In November 2004, my 5 year old son was nearly hit by a speeding beach driver as he was playing in a small hole in the sand. I immediately called dispatch (252-473-3444) and the Park Ranger called me back 10 minutes later and stated that he was in Rodanthe and would be there in 45 minutes. The reckless driver was obviously long gone by then. On April 22, 2010 at 11:30 pm we were enjoying a beach fire in Frisco village when 4 SUVs with local plates sped through the closure signs toward the Frisco pier.

The ranger called me back 20 minutes later and said he was about 20 minutes away. Again, too late to enforce the law. The Park Rangers make only one or two passes per day in front of the Villages in the offseason. Locals know what time these passes take place and you can easily observe speeding and reckless driving outside of these predictable times.

-User conflicts among Park user groups will greatly increase if ORVs are allowed in front of Villages which have been closed for more than 30 years. User conflict is also evident in front of the Villages of Rodanthe-Waves-Salvo and Avon where ORVs are recommended by Alternative F to drive starting September 15 each year. September and October are especially high occupancy months in the Villages when the pedestrian beach presence is very high. Village beach driving results in high user conflict and should not be permitted year-round in all Villages of Hatteras Island.

-Village ORV beach driving is a violation of Federal Law: Executive Order 1164 Section 3 states the following: "Regulations shall direct that the designation of areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following-

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands. (2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. (3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors."

-A narrow beach equals an unsafe beach. Alternative F does not give a minimum beach width which would trigger a safety closure. The interim management plan which governed CHNS policy for over 25 years stipulated that a beach be closed for safety concerns if the beach width was less than 100 feet from the mean high tide line to the tip of the dune. Please examine the enclosed pictures where you can see a narrow beach at high tide. These pictures were taken in Frisco Village on March 18, 2010 and is typical for the waxing and waning high tide line. The NPS did not close this area at that time and ORVs were permitted to drive in the presence of children pedestrians in the Frisco Airport area when the high tide line rested on the tip of the dune. This is not a safe situation for pedestrians and should not be permitted on our National Seashore. This policy is a violation of Executive order 1164, Federal Law which governs our National Parks.

I feel that the proposed Alternative F is unsafe for pedestrians, will result in dangerous user conflicts, and does not adhere to Federal Law. In the off season, there are very few if any resource closures and beach drivers would enjoy more than 40 miles of beaches including the prime fishing area of Cape Point without the Villages. It is unsafe and unfair to year-round pedestrian Park users who hope to enjoy the solitude and beauty of our National Seashore without the worry of motor vehicle traffic. For these reasons I ask that you please act now and decide to close these Villages to ORVs year-round. The opening of Village beaches which have been closed to ORVs for over 30 years (Frisco and Hatteras Villages) would especially result in high user conflict. Under Alternative F, it is only a matter of time until the recent tragedy in Daytona Beach occurs on the beaches of Cape Hatteras National Seashore. Thus I feel that it is imperative that all measures need to be taken to ensure that these Villages are closed to ORVs and the safety of the public secured.

Correspondence ID: 14941 **Project:** 10641 **Document:** 32596

Name: Wells, C. Robert

Received: May,06,2010 00:00:00

Correspondence Type: Letter

Correspondence: These are my comments on the draft off-road vehicle management plan. A friend of mine has seen at firsthand how off-road vehicles run wild on the beaches of Cape Hatteras. It is no wonder that several protected species of birds and sea turtles have been harmed. I wrote to you about this in 2005, and I'm glad to see some progress.

ORVs should have been restricted long ago. I favor Alternative D, described as the "environmentally preferable" alternative. It strikes a reasonable balance between beaches open to ORVs and those closed to ORVs year-round. At Assateague Island, the National Park Service allows ORVs on half the beach mileage, and closes the other half. The same approach should be used at Cape Hatteras.

I caution you not to adopt Alternative F, because it would continue the lopsided favoritism toward vehicles driving on the beach, leaving more than 50 miles open to vehicles, but only 16 miles closed all year.

I believe millions of potential visitors to Cape Hatteras are staying away because they know the beaches are not a safe place to bask in the sun, watch birds, or enjoy a quiet picnic, as long as motor vehicles dominate the beaches. Implementing Alternative D will attract more recreational visitors and provide secure habitat for birds and sea turtles. Future generations will thank you for restoring Cape Hatteras and its wildlife.

Correspondence ID: 14942 **Project:** 10641 **Document:** 32596

Name: Myers, Gordon

Received: May,10,2010 00:00:00

Correspondence Type: Letter

Correspondence: The United States Department of the Interior National Park Service (NPS) is proposing an off-road vehicle (ORV) management plan for the Cape Hatteras National Seashore (CHNS) located in Dare and Hyde counties, North Carolina. Comments on the Draft Environmental Impact Statement (DEIS) from the North Carolina Wildlife Resources Commission (Commission) are provided under provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d) and the National Environmental Policy Act (42 U.S.C. 4332(2)(c)).

The CHNS provides numerous recreational opportunities, some of which have a historical and traditional association with ORV use. In addition to important recreational opportunities, the CHNS features several significant and unique habitats formed and maintained by the dynamic environmental processes found along this portion of North Carolina's outer banks region. These habitats support numerous species of management emphasis, including the federally-listed piping plover and five species of federally-listed sea turtles, three of which nest on the beaches within CHNS.

The Commission as reviewed the proposed alternatives and generally supports the NPS preferred alternative (Alternative F). We recognize the inherent difficulty attaining the much needed equilibrium between allowable recreational uses, access to public trust resources and natural resource protection. In effort to help attain a fair and sustainable balance, we request the NPS address the following issues in the Final EIS:

1. State listed species of concern: Page 419 of the DEIS states "The NPS Management Policies 2006 state that NPS will inventory, monitor, and manage state and locally listed species in a manner similar to its treatment of federally listed species to the greatest extent possible." The Commission has statutory authority and responsibility to adopt, publish, reconsider, and revise a list of species of special concern (G.S. 113-333), and by definition, a species of special concern means "any species of wild animal ... which is determined to require monitoring but which may be taken under regulations adopted under the provisions of this Article" (G.S. 113-33 1). The treatment of state-listed species of special concern as if those species were federally listed is inconsistent with the letter and intent of the statutes that authorize the state-listing process.

Therefore we request the NPS not use state listing of species of special concern as justification for recommending actions required by federal listing, or in lieu of federal listing. Rather, we request the NPS consult with WRC biologists to understand specific monitoring other conservation actions warranted by state listing.

2. Drive-through corridors for SMA closures: In order to accommodate balanced wildlife conservation objectives and recreational use, we request the NPS examine the applicability of allowing drive-through corridors (no pedestrian access) in the event that a resource closure eliminates ORV access to a segment of beach not otherwise subject to closure and having no other public access.

Example: American Oystercatcher

Observed behavior in a recent study conducted within CHNS and Cape Lookout National Seashore indicated little or no association between ORV traffic and the rate at which incubating American oystercatchers made trips to and from their nests (McGowan and Simons 2006). Another study conducted at Cumberland Island National Seashore showed that vehicles passing occupied American Oystercatcher nests at a distance approximately 50m seaward of an occupied nest did not negatively impact reproductive behavior during incubation, suggesting little effect on hatching success (Sabine 2005). We believe these findings provide a basis to implement drive-through corridors past oystercatcher nest during the incubation phase. In the same study, observations during brood rearing revealed that foraging behavior decreased in the presence of vehicles. As a result, we recommend additional study to determine the feasibility and optimal location for drive-through corridors in the vicinity of unfledged chicks.

3. Buffer distances for shorebird/waterbird protection: The shorebird/waterbird protection buffers associated with Management Level 1 (ML1) specified on page 127 of the DEIS are based upon results of research appropriate for determining buffer distances (Erwin 1989, Sabine 2005, Rodgers and Smith 1995); However, the additional buffer distances associated with Management Level 2 (ML2) exceed the empirically derived distances associated with ML1. Given the competing demands for the seashore and the importance of balancing human and wildlife uses of CHNS, we recommend using only the buffer distances listed under ML1.

4. Sea turtle nest protection: Sea turtle nesting activity and success at CHNS is variable over years, and some nests are lost to erosion and repeated inundation. Considerations of nest relocation can be contentious and based on inexact science. To reduce the level of subjectivity in decision making, we recommend the NPS evaluate the applicability of sea turtle nest relocation criteria, similar to those used at Pea Island National Wildlife Refuge, that quantify geomorphologic characteristics of beach width, beach slope and distance mean high tide.

WRC biologists have worked with CHNS biologists to verify the sea turtle data in their database as compared to the Commission sea turtle database. As a result, we were able to correct the annual values for 4 years that were presented in Figure 13 on page 214. We recommend the following corrected values be incorporated into the Final EIS:

2002 = 94 loggerhead nests total 2005 = 63 loggerhead nests total 2009 = 101 loggerhead nests total

5. Species to be surveyed during the non-breeding season: The DEIS states piping plovers, Wilson's plovers, American oystercatchers, red knots and some colonial nesting birds will be included in surveys conducted during the non-breeding season. Because colonial nesting birds do not depend on the land portion of the seashore for foraging, we recommend deleting these species from the list of surveyed birds during the non-breeding season.

However, there are many shorebirds that are dependent on the seashore during this time period for foraging, so if bird surveyors have the expertise to differentiate species of shorebirds, we suggest they count all shorebirds using the International Shorebird Survey (ISS) protocol. We also recommend continued and enhanced coordination among federal, state, local and nongovernmental partners to ensure that future bird surveys are conducted in a seamless manner. This coordinated approach will better enable the Commission and the NPS assess overall breeding success as well as species status and distribution within a system boundary large than CHNS leading to better informed decisions about future species management needs.

The DEIS indicates that the NPS will conduct a systematic review of the ORV and species management measures every 5 years. WRC requests that this review allow for agency input.

The North Carolina Wildlife Resources Commission supports the NPS in its attempt to implement an ORV management plan that balances protection of the diverse wildlife and habitats on CHNS with the varied recreational uses of this popular destination. Those goals are consistent with our mission to conserve North Carolina's wildlife resources and their habitats and provide programs and opportunities that allow hunters, anglers, boaters and other outdoor enthusiasts to enjoy wildlife-associated recreation. We appreciate your efforts and the opportunity to provide input to the DEIS for this project. If you have questions or need additional information please contact Shannon Deaton at 919-707-0222.

Correspondence ID: 14943 **Project:** 10641 **Document:** 32596
Name: Metzgar, Mike
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Please read this thoroughly.....Your decision to keep or destroy this submission will impact millions of Americans now and in the future.

It is unbelievable to me that Americans with long standing traditions of using the Capes and Spits of Cape Hatteras National Seashore Recreational Area are on the verge of losing that part of their culture. These long standing families and succeeding generations have earned their livelihood from access to the ocean. As we have already seen, although 'not observed' by the Interior Department or NPS officials, the local residents are being adversely affected by the impacts of beach closures. You and your family, as an Outer Banks resident, will be adversely affected.

It is incomprehensible to me that protected but not endangered birds are at the center of this controversy and closures. Furthermore the amount of money that has been spent to evaluate the options (Reg-Neg), develop the plan (DEIS) and all the other plans and implementation yet to come could have been used to further the proliferation of the protected species in so many ways. I am proud of the hard working Americans that are spending their earnings and savings to fight for access to our Parks. They are fighting the checkbook of the US Government which they have provided through taxes. The modern "David and Goliath" story is playing out on the Outer Banks of NC.

Turtle nest have been relocated in other National Seashores and other locations in this country for years with fantastic success. Why does NPS at Cape Hatteras resist doing this if saving the species is truly the reason? Is this some kind of a devious plan to close the Park to everyone? With the known voracity of storms here is it NPS at Cape Hatteras' intent to have the nests be lost and the turtle eggs drown rather than propagate the species?

Judge Boyle at the behest of the Southern Environmental Law Center and the Audubon Society etal has established cordoned areas around turtle and non-endangered nests that are only surpassed by the security provided for the President of the United States. There is no sound science for the closures surrounding these birds and turtles nests. In Rhode Island the US Fish and Wildlife Service allows ORV's to pass within 50 feet of a Piping Plover or other non-endangered bird. On Cape Hatteras they want the entire Park for as a bird Sanctuary and Audubon and others agree. In Florida people are allowed to sunbathe within 5 feet of a turtle nest.....and by the way the turtles survive at a much better rate than at Cape Hatteras. WHY? Because they are protected BY man not protected FROM man. The inconsistencies in the science of the protection birds and turtles need FROM man are ludicrous. The fact that the non-endangered birds need an area the size of an aircraft carrier in which to reproduce and raise their young is poppycock. For many years and on many occasions Piping Plovers and other birds have nested and fledged along the only access in and out of the Seashore; Route 12.

Recently a rookery was established on the top of Connors store in Buxton. Is NPS and Interior really trying to propagate these species or close the Park to its owners.....the American Public?

I wonder why we don't cordon off a similar size area around the Lincoln Memorial or the Washington Monument when a threatened bird builds a nest near them. Certainly they have! The public outcry would be an embarrassment to NPS and Interior. The political pressure would cause them to relent.....move the nest.....and reopen the attraction. Certainly these or other non-endangered birds build nests on or near other Washington, DC buildings. Why don't the closures affect these cities and monuments? My family and I have visited and toured over 100 National Parks and Monuments and have never encountered what is happening at Cape Hatteras. Why is this only happening on Seashores? Imagine being excluded from viewing Old Faithful, or taking Bright Angel trail into the Grand Canyon, the closure of the Statue of Liberty, closure of Mount Rushmore - Devils Monument - Wright Brothers memorial, the Golden Gate Bridge, the US Capitol, the White House, or many other destinations for people from around the world. Is any other species or person than The President of the United States capable of closing these NPS sites to any visitor?

If Alternative F is adopted.....CHNSRA will become the next tourist attraction for those that visit the Ghost Towns of the Old West. This will happen on OBX if the beaches are closed. It will look much like the bygone communities of the Old West when the silver or gold ran out. In modern times we see the depressed areas of Central Pennsylvania where the two main industries, steel and coal were king. We see Detroit where the auto industry was king.....now in the process of closing 1/2 of their schools, having government buying entire city blocks and bulldozing the remaining structure and removing them. This will be the future of the seven villages within the Park if Alternative F is adopted. Another economy will be murdered by many who have never walked on these beaches or taken the time to understand the economic impact on 7 small communities with 2 industries: Tourism and Fishing.....all in the name of Species Conservation.....Its a sham that needs to have a large dose of common sense added before its too late. The Officials above you, Mr. Murray, are forgetting about common sense and cannot see the "forest because of the trees".

There has to be a balance between man and beast.....It has always been that way!

Mike Metzgar Roaring Spring, PA

Correspondence ID: 14944 **Project:** 10641 **Document:** 32596
Name: Hooper, Zenovch
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Dear John, I might not be able to get down there Tuesday for the meeting, would you please read this. My hsbnd had a disability of deafness so he wasn't able to get in the U.S. Service. He worked hard as a fisherman and carpenter. He built our home and raised three children. I loss him by death in 1988. Since then I have had to live on what he built for me so I could have a living. He built a motel and three small cottages in 1971 and 1980. If the

Park Service takes over the beach these will all be in vain. There will be no way I can live in my home. I will not be the only one in these circumstances. My daughter will be one for sure. Where will we go? I talked to Mike Murray, Supt. He told me a blank story. He said there would be only a few places taken over and all the time he was making plans to close the beach. he didn't seem to hear me what I told him, the Bible said we have to love our neighbors as our selves. I have worked all my life which is 91 years. The other people on Hatteras island has done the same. Now what we've worked for, the Park Service thinks they can control it. The birds and turtles are only excuses. God provides worms for Birds to eat and he will take care of the turtles, and if the beaches are left to nature He will provide for people to make a living. I get so tired reading about our beaches in the Coastland times, which people have always enjoyed and now people moved here and want to take the joy out of life. If they will open their eyes and look at the north side or Oregon Inlet and see what God will do when people are mistreated. People used to be able to enjoy that beach and catch fish there to feed their families and the children enjoyed the water. I cross over the bridge at least once a week and I miss seeing people there enjoying themselves. If the beach is closed, we will lose the tourist because they will go to other beaches and people that serve the tourist will also be out of a living.
Zenovch Hooper

Correspondence ID: 14945 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORV Management Plan DEIS Pages xiii thru xvii of DEIS Off-Road Vehicle Routes and Areas
Several new ramps and interdunal roads are proposed under Alternative F but nowhere in the over 800 page document is a timetable shown as to when these improvements will be made. This plan is already over 30 years past due and the public has been paying the price for NPS not doing their job, so how can we expect these improvements to be done in a timely fashion? When will these promised new ramps and interdunal roads be completed? A time table for completion of this work should have been included in the DEIS.

Correspondence ID: 14946 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORV Management Plan DEIS Page iii of DEIS "OBJECTIVES INTAKING ACTION
MANAGEMENT METHODOLOGY ? Identify criteria to designate DRV use areas and routes. ? Establish DRV management practices and procedures that have the ability to adapt in response to changes in the Seashore's dynamic physical and biological environment. ? Establish a civic engagement component for DRV management. ? Establish procedures for prompt and efficient public notification of beach access status including any temporary ORV use restrictions for such things as ramp maintenance, resource and public safety closures, storm events, etc. ? Build stewardship through public awareness and understanding of NPS resource management and visitor use policies and responsibilities as they pertain to the Seashore and DRV management."
Alternative F of the DEIS on page xxxii states the following: Meets objective to a large degree as the Seashore would implement more educational programs in local schools, expand the Junior Ranger program, and enlist volunteers for a Sea Turtle Nest Watch Program.
The above statement concerning "enlist volunteers for a Sea Turtle Watch Program " sets a goal that will be very difficult to achieve. I say this because the current procedures of not using relocation zones would require literally hundreds of volunteers every night of a hatch window for multiple nests spread along the 68 miles of the Seashore until 72 hours after each nest hatches . Many members of the general public are so upset with the access restrictions of Alternative F and the poor results of the sea turtle program , that attracting volunteers to watch a nest fail will be very hard to do. Civic involvement would be greatly enhanced if access the beaches was increased rather than decreased. Running a Recreational Seashore must allow reasonable access which Alternative F does not do.
A much more reasonable approach to a nest watch program is detailed in the "Sea Turtle Management - A Common Sense Approach for Cape Hatteras Seashore Recreational Area" proposal filed by Outer Banks Preservation Association, North Carolina Beach Buggy Association and Cape Hatteras Anglers Club.

Correspondence ID: 14947 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORV Management Plan DEIS Page 262 of DEIS TABLE 36. FISHING TOURNAMENTS, 2004-2008 Cape Hatteras Anglers Club 11/4/2004 11/3/2005 600 Public ocean beaches excluding 0.5 mile either side of Cape Point, 0.5 mile from Hatteras Inlet and Ocracoke Inlet, and 0.5 mile on the north side of Oregon Inlet; also excluding 0.2 mile on either side of ramps 1,4,23,27,30, 34, 43, 49, and 55, and the beaches of Pea Island NWR Cape Hatteras Anglers Club 11/8/2007 11/6/2008 720 Hatteras Island
The content of Table 36 regarding the Cape Hatteras Anglers Club (CHAC) fishing tournament is incorrect in the following ways:
1. The 2005 tournament was authorized for 720 not 600, 2. The 2006 tournament which is omitted was authorized for 720. 3. The tournament location for 2004 was not limited to 0.2 miles from ramps as stated. 4. Tournaments for 2006 (omitted), 2007 and 2008 had the 0.2 mile ramp limitation. 5. Pea Island NWR has never been requested for the CHAC tournament yet is listed as an excluded "Tournament location within the Seashore". Pea Island NWR is not managed by NPS. but this reference implies that it is, and if so. Pea Island NWR must be listed as a beach that the public has available as a non-ORV beach on page xiii. 6. Since 2005 the tournament has been allowed to use 0.7 miles north of Ramp 43 for access to fish, but is omitted on Table 10. 7. Listing "Hatters Island " as the "Tournament location within the Seashore" for the years 2007 and 200 8 is not correct. The corrected language listed for 2004 and 2005 should have been listed here.
These simple errors suggest that the entire DEIS document could be packed full of similar errors from CAHA sources, which the short comment period of 60 days does not allow to be identified. These errors from CAHA sources cast a dark shadow over the accuracy of the entire DEIS document!

Correspondence ID: 14948 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORV Management Plan DEIS Page iii of DEIS "OBJECTIVES IN TAKING ACTION
MANAGEMENT METHODOLOGY ? Identify criteria to designate ORV use areas and routes . ? Establish ORV management practices and procedures that have the ability to adapt in response to changes in the Seashore's dynamic physical and biological environment. ? Establish a civic engagement component for ORV management. ? Establish procedures for prompt and efficient public notification of beach access status including any temporary ORV use restrictions for such things as ramp maintenance, resource and public safety closures, storm events, etc. ... ? Build stewardship through public awareness and understanding of NPS resource management and visitor use policies and responsibilities as they pertain to the Seashore and ORV management." Draft Off-Road Vehicle Management Plan/EIS iii Alternative F of the DEIS proposes year around closures for the following stretches of beach (11.9 miles): Bodie Island (north to south) Ramp 1 to north end of Coquina Beach - (page xiii) Ramp 27 to ramp 30 (Species Management Area) - (page xiv) Approximately 1.7 miles south of ramp 38 (i.e., Haulover) to Buxton line (Species Management Area)(page xiv) Ocean shoreline from 0.2 mile southwest of Bone Road (a.k.a, Fort Clark Spur) to inlet(Species Management Area) - (page XVI) Ocracoke Island (north to south) Inlet to 0.25 mile northeast of ramp 59 (Species Management Area) (page xvi) 0.25 miles southwest of ramp 59 to new ramp 62 at 3.0 miles northeast of Pony Pen area - (page xvi) New ramp 64 at 1.0 mile northeast of Pony Pen to 0.75 mile northeast of ramp 67- (page xvi) All of these areas have historically either been open year around to ORV use or ORV areas closed as "safety closures" and all subject to resource closure, not permanently closed. The year

around closure of above listed 11.9 miles of ocean beach for the term of this proposed ORV plan clearly does not satisfy the DEIS stated objective of: " Establish ORV management practices and procedures that have the ability to adapt in response to changes in the Seashore's dynamic physical and biological environment." Past year around beach closures have encouraged vegetation and small dune development which have effectively destroyed bird nesting habitat. This NPS destruction of nesting habitat was first done at the dredge ponds at Cape Point. These ponds are now home to predators and bird nesting no longer takes place. Next, the NPS closed the interior of Bodie Island Spit to year around use and this area is now covered with grass and emerging dunes which are not conducive to piping plover nesting. NPS then closed the interior of Cape Point which has resulted in emerging dunes and grass starting to take over much of the interior beach. Year around closures at the above sites, as proposed in Alternative F, which will last for the next ten to fifteen years, presume that these beaches will remain unchanged, which is impossible to ascertain.

Correspondence ID: 14949 **Project:** 10641 **Document:** 32596
Name: Bowers, Don
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: My Name is Don Bowers from Frisco. ? During my 44 years here, I am witnessing the same mistakes being made and history repeating itself with our beaches. ? Over 20 years ago, Best Available Science said the birds needed more protection and they roped off the dredged pond on the point and the spits. ? Best Available Science said to keep the closures up year round ? Best Available Science said to increase the closure size because the birds didn't like the grass that was growing inside the closures. ? Best Available Science said bird population declined because of ORVs and predators that moved into this new habitat. ? Best Available Science sued the Park ? Best Available Science says close the point and spits, and trap and kill predators ? Best Available Science says closures don't hurt our economy ? Best Available Science doesn't count birds on dredge islands and on Pea Island ? Who pays for all this? We do and the cost is escalating. ? We need real peer reviewed unbiased science ? It's no secret that environmentalism is big business ? If you were the commissioner of baseball , would you let the players do the study of performance enhancing drugs, peer review themselves, police it and then penalize the fans by making them pay for it? ? Best Available Science also says that a hatched plover needs 1,000 meters of protection, which is not in the recovery act. ? If you stand at the new lighthouse location and look towards the old site, that is less than 1,000 meters - for a bird the size of a golf ball. The pope doesn't get that much protection. ? Two years ago during the Reg Neg meeting on the Point, Sidney Maddock pointed out a plover which was well with 100 yards describing its behavior towards the other birds - totally ignoring the 30 people that charged up to the rope line. That's peer reviewed reality, not Best Available Science. ? Walker Golder also told me that day that the best solution for the birds was to get rid of all the grasses. ? Other issues with the DEIS ? You describe your resources as protected, visitors, or predators ? We are not predators and we're definitely not protected. So, to refer to all the hardworking, tax paying islanders who have family that was buried here longer that the Park has been in existence as visitors, is OFFENSIVE! ? You neglected Loss of habitat due to Best Available Science and poor park management ? This Best Available Science has pulled the trigger and made it okay to trap and kill hundreds of animals with no study as to their role in the balance of nature. ? Is this Park policy? ? We've been studied to death on the bridge with no progress and yet these animals are losing the ir lives daily for adapting to the environment that Best Available Science created. ? How long will it be before you get sued for not protecting these animals? ? I find it laughable that local members of the coalition in their spare time and for FREE came up with a more common sense plan in two months that offers more protection for all part ies than the years it took for Best Available Science. ? Overall, Alternative F gets an F.

Correspondence ID: 14950 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Three cartoons received at public meetings. Author unknown.

Correspondence ID: 14951 **Project:** 10641 **Document:** 32596
Name: Foster, Ernie
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: To whom it May Concern. I am Ernie Foster of Hatteras. I was reared here as were all of my ancestors . I am 65 yrs Old, a retired educator and I operate the Albatross Fleet charter boats which have been in business since they were created by my father in 1937. I have a as in science education and a Masters in counselor education. I am a board member of the North Carolina Coastal Federation. I have not been involved in the "beach access" issues and have attempted to remain at arms length from the discussion/debate. My family was one of the few that welcomed the Park Service when it arrived in the '50's. I consider myself an environmentalist and have been way "to the left" of most of my fellow citizens regarding the environment throughout my life . That said "???" what I see unfolding with regards to regulations is a disaster that I feel a need to react to . To do otherwise will result in my going to my grave with regret for not doing my part. I would like to address one area of the process ---- science. As a former educator (biology teacher and counselor) I have some insight into this topic. As a fisherman (53 seasons in the charter business) I am somewhat attuned to nature and am seriously involved as an observer of natural processes. And what is so dismaying to me and is a major motivator of this letter is the damage being done to the reputation and meaning of science. As an educator I strongly believed that my calling was to help young people develop their ability to use facts and rational thought to solve problems. I believe that we all have an ethical and moral obligation to our fellow citizens to attempt to make all public policy in this manner. Tragically , in this issue of beach access, science and rational thought is being turned on its head . The list of irrational "non-science" facts is seemingly endless - from the arbitrary 1000 meters to "birds on spoil islands do not count" to turtles laden with eggs will never come back to a beach if they see a car light to the statistics regarding bird death due to pet dogs and on and on and on. The tragedy here is that the authors of these documents must surely know better and yet they still printed it and still defend it. As an educator or as the parent of a student what does one say to young people who know the above paragraph to be true? What does it say about the politics of our society? How does one instill the value of science education in a child who is watching this farce unfold? For that matter, how do Park Service Administrators send their personnel into the communities of Hatteras Island and expect them to defend fraudulent concepts? How does one of these Administrators go to any scientific conference anywhere and even attempt to defend these concepts to the hundred s of serious scientists from the universities around the world? From about the age of 10 I have attempted to defend the Park Service as a protector of "my Island". Through the years I have listened to and shook my head at any number of rants and conspiracy theories involving the Park Service. And even now I clearly understand, due to inaction dating back several decades, that Park Service Administrators are caught "between a rock and a hard place." However, my ethical/moral training indicated that I should always try to do the right thing. My formal education and science training taught me that decision making should be fact based. I have yet to talk with anyone who does not think that the wildlife of Hatteras Island needs some protection. The vast majority of citizens understand that providing such protection often is in conflict with the needs of people. Solutions to such complex problems are not easy but simple honesty and straight talk once would have been met with, at worst, grudging acceptance. Instead, what I am seeing unfold is a purely political decision. It is a decision in which the lives of Hatteras Islanders are about to become collateral damage to a larger national agenda as three outcomes play out: (1) Our youth become disillusioned with the value of science. (2) The human depopulation of Hatteras Island, and (3) We generate long term employment for the attorneys representing the environmental groups who wish to see only wildlife residing on Hatteras Island.

Correspondence ID: 14952 **Project:** 10641 **Document:** 32596
Name: Stump, Valerie
Received: May,11,2010 00:00:00

Correspondence Type: Letter
Correspondence:

I am writing to you today, in reference to the DEIS for OUR beaches. I DISAGREE, with a number of the so-called facts. "scientific" numbers, and proposed plans that seem to have already been chosen, even though they were not properly reviewed nor approved by the members within the Reg-Neg process.

My name is Valerie Stump. I am a tax paying, US citizen residing in Salvo, NC. I am a double business owner/operator, a wife, a mother, and a lover of nature and all it encompasses. I moved here in 1994 from Ohio. Just prior to moving here, my plan was to go to Yellowstone National Park for a summer job as a ranch hand. I loved the motto the National Park Service was founded on and the fact that it was here to help revitalize communities while, "preserving local history, celebrating local heritage, and creating close to home opportunities for kids and families to get outside, be active, and have fun." I came to Cape Hatteras for a week (first time ever), in April of 1994. I fell in love with the seashore, the people, and the fact that it was all part of the National Park System I had grown so fond of. I knew, immediately, this is where I wanted to stay, with the hopes of one day marrying and raising a family, and that's just what I did.

Now, a short 16 years later, the simple vision of my life, along with hundreds of other families, is being destroyed. The protection of local heritage and history is no longer in effect!

I AGREE with the simple fact and desire that all species need to be able to coexist. I DISAGREE with this 810 pg. document, because it will prevent this. In a time when so many people are in need of jobs, why is there a problem with these nests being properly protected? If the Special Interest groups really loved the birds, they should donate all that money they seem to have too much of and help educate the park service, stack the staff and in turn educate the public of these special little creatures. Closing entire beaches is not the answer!

I disagree with the declaration that this will not have an economical effect on this area. It WILL, most definitely, KILL our economy, which is already taking a hit due to the state of the entire nation, if this plan goes into effect, tourists will not come to a beach they can not access, property values will dive, the state will lose it's most valuable tax asset, and EVEN the National Park Service, will suffer greatly. I don't understand who will benefit from this?! The birds that are not endangered, nor native, nor dying due to human existence?!

I disagree with the statement that it will not hurt the local heritage and culture. This Seashore is famous for life-saving stations and crews, lighthouses, shipwrecks, fantastic fishing, surfing, shelling, and phenomenal sunrises and sunsets. If the children of today and tomorrow cannot access that to comprehend it, how will they ever connect with or respect where they have come from, and in turn, how will they know where to go? I am more than thoroughly disappointed that the Park Service has even entertained any of these plans, especially All F. The process has gone on, unprofessionally, against the rules, and without a fair chance for the people it will effect the most (those of us who live, work, and cherish Hatteras & Ocracoke, and those who come to visit or ever hope to) to read it, digest it, and comment on it. Sixty days to comment on an 810 pg. document that took several years to write and is going to stomp our CONSTITUTIONAL RIGHTS?! THAT IS AN OUTRAGE, TO SAY THE LEAST! I BEGG YOU; DO NOT let this hideous plan, that is based on erroneous numbers and theories, move forward. Please, try to think back to when you first came here. . .remember that awesome feeling of coming over the bridge and being so far away from all that is troubling? Remember the sweet smell of the ocean? Remember the first time you put your bare feet into the warm sand? Don't take that away from me, my Son, my neighbors, my family, and all those who still believe there was/is such a thing as an, "American Dream". Remind yourself; the Cape Hatteras National Seashore and Recreational Area was established in 1937 for the purpose to, " ... lift the spirit of economically distressed citizens who could not otherwise afford any other entertainment" and to preserve access, which was disappearing across America due to mass privatization . Last, but not least, I would like to remind you that this great National Seashore has survived: many famous pirates, hurricanes, Civil War battles, hundreds of shipwrecks, test bombings, and If-boat attacks, AND SO HAVE THE BIRDS!! When does the comfort and welfare of the wildlife become more important; more deserving of protection than the human beings who live here? And when the protected birds are not even permanent native residents of the island, as the people who live here are, doesn't the discrepancy in logic become even greater?

I appreciate this opportunity to voice my thoughts. Please make the right decision and give the beaches back to the people who were kind enough to share it in the first place.

Correspondence ID: 14953 **Project:** 10641 **Document:** 32596
Name: Swartz, Dolores
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment OEIS plan for Cape Hatteras National Recreation Area I have read the DEIS for CHNSRA and disagree with all the alternatives. I feel the NPS preferred Alternative F plan to be overly restrictive and inflexible.

In Part I of the Executive summary, ramps are discussed. Adding ramps to increase access around closures is an excellent idea but there must be a time frame that guarantees these be built BEFORE so many of these closure s go into effect. Otherwise we will have no way to access the parts of the beach that are open. This has happened in the past. It is unfair to count beaches as open if access to these areas is blocked to Orv's and pedestrians on both sides.

Handicapped access-this section is offensive to me-I can no longer walk in the sand. I have lived in Avon for many years. I go the beach regularly. To tell me I'll have access at Coquina. Frisco and Ocracoke by boardwalks when I can see the beach from my home is criminal . How can you justify taking the beach away from so many of us? You too will be physically limited some day.

Year round closures are not supported by the federal or state management protection plans. Why should CHNSRA close so many of our beaches to human activity when no other parks do the same?

Large, inflexible buffers (p.121-127) are overly restrictive-does a bird really need a 1000 meter buffer? The buffers should move with the brood-this also has not happened in the past. Let' s come up with more reasonable distances and put the parks recreational mandate first.

Pro-active adaptive management (p.124) discusses ways to improve success with resource management and the visitor experience. This management plan addresses the least significant factor - human interference with nesting birds. It's the WEATHER storms, tidal over wash, and WIND along with predation that controls success or failure not people! I'm an avid gardener (have been for over 50 years)- some years my petunias are enormous-flowing out of their pots onto my decks-other years nothing. Same with our shrubs, oleanders and jasmine vines-one year prolific bloomers, other years they turn brown and have to be cut down to the ground-but only some of them. Why? Mother Nature. Certainly isn't anything I, a human does. One year a Mocking Bird pecked holes in most of my ripe tomatoes, next year it was raccoons, and last year I had a great crop always in the same big container on my upper deck.

Ten years ago, in April Hatteras Inlet was covered with terns and gulls and cormorants just sitting in the shallows. Now many of their offspring are on Cora June, the spoil island located nearby. Why aren't they counted? They were smart; they moved-not so many predators. You're enticing them to come to areas of the park that are most susceptible to bad weather and predators. Why?

Now Turtles-have you ever seen a turtle nest hatch? I have. A few years back in Salvo, in front of an oceanfront house we were renting. No one knew the nest was there until all these baby turtles came digging their way out. One kept running toward the dune and I used my feet as a bumper to get it to turn around toward the sea. The gulls were circling overhead and the one ranger who showed up was glad we were all there to shew the birds away.

Every fall we have storms and over wash-some years extensive others not so much. And every year we lose turtle nests. Not because of people's campfires or ORV's on the beach but WEATHER! CHNSRA has an abysmal record of successful hatchlings (p.219). Why not just move the nests to safer ground?

I totally support The Coalition for Beach Access (77 page) document. It is well written by people who live, work and recreate here and have for generations. In the 2.0 Introduction I heartily agree with all the bullet points.

I also endorse the comments made by the Dare County Commissioners. Economic hardship s are happening on Hatteras Island. Using a ROJ to assess this island is flawed. This place is UNIQUE-it s habitat, people, historical past and cannot and should not be compared to anywhere else.

I feel privileged to live here. The first time I ever saw Cape Point was a spiritual experience for me. The NPS has taken the pristine beauty and grandeur of our beaches and 'uglified' them. Why? - in the name of resource protection? You mentioned the unsightliness of ORV's on our beaches-what about your carsonite markers, signs, string, posts, armed rangers? Preserve and Protect?

Once again let me state my reject ion of the NPS DEIS plan and my support for The Coalition for Beach Access sensible, fair conscious able plan for

BEACH ACCESS.

Correspondence ID: 14954 **Project:** 10641 **Document:** 32596
Name: Stump, N/A
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mike Murray, Superintendent,
This is a letter regarding the beach access to hatteras islands beaches. My family moved to the Outer Banks of North Carolina in 1984 . When we moved here the most exciting thing about living on an island was the seashore. I am not a scientist but I do know that as you take the seashore away from the people Island life is eroded away. Sometimes enjoyment of something is completely ruined by regulation. The damage that has been done by regulation is already done. it is making a lot of people not desire to return to the Outer Banks to see what problems we are facing in the next year. Its no secret that this type of action will decrease the type of enjoyment that people have come 10 be part of a for many years before me. I do have to say the proposition that birds are being killed by ORV's was a good one (no one can really see any action good or bad but we can heavily regulate driving in the areas they see fit) to help get support from the group thinking the ORV' s are killing animals. Now it is very easy for anyone reasonably educate d to see that the enclosures have little to do with bird activity, last year they had nests in between nearly every ramp , but none in Pea Island, now if this is the case they are smarter than we think, so they could probably keep themselves from getting run over . Oh wait this is true because there is no documentation of piping plover deaths attributed to ORV' s. Education and responsibility from both parties will decrease ORV violations.
The way it is policed now, it is too easy for pro closure groups to violate their own area to increase enclosures and make the ORV crowd look responsible. On top of this, the fact is that most of the violations come from pedestrians. I will not get into the details of the different closure proposals as it all makes very little sense unless we want a massive policing operation. The way these things usually go are when stipulations are put in place, policing is attempted and more regulation will come. This totally undermines why people go to the beach in the first place. Beach Driving Rules regarding wildlife could be so simple.
ONLY DRIVE ON OPEN SANDY AREAS, ANY DRIVING ON VEGATATION CAN BE HEAVILY PUNISHED ENCLOSURES SHOULD HAVE SIGNAGE POSTED IN ALL DIRECTIONS AND A MAP OF THE ENCLOSURE WITH AN EXCERPT SHOWING A DIGITAL PIC OF THE ACTUAL NEST, THIS VISUAL PROOF WOULD PROVIDE THE FAIRNESS THAT THIS OPERATION NEEDS AND PREVENT UNJUST CLOSURES.
YOU COULD ALSO PUT A LITTLE EDUCATION ABOUT THE SPECIES ON THE SIGNS. THIS WOULD LET THE CREATURES SPEAK FOR THEMSELVES. RIGHT NOW WE HAVE A GROUP REPRESENTING THE WILDLIFES BEST INTERESTS. OTHER THAN THIS ALL THE NORMAL RULES FOR A PARK WOULD APPLY; SPEED LIMITS, CLOSURES IN FRONT OF THE VILLAGES FOR PEOPLE WHO WOULD LIKE TO GO TO A BEACH WITHOUT AUTOS, ETC. WE ALL KNOW WITH THE RIGHT REPRESENTATIVE YOU CAN PUSH ANY CASE IN THE WRONG DIRECTION!
This Island has supported itself and all the creatures that have lived here for a very long time. Why in a time when tourism is our lifeline we feel we the need to intervene with more regulation, I do not know. If everyone would look at the larger picture everything living together is nature! What happens to a species whether it thrives or dies is for nature to decide, There are too many factors always changing to support any one theory . Numbers will always be able to be created to support an idea. Think of the complications we would have if there was a group representing the survival of dinosaurs when they went extinct life would be different today. Environmental Support groups could do a lot more by fighting/preventing disasters like we are seeing in the gulf today, if that oil makes it to our shore line we will not have to won' about ORVs hurting the critters.
I own two businesses on the outer banks and both will be and already have been largely effected by this nonsense that has been going on. The hardest thing is that no final decision has been made and people already think that you cannot drive on the beach anymore.
SO PLEASE STOP! YOU ARE HURTING US, OUR FAMILYS. OUR CHILDREN, OUR FRIENDS AND EVERYONE ELSE WHO HAS LIVED HERE IN COMPLETE HARMONY!
These beaches are our beaches donated to the National Park Service to preserve the type of enjoyment that has always, always, always supposed to have been enjoyed here! There is absolutely no evidence that any regulation will help the economics/visitor experience.
I WILL END BY SAYING THIS IS WRONG, IT HURTS US EMOTIONALLY AND ECONOMICALLY . IT IS UNNESSICARY . IT IS A SHAM OF THE HIGHEST FORM. IT PAINS ME

Correspondence ID: 14955 **Project:** 10641 **Document:** 32596
Name: Scarborough, David
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray:
I submit this letter as an official comment to the Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement (DEIS).
I am disappointed in the NPS positions related to sea turtle management within the Seashore. The success rates documented within the DEIS and within the annual CAHA turtle reports are unacceptable. Further, the focus NPS seems to place on managing pedestrian and ORV activity as mean s to improve the success rate is a clear indication the park service is placing its attention on the wrong actions. Predation, weather, and ocean events have always and will always be the most significant factors in turtle nest success rates on shore, just as these events are the most significant on the long-term survival of the hatchlings once they reach the water. The records for the Seashore show that the negative impact of ORVs and pedestrians on turtle nests, eggs and hatchling survival has been statistically irrelevant.
The NPS should more aggressively pursuit resource management techniques that have a chance to help. In doing so, they would also find that fewer restrict ions need be imposed on the visiting public. On May 5th, 2010, "Sea Turtle Management - A Common Sense Approach for the Cape Hatteras Seashore Recreational Area " was published by Larry Hardham and Bob Davis .This document is based on years of research at the Seashore, as well as research of best practices at other cast coast and gulf locations. The NPS should adopt the program contained within this document.

Correspondence ID: 14956 **Project:** 10641 **Document:** 32596
Name: Scarborough, David
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray:
I submit this letter as an official comment to the Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement (DEIS).
I disagree with the DEIS complete dismissal of Pea Island National Wildlife Reserve as a resource that affects the visitor experience and therefore the ORV Plan / Environmental Impact Statement. I understand that the use of PINWR is managed by a different arm of the DOI, and that this area is not avail able for consideration for ORV use. However, the value of PINWR must be recognized when assessing the DEIS for the Seashore. The strategic location of PINWR provides ready access to 13 miles of pedestrian only beaches to visitors . The location is strategic because it is convenient to both the visitors staying outside the Seashore in the towns north of Oregon Inlet as well as to the visitors staying in the villages within the boundaries of the Seashore. It is irresponsible for the NPS to exclude these miles of beach from the analysis as if they did not exist. The resulting implication that fewer miles are available for the pedestrian only experience is false and misleading. I'm not suggesting these beaches should be open to ORV use, only that their value to the visitor experience be recognized in the overall assessment. The typical visitor to the seashore has limited, if any, awareness of the differences between PINWR and CAHA, other than the driving restrictions and certainly consider this area when considering their overall experience. The NPS continued refusal to recognize PINWR as an available resource used by the typical CAHA visitor seems to be based on an intention to

manipulate its assessment of Seashore needs rather than an intention to recognize the reality of the visitor AND resource experience.

Correspondence ID: 14957 **Project:** 10641 **Document:** 32596
Name: Scarborough, David
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray:
 I submit this letter as an official comment to the Draft Cape Hatteras National Seashore Off-Road vehicle Management Plan / Environmental Impact Statement (DEIS).
 I disagree with the NPS willingness to quickly dismiss numerous suggestions that have been offered with the intent of improving the success rate of both nesting birds and turtles , as documented between pages 83 and 90, recognize that several of the recommendations documented here are unrealistic, but the NPS response shows an unwillingness to develop resource protection methods that can benefit wildlife without significant adverse impairment on the visitor, recreational experience. The DEIS touches very briefly on some potential "Adaptive Management Initiatives" on pages 124-126 (Table 10). The limited comments offered by NPS suggest the initiatives will receive limited consideration, and most likely only in those cases where resource protection can be improved, regardless of the opportunity to improve the visitor experience without impairment to resources protection. The NPS is missing a huge opportunity to fulfill its dual mission of resource protection and visitor recreational use protection by not giving much more attention to this subject in the DEIS.
 An example of an adaptive management technique that could have major positive effects on the dual missions is vegetation management within the salt pond areas behind Cape Point. The substantial vegetation overgrowth that has occurred in that region in past decades has severely altered the foraging opportunities for piping plover chicks . Broods have to look for other areas that are less friendly and create greater risks against successful fledging. In some cases, the broods have moved to areas more susceptible to deadly weather events. Even the nesting pairs have, in some cases, chosen more risky locations due to the human mismanagement of more favorable nesting locations. The vegetation overgrowth around the salt ponds creates a further risk by providing prime habitat for many of the species that predate bird and turtle eggs and hatchlings. An aggressive and proactive policy with regard to vegetation control in this area would allow the NPS to improve nesting success rates and would also allow Open ORV corridors to be maintained along the beach to otherwise open areas, e.g. Cape Point, since the birds would be naturally attracted to the more favorable conditions around the salt ponds. NPS should aggressively research techniques used at other East Coast piping plover nesting locations that have success fully implemented vegetation control management.

Correspondence ID: 14958 **Project:** 10641 **Document:** 32596
Name: Scarborough, David
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray:
 I submit this letter as an official comment to the Draft Cape Hatteras National Seashore Off-Road vehicle Management Plan / Environmental Impact Statement (DEIS).
 I disagree with the Alternative F recommendation to close the Hatteras Island Spit at Hatteras Inlet to ORV access year round, and to pedestrian access from March 15 thru July 3 1. Hatteras Inlet is a traditional, high use visitor area. It is noted for the surf fishing experience in the spring, slimmer and fall, and as fertile commercial fishing grounds as well. The proposed designation of this area as MLI suggests the closures are due to resource protection goals. The severe changes that regularly occur to the landscape due to ocean and weather events make this an unfavorable area for successful breeding events. Records show that many of the areas used occasionally by piping plovers in the past are now under water. As a result, no plover nesting has occurred on Hatteras Island Spit for several years. The NPS should work with the state of North Carolina to cultivate nearby spoil islands as alternative habitat for the bird species it is trying to protect. Black skimmers have already shown that dredge islands can be prime nesting habitat (Cora June island behind Hatteras village). A proactive program to use these islands, including such steps as vegetation removal, would naturally benefit from the protection from weather, ocean, and predators afforded by their location. Man -made sound side islands could be an even more aggressive approach to encourage the proliferation of these species of concern. These steps would reduce or eliminate the need for ORV pedestrian restrictions at Hatteras inlet, as well as at other locations, that adversely affect the visitor experience.
 It is suggested in the DEIS that the closure of Hatteras Spit will provide visitors access to an inlet experience without the presence of ORVs. The distance from the parking area at ramp 55 to the spit would be impossible for all but the fittest to transverse by foot. The construction of a new parking area at the end of pole road would not obviate the need for ORVs since pole road is not traversable with 2 wheel drive, and due to frequent overwash is not a candidate for paving. In other words, closure of Hatteras Spit to ORV will eliminate the visitor experience, not enhance it.

Correspondence ID: 14959 **Project:** 10641 **Document:** 32596
Name: Scarborough, Rick
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mike Murray, Thank you for taking the time to read this letter. I am a lifetime Hatteras Island resident who depends on the fishing tourist trade for my living. I own a charter boat business & my wife & I own The Captains Table restaurant in Buxton. 1: I ask that you please don't give non-threatened or non-endangered bird species the same protection as you give the piping plover! Too much beach is being closed for Oyster catchers, and Lease Turns. 2: If birds in other Federal park beaches need only a 200 meter buffer it should be the same on Hatteras Island beaches!! 3: Please leave a corridor open along closed beaches, at least until the chicks hatch. If existing tracks are still in the sand after the hatch maybe the chicks could use them for shade from the sun or a wind break from the ever blowing winds out here. 4: Please don't put year around closures on the beaches. Other than a few winter gulls, it is pretty barren out there of bird life in the winter. 5: I Please look into the Piping Plover population in south east Canada. This is where the bird is supposed to be nesting. We are thir furest south area . Fact is they, are not supposed to even be nesting here in the first place no matter how much WE want them to!!! 6: please look at the nesting birds on the sand islands in the sounds . These islands are also roped off for nesting. If you like I can take you out in my boat & show you how many birds use them. 7: The beach erosion is no worse on the open driving beaches than on the ones that remain closed all year around. There may actually be an accelerated erosion rate on the permitly closed beaches. Keep in mind I have lived here my entire life and have been watching all this! 8: Dogs on a 6 foot lease are not going to scare the birds. I think someone is trying to "coat tail" this one through here. I think the question on this one should be: "is it Poop or Plover". ..??? 9: Please look in to the agreement between the NPS and the Pheips Family when the Cape Point and surrounding beaches were GIVEN to the NPS to help create the Cape Hatteras Recreational Seashore!!! 10: Please don't let a few speacle interst environmental groups dictate to the NPS on how to run our beaches. For them this is just "Job Security". As long as they have an issue anywhere they have a job and a pay check. Beleave me, most of the ones working on this could care less about the birds and mainly about a steady pay check from the organizations they represent! Do 't get me wrong... I am 100% for reasonable beach closures to protect the beaches and wildlife but in the last few years it has gotten out of controll. Right now the only thing I can do is ask GOD to give you the Wisdom & Knowledge to do the Right thing for Hatteras Island & her residentes. Thank you for your help!!!

Correspondence ID: 14960 **Project:** 10641 **Document:** 32596
Name: Scarborough, David
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray:
 I submit this letter as an official comment to the Draft Cape Hatteras National Sea shore Off-Road vehicle Management Plan / Environmental Impact

Statement (DEIS) .

I am disappointed in the NPS Impact Assessment as presented in Table ES-5, pages xxxvi - xlix. The assessment overstates the negative impact of ORV and pedestrian activity, incorrectly concludes that greater restrictions will have a measurable, positive impact on resources, and incorrectly concludes that greater restrictions will have a negligible impact on the visitor experience and the local economy of the Region of Influence.

The Environmental Impact Analysis fails to adequately address the reality that non-human factors offer greater significance to the natural resources of the Seashore than ORVs or pedestrians. While all National Parks are subject to the whims of Mother Nature, Cape Hatteras is especially susceptible to the effects of weather related events. The Grand Canyon, Rocky Mountains, Great Smoky Mountains all were created over millions of years through the forces of nature. The Seashore regularly changes overnight due to storms, wind and tides. The annual resource reports clearly show that predators and weather events are the culprits that destroy bird and turtle nests and hatchlings. The same reports show that human interference is minor in the overall picture. Certainly, the NPS should adopt policies to avoid human interference, but the only way to avoid it completely is to completely ban humans. That action would be totally inconsistent with the purposes for which the park was first established, and inconsistent with the goals management has tried to honor since .

Any all-inclusive analysis of resource experiences at the Seashore would show that humans and ORV activities have been statistically irrelevant to the success of the species . Likewise, no changes in behavior patterns suggest human or ORV impact will change materially in the future.

The NPS should partner with the ORV and pedestrian communities to find opportunities that will have a positive impact on resources , rather than implement restrictions that will have a minimal impact on resources but a significant adverse impact on the visitor experience and local economy. Further, the NPS should place a high priority on the identification of programs that can mitigate the negative impact of the two most significant influences - weather and predators.

Correspondence ID: 14961 **Project:** 10641 **Document:** 32596

Name: Scarborough, David

Received: May,11,2010 00:00:00

Correspondence Type: Letter

Correspondence: Dear Mr. Murray:

I submit this letter as an official comment to the Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan I Environmental Impact Statement (DEIS).

I disagree with the intended treatment of pets under alternative F as documented on page 136 "...prohibition of pets in the Seashore during bird breeding season including in front of the villages" during bird breeding season. The effect of this policy would be to entirely eliminate pets from the entire Seashore during the period of March 15 thru July 31.

I understand the impact uncontrolled pets may have on birds in sensitive nesting areas, but leash requirements are more than adequate in the majority of the Seashore, since true bird nesting is limited to a relatively small portion. Specifically, pets on leash should be allowed to accompany their owners to any area of the Ocean side or soundside beaches where pedestrian use is permitted. Educational outreach should be used to insure pet owners understand their responsibility. Pet owners who do not control their pets should be appropriately cited.

The visiting public at large should not be penalized for inappropriate behavior by a limited number of disrespectful visitors. The NPS has adequate resources available for their use to deal with issues on a case by case basis, rather than by issuing blanket restrictions.

Correspondence ID: 14962 **Project:** 10641 **Document:** 32596

Name: Scarborough, David

Received: May,11,2010 00:00:00

Correspondence Type: Letter

Correspondence: Dear Mr. Murray:

I submit this letter as an official comment to the Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement (DEIS).

I disagree with the following statement found on page 377 of the DEIS: "ORV and other recreational use would have long-term major adverse impacts on sea turtles due to the amount of Seashore available for ORV use and by allowing nighttime driving on the beach."

The historical records found in the annual NPS Turtle Reports for the Cape Hatteras National Seashore do not support this conclusion. None of the events defined on page 369 which are required for the impact to be declared "major adverse" have occurred. Specifically, ? Nesting females have NOT "been killed", ? Complete or partial nest lost due to human activity have NOT "occurred frequently", ? Hatchling disorientation or disruption due to humans have NOT "occurred frequently", ? Direct hatchling mortality from human activity has NOT "frequently occurred".

These events have not occurred historically and no pedestrian or ORV user behaviors suggest they are likely to occur in the future.

Further, due to the flawed "major adverse" finding, I disagree with the DEIS plan to prohibit night ORV beach access in the May 1 - September 15th timeframe. Night ORV and pedestrian access to the beaches should be managed using the guidelines followed prior to the Consent Decree.

Additionally, the Park Service should institute more proactive techniques to insure turtle nest hatch rate success, some of which are used at the Pea Island National Wildlife Preserve (keyhole pattern fence to the surf line at night during the hatch window).

Correspondence ID: 14963 **Project:** 10641 **Document:** 32596

Name: Dawson, Carol Dillon

Received: May,11,2010 00:00:00

Correspondence Type: Letter

Correspondence: Mike Murray:

I am writing a letter to you about the decision of the National Park Service to hide behind the Audubon and SELG in regards to closing our beaches in Cape Hatteras, N.C. This cowardly act has caused the complete and total collapse of the island's economy. We both know that this issue is not really about bird eggs. When I tell visitors about what the NPS has done, murdering hundreds of other animals to protect bird eggs, and that their tax dollars, hundreds of thousands, are paying for it, they think I am just joking . I wish that were the case.

I know that you were sent here to close our beaches, and do what the National Park Service has done in other areas of this country, run the businesses bankrupt and take the land over. I guess in 2010 it is a bit harder to steal the property like the NPS did in the early 1950's in Cape Hatteras. My grandmother had 100's of acre's taken from her, even after getting an attorney, the government was too powerful and she lost the case. The promises that the NPS made to the people here have all been broken and now you want us to accept the fact that you murder animals and close our beaches, even to foot traffic, for a few bird eggs?? Really?? Just how stupid do you think we are?

I can only hope that you will be exposed for the cowards that you are and that lawsuits bring you down, I know I am suing you, with a case so strong the attorney took it on a percentage basis .

We are contacting others at the state level to stop you from this act of terrorism, hopefully tomorrow our Governor will put an end to it. She said she would do it, and we can only hope someone in government does not break promises like the NPS has.

How do you sleep at night? I know that listening to the people at the hearings a few weeks ago had to have some impact on you, unless maybe you are so completely corrupt and that causing the total demise of the people that call Hatteras their home does bother you as human being. I looked straight at you at the hearings, I spoke my three minutes and I must admit, you have a blank stare and very cold, Hitler like soul, that is easily seen when I looked at you. Just know that your decisions impact all human beings that visit these Banks and every human being that has had their civil liberties as an American citizen taken away, for bird eggs.

I'll see you in court, because I found out that I can sue the NPS but I can also sue you as an employee that has carried out their decisions.

Correspondence ID: 14964 **Project:** 10641 **Document:** 32596

Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Page 125 of DEIS Nest Closures/Buffers Table 10. Species Management Strategies for Action Alternatives
 Approximately 50-55 days into incubation, closures will be expanded to the surf line. The width of the closure will be based on the type and level of use in the area of the beach where the nest was laid: 1. Vehicle-free areas with little or no pedestrian traffic-25 meters wide (total). 2. Village beaches or other areas with high levels of pedestrian and other non-ORV use-SO meters wide (total). 3. Areas with ORV traffic-105 meters wide (total).
 On the landward side of the nest, the closed area will be expanded to 15 meters from the nest where possible, but no less than 10 meters landward from the nest. If appropriate, traffic detours behind the nest area will be established and clearly marked with signs and reflective arrows.
 No science is listed anywhere in the entire DEIS document to justify any of the buffer distances included above (the 10 to 15 meters behind the nest or the widths of 25, 50 or 105 meters). Page 381 changes these distances as follows: 10 to 15 meters is changed to 9.1 to 15.2, 25 meters to 22.9 meters, 50 meters to 45.7 meters and 105 meters to 106.7 meters and still no science .
 The "Sea Turtle Management - A Common Sense Approach for the Cape Hatteras Seashore Recreational Area" as submitted by OBPA, NCBBA and CHAC and available electronically at <http://www.obpanc.org/turtles/TurtleMgmtProgram.pdf> would not only add added protection for nests and hatchlings but save enforcement money and increase access for the visiting public. The nest watch program as outlined in the document would also greatly increase public awareness regarding the plight of sea turtles. There is absolutely no down side to the approach suggested in the "Sea Turtle Management - A Common Sense Approach for the Cape Hatteras Seashore Recreational Area" document.

Correspondence ID: 14965 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Pages 419 - 481 of DEIS STATE-LISTED AND SPECIAL STATUS SPECIES I would hope that as a result of the letter written by Gordon Meyers, Executive Director of North Carolina Wildlife Commission, that this whole section is altered to reflect the fact that the state list of species of concern is nothing more than a list and does not even suggest any protection be afforded these species . The listing of American Oystercatchers on the North Carolina list was done without the committee even meeting (according to personal communications from David Allen of NWCRC), and thus their listing is questionable. To put up closures around immature American Oystercatchers, who are incapable of reproducing, is absurd. The "NPS Management Policies 2006" should be amended to a more realistic approach to these species.

Correspondence ID: 14966 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORV Management Plan DEIS Pages 392 thru 396 of DEIS Impacts of Alternative F: Management Based on Advisory Committee Input The implementation of all of the features of the "Sea Turtle Management- A Common Sense Approach for the Cape Hatteras Seashore Recreational Area" as submitted by OSPA, NCSSA and CHAC would change every single impact of "Resource Management Activities" and "ORV And Other Recreational Use" to (long term moderate to major) beneficial impacts to sea turtles while allowing greater access to the visiting public thus satisfying the NPS dual mandate.

Correspondence ID: 14967 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORV Management Plan DEIS Page xxiii of DEIS Permit Fees Alternative F Same as alternative C, except: - Fee for weekly ORV permit would be less than fee for annual permit.
 Alternative C ORV permit fee would be based on cost recovery as described in NPS Director's Order and Reference Manual 53.
 How is the general public expected to understand how the ORV permit fee is to be determined? In the first 258 pages of the DEIS NPS Director's Order and Reference Manual 53 appears only on page 107 which happens to be an exact repeat of page xxiii. In a search of the remaining 552 pages this language appears only three times in the section relating to Impacts of Alternative F: and does not reveal any of the content of this Director's Order or Manual 53. Thus, there is absolutely no explanation of how the weekly and yearly ORV permit fees will be set. No explanation of how the proceeds will be spent or who will spend them . Page xxx of the DEIS indicates that Alternative F might cost \$3,717,000.00 or \$71,284.93 per week for staffing and materials. Of this figure, \$2,078 .300.00 is projected for protection costs. The DEIS does not state if these costs are the total Seashore figures or are reduced for protection costs related to non ORV issues like : Hwy. 12 radar, lighthouse security, lighthouse visitor health issues. Hwy 12 accidents, Pea Island protection, pedestrian heart attacks on the beach, campground security or a whole host of other non ORV related duties of NPS enforcement rangers.
 Without knowing the probable cost, or even an estimate, of an ORV permit, how is the public expected to weigh the cost of purchasing a permit with the benefit of the greatly limited access proposed by Alternative F? This is asking the taxpaying citizens of America if they want the NPS to charge an unknown amount of money to visit public property created by the U S Congress as a Recreational Area which may not even be accessible.

Correspondence ID: 14968 **Project:** 10641 **Document:** 32596
Name: Hardham , Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORVManagement Plan DEIS Page xxx of DEIS "Periodic Review Alternative F Every5 years NPS would conduct a systematic review of the ORV management measures that are identified in this plan as being subject to Periodic Review. This could result in changes to those management actions in order to improve effectiveness.-
 The above does not describe the process by which changes would be made . Would changes be made by the superintendent alone or thru a public process where the public could participate?

Correspondence ID: 14969 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORV Management Plan DEIS Page iii of DEIS and page 129 "OBJECTIVES IN TAKING ACTION THREATENED, ENDANGERED, AND OTHER PROTECTED SPECIES ? Provide protection for threatened, endangered, and other protected species (e.g., state-listed species) and their habitats, and minimize impacts related to ORV and other uses as required by laws and policies, such as the Endangered Species Act, the Migratory Bird Treaty Act, and NPS laws and management policies.
 Draft Off-Road Vehicle Management Plan I EIS iii and 129 Regarding sea turtles (threatened Loggerhead. endangered Green and endangered Leatherback) at CHNS:
 Using procedures outlined in Alternative F of the DEIS, which are the same as has been used in the past ten years , will continue to produce worse than

the catastrophic results as listed on page 44 of the 2009 "Recovery Plan for the Northwest Atlantic Population of the Loggerhead Sea Turtle" under the heading of "Natural Catastrophes". Events creating losses of 24.5%, 22.7%, 19%, 16% and 54% (average losses of 27.2%) are listed as having been catastrophic. Sea turtle protection policies at Cape Hatteras National Seashore Recreational Area (CHNSRA) have produced an average percent of nests lost (zero % hatch rate) of 37.25% during the last ten years. Using NCWRC guidelines and the added restrictions on night driving of the consent decree in 2008 and 2009, the lost nests were 33.9%, or some 33% above the average of catastrophic losses listed in the Loggerhead Recovery Plan. Losses at the rate experienced at CHNSRA clearly show that Alternative F for sea turtles does not satisfy the DEIS stated objective of "protection for threatened, endangered?. species" as stated .

Correspondence ID: 14970 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment on the Cape Hatteras National Seashore ORV Management Plan DEIS Page 233 of DEIS TABLE 28. BUFFER DISTANCES RECOMMENDED FOR AMERICAN OVSTERCATCHERS Table 28 on page 233 of the DEIS seems to be the basis for buffer distances used in Alternative F and none of the first five examples deal with only pedestrians and ORVs. We are not dealing with boats and personal watercraft in this DEIS and to include these as justification for buffers at CHNS is an outrage and shows the lack of applicable science in the document. The last example is an opinion only and not the result of research done by the "Source". At Neg. Reg., Dr. Theodore Simons, U. S. Geological Survey Cooperative Fish and Wildlife Research Unit at North Carolina State University, told committee members, with reference to American Oystercatchers, the following , according to the Coastland Times of Thursday, July 3, 2008, "Individual birds have different tolerances," said Simons, and admitted it is "difficult to set standards." Dr. Simons was presented to the Neg. Reg. committee as the expert on American Oystercatchers. With the above quote in mind I disagree with the buffers as stated for Alternative F of the DEIS as stated on pages 122 and 123 and suggest the use of buffers for both nesting and unfledged chicks be determined by the "flush plus 15m" method .

Correspondence ID: 14971 **Project:** 10641 **Document:** 32596
Name: Luizer, Virginia
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: The DEIS describes the NPS preferred alternative in the following fashion:
Alternative F - Management Based on Advisory Committee Input. Alternative F is the National Park Service Preferred Alternative. The NPS used the Negotiated Rulemaking Advisory Committee's Cape Hatteras National Seashore input to create this action alternative, which is designed to provide visitors to the Seashore with a wide variety of access opportunities for both ORV and pedestrian users.(p. xi)
I do not agree that Alternative F provides "visitors to the Seashore with a wide variety of access opportunities." In fact, as I will endeavor to show, Alternative F proposes unprecedented approaches to resource management along with a wide range of new restrictions on visitor use. As such Alternative F dramatically reduces the shoreline available for visitor use and severely limits the variety of access opportunities available for ALL visitors.
Unprecedented Approaches to Resource Management
Alternative F proposes a new designation, namely Species Management Areas. Species Management Areas are designed to minimize "human disturbance" (Footnote 1) and are based upon habitat and species use patterns observed during the past 5 years. The only option for early review of designated Species Management Areas is if species management goals are not achieved or if weather events alter the habitat. If either of these events occur the proposal calls for expansion of the Species Management Areas to facilitate recovery of populations or to take advantage of newly created habitat. (Footnote 2) The end result of this new approach to species management is to mandate the closure of a minimum 13-16 miles of beach for the both Spring and Summer seasons, even if habitat becomes unsuitable or species fail to use the area. (Footnote 3)
Alternative F defines an unprecedented standard for species management outside of the Species Management Areas--namely, ML 1(Footnote 4). ML 1 protocols use "larger, longer-lasting buffers" to protect wildlife. While it is not possible to predict the number of miles that will be closed by these unprecedented protocols, it is possible to use the pattern of closures that have resulted from the past two years of management under the consent decree to make a fairly accurate estimate of potential closures. A review of the Beach Access reports for 2008 and 2009 shows a pattern of wide-spread full-beach resource closures spanning the period of 5/15 to 8/15 (Footnote 5). Based upon the fact the predicted ML1 closures will be added to the mandated Species Management Area closures, it is more than likely that the resource management proposal will relegate access for ALL visitors to either the high density village front beaches or 15 miles of shoreline spread over 10 areas. The length of the shoreline available in these 10 areas will likely range from as little as 1/2 mile to a maximum of 2.7 miles (Footnote 6). In effect, the resource management proposal will likely turn the beaches available outside of the village fronts into virtual parking lots with the only opportunity for a remote experience being relegated to pedestrian day use at Pea Island. Furthermore, by reducing access areas to such small spaces, the potential for overcrowding and user conflicts will increase dramatically.
New Restrictions on Visitor Use
The ORV management proposal sets a peak use limit (Footnote 7) and adds an ORV permit requirement. The fee associated with the proposed ORV permit will be set to recover the cost associated with ORV management. (footnote 8) The DEIS does not provide any estimate of these costs but if you consider the fact that the annual cost estimate for Alternative F is \$3 -7 million (Footnote 9) the cost of a permit could be cost prohibitive for the average visitor. Furthermore, since the purchase of a permit will not guarantee access if the peak use limit has been reached, it is very possible that many visitors will be unable to justify an expenditure for something they may not be able to use. Other new restrictions on visitor use include restrictions on Fall and Winter access to productive fishing grounds (Footnote 10) and a prohibition of pets in all public places within the park for the period of March 15 to July 31st. (Footnote 11)
Impact of Alternative F on Visitor Use
NPS asserts that Alternative F provides "visitors to the Seashore with a wide variety of access opportunities for both ORV and pedestrian users." I submit that the unprecedented resource management protocols combined with the newly proposed restrictions on visitor use nearly eliminate quality access opportunities for both ORV or pedestrian users. The projected business revenue losses of 35% to 70% for the seashore villages support this conclusion. (Footnote 12) The NPS downplays the potential for economic harm by asserting that the long term benefits that would accrue to non ORV users are expected to outweigh the long term moderate to major adverse impacts to ORV users (Footnote 13) resulting in a new mix of visitors and new business opportunities. Under this scenario, the NPS projects business revenue losses of 0%. (Footnote 14) This is utter nonsense. As per the above discussion, during the Spring and Summer seasons non ORV users will be subjected to the same limitations that NPS states will have a long term moderate to major adverse impact on ORV users. Since the seashore has little to offer outside of the beaches and since Spring and Summer visitors account for approximately 70% of all visits, (Footnote 15) I submit that the projected business revenue decline of 35% to 70% is the most accurate of the three projections offered in the DEIS. In point of fact, as the quote presented below clearly demonstrates, the DEIS recognizes that beach related tourism is the primary driver for the economy.
"The natural environment, including beaches and wildlife, provide the primary basis for quality of life on the Outer Banks. As discussed above, beach-related tourism drives the economy of the area. Local residents also receive significant recreational benefits from the area's natural assets. In addition to the Seashore, the ROI includes Jockey's Ridge State Park and Pea Island NWR (Outer Banks Chamber of Commerce 2008). There are also public beaches, marinas, piers, and other recreational outlets. Two categories of outdoor recreation pertinent to the assessment of alternative management plans, recreational fishing and bird watching, are discussed further below using data from the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. (p. 284)
In addition to considering economic impacts, the DEIS states that the impacts on the resources that contribute to the well-being of the local communities (Quality of Life) must be assessed. In this regard, the NPS gets it right when they note that the beaches provide the primary basis for the quality of life on Hatteras and Ocracoke Islands. For example, the seashores beaches have been used by the seashores village residents'
1. as a place to walk without trespassing on private property or dealing with traffic, 2. as a safe place for exercising their dogs, 3. as a place to gather

shells, swim, or just lounge, 4. as focal points for socialization, be it taking a ride after work to an area known to be frequented by other residents or a preplanned gathering complete with boogie boards, grills, quate boards, volley ball nets, etc 5. as a destination for fishing, either recreationally, commercially, or as a source of food, and 6. as the transportation route that provides access to the mainland. (Footnote 16)

After emphasizing the importance of the beaches both to tourism and quality of life, the DEIS states that there are other recreational outlets available. Nothing could be further from the truth. Stated more specifically, the creation of the park placed the NPS in control of all the above noted leisure activities, severely limited the seashores residents' ability to create alternative recreational outlets, and, more recently, has contributed to the stress related to accessing critical services. For example:

1. The land acquisition agreements limited the land mass available to the villages to the point where here is precious little land available to create alternatives for exercise and socialization. 2. The land acquisition agreements gave title and control of all the beaches and much of the sound side shores to the park. This agreement eliminates the possibility of creating public beaches. 3. The population of 4,000 people simply cannot, by itself, provide enough demand for private enterprises that might offer additional leisure time activities. 4. Because of lack of demand, many of the gift shops, restaurants, museums, and park facilities either close their doors or restrict their hours of operation during the Fall and Winter months. This leaves the beaches as the sole avenue for leisure activities during the Fall and Winter months. 5. The round trip required to access public beaches, marinas, piers, other recreational outlets, and critical services north of Whalebone Junction requires 2 to 7 hours depending upon the resident's village of origin. Furthermore, this trip requires residents to travel on a road that runs through Park property. The park and U.S. Fish and Wildlife have limited the ability of NC Department of Transportation to protect and/or relocate the road that traverses park property thereby exacerbating the weather related problems that are inevitable in this environment. Finally, U.S. Fish and Wildlife and outside environmental groups have and continue to interfere With NC Department of Transportation's replacement of the failing Bonner Bridge. Failure of this bridge would isolate the residents of the seashores villages. Based upon the above, I submit that the ability of seashore residents to continue to use the seashores beaches in a manner consistent with traditional uses is more important than to their quality of life than it was prior to the creation of the park when the residents had full control of the land on Hatteras and Ocracoke lands. In fact, according to the DEIS, NPS's original interest in the Outer Banks which was to preserve public access to free beaches, especially for low income groups at a time when many desirable beaches were being quickly developed commercially."(Footnote 17) Additional evidence of the intent of creating a park for the primary purpose of providing public access to the seashore's beaches can be found in the following statement from the Secretary of the Interior Harold Ickes. (Footnote 18)

When we look up and down the ocean fronts of America, we find that everywhere they are passing behind the faces of private ownership. The people can no longer get to the ocean. When we have reached the point that a nation of 125 million people cannot set foot upon the thousands of miles of beaches that border the Atlantic and Pacific Oceans, except by permission of those who monopolize the ocean front, then I say it is the prerogative and the duty of the Federal and State Governments to step in and acquire, not a swimming beach here and there, but solid blocks of ocean front hundreds of miles in length. Call this ocean front a national park, or a national seashore, or a state park or anything you please-I say that the people have a right to a fair share of it. Secretary of the Interior Harold Ickes, 1938"

20 years later, Secretary Ickes' vision was reaffirmed during the dedication of the park when Roger Ernst Assistant Secretary of the Interior stated that the "Outer Banks were judged particularly desirable because of their great potential for public use." (Footnote 19) That is, the park was never designed to follow the model which emphasized preservation of primitive wilderness or natural processes but rather was designed to be "the first of a new class of national park that safeguarded the seashore from extensive development while guaranteeing the American public unencumbered access to beaches". In the final assessment this new model was judged to be "greatly successful in achieving the essential vision and aims of its founders." In fact, Cape Hatteras National Seashore Recreational Area become an "important model for subsequent similar parks around the country." (Footnote 20)

Recommended Solution

I respectfully request that you implement Alternative A (2007 FOSNI Interim Strategy) for the purposes of Species/Resource Management and codify the ORV Management Policies contained therein. With respect to the Interim Plan, as evidenced by facts

1. that there was no final adjunction or admission of the violations claimed by SELC, et al as they related to the Interim Plan (Footnote 21) 2. that there were no negative impacts on managed species either during the implementation of the prototype of the Interim Plan in 2005 & 2006 or the first year of the full implementation of the Interim Plan, (Footnote 22) 3. that the more aggressive management approach used in 2008 and 2009 did not result in any marked improvement for managed species (Footnote 23) and 4. that the Interim Plan triggers and buffers are consistent with the triggers and buffers utilized at other Seashores (Footnote 24)

there is No basis for continuing to ramp up the species protection protocols. Furthermore, continuation of the Interim Plan would leave twice as much room for visitors to spread out thus, add to the variety of experiences available to visitors and would minimize the potential for crowding and user conflicts without denying visitors access.

With respect to Alternative A ORV management policies, the primary argument against this approach is that much has changed since the park was opened in 1955. It is true that the number of visitors has increased, especially during the summer. However, current management policies reflect the responses to these changes (i.e. seasonal ORV closures in high density pedestrian use areas behind the villages and designation of Pea Island as a non ORV/day use area). These changes ensure visitor safety and provide for a vehicle free area for the viewing of wildlife in a natural setting. At the same time the current management policies provide pedestrians and ORV users with 39 miles of shoreline outside of the high density pedestrian use areas. With this much shoreline visitors may seek out the comrade of fellow anglers and other families. Alternatively, there is also adequate space to allow visitors to search out that secluded fishing hole, that perfect wave, or that secluded spot for contemplation.

The NPS also argues that visitor use patterns have changed. For example, the NPS states that recreational fishing has only been practiced for 50 years when it "almost completely supplanted commercial fishing" and that neither recreational or commercial fishing are integral to the "continuing cultural identity of any community." This is categorically untrue. As the following excerpt from a letter from Lindsay Warren to Secretary of the Interior Harold Ickes clearly demonstrates, recreational fishing and tourism were major factors as early as 1935. Furthermore, the beach hauling method of commercial fishing was practiced as early as 1930. (Footnote 26)

"Conservatively speaking," he emphatically wrote, "this area is the greatest game and fishing spot on the American continent. Visitors go there almost the year round from every section of the nation, and just 18 miles off Hatteras is the: Gulf Stream with its unrivaled fishing. If this was made a National Park, it would become one of the most frequented spots in the nation?" (Footnote 27)

As further evidence that recreational fishing, commercial fishing, vehicle use, and tourism have been integral to the continuing cultural identity of the communities on Ocracoke and Hatteras Islands for at least 80 years, consider the following quote from the DEIS,

As envisioned in the 1930s, the NPS had hoped to preserve a far more natural environment than it was forced by compromise to accept in the 1950s (NPS 2007f). In 1952, fifteen years after he submitted the act to create Cape Hatteras National Seashore, former Congressman Lindsay C. Warren offered what may be the purest surviving expression of his intent in doing so: "When I introduced the bill for the Cape Hatteras National Seashore in 1937, I would have nothing to do with it unless the people were fully protected forever in their hunting and fishing rights, and unless there was a guarantee of a hard-surface road if the Government came into the picture, and unless all of the villages were exempt. At that time there was very little prospect for a paved road, but I extracted a promise from the NPS that they would favor such a road to be built, whenever possible, either through State or Federal Aid funds. Frankly, I think that this Park will mean more to the people of Dare County than anything that could ever happen to them. I do not say that because I was the author of the bill, but I say it because I had studied the history of all Parks, before I came into the picture back in 1937" (NPS 2007f). (Footnote 28)

As per the above, the creation of the park required 15 years of intense negotiation with the residents. In fact the residents were presented with two other options for development—namely, oil exploration and accepting outside developers. The residents' acceptance of the national seashore as their preferred option for development was based upon Conrad Wirth's promise that the parks' beach would always be open to all people, that the park would not compete with the villages for tourists' dollars and that the NPS would "stand ready to cooperate with you at all times in the development of your communities, if you want us to." (Footnote 29) That is, the residents saw the park as a way to retain their primary way of life while still taking advantage of the higher living standard offered by a modern national economy.

Now it is incumbent upon the NPS and the DOI to make certain that they do everything possible to retain the traditional way of life for the residents of the villages of Hatteras and Ocracoke Islands and to live up the agreements that were hammered out over the 15 years that followed the proposal for the park. Alternative A (2007 FOSNI Interim Strategy) for the purposes of Species/Resource Management and codification current ORV Management Policies contained therein is the only option in the DEIS that accomplishes this objective.

And don't give me the tired argument that you can't implement Alternative A because SELC, et al will sue. SELC, et al already told you that, in their opinion, Alternative D is the only legally defensible option. Just a veiled threat or should you take it seriously? Absolutely, based upon past experience you should take the threat seriously. For example, SELC, et al told you they didn't like the Interim Plan and when you didn't listen they filed suit. When SELC, et al found they had a sympathetic judge they filed for injunctive relief and DOI capitulated. As another example, SELC, et al has publically stated their intention to file suit if NC Department of Transportation decides to go forward with the parallel bridge replacement. At some point you have to decide if you are going to follow your dual mandate to protect all interests or if you are going to turn this park into a primitive wilderness and turn the villages that exist within your boundaries into ghost towns. I beg you take the \$1.5 million dollar annual savings that will accrue from selecting Alternative A and use it to fight SELC, et al. This is the only way you can fulfill your obligations to the good people of Ocracoke and Hatteras Islands--the people who sold their land to the government and made this park possible.

1. DEIS p. 121 2. DEIS p. 121. 3. The mandated closures include, Ramp 27 (2.2 miles), South of Ramp 30 (1.8 miles), North of Buxton (2.0 miles), South of Frisco (1.4), South Beach (2.9), Hatteras Inlet (1.0 mile), Ocracoke Inlet North (1.1 miles), and South of Ramp 68 (.9 miles) plus 3 miles of floating closures that could include areas not included in ML1 areas (1.5 at ramp 30 and 1.5 at ramp 49). See Table ES-2. 4. DEIS p. 65. 5. Full-beach Resource closures spanning the period of 5/15 to 8/15 include the 1.9 miles pedestrian access corridor at Bodie Island Spit, Ramp 23 and several sections of beach between Ramp 23 and Ramp 27, several sections within the beach between Ramp 30 and Ramp 34, Ramp 44 and 1.0 mile limited ORV access corridor north of Ramp 44, a portion of the area north of Ramp 29, several sections of the area south of Ramp 55, and nearly all of the 3 mile ORV corridor at Ocracoke Inlet South. (NPS Beach Access Reports 2008 & 2009) 6. The 15 miles use areas that will remain open are designated as ORV use areas and include Ramp 2 (2 miles), Ramp 24 (2 miles), Ramp 30 (1.5 miles), Ramp 38 (1 mile), Ramp 43 (.5 miles), Ramp 49 (2 miles), Ramp 55 (1 mile), Ramp 59 (.5 mile), Ramp 68 (1.4 miles) Ramp 70 (2.7 miles). (NPS Beach Access Reports 2008 & 2009) Further more, based upon the maps presented in the DEIS the new ramps and trails proposed by the NPS will likely be closed or lead to areas closed ML1 protocols. 7. DEIS p 82. 8. DEIS p. 82. 9. DEIS, Table ES-2. 10. DEIS, Table ES-2. 11. DEIS p. 136. 12. DEIS, p. 562. 13. DEIS, p. 559. 14. DEIS, p. 562. 15. Park Visitation Statistics March through August relative to the total. 16. Testimony presented at public hearings at Ocracoke and Buxton 17. "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 26. 18. "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. V. 19. "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 244. 20. "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 200. 21. Consent Decree filed on 4/30/2008. 22. For example, Piping Plover pairs increased from 3 to 11 over the period of 2005-2007. Piping Plover fledge rates for the period were 2.0, .5, and .67. NPS Piping Plover report, p. 9. 23. For example during the first full year Piping Plover pairs fell from 11 in 2008 to 9 in 2009. Piping Plover fledge rates for the period remained constant at .64 and .67. 24. Management Protocols from several National Seashores available upon request. 25. DEIS p. 35. 26. "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 194. 27. "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 19. 28. DEIS, p. 13. 29. "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 234. 30. DEIS, p. xxx

Correspondence ID: 14972 **Project:** 10641 **Document:** 32596

Name: Luizer, Virginia

Received: May,07,2010 00:00:00

Correspondence Type: Letter

Correspondence: Re: Comment Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan/Environmental Impact Statement-DEIS

The DEIS describes the NPS preferred alternative in the following fashion:

Alternative F - Management Based on Advisory Committee Input, Alternative F is the National Park Service Preferred Alternative. The NPS used the Negotiated Rulemaking Advisory Committee's Cape Hatteras National Seashore input to create this action alternative, which is designed to provide visitors to the Seashore with a wide variety of access opportunities for both ORV and pedestrian users.(p. xi)

I do not agree Alternative F that reflects the work of the Advisory Committee.

Stated more specifically, Alternative F is not a committee based proposal and it should not be labeled as such. This statement is based upon the final report from the facilitators. In this report, the facilitators note that the advisory committee failed to come to agreement on any aspect of park management. In fact, the positions held by stakeholders were so diametrically opposed to one another that the facilitators didn't even try to summarize the advisory committee's work. Instead, the facilitators simply transmitted 6 addendum ranging from 20 to nearly 1,500 pages each.' In sharp contrast the NPS selects elements from the addendums submitted by the 6 groups and combines the elements in ways the groups never intended. Even more offensive is the fact that the NPS recently denied a request for an extension of the comment period because Alternative F is based upon advisory committee recommendations previously published for public review.

Correspondence ID: 14973 **Project:** 10641 **Document:** 32596

Name: Raynes, Michael

Received: May,03,2010 00:00:00

Correspondence Type: Letter

Correspondence: I am writing to express my concern over the National Park Service's preferred alternative (Plan F) as well as the other more restrictive alternatives as outlined in the Draft Environmental Impact Statement (DEIS).

The Cape Hatteras Seashore is a recreational area set aside for the enjoyment of all residents and visitors. It is important that the past level of beach accessibility be maintained. This I believe can be done while at the same time providing for the protection of wildlife. I would like to make several points concerning aspects of the DEIS. The NPS states that conflicts could arise between pedestrian and ORV users. I disagree with this statement based on my 25 years of beach driving and walking, as well as, the fact that there has been very little, if any published accounts or statistics on this type of conflict. By forcing people into a much smaller area the potential for conflict is increased.

The Pea Island National Wildlife Refuge is a pedestrian only area where the wildlife resources are protected, why then is so much more ORV free area needed? I disagree that there needs to be anymore restricted areas.

The NPS does not take into consideration the islands in the sound where there are less predators and the bird populations are not counted. Anyone who rides by on a boat can see very clearly that the numbers of threatened or non-threatened birds stated in population counts on Hatteras Island is far less than the actual numbers. Why are these not counted? They are all part of the same ecosystem, but the NPS does not recognize that. I would argue that this is just another way to prevent or restrict QRV use.

I totally disagree with the 1000 meter buffer zones which does not allow for corridors to wide areas of open beach. No piping plovers have been harmed by ORV's. I believe these buffers should be reduced to 100 meters with corridors that allow access to open areas. As broods move instead of expanding the buffer zone, they should be moved. This brings me to another point, why are large areas closed for non-threatened species like the American oystercatcher?

The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. However, the 800 page DEIS ignores the traditional and cultural importance of access to the surf zones. For 75 years visitors and residents have had unlimited access to the beach via riding or walking. To be cut off from a part of their traditional and cultural life is a travesty of justice and a detriment to the American way of life.

The CHNS is a recreational area and by restricting ORV use the NPS is restricting access to a recreational area. What about the handicap whose only way to the beach is via ORV's? For many elderly and handicap the only way they will be able to access the beach is through ORV's.

As a long time steward of our beaches, it is important to me that we not only protect our national resources, but that we continue the American tradition of free access. Extreme closures do not help the birds and are a detriment to the island's economy, as well as their way of life. I hope that you will consider these are other more common sense approaches to managing the Cape Hatteras National Seashore.

Correspondence ID: 14974 **Project:** 10641 **Document:** 32596
Name: Torres, Judy and John
Received: May,09,2010 00:00:00
Correspondence Type: Letter

Correspondence: The following are comments regarding the Cape Hatteras National Recreational Seashore's Draft Off-Road Vehicle Management Plan/EIS (DEIS). To begin, let me say that I am in favor of a permit system to regulate ORV beach use and I am in favor of certain beach closures to protect nesting birds. But, I am opposed to all but one of the alternatives presented in the DEIS, including the NPS preferred Alternative F. I find the measures stated in Alternative F to protect nesting birds and other resources to be more restrictive and onerous than are needed to accomplish that goal. I believe Alternative A presents the best starting point to regulate ORVs and protect resources with the least disruption to visitors and to the Hatteras Island local economy.

Alternative A, coordinated with many of the options listed in the Coalition for Beach Access Position Statement, would give the Park Service a much more equitable basis for sensible methods of wildlife and species protection.

In addition, the cost of implementing Alternative A would be the lowest cost among all of the alternatives and would have the least impact on seashore operations.

In discussing the impacts of Alternative A on Page 605 the DEIS states "Overall, each division could accomplish actions related to ORV management under this alternative (A) within current funding, without shifting priorities or having a noticeable change in operations, resulting in long-term negligible adverse impacts to all areas of Seashore operations." The document goes on to state in its conclusion for Alternative A that implementation of this alternative would require 29.3 5 FTE with a total approximate cost to implement Alternative A of \$2,208,850.

"Cumulative impacts to Seashore operations and management under alternative A would be long-term negligible adverse." Far Alternative F, the DEIS states on Page 630 that implementation of alternative F would require approximately 52.10 FTE with a total approximate cost to implement alternative F of \$3,717,000. "Cumulative impacts to Seashore operations and management under alternative F would be long-term minor to moderate adverse." It appears that Alternative F would require not only over 20 additional employees but \$1.5 million more to implement. What if the Seashore cannot get the additional funding to implement this alternative?

I do agree with some aspects of Alternative F in improving access to areas of the Seashore. For many years additional parking areas and access ramps have been very badly needed. Perhaps if there were plentiful convenient parking areas, there would be less need for people without physical challenges to use ORVs to get to the beach.

One last note. The ORV management plan cannot be so restrictive that visitors won't come. Visitors come to Hatteras Island for our uncrowded beaches and our laid-back atmosphere. If they find themselves jammed into designated areas of the beach they simply will go elsewhere next year. Any local businessman will tell you that the consent decree with its beach closures already has had a negative economic impact. Vacation spots like Hatteras Island normally do better during economic downturns such as we have had. It is much cheaper to vacation here for a week than Disney World for example. But, visitors, hearing that the beaches here are closed (whether completely true or not), already are beginning to go elsewhere. I know personally that local businesses are hurting and not hiring. I've been looking for a job, even a part-time seasonal job, since last summer. Business owners keep telling me they are trying to make do with the employees they already have or with no help at all to keep costs down because of the lack of business.

If this downward trend continues, it not only will have a huge negative impact on the people of Hatteras Island, but at some point also on the National Seashore itself. With fewer and fewer visitors, it will be harder for the Seashore to justify its funding levels. If funding would be cut, visitor services would be cut, maintenance projects would be cut, employees would be cut, and resource protection also would have to be cut.

As State Senator Marc Basnight stated: "The key to any management plan is flexibility. Without the ability to change user patterns while keeping access open, the Cape Hatteras National Seashore Recreational Area will become but a memory to generations of users from across the globe."

Correspondence ID: 14975 **Project:** 10641 **Document:** 32596
Name: Maddock, Sidney
Received: May,11,2010 00:00:00
Correspondence Type: Letter

Correspondence: I am a resident of Buxton, NC, where I have lived and worked for over a decade, including working for the National Audubon Society since 2004. I support the comments submitted by the National Audubon Society, Defenders of Wildlife, and the Southern Environmental Law Center. This includes:

- ? The final ORV management plan should be based on environmentally preferred Alternative D in the DEIS, modified to allow pedestrian access subject to standard resource closures when shorebird or colonial waterbird breeding behavior is observed, to allow 100 foot ORV access corridors to Cape Point and South Ocracoke subject to standard resource closures when shorebird breeding activity is observed, to increase the number of parking spaces and dune walkovers, and to designate specific areas closed year round to ORV use for pedestrians and wintering shorebirds.
- ? The final EIS should include a true "no action" alternative of no ORV use on Seashore which will provide an appropriate baseline for assessing and evaluating environmental impacts of the action alternatives.
- ? Management measures to protect wildlife must be based on the best scientific information available which is presented to NPS in the peer-reviewed recommendations and report from the U.S. Geological Survey scientists.
- ? As recommended by the USGS scientists and the loggerhead sea turtle recovery plan, night driving must be prohibited during the sea turtle nesting season to protect and recover these threatened and endangered species.
- ? The final plan must provide additional protections to migratory and wintering shorebirds which can be achieved through year round ORV closures of critical areas.
- ? The final management plan should replace artificially low desired future conditions for threatened, state listed, and special status species on the Seashore with higher targets that are consistent with the carrying capacity of the Seashore and appropriate species management.
- ? The preferred ORV management plan provides inadequate areas where ORV use is prohibited year round for use and enjoyment by pedestrians and other visitors.
- ? The final ORV management plan should reduce the carrying capacity of 260 vehicles/mile allowed in the preferred alternative, which could result in 13,500 ORVs on Seashore beaches, to a level that will better protect natural resources and reduce pedestrian/ORV conflicts.
- ? ORV management should include a permit system with a mandatory education component.

In addition, a main area of my work since 2002 has involved non-breeding piping plovers. I have done surveys for the National Audubon Society, and, as a contract worker, for the United States Geological Survey (2006 International Census), the Canadian Wildlife Service, and Environment Canada. I have visited most of the high quality wintering habitat in the southeastern United States during these surveys and have done surveys in the Bahamas. I have over 9,000 observations of non-breeding piping plovers, including over 1,200 observations of banded piping plovers.

Based on this extensive experience, I would like to emphasize the importance of Cape Hatteras National Seashore to non-breeding piping plovers, and the need for the Seashore to increase protection measures so that migrating and wintering piping plovers are adequately protected from the direct and indirect adverse impacts of ORV disturbance.

I also am attaching, as exhibits, two recent papers that provide information that is relevant to the Seashore's development of the ORV management plan.

Correspondence ID: 14976 **Project:** 10641 **Document:** 32596
Name: Hardham, Larry
Received: May,11,2010 00:00:00
Correspondence Type: Letter

Correspondence: Dear Mr. Murray:

This letter and its attachment are submitted as official comments to the Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement (DEIS).

These comments are specifically directed at pages xiii thru xvii of the DEIS on the topic of different dates for village closures to ORV use on the east facing beaches as opposed to the villages located on the south facing beaches. It also addresses the ORV closure north of Ramp 43.

It is our position that the beaches in front of all villages except Buxton should be the same and the dates closed to ORV use should be May 15 to September 15 as has been the case for many years. Our slide show on the attached CD shows the lack of public use on the village beaches in front of Frisco and east of Ramp 55 in front of Hatteras Village. Some have said these beaches are extensively used in early May and from September 16 to

November 30 but the pictures, taken at random times and days, show otherwise. It is also our position that 0.7 miles north of Ramp 43 should be open to ORV use all year and not the 0.4 miles as proposed in Alternative F of the DEIS. Some have claimed that this beach is used by many visitors but our slide show shows otherwise. The pictures of the area taken in 2007 were generally taken before and after the "Take me Fishing" programs and others were taken on random days and times. This stretch used to be a very popular ORV area and helped reduce congestion when Cape Point and other ORV beaches were closed.

These positions are consistent with those stated in the "Coalition for Beach Access Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement" as submitted as a comment on the DEIS and available electronically at www.obpa-nc.org/position/statement.pdf.

We urge the National Park Service to modify the DEIS before finalizing the EIS to recognize and adopt the suggested dates for ORV use of beaches in front of Frisco and Hatteras Villages and allow ORV use for 0.7 miles north of Ramp 43.

Sincerely, Larry Hardham

Outer Banks Preservation Association, P.O. Box 1355, Buxton, NC 27920 North Carolina Beach Buggy Association, P.O. Box 940, Manteo, NC 27954
Cape Hatteras Anglers Club, P.O. Box 145, Buxton, NC 27920

Correspondence ID: 14977 **Project:** 10641 **Document:** 32596

Name: Harris, Jim

Received: Apr,26,2010 00:00:00

Correspondence Type: Letter

Correspondence:

I disagree with the following charts;

DEIS Chapter 3 page 265; On Memorial Day and the Fourth of July, the Seashore counts the number of ORVs on the beach by an aerial survey. Research Triangle Institute International (RTI) (RTI pers. comm., 2009a) used this information, along with assumptions based on rental occupancy and patterns of use, to create a range of estimates for the total number of ORVs using the Seashore in a year. Although 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 annual estimate of vehicles on the beach. A survey is being conducted according to a random sampling plan to provide an estimate of the number of vehicles on the beach between April 1, 2009, and March 30, 2010 with a 95% confidence interval. Data collection will be completed in March 2010.

Figure 25 shows the distribution of ORVs across these areas on Memorial Day and the Fourth of July in 2008. About 75% of the ORVs counted on those days were located around the points and spits (including all of Ocracoke as one count); over half of the ORVs were located around Cape Point and the Bodie Island Spit.

Figure 25:

This pie chart for July 4 is flat out a lie.

From Cyndy Holda access mileage of open & closed beach in July 3;

ORV Access Mileage for July 3, 2008: *****All mileages are approximate*****

Bodie Island Spit: Ramp 4: 2.5 miles open north of Ramp 4

There was no access to BODIE Island spit, it was closed all the way back to ramp 4 were it meets the beach. The point was also closed. The nearest vehicles were over a mile away from both locations.

Ramp 43: 0.4 mile open north of Ramp 43; 0.1 mile open south of Ramp 43

Ramp 44: Closed Ramp 49: 1.7 miles open east of Ramp 49; 1.2 miles open west of Ramp 49

According to this document, there was a 0.50-mile parking lot at ramp 43. There was a larger parking lot at ramp 49 2.9 miles long.

There was no access to Bodie Island Spit, Cape Point, or South Point Ocracoke Island on July 4.

How are we to trust NPS when this type of issue is falsified so blatantly?

If any science is based on this false data, it has to be thrown out.

The citizens of Hatteras and Ocracoke Islands deserve the truth. Make believe facts have no place in decisions that affect so many people.

Correspondence ID: 14978 **Project:** 10641 **Document:** 32596

Name: Benson, John

Received: Apr,26,2010 00:00:00

Correspondence Type: Letter

Correspondence:

The Draft Environmental Impact Statement (DEIS) prepared by the National Park Service does not adequately or factually address the issues of resource protection, visitor expectations and experience, economic impacts, or impacts on traditional cultural values and quality of life within the Cape Hatteras National Seashore and within the villages of Hatteras and Ocracoke islands. The ORV Access Environmental Impact Statement prepared by the Coalition For Beach Access presents a more accurate representation of the total environmental impact of ORV access at the Cape Hatteras National Seashore and provides a more factual basis for the development of an ORV access plan than does the DEIS prepared by the NPS. It should be adopted by the NPS as its finalized version of the Environmental Impact Statement.

Not one of the five alternative ORV plans provided by the NPS meets the National Park Service's mandate to both protect resources and to provide a quality experience for visitors to the Cape Hatteras National Seashore. The NPS preferred alternative greatly reduces access to this National Seashore by visitors. It provides for greatly increased protection standards for shorebirds and sea turtles with absolutely no evidence that these protection standards will result in increased reproduction of the species they seek to enhance. It fails to provide means to protect the traditional cultural values of the people living within the boundaries of the National Seashore and fails to protect the quality of life enjoyed by the people living within the Seashore. In fact, measures already implemented under the "consent decree" and followed under the NPS preferred alternative have harmed traditional cultural values and lowered the quality of life of people living within the Seashore's boundaries.

The alternative ORV plan prepared by the Coalition for Beach Access should be included as an alternative in the Final Environmental Impact Statement and should be the NPS preferred alternative. This alternative does maintain the cultural values, resource protection standards, and diverse visitor experience that the NPS is mandated to preserve for the enjoyment of present and future generations.

I am in total agreement with the Environmental Impact Position Statement provided by the Coalition for Beach Access. I have attached a copy of this position statement and request that it be made a part of my response to the NPS DEIS.

Correspondence ID: 14979 **Project:** 10641 **Document:** 32596

Name: Harris, Jim

Received: Apr,26,2010 00:00:00

Correspondence Type: Letter

Correspondence:

I disagree with points made on page 88 of the DEIS; DEIS page 88;

Create habitat through physical alteration or the creation of dredge islands. The NPS considered creating habitat through various methods. Based on the experience of staff at the NCWRC, habitat-creation projects tend to be short-lived and labor intensive. (#1) Based on experience with hand pulling, herbicides, fires, and bulldozing, it was found that most of these techniques are effective for only one season before the vegetation returns. Covering areas with new dredge material has been shown to last longer, with vegetation returning after four to seven years (Cameron pers. comm. 2007). (#2A) Although the NPS recognizes that creation of habitat may be viable under certain circumstances, (#2B) It is not all appropriate substitute for providing adequate protection of existing habitat. (#3) If this method is employed, it would occur outside the scope of the plan/EIS and therefore was not included in the alternatives.

#1. A. Just as there are many yearly jobs to do on a timely basis, creating good habitat will take work. It could even be necessary to do habitat creation/restoration after a storm.

B. There are a group of volunteers who are willing to trade ORV access to the Cape Point for labor, material, and equipment to clear vegetation and

create feeding-resting habitat. Let us create the habitat and see if the birds will use it.

#2A. The Creation of new habitat (for birds) will destroy habitat for predators. Your argument, to do nothing actually encourages predation of birds, which are your prime object to protect. As long as vegetation is allowed to grow unfettered on the interiors of the points and spits, predators will be able to get close to feeding baby birds. Clearing these areas will give birds a better chance of fledging.

#2B. It is not an appropriate substitute for providing adequate protection of existing habitat FOR PREDATORS

#3. Creating habitat on the interiors of the spits and points would get the birds off the beaches, allowing human use of the beaches.

If the objective of this work (DEIS-ORV RULE) is to do no work, then claim ORV and pedestrians are the reasons for such poor results. This will be challenged forever by both sides. The Hatteras Group of NPS personnel have actively dodged doing anything to help endangered & threatened species, while actively blaming their shortcomings on innocent soles who drive QRVs.

This National Seashore has a dual mandate to protect wildlife and to allow humans, current and future generations to use the Seashore, as it was planned in the mid-'30's.

From DEIS page 34

PURPOSE AND SIGNIFICANCE OF CAPE HATTERAS NATIONAL SEASHORE

All units of the national park system were formed for a specific purpose (the reason they are significant) and to conserve significant resources or values for the enjoyment of future generations. The purpose and significance of the park provides the basis for identifying uses and values that individual NPS plans will support. The following provides background on the purpose and significance of the Seashore.

As stated in the Seashore's enabling legislation (the Act), Congress established the Seashore in 1937 as a national seashore for the enjoyment and benefit of the people and to preserve the area. The Act states:

Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said areas shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area.

RED line-area to be cleared Blue lines-swales to extend shoreline for feeding nesting habitat

Look at the Pre-nesting closure map for Cape Point 2009, it clearly shows plovers nesting away from vegetation. These birds will find another shoreline away from CHNSRA if they are forced closer to the active shoreline.

Correspondence ID: 14980 **Project:** 10641 **Document:** 32596
Name: Harris, Jim
Received: Apr.26,2010 00:00:00
Correspondence Type: Letter
Correspondence: DEIS COMMENT ON PEDESTRIAN TRAINING 3 26 10
I disagree with the education and outreach as presented; DEIS page 58
"Education and Outreach"
"Under all alternatives, the Seashore would continue to"
? "Post signage in the Seashore so information on beach closures and Seashore resources is readily available and presented in a clear manner to the public."
? "Post signs regarding applicable QRY regulations at ORV access ramps, beach routes, and soundside areas."
? "Notify the public of species management closures and beach access status through weekly resource and beach access reports, press releases, email updates, and postings at the Seashore visitor centers and other NPS visitor facilities and on the Seashore website."
? "Provide education and outreach materials regarding protected species (including seabeach amaranth) and measures: taken by the Seashore to protect nesting birds and sea turtles at Seashore visitor centers and other NPS visitor facilities, on ORV access ramp bulletin boards, in the Seashore newspaper, and on the Seashore website. These materials include regulations regarding trash disposal, wildlife feeding, fireworks, and pets, and the impacts of such activities on sensitive Seashore species."
? Provide education and outreach materials regarding visitor safety at Seashore's visitor centers and other NPS visitor facilities, on DRV access ramp bulletin boards, in the Seashore newspaper, and on the Seashore website."
? Provide education and outreach materials regarding ORV-driving requirements at Seashore visitor centers and other NPS visitor facilities, on ORV access ramp bulletin boards, in the Seashore newspaper, and on the Seashore website."
Nowhere does this say "pedestrians" who are the biggest group of rule breakers, who also say they are not informed of the "rules", or that the "rules" don't apply to them.
Pedestrians are the largest "access group" and there is very little outreach and training to enable this group to follow the rules made for species management.
Pedestrians violate more rules and laws as seen in NPS reports again in 2010. There are no signs at pedestrian access points and walkovers. How do you expect to get the outreach message to this group?
Closure intrusions 4/1-~7 Bodie District: 4/2 - Dog tracks were observed within Bodie Island Spit closure. The tracks extended20 meters within the closure.
4/4 - Two sets of pedestrian tracks were observed within the Bodie Island Spit closure. The tracks extended15 meters within the closure.
4/6 - One set of dog tracks and one set of pedestrian tracks were observed within the closure 0.1 ml 5 of Ramp 27. The tracks extended for400 meters at or below the high tide line.
Hatteras District: 4/1- A single set of pedestrian footprints were observed in the South Beach closure, just W of Ramp45. 4/1- A single set of pedestrian footprints were observed in the South Beach closure. 4/1-Two women were observed shelling in the Hatteras Overwash Fan closure. The individuals left at the request of resource management staff. 4/2 - A single set of pedestrian footprints were observed in the Hatteras Inlet closure. 4/2 - A set of ORV tracks were observed in the Hatteras Inlet closure. The tracks entered the closure and made a U-turn and exited the closure. 4/3 - A single set of pedestrian footprints were observed in the Hatteras Inlet closure. 4/3 - Three pedestrians shelling were observed in the Hatteras Overwash closure and escorted out of the closure. 4/3 - A single set of pedestrian footprints were observed in the Hatteras Inlet closure. 4/4 - Footprints from three pedestrians and a dog were observed inside the Hatteras Inlet closure.
Closure intrusions 4/8-4/15 Bodie District: 4/8 - One set of dog and pedestrian tracks were observed within the Bodie Island pre-nesting closure. The tracks extended -10 meters within the closure. 4/11 - One set of dog and pedestrian tracks were observed within the Bodie Island pre-nesting closure. The tracks extended -10 meters within the closure. 4/12 - One set of pedestrian tracks were observed within the Bodie Island pre-nesting closure. The tracks extended for -GO meters towards the big dunes before the individual turned around and exited the closure.
Hatteras District: None observed.
Ocracoke District: 4/13 - A pedestrian walking a dog off-leash was found in the South Point pre-nesting closure. The man was contacted and left the area. The man reported that he had walked beneath the string and flagging and had not read the signs. The incident was reported to law enforcement.
Closure Intrusions 4/16-4/22 Bodie District: 4/19 - One set of dog tracks was observed 0.1 mi S of Ramp 27 within the resource closure for nesting AMOYs. The tracks extended "10 meters within the closure.
Hatteras District: 4/15 - A cyclist stopped and entered the Sandy Bay resource closure for nesting AMOYs. Resource management staff arrived and requested they leave the closure. 4/20 - Pedestrian tracks were documented traveling both north and south through the resource closure established for nesting AMOYs north of Buxton.
Ocracoke District: 4/15 - Two pedestrians were observed walking inside the pre-nesting closure at South Point on Ocracoke. The pedestrians were called out of the closure. The pedestrians had not read the signs.
Since all access groups are equal, pedestrians must be taught and educated in the same ways as ORV users. To enforce the point, a permit system should be instituted.

Correspondence ID: 14981 **Project:** 10641 **Document:** 32596
Name: Kavanaugh, Natalie Perry
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: Natalie Perry Kavanaugh, resident Frisco village, Cape Hatteras Island
My name is Natalie Perry Kavanaugh and I grew up here on Hatteras Island. My family is from here and has been here for about 300 years. I know that doesn't mean much to you but it means a lot to me. It means that I want to pass my home, property and business on to my son. Where you come in is that this plan you have written for the management of the beaches will greatly affect my being able to do that.
I prefer to have the management of the park be like it was during the 70's when I was growing up here. However, since it appears you have decided on Alternative F, I will focus my concerns on that information. Data used in this statement comes from reading past park service reports.
This plan, which is stricter than the consent decree, will not be good for the visitor's experience of the park or the economy of the island. The fact that an economic impact study has not been done by the time I have to comment on this plan, hinders my ability to comment.
I disagree with the fact that the off season ORV access in front of Frisco village is closed longer than other places even though the visitor use statistics are similar to other areas. I believe the park has given in to the personal request of one private home owner in this matter, disregarding the needs of people of the nation. It is everyone's park, not one person's.
The bird closures in this plan are too strict. ORV bypasses or corridors should be maintained through the bird use areas, to allow access to beaches around the bird nest area. Good management can allow for both people and birds to use the resource.
1000 meters is too large a buffer around piping plover nests, 200 meters is sufficient protection.
Wilson's plover, American Oystercatcher, Least Turn, and other Colonial water birds only need 30 meters of protection.
Hire more resource people to watch the bird activity if necessary and adjust allowing for access in areas birds have moved from. To be sure it is cheaper to the government than losing thousands and thousands of tax dollars from our business losses!
Manage the vegetation at Cape Point to allow more open beach like it was in the 70's and 80's. A lot of the problems here started when the park ORV closure around the Cape Point Pond moved the shorebird nesting too close to the ocean. This would be safer for the birds (less predator habitat) and less over wash of nests.
I disagree with night driving restrictions. Turtles have not been run over by ORV's here. Nest loss has not occurred with "frequency" here, hatchling disruption has not occurred "frequently" here. It seems to me that allowing ORV's on the beach at night actually would frighten predators to the birds and will not do damage to the turtles.
I disagree with the prohibition of pets in the park area, even for part of the year. Responsible pet owners should have the right to keep their pets in the park on a leash near bird areas, but not even that restricted in other areas. If someone violates a leash rule near the bird area, then don't let them bring a pet again, but don't penalize everyone else.
There should not be a permit required in this park. The park is for all the people, not just ones who can afford a permit. I think permits will lead to the park restricting ORV's to areas based on numbers of vehicles in the area. I don't think it is fair for people to travel here only to find out they cannot get on the beach.
I disagree with ANY year round closures to these beaches. Do not close Hatteras Inlet beach, do not close Ocracoke's north beach, do not close Ramp 27-ramp 30 in the Salvo area. Do not close any area permanently. All areas should be accessible and flexible to resource closures as the birds move/leave areas.

Correspondence ID: 14982 **Project:** 10641 **Document:** 32596
Name: State Executive Committee, North Carolina Republican
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: RESOLUTION SUPPORTING OPEN AND ACCESSIBLE BEACHES ON THE CAPE HATTERAS NATIONAL SEASHORE Recreation Area
WHEREAS, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937 as America's first National Seashore with the promise that people would always have access for recreation; and
WHEREAS, a tourism based economy has been developed on Bodie Island, Hatteras Island and Ocracoke Island, where the Cape Hatteras National Seashore Recreational Area is located, comprising part of the area known as the Outer Banks of North Carolina; and
WHEREAS, access to the beaches of this area has always been the defining element of the visitor's complete seashore experience and is the foundation of the area's economic base upon which thousands of families depend for their livelihood; and
WHEREAS, the National Park Service has managed the Cape Hatteras National Seashore Recreational Area and in July of 2007, adopted an Interim Protected Species Management Plan (Interim Plan) to protect the natural resources of the CHNSRA while still providing for public access to the most popular and traditionally used beaches of the area; and
WHEREAS, in October 2007, environmental groups filed suit in U.S. Federal Court seeking to enjoin access to large areas of the CHNSRA resulting in a Consent Decree issued in April of 2008 by the U.S. Federal District Court modifying the Interim Plan and resulting in the closure to the public of large areas of the CHNSRA; and
WHEREAS, the unprecedented closures as a result of the Consent Decree has created significant economic harm to businesses in the area and disrupted a recreational heritage which has been responsibly enjoyed by families for generations; and
WHEREAS, in January 2009, Congressman Walter B. Jones (R-NC) introduced H.R. 718, to reinstate the Interim Management Plan on the CHNSRA, which he first introduced as H.R. 6233 on June 11, 2008; and
WHEREAS, H.R. 718 would set aside current mandates put in place in the wake of the Consent Decree, restore public access and improve economic conditions by reinstating the Interim Management Plan until the National Park Service establishes a long-term management plan for use of the CHNSRA.
NOW, THEREFORE, BE IT RESOLVED that the North Carolina Republican State Executive Committee supports open public access to the Cape Hatteras National Seashore Recreational Area consistent with promises made in the enabling legislation, and recognizes the importance of recreational access to sustain the economic viability of this unique area and finds the Interim Management Plan, of the National Park Service, the most effective tool available to regulate the area, until a long-term plan can be adopted.
This the 14th day of June, 2009.

Correspondence ID: 14983 **Project:** 10641 **Document:** 32596
Name: White, Peregrine
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: The Dare County Republican Party of North Carolina A RESOLUTION SUPPORTING OPEN AND ACCESSIBLE BEACHES ON THE CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA
WHEREAS, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937 as America's first National Seashore with the promise that people would always have access for recreation; and
WHEREAS, a tourism based economy has been developed on Bodie Island, Hatteras Island and Ocracoke Island, where the Cape Hatteras National Seashore Recreational Area is located, comprising part of the area known as the Outer Banks of North Carolina; and
WHEREAS, access to the beaches of this area has always been the defining element of the visitor's complete seashore experience and is the foundation of the area's economic base upon which thousands of families depend for their livelihood; and
WHEREAS, the National Park Service has managed the Cape Hatteras National Seashore Recreational Area and in July of 2007, adopted an Interim Protected Species Management Plan (Interim Plan) to protect the natural resources of the CHNSRA while still providing for public access to the most popular and traditionally used beaches of the area; and

WHEREAS, in October 2007, environmental groups filed suit in U.S. Federal Court seeking to enjoin access to large areas of the CHNSRA resulting in a Consent Decree issued in April of 2008 by the U.S. Federal District Court modifying the Interim Plan and resulting in the closure to the public of large areas of the CHNSRA; and

WHEREAS, the unprecedented closures as a result of the Consent Decree has created significant economic harm to businesses in the area and disrupted a recreational heritage which has been responsibly enjoyed by families for generations; and

WHEREAS, in January 2009, Congressman Walter B. Jones (R-NC) introduced H.R. 718, to reinstate the Interim Management Plan on the CHNSRA, which he first introduced as H.R. 6233 on June 11, 2008; and

WHEREAS, H.R. 718 would set aside current mandates put in place in the wake of the Consent Decree, restore public access and improve economic conditions by reinstating the Interim Management Plan until the National Park Service establishes a long-term management plan for use of the CHNSRA.

WHEREAS, In August 2009 Senator Richard Burr (R-NC) introduced S. 1557 to reinstate the Interim Management Plan on CHNSRA, which was first introduced in 2008.

WHEREAS, In March 2010 the National Park Service released the Draft OFF-ROAD VEHICLE MANAGEMENT PLAN / ENVIRONMENTAL IMPACT STATEMENT which is more restrictive than the Consent Decree, closing (to ORV) the Inlet spits and the Points during the migrations of large Bluefish, Red Drum, and Cobia.

NOW, THEREFORE, BE IT RESOLVED that the Dare County Republican Party supports open public access to the Cape Hatteras National Seashore Recreational Area consistent with promises made in the enabling legislation, and recognizes the importance of recreational access to sustain the economic viability of this unique area and finds the Interim Management Plan, of the National Park Service, the most effective tool available to regulate the area, until a long-term plan can be adopted.

This the 13th day of March, 2010.

Correspondence ID: 14984 **Project:** 10641 **Document:** 32596

Name: Donahue, Pam

Received: May, 11, 2010 00:00:00

Correspondence Type: Letter

Correspondence: Dear Mr. Murray,

As a registered nurse who lives and works on Hatteras Island, there are several things which concern me regarding your decision on beach closures. Something that affects one's income, one's way of living and one's freedom is a major life changing event. Life changing events alter our behavior, change values and our belief systems. Behavior is already changing in local residents I know here on the island. Companies who support Audubon and Defenders of Wildlife are having their products boycotted. I myself have counseled my own grown children to never donate money to Audubon or Defenders of Wildlife. Most importantly, our belief that these special interest groups were actually helping wildlife and our belief that our government would never cause harm to us Americans is changing. I see fear, distrust, sorrow and misery in the people around us including myself. These beach closures will change many people. We may be only five thousand strong on this island, but we have friends, families, children and grandchildren who will be told of this black storm that has torn this island apart. Worse yet, this life changing event will eventually cause future generations to not want to help and support the efforts of animal groups. We are not stupid ... we get "the big picture - save the animals, save the planet". I am an educated, honest, hard-working individual. I love animals...but not as much as I did three years ago. Thank you for your time,

Correspondence ID: 14985 **Project:** 10641 **Document:** 32596

Name: Daly, William

Received: May, 10, 2010 00:00:00

Correspondence Type: Letter

Correspondence: Dear Mr. Murray:

I am writing to you as Superintendent of the Cape Hatteras National Seashore and specifically regarding your recommendations for a permanent ORV beach driving plan for the National Seashore. As I understand it, you are now recommending that the villages of Frisco and Hatteras be open to ORV driving, even though both have been closed to beach driving for over 30 years. I strongly oppose this position and I am very concerned that the local beach driving lobby, while very organized and vocal, represent a minority position that hold political sway over those, like myself, that cannot attend local meetings. I feel strongly that the Park Service should not permit cars to drive on the beach in front of these villages, for these reasons:

First, I believe, as an attorney, that allowing beach driving in front of these villages is a violation of the federal law that governs off-road vehicle usage in our National Parks. I am referring to Executive Orders 11644 and 11989 that prohibit off-road vehicles in our National Parks where their usage results in an adverse impact on the safety of park visitors or results in user conflict. I believe a Complaint filed in this case would be well founded and would survive a Rule 12 (b)(6) motion. Reversing the existing thirty year policy will likely lead to this debate being resolved in Federal court on behalf of the Hatteras Island Homeowners Coalition, if you cater to a vocal beach-driving crowd.

Second, and of primary concern to me as the father of four children who use the beach at all hours of the day, is that the safety of non-driving beach visitors will be threatened. This is particularly a concern for small children and those people who are laying on the beach, sometimes asleep. I am aware of tragic incidents that would otherwise have been avoided but for beach driving, including local incidents:

- a. Several years ago, a beach driver killed a 17 year old tourist on Okracoke Island;
 - b. Within the past year, a child was hit on the beach in Avon;
 - c. A teenager was killed on Coquina Beach/Cape Hatteras National Seashore when he was riding in a jeep that flipped on the beach.
 - d. You may also be aware that a 4 year old was killed by a beach driver in Daytona Beach earlier this year. I have a five year old daughter who loves the beach (including "hiding in the sand") when we rent a beach front home in Frisco, and who will not be able to appreciate the dangers associated with oncoming vehicles with drivers who may be distracted with the shoreline.
 - e. There have been numerous tickets issued to beach drivers for reckless driving or speeding, but far fewer than there would have been if there were enough rangers patrolling the beaches to see what we have seen through the years. This lack of Park Service Ranger enforcement is not a result of rangers not striving to do their best in enforcing the law, but is the result of simply having too few funds and rangers to cover the existing areas of beach driving, let alone adding new areas. I have visited during off-season months and I have been told there is only one ranger covering 65 miles of the National Seashore. I have rarely seen a ranger during my stays in Frisco. Without adequate law enforcement patrolling, it is simply not possible to prevent speeding and recklessness, and with small children, I would rather vacation in an area that better provides for the safety of non-drivers on the beach. I understand you recommend that some of the beach villages be open to driving from Sept. 15 thru May 15, which is exactly when my family wants to rent a home. While my favorite beach time is very late September through early October, we have been there at Thanksgiving, once at Christmas and even in late January. The safety issue is only exacerbated by some of the narrow beaches which seem to erode further and further each year. I have received information that the width of the beach considered safe for driving, according to the past ORV interim management plan, was 100 ft. as measured from the mean high tide line to the tip of the dune. I prefer to stay in Frisco and there are places where the mean high tide line to the tip of the dune is less than fifty feet in beach width and I am being told that that particular beach will now be deemed, by you, to be safe for my kids, even though cars would now drive past them on that beach. I will simply choose to rent elsewhere because your plan will endanger my children.
- Third, while I may be safer than my kids on the beach, I consider the beach in the off-season to be a place where I can find beauty and solitude. Our National Seashore already lacks enough pedestrian-only areas and sharing the beach with passing ORV drivers can ruin my enjoyment of the National Seashore. While there are people who feel the need to anchor themselves to their motor vehicles in places like the Cape Hatteras Lighthouse beach, I think those people should be more confined than they currently are, not less confined, so that they will populate beaches with each other that non-vehicle beach lovers can than knowingly avoid-but hopefully not in front of their beach house.

I truly love the Cape Hatteras National Seashore and would prefer to make it my family's destination for years to come. I want you to know that will change dramatically if the beach driving lobby gets its way because there are simply too many other beautiful beaches for us to go to where we don't

have to worry about safety in front of our beach house, let alone what I feel is harmful to both the beach and its wildlife. Must the American love of motor vehicles extend to even more of our National Seashore? I certainly hope not.
Very truly yours,

Correspondence ID: 14986 **Project:** 10641 **Document:** 32596
Name: Martin, Nathan
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 14987 **Project:** 10641 **Document:** 32596
Name: Tennant, Raymond
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray,

I have reviewed the current NPS DEIS document. While there have been extensive additions to previous versions, the basic structure of the NPS plan is fundamentally flawed. I reviewed the data presented with the first document and found them to be scientifically inadequate. I see no improvement in the quality of data on which the current DEIS is based. The original data could not withstand informed statistical analysis and interpretation.

The problem is basically this: It is scientifically wrong to only make observations where an effect is anticipated. The data must be compared to a comparable control situation where no effect is anticipated. To do less is to only make an association which may be fundamentally wrong. One well known example of this approach is the correlation of the annual increase in births in Britain with the annual Stork migration. An ideal control situation for Hatteras Island exists on Pea Island where there is no/minimal vehicular activity. NPS should work with its sister Federal Agency to conduct a statistically designed and interpreted study. Since vehicular activity is not a component on Pea Island you will be able to accurately assess the contribution from human activity on bird and turtle habitat in comparison to natural (storms) and predatory activity. Your current data do not allow for this, hence you have made an assumption that human activity is the problem. The data which you now use could not pass expert statistical scrutiny or be published in any reputable environmental scientific journal. You must conduct such a designed study before you implement a plan as draconian as the DEIS. The NPS has an obligation to American Citizens to base its policies and decisions on sound scientific data. I can recommend some highly qualified federal statisticians to aid you in the design and interpretation of such a study.

To continue to rely on inadequate or flawed scientific data will open the NPS to serious legal challenges to your policy, particularly when your policy results in such restrictive rules which may have little basis in fact. Your policy carries huge economic/ social and cultural impact and should not be implemented in haste.

Storks play no role in the birth of babies and humans may play little role in the fluctuation of bird and turtle populations. Only good scientific data can answer that issue and only the NPS can and should provide it before implementing a plan based on presumptions. Best regards/ Raymond W. Tennant, Ph.D. Senior Biomedical Research Scientist (Retired) National Institute of Environmental Health Sciences Research Triangle Park/ North Carolina

Correspondence ID: 14988 **Project:** 10641 **Document:** 32596
Name: Koping, Kent
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Superintendent, Cape Hatteras National Seashore

May 6,2010 I have been a visitor to the Cape Hatteras Seashore since 1973, I began regularly driving on the beach for access to recreational activities in 1984. A resident of New Jersey, my family and I continue to spend approximately 3 weeks at the National Seashore per year; end of June, occasionally including July 4th weekend, end of August, occasionally including Labor Day weekend and Thanksgiving week.

I visit and patronize the local businesses for the specific purpose of accessing the beachfront by vehicle for surfing, fishing and swimming. Note that my interest is such that I maintain a separate vehicle specifically for this purpose.

I encourage you to continue to provide wide vehicular access to traditional beaches as my personal observations indicate to me that there have been only a few specific and easily correctable impacts related to beach driving. My primary concern is the beaches south of Pea Island.

My personal observations over the years are as follows: 1) In general, driver behavior has greatly improved due to general awareness of the fragility of the environment, and awareness of local laws and enforcement. I have not witnessed reckless or damaging behavior in over ten years. I have never witnessed violation of posted areas by vehicles,

2) The example of vehicles at Cape Point shown on the cover of the proposal is a misleading and potentially inflammatory. I suggest that this extreme occurs only a few days around Thanksgiving weekend. Likewise, beaches on July 4th are densely crowded only when coincidental with extensive beach closures. I have pictures of empty beaches near July 4th when there were no closures.

3) I have noticed that pedestrians cannot see and/or read the postings of restricted areas from a distance and will enter due to lack of adequate signage.

4) Ocean tide and wave action dwarfs the geophysical and plant impact of vehicles in the dune front region (below the storm high tide marks). These non-human physical effects, coupled with natural predation, dwarf any human destructive impact on animal life.

5) Back dune driving on prepared sand roads is the one place that I have observed damage to vegetation. Please note that this damage is a direct result of what I believe to be lack of "maintenance". Deep holes and puddles force vehicles around them and can impinge on vegetation. Simple infrequent or post-storm grading, as little as one drive down the road dragging an I-beam, could eliminate this effect.

I believe that the pledge of the US government to keep the National Seashore beaches open for the enjoyment and RECREATION of the public, with access maintained at customary levels, is your most important responsibility. I object to the existing restrictions and the adoption of any restrictions that would deny even more access. Species protection in the days prior to the Consent Decree was fair and adequate. The degree of access the public enjoyed should be restored.

Correspondence ID: 14989 **Project:** 10641 **Document:** 32596
Name: Barker, Doug
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

I am writing to you in support of the 1937 acquisition and the 1940 Congressional Legislation that granted free and open access in which the Cape Hatteras National Seashore Recreational Area was to be established. This park was not designated a wildlife sanctuary such as Pea Island. I demand the federal government honor this promise.

I have read the article in the Island Free Press where Judge Boyle stated that the residents of Hatteras Island were "complaining about something that's not impacting them". First off, that is absolutely false. Secondly, it is an insult to the residents of Hatteras Island, especially coming from a federal judge who has seemed to have no regards towards the socioeconomic impact of the consent decree. And third, the consent decree does not coincide with the local heritage and traditions of the people of Hatteras Island.

I have heard numerous visitors to the area discuss that they will most likely not come back due to the fact that they enjoy the beaches within the park. They come to fish, sight see, sun bathe, and relax on the pristine beaches that the Cape Hatteras National Seashore Recreational Area has to offer. If visitors come to a beach access that they frequent just to find it closed, who is to say numerous beach accesses are closed due to nesting wildlife? The consent decree is damaging much needed revenue for the counties which the park is located.

I also noticed the park visitation numbers that were said to have increased. That might have been true, especially when tourist agencies hauling tourists by tour busses in for the day to the park facilities have increased, but what about all the other visitors that do not check into the park facilities but use the

park for recreation? This data is surely biased based on the fact that many users of the park are not accounted for, whether there is an increase or not. Many of the people that do not check into park facilities frequent many of the local businesses, where the buses do not. To say the consent decree has not effected the number of visitors is false.

Correspondence ID: 14990 **Project:** 10641 **Document:** 32596
Name: Barker, John
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

I do not support the extremely restrictive measures that are currently in place and being proposed for the next 10-15 years. How exactly can the park service justify this being that the piping plover and American Oyster Catcher are not even endangered within the Cape Hatteras National Seashore Recreational area?

First off the American Oyster Catcher is considered a 'species of special concern' according to the at the U.S. Fish and Wildlife Service. The researchers at North Carolina State University have even stated that 'better population models' are needed to assess the bird's status. As for the Piping Plover, the U.S. Fish and Wildlife Service has not designated any need for critical habitats for the Piping Plover within the Cape Hatteras National Seashore Recreational Area. How can the extreme measures limiting beach access be justified?

Another issue that concerns me is the process in collecting the data in order to make the conclusion that it is necessary to take such drastic measures for such a small population of birds within the area. It is well known, that no spoils or areas stretching across the sounds encompassing the park's territory where considered in the research. These areas are inhabited with numerous wildlife, such as the birds and turtles. None of these areas were used in the research. This is bias research. There can be no viable population statistic concluded on populations for these animals without considering the outside areas of the park, which were not included in the research.

The current and future plans being considered are reducing access to the beach which is considered to be habitat to many wildlife. However, a beach is also an area where violent acts of nature occur that erode the shoreline. This eroding process also destroys nesting areas further up the berms. Human interaction on the beach is minute compared to the natural process that occurs on the beach berms. How can limiting access benefit the wildlife with the uncontrollable forces of nature benefit the wildlife any if at all?

The Cape Hatteras National Seashore Recreational Area was designated by congress in 1937, allowing for access to all the beaches within the area for the public. However, it seems that special interests groups with deep pockets are influencing the federal government to sway in their favor without regard to the legislation or the general populations rights and wishes to have free and open access to the area as designated. I wonder if the special interest groups have the capital to reimburse all the citizens of Dare and Hyde Counties, property owners, business owners, and the State of North Carolina for lost revenues due too the biased research that was conducted in order to come up with a plan that has negatively impacted us all financially? It is easy to not look at someone in the eye and put fourth regulations, knowing it will be detrimental to the local economy. It is even easier to push someone to create such regulations, like the Defenders of Wildlife and the Audubon Society have, without living locally or knowing the people which you're destroying their livelihoods. All this based on inaccurate scientific methods! How is this justified? Being that the federal government has a plan set fourth in order to protect the wildlife, will there be a plan to support all the citizens that are put out of work, file for bankruptcy, are force into foreclosure, and will need to relocate? Is there a plan set fourth addressing job assistance and training provided for us funded by the government?

One question I would have for the special interest groups that seem so concerned about the preservation of the wildlife and ecology within the Cape Hatteras National Seashore Recreational Area, where were they on beach respect and clean-up days? I've never heard of the Audubon Society nor Defenders of Wildlife Organize a beach clean-up day. I've actually taken it upon myself to clean up trash and debris when I was unable to attend the many events. But where were they? It seems to me that they have some sort of agenda that does not have the best interest of the Cape Hatteras National Seashore Recreational Area.

This plan affects the livelihoods, traditions, cultures, and heritage of the citizens of both Dare and Hyde Counties. The ironic part of this situation, is that special interest groups from other counties, cities and states have started this plight. I thought we as a Americans are supposed to stick together and help each other prosper especially in the trying limes that we are in now? I am beginning to lose faith in my country and the government that seems to be more concerned with serving the deep-pocketed special interest groups and wealthy attorneys that care not for their country, but for themselves. Please Mr. Murray, don't let me loose faith in you, our Superintendent of the Cape Hatteras National Seashore Recreational Area.

Correspondence ID: 14991 **Project:** 10641 **Document:** 32596
Name: Calvert, Pat
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray,

I am writing in response to the recent DEIS Report. While there are many parts of this report I disagree with, I would like to address the socio-economic data and analysis which I feel is incomplete and erroneous. It understates the effect these restrictions will have upon the Island, the Region and the state of North Carolina. (P.270-286, 561-598)

I am a surf fisherwoman who participates in three tournaments every year in Cape Hatteras. I spend approximately \$300.00 at each of these tournaments for lodging, food, and dues. My husband and I usually spend a week in the summer and a minimum of three weekends a year on Hatteras Island surf fishing. Between cottages, Hatteras Realty, motel lodging, Cape Pines, bait and fishing equipment at Frank and Frans, gas and food, we spend approximately \$4000.00 or more.

If what you propose goes totally in effect, we will have no need to visit the Outer Banks again, and we are but one of many anglers! Please do the math!

Correspondence ID: 14992 **Project:** 10641 **Document:** 32596
Name: NA, NA
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence:

A RESOLUTION SUPPORTING OPEN AND ACCESSIBLE BEACHES ON THE CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA Presented by the Dare County Republican Party

WHEREAS, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937 as America's first National Seashore with the promise that people would always have access for recreation; and

WHEREAS, a tourism based economy has been developed on Bodie Island, Hatteras Island and Ocracoke Island, where the Cape Hatteras National Seashore Recreational Area is located, comprising part of the area known as the Outer Banks of North Carolina; and

WHEREAS, access to the beaches of this area has always been the defining element of the visitor's complete seashore experience and is the foundation of the area's economic base upon which thousands of families depend for their livelihood; and

WHEREAS, the National Park Service has managed the Cape Hatteras National Seashore Recreational Area and in July of 2007, adopted an Interim Protected Species Management Plan (Interim Plan) to protect the natural resources of the CHNSRA while still providing for public access to the most popular and traditionally used beaches of the area; and

WHEREAS, in October 2007, environmental groups filed suit in U.S. Federal Court seeking to enjoin access to large areas of the CHNSRA resulting in a Consent Decree issued in April of 2008 by the U.S. Federal District Court modifying the Interim Plan and resulting in the closure to the public of large areas of the CHNSRA; and

WHEREAS, the unprecedented closures as a result of the Consent Decree has created significant economic harm to businesses in the area and disrupted a recreational heritage which has been responsibly enjoyed by families for generations; and

WHEREAS, in January 2009, Congressman Walter B. Jones (R-NC) introduced H.R. 718, to reinstate the Interim Management Plan on the CHNSRA,

which he first introduced as H.R. 6233 on June 11, 2008; and

WHEREAS, H.R. 718 would set aside current mandates put in place in the wake of the Consent Decree, restore public access and improve economic conditions by reinstating the Interim Management Plan until the National Park Service establishes a long-term management plan for use of the CHNSRA.

WHEREAS, In August 2009 Senator Richard Burr (R-NC) introduced S. 1557 to reinstate the Interim Management Plan on CHNSRA, which was first introduced in 2008.

WHEREAS, In March 2010 the National Park Service released the Draft OFF-ROAD VEHICLE MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT which is more restrictive than the Consent Decree, closing (to ORV) the Inlet spits and the Points during the migrations of large Bluefish, Red Drum, and Cobia.

NOW, THEREFORE, BE IT RESOLVED that the Third Congressional District Republican Party supports open public access to the Cape Hatteras National Seashore Recreational Area consistent with promises made in the enabling legislation, and recognizes the importance of recreational access to sustain the economic viability of this unique area and finds the Interim Management Plan, of the National Park Service, the most effective tool available to regulate the area, until a long-term plan can be adopted.

Adopted this 17th day of April, 2010

Correspondence ID: 14993 **Project:** 10641 **Document:** 32596
Name: Hardham, Lawrence
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Outer Banks Preservation Association North Carolina Beach Buggy Association Cape Hatteras Anglers Club
 Michael B. Murray Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, N.C. 27954
 5/10/2010

Dear Mr. Murray:

This letter and its attachment are submitted as official comments to the Draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement (DEIS)

These comments are specifically directed at pages 124 thru 126 of the DEIS on the topic of Sea Turtle Management.

The Cape Hatteras National Seashore Recreational Area must overhaul the management of sea turtles to decrease nest loss, increase hatchling emergence and assure that hatchlings get into the ocean. This can be done by the use of protocols successfully used in other areas of North Carolina (approved by NCWRC & USFWS) as well as protocols successfully used in other states (approved by USFWS), all operating under the same Loggerhead Recovery Plan.

The attached "Sea Turtle Management ? A Common Sense Approach for the Cape Hatteras Seashore Recreational Area" will accomplish these goals while allowing increased public access to the beaches of this great Seashore. This document is available electronically at <http://www.obpa-nc.org/turtles/TurtleMgmtProgram.pdf>

We urge the National Parks Service to modify the DEIS before finalizing the EIS to recognize and adopt the guidelines contained within this attached document.

Sincerely,

Pages 124 thru 126 of DEIS

Table 10. Species Management Strategies for Action Alternatives
 Management Activities Sea Turtles

This section describes how sea turtles will be managed at CHNS for the next ten to fifteen years with a number of references to NCWRC "direction", "handbook", "consult with" and "work with". In a paper titled "Distorting Gene pools by Conservation: Assessing the Case of Doomed Turtle Eggs" written by N. Mrosovsky, the author states that "Much depends on local circumstances," and "Rigid rules applied to whole beaches may be inappropriate because the presence and position of flood cliffs along the beach, or of other features indicating almost certain destruction of eggs, may change within a season. Some flexibility and room for judgment is recommended, combined with periodic validation of predictions about the fate of particular clutches."

NPS must request site specific guidelines for this Seashore to change procedures of the last ten years that have lead to 36.4% of nests laid at CHNS producing no hatchlings and 43.3% when you add nests hatchling fewer than 20%.

Three changes must be demanded from NCWRC:

1. Use of the "debris line from spring high tide" rather than the "average high tide line" as is now in the NCWRC handbook as the guide for nest relocation.
2. Use of relocation areas or zones as are used at Cape Lookout and approved by NCWRC and USF&W.
3. Reduced buffer sizes for nests at the hatch window for nests that will be watched by a Nest Watch Program. There is no need for current excessive closures 24/7 when nests are watched at night. Use the procedures used at Pea Island for closures which are approved by USF&W.

Correspondence ID: 14994 **Project:** 10641 **Document:** 32596
Name: Barshis, Darr
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence:

My name is Darr Barshis. I have lived in Hatteras Village for the past 3 years. I have been a visitor to the Outer Banks for as far back as I can remember. I am here to speak about the need for COOPERATION OF ALL PARTIES involved in formulating these new regulations.

I drive an ORV, and spend most of my time at Hatteras Inlet and Cape Point.

For some reason there is a perception that ORV owners are anti-environment. I believe I speak for most of us in saying that couldn't be further from the truth. I see myself as a steward of the beach, not someone out there to exploit it. Local residents I see regularly on the beach each day I know feel the same way.

I enjoy driving the beach in winter. I am on the beach in the most extreme conditions. Most often in winter I'm alone on the beach. In the short 3 years I've been here I've called in at least half a dozen stranded sea turtles. As we know, when they leave the water for any length of time they get cold and immobile. If not helped quickly, while in this condition, we know they are soon attacked by seagulls who start their attack by pecking out the eyes. I keep the NPS biologist's cell phone number in my truck and have called Michelle many times. Similarly, we have all seen water birds with some sort of injury on the beach. There again, Michelle will get volunteers with proper equipment to the scene quickly. Locals know to carry towels in their vehicles for those times we encounter a bird tangled in fishing line or some other obstruction. We know covering the eyes and holding the head firmly will calm the animal down and allow us to remove the obstruction. Three years ago I came upon an exhausted pilot whale stranded in the wash at Cape Point. It was wintertime and very rough surf that day. I was the only one on the beach. The animal was twice my size, and probably 4 or 5 times my weight. It was alive and breathing hard. I called NPS for help. The strong east wind, rough surf, and strong current thwarted my efforts to get the whale back in deep water. Fortunately for the whale another vehicle came by with the Lawrence Taylor of angels driving that day. Between the 2 of us, and with multiple efforts, we managed to get the animal in deep enough water to let the current carry it around Cape Point and off to its mate that had followed us just offshore.

I know many locals have stories just like this. Stories the public rarely hears and this regulatory debate does not consider. Animals saved by locals are not part of any recorded statistics.

I want to express my support of the Coalition for Beach Access DEIS Assessment, and I want to thank those concerned residents for the time they put toward analyzing the issues.

In particular I want to emphasize that if closures are mandated, access corridors be provided around those closures.

I support all efforts to keep the areas of Hatteras Inlet, Cape Point, South Point, Ocracoke open to public access. These are significant recreational

destinations, and are dangerous to nesting birds due to frequent overwash - accounting for almost 30% of nesting failures. And lastly, I support a thorough Education Program to increase awareness of recreational and resource protection objectives. We all understand the Park Service is in an awkward position in this matter for not having implemented an OHV Management Plan years ago. We all understand we are subject to the rulings of a willing and wanting Federal Judge. We must though, be mindful of the fact that when this regulatory back and forth is all said and done, when the attorneys go home, the Judge is sitting warm, next to his fireplace, and none of the "normal" people dare travel to the blowing stinging sand on a freezing beach, I will be there, and I know a number of these folks will be there too. Without access, we can't help. Without cooperation we can't help each other.

Thank You,
Darr Barshis
Concerned Resident

Correspondence ID: 14995 **Project:** 10641 **Document:** 32596
Name: Bigney, Michael
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Sirs,
As a resident and business owner on Hatteras Island, I am opposed to the latest draft of The Cape Hatteras National Seashore Recreational Area Draft Off Road Vehicle Management Plan/Environment Impact Statement (DEIS).
I am all for protection of wildlife. All wildlife not just birds. The National Park Service kills a lot of birds and other animals for the, so-called good, of a few birds, this is not right.
It maybe ok to limit Off Road Vehicles from driving in some areas, but to block access to the ocean or sound completely, even to pedestrians is not right. In North Carolina it may even be illegal to block access to the ocean. The government stopping anyone from going to the ocean is down right un-American.
This plan is trying to take away public recreation areas on land. What is next? Will they try to take our sky or sea?
The plan should at least let people walk to and on the beach, where ever and when ever they choose.
The thousand meter buffer for Piping Plover Nest is unacceptable as a lot of the island is not even one thousand meters wide. In other areas of the country with the same birds the buffer is much smaller.
What is up with using meters as measurement? In the USA we still us miles, feet and inches. Are we still in America "Home of the Free"?
Please consider John Couch's and the Outer Banks Preservation Association's Proposal.

Correspondence ID: 14996 **Project:** 10641 **Document:** 32596
Name: Mooney, John
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: RE: National Park Service Proposed Rules for Beach Access
Dear Mr. Murray, I disagree with Cape Hatteras National Seashore Recreational Area instituting an Off-Road Vehicle Management Plan temporarily closing portions of the beach ORVs in which the plan will dictate the use of the beach for the next 15 to 20 years. I further disagree that this plan will protect all wildlife and plant species.
I have been a homeowner of three (3) homes since 1989 in Avon, NC and I am opposed to any beach closure as that has always been one reason I and my friends and family come to the OBX.
Best Regards, Mooney & Associates John. J. Mooney, III, Esquire

Correspondence ID: 14997 **Project:** 10641 **Document:** 32596
Name: Hinson, Stephen and Ardith
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Unbelievable.
I hope you will accept these comments on the ORV DEIS.
It is as confusing as the Health Care Act our Government just voted in.
How has our National Park System, governed by the DOI, allowed its ruling thumb to be controlled by Special Interest groups?
I am in disagreement with any of the six alternatives in the document for the ORV DBIS.
Please keep the people in consideration.
We can all be better Stewards, this includes the NPS.
We all want to protect our fragile Outer Banks, but prohibiting us is narrow sighted.
Please consider all aspects of this alternative.
Put people back into the management of Cape Hatteras National Seashore.
Make the people the reason to make better decisions about the future of OUR Outer Banks.
Born a Tarheel,
NCNATIVE

Correspondence ID: 14998 **Project:** 10641 **Document:** 32596
Name: Haynes Cates, Susan
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comments on the DEIS for off-road vehicle management In Cape Hatteras National Seashore Susan Haynes Cates Manteo, NC
I support a management plan that will restore the Cape Hatteras National Seashore beaches to a more natural condition as was envisioned when the Park was created and as existed in the 1970s when the National Park Service was required by law to set in place a management plan for vehicles on the beach. To that end, I support Alternative D as described in the DEIS.
Allowing 75% of the CHNS beaches to be open to ORVs ignores the fact that more beachgoers prefer a beach without vehicles on it. It is offensive to cram people who respect the natural beach into a small area while allowing drivers who don't respect the natural beach to run over it and park on it. It's like allowing vehicles to drive on any of the Civil War battlefields and national cemeteries. Many of us consider our national parks, including the national seashores, to be as sacred as those battlefields and cemeteries. The CHNS management must restore to this national seashore the peace and quiet, and the opportunities for experiencing nature, as Americans expect in their national parks.
The National Park Service does not owe a living to the Hatteras Island tackle shops that have complained of "losing" their livelihood. If an ORV management plan had been implemented in the 1970s, it is very likely that the Hatteras and Ocracoke economies would have evolved to serve visitors who appreciate nature, birds, wildlife and the natural ecology, just as local communities have evolved near other national parks. A legal ORV plan for the next 10-15 years could usher in a whole new economy predicated on that type of visitor who now shuns the CHNS because of the presence of ORVs.
The North American Birdlife organization recently reported that there are more Americans who engage regularly in birding than who play golf and tennis combined. The CHNS should welcome these visitors back to the Outer Banks, even if the Dare County government doesn't.
Among its many dangerous and counterproductive exaggerations, the Dare County government and its tourism agency continually spend our tax dollars on lobbying and advertising campaigns that depict the beaches here as a natural wonderland. But when people who are lured here by that advertising see

all the vehicles on the beaches, they not only realize they were lied to, but also probably vow never to return.

An alternative for beachgoers who have difficulty reaching the more remote areas of the CHNS could be a concession that would drive people to the beach, drop them off and pick them up later. This would allow not only physically-challenged people a means of reaching the beaches, but also would provide a service to the fishermen and families who feel the need to carry so much heavy equipment and toys to the beach.

Please work to return the CHNS beaches to the natural state that drew visitors here in the first place. It was that natural beach experience, so rare in the U.S. today, that brought serious tourism to the Dare County economy.

Correspondence ID: 14999 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: Picture submitted as comment

Correspondence ID: 15000 **Project:** 10641 **Document:** 32596
Name: Davis, Bob
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: I. DEIS EXECUTIVE SUMMARY The NPS interpreted the 1937-1940 enabling legislation to mean that CHNSRA is to be administered by the Organic Act of 1916. The quotation used was lifted out of intended context and represents a lie of omission. This interpretation was repeated at least ten (10) times with variations scattered throughout the eight hundred (800) page DEIS. Such technique of falsehood repetition to lend legitimacy is the type of propaganda practiced by Dr. Goebbels during the Nazi regime in Germany and is not appreciated in a United States of America government publication.

The recreational mandate of the enabling legislation was cast aside. CHNSRA would be administered under the DEIS as a traditional park unit instead of the special recreational area established by congress. The original conception of a Hatteras and Ocracoke wilderness was detailed from the NPS 1938 Prospectus. The current NPS did not develop the recreational interpretation which NPS used during the 1950's to acquire the land holdings to establish CHNSRA. The land owners were promised free access to the beaches for all people forever. Villagers were encouraged to flourish from their new economy based on the service to the tourists who would flock to the beaches. These promises were made by NPS to obtain their land. This is the interpretation that must be obeyed today because of its public contract. The DEIS offers an unlawful revision prompted by bud activists and their attorneys.

Predator control was not included in the DEIS. This is a substantial public issue with much opposition. NPS has decided to promulgate predator control as a separate plan. The animals currently exterminated were protected under the enabling legislation. This is another example of NPS in conflict with the law.

The Organic Act was adorned by expansion into the NPS 2006 Management Policies which developed several positions: a. Beaches are treated as wildlife habitat. b. Primary wildlife protection is by a buffer system designed to exclude human activities from large portions of the beach that are the best recreational areas. c. Resource protection is to dominate over human recreation in violation of the enabling legislation mandate. d. Wildlife management is denied. Only people are to be managed. e. In a glaring example of distortion the aspects of recreation and human enjoyment are defined in esoteric terms instead of the "hands on" activities declared by the enabling legislation. f. State listed birds of concern are elevated to Federal ESA status for protection and exclusion of human recreation. All of this DEIS structure is like a "house of cards", built upon a deliberate falsehood and cannot be allowed to endure.

None of the six DEIS alternatives are acceptable. One statement needs to be included to the beginning of the DEIS: "None of these regulations shall prohibit or interfere with public access to the waterline at any stage of tide."

II. DEIS CONCLUSIONS The DEIS is the perpetuation of the prior failed resource management in Cape Hatteras by the NPS. Neither birds nor turtles have sustained their species on these ocean beaches. This has been proved by the best available science which is the data collected by NPS over many years from the island beaches. The NPS has not, nor does it propose to, manage the wildlife species under its care. The NPS, instead, excludes the human visitors from their beaches under the guise of wildlife protection. This policy has diminished the human quality of life in violation of NEPA. The interference with the recreational water sports prescribed by the CHNSRA enabling legislation is in violation of that act (USC16-459 to 459a-3). Wildlife management could be successful and the visitor experience can be maintained but NPS refuses to accept the procedures that will accomplish such goals. Through the vessel of the DEIS, the NPS has broken the verbal contract made with the island property owners to garner the lands that created this CHNSRA. Neither the public nor the wildlife benefit from the DEIS.

The DEIS was prepared over a long period of time by trained professionals. There are so many wrong things contained in the DEIS that they can not be considered occasional honest mistakes. There are simple lies, frequent lies by omission, and cleverly crafted wordings to mislead the unwary reader. The DEIS is a travesty as a government document. The DEIS will violate four laws:

a. CFR459 et seq Enabling legislation: conversion of a recreational area into a wildlife refuge. b. 160SC 1531 et seq ESA: Destruction (take) of loggerhead eggs and hatchlings. c. 40CFR 1500 et seq NEPA: Loss of human amenities and standard of living. d. I8OSC 1961-1968 Anti Racketeering Law (RICO): Fraud in obtaining land.

III. DEIS OVERVIEW A. NPS Position: Recitation 1. Portions of CHNSRA enabling legislation are presented in pages N and V. The identical presentation is repeated on pages 3 and 4. A different portion of the legislation is presented on page 11. This portion lifted from 459 a-1 is the major foundation by which the NPS intends to manage CHNSRA. It is repeated as a bold side bar on this page as: "The enabling legislation provides that the administration, protection and development of the national seashore shall be exercised under the direction of the Secretary of the Interior by the NPS subject to the provisions of the Organic Act." 2. The last quotation is also used on page 46. 3. This interpretation is again used on page 16 where it was noted that the enabling legislation did not mention off road vehicles [Ed. note: ORV's not available in 1937] but:"The act did however clearly establish the mandate for NPS to administer and protect the seashore consistent with the Organic Act and the purposes for which the seashore was established." 4. A glimpse into the NPS philosophy as to the way to manage under the Organic Act is revealed on pages 42-43: Visitors are not to have fun in this park. They are to enjoy "the scenery and natural and historical objects and the wildlife in a manner that will allow future generations to enjoy them as well." "The NPS Management Policies 2006 also recognize that resource conservation takes precedence over visitor recreation." The policy dictates "when there is a conflict between conserving resources and values and providing enjoyment of them, conservation is to be predominant." 5. On page 87, the NPS dismissed use of hatcheries as a method to protect turtles listed under the ESA. The NPS claims responsibilities to protect the turtle ecosystem as well as the turtle itself. "Protecting the ecosystem is also necessary to meet the Organic Act, which mandates the NPS to conserve seashore wildlife." This theme is expanded on page 88, where NPS declares that the creation of new habitat can not be substituted for protection of existing habitat. 6. On page 89, the framework on which the DEIS alternatives are developed include the Organic Act, ESA, MBTA, NPS regulations and policies and executive orders. This now covers non-listed species of wildlife. 7. In search for an answer to a NEPA requirement for balance between people and resource, the NPS in pages 92 and 93 offers a mind numbing exposition around human amenities and standard of living which again reiterates the Organic Act: "provided that when there is a conflict between conserving values and providing for enjoyment of them, conservation is to predominate." Furthermore, NPS Management Policies 2006 states that "the enjoyment that is contemplated by the Organic Act is broad; it is the enjoyment of all the people of the United States and includes enjoyment both by the people who visit parks and by those who appreciate them from afar." [Ed. note: None of these statements are actually contained in the 1916 Act.] 8. On page 291, three environmental laws are cited that guide NPS management of the parks and resources: a. 16 USC/ Organic Act b. 40 CFR 1500-1508 NEPA c. 16 USC 5901 et. seq. NPOMA 9. The NPS extends the Organic Act on pages 482-483 through the 2006 Management Policies where conservation of wildlife for future generations "is interpreted to mean that native animal life is to be protected and perpetuated as part of a park units natural ecosystem." [Ed. note: Where do predators fit in?] a. The NPS will maintain as parts of the natural ecosystems of parks all plants and animals native to park ecosystems. The phrase "plants and animals" refers to all five of the commonly recognized kingdoms of living things and includes such groups as flowering plants, ferns, mosses, lichens, algae, bacteria, mammals, birds, reptiles, amphibians, fishes, insects, worms, crustaceans, and microscopic plants and animals. b. With regard to wildlife habitat, the NPS will work to restore

natural conditions where human activities or structures have altered the nature or rate of natural shoreline migration. [Ed. note: This would apply to CCCIWPA dunes, coast guard groins, and NC bridges]. The NPS policies "direct that natural shoreline processes such as erosion, deposition, dune formation, over-wash, inlet formation, and shoreline migration will be allowed to continue without interference." [Ed. note: Hatteras villagers were most fortunate to have Tom Ridge for their advocate after Hurricane Isabel. Under the DEIS such inlets would remain open.] 10. On page 504, the Organic Act is cited to preserve and restore the natural sound scape. [Ed. note: Surprisingly viewscares (dark sky) were not addressed in this manner.] 11. Page 528 starts with a reiteration of the NPS 2006 Management Policy "when proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant." a. In accordance with the Organic Act, the NPS will actively promote the following types of uses: "Appropriate visitor enjoyment is often associated with the inspirational qualities of the parks and that (1) foster an understanding of and appreciation for park resources and values or (2) promote enjoyment through direct association with, interaction with, or relation to park resources. These preferred forms of use contribute to personal growth and well being of visitors by taking advantage of the inherent educational value of parks." Ed. note: Enabling legislation, active water sports just disappeared.]

B. NPS Position Discussion 1. General- From the preceding eleven citations scattered throughout the DEIS, it is obvious that NPS interprets the 1937-1940 enabling legislation to mean for NPS to manage the CHNSRA the same as any other park in their system. Wildlife resources shall predominate over any conflicting human visitor's use. This management is predicated upon the Organic Act preservation of wildlife and its habitat.

As developed throughout the 800 pages of the DEIS, human disturbance is considered the primary threat to wildlife. All the beaches are viewed as important wildlife habitat from which humans should be excluded or controlled. This is quite similar to the original NPS intent described in the NPS 1938 Prospectus wherein the islands of Hatteras and Ocracoke were to be preserved as a road-less wilderness.

Adjacent wetlands come in for their share of NPS remarks disgruntled with human visitors. On page 28 is a complaint of vehicles driving over wetlands to avoid standing water in trails and interdunal roads. The NPS failed to mention a few key facts: a. The sand trails had been established for many years. b. During the 1970's and 1980's, NPS routinely operated a caterpillar road grader to maintain the trails. c. The graders would use their blade to dig drainage ditches along each side of the trail. The ditch sand was used to raise the center road bed and packed firm by the blade and grader wheels. d. The trails were kept free of water pooling or quickly repaired. e. Standing rain water will soon become saline and corrosive to the underside of vehicles. f. Retired folks on limited income don't have tax dollars to buy replacement vehicles like NPS. g. Yes we are forced to drive around water holes. h. It has always been the NPS job to maintain the trails. i. This is just one of many instances in the DEIS where incomplete information is presented to bolster the NPS agenda. 2. Birds- The basic tenants for bird life protection are: a. Enclose birds to frequent prenesting area which can be selected from historical pattern or by evolution as potentially good areas for such use. b. Surround courting and nesting birds with an enclosure buffer to prevent human disturbance. Basically this is far enough away so that neither birds nor humans can see each other. c. After the eggs have hatched, the buffers are usually increased in size to allow for brood mobility to forage. d. Site selection for procreation is made by the individual bird pair. e. NPS does not manage the birds, although resource personnel monitor, gather data for reports, and maintain closure parts and string. f. Human disturbance is managed by beach closure around the site selected by the birds. g. Under the DEIS, no other form of bird management is to be used by NPS. Any other program is denied (pages 86-88). The beaches are the habitat and the birds will be protected by buffers. Birds are assumed to be the best judge as to quality or fitness of habitat. 3. Sea Turtles- Unlike bird life, there are no prenesting closures of posts and string for sea turtles. They have nested along every mile of beach in the CHNSRA. Another difference is that some management is applied to turtles. Those nests laid below the high tide line or in specified dangerous beach areas can be relocated by NPS staff.

Since our species of sea turtles nest at night, the NPS has determined that human disturbance at night must be prevented or controlled. Night motor vehicle operation is prohibited on the beach. From the many accounts of pedestrians with flash lights interfering with nesting it would appear that controls need to be applied to pedestrian presence also.

USFWS has placed much emphasis on false crawls and human disturbance. Some of that concern is carried on pages 216,373, and 374 where NPS reports that human disturbance may cause a female turtle to divert to a sub-optimal nest site or shed her eggs at sea.

Other than the occasional relocation (18% in 2009), the turtle selects the nest site and NPS closes a portion of beach habitat to human use. No other management process will be followed by NPS. As in bird management, the beaches are considered as wildlife habitat. This philosophy is the direct result of NPS interpretation of the enabling legislation that CHNSRA is to be administered by the Organic Act. From that decision flows the applicability of the NPS 2006 Management Policies and NPS protection of NC Special States Species as if they were ESA listed.

4. Violations- The conversion of recreational beaches to wildlife habitat with closures may have released a degree of civil lawlessness that obviously needs to be rectified. On the section on piping plovers (pages 210-211), a long list of closure violations are reported for the ten (10) years of 2000-2009. Over 1840 violations were documented:

CLOSURE: VIOLATION: Pedestrian 1138 ORV 613 DOG 76 HORSE 9 BOAT 4
TOTAL 1840

It would appear that NPS should establish wardens to apprehend these violators and have them hauled before Judge Boyle for education before being again allowed on the beaches.

On the other hand the American citizen has a strong sense of freedom and justice. Laws or regulations that are unjust or wrongly applied are not honored by the public. The successful civil rights movement is a good example and follows in the rich tradition of the 1776 revolution. After reading of all the problems exposed by the NPS as to human destruction of wildlife, it must be obvious NPS views that people simply can not be allowed on these beaches which must be viewed as wildlife habitat for future generations to enjoy under the Organic Act.

C. Overview Summary- Most of the issues in the DEIS are complex but it is believed that the above overview is a fair representation of the major themes and direction that the NPS intends to pursue in the future management of CHNSRA. Working from the Organic Act foundation the rest of the DEIS 800 pages is spent on wildlife descriptions and the many ways they are threatened by humans along with several alternative plans to control those human threats.

IV. PROBLEMS A. Questions- The DEIS is a prodigious document. Anyone unfamiliar with the Outer Banks must be impressed by the thorough presentation of the wide ranging disciplines and all their complexities. However, even on first reading, there are many nagging questions that arise: 1. What is the significance of the title "Recreational Area"? Is it a little blip on the radar to be forgotten or a big meteor headed straight on a collision course with the current NPS? 2. Why did NC 12 get built right through the middle of Hatteras and Ocracoke Islands which were supposed to be preserved as a primitive wilderness with all its flora and fauna? 3. If congress intended CHNSRA to be administered and managed only by the Organic Act like any other park, why did they not say so? The simple statement in bold print on page 11 should have been enough. The current NPS acts as if that statement justifies all their programs set forth in the DEIS. 4. Why are there so many other words found in the enabling legislation? Words like: a. recreation b. recreational area c. except d. provided that e. swimming f. boating g. sailing h. fishing i. residents of villages j. hunting k. particularly et.al. What is this pile of words cluttering up the Organic Act? 5. Is the enabling legislation of 1937 and 1940 simply a reaffirmation of the Organic Act or an amendment or modification of the old 1916 Act? Or does it stand by itself? 6. If congress was concerned with bird life and their habitat on the beaches, why didn't they just extend the Pea Island Refuge all the way to Oregon Inlet? Why wasn't the beach bird life mentioned at all? Recreational activities were certainly identified. 7. How does the DEIS continue to fulfill the old NPS request that the villages provide the services necessary for park visitors? How are the villagers encouraged to have a flourishing economy as promised by NPS to obtain the village land holdings to create CHNSRA? 8. When did the NPS 2006 Management Policies become a congressional amendment to the 1916 Organic Act? B. Development- These questions do have answers but most are not found in the 800 page DEIS. They can be secured by reading the complete enabling legislation instead of selected excerpts. Especially helpful is an appreciation of the tortured development of the CHNSRA as portrayed in the NPS 1938 Prospectus and the CHNSRA Administrative History. First, understand that CHNSRA was not created in one fell swoop of 1937. It may have been conceived in 1937 but was not born until 1958. Its twenty (20) year gestation was long and complicated and nearly aborted.

Let us start with the "Recreational Area" title. NPS advocates claim that this title is no big deal. It was merely a way for NPS to maneuver around the political necessity to allow hunting within the new seashore. Hunting had never been allowed in the other traditional park units but was required along with commercial fishing to gather support from the North Carolina people and politicians. NPS did not want to establish a precedent that would encourage a public clamor to start hunting in the rest of their system.

In the late 1940's and 1950's, NPS tried to purchase the scattered land parcels necessary to establish the seashore but owned by private individuals. To help acquire those holdings, the NPS circulated a 1941 brochure describing the proposed park unit which included their plans to make Hatteras and Ocracoke Islands into a primitive and road-less wilderness. Having witnessed the creation of the Pea Island Refuge, the locals could not fathom any

advantage for themselves in such an enterprise and refused to sell or give their lands to the park. The situation was at an impasse and the whole project would have been abandoned had not the NPS repackaged their marketing strategy with a cunning interpretation of the enabling legislation.

The initial proposals for an intensive recreational park north of Oregon Inlet had already been disregarded so that Bodie, Hatteras, and Ocracoke now became the recreational area. The sand dunes would continue to be stabilized by NPS. To protect those dunes, vehicular access to the beaches would have to be controlled with specific ramps. Such access points originally used by the commercial netters would also be available for recreational purposes by all visitors. Free access to the beach for everyone was promised forever. The people would get their road (NC 12) to run the entire length of the islands and they would have a bridge across Oregon Inlet to increase the flow of visitors.

The villagers were encouraged to provide services to the visitors that would flock to enjoy the recreational opportunities of the islands. The NPS promised to aid the villagers to achieve prosperity with the tourists based economy. That was the deal that was struck and the lands changed hands. It wasn't easy and a lot of sales effort was still needed. In Conrad Wirth's 1952 letter to the people in the Coastland Times, he evoked the name "Recreational Area" a total of eighteen (18) times in his best sales pitch. Compare this to the DEIS (pages 483,484) where the NPS revisionists use the title "Seashore" twenty (20) times, then again fifteen (15) times on the next two pages for a total of thirty-five (35) times.

Thus the phrase, "except for certain portions of the area deemed to be especially adaptable ..." was redefined to be the beaches of the three islands instead of the land between Corolla and South Nags Head. The new 1950's interpretation would still follow the precepts set in the 1938 Prospectors (DEIS page 12): "Primarily a seashore is a recreational area ...provide ample shoreline for all types of recreational purposes ... secondarily the area should include adjacent lands ... forestry, wildlife, or other interests ... to be preserved in the hinterlands."

The concept of water sports "swimming, boating, sailing, fishing" defined the kind of visitor usage to be experienced in this new type of park; a national seashore recreational area. Enjoyment from some place afar, as proposed by the current NPS, was not the prime purpose for this seashore. Visitor enjoyment here is a direct personal contact with wind, wave, and sand, and all other renewable resources.

To conclude: the title "Recreational Area" is not some little blip to be cast aside by NPS revisionists. The title and its concepts of human interaction with park resources were made into a very dominant feature when NPS sought to procure the lands from their private owners. The promise of free access forever means just that! It is not access based on where a bird sits or access except from March to August. For the NPS to now claim anything other than free access is fraudulent.

The ink was barely dry on the land contracts when NPS took the first symbolic step to abrogate their promises. In May 1954, the NPS removed the "Recreational Area" words from the park's title (page 13 also Administrative History page 234) except for formal documents. This was accomplished by internal memorandum without congressional approval. At 800 pages, the DEIS would appear to be a very formal document and the full title of "Recreational Area" should be printed on its cover and elsewhere. It is almost amusing to witness the NPS attempts to legitimize the deletion by citing that congress stopped reference to that title after 1962. After all, when any agency uses a title in correspondence with congress, that august body will use the exact same title to respond. So when the short title is offered, that is the name that congress will cite in its reply.

Further evidence of NPS revisionist's influence is obvious in the persistent use of the title "Seashore" throughout the DEIS document. The concept of recreation in this park unit is anathema to the writers of the DEIS who concentrate on justification of the Organic Act as the direct management tool. "Recreational Area" appears only on pages V/4 and 13 which mention the 1940 amendment. This is in stark contrast with Conrad Wirth's appeal in 1952 when he used that title eighteen (18) times.

Another interesting facet of the DEIS is the separate presentation of the 1937 and 1940 acts so as not to give additional credence to the "Recreational Area" title. Normally after any law is amended those amendments are incorporated into the original and the altered form is used for all further citations. This type of careful crafting is found throughout the manuscript which may account for the length of time required in its generation by the government agencies.

During the NPS attempts to acquire the land for the recreational area, there was no mention recorded for protection of bird life on the beaches. Under the 1950's NPS interpretation of the enabling legislation the "primitive wildlife" would be protected everywhere except NC12 and wherever beach water sports were developed. This was later acknowledged by NPS in 1964 when NPS did not designate any part of CHNSRA to become an official "wilderness" because NPS viewed this park unit to be a Recreational Area (Administrative History page 192).

It is interesting to conjecture how much land NPS would have acquired if Conrad Wirth had passed around copies of the DEIS to the local land owners as an illustration of how the villagers would benefit by the formation of the "Recreational Area", CHNSRA would probably not exist today.

We should note the simple ploy NPS used on page 11 and elsewhere to claim the CHNSRA was to be managed solely by the Organic Act which then automatically invoked the NPS Management Policies with its ultra protection of all things great and small. The policies further contain the condition that natural resources take precedence over visitor usage. The statement in text and reprinted in bold type ends in a period Use of this punctuation mark allows the statement to stand on its own as the dominant force for NPS administration.

Only after reading the entire enabling legislation reveals what was done by the NPS. The page 11 statement was lifted and changed out of context to suit the purpose of the NPS. Their clever ploy is certainly to be admired by anyone versed in governmental bureaucracy. The general public that is affected by such alteration may not hold such a benign view.

First, it is not surprising that the Organic Act is mentioned in the enabling legislation. In any introduction it is customary to supply the authority or credentials of anyone new to appear such as, "This is Jim Jones, the County Sheriff". Thus, when the CHNSRA was given by congress to the NPS to administer, the authority for NPS was properly stated as the Organic Act which created the NPS in 1916. The law USC 16-459a-1 which refers to the Organic Act is actually one long sentence separated into numerous phrases by commas. Many of these phrases place provisions upon the Organic Act to provide commercial fishing, hunting, and recreation. In fact, the entire enabling legislation has modified the Organic Act for this Recreational Area which was a new concept as a national park. CHNSRA is the only park unit in which resource protection does not dominate recreation. By its enabling legislation, both mandates are given but provided in different areas of the park. (Also see pages 1 and 2 NPS Prospectus).

Those portions in which water sports and other similar recreational activities can be pursued or be adapted for such pursuit, shall be developed for such purpose. Congress, by the use of the word "shall", made that a mandate. The other mandate to protect the wildlife and physiographics was to be applied everywhere other than the recreational portions. Thus there can be no conflict between resources and recreation as may occur in other park units. In CHNSRA, they are physically separated by that word "except".

Under the Organic Act and its Redwood Amendment, the NPS is charged to preserve and protect CHNSRA for future generations for its recreational resources. It is to be administered under the enabling legislation and other applicable laws. The beaches are primarily dedicated to recreational activities rather than pure wildlife habitat. Wildlife needs to be managed to accommodate the human activities mandate on the beaches which is directly opposite the philosophy of the current NPS revisionists. Wildlife protection can yield better results under this process than past NPS accomplishments and certainly far better than proposed by the DEIS which offers no management of wildlife but operates only on buffers to exclude people.

In 459 a-1 the words "commercial fishing" are not used as a provision applied to the Organic Act. The exact words are "shall have the right to earn a livelihood by fishing". This phrase encompasses more than just "commercial fishing". This right includes: recreational head boats, charter fishing boats, captains and crew, boat building and repairs, fuel and provisions, professional guides, repairs, bait and tackle shops, food and lodging for recreational anglers. Thus when a tackle shop owner complains of lost business due to beach closings and is told by NPS that he needs to adjust and retrain - that response is a violation of the law.

The acts of congress USC 16-459 through 459a-3 passed in 1937 and 1940 have not been rescinded or amended. They continue to stand in their own right. Any NPS policy or memorandum that conflict with those laws can not be applied in CHNSRA. On this basis it would appear that much of the DEIS is unlawful. Those policies that establish buffers to close human access to the water line for water sport and similar recreations, would certainly conflict with the law.

Cape Point and the inlet spits stand above all other beaches as the most desirable and "adaptable" for water sports within the CHNSRA. As such, those special beaches need protection against the threat of closure under the buffer process chosen by the NPS. Bear in mind that the use of buffers is not mandated by any law. Buffers were in response to legal pressure from Audubon and Defenders of Wildlife who prefer buffers as a means to achieve their agenda to remove ORV's from all federal lands. The choice of natural nesting and buffers has proved detrimental to species survival in CHNSRA as indicated by the resource history gathered by CAHA. It is most unfortunate that agenda opinions have been substituted for good science in the natural resource management by NPS.

Environmentalists point to the enabling legislation as not referencing the words "beaches" or "ORV" and claim that wildlife must be protected from humans over both beach and non-beach areas today. It is obvious that only the sand beaches qualify as those "portions" that would support the active

water sports listed in 459a-3. Although modern ORV's did not exist in 1937, the use of motorized vehicles was recognized as a common activity during the 1950's. Automobiles and trucks had been driven on the beaches and sand roads for many years before the park was created. The first head-on collision occurred in 1920 when both drivers refused to move out of the single set of sand tracks in Hatteras.

C. Survival of Wildlife Species 1. Bird life- The CAHA annual reports and DEIS (pages 194,227-229) show that shore birds do not sustain their species on the ocean beaches of CHNSRA. This failure is not correlated with buffer size or removal of humans from the beach. There was a time in the past when fresh dredge spoil islands were formed in nearby Pamlico Sound and excellent habitat existed around the dredge hole at Cape Point. Multitudes of bird life frequented those areas to breed successfully. The islands were not monitored and NPS closed off the dredge hole in a misguided effort to protect the birds. Without ORV suppression the grasses grew inside the protected area and began dune formation which destroyed the bird habitat. Birds were forced to utilize the fore beach for nesting with increased exposure danger.

In the DEIS (page 88), no provisions are made to restore or improve habitat but merely establish large buffers of poor habitat by increasing the degree of human exclusion. In doing this, they remove beach from public use. NPS has decided that our precious beach is a commodity that can be converted into refuges as their cheapest response to environmental pressure. The basic philosophy is wrong and is predicated of the revisionists' interpretation of the CHNSRA enabling legislation instead of the best available science based on actual beach data.

On DEIS page 73, the NPS version of best available science for buffer distances is developed as: a. Piping Plover Recovery Plan USFWS b. Patuxent Protocols USGS c. Related scientific papers on studies from everywhere else but CHNSRA. d. Four years of CAHA staff buffer experience. Their conclusions will certainly prevent public disturbance of bird life. But this is not the proper objective for bird management. Merely to have a presence of birds on the beach is not adequate. To lure birds to our beach "killing fields" where they can not sustain nor recover their species is absolutely wrong! That is why it is so important to restore dredge spoil islands and proper habitat at Cape Point dredge hole and other salt ponds.

2. Sea turtles- The beaches of CHNSRA have not been hospitable to nesting sea turtles. Over the last 10 years of NPS data there has been an average loss of 40% of the turtle nests laid each year. The loss would be closer to 60% or 70% without relocation which involves human manipulation. This is called management of the resource. No other Atlantic coast or Gulf shore area suffers such disastrous losses because other beaches are less violent and/or their management includes a much higher rate of relocation.

These high losses are weather/wave related and can be compensated by a proper relocation program which NPS refuses to engage. Relocation of turtle nests into hatcheries, corrals or even safe areas have been practiced successfully around the world. They are not novel or untried science.

Instead of addressing the major cause for turtle loss the DEIS adheres to a natural nesting dogma with large closures to the waterline and prohibition of night ORV driving. Examination of the NPS annual records proves that those two controls are ineffective.

In the past 10 years of data no adult turtle was ever impacted or killed by night vehicle operation. Turtle egg or hatchling impacts have been 0.01% of the resource from night driving. Missed nests have never been a serious problem at CHNSRA being of the order of 1%. Further reductions in missed nests could be accomplished by use of trained dogs or enlistment of night ORV operators to assist in location of new nests. Prohibition of night driving is not warranted by the science.

The key to evaluate turtle survival is the tracking of hatchling release, i.e., the number of hatchlings that actually survive to enter the water. CAHA has no idea what that information could be. Their process of natural nesting can not gather that data. Corrals provide maximum predator protection and a record of hatchling release. Even the Pea Island process of nest sitters with keyhole fencing gathers hatchling release data and prevents ghost crab predation at hatching time.

The DEIS program of closure expansion serves only to encourage an increase in ghost crab population near the turtle nest which is counter productive to hatchling and egg safety. How can one agency get so many things wrong?

As I write this response to the DEIS we are vacationing on the beaches of Gulf State Park, Alabama. Turtle nests are protected here with a 3 foot by 3 foot square stake and string closure with ribbons and a warning sign. As the nest enters the hatch window there are volunteers that watch each nest. A trench is dug in the sand to run from the nest to the Gulf waters. Black plastic light shield is placed around the nest and part way across the beach. Each hatchling is escorted along the trench safely to the water and it is counted.

Nest density in Alabama is about 1.4 nests/mile, which is similar to Cape Hatteras. Nests are relocated according to the biologist's knowledge of the beach. Wire screens are placed over each nest to retard predation. Recreational ORVs are not permitted on these beaches but there is ample evidence of vehicle tracks. In one 4 hour afternoon I observed 2 law enforcement trucks, 2 lifeguard trucks, one trash truck and a turtle patrol to travel past my fishing spot.

Outside the Alabama State parks the beaches are bordered by lines of high rise condominiums. Their beaches which are used for turtle nesting are filled with concrete tables, umbrellas and nearby lounge chairs that will not be disturbed by winds. The truck tracks in the sand are every bit as prolific as most of the Hatteras beaches. With that small enclosure a maintenance truck can drive within one and a half feet of a nest. All forms of beach recreation are performed around that 3' by 3' closure. Compare this to CAHA where people are fined \$150 if they walk in front of a 30' by 30' closure below the high tide line and yet Alabama does a much better job of protecting the turtle species.

Furthermore, compare the 3 foot closure with the DEIS (p.119) 30 ft., 75 ft., or 150 or 300 ft closure. These large CAHA closures do not protect against wind and wave. Still 40% nest loss. They do not protect against predation. Ghost crab predation has been reported by observers of as much as 100%.

This current practice, which is not restoring the species, has additionally decreased the value of visitor experience. With no provision for relocation which would allow recreational access, the closures have a negative impact on the island economy. This is not only wrong; it is insane!

The magnitude of losses (60-70%) of turtle nests under completely natural site selection would argue against the supposition that the female loggerhead can pick the most optimum location for nesting. This failure is worse than random occurrence. Recovery of the loggerhead, leatherback, and green species will require more intensive management, regardless of NCWRC opinions.

The NPS is fully aware of the nature and extent of sea turtle nest destruction on their beaches. They are also aware of the variety of successful programs conducted everywhere else. They ignore those facts to propose anti-recreation programs within the DEIS that can control only minuscule parts of the problems. This stems directly from the NPS assertion that Cape Hatteras is to be ruled directly by the Organic Act without the enabling legislation as interpreted by NPS in the 1950's. With this attitude NPS contends that people are the problem and they must protect the parks from the people. The DEIS will accomplish this and serve as a shining example to the radical environmental community. Meanwhile the loggerhead population will continue to decline.

Over the past 10 years the total weather related nest losses amount to the destruction of 27,700 eggs. Failure to protect against such loss was a deliberate decision by the NPS. During this time period they have rejected numerous times the information presented to them by others and myself. We have informed the local staff with procedures used nearby in North Carolina as well as those in other Atlantic and Gulf Coasts that have been extremely successful. The best example of increasing the number of an endangered sea turtle species is that of Padre Island National Seashore.

There by relocating all Kemps Ridley nests to a hatchery and protected release of all hatchlings, approximately 90% of the eggs laid produce hatchlings to the water. The turtle program under the DEIS will continue the destruction and further endanger the Loggerhead, the endangered Leatherback and Green Sea Turtle species. These losses must be considered as a "Take" under the ESA and NPS should be prosecuted under the provision of that law.

The NPS may see protection by claiming they are operating under the USFWS and NCWRC recommendations but it is the NPS boots that are on the beach sand. NPS is the agency that is solely responsible to husband this resource.

3. Rejected Managements- Rejection by NPS (page 88) of positive management approaches is spurious. Rejection is a typical bureaucratic response. It is cheap and nobody will be forced to do any actual work to resolve problems.

Spoil island habitat needs to be considered as part of the total Recreational Area ecosystem. This class of habitat should be expanded in a cooperative effort with other agencies. NPS should view this as creation of good habitat rather than creation of new habitat to be rejected in favor of preserving existing poor habitat. Creation of shell fish bars and AMOY habitat on the sound side of Hatteras and Ocracoke should be considered. Sand pumping or sod removal could accomplish good habitat for AMOYS.

Piping plovers that nest near but outside a safe prenesting closure can and should be relocated into the closure. This is a simple procedure practiced in New York. It requires one person, a coffee can, and a shovel.

Fencing to protect chicks from vehicles was another positive approach rejected by NPS on page 88. Application of a little common sense on use of fencing would be beneficial in reduction of buffer size to provide access by the public. Human access is required by the enabling legislation and is a valid reason for relocation of turtle nests.

On page 87, corrals (a form of hatchery) were rejected because of catastrophic events and predator concerns. This is sheer hypocrisy. Corrals would be

located in safe areas of both Ocracoke and Hatteras Islands. One corral would be on the north/south oriented beach of Hatteras and another on the east/west beach to minimize the effects of hurricanes. Direct hit from a category five (5) hurricane wipes out everything. Predator control in a corral is far superior to the program selected by the DEIS. Catastrophic losses as documented on pages 219 and 220 ranged 16% to 54% which is identical to the nest losses routinely produced by NPS management and projected forward through the DEIS. A positive turtle program is set forth by the access/conservation group in a separate document and is recommended. The document entitled, "Sea Turtle Management", can be found at <http://obcanc.org/turtles/turtleMgmtProgram.pdf> (Copy attached).

Such obdurate dismissals of positive efforts speaks poorly of NPS ability to manage this recreational area. With just a little bit of intelligence and creativity this park unit can provide better resource protection and visitor enjoyment than predicted with the draconian DEIS.

There are disadvantages to large buffers, one of which is the decreased quality of visitor experience including bird enthusiasts. I recall in 2006 when a snowy plover visited Cape Point. The bird closure from the point terminated about 200 yards from Ramp 45 outlet. I had parked my truck next to the closure stakes and set out two fishing rods. An agitated bird watcher appeared with a rather large telescope. He had heard of the snowy plover and traveled from Maryland to catch a sight for his life bird list. He arrived in the morning near high tide. There were too many heat waves above the sand for good seeing. He drove back and forth on the interdunal road to look from both sides of the gigantic closure to no avail, so he left. Later in the afternoon, as the tide dropped, an ephemeral pool developed and drained outside the closure just past the rear of my truck.

While seated on the tailgate eating lunch, I was treated to the sights of four (4) piping plovers and eleven (11) semipalmated plovers foraging in front of me and then on both sides of the truck. They fed peacefully within five (5) yards all around me. The snowy plover showed up but stayed about ten (10) yards away. The only time he came closer was when he chased a laughing gull who encroached on "his" territory. The NPS must have discovered my pleasure because the next day the closure was expanded and I was no better than the poor fellow from Maryland. Both the piping and semipalmated plovers seemed to enjoy the crumbs of peanut butter cheese crackers that escaped into the wind. The NPS strikes again to take enjoyment out of my promised golden years.

D. Predators- An example of the NPS subservience to bird enthusiasts is the program of predator control (a euphemism for killing). This is a hot topic among the villagers. Complete predator control was not attempted within the DEIS but deferred to a forthcoming promulgation. Past practices and a few references in the DEIS (pages 32,220, and 482) indicate problems for NPS.

Bird activists refer to many predators as invasive, non-native or of a non-natural abundance because of man's presence. The activists claim such predators deserve to be exterminated to protect bird life. NPS has followed this line with intense predator destruction over the past several years with no corresponding increase in bird fledgling.

On page 220 is the statement, "Foxes were first seen at the Seashore in 1999 and on Hatteras Island in the winter of 2001-2002." There is inadequate data to indicate exactly when and where various predators took up habitation nor does there need to be such information. There is also no information as to what constitutes the natural population of predators. Since these islands first emerged as barren spits of sand 1200 years ago, every organism now present was initially invasive. The 1938 NPS Prospectus contained a list of animals present in the Seashore which were to be protected in the primitive wilderness as it existed when the enabling legislation was drafted. That list includes raccoon, opossum, foxes (plural), mink, and otter. All these protected species are targeted for death by the revisionists NPS. Most other park managers believe that predators make up part of their ecosystem which should not be altered because of the constrictions of "unintended consequences". They prefer to protect their species of concern by use of predator excluded devices. This is another example of CAHA being in violation of the founding law.

The villages that were embedded within CHNSRA carried with them a population of woodland opossum, raccoon, and cats both feral and domestic. This is a natural condition of small village life and is expected to continue as a steady source of such animals. Some gray haired ladies are reported to bake fresh biscuits for their natural friends. If predator population becomes excessive, a program to allow seasonal trapping for meat and pelts would be recommended. Simply to kill and discard is poor conservation and has been condemned since the Native Americans. To pay anyone to perform these killings is a waste of federal funds (tax payers' money).

While on the topic of predators, consider the ghost crab which is a prime predator of eggs, young birds, and turtle hatchlings. On pages 28-29, a recent study at CHNSRA has cited that the ghost crab is extolled as an important indicator species of ecosystem health. The study claims that ghost crab populations are destroyed by ORV's operating on the beaches. Under the Organic Act (page 482), through the 2006 Management Policies, the NPS is to protect the ecosystems from harm by human activities. Ghost crabs as crustaceans are on the long list of plants and animals to be protected. That list also contains insects, worms, and microscopic plants and animals. All such organisms can be impacted by motor vehicle operation. It is obvious that NPS is trying to substantiate the removal of human use of the beaches. By enlarging the turtle closures, the NPS restores the ghost crab/turtle ecosystem balance thus fulfilling the Organic Act mandate. This is unfortunate for the logger head species recovery, but after all, those humans must be brought under control. It is odd that predator crabs are protected but predator mammals are killed by the NPS. This serves as an example of the gross distortion perpetrated by the NPS on the CHNSRA enabling legislation and the undue influence of bird activists.

There is an important recommendation not found in the DEIS. If the NPS were interested in providing a quality visitor experience they would recommend that visitors remain in their vehicles to observe bird life. This recommendation has been used for many years at Padre Island National Seashore since they recognized that birds are not as easily disturbed by vehicles which allows for closer and more meaningful observation. NPS lacks such a balanced view in the DEIS. This wasn't much help for birds within closures since they will be too far away for any observation in a vehicle.

E. Adaptive Management- It is truly sad to read the Adaptive Management Initiatives put forth by NPS in pages 124-126. Faced with the results of failed policy, they can only conjure up a few pie-in-the-sky projects. Even then, most projects are based on the same policies that already failed. Consider the piping plover fledged project: NPS already has the data to show that plovers can not sustain their species in CHNSRA but NPS wants further studies and proposes a solution of more monitoring and buffer size. Truly an exercise in futility. The plovers need better habitat not more bad habitat! Albert Einstein maintained that his definition of insanity was to keep repeating the same experiment expecting different results. The NPS bird and turtle programs are, by his definition, insane.

The project to increase percentage RS (release success) of turtle hatchlings is ridiculous. The CAHA turtle program and future DEIS is one of natural nesting predicated on NCWRC advice. This does not even measure, let alone offer, any way to improve %RS. NPS already knows what must be done to manage sea turtles: Relocation, nest sitters, and best of all, a solid corral program. Such management is deliberately rejected by DEIS on pages 86 and 87 and on page 136. NPS is advocating a study in favor of it. How much sense does this make except as a further delay to accomplish nothing but a work project. Meanwhile, the public is denied access.

Successful turtle programs practiced anywhere but CHNSRA, operate with a large public support and volunteer organizations. NPS actions continue to alienate the villagers from whom such support would normally be built.

Any nest left in-situ on remote beaches would require night ORV driving for nest sitters which is not allowed by the DEIS. Night driving to provide additional eyes on the beach and the reduction of missed nests is another positive action that is forbidden by the DEIS. These are more examples of the NPS steering an impossible course caused by their interpretation of the enabling legislation.

None of these projects are needed. The information and practices already exist. The DEIS continues to dig a hole from which neither wildlife nor visitors can survive. Fortunately for the tax payers, all the projects require NPS to seek funding and advice. They will probably never get started, let alone wait for a review five (5) years later. The best adaptive management would be to generate public support by NPS actions that would manage the wildlife resources and restore public access to their beaches.

F. Personal Impact- Having passed my 80th birthday, I look back at the expectations of sixteen (16) years ago when we retired to the Outer Banks. Enticed by the experience of visitation since 1970, I invested my life savings to construct a home in Buxton Woods. This was the highest ground available near Cape Point. We were especially attracted by the excellent access to wander these beaches with our truck to enjoy the opportunities for surf fishing.

We were soon immersed in island life and joined the Angler's Club, NCBBA, CLMS, and later OBPA. We volunteered to clean the beaches and in NPS programs. Activities involving local churches led to trips along the Gulf Coast to help the reconstruction from Hurricane Katrina. We joined the Hatteras Bird Club to better understand the bird life and appreciate the beach world. We divorced from that organization after they aided Audubon and Defenders of Wildlife with their assault on public recreation. The last straw was when they began agitation of the Park Service to exterminate the island mammals that threatened the smattering of shore birds. They stopped short of calling for the extermination of mankind who they considered to be the worst predator, but they worked to exclude man from the beaches.

The last time my father-in-law was able to visit us, he was 94 years old. We took him to the Hook so he could fish in view of Cape Point which was his

favorite place. This was just before the bird lawyers found Judge Boyle so we were able to access the Hook. Bill's legs were not too steady so we had decided not to set up at the Point. Somehow I got busy cutting bait and fixing broken rigs and suddenly realized that Bill was gone! There he was tottering against the waves at the Point and I had to rush to retrieve him. Fortunately a couple of regulars had already moved over to assist him. Such is the attraction of that magical place that now has been denied for my enjoyment.

As a scientist, I consider myself to be a man of reason. As such, I experience great frustration to waste my golden years battling powerful idiots both within and outside of the Park Service as they pursue an over blown agenda to protect wildlife. Ah, but I am mistaken, for when lawyers become involved, it is really about the "green movement" of money! The excessive zeal of these activists is astounding. Acres of prime recreational beach are set aside to fledge a half dozen plover chicks whose number has no actual bearing on the survival or death of the species. Birds do not propagate adequately to sustain their species on these turbulent barrier islands yet miles of beach are set aside to encourage their demise. Buffers are so excessive that where once we could enjoy, now we must travel to the beaches of Florida or Texas to have the same experience of bird life.

At our age and physical condition, we can not lug our gear across the dunes and hot sand to fish the surf. Motorized vehicle access is necessary for our retirement within CHNSRA. We can not accept denial of our rights of access by groups of wackos with unsubstantiated causes.

The revision that NPS has given to the enabling legislation and readiness with which the NPS condones the agenda of Audubon and Defenders of Wildlife calls to question the ability of NPS to administer these lands. Perhaps it is time to return the lands to their original owners or to the state of North Carolina.

V. PROPOSAL One statement should be included at the beginning of the DEIS: "None of these regulations shall prohibit or interfere with public access to the waterline at any stage of tide."

This principle will fulfill the promises of the CHNSRA enabling legislation. With such a foundation, the NPS can work toward a successful management of its wildlife resources. The ultimate solutions may be in turtle corrals and cooperation restoration of bird habitat at dredge spoil islands. They may require restoration of habitat around the dredge hole and salt ponds or creation of shell fish bars and AMOY habitat along the Pamlico Sound. Such honest efforts can restore the trust of the people that has been destroyed by recent NPS actions.

VI. APPENDIX A. Definitions of abbreviations: 1. AMOY- American Oystercatcher 2. CAHA- Outer Banks group NPS Manteo 3. CCC- Civilian Conservation Corps 4. CHNSRA- Cape Hatteras National Seashore Recreational Area 5. CLMS- Cape Lookout Mobile Sportsmen 6. DEIS- Draft Environmental Impact Statement 7. ESA- Endangered Species Act 8. MBTA- Migratory Bird Treaty Act 9. NC- North Carolina 10. NCBBA- North Carolina Beach Buggy Association 11. NCWRC- North Carolina Wildlife Resources Commission 12. NEPA- National Environmental Policy Act 13. NPOMA- National Parks Omnibus Management Act 14. NPS- National Park Service 15. OBPA-Outer Banks Preservation Association 16. ORV- Off Road Vehicle 17. % RS- Percent Release Success 18. USFWS-United States Fish and Wildlife Service 19. USGS- United States Geological Survey 20. WPA- Works Progress Administration

Correspondence ID: 15001 **Project:** 10641 **Document:** 32596
Name: Dillon Dawson, Carol
Received: Apr.26,2010 00:00:00
Correspondence Type: Letter
Correspondence:

My name is Carol Dillon Dawson, I was born in Buxton and my mother's family was shipwrecked here many years ago. My first comment IS to tell you, The National Park Service, that I was not at all surprised when I found out that you were not taking questions or answering any comments because that would involve intelligence and backbone, neither of which you have. We are here regarding the beach closures along the Outer Banks. All of us know that this isn't really about birds or their eggs, it is about privatizing these beaches, like you have done in other areas of our country, let's see, in the past few years, we are charged to fish, charged to climb the lighthouse that should never have been moved, to the tune of 18 million tax dollars. Now, the NPS has closed our beaches, even to foot traffic, and you want us to believe that it is because of endangered bird eggs. The piping Plover bird has a brain about one cubic square inch, this species knows better than to breed on a beach, it goes to the dredge islands, and the tops of warm metal buildings where predators' will not reach their eggs. These birds must have more common sense than you do, because you want us to believe that these birds need Cape Point, Oregon Inlet and Hatteras Inlet to breed, and that you need to not only close these beaches to ORV traffic but to foot traffic as well. Do you really think we are that stupid? The Outer Banks of NC has the most undeveloped coastline along the Eastern seaboard, miles of untouched beaches, but you want us to believe that these birds need the famous Cape Point, one of the most beautiful places on Earth, and that human presence would hurt them. I read the consent degree status minutes from the meeting Mike Murray attended on March 19, this year. It stated that Derb Carter of the SELG believes he has blocked the Congressional legislation to overturn this consent degree. I don't believe that is true but only time will tell if the senators vote the way they have told us they will. I want to tell everyone here in this room that the minutes state you gave Judge Boyle the full review of the NPS past year under the consent degree. It also stated that you did not address the economic, cultural or other distress on the people of the Outer Banks. 9 breeding pair of plovers, down two pair from the previous year when you closed the beaches and murdered animals! WOW, that is great reason to destroy the economy of an island. Also it noted that neither Warren Judge nor counsel had any questions or comments about what Mike had said. You have killed thousands of animals that are indigenous to this area, that CANNOT fly back to this island, just to protect the plover eggs. Animals have been trapped, murdered by you, thousands of them, chewing off their own legs to get out of the traps you have set. The Yoga bear police here on the island, have cost the American tax payer hundreds of thousands of dollars to protect eggs and kill other animals. I do not allow the NPS on my property; I own several businesses in Buxton and have not allowed you on my property for the past two years. My hope is to get every business owner to ban you, so that you cannot buy gas, food, clothing etc? The NPS came to this island in the early 1950's and stole the land away from the natives, making false promises to the people here. One of them was that you would never close the beaches, to the Cape Hatteras National Recreational Seashore. Some people in this room believe that it was only the Audubon society wanting our beaches closed. You knew that not having a "long term plan" would put you in the clear of causing the complete and total economic demise of this island's economy. It is not only the business owners that you have effected, it is all the people we employee and every human being that wants to exercise their human civil liberties to go to the beaches of Cape Hatteras. It is not the birds that are endangered here; HUMAN BEINGS are the species that is endangered. Oh, you knew that congressional law could only be overturned by a legislative body and you and the Audubon society found a weak minded group that acted like they had been bullied, like third graders on a playground, into signing this consent decree. Judge Boyle needed them to sign it, because judges' don't overturn congressional laws. Thankfully, we have a Senate bill S1557, that has a great chance of passing, and it will reverse this asinine act of terrorism by the NPS and SELG. My father died 36 years ago, right here on this property, in his obituary it stated that he was a National Park Service fighter; 36 years ago he knew to hold you accountable. Well, I am here to tell you that he is back, in the form of his children, grandchildren, and great grandchildren. I have an option for you, leave this island, you are not wanted or welcome here. I will see you in Nags Head tomorrow and Raleigh after that, because all I can hope for is that some National Media has the backbone to print to the American people what is really happening here in Cape Hatteras, the National Park Service nothing but an organization of land stealing, murdering, lying, eggheads go back to the coastlines of Kansas were you belong, and take the SELG, and Derb Carter with you.

Correspondence ID: 15002 **Project:** 10641 **Document:** 32596
Name: Pratt, George
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence:

I am writing to comment on the draft Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement. I disagree with the proposed extensive seasonal closings to family vehicles and citizens of the most popular and prolific surf-fishing areas in the National Seashore (and in the United States of America) listed in Alternative F the above named document (Table ES-5) . These include the north end of Oregon Inlet spit, the Point, the Hatteras Inlet spit and the north end of Ocracoke Island and the south end of Ocracoke Island. All of the best fishing areas without fail have been listed as a "Species Management Area." The areas are larger in size than they need to be and larger than required by law or any other government agency. The size should be limited and more access provided. Its not just the "miles of beach" that are closed, it the area's resources that attract fisherman and other users. The seasonal closing of such extensive areas to all vehicle and citizen traffic will do little if nothing to support the recovery of piping plover or other shore birds. From reading the above document I could find no direct evidence to show that humans (or their pets) have done the damage to the plovers that one storm or one predator has done. One Nation al Park Service yearly reports (2002) list lots of possible "human disturbance." You find this talked about a lot, but there is no documentation of cases. In the 2002 report they a great deal of discussion on a possible domestic dog track identified by a USDA trapper (note: he is not a tracker). He even speculates on the activity and intentions of the dog, and his major specialty is trapping - not tracking. No one witnessed a thing. Park Service personnel hypothesize a lot about human disturbance, but document very little if any. Their construction predator barriers is has to be a major human disturbance, but it does not seem to cause piping plovers to abandon their nests. Because of their bias, they see human danger everywhere. Darwin's law of tooth and claw operates here. Predation and storms are the major reason piping plover are having difficulty recovering. There is little evidence that the Cape Hatteras National Seashore has ever been able to recruit significant numbers of breeding piping plovers. Most older Birding Book and some of the earlier maps of the National Fish and Wildlife Service do not show this area of North Carolina as a breeding area for the bird. One could even hypothesize that it was human activity restricting vegetation that attracted them here. Some years they do better here that they do in the Pea Island Wildlife Management Area, but here, any failure that cannot be documented is attributed to possible human disturbance. The following quote form a web site of the National Fish and Wild life Service mirrors this bias. Why is the Piping Plover Endangered? Habitat Loss or Degradation - Many of the coastal beaches traditionally used by piping plovers for nesting have been lost to commercial, residential, and recreational developments. Through the use of dams or other water control structures, humans are able to raise and lower the water levels of many lakes and rivers of plover inland nest sites. Too much water in the spring floods the plovers' nests. Too little water over a long period of time allows grasses and other vegetation to grow on the prime nesting beaches, making these sites unsuitable for successful nesting. Nest Disturbance and Predation - Piping plovers are very sensitive to the presence of humans. Too much disturbance causes the parent birds to abandon their nest. People (either on foot or in a vehicle) using the beaches where the birds nest sometimes accidentally crush eggs or young birds. Dogs and cats often harass and kill the birds. Other animal s, such as fox, gulls, and crows, prey on the young plovers or eggs. Only one line is dedicated to one the major cause s for its failure to rebound - predation. You are left with the impression that it is all human disturbance, and we must keep humans out of the area where they nest and breed . Last year I personally watched from my kayak as and otter swam in the sound from Buxton to a turn nesting colony north of that village. In its first reaction, the Park Service was upset that some human and their pet had done major damage in the nesting area and a news releases to that effect was published . They never published any other point of view. They may have killed the otter as a predator. They do not talk about the "Predator Control Program" when it comes to killing popular birds of prey and other cute animals. Plovers seem to be more successful when breeding near or within colony nesting birds. In protecting their own nest s, turns provide unintentional support to the piping plover. There seems to be no plan to remove vegetation from these areas to promote the nesting of these colony breeders who are also in decline. To pretend that the Outer Banks and Hatteras Island are unspoiled wilderness is to miss the obvious. Most of the dunes and vegetation are not natural. Vehicle s (not storm over wash) kept many of the areas open and clear of vegetation in the past. As the National Sign Placement Service (NPS) blocks off greater and greater parts of these areas during the entire year more vegetation has tilled in. Where once you could sit at the Point or Hatteras Inlet and observe large colonies of turns and skimmers, now you don 't see them. Each year dunes and vegetation get closer and closer to the shore. It's not just erosion or

the lack of beach overwash that's causing the beaches to get narrower. You can go to the beach and observe directly how the dunes move alit with the placement of new signs and enclosures that extend beyond the old ones. This is also true of areas where beaches are accreting. I did not see one study that talked about the possible benefits to the birds of family access vehicles on the seashore. In addition to keeping areas free vegetation on spits and points, they also provide other habitat that popular with the piping plover. I have observed many piping plover (before 2005) feeding beside water filled ditches along the inner dunal road system in the Park . One year the road from ramp 44 to the beach was a popular feeding area. What is the Park Service going to do if the extended road s for beach access begins to attract plovers? I assume the Park service will close them. The areas on the sound side of Hatteras Island also attract piping plover. I have seen more piping plover than I have ever seen at one time at Kite Point north of Buxton. The areas of sound side beach kept free of vegetation by vehicles is a popular feeding are in August and September. I have seen as many as seven this area at a time. The do not feed in the areas where vegetation grows right up to the water. If you put lip parking more pave d parking these beaches will disappear. Also the sound side area of the north end of Hatteras Inlet also attracts birds for the same reason. These area s are also kept free of vegetation by family access vehicles. Man-made dredge or spoil islands in the area also attract large nesting colonies of turns and skimmers, but they are not counted when birds on Hatteras are surveyed. Bird often move to more desirable areas. A permit system with a strong education component would be a better policy. A require class in beach ecology and protection for all who would enter and ecologically fragile environment would be a better plan. A "use fee" to support the educational component would be cheaper than enforcement of new rules. National Fish and Wildlife Service's Partnership in Conservation could be employed. Sincerely George W. Pratt

Correspondence ID: 15003 **Project:** 10641 **Document:** 32596

Name: Scott, Michael

Received: May,10,2010 00:00:00

Correspondence Type: Letter

Correspondence:

I disagree strongly with many of the proposals in the DEIS and I see a large disconnect with it and the enacting legislation of the Cape Hatteras National Seashore Recreational Area. What has happened.!? This park was formed for the recreational use of the citizens and visitors of our country and now that legislated use is at risk by the proposals of this DEIS. I acknowledge the enabling legislation also includes the mandate to protect the wildlife of the park and I have always been a proponent of doing so but, it seems so incongruent to restrict access, to so many areas that are traditionally heavily used and true geographic wonders to behold , in pursuit of dubious wildlife protection measures. The keep away distances of nests is extreme - 1000 meters seems absurd to me. With Pea Island National Wildlife Refuge to the North and the virtual wildlife refuge of the Core Banks National Park islands of Portsmouth, Core Banks and Shackleford Island to the southwest and the Alligator River National Wildlife Refuge to the Northwest and the Swan Quarter National Wildlife Refuge and Lake Mattamuskeet National Wildlife Refuge to the west, it is hard to justify these closures for wildlife that your own statistics state are impacted insignificantly by human interference. Likewise I object to the year round closing of the 2 spits of Hatteras Inlet and other areas - that would be contrary to the intended recreational use of the Park and go against the promise of the NPS superintendent during the establishment of the park, Conrad Wirth, when he addressed the local concern of the access by saying " you will always have ocean and sound side access". I also disagree with the documents assessment of the minimal effects on our local economy it will pose. Since the parks' inception the local economy has changed from one of commercial fishing, very small artisanal businesses and subsistence living (gardening, livestock and fishing) to one that is almost entirely dependent on tourism. Conrad Wirth encouraged the local population to accommodate the expected visitors and now it is dependent on them. People like to visit CHNSRA - many like it a lot. It is an uplifting experience for so many who, by and large, are urban dwellers and benefit from seeing wildlife and unique geography - it helps them to de-stress, to "chill out". It is valuable to them and our society. The inlets, spits and points are a big part of this. I DO AGREE with the proposed 15 mph speed limit. It is plenty fast. We are fortunate that most of the ORV users in the park are not looking to use their ORV for anything more than access to areas that would be difficult to get to by foot especially with the numerous items they carry for sport (fishing, kayaking, surfing, bogie boarding, wind surfing, kite boarding, volley ball, etc.) and relaxing (chairs , umbrellas, coolers etc.) . They drive to a suitable location and park - some relax while others go at some harmless sport with passion. All leave refreshed and most leave with a reinforced respect for Mother Nature and appreciation for the access our National Park provides. These are good, wholesome, often family based activities that are very beneficial to the users especially mentally and spiritually. I have been visiting this park for more than 45 years and only rarely seen any behavior that was detrimental to the Park or its' wildlife. It is not something that is on the agenda of most visitors. I believe the rare cases of improper behavior can be addressed through good law enforcement rather than restricting the entire population. I know some DRV restrictions are necessary and I welcome them. In areas that are near to the road, pedestrian only access should be promoted. Four more ocean side parking areas and four more sound side parking areas would be a big help toward achieving this. Many people in this modern world are overweight partially due to lack of physical activities. Almost anyone can walk. For those who, unfortunately, can't or are otherwise limited, a few more wheel chair accessible walkovers like the "bath house" in Frisco would be helpful. At the spits and points, ORV access would give them the opportunity to experience more of the Recreational Area and these are truly the geographical gems of the Park. I know there is a good chance you will receive many comments in favor of this proposed DEIS and would be willing to bet most of them will come from people who have never visited the park. It is easy for conservation organizations to paint ORV users as a bunch of dune buggy cowboys speeding around tearing up the terrain and terrorizing wild life in an effort to incite their supporters (one of whom I used to be but.. I was never " incite-able") and get them to flood you with letters in favor of "saving the birds at all costs". The traditional ORV use in the CHNSRA has never been about destruction , it has been about recreation. Please give weighted consideration to the comments of the vistors of the park, they know a lot more about it, they are stake holders and they are for whom the Cape Hatteras National Seashore RECREATIONAL Area was created.

Correspondence ID: 15004 **Project:** 10641 **Document:** 32596

Name: Smith, Kenneth

Received: May,10,2010 00:00:00

Correspondence Type: Letter

Correspondence:

I hereby submit my personal comments concerning the request for comments on the Draft Environmental Impact Statement for the Department of Interior's, National Park Service, Notice of Availability of a Draft Environmental Impact Statement for Cape Hatteras National Seashore issued on March 5th, 2010. As an employee of the federal government employed to write regulations and policy for the United States Coast Guard, I am appalled at the actions of the National Park Service and most importantly the casual nature by which the National Park Service refuses to recognize the name of the park mandated by Congress. It is my heartfelt opinion, that the exceptional amount of money wasted by your agency battling numerous law suits and meeting the demands of the consent decree is directly related to the total failure of the NPS "desire" to implement the "desires" of Congress outlined in the United States Code; these actions are totally contrary to actions of other federal agencies, mine in particular. I sincerely hope that the NPS will recognize and implement the desires expressed by the majority of public citizens that spoke at public meetings and expressed comments during the open comment period. In keeping with the President's mandate on transparency, the NPS should clearly identify the number of persons speaking in favor of open access, those speaking against the NPS recommended alternative, and those speaking in favor of the Coalition for Beach Access. As a member of the federal government cognizant of the APA and rules related to transparency, I would like a personal response from you as to why this project was not accessible to the public through the online system established by the federal government at www.regulations.gov. Rather, it was accessible online through a website managed exclusively by the NPS. I would like to note that in the past I have submitted comments through the NPS exclusive server only to find the comments were never recognized. I urge all the distinguished members of the federal government that I have copied to inquire to the Department of Interior about my comments concerning the electronic practices of the NPS and importantly to inquire about the data affiliated with public submissions and positions thereof to ensure that the NPS is fully recognizing and acting according to public input. Specific Comments Title Page: The title of the document does not correctly reflect the name of the area under review. In accordance with Title 16 of the United States Code, Chapter 1, Subchapter LXIII, Section 459, the title should be amended to reflect the name of the park codified by U.S. law, " ... said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area." Please change the title page accordingly. Executive Summary section, page i, first paragraph: Change the opening lines of the first paragraph to account for changing the title page as follows: This draft Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plan / Environmental Impact Statement (plan/EIS)

analyzes a range of alternatives and actions for the management of off-road vehicles (ORVs) at Cape Hatteras National Seashore Recreational Area (the Seashore). Background section, page i, 4th paragraph, first sentence: The statement, "Historically, beach driving at the Seashore was for the purpose of transportation, and not recreation." is misleading. Historically, beach driving has been both for transportation and for recreational use. Accordingly, this sentence should be changed to maintain light of the importance of recreation in the recreational area.

Background section, page i, 4th paragraph, last sentence: The statement, "There has also been a decline in most beach nesting bird populations on the Seashore since the 1990s." is unclear and not supported. Please clarify and/or annotate this statement in the document for readers with a superscript number identifying the supporting data and point to the section in the document that discusses the decline stated.

Purpose of the plan section, page ii: The paragraph should reflect congressional intention and contain some information about the park being established, dedicated, and set apart as a recreational area for the benefit of the people. Recommend rewriting the paragraph as follows: "The purpose of this plan is to develop regulations and procedures that carefully manage ORV use/access in the Seashore to protect recreational access, preserve natural and cultural resources and natural processes, and to provide a variety of visitor use experiences while minimizing conflicts among various users, and to promote the safety of all visitors."

Need for Action section, page ii, 2nd paragraph, last sentence: The sentence should include additional information about the role that the NPS has in carrying out the policy set for in the National Environmental Policy Act. Namely that the NPS has the responsibility, as an agent of the federal government, for achieving a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. (Reference NEPA 1969) The document fails to convey details associated with the workbooks which provided for public input. The full results obtained from the workbooks should be conveyed as fact and not minimized and presented as a general statement. This is necessary to ensure the decision maker fully understands results of public input. Likewise, the number of people who spoke at public meetings along with their positions should be presented in order for the decision maker to clearly understand the public's desire not the unsupported desires of NPS employees or special interest groups.

General Comments Your attention is drawn to the fact that the National Environmental Policy Act of 1969 was originally intended to be a guide for U.S. environmental and public policy. The act itself states that its purpose is to: ? " fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; ? assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; ? attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; ? preserve important historic, cultural , and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice; ? achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and ? enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The NEPA document in it's entirety fails to recognize the negative impact that will be imposed on existing and future human generations if areas are permanently closed or closed during times when human recreation is at its peak. Furthermore, the economic impact section is flawed in that the region of influence fails to focus primarily on the affected environment - Cape Hatteras National Seashore Recreational Area (Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, and Hatteras Village). Rather, it uses data from other geographic areas outside the affected area to make the impact appear smaller than it truly is. The document is flawed in that it fails to recognize the areas extraordinary significance as a traditional cultural area established for the benefit of human activity. Finally, the document fails to recognize the cost benefits of the proposed action . A cost benefit analysis should be provided which clearly discerns the costs and benefits associated with protecting resources against the human experience gained or lost due to NPS decisions.

Conflict between conserving resources and values while providing for their enjoyment is not necessary. The NPS has a duty not only to ensure that resources are conserved but to resist the lures to swing the "protection" pendulum too great a distance from its mandate to provide for the enjoyment of resources. One such lure is "ease of implementation". Managing the Recreational Area under the NPS Organic Act, its Enabling Legislation and other legal mandates is not intended to be easy or cheap. It can however be practicable and reasonable.

The enabling legislation excepted certain portions of the Seashore Recreational Area from protection as a primitive wilderness area as contemplated and required by the NPS Organic Act of 1916 (Organic Act). Those portions excepted from protection were, "those areas deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities similar in nature". Due to the nature of the activities specifically identified in the enabling legislation, the location of those areas necessarily included all waters and shorelines of the Recreational Area. The points and spits of the affected area, as well as all the beaches accessible to ORV traffic are clearly areas especially adaptable and exactly the areas

Congress directed the NPS to protect for the benefit of the people. (Reference: Title 16 of the United States Code, Chapter 1, Subchapter LXIII, Section 459).

The position statement of the Coalition for Beach Access balances the need to conserve natural resources with the mandate to provide for the enjoyment of them. It gives consideration to natural resource management within the context of all recreational uses of the beach, particularly emphasizing the distinct needs for ORV access and management. As a public citizen, I urge the NPS to consider the above comments and I urge the NPS to implement the full list of recommendations provided by the Coalition for Beach Access.

Correspondence ID: 15005 **Project:** 10641 **Document:** 32596
Name: Woodrow , Heather
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Dear Superintendent, My name is Heather Woodrow and I've lived and worked on Hatteras Island for 12 years. I moved here from the hustle and bustle of inner-city life strictly for the tranquility and serenity that the Cape Hatteras Seashore encompasses. I STRONGLY DISAGREE with the plan that the NPS has proposed to close OUR beaches! First, let me say that I'm an animal/nature lover. I understand that conservation is an important part of life on this island, but someone along the way has forgotten the NPS mission statement and purpose for being: National Parks / Forests / Seashores were established for people to RECREATE in mother nature 's beauty. Visiting the beach isn't only a privilege but our RIGHT! By being fanatical everyone, including the NPS, loses. Beach access is detrimental to hundreds of families' way of life. Our no. 1 industry is tourism. Nobody will travel here, spend their money, or plan return vacations if they can't access the beach. The resulting effect will be devastating all the way from the little guys like myself up to the state level! Property values will plummet, tax dollars coming into Dare Co. will dry up, and people will no longer be able afford to live here. Unfortunately, we won't be able to afford to leave either. As you know, our country is in a serious recession. The mental, emotional, and spiritual healing properties of our beaches CANNOT be taken away! It is unacceptable and all in vain. I've researched and read YOUR numbers , and there is nothing to support claims that ORV / pedestrian traffic is threatening turtle or bird survival. Free and easy access is the only option here. Nature (ie. predators, storms, erosion) takes more nests than man ever could. Natural selection is a fact! We have got to let it run it's course, not meddle in nature's food chain. Piping Plovers are NOT endangered and their numbers rising will only throw off the balance elsewhere. I don't understand why a plan that has successfully worked for decades is suddenly deemed insufficient. I believe the beaches should be patrolled and current laws enforced! At a time when our economy is struggling, it would be smart to create jobs enforcing the current laws. All the money being spent lobbying against beach access would be better spent protecting the wildlife. The NPS needs to step up and PRESERVE the heritage and rich culture that can only be found on these islands. There are so few beaches left in this country that haven't been abused and ruined. It benefits no one to proceed as proposed, ultimately abusing and ruining ours. This is our last chance to do the right thing and put a REASONABLE plan into action! Please think of our future generations. They deserve to see what life was like for their ancestors and to walk the same path that so many others have throughout history! There is so much at stake that we can't afford to turn our backs on. This goes beyond politics and money. We the people (both locals and visitors alike) demand that our Constitutional Rights be upheld! It's your responsibility to do what the public wants, not to be extremists. DO YOUR JOBS! EDUCATE the public, patrol the beaches, and uphold the current laws!

Thank you for the opportunity to have my say. Thank you in advance for not letting so many people down! Good luck! Sincerely, Heather D. Woodrow

Correspondence ID: 15006 **Project:** 10641 **Document:** 32596 **Private:** Y
Name: private

Received: May,11,2010 00:00:00

Correspondence Type: Letter

Correspondence:

Thank you for allowing me the opportunity to comment on the Draft Environmental Impact Statement on the Off-Road Vehicle Management Plan. For the record, the document should also clearly state it is for "Pedestrian" Management as well. I would like to start out by referencing the NPS Administrative History Document. On page 5, a beginning preface provides the following quote: When we look up and down the ocean fronts of America, we find that everywhere they are passing behind the fences of private ownership. The people can no longer get to the ocean. When we have reached the point that a nation of 125 million people cannot set foot upon the thousands of miles of beaches that border the Atlantic and Pacific Oceans, except by permission of those who monopolize the ocean front, then I say it is the prerogative and the duty of the Federal and State Governments to step in and acquire, not a swimming beach here and there, but solid blocks of ocean front hundreds of miles in length Call this oceanfront a national park, or a national seashore, or a state park or anything you please-say that the people have a right to a fair share of it. Secretary of the Interior Harold Ickes, 1938 (page 5) Let 's get "back to the basics" and the aspirations of our forefathers vision of why the seashore was created in the first place. Our Secretary of the Interior of 1938, Harold Ickes, so eloquently stated that "the people have a right to a fair share of it" (beaches). With the recent "Consent Decree" and Proposed Alternative F, it is truly ashamed that we have reached a point that we the people of the United States cannot set foot and/or ORV upon many miles of beaches .

The beaches are now being monopolized, instead of by private individuals, but by Southern Environmental Law Center, Defenders of Wildlife, The National Audubon Society, U. S. District Court Judge Terrence W. Boyle, the National Park Service, and the Department of the Interior. The beginning thought processes of the National Recreational Seashore were first, through the creation of President Roosevelt's work-relief program, created by The People For The People focused on passive appreciation of nature and history (page 16). Second, to promote both conservation and economic development by establishing parks that preserve wildlife and wilderness while attracting and catering to visitors (page 16). Third, the federal government has a responsibility to maintain public access to the nation's beaches (page 16).

If any competent and understanding person could read and interpret the above, then we would not be in a position where an 810-page document should be required. Plus, the hours upon hours, utilizing taxpayer dollars for a facilitator would not have been spent to have inconclusive Reg-Neg Committee meetings.

Our taxpayer dollars would not have been provided to SELC based upon the outcome of lawsuit requiring NPS/DOI to provide payment. Many people would not have had to volunteer countless hours of service to attend meetings to negotiate in "good faith". Simply put, the seashore was originally created as a "Recreational Seashore" for enjoyment by humans "AND" wildlife. The "AND" is all but being eliminated by powerful environmentalist who have found a loophole in which to jump through in an attempt to turn this vast, great, beautiful land into a Wildlife Refuge .

I feel that SELC would have better spent their time, money, and energy into cleaning the underbrush. They should utilize volunteers from the groups of people they represent so that the wildlife would find the spits more attractive and habitable. All animals have survival skills and must deal with the "great circle of life" on a daily basis without interference by humans. I demand that other animals are prevented from elimination just to save a few birds. Only God has the right to determine who lives and who must die (raccoon, possum, fox and other indigenous species) as part of a predator control program by the Park Service.

How can SELC state that the Consent Decree is legitimately working when breeding pairs for both Piping Plovers and American Oystercatchers were down in 2009, a full breeding season, compared to the Interim Plan of 2008.

The "Interim Management Strategy" provided both reasonable access and protection for wildlife. However, the economic impact results are necessary to be sure of the effect upon economic development of this area. The economic development was also a part of the evolution of the seashore's grand plan. I am asking that you at least consider reinstating the "Interim Management Plan", as I believe that humans and wildlife can co-exist without extreme measures as being sought by outsiders who under appreciate this surreal area.

I am asking that a wildlife survey be completed for the dredge islands and the entire NC eastern seaboard, not just the area under the jurisdiction of NPS. I am asking to see the correlation of coastal storm events in relation to the counts of breeding pairs for species being monitored by the NPS. As well as, coastal storms in relation to species of concern for each of the past consecutive years.

I am asking that family pets not be excluded from this area of beach. We found this vacation destination in the year 2000, and started bringing our pet dog with us in the year 2005. We appreciate being able to bring a significant part of our family on vacation. We carefully maintain the area by removing waste and disposing of it properly. We do not allow our pet to disrupt wildlife, and always maintain on a leash. If disallowed then we will not return to this area!

Perhaps, management of the seashore should not be under the discretion of the NPS. This is a unique area designed as a National Recreational Seashore, which should not fall under the same guidelines of all other National Parks within the system. It should not be treated like that of the other typical National Parks. Conceivably, the U. S. Forest Service could be considered as an alternate caretaker. The Forest Service has a long and distinguished history of service to the public and stewardship of our national forests and grasslands. The U. S. Forest Service could provide it's expertise in maintaining the ecosystem to keep the land functioning . Primarily, the overgrowth and underbrush must be managed in a way to make the places where species of concern used to breed . If SELC, et. al., cannot step up to the plate to make the land available, then I would suggest an alternate party such as the U. S. Forest Service who could properly enhance the land thru viable management skills. If the NPS continues not to adequately manage the land to make it attractive, then the situation will continue to worsen each year, whether or not ORV' s and pedestrians are allowed to access the beaches.

I am hoping that everyone that reads my comments will consider what the seashore was supposed to mean to the public. So far, this has been a blatant miscarriage of justice, freedom, and liberties. This is a travesty that has carried on far too long with too much bureaucratic, red-tape. I only have one tiny, little voice and I only hope that it is heard and a resolution can be made.

Darlene P. Zubal

Member NCBBA, #13111 Member OBPA Annual Visitor since the year 2000

Correspondence ID: 15007 **Project:** 10641 **Document:** 32596
Name: Henry, Robert
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Sir,

After many months of reading and hearing comments in reference to other and this latest DEIS proposed plans, I MUST add my own comments to two particular rules that challenge our cherished traditional and historical heritage of the Recreational Area.

I DISAGREE with the excessive and unwarranted 1000 meter closure for unfledged piping plover chick broods. It is quite possible to consider relocating such FEW concerned chicks to the Pea Island Wildlife Refuge as a much safer and secure area that is already off limits to ORV traffic. This was NOT intended to become a wildlife preservation area at the expense of denying access to MOST of it for the millions of visitors who have enjoyed it for many, many years!

I DISAGREE with the totally unacceptable proposals regarding ORV traffic in areas and time spans. This means that anyone, including myself, with disability would NOT be able to enjoy this magnificent Recreational Park. There is no way I can walk that far, much less carry the items that could make it an enjoyable beach experience. I have in the past used the beach frequently for all activities except the board actions, and even those I have pleasure in being a spectator.

In your total plan analysis, I find ONLY TWO paragraphs concerning the preservation of cultural resources, which action is required by the National Environmental Policy Act.

I DISAGREE with the socio-economic data and analyses which are incomplete and erroneous. I can see by my own employment which put me out on unemployment in Nov 2009 instead of the usual Dec closing date of the tackle shop. Then this march, I wasn't called back to work because my employer stated: "I just don't have the business volume to keep you right now. I hope that it will improve: but don't expect it because of the harsh regulations in place" So I looked for other employment and was repeatedly told the same type of reason. I FINALLY found part time employment of about 15-18 hours a week which really doesn't not support me! And I am only one of the MANY who cannot find enough work, although we are willing and able.

I respectfully BEG you to reconsider preservation of our beaches and natural resources with COMMON SENSE policies that do not prohibit pedestrian and ORV access. This is OUR heritage of beach, tourism, and livelihood, which is rapidly being destroyed.

Correspondence ID: 15008 **Project:** 10641 **Document:** 32596
Name: Scott, Jennifer
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: I disagree with the access reducing features of the DEIS and I fear they will have a devastating effect on my life, family and the economy of Hatteras Island. My father and other family members lost property to the establishment of the Cape Hatteras National Seashore Recreational Area but, were told they would benefit more than they would lose. Conrad Wirth encouraged local residents to start visitor based businesses and promised them "you will always have ocean and sound side access". We believed it for quite some time. If this proposal goes into effect our businesses will suffer and our access, as well as the access of the visitors we depend on, will be greatly diminished. Like many locals, I struggled to establish a business through storms, tides and falling bridges and managed to send my children to college and see them prosper off the Island. Since they have recently had children of their own they are excited about returning home to raise them on the Island of their forefathers. This DEIS makes that look difficult and it breaks my heart. I walk through the Park to the beach almost daily. For many years my husband worked with Park interpreters to do a commercial beach fishing demonstration for the visitors. My family and friends have had countless Sunday picnics on the south beach of the Park where our children enjoyed themselves surrounded by nature. My husband surfs, kite boards and fishes, in the Park. He has fought wild fires side by side with NPS personnel both in the Park and on private lands. We often take visitors out to Cape Point and they are always impressed with the uniqueness of it. We share a long property border with the Park. We are intertwined with the Park and we never harm a thing. We like to walk in the park but always keep a functioning ORV to access Cape Point and the other more remote areas. I find it hard to believe our activities are detrimental to birds or turtles. Your own studies state human interference has an insignificant impact on nesting survival. For the rare cases of human activities that are detrimental to wildlife, the enforcement of the law should be employed to address the issue. I know these proposed access reductions will hurt our already suffering economy. The change my family has experienced, from subsistence living and taking a bath once a week, to electricity, year round fresh produce, medical care and a bridge has been a much appreciated improvement. It is our economy that supports these improvements and it is already suffering like much of the country. It cannot be truly viable without the visitors who come for the multiple recreation opportunities the Park provides. The Park belongs to the citizens of this country and it is your job to manage it on their behalf, not on the behalf of a small but well financed and connected group of extremists. Thank you for reading this letter and the consideration I hope you will give to the points made.

Correspondence ID: 15009 **Project:** 10641 **Document:** 32596
Name: Mowers, Carol
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: Let me start off by commending those that were part of the Negotiating Rule Making Committee. The time and efforts of the participants was a tremendous undertaking for volunteers that care about the future of Cape National Seashore Recreational Area. Of the 30 people on the Committee, very few were actually paid to be there. The entire 2 year process was dead in the water from the beginning when it was voted on that 100% agreement was needed before a Consensus could be reached. It was very obvious, during the meeting I attended, that there were participants that were there NOT TO COMPROMISE BUT TO RULE. Not at anytime will 30 people agree on everything totally. In reviewing the Alternatives suggested by the Draft Environment Impact Statement, it is clearly demonstrated that the majority did not rule in this entire process. The NPS has allowed public comment on the DEIS. This is a joke. Not many people have the time to fully read and completely understand the consequence of this mammoth 800+ page Draft Statement. I support the Coalition, because the people involved are truly dedicated to the future of Cape Hatteras National Seashore Recreational Area. The NPS should listen to what they are saying. They are people who live and work here. The authors are well versed on the area and have spent many years fighting to keep the rights of the people to enjoy the seashore as it was intended, as a Recreational Area. Mankind and wildlife can coexist, but it has to be in a fair manner. I disagree with Alternative F in regards to the Special Managed Areas. Page 468 states there will be 7 SMAs, managed under ML I procedure and would be closed to both DRYs and pedestrians during the breeding season. Of these, four SMAs would be designated as non-DRY year round (Table 7 pages 97-101) to include Ramp 27-30, approximately 1.7 miles South of Ramp 38 to Buxton line with new Ramp 39 across from Haulover and new sound side parking at Kite Point, Ocean Shoreline 0.2 miles Southwest of Bone Road to Hatteras Inlet and Ocracoke North-South Inlet to 0.25 miles Northeast of Ramp 59. One SMA would be designated as non-DRY March 15" thru October 31, 0.5 mile Southwest Ramp 68 to 1.2 mile Northeast of Ramp 70. Two SMA would be designated as non-DRY March 15" thru July 31, but there are actually three SMA listed (table 7, pages 97-101, new Ramp 32.5 thru Ramp 34, Cape Point 0.2 miles West of the hook to Ramp 45 and Ramp 45 to Ramp 47. In addition to 8 (not 7) there will be 3 areas managed under ML2 which are subject to corridor closures according to breeding activity. The purposed areas of the buffer zones are much to large than what is necessary. This closes down 16 miles of beach SMA managed under MLI and 23 miles designated for seasonal use. The areas stated above are predetermined to be closed or limited to access when it is not for sure that the Breeding will take place in these areas. Closures should only be determined on actual occurrences, not WHATMAYHAPPEN. The weather is unpredictable in reference to storms and natural erosion, no one is to say how this will effect the breeding of any species and where they will go to breed. After the Negotiating Rule Making did not reach a Consensus, I was in hopes that the NPS would at least take into account the suggestions of the majority. This document definitely does not represent the majority of the people that use the beaches, take care of the beaches, protect the wildlife and add to the economy of Dare and Hyde counties. I for one, am a very disappointed tax payer and citizen.

Correspondence ID: 15010 **Project:** 10641 **Document:** 32596
Name: Hardham, Larry
Received: May,10,2010 00:00:00
Correspondence Type: Letter

Correspondence: Dear Superintendent Murray: The Cape Hatteras Access Preservation Alliance ("CHAPA" or "Coalition") submits the following comments in response to the National Park Service's ("NPS") Draft Environmental Impact Statement for the Cape Hatteras National Seashore Off-Road Vehicle Management Plan ("DEIS"), noticed in the Federal Register on March 5, 2010. I. Introduction The Outer Banks Preservation Association ("OBPA") organized CHAPA as a coalition for the purpose of preserving and protecting a lifestyle and way of life historically prevalent on the Outer Banks of North Carolina, including the area now comprising Cape Hatteras National Seashore ("Seashore" or "CHNSRA"). The Coalition includes the Cape Hatteras Anglers Club (with its 1,100 members), the North Carolina Beach Buggy Association (4,700 members), and OBPA (with over 4,300 active members located in more than 20 states and Canada). Many of CHAPA's members reside in eight unincorporated villages that lie within or adjacent to the boundaries of the Seashore: Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, Ocracoke, and Hatteras Village. The individuals and businesses represented by CHAPA regularly operate off-road vehicles ("ORVs") in order to access beaches at the Seashore for both recreational and commercial purposes. For example, CHAPA's membership includes commercial fishermen who, in order to make a living, must be able to access the beaches of the Seashore using off-road vehicles ("ORVs") to both carry fishing tackle and related gear and to find suitable spots for fishing. Beach closures or ORV access restrictions within the Seashore would effectively shut down the Seashore to commercial fishing industry, denying these individuals a livelihood that predates the establishment of the Seashore. CHAPA advocates the protection and preservation of the surrounding beaches within a framework of responsible and meaningful access to the sound and to ocean beaches for all users, including pedestrians and properly licensed drivers and their vehicles. Meaningful access to the shore is fundamental to the continued growth and economic vitality of the Outer Banks. CHAPA continues to be interested in working with the NPS and other stakeholders to develop an ORV management plan and regulation that will satisfy the concerns of protecting the Seashore's resources, but do so without compromising

the area's distinctive shore-oriented culture and economy.

CHAPA and its members, along with many local businesses and individual users of the Outer Banks, are concerned that the DEIS's Preferred Alternative F unnecessarily limits motorized access and pedestrian use at the Seashore. Such restrictions will have a devastating effect on the entire Outer Banks coastal economy and threaten a lifestyle that predates the establishment of the Seashore. Recreational access to the CHNSRA beaches using ORVs is an essential component of the area's tourism-based economy. Visitors to the Outer Banks routinely utilize ORVs to engage in recreational activities to reach the significant portion of the CHNSRA that is not accessible by paved roads.

CHAPA believes that, as written, the DEIS and the NPS's Preferred Alternative F do not meet the NPS's dual mandate set forth by its Organic Act to promote and regulate the use of the national parks "by such means and measures as conform to the fundamental purpose to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment for the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C. § 1 (emphasis added). The closures and restrictions imposed as a result of the April 30, 2008 Consent Decree in *Defenders of Wildlife v. USFWS* (No. 2:07-cv-45-BO (E.D. N.C.)) already have had a serious adverse impact—economic and otherwise—on CHAPA's members. CHAPA and its members fear that the ORV management plan envisioned under the DEIS will result in even more stringent use restrictions on vehicles and closure of beaches or access points that will further significantly affect the way of life that area residents have enjoyed since long before the establishment of the Seashore—reducing recreational access, depriving fishermen dependent upon vehicles for their daily work of their livelihoods, shrinking economic activity, and changing the very culture that has defined the Outer Banks for so many years.

CHAPA has important concerns regarding the NPS's proposed plan that we believe must be addressed in order to ensure that the formal plan is in the best interests of the public. Beach access and recreation are important to the Counties and to the lifestyles of their residents, from both an economic and environmental standpoint. CHAPA continues to urge the NPS to recognize the importance of public access to and use of the Seashore to area residents as it completes the ORV management planning process. CHAPA continues to urge the NPS to ensure that the long-established values of ORV use at the Seashore are appropriately recognized in the development of an ORV management plan that maintains the cultural, resource protection, and diverse visitor experience within the Cape Hatteras National Seashore Recreational Area.

CHAPA asks that, in developing its final plan and EIS, the NPS give favorable consideration to these comments, and incorporate the principles and recommendations found in the Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement prepared by the Coalition for Beach Access ("Position Statement"), dated March 5, 2010. This Position Statement, a copy of which is enclosed and incorporated herein by reference, enjoys the support of a broad representation of the local community, including the following organizations: American Sportfishing Association; Avon Property Owners Association; Cape Hatteras Anglers Club; North Carolina Beach Buggy Association; Outer Banks Preservation Association; United Mobile Sportsfishermen; Watersports Industry Association, Inc.; Outer Banks Chamber of Commerce; Cape Hatteras Business Allies; United Four Wheel Drive Associations; Rodanthe-Waves-Salvo Civic Association - Board of Directors; Ocracoke Civic and Business Association; Hyde County Board of Commissioners; Dare County Tourism Board; Hatteras Village Civic Association; and Recreational Fishing Alliance.

CHAPA's concerns regarding the DEIS are further discussed in the comments that follow, as well as in the Coalition for Beach Access Position Statement. We believe that the final ORV management plan must address each of these issues in order to meet the NPS's obligations to ensure reasonable public access to the Seashore while sufficiently protecting the area's resources.

II. THE DEIS IS INCONSISTENT WITH THE SEASHORE'S ENABLING STATUTE'S REQUIREMENTS GOVERNING MANAGEMENT FOR RECREATIONAL ACTIVITIES AND COMMERCIAL FISHING

The 1937 Enabling Act that created the Cape Hatteras National Seashore expressly recognized the unique character of the islands and communities within the National Seashore, and particularly sought to preserve public access to the Seashore and use of the Seashore for recreational purposes, as well as for commercial fishing by residents of the area. The Act that created the "Cape Hatteras National Seashore Recreation Area" required that the land be "established, dedicated, and set apart as a national seashore recreation area for the benefit and enjoyment of the people." 16 U.S.C. ' 459 (emphasis added). Section 3 of the Seashore's enabling legislation as amended, 16 U.S.C. ' 459a-1, states that "the administration, protection, and development of the aforesaid national seashore recreational area shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of [16 U.S.C. " 1-4]," commonly known at the Organic Act. But that provision is expressly subject to several important provisos, as well as additional provisions in section 4, which explicitly aim to protect public access to and use of the Seashore. In one of these provisos, Congress prescribed that "the legal residents of [the] villages . . . shall have the right to earn a livelihood by fishing within the boundaries to be designated by the Secretary of the Interior, subject to such rules and regulations as the said Secretary may deem necessary in order to protect the area for recreational use. . . ." 16 U.S.C. ' 459a-1 (cited at DEIS at 11). And, in section 4, Congress specifically directed that:

Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area.

16 U.S.C. ' 459a-2 (quoted at DEIS at iv, 46).

NPS recognized its legal obligations in its March 1938 Prospectus of Cape Hatteras National Seashore, when it noted that the area is to be managed "[p]rimarily" as "a recreation area?." [W]hile provision for bathing may be the first consideration of these areas, it must be kept in mind that a far greater number of people will be more interested in using a seashore area for other recreational purposes. It is desirable therefore to provide ample shoreline for all types of beach recreation. The Cape Hatteras National Seashore provides such an area in that there is extensive shoreline for all forms of recreation both for immediate use and for future development." DEIS at 12. "The development and operation of the Seashore area shall follow the normal national park standards with the understanding that recreational pursuits shall be emphasized to provide activities in as broad a field as is consistent with the preservation of the area. It shall be the policy of the Service to permit fishing, boating and other types of recreation under proper regulations and in designated areas where such activities may not conflict with other factors of greater importance." *Id.* (quoting Prospectus of Cape Hatteras National Seashore, NPS (1938)).

The high priority that is to be afforded to public use and access of the Seashore was again emphasized in the fall of 1952, when the NPS responded to serious criticism of the NPS and its failure to provide adequate information about the Seashore to residents of the Outer Banks and others affected by the proposal to create the Seashore. DEIS at 15. Among other concerns, these criticisms included "concern about the rights of individuals to continue commercial and sport fishing" and "concern that once the Seashore is established, the local people would be denied access to the ocean beach." *Id.* Thus, in an open letter to the "people of the Outer Banks," the NPS Director reiterated that, "when the lands for the Recreational Area are acquired and become public property there will always be access to the beach for all people, whether they are local residents or visitors from the outside." Conrad L. Wirth, A Letter to the People of the Outer Banks, *The Coastland Times*, Oct. 31, 1952 (characterized as "a social contract between the Service and residents of the villages" in *The Creation and Establishment of Cape Hatteras National Seashore*, C. Binkley, Director, Southeast Region, NPS (Aug. 2007) at 209). He further explained that "it will be necessary to establish certain regulations, such as to designate places for vehicles to get to the beach in order to reduce said dune erosion to a minimum; to manage ocean fishing where large numbers of bathers are using the beach; and to confine bathing to certain areas. These latter are safety measures, as it would be dangerous to permit surf fishing where there are large numbers of people in bathing and, likewise, fishermen would not want bathers to interfere with their fishing." *Id.*

Thus, in the very statute establishing the Seashore, and as reflected for a time in the NPS's policies implementing that statute, Congress specifically directed that NPS develop and manage areas of the Seashore that provide opportunities for recreational use in a manner that enables those uses to continue. In establishing the Seashore, Congress drew a clear distinction between portions of the Seashore "especially adaptable for recreational uses" and other portions of the Seashore, and clearly mandated that the two types of areas be developed and managed differently. In managing areas "especially adaptable for recreational uses," the NPS must, under the statute, consider and accommodate recreational uses. It is not to manage such areas as "primitive wilderness."

Remarkably, except for a one-sentence reference on page 527, the DEIS contains no further reference to this requirement, and the DEIS contains no discussion about how this mandatory statutory language will be reflected in its management of ORV use at different areas of the Seashore. The DEIS inexplicably fails to acknowledge the differential treatment that it must accord to the two categories of lands under the statute, and therefore fails to comply with its directive to develop and manage those areas "especially adaptable for recreational uses ?as needed." The DEIS reflects little to no effort by the NPS to attempt to accommodate public access and use, particularly in those portions of the Seashore "especially adaptable for recreational uses."

Indeed, the NPS appears inclined to accept the unreasonable goal of having the entire Seashore managed as a "primitive wilderness," regardless of the extent to which the specific area is adaptable for recreational use. The NPS's total failure to distinguish between areas that it may continue to manage as a primitive wilderness and areas that are especially adaptable for recreational uses is wholly inconsistent with the Seashore's enabling statute. Based upon the nature of the activities specifically identified in the enabling legislation, the location of those areas especially adapted for recreational use should include all waters and shorelines of the Seashore. See Position Statement at 11-15. These areas should not be managed as primitive wilderness, as would be the practical effect of the implementation of NPS's Preferred Alternative F, but in a manner that recognizes and accommodates the important recreational uses of these areas as contemplated and required by the Seashore's enabling legislation.

III. THE DEIS LACKS SOUND SCIENTIFIC BASIS AND OTHERWISE IMPAIRS MEANINGFUL AGENCY AND PUBLIC REVIEW

A. The Purpose and Effectiveness of the DEIS as a Decision-making Tool Based Upon Meaningful Agency and Public Review and Participation is Undermined by the Document's Size and Complexity, and its Selective and Incomplete Use and Explanation of Scientific Data

The Council on Environmental Quality's ("CEQ") Regulations For Implementing the Procedural Provisions of the National Environmental Policy Act provide Federal agencies with important direction for complying with NEPA's EIS requirement. As CEQ's NEPA implementing regulations explain: "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail." Unfortunately, the DEIS and the NPS's process fails these purposes. The document is massive, yet lacks transparency and scientific analysis and fails to present information in a manner that enables meaningful and critical review by public officials and other interested parties. And it appears to be biased in its selective use of information and by an inappropriate attempt to rely selectively upon a negotiated rulemaking process that did not achieve consensus.

Pursuant to CEQ's regulations, among other requirements, EISs "shall provide full and fair discussion of significant environmental impacts" and "shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses." 40 C.F.R. 5 1502.1. To achieve their purposes, EISs "shall be analytic rather than encyclopedic," "shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with [CEQ's] regulations," and "shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made." 40 C.F.R. 5 1502.2. Moreover, EISs "shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them" and "be based upon the analysis and supporting data from the natural and social sciences and the environmental design arts." 40 C.F.R. 5 1502.8.

The DEIS is inconsistent with these provisions of CEQ's regulations in several key respects. First, the DEIS is neither concise, clear, to the point, nor supported by evidence that NPS has made the necessary environmental analyses, as required by 40 C.F.R. 5 1502.1.

Similarly, it is not written in a way that decisionmakers and the public can readily understand it, as required by 40 C.F.R. 5 1502.8. The DEIS is exceedingly long, and extraordinarily difficult to follow. Evaluation of, and comparisons between, the various alternatives, and their respective impacts, are extraordinarily difficult due to the repetition of information and conclusory statements that purport to be based upon scientific data, but, upon closer scrutiny, are not.

In addition, the DEIS makes vague references to "studies" and other materials that purport to support the NPS's "analysis," without actually identifying the studies that are being referred to. See, e.g., DEIS at 339 ("In addition to the establishment of prenesting areas, alternative C provides for protection of piping plover nests outside of the SMAs through the use of buffer distances recommended, in part, under the Piping Plover Recovery Plan (USFWS 1996a). Deviation from these recommendations and establishment of a 75-meter buffer around known nests is based on studies that show a greater susceptibility to disturbance in similar environments and Seashore staff observation (see "Elements Common to All Action Alternatives," in chapter Z)."); DEIS at 320 ("Potential impacts on the federally threatened piping plover populations and habitat were evaluated based on available data on the species' past and present occurrence at Cape Hatteras National Seashore, scientific literature on the species, life history, scientific studies on the impacts of human disturbance on piping plovers, as well as documentation of the species' association with humans, pets, predators, and ORVs. Information on habitat and other existing data were acquired from staff at Cape Hatteras National Seashore, the USFWS, and available literature.")

In sum, the considerable size and complexity of DEIS, and the DEIS's selective and incomplete use and explanation of scientific data make it difficult for the public to respond meaningfully to the DEIS and to provide specific criticisms and recommendations, particularly within the relatively short 60-day period provided for public comment. And rather than seriously consider requests for an extension of this period to allow sufficient time for the public to adequately review and respond to such a complex, lengthy, and significant document, the NPS has apparently determined to move full steam ahead on its current track, stating that organizations interested in the issue "were well represented and actively participated on the CAHA negotiated rulemaking advisory committee and related sub-committees and work groups . . ." and that several of the alternatives-though notably not Preferred Alternative F purportedly are "substantially the same" as alternatives "described to the committee and released to the public at a committee meeting on November 14, 2008." Letter from D. Vela, Regional Director, NPS to J. Simon, Van Ness Feldman (Mar. 29, 2010). In effect, the DEIS appears to have become a fait accompli, immune from valuable public comment, and a fatally flawed tool for helping to develop an appropriate ORV management plan for the Seashore.

B. The DEIS Ignores Certain Relevant Studies and Other Information Presented During the Early Stages of the Planning Process and Negotiated Rulemaking Process

A great deal of information was made available to the NPS during the early stages of the planning process and the negotiated rulemaking process with respect to the development of the ORV management plan. Inexplicably, much of this information is neither addressed nor so much as acknowledged in the DEIS. For example, the DEIS states that the NPS received a total of 386 completed "Alternative Option Workbooks" during the public comment period. DEIS at 634-35. Yet, although the DEIS makes the assertion that "[a]ll workbooks were reviewed and considered during the alternatives development process" and acknowledges that "[m]ost comments offered options for protected species management, law enforcement, ORV permitting, closures, and ORV ramp and route configuration," DEIS at 635, the DEIS contains practically no reference to or consideration of these materials. Similarly, an enormous amount of information was presented as part of the negotiated rulemaking process, some of which directly questions the conclusions and recommendations made by NPS in the DEIS. Yet, again, the DEIS contains practically no reference to or consideration of these materials.

In this regard, the DEIS also ignores certain studies presented during the negotiated rulemaking process, including studies addressing resource protection buffers and other protection measures. One of these studies, for example, among other things, supports the creation of buffers during the fall and winter that would allow ORV traffic in certain key shorebird colony sites, and concludes that beach closures "are unnecessary and are not likely to favorably impact breeding piping plovers on the islands." Jaime A. Collazo, J.R. Walters, and J.F. Parnell, Factors Affecting Reproduction and Migration of Waterbirds on the North Carolina Barrier Islands, Final Report to the National Park Service Cape Hatteras and Cape Lookout Seashores (1995) (cited in Addendum to the Final Report of the Proceedings of the Negotiated Rulemaking Advisory Committee for Off-Road Vehicle Management at Cape Hatteras National Seashore, American Sportfishing Ass'n, et al., Mar. 27, 2009, at 15-16). Another study seriously questions using the flushing of incubating American oystercatchers to determine the need for adjustments to pass-through corridor widths, by concluding that "there was little or no association between ORV traffic and the rate at which incubating oystercatchers made trips to and from their nests or the percent time they spent incubating." Conor P. McGowan, Simons, T.R., Effects of Human Recreation on the Incubation Behavior of American Oystercatchers, The Wilson Journal of Ornithology 11 8(4): 485-493, 2006, at 489 (cited in Addendum to the Final Report of the Proceedings of the Negotiated Rulemaking Advisory Committee for Off-Road Vehicle Management at Cape Hatteras National Seashore, American Sportfishing Ass'n, et al., Mar. 27, 2009, at 16). By stating that its Preferred Alternative F incorporates the recommendations and input of the Negotiated Rulemaking Advisory Committee and "the Committee members," and at the same time flatly disregarding the substantial relevant comments and information provided to the NPS in the negotiated rulemaking process by the many participants who presented well-reasoned arguments and support for less restrictive buffers, closures, and other "resource protection" measures, the DEIS misrepresents the level of support behind this alternative and suggests that the entire DEIS process has been unduly tainted. As stated in the DEIS, in December 2007, a Negotiated Rulemaking Advisory Committee was formally established in an effort to work towards a consensus recommendation. DEIS at 27. CHAPA engaged in this process along with other stakeholders in good faith to explore the possibility of reaching a consensus on various aspects of management of the Seashore. According to the NPS, "The NPS used the Negotiated Rulemaking Advisory Committee's input to create this action alternative [F], which is designed to provide visitors to the Seashore with a wide variety of access opportunities for both ORV and pedestrian users." DEIS at xi-xii. "Although the Committee did not reach a consensus on a complete alternative, management

elements suggested by the Committee members were reviewed and incorporated into the range of alternatives in this plan/EIS, primarily in alternative F." DEIS at 27. Yet, many of the substantive elements of Preferred Alternative F were neither reviewed nor agreed to by the participants in the negotiated rulemaking process, and, like many other participants, the CHAPA members who participated in that process do not endorse Alternative F. And, in fact, the majority of the participants in the process did not recommend that many of the Consent Decree's restrictions be incorporated into the final ORV management plan.

C. The DEIS Lacks Sound Scientific Support and is Not Based on the Best Available Science

Despite its statements to the contrary, to the extent the scientific basis for its determinations are even apparent, the DEIS does not "incorporate[] the best available scientific literature applicable to the region and setting, the resource evaluated, and the actions considered in the alternatives," DEIS at 292, and therefore cannot be said to "be based upon the analysis and supporting data from the natural and social sciences and the environmental design arts" as required by 40 C.F.R. 5 1502.8.

The DEIS is woefully lacking in sound scientific support. As discussed above, the DEIS fails to consider significant, relevant scientific studies and information that was presented to the NPS in connection with the ORV management planning process.

In addition, aside from simply referencing species recovery plans and the USGS Protocols, the DEIS provided no explanation of the scientific methods that were used to determine the standard buffer sizes included in each of the action alternatives. The DEIS presented certain shorebird species data such as species occurrence, number of nests, nest survival, and fledge rate at the Seashore and also presents recommended buffers for state-listed species based on various studies at various locations, including the Seashore (refer to DEIS at 233, Table 28 for American Oystercatcher; and DEIS at 243, Table 31 for colonial waterbirds), as well as some data for sea turtles. However, the DEIS did not present any clear scientific bases for the need for buffers of the size included in the action alternatives and did not explain any clear methods to illustrate how the NPS determined what size those buffers should be. Compare, e.g., Semlitsch (1998) (deducing that an adequate vernal pool buffer should be based on how far a certain percentage of the species disperses).

Data and/or other studies justifying the need for larger buffers for Management Level 1 (MLI) are not provided. The DEIS establishes a 300 meter buffer under MLI for all state-listed bird species. This applies to breeding behavior, nests, and unfledged chicks. Table 28, Page 233, presents recommended buffers for American Oystercatchers from various studies. None of the recommended buffers from these previous studies, including a study conducted at the Seashore, are greater than 200 meters. In addition, the number of nesting pairs of American Oystercatchers has remained constant since 2006, suggesting that buffers prior to the interim plan were adequate to maintain the population of American Oystercatchers at the Seashore and that the DEIS buffers are excessive. Table 31, Page 243, presents numerous buffer recommendations from various studies for colonially nesting waterbirds. While two of the studies presented recommend buffers of at least 300 meters, studies conducted at the Seashore only recommend, at most, buffers of 100 meters for Least Tern and 200 meters for Black Skimmer, Common Tern, and Gull-billed Tern.

In addition, one of the primary scientific documents relied upon by the DEIS to support the buffer distances in Preferred Alternative F and the other action alternatives suffers from an extraordinary appearance of impropriety and conflict of interest. According to the DEIS, "[t]he buffer distances identified in the action alternatives were developed after consideration of the best available science, which includes existing guidelines and recommendations, such as the Piping Plover Recovery Plan (USFWS 1996a) and the 2005 USGS protocols for the Seashore, as well as relevant scientific literature (research, studies, reports, etc.) for the respective species." DEIS at 73. There are several issues with the 2005 USGS protocols, however, that suggest significant bias in favor of species protection and against ORV use. First, there are significant indications that this document was not developed and reviewed in accordance with the published USGS peer review guidelines, which reflect "a cornerstone of scientific practice" and are designed to "validate[] and ensure[] the quality of published USGS science." <http://www.usgs.gov/usgs-manual/500/502-3.html>. Although made publicly available and utilized by the NPS beforehand, this document was only officially published in late March 2010. Cohen, J.B., Erwin, R.M., French, J.B., Jr., Marion, J.L., and Meyers, J.M., 2010, A review and synthesis of the scientific information related to the biology and management of species of special concern at Cape Hatteras National Seashore, North Carolina: U.S. Geological Survey Open-File Report 2009-1262.

And notably, one of the key authors of the 2005 USGS protocols (Cohen) recently signed an advocacy letter coordinated by North Carolina Audubon with respect to the DEIS and ORV management plan, urging the NPS "to implement the highest level of protection to the extent possible." Letter from Brad A. Andres, et al. to Michael B. Murray, Superintendent, Outer Banks Group, NPS, December 21, 2009. Along similar lines, the same author had earlier, in 2008, signed a sworn affidavit in support of the Consent Decree for the Southern Environmental Law Center, which had sued the NPS over its management of ORV use at the Seashore. The participation by this author in these activities to influence the agency to act in a particular manner through administrative and judicial processes exposes a potential conflict of interest and raises serious questions about the objectivity of the document.

These failures bring into question the agency's objectivity in developing a document that must ensure that it has taken a "hard look" at all the issues that must be reviewed in the EIS, including both the environmental and socioeconomic issues.

III. THE DEIS ADOPTED TWO INAPPROPRIATE NO ACTION ALTERNATIVES, ESTABLISHING THE WRONG BASELINE AND THEREBY MASKING THE TRUE EXTENT OF THE IMPACTS OF THE ACTION ALTERNATIVES ON PUBLIC ACCESS AND RECREATION

Section 1502.14(d) of the CEQ's NEPA-implementing regulations requires that the alternatives analysis in an EIS to "include the alternative of no action." 40 C.F.R. 5 1502.14(d). The analysis of the no action alternative "provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives." NEPA's Forty Most Asked Questions, CEQ, available at <http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM#3>. Rather than adopt a single no action alternative, the DEIS took the unusual step of adopting two such alternatives. Unfortunately, neither of these alternatives is appropriate in this instance or reflects the proper baseline for evaluating the environmental impacts of the various alternatives. The DEIS's choice of two no action alternatives that are not true no action alternatives and that already reflect movement toward the proposed action has the effect of grossly understating the impacts of Preferred Alternative F and the other alternatives on recreational, cultural, historic, and socioeconomic values. Accordingly, the NPS must reconsider its choice of no action alternative and baseline, adopt an appropriate no action alternative, and re-assess the environmental impacts of the proposed action and reasonable alternatives against an appropriate baseline.

Under Alternative A, "management of ORV use and access at the Seashore would be a continuation of management based on the selected alternative identified in the July 2007 FONSI for the 2006 Interim Strategy and the 2007 Superintendent's Compendium, as well as elements from the 1978 draft interim ORV management plan that were incorporated in Superintendent's Order 7, as amended in 2006." DEIS at 60. In October 2007, a lawsuit was filed on the Interim Strategy that resulted in the Consent Decree. Notably, Alternative A in the DEIS is actually Alternative D from the "Interim Protected Species Management Strategy /Environmental Assessment published on January 18, 2006, which, in fact was an action alternative. The Federal action to which the DEIS relates is the development of a long-term ORV management plan and associated special regulation in accordance with Executive Order 11644, as amended by Executive Order 11989, and 36 C.F.R. 4.10. Given that the current DEIS is all part of the same ongoing planning effort that now began more than five years ago, Alternative A cannot legitimately be viewed here as a no action alternative. Further, Alternative B, "Continuation of the Terms of the Consent Decree Signed April 30, 2008, and amended June 4, 2009," clearly has no place in the DEIS as a no action alternative to establish a baseline for purposes of assessing the impacts of the various other alternatives. The Consent Decree, by its terms, states that the document shall have no precedence. Paragraph 34 of the Consent Decree specifically provides that "Plaintiffs, Federal Defendants, and Intervenor-Defendants stipulate and agree that this Consent Decree is entered into solely for the purpose of settling this case, and for no other purpose . . ." Consent Decree at 17. Utilizing the Consent Decree, then, as a no action alternative is contrary to the agreement of the parties in that document, and entirely inappropriate.

The true no action alternative that the DEIS should have considered is the no action alternative that was referenced in the "Interim Plan" assessment, the first step in NPS's effort to assess the impacts associated with management of ORV use at the Seashore. The cover letter to that document explained that "This document presents the evaluation of four alternatives for managing protected species at Cape Hatteras National Seashore in the interim period until a Long-term Off-Road Vehicle (ORV) Management Plan and associated regulations are developed." It then explained the no action alternative as follows:

Alternative A - Continuation of 2004 Management (baseline or no action) The no-action alternative would continue management as expressed in Superintendent's Order #07, which was issued in 2004. Under alternative A, the seashore would implement protective measures for recent piping plover breeding areas (areas used at some time during the past 3 breeding seasons); American oystercatchers and colonial waterbirds, if a territory or colony or nests established; sea turtle nests; and seabeach amaranth plants or seedlings. Measures vary for special status bird species according to the activity. Any species management closures would require the Superintendent's approval. Management would continue for predator removal, recreation use restriction, and public outreach.

It is this alternative that should have been identified as the no action alternative and used to establish the baseline for consideration of the various alternatives in the DEIS. By failing to use the baseline, the DEIS's analysis understates the significance of the impact of Alternative F and the other action alternatives on recreational, cultural, historic, and socioeconomic values. All six alternatives are in fact "action alternatives," when compared to the policies and practices in place when the ongoing ORV management planning process began.

IV. THE PREFERRED ALTERNATIVE'S BUFFERS AND CLOSURES DO NOT REFLECT CONSIDERATION OF A REASONABLE RANGE OF ALTERNATIVES AND ARE UNSUPPORTABLE AND UNNECESSARILY BROAD.

The DEIS proposes overly restrictive resource protection buffers and closures for various species at the Seashore, without justification. Given the substantial impact that such additional, & necessary buffer areas and closures will have on access to and use of the Seashore, and the lack of any evidence that these additional buffer areas or closures are necessary to ensure the protection of the affected species, the NPS's establishment of these buffers and closures is specious at best.

A. The DEIS Failed to Consider a Reasonable Range of Action Alternatives With Respect to Buffer Distances and Other Key Elements of the ORV Management Plan, in Violation of NEPA and CEQ Regulations

To satisfy NEPA's procedural requirements, agencies must prepare a statement on the environmental impact of the proposed action and "a detailed statement by the responsible official on . . . alternatives to the proposed action." CEQ's NEPA-implementing regulations make clear that every EIS must assess not only the environmental consequences of the action, but also reasonable alternatives to that action. In fact, the regulations describe alternatives analysis as "the heart of the [EIS]." 40 C.F.R. 3 1502.14. It is this part of the EIS that "sharply defin[es] the issues and provid[es] a clear basis for choice among options by the decisionmaker and the public." Id Thus, the alternatives analysis must "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated," and "[d]evote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits." Id.

The NPS failed to properly analyze a range of alternatives to the proposed action in the DEIS with respect to buffer distances, a key element of the ORV management plan. The DEIS identified two no action alternatives and four action alternatives. Each of the four action alternatives would apply identical "standard buffers" to limit access and potentially close access corridors. DEIS at 444 (Alternative C), 452 (Alternative D), 459 (Alternative E), 468 (Alternative F); see DEIS at 73 ("The buffer distances identified as common to all action alternatives are intended to provide adequate protection to minimize the impacts of human disturbance on nesting birds and chicks in the majority of situations, given the level of visitation and recreational use in areas of sensitive wildlife habitat at the Seashore and issues related to non-compliance with posted resource protection areas."). The DEIS did not identify or analyze a single action alternative that would apply different buffer distances than those specified in Table 10 of the DEIS. DEIS at 121-26. Among other reasonable alternatives, the DEIS should have analyzed the alternative method of establishing buffer distances and protection measures specifically outlined by Appendix G of the Piping Plover Recovery Plan, discussed further herein. The NPS's failure to consider any such reasonable alternatives violates the letter and spirit of NEPA and CEQ's implementing regulations. The NPS further circumscribed any meaningful evaluation of reasonable alternatives by making other key elements of an ORV management plan "common to all action alternatives." These include the following: ? ORV routes and areas would be officially designated in accordance with the executive orders. ? Year-round ORV routes and areas would be designated only in locations without Sensitive resources or high pedestrian use. ? Year-round non-ORV areas would be designated. ? A new standard set of species management and monitoring measures would include "species management areas" (SMAs) and two levels of species management effort. SMAs include areas at the spits and points in addition to other sensitive resource areas.

DEIS at x. The DEIS's alternatives analysis, if done properly, also would have identified and considered alternatives that included variations on each of these key elements. By considering only alternatives that assumed and were identical as to each of these key criteria, the NPS improperly and unlawfully confined its alternatives analysis.

B. The DEIS Improperly Adopted Buffer Distances Without Any Balancing of Species Protection With Other Relevant Considerations

The DEIS improperly adopted the buffer distances included in the USGS protocols and Piping Plover Recovery Plan based only on consideration of species protection, without balancing species protection with other relevant considerations. According to the DEIS, "[t]he buffer distances identified in the action alternatives were developed after consideration of the best available science, which includes existing guidelines and recommendations, such as the Piping Plover Recovery Plan (USFWS 1996a) and the 2005 USGS protocols for the Seashore, as well as relevant scientific literature (research, studies, reports, etc.) for the respective species. In addition, buffer distances were developed using the practical knowledge gained by NPS resources management staff during two years of implementing the Interim Strategy (2006-2007) and two years implementing the consent decree (2008-2009)" DEIS at 73. "Appendix G of the Piping Plover Recovery Plan was used as a basis for determining appropriate management measures under all of the action alternatives." DEIS at 65. Rather than reflect any independent consideration of the multiple objectives that the NPS must weigh in developing its ORV management plan, and consider any alternative buffer distances in any of its action alternatives, the DEIS simply adopted the buffer distances specified in the USGS protocols and Piping Plover Recovery Plan. By their own admission, however, "[t]hese protocols do not attempt to balance the need for protection of these species with other activities that occur at CAHA." Cohen, J.B., Erwin, R.M., French, J.B., Jr., Marion, J.L., and Meyers, J.M., 2010, A review and synthesis of the scientific information related to the biology and management of species of special concern at Cape Hatteras National Seashore, North Carolina: U.S. Geological Survey Open-File Report 2009-1262, at 99.

Moreover, Appendix G of the Piping Plover Recovery Plan explicitly provides managing agencies with flexibility to address situations such as those at the Seashore where restrictions would impede vehicle access. The Recovery Plan specifically states that, while the USFWS recommends the protection measures described in Appendix G, "[s]ince restrictions to protect unfledged chicks often impede vehicle access along a barrier spit, a number of management options affecting the timing and size of vehicle closures are presented here." Piping Plover Recovery Plan at 66,193. Thus, Appendix G sets forth two methods of motor vehicle management. The first option reflects the 1,000 meter buffer incorporated into each of the DEIS's action alternatives. The second—again, designed for situations just like that at the Seashore where restrictions would impede vehicle access—allows for management pursuant to a plan that obtains the concurrence of the USFWS, and that: (1) "[p]rovides for monitoring of all broods during the chick-rearing phase of the breeding season and specifies the frequency of monitoring"; and (2) "[s]pecifies the minimum size of vehicle-free areas to be established in the vicinity of unfledged broods based on the mobility of broods observed on the site in past years and on the frequency of monitoring." According to Appendix G, under this second method:

Unless substantial data from past years show that broods on a site stay very close to their nest locations, vehicle-free areas should extend at least 200 meters on each side of the nest site during the first week following hatching. The size and location of the protected area should be adjusted in response to the observed mobility of the brood, but in no case should it be reduced to less than 100 meters on each side of the brood. In some cases, highly mobile broods may require protected areas up to 1,000 meters, even where they are intensively monitored. Protected areas should extend from the oceanside low water line to the bay-side low water line or to the farthest extent of dune habitat if no bay-side intertidal habitat exists. However, vehicles may be allowed to pass through portions of the protected area that are considered inaccessible to plover chicks because of steep topography, dense vegetation, or other naturally-occurring obstacles. In a few cases, where several years of data documents that piping plovers on a particular site feed in only certain habitat types, the Service or the State wildlife management agency may provide written concurrence that vehicles pose no danger to plovers in other specified habitats on that site.

Piping Plover Recovery Plan at 194-95. Clearly, the development of the ORV management plan for the Seashore is just the type of situation that this second method was intended to cover.

DEIS's failure to consider the impact on public access in the determination of buffer distances is only exacerbated by its failure to inform the public about the full extent of the closures that can be expected to occur under Preferred Alternative F. The NPS possesses specific data relating to closures from the implementation of the Consent Decree during 2008 and 2009 that will provide a strong indication of the extent to which Preferred Alternative F will result in the closure of the Seashore to public access, not only for ORV use, but for pedestrian use as well. The DEIS does provide some data for 2008: "From May 15 through August 2 1, 2008, an average of 10 miles of oceanfront beach at the Seashore was closed to both pedestrians and ORVs. The largest amount of beach closures was reported on May 29,2008, when 12.8 miles of beach were closed to all recreational use to protect piping plovers exhibiting breeding, nesting, and/or foraging behavior." DEIS at 267. As the NPS is aware, and as the Superintendent for the Seashore recently testified, the following closures occurred in 2009: Bodie Island Spit - 136 days; Cape Point - 101 days; Hatteras Island Spit - 125 days; and south Ocracoke - 80 days. These closures affected some of areas of the Seashore that are most used by the public for recreation, during the late spring and summer months when recreational use is most desirable. Despite the fact that this record of closure provides valuable data for public review and

comment, it appears nowhere in the DEIS. This would have been important information to share with the public to accurately inform the public review process.

Particularly given the NPS's statutory obligations with respect to managing the Seashore for recreational use, the NPS's failure to balance species protection with providing for visitor use and enjoyment of the area, and the agency's failure to consider reasonable alternatives to the highly-restrictive buffer distances set forth in each of the action alternatives, are arbitrary and capricious.

C. The Preferred Alternative's Highly Restrictive Buffers and Closures Will Not Meaningfully Reduce the Seashore's High Sea Turtle Nest Loss Rates Because most of the extensive sea turtle nest loss historically experienced at the Seashore cannot be attributed to ORV use, the highly restrictive buffers and closures that would be required under Preferred Alternative F are an inappropriate and unnecessary tool to protect sea turtle species. Nesting success has been particularly poor near the Seashore's points and spits due to the especially high erosion rates at those locations. Hatchlings in these areas also face significant risk of mortality due to being swept into inlets upon entering the ocean or getting caught up in the violence of Cape Point without sufficient energy to escape. Nests in these areas should be relocated to improve the likelihood of successful emergence and hatching survival. The DEIS inexplicably diminishes the true extent of sea turtle nest loss at the Seashore due to the damaging storms that frequently strike the area. As the DEIS recognizes, "Periodic, short-term, weather-related erosion events (e.g., atmospheric fronts, Nor'easter storms, tropical storms, and hurricanes) are common phenomena throughout the loggerhead nesting range and may vary considerably from year to year." DEIS at 219. The DEIS then describes six storm-related losses that occurred in Florida and Georgia between 1985 and 2001, which caused an average of 27.3 percent loss of loggerhead nests. DEIS at 219-20. With respect to the Seashore, the DEIS provides surprisingly little information relating to storm losses. All it says is that "The majority of turtle nest losses at the Seashore from 1999 to 2007 were weather related, particularly due to hurricanes and other storms. During this time, six hurricanes caused impacts to nests. In 2003, Hurricane Isabel destroyed 52 of the 87 nests (34 had hatched before the storm); there was so much water and sand movement along the beaches that no evidence of any nests could be found afterward. The Seashore also felt the effects of numerous tropical storms and hurricanes as they passed by offshore." DEIS at 220. This amounted to a 59.8 percent loss, higher than any other catastrophic event listed in the DEIS.

In fact, the DEIS fails to mention that, between 2000 and 2009, 36.4% of nests laid at the Seashore have been lost. Last year, with no hurricanes or tropical storms within 400 miles, the Seashore lost 35.58 percent of its nests due to weather-related events. The USFWS Recovery Plan—which inexplicably does not even mention the Seashore's severe losses from Hurricane Isabel in 2003—appears to believe that Georgia's loss of 16 percent of nests in 2001 due to weather-related erosion events was catastrophic. Certainly, a 10-year average loss of 37.25 percent ought to be of concern. But, given that the causes of these losses cannot be attributed to ORV use, the ORV closures that would be required under Preferred Alternative F will not make a dent in these loss rates. Other appropriate management actions are required.

V. THE DEIS'S APPROACH TO SEA TURTLE PROTECTION WILL LIMIT PUBLIC ACCESS WITHOUT FURTHER IMPROVING SPECIES RECOVER

The revised Loggerhead Recovery plan covers treatment of the entire Northwest Atlantic population of the loggerhead sea turtle all the way from southern Virginia to the Caribbean. Implementation of the Recovery Plan varies to some extent from one area of the coast (or one coastal state) to the next. Looking at these different areas, Proposed Alternative F would create what appears to be the most extreme sea turtle protection policy of any jurisdiction, resulting in the most restrictive public access provisions without commensurate benefit to the breeding program and species recovery. CHAPA recognizes that, in an ideal situation, loggerhead sea turtles would be permitted to recover without human manipulation and using natural processes. However, the historical record shows that following such a policy for sea turtle recovery at the Seashore has yielded exceedingly poor results, and primarily due to natural causes rather than public visitation and use. See Cape Hatteras National Seashore Sea Turtle Annual Reports, 2000 - 2009. The Seashore's percentage of nests lost is approximately three times that in Georgia and South Carolina, both of which allow for more manipulative species protection measures and impose fewer restrictions on access. From 2000 to 2009, the Seashore has lost an average of 37.25 percent of nests, with an additional 6.22 percent having a hatch rate of under 20 percent—totaling 43% of nests. These rates are well above the loss rates experienced in other areas, and they will not contribute to species recovery. And nothing in the proposed ORV management plan will materially change this. Rather than consider relocation of sea turtle nests as a viable measure to protect and enhance sea turtle populations at the Seashore, the DEIS, without any meaningful analysis, quickly dismissed nest relocation from further consideration as an alternative element. DEIS at 87. Although the DEIS discussed some of the concerns with nest relocation, it erroneously concluded—without scientific or other support—that conditions at the Seashore other than recreation do not present a high risk to sea turtle nests.

As a premise for its dismissive treatment of nest relocation, the DEIS states that "The revised Loggerhead Sea Turtle Recovery Plan (NMFS and USFWS 2008) recommends the use of the least manipulative method to protect nests and states that as a general rule, nests should only be relocated if they are low enough on the beach to be washed daily by tide or if they are situated in well documented high-risk areas that routinely experience serious erosion and egg loss." DEIS at 87. The DEIS, however, inexplicably concludes that the Seashore is not such a well documented high-risk area and does not present "special conditions" warranting further consideration of nest relocation as a species protection measure. Id. It should go without question, however, that the beaches of the Outer Banks, and particularly Ocracoke and Hatteras Islands, are part of an extraordinarily dynamic system that experiences strong ocean currents and wave action, significant storm activity, high tidal action, and rapid erosion rates. These having nothing to do with recreation—present severe challenges to successful sea turtle reproduction. The DEIS's conclusion that they do not present a high-risk situation or special circumstances for sea turtle nesting and hatchling survival simply cannot be justified.

Data from the Seashore's annual reports indicate that nests laid late in the season (i.e., after July 9) have a more than 50 percent chance of being lost. Many of these nests would benefit from relocation, owing to the special, high-risk, non-recreation related conditions present at the Seashore.

The NPS's stated concerns with regard to nest relocation also bear further examination. Changes in temperature (which may result in changes to the sex ratio) as well as increased hatch failure are known issues that can be addressed through the proper handling of eggs by properly trained personnel. Moreover, relocation can actually be beneficial to the sex ratio by taking advantage of temperature gradients to increase the percentage of female hatchlings. This is similarly the case with potential storm damage and predation at relocation sites. These issues can be addressed through utilization of multiple relocation sites, and appropriate corrals and screening to prevent predation. In fact, data from the Seashore and other coastal areas such as Cape Romain National Wildlife Refuge in South Carolina and Cape Lookout National Seashore in North Carolina consistently show that relocated nests have better hatch success than nests left in-situ. See, e.g., Cordes, J. and Rikard, M., Cape Lookout National Seashore 2005 Sea Turtle Monitoring program; http://www.fws.gov/caperomain/text/Sarahforweb_poster.pdf (stating that "[h]atcheries should continue to be used on Cave Island as a management tool" due to the island's high erosion rate and other factors). With adherence to appropriate protocols, these risks can be addressed in a manner that ensures that relocation benefits, rather than harms, the species.

In sum, natural nesting has and can be expected to continue to be associated with a decline in turtle species populations. Rather than dismiss routine nest relocation out of hand as inconsistent with species protection, with no scientific support, the final EIS should seriously evaluate and consider routine nest relocation as a legitimate and beneficial species protection measure to address the special hazards to sea turtle breeding at the Seashore.

VI. NPS SHOULD REVISIT THE DEIS'S PREFERENCE FOR "FIXED" RATHER THAN "FLOATING" CLOSURES

During the negotiated rulemaking process, beach user groups recommended that the NPS maximize the use of "floating" resource closures in the place of fixed closures. Such closures would move along with the range of the birds and, the groups advocated, would provide both better protection for shorebirds and more access for the public. Given that the NPS envisions that the ORV management plan will be in effect for ten to fifteen years, making the plan flexible and adaptable to the Seashore's dynamic conditions only makes sense. Fixed closures do not satisfy the DEIS's stated objective to "[e]stablish ORV management practices and procedures that have the ability to adapt in response to changes in the Seashore's dynamic physical and biological environment." DEIS at iii, and should not be used in the final plan.

The DEIS explains that Preferred Alternative F would include three "floating" nonbreeding shorebird habitat areas that "would be adjusted on a yearly basis to provide nonbreeding habitat in these areas. The closure would float year to year; depending on where the most effective wintering habitat is located which would be determined based on a review of the previous year's monitoring results." DEIS at xxxi, 81. All other seasonal and year-round closures under the Preferred Alternative would be fixed.

Year-round closures that are fixed rather than floating are not adaptable to the changing nature of the Seashore's barrier islands. Over time, areas designated for permanent closure today due to their current value as species habitat may no longer be attractive habitat. Map 4 of the Seashore's 2009 Annual Piping Plover Report, titled "Hatteras Inlet PIPL Nesting Activity 2000-09," is illustrative of this point. Piping Plover (Charadrius Melodus) Monitoring Cape Hatteras National Seashore 2009 Annual Report, Appendix A, Map 4. This map depicts piping plover nests from 2000 through 2009,

as well as 2009 prenesting areas. As depicted on the map, as of the date the aerial photograph was taken (indicated to be August 2008), every piping plover nest site identified on the map was underwater. Although the NPS continues to maintain that primary constituent elements remain at the area and established prenesting closures there for this year, the area is nonetheless a poor nesting site, as there are ephemeral pools at the area only at low tide. Floating closures provide appropriate flexibility to ensure that the areas subject to closure reflect those areas that actually have value as species habitat, and help ensure that areas no longer suitable for species habitat are not being unnecessarily closed to recreational use and enjoyment. CHAPA believes the use of floating closures for the protection of breeding birds represents sound adaptive management practices that can be beneficial to both natural resources and recreational activities. CHAPA recommends that NPS revisit the permanent closures contemplated under Preferred Alternative F and incorporate floating closures instead of fixed closures where practical. However, CHAPA also believes that the three floating closures currently including in Preferred Alternative F are unnecessary and should be omitted from the final plan, because their purpose is to isolate migratory birds during the non-breeding season.

VII. THE PREFERRED ALTERNATIVE'S NIGHT-DRIVING RESTRICTIONS ARE STATED INCONSISTENTLY AND IGNORE IMPORTANT RELEVANT SCIENTIFIC DATA AND INFORMATION

Preferred Alternative F's night-driving restrictions are not supported by relevant scientific data and are unnecessarily restrictive. The Consent Decree established a prohibition on night driving on beaches between the hours of 10:00 p.m. and 6:00 a.m. from May 1 through September 15, with night driving allowed from September 16 through November 15 under the conditions of a permit. Preferred Alternative F goes even further. In fact, it is unclear how restrictive Alternative F's night-driving restrictions really are, because the DEIS itself states them inconsistently. At page 358, the DEIS states that "Under alternative F, all nonessential ORV traffic would be prohibited from all areas (other than soundside access areas), from one hour after sunset until approximately one-half hour after sunrise from May 1 to November 15.

From November 16 to April 30, ORV use would be allowed 24 hours per day in designated ORV routes for vehicles with a valid ORV permit. Furthermore, the NPS would retain the discretion to limit night driving to certain areas or routes, based on resource protection considerations." Yet, at pages 81-82, the DEIS states that "Designated ORV routes would be open to ORV use 24 hours a day from November 16 through April 30. From May 1 through September 15, all potential sea turtle nesting habitat (ocean intertidal zone, ocean backshore, and dunes) would be closed to non-essential ORV use from 1 hour after sunset until NPS turtle patrol has checked the beach in the morning (by approximately one-half hour after sunrise) to provide for sea turtle protection and allow enforcement staff to concentrate their resources during the daytime hours. From September 16 through November 15, selected ORV routes with no or a low density of turtle nests remaining (as determined by the NPS) would reopen to night driving, subject to the terms and conditions of a required permit." Although it appears that the description at pages 81- 82 is the intended one, and it is clear that one way or the other the night-driving restrictions in Alternative F are more restrictive than those in the Consent Decree, the DEIS's inconsistency is troubling and makes it difficult for the public to respond appropriately to this element of the NPS's proposal.

The DEIS justifies the night-driving restrictions as necessary for the protection of sea turtles and piping plovers. See, e.g., DEIS at 95. But the DEIS ignores critical information that is specific to the Seashore and that illustrates that the night-driving restrictions in Preferred Alternative F are unnecessarily broad.

First, the DEIS's assumptions with respect to the need for and benefit of night-driving restrictions at the Seashore to protect sea turtles are flawed, as they disregard what appears to be a critical factor in sea turtle false crawls at the Seashore-i. e., the use of white carsonite stakes in lieu of wood stakes (or brown carsonite stakes) at closures. From 2000 to 2003, with night driving and use of 2x2 wood stakes at closures, the false crawl to nest ratio was 0.75:1. In 2004

Correspondence ID: 15011 **Project:** 10641 **Document:** 32596
Name: Judge, Warren
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: RE: Dare County Comments on the Draft Environmental Impact Statement (DEIS)

Dear Superintendent Murray, On behalf of the Dare County Board of Commissioners, following are our written public comments on the Draft Environmental Impact Statement (DEIS) for the Cape Hatteras National Seashore Recreational Area.

It is our longstanding position that the beaches of America's first national seashore should be open to the people consistent with the promises of the enabling legislation.

Our residents and visitors have been faithful stewards of wildlife and for generations have proven that people and nature can live in harmony. Our people have labored tirelessly to help shorebirds and sea turtles through a variety of volunteer programs. We support science-based resource protection that balances the need for reasonable recreational access. We respectfully request that you make substantive changes to Alternative F in the Final Environmental Impact Statement as are outlined in the following written public comments. Timely changes to the DEIS are crucial not only for the survival of wildlife in the seashore, but also for the survival of our people.

Sincerely, Warren Judge, Chairman ? Dare County DEIS Written Public Comments SUMMARY The Dare County Board of Commissioners strongly supports open and accessible beaches for the Cape Hatteras National Seashore Recreational Area. We believe in open access for everyone consistent with the enabling legislation that created America's first National Seashore.

Our residents and visitors have always been faithful stewards of wildlife. For generations they have proven that people and nature can live in harmony. Following in the sacred tradition of the Native Americans, they have consistently demonstrated a reverence for nature and have labored diligently to preserve it for future generations.

We support resource protection for shorebirds and sea turtles based on peer reviewed science. Who better to advocate preservation of area wildlife than the people whose lives and futures are intertwined to the success of each species? For this reason, Dare County is committed to balancing resource protection and providing reasonable access for recreation.

Dare County supports the work done by the Coalition for Beach Access. They have produced a well-researched position statement representing thousands of hours of effort by a dedicated and diverse group of community volunteers. We support their endeavor 100% and ask that you give it your attention.

Dare County has identified four (4) major items that we believe should be modified in the Final Environmental Impact Statement. These are not the only issues worthy of public comment, but represent core principles that we believe are vital for the future of the Cape Hatteras National Seashore Recreational Area. These include - ? CORRIDORS as a vital tool in providing access without impairment of resources ? MANAGEMENT BUFFERS based on transparent and peer-reviewed science ? NON-ENDANGERED BIRDS should not have same protection as if endangered ? TURTLE MANAGEMENT that would benefit from more proactive nest relocation

CORRIDORS Corridors are a vital tool in providing access while managing resources. Corridors provide a small path around temporary resource closures in order to provide access to open areas that would otherwise be blocked. Corridors allow visitor access to an open area that may be sandwiched between two closed areas. These corridors have limited negative impacts to the protected species, but they are crucial to providing access during closure periods.

In some instances, corridors can be made through or around closure areas. In other places corridors can be established below the high tide line. Since unfledged chicks are not found in nests between the ocean and the high tide line, this type of pass through corridor would have no negative effect on wildlife and should be established throughout the seashore.

In the example below, the visitor's intended recreational area would be accessible through a small pass through corridor. Without this corridor, the area marked "Open" would actually be closed because it would otherwise be impossible to get there.

Table inserted?.

As outlined on pages xii, xvii, and 468 of the DEIS, corridors would only be permitted in Management Level 2 portions (ML2) of Species Management Areas (SMA). In more restrictive Management Level 1 portions (ML1) corridors would not be permitted at all. Corridors are vital to providing access in a way that does not hinder resource protection. Therefore, Dare County believes pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season.

MANAGEMENT BUFFERS Buffers, or closures, are important management practices for species recovery. However, in order to have long-term

benefit for the wrotected saecies and the visiting public, the buffers must be based on peer-reviewedscience. once established, buffers must be routinely monitored throughout the breeding season to ensure that resources are effectively protected and public access is provided.

The extreme buffers outlined in DEIS pages 121 to 127 should be modified to substantially reduce the minimum 1,000 meter buffer in all directions required in Alternative F for unfledged Piping Plover chicks. Dare County believes a more appropriate and yet effective buffer would be 200 meters. This is consistent with distances currently used at other National Seashores on the Atlantic coast including the following federal facilities ? ? Cape Cod National Seashore 200 meters first week, 100 meters thereafter ? Cape Lookout Nat. Seashore 183 meters ? Assateague Island, Maryland 200 meters Dare County formally requests as part of the NEPA process that the National Park Service provide peer-reviewed science that justifies a 1,000 meter closure in all directions as is currently outlined in the DEIS. Additionally, buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds should also be changed in the Final Environmental Impact Statement. An effective 30 meter buffer should be established for these species rather than the 300 meter closure as outlined in the DEIS.

NON-ENDANGERED BIRDS Under the Endangered Species Act (ESA), all endangered species must be protected. However, there is no requirement in the ESA to give non-endangered species the same level of protection.

Dare County believes the National Park Service should change its position of giving birds designated as a North Carolina "species of concern", the same protection as those that are truly endangered.

The purpose of individual states establishing these lists is to designate certain birds for statewide monitoring and tracking, not to impose unnecessary protections. The North Carolina Wildlife Resources Commission never requested that their participation in this process should result in additional closures. Additionally, they have--stedath on birds on their species of concern list are not given ESA status at other federal lands.

Dare County's position is supported by Gordon Myers, the Executive Director of the North Carolina Wildlife Resources Commission. He says the state designation is supposed to be more of a call to action for a species. The North Carolina wildlife Resources Commission has voiced its objections to the use of state species of concern lists to trigger ORV management strategies under the federal Endangered Species Act.

Pre-nesting closures, outlined on pages 121 to 127 of the DEIS should be modified to include only endangered or threatened species. This important modification would result in establishing pre-nesting closures exclusively for the Piping Plover, the only threatened bird species in the seashore.

Accordingly, pre-nesting closures are not warranted for the non-endangered and nonthreatened American Oystercatchers. Because Colonial Waterbirds do not return to the exact same place for nesting each year, establishing pre-nesting closures for these birds is both unpredictable and unnecessary.

In monitoring and tracking birds for purposes of determining resource viability, all birds in the same ecosystem of the seashore should be counted.

When conducting a bird census of the Cape Hatteras National Seashore Recreational Area, it is imperative to count the many birds on the nearby dredge and spoil islands that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.

To not include the bird populations of these islands is disingenuous to the intent of this process. The following photo taken of Cora June Island, just off Hatteras Village, shows a huge population of birds in early June of 2009. The large birds with black backs are Black Skimmers. The smaller birds to the left are mostly Royal Terns. Cora June Island, a man-made dredge island just 500 meters west of Hatteras Village, is an ideal nesting site as a sheltered island with no predators.

Inserted picture

TURTLE MANAGEMENT Dare County believes endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast. In this area, weather and predators represent the greatest threat to sea turtles.

Nesting in the United States occurs primarily in four southeastern states as detailed in the USFWS & NMFS species "Recovery Plan"

North Carolina 1.0 % The northernmost area with the fewest nests South Carolina 6.5 % Georgia 1.5 % Florida 91.0 % Primary area where the most nesting occurs

The Loggerhead Recovery Plan recognizes that, "Historically, relocation of sea turtle nests to higher beach elevations or into hatcheries was a regularly recommended conservation management activity throughout the southeast U.S." (2009, Second Revision, page 52) while the North Carolina Wildlife Resources Commission (NCWRC) sea turtle program currently recommends relocation only as "as a last resod." The National Park Service in page 125 of the DEIS relies upon the approach used by North Carolina Wildlife Resources Commissioner (NCWRC). This contradicts the U.S. Fish and Wildlife Service (USFWS) practice of relocating nests on the Pea Island Wildlife Refuge, located on the north end of Hatteras Island, North Carolina.

By not supporting nest relocation, the Cape Hatteras National Seashore Recreational Area has lost over 46% of the nests laid in the last 11 years.

Meanwhile, South Carolina relocated 40.1% of its nests during 2009, resulting in an incredibly low lost nest rate of only 7.7% making a strong case for the relocation of nests. The turtle management practices outlined on DEIS pages 125, and 392 to 396 should be modified to allow nest relocation as a tool for species recovery. See attached appendix B.

CONCLUSION Dare County urges the National Park Service to make these changes in their preferred alternative F and incorporate the provisions outlined in these public comments. In doing so, we believe it will be beneficial to the long-range success for wildlife, enhance the visitor experience and improve the lives of those living near the Cape Hatteras National Seashore Recreational Area. Without these changes, people will suffer harm.

On the subject of harm, we conclude these comments with our statement about the economic harm that is described in the DEIS. On page xlvi, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. We believe the negligible to moderate projection is inaccurate and relies on economic surveys that have not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. This concern has been echoed by the Outer Banks Chamber of Commerce on behalf of its 1,000 business members, in their public comments on the DEIS, dated May 6, 2010.

Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. We have seen how unemployment has disproportionately impacted the villages within the Cape Hatteras National Seashore Recreational Area. In September 2009, Dare County as a whole experienced an unemployment rate of 6.8%, one of the lowest in the state. However, during the same period Hatteras Island had 12.8% unemployment with the village of Salvo at 28%, Buxton 16.5% and Rodanthe at 12.4%. Beach closures have already had a devastating and unfair impact on many Dare County businesses causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits. Family-owned businesses are the backbone of Dare County. Hard working, local families have for generations provided employment opportunities for the community, and offered outstanding service and hospitality to Outer Banks visitors.

Attached as Appendix C, are notarized affidavits from a representative cross section of business owners. These hard-working people have already suffered greatly because of beach closures. It is unfair and inaccurate for the National Park Service to simply write off these people and describe their pain under Alternative F as "negligible to moderate." Our small business owners do not ask for special favors or government handouts, just a fair opportunity to earn their part of the American dream. In good faith, they established businesses and built a way of life based on solemn promises that were made by the federal government when creating the Cape Hatteras National Seashore Recreational Area. They look to you today to honor those promises.

On behalf of the residents and visitors of Dare County, the Board of Commissioners respectfully submits these public comments and urges the National Park Service to incorporate them into the Final Environmental Impact Statement as practical solutions that will benefit both wildlife and people.

Correspondence ID: 15012 **Project:** 10641 **Document:** 32596
Name: Pellissier, Lillian A
Received: May, 12, 2010 00:00:00
Correspondence Type: Letter
Correspondence: In response to the above, and in particular to Alternative "F" of the DEIS, we are opposed to the ORV restriction. You are restricting and denying the right of fisherman to use the assets of Hatteras Island as a pleasurable sport. The economic impact of this decree will be devastating to the native people

who depend on tourism for their livelihood and income. We do feel that the current beach restriction for the ORV's to be cordoned off during high season is sufficient and acceptable. In regard to the piping plover issue, we are opposed to the severe proposed restrictions to beach goers who love this area and have been the subsistence of the native inhabitants of these small towns. We feel that we all respect the nesting areas and do no harm to these birds. The statistics listed in the DEIS are much too vague and unsubstantiated to lay blame to the tourists. To restrict people from using the beaches where homes are during the summer months is unconscionable. This would put these small towns in a severe economic depression and destroy this area of North Carolina that we all love and appreciate.

Correspondence ID: 15013 **Project:** 10641 **Document:** 32596
Name: Bibbey, Analee G
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Superintendent, I am writing to you today to ask you to please help the people of Hatteras Island and the Cape Hatteras National Seashore. I am a native, as my ancestors for centuries are from here. I know we are not supposed to show emotion but this is a highly emotional subject. Please do what you can to stop this madness! We have co-existed for years and can still do so.
 In this day and time with the economy, why is this happening? All should realize this is what people from here or that live here make their living from. Tourism, fishing on the beach, shell hunting, sunset and sunrise watching from the beaches, open spaces on the beaches, plenty of room, dogs on leashes, I can go on & on! We have always helped take care of our beaches and will continue.
 My father is 86 years old. You know him, Damon Gray "Junior". He was a beloved friend to your aunt Mrs. Mildred Jeranko. I took him for a ride on the beach in March because he can no longer do it himself. He loved it! The memories of his past, the beauty of areas now closed. There has to be a solution.
 Please help us, the people of Hatteras Island. Thank you.

Correspondence ID: 15014 **Project:** 10641 **Document:** 32596
Name: Harris, Jim
Received: May,10,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with the following charts; DEIS Chapter 3 page 265; Figure 25 shows the distribution of ORVs across these areas on Memorial Day and the Fourth of July In 2008. About 75% of the ORVs counted on those days were located around the points and spits (including all of Ocracoke as one count); over half of the ORVs were located around Cape Point and the Bodie Island Spit.
 Figure inserted in comment
 This Pie Chart for Memorial Day is a flat out lie. This .pie chart for July 4 is a flat out lie.
 Excerpt from Memo from Mike Murray through Cyndy Holda, NPS:
 2008 Memorial Day Weekend Summary Memorial Day Weekend 2008 marked the first major holiday weekend of implementation of the court-ordered consent decree to protect nesting birds and sea turtles at Cape Hatteras National Seashore. The consent decree, in general, has thus far resulted in larger temporary resource protection closures being implemented during the shorebird and sea turtle breeding season than has occurred in the past, which has coincidentally reduced the miles of beaches open to pedestrian and off-road vehicle (ORV) access as we head into the summer season. The National Park Service (NPS) provides the following summary of resource protection and ORV management activities for the 2008 Memorial Day weekend. With fewer miles of beaches open to access, the Seashore's park ranger staff were prepared to deal with potential vehicle congestion and safety concerns at ORV access ramps and on beaches open to ORV use. NPS used aircraft and park rangers on the around to monitor vehicle levels on Seashore beaches. Overall, compliance by the majority of park visitors with park regulations and with measures implemented under the consent decree was very good. Park rangers dealt with the normal range of law enforcement incidents that occur on a busy holiday weekend, including a number of alcohol violations, unsafe operations, out of bounds camping and several driving under the influence arrests, but the total number of violation notices issued were less than in 2007. Five violation notices were issued for resource protection area violations (1 on Bodie Island, 1 of Hatteras Island, and 3 on Ocracoke Island). "The beaches were busy, but not overwhelmingly crowded," stated Superintendent Mike Murray "We greatly appreciated the high level of compliance and cooperation from the vast majority of park visitors."
 From Cyndy Holda access mileage of open & closed beach in July 3; ORV Access Mileage of open and closed beaches for July 3,2008: "" All mileages are approximate"" Bodie Island Spit Ramp 4 2.5 miles open north of ramp 4 There was no access to BODIE Island spit, it was closed all the way back to ramp 4 were it meets the beach.
 Ramp 43--0.4 mile open north of Ramp 43 and 0.1 mile open south of ramp 43. Ramp 44 closed Ramp 49 ?1.7 miles open east of Ramp 49 and 1.2 miles open west of Ramp 49
 According to this document, there was a 0.50-mile parking lot at ramp 43. There was a larger parking lot at ramp 49 2.9 miles long. There was no access to Bodie Island Spit, Cape Point, or South Point Ocracoke Island on Memorial Day and July 4.
 How are we to trust NPS when this type of issue is falsified so blatantly? If science is based on this false data, it has to be thrown out, The citizens of Hatteras and Ocracoke Islands deserve the truth. Make believe facts have no place in decisions that affect so many people.

Correspondence ID: 15015 **Project:** 10641 **Document:** 32596
Name: Dudley, Mr. and Mrs. Cosby E
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please restrict ORV to certain sections of the beach. Large swaths of land should be free of these noisy and dangerous vehicles. Keep the beach as natural & pristine as possible.
 Vehicles increase pollution, trash and noise. Limit there use!

Correspondence ID: 15016 **Project:** 10641 **Document:** 32596
Name: Perry, Aaron
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Superintendent Murray,
 The Cape Hatteras National Seashore is my favorite place to visit. Please protect it's fragile ecosystem and the future of this planet by restricting vehicle access to this amazing beach.
 Anyone, including people who like off-road driving, will find our beaches more enjoyabe if they realize they are protecting them also.

Correspondence ID: 15017 **Project:** 10641 **Document:** 32596
Name: Harris, Jim
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: DEIS COMMENTS
 Birds 5-10-10
 NPS has a dual mandate at CHNSRA; (FOUNDING DOCUMENTS) "Sec 4. except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for

such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area."

NPS is failing both of the mandates given it in the Founding Documents; 1. Have certain areas for swimming, boating, fishing, sailing, etc. 2.

"Preservation of the unique flora & fauna or the physiographic conditions now prevailing in this area."

If NPS had "preserved the physiographic conditions now prevailing in this area" the weeds and bushes allowed to grow at the points and spits, would not be there. (example) If that vegetation were removed on the south and west sides of the dredge ponds (Cape Point), habitat would be restored that would attract shore-nesting birds away from open beach front, and away from the surf line.

PLOVERS ? 1,000 meter total beach closure for ORVs around piping plover chicks is not warranted. Plover adults that nest at a distance from available food sources have to march their day old, hungry, baby chicks to a safe location to feed. Once plover chicks reach a feeding ground, they stay put and feed day and night. ? For almost 40 years while Plovers nested and ORV and pedestrian traffic occurred simultaneously at the Seashore, in the same locations, not one single documented death or injury of these birds for reasons other than storms or predation ever occurred (by civilians). NPS on the other hand has run over a few plovers. ? NPS needs to restore the habitat around the "dredge pond near Cape Point to its condition mirroring that, which was accomplished during the early '90s and was recorded, as a success. If this habitat was restored, all species recorded as nesting in earlier years (around the ponds) would likely return. ? According to Dave Rabon (USFWS) prior to the consent decree in 2007, piping plover pairs in NC experienced the highest number of nesting pairs since surveys began for piping plover and represents an increase of 33% from 2006. State wide the reproductive success was very low with one chick for every 4 pair, except for CHNSRA where it was 4 chicks for 6 pair of adults. ? In Nebraska, plovers are discouraged from nesting in certain areas, and encouraged to nest in other areas. (fernandplover.unl.edu/Marcus%20et%20al%20paper.pdf) ? In Montana, plover nests are moved up and away from rising water around reservoirs. ? In Montana, vegetation is burned, bulldozed and generally gotten rid of to help plovers In Montana, a reservoir was NOT LISTED as "Critical Habitat" so the area could be altered. "This reservoir was excluded from the critical habitat designation because of a Memorandum of Understanding between the Bureau of Reclamation, the U.S. Fish and Wildlife Service, and the local irrigation districts. The memorandum, in combination with a biological opinion from the USFWS, guides management actions at this location (USFWS 2003)." ? In Montana, captive plovers are reared and released to the wild. ? All Montana-

<http://fwpp.mt.gov/wildthings/tande/plover.html> ? In Canada, plover first nesting attempt eggs are gathered and captive raised. They know the plovers will relay their eggs. o <http://www.swa.ca-Publications/Documents/Piping%20Plover%20Captive%20Rearine%20Protocols.pdf>

AMOY ? Mammalian depredation of American Oystercatchers was the major identifiable cause of nest failure at NC study sites from 1995-2007, accounting for approximately 54% of identifiable causes of nest failure.(Simons & Schulte 2007) ? Causes of AMOY nest failure on the Outer Banks in 1995-2007, 54% mammalian predation, 29% storm tides, 6% abandonment of nest, 5% avian predation, 3% ghost crab, and only 3% human interference. (American Oystercatcher research and monitoring in N.C. Simons and Schulte 2007) ? Over-wash and other weather related causes accounted for 29% of identified failures of American Oystercatchers in NC.(Simons & Schulte 2007) ? 17% of AMOY failures were caused by avian predators, ghost crabs, unknown causes, and human disturbance.(Simons & Schulte 2007) ? According to American Oystercatcher research and monitoring in N.C. (Simons and Schulte 2007), 52% of AMOY mortality is unexplained. ? Efforts similar to what Virginia did when it counted it's AMOYs (looking in the marsh habitat) ? should be done in NC. In VA they doubled the number of AMOY found, just by looking in ? more places.

COLONY NESTING BIRDS ? Bird nesting numbers at PINWR need included in overall bird counts for CHNSRA as PINWR is in fact Part of CHNSRA as per HR. 7022 passed into law in 1937. ? IN 2009 approximately 500 Black Skimmer nests were recorded on Pea Island contrary to the claims made by SELC. (Larry Hardham 2010) ? NCWRC colonial waterbird counts, specifically Least Terns have increased since the 1993 count to a recorded high of 6841 (pairs) in 2007, prior to the consent decree. ? Birds that nest around CHNSRA need to be counted with the birds that nest in the Seashore, as most species have no nest site fidelity, and will nest where the predation is lowest. Specifically, Pea Island, Cora June, Green and any other Islands. ? (Founding documents)"Sec5. . Notwithstanding any other provisions of this act, lands and waters now or hereafter included in any migratory-bird refuge under the Jurisdiction of the Secretary of Agriculture, within the boundaries of the national seashore, as designated by the Secretary of the Interior under section 1 hereof, shall continue as such refuge under the jurisdiction of the Secretary of Agriculture for the protection of migratory birds, but such lands and waters shall be a part of the aforesaid national seashore and shall be administered by the National Park Service for recreational uses not inconsistent with the purposes of such refuge and under such rules and regulations as the Secretaries of the Interior and Agriculture may jointly approve. The proviso to section 1 of the act shall not limit the power of the Secretary of Agriculture to acquire lands for any migratory-bird refuge, by purchase with any funds made available therefore by applicable law."

This says Pea Island National Wildlife Refuge is, repeat, is part of CHNSRA, and all shore nesting birds should be included in CHNSRA bird counts. These counts alone are enough to satisfy recovery numbers for skimmers & oystercatchers IN 2009 approximately 500 Black Skimmer nests were recorded on Pea Island contrary to the claims made by SELC. (Larry Hardham 2010) ? NCWRC colonial waterbird counts, specifically Least Terns have increased since the 1993 count to a recorded high of 6841 (pairs) in 2007, prior to the consent decree. ? Birds that nest around CHNSRA need to be counted with the birds that nest in the Seashore, as most species have no nest site fidelity, and will nest where the predation is lowest. Specifically, Pea Island, Cora June, Green and any other Islands.

? Colony nesting birds have been lured away from CHNSRA by the use of decoys and audible calls on dredge islands. NC Audubon and NC Wildlife Resources Commission have done this. ? NC Audubon lured birds away from CHNSRA, turned around, and sued NPS because these birds were no longer in the bounds of the Seashore. NPS bent over forward, to allow that to happen.(David Allen NCWRC, Walker Golder NC Audubon, Mike Murray NPS) ? An advantage to motorized vehicles is to allow the public to approach much closer to the birds for observation since birds are less threatened by vehicles than pedestrians. For this reason visitors are encouraged to travel the beaches in ORVs to obtain the broadest appreciation of the bird life available for recreation at the seashore. Of course vehicles should approach birds at a reduced speed and passengers remain in the vehicles for the greatest benefit. (from an Audubon publication) ? Environmental lawyers and the groups they represent are easier to please than beach users like surf fishermen, kite, & sail boarders, the true conservationists. The lawyers just want money; they are cheap in comparison to true conservationists who want to see science and scientific proof that is peer reviewed. ? Efforts similar to what Virginia did when it counted it's AMOYs (looking in the marsh habitat) should be done in NC. In VA they doubled the number of AMOY found, just by looking in more places. o UPDATE; Gordon Myers, Director of NCWRC has stated AMOY do not need 300 meter closure buffers around them. 30 meters is plenty. "Species of concern" has been miss-interpreted. In summation, NPS has to create habitat by clearing vegetation and creating swales for water to flow into to increase surface area (of water), increase shoreline territory for birds to claim and nest, and rest in. This needs to be done at the points & spits. Reducing vegetation will decrease cover for predators and birds can relax their guard and rear their young.

If, in a couple of years the above is proven a failure, it should be admitted and humans given their beach back.

Some interesting maps from prominent members of the AMOY community; Showing Cape Hatteras is not important as a location for AMOY nesting or wintering. From 2008 NC AMOY update by Sue Cameron

Input map of 2007 range for AMOY (from <http://plattriverprogram.org/plover.aspx>)

"Distribution: Three North American breeding populations of piping plovers are recognized and have the following distributions: the Atlantic Coast from Newfoundland to Virginia; the Great Lakes, excluding the rocky north shores of Lakes Superior and Huron; and the northern Great Plains. The greatest number of piping plovers breed in the northern Great Plains. This breeding population occurs in scattered alkaline wetlands of the north.ern Great Plains and on the Missouri River and its tributaries in the Dakotas and Nebraska"

From; American Oystercatcher (*Haematopus palliatus*) research and monitoring in North Carolina 2007 Annual report Theodore R. Simons and Shiloh Schulte

Insert map of Winter resightings of American Oystercatchers banded in North Carolina.

Map taken from American Oystercatcher (*Haematopus palliatus*) research and monitoring in North Carolina 2008 Annual report Theodore R. Simons and Shiloh Schulte.

Insert figure Proportion of banded American Oystercatchers observed in six wintering areas in the Southeast United States.(also from above document?)

Any chart or graph that shows pedestrians having less buffer distance than an ORV flies in the face of knowledge and common sense.

DEIS Chapter 2 page 127 part of table 11 below (table reproduced in comments/cites shorebird/waterbird buffer summary for action alternatives When pedestrians are given a smaller buffer, it is a punishment to ORV. It has no basis in fact or common sense.

As Table 11 shows, a minimum distance for ORV looks to be 300meters (1000ft). That is farther than the Wright Brothers flew on the longest flight in

0013091

Kitty Hawk in the early 1900's. Birds on the ground can't see that far. Pure vindictive hate (of ORV) has no place at the table of reason and science. UPDATE; Gordon Myers, Director of NCWRC has stated AMOY do not need 300 meter closure buffers around them. 30 meters is plenty. "Species of concern" has been misinterpreted.

Correspondence ID: 15018 **Project:** 10641 **Document:** 32596
Name: Merritts, The
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Hello Superintendent Mike Murray,
We have been coming to the Cape Hatteras Nat'l Seashore since 1952 & have seen many changes, a lot of changes we don't like. There are way too many houses.
The Cape Hatteras Nat'l Seashore is supposed to be a recreational area ? surf fishing, surfing, wind sailing & recreational fishing & commercial fishing, swimming & enjoying the solitude. It was a pleasure to go there & fish & enjoy the beaches, then fishing license was added, which took away from the area, then lo & behold the Audobon Society & Defenders of Wildlife had to get involved with Southern E. Law Center & put restriction as to where we can drive or walk.
We are by nature environmental people & have always driven on the beach with regards to native grasses, sea oats & dunes & the roped off areas for birds & turtles & actually put up poster & string where the tide bar knocked them over. We think it has gotten way out of hand with all the restrictions that have put in place. It certainly is going to curtail the amount of people coming to the seashore which is going to affect the \$ that come into Dare & Hyde County.
We have serious concerns about who is deciding what is to be done.
We cherish the traditional & historical heritage of the seashore, we want to preserve our beach access.

Correspondence ID: 15019 **Project:** 10641 **Document:** 32596
Name: Shields, Johnny
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: I HAVE SEEN YOU ON TV AT MANY MEETINGs AND CONSIDER YOU A good AND FAIR MAN. PLEASE HELP US TO KEEP OUR BEACHES OPEN.
AFTER EACH BLOW THIS WINTER AND SpRING, WE WOULD RIdE FROM CAPE POINT TO HATTERAS puppy DRUM FISHING AND LOOKING SHELLS. SAW HUNdREdS OF PLOVERS, SOME PAIRS OF OYSTER CATCHERS AND MANY OTHER BIRdS AND NEVER SAW ONE HARMED.
AS A FORMER COMMERCIAL AND CHARTER FISHERMAN, WE HAVE ACCIDENTLY CAught BUT REVIVED TURTLES FOR A LONG TIME. THERE MAY BE A FEW BAd APPLES, BUT I THINK MOST OF US RESPECT, DON'T TAKE FOR GRANITE, AND LOVE WHAT WE HAVE. THANKS FOR YOUR TIME.

Correspondence ID: 15020 **Project:** 10641 **Document:** 32596
Name: Hobble, Virginia K
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Sir, I disagree with the 'new' potential rules / plans for the beaches of north Carolina especially for pets - dogs. As a cottage owner and resident for 30 years for my family (whenever) the family dogs need to have humane treatment - runs on the beach especially. Alternative F is a deadly piece of legislation for North Carolina.

Correspondence ID: 15021 **Project:** 10641 **Document:** 32596
Name: Russ, Linda
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15022 **Project:** 10641 **Document:** 32596
Name: Oakley, Rickey
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15023 **Project:** 10641 **Document:** 32596
Name: Ferguson, David
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15024 **Project:** 10641 **Document:** 32596
Name: Lamm, Stephen
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15025 **Project:** 10641 **Document:** 32596
Name: Elston, Michael J
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray: My family makes an annual trip to Hatteras Island, and we do not come to drive on the beach. we come to enjoy the natural beauty and peace and quiet of one of the most beautiful places on Earth. I have two small children, and I really would prefer lees, not more, motorized traffic on the beach. It is, after all, a national park, not a national highway. The proposed plan to manage off-road vehicle use on Cape Hatteras National Seashore should not be implemented. I respectfully suggest that more than half of the park be reserved for families to enjoy the flora, fauna and marine life safely and without the noise associated with motorized vehicles.

Correspondence ID: 15026 **Project:** 10641 **Document:** 32596

Name: Brady, Mary F
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence: Re: National Park Service Proposed Rules for Beach Access Att: Mike Murray, I agree with and support the leadership from the Outer Banks Preservation Association (OBPA), the Coalition for Beach Access and Dare County for free and open beaches while providing rational resource and wildlife management. We feel they can propose ways to put their plan on a rational track so people can rightfully enjoy the Beachs as well as preserve a plan to save the Piping Plover keeping in mind preserving Hatteras Island.

Correspondence ID: 15027 **Project:** 10641 **Document:** 32596
Name: Brady, William R
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence: Re:National Park Service Proposed Rules for Beach Access I agree, in general, with the National Park Service efforts to control usage of land and beach facilities. I disagree with the proposal to increase wildlife sanctuary areas. I disagree with the proposal to restrict pedestrian and vehicle access by major degrees. I disagree with any proposal that will jeopardize real prepertry investment on the Island. I disagree with any proposal that restricts ORV and pedestrian use beyond necessary or present limits. I disagree with any proposal that will effect or adversely change house rental values since Hatteras Island itself depends significantly for their livelihood on people who love our beacs and rent trictly to enjoy them.

Correspondence ID: 15028 **Project:** 10641 **Document:** 32596
Name: Smith, Bowie
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15029 **Project:** 10641 **Document:** 32596
Name: Voglewede, Kay
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15030 **Project:** 10641 **Document:** 32596
Name: Owens, George A
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray; I urge you to keep the beach access open on the Cape Hatteras Seashore. We own two houses on the outer banks, one in Avon, NC and the other in Waves, NC. It is our plan to retire there in a few years. We have been coming to the outer banks for 25 years and have always enjoyed fishing and shelling. Closing beach access to off road vehicles will greatly impact the rentals on the houses, but more importantly, it will take away our life long enjoyment of being able to drive or walk to these remote beaches.

Correspondence ID: 15031 **Project:** 10641 **Document:** 32596
Name: Owens, Donna
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray; I urge you to keep the beach access open on the Cape Hatteras Seashore. We own two houses on the outer banks, one in Avon, NC and the other in Waves, NC. It is our plan to retire there in a few years. We have been coming to the outer banks for 25 years and have always enjoyed fishing and shelling. Closing beach access to off road vehicles will greatly impact the rentals on the houses, but more importantly, it will take away our life long enjoyment of being able to drive or walk to these remote beaches.

Correspondence ID: 15032 **Project:** 10641 **Document:** 32596
Name: Blue, Josephine M
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Superintendent Murray; I understand that the regulations for use of off-road vehicles in Cape hatteras National Seashore are currently under review by your office. As someone who has visited the area over the years, I am requesting that, at the least, the areas set aside for ORV NOT be expanded. While the Park Service may be required to blance the opportunities for access by all users, it seems to me that adding more areas for use by motorized vehicles runs the risk of changing the Seashore from a park into a parking lot. Please continue to reserve most of Cape Hatteras national Seashore for wildlife and birds and for the humans who can observe and enjoy them without disruption to their habitat.

Correspondence ID: 15033 **Project:** 10641 **Document:** 32596
Name: Blue, Josephine M
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Superintendent Murray; I understand that the regulations for use of off-road vehicles in Cape hatteras National Seashore are currently under review by your office. As someone who has visited the area over the years, I am requesting that, at the least, the areas set aside for ORV NOT be expanded. While the Park Service may be required to blance the opportunities for access by all users, it seems to me that adding more areas for use by motorized vehicles runs the risk of changing the Seashore from a park into a parking lot. Please continue to reserve most of Cape Hatteras national Seashore for wildlife and birds and for the humans who can observe and enjoy them without disruption to their habitat. Thanks you very much for your consideration of these thoughts. Sincerely, yours,

Correspondence ID: 15034 **Project:** 10641 **Document:** 32596
Name: Blue, Josephine M
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: I understand that the regulations for use of off-road vehicles in Cape Hatteras National Seashore are currently under review by your office. As someone who has visited the area over the years, I am requesting that, at the least, the areas set aside for ORV NOT be expanded. While the Park Service may be

required to balance the opportunities for access by all users, it seems to me that adding more areas for use by motorized vehicles runs the risk of changing the Seashore from a park into a parking lot.
Please continue to reserve most of Cape Hatteras National Seashore for wildlife and birds and for the humans who can observe and enjoy them without disruption to their habitat.

Correspondence ID: 15035 **Project:** 10641 **Document:** 32596
Name: Bracher, Pat
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: This letter is to voice my complete disapproval with the DEIS ORV management plan of Cape Hatteras National Seashore. The bird closures are so unreasonable; you should be embarrassed to be associated with them. For example, a 1000 meter buffer around a nest. You can park 3 nuclear class aircraft carriers end to end (330 meters each) and still have a 10 meter wide path for fisherman and their ORV's to pass. Is that really reasonable? Last year when the buffer at Cape Point access came to 980 meters and the beach was closed any person (persons) would have compromise, 950 meters is plenty, leaving 30 meters/or ORV access.
Due to these unreasonable policies you are converting people who had never felt an ill will toward a bird into bird haters. In fact, most fishermen enjoy watching birds many of which are beneficial tools of success for fisherman. I still remember the first string of Pelicans I saw fly by Frisco Pier in the mid 70 's. It was a big deal and a rare sight.
The 10pm turtle closure is also a major concern. I have been driving on the beaches of CHNS for the past 32 years and riding on them for the past 40 years. I have logged thousands of driving hours of which 60% of them have been in the dark (drum fishing). In that time I have never encountered a live turtle on the beach. In fact the chances are so low that during a negotiated Rules meeting last year US Fish and Wildlife turtle expert Pete Benjamin stated that "nighttime beach closures had no effect on the turtles," It is on tape as all the meetings are.
Cape Hatteras is a recreational use area. Fisherman, beach goers and birders alike should all enjoy shared access. I have enjoyed fishing the beaches of fish concentration (Oregon Inlet, Cape Point, Hatteras Inlet, north and south end of Ocracoke) for the past forty years and it disturbs me to the point of sleepless night's thinking my 6 year old daughter will not get to enjoy the Cape Hatteras National Seashore the way I did with reasonable ORV access. I could go on and on but as I witnessed at the Negotiated rule making meetings no one is really listening.

Correspondence ID: 15036 **Project:** 10641 **Document:** 32596
Name: Brown Jr., James I
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: We are writing to you today to make formal comments on the 850 page Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plain Draft Environmental Impact Statement which will govern ORV and pedestrian access (or non-access) at the Cape Hatteras National Seashore Recreational Area.
In our opinion, the National Park Service alternative "Plan F" is unnecessarily restrictive in terms of the amount of buffer zone required for birds, especially American Oyster Catchers and other birds, which are not endangered, and are designated "species of concern" by the North Carolina Wildlife Resources Commission.
The National Seashore is not and should not become a wildlife refuge (for some birds only, it seems, as the NPS still has two trappers on their payroll) to the exclusion of human beings as part of the environment.
The current NPS policy for sea turtles also seems not in the best interest for either the turtles or access by National Seashore visitors. Turtle nests, which are relocated to higher elevations, have been found to have a greater success rate.
As we have been responsible ORV users at the CHNSRA for twenty-two years, we urge the NPS to adopt alternative "Plan A" and return to the "Interim Plan". This was approved with input from the communities and merchants within the National Seashore and not decreed by the Judicial System.
We enjoyed the Islands when the buffer zones were sized so you could actually enjoy watching the birds being protected.
Thank you.

Correspondence ID: 15037 **Project:** 10641 **Document:** 32596
Name: Eustis, Robert D
Received: May,14,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Mr. Murray:
I strongly disagree with the Park Service preferred option of Alternative F in the DEIS. I believe that alternative is far more restrictive than is necessary to accomplish the necessary protection of wildlife.
I would urge the Park Service to find areas that matter for the plovers and other protected species and set aside adequate protection for those species in those areas. However, there are many areas that historically have been used which by visitors to the park which they should be allowed to continue to use including, without limitation, the Cape Point fishing area, the washout in Frisco, the bathhouse in Frisco, the "lighthouse" beach and other areas that traditionally have had high use by visitors to the park.
There is no adequate scientific basis for many of the provisions in Alternative F, including, without limitation, the 1000 meter closure area around a plover. There is no scientific basis for limiting pedestrian access to the actual beach front when a plover is substantially further upland and would not be disturbed by such pedestrian access. Therefore, enacting Alternative F would be arbitrary and capricious to the extent it contained such a restriction.
In addition, there is not a need to adopt the restrictive Alternative F when there are other alternatives which adequately protect the plovers and other protected species while allowing other historic uses, such as swimming and fishing that have historically been allowed. Closing oceanfront access to pedestrians is an arbitrary decision not based on scientific evidence. Pass through corridors must be maintained for pedestrians in all areas.
Congress established the seashore in 1937 as a national seashore for the enjoyment and benefit of the people and to preserve the area. The enabling act specifically states "except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing and other recreational activities of similar nature which shall be developed for use as needed ..." Therefore the enabling act specifically established portions of the Cape Hatteras Seashore for the enjoyment and benefit of the people. Adoption of alternatives directly contrary to that purpose, such as Alternative F, when less restricting alternatives that protect the protected species are available is an arbitrary decision and not necessary.
Thank you very much for this important issue for Cape Hatteras visitors and residents. I am a property owner in Avon and Frisco and have been visiting Cape Hatteras for more than 50 years. I am also an environmentalist and a member of several nature groups including the Sudbury Valley Trustees and the Bourne Conservation Group.
Please call me if you have any questions or comments in regard to this matter. Thank you for your assistance.

Correspondence ID: 15038 **Project:** 10641 **Document:** 32596
Name: Hague, Lynn
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: I write to submit comments on the draft off-road vehicle plan. Several years ago one of my friends left the beaches of Cape Hatteras in disgust because off-road vehicles were uncontrolled, and he could not find a stretch of beach without them in which to hike and watch birds. Most of the 53 beach miles managed by the National Park Service are open to ORVs, without any limit on the number of vehicles.
I support Alternative D, to devote at least half the beach miles to protection of wildlife habitat and to use by visitors on foot. The rest would be open to

ORVs. This is comparable to the half-and-half plan used at Assateague Island National Seashore. It has served wildlife and visitors well at Assateague. I also favor using the permit system from Assateague, including a limit on the number of vehicles allowed on the beach at the same time.

It is disappointing to read that the National Park Service's "preferred" alternative is Alternative F, which closes only 16 miles to ORVs year-round. That would perpetuate the domination of the seashore by vehicles, leaving few areas where visitors can safely lie on the beach or enjoy a picnic without the risk of being run over.

Another element of the Assateague program should be used at Hatteras, namely the designation of a "backcountry" zone where visitors can walk a few miles, perhaps camp overnight away from motorized traffic, and enjoy the sights and sounds of the wild beach and the ocean. This is one of the great values of a national seashore.

Please remember there is a national interest in the beaches of Cape Hatteras and the wildlife that live there. The top priority should be to protect those values for the national interest.

Thank you for the opportunity to submit these comments.

P.S. I have been fishing out of Oregon Inlet and caught bluefish; and in 1970 my first wife and I drove to this area for our honeymoon in a small red sports car. This coastline has great significance for me. It was EMPTY when we were there.

Correspondence ID: 15039 **Project:** 10641 **Document:** 32596
Name: Holz, Barbara G
Received: May,13,2010 00:00:00
Correspondence Type: Letter

Correspondence: I visit my sister and her husband in Avon yearly. Unfortunately, our access to many of our favorite points of the seashore has been limited by the Consent Decree now in force. For the future, I fear that the enactment of Alternative F of the DEIS will further destroy our ability to even look at many areas of the seashore.

I am disabled by Multiple Sclerosis. I am unable to walk any long distance and due to my poor balance, I am unable to walk on sand. In addition, as well as visitors, are elderly and or disabled Many young disabled war veterans now come to the National Seashore to quiet their minds; should they not be allowed to enjoy the seashore as they desire?

Alternative F of the DEIS attempts to allow the disabled access to the beach:
 "Accessibility for the Disabled The Seashore would provide access to disabled visitors as follows:
 ? Beach access points and boardwalks compliant with the Americans with Disabilities Act Requirements would be provided at Coquina Beach, the Frisco Boathouse, the Ocracoke PonyPen, and the Ocracoke day use area.
 ? Beach access would be provided through the issuance of special use permits for areas in front of the villages to allow ORVs to transport disabled visitors to the beach and then return the vehicle back to the street. ? Beach wheelchairs could be checked out at each District on a first-come, first-served basis."

The Americans with Disabilities Act actually states that "Physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers

I believe alternative F of the DEIS would preclude the disabled and the elderly from fully participating in enjoyment of the national seashore. Institutional barriers, as stated in the above paragraph "Accessibility for the Disabled", will be created by only having certain beach access points and boardwalks actually available for the disabled. Many disabled visitors would be unable to use the beach access in front of the villages, as they may be the driver of the vehicle and unable to return the vehicle to the street. Beach wheelchairs are very difficult to push and are very expensive to purchase. I doubt each District will have many wheelchairs; there is only one now at the CHNS. In addition, an elderly person would be unable to push their disabled partners over the sand. If I visit the beach alone, I cannot of course push my own wheelchair.

All American citizens and foreign visitors should be allowed to take part of liberties offered by the freedom of open beaches. The DEIS severely lessens the chance that a non-disabled person can enjoy the beach. The disabled will become shut-ins as they are shunned from the beach. Please let me continue to enjoy the Cape Hatteras National Seashore which is designated a recreational area. My beach visit is the highlight of my year.

Correspondence ID: 15040 **Project:** 10641 **Document:** 32596
Name: Laffoon, Larry
Received: May,13,2010 00:00:00
Correspondence Type: Letter

Correspondence: These comments concern the draft off-road vehicle management plan. I am retired from a career in the United States Air Force, during which I visited North Carolina many times on official duty. I compliment the National Park Service on the effective implementation of the seasonal restrictions adopted in 2008. It is heartening to see this progress.

Motor vehicles now dominate the beaches at Cape Hatteras, except for seasonal closures. Unlimited numbers of ORVs are still allowed on most of the 53 miles managed by NPS. It is worthwhile to draw a contrast with Assateague National Seashore (total length 37 miles), where NPS allows ORVs on only 12 miles of the beach in Maryland and a few miles in the Virginia segment, and the number of vehicles is limited. The Assateague example should inform the final decision for Cape Hatteras.

The "preferred alternative" (Alternative F) contemplates only 16 miles being closed all year - less than 25 percent of the total. That means that only a few miles here, a few miles there, would be safe from ORV impacts, noise, and the intrusion of vehicles. Few beach miles would be available for wildlife habitat for wintering and migrating species. Few miles would be available to visitors who want a beach unmarred by vehicle traffic.

I favor the "environmentally preferable" alternative (Alternative D), which is closer to the Assateague model, with roughly half the beach miles open to ORVs all year, the rest allocated to non-motorized visitors and wildlife. That has the advantage of giving plenty of room for families to walk to the beach, using pedestrian access routes from NC Highway 12 behind the dune, and enjoy a day in the sun without the intrusion of ORVs. No doubt this expanded recreation opportunity would attract many new visitors to Cape Hatteras, far outstripping the reduction in ORV tourism.

Thank you for the opportunity to comment.

Correspondence ID: 15041 **Project:** 10641 **Document:** 32596
Name: Moore, Stephen C
Received: May,13,2010 00:00:00
Correspondence Type: Letter

Correspondence: The purpose of this letter is to set forth my objections to the proposed "action alternatives" (C through F) as discussed in the recently released draft environmental impact statement/off-road vehicle management plan, and to provide reasons for my support of the "nonaction" alternative A. I have waited until the deadline to make my comment for at least two reasons; first, to by and gather as much credible information about the issue as possible, and; second, to listen to as many comments from both limited access supporters and increased access supporters as possible. As such, it is my opinion that the possible environmental benefits of restricting vehicular access to the beach are far outweighed by the detriment that such actions will have on the seashore's inhabitants and on the experiences of visitors to the seashore.

While I understand and appreciate the Park Service's efforts to analyze the environmental impact that restricting beach access will have, I believe that too little emphasis has been placed on the effects that said restrictions will have on the area's economy and culture in general. My own experience with the Cape Hatteras area began in 2003, when on my first trip to the North Carolina coastal town of Duck, my wife and I discovered that she was pregnant with our first child. We have returned every year since (sometimes twice a year), and Duck, although a lovely seaside village, is so unlike the villages within the park boundaries, as to make them almost incomparable. Our time has since been spent on Ocracoke, where we have rented several different vacation homes, and spent many sun-filled days on the beach, fishing primarily, but also swimming, shell hunting, and playing with our two children. We will actually be vacationing on Ocracoke with my sister's family this year, the week after Memorial Day. I am hoping to extend our love of the

island to her and her family. Previously, our only other real beach experience was at Hunting Island, South Carolina, which while fairly rustic by South Carolina standards, cannot compare to the beauty of the Outer Banks.

The thing that first struck me about the Outer Banks was how clean the beaches were, despite the fact that you could access the beaches by vehicle. One would have assumed that with people driving all over the beaches, that they would be torn up and littered with trash, with college kids speeding by in their jeeps, radios blasting, et. al. In my experience, nothing could be farther from the truth. The inhabitants of the islands, and the visitors, have been what I would consider stewards of the land, in that they are dedicated to keeping the beaches clean, safe and accessible for everyone. In my time on Ocracoke, I have seen countless fishermen running down a tray plastic sack, patrolling the shoreline for cut fishing line or "six pack" rings, and just trash in general. Additionally, I have seen several "old-timers" self policing the beaches for anyone not abiding by the rules. These people live off of this land, and are not interested in seeing it polluted or destroyed by anyone, whether they be a resident or a visitor.

However, given that the economies of Dare and Hyde Counties are desperately dependant on tourism dollars, it is unreasonable to expect them to survive with these overly restrictive access alternatives in place. I am interested in protecting wildlife too the extent that said protection does not place too severe a burden on humanity. Given that there are thousands of miles of shoreline on the east coast of the United States on which no vehicles are allowed, it does not seem unreasonable to reserve a small stretch of it for an area where people can access the beach by vehicle, and enjoy the entire beach, not just the two or three hundred yards they can walk. To that end, it doesn't take a giant leap of logic to determine that if people cannot continue to access their favorite beach spots by vehicle, then it won't be long before they decide it isn't worth a long drive (ten hours in my case) to go there. The inhabitants of Hatteras Island and Ocracoke Island are dependent on tourism dollars for their survival. For all of their quaintness, these are not self-supporting economies. The small business owners located on the islands have stated time and time again that they cannot sustain their operations with these overly burdensome restrictions in place. An examination of the public records located in the Clerk of Superior Court's Office for Dare County reveals that in 2005, when I first began to hear rumblings of beach access issues, to 2009, the first full year under the consent decree, the foreclosure filings rose from 204 cases to 1029 cases. The 2009 figures indicate that Dare County has the 14th highest foreclosure rate of the 100 counties in North Carolina, although it ranks 68th in population according to the U.S. Census Bureau figures released July 1, 2001. To say that the lawsuit and eventual consent decree were directly responsible for the dramatic rise in foreclosures would be ridiculous, much like the purported "scientific evidence" used to support the restrictions proposed in the draft environmental impact statement; which includes geographic areas outside of the seashore when it is beneficial to do so economic analysis including northern Outer Banks), but excludes areas within it to make its case against ORV access (dredge and spoil islands, Pea Island Wildlife Refuge). However, to altogether ignore the obvious correlation would be irresponsible.

Much like the beach access issue itself, one cannot focus on a single element only. To say that beach driving is directly responsible for low survival rates of protected or endangered species, is to ignore all of the other, more legitimate, proven causes for low mortality rates among these species. The action-alternatives in the draft environmental impact statement are the most restrictive proposals ever regarding pedestrian and ORV access, bird and turtle closures and allowable activities within the seashore. No significant improvement in the survival rates for these species has been proven since the inception of the more restrictive access rules, despite the best efforts of the Park Service to comply with the consent decree. However, it is easy to see the decrease in the survival rates of other, "less protected" species, including not only those animal species who are natural predators of the protected class, but also the human species, who are seemingly less important than other, "cuter" species.

In conclusion, I would like to suggest a combination of the alternatives proposed in the environmental impact statement. Since we already pay for fishing and hunting licenses, which are essentially permits that allow us to do the things we love to do, I am not opposed to the idea of permits for beach access. As long as the costs of said permits remain reasonably tied to reality, and the actual expenses that the National Park Service will incur as a result of the enforcement of the eventual ORV management plan when all of their other sources of income are also taken into consideration, and said permits are not used as a de facto method of restricting access to only the wealthy, I will continue to come to the Outer Banks. I believe that much like an economy based on laissez faire capitalism, the issue of carrying capacities are essentially self-resolving. As an angler, I am not going to pull up on to a spot on the beach where there are fifty other trucks, set up all my gear, and start fishing. There are certain rules of etiquette, which while not formalized in any government document, will eventually prevail. People come to the seashore to relax and get away from the hustle and bustle of their day to day lives. If they have to fight for a parking spot on the beach, they will just stop coming. Of course, there may be days where there will be overcrowding (photos that we have all seen), but those days truly are few and far between. However, if access is restricted so severely that I am unable to get to and from those areas that have historically and traditionally been open to all users of the seashore, then I will no longer have any incentive to come to the Outer Banks. Arbitrary and capricious science used to create artificial buffers that are inordinately large, to the extent that they completely restrict access to certain parts of the seashore, have no place in the Cape Hatteras National Seashore Recreational Area. As such, access corridors must be maintained to prevent a "taking" of federally created, public land, and I encourage the National Park Service to uphold its mandate to keep the land available as it was originally intended, for the use and enjoyment of all of the people, not just a select few.

Correspondence ID: 15042 **Project:** 10641 **Document:** 32596
Name: Strickland, Charles A
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please accept this letter as my comment on the ORV DEIS before you at this time.

I have read and heard much about the proposed closing of the beaches on Cape Hatteras. I have traveled across the state to the the area multiple times a year to surf fish. I drive my vehicle onto the beach, and years ago, I was able to drive from Oregon Inlet all the way to Buxton without ever leaving the beach. I travelled at a reasonable speed, have never been stuck in the sand, and paid attention to the beaches. Not once did I see nesting turtles or birds. I am not against wildlife preservation but feel that limiting beach access to vacationers and islanders is quite extreme. I feel that during nesting season, temporary barriers could be constructed around the nesting wildlife with quite large fines for anyone caught disturbing the barriers and/or the protected species. It has been my belief that weather and predators are the two most harmful destroyers of these turtles and birds, and I have always been taught that Mother Nature takes care of herself. I also feel that anyone caught speeding on the beaches and disturbing the dunes should also be charged with heavy fines.

Closing the beaches will greatly impact the economy on Hatteras Island. Much revenue will be lost as vacationers will go elsewhere if they are not permitted onto beaches to fish, swim, collect shells, etc. This will cause rentals, tackle shops, restaurants, and gas stations to perhaps go out of business and soon there will be nothing on the island except sand dunes, turtles, and birds.

Once again I request that the beaches remain open to both vehicles and pedestrians and that an alternative method be used to protect the turtles. Maybe they could be relocated to the Pea Island Wildlife Refuge.

I had always planned on retiring to the Outer Banks, and now at age 59 with retirement just around the corner, it appears that may not be an option.

Correspondence ID: 15043 **Project:** 10641 **Document:** 32596
Name: Carter , Derb
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: These comments on the Draft Environmental Impact Statement on the Cape Hatteras National Seashore Off-road Vehicle Management Plan ("DEIS") are submitted by National Audubon Society, Defenders of Wildlife, and the Southern Environmental Law Center. Collectively, these organizations represent 1.5 million members and supporters with an interest in protection of public lands and the wildlife and other natural resources on these lands and the recreational and educational opportunities these lands provide.

As the nation's first national seashore, Cape Hatteras National Seashore ("Seashore") attracts 2.2 million visitors annually to enjoy its beaches and adjacent coastal waters. The Seashore also provides habitat to many species of wildlife, some threatened or endangered. Although the Seashore was required to implement a plan and regulation to manage off-road vehicle ("ORV") use since 1972, it has not adopted a plan. In 2008, a temporary plan to manage the impact of ORV use was put in place by a settlement of a lawsuit implemented by a consent decree. Breeding birds and sea turtles have begun to rebound under this temporary management plan, which has continued to allow ORV use of the beaches consistent with wildlife protection, and overall visitation to the Seashore has increased.

We recommend the National Park Service adopt and implement a final ORV management plan for the Seashore that responds to the following guiding principles and comments on the environmental analysis in the DEIS. We believe these recommended measures are necessary for NPS to meet its legal mandates to conserve and protect the natural resources of the Seashore and leave them unimpaired for future generations and provide an appropriate balance between continued ORV use and other public uses of the Seashore.

? The final ORV management plan should be based on environmentally preferred Alternative D in the DEIS, modified to allow pedestrian access subject to standard resource closures when shorebird or colonial waterbird breeding behavior is observed, to allow 100 foot ORV access corridors to Cape Point and South Ocracoke subject to standard resource closures when shorebird breeding activity is observed, to increase the number of parking spaces and dune walkovers, and to designate specific areas closed year round to ORV use for pedestrians and wintering shorebirds.

? The final EIS should include a true "no action" alternative of no ORV use on Seashore which will provide an appropriate baseline for assessing and evaluating environmental impacts of the action alternatives.

? Management measures to protect wildlife must be based on the best scientific information available which is presented to NPS in the peer-reviewed recommendations and report from the U.S. Geological Survey scientists.

? As recommended by the USGS scientists and the loggerhead sea turtle recovery plan, night driving must be prohibited during the sea turtle nesting season to protect and recover these threatened and endangered species. ? The final plan must provide additional protections to migratory and wintering shorebirds which can be achieved through year round ORV closures of critical areas.

? The final management plan should replace artificially low desired future conditions for threatened, state listed, and special status species on the Seashore with higher targets that are consistent with the carrying capacity of the Seashore and appropriate species management.

? The preferred ORV management plan provides inadequate areas where ORV use is prohibited year round for use and enjoyment by pedestrians and other visitors.

? The final ORV management plan should reduce the carrying capacity of 260 vehicles/mile allowed in the preferred alternative, which could result in 13,500 ORVs on Seashore beaches, to a level that will better protect natural resources and reduce pedestrian/ORV conflicts.

? ORV management should include a permit system with a mandatory education component.

DETAILED COMMENTS

I. Factual Background Nationwide, national seashores have implemented regulations to manage ORV use, including Assateague Island National Seashore, Cape Cod National Seashore, Gulf Islands National Seashore, Fire Island National Seashore, and Padre Island National Seashore. See 36 C.F.R. " 7.65, 7.67, 7.20, 7.12, and 7.75. Both Cumberland Island National Seashore and Canaveral National Seashore prohibit recreational motor vehicles on the beach entirely. Only Cape Hatteras National Seashore and Cape Lookout National Seashore in North Carolina have failed to implement ORV management plans.

A. Cape Hatteras National Seashore Congress created Cape Hatteras National Seashore as the nation's first national seashore in 1937, intending that it be "permanently preserved as a primitive wilderness" and that "no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible [] with the preservation of the unique flora and fauna of the physiographic conditions now prevailing in the area." 16 U.S.C. '459a-2. Congress noted that certain portions of the Seashore might be particularly suited for water-based recreational uses such as swimming, boating, sailing, and fishing, but made no mention of driving vehicles on the beach itself. Id. The Seashore became a component of the national park system, created "to conserve the scenery and the natural and historical objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 U.S.C '1.

The 68 miles of beaches and associated barrier island habitats that comprise the Seashore represent approximately 21 % of the entire barrier island coastline of North Carolina serve as breeding, migrating and/or wintering grounds for numerous endangered, threatened, and otherwise protected species, including several species of sea turtles, shorebirds such as piping plovers, American oystercatchers, black skimmers and other species of colonially nesting waterbirds. The Seashore is a critical link in the migratory pathway of 22 species of shorebirds and 15 species of waterbirds; provides habitat essential to sustaining wintering waterbird and shorebird populations; and supports-or supported- a once-thriving population of seabeach amaranth (*Amaranthus pumilis*), a federally threatened plant species.

The Seashore is recognized as critical to state, regional, continental, and global populations of shorebirds and waterbirds. In 2004, the Seashore was recognized as a globally significant Important Bird Area by the American Bird Conservancy and the National Audubon Society for migrant and wintering shorebirds. It is recognized as continentally and state significant for nesting waterbirds and shorebirds. Audubon North Carolina considers Cape Hatteras National Seashore to be one of the most important sites for North Carolina's waterbirds and shorebirds. The seashore is also critical to the recovery of federally-threatened sea turtles, piping plover, and seabeach amaranth.

However, in a relatively short period of time, the Seashore went from one of the most important places for waterbirds and shorebirds to one of the most threatened. The reasons for these declines can be categorized into three primary causes: human disturbance, predation, and habitat loss resulting from lack of adequate protection from vehicles and the associated anthropogenic disturbances. In the worst nesting season on record for colonial waterbirds, less than 250 pairs of all colonially nesting waterbird species nested at the Seashore in 2007, down from as many as 1,508 nests per season in 1997. From 1997 to 2007, nests of common terns declined 97%, least terns 42%, gull-billed terns declined 100%, and black skimmers declined 100%. In 2007, black skimmers failed to nest and gull-billed terns disappeared from the Seashore. Threatened piping plovers breeding on the Seashore declined from 16 pairs in 1989 to only 6 pairs in 2007. Likewise, the number of breeding pairs of American oystercatchers declined by 50% from 1999 to 2007. These declines corresponded with increased popularity of ORV driving at Cape Hatteras. The National Audubon Society, the official United States Bird Life International designate for the Important Bird Areas program, considers Cape Hatteras National Seashore to be the most threatened of 96 Important Bird Areas in North Carolina.

ORV use within Cape Hatteras National Seashore is a serious threat to birds, sea turtles, other wildlife, plants, and plant communities, especially those species that depend on dune, beach, intertidal and associated habitats. ORV use has dramatically increased on the Seashore in recent years. As explained by Steven Harrison, Chief of Resource Management on the Seashore from 1997 to 2005, "protection of birds and other natural resources was often compromised by Seashore management to accommodate ORV use and ORV user groups." The impacts of ORVs on barrier islands and wildlife are clear and well known, and have been documented in more than 500 studies. In order for wildlife to continue to exist on the Seashore's beaches, the species and the habitats they require to meet their energetic and reproductive needs during all life stages must be protected. The species are sensitive to off-road vehicle activity and the associated human disturbances and are presently jeopardized by ORV use and the associated human disturbances.

Prior management, actions, and inaction by NPS have jeopardized breeding, migrating, and wintering waterbirds and shorebirds, nesting sea turtles, federally threatened and other plant species, native plant communities, and other natural resources. The failure to adopt and implement an ORV management plan that adequately protects wildlife and wildlife habitat from direct impacts and disturbances has significantly and adversely affected the natural resources of the Seashore. It is critically important that Cape Hatteras National Seashore implement an offroad vehicle regulation that protects natural resources. It is also important for protection measures to be based on the current science and the biological needs of the species and habitats that are impacted by off-road vehicle use and from the human disturbances associated with offroad vehicle use.

ORV use also jeopardizes the safety of visitors to the Seashore. In 2004, the five-year old son of a Hatteras Island property owner was nearly killed by a reckless ORV operator while playing on the beach in front of his home. Audubon has learned of numerous 'near misses' where children darted out from behind vehicles parked on the beach and were almost hit by an oncoming vehicle. In March 2010, a young girl was killed by an off-road vehicle on Daytona Beach. She was 4 years old and was visiting the beach with her grandparents. It should not take a tragedy such as this for the NPS to provide multiple accessible areas of the Seashore where families can enjoy the beach year round without concern over ORV traffic.

In the past seven years, several areas of Seashore beach that were historically closed to vehicles and managed as pedestrian only beaches, where people could enjoy the beach without tire ruts or fearing for their personal safety, have been opened to vehicles. In addition, in 2007, areas of beach were opened and closed at will in an attempt to balance the amount of beach closed to vehicles for safety and resource protection with the amount of area opened to vehicles. The opening of beaches in front of residential developments jeopardizes public safety and one's ability to enjoy the beach in front of their residence or rental property.

The plan and regulation to manage ORV use on the beaches of Cape Hatteras National Seashore will be the most important action by the National Park Service in the history of the Seashore. The regulation will determine the future of the Seashore's natural resources for years to come. It will determine the future for North Carolina's beach-nesting shore and waterbird populations, the health of migrating and wintering shorebird populations, North Carolina's sea turtle populations, and the fate of other natural resources. Equally important, it will determine the quality of the Seashore experience for

millions of visitors.

1. Environmental and natural resource impacts of ORVs

ORVs have a significant negative impact on beaches, beach plants and plant communities, breeding birds, migrating birds, wintering birds, nesting sea turtles, important habitats for plants and animals, prey organisms for shorebirds, the beach landscape, and the beach environment. In a review of literature related to barrier islands and off-road vehicles, we collected 536 scientific studies, conservation plans, management guidelines, and recovery plans that list off-road vehicle use and the associated disturbances as a threat to natural resources that utilize barrier islands such as Cape Hatteras National Seashore. We discovered many additional internal project reports and other documents with similar findings, which are not listed as they did not appear to have been subjected to a thorough review and were not published. Not a single scientific study documented benefits to natural resources from off-road vehicle use. It is abundantly clear that wherever and whenever vehicles are permitted on natural landscapes, there are impacts to natural resources.

ORV use on beaches has both physical impacts on natural resources and disturbance related impacts. These impacts are directly linked and both have significant negative impacts on natural resources. Physical impacts include crushing bird nests, eggs, chicks, and occasionally adults; crushing sea turtle nests, hatchlings, and occasionally adults; crushing plants, roots of plants, and dormant seeds; increasing compaction of sand and changing the sand environment (temperature, moisture content, etc.); crushing prey and foraging habitat or substrate for shorebirds (such as wrack, algal mats, biofilm, etc.); increasing beach erosion and destroying dunes; alteration of the beach strand with deep ruts that trap sea turtles and unfledged chicks; and direct negative impacts to beach aesthetics, scenic vistas, soundscapes, night skies, beach landscapes, visitors' experiences, and the enjoyment of natural resources.

2. ORV impacts to shorebirds and waterbirds

ORV use and the associated human disturbance [defined as "any activity that changes the contemporaneous behavior or physiology of one or more individuals" (Nisbet 2000)] are directly linked. Vehicles allow more people to gain access to remote areas of beach and extend the impacts to remote stretches of beach, which are frequently the areas that are most important to birds and other natural resources. The disturbance associated with off-road vehicle use can result in egg loss, chick mortality, short-term and long-term nest abandonment, short-term and long-term disruption of foraging, nesting site or colony abandonment, premature fledging or nest evacuation, slow growth or reduced body mass of nestlings, disruption of courtship and other behavioral alterations, overall lowered reproductive success, prevention of access by shorebird chicks to foraging habitat, prevention of access by nesting birds to suitable habitats, reduced foraging efficiency, reduced populations, increased predation, increased predator populations, disorientation of sea turtle hatchlings, abandonment of nesting attempts by sea turtles, and jeopardizes the survival of migrating and wintering shorebirds.

Disturbance at the time when nesting birds begin courtship, territory establishment, and nest building can lead to the abandonment of otherwise suitable nesting habitat. It can lead to the abandonment of individual nests or the abandonment of entire colonies in the case of waterbirds. Disturbance frequently causes an incubating or brooding adult to leave its nest or chicks, which exposes eggs or chicks to environmental conditions such as heat, cold, rain, and blowing sand, all of which can kill embryos developing within eggs and kill chicks. Disturbance also exposes eggs and chicks to avian predators such as gulls and crows; mammalian predators such as raccoon, fox, or mink; or ghost crabs. Disturbance can also cause adults to become separated from chicks, which increases a chick's vulnerability to predators and temperature stress, such as occurred in 2006 and resulted in the death of two American Oystercatcher chicks near Hatteras Inlet.

Regardless of whether or not the impacts result from direct contact with ORVs or the impacts result from the associated disturbance, the end result is the same -- a direct negative impact resulting from off-road vehicle use. With respect to Piping Plovers, the Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act (USFWS 1996) states:

"Unrestricted use of motorized vehicles on beaches is a serious threat to piping plovers and their habitats. Vehicles can crush eggs (Wilcox 1959; Tull 1984; Burger 1987; Patterson et al. 1991; United States of America v. Breezy Point Cooperative, Inc., U.S. District Court, Eastern District of New York, Civil Action No. CV-90-2542, 1991; Shaffer and Laporte 1992), adults, and chicks. In Massachusetts and New York, biologists documented 14 incidents in which 18 chicks and 2 adults were killed by vehicles between 1989 and 1993 (Melvin et al. 1994). Goldin (1993) compiled records of 34 chick mortalities (30 on the Atlantic Coast and 4 on the Northern Great Plains) due to vehicles. Many biologists that monitor and manage piping plovers believe that many more chicks are killed by vehicles than are found and reported (Melvin et al. 1994). Beaches used by vehicles during nesting and brood-rearing periods generally have fewer breeding plovers than available nesting and feeding habitat can support. In contrast, plover abundance and productivity has increased on beaches where vehicle restrictions during chick-rearing periods have been combined with protection of nests from predators (Goldin 1993; S. Melvin, pers. comm., 1993).

Typical behaviors of piping plover chicks increase their vulnerability to vehicles. Chicks frequently move between the upper berm or foredune and feeding habitats in the wrack line and intertidal zone. These movements place chicks in the paths of vehicles driving along the berm or through the intertidal zone. Chicks stand in, walk, and run along tire ruts, and sometimes have difficulty crossing deep ruts or climbing out of them (Eddings et al. 1990, Strauss 1990, Howard et al. 1993). Chicks sometimes stand motionless or crouch as vehicles pass by, or do not move quickly enough to get out of the way (Tull 1984, Hoopes et al. 1992, Goldin 1993). Wire fencing placed around nests to deter predators (Rimmer and Deblinger 1990, Melvin et al. 1992) is ineffective in protecting chicks from vehicles because chicks typically leave the nest within a day after hatching and move extensively along the beach to feed (see Table 1).

Vehicles may also significantly degrade piping plover habitat or disrupt normal behavior patterns. They may harm or harass plovers by crushing wrack into the sand and making it unavailable as cover or a foraging substrate, by creating ruts that may trap or impede movements of chicks, and by preventing plovers from using habitat that is otherwise suitable (MacIvor 1990, Strauss 1990, Hoopes et al. 1992, Goldin 1993)."

ORV impacts on shorebirds extend beyond the breeding season. Migrating and wintering shorebirds are impacted by vehicle use on beaches. The impact of disturbances to shorebirds has been described as "a conservation issue of international importance." One study conducted on Cape Hatteras National Seashore found 50% fewer shorebirds on beaches open to vehicular traffic, which was similar to the findings of other similar studies. Studies on other mid-Atlantic National Seashores found that vehicles had a significant negative impact on the diversity and abundance of shorebirds and altered behaviors in a manner that could threaten the survival of shorebirds. Shorebirds have a limited amount of time to forage, rest and replenish energetic reserves that are essential for survival. Shorebirds that survive winter and migration but arrive on breeding grounds in poor condition have reduced reproductive success. ORV use can also jeopardize the prey base, as well as the availability and access to foraging habitat for shorebirds. Populations of invertebrates found on ocean beaches, which are a source of food for shorebirds, have been documented to be significantly reduced by off-road vehicle use.

3. ORV impacts to sea turtles

There is strong evidence that Loggerhead Sea Turtles in the Northern Recovery Unit have experienced a significant, long-term population decline. Sea Turtles are impacted by vehicles on beaches and disturbances resulting from vehicles on the beach. Studies of sea turtles on beaches that allow driving show increased sand compaction which can decrease hatching success, tire ruts trap hatchlings and can jeopardize adults coming ashore to nest, lights can disorient hatchlings which can result in increased mortality, lights from vehicles, vehicle movements, and human activity can cause nesting females to abandon nesting attempts. Studies on Cape Hatteras and Cape Lookout concluded that beaches with off-road vehicles have higher percentages of false crawls and lower incubation temperatures, possibly resulting in a lower percentage of female hatchlings. In addition, beach driving contributes to erosion, which will eventually deteriorate the quality and quantity of nesting habitats. And vehicles can strike adults coming ashore to nest. In 2009, a female Kemp's Ridley (a species that nests during daylight, rather than at night like Loggerheads) coming ashore to nest on a Texas beach similar to Cape Hatteras was struck and killed by a vehicle.

4. ORV impacts to native plants and natural plant communities

The impacts of ORV use on native plants and natural plant communities are significant and have been clearly demonstrated on beaches along the Atlantic Coast, including Cape Hatteras National Seashore and Cape Lookout National Seashore. ORVs substantially modify the beach landscape. Vehicle traffic has been found to decrease above ground and root production, survival, percent cover, and diversity of vegetation.

ORV use is a significant threat to federally threatened seabeach amaranth. Seabeach amaranth occurrence is greatly reduced, sometimes absent, in areas with off-road vehicles. The plant is sometimes found within posted shorebird-waterbird nesting areas, but the removal of symbolic fencing following nesting jeopardizes seed production and the sustainability of the local population of the species. Seabeach amaranth was once abundant on Cape Hatteras National Seashore, especially at Cape Point. Seabeach amaranth at Cape Point, 1985.

The seabeach amaranth 5-yr review states: The impacts of beach driving on seabeach amaranth depend on the extent of driving, seasonal restrictions, the extent of fencing, and the configuration of the specific beach ... Lea, et al. (2003) believe that ORV use may act as a population sink for seabeach amaranth in that seeds disperse into the ORV use area but are typically unable to germinate and develop into mature seed producing plants because of constant disturbance ...

Reports from Cape Hatteras National Seashore seabeach amaranth has not been documented since 2005.

5. ORV impacts on visitor experience and visitor safety

While some visitors experience Cape Hatteras National Seashore only from an off-road vehicle, the overwhelming majority of visitors to the Seashore do not use a vehicle to access the Seashore's beaches. Vehicles are not required to experience the Seashore or participate in recreational pursuits within the Seashore including fishing, surfing, swimming, sunbathing, windsurfing, kiteboarding, beach combing, wildlife watching, photography and other arts.

There are numerous incidents where vehicles have come close to striking a pedestrian. Many of these incidents involve children. Fortunately, there is no record of a death on Cape Hatteras National Seashore resulting from a child or adult being struck by an off-road vehicle. Unfortunately, this is not the case on all beaches where off-road vehicles are permitted. Such was the case in March 2010 on a Florida beach when a 4-year old girl was struck and killed by a vehicle while playing on the beach. In the past 25 years, at least 8 people have been killed by offroad vehicles on central Florida beaches. The use of off-road vehicles on beaches significantly alters the beach strand in a manner that can endanger young, elderly, or other mobility-challenged Seashore visitors. Vehicles create deep ruts in beach sand that can be very difficult for some seashore visitors to traverse. These ruts present a hazard to some seashore visitors and prevent some seashore visitors from accessing the beach.

Cape Hatteras National Seashore has few areas where visitors can experience the seashore's beaches without impacts from off-road vehicles. There are even fewer areas, arguably none, where a visitor can enjoy the Seashore's beaches without the sight of a vehicle on the landscape, the sound of a vehicle in the distance, and the visual impacts left by vehicles on the beach. Vehicle use jeopardizes the experience for visitors who come to the Seashore for wildlife viewing and other wildlife-related activities, such as photography and other arts, and for the aesthetic enjoyment of scenic landscapes.

6. The 2008 Consent Decree

In 2007, National Audubon Society and Defenders of Wildlife filed a lawsuit to require the NPS to develop an ORV management plan and implement measures to protect declining wildlife on the Seashore until a final ORV management plan is adopted. Dare and Hyde Counties and Cape Hatteras Access Preservation Alliance (a coalition of ORV advocacy groups) intervened in the lawsuit. In February 2008, the plaintiff organizations filed a motion for preliminary injunction requesting that the court require NPS to implement specific measures requested by and recommended to NPS by federal scientists at the U.S. Geological Survey. In April 2008, all the parties recommended the court approve a negotiated consent decree that requires NPS to adopt a final ORV management plan by the end of 2010 and a special regulation by the end of April 2011, and implement specific measures to protect wildlife from ORV use until a final plan and special regulation is adopted.

The consent decree amended an interim management plan and requires that the National Park Service provide places for birds and sea turtles to nest on the Seashore during the breeding seasons—generally April to August for birds and May to November for sea turtles. ORV use is restricted at historic breeding sites in the spring to provide disturbance-free areas that allow the birds to set up territories or colonies and nest. Early in the season, these pre-nesting areas do not block ORV access to the inlets or Cape Point. If birds do begin to nest in these areas or other areas outside these pre-nesting closures, species specific buffers are established around the nesting areas to prevent disturbance. Depending on where the nesting occurs, ORV corridors may or may not be affected by the buffers. The scientifically based breeding bird buffers may further limit ORV use of an area until breeding is completed. Sea turtles, which nest and hatch mostly during the night, are partially protected by closure of the beaches to ORV use from 10 p.m. to 6 a.m. May 1 through September 15 and a requirement for permits, driver education, and light restrictions from September 16 through November 15.

The consent decree has governed management of ORV use as it affects wildlife on the Seashore for two breeding seasons (2008, 2009) and the beginning of the 2010 breeding season. All species or species groups targeted by the management measures in the consent decree remained stable or increased during the two breeding seasons under the consent decree. Piping plovers increased to 11 pairs in 2008 and 9 pairs in 2009 from 6 pairs in 2006 and 2007, the highest number of pairs since 1997. The number of pairs of American oystercatcher on Seashore beaches declined from 35 in 2000 to 21 in 2006 and remained stable through 2009. Fledged oystercatcher chicks increased to 17 in 2008 and 13 in 2009. 2 In 2009, the number of least tern nests more nearly tripled to 577, compared to 194 nests in 2007. Black skimmers also nested on the Seashore's beaches for the first time in three years, with 40 nesting pairs. The number of common tern nests almost doubled with a minimum of 31 nests laid in 2009, compared to 18 nests in 2007. Sea turtles had a record nesting year on the Seashore in 2008 with 112 nests followed by 104 nests in 2009 and the number of nests exceeded false crawls both years.

7. Negotiated Rulemaking

On January 2, 2008, after Plaintiffs filed their Complaint leading to the Consent Decree, the Secretary of the Interior established a negotiated rulemaking advisory committee for ORV management at Cape Hatteras to negotiate and possibly recommend the initial special regulations for the long-term management of ORVs at the Seashore. 72 Fed. Reg. 72,316 (Dec. 20,2007). The committee met for several months but failed to reach a consensus recommendation for a proposed ORV management plan that would become the preferred alternative in the draft EIS. The committee did reach preliminary consensus on several issues related to ORV use on the Seashore. NPS was fully engaged in the committee discussions and process and the DEIS utilizes information provided during the committee discussions. However, a consensus was not reached on major issues.

II. Statutory and Regulatory Background

As summarized in the DEIS, several federal laws, regulations and NPS policies directly address and/or govern ORV use on the Seashore.

A. Executive Order 11644

As a result of the growth in ORV recreation on federally protected lands, President Nixon signed Executive Order 11644 on February 8, 1972; in that Order he noted that the "popularity [of ORV driving on public lands] continues to increase rapidly. The widespread use of such vehicles on the public lands -- often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity -has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands." Exec. Order No. 11644, 37 Fed. Reg. 2,877 (Feb. 8, 1972). The Order requires that the National Park Service enact and implement special regulations to govern the location, manner, and condition in which ORVs may be used at each national park and seashore, including Cape Hatteras. It also requires that the regulations minimize damage to the wildlife and other natural resources at each park and seashore. When Federal Defendants determine that ORV use is adversely affecting, or may adversely affect, wildlife or wildlife habitat, the area must be immediately closed to ORV use.

Courts have held that to satisfy Executive Order 11644, management plans must protect park resources. In *National Wildlife Federation v. Morton*, the court struck down regulations allowing ORV use of lands owned by the federal Bureau of Land Management that failed to satisfy the requirements of Executive Order 11644. 393 F. Supp. 1286 (D.D.C. 1975). In an ORV user group's challenge to an ORV management plan implemented pursuant to the Executive Order, the court upheld restrictions and prohibitions on ORV use of federal lands, finding the restrictions necessary to resolve conflicts between ORVs and non-ORV uses of the land and also to protect natural resources. *Nw. Motorcycle Ass'n v. U.S. Dep't of Agric.*, 18 F.3d 1468 (9th Cir. 1994). In *Fund for Animals v. Norton*, the court held that a new rule allowing the off-road use of snowmobiles at Yellowstone and several other national parks was not adequately supported by the Park Service and violated the "clear conservation mandate" of the Executive Orders and other laws, and was therefore arbitrary, capricious, and unlawful, 294 F. Supp. 2d 92, 106-08 (D.D.C. 2003). The court sharply criticized the Park Service for rejecting the "Environmentally Preferred Alternative" in favor of "an alternative whose 'primary beneficiaries' are the 'park visitors who ride snowmobiles in the parks and the businesses that serve them.'" *Id.* at 108.

B. NPS regulations

The National Park Service's has also promulgated regulations to implement the executive order on ORV use. Pursuant to these regulations, "[o]perating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for offroad motor vehicle use." 36 C.F.R. ' 4.10(a). In a case involving beach driving at Cape Hatteras, the federal court for the Eastern District of North Carolina ruled "where the Park Service fails to create a plan for ORV use, [it] is prohibited. [Cape Hatteras] does not have regulations in place to govern ORV traffic. Consequently, it is [illegal] to operate a motor vehicle on Cape Hatteras National Seashore" *United States v. Matei*, No. 2:07-M-1075-BO (July 17,2007) at 3.

C. Organic Act of 1916

The National Park Service Organic Act requires that the National Park Service manage the Seashore and all park lands in a manner consistent with and supportive of the fundamental purpose for which the park system was created, namely "to conserve the scenery and the natural and historic objects and

the wildlife therein and 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." 16 U.S.C. ' 1 (emphasis added). It demands that management authority "shall not be exercised in derogation of the values and purposes for which [units of the National Park System] have been established." 16 U.S.C. ' 1a-I: The Organic Act 17 requires that, when a recreational use of a park conflicts with the conservation of wildlife and the park's other natural resources, the conservation of natural resources for present and future generations must prevail. See, e.g., Southern Utah Wilderness Alliance v. Dabney, 222 F.3d 819 (6th Cir. 2000) (citing 16 U.S.C. ' 1 and Park Service Management Policies); Fund for Animals v. Norton, 294 F. Supp. 2d 92, 102-06 (D.D.C. 2003) (holding that goal of conserving natural resources must be predominant over conflicting off-road recreational use of park by snowmobiles).

D. Cape Hatteras National Seashore Enabling Act

Congress established Cape Hatteras National Seashore in 1937 and specified its purpose and management objectives:

Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project of plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area.

50 Stat. 609. In 1940, the enabling legislation was amended to add "and Recreational Area" to "Cape Hatteras National Seashore; the only substantive change in purposes in this amendment is to allow hunting on the Seashore. 54 Stat. 702; see also DEIS at 13 ("the term 'recreational area' in the 1940 amendment was derived clearly from the Secretary's justification to allow hunting and by the Service's desire to limit the setting of any precedent for more traditional types of parks.") As NPS notes, "[i]n 1954 the NPS authorized the original park name ('national seashore') to be used for all administrative purposes except (or formal memoranda and documents requiring the full legal name Since 1962, Cape Hatteras has been referred to as 'national seashore' in Congressional legislation and 'national seashore' has been the standard nomenclature for this type of park." Id.

E. NPS 2006 Management Policies

The National Park Service has promulgated management policies that interpret the Organic Act and guide NPS actions. In introducing the management policies, NPS states: The national park system was created to conserve unimpaired many of the world's most magnificent landscapes, places that enshrine our nation's enduring principles, and places that remind us of the tremendous sacrifices Americans have made on behalf of those principles. ... These are places that offer renewal for the body, the spirit and the mind, As required by the 1916 Organic Act, these special places must be managed in a special way -- a way that allows them to be enjoyed not just by those who are here today, but also by generations that follow. Enjoyment by present and future generations can be assured only if these special places are passed on to them in an unimpaired condition. And that is the challenge that faces all the employees of the National Park Service.

NPS 2006 Management Policies at 1. The NPS 2006 Management Policies set out several directives relevant to development of an ORV management plan and special regulation for the Seashore.

1.4.4 The Prohibition on Impairment of Park Resources and Values

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them. The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.

1.4.7.1 Unacceptable Impacts

The impact threshold at which impairment occurs is not always readily apparent. Therefore, the Service will apply a standard that offers greater assurance that impairment will not occur. The Service will do this by avoiding impacts that it determines to be unacceptable. These are impacts that fall short of impairment, but are still not acceptable within a particular park's environment. Park managers must not allow uses that would cause unacceptable impacts; they must evaluate existing or proposed uses and determine whether the associated impacts on park resources and values are acceptable.

1.4.7.2 Improving Resource Conditions within the Parks

The Service will also strive to ensure that park resources and values are passed on to future generations in a condition that is as good as, or better than, the conditions that exist today. In particular, the Service will strive to restore the integrity of park resources that have been damaged or compromised in the past. Restoration activities will be guided by the natural and cultural resource-specific policies identified in chapters 4 and 5 of these Management Policies.

1.5 Appropriate Use of the Parks

In its role as steward of park resources, the National Park Service must ensure that park uses that are allowed would not cause impairment of, or unacceptable impacts on, park resources and values. When proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant.

4.4.1 General Principles for Managing Biological Resources

The National Park Service will maintain as parts of the natural ecosystems of parks all plants and animals native to park ecosystems. The Service will successfully maintain native plants and animals by

? preserving and restoring the natural abundances, diversities, dynamics, distributions, habitats, and behaviors of native plant and animal populations and the communities and ecosystems in which they occur;

? restoring native plant and animal populations in parks when they have been extirpated by past human-caused actions; and

? minimizing human impacts on native plants, animals, populations, communities, and ecosystems, and the processes that sustain them.

4.4.2.2 Restoration of Native Plant and Animal Species

The Service will strive to restore extirpated native plant and animal species to parks whenever all of the following criteria are met:

? Adequate habitat to support the species either exists or can reasonably be restored in the park and if necessary also on adjacent public lands and waters; once a natural population level is achieved, the population can be self-perpetuating.

? The species does not, based on an effective management plan, pose a serious threat to the safety of people in parks, park resources, or persons or property within or outside park boundaries.

? The genetic type used in restoration most nearly approximates the extirpated genetic type.

? The species disappeared or was substantially diminished as a direct or indirect result of human-induced change to the species population or to the ecosystem.

? Potential impacts upon park management and use have been carefully considered.

4.4.2.3 Management of Threatened or Endangered Plants and Animals

The Service will survey for, protect, and strive to recover all species native to national park system units that are listed under the Endangered Species Act. The Service will fully meet its obligations under the NPS Organic Act and the Endangered Species Act to both proactively conserve listed species and prevent detrimental effects on these species. To meet these obligations, the Service will

? cooperate with both the U. S. Fish and Wildlife Service and the NOAA Fisheries to ensure that NPS actions comply with both the written requirements and the spirit of the Endangered Species Act. This cooperation should include the full range of activities associated with the Endangered Species Act, including consultation, conferencing, informal discussions, and securing all necessary scientific and/or recovery permits;

? undertake active management programs to inventory, monitor, restore, and maintain listed species' habitats; control detrimental nonnative species; manage detrimental visitor access; and reestablish extirpated populations as necessary to maintain the species and the habitats upon which they depend;

? manage designated critical habitat, essential habitat, and recovery areas to maintain and enhance their value for the recovery of threatened and endangered species;

? cooperate with other agencies to ensure that the delineation of critical habitat, essential habitat, and/or recovery areas on park-managed lands provides needed conservation benefits to the total recovery efforts being conducted by all the participating agencies;

? participate in the recovery planning process, including the provision of members on recovery teams and recovery implementation teams where

appropriate;

? cooperate with other agencies, states, and private entities to promote candidate conservation agreements aimed at precluding the need to list species; and

? conduct actions and allocate funding to address endangered, threatened, proposed, and candidate species.

The National Park Service will inventory, monitor, and manage state and locally listed species in a manner similar to its treatment of federally listed species to the greatest extent possible. In addition, the Service will inventory other native species that are of special management concern to parks (such as rare, declining, sensitive, or unique species and their habitats) and will manage them to maintain their natural distribution and abundance.

F. Endangered Species Act (ESA)

Several species listed as threatened or endangered under the ESA occur on the Seashore and may be affected by ORV use and management. Sections of the Seashore are designated as critical habitat for the threatened wintering population of piping plover. ESA Section 7 requires that all federal agencies "shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency ... is not likely to jeopardize the continued existence of any endangered species ... or result in the destruction or adverse modification of habitat of such species" 16 U.S.C. 1536(a)(2). In addition, federal agencies have an affirmative obligation to "utilize their authorities in furtherance of the purposes of the [ESA] by carrying out programs for the conservation [defined as recovery] of endangered species and threatened species." Id. at 1536(a)(2). When federal agencies attempt to balance potentially conflicting objectives, such as ORV use that may affect endangered species, the Supreme Court has instructed that "Congress has spoken in the plainest of words, making it abundantly clear that the balance has been struck in favor of affording endangered species the highest of priorities" *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 194 (1978)

ESA Section 9 prohibits any person from taking a threatened or endangered species. To "take" means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, or capture or collect, or to attempt to engage in any such conduct." 16 U.S.C. ' 1538(a)(1). Governmental agencies that authorize activities by others that may result in a take of listed species may be held legally liable for that take. In *Loggerhead Turtle v. Volusia County*, 896 F. Supp. 1170, 1178 (M.D. Fla. 1995), the court held that the County was liable for takes caused by beach driving.

III. Comments on the DEIS Relevant to All Alternatives

A. Socioeconomic analysis

Just as the natural environment of the Outer Banks of North Carolina is highly dynamic, so too is the economy of the region. Those protesting increased regulation of off-road vehicle driving on Cape Hatteras National Seashore have predicted economic doom for the region. It is impossible to predict exact impacts on the local economies from increased protection of natural resources, especially during volatile times in the national economy. But a few points of reason, some reinforced in the DEIS, others in need of amplification or omitted in the DEIS, belie the doomsday scenario and suggest long-term resilience for the local economies under any of the alternatives that would support viable natural resource protections:

? Overall visitation to the Seashore has been on the rise during the period of recent increased beach driving regulation.

? Dare County government data show strong tourism expenditures during the same period.

? Estimates of the percentage of visitors who come to Cape Hatteras to drive on the beach, for whatever reasons, are below 10%.

? Some visitors have self-reported that they would be more likely to make additional or longer visits to Cape Hatteras should beach driving be better controlled.

? Other beaches on the Atlantic coast that have instituted off-road vehicle regulations for natural resource protections showed economic resilience to the changes.

? Local businesses have been adaptive to changing demographics and desires of tourists in the past and will continue to adjust to all factors affecting tourism, with beach driving access being but one of many dynamics to factor into business planning.

The DEIS claims that "The Communities are concerned that if a permit system or other ORV restrictions are implemented that make it harder for ORV users to use the area, fewer tourists may come to the villages, resulting in impacts to the local economy." DEIS at 31. Certainly, some members of the communities are concerned about adverse economic impacts of restricting ORV use. However, to suggest that those people represent "the community" inaccurately oversimplifies the complex and varying views on this issue. Clearly, there are other community members, such as those who own houses near the beaches in the villages of Frisco and Hatteras, who are concerned that opening up village beaches to ORV use could adversely impact their rental income and endanger public safety. In addition, there are visitors who favor non-motorized recreation, who may visit more often if ORVs were restricted. Thus, adverse impacts from certain ORV users could be offset by positive impacts from other visitor segments, as has occurred at other beaches implementing ORV regulations. The NPS should more carefully use language that accurately addresses the positive and negative impacts of ORV regulation, rather than using overbroad language.

1. Visitation

As the DEIS notes, visitation at Cape Hatteras National Seashore has been on a generally upward trend in recent years. Totals for 2009 (2,282,543) are the greatest for the Seashore since 2003. Year-to-date totals for 2010 (as of the end of April- from www.nature.nps.gov/stats) show the trend is continuing with slight increases (.8%) compared even to 2009. These figures are particularly noteworthy given the fact that the consent decree was implemented starting in April 2008. July, the peak month for most natural resource closures, showed the greatest visitation for both the 2008 and 2009 seasons since 2003. While additional closures are certainly affecting some visitors, they are not seemingly causing the dire losses of visitation that some have vocally predicted. Indeed, trends indicate quite the reverse. We concur with the DEIS that "the information does not support projections of decreases in visitation." DEIS at 568. A final EIS should update tables with these more recent figures.

2. Regional tourism

Despite the perplexing efforts of Dare County officials to discourage tourists by depicting the Seashore's beaches as largely closed and/or under the threat of full closures to visitors (most notably through the county-sponsored website, www.preservebeachaccess.org), data from its own visitors bureau show continued resilience of the communities and businesses despite the tremendous nationwide economic downturn. In an August 11, 2009, news release, the Outer Banks Visitors Bureau reported that "... domestic visitors to and within Dare County spent an estimated \$777.41 million dollars in 2008, an increase of 1.9 percent from 2007." (www.outerbanks.org/visitor_services/press_room/press_releases/2008_Dare_County_Tourism_Figures.pdf). Similarly, the most recent newsletter of the same organization touted 2009 as a generally good year with some notable gains. "The year started with deep concerns about the upcoming summer, but thankfully the Outer Banks (compared to our competition) weathered the season with a modest drop of 2.25% overall for occupancy. Some sectors of the hospitality industry showed positive growth trends. Hotels, while dropping in past years posted an increase of 18.08%, to date." (www.outerbanks.org/pdt/December2009Newsletter.pdf).

Data for 2010 suggest continued growth in Dare County tourism-related expenditures even as statewide and nationwide economies remain uncertain. "Gross Meals" show Hatteras Island already up 8.72% for January through March compared to 2009 and "Gross Occupancy" up 27.45% year-to-date. (www.outerbanks.org/about_us/visitors_bureau).

In spite of anecdotal stories of massive declines in business due to beach closures, data continue to support the conclusion of the DEIS that "economic impacts of the alternatives would likely occur in the lower range of projected impacts." DEIS at 568.

3. Non-ORV users

We are frustrated that off-road vehicle use has not been fully and consistently documented. Given the years of controversy surrounding the issue, one could reasonably assume methods would have been devised and implemented to provide accurate counts of vehicles on Seashore beaches on daily, monthly, and annual bases. These counts are particularly important not just for determining the economic impacts of various visitor sectors but also for designing long-range management of the Seashore for natural resources and visitors of all kinds. We look forward to learning the results of the new survey estimate alluded to in the DEIS. DEIS at 265. We find it odd that the aerial ORV counts depicted in graphs at the same page, Figure 25, show no actual count numbers, only relative percentages by sections of the Seashore.

In lieu of such data from the Park Service, we must rely on best available estimates. A 2003 visitor survey at Cape Hatteras estimated that between 2.7% and 4.0% of all visits to the park included beach driving (Hans Vogelsson, "Cape Hatteras National Visitor Use Study," August 2003, as quoted in "Economic Analysis of Critical Habitat Designation for the Wintering Piping Plover," Industrial Economics, Inc., for USFWS, September 23, 2008). Even positing significant error in the survey data, and that the number is double the maximum reported, then we are still left with the estimate that under 10% of all visitors to the Seashore choose to drive on the beach during their visits.

On the one hand, given the large number of annual visitors, that small percentage still represents potentially hundreds of thousands of people driving on the beach and causing the kinds of natural resource and visitor management problems seen in recent years. On the other hand, such a low percentage of

users directly connected to beach driving suggests that the economic impacts of increased closures will also be correspondingly low.

The economy of the region is necessarily, therefore, built on a diversity of visitors, with most attracted to the area for reasons other than driving on the beach. For many of these, it is reasonable to assume that their experience may be enhanced by the opening of additional vehicle-free areas. Indeed, the same 2003 visitor survey we allude to above indicated that 9% of visitors reported that they would visit more often if ORVs were not allowed on the beach at all. Additionally, only some fraction of those that do desire to drive on the beach are likely to be strongly reactive to the increased restrictions. Most will adapt to the changes in management, finding places and times on the Seashore where and when they can still use beach driving for fishing, or other recreation. The fact that visitor surveys continue to show high levels of visitor satisfaction, even at the height of tensions and controversy due to increased closures under the consent decree, suggests that most visitors will remain positive about their experiences under alternatives proposed that continue to enhance natural resource protections, safety, and visitor experiences for pedestrian users. As we will discuss below in more detail, such assumptions have been borne out in other locales where beach driving was curtailed for natural resource protections.

4. Other Atlantic coast beaches' experience implementing ORV restrictions

One of the most notable gaps in the DEIS economic analysis is the failure to reference the experiences of other beaches along the Atlantic that have faced similar tensions between off-road vehicle uses and natural resource protections. While each situation is unique from multiple perspectives, the historical results from similar areas that implemented ORV restrictions is highly instructive when attempting to predict future economic impacts from increased vehicle restrictions on Cape Hatteras beaches.

A good starting point for that analysis would be a study done in 1998 by Industrial Economics, Inc., for the Division of Economics of the U.S. Fish and Wildlife Service. U.S. Fish and Wildlife Service, Division of Economics, An Economic Analysis of Piping Plover Recovery Activities on the Atlantic Coast (1998) ("PIPL Econ. Analysis"). "An Economic Analysis of Piping Plover Recovery Activities on the Atlantic Coast" employs the IMPLAN model in relation to "five case studies of local areas where beach managers have initiated closures and other management actions to protect piping plovers. . . . The beach areas studied range from Assateague Island in Maryland/Virginia to Parker River National Wildlife Refuge (NWR) in Massachusetts and include areas in four states." PIPL Econ. Analysis at ES-I.

The study acknowledges the impacts of increased closures, indicating they were primarily on ORV users. The impacts on the local economies ranged from "negligible to economically significant," depending on a number of factors: the extent of restrictions due to management (from minimal to full beach closures); the availability of alternatives for ORV users within the same economic region, along with the continued access to beaches for pedestrians and other users; the popularity of the beach area and magnitude of expenditures per visitor-day; the size and growth of the local economy; and the mitigating effects of adaptability to the beach-driving restrictions within the local economy.

On the latter factors, the study concludes the following:

Where visitor demand is strong at Cape Cod, Martha's Vineyard, the Jersey Shore, and Ocean City, Maryland, other beach users are likely to replace displaced ORV users - at least during peak summer months. Losses in visits by surf fishing anglers and others in early spring may be more difficult to replace, although birdwatchers and other eco-tourists constitute a growing element of visitation to some sites in both spring and fall. Finally, adaptation has and will continue to mitigate economic impacts of beach closures and other restrictions. Over time local businesses have adapted to changes in demand. On Martha's Vineyard, for example, several bait and tackle shops initially lost considerable revenues from anglers displaced when beach managers first initiated beach closures. However, these businesses adapted by expanding into boat charters and guided trips to enhance revenues. Likewise, on Long Beach Island one bait and tackle shop adapted by targeting goods and services toward "tourist" anglers having far less knowledge of the sport than his "regulars" prior to the closure.

There is no evidence in any of the five case studies of business bankruptcies or shutdowns attributable to beach closures or other restrictions. PIPL Econ. Analysis at ES-6 (emphasis added).

We would encourage the researchers for the DEIS to reference this study and perhaps update its findings, including additional sites that have been through similar management challenges related to ORVs. We believe these historic cases may temper all the predictions of the DEIS as to economic impacts of alternatives. As you refine projections of potential economic impacts, we ask that you differentiate the expenditures of surf fishing participants from those saltwater anglers who use boats (either personal or charter) (Table 46 and related text). We also ask that you make additional allowances for the compensatory increases of visitation by those attracted by more limited ORV traffic or alternative marketing of the Seashore. The case histories provide ample evidence of mitigating changes in demographics of visitors after increased restrictions on ORVs.

Based on this evidence, we even more strongly concur with the DEIS that "The business community that caters to tourists has evolved over time as different activities rise and fall in popularity and as Seashore management affects the range of visitor experiences available. If the alternatives further shift the mix of visitors who come to the Seashore over the next decade, the mix of businesses in the community may change as well." (DEIS at 562) Given the attractiveness of Cape Hatteras to visitors of all kinds from around the country (and even the world) and the fact that all alternatives maintain considerable beach access for both pedestrians and ORVs, it seems reasonable to conclude that the local economy will be resilient over the long run, even under more restrictive management.

B. Cumulative impacts of coastal development

An EIS must discuss and disclose cumulative impacts of proposed actions. 40 C.F.R. ' 1508.25(c)(3). "Cumulative impact is defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. '1508.7. The DEIS, at Table 49, lists a "Cumulative Impact Scenario." DEIS at 294-296. The items that are listed appropriately belong in a cumulative impacts analysis. However, other past, present, and reasonably foreseeable actions also should be added to the list, including:

- o Moderate to intensive residential and commercial development of beach habitats, with limited exceptions," from the North Carolina/Virginia line to South Nags Head, NC.
- o Moderate residential and commercial development of beach habitats in the 8 seashore villages (Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, Hatteras, Ocracoke).
- ? Off-road vehicle use with very limited restrictions on North Core and South Core Banks, Cape Lookout National Seashore, with accompanying high levels of disturbance to migrating and wintering shorebirds, and lower, but still significant, levels of disturbance to breeding shorebirds and colonial waterbirds.
- ? Moderate to intensive residential and commercial development of beach habitats, with limited exceptions," from Morehead City, NC to the North Carolina/South Carolina boarder.

Correspondence ID: 15044 **Project:** 10641 **Document:** 32596

Name: Turkevich, Leon R

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Correspondence Type: Letter

Correspondence: My family and friends have been spent our summer vacations for over the last fifteen years on Hatteras Island for the primary purpose of enjoying unfettered access to the beaches of Cape Hatteras National Seashore (CHNS), including the beaches of Salvo, South Avon (including opposite the Haulover Day Use Area), Cape Point, South Beach, Frisco, Hatteras Inlet, and Ocracoke North Beach. Our sole means of accessing the CHNS beaches is by off-road vehicle.

The beaches of CHNS are truly unique: no other beach from New Jersey to South Carolina provides the unique combination of serenity and unfettered access that is offered by the CHNS beaches. This unique combination is only possible because of the prior availability of responsible off-road vehicle driving as outlined in the National Park Service's Interim Management Strategy, as drafted in 1978 (hereinafter "initial Interim Plan ").

Unlike "urban beaches" such as Long Beach Island NJ, Delaware beaches, Ocean City MD, Virginia Beach VA, or even the beaches of Nags Head, this unique combination that is offered by the CHNS beaches provides an unparalleled and intimate enjoyment of nature that reinforces the importance preserving our natural resources. Wildlife preserves (e.g., Assateague MD, Chincoteague VA, or Pea Island Wildlife Refuge) are never visited because we find they do not provide any recreational enjoyment of beaches. I respectfully direct your attention to the enabling legislation for the Cape Hatteras National Seashore in Title 19 of the United States Code (USC), in particular, 16 USC 459: "said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore

Recreational Area." Further, 16 USC 459(a)(2) specifies "Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, ...the said area shall be permanently reserved as a primitive wilderness "

All of the proposals of the DEIS (including Alternative A) unreasonably infringe on the enabling legislation because there is no rational basis in the DEIS for concluding that the initial Interim Plan is inadequate. Further, the Consent Decree of April 2008 (identified in the DEIS) is based on a negotiated settlement between litigants, and has no scientific foundation that justifies infringement of the enabling legislation. Hence, the DEIS unreasonably conflicts with the enabling legislation.

I cite the following example deficiencies:

-If access by off-road vehicle was curtailed under the DEIS, then the proposed "Accessibility for the Disabled" would be entirely inadequate, as nearly all of the CHNS beaches I identified above would no longer be accessible; further, there would no longer be any means for transporting items essential for enjoyment of the beaches (e.g., beach chairs, coolers containing food and drink, watersports or fishing equipment, etc.)

-In view of the enabling legislation, no wildlife should be considered in restricting recreational access unless the animal is explicitly identified as "endangered" or "threatened" under the Endangered Species Act. The Supremacy Clause of the U.S. Constitution does not permit "state-listed" or "special status" wildlife to infringe on the enabling legislation.

-Any metrics or counts regarding any wildlife in the CHNS beaches should be rejected as inadequate and inaccurate unless they include equivalent counts from Pea Island Wildlife Refuge, and nearby shoals, sandbars, or "spoil islands", for example Cora June Island, located near Hatteras Inlet, pictures available on the World Wide Web at http://picasaweb.google.com/KenSinnerDillard/CORAJUNE?authkey=f6R_pk2D70gf#.

For these and other reasons, all of the proposals in the DEIS should be rejected. Each of these proposals unreasonably conflict the enabling legislation, and would irreparably harm our lawful right under the enabling legislation to enjoy unfettered, responsible access to the CHNS beaches.

In contrast, the 77-page Coalition for Beach Access Position Statement (signed by several groups that were part of the negotiated rulemaking process) succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources. I urge you to reject all the proposals of the DEIS, and adopt all the recommendations of the 77 -page Coalition for Beach Access Position Statement.

Correspondence ID: 15045 **Project:** 10641 **Document:** 32596
Name: Boucher, Carla
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please accept the following comments to the Cape Hatteras National Seashore Off-Road Vehicle Management Plan/Environmental Impact Statement ("DEIS"). These comments are submitted on behalf of my client United Four Wheel Drive Associations including their various organizational/individual members (collectively, "UFWDA"), who has in the past and hope in the future to visit the project area using motorized means of access. Individual and/or organizational members of the UFWDA may submit additional comments, which should be considered distinct and independent from these comments and the agency should independently analyze and respond to each such comment. Any communications regarding these comments should be directed to Carla Boucher at the contact information listed above or at attorney@ufwda.org.

I. INTRODUCTION
UFWDA urges the National Park Service (NPS) to actively and effectively manage the Cape Hatteras National Seashore. Neither UFWDA nor the NPS should be limited by past management deficiencies. Instead, we should be working toward a collaborative solution that advances the simultaneous goals of sustainable, yet enjoyable use of the unit. The DEIS is premised on an incorrect and unsupported notion that the existing condition violates applicable law and cannot be improved. To the contrary, designated roads, trails, and areas are being supported, Endangered Species Act, Migratory Bird Treaty Act, and similar standards are being met, and species protection coupled with a greater degree of both pedestrian and motorized vehicle access can be even further improved through a cooperative and logical management solution that will bring common sense to planning and management of the unit. Instead of the "avoid management through exclusion" philosophy advocated by some, we ask you to have the courage and foresight to pursue an active management strategy that will better advance management goals and the best interests of the public. For the following reasons outlined below we request the agency adopt in its final decision a modified Alternative F, specifically reestablishing open and seasonal ORV use areas pursuant to maps supplied by UFWDA; removing the DEIS prohibition of access by street-legal motorcycles; prohibit nighttime beach driving during sea turtle nesting and hatching season only during the hours from 10:00 p.m.until 6:00 a.m. during the dates from May 27 and August 25; during turtle hatch season limit closure to surf line from 1 hour before sunset until dawn, monitored by Turtle Night Nest Watch Team, utilizing keyhole pattern fence to the surf line at night and implement daytime closures that are limited to 10 meters square; Seasonal ORV beach closures for the villages of Frisco, Hatteras, and Ocracoke limited only from May 15 to September 15; addition of access ramps pursuant to maps supplied by UFWDA; provide pedestrian and ORV corridors or bypasses through, around, or below high tide line in all Species Management Areas (SMAs) during the entire breeding and nesting season within guidelines to maintain access; move chick buffers for Piping Plover unfledged chicks as the brood moves rather than expand buffer as proposed. The preceding modifications as well as those suggestions and rationale appearing as part of the UFWDA et al. Addendum to Final Report of the Proceedings of the Negotiated Rulemaking Advisory Committee for Off-Road Vehicle Management at Cape Hatteras National Seashore are incorporated herein and attached hereto.

II. BACKGROUND
As stated in the DEIS:
In December 2007, the Department of the Interior established a negotiated rulemaking advisory committee (Committee) to assist the NPS in the development of an ORV regulation for the Seashore. The Committee met 11 times from January 2007 through February 2009, and conducted numerous subcommittee and work group meetings and conference calls. The Committee discussed and explored options for the full spectrum of ORV management issues covered in this plan/EIS. Although the Committee did not reach a consensus on a recommended alternative, the NPS has used the Committee's input to create this action alternative. In any case of conflicting advice from Committee members about any particular issue, the NPS has made a management judgment as to which approach would make an effective overall ORV management alternative. The NPS has also included under alternative E some ORV management approaches identified by the Committee that would require more intensive management (such as park-and-stay and SCV camping), in keeping with the maximum management theme of that alternative.
The committee's input, as part of the negotiated rulemaking process directed by Cape Hatteras National Seashore, included a final committee report. The final committee report Addendum, entitled UFWDA et al., Addendum to the Final Report of the Proceedings of the Negotiated Rulemaking Advisory Committee for Off-Road Vehicle Management at Cape Hatteras National Seashore, submitted timely and in accordance with specific instructions of the unit, dated March 27,2009, in hereby incorporated by reference and attached hereto. This report was filed by United Four Wheel Drive Associations on behalf of, with the support of, and ratified by other committee members, including sixteen of the approximately thirty committee seats.
The DEIS presents a scattered and misleading background thereby confusing a reader as to the true nature of the project area and context of the proposed action. An accurate characterization of the project area is essential to a dispassionate and legally-sufficient analysis of the agency's management options. The DEIS eliminated from consideration the mileage and pedestrian access opportunities within Pea Island National Wildlife Refuge. Any rationale which states there were or are conflicts of uses between ORV and pedestrian are overstated since pedestrians have exclusive use of Pea Island, located within the National Park unit, irrespective of whether the NPS manages it or not. DEIS efforts to create a self-inflicted use conflict within the unit contradict available data.
The agency's cries of management poverty partly, if not significantly, reflect the agency's questionable decisions or management strategy. The DEIS states, " ... the escort system would be extremely labor intensive to initiate, and providing the staffing levels necessary to adequately implement an escort program would likely not be feasible". DEIS at 85. However, the availability of funding is directly correlated to management effort and outreach to funding sources and the affected user community. Where they have been able to, UFWDA and other recreational groups have contributed volunteer assistance including monetary contributions. Typical volunteer activities have included user education brochures, motorist assistance to beach ORV users, turtle sitting, escort services at ramps and other areas where needed from time to time, and other contributions of volunteer time and money.

III. GENERAL LEGAL STANDARD
For any or all of the following reasons, we respectfully request that NPS undertake a more-rigorous final environmental impact statement ("FEIS") to

more fully address the relevant issues considered in, and omitted from, the DEIS. As a preliminary matter, we wish to outline the applicable standard of judicial review, as this standard is effectively the one which agency decisionmakers must consider during the administrative review process. Executive-branch agency decisions are ultimately reviewable by the judiciary, which is empowered to set aside agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or found to be "without observance of procedure required by law." 5 U.S.C. 706(2)(A) & (D), see also, *Bonnichsen v. United States*, 367 F.3d 864, 880 (9th Cir. 2004) ("we review the full agency record to determine whether substantial evidence supports the agency's decision...").

The arbitrary and capricious standard is deferential and does not allow a reviewing court to substitute its judgment for that of the agency: The scope of review under the "arbitrary and capricious" standard is narrow and a court is not to substitute its judgment for that of the agency. Nevertheless, the agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.... Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise. The reviewing court should not attempt itself to make up for such deficiencies; we may not supply a reasoned basis for the agency's action that the agency itself has not given.

Motor Vehicle Mfrs. Ass'n. v. State Farm Mutual Automobile Ins. Co., 463 U.S. 29, 43 (1983)(citations omitted) (emphasis added). Arbitrary and capricious review is the mechanism through which the courts can require basic fairness and reasonableness of agency behavior, for "unless we make the requirements for administrative action strict and demanding, expertise, the strength of modern government, can become a monster which rules with no practical limits on discretion." *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 167 (1962) (quotation omitted).

Even where an agency can arguably point to substantial evidence supporting its decision, the presence of contradictory evidence might render the decision arbitrary and capricious. Thus, "even though an agency decision may have been supported by substantial evidence, where other evidence in the record detracts from that relied upon by the agency we may properly find that the agency rule was arbitrary and capricious." *American Tunaboat Ass'n v. Baldrige*, 738 F.2d 1013, 1016 (9th Cir. 1984) (citing *Bowman Transport, Inc. v. Arkansas-Best Freight System, Inc.*, 419 U.S. 281,284 (1974) (agency decision supported by substantial evidence may still be arbitrary and capricious)); see *Atchinson v. Wichita Board of Trade*, 412 U.S. 800, 808 (1973) (where agency modifies or overrides precedents or policies, it has the "duty to explain its departure from prior norms").

Even substantial evidence cannot properly support a decision if the information was not considered by the decision-maker at the proper stage of the process. Information cannot be presented as a post-hoc rationalization to justify a decision previously made. *Southwest Center for Biological Diversity v. U.S. Forest Service*, 100 F.3d 1443, 1450 (9th Cir. 1996). For the reasons identified below, a decision supported by this DEIS, particularly to close certain segments of access to the beach, will violate these basic principles.

IV. DEIS COMMENTS

The DEIS is seriously flawed and should be revisited through a more thorough analysis. Our comments below will primarily address these flaws in a legal context. We note and incorporate by reference herein the comments of UFWDA members and/or agents.

A. THE DEIS RELIES UPON INADEQUATE SCIENTIFIC DATA.

The following are examples of instances where the DEIS relies upon inadequate scientific data. These examples are indicators of a systemic problem with the scientific data relied upon in the DEIS and are meant to represent the whole of the deficiencies. The following comments are merely examples and are not an attempt to provide an exhaustive list of each instance where the DEIS relies upon inadequate scientific data. Even a cursory glance at the References and Literature Review section of the document provides insight into the large numbers of literature and studies relied upon which have not undergone peer review. DEIS at 657-685 and Appendix A.

1. No peer review of scientific evidence relied upon to rationalize decisions.

Failure to utilize only scientific evidence that has been peer reviewed is a violation of Office of Management and Budget Peer Review Bulletin; violation of NPS Director's Order #11B Information Disseminated by the National Park Service; and a violation of commonly held practice within the scientific community to peer review via journal publications where editors or other scientists in the same field of study review the work and determine its quality and thus suitability for publication.

2. Failure to provide technical references.

The DEIS dismisses from further consideration routinely relocating turtle nests based in part, on reference to studies indicating that the "determination of the hatchling sex ratio depends on the temperature at which the eggs incubate". DEIS at 86. This portion of the DEIS fails to offer citation to which study or studies it makes reference to. When federal agencies evaluate technical issues or apply specialized expertise, NEPA requires them to rely on valid sources and to disclose methodology, present hard data, cite by footnote or other specific method to technical references, and otherwise disclose and document any bases for expert opinion. 40 C.F.R. 1502.24; *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1150 (9th Cir. 1998). 42 U.S.C. 4332(A); 40 C.F.R. 1502.6. NEPA does not envision undocumented narrative exposition, instead requiring:

Agencies shall insure the professional integrity, including the scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

3. Citations to literature not peer reviewed and literature not applicable to DEIS location.

The DEIS states that, "OHVs can churn up and damage delicate soils (Proescholdt 2007; Ouren et al. 2007; Webb 1982)". DEIS at A-2. Of the three pieces of literature cited, only one was presumably peer-reviewed; Webb 1982. However, the Webb study was conducted in the Mojave Desert in California where the annual precipitation is 5 inches. In contrast, soil compaction in North Carolina, particularly in Cape Hatteras National Seashore with annual precipitation of 57.8 inches, would vary significantly from that of the study area. The scientific data in the Webb study for Off Road Motorcycle use in the Mojave Desert of California is inadequate in making a determination, even by extrapolation, to Off-Road motorcycle effects on desert soils within Cape Hatteras National Seashore, if in fact soils at Cape Hatteras National Seashore can fairly be called "desert" soils.

B. THE DEIS WILL VIOLATE THE ENDANGERED SPECIES ACT AND NPS MANAGEMENT POLICY.

Affording protection to species not listed by state or federal EPA is a violation of law. Red Knot is not listed by North Carolina or by the U.S. Fish and Wildlife Service (USFWS). Nonbreeding closures and "floating closures" of some areas is proposed with Alternative F to reduce impacts to Red Knot. DEIS at 139. The Endangered Species Act (ESA) provides no authority for the protection of species upon a mere "proposal" to list a species. To consider adverse effects on candidate species would be premature since the USFWS has yet to determine whether Red Knot or Red Knot habitat are in fact at risk. Imposing additional closures in the name of Red Knot protection is not warranted through public input and the processes required under the ESA. The Endangered Species Act (ESA) provides no authority for the protection of species upon a mere "proposal" to list a candidate species or a "proposal" to designate critical habitat. It is outside the authority of the NPS, and outside the confines of the ESA to reevaluate designation of public lands for the purpose of limiting or closing areas based on candidate species.

The DEIS states that NPS Management Policies require it to "inventory other native species that are of special management concern to parks and will manage them to maintain their natural distribution and abundance (emphasis added). DEIS at 419, citing to NPS 2006, sec. 4.4.2.3. The DEIS fails to demonstrate that Red Knot are native to Cape Hatteras National Seashore, thus protection under NPS 2006, 4.4.2.3 is unwarranted. In contrast, the International Shorebird Survey autumn (July to October) counts, 1974-1978, using maximum recorded counts, does not list any Red Knot in North Carolina. The counts listed in nearby Virginia between 1974 and 1978 are zero except for a count of 24% in 1977. Even if Red Knot are arguably of special management concern, protection by NPS under internal Management Policies is not warranted as Red Knot are not "native" species. Alternative F purposely seeks to reduce adverse impacts by instituting nonbreeding closures and provides further protection including four miles of "floating" closures. DEIS at 139.

C. THE DEIS PRESENTS FLAWED AND/OR ABSENT ANALYSIS, EVALUATION, AND RATIONALE.

I. Decisions are arbitrary and capricious based on the parks own statistics.

The DEIS, Alternative F, proposes a night driving ban in effect for sea turtle nesting habitat from May 1 to Nov 15. DEIS at 81 and 82. Yet only twice in the past 11 years have turtle nests been recorded within the unit prior to May 27. Even if a no-impairment standard is implied May 1 is too early. Similarly, a nighttime driving ban is proposed to be in effect for sea turtle nesting habit through Nov. 15. This limitation is arbitrary as it is not statistically supported. All other protection measures would still be employed while allowing driving. In the past 11 years, only 1% of turtle nests remained after August 28 of each year. Utilizing a reopening date of September 16 is still too late compared to statistics showing only 1% of nests

remain as of August 28 of each year. Labor Day is traditionally a very high use visitor weekend and thus provides the North Carolina economy with a disproportional amount of revenue compared to a non-holiday weekend. Proposing a beach closure at night that extends into the Labor Day weekend, occurring the first Monday in September, disproportionately impacts the local economy as compared to the low probability of the actual nest protection that could be achieved.

2. Decisions are proposed without adequate evaluation.

a. User Conflicts

The DEIS addresses user conflicts nearly two dozen times. DEIS at ii, iii, iv, vi, xviii, xxxv, 1,2,3, 18,30,37,91, 102, 131, etc. In Chapter 2: Alternatives, Consistency with the Purposes of NEPA section, page 91, the DEIS states, "Also under the action alternatives, the establishment of ORV and non-ORV areas would reduce the potential for, as well as the perception of, visitor conflict issues. Although actual visitor conflict issues mayor may not exist with these two uses in the same area, providing non-ORV areas would eliminate the potential for conflicts in those areas and address the feeling of those who perceive there could be a conflict or other safety issue."

None of the references offer discussion of user conflicts, rather the statements in the DEIS merely profess to minimize user conflicts. No data about user conflicts exists within the DIES, as data of use levels or as data about conflict. The only reference data given for conflict indicated in 2009, "that in the prior 10 years there were no known case incident reports documenting pedestrians being struck by ORVs on Seashore beaches". DEIS at 268. One conflict between an ORV and pedestrian in late 2009 occurred. As unfortunate as this encounter was for the young child pedestrian involved, this single isolated incident in over a decade does not raise the "conflict" to the level of resolution contemplated by any statutes relied upon by the NPS for authority to minimize conflict.

The same standard of "minimization" referenced as a requirement in various sections of the DEIS could be achieved by recognizing unfettered pedestrian only, non-motorized access, to Pea Island Wildlife Refuge located within the Cape Hatteras National Seashore. Whether management of Pea Island lies with the National Park Service or with another agency is irrelevant to the fact that the refuge does in fact lie within the boundaries of the park unit and is available to pedestrian use free of ORV use.

Further, characterization of Pea Island Wildlife Refuge is deficient. The DEIS indicates that the NPS dismissed from consideration any evaluation of Pea Island National Wildlife Refuge when considering use areas. DEIS at 83. The DEIS states,

"Although the 5,880-acre Pea Island NWR is located at the northern end of Hatteras Island, and is within the boundary of the Seashore, the refuge is administered by the USFWS (emphasis added). Because it is not administered by the NPS, the Seashore cannot direct the visitor use at Pea Island NWR."

This statement fails to accurately characterize how the NPS could have considered availability of pedestrian access at Pea Island NWR when considering whether it met its legal obligation to minimize user conflicts. Surely, the NPS understands the difference between the consideration and acknowledgment of availability of an ORV-free pedestrian area within the seashore boundary and that of being able to "direct" the visitor use of Pea Island NWR. Perhaps it is the unstated concern of the NPS that Pea Island NWR will become unavailable to even pedestrian use and therefore can not consider the availability of the refuge for ORV-free recreation opportunities within its own unit boundary.

b. Motorcycle Prohibition on Ocean Beachfront.

An element common to all action alternatives is the prohibition by motorcycles on the ocean beachfront. DEIS at 62. Nowhere within the DEIS does it state the rationale, justification, or evaluation of whether motorcycles should be allowed or prohibited on the ocean beachfront. As such, the DEIS fails to provide a clear basis for choice among the options by the decisionmaker and the public. Not only does the DEIS lack any evaluation of the issue of motorcycle access, it lacks any choice. As stated above, every action alternative proposes a prohibition of motorcycle use on the ocean beachfront. Conversely, none of the action alternatives consider the use of street-legal motorcycle access on the ocean beachfront. Throughout the Negotiated Rulemaking process UFWDA provided information to the NPS regarding the suitability, accessibility, and manageability of street-legal dual-sport motorcycle use on the ocean beachfront as a means of vehicular access in pursuit of recreation. Fatally, the issue of motorcycle access was neither evaluated nor dismissed from consideration in the DEIS.

c. Recreation Carrying Capacity.

Alternatives C, E, and F propose the establishment of carrying capacity limits as a "peak use limit" determined for all areas based on the linear feet of beachfront with specified physical space requirements for certain districts within the unit. DEIS at 108. Peak use periods would trigger carrying capacity limitations for vehicles but not for people. However, the Univ. of Idaho study indicated a percentage of respondents felt crowded, though not specifically by vehicle use. Such crowding was presumably felt in non-ORV areas by pedestrian overcrowding, particularly at high-use pedestrian areas. Though this document purports to be an Off-Road Vehicle Management Plan, since the NPS included other types of recreational considerations within the scope of the analysis carrying capacity limits should be analyzed for every area of the sea shore. Furthermore, analysis should be undertaken for the consideration of prohibiting pedestrian use in some ORV areas to minimize conflicts, particularly at ORV access ramps and other travel corridors known to be widely used for traversing from one desirable recreation spot to another.

D. FINAL SPECIAL REGULATION DEADLINE APRIL 22, 2011.

In April 2008 the Federal Defendants entered into a binding and court ratified consent degree to settle a law suit germane to this ORV rulemaking. In doing so, NPS voluntarily, and by implication, has assured the Plaintiffs and Intervenor-Defendants in the case, the court, and the public that an infinite amount of resources would be provided by NPS in meeting the Special Regulation deadline of April 22, 2011, without violating those certain National Environmental Policy Act (NEPA) regulations requiring the agency to rigorously explore and objectively evaluate all reasonable alternatives. Based upon comments made above by UFWDA it is our belief that NPS is in danger of failing to meet the standards of NEPA due to a lack of funding necessary to provide adequate resources to rigorously explore the alternatives. We have reached this conclusion based upon the lack of scientific integrity for the data upon which the DEIS purports to rely upon and a lack of meaningful assessment as evidenced by little to no rationale establishing a clear basis for choice among options by the decisionmaker.

V. CONCLUSION

We respectfully ask the NPS to prepare an FEIS which will respond to the many concerns raised in these comments and elsewhere by UFWDA and to adopt a modified Alternative F. Thank you for considering these comments. We look forward to participating in this process and in ongoing activities affecting management of recreation at the Cape Hatteras National Seashore.

Correspondence ID: 15046 **Project:** 10641 **Document:** 32596

Name: Swartwood, Judy

Received: May, 11, 2010 00:00:00

Correspondence Type: Letter

Correspondence: Dear Superintendent Murray,

The partial economic impact analysis found in the Draft Environmental Impact Statement (DEIS) is seriously flawed and is lacking critical components. For example:

One such component is the economic effect that the ban on dogs would cause, be it short or long term in some areas. There are numerous websites and publications including books devoted solely to "Pet friendly travel destinations" Recognizing the demand, due to the large number of travelers who bring their pets along and the income potential, several national hotel chains are now 100% pet friendly.

There are three boarding facilities located within the Seashore Villages, every private campground allows pets, there are well over 100 pet friendly motel rooms available and about one third of the weekly rental properties are pet friendly. The NPS campgrounds have historically been pet friendly also. What RTI (Research Triangle Institute) failed to do was to recognize the obvious socioeconomic impact and diminished visitor experience that the proposed bans on dogs would create, but even more egregious is the failure of RTI to recognize the very real and direct effect to the local economy. In reality, a certain segment of visitors will no longer visit the Seashore simply because of the dog ban; in turn there will be a loss of revenue to at least one of the aforementioned pet friendly places. Another segment of visitors may still visit without their dog but will be spending less money. That money will now be put into their local economy via a pet sitter or boarding facility. Money that would have been spent here within the seashore, in the form of pet fees, averaging anywhere from \$5 to \$10 nightly to \$75 to \$100 per week per pet, and subject to local occupancy, county and state taxes! Other visitors chose to spend that money at one of our unique boarding facilities, because they could take their dog with them during the day and back

to the kennel at night! (This is a great option for those sharing rental houses with other family members, creating situations not conducive to their dog/dogs for whatever reason.) Furthermore RTI also overlooked the ripple effect to other businesses that would be result. That was only one example of what RTI did consider when compiling their data. In fact, the entire DEIS was not taken into consideration by NPS or RTI when it comes to economic impacts. The Park and the villages are married in a sense, co-dependent on each other. Yet the loss of visitors to the Park and the local economic fallout failed to be addressed in the DEIS. We will continue to lose visitors as their desired visitor experiences are denied to them. Many will not return due to permits, many due to nighttime driving restrictions, many due to lack of access to their favorite areas resulting in them being denied their desired recreational activity. These losses are cumulative and their impacts should not be overlooked. The question that failed to be asked by NPS and RTI is a very simple one. How will this affect the local economy? This very simple question should have been applied to every decision that affects visitor experience within the Seashore. This question also was not addressed by the advisory committee, though it certainly was brought to light many times, obviously to no avail. While there was ample time dedicated to the needs of shorebirds within the Seashore, there was never time address the needs of the many, many small businesses interests and/or those who are self employed or the visitors unless they happened to be pedestrians. We were tasked with writing an ORV management plan for Cape Hatteras, not a resource protection plan. In spite of the fact that RTI acknowledged that almost half (49%) of Dare and Hyde County residents were self employed I was unable to find any references acknowledging that many business owners either work out of their homes or reside in/on their business properties and will also be homeless when they lose their businesses. These same people will also be devoid of unemployment benefits from the government, another fact that was overlooked. Most of them do not have health insurance, they don't receive holiday pay or paid vacation days or paid sick leave, they don't get overtime pay for their 100 hour work week- they are lucky if they get paid at all. This isn't rocket science; however it clearly demonstrates a lack of understanding by NPS and RTI when it comes to entrepreneurship, a cornerstone of the foundation on which our country was founded and the very real issues that residents and business owners within the seashore are facing. Particularly the small campgrounds and motels, which are 100% dependent on out of town visitors, as well the larger rental companies. Interestingly, unlike the language used in the sketchy but apparently best available, non peer reviewed science currently being used to destroy lives, the word "WOULD" was actually used several times under Alternative F: Table 60? Summary of Impacts To Visitor Use and Experience Under the Alternatives '..... WOULD have long term moderate adverse impacts....' Table 81 - Summary of Impacts To Socioeconomics Under the Alternatives 'The Seashore villages WOULD experience the majority of the impacts' 'Small businesses WOULD experience long-term negligible to moderate adverse impacts.' There you have it, the word not found in any of the best available science- "WOULD". The word used to describe the impacts to those who live, work and recreate within the boundaries of Cape Hatteras National Seashore, otherwise known as Cape Hatteras National Recreational Area. Yet these impacts are treated as irrelevant and resource management decisions take precedence, based on the words found in the best available science, such as could, might, may, possibly, etc. (but never the word "WOULD") Impacts to people just like you, honest hard working people, people with responsibilities, with elderly parents and small children depending on them, people with financial responsibilities to meet just like you. Except your existence is more important than resource protection and based on Alternative F, apparently ours is not. I doubt the future generations of Hatteras and Ocracoke Islands, if there even are any future generations, will be championing any environmental protection issues after their way of life has been stripped from them and they have watched their parent's demise unfold in front of their eyes. Alternative F will produce many unintended consequences.... Do NPS and RTI assume that their role is merely to acknowledge an adverse economic impact, and then carry on business as usual while people's lives and dignity are destroyed? Then what? This is unacceptable and will not suffice! Is this why the question of how the local economy would be affected was never applied to the DEIS? This brings to mind a line from a John Mellancamp song, "Rain on the Scarecrow" Hey, calling it your job of 'hoss sure don't make it right! But if you want me to, I'll say a prayer for your soul tonight. " As a member of the resource sub committee, I know for a fact that there were reasonable, logical, cost effective solutions provided for resource protection, but that still allowed for access and, yet they were all dismissed in the name of the best available science (some of which they themselves actually compiled) Those who had already achieved their desired result through a lawsuit rejected any compromise put forth to them, while our community, NPS, USFW and DOI were held hostage by them and a judge who used fear tactics and threats. NPS needs to simply change the language in the DEIS and replace every could, might, may and possibly with: could or could not, might or might not, mayor may not, possibly or possibly not, then balance the possibilities against the "WOULDS", inject a healthy dose of common sense, and keep in mind that they are holding peoples lives in their hands. Its not too late to teach the next generation that they are important, they do count, the need to respect wildlife and the environment and to have faith in our government. This would result in a desired consequence.

Correspondence ID: 15047 **Project:** 10641 **Document:** 32596

Name: Goodwin, David
Received: May,11,2010 00:00:00

Correspondence Type: Letter

Correspondence: Dear Superintendent Murray,

Please find included our comment on the Draft Environmental Impact Statement (DEIS) for the ORV Management Plan under development for the Cape Hatteras National Seashore (CAHA). After extensive review of the DEIS, we have found that NPS has not taken into account maps & other data submitted during the Reg-Neg process dealing with recreational values and uses within the Park. Cape Hatteras Business Allies (CHBA) prepared maps and written explanations delineating recreational uses in all areas of CAHA. Nowhere in the 810 page DEIS is any of this data used or referenced. It is stated in the DEIS Alternative F that "...management based01/ advisory committee input." was used in formulating that Alternative. NPS chose to ignore the visitor use information relating to recreational use provided by CHBA.

The data and information submitted by CHBA identifies the areas used for recreation, the recreational activity(s) engaged, as well as the criteria and essential elements for recreational use. Also included was information as to why these areas are most popular for recreation, the need for ORV access to the majority of these areas and exactly what the recreational uses are. No reference or consideration of recreational use of the Park was found anywhere in the DEIS.

The DEIS identifies visitor experience as either ORV users or non-ORV users. By not using any of the information/data presented by CHBA in the analysis, the recreational uses of the Park were not accounted for in ANY of the Alternatives presented. NPS fails to take into account that ORV use in CAHA is not an activity within itself, but a means of access to areas within the Park (particularly the ocean waterline) to engage in the desired recreational activity. By lumping activities and areas into "ORV" and "non-ORV" does not take into account the multiplicity of uses available in the Park. The vast majority of recreational activity takes place at or near the ocean water's edge. By reducing the area available for ORV access, access to areas most used for recreation is severely reduced. Visitor experience will suffer greatly, which translates into greater negative economic impact for island businesses. The island's businesses have been hurt enough during the implementation of the Consent Decree. Most have seen a 50% or more decline and many have gone out of business altogether. These are businesses owned & operated by residents of Hatteras and Ocracoke Islands who now are losing their homes to foreclosure, unable to provide for their families and must move away to find employment elsewhere.

Alternative F provides large areas for non-ORV users. It is apparent that NPS ignores the primary Recreational use of CAHA: Accessing the remote areas to engage in recreational activities - which can only be done by ORV. No consideration is given to the fact that visitors come to CAHA for the unique experiences available only at CAHA. Non-ORV users have a much greater choice of beaches to visit for an ORV-free beach experience. Those visitors that come only to walk the beaches can find an ORV-free beach by using Pea Island National Wildlife Refuge or driving an additional two hours to sections of the Cape Lookout National Seashore (portsmouth Island, etc.). There are many national and state parks, as well as wildlife refuges, up and down the Eastern Seaboard where the non-ORY experience can be had.

All of our visitors to CAHA drive past these other beaches for the unique experiences that can only be had at CAHA. CAHA is well suited for ORV access for fishing, watersports, shelling, solitude, night-sky observation and many other recreational activities that require the use of an ORV to access the beaches. Laws or rules should be written for the benefit of the majority, not the minority. To displace the majority of users from high-value recreational areas in favor of non-ORV users, as well as nesting, resting, fledging, copulating birds is beyond ridiculous and will only serve to increase safety issues and user conflict within the smaller and smaller area where most visitors will be forced to congregate. User conflict results in disgruntled

visitors who will go elsewhere next vacation, resulting in adverse local economic impact. ORV users have always been willing to share the beaches with birds and pedestrians alike.

The buffers for non-federally listed birds listed in the DEIS appear to be something plucked from thin air. The state of North Carolina does not intend for their "Species of Concern" bird species to be protected in such a way. By reducing or eliminating many of the buffers for these species, more beach would be available for recreational use - the reason for this Park's existence - and thereby reducing safety issues and visitor conflicts. Buffer distances stated for the threatened Piping Plover should also be reviewed as the 1,000 meter buffer for chicks is not used in Parks elsewhere. The less beach available, the fewer visitors and more degraded the visitor experience. Fewer visitors translates into adverse local economic impact.

CAHA is renowned for its fishing and watersports opportunities, as well as others, which can be found no where else on the East Coast. There are certain areas of the Seashore where these activities are best. Closing these areas and shifting these activities elsewhere will not result in the desired visitor experience since these activities are site-specific. By diminishing the desired visitor experience, less visitors will come. Therefore the local economy is adversely affected.

As the history of CAHA shows, everything the NPS does - good or bad - impacts businesses on Hatteras and Ocracoke Islands. The DEIS is one more example of negative impact on the local economy. The economic analysis by RTI is grossly incomplete and incompetent. RTI contacted some local businesses for data, but this data is still being compiled and is not included in the DEIS. The majority of statistics were gathered by sources other than local and did not reflect the actual status of business on the islands. Rather, RTI focused on the north beaches, regional and statewide impacts for its conclusions. RTI's conclusions, therefore, are erroneous, incomplete and bogus. These conclusions should be eliminated from the DEIS.

The ORV Management Plan for CAHA, which will be derived from the DEIS at some point, will be used at other National Seashores/Parks that either do not have an ORV management plan or are due to revise plans in place. It will become a "template". This is well known. With this in mind, it must be considered that when visitors go to a beach where restrictions limit the times of day they can be at the beach, what they can do while on the beach, when they must leave, whether or not they can take their pets with them, then these visitors will certainly not go out of their way to visit such areas. The purpose of the National Park system will have been defeated. No longer will our parks be a place "for the people", as envisioned by their founders. Instead, our beaches will become overcrowded due to bird and other closures, fraught with stringently-dictated over-burdening rules against pets, beach fires, late-night sky watching, child-friendly activities, restrictions to control the crowds and inevitable user conflicts ? just like the majority of beaches on the Eastern Seaboard. Overcrowding reduces not only the enjoyment of the visitor experience, but also reduces what activities can be safely engaged in. It is our sincere hope that this does not happen to CAHA.

Please find enclosed a copy of the maps and data submitted to the Reg-Neg committee for your review. It is imperative that this information be used in the development of the Final EIS in order to assure that the true visitor experience and economic impact is realized. This information should also be provided to RTI for use in developing their economic report.

David Goodwin Cape Hatteras Business Allies

PREAMBLE Congress recognized the need for areas of public recreation along the seashores when they created Cape Hatteras. They saw the oceanfront being bought up by private individuals, thus leaving no place for the many people from urban areas to relax and enjoy themselves. Congress specifically provided for the active sports of "swimming, boating, sailing, fishing and other recreational activities of a similar nature". The active list requires public access to the waterline and some portion of beach necessary to support that activity. Especially cherished has been the possibility enjoying the scenic views and uncrowded surroundings.

The "portions of the area deemed to be especially adaptable for" these active recreational uses are unquestionably the Inlet Spits, South Beach, and Cape Point. Since the final acquisitions in the 1950's, the villages have flourished as encouraged by the NPS and the beaches have developed to serve the public for multiple use family recreational pursuits. This is a proper stewardship that should be continued by NPS since it provides for the maximum benefit to the broadest segments of public recreation as intended by Congress. These areas all required ORV operation for access and therefore became the historical and cultural use of these beaches.

Among the concerns expressed by Conrad Wirth during the land acquisitions was the need for vehicle access ramps, the safety of the public users and the prevention of recreational conflicts. Of all the beaches in CAHA, those located at the Spits, Point, and South Beach have proven to be the safest for children and need to be preserved for that purpose. They are also the most adaptable for multi-use by diverse interests of the family groups.

Congress did not establish CAHA to be a bird sanctuary. Pea Island was to serve that purpose. Whatever measures are adopted by NPS for the protection of wildlife must provide for public access to those "especially adaptable" recreational areas. This is of particular importance during the summer tourist season that supports the economy of the villages. Proposals to manage these beaches by segmentation run counter to the designated purpose.

ESSENTIAL ELEMENTS FOR RECREATION Definition: Essential elements for recreation are those attributes of an area that make it unique and desirable for the recreational needs of the public. Particular attention should be paid to those waterfront activities such as swimming, fishing, boating, sailing that were cited by Congress when they established this Seashore Recreational Area.

Cape Point Of all the areas in the Seashore, Cape Point is the most dynamic and is constantly changing with the season and wind patterns. Major changes can occur abruptly with severe storms. Winter nor'easters will move the point in a southward direction and sometimes curving around to the west to form a bay and ultimately closing to the form of the pond. Extended periods of southwest winds, typical of summer, extend the point to the east, curling northward to form a cove. All of this occurs with a backdrop of shifting sandbars created by the clash of the Labrador Current and the Gulf Stream. These changes create unusual opportunities for fishing for many species which vary according to the season. Changes in topography allow a variety of wave conditions conducive to a large number of active water sports such as kite, sail, surf, boogie, skim boards. Excellent "breaks" can be found just south of the point for kite and surf boarders. Calm weather and low tides produce exceptional habitat of safe pools and shallows for young children and novice swimmers. This is most important for parents with very young children. Large coves with less energetic wave action are safe for more experienced swimmers. The coves are also utilized by people with rubber rafts and are an ideal place for snorkeling. The tip of the point with the violent wave action is the domain of the surfcasters throwing lures to capture those fish species attracted to bait fish by the unique confluence of the two currents. There are times when this area is known as the "washing machine" because of the battering of the wave action. Strong and agile bodies are an asset here. More average anglers line up along the edge of the bar extending back to the shore, hoping the schools of game fish will come closer to their range. Here, fish can be caught with a modest amount of gear. A person would have to go offshore at much greater expense to catch these kinds of fish. One of the great attractions here is that every fish species caught in the surf battles more ferociously than if caught from a boat. Gullies and currents are used by the fish to their advantage to provide a higher level of sport for the sport fishermen and women. Fishing at Cape Point is so unique that an angler can vary his speed of retrieval to his lure and target different species with the same lure going from the fast Spanish Mackerel and Jacks to Blue Fish and dropping close to the bottom for Red Drum or Flounder. These all can be caught from the same position on one day at this special place that is unlike any other.

There is a broad expanse of sand between the water and the dunes that provides for ample parking, picnicking, and gathering of friends and family. Group games are located here: horseshoes, volley ball, and bocce ball. Those who don't participate may choose to simply sit and watch or read a book. Bird life is prevalent here and a variety of species can be observed and enjoyed up close. Willets, black bellied and other plovers, ruddy turnstone, terns and gulls of several varieties, sandpipers and sanderling are common. Walking along the beach and in the shallows, shell collectors are busy looking for the perfect specimen. Kids are enthralled by jelly fish and other gems of discovery like strings of whelk eggs. Discoveries and opportunities for education abound. All of these attractions are available for the young, the old, the disabled and as well as challenging for the more physically strong and skillful. On those many days when the wind is too strong and the sand is blowing, family activities are restricted. This is the time for the kiteboarders south of the Point. It is the time for serious drum fishing on the Point. Later in the year striped bass become the target for these fishermen. Nighttime fishing is especially productive for drum fishing year round and striped bass winter and spring. In May and June, monster cobia make an appearance. Excellent table food like pompano, flounder, sea mullet are caught by fishermen using baited hooks near shore.

Opportunities for passive recreation are also available at Cape Point. The Point and the spits are the only places of the Seashore where you can observe sunrise and sunset at the same position. Sunrises are especially beautiful. The proximity of the Gulf Stream creates a fluffy bank of clouds that are spectacular in their illumination by the rays of the rising sun Combine that with the foreground of waves clashing together, sometimes as high as 30 feet in the air. This vista is only found at Cape Point and this observation alone demands continual public access every day of the year. Access is also important at night because this area is one of the darker sites in the Seashore for viewing stars and planets of the heavens. Some of these elements of recreation are found on the other beaches of the Seashore. Only at Cape Point do they all come together. Each National Park has a special feature for

which it was designated. Cape Point is the epitome of Cape Hatteras National Seashore Recreational Area.

Inlet Spits Large sand spits are formed at the three inlets within CHNSRA. The spits are: 1. Bodie Island 2. Hatteras Island 3. North Ocracoke 4. South Ocracoke

All of these locations have many of the Essential Elements for Recreation that exist at Cape Point. Opportunities for public recreation on these spits are greater than found along the main island beaches which accounts for their great popularity among the Seashore visitors. Scenic views, concentrations of fish life and wide beaches are all typical of these spits. The spits are renowned for multiple uses by all visitors to the park; each member of a family group may pursue a different interest. Of primary importance is the close proximity of shallow pools which form at low tide and provide safe bathing for small children and inexperienced swimmers. Many generations of visitors have enjoyed the close coexistence with the abundant shore birds.

Due to the remote locations of these areas and the wide variety of recreational gear that may be needed, the mechanized vehicle has proven necessary for most families and individuals to enjoy the beach attractions of this park. Few can access the Point and spits with the equipment needed to enjoy them without an SUV or pickup.

Overview of Recreational Use maps. Here is a quick overview of the maps and their purpose as well as the recreational activities identified on them. (A more comprehensive written document, regarding each recreational activity, can still be compiled.)

Purpose: The purpose of the maps/overview is to demonstrate the desired recreational experiences and needs sought by the visiting public and the relevance of ORV accessibility. Each of these areas contains essential elements, such as physical attributes, and the obvious need for ORV accessibility in order for visitors to enjoy the sought-out experience.

Criteria These criteria are vital for the desired visitor experiences which have been traditionally expected and are a part of what makes our Seashore uniquely attractive. (Desired visitor experience is not limited to those out of town visitors on whom our economy is almost completely dependent upon, but also includes the residents that reside within the boundaries of the Seashore, the most frequent visitors to the Seashore.) Visitor experience will be significantly impaired if access is denied to the majority of those whose seek out these recreational opportunities. Impaired visitor experience results in less visitation which results in economic devastation to the eight villages located within the boundaries of the Seashore itself, along with broader reaching impacts to neighboring towns, local and state governments. Negotiated Rulemaking is a NEPA process which requires economic impact to be taken into consideration. The final plan must take into consideration economic, historical and logistical use in order to viable

The purpose of the Executive Order 11644 was to "...establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands and to minimize conflicts among the various uses of those lands". It was not intended to be used to prevent the public from recreating on and enjoying the use of public lands.

It is imperative that ORV use be recognized for exactly what it is: A historical means of access to an area especially attractive for recreational opportunities. The use of an ORV is not considered a recreational activity in this Seashore. These recreational opportunities sought, allow the public to enjoy the Seashore's resources and values. Denying access to the essential elements required for the recreational opportunities, many of those are outlined in the Enabling Legislation (1), denies the Seashore's current visitors the opportunity to enjoy the park's resources and values (2), it also certainly denies future generations the opportunity! This is inconsistent with the Park Services Management Policies. (3) The recreational activities outlined below are activities which do not cause harm or impairment to the parks resources or values, nor are there no "unacceptable impacts" (4) associated with them. All of these recreational activities are historical and traditional uses and meet the requirements outlined in the U.S.C., Code. (5)

Birdwatching/Wildlife Viewing

Birding opportunities abound within the Seashore; however viewing shorebirds can only take place at the shore, where the birds are present. A wide variety of shorebirds is preferable. The areas denoted on the maps have been identified with the assistance of the Cape Hatteras Bird Club, in particular Neal and Pat Moore and "The North Carolina Birding Trail" publication, which includes input from David Allen, NCWRC and Walker Golder from Audubon.

Fishing Access to the shoreline is first and foremost when it comes to essential elements required in order to participate in this recreational opportunity. Second is the off-shore structure, current, etc. associated with that shoreline. Surf fishing opportunities abound, but offshore structure, etc. dictate where the best areas are for fishing especially when one is targeting specific types of fish. One must keep in mind that fish are migratory and do not necessarily remain in one location. Many visitors target only those fish that are edible, while many others fish solely for sport and practice catch and release. Large Red Drum, the most targeted game fish from the surf, has to be released by law. The majority of those who surf fish target both types of fish. No matter the preference, access to the key fishing areas is vital to the enjoyment of surf fishing. There are at least 9 surf fishing tournaments held with in the Seashore each year and bring much needed business during the shoulder seasons.

The areas denoted on the map were identified by members of the Cape Hatteras Anglers Club, and with input from local fishing enthusiasts and tackle shop employees...

It should be noted that The Dare County Parks and Recreation Department also offers surf fishing camps during the summer to our youth and accesses ORV areas as well as piers. Without ORV access there would be no place for them to park in order to teach our children about fishing!

Horseback riding Currently access to ORV areas is vital to equine interests, due to current park policy limiting horses to ORV areas. While recognizing that the local management policy may be modified to permit horses in non-ORV areas, the accessibility of the non-ORV areas is still critical for those trying access the beach via horseback. Not all local horse owners have trailers to transport their horses to other areas in which to ride and it is time consuming and more costly. Allowing horses in areas that are seasonally closed in front of the villages is dangerous for both the public and the horses, and will cause user conflicts. The largest equestrian user on Hatteras Island accesses the beach via trails in the woods near her house and has a very successful established riding business that provides a unique visitor experience, via horseback to hundreds of park visitors every year. She cannot relocate this business. Many of the horse owners volunteer their time and horses to our community by participating in school events, parades, girl scouts, therapeutic riding and working with disadvantaged students. The areas denoted on the maps were identified by Equine Adventures, local horse owners and equestrian interests from Hyde County, Mainland Dare County and Currituck County.

Shelling Shelling/beachcombing is a huge attraction, especially for those who cannot partake in more strenuous physical activities. In 1965, the Scotch Bonnet, was named the state shell of North Carolina. Scotch Bonnet shells wash ashore in abundance on North Carolina's Outer Banks, because the Gulf Stream moves tropical waters close to the North Carolina coast. After storms, hundreds of Scotch Bonnets may be washed ashore on the Outer banks especially between Cape Hatteras and Cape Lookout due to the close proximity of the Gulf Stream to that section of the coast. They are rare elsewhere in the state. Seeking Scotch Bonnets, is an attraction which draws many shell enthusiasts to our Seashore, along with the wide variety of other shells to be found. Shell beds appear and disappear from week to week. ORV access is vital to seeking out shell beds, the points and spits as well as the South facing beach are prime shelling areas.

This info denoted on the maps were identified by Dewey Parr, native resident, business owner and local shell authority- www.outerbanksshells.com as well as information gathered from the North Carolina Shelling Club and from VisitNC.com.

Sea Glass collecting has emerged as the newest form of beachcombing and the North American Sea Glass Association (NASGA) has come into being due to the popularity of Sea Glass collecting. By The Sea Jewelry is owned by Linda Jereb who has lived in the Outer Banks for over 20 years. She was one of the founding members of NASGA. One of the current board members, Richard LaMotte, author of Pure Sea Glass has visited the Outer Banks numerous times, for book signings and has given lectures about Sea Glass at the NC Aquarium in Manteo.

NASGA also works closely with The American Shore & Beach Preservation Association and recognizes that the shores, beaches and other coastal resources of America provide important quality-of-life assets within the reach of the largest possible number of people in accordance with the ideals of a democratic nation. We pursue this mission by means of:

? Protecting and improving healthy and diverse recreational opportunities. ? Managing, protecting and enhancing environmental resources. ?

Encouraging responsible and sustainable economic development. ? Preserving aesthetic values. ? Reducing damage from natural hazards and human activities. ? Mitigating human impacts to natural processes.

This Association is dedicated to preserving, protecting and enhancing the beaches, shores and other coastal resources of America.

Swimming Where there is water, visitors want to swim. Areas in front of villages and campgrounds have a higher seasonal swimming use due to easy access by those renting Oceanside homes, motel rooms or campgrounds, not necessarily due to preference. Public parking is very limited and/or non-existent for visitors who are not renting an Oceanside house. The maps highlight the most desirable and safest areas for swimming due to off-shore structure, water temperature and the presence of lifeguards. It should be noted that despite a lifeguarded beach designation on the map for the Village of

Buxton, seldom in the past 8 years has there actually been a lifeguard on duty here. It is sporadic and one year the lifeguard quit mid-season and was never replaced. The areas denoted on the maps were identified by the NPS maps designating lifeguarded beaches and by Judy Swartwood based on her experience with the visiting public, listening to the needs and desires of the Mothers like herself of young children and her own experiences in seeking safe areas for her son to swim...

Watersports Water: without it, there are no water sports! Again, access to the shoreline is the essential element needed. Access to the areas of shoreline that provide the best recreational opportunities for watersports is critical. The watersports most enjoyed by visitors to our Seashore include kayaking, kite boarding, paddle boarding, skim boarding, surfing and windsurfing. Each of these activities are dependent on shoreline access and have varying requirements based on wind direction, open water, water depths, consistent wave action, curved shoreline. Shoreline access is especially vital in seeking these areas that are primarily dependent on off-shore wind direction and speed. Watersports competitions also draw large numbers of out of town visitors. These areas denoted on the maps were identified by the local experts representing the Watersports Industry, Trip Foreman and Matt Nuzzo

CRITERIA (1) The Cape Hatteras National Seashore Enabling legislation The Cape Hatteras National Seashore Enabling legislation I. (Aug. 17, 1937, ch. 687, Sec. 4, 50 Stat. 670; June 29, 1940, ch. 459, Sec. 1, 54 Stat. 702; Mar. 6, 1946, ch. 50, 60 Stat. 32.) emphasizes recreational opportunities for visitors to the Seashore, "except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area .."

(2) (from NPS Management policies) "1.4.6 What Constitutes Park Resources and Values" "The "park resources and values" that are subject to the No-impairment standard include:

? the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural sound scapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals; ? appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them; ? the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and ? any additional attributes encompassed by the specific values and purposes for which the park was established

" Enjoyment of Park Resources and Values: "The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The enjoyment that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States and includes enjoyment both by people who visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment and inspiration. Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act. 1.4.5 (1.)"

(3) Management Policies 2006 Enjoyment of Park Resources and Values "The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The enjoyment that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States and includes enjoyment both by people who visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment and inspiration. Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act. 1.4.5 (1.)"

(4) "1.4.7.1 Unacceptable Impacts: ? be inconsistent with a park's purposes or values, or ? impede the attainment of a park's desired future conditions for natural and cultural resources as identified through the park's planning process, or ? create an unsafe or unhealthy environment for visitors or employees, or ? diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or ? unreasonably interfere with: 1. park programs or activities, or 2. an appropriate use, or 3. the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park. 4. NPS concessioner or contractor operations or services."

(5) U.S.C. Code 16 U.S.C. Section 1a-I states, "The authorization of activities shall be conducted in the light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress."

The remainder of this comment includes maps, which are contained in the appendix of the public comment report.

Correspondence ID: 15048 **Project:** 10641 **Document:** 32596
Name: Harrison, Thomas G
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am a full-time resident of Hatteras Island and have reviewed the DEIS as well as participated in local workshops sponsored by the Coalition for Beach Access.

As a general comment I disagree with all the alternatives presented in the DEIS, however will limit my specific points to Alternative "F" since that is the most restrictive and preferred alternative of the NPS,

Comment #1: (Reference pages 121-127, DEIS) I disagree with your recommended buffers for the Piping Plover, American Oystercatcher and other colonial shore birds. I have been unable to find any scientific research or data that would justify such large buffers before and during breeding season. My recommendation would be to have pre-nesting buffers of 50m for the Piping Plover and 30m for all other shore birds.. I would recommend a buffer of 200m for unfledged Plover chicks and 100m for other short bird chicks,

Additionally, I would recommend establishment of corridors for pedestrians and ORVs around the resource buffers if feasible.

Comment #2: (Reference page 113, DEIS) I disagree with Table 8 prohibiting pets in all SMAs from March 15th to July 31st. My recommendation is that pets be allowed within these SMAs on a leash no longer than 6ft year round. Like pedestrians and ORVs, pets would not be allowed at any time within a resource area buffer.

Comment#3: (Reference page 125, DEIS) I disagree with most but not all of your closure plans as a result of Turtle nesting. My recommendation is that turtle nests located in high pedestrian traffic areas, i.e. in front of villages, be relocated to areas like Pea Island where there is no ORV permitted and few pedestrians frequent.

I admittedly did not read every page of the 800+ page DEIS but concentrated on those areas where I have the most concern (my comments above). However, I did read the entire 77-page Coalition for Beach Access Position Paper and believe these groups have put together a much better plan than is described in the entire DEIS. I strongly recommend you consider all aspects of this document in your final management plan development.

Lastly, when the final product is published, it needs to be re-titled to reflect the true nature of its content, not simply "off-road vehicle management" but more accurately "beach access management".

Correspondence ID: 15049 **Project:** 10641 **Document:** 32596
Name: Harrison, Steve
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: The following are my comments on the EIS for ORV use at CAHA. I tried to submit them electronically but I am uncertain if they were actually transmitted due to an error message on my computer after I clicked the submit button. Therefore, I am sending this hard copy to ensure my comments

are received for consideration by the planning team.

I am in favor of any plan that ensures the preservation and protection of cultural and natural resources. I have witnessed the destructive impacts of ORV use at CAHA. Given the proximity of paved roads to most of the CAHA beaches, there is really little reason for most park visitors to drive on the beaches. The NPS should not, and must not, allow the convenience of visitors to trump the protection of park resources. That is exactly what has happened for too many years and the data on protected species reflects the decline of all protected species over time as ORV use increased. Sure it is complicated and there are many factors that influence this but it is valid to look at some broad stroke conclusions. In addition, it is my understanding that there was noticeable and noteworthy breeding success for (nearly) all protected species when the federal court imposed restrictions on ORV use a few years ago.

I am supportive of alternative D with perhaps a few modifications. There are many reasons this alternative is the environmentally preferred alternative. A few reasons I favor it is that it appears to maximize protection of the greatest variety of species and their habitat over time. It reduces spatial and temporal ORV use. It increases opportunities for pedestrian visitors to enjoy more of the seashore without tire tracks, let alone the vehicles themselves. There is value in D by having predictability for park visitors. It seems that it would simplify management for NPS by not having to put up and take down signs as beaches, habitat, and breeding changes. It is a dynamic area but it is really not practical for park staff to continually consider changes in management with each natural change in the park. The best example of such antics were after hurricane Isabel when ORV users and user groups were wanting increased use of overwashed areas. If the birds had a user group, it would have been nice to hear from them too. because we know they wanted to use the overwashed areas too. But the closest thing the birds have to a user group are various environmental organizations.

A few additional specific comments:

Given the proximity of paved roads (primarily NC 12) to most of the beaches, it seems very practical to provide additional parking along the highway, install boardwalks over the dunes and thereby eliminate the need to driving on the beach. An excellent example of where this could be done is between Salvo and Buxton. There is really no reason why any of that beach should be open to ORV use any time of the year. There are other locations as well. Great to have an ORV permit system that requires education of drivers, brings in some funds to the NPS to manage the vehicle use and protection of species.

Night driving on the beaches should be prohibited from dusk to dawn, especially during the turtle breeding/nesting season.

The use of CAHA by migrating birds and wintering birds is so important. A lot of focus is on the breeding birds during the summer but the park receives important, if not critical, bird use all year. The selected alternative should reflect that reality.

Beach fires are a concern. While I believe it might be best to simply ban them, if they are allowed, the permit is good. Again there is an important education element that is introduced with the permit. However, I would suggest that alternative D be changed to be the "same as C" rather than "same as A."

Last, a thanks for NPS staff and contractors who have worked so hard on the planning process and the required documents such as this EIS. I know it is more than just a job for many of you.

Correspondence ID: 15050 **Project:** 10641 **Document:** 32596
Name: Steiner, Rosemary M
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: On page 121-127 the DEIS states "any Piping Plover unfledged chick broad will require a 1,000 meter pedestrian and Off Road Vehicle closure in all directions". I strongly disagree with applying such massive protection buffers around these plovers. 1000 meters in all directions constitutes an area equal to 771 acres, which is equal to the size of the parking lot at the New Orleans Super Dome. Typical distances in other plover areas are 200 meters. NPS should exercise consistence buffer distances from other successful areas like Cape Cod. In addition birds like the American Oyster catcher, are not threaten or endangered and do not warrant buffer closures of that magnitude. If there is bird monitoring on plovers, then 1000 meters is blatantly excessive.

On page 124, I feel, NPS should make every effort to accommodate access with these suggestions that are good for birds and access. 1. Vegetation Management -- (especially at Cape Point, good for piping plover success and access for recreation. Cape Point is additionally, culturally and historically important for the area economy. 1000 meter distance is a jobs and economy killer for the village economies. 2. Habitat Management 3. Improved Predator Management 4. Colonial water bird social attraction 5. Plover fledged rate 6. Plover chick buffer distance 7. Pass-thru buffers during incubation time

A more equitable and reasonable buffer distance for the listed species is.
Nesting I Breeding season
Piping plovers--50 meters AMOY ---Flush and add 15 meters (as done in Pea Island) Non-endangered Wilson Plovers----30 meters / non endangered Least terns--- 30 meters / non endangered Colonial water birds-30 meters / non endangered
Unfledged chicks: Piping plover----200 meters (as is done is other area seashore locations) AMOY-----Flush and add 15 meter Wilson Plovers---- --30 meters Least Terns----- 30 meters Other Colonial Water birds-----30 meters
Every bird or turtle protected area should have a bypass or a corridor system, to allow access to popular areas such as the spits, inlets and Cape Point. NPS should promote and provide for equal opportunities for access in these areas.

On page (136), "banning pets anywhere in the seashore from March 15 to July 31". I oppose any restrictions on pets in the park at any time. I strongly disagree. People should be responsible for the pets. Any violation of the leash law should constitute an appropriate fine. Is this not an enforcement issue? I work part time for a rental company in Avon on the weekends. Our company has about 33% of their rental homes as pet friendly. People will not rent if they cannot bring pets with them. Plain and simple!!!

On page 377 NPS states: "ORV and other recreational use would have long-term major adverse impacts on sea turtles due to the amount of seashore available for ORV use and by allowing nighttime driving on the beach". I disagree. NPS has not provided data, that shows nighttime driving on the beach kills nesting females. The turtle data from Cape Hatteras shows a yearly turtle nest mortality loss of 38 percent loss, due to the unsuccessful NCWRC guidelines that do not promote other viable opportunities of protecting nests. Corraling and hatcheries and nest relocation are ignored. NPS does not move nests in spit, inlet and areas of Cape Point and South Point. Every year nests are lost do to weather and predation, not humans. False crawl ratios due to light infraction are well below the accepted 1:1 ratio. Losing 38 % of turtle nests each year is catastrophic. NPS should move each nest like Pea Island does. All nests should be moved to a safe area. Not moving nests will bring a lawsuit. Nighttime driving is an essential economic component of the Cape Hatteras game fish (Red Drum, Stripers) experience.

All beaches in front of Rodanthe, Waves, Salvo, Avon, Frisco and Hatteras Villages should close to ORV access between May 15th and September 15th. There is no credible evidence or data showing Frisco and Hatteras Villages opening and closing at different dates is supportable. As a Buxton native, I think it is imperative, that NPS should take a closer look at the lack of data that should be considered to protect the traditional, cultural and historical access to the beaches by the residents of Hatteras and Ocracoke Island. Numerous references that NPS Director, Conrad Wirth promised in a letter in 1952, addressing the citizens of Dare County in the Coastland Times to; "hold on to your land", "NPS needs a partnership with the local people to tell the story of the islanders" and to "provide to the needs of the tourists", "you will always have ocean and sound side access", NPS will maintain the dunes". Now the DEIS tramples on that promise. I find it unbelievable and insulting that my mother, my father and all of my family would be considered visitors.

Correspondence ID: 15051 **Project:** 10641 **Document:** 32596
Name: Harrison, Steve
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: The following are my comments on the EIS for ORV use at CAHA. I tried to submit them electronically but I am uncertain if they were actually transmitted due to an error message on my computer after I clicked the submit button. Therefore, I am sending this hard copy to ensure my comments are received for consideration by the planning team.

I am in favor of any plan that ensures the preservation and protection of cultural and natural resources. I have witnessed the destructive impacts of ORV use at CAHA. Given the proximity of paved roads to most of the CAHA beaches, there is really little reason for most park visitors to drive on the beaches. The NPS should not, and must not, allow the convenience of visitors to trump the protection of park resources. That is exactly what has happened for too many years and the data on protected species reflects the decline of all protected species over time as ORV use increased. Sure it is complicated and there are many factors that influence this but it is valid to look at some broad stroke conclusions. In addition, it is my understanding that there was noticeable and noteworthy breeding success for (nearly) all protected species when the federal court imposed restrictions on ORV use a few years ago.

I am supportive of alternative D with perhaps a few modifications. There are many reasons this alternative is the environmentally preferred alternative. A few reasons I favor it is that it appears to maximize protection of the greatest variety of species and their habitat over time. It reduces spatial and temporal ORV use. It increases opportunities for pedestrian visitors to enjoy more of the seashore without tire tracks, let alone the vehicles themselves. There is value in D by having predictability for park visitors. It seems that it would simplify management for NPS by not having to put up and take down signs as beaches, habitat, and breeding changes. It is a dynamic area but it is really not practical for park staff to continually consider changes in management with each natural change in the park. The best example of such antics were after hurricane Isabel when ORV users and user groups were wanting increased use of overwashed areas. If the birds had a user group, it would have been nice to hear from them too, because we know they wanted to use the overwashed areas too. But the closest thing the birds have to a user group are various environmental organizations.

A few additional specific comments:

Given the proximity of paved roads (primarily NC 12) to most of the beaches, it seems very practical to provide additional parking along the highway, install boardwalks over the dunes and thereby eliminate the need to driving on the beach. An excellent example of where this could be done is between Salvo and Buxton. There is really no reason why any of that beach should be open to ORV use any time of the year. There are other locations as well. Great to have an ORV permit system that requires education of drivers, brings in some funds to the NPS to manage the vehicle use and protection of species.

Night driving on the beaches should be prohibited from dusk to dawn, especially during the turtle breeding/nesting season.

The use of CAHA by migrating birds and wintering birds is so important. A lot of focus is on the breeding birds during the summer but the park receives important, if not critical, bird use all year. The selected alternative should reflect that reality.

Beach fires are a concern. While I believe it might be best to simply ban them, if they are allowed, the permit is good. Again there is an important education element that is introduced with the permit. However, I would suggest that alternative D be changed to be the "same as C" rather than "same as A."

Last, a thanks for NPS staff and contractors who have worked so hard on the planning process and the required documents such as this EIS. I know it is more than just a job for many of you.

Correspondence ID: 15052 **Project:** 10641 **Document:** 32596
Name: Buddenbohn, Tom and Becky
Received: May,12,2010 00:00:00
Correspondence Type: Letter

Correspondence: We are writing regarding the upcoming decision on beach access to Cape Hatteras National Seashore. We have been coming to Cape Hatteras for 5 years. In our personal experience over those 5 years, we have only seen people treating the beach environment with the utmost respect. My family comes to Frisco from Texas to be with more family that has a home there. It has become a very special place to all of us. We have seen so many inconsistencies in the way the data has been presented and interpreted and feel that the facts put forth are not accurate or honest. Our concerns:

1. The economic impact on the citizens of Cape Hatteras National Seashore has been enormous. According to what we have read, when considering the financial/economic impact, the areas of Duck, Corolla, Kitty Hawk, etc., have been included in the statistics. However, anyone who has visited the CHNS knows that the inclusion of those towns will skew the results. The villages on CHNS are entirely different from the northern beaches and it is disingenuous to say otherwise. Tourism is what keeps CHNS economically viable and the only product that the people of these villages have to "sell" is the beach and the activities associated with it. They are very isolated with Rt. 12 and the ferries being the only way to get to those towns. If we are honest, we all know that they are hours from the northern beaches. Without beach access, they have nothing to offer the tourist. Honesty requires looking at the impact on the specific towns affected by the beach access issues.
2. Access for the elderly and the disabled. Driving on the beach has been the traditional way of access and has provided the elderly and disabled a way to enjoy the beautiful national park that we call Hatteras. In our particular case, our mothers would not be able to enjoy the area without the ability to drive to the point where we would set up for the duration of that day's visit. Walking across the sand is not an option for our mothers. We know this to be true for many other visitors as well.
3. Buffer zones for the nesting birds and turtles. Where is the scientific evidence that 1000 meters in all directions is necessary for the protection of the nesting birds? This is widely known to be untrue. The "research" presented is very questionable. We were recently in the Galapagos Islands and it was interesting to listen to the National Geographic naturalist who said very clearly that the American Oyster Catcher isn't bothered by close foot traffic. That was evidenced by how closely we were allowed to walk to the AOC. We actually asked her to repeat her statement because it was in such opposition to what we are hearing from the Audubon Society, Defenders of Wildlife and the NPS.
4. Why are birds that are not on the Endangered Species list being afforded the same protection as if they were? Some of these birds are being given equal or even more protective status. Also, the NC Wildlife Resources Commission has specifically said that it was never their intent for these "species of concern" to be protected in this way.
5. When determining the bird population and also the success of the breeding season, why are you not including all the birds in the ecosystem? The dredge islands are very successful breeding areas as is Pea Island. It is dishonest to not count these birds and their successful breeding.
6. We ask that you, at the very least, provide corridors around the resource closures for pedestrians and vehicles through the entire breeding and nesting season.

Correspondence ID: 15053 **Project:** 10641 **Document:** 32596
Name: Lawson, Dave and Donna
Received: May,12,2010 00:00:00
Correspondence Type: Letter

Correspondence: We are writing with regard to the proposed Cape Hatteras National Seashore Recreational Area Off-Road Vehicle Management Plan Draft Environmental Impact Statement, Alternative F. After lengthy and careful review of the above referenced document, related documentation, scientific data and discussion with residents and business owners, we have come to the conclusion that the DEIS, Alternative F, as proposed is flawed and lacks the balance necessary to maintain harmony between the wildlife we seek to protect and the rights of the residents, visitors and business owners of the region. First, we have serious concerns as to the scientific basis for the sprawling piping plover buffer zones proposed in Alternative F. In that regard, we must support the Coalition for Beach Access' and Dare County's positions on this matter. To require a buffer zone of 1000 meters is unnecessary and scientifically unfounded. A more reasonable, scientifically supported buffer zone would allow the species to thrive and still allow visitors and residents access to enjoy the beach and support the local economy. We would request that relocation efforts be allowed for endangered sea turtle nests as well, especially in light of the fact that nests can and have been successfully relocated in other states resulting in minimal loss. There are more reasonable buffer zones and relocation alternatives to consider which result in a much more balanced proposal. Second, Off-Road Vehicle access has been the cornerstone of this beach's visiting public and the backbone of the local economy. Severely limiting ORV access denies the citizens of this country the right to the enjoyment of all this serene and beautiful beach has to offer. ORV access is the reason this beach doesn't have huge ugly parking lots, numerous man-made walkways and bathroom/snack facilities. Visitors pack what they need in their vehicles, they fish, swim, sport, shell, bird and enjoy this beautiful beach and then they pack up and leave only tire tracks which are washed away by the

tide, leaving the beach again untouched, clean and breathtaking in its beauty. We have been visiting this area for many years, spending two weeks at a time during various seasons and each time, we are struck by the harmony that has been achieved between the management of the park, the visitors and the wildlife. The current management plans have effectively and fairly handled ORV access issues with informed decisions, respect for the wildlife we come here to observe and the flexibility they need to maintain balance. To remove ORV access and management's flexibility to change user patterns and implement corridors to maintain access will effectively close this beach and eventually destroy the local economy while slowly crumbling the rich culture that these barrier islands hold.

Third, after speaking with residents, business owners and reviewing the numerous affidavits attached to Dare County's Position Statement, we find it incomprehensible that Alternative F can claim that the projected economic result of its proposal is "negligible to moderate". Businesses began failing in direct correlation to the issuance of the District Court's Consent Decree, NOT when the nation's economy began to falter. Affidavit after affidavit testifies to the fact that customers and visitors have been angered by the beach closings and have indicated they will not be back if they can't use the beach.

In summary, we would urge the National Park Service to reconsider its proposed restrictive covenants and keep in mind the original intent and promises made to the people of this region when this park was first established by Congress in 1937. A balance can be achieved without destroying an entire region's livelihood. We all want the wildlife to flourish as well as preserve the people's right to enjoy this unique seashore experience. Let's leave our tire tracks like we've been doing for decades and come back another day to a breathtaking sunrise.

Correspondence ID: 15054 **Project:** 10641 **Document:** 32596

Name: Oelschlegel, BJ

Received: May,12,2010 00:00:00

Correspondence Type: Letter

Correspondence:

I have lived on Ocracoke for 33 years. Some of the reasons that drew me to make a major move to The Outer Banks, are some of the same values for which The National Park stands. I love the fresh air, the expansive sky, the bird life and the opportunity to be near the water.

I have been building a way of life for the last 33 years. I have a home, with a mortgage; two businesses with their share of debt; and a third job to try to help fill in the gaps.

Our narrow ribbon of existence on The Outer Banks is a difficult proposition as it is. The factors which directly affect our livelihoods can feel like an endless list. The electric power on Ocracoke, can be effected by a car in Nags head, taking out a pole. A hurricane not only runs off the current round of customers but can keep future customers away for days or weeks. Hurricanes and Nor'easters have the ability of cutting the life line of tourism. Our remote location stresses the access to supplies and services.

And yet these natural and potentially harsh conditions have been incorporated into the resilient character of the inhabitants of The Outer Banks. The people have evolved to a point of being as prepared as one can be for a hurricane; being as creative in looking for solutions to natural events as they surface and planning ahead when it comes to accessing supplies and services.

We've been building our lives, families and communities based on our partnership with The National Park Service here on Ocracoke. (If I remember correctly The Ocracoke Civic Association foot the bill for keeping the NPS Campground open, for a number of fall seasons.) My fear is that this DEIS is a person-made event from which we will not be able to recover. Will the restricted access be enough to damage the tourism flow to the island? A middle ground solution is within the power of The Park Service. The intention of saving the bird and turtle populations is consistent with what I value about living on the beach. Can we not find a way to secure the animal populations and allow the livelihoods of the inhabitants to remain in tact? This way of life has been in existence since before the Park Service took over the seashore; it seems unfair to restrict the access now.

Correspondence ID: 15055 **Project:** 10641 **Document:** 32596

Name: Perry, Susie

Received: May,12,2010 00:00:00

Correspondence Type: Letter

Correspondence:

In regard to the Draft Off Road Vehicle Management Plan/ Environmental Impact Statement (DEIS): I disagree with the following proposals:

- Large areas closed for the non-endangered or non- threatened species, and large buffers for the piping plovers, as there does not appear to be significant science to prove that this is necessary.

- Not including the dredge islands as proof of successful breeding of these birds. I realize that these islands may not be part of the National Seashore, but they are in this area and should be considered as an alternative for these birds, that have apparently had successful breeding, with little predation. This would lessen the need for mass destruction of the natural predators that exist in the National Seashore area.

- Not willing to move the turtle nests, so they can hatch, without any disturbance from people, vehicles and storms, the last being the biggest problem for them.

- Prohibition of pets during March is-July 31. We have many, many visitors who come here with their pets and may not come without them.

- That there would be little economic impact from these changes. As a business owner, life as we know it may be over. Our employees have children and mortgages, and this may mean that they will have no jobs. We have four hundred sixty vendors that do business with us. Many of them will be affected by these proposed changes. This has far reaching effects.

This park was established for all to enjoy. America was invited to come to our beaches, to fish, climb the lighthouse and enjoy the beauty of our Island.....and they came. They needed a place to stay, eat and buy supplies. Businesses opened or expanded to accommodate the needs of all these visitors. Now, you want to restrict access, to our beaches, the very beaches that you invited Americans to come and see. Because of a small number of birds and turtles, we may lose our homes and businesses. We do care about our wildlife, and have co-existed for a long time.

I realize that your task is difficult, but we are fighting for our traditions, for promises made, for our futures and for all the visitors that love to come here. Thank you for your consideration of all the comments.

Correspondence ID: 15056 **Project:** 10641 **Document:** 32596

Name: Couch, John B

Received: May,12,2010 00:00:00

Correspondence Type: Letter

Correspondence:

On page 121-127 the DEIS states "any Piping Plover unfledged chick broad will require a 1,000 meter pedestrian and Off Road Vehicle closure in all directions". I strongly disagree with applying such massive protection buffers around these plovers. 1000 meters in all directions constitutes an area equal to 771 acres, which is equal to the size of the parking lot at the New Orleans Super Dome. Typical distances in other plover areas are 300 meters. NPS should exercise consistence buffer distances from other successful areas like Cape Cod. In addition birds like the American Oyster catcher, are not threaten or endangered and do not warrant buffer closures of that magnitude.

On page 124, I feel, NPS should make every effort to accommodate access with these suggestions that are good for birds and access.

1. Vegetation Management -- (especially at Cape Point, good for piping plover success and access for recreation. Cape Point is traditionally, culturally and historically important for the area economy. 1000 meter distance is a jobs and economy killer for the village economies.
2. Habitat Management
3. Improved predator Management
4. Colonial water bird social attraction
5. Plover fledge rate
6. Plover chick buffer distance
7. Pass-thru buffers during incubation time

A more equitable and adequate buffer distance for the listed species is.

Nesting / Breeding season Piping plovers-50 meters AMOY ---Flush and add 15 meters (as done in Pea Island) Non-endangered Wilson Plovers----30 meters / non endangered Least terns--- 30 meters / non endangered Colonial water birds-30 meters / non endangered

Unfledged chicks:

Piping plover-----200 meters (as is done is other area seashore locations) AMOY-----Flush and add 15 meter Wilson Plovers-----30 meters Least Terns----- 30 meters Other Colonial Water birds-----30 meters

Any protected area should have a bypass or a corridor system to allow access to popular areas such as the spits, inlets and Cape Point. NPS should promote and provide for equal opportunities for access in these areas. It is a part of the mandate they promised to uphold in the (e.g.) Conrad Wirth letter in 1952. The local people have historically used these areas for social gatherings and to subsidize their dinner tables with catching fish etc. NPS has trampled on the traditional, cultural and historical use of these areas. They should be recognized as significant social areas that can be used when there is not nesting or breeding activity.

The DEIS references pet/horse restrictions on page (136), banning pets anywhere in the seashore from March 15 to July 31. I strongly oppose any restrictions on pets in the park at any time. Common sense should dictate, that visitors to the Park must have pets under their personal control at all times and on a six foot leash. Better education and signage would help immensely. Any violation of the leash law should constitute a heavy fine. This is an enforcement issue. Once again NPS has chosen to ignore the economic impact of banning pets from the seashore. If people cannot bring their pets, they will not book, but will look elsewhere to vacation. A personal phone call to the 4 major rental companies will reflect a 38% to 27% of the property rental inventory has been recently upgraded to "pet friendly". Those companies are: Hatteras Realty, Outer Beaches Realty, Midgett Realty, and Ocracoke Island Realty The traveling public wants to bring their pets with them and for NPS to discount the "pet friendly" economic factors are ill advised and displays a lack of understanding.

On page 377 NPS states: "ORV and other recreational use would have long-term major adverse impacts on sea turtles due to the amount of seashore available for ORV use and by allowing nighttime driving on the beach". I disagree. NPS has not provided data that nighttime driving on the beach kills nesting females. The turtle data from Cape Hatteras shows a yearly turtle nest mortality loss of 38 percent loss, due to the unsuccessful NCWRC guidelines that do not promote other viable opportunities of protecting nests. Corraling and hatcheries and nest relocation are ignored. NPS does not move nests in spit, inlet and areas of Cape Point and South Point. Every year nests are lost do to weather and predation, not humans. False crawl ratios due to light infraction are well below the accepted 1: 1 ratio. Losing 38 % of turtle nests each year is catastrophic. NPS should move each nest like Pea Island. All nests should be moved to a safe area. Not moving nests will bring a lawsuit. Nighttime driving is an essential economic component of the Cape Hatteras game fish (Red Drum, Stripers) experience.

NPS has misrepresented the data supporting shorter ORV season on the south facing beaches on Hatteras Island, at Frisco and Hatteras villages on page 23. The closure to ORV's driving in the front all the villages have traditionally been from May 15 to Sept 15. The statistics are similar at all villages' locations. Ultimately using different dates confuses the public and significantly raises the possibility of a court challenge. Consider all locations in front of the villages from May 15 to September 15 to be ORV free, as have been established for the last 40 years. There is no evidence of any major violations between pedestrians and ORV's. If so alternative F should quantify and identify those incidents!

It is unbelievable the economic impact study is not yet completed. Here we are commenting on a study that could have an impact on decisions that affect the economic structure on the Bodie, Ocracoke and Hatteras Island economies. The ROI data is flawed. Using the data on the ROI doe not give a clear snapshot of what income and commerce is taking place on the southern communities. Our seasons are from Easter to Thanksgiving. You make your income at that time or you lose out. In May, June, July and August of 2008, the first year of the consent decree, I accrued losses of \$30,000 due to the area of Cape Point being closed for the first time ever. The consent decree each year has an identical negative economic affect on my 2 businesses. No one has ever contacted me as to what affect the beach closures have on my livelihood. When Cape Point closes people, tourist especially surf fishermen, go to other locations for beach access. The closures kill me economically in the summer months. Corridors MUST be instituted for the economy to survive and thrive.

I have provided a letter I wrote September 9, 2008, to Dare County Board of Commissioners Chair Warren Judge. This letter reflects the negative economic effects of the consent decree that were the most restrictive resource management measures up until that time. NPS Preferred Alternative F now even more restrictive than the consent decree.

I hope my comments on the economic impacts are understood and appreciated!

This concludes my comments to the DEIS. A 30 day extension to the 60 Day DEIS comment period should have been granted! I am disappointed with Washington NPS. The non Neg-Reg public have been overwhelmed and frustrated with the enormity of the DEIS.

September 9, 2008

The Honorable Warren Judge Chairman; Dare County Board of Directors 211 Budleigh Street Manteo N.C. 27954

Dear Chairman Judge;

My name is John Couch and I own and operate Lighthouse Auto Parts Inc. and Lighthouse Service Center Inc in Buxton N.C. My family and I have owned these businesses since 1965. I have raised my 3 children here at Cape Hatteras and my two brothers and their families also reside in Buxton. My two businesses are located "a stones throw" from the entrance to the Cape Hatteras National Seashore Recreational Park located on Highway 12 in Buxton N.C. I am writing you today as one of the many businesses that are suffering unwarranted and unprecedented economic harm as a result of the consent decree that was imposed on the residents and visitors to our seashore on April 30, 2008. I have incurred a loss of 32% in my retail sales through the months of May, June and July. These economic losses have been the result of massive beach closures my community has endured because of a court ordered consent decree. This consent decree was orchestrated by National Audubon Society, Defenders of Wildlife and legally represented by Southern Environmental Law Center and was accepted by a compliant judge.

This consent decree lacked the necessary public transparency and basic public involvement that citizens expect from our federal government. In fact the Department of Interior has been negligent in their responsibilities to develop an Off Road Vehicle Management Plan as directed by executive orders in 1972 and 1976. Through the ineptness and lack of action by the National Park Service, it is now the public that is feeling the results of the failure of government. We are eight villages that lie with the seashore park and we have no other industry other than tourism.

I employ seven full time people who are like family to me. I have already let my two part time people go. My businesses cannot survive 2 more years of this consent decree. I am sure you hear the cries of help from the rest of our island community. Please in your journey to our nations capital, let your voice be strong and ask our federal government to protect us from the special interest groups. Be sure to let them know how Dare County is sharing in this economic debacle. One last request Mr. Chairman; please ask both houses of Congress to support House Bill 6233 and Senate Bill 3113. It is one of the basic responsibilities and obligations of government to protect its citizens from the wrongs by the government.

Correspondence ID: 15057 **Project:** 10641 **Document:** 32596
Name: Charlet, Sr., James D
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence:

All of the specific issues of the Beach Closures will have been addressed individually and adeptly by others by now. But there is a much larger issue here - a huge issue. It has to do with what we have stood for and have defended for over two centuries. We Americans are a unique people. We were the first in modern history to form an entire nation of heterogeneous peoples into a government in which the majority ruled. It is called "democracy." Most in the world at the time believed it would fail. Many have been jealous of its 200+ year success, and often it has been attacked by power-hungry minority extremists because it threatened their dictatorial passions to suppress all others.

Here in the sands of Hatteras Island the lines have been drawn again: government of the people, by the people, and for the people is being threatened to its core.

The person who spoke those lines is held in high esteem by most Americans. But the Audubon Society, the Defenders of Wildlife, and the Southern Environmental Law group (hereafter referred to as Plaintiffs) disagree. By their stance and demands they show they are fundamentally opposed to these familiar words: "... that to secure (people's God-given) rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter... it. ...laying (the government's) foundation on such principles... as to most likely effect (the people's) safety and happiness."

The Plaintiffs are the very target of this author's next statement, in the same document announced July 4, 1776, when he said "...when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such...and provide new guards for their future security."

I shall paraphrase Mr. Thomas Jefferson's continuing remarks within modern context. Still, all words are his except those underlined. "The history of the present Plaintiffs is a history of repeated injuries and usurpations, all having the direct object the establishment of an absolute tyranny over Dare County

and especially to Hatteras Island."

The Plaintiffs are an extremely small minority who demand to not only overrule the majority, but to take away their rights and freedoms. They oppose our democracy just as did Hitler, Mussolini, Hirohito, Napoleon, Alexander, Attila, bin Laden, and every tribal king since time began. We are with the overwhelmingly vast majority of Americans who believe in what President Thomas Jefferson and President Abraham Lincoln spoke of. We also believe in the words, promises, and laws of others more recently espoused, those associated with the creation of the Cape Hatteras National Seashore. Again, the Plaintiffs are totally opposed to them:

On August 17, 1937 an Act of Congress was approved creating America's first national seashore park with the National Park Service system. The official name of record of that park system is the Cape Hatteras National Seashore and Recreational Area.

The Plaintiffs also disagree with Conrad Wirth, Director of the National Park Service then, in a letter to the people of the Outer Banks dated October 27, 1952, just before the Cape Hatteras National Seashore and Recreational Area park opened.

During the week of October 6, (in the many) public meetings in Ocracoke, Hatteras, Avon, and Rodanthe ...you asked many questions ...and brought out four main points, of which I am going to address point number 4:4. There was a feeling that once the Recreational Area is established the local people would be denied access to the ocean beach. Concerning access to the beach (Question 4) - when I met with you I explained that when the lands for the Recreational Area are acquired and become public property there will always be access to the beach for all people, whether they are local residents or visitors from the outside. However, it will be necessary to establish certain regulations (for safety, etc.).

This is precisely what the Plaintiffs do NOT want, and they utterly oppose the strong promise made to the people of the Outer Banks by National Park Service Director Wirth.

On January 12, 1953, Secretary of the Interior Oscar L. Chapman issued an order that certain lands on the Outer Banks of North Carolina be "administered, protected, and developed by the National Park Service for national seashore recreational purposes for the benefit and enjoyment of the people."

We believe that order still stands; we believe the Plaintiffs want to create their own order.

In the dedication speech of Assistant Secretary of the Interior Roger Ernest, on Hatteras Island on April 24, 1954, he said, "members of this audience can be credited with a major role in winning this shore for the entire country's use...here we have a broad doorstep to the ocean available to all."

All of America's enemies, past and present, agree with what the Plaintiffs are doing to break sacred promises and treaties, defy freedom, destroy local economies and nationally renowned cultures, and to extend despotism. Interestingly, if the National Park Service's draft plan had been called something just slightly different, for instance, the Draft of Impacting the Environment Statement, the acronym would have been DIES.

We, however, believe in LIFE and in DEMOCRACY - and the priceless value of promises made in the past being kept and honored in the present. In the microcosm, Dare County's freedom is now in jeopardy. In macrocosm, America's is next.

Correspondence ID: 15058 **Project:** 10641 **Document:** 32596
Name: Eakes, Kara M
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: I disagree with not allowing campfires in the open beaches area of our park. To only allow campfires in front of the villages and not the places accessible to the general public is unfair. How is my 4 year old son supposed to grow up and enjoy a hot dog or marsh mellow on the campfire which is traditional if it is not possible to do same? There are no studies showing harm to turtles from campfires and as a matter of fact, a campfire may be of benefit in keeping predators away from newly laid eggs.
I would like to see a positive, full time access route to Cape Point. I appreciate being allowed to spend the night on the point especially during the spring and fall drum runs. The number of vehicles should be 75 vehicles. The benefits to fishing and night sky viewing are immeasurable.
Vehicles should be able to stack especially if they are from one group or a family. As summertime closures have forced thousands of people to now be pushed into smaller areas to recreate, stacking would be and is desirable.
I would think a discussion on diminimus status for turtles should be a part of the EIS.

Correspondence ID: 15059 **Project:** 10641 **Document:** 32596
Name: Dolph, Annaliese
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: On behalf of Disability Rights North Carolina, we write to provide comments regarding the National Park Service (NPS) Notice of Availability of a Draft Environmental Impact Statement for the Cape Hatteras National Seashore (Seashore) Off-Road Vehicle (ORV) Management Plan (Plan) published in the Federal Register Vol. 75, No. 43, March 5, 2010.
Disability Rights North Carolina (DRNC) is North Carolina's federally mandated Protection and Advocacy (P&A) System for individuals with disabilities. Among other activities, DRNC advocates for the accessibility of government programs and services to ensure individuals with disabilities enjoy equal opportunities in the community.
DRNC was pleased to see accessibility described on page viii of the Plan as an element common to all alternatives analyzed in the document. We offer the following comments in the hope of improving upon NPS's commitment to accessibility.
1. Page viii: Beach access points and boardwalks compliant with the Americans with Disabilities Act requirements would be provided at Coquina Beach, the Frisco Boathouse, the Ocracoke Pony Pen, and the Ocracoke day use area.
DRNC encourages the National Park Service to ensure that providing ADA-compliant access points and boardwalks at only four (4) sites does not diminish overall accessibility of the Seashore.
2. Page viii: Beach access would be provided through the issuance of special use permits for areas in front of the Villages to allow ORVs to transport visitors with disabilities' to the beach and then return the vehicle back to the street.
While DRNC appreciates NPS's effort to accommodate visitors with disabilities via these special use permits, the scheme as proposed does not accommodate visitors with disabilities who are visiting the Seashore alone.
1 Throughout the Plan, the terms "disabled visitors and "the disabled" are used. DRNC urges NPS to us "person first" language (e.g., "visitors with disabilities") in its publications.
The Plan proposes that the special use permit be used "to transport [individuals with mobility impairments] to join their family or friends on an open beach that is otherwise closed to ORV." (page 540) This necessarily excludes individuals with mobility impairments who are able to operate their own vehicle and choose to visit the Seashore without friends or family.
3. Page viii: Beach wheelchairs could be checked out at each District on a first-come, first-served basis.
DRNC applauds the inclusion of beach wheelchairs in each of the Plan's alternatives. We hope the availability of the wheelchairs will be highly publicized and that the use of the wheelchairs will be monitored to ensure they are available for all who require them.
4. In various places, the Plan mentions restricting "pets" at certain times of the year, and in fact Alternatives D, E and F prohibit "pets" in species management areas year-round. (See, e.g., page 546)
DRNC would like to highlight for NPS that Seashore visitors with disabilities may be accompanied by a trained service animal necessary for the visitor's use and enjoyment of the Seashore. A working service animal should not be considered a pet and therefore should be exempt from any such restrictions. NPS should train Seashore personnel on the use of and inquiry into the use of service animals, including training about the various uses of service animals. Service animals include not just guide dogs for people with visual impairments, but also include animals trained to assist individuals with mobility and balance impairments, seizure disorders, and hearing impairments, among others. NPS may also wish to devise a policy for granting requested reasonable accommodations to this "no pets" prohibition for individuals with disabilities who use service animals. A trained service animal of course poses little risk to the wildlife the Plan seeks to protect.
5. Several of the Plan's alternatives note the potential for a beach shuttle service. (See, e.g., page 540)
NPS should ensure any such shuttle service can accommodate riders with disabilities.

If you have any questions or comments, please feel free to contact Annaliese Dolph, Director of Public Policy, at 919-856-2195. Thank you for the opportunity to comment on the Plan.

Correspondence ID:	15060	Project:	10641	Document:	32596
Name:	Riley, George and Lauria				
Received:	May,12,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	<p>This is our comment on your draft management plan for off-road vehicles. We have traveled in North Carolina many times during our careers in the military, and Cape Hatteras is one of the most remarkable places in the state. Five years ago we sent you our comments on the "interim strategy." We are happy to see the long-term plan nearing completion.</p> <p>We are in favor of your efforts to reduce the impacts of ORVs on protected species of birds and sea turtles. The National Park Service manages 53 miles of beaches, mostly open to ORVs in unlimited numbers, entering on eleven ramps from NC State Highway 12. Seasonal closures have been used, but these have not ended the impacts on wildlife.</p> <p>We believe the best solution is a year-round closure of at least half the beach mileage, as in Alternative D. Please adopt Alternative D, and add more pedestrian access routes as recommended by North Carolina conservation groups. If ORVs are reduced to a reasonable level, we are sure you will see a great influx of visitors who are looking for beaches unspoiled by vehicles, where families can relax safely by the ocean and enjoy the sounds of the wind, the waves, and the birds.</p> <p>We would not favor Alternative F, your preferred alternative, because it perpetuates the domination of the beaches by ORVs. Only 16 miles would be off-limits to vehicles all year. That is not fair to wildlife, and it is not fair to visitors who want beaches safe from vehicles. Please follow the example of Assateague Island National Seashore here in Maryland. Fewer ORVs are allowed, and on a smaller percentage of the beach. Less than half the beach mileage is open to ORVs, and no more than 145 vehicles are allowed in the Maryland portion, 48 in the Virginia portion (fewer in nesting season). Cape Hatteras is not now a destination for people who love unspoiled beaches, but it should be one. Thank you for considering our thoughts.</p>				
Correspondence ID:	15061	Project:	10641	Document:	32596
Name:	Smith, Hunter				
Received:	May,12,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	<p>I am writing in regards to the proposed ORV closings slated to take place on Cape Hatteras Island in North Carolina. I am a long time visitor to the islands and have many family and friends whom reside there. I am vehemently opposed to closing the beach access ramps. It seems to me that in this particular case, wildlife is being protected at a significant cost to the well being of local residents. It appears to me that the benefit of protecting certain animals is not worth the cost that will be paid by the local residents.</p> <p>Although I don't possess the scientific data on wildlife population or the economic effects that closing the proposed ramps will have on the people of Hatteras Island, I feel that it is a poor decision. I understand that many of the people I have personal relationships with there are very scared about their futures. I know for certain that an overwhelming majority of current and frequent visitors from Virginia have already decided that they will no longer be going to these islands if these ORV closings are approved. The recreational nature of these areas, which were designated for that purpose in 1937, will diminish because fisherman and families will be stripped of the ability to drive their belongings across the wide beaches. Individuals that require wheelchairs will find it much more difficult to go to those areas and get out to the water. I also know that my family members in those areas are sad to see their lifestyle dramatically change because strangers feel that certain species of birds are more important than people.</p> <p>I hope this letter is received with open minds. I also hope that all of the individuals with the authority to decide on this issue take the time to visit these communities to get a first hand look at what and who is involved in this issue. There are times when wildlife protection needs to be geared down to protect people.</p>				
Correspondence ID:	15062	Project:	10641	Document:	32596
Name:	McCullough, Martha				
Received:	May,12,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	<p>The buffers for the birds are encompassing too large a space on the beaches, which is disallowing access to the seashore in the areas that are most desirable for access.</p> <p>The birds do not require this large a buffer in order to successfully nest. In addition, the penalty imposed, when trespassing occurs, that increases the size of these buffers, is unreasonable.</p> <p>The penalty does not deter trespassing, it encourages those who would like to limit beach access, to trespass, in order to gain more limits. The buffers are overly restrictive and should be smaller to allow humans, birds and other wildlife full access to the beaches that we traditionally have inhabited throughout history.</p> <p>Pedestrian and ORV corridors, or bypasses, should be provided through, around, or below the high tide line in all species management areas during the entire breeding and nesting season, to maintain access for all.</p> <p>This management has worked in the past and is a viable management plan.</p>				
Correspondence ID:	15063	Project:	10641	Document:	32596
Name:	Goodloe-Murphy, Mary Helen				
Received:	May,12,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	<p>After deliberation, the Board of Directors of the Rodanthe-Waves-Salvo Civic Association endorses the beach management positions of the Coalition for Beach Access, as detailed in a position paper dated March 5, 2010.</p> <p>The association's board offers the following additional comments regarding Alternative F, the National Park Service's identified preferred alternative, as it applies to Rodanthe, Waves and Salvo.</p> <p>Ramp 23 Ramp 23, immediately south of Salvo, is the traditional access point to Cape Hatteras National Seashore beaches for residents in the northern villages. The ramp is used by residents and visitors who do not live or stay on the villages' oceanfront or in a subdivision with beach access. Villagers drive over the ramp, go north or south, to enjoy beach activities associated with the Cape Hatteras National Seashore.</p> <p>For visitors arriving from the north, Ramp 23 is the first seashore access ramp available on Hatteras Island.</p> <p>In 2009, Ramp 23 was closed from June 1 through August 31 for a colonial waterbird nesting area. No access at the ramp was available for beach walkers or drivers. This closure may explain why the unemployment rate in Salvo in September 2009 was 28 percent, while Dare County's as a whole was 6.8 percent.</p> <p>In 2010, Ramp 23 was closed for shorebird breeding activity on May 7, three weeks sooner than in 2009. This deals a second, and potentially larger, economic hardship to Hatteras Island's northern villages.</p> <p>Ramp 23 under Alternative F Under Alternative F, the National Park Service's preferred alternative, seashore beaches accessed at Ramp 23 could be closed year-round to drivers and limited for walkers.</p> <p>For the villages of Rodanthe, Waves and Salvo, such closures would be an economic hardship and deprive villagers of traditional access. During the years the beach management plan is in effect, Ramp 23 will at one time or another be closed for nesting colonial waterbirds.</p> <p>Under Alternative F, a "floating" 1.5 miles of ocean shoreline between Ramps 23 and 34 (Avon) is to be set aside during non-breeding season, July through May. If established at Ramp 23, that floating zone could effectively close access to the beach in this area of the seashore year-round. Such a scenario is unacceptable.</p>				

The civic association board requests that the National Park Service exclude the floating non-breeding season zone from the beach between Ramp 23 and 27.

Access for All The association's board supports the addition of Ramps at mile 24 and 26 as indicated in the draft statement. Adding ramps at 24 and 26 has the possibility of providing close-by vehicle access for residents as well as visitors in Hatteras Island's northern villages when Ramp 23 is inevitably closed.

The board notes, however, that the draft statement calls for beach access points and boardwalks compliant with the Americans with Disabilities Act in only one location on Hatteras Island, in Frisco, many miles south of the northern villages.

The civic association has previously submitted a request to the Cape Hatteras National Seashore for a boardwalk and expanded parking at Ramp 23. The board renews that request.

The board requests that, as new Ramps at 24 and 26 are constructed, the National Park Service install boardwalks and access points compliant with the Americans with Disabilities Act.

The draft statement calls for beach wheelchairs to be available in each seashore district. On Hatteras Island that means Buxton, a 50-mile round trip for those seeking the equipment.

The board requests that the seashore make beach wheelchairs available in Rodanthe, Waves and Salvo by establishing a partnership with Chicamacomico Banks Fire and Water Rescue Department.

Definition of Village Beaches In charts ES 2, page xiii, and Table 7, page 97, and a map on page 176, Alternative F describes and shows seasonal closure to beach driving from May 15 to September 15 of the beach between the southern boundary of Salvo to the northern boundary of Rodanthe. The board supports this seasonal closure.

The board does not support the seasonal closure of the approximately three tenths of a mile between the southern boundary of Salvo and Ramp 23, as also shown on the above-referenced pages.

Permits for Beach Driving As the Coalition for Beach Access position states, permits can serve to increase user education. The civic association board thinks beach driving permits should be free and freely and easily available.

The Draft Environmental Impact Statement states, at page 107, an "ORV permit fee would be based on cost recovery..." and refers the reader to a 309-page document to figure out what costs would be recovered and therefore what the charge might be.

This is not informative.

The draft statement calls for an annual and weekly permit.

The civic association board recommends, in addition to a free annual and weekly permit, a free one- or two-day permit also be made available for those visitors passing through this national seashore.

Pets in the Cape Hatteras National Seashore The Draft Environmental Impact Statement has contradictory statements regarding taking pets to the seashore beaches. The civic association board is particularly concerned about the statement appearing on page XI, under American oystercatcher: "prohibition of pets in the Seashore during breeding season including in front of the villages." This phrase indicates that pets would not be permitted anywhere in the seashore between March 15 and July 3 1.

The association board requests that pets on leashes no greater than six feet in length be permitted year-round in all areas of seashore beaches open for beach driving and walking and outside resource closures. Further, the association board requests that the national seashore implement an educational program regarding removing pet feces from the beach.

Beach fires at Night The draft statement calls for closing seashore beaches to driving one hour after sunset to maybe 30 minutes after sunrise between May 1 and November 15 for sea turtle nesting season.

The Coalition's research provides convincing information that nighttime beach driving does not adversely affect sea turtle nesting or hatching rate. The Coalition calls for nighttime driving year-round with permits issued for the privilege and a protocol established.

The nighttime driving prohibition coupled with draft statement's limitation of beach fires to "in front of the villages" severely limits those who can enjoy an evening on the seashore beaches. Under Alternative F, only those with strong backs to haul wood and with oceanfront access will be able to enjoy a nighttime beach fire.

Nighttime beach fires are further limited by the statement's call for a free permit for every event. Permit availability is not spelled out.

The civic association board requests that permitted nighttime beach driving be instituted year-round and beach fires be allowed in accordance with Alternative A, with beach fires allowed year-round between 6 a.m. and midnight and outside of resource closures.

Thank you for the opportunity to comment on the Draft Environmental Impact Statement.

Correspondence ID: 15064 **Project:** 10641 **Document:** 32596
Name: Fischer, William
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment #10 20100518214116765
May 10, 2010
National Park Service Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
Re: Public Comment on DEIS
Dear Mr. Murray, I think Alternative F is deficient for the following reasons. I have used the Coalition for Beach Access DEIS Assessment as a template because its format and references are clear and easy to follow.
Please do not mistake this as just a rubber stamp of the CFBA position. The DEIS is such a formidable document in size and the comment time so limited, I have chosen this format to express my exceptions with Alternative F.
I appreciate your efforts and expect that my public comments will be given their full and individual weight.
William Fischer 105 Rhodoms Drive Kill Devil Hills, NC 27948
Coalition for Beach Access DEIS Assessment Pedestrian/ORV Routes -Most Restrictive Ever Closures Due to Birds -Most Restrictive Ever Closures Due to Turtles -Most Restrictive Ever Night Driving -Most Restrictive Ever Pet Activities -Most Restrictive Ever Benefits to Resources -Negligible Impairment to Visitor Experience -Major Impairment to Local Economy -Major Routes and Areas Alternative F restrictions far exceed those under the Consent Decree, the Interim Management Strategy, and the de facto ORV plan previously in place under Superintendent's Order #7
NPS: "Visitor experience could be affected by conflicts between motorized and nonmotorized recreation users." (p. vi) ? Why has NPS never made public a list of reported incidents? ? In 10 years, only 1 minor incident involving a stuck vehicle and a pedestrian was disclosed. The driver was not blamed by those involved, nor was he charged. (p. 268) ? NPS: "Because it is not administered by the NPS, the seashore cannot direct the visitor use at Pea Island NWR." (p. 1) Why does NPS refuse to acknowledge that Pea Island is a prime, pedestrian-only area for visitors to the seashore and overstate the need for more ORV free areas? ? NPS: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." (p. 210) ? No Piping Plover deaths have been attributed to ORVs. ? ORV violations continue to decrease as signage and education improve. ? Pedestrian violations are much more significant than ORV violations. ? NPS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the linear feet of beachfront..!" (p. xxiv) o Why is capacity more restrictive on Bodie Island and Ocracoke than at Cape Point? (p. xxiv) ? Bodie Island, Ocracoke -260 vehicles per mile ? Cape Point -400 vehicles per mile ? Why do ORV counts provided for Memorial Day and July 4, 2009 which state: "Ramp 4: includes Bodie Island Spit" and ramp 43 to ramp 49: includes Cape Point" fail to recognize Bodie Island Spit and Cape Point were closed to ORV access on these dates due to resource protection closures, which thereby increased ORV congestion at ramps 4,43,44, and 49? (p. 265) ? Why are buffers and closures administered such that more people are forced into smaller areas, potentially resulting in more resource impairment and diminished visitor experience? ? NPS: Shorter Off-season ORV access on South-facing Villages (p. xix) o Why are Frisco, Hatteras and Ocracoke Villages closures to ORV access longer than the traditional May 15 to September 15 period, even though seasonal visitor statistics are similar for all villages? (p. 23) ? NPS: "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." (p. 1) o Pedestrian only areas discriminate against individuals with limited mobility due to age or physical

impairments, families with small children, and those wishing to engage in activities requiring recreational equipment. o Why will special Use permits to allow the transportation of disabled visitors to the village beaches require the vehicle to be returned to the street, creating unnecessary hardships and risks in the event of emergencies? (p. 58) ? Other o Why does Alternative F continue to ignore the longstanding need for a soundside access ramp on Bodie Island? (p. 263) o The relocation Ramp 2 to 0.5 miles south of Coquina Beach is financially irresponsible. This money would be much better spent to enlarge the parking lot and provide o pedestrian and handicapped accessible ramps to the beach at Ramp 1 since it will be closed.

Closures Due to Birds ? Restrictive Species Management Areas (p. 468) o NPS: Established based on annual habitat assessment. o NPS: Manage each SMA using MLI or ML2 procedures. o NPS: MLI -No pedestrian or ORV access during entire breeding season o NPS: ML2 --pedestrian only corridor thru SMA at Bodie Island Spit o NPS: ML2 --pedestrian & ORV corridor thru SMA at Cape Point, South Point o Coalition: MLI is overly restrictive. Pedestrian and ORV corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding and nesting season (within guidelines) to maintain access. ? Limited Pedestrian and ORV Corridors (p. 468) o NPS: Only recognized in ML2 managed SMAs o NPS: SMA management reverts to standard buffers when bird breeding activity first observed o Coalition: Pedestrian and ORV corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding season to maintain access. ? Inflexible Buffers (p. 468) o NPS: MLI-300 meter for all activities for all state listed species o NPS: ML2 -buffers vary by species by activity ? Large, Inflexible Buffers (p. 121-127) o NPS: buffers (i.e. closures) will be larger than those endorsed by Coalition o NPS: buffers do not allow for ORV pass-thru only corridors ? Coalition: buffers use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access is always maintained ? Coalition: Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded

Table in PDF not included

? Pro-Active Adaptive Management (p.124) o NPS should aggressively pursue the adaptive management initiatives identified in the DEIS with an object to improve its success with both resource protection and visitor access. The initiatives identified include: ? Vegetation Management ? Habitat Management ? Enhanced Predator Management ? Colonial Waterbird social attraction ? Piping plover check fledge rate ? Piping plover chick buffer distance ? Pass-through buffers during the incubation period ? Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS. ? NPS Resource Management Pedestrian / ORV Closure Policies Address the Least Significant Factor Affecting Nest Survival with Little Chance to Have more than Negligible Impact -for example: o AMOY Nest Failures are Predominately due to Non-human Events ? Mammalian Predation: 54% 3 Highly Significant Risk ? Storm / Lunar Tides: 29% ? Nest Abandonment: 6% ? Avian Predation: 5% ? Ghost Crab Predation: 3% ? Human Interference: 3% insignificant impact ? NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem. o Villages, dredge and spoil islands, Pea Island National Wildlife Refuge ? Dredge and spoil islands typically have fewer predators to threaten nesting birds ? Bird activity within neighboring areas should be tracked and included in target productivity levels. Fluctuations and trends in Recreational Area bird populations should be viewed relative to regional and state experiences -not in isolation. o 500 black skimmer nests reported on Pea Island in 2009

Closures Due to Turtles ? Night Driving Restrictions Penalize Pedestrian and ORV users (p.125) o May 1 -November 15th ? Excessive DEIS Hatch Window Closures Restrict Access - o NPS: Around the clock closure from nest to surf line (p.125) o Pro-Access: Closure to surf line from 1 hour before sunset until dawn, monitored by Turtle Night Nest Watch Team o NPS:105 meters wide (p.125) o Pro-Access: Closure should be 10 meters square during the day o NPS: Use U shaped light filter fence to orient hatchlings o Pro-Access: Use Pea Island style keyhole pattern fence to the surf line at night ? NPS:"ORV and other recreational use would have long-term major adverse impacts on sea turtles due to the amount of Seashore available for ORV use and by allowing nighttime driving on the beach!" (p. 377) ? "Major Adverse" (NPS definition, p.369) events have not occurred at the Recreational Area -Night Driving Restrictions are Not Necessary o Nesting females have not "been killed" o Complete or partial nest lost due to human activity has not "occurred frequently" o Hatchling disorientation/disruption due to humans have not "occurred frequently" o Direct hatchling mortality from human activity has not "frequently occurred" o Pro-active Turtle Night Nest Watch program will insure no ORV impact. ? NPS will not Adopt More Proactive Techniques Used at Other East Coast Locations to Encourage Turtle Nesting Success -WHY? ? NPS Inadequately Addresses Environmental Issues More Detrimental to Turtle Recovery Success than ORVs or Pedestrians (p. 392-396) o 38.5% of nests had 0% hatchlings due to weather events. (p. 87, p. 219) -2009 Loggerhead Recovery Plan calls this catastrophic o False crawl statistics do not support theory that light pollution is a significant problem at the Recreational Area. (p.125, p. 219) o Predator management and nest enclosure practices encourage ghost crabs which are a primary predator of turtle eggs and hatchlings ? North Carolina Wildlife Resource Commission Relocation Guidelines are Inadequate o Recreational Area and the State have lost 55% and 60% of Leatherback nests respectively over the past 10 years following these guidelines. o Use of "average high tide line" (as used in other states) rather than "seaward of debris line marking spring high tide1" to identify which nests to relocate leave many nests at risk. Cultural / Historical Values The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 800 page document devotes only two paragraphs to analysis of cultural resource issues.

? Why does the DEIS ignore the traditional cultural importance of surf zone access to Outer Banks communities? These published criteria clearly define the traditional use and cultural value of the Outer Banks surf zone. o NPS Guidelines state: "A Traditional Cultural Property designation can and should be based on patterns of land use that reflect cultural traditions valued by the long term residents of the local community." o NPS Guidelines state: "A landscape can also constitute Traditional Cultural Property if it is a location where a community has traditionally carried out economic or other cultural practices important in maintaining its historic identity." ? The DEIS describes ORV access as historical in nature (pg. 83) and also both predating the Seashore and as being integral to the public use by both residents and visitors. The document also illustrates and. captions historical commercial fishing (pg.18), historical recreational fishing (pgs. 15, 260) and historical general recreational activities (pg. 259).These same traditional cultural activities are featured on the front cover. ? The surf zone has long been not just a location for traditional economic activities such as surf dory seine net fishing but also other cultural activities as well. These include general beach recreation activities, social gatherings, weddings, funerals and hook and line recreational/subsistence fishing. ? Collectively these activities are components of an unbroken pattern of land use that extend back many generations before the establishment of the Seashore and remain integral to the fabric of the historically unique Outer Banks communities. Further yet, the continuation of this traditional pattern of land use is central to maintaining the historic identity of these same communities. Why has the NPS failed to appropriately address the traditional cultural value of surf zone access? The NPS failure stands in direct violation of its legal responsibility under Section 106 of the NEPA and the NEPA framework as a whole. Socioeconomic Analysis The socioeconomic data and analyses in the DEIS (pg270-281;561-698) result in misleading and sometimes erroneous conclusions. Critical weaknesses in the analyses pertain to: 1) statistical definition of the Region of Influence (ROI); 2) incomplete visitation/business survey data; 3) erroneous recreational user data; 4) inflated overall Seashore visitor counts pertaining to beach use; and 5) flawed key assumption concerning the maintenance of access under Alternative F. These flaws are directly manifested in both the Effected Environment and Socioeconomic Impact sections of the DEIS.

Region of Influence (ROI) ? The ROI incorporates the Northern Beach communities, including Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the Seashore Villages ? Analysis of economic impact to the Seashore Villages appears to be significantly down played. ? Emphasis in DEIS is on the ROI-wide or county-wide level impacts ? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI

Incomplete Data on Visitation/Business Surveys ? Economic analyses in the DEIS do not use data from the first full year of the Consent Decree (2009). ? Many 2008 visitors were either unaware of the scope and breadth of Consent Decree beach closures, or had already made plans/reservations ? Actual business survey data rather than model projections for economic impact for Seashore Villages businesses are not available in DEIS

Overall Visitor Counts Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. ? A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore. ? Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out.

Maintenance of Future Access to Cape Point and South Point Ocracoke All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. ? Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. ? Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed. Summary The

definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages.

Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

Other Areas of Interest Pet / Horses Restrictions ? DEIS: "...prohibition of pets in the Seashore during bird breeding season including in front of the villages." (p. 136) = No Pets in public areas -beaches, campgrounds, soundfront, foot trails, park maintained roads -from March 15-July 31 ? The Coalition position allows pets on 6 foot leashes year-round in all areas open to pedestrians or ORVs. Safety / Administrative /Temporary Closures ? DEIS guidelines, other than previously mentioned carrying capacity issues, are consistent with the Coalition position statement. Permits Requirements ? DEIS guidelines, other than the implementation of fees and how the moneys collected are used, are consistent with the Coalition position statement. Vehicle Characteristics Requirements / Camping ? DEIS guidelines are consistent with the Coalition position statement.

Visitor Education ? The Coalition endorses a thorough Education Program as a way to increase awareness of policies important to the successful accomplishment of both recreational and resource protection objectives.

Predator Management ? Coalition: NPS should more aggressively consider experiences at other East Coast locations In the development of an overall, integrated predator management policy. ? WHY -Is it ok to tamper with nature in some cases but not others? o The adaptive management decisions reflected in the DEIS show a clear bias to implement actions that will adversely affect the visitor experience but to avoid actions that would benefit both natural resources and visitors. ? NPS: OK to replace South Point wetlands with parking area because beach will be closed to ORVs. ? NPS:OK to relocate Turtle Nests when storms are imminent, but not before (coincidentally the high risk nests are in prime ORV corridors). ? NPS:OK to set aside areas of beach to replant the "extirpated" seabeach amaranth, but not OK to clear vegetation at Cape Point ponds to create more favorable piping plover habitat (outside of the prime ORV corridor). ? NPS: OK to kill predators (greatest risk to birds and turtles), not OK to drive on the beach at night (deterrent to predators, low risk to turtles and birds).

Other Observations and Questions ? Why Was Alternative F attributed to the Advisory Committee? ? the rules, policies and procedures in Alternative F were not reviewed nor approved by the participants within the Reg-Neg process. The Coalition members that participated in Reg-Neg do not endorse the DEIS plan. ? WHY -Is around the clock law enforcement an issue? o If access restrictions are due to violations, those responsible should be held accountable. The law-abiding public should not be penalized as they have under the Consent Decree. ? WHY -Does the baseline not recognize the de facto plan in place in the years leading up to interim plan, unofficial only because of bureaucratic failures? o The cumulative impact of the preferred alternative policies on the visitor experience and the regional economy, when assessed relative to the pre-interim plan period, will be much more adverse than the DEIS acknowledges.

TABLE IN ORIGINAL PDF NOT INCLUDED HERE.

Correspondence ID: 15065 **Project:** 10641 **Document:** 32596
Name: Burrus, Catherine
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: After many months of reading and hearing comments in reference to other and this latest DEIS proposed plan; I MUST add my own comments to two particular rules that challenge our cherished traditional and historical heritage of the Recreational Area. I DISAGREE with the excessive and unwarranted 1000 meter closure for unfledged piping plover chick broods. It is quite possible to consider relocating such FEW concerned chicks to the Pea Island Wildlife Refuge as a much safer and secure area that is already off limits to ORV traffic. This was NOT intended to become a wildlife preservation area at the expense of denying access to MOST of it for the millions of visitors who have enjoyed it for many, many years! I DISAGREE with the totally unacceptable proposals regarding ORV traffic in areas and time spans. This means that anyone, including myself, with disabilities would NOT be able to enjoy this magnificent national park. There is no way I can walk that far.; much less carry the items that could make it an enjoyable beach experience. I have in the past used the beach frequently for all activities except the board sports, and even those I have pleasure in being a spectator. In your total plan analysis; I find ONLY TWO paragraphs concerning the preservation of cultural resources; which action is required by the National Environmental Policy Act. I DISAGREE with the socioeconomic data and analyses which are uncompleted and erroneous. I can see by my brother's employment which put him out on unemployment in November 2009 instead of the usual December closing date of the tackle shop. Then this march; he wasn't called back to work; because his employer stated: "I just don't have the business volume to keep you right now. I hope that it will improve; but don't expect it; because of the harsh regulations in place." So he looked for other employment of about 15-18 hours a week; which really does not support him! And he is only one of MANY who cannot find enough work; although they are willing and able! I respectfully BEG you to reconsider preservation of our beaches and natural resources with COMMON SENSE policies that do not prohibit pedestrian and ORV access. This is OUR heritage of beach, tourism, and livelihood; which is rapidly being destroyed!

Correspondence ID: 15066 **Project:** 10641 **Document:** 32596
Name: Evans, Terrence N
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: My wife and I semi-retired to the Outer Banks five years ago and for the last few years we have enjoyed driving on the beach to fish or just to relax and enjoy the beach and ocean. Our chances to continue such enjoyment seems about to be a thing of the past. Being a resident of Nags Head, I make the following comments: 1. The DEIS presented surely did not lack volume, but seemed to seriously lacked clear unbiased scientific proof to support many of positions contained in Alternative F. 2. I fully agree with EVERY position presented in the letter to you from John and Sharon Newbold dated April, 25 of this year. 3. My wife and I once owned a farm containing over 90 acres of farm and timberland. It took me over a half a day just to walk the boundary of the farm. I would not want to walk the boundary of an 800 acre tract as proposed to protect the plover, but perhaps those who support the 800 acre buffer should be made to walk around the same to get a sense of the enormity of such a tract. 4. I agree with the North Carolina Wildlife Commission position that Alternative F provides more protection for shorebirds that the law intends. 5. I agree with the position taken by the Coalition for Beach Access that Alternative F is excessive. 6. I sincerely hope that the Park Service's proposal is not being guided by the threat of continuing lawsuits. As a taxpaying citizen, I would be more than happy to pay for the representation of the Park Service in any such suit should the Park Service select a less restrictive plan than Alternative F.

Correspondence ID: 15067 **Project:** 10641 **Document:** 32596
Name: Hance, Pete B
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: I visit my aunt and uncle husband in Avon yearly. Unfortunately, our access too many of our favorite points of the seashore has been limited by the Consent Decree now in force. For the future, I fear that the enactment of Alternative F of the DEIS will further destroy our ability to even look at many areas of the seashore. My mom is disabled by Multiple Sclerosis. She is unable to walk any long distance and due to poor balance, is unable to walk on sand. In addition, as well as visitors, are elderly and or disabled Many young disabled war veterans now come to the National Seashore to quiet their minds; should they not be allowed to enjoy the seashore as they desire? Alternative F of the DEIS attempts to allow the disabled access to the beach:

"Accessibility for the Disabled The Seashore would provide access to disabled visitors as follows: ? Beach access points and boardwalks compliant with the Americans with Disabilities Act Requirements would be provided at Coquina Beach, the Frisco Boathouse, the Ocracoke PonyPen, and the Ocracoke day use area. ? Beach access would be provided through the issuance of special use permits for areas in front of the villages to allow ORVs to transport disabled visitors to the beach and then return the vehicle back to the street. ? Beach wheelchairs could be checked out at each District on a first-come, first-served basis."

The Americans with Disabilities Act actually states that

"Physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers I believe alternative F of the DEIS would preclude the disabled and the elderly from fully participating in enjoyment of the national seashore.

Institutional barriers, as stated in the above paragraph "Accessibility for the Disabled", will be created by only having certain beach access points and boardwalks actually available for the disabled. Many disabled visitors would be unable to use the beach access in front of the villages, as they may be the driver of the vehicle and unable to return the vehicle to the street. Beach wheelchairs are very difficult to push and are very expensive to purchase. I doubt each District will have many wheelchairs; there is only one now at the CHNS. In addition, an elderly person would be unable to push their disabled partners over the sand.

The beach closures affect those who are handicapped, but also hamper the entire economy of the outer banks. Most beaches are secluded and have limited access by foot. The entire island is dependent on the tourism industry and people coming down to enjoy the beautiful beaches. The outer banks have long been a desirable tourist destination and have not affected the birds breeding habits. The birds are not endangered and when enforced people cause little to no harm. Birds are not worth ruining so many peoples' livelihood. As long as a healthy population of birds remains, keep the beaches open and give the inhabitants the opportunity to prosper in the Outer Banks, instead of having to relocate.

All American citizens and foreign visitors should be allowed to take part of liberties offered by the freedom of open beaches. The DEIS severely lessens the chance that a non-disabled person can enjoy the beach. The disabled will become shut-ins as they are shunned from the beach. Please let me continue to enjoy the Cape Hatteras National Seashore which is designated a recreational area. My beach visit is the highlight of my year.

Correspondence ID: 15068 **Project:** 10641 **Document:** 32596
Name: Couch, R. Stewart
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Comment #2
 May 11, 2010

Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954

RE: National Park Service DEIS Off-Road Vehicle Management Plan Comments.

Dear Superintendent Murray, I own two businesses on Hatteras Island. One is Hatteras Realty with three offices located on Hatteras Island (Waves, Avon and Hatteras Villages), employing approximately 235 people during the season and representing approximately 580 rental homes (3,000 bedrooms) generating about \$25,000,000 in rental income. Additionally, I am a part owner of the Red Drum Shopping Center located in Buxton, NC. My comments concern the DEIS of the Off-Road Vehicle Management Plan prepared by the National Park Service (NPS) for the Cape Hatteras National Seashore Recreation Area. 1. Page 201: I disagree with the NPS statement: "Even with resource closures in place, protected species are still at risk [from pedestrians and ORVs]." No Piping Plover deaths have been attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. It seems to me that any transgressions into protected area are the result of lack of NPS manpower and enforcement than the public purposely and willfully violating out of bounds areas. 2. Page xxiv: I question the statement as per the DEIS: "Carrying capacity would be a 'peak use limit' determined for all areas based on the Linear feet of beachfront ..." If you close off huge sections of the beach, you force more people into smaller areas, potentially resulting in more resource impairment and diminished visitor experience. 3. Page xix and page 23: I am against having two different closures rules pertaining to the North facing beaches (North side) and the South facing beaches (South side) as per the grid outlined in Alternative "F". I disagree with the NPS proposal to close the beaches of Frisco, Hatteras and Ocracoke Villages to ORV access longer than the traditional May 15 to September 15 period for the Northern beaches, even though seasonal visitor statistics are similar for all villages. Please, make them the same: May 15 -> September 15. 4. Page 1: I agree with your statement "ORVs have long served as a primary form of access for many portions of the beach in the seashore, and continue to be the most practical means of access and parking for many visitors." However, pedestrian only areas discriminate against individuals with limited mobility due to age or physical impairments, families with small children, and those wishing to engage in activities requiring recreational equipment (boogie boards, beach umbrellas, beach chairs, coolers, fishing rods, etc.) 5. Page 53: I disagree with the special use permit proposed guidelines. It is impractical to allow the transportation of disabled visitors to the village beaches and then require the vehicle to be returned to the street of parking area. This necessitates the disabled person to have a driver to drop him (or her) off, then drive to a parking area, then trudge a long distance to the site of the drop off, then trudge the long distance through the sand back to retrieve the vehicle. Suppose the handicap person wants to go to the beach, is capable of driving himself, yet cannot find another person to go with him? Does he now not go to the beach? This rule creates unnecessary hardships and risks in the event of an emergency as well. 6. Page 121 - 127. I strongly disagree with the buffers as presented. We must allow for pass-thru corridors. The beach is linear with the ocean buffering on one side and the dune line on the other. For example - If you pinch off access on one side of a 4 mile linear beach and pinch off access on the other side of the 4 mile section of beach with no corridor, then you effectively have closed off all 4 miles of the beach because you CANMT get to the beach in the interior. The proposed bird buffers are too large, blocking access to the interior sections from the two "buffered" ends. I propose ORV pass-thru only corridors and to use breeding / nesting buffer distances to establish ORV pass through only corridors to ensure beach access in a way that does not hinder resource protection. I believe pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season.

Corridors are vital to providing access in a way that does not hinder resource protection. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded. The 1,000 meter distance for the piping plover is way too large and not based upon peer reviewed science. A more rational distance would be 200 meters per other sites in the nation for the piping plover. Ample scientific evidence and precedent exists to support a 200 meter buffer. Buffers for other species, including American Oystercatchers, Least Terns and colonial Water Birds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.

Non-endangered birds should not have same protection as if endangered. Not allowing ORV access is paramount to denying the public access to these beaches.

7. Page 468: I disagree with the limitations imposed on pedestrian and ORVs. Corridors or bypasses should be provided thru, around or below high tide line in all SMAs during entire breeding seasons to maintain access. 8. Page 124: I strongly disagree with the NPS slant in providing for over protection of resource management over that of the public's right to access the beaches. Pro-active initiatives include: Vegetation Management, Habitat Management, Enhanced Predator Management, Colonial Water Bird social attraction, Piping Plover check fledge rate, Piping Plover chick buffer distance, and pass-through buffers during the incubation period. Opportunities to implement less restrictive closures as a result of the above initiatives should be considered more frequently than the 5-year periodic review process identified in the DEIS. 9. I disagree with the NPS Resource Management Pedestrian / ORV Closure Policies. These policies address the least significant factors affecting nest survival with little chance to have more than negligible impact. For example: the AMOY Nest Failures are predominately due to non-human events. Using your own stats, the mammalian predation is 54%, Storm/ Lunar Tides: 29%, Nest Abandonment: 696, Avian Predation: 5%, and Ghost Crab Predation: 3%.

So what is the percentage due to human interference: just 3%! It's insignificant, yet the NPS wants to ban humans when their actions provide very little influence on the success rate of breeding birds and turtles. 10. I disagree with the stats of breeding plovers and the other birds in the Park when the NPS does not adequately consider locations neighboring the Recreational Area that are part of the same ecosystem, namely dredge and spoil island that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included. Those spoil islands, developed by man from dredging the waterways in the Pamlico Sound for channel upkeep, are slammed full of birds. The reason why so many birds? NO PREDATORS. So, birds are not as stupid as one might think. You have to count these birds and incorporate them in the stats when the NPS is

talking about any so called decline in breeding pairs in the National Park. 11. Page 1: I do not think the DEIS responsibly addresses the cultural resource issues. The very purpose of the DEIS as set forth in the National Environmental Policy Act (NEPA) is to protect and preserve natural and cultural resources in the federal decision making process. In the DEIS, the statement "protect and preserve natural and cultural resources" appears in the first sentence of the first page of the plan, in the Purpose of the Plan section, and numerous times thereafter. Yet, the 810 page document devotes only two paragraphs to analysis of cultural resource issues. As a lifelong resident of Hatteras Island, we of the Hatteras Island community have always gotten together on the south beach on Sundays to enjoy the beach with our cookouts, gatherings, surf bathing, horse shoes and foot races, fishing, and surfing. Now the DEIS is proposing closing off most of the south beach during the summer which is the traditional period we local people use the beach. The continuation of this traditional pattern of land use is central to maintaining the historic identity of our island communities. 12. Pages 270-281; 561-598: I strongly disagree with your economic analysis of the impact of the DEIS. The region of influence (ROI) incorporates the Northern Beach communities, including Kill Devil Hills, Kitty Hawk, Southern Shores and Duck. These areas are almost completely disconnected from ORV use and access issues relating to the Seashore. ? Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact on the 8 Seashore Villages ? Analysis of economic impact to the Seashore Villages appears to be significantly down played. Emphasis in DEIS is on the ROI-wide or county-wide level impacts. ? Nowhere is it clearly addressed that the overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages rather than by overall economic interests within the greater ROI.

On page xviii, Alternative F is characterized as having a "negligible to moderate" adverse impact on small businesses. I strongly disagree with this statement. I believe the negligible to moderate projection is woefully inaccurate and relies on economic surveys that have not yet been published. Furthermore, this material is not expected to be added to the DEIS until after the public comment period has ended. Based upon the economic harm we have already experienced under the consent decree, Dare County projects the economic impact of Alternative F to be substantial. Beach closures have already had a devastating and unfair impact on many Dare County businesses, causing foreclosures, bankruptcies, lay-offs, cutbacks, expensive refinancing, and depleted college funds and savings accounts.

Even businesses whose revenue has stayed level or showed a modest increase have accomplished this at a costly price. Many have had to cut back employee hours, forego much-needed capital improvements, and sacrifice profits. That is certainly the case with Hatteras Realty.

Pages 270-286, 561-598: The socio-economic data and analyses are incomplete and erroneous and result in an understatement of the effect the restrictions will have upon the Island, the region and the state of NC. The US Park Services answer: Businesses will have to "adapt" to the new rules (p.383). The negative economic impacts of the decree ARE KNOWN, so to say that the added restrictions would have negligible to moderate impact is indefensible.

13. Overall Visitor Counts - Overall visitor counts appear to include visitors to Fort Raleigh National Historic Site and the Wright Brothers National Memorial. A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore.

Visitors who patronize the Fort Raleigh National Historic Site and the Wright Brothers National Memorial but do not visit the actual seashore areas need to be factored out. Maintenance of Future Access to Cape Point and South Point Ocracoke: All socioeconomic analyses related to Alternative F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the visitor high season. Under Alternative F, the access corridors will be subject to Resource Closures based on buffers similar or identical to the Consent Decree. Unless some predictability of access to Cape Point and South Point Ocracoke can be assured, economic analyses predicated on assumption of access are fundamentally flawed. Why would a group of surf fisherman want to come to Hatteras Island to surf fish if they are not sure they can access the prime fishing grounds at Cape Point? The answer is they won't come. If they don't come, they don't rent vacation homes and don't spend their money in the stores, shops and restaurants on Hatteras and Ocracoke Islands.

The definition of the Region of Influence (ROI), faulty data on economic activity generated by specific type recreational activity, incomplete visitation/business survey data, inflated overall Seashore visitor counts pertaining to beach use, and flawed key assumptions concerning the maintenance of access under Alternative F, all lead to inaccurate conclusions in the socioeconomic analyses. Specifically, these inaccuracies can be seen as understating the negative socio-economic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses. Neither of these important aspects of the management alternatives are adequately presented in the DEIS.

14. Page 136: I strongly disagree with your pet restriction proposals. The "prohibition of pets in the Seashore during bird breeding season including in front of the villages." = No Pets in public areas - beaches, campgrounds, sound front, foot trails, park maintained roads -from March 15 -July 31.

Hatteras Realty books approximately 13,000 rental weeks for a total of 91,000 rental nights housing approximately 700,000 visitors. The ban on pets to July 31 will seriously hurt the rentals of my vacation homes as our pet homes encompass about 30% of our rentals. I propose allowing pets on 6 foot leashes year-round in all areas open to pedestrians or ORVs. 15. Pages 125; 392 - 396: SEA TURTLES. I disagree with the stats and procedures proposed. I think endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests prone to weather and ocean events to more desirable locations as is done in other state and federally controlled areas which would dramatically increase the nesting success rates. The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast, accounting for about 1% of all turtle nests. Proposed buffer areas are not needed for protection of the turtles and amount to overprotection. 16. Pages 97- 101. I strongly disagree with proposals in this section saying that ORVs will be prohibited year round between ramps 27 and 30, at Hatteras Inlet (Hatteras Spit), Ocracoke Inlet (North Ocracoke Spit) and various other locations. Not allowing ORV access is paramount to denying the public access to these beaches. They are located miles from the nearest parking or paved road area and too far to access on foot. As a matter of course, there has been no breeding of piping plover or other endangered species at the Hatteras Island Inlet (spit) area in the past 6 years. 17. Page 104: I disagree with the proposed night time driving closures. Per your proposals, night driving will be prohibited between May 1 and November 15th, forcing visitors off of the beaches early in the evening and preventing sunrise surf fishermen access in the morning. I propose a more moderate night time ban if the science proves one is absolutely needed, perhaps from June 1 - September 15 with times being 1 hour after sunset and 1 hour before sunrise to allow beach goers to gather their stuff and exit the beach area. There is no direct evidence of ORV nighttime driving and light infraction affecting turtle nesting results. The false crawl ratio at CAHA is not over the 1:1 accepted standard! At CAHA the ratio is below that standard. Proposed "Nest Watches" along with increased signage, education, captive rearing, turtle nest hatcheries and nest relocations in the inlet, spit areas and Cape Point beach shoreline areas, will continue to diminish hypothetical fears of harming nest and false crawl concerns.

NPS must relocate every turtle nest as Pea Island does, to a safe area and well before any storms can destroy the nests. CAHA nest mortality is "catastrophically" 38 % every year. NPS needs a hard look at the failed NCWRC turtle guidelines that are totally inadequate for turtle protection. Using these proposed protection alternatives of nest relocation, captive rearing and hatcheries will accomplish the best results of introducing, back into the ocean the maximum number of hatchlings. The rest is up to Mother Nature.

18. Page 121: I disagree with the proposed beach closings, including pedestrian access from March 15 until July 31 in 8 different beach locations which have traditionally been available. Please leave these areas open to beach walkers, beach shell collectors and those that want to access the beaches in these areas.

Conclusion: Please, incorporate access corridors through any SMA so we can get to the open beach beyond. Incorporate the birds into the count that nest on the nearby spoil islands. Base your buffer zones on peer reviewed science and scale them back to more reasonable distances as discussed. It is neither logical nor reasonable to spend so much time, money and energy to overprotect a bird (Piping Plover) in the Cape Hatteras National Seashore that is on the southernmost fringe area of its breeding ground. That goes for the loggerhead turtle that is in its northernmost breeding area. Let's scale back the buffer zones. You can always increase at a later date.

I thank the USNPS for its efforts in drafting this plan. It certainly has been a Long and arduous process. We all want to protect the natural resources of the Cape Hatteras National Seashore Recreational Area.

However, the USNPS is leaning way over the line on over protection and not enough on the public's right to enjoy the beaches of the National Seashore. The proper balance is not achieved in the propose DEIS and needs to be modified so that the balance of reasonable resource protection and access to the beaches of the National Park is achieved. I could sum it up by saying "Protect, not Prohibit."

Sincerely,

R. Stewart Couch, Owner Hatteras Realty, Inc. WWW.HATTERASREALTY.COM 800-HATTERAS (428-8372) ext. 222

Correspondence ID: 15069 **Project:** 10641 **Document:** 32596
Name: Robinson, Liz
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Although I live far from Cape Hatteras, my brother lives on the east coast and visited the national seashore some years ago. He found he could not enjoy the great beaches because they were open to ORVs except for a few miles. For that reason he has not gone there again. There must be many visitors who had the same experience.
I oppose the "preferred" Alternative F, because it does nothing to redress the imbalance between ORVs and nonmotorized beaches. Only 16 miles would be closed to vehicles year round. That is not enough to let birds and turtles recover, and it is not enough to provide a proper welcome to people who want to enjoy the Hatteras beaches without the presence of vehicles.
I prefer Alternative D because it strikes a balance, allocating half the beach mileage to nonmotorized use all year. It gives the best assurance of bring back the birds and sea turtles, and it will encourage recreational use of the beach by visitors on foot. A fifty-fifty allocation has proven workable at Assateague Island National Seashore. I also favor the recommendation from North Carolina Audubon to provide more foot access routes between the highway and the beach.
I support the proposed permit program and urge that you set numerical limits to how many vehicles would be on the beach at any given time. This has proven effective at Assateague in preventing harm to wildlife habitat.

Correspondence ID: 15070 **Project:** 10641 **Document:** 32596
Name: Smith, Emily
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: I am opposed to the closing of ORV access on the Cape Hatteras Islands. I am a frequent visitor to these islands and may find myself visiting less if access to off-road vehicles is prohibited or greatly reduced. The following is an abbreviated list of why I feel the beaches should remain available to off road vehicles:
? Disabled and wheelchair-restricted people are able to enjoy the beach and ocean and will have restricted access if closings are approved. ? Surf fishing provides a significant amount of income to local communities and will be drastically cut if access is prohibited ? Many of my acquaintances in Virginia have already indicated they will stop going if access is restricted ? The protection of wildlife, although important, does not need to directly interfere with the livelihoods of American citizens; i.e. fishing outfitters, restaurants, groceries, shops, etc that will feel the effects of lower tourism. ? Subchapter LXIII National Seashore Recreational Areas - Aug 17, 1937 - ch. 687, sec. 1, 50 stat. 669; June 29, 1940 -ch. 459, sec. 1 54 stat. 702 When title to all the lands, except those within the limits of established villages, within boundaries to be designated by the Secretary of the Interior within the area of approximately one hundred square miles on the islands of Chicamacomico, Ocracoke, Bodie, Roanoke and Collington, and the waters and the lands beneath the waters adjacent thereto shall have been vested in the United States, said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area: provided, that the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.
This issue is important to many individuals. Those individuals appear to be broken into two different groups, those who support wildlife protection, and those that support a community and lifestyle they would like to see continue. I believe that there can be a solution that weighs in favor of people, while protecting wildlife. Please continue with your decisions with an open mind.

Correspondence ID: 15071 **Project:** 10641 **Document:** 32596
Name: Moore, Patricia J
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Thank you for the opportunity to comment on the DEIS. We understand the months of work necessary to create the document. Cape Hatteras Bird Club appreciated having a seat at the table during the sessions of the Negotiated Rulemaking. The club was characterized as "a user of the seashore". Following is the position of the club as a member of the committee:
Founded in 1988 for "the purpose of the study and enjoyment of birds and nature," the club has expanded its mission from that of a local organization to encompass a state, national and international community of birders who regularly visit Cape Hatteras National Seashore. Through its programs of education and conducted tours, the Club seeks to provide the birding community an opportunity to view many of the several hundred bird species which might be found on the Outer Banks of North Carolina. The privilege of driving on the beach affords the means to search for and share the unique bird species that attract birders to this seashore the year round. The Club supports laws, regulations, and protocols necessary for the reservation, protection, and survival of all endangered and threatened species so that present and future visitors to the National Seashore may continue to study and enjoy them. The above stated position was based upon Article I, Parts 2 and 3, of the By-Laws of the club, as follows:
BY-LAWS OF THE CAPE HATTERAS BIRD CLUB Article I. Part 2 Purpose
2. Purpose: The Cape Hatteras Bird Club promotes the understanding, conservation and enjoyment of wildlife of the Outer Banks and surrounding areas. The club educates members and the general public about the role of birds and other flora and fauna in our coastal area, including the economic and environmental values of birding.
The club supports the preservation and protection of the habitat upon which wildlife depends and encourages international understanding of our unique environment.
3. The club accomplishes its purpose by: ? providing opportunities to observe bird life ? participating in national birding activities such as the Christmas Bird Count ? helping to organize regional programs such as Wigs over Water ? assisting the National Park Service and Fish & Wildlife Service with birding and wildlife-related efforts such as the turtle patrol, bird monitoring, and Pea Island bird walks. ? interacting with like-minded local, state, national, and international organizations. ? cooperating with all federal, state and local authorities, departments and officials in carrying out the laws, rules and regulations promulgated and adopted by such agencies for the protection, conservation and propagation of all birds and other flora and fauna in our coastal area.
In keeping with its position and purposes as stated above, the Club supports protection of the resource with minimum harm to the species in keeping with the best available science. The club's response to the DEIS prefers Alternatives D and F as being the plans that best live up to these expectations. The Club's membership includes birders from not only Hatteras Island, but from north of Oregon Inlet, elsewhere in NC, and 15 other states and Canada. The local membership serve as ambassadors and go-betweens with the country-wide birding population that includes the American Birding Association and clubs from many cities, states, and several countries. The Club receives frequent on-line requests for information and assistance in finding target species, those birds that are new to the observer.
Many of the target species are the birds that are named in the DEIS, so the Bird Club favors plan D as one that will provide adequate study, protection, and habitat year-round for the species listed for the special study and protection: Piping Plover, American Oystercatcher, colonial waterbirds, Wilson's Plover, Red Knot, sea turtles, seabeach amaranth. The Club understands that parts of the seashore be closed as seasonally necessary to allow for successful nesting and fledging of the species that visiting birders come to see.
Preservation of the sought-after species is of benefit to the Island's economy. If those birds or even more rare species can be observed, birders will descend upon the island for a sighting. In August 1994, scores of birders materialized for a look at the rare Antillean Nighthawk that appeared for several days over the Cape Point Campground. More recently the Snowy Plover at south beach, May 2006, created similar excitement and visitation. The Roseate Spoonbills that stopped at Pea Island and then Cape Point in the fall of 2009 also caused great interest.
The bird Club understands a plan is necessary because visitation has increased to the extent that the seashore is being "loved to death," The great increase in the number of visitors and beach vehicles has brought on a confusion that can be solved only with regulations. Change is inevitable; rules and restrictions are necessary. Change must be accepted so that there is an opportunity for all the two million yearly visitors to partake in what they

came for: quiet, sun, a walk, study, enjoyment of wildlife, fishing, swimming, birding, The seashore belongs to ALL visitors, so cannot all be willing to accept that it's EVERYBODY'S beach and that no citizen is an "outsider?" Cannot all be civil and respectful of others and their reasons for visiting the beach?

Because birders benefit from convenient access to the beach, but do not forget that driving there is a privilege, it is important to keep uses of the seashore orderly and compliant with the regulations as set down in Alternative F. The planned routes (except for those through bird breeding habitat), ramps, safety features, pedestrian rights, ORV requirements, speed limits, vehicle numbers, camping rules, pet restrictions, commercial fishing routes, and other parts of F are agreeable to the Club. The Club is quite favorable with a permit system that requires education about the use of a 4 x 4 on the beach. The Club also suggests a fee system similar to most NPS sites throughout the country.

Realize that some birders seek out more wild and remote areas for wildlife viewing, so in any national park, it is important to designate permanent pedestrian-only beaches.

In closing, the Club hopes that the long years of negotiation, study, and planning will culminate in a plan that is amenable in most parts to all of the people, flora and fauna involved in the lengthy years of discussion and confusion. We remind the NPS that it is required to conserve and protect all of the species, as well as other resources and values of the seashore.

Correspondence ID: 15072 **Project:** 10641 **Document:** 32596
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Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Board of Commissioners TomDavis, Chair SharonSpencer,Vice-chair Gene Balance Anson Byrd Ken Collier
COUNTY OF HYDE 30 Oyster Creek Road PO Box 188 SWAN QUARTER, NORTH CAROLINA 27885 252-926-4400 252-926-3701 Fax
Lois Stolesberry InterimCounty Manager Sid Hassen County Attorney
May 11, 2010 Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954 RE: Coalition Position Statement
Dear Superintendent Murray:
The Hyde County Board of Commissioners disagrees with the validity of the economic impact analysis included in the Draft Environmental Impact Statement (DEIS) proposing new rules for access to the Cape Hatteras National Seashore. Economic data provided is outdated, incorrect, and in addition you draw conclusions from the bad data that are unwarranted.
Hyde County strongly supports open and accessible beaches for the Cape Hatteras National Seashore Recreational Area. Consistent with legislation that created America's first National Seashore, we support open access for all citizens and visitors of Hyde County.
Hyde County is very unique in that Ocracoke Village is both a small fishing village and a busy tourism site from May 31 to September 6, with the peak season being July. Ocracoke Island is 16 miles long with Ocracoke Village situated on approximately 600 acres of buildable land. Ocracoke Village provides approximately 50 percent of Hyde County tax revenue although it is home to only 15 percent of the County's population. Limited access to Ocracoke Island beach areas would cause Hyde County economic hardship.
Hyde County has identified four (4) major themes which represent the core of our beliefs on the Draft Environmental Impact Statement (DEIS) for the Cape Hatteras National Seashore Recreational Area, Alternative F. These four issues are by no means the only issues worthy of comment, but do represent the County's main concerns. (see attached)
The four major themes are: 1) CORRIDORS are a vital tool in providing access while managing resources 2) MANAGEMENT BUFFERS must be based on peer-reviewed science 3) NON-ENDANGERED BIRDS should not have same protection as if endangered 4) TURTLE MANAGEMENT would benefit from nest relocation and other practices
Based upon the economic harm felt by Ocracoke Village and Mainland Hyde County under the consent decree, Hyde County believes the economic impact of Alternative F will be substantial.
In conclusion, Hyde County urges the National Park Service to incorporate the provisions outlined in its Position Statement. It is our belief that incorporation of the outlined provisions citizens and visitors of Hyde County will benefit from the long range success for wildlife, and the enhanced visitor experience for those living near the Cape Hatteras National Seashore Recreation Area.
CORRIDORS Corridors are a vital tool in providing access while managing resources. Corridors provide a small path around temporary resource closures in order to provide access to open areas that would otherwise be blocked.
In some instances, corridors can be made through or around closure areas. In other places corridors can be established below the high tide line. Since unfledged chicks are not found in nests between the ocean and the high tide line, this type of pass through corridor would have no negative effect on wildlife and should be established throughout the seashore. In the example below, the visitor's intended recreational area would be accessible only through the small pass through corridor, Without this corridor, the area marked "Open" would, in actuality, be closed, because it is impossible to get there without the corridor.
See Picture attachment
As outlined on pages xii, xvii, and 468 of the DEIS, corridors would only be permitted in Management Level 2 portions (ML2) of Species Management Areas (SMA). In more restrictive Management Level I portions (ML I) corridors would not be permitted at all. Corridors are vital to providing access in a way that does not hinder resource protection. Therefore, Hyde County believes pass through corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area throughout the entire breeding and nesting season.
MANAGEMENT BUFFERS Buffers, or closures, are important management practices for species recovery. However, in order to have long term benefit for the protected species and the visiting public, the buffers must be based on peer-reviewed science. Once established, buffers must be routinely monitored throughout the breeding season to ensure that resources are effectively protected and public access is provided.
The extreme buffers outlined in DEIS pages 121 to 127 must be modified to substantially reduce the minimum 1,000 meter buffer in all directions required in Alternative F for unfledged Piping Plover chicks. Hyde County believes a more appropriate and yet effective buffer is 200 meters.
Ample scientific evidence and precedent exists to support a 200 meter buffer. As part of the NEPA process, Hyde County formally requests the National Park Service to provide peer-reviewed science that justifies a 1,000 meter closure in all directions. Buffers for other species, including American Oystercatchers, Least Terns and Colonial Waterbirds must also be changed. An effective 30 meter buffer should be established for these species rather than the 300 meter closure outlined in the DEIS.
NON-ENDANGERED BIRDS Under the Endangered Species Act (ESA), all endangered species must be protected. However, there is no requirement in the ESA to give non-endangered species the same level of protection. Hyde County believes the National Park Service should re-evaluate its position of giving birds designated only as a North Carolina species of concern, the same protection as those truly endangered. This request is consistent with management practices in other federal parks. The purpose of individual states establishing lists of species of concern is to earmark those for special statewide monitoring and tracking.
The management buffers described in pages 121 to 127 of the DEIS should be modified to allow pre-nesting closures for only endangered or threatened species. This important modification would result in establishing pre-nesting closures exclusively for the Piping Plover, the only threatened bird species in the seashore.
Accordingly, pre-nesting closures are not warranted for the non-endangered and non-threatened American Oystercatchers. Because Colonial Waterbirds do not return to the exact same place for nesting each year, establishing pre-nesting closures for these birds is both unpredictable and unnecessary. Additionally, in monitoring and tracking birds for purposes of determining resource viability, all birds in the same ecosystem of the seashore should be counted. When conducting a bird census of the Cape Hatteras National Seashore Recreational Area, it is imperative to count the many birds on the nearby dredge and spoil islands that are located just yards away and within sight of the seashore. These birds are part of the same ecosystem and should be included.
The following photo taken of Cora June Island, just off Hatteras Village, shows a huge population of birds in early June of 2009. The large birds with black backs are Black Skimmers. The smaller birds to the left are mostly Royal Terns. Cora June Island, a man-made dredge island just 500 meters west of Hatteras Village, is an ideal nesting site as a sheltered island with no predators.

Photo by Donny Bowers ? see appendix

TURTLE MANAGEMENT Hyde County believes endangered sea turtles would benefit from management practices now in use at other federal seashores that are more proactive in efforts to achieve nesting success. This includes relocating nests to more desirable locations as is done in other state and federally controlled areas.

The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations for the southeast. In this area, weather and predators represent the greatest threat to sea turtles. Nesting in the United States occurs primarily in four southeastern states as detailed in the USFWS & NMFS species "Recovery Plan"

North Carolina 1.0 % The northernmost area with the fewest nests South Carolina 6.5 % Georgia 1.5 % Florida 91.0 % Primary area where the most nesting occurs

The Loggerhead Recovery Plan recognizes that, "Historically, relocation of sea turtle nests to higher beach elevations or into hatcheries was a regularly recommended conservation management activity throughout the southeast U.S." (2009, Second Revision, page 52) while the North Carolina Wildlife Resources Commission (NCWRC) sea turtle program currently recommends relocation only "as a last resort."

The National Park Service in page 125 of the DEIS relies upon the approach used by North Carolina Wildlife Resources Commissioner (NCWRC). This contradicts the U.S. Fish and Wildlife Service (USFWS) practice of relocating nests on the Pea Island Wildlife Refuge, located on the north end of Hatteras Island, North Carolina.

By not supporting nest relocation, the Cape Hatteras National Seashore Recreational Area has lost over 46% of the nests laid in the last II years. Meanwhile, South Carolina relocated 40.1% of its nests during 2009, resulting in an incredibly low lost nest rate of only 7.7% making a strong case for the relocation of nests.

The turtle management practices outlined on DEIS pages 125, and 392 to 396 should be modified to allow nest relocation as a tool for species recovery. Statistics compiled Dare County DEIS Position Statement materials - Appendix B - Sea Turtle Management Practices in The Southeast Coastal Region. (attached)

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Correspondence Type: Letter
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In sum, with very limited exceptions, in the last 100 years, on the North Carolina barrier islands, there has been massive loss and degradation of breeding habitat for shorebirds and colonial waterbirds and non-breeding habitat for shorebirds. While long term data do not exist, these extensive habitat modifications would have resulted in the extirpation or significant decline of numerous species from these areas. For example, in Currituck County, piping plovers nested north of the paved road until the late 1980s; likewise, piping plovers once could be observed wintering on the sound shoreline of Nags Head. Due to habitat loss from development and accompanying high levels of recreational disturbance, many of these developed areas, while they may still have a beach, are of very limited value for shorebirds and colonial waterbirds. As the USFWS has noted in the Revised Piping Plover Recovery Plan, the "[d]estruction of beach habitat by residential, resort, and seawall development constitutes irrevocable habitat loss for piping plovers." Recovery Plan at 34.

Even in the areas that are publicly owned, there has been large scale degradation of the extent and quality of shorebird and colonial waterbird habitat. In the DEIS, the NPS notes, as a cumulative impact, "Berm construction under the CCC and subsequent maintenance" and "Continued maintenance of NC-12 and berms," DEIS at 294, but these few words mask the significant adverse impacts to shorebirds and colonial waterbirds caused by stabilization activities in the Seashore. Indeed, in the section discussing stabilization, the adverse impact of the artificial dune at Cape Hatteras is specifically compared to the situation at Cape Lookout, where the USFWS notes that "by contrast, piping plovers nesting areas in 1990 included not only the spits at the current inlets, but several former inlets and large moist sand flats (McConnaughey et al. 1990)" Recovery Plan at 35. In addition, in the recently completed Status Review for the piping plover, the USFWS noted that "[h]abitat loss and degradation on winter and migration grounds from shoreline and inlet stabilization efforts, both within and outside of designated critical habitat, remain a serious threat to all piping plover populations." Status Review at 39.

C. Specific comments on elements of the DEIS affecting all alternatives

I. New ramps

While we support the relocation of Ramp 2 south of Coquina Beach, we object to the construction of new ORV ramps at 32.5, 62, and 64. The establishment of new ramps will create extremely high disturbance areas, increased off-road vehicle impacts and increased human disturbance impacts resulting from off-road vehicle use at sites where habitats are suitable and where shorebirds and waterbirds can and have nested in previous years. The new ramps will only further reduce the habitat available for shorebirds and waterbirds, and further jeopardize these species. We strongly oppose the establishment of new off-road vehicle ramps as they will have localized major adverse impacts to protected species and habitats. In addition, given the vandalism problems that have occurred between Avon and Salvo, we are concerned that additional ramps could increase the chance of illegal activity. Rather than building new ramps for ORV use, we support measures that would increase pedestrian access. First, the NPS should clarify the issue of whether there will be increased parking spaces under alternative D, and support increased parking spaces to facilitate pedestrian access to the Seashore. The summary notes that "[n]o new or expanding parking areas would be provided under alternative D." DEIS at 77. However, in Table 8, the DEIS states that under alternative D, parking areas for non-ORV access would be the "same" as alternative C, and then references Table 7. DEIS at III. In turn, Table 7 provides for new parking, but it is mainly in alternative E or F, not C. DEIS at 97-101. Thus, it is still unclear, even after looking at Tables 7 and 8, what increased parking will be provided. The following steps would increase pedestrian access and should be included in a modified alternative D:

? NPS should increase pedestrian parking on Bodie, Hatteras, and Ocracoke islands, either by expanding existing parking at lots that are often full (such as the Ocracoke Day Use Area), or constructing new parking facilities in appropriate locations. ? The NPS should construct new dune walkovers for pedestrians. Such an approach would allow lower impact pedestrian access to more easily occur at the Seashore, and remove pedestrians from ORV travel areas, reducing the chance of conflicts or safety problems. ? The NPS should provide one or more pedestrian trails from the new interdune road between ramp 45 and 49 to allow pedestrians to walk from the ORV trail to beach locations.

This approach would significantly increase access for lower impact pedestrian use at the Seashore.

2. Species Management Areas The implementation of a 5-year window for the establishment of SMAs will begin at a time when the Seashore experienced the lowest number of nesting shorebirds and waterbirds in the history of the Seashore. This is not adequate to identify SMAs and implement adequate closures for the protection of shorebirds and waterbirds. This will serve only to limit habitats and nesting sites available to nesting shorebird and waterbirds. Pre-nesting closures and mandatory SMA status should be applied to all areas used by shorebirds and waterbirds in two or more of the previous 10-year period. The SMAs should include the sites listed below and all other areas used by shorebirds and waterbirds in two or more of the previous 10-year period.

The DEIS lists 10 SMA areas. DEIS at 64. We support the concept of an SMA, as it highlights areas where shorebird and colonial waterbird breeding is most likely. However, in certain instances, the DEIS does not supply boundaries that are consistent with the provided definition of breeding locations. In addition, the NPS should be able to designate SMAs in areas where habitat quality is high, even if there has not been recent breeding activity, perhaps because of high disturbance levels. Based on breeding history and habitat quality, we have the following modifications to the specific SMA areas: ?

"Bodie Island Spit: 0.2 miles south of ramp 4 to inlet" DEIS at 64. With the increase in the quality of nesting habitat just south of Ramp 4 due to the erosion of the dunes, and the nesting of American Oystercatcher in the area in 2009 and 2008, the SMA boundary should be modified as follows (additions underlined, deletions struck out): "Bodie Island Spit: (start habitat 0.1 (end underlined) (cross out 0.2) miles south of ramp 4 to inlet." ? "New Ramp 32.5 to ramp 34" DEIS at 64. While we support the establishment of an SMA in this area, we disagree, for the reasons stated above, that a new ramp should be constructed in this area. Therefore, the language should be modified as follows (additions underlined, deletions struck out): "(start underlined) From mile marker (end underlined) (deleted New Ramp) Ramp 32.5 to ramp 34." ? "Approximately 1.7 miles south of ramp 38 to north boundary of Buxton" DEIS at 64. Based on American Oystercatcher nesting, this area could qualify as an SMA. However, the boundaries could be modified slightly to move the border north from Buxton as follows without impacting nesting activity (additions underlined): "Approximately 1.7 miles

south of ramp 38 to (start underline) .15 miles north (end underline) of the north boundary of Buxton." ? "South Beach: ramp 45 to new ramp 47." We agree that the listed area merits designation as an SMA, due to use by breeding piping plover, American oystercatcher, and least tern. However, for the reasons listed above, we object to the construction of a new interdune ramp 47 (and 48) to the beach. "South Beach: ramp 45 to (cross out new ramp) mile marker 47." ? "Hatteras Inlet Spit: Ocean Shoreline south of the Pole Road to soundside of inlet." We agree this area should be an SMA, based on breeding by colonial waterbirds, American oystercatcher, and historical breeding by piping plover. However, the designated area does not include habitat to the east (towards Hatteras village) that has been used by American oystercatcher and least terns. In addition, the utilized nesting habitat is not only the "shoreline" but also the backshore and dune areas. Therefore, the language should be modified as follows (additions underlined, deletions struck out): "Hatteras Inlet Spit: Ocean Shoreline (start underline)and backshore beach, and dunes .68 of a mile west (end underline) (delete south) of Ramp 55 (cross out the Pole Road) to soundside of inlet." ? "North Ocracoke Spit: Inlet to .25 miles northeast of ramp 59." Based on existing habitat quality, the SMA should start at ramp 59, rather than extending east of the ramp. Therefore, the language should be modified as follows (additions underlined, deletions struck out): "North Ocracoke Spit: Inlet to (crossed out .25 miles northeast of) ramp 59." ? "South Point (Ocracoke): 0.5 miles southwest of ramp 72 to inlet." Based on existing habitat quality as well as use by American Oystercatcher this year, the SMA boundary should be extended east. Therefore, the language should be modified as follows (additions underlined, deletions struck out): "South Point (Ocracoke): 0.2 (cross out 0.5) miles west (delete south)of ramp 72 to inlet."

In addition, the DEIS does not adequately address non-breeding shorebird SMAs. The DEIS, at Table 10, has four paragraphs that are devoted to non-breeding shorebird SMAs. DEIS at 121 and 124. Because of the critical importance of these areas to meeting the stated goals of the DEIS as well as meeting the Seashore's statutory, regulatory, and policy provisions, we are reproducing these provisions in full in the text below. We will suggest specific modifications to the provisions, using underlines to show language additions and strike outs to show deleted language, and then provide a discussion of why these provisions should be changed as requested.

"Nonbreeding Shorebird SMA: Area of suitable nonbreeding habitat that has had (cross out concentrated) foraging or (start underline)roosting/resting (end underline) by migrating/wintering shorebirds in more than 1 (i.e., 2 or more) of the past 5 years and is managed to reduce human disturbance during the nonbreeding season. This may include portions of breeding SMAs that provide suitable nonbreeding habitat during periods of overlap between the breeding and migrating season and designated non-ORV areas that are set aside to provide pedestrians with the opportunity for a natural beach experience. (start underline)The following areas have been initially designated as Non-breeding SMAs:

? Bodie Island Spit: 0.1 miles south of ramp 4 to inlet. ? 1 mile south of ramp 23 to one mile north of ramp 34. ? 0.2 mile northwest along the shoreline from Cape Point to ramp 49, including Cape Point Interior. ? Hatteras Inlet Spit: Ocean Shoreline and backshore beach, and dunes .68 of a mile west of Ramp 55 to soundside of inlet. ? North Ocracoke Spit: Inlet to 1 mile west of ramp 59. ? South Point (Ocracoke): 0.2 miles west of ramp 72 to inlet." (end underline)

Our first suggested change is to remove the word "concentrated" from the description. With rare species such as piping plover, relative low numbers will be found at most sites. For example, in the 2001 International Piping Plover Winter Census, of the 118 sites where piping plover were found, 56.8% contained 1-10 birds (Ferland and Haig 2002). The word "concentrated" could be used as a reason not to protect certain important non-breeding sites at the Seashore.

Second, the SMA language should be amended to add "or roosting/resting" to the habitat types that are protected in SMAs. Protecting only feeding habitats is inadequate. The two habitats are not necessarily the same; indeed, some of the highest quality feeding locations at the Seashore are under water at high tide and unavailable for use. Piping plovers during the winter can spend a significant percentage of their time roosting, so this important behavioral activity also must be protected.

Third, the FEIS must designate specific non-breeding SMAs, rather than leaving this important process to some later date. The Seashore is one of the most significant sites for migrating and wintering shorebirds on the Atlantic coast of North America. In addition, as noted by the USFWS, survival during the nonbreeding season plays a critical role in determining whether the population is increasing, stable, or decreasing. The NPS should identify and designate these areas in the FEIS, rather than leaving their designation to some future process that is not subject to public review and comment and not part of the rulemaking. Accordingly, we propose an initial designation of six nonbreeding SMAs at the Seashore, based on use by migrating or wintering shorebird species, migrating colonial waterbirds, and habitat quality. The DEIS (p. 124) provides the following additional information regarding the process for designating non-breeding SMAs. We will suggest specific modifications to the provisions, using underlines to show language additions and strike outs to show deleted language, and then provide a discussion of why these provisions should be changed as requested. All Species: Nonbreeding Shorebird SMAs are (delete will be) established and managed to reduce disturbance of migrating/wintering shorebirds at various locations throughout the Seashore. Such closures will be installed no later than when breeding season closures are removed at the same location(s), or by July 15 if the location does not have a breeding season closure. Pets will be prohibited within Nonbreeding Shorebird SMAs as well as the corridor to Cape Point and South Beach.

START CROSSING OUT LANGAUGE: Points and Spits: An annual habitat assessment will be conducted after all birds have fledged from the area. Nonbreeding resource closures will be established at the points and spits based on habitat used by wintering piping plovers in more than one (i.e., two or more) of the past 5 years, the presence of birds at the beginning of the migratory season, and suitable habitat types based on the results of the annual survey. This may include non ORV areas as well as areas closed to all recreational use. Actual locations of suitable foraging and roosting habitat may change periodically due to natural processes. Access to the inlet shorelines, where permitted, will be maintained by a corridor to be determined by NPS staff based on the annual habitat assessment.

Ocean Shoreline Areas: In addition to the nonbreeding resource closures at the points and spits described above, the NPS will establish non ORV areas along the ocean shoreline that will provide relatively less disturbed foraging, resting, and roosting areas for migrating and wintering shorebirds. These may include wider sections of beach with an upper beach ORV corridor that has a buffer of at least 50 meters above the high tide line, and/or sections of beach that have been designated as non ORV for other reasons, such as to provide pedestrians with opportunities for a natural beach experience. The following activities are generally compatible with migrating/wintering shorebird use of these areas: pedestrian access for fishing, beach walking, bird watching, kayaking, kiteboarding, paddleboarding, photography, picnicking, sailing, shelling, stargazing sunbathing, surfing, swimming, wildlife viewing, windsurfing, and commercial fishing due to the relatively low number and frequency of occurrences. If resource protection staff determines that any single activity or collection of activities is negatively impacting shorebird use of a specific location, the NPS may implement additional restrictions on compatible activities. The location(s) of all ocean shoreline Nonbreeding Shorebird SMAs will be subject to periodic review." END

CROSSED OUT LANGUAGE

Non-breeding SMAs will be re-evaluated and re-designated every 3 years, or after a hurricane, tropical storm, or extra-tropical storm that significantly modifies habitat quality or quantity.

The reasoning for these changes is as follows. Some non-breeding SMAs could be installed in areas where there are not breeding closures; in this event non-breeding SMA management would go into effect by July 15. Since we recommend specific areas where nonbreeding SMAs are to be designated, we have removed the additional language regarding "Points and Spits" and "Ocean Shoreline Areas." Instead, we have indicated that, similar to breeding SMAs, there will be a periodic re-evaluation process that occurs after a certain time period or after storms. We have shortened that period to 3 years, due to how quickly habitat changes can occur at the Seashore. For example, at the east end of Ocracoke, due to accretion, the quality of the habitat for non-breeding piping plovers has increased significantly in the last three winters, and the level of use by piping plovers has increased. If a 5 year period were used instead, we would be concerned that emergent, high quality habitats from natural accretion may not be protected from disturbance until after several years pass, due to the long review window.

We support the provision that indicates that pre-nesting closures "would be adjusted to the configuration of the Nonbreeding Shorebird SMAs for the respective sites if no breeding activity is seen in the area by July 31, or 2 weeks after all chicks have fledged, whichever comes later," with an important modification that the date should be August 15, rather than August 31, to address nesting by black skimmers, as discussed below. I-laving a seamless transition between breeding and non-breeding protections is critical to ensure that migrating and early arrival wintering birds receive adequate protection from disturbance during the high visitation period of August and early September. There should be no gap between the time at which the breeding protections are taken down and the time the non-breeding protections are implemented at a site.

Based on these criteria, non-breeding SMAs should be established at the following areas:

? Bodie Island Spit: 0.1 miles south of ramp 4 to inlet, including all moist soil habitats, soundside intertidal areas, and adjacent dry sand resting/roosting habitats. This area merits designation due to its use by migrating and wintering piping plovers (Critical Habitat NC-1), red knots, and many other

shorebird species.

? 1 mile south of ramp 23 to 1 mile north of ramp 34. This area merits designation due to its use by migrating and wintering Willet, sanderling, black-bellied plover and many others.

? 0.2 mile northwest of Cape Point to ramp 49, including Cape Point interior. This area merits designation due to its use by migrating and wintering piping plover (Critical Habitat NC-3), red knots, and many other species of shorebirds, and the area can be used by several species of migrating terns during spring migration.

? Hatteras Inlet Spit: Ocean Shoreline and backshore beach, and dunes .68 of a mile west of Ramp 55 to soundside of inlet. This area merits designation due to its use by migrating and wintering piping plover (Critical Habitat NC-4), including birds from the endangered Great Lakes breeding population and many other shorebird species.

? North Ocracoke Spit: Inlet to 1 mile west of ramp 59. This area merits designation due to its use by migrating and wintering piping plover (Critical Habitat NC-4), including birds from the endangered Great Lakes breeding population, red knot and many other shorebird species. ? South Point (Ocracoke): 0.2 miles west of ramp 72 to inlet, excluding a 100 foot corridor as discussed in Section IV.D. 4 below. This area merits designation due to its use by migrating and wintering piping plover (Critical Habitat NC-4), including birds from the endangered Great Lakes breeding population. This area is also the most important area in the Seashore for red knots. This area is also used extensively by other shorebird species and colonial waterbirds, common tern, black skinner, and American oystercatcher, and piping plover. Alternative A provides insufficient protections for migrating and wintering shorebirds, including the threatened piping plover and candidate red knot as well as other species. Key management terms are undefined, allowing the Seashore to open high quality migratory and wintering habitats to ORV use. For example, in the winter of 2009-2010, a vehicle corridor was opened to the "Bait Pond" at Bodie Island Spit. This area, which is included within the USFWS wintering range critical habitat for piping plover, is very high quality feeding habitat - as implicitly recognized in the 2008-2009 winter, when NPS closed this area to ORVs - yet the next year, the area was opened. In addition, at all the major wintering locations for piping plovers, the ocean shoreline is open to ORV use, resulting in significant disturbance to piping plovers that are using this habitat. Night driving is unrestricted in Alternative A, resulting in risk of disturbance and take for nesting adults, sea turtle nests, and hatchlings. No areas of the Seashore are formally designated as closed year round to vehicles, resulting in excessive recreational conflicts between pedestrians and ORVs. NPS has appropriately rejected this alternative.

C. (start underline)Alternative B: Interim Plan "No Action" Modified by the Consent Decree (end underline)

Alternative B would continue current management under the interim species protection plan as modified by the consent decree. Presented as a "no action" alternative, this alternative is not a true no action alternative because it continues ORV use that is currently prohibited. This alternative provides better protection to breeding shorebirds, colonial waterbirds, and sea turtles, but does not designate routes and areas for ORV use, designation of areas where ORVs would be prohibited for pedestrian use, and other components of an ORV plan. Alternative B provides insufficient protection for nesting shorebirds and colonial waterbirds. This alternative allows extensive areas of ORV use during the shorebird breeding season, and depends on monitoring in these areas for the areas to be closed. If monitors do not quickly detect breeding activity, there is the risk of abandonment or take of nests or chicks. Breeding season closures of key nesting areas to ORVs would provide increased protection, and reduce monitoring costs. Alternative B also provides insufficient protections for migrating and wintering shorebirds, including the threatened piping plover and candidate red knot as well as other species. In addition, at all the major wintering locations for piping plovers, the ocean shoreline is open to ORV use, resulting in significant disturbance to piping plovers that are using this habitat. Night driving restrictions are not adequate to protect nesting sea turtles that come ashore to nest before 10 pm when the closure goes into effect, raising risk of take, and insufficient protection for sea turtle nests and hatchlings, due to the possibility that nests could be missed due to ORV tire tracks eliminating sea turtle crawls before the nesting areas can be protected by the turtle patrols. Finally, this alternative does not designate adequate areas closed year round to ORVs, resulting in excessive recreational conflicts between pedestrians and ORVs. The consent decree was an important improvement over the prior management of the Seashore. However, the management measures are interim protections until a final comprehensive ORV plan is put in place. NPS has appropriately rejected this alternative.

D. (start underline)Action Alternatives (end underline)

NPS includes four "action alternatives" in the DEIS. Alternative C "Seasonal Management" designates seasonal and year round ORV routes, with a seasonal focus. It closes the fewest miles of the Seashore, 11.9, to ORV use. Alternative D "Increased Predictability and Simplified Management" designates year round ORV routes that could be closed during the breeding season. Alternative D is identified as the environmentally preferred alternative and closes 40.8 miles to ORV use. Alternative E "Variable Access and Maximum Management" would provide combinations of ORV and pedestrian access to areas of the Seashore with increased facilities for access. ORV corridors would be established to Cape Point and two spits, which could be closed during the breeding season through intensive monitoring of bird activity. Alternative E would close 14.5 miles year round to ORV use. Alternative F "Management Based on Advisory Committee Input" is identified as the preferred alternative would provide a mix of year round and seasonal ORV areas and pedestrian only areas. ORV use would be allowed to Cape Point and South Ocracoke, which could be limited by breeding bird activity. Hatteras Spit and North Ocracoke would have pedestrian access, and Bodie Spit would have pedestrian access during the breeding season and ORV access the remainder of the year. Alternative F would close 16 miles of the Seashore to ORV use year round.

All of the action alternatives in the DEIS designate substantially more miles of ORV routes on Cape Hatteras National Seashore than the five Atlantic Coast national seashores with ORV regulations combined. Cape Cod, Fire Island, Assateague, Cumberland Island, and Cape Canaveral National Seashores combined have 150 miles of beach and 26 miles of designated ORV routes, and these areas could be closed seasonally in response to wildlife protection needs. Preferred Alternative F would designate 52 miles of the 68 miles of Cape Hatteras National Seashore as ORV routes, or twice the area of the other five Seashores combined. Even environmentally preferred Alternative D would designate 27.4 miles for ORV use, more than the other five Seashores combined. As discussed above, a true no action alternative of no ORV use must be developed to at a minimum provide an appropriate baseline for assessing the environmental impacts of action alternatives. As discussed later, more areas of the Seashore should be designated for non-ORV use than in preferred Alternative F to accommodate the vast majority of visitors who do not come to the Seashore to drive on the beaches.

The DEIS accurately notes that the Seashore provides habitat to several endangered, threatened and protected species and states "NPS is required to conserve and protect all of these species, as well as other resources and values of the Seashore. The use of ORV's must therefore be regulated in a manner that is consistent with applicable law, and appropriately addresses resource protection (including protected, threatened and endangered species). DEIS at ii. The DEIS further states that Preferred Alternative F meets the objective to "[p]rovide protection for threatened, endangered, and other protected species (e.g., state listed species) and their habitats, and to minimize impacts related to ORVs and other uses as required by laws and policies" only "to a large degree." DEIS at xxxiii. If Alternative F remains the preferred alternative, NPS must explain in the final EIS how it can authorize a plan that "largely meets" but does not fully meet the legal requirements for species protection.

I. Alternative C: Seasonal Management

Although the prohibition on ORVs at Cape Point and the spits during the breeding season would benefit nesting shorebirds and colonial waterbirds, this alternative has several shortcomings that lead us to recommend against it. This alternative provides insufficient areas that are closed to ORVs for the entire year (11.9 miles), resulting in excessive recreational conflicts between pedestrians and ORVs and insufficient protection for migrating and wintering shorebirds from ORV-based disturbance at key habitats in the Seashore. Adverse impacts would occur to multiple species, including the threatened piping plover, candidate red knot, and other species that use the beach intertidal zones such as sanderling, dunlin, and black-bellied plover. In addition, the use of ML 1 pedestrian closures for the entire breeding season at certain locations, unnecessarily restricts pedestrian access when a more finely tailored management approach would allow pedestrian access for a longer period while still providing adequate protections for nesting birds. Finally, the lack of limitations on ORV carrying capacity (other than a one-deep parking configuration) results in unacceptable impacts to resources and recreational conflicts.

2. Alternative E: Variable Access and Maximum Management

This alternative includes management measures inadequate to prevent harm and harassment of wildlife on the Seashore. It provides insufficient protection for breeding shorebirds and colonial waterbirds, including allowing ORV use in locations/periods when it should not be allowed (such as Bodie Island spit during the breeding season) and allowing an "ORV corridor with pass-through zone." It provides inadequate protection for migrating and wintering shorebirds from ORV based disturbance at key habitats in the Seashore. Adverse impacts would occur to multiple species, including the threatened piping plover, candidate red knot, and other species such as sanderling, dunlin, and black-bellied plover. The adverse impacts would be increased significantly over Alternative C, due to the earlier opening time (September 1 rather than October 15). Alternative E provides insufficient protection for nesting sea turtles, including allowing ORV use before 10 pm at night, allowing camping at spits and points, and allowing opening at 6:00

am, raising concerns that nests could be missed. The use of ML 1 pedestrian \ closures for the entire breeding season at certain locations is unnecessary when a more finely tailored management approach would allow pedestrian access for a longer period while still providing adequate protections for nesting birds. Finally, this alternative provides insufficient areas that are closed to ORVs for the entire year (14.5 miles), resulting in excessive recreational conflicts between pedestrians and ORVs.

3. Alternative F: Management Based on Advisory Committee Input (Preferred Alternative)

Alternative F is an improvement over Alternative E, but would still allow unacceptable adverse impacts to shorebirds and waterbirds and would not designate adequate areas of Seashore beaches that are year round free of ORV use, both for pedestrians and wildlife. Alternative F does not adequately protect migrating and wintering shorebirds from ORV based disturbance. High quality shorebird habitats at the Seashore, including Bodie Island spit, Cape Point/South Beach, portions of Hatteras Inlet Spit, .25 of a mile of the east end of Ocracoke, and an areas of South Point on Ocracoke would be open to ORV use under this alternative. a. ORV-free areas for non-breeding shorebirds

Instead of protecting from ORV based disturbance an adequate amount of specific key areas for non-breeding shorebirds, Alternative F proposes to protect the following 8.3 miles: ? Ramp 23 to Ramp 34: 1.5 mile floating shoreline ORV closure area. DEIS at 97-98. ? Ramp 27 to Ramp 30: no orvs for this 2.2 mile segment. DEIS at 98. ? Ramp 45 to Ramp 49: 1.5 mile floating no ORV area, with a new Ramp 47. DEIS at 99. ? South of Ramp 55: 1 mile closed to ORVs. DEIS at 100. ? North of Ramp 59: 1.1 mile closed to ORVs. DEIS at 100. ? South of ramp 72: 1.0 mile of floating ocean shoreline area with area "bypassed via the ORV corridor on the upper beach."

The amount of area protected from ORV use for non-breeding and migratory shorebirds is inadequate and key areas are excluded. For example, high quality habitat at Bodie Island Spit, identified by USFWS as wintering range critical habitat for the piping plover, would, depending on when breeding activity stops, potentially be open to ORVs from August 1 to March 14, with all the resulting direct and indirect adverse impacts of human disturbance. In addition, the purported protection benefits of the 8.3 miles that are not open to ORVs are significantly undermined by the following provisions. First, at Hatteras Inlet Spit, despite one interdune road that already exists that ends very close to Hatteras Inlet, the alternative F mandates the construction of yet another new "interdune" road "extending southwest and northeast of the south end of Pole Road established to provide access to False Point and Inlet." DEIS at 100. It is unclear where this road would be placed, as the distance between the existing pole road and the high tide line in this area is as narrow as 30 yards. In effect, what could occur is that the intertidal area would be closed to vehicles, but vehicles would be allowed to drive just a few yards away through high quality resting habitat, resulting in ORV disturbance. In addition, this new interdune road would allow large numbers of ORVs to quickly and easily reach this remote location in ORVs that could park just a short distance from the ocean, which could allow high levels of pedestrian disturbance in high quality feeding and resting habitats. 9 Hatteras Inlet Spit has had observations of two piping plovers from the endangered Great Lakes breeding population, and is designated by the USFWS as wintering range critical habitat for the piping plover. Second, at the east end of Ocracoke, high quality ocean intertidal shorebird habitat would be open to ORVs for .25 of a mile northeast of ramp 59 as well as .25 of a mile south of ramp 59.

(start footnote)In this paragraph, and the next paragraph, we raise concerns about pedestrian impacts. This is not because we generally are opposed to pedestrian use of areas. Rather, the NPS should monitor the impacts from this use, and if high levels of disturbance occur due to growth in visitation, additional management changes may be necessary. We note, for instance, that in the 3 mile area SMA that the Seashore proposes for Ocracoke Inlet Spit, 780 vehicles could be using the area at the DEIS carrying capacity of 260 vehicles/mile. If each of those vehicles had only 2 people, that would result in 1,560 people in a 3 mile area, which would result in adverse impacts. While such a high level of use may not currently occur, the historical rate of growth has shown significant increases, so the DEIS should disclose the effects of what is authorized under the plan.(end footnote)

DEIS at 100. The intertidal beach in this area is a known feeding location for piping plovers. In addition, the Seashore proposes a new "interdune" road "established parallel to the beach extending from ramp 59 for 0.3 mile northeast toward the inlet, with parking at the terminus." DEIS at 100. This new interdune road would allow large numbers of ORVs to quickly and easily reach this remote location and park just a short distance from the ocean, allowing high levels of pedestrian disturbance in high quality feeding and resting habitats. As with Hatteras Inlet Spit, this location has had an observation of a piping plover from the endangered Great Lakes breeding population, and is designated by the USFWS as wintering range critical habitat for the piping plover.

Another concern is the lack of criteria in this alternative for the proposed "floating" shorebird closures between ramps 23 to 34 and 55 to 59 totaling 3 miles. Instead, there is vague language that allows almost unlimited discretion on the part of the NPS where the floating closure is placed. DEIS at 121 and 124. This open-ended language allows the floating closures to be placed in low or moderate quality habitats, rather than high quality habitats.

We have experience with the implementation on non-breeding closures under the Interim Plan, and the experience is mixed at best, with some areas of high quality habitat being closed, and other areas being open. In some cases, a full component of high and low tide habitats were not protected, resulting in disturbance during certain parts of the tidal cycle. For example, at the east end of Ocracoke, high tide roosting habitat often was fully open to ORVs, as the nonbreeding closure occupied the north side of the spit, and this area frequently flooded - thus not being suitable for high tide roosting habitat.

While this closure protected low energy, low elevation sound side feeding habitat, it did not protect the higher elevation areas where piping plovers likely roosted during high tide periods, which were inside the area open to ORVs.

In addition, there could be variation in the closures between years, but not in a manner that was based on habitat quality. For example, in the 2008-2009 winter, areas on the northeast of the "bait pond" were closed to ORVs. However, during the 2009-2010 winter, the NPS allowed an ORV corridor to be placed through this high quality feeding habitat. A corridor in this area was particularly inappropriate, given that the southeast side of the bait pond was going through vegetative succession, which reduced its value as feeding habitat, and increased the importance of the northeast corner even more. We are skeptical that the provisions in alternative F are sufficient to ensure that the NPS actually will select the high quality habitat to protect. Instead, as has occurred time and again, we will hear howls of protests to the Seashore from a vocal minority of beach drivers, the Seashore will cave to the political pressure, and the natural values of the Seashore will be impaired.

In sum, Alternative F consistently places recreation ahead of natural resource protection where conflicts exist. Alternative F fails to provide adequate and specific habitat free of ORV use to protect wintering and migratory shorebirds and fails to prohibit ORV use on an appropriate area to protect wintering and migratory shorebirds. Alternative F fails to provide timely protection for breeding colonial waterbirds which jeopardizes their ability to establish nesting sites and nest successfully. Alternative F fails to provide adequate protection for federally-listed sea beach amaranth, other native plants, and natural plant communities. Alternative F subscribes to the notion that the only way to experience Cape Hatteras National Seashore is from an off-road vehicle, which is a recreational pursuit of a minority of seashore visitors. Alternative F confines visitors who wish to experience the Seashore without vehicle and vehicle impacts to a few locations that will be overcrowded during many months of the year and provides no area for pedestrian only use where a visitor can experience the Seashore without vehicles on the landscape. As discussed below, a modified version of Alternative D can accomplish these objectives.

b. Cumulative impacts of Alternative F

Given the known adverse impacts to breeding shorebirds and colonial waterbirds from the proposed recreational activities, when combined with the adverse cumulative impacts from development and stabilization efforts, we disagree with the accuracy of the conclusion in the cumulative impacts analysis for Alternative F. It states:

The cumulative impacts were deemed to be minor to moderate adverse in the plan/EIS impact analysis because large declines in population numbers would not result and sufficient population numbers and functional habitat would remain to maintain a sustainable population in the Seashore. Some negative impacts to feeding, reproduction, resting or other factors affecting local population levels may occur and may result in harassment, injury, or mortality to one or more individuals. However, sufficient population numbers and functional habitat would remain to maintain a sustainable population in the Seashore. Therefore, the piping plover impacts would not result in impairment.

DEIS at 360. This conclusion fundamentally fails to acknowledge the significant adverse biological impacts of development, stabilization, and recreational activity on the piping plover, as well as other shorebirds and colonial waterbirds, at the Seashore.

Cumulative impacts under Alternative F would be major adverse and will result in impairment as defined according to NPS Management Policies 2006: when an impact "would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values." Alternative F would result in cumulative impacts to several species, including:

American Oystercatcher

The requirement for establishment of SMAs for this species should not require multiple nests or breeding pairs for this solitary nesting species. This will result in no designation of SMAs for American oystercatchers because they do not nest in groups of two or more breeding pairs. Cumulative impacts

under Alternative F would be major adverse and will result in impairment as defined according to NPS Management Policies 2006: when an impact "would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values."

Seabeach Amaranth

The cumulative impacts of Alternative F will likely prevent the re-establishment of this species on the Seashore where it was once abundant. If the species is re-discovered on the Seashore, it will not be able to persist or recover under Alternative F due to off-road vehicle use. While the species may be afforded some protection during germination if it occurs within shorebird-waterbird nesting areas, it is not afforded adequate protection under Alternative F during other critical stages of its life cycle. The species is not allowed to senesce naturally under this Alternative and any seeds produced from plants within shorebird-waterbird nesting areas will be subjected to extensive off-road vehicle use thereby threatening their ability to survive and germinate in the following season. In addition, providing protection for this species where it has occurred in the past 5 years will ensure that the species will likely never be allowed to recover on the Seashore.

Off-road vehicle use is a significant threat to federally threatened Seabeach Amaranth. The Seabeach Amaranth (*Amaranthus pumilis*) 5-year Review: Summary and Evaluation lists off-road vehicles as a significant threat throughout the document. Seabeach Amaranth occurrence is greatly reduced, often absent, in areas with off-road vehicles. Furthermore, off-road vehicles allow more people to get to remote areas of the Seashore which increases destruction from both trampling and off-road vehicle use.

The plant is sometimes found within posted shorebird-waterbird nesting areas, but the removal of symbolic fencing following nesting jeopardizes seed production and the sustainability of the local population of the species. The seabeach amaranth 5-yr Review states: The impacts of beach driving on seabeach amaranth depend on the extent of driving, seasonal restrictions, the extent of fencing, and the configuration of the specific beach... Lea, et al. (2003) believe that ORV use may act as a population sink for seabeach amaranth in that seeds disperse into the ORV use area but are typically unable to germinate and develop into mature seed producing plants because of constant disturbance. Beach driving, in general, prevents the establishment of any vegetation (William McAvoy, DE Natural Heritage Program, pers. comm., 2006).

Most fencing intended to protect shorebird areas is removed after the nesting season; generally Labor Day. This allows seabeach amaranth the opportunity to produce some seeds, but it does not allow them time to produce as many seeds as they would if they were allowed to senesce naturally, later in the fall. Staff at Cape Hatteras National Seashore has noticed an increase in the number of vehicles on the beach in recent years.. Alternative F will not allow for the recovery of this species on the Seashore and will result in impairment of this federally-listed species. The cumulative impact of Alternative F on this species is no less than major adverse as defined in the DEIS.

Invertebrates are vital to breeding and non-breeding shorebirds. Off-road vehicle use can also jeopardize the prey base for shorebirds, as well as the availability and access to foraging habitat for shorebirds. Vehicle use on beaches reduces wrack that harbors invertebrate prey important for shorebirds, especially Piping Plovers and others. Populations of invertebrates found on ocean beaches, which are a source of food for shorebirds like Red Knot, Piping Plover, American Oystercatcher, Whimbrel, Willet, Black-bellied Plover, Ruddy Turnstone, Sanderling and others, have been documented to be significantly reduced by off-road vehicle use. ORV use on Cape Hatteras National Seashore significantly jeopardizes invertebrate prey for shorebirds on all beaches where off-road vehicle use is heavy (>75 passes). In doing so, it jeopardizes those species that depend on this prey base for survival during breeding, migration, and winter.

c. Inadequate protections for colonial waterbirds Initiation of pre-nesting surveys on May 1 is too late to adequately detect breeding activity for colonial waterbirds. This will likely result in abandonment of otherwise suitable nesting areas resulting from off-road vehicle use and the associated human disturbances before colonies become established. It is clear, and has been demonstrated in other areas along North Carolina's coast, that initiation of nesting activities by colonial waterbirds can begin prior to May 1. Data from Pea Island National Wildlife Refuge and other mid-Atlantic sites indicate clearly that colonial waterbirds arrive prior to May 1.

Ending pre-nesting surveys on July 15 will not allow the detection of late-forming colonies of terns and skimmers. This also further limits habitat available for these species and results in short and long-term impacts. Reopening areas with suitable habitats for nesting Black Skimmers on July 31 could prevent this species from establishing colonies and jeopardizes nesting and nesting habitat availability for this species. Black Skimmers can and regularly do initiate nesting during the month of August. Alternative F allows pedestrians in the narrow corridor of Bodie Island spit where the best nesting habitat exists and where nesting is highly likely to occur, and it allows vehicles after July 31st, which will jeopardize nesting Black Skimmers. Implementation of Alternative F will prevent otherwise suitable habitat from being utilized by nesting waterbirds in areas open to off-road vehicles. It will have direct impacts that will limit nesting areas that are available to these species and it does not provide for adequate, timely detection of breeding activities and the subsequent protection of nesting areas. Implementation of Alternative F will result in depressed populations of these species and failure to recover these species.

d. Impairment of piping plover populations

The DEIS states that overall impacts "would be long-term moderate and beneficial for piping plovers." DEIS at 359. We disagree with this conclusion for the following reasons. First, we are concerned that the analysis of the various alternatives is hindered by the failure of the DEIS to include a true no-action alternative that does not allow ORV use on the Seashore beaches. While a proposed alternative F may, in the analysis, be considered to have benefits that are "greater" when compared to Alternative A, it is only because there are so many problems with the permissive management approach toward ORVs, which in turn created numerous adverse, significant impacts. Almost any alternative would be considered "beneficial" when compared to such a low standard.

Second, we disagree with the accuracy of the conclusion that the benefits under alternative F would be "long term moderate and beneficial for piping plovers." DEIS at 359. But for the implementation of adequate protection measures for non-breeding piping plovers, there clearly would be major adverse impacts to non-breeding piping plovers, based on the NPS definitions. DEIS at 321-322. Adverse impacts from ORV based disturbance would be "detectable" and would be "outside of the natural range of viability," given existing high levels of ORV use at Bodie Island Spit, Cape Point/South Beach, Hatteras Inlet, and Ocracoke Inlet Spit. Also, "frequent responses by some individuals to disturbance to feeding ... or other factors [resting] resulting in a decrease in Seashore population levels ... " would be observable. Impacts would occur "in key habitats in the Seashore," may result in direct mortality, and would result in "loss of habitat."

Thus, the remaining question is whether the management measures under alternative F adequately mitigate for known adverse impacts from ORV use. We conclude they do not, as under Alternative F, intensive levels of ORV use could continue at high quality habitat areas used by non-breeding piping plovers at Bodie Island Spit, Cape Point/South Beach, part of the east end of Ocracoke, and South Point. We acknowledge that alternative F proposes shoreline closures for 1 mile at South Point and 1.5 miles at South Beach, but there is no guarantee, from the vague and discretionary language in the DEIS, the closures actually will be located in what is high quality habitat in those locations, as opposed to lower value habitat. With the corridors that are proposed, there could be repeated disruption of feeding and resting behaviors of nonbreeding piping plovers. Moreover, as discussed above, the prior location of non-breeding closures on the ground - including an ORV corridor through high quality feeding habitat on Bodie Island Spit in the 2009-2010 winter - raises serious concerns whether the NPS, in making non-breeding closure decisions, will favor the concerns of ORV users over the biological needs of piping plovers.

e. Impairment of sea turtle nesting and hatching

We acknowledge the measures proposed in Alternative F are, in certain ways, an improvement over the Consent Decree, and a clear improvement over the Interim Plan. Nevertheless, we do have some concerns about the impact analysis regarding sea turtles. The DEIS states that "the possibility that crawls would be obscured by ORV tracks - causing nests to be missed and therefore not protected as has occurred in the past - would be eliminated." DEIS at 393. While the risk would be reduced, we disagree that it would be "eliminated." Early season nesting by leatherback turtles, which could occur prior to turtle patrol starts on May 1, or late season nesting by loggerhead turtles, which could occur after September 15, or 2 weeks after the last turtle crawl is found, DEIS at 124, may be missed. In addition, tidal levels, combined with wind-blown sand, could obscure crawl tracks, or there could be nests that are laid in the early morning after turtle patrol has passed an area or late in the day, before ORV traffic is prohibited at 1 hour after sunset. If turtle nests are not detected, they would not be protected by the protective measures, and there could be take of nests or hatchlings.

In addition, we agree with the DEIS, which notes:

"Night driving on selected routes from September 16 through November 16, erosion and sand compaction; and other adverse effects related to ORV and other recreational use would be expected to occasionally result in aborted nesting attempts, hatchling disorientation or misorientation, running over hatchlings or nests, complete or partial nest loss due to human activities, and obscuring turtle crawl tracks that Seashore staff use to locate newly laid

nests so that the undetected nests are not managed."

DEIS at 395. We disagree, however, that these impacts, combined with the impacts noted above, would be "long-term minor to moderate adverse." DEIS at 395. Instead, pursuant to the Seashore's definition, DEIS at 369, we believe the impacts would be "moderate adverse." Moreover, we question whether the NPS definition of moderate adverse" and "major adverse" inappropriately undervalue the adverse impacts to the threatened (loggerhead) and endangered (leatherback and green) and endangered species. The take of federally listed species nest, hatchling, or adult in a national park service unit would be of major, not minor, significance.

4. Alternative D and Modified Alternative D

The DEIS concludes only Environmentally Preferred Alternative D "fully meets" the species protection requirements of existing laws and policies. Of the alternatives presented in the DEIS, we can only support Alternative D. However, as outlined in the remainder of our comments, we believe Alternative D should be modified to provide reasonable access to areas of the Seashore without impacting natural resources. With these modifications, Alternative D should fully meet the species protection required by laws and policies.

Of the alternatives presented in the DEIS, Alternative D would result in the least environmental impacts. However, with 27.4 miles of the Seashore designated as open to vehicles year round - or 40% of Seashore beaches, DEIS at 101 - we question how this alternative can be called the Seashore's "environmentally preferred alternative," particularly in light of the failure to include a "no action" alternative of no ORV use which would be environmentally preferable. In addition, the use of ML1 closures in Alternative D - which prohibit pedestrians - during the breeding season at all SMAs is unnecessarily restrictive. We support a modified version of this alternative. A Modified Alternative D should include:

First, the FEIS should include more selective use of ML1 designation, rather than designating all SMAs as ML1. Currently, under alternative D, it appears that all SMAs, including intertidal areas, are closed to all pedestrian use during the breeding season, with the closures starting either at March 15 in shorebird areas, or April 15 in colonial waterbird areas.

We understand the Seashore's reasons for providing the Alternative D approach: it would eliminate ORV and pedestrian disturbance for the majority of shorebirds and colonial waterbirds that nest in the Seashore and provide increased protection for nesting sea turtles. In addition, this approach would reduce staff monitoring requirements, as without vehicle or pedestrian activities, the risk of abandonment or take of nests or chicks would be much lower, which would allow less frequent monitoring and reduced expenses for management activities. This approach also would provide increased predictability for the public.

However, in terms of achieving an appropriate balance of resource conservation and recreation, we believe alternative D is unduly restrictive.

Pedestrians can be allowed in SMAs, until breeding activity is observed, at which time the standard buffer distances should apply. Given the role that ORVs play in increasing disturbance in remote areas that are key nesting habitats, prohibiting ORV use at the majority of the important breeding and nonbreeding habitats in the Seashore will reduce the number of pedestrians in those areas. As a result, disturbance from pedestrians will be lower. We believe that an appropriate balancing would be to allow pedestrian access to certain SMAs, until breeding behavior is observed by NPS staff, at which time appropriate buffer distances under Table 11, DEIS at 127, should be implemented.

Second, we agree that vehicles should be prohibited from SMAs during the breeding and non-breeding seasons. The DEIS, an extensive body of scientific literature, and the USGS protocols, clearly provide sufficient scientific basis to support the Seashore's alternative on this issue, given the statutory, regulatory, and policy provisions that govern the management of the Seashore's beaches.

However, to achieve a more appropriate balance in terms of resource conservation and recreation, we have crafted the boundaries of the SMAs that are different from the Seashore's SMA boundaries in two major ways. First, for the east facing beach from ramp 44 south to Cape Point there would be an area between the high tide line and up to 100 feet landward for a corridor that is excluded from the SMA. Vehicles would not be allowed outside of the 100 foot corridor, either in the intertidal area or landward of the 100 foot corridor. Pedestrians also would be allowed in both corridors. The second would be a corridor on South Ocracoke from ramp 72 to the easternmost edge of Ocracoke Inlet (but not along the inlet shoreline). A 100-foot vehicle corridor should be established from ramp 72 westward for 1.5 miles being no less than 300 feet from mean high tide. These corridors would be subject to closure based on the standard buffers in Table 11 if breeding behavior is observed, but otherwise, the corridor would remain open to these two popular fishing areas.

We recognize this corridor could result in disturbance to non-breeding birds, as well as adverse impacts to breeding birds if monitors do not promptly detect breeding behavior and implement standard buffers. However, we also acknowledge the value to some visitors of these locations for fishing from vehicles, and we are trying to strike a delicate compromise between adverse impacts and providing ORV recreational access. Our support for a corridor in these two areas is contingent on adequate protection for wildlife in the SMA boundaries, as modified by our suggestions.

Second, a Modified Alternative D should include a specific ORV carrying capacity, rather than only limiting vehicles to "a one-vehicle-deep parking configuration" which would allow a massive number of vehicles on the beach. DEIS at 77; see also DEIS at 108. Under this alternative, over 9,600 vehicles could be allowed on the beach, 10 which would result in significant recreational conflicts and increased environmental impacts. The NPS should adopt a sharply lower carrying capacity than proposed in any of the alternatives in the FEIS.

We are also concerned that the lack of ORV safety closures, DEIS at 73, 11 would result in adverse environmental impacts to dunes and vegetation from ORV use. We have observed repeatedly, under the current, more permissive safety closure policy, that in narrow areas, it is not unusual to see ORV tracks going behind ORV closure posts and over dunes or vegetation. This should not be surprising, as some people who use ORVs will drive through a narrow area at a lower tide, but then, when the tide has come in and the beach width is reduced, the vehicle has to drive through a closed area or over vegetation to avoid exiting the beach in the water.

To reduce these impacts, we suggest the following safety closure language, which is modified from alternative F (additions underlined and deletions struck out):

Same as alternative C, plus:

An ORV safety closure would be implemented in the event of a (STRUCK OUT: clear and Imminent) threat of significant bodily injury or death, and/or damage to personal property, including vehicles and their contents. Triggers that could justify a safety closure include, but are not limited to: - Deep beach cuts that block the beach from dune to surf with no obvious way around. - Obstacles, such as exposed stumps, shipwrecks, or debris, that cannot be safely bypassed or that block the entire width of the beach and cannot be easily removed. - Severe beach slope that puts vehicles in an unsafe gradient position and increases the chances of the loss of vehicular control. - A high concentration of pedestrian users coupled with a narrow beach. -

INSERTED : A narrow beach where there is insufficient width to safely exit the beach in the vehicle corridor during normal (non-storm) high tides.

Triggers do not include: - A narrow beach by itself. (STRUCK OUT) - High tides that block access through portions of beaches occur periodically and predictably, and are an obvious, easily avoidable hazard (STRUCK OUT) - Hazards blocking only a portion of the beach, where safe passage is available around the hazard.

ORV safety closures would preclude ORV access, while pedestrian and commercial fishing access would be maintained through most safety closures.

10 Alternative D allows vehicles on 27.4 miles of beach, DEIS at 101, which is 144,672 feet of beach. Assuming 1 vehicle every 15 feet (a 7 foot wide vehicle, plus 8 feet between a vehicle), 9,644 vehicles could park on the beach. 11 "ORV safety closures would not be designated; ORV users would drive at their own risk and would be expected to rely on their knowledge of beach driving to determine if an area is safe to access based on their assessment of current conditions." DEIS at 77; see also DEIS at 105.

NPS law enforcement staff will monitor ORV safety closures on a weekly basis. Sufficient reduction or elimination of the conditions prompting the closure, so there is no longer an imminent hazard, would constitute the trigger for reopening a closure.

DEIS at 105. We have modified the safety closure language to remove the narrow beach and high tide language, based on our experience noted above with the current policy, and made it clear that a narrow beach, where there is insufficient space to exit the beach in the ORV corridor during the high tide, is a sufficient grounds for an ORV safety closure. In addition, we have removed the language "clear and imminent" because what may be clear to some experienced beach drivers could be very different - and much more dangerous - to an inexperienced beach driver. The Seashore should protect both kinds of drivers.

IV. Protected Species Management

As discussed above in the summary of statutory and regulatory background, an ORV management plan must meet statutory and regulatory requirements to protect wildlife, including threatened and endangered species, on the Seashore. The Executive Order only allows ORV use if it minimizes harm to wildlife and minimizes destruction of wildlife habitat. The Organic Act puts priority on natural resource protection. The enabling legislation for the Seashore allows recreational uses only if compatible with preservation of the flora and fauna. Under NPS policy, natural resource protection

predominates over recreation. The ESA prohibits any action that would jeopardize the continued existence of an endangered or threatened species, result in the adverse modification of critical habitat, or result in the unauthorized take of a listed species.

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National Park Management policies include several provisions relevant to protection of species on the Seashore, not only federally listed threatened or endangered species, but all native species and in particular species that are rare, declining or of special concern. "The National Park Service will maintain as parts of the natural ecosystems of parks all plants and animals native to park ecosystems." NPS Management Policy 4.4.1. "The Service will survey for, protect, and strive to recover all species native to national park system units that are listed under the Endangered Species Act." Id. 4.4.2.3. "The National Park Service will inventory, monitor, and manage state and locally listed species in a manner similar to its treatment of federally listed species to the greatest extent possible. In addition, the Service will inventory other native species that are of special management concern to parks (such as rare, declining, sensitive, or unique species and their habitats) and will manage them to maintain their natural distribution and abundance." Id. All of the target species in the ORV management plan are listed by the North Carolina Wildlife Resources Commission as "protected species" that are either endangered, threatened, or of special concern. N.C. Wildlife Resources Commission, Protected Wildlife Species of North Carolina (November 2008). Leatherback sea turtle, Kemp's ridley sea turtle, and piping plover are state endangered, loggerhead turtle and gull-billed tern are state threatened, and American oystercatcher, common tern, least tern, black skimmer, and Wilson's plover are special concern species. Id. North Carolina law promotes actions to increase numbers of endangered and threatened species and species of concern:

The General Assembly finds that the recreation and aesthetic needs of the people, the interests of science, the quality of the environment, and the best interests of the State require that endangered and threatened species of wild animals and wild animals of special concern be protected and conserved, that their numbers should be enhanced and that conservation techniques be developed for them. NCGS ' 113-332.

These management policies constitute directives to implement the requirements of the Organic Act to conserve natural resources and leave them unimpaired for future generations. The target species of the management measures are sea turtles, piping plovers, American oystercatchers, colonial waterbirds, and migratory and wintering shorebirds. The sea turtles are threatened or endangered and the piping plover is threatened. All of these species are native to the Seashore and are of special management concern, and most have experienced severe population declines not only on the Seashore but range-wide.

All management measures to comply with these natural resource and wildlife protection requirements should be based on the best scientific information available. Where scientists have presented recommendations on management measures to protect species from ORV use, particularly peer-reviewed recommendations with broad support of other experts, NPS should implement these measures. An agency can rely on the reasonable opinions of its own scientists and experts. If an agency rejects or disregards the recommendations of its own scientists or experts, it must have a rational explanation. See *National Farm Bureau Fed. v. EPA*, 559 F.3d 512 (D.C.Cir. 2009) (holding that EPA must provide rational explanation of rejection of its scientists' recommendation on appropriate regulation of particulate air pollution); *Kent County v. U.S. Env'tl. Prot. Agency*, 963 F.2d 391 (D.C. Cir. 1992) (holding that EPA's actions that disregarded its own experts was arbitrary and capricious).

A. USGS Species Management Protocols

Management recommendations provided by the U.S. Geological Survey, Department of the Interior at the request of NPS convey the best scientific information available on management of protected species on the Seashore as a part of an ORV management plan. In March 2009, the USGS published a report entitled *A Review and Synthesis of the Scientific Information Related to the Biology and management of Species of Special Concern at Cape Hatteras National Seashore, North Carolina*.¹² The purpose and preparation of the report is explained as follows:

This work consisted of reviewing the scientific literature and evaluating the results of studies that examined the critical life history stages of each species, and focused on the scientific findings reported that are relevant to the management of these species and their habitats.... Although no new original research or experimental work was conducted, this synthesis of the existing information was peer reviewed by over 15 experts with familiarity with these species. . . . To ensure that the best available information is considered when assessing each species of interest at CAHA, this review included published research as well as practical experience of scientists and wildlife managers who were consulted in 2005. PWRC scientists evaluated the literature, consulted wildlife managers, and produced an initial draft that was sent to experts for scientific review. Revisions based on those comments were incorporated into the document.

¹² (footnote) In October 2005, the USGS staff and contract scientists issued reports entitled "Management, Monitoring, and Protection Protocols" for the Seashore's piping plovers, colonially nesting waterbirds, American oystercatchers, sea turtles, and seabach amaranth. These individual reports are the basis for the combined report issued by USGS in March 2010.

USGS Report at 1.

The USGS Report presents three levels of management for each species or group of species (A. Highest, B. Moderate, C. Minimum) and describes the anticipated effect on the species of each. The Minimum level of protection can be discarded because it fails to meet the legal obligations of NPS to protect wildlife under the Executive Order, Organic Act, Enabling Legislation, Endangered Species Act, and NPS regulations and policies. The Minimum level of protection would put piping plovers at "risk of disturbance" and "risk of harm" and "nests may be damaged." USGS Report at 28. American oystercatcher populations "may persist mainly as unsuccessful nesters ... but will eventually be extirpated from areas of high human use." USGS Report at 47. Colonially nesting waterbirds "are placed at risk" and "nests and/or chicks may be crushed." USGS Report at 61. Sea turtles would be at a "high risk of disturbance or injury" and there would be a "high risk of destruction of nests." USGS Report at 82.

The USGS recommended Moderate level of management provides the minimum level of management and protection that may meet NPS's obligation to protect species on the Seashore under applicable law and regulation. All the action alternatives include the same minimum disturbance buffers for species (ML1) and these disturbance buffers meet the Moderate USGS management recommendations. The ML2 disturbance buffers exceed the Moderate recommendations but allow infrequent monitoring to assure compliance. Night driving restrictions to protect nesting sea turtles extend from May 1 to November 15 in the action alternatives. The Moderate protections recommend night driving restrictions begin April 1.

B. Establishment of buffer distances

We strongly agree with the reasoning in the DEIS, at 73, supporting the establishment of objective, standardized buffer distances for shorebirds that are scraping, on nests, and with chicks including the buffer distances provided in the DEIS at table 11, DEIS at 127, and the manner in which those specific distances, in table 10, are implemented to protect breeding shorebirds and colonial waterbirds at the Seashore. DEIS at 12 I -123. The DEIS clearly provides sufficient scientific support for these distances in Chapter 3, based on published studies. In addition, the data from the Seashore is clear that when adequate buffer distances are not followed, there is a high risk of take of unfledged shorebirds and colonial waterbird nests or chicks. However, we stress that the adverse impacts of human disturbance go beyond the risk of direct take. As discussed in both Chapter 3 of the DEIS and above, disturbance can adversely affect the establishment of nesting territories, abandonment of nests, and fledgling rates for chicks. For example, at the Seashore, Simons and Schulte note:

Chicks in full beach closures spent 43% of their time in the dunes, 36% on the upper beach, and the remaining 21% at or below the high tide line (Figure 2.8). Chicks with partial beach closures spent 74% of the time in the dunes and 26% of the time on the open beach. Some behavioral differences were evident as well. Chicks in full beach closures spent more time resting and foraging and less time out of sight, due to less time spent in the dunes, (Figure 2.9). Chicks in partial closures often ran back and forth from the beach to the dunes in response to vehicles, humans and dogs.

Theodore Simons and Shiloh Schulte, *American Oystercatcher (Haematopus palliatus) research and monitoring North Carolina, 2008 Annual Report 29* (2009) ("Simons and Schulte"). In addition, there were not only differences in feeding and resting behavior, but also differences in survival rates for chicks:

Overall chick survival was almost twice as high in full beach closures on Cape Hatteras as in areas open to vehicle traffic. Cape Hatteras implemented a policy of completely closing sections of beach with Oystercatcher broods in 2005 and no chick mortality due to vehicles was documented. In 2006 this policy was changed to allow vehicle traffic past some of the broods and two chicks died following repeated disturbance by vehicles at night. In 2007 Cape Hatteras returned to the policy of full beach closures for Oystercatcher broods. In 2008 the seashore increased predator trapping efforts and

expanded buffer zones for chicks to 300 meters. Chick survival on Cape Hatteras in 2008 was the highest recorded during the study period (0.81 chicks fledged per breeding pair).

Simons and Schulte at 34.

Once adequately defined desired future condition targets have been met, so that breeding shorebird and colonial waterbird populations have recovered, at that time, we would be open to considering more flexibility regarding pedestrian buffer distances. However, until populations have recovered at the Seashore, we strongly oppose decreasing protective buffer distances, due to the known adverse impacts discussed in this letter and in the DEIS.

We emphasize that in protecting nesting birds from the known adverse impacts of human disturbance, there are two different approaches that could be used. The NPS could proactively close all SMAs for the entire breeding season, March 15 to August 31 or 2 weeks after the last chick has fledged. This approach is very predictable for the public: exactly when and what will be closed is known. In addition, this approach minimizes staffing time and the administrative costs related to moving closure signs and monitoring: the entire possible area where nesting could occur is closed at the beginning of the season, and signs do not have to be moved as birds move. This approach also meets the goal of providing protection for nesting birds from the adverse impacts of human disturbance, as there is no risk that a nesting bird could be missed by a monitor, as all possible nesting areas are closed. However, this approach has one significant cost: an area is closed to recreation, even if the birds have not started to nest yet, or even if nesting has finished for the season.

The other approach is that chosen in the DEIS under the ML2 approach, which utilizes pre-nesting closures, combined with intensive monitoring to close areas for the period where there is breeding activity observed. This approach is less predictable than the first approach: those who are skilled at shorebird and waterbird nesting behavior can predict the approximate areas where nesting will occur, but the precise timing and location of closures is unknown, requiring intensive monitoring, and it is possible that a bird may nest in an unexpected location, requiring monitoring of lower value areas. In addition, this approach places increased risk on the nesting species: if monitors do not detect nesting behavior in a timely manner and install closures in the appropriate location, the breeding birds could fail to set up a territory, abandon a nest, or there could be direct take of nests or chicks by pedestrians or vehicles. Finally, this approach increases administrative costs: there have to be larger numbers of skilled people, who observe breeding birds on a regular basis, and quickly implement closures based on observed breeding activity.

Fundamentally, NPS, or any other management entity, has to choose one or the other alternatives (or a combination of the two) in determining how to conserve nesting shorebirds and colonial waterbirds.

C. (start underline)Pre-nesting closures (end underline)

Table 10 notes that "Pre-nesting closures would be adjusted to the configuration of the Nonbreeding Shorebird SMAs for the respective sites (as described later in this table) if no breeding activity is seen in the area by July 31, or 2 weeks after all chicks have fledged, whichever comes later." DEIS at 121 (bold in original), Alternative F summary uses similar language. DEIS at 81 ("through July 31, or until two weeks after all chicks have fledged and breeding activity has ceased, whichever comes later"). We are concerned that July 31 is not late enough for black skimmers, which nest even into September, and least terns, which can continue nesting into August, from ORV based disturbance. As an entire colony of waterbirds can relocate after the colony is lost to predation, disturbance, or weather events, the July 31 reopening date could conflict with late season colonial waterbird nesting attempts. We request the Seashore replace July 31 with August 15.

We note that Table 10 indicates that the "ORV access corridor at ML2 sites will generally be no more than 50 meters wide above the high tide line" DEIS at 121. We are concerned about the word "generally" as it leaves it unclear to the reader - and NPS staff who will have to implement this provision ? (start italics)where(end italics) the corridor can be greater than 50 meters, or by (start italics)how much(end italics) it can be greater than 50 meters wide. We are concerned that this vague language could result in a corridor that may be 100, or 200 meters wide in certain areas, which would significantly increase the adverse impacts of ORV use. To address this concern, the word "generally" should be removed. In addition, we see no reason why a 50 meter corridor is necessary. The corridor should be reduced to the minimum that is necessary for a vehicle to park perpendicular to the shoreline and two other vehicles traveling landward of a parked vehicle and parallel to the shoreline to pass safely going in opposite directions. To address this purpose, a corridor 100 feet wide would be sufficient, so we urge the Seashore to implement this corridor width limitation.

The DEIS is unclear on two critical issues: 1) what will happen if a shorebird or colonial waterbird is scraping at a location that is inside a pre-nesting closure, but at a distance from the edge of a closure that is under the standard distances provided in Table 11; and 2) what will happen if a bird is nesting near an area with a "designated ORV access corridor" and the distance between the nest and the corridor are less than the standard buffer distance in Table 11. Relevant provisions are quoted below, and our suggested changes - which address the piping plover provisions - are indicated with underlines for additions and deletions for language that should be removed to address our concerns; similar changes, with buffers appropriate to the species, also should be made for the columns for American oystercatcher/Wilson's plover and Colonial Waterbirds:

Pre-nesting Closures:

"Upon the first observation of breeding activity, the standard buffers (please refer to table 11, Shorebird/Waterbird Buffer Summary) will apply, (BEING STRIKE OUT-which depending upon the circumstances may close the access corridor END STRIKE OUT)." DEIS at 121.

Courtship/Mating Buffers:

"In unprotected areas, a buffer will be established immediately when courtship or mating is observed." DEIS at 122.

Courtship/Mating Buffers ? ML1/ML2:

"If breeding activity is observed outside of an existing closure, a buffer will be established or expanded to ensure a 75-meter buffer for the observed birds; (start underline)if breeding activity is observed inside of an existing closure at a distance under 75 meters from the closure boundary; the closure will be expanded to ensure a 75-meter buffer. (end underline)" DEIS at 122.

Nest Buffers: "In unprotected areas, a buffer will be established immediately when a nest with egg(s) is found. (BEGIN INSERT - If breeding activity is observed inside of an existing closure at a distance under 75 meters from the closure boundary; the closure will be expanded to ensure a 75-meter buffer END INSERT) (BEGIN STRIKE OUT Prior to hatching, vehicles may pass by such areas within designated ORV access corridors that have been established along the outside edge of nesting habitat, provided that buffers adequate to prevent human disturbance are maintained. END STRIKE OUT)" DEIS at 122.

Nest Buffers ? ML1 and ML2: "A 75-meter buffer/closure will be established around nest(s). Buffers will be increased in 50-meter increments if human disturbance occurs." DEIS at 122.

If a buffer falls within the intertidal zone, a full-beach closure will result." DEIS at 122. The DEIS is unclear if standard Table 11 buffers will apply, if a bird is found scraping or nesting inside a pre-nesting closure at a distance from the edge of a closure that is less than the standard buffer distance. 13

These suggested changes will resolve this ambiguity. Failure to implement

13 This concern is exacerbated especially for piping plovers, for unlike the other species, there is no statement in the nest buffer section that "For nests that occur inside a pre-nesting closure and require a buffer expansion of the pre-nesting area, the buffer expansion may be removed to the original pre nesting closure after 2 weeks with no breeding activity if the nest is lost to overwash or predation. DEIS at 122 (emphasis in original), as is listed in the columns standard buffers in these circumstances would result in a significant reduction in protection at critical nesting sites, potentially leading to abandonment of sites or nests.

E. Migrating and wintering shorebird surveys.

The DEIS, at Table 10, includes non-breeding surveys; these surveys would be included in the preferred alternative as well as other action alternatives.

We have the following suggestions for the language regarding these surveys (additions underlined, deletions struck out):

The NPS will monitor presence, abundance, and behavior of migrating and wintering shorebirds from July 1 through May 31 (Strike OUT using the SECN protocol) Survey sites will include all Nonbreeding Shorebird SMAs and the 100 foot corridor area at Cape Point and South Point. The NPS will obtain data similar to International Shorebird Survey data. The following information will be recorded: Date, start and end time, and location of observations; identity of observer; species and number of birds observed; band combination and GPS location of any banded birds; weather variables (start underline) such as wind direction, speed, visibility, and other relevant information, such as whether the flats are flooded from strong winds (end underline), and tidal stage; habitat; behavior of the majority of birds in the flock (foraging, resting, disturbed [source will be recorded], other); site management in effect where birds are seen, (start underline) including whether the birds are in full closure, pedestrian only area, or ORV area (end underline); and number of pedestrians, pets, ORVs and other potential disturbances. Species to be surveyed include piping plover, American oystercatcher, Wilson's plover, red knot, and representative species of colonial waterbirds. (start underline)A spotting scope will be used to scan the legs of piping plovers for color bands. (end underline)

DEIS at 123. Our reasoning for the suggested changes is as follows. We removed the language "using the SECN protocol." First, we are concerned about the reliability of the data generated by the current methodology for monitoring non-breeding piping plovers. The 2009 Annual Report (Map 17) shows parallel survey transects that are approximately perpendicular to the sound and ocean shoreline, and, from the scale, appear to be spaced almost 0.2 miles apart. Non-breeding piping plovers can be very difficult to detect due to their small size, plumage color, and how well they blend in to the surrounding habitat. If piping plovers are resting in a depression or behind a piece of wrack, they are very difficult to detect, even at 50 yards. Having transects 0.2 miles apart likely will result in numerous piping plovers not being detected. The SECN protocol is significantly different from previous shorebird methodologies for beaches and those used on the Seashore.

Second, if one of the objectives of the monitoring effort is to determine whether ORV use at the Seashore is impacting piping plovers or other non-breeding birds, the current monitoring approach will not provide a reliable answer to that question. The methodology only provides the number of birds that are detected outside of bird closures or inside of bird closures. Those two numbers do not tell us, however, whether piping plovers or other shorebirds are in a bird closure because the habitat is better habitat, or the disturbance is lower in the closure, or some other factor. If the Seashore wishes to address specifically the issue of how ORV use effects non- (start footnote) American Oystercatcher/Wilson's Plover and Colonial waterbirds. Why similar language is not used for piping plovers is particularly troubling; the FEIS should be amended to include this language. (end footnote) breeding shorebirds, the Seashore should be employing an experimental design that compares beach areas that are fully open or closed to vehicles, rather than a design that uses a beach that has a vehicle corridor along the ocean and inlet. Researchers at both Assateague (Forgues 2010) and Cape Lookout (Tarr 2009) have recently completed papers that use experimental designs as suggested here to address disturbance that may provide guidance. Third, we also have added the 100-foot corridor language to be consistent with our SMA boundaries.

Fourth, we added recording of GPS location for banded birds, so that precise location data can be provided to the scientists who banded the birds; while Seashore biologists may be aware of where "South Point" is, a biologist who banded breeding or migrating birds hundreds of miles away may not be familiar with the area, and providing a GPS location will be very helpful to these scientists in accurately locating the resight location. We also have added the requirement that a spotting scope will be used to scan the legs of piping plovers for color bands. We support the proposal's inclusion of observers recording color bands. However, based on our extensive experience with non-breeding surveys for piping plovers and knowledge of the locations at the Seashore, we are very concerned that without a requirement that a scope be used, many, if not most, of color bands on piping plovers will be missed. Using binoculars clearly is not sufficient to detect difficult-to-observe color bands, especially at the distances that are involved in some locations. Band returns can provide very valuable data about non-breeding birds for the Seashore and scientists working on bird recovery efforts (e.g. Stucker et al 2010). The survey methodology should be designed in a way that actually allows a reasonable chance of band resight data being collected. Finally, we added the start and end time, so it is clear how long the surveys actually take.

F. (start underline) Night driving and protection of sea turtles (end underline) We support the provision in the DEIS that "From May 1 through September 15, all potential sea turtle nesting habitat (ocean intertidal zone, ocean backshore, and dunes) would be closed to non-essential ORV use at night until NPS turtle patrol has checked the beach in the morning (by approximately one-half hour after sunrise) to provide for sea turtle protection and allow enforcement staff to concentrate their resources during the daytime hours," DEIS at 82, with one important modification: the closure time should be changed to sunset.

We strongly urge the Seashore to change the timing of this provision to one-half hour after sunset, rather than 1 hour after sunset, to reduce the chance that sea turtle nesting could be adversely impacted by ORV use. All ramps should be physically closed to recreational vehicle use (such as by a pressure operated gate), one-half hour after sunset to ensure full compliance with the beach driving time limitation.

We would strongly oppose any requirement to allow beach driving until 10:00 pm during the nesting season. The majority of sea turtle nesting occurs between sunset and midnight; accordingly, allowing beach driving until 10:00 pm could significantly increase the risk of false crawls, aborted nesting attempts, missed (non-detected) nests due to the crawl tracks being obliterated by ORV tracks, and resulting risk of take of nests or hatchlings. Allowing nighttime driving, or even driving to 10:00 pm, would violate the statutory, regulatory, and policy provisions governing the Seashore, likely lead to take of nests or hatchlings, and result in the impairment of Seashore values.

We support the provision that the beach not be re-opened "until NPS turtle patrol has checked the beach (by approximately one-half hour after sunrise)" We have several concerns about this however. Based on our observation of turtle patrols at the Seashore for many years, we question if the staff will be able to complete the turtle patrol by one-half hour after sunrise. While that may be possible for some areas, more remote areas will be difficult to monitor during that time period. If a nest has to be moved, or if multiple nests are found, we strongly question whether the one-half hour after sunrise timing would be met. Moreover, if turtle patrol starts too early in the morning, there is a possibility that late-nesting turtles could be missed by turtle patrol, due to the turtle emerging from the water after the turtle patrol has observed the area. The words "(by approximately one-half hour after sunrise)" should be removed from the language.

Regarding volunteers, we are supportive of the use of volunteers for certain tasks ? such as the nighttime turtle nest watch, or collection of winter cold-stunned turtles. However, given the current very emotional feelings over the issue of beach driving management, and the pressure that is placed on those who support resource protection, we strongly oppose the use of volunteers to conduct turtle patrols. The turtle patrol is a critical component of evaluating ORV impacts to turtle nests. By finding and protecting the nests before ORVs are allowed on the beach, the turtle patrol can mitigate harm caused by ORVs. If this process were not properly carried out, it would devastate the protection measures, and significantly increase the adverse impacts of beach driving, including a risk of direct take of nests and hatchlings. There is far too much risk that if a nest were located at a popular ORV ramp or between a ramp and a popular fishing area such as Cape Point, a volunteer who supports ORV use, or one who is pressured by those who do, might not report the turtle nest to the Seashore. Volunteers should not be put in a position to face that kind of decision. We would be extremely concerned if the FEIS allowed the use of volunteers for turtle patrol, due to the high risk that the integrity of the patrol process could be compromised.

Regarding protection for turtle nests that have not hatched by September 15, we are very concerned about the language that "selected ORV routes with no or a low density of turtle nests remaining (as determined by the NPS) would reopen to night driving, subject to the terms and conditions of a required permit." DEIS at 82. We do not know what "low density of turtle nests" means, which prevents adequate disclosure of the impacts of this provision. Moreover, given the known, significant risks to sea turtle hatchlings from nighttime ORV use, we strongly oppose any night driving near or behind turtle nests. In support, we note that filter fence does not always serve its intended purpose, as the material can be pushed over by blowing sand, or there can be a gap between the sand and the fence. Thus, while the material may help in certain instances, it does not ensure that the hatchlings will be protected from light, nor does it ensure that the hatchlings will not end up in ORV areas and crushed or stuck in tire tracks. That threat is amplified if ORVs are allowed to pass behind or near nests. While we do not object to ORV routes (that are not part of SMAs) being reopened to ORVs if turtle nesting and hatching have been completed, we strongly urge the Seashore to remove "or a low density of" from the provisions governing turtle management. As long as there are sea turtle nests, night driving restrictions need to be in place to protect all nests.

G. (start underline) North Carolina Wildlife Resources Commission (end underline)

We have not reviewed final comments on the DEIS from the North Carolina Wildlife Resources Commission but have reviewed comments by local legislators purporting to convey views of the Commission on the management of wildlife on the Seashore, and we feel a response is appropriate. In a letter of May 4, 2010, Sen. Basnight and Rep. Spear state their understanding of positions the Wildlife Commission will take on its yet submitted comments on the DEIS. In the letter, the legislators state

Birds listed as North Carolina species of concern should not be given protected status under the Endangered Species Act. We have spoken with both the Chairman and Executive Director of the North Carolina Wildlife Resources Commission regarding this matter. Both have informed us that these unnecessary protections were never the intent of the Commission's participation in this process, nor a requested outcome.... Pre-nesting closures should be exclusively for the piping plover, the only federally listed threatened bird species. Also, non-ESA listed birds should not have buffers of 300 meters. The county feels a more appropriate buffer would be 30 meters.

As previously discussed, NPS has obligations to protect and restore wildlife on the Seashore under the Executive Order, Organic Act, enabling legislation, NPS regulations and policies, and not just listed species under the Endangered Species Act. The recommendations of federal scientists in the USGS Report were prepared and transmitted not because all the target species are endangered (although all are declining), but because NPS has an obligation to protect and restore these species and these recommendations provide the best available scientific information to comply with this obligation.

NPS is fully aware of the input on wildlife management from the biologists with the NC Wildlife Resources Commission who participated in the

negotiated rulemaking process. We have also previously provided NPS with correspondence between Dare County, ORV advocates, legislators, and the Director of the Wildlife Commission that explain the sudden attendance of the Director and general lack of participation by Commission biologists at the end of the negotiated rulemaking process. This information is in the record. Encountering significant difficulties in finding science or scientists to support their positions, Dare County and ORV advocates turned to political influence to attempt to control the views and opinions of state biologists. We believe NPS can and will provide appropriate weight to the final comments of the Wildlife Commission on the DEIS.

The North Carolina Wildlife Resources Commission has a "purpose and duty" to "manage, restore, develop, cultivate, conserve, protect, and regulate the wildlife resources of the State of North Carolina." NCGS 143-239. This duty to restore, conserve and protect wildlife resources is not limited to threatened or endangered species. To fulfill this duty, the Wildlife Commission must base its recommendations on science and sound wildlife management. It will be surprising, and disappointing, to many citizens of North Carolina if the Wildlife Commission puts political considerations above its duty to restore and protect all wildlife resources of the State.

H. (start underline) Desired Future Conditions (end underline) We agree with the general concept of having a desired future conditions analysis, as it provides a standard against which management efforts can be reviewed. However, we have serious concerns about the adequacy of specific provisions of the desired future conditions analysis in the DEIS.

First, it is unclear how the short-term and long-term goals interact and how these goals relate to modification of management measures. The DEIS notes that when desired future conditions for resources "are met or exceeded, it may allow for more flexible management of recreational use, provided adverse impacts of such use are effectively managed and wildlife populations remain stable." DEIS at 7. Will "more flexible management" be implemented after the short-term goal is met, or only after the long-term goal is met? If flexible management is implemented after the short-term goal is met, it would conflict with meeting the long-term goal, because as noted in the DEIS, such flexibility is allowed provided the wildlife populations "remain stable." Second, the DEIS fails to disclose what "more flexible management" means in terms of specific management changes that will be implemented, nor does the DEIS provide an analysis of the direct and indirect impacts and cumulative effects of such management changes. For example, one proposal that is popular with some local ORV interests is ORV corridors, even if unfledged chicks are present. Such a management measure, however, is inconsistent with the piping plover revised recovery plan and would pose a high risk of take of a threatened species (Hecht, 2009). Under NEPA, there should be a full disclosure of the NPS proposed action, and what the effects of this provision would be.

Third, we are very concerned that the NPS has selected short or long-term targets that are too low for shorebirds and colonial waterbirds. As a result, these low targets could allow a premature weakening of management measures before there has been species recovery at the Seashore.

We are particularly concerned about the failure of the NPS to include North Carolina Wildlife Resources Commission data in determining the targets. The DEIS states that the "targets did not take into account data from any surveys conducted prior to 2007 due to the uncertainty associated with survey methods, survey timing, data management, and data compiled for each survey year." DEIS at 10. However, in the State Listed and Special Status Species section of the DEIS, Table 30 at 241, the NPS does list the colonial waterbird data from surveys prior to 2007. If the data are reliable enough to use in the section that discusses the status of species, they also are reliable enough to be used to set targets. The data are used to determine the status of waterbird populations in North Carolina (including consideration of endangered, threatened, and special concern status), regional waterbird populations in the southeastern United States and national waterbird populations. We also note the early colonial waterbird surveys were conducted by Dr. James Parnell, who is now an emeritus professor from the University of North Carolina at Wilmington, and a nationally noted expert on colonial waterbirds. The colonial waterbird surveys were conducted by personnel who are experienced with detecting and counting colonial waterbird nests, and certainly such data are better than having no data at all for the entire period. As the DEIS notes in discussing the colonial waterbird data, "[a]lthough different survey protocols have been used at the Seashore between 1977 and 2009, recent estimates of colonial waterbird nests at the Seashore are clearly much lower than they were 30 years ago (see table 30). DEIS at 240. Using data from 2007 and later allows the NPS to mask the very large decline in colonial waterbird numbers that has occurred at the Seashore. Furthermore, it uses data from the time at which waterbird populations were the lowest ever recorded on the Seashore.

I. (start underline) Periodic Review (end underline)

The DEIS provides for a process to periodically review and revise management measures. We support this concept, as the NPS would be able to more accurately tailor management measures to dynamic habitat conditions. However, to more effectively implement the review process, the NPS should modify the language as follows (additions underlined, deletions struck out):

"A systematic review of data, annual reports, and other information would be conducted by NPS every 5 years, after a (start strikeout) major (end strikeout) hurricane, (start underline) tropical storms, or extra-tropical storms that significantly modify habitat quality or quantity (end underline), or if necessitated by a significant change in protected species status (e.g., listing or de-listing), in order to evaluate the effectiveness of management actions in making progress toward the accomplishment of stated objectives and desired future conditions (see chapter 1 of this document). Periodic review could result in changes to the management actions in order to improve effectiveness. When (start underline) the long term (end underline) desired future conditions for resources are met or exceeded, periodic review and adaptive management may allow for more flexible management of recreational use, provided adverse impacts of such use are effectively managed and wildlife populations remain stable. Where progress is not being made toward the attainment of desired future conditions, periodic review and adaptive management may provide for additional management including (start underline) increased (end underline) (start strikeout) appropriate (end strikeout) restrictions on recreational use. Components subject to periodic review vary among the action alternatives."

DEIS at 74. The reasons for these changes are as follows. First, "major hurricane" is not defined in the glossary, so it is unclear what this term means. Moreover, storm events other than a major hurricane - such as a slow moving category 1 hurricane, a stalled tropical storm that stayed a short distance off the coast for a period of time - or an extra-tropical storm ("nor'easter") could result in extensive habitat modifications that should trigger a re-examination of SMAs.

Second, we are not opposed to "more flexible" management of recreational activity if the properly defined desired future conditions are met. However, the desired future condition numbers are set at an inaccurate, low number, resulting in a premature weakening of protection before recovery has been achieved. In addition, reduction of protective management measures should be allowed only after the long term goal has been met; allowing reduced protection prior to the long term goal being met could result in only the short term goal being achieved, or delayed efforts to achieve the long term goal. Finally, as the DEIS makes clear that management can be reduced, the language also should be clear that management protections can be increased if existing measures are not successful.

J. (start underline) ORV advocates' complaints regarding nest relocation and piping plover buffers (end underline)

NPS should not follow the suggestion of some ORV advocates to aggressively relocate sea turtle nests on the Seashore. These advocates contend relocating sea turtle nests would improve hatching success on the Seashore and, incidentally, remove nests that may affect ORV use during the limited hatch window and perhaps provide a justification for not restricting night driving during the turtle nesting season. NPS should follow the unanimous direction of the loggerhead sea turtle recovery plan, North Carolina Wildlife Resources Commission handbook, and USGS scientists developed by leading sea turtle experts who recommend minimum manipulation of nests. In addition, NPS policy directs that "[w]henver possible, natural processes will be relied upon to maintain native plant and animal species and influence natural fluctuations in populations of these species." 2006 NPS Management Policy 4.4.2.

A 1000 meter ORV buffer is necessary to protect piping plover chicks and must be maintained around chicks and broods. Young piping plover chicks are essentially invisible to the untrained eye and can move great distances in short periods of time. The USGS Report recommends "[w]ithin one week of the expected hatch date of a nest, prohibit ORVs and boat landings in all plover habitat within 1,000 meters of the nest. After hatch, the closed area should be 1,000 m on either side of the brood's center of activity." USGS Report at 26. This direction is reinforced in the guidelines for managing recreational activities in the recovery plan for the Atlantic Coast population, which states:

The vehicle free area should extend 1,000 meters on each side of a line drawn through the nest site and perpendicular to the long axis of the beach. The resulting 2,000-meter-wide area of protected habitat for plover chicks should extend from the ocean-side low water line to the bay-side low water line or to the farthest extent of dune habitat if no bay-side intertidal habitat exists. However, vehicles may be allowed to pass through portions of the protected area that are considered inaccessible to plover chicks because of steep topography, dense vegetation, or other naturally-occurring obstacles. 14

U.S. Fish & Wildlife Service, Piping Plover Atlantic Coast Population Revised Recovery Plan (1996) at 194. The necessity of a 1000 meter buffer was confirmed on Cape Hatteras National Seashore in 2009 when a plover chicks moved 1,200 meters from the nest on South Ocracoke. National Park Service, Piping Plover Monitoring, Cape Hatteras National Seashore, 2009 Annual Report at 13. Likewise, in 2005, piping plover chicks from a just

hatched nest moved during the night approximately one-half mile, from the nest location on South Beach to a feeding location at (start footnote) 14 The recovery plan may allow less buffer if the U.S. Fish & Wildlife Service approves a plan that provides for monitoring of all broods and specifies the minimum size of vehicle-free areas to be established in the vicinity of unfledged broods based on the mobility of broods observed on the site in past years and on the frequency of monitoring. Monitoring on Cape Hatteras National Seashore has confirmed broods may move up to 1,200 meters from the nest. (end footnote)

Cape Point, Other relatively long distance movements at the Seashore also have been observed, The difficulty of observing chicks, the ability of chicks to rapidly move long distances, and the significant risk of take by ORVs, clearly support a 1,000 meter buffer for piping plover chicks.

K. (start underline) Literature Review (end underline)

Appendix A, DEIS, provides a literature review. This literature review fails to include many studies directly related to the impacts of off-road vehicle use and human disturbances on natural resources, and directly applicable to Cape Hatteras National Seashore. We provide the attached literature review which should include applicable scientific studies, conservation plans, recover plans, and other pertinent literature related to impacts of off-road vehicles and human disturbances on natural resources on beaches. C

V. (start bold font) Conclusion (end bold font)

We appreciate the opportunity to comment on the DEIS for an ORV management plan for Cape Hatteras National Seashore. We realize this has been a long and somewhat arduous process for NPS and others who have been involved. As explained above, we recommend that NPS adopt and implement an ORV plan and special regulation based on a modified Alternative D that maintains breeding species protections based on science, allocates more of the Seashore to pedestrian only use and less disturbed areas for wildlife, improves facilities for public access, and provides ORV access to key areas consistent with resource protection. This will restore a balance to the Seashore consistent with NPS's stewardship obligations to restore and protect the natural resources and leave them unimpaired for future generations.

Correspondence ID: 15075 **Project:** 10641 **Document:** 32596

Name: Scarberry, Shannon

Received: Apr.27,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good evening. My name is Shannon Scarberry, and I am a freshman at Manteo High School. I strongly disagree with the closure of Cape Hatteras National Seashore due to birds and turtles. Most bird and turtle nest failures are predominantly due to non-human events, such as weather, nest abandonment, and predation. According to the DEIS, only three percent of bird nests failures are due to human interference, as compared to 54 percent due to mammalian predation. Also, according to the National Park Service, off-road vehicles would cause long-term major impacts to sea turtles. However, they found that nesting females have not been killed, and nest loss and hatchling disorientation have not occurred frequently. In closing, I would like to say that, as an aspiring vet, these beaches have strongly impacted my opinion of animals, and it has inspired me to work towards helping them. I feel that closing our beaches would be doing a huge injustice to the current and future generations that can and will learn from them. These generations are the ones that will preserve and protect our beaches and the animals that live there. Thank you.

Correspondence ID: 15076 **Project:** 10641 **Document:** 32596

Name: Harrill, William

Received: Apr.27,2010 00:00:00

Correspondence Type: Transcript

Correspondence: All right. Back to reality. My name is William Harrill. I'm an avid surfer and fisherman from Virginia Beach. I have been vacationing here for many years and coming to surf as well. I want to talk a little bit about the socio-economic impact of the DEIS. You guys use a lot of wording like, "potential," "probability," and "should." I think that needs to be more specific. But, moreover, I just wanted to say that I'm a consumer, and if I'm not here to surf or fish in areas that I can't get to due to a 1,000 meter buffer, I'm not going to come here. I'm going to choose to vacation somewhere else. So, I'd like to see that not to happen. And I'd like to see now, that a lot of the people that I've met over the past few days who are small business owners not lose what they've worked so hard to acquire. Thank you.

Correspondence ID: 15077 **Project:** 10641 **Document:** 32596

Name: Johnson, Dean

Received: Apr.27,2010 00:00:00

Correspondence Type: Transcript

Correspondence: I'd like to reiterate what William just said. My name's Dean Johnson, and I'm a vendor. My company is Holiday Ice. And we do a significant amount of business from Ocracoke Island, all the way up to Corolla. I'm here to speak, like William, on the socio-economic section of the DEIS. And I'll quote, "Small business would experience long-term negligible to moderate adverse impacts. The extra efforts to increase ORV access and pedestrian access should increase the probability that the impacts are on the low rather than high end of the range." Now, I not only disagree with this statement, but my sales records indicate that, since the implementation of beach closures, the opposite is true. Because of time concerns, I'll give one example. I had my receptionist pull some numbers for one of my customers this morning, to see how his sales were affected by the closure, and then re-opening of South Point last year. Weekend sales numbers for three weekends, prior to the re-opening, he sold 208 units. Two weekends prior, he sold 172 units. One weekend prior, he sold 139 units. The weekend of the re-opening of South Point, this customer sold 389 units. During the closure, the customer averaged 173 units sold. With South Point open, this customer sold 389 units. So, with over a 100 percent increase in sales, directly corresponding with the re-admittance of ORVs to South Point, my sales numbers prove that the beach closures have a huge negative impact to the economic welfare of local business. I'm glad for this opportunity to present this real evidence, that is in direct contradiction with the stated beliefs of Alternative F's written statement on socio-economic impact.

Correspondence ID: 15078 **Project:** 10641 **Document:** 32596

Name: Dawson, Dave

Received: Apr.27,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Dave Dawson. I have the Cape Hatteras Motel and Inn in Buxton. The -- the inlet areas and Cape Point are what set us apart from just being another ordinary beach. These areas cannot be reached by foot, unless you're in a hell of a shape. The over-wash and the tidal pools that these wide areas provide, give a safe place for the kids to play. So, you don't have to worry about the ocean sucking them out to sea. One of my guests last fall had never seen Cape Point and he got a ride out there. And he commented, "It was like standing in the middle of a National Geographic magazine, where the waves crashed together from the Labrador currents meeting the currents from the Gulf Stream." This made me think, "I wonder what would happen if Old Faithful were shut down?" Then I wondered, "Well, why isn't it?" Because this problem started out west. This problem started in the '70s when three-wheel and four-wheel All Terrain Vehicles became popular, and Nixon's order wasn't directed at Cape Hatteras National Seashore. It was directed at all the Parks. And Cape Hatteras dealt with it right away. Nipped it in the bud. They outlawed three-wheelers and said the four-wheelers had to be licensed for the highway. In other words, inspection, licensed driver, et cetera. So, therefore, there was no problem. And is no problem. The vehicles are not hurting the beach. About this time, the Sierra Club stuck their nose in it, and also tried to outlaw vehicles at Cape Hatteras. They said they were causing erosion. But then the beach at Cape Point accreted about a mile and a quarter, and that kind of threw the erosion argument out the window. And I just don't understand, if this was a mandate for all the Parks, why is Cape Hatteras being punished, and not Yellowstone and Yosemite? A federal judge can uphold Nixon's order and make the Park Service develop a plan, but he cannot order them to close vast sections of the seashore to the public. What motivates these radical environmental groups? Why are they so self-serving? Why do they only want parks accessed by people who have the ability to back-pack in? In my opinion, it's because their jobs depend on it. If they are in a paid position, raising money in the organization, or maybe an attorney representing the organization, it seems to me, without some sort of conflict, they don't have a job. I wonder how much their donors, and even

their own Board of Directors, really know about what the folks representing them are up to? And I'd just like to close by asking -- we -- we have no leadership from the State. They've had two years to do something, so I'd ask the Outer Banks Chamber of Commerce to file a lawsuit on the public's behalf. Thank you.

Correspondence ID: 15079 **Project:** 10641 **Document:** 32596
Name: Newbold, John
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: John Newbold. Nowhere in the off-road plan is there any real mention of cultural or historic values of the people who settled here, work here and call this their home. Completely missing and required by Park protocol is any sort of economic impact study. The plan was already and will continue to cause great financial chaos. Judge Boyle's plan has already done grave financial damage to the businesses and families who live here, and, of course, NPS's favoring is even more damaging. You are attempting to turn a National Park into a bird sanctuary. Our understanding was that the off-road plan was to be developed by a carefully screened, select group of some 30 parties who are to be the co-authors in the formulation of a plan. NPS told all parties that participation in the group required a spirit of negotiation which would eliminate lawsuits and develop a plan by consensus, and that members of the group who did not work in that spirit would be excused and replaced. Shortly after formulation of the group, three of the parties joined in a lawsuit, requesting park closure to ORVs until a plan was developed. When NPS failed to replace these three parties, and allowed them to continue to participate, there was no hope for any consensus, and the three parties put up roadblock after roadblock on the table, to de-rail any hope. Yet the group spent over two years working on a plan they could never develop. This failure was the result of the National Park Service's refusal to enforce it's own rule on participation. Facing a lawsuit, NPS did nothing to defend itself in court. And this set the stage for the three parties and a very biased judge to come up with a temporary ORV plan, until a final draft could be written. Park users either had to accept the plan or face full closure, and the plan was filled with closures that were not science-based, contained penalties that were imposed in violating closures. The Consent Decree handed down by Judge Boyle was heavy-handed and did nothing really to change bird populations by your own National Park figures. The act of refusing to defend themselves in court, turned management of the Park over to three parties, who still appear to be calling all the shots. It is obvious to me and to others that it should be -- that the National Park Service has little interest in doing anything except the wishes of the three parties who are anti-ORV usage. NPS bird counts are flawed, at best. And extensive closures for birds that are not endangered is not necessary. If, indeed, you lay any claim to the dredge islands, then you should count the birds that live there. NPS has no right to place stakes in the water around the Oregon Inlet pond. The basis here is the fact that you feel you could do this 100 feet from the shore areas, but the pond area is east of the bridge and considered ocean rather than sound. The State of North Carolina stipulates that waters east of the bridge follow their ocean rule and laws reflect this. They should be removed now and are a clear hindrance to navigation. NPS Rangers and Marine Fisheries Officers have issued warnings and tickets to anglers who are in possession of flounder and striped bass that met sound limits but were in violation of ocean limits. You can't have two sets of conflicting rules. Thank you.

Correspondence ID: 15080 **Project:** 10641 **Document:** 32596
Name: Westervelt , Ernestine
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: I'm Ernestine Westervelt, and I am a full-time resident and small business owner on Ocracoke. I would like to refer to the socio-economic impacts of the presentation on page 561, and I would like to read a paragraph. "The total impact, the -- of the proposed alternatives, would depend in part on the response of the affected individuals and businesses to changes brought about by the proposed rule. To the extent that local businesses can provide alternative products and services, they may be able to reduce the impact on their profits. In addition, the effect of the alternatives would depend on the willingness and ability of individuals to visit substitute sites for recreation, and of businesses to adapt to the available opportunities and changes in visitor use patterns, under which alternative is selected. If individuals visit other sites outside the Seashore, then these regions would experience an increase in business, while the businesses in the ROI would experience a decrease." And, I find that this cavalier and dismissive treatment of human beings and their livelihood in such an important aspect of this proposal, is absolutely appalling. Thank you.

Correspondence ID: 15081 **Project:** 10641 **Document:** 32596
Name: Tine , Paul
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: My name is Paul Tine, and I'm the Chairman of the Outer Banks Chamber of Commerce, and am representing the interest of its 1,000 plus members in Currituck, Dare and Hyde Counties. First, a clarification. The Draft Environmental Impact Statement is identified as being about off-road vehicle management, but restrictions on beach access do and will continue to affect a large number of pedestrians. In February, the National Park Service released a report titled, "2009 Off-Road Vehicle Law Enforcement Management Actions and Activities." Although the title suggests that the contents are only about ORV violations, the report includes contact to pedestrians. In fact, most warnings and citations issued in 2009 were to pedestrians, not ORV users. Of the 98 contacts reported, including both citations and written warnings for entering resource closures, only 15 were ORV issues. A total of 60 citations were written in 2009 -- 42 of these were issued to pedestrians. This is not just about off-road vehicles. It is an access issue and should be stated as such. Secondly, my organization would like to comment on the economic impacts of the preferred alternative, Alternative F. We would like to make it clear that this alternative will create wide-reaching negative economic impacts to the area. This economic concern is not addressed in the economic impact portion of the DEIS, however. This section provides little information about indirect impacts, and direct impacts are dismissed or minimized by saying that the businesses will adapt, or simply that impacts are not -- are unknown. It is important to point out that Alternative F is even more restrictive than the scenario set out in the Consent Decree, that currently governs access. The negative economic impacts of the Decree are known, so to say that added restrictions would have negligible to moderate impact is indefensible. The Consent Decree went into effect during the national economic downturn, and the first year was exacerbated by high gas prices. So, most businesses in our area suffered from these combined external forces. However, commerce on Hatteras Island has dropped disproportionately from the rest of the Outer Banks over the past two years, and we believe it is directly related to the restrictions on beach access. I would like to mention just one of the available pieces of data not mentioned in the DEIS report, that gives credence to this assertion. In September of '09, Dare County as a whole experienced an unemployment rate of 6.8 percent, one of the lowest in the state. But when the North Carolina Division of Labor and Marketing broke down employment down to zip codes, it showed Hatteras Village -- Hatteras Island villages had much higher unemployment, at 12.8 percent. While further broken down to the village level, Salvo was at 28 percent, Buxton at 16.5 percent, and Rodanthe was at 12.4. The Outer Banks Chamber of Commerce respectfully requests the economic analysis presented in the current report not be certified, as it does not meet the guidelines of the Regulatory Flexibility Act. We further ask that Alternative A be used as a basis to the permanent management plan, as its economic impacts can be measured upon past experience. Thank you.

Correspondence ID: 15082 **Project:** 10641 **Document:** 32596
Name: Sturza , Raymond
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening. My name is Ray Sturza, and I'm the Mayor of Kill Devil Hills. I'm here tonight to lend my voice to the rising tide of Americans of all walks of life, who have grown weary of our federal government's ever expanding role in our lives. The topic tonight is access to the recreational beaches of the Cape Hatteras National Seashore, and whether or not it will be a place where the people of the nation enjoy the Seashore as it was meant to be. Or, whether it will be set aside as a preserve for the benefit of birds and fish, with only minimal human interaction. A draft of alternative levels of protection for wildlife, combined with correlated levels of accommodation for people has been prepared for comment. I've read through this document, and attempted to address each of those in -- in a manner that was relevant to the document, but I soon decided to abandon that approach, eliminate the

jargon, and say to you tonight, very simply, "Reverse this document and let the people, once again, enjoy their beaches." Yes, it seems reasonable to have a permit system, and a set of minimum standards that all should abide by in the course of enjoying the beaches. And yes, it seems reasonable to protect shore birds and animal life that use these beaches as their habitat. I tend to believe that minimal closures are more than sufficient to ensure these kind and resilient creatures can survive on our national seashore. I also tend to believe that over-extended closures breed discontent and distrust, and lead to the perception that our federal regulatory agencies are not accountable to the very people they take an oath to serve. For several decades, people, shore birds and turtles co- existed in quiet harmony on the Cape Hatteras National Seashore. It was not until third-parties intervened that the very notion of discord raised its ugly head. Those who make a living perpetuating discord have succeeded where people and birds lived together quite well and knew of no conflict. And so, I close with these simple words: let our people once again enjoy their beaches. Write that formula into your document in whatever manner you wish, but you will find success in those words that everyone can understand, and in a way everyone will choose to follow. Thank you, Mr. Murray.

Correspondence ID: 15083 **Project:** 10641 **Document:** 32596
Name: Walker, Matt
Received: Apr.27.2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hello. My name is Matt Walker. I'm a resident of Kill Devil Hills, also the senior editor for Surfing Magazine, and a co-Chair for the Outer Banks Surf Rider -- the Surf Rider Foundation Outer Banks Chapter. Surf Rider is an environmental and access group for wave riders, with 50,000 members nationwide, and more than a 100 here locally. And, as far as the Impact Statement is concerned, it's our position that Alternative C is the most desirable from a surfing standpoint, specifically. We'd also like to encourage you, moving forward, when you are assessing this information, to not discount surfers as a user group, since aboard here in some of these meetings that nine-time world champion, Kelly Slater, has called it his neck of his pipeline, as far as his formative years are concerned. He's groomed countless surfers growing up. For his competitors, more importantly and from a lifestyle prospective, Cape Hatteras stands as the dominant, most enjoyable surfing spot on the whole east coast, and one of the few that is recognized around the world. So, we cannot -- you can't overemphasize exactly how important really, that surfing is to the Outer Banks, like the Outer Banks is to surfers around the world. I just want to encourage you to keep that in mind moving forward. And also moving forward, we'd like to ask that you, whatever solution you come to, to study the results, so in that hopes that, moving forward, and remove some restrictions so you can maximize the number of people enjoying the beaches. Those are the people who're going to protect it down the road from -- from all the issues that are coming our way. Thank you very much.

Correspondence ID: 15084 **Project:** 10641 **Document:** 32596
Name: Pruet, Matt
Received: Apr.27.2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hello. I'm here to merely echo Matt Walker's statements. My name is Matt Pruet. I'm a former resident who recently returned here in September, after spending 8-1/2 years down in Florida as the editor of Eastern Surf Magazine. I am now the editor-at-large for Eastern Surf Magazine, as well as an assignment writer for Surfline.com, and Surfing Magazine. The sandbars of the Outer Banks completely, 100 percent, dictate my life. And I can speak for the larger east coast surf community that you'd be hard-pressed to find any surfer on this coast who isn't enchanted one way or another by Outer Banks, and what it has come to represent, and, from a historical prospective in our sub-culture, as well as a major contributor to a multi-billion dollar industry. I just want to kind of throw out a few numbers right now. As of now, the Outer Banks has the largest factory on the east coast, is a home to six professional surfers, two professional surf journalists, an advertising sales manager, a surf forecaster, six sales reps, three full-time surf photographers, three full-time surf filmmakers, 25 shop owners, hundreds of employees, and myself. From a personal perspective, I would -- I basically recently turned down a position on the west coast that would basically be the surf industry equivalent of tenure, so that I could maintain a semblance of my career here on the Outer Banks. I wouldn't be able to do that if this place didn't hold so much enchantment, and so much relevance for competitions, going on 40 years for the Eastern Surfing Association Eastern Championships. I recently just came from Buxton on Sunday and Surfing America, which is the National Governing Body for the sport in this country, just held their Prime Series, which filters surfers onto the U.S. team. I basically implore you to consider surfers as a heavily-impacted user group, from an economic perspective and historical perspective, and Article C is what we really want. Thank you.

Correspondence ID: 15085 **Project:** 10641 **Document:** 32596
Name: Saunders, Ron
Received: Apr.27.2010 00:00:00
Correspondence Type: Transcript
Correspondence: I first came here in the '60s, and been off and on ever since. Part-time resident of Virginia Beach, and Kill Devil Hills. This -- the beach has changed from time to time, but I have to tell you, that it -- to me -- it basically looks the same as it did back in the '60s; it looks that way today. The same wildlife, I see, was there back in the '60s, it's still there today. I think there's a lot of exaggeration that has gone on, as to the impact of ORV, pedestrians, other users. Certainly, there needs to be some regulation, but I think it's been blown way out of proportion at this point, the recommendations. I think you need to step back, take a look, and be a little more reasonable in the assessment. Wildlife, from my experience, can adapt, and it will evolve just as we are being pressed to do, as partner/users of the seashore. I -- the size and the extent of the protection areas to me, seem way out of proportion, since the first time I ever saw one. And I think that that needs to be stepped back -- take a step back and look at that and re- evaluate. It appears to be a tool for punishment, as much as it does for the practical protection of the species. I have to add this. I think it's a travesty that the Audubon Society and Defenders of Wildlife have been allowed to portray the ORV users and possibly pedestrians and other active groups as the enemies of wildlife. I take it as a personal slam to me, and I'll guarantee you that the majority of people that use that beach take it as a slam, personally, against them. And I think the Audubon and Defenders of Wildlife and their attorneys should realize this, and be made aware of it. The -- I'm not sure I understand the ORV corridor situation during an SMA, down at Bodie Island Spit, where it said that a pedestrian corridor be maintained, but no ORV. So, that's something that -- I -- I just may not have read it right, but needs to be clarified. Thank you.

Correspondence ID: 15086 **Project:** 10641 **Document:** 32596
Name: Keene, Jim
Received: Apr.27.2010 00:00:00
Correspondence Type: Transcript
Correspondence: My name is Jim Keene. I'm a resident of Nags Head, President of the North Carolina Beach Buggy Association. I've maintained and held a seat through negotiated rule making until the excruciating end. I spoke before, and we will submit a full written comment prior to May 11 deadline. However, something happened last night that I just had to come to you and speak again tonight. Since at least 1995, and I'm quite sure, earlier, we have requested that the NPS pursue a vigorous program of vegetation removal at Bodie Island Spit, Cape Point, and other piping plover nesting areas within Cape Hatteras National Seashore recreational area. Through four superintendents, and as many or more interim superintendents, this has fallen on deaf ears. The National Park Service, after all, knows more than these rag-tag locals here seem to know. In 1995, however, the often- quoted study by Collazo and others, which was the final report to the National Park Service Cape Hatteras and Cape Lookout Seashores, with reference to piping plovers, it states, "We make the following recommendation to help enhance the population of Cape Hatteras and Cape Lookout. Continue vegetation removal at Cape Point along the south shore of the brackish pound. Growth of vegetation and other piping plover foraging and nesting areas of Cape Hatteras should be monitored. Additional areas may need to be maintained. Preservation of interior wet and mud flats on Cape Hatteras is critical. Otherwise, piping plover may only find suitable foraging habitat along the ocean inter- tidal zone, where human disturbance is a problem." You should pay attention to the studies that the National Park Service sponsors and pays for. The Resource Management Field Summary for April 15 through the 21st reports the

existence of two nests, and the imminent nesting of two more pairs in this exact area described by Collazo in 1995. These nests reported to have four eggs each were not in danger of human disturbance, since this whole vast area had been closed to all visits by humans. Had vegetation removal been maintained as recommended in 1995, these plovers would have found suitable vegetation and areas cleared of vegetation. And still they were found, nesting near the inter-tidal zone. I await a truthful resource management field summary schedule for this Thursday. The reason I await this report is my curiosity and what has become of these nests last night, when we experienced a full moon tide, accompanied by 20 to 25 mile per hour, south, southwest winds. The report I received this morning, which has since been confirmed, stated that the area was totally awash and under water. I truly hope that these nests miraculously survived, but if they didn't, the National Park Service, the writers in the Consent Decree must share the blame, and in fact, some day should face criminal charges, as would any visitor who caused the destruction of a nest. The DEIS makes no provision for addressing vegetation management, and therefore, continues to put the nesting plover in danger, while pushing our visitors away. We recommend the aggressive vegetation management to expand in known plover nesting areas that will assist in directing the nesting pairs away from the inter-tidal zone, and away from the human visitors to Cape Hatteras.

Correspondence ID: 15087 **Project:** 10641 **Document:** 32596
Name: Tershalk, John
Received: Apr.27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hello. My name's John Tershalk and I spent some time up in Alaska working at Denali National Park. And the one thing that I really -- stuck in my mind was when the park rangers told us that all laws that are put in for the civilians or the tourists, are the same laws that they have to obey. And I'd like to remind the Park Service that they will have to do the same. And that means driving through these areas. I'm an environmentalist. I'm also a hunter and a fisherman. And, everybody here that hunts and fishes, we have money given out of our tax dollars that we have for the species to improve. Yet, this winter was one of the coldest winters we've had down here in the longest time, and the turtles were in trouble. The animals were in trouble. I have yet to hear of any of the animal rights activists that came down here to help these species. Yet, our locals did. And I'd like to have you think that when these areas are gone into and tore up, maybe they're not the locals. They're not the people that are doing this. And I don't understand why there's no reward asking for information on who's doing this. Thank you.

Correspondence ID: 15088 **Project:** 10641 **Document:** 32596
Name: Baggett, Chrys
Received: May.12,2010 00:00:00
Correspondence Type: Letter
Correspondence: North Carolina Department of Administration Beverly Eaves Perdue, Governor May 11, 2010
 Mr. Michael Murray, Superintendent Cape Hatteras National Seashore U.S. Dept. of the Interior National Park Service 1401 National Park Drive Manteo, NC 27954 Moses Carey, Jr., Secretary
 Re: SCH File # 10-E-0000-0331; DEIS; Off-road vehicle (ORV) Management Plan at Cape Hatteras National Seashore. DEIS is available at <http://parkplanning.nps.gov/caha>
 Dear Mr. Murray:
 The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-I 0, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.
 If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.
 Should you have any questions, please do not hesitate to call.
 Sincerely, Ms. Chrys Baggett State Environmental Review Clearinghouse Attachments cc: Region R
 Mailing Address: 1301 Mail Service Center Raleigh, NC 27699-130 I Telephone: (919)HW7?242J Fax (919)733?9571 Stale Courier #51-01-00

Correspondence ID: 15089 **Project:** 10641 **Document:** 32596
Name: Golder, Walker
Received: Apr.27,2010 00:00:00
Correspondence Type: Letter
Correspondence: Thank you for this opportunity to speak at this hearing. My name is Walker Golder. I am a lifelong resident of the coast of North Carolina and I am Deputy State Director of Audubon North Carolina. I'm an avid angler, surfer, and wind-surfer and have travelled to Cape Hatteras National Seashore regularly since the 1970s, to engage in these recreational pursuits, as well as for the pure enjoyment of the beach, the birds, the landscape, and everything that makes Cape Hatteras National Seashore so special. And, I drive my vehicle on the beach where it's legal to do so. The people of the United States trust the National Park Service to protect the natural treasures of this country. You are the stewards of the iconic places of the United States. The Cape Hatteras National Seashore is one of those places. It is right up there with the Everglades, Great Smokey Mountains, Yosemite, Yellowstone, Grand Canyon and so many more. And, we trust the National Park Service to protect these national treasures, and the resources therein, in a manner that will leave them unimpaired for future generations. Alternative F falls short of that standard. It falls short of science and the recommendation from the country's leading experts. It falls short of the recommendations in the Endangered Species Recovery Plans. We urge you to implement natural resource protection based on the best available science. Within that, there can be responsible off-road vehicle use on Cape Hatteras National Seashore. And natural resources can be protected. People can enjoy the beach and natural resources can not only recover, but thrive. This decision before you will be one of the most important decisions in the history of this seashore. It will be important not only for birds, turtles and other natural resources, but it will be important to uphold the integrity of the National Seashore, and the National Park Service. Thank you for holding these public hearings to address this important issue.

Correspondence ID: 15090 **Project:** 10641 **Document:** 32596
Name: Gisler, Geoff
Received: Apr.27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: My name is Geoff Gisler and I'm an attorney with the Southern Environmental Law Center and I want to first, thank you for holding these hearings and giving us an opportunity to put in our comments. We would like to -- we support Alternative D, the environmentally preferred alternative, recognizing in some instances, it should be enhanced to provide additional pedestrian access to ensure that the places that make Cape Hatteras special are still accessible. We think as this plan goes forward there are two things that it must do. First, it has to put a priority on the protection of natural resources. The purpose of the Park Service -- what the -- the Park Service's obligation is to ensure that the resources at the Seashore are maintained for future generations, and we have clear directions how to do that from the Park Services' own scientists, and from the Department of Interior's own scientists. And we -- we'll look to make sure that this plan puts those recommendations into practice. In addition to providing these -- these protections for species that breed, migrate through, and winter in a seashore, the plan must also provide a way of measuring the success of the plan, not only if it's successful in ways that the plan could be altered in that way, but also if unsuccessful, in ways in which protections can be enhanced to provide the -- so that -- so that species can reach the levels and the populations that they should, and that they are capable of reaching on the seashore. And with that, I'll conclude my comments. And, thank you for your time.

Correspondence ID: 15091 **Project:** 10641 **Document:** 32596

Name: Youngman, Julie
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening. I'm Julie Youngman. I'm from Southern Environmental Law Center. I'm glad to be here tonight and to have the opportunity, both to speak, but also to hear everybody else's views. I'm also really glad to have the opportunity to work with the National Park Service on coming up with the best plan that works for the most people in the best way possible. If there's one thing I can convey tonight, I hope that it's that we as a group and the groups that we represent are not against access. We are for balanced, well-thought access -- well-thought-out access that treats this beautiful beach as what it is, a part of the National Park System. I've been coming to the Outer Banks my entire life, and Cape Hatteras in particular holds a special place in my heart, and it's because it is such a wonderful, beautiful, well-preserved place. It's not been subject to the development of the beaches of my home state in Virginia, or further south in South Carolina. It's just a wonderful place. And I want to keep coming here and have it be what it is today. We support Alternative D, the environmentally preferred alternative. It provides increased simplicity and predictability for all users. It has lots of good protections for wildlife. We would like to see improved access for pedestrians. The -- another speaker tonight made the point that the DEIS and the studies that are reported in their report that a large majority of the visitors to the seashore are there for pedestrian uses, and not primarily to drive. They're there for shell hunting and surfing and swimming and picnicking with their families and those sort of things. Unfortunately, the -- the preferred alternative, from the way we counted it, 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. And that only leaves 16 miles that are accessible only to pedestrians. And that doesn't strike us as fair. We would like to see equal access for pedestrian users of the beach, as well as ORV users. So, if we can't have Alternative D, we would like to see the following three things in any plan. And that would be the one that I just spoke about, the equal access for all visitors. We'd like to see science-based natural resource protections. And what Mr. Gisler spoke about, the clear goals for wildlife recovery. If I can just say, as the mother of young children, I feel strongly about having a safe place for families with little children to come to the beach and not worry about their safety, and be able to let them run free. I also feel strongly about my children's children having -- and my children's children's children and future generations -- having Cape Hatteras to still enjoy, in line with the Park Service's mission. Thank you.

Correspondence ID: 15092 **Project:** 10641 **Document:** 32596
Name: Outten, Bobby
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening, and thank you again for having us here in Kill Devil Hills. Over the evening tonight, and over the last couple of days where we've had these public hearings, you've heard just about everyone speak, no matter which side of the issue they spoke on, professing to say we're in this to create as much access as we can. We're in this to create the balance between resource protection and access, which sort of begs the question, because that's what the issue has been about all along. You've heard many of us talk about corridors. You've heard about excessive turtle closures. You've heard us talk about excessive protection for non-threatened or endangered species. And you've heard from some about the economic harm that these closures will cause on Hatteras Island. What we, in Dare County, would like to see is an adaptive management plan. A plan that adaptively manages not only the habitat, but the wildlife in those areas as well. We'd like for you in the Park Service to have discretion and authority and a way to do things that can maximize access, while you do what you're required to do to protect the species that you're required to protect. We're not looking for a simple plan or an easy plan. We're looking for a correct plan. And we're looking for a plan that will balance those things. With the information that you've heard, using adaptive management techniques, again, not only with the vegetation, but with the wildlife, we believe that you can achieve those goals. We believe that you can create more access than what's now allowed in Alternative F, and we believe, also, that you can protect the species that you're required to protect. Don't fall in the trap of going easy. Don't fall in the trap of going simple. Follow the peer reviewed science and do what we have to do, but create the access that we all crave, no matter which side of the issue we're on. Thank you.

Correspondence ID: 15093 **Project:** 10641 **Document:** 32596
Name: Monroe, Joe
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hello. My name is Joe Monroe. Most of us know that the beach was given to us as a recreational area. We also know that you're taking our beach away under false pretenses. Three. I've been driving legally on that beach for 47 years. There's probably isn't many people here that has done that. I haven't ran over one plover yet, although I heard that the Park Service ran over a bunch of them in one year and killed them. That's appalling. This is a wonderful place, because the locals has taken care of it. Not the federal government. But, I have a retail business here, and my income has dropped dramatically, as well as most of us, except for the people that -- in the government. Okay. I want my beach back. This management plan. When I first saw it, I snickered. I thought it was a joke. The management plan should look like this (holds up sheet of paper). Open our beaches. We can take care of them. We always have. Thank you.

Correspondence ID: 15094 **Project:** 10641 **Document:** 32596
Name: Cecil, Regina
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hi. My name's Regina Cecil. I'm here as a mother, as a teacher, with great conviction as I stand before you. I have no numbers to present to you, sir, because we are people. I don't think we need numbers to tell us that we are more important than birds and turtles. It is my job to teach my children to respect people. And, if we adopt this plan, and as when we were sitting around the table with my two children, they said, "Mom, what is happening? Why are birds more important than people?" And I can't give them an answer. I just ask that you consider people, your neighbors. We are not numbers. We're faces with lives. We need jobs. We need work. We need a way to take care of our families. Thank you.

Correspondence ID: 15095 **Project:** 10641 **Document:** 32596
Name: Hardham, Larry
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: I'd like to address night driving issues on page 369 of the DEIS Alternative F says, "May 1 to November 15, designated ORV routes and potential sea turtle nesting habitat (ocean intertidal zone, ocean backshore and dunes) would be closed and non-essential ORV use one hour after sunset until turtle patrol has checked the beach in the morning, at approximately a half-hour after sunrise." Last night, David Scarborough commented that there was no need for night driving restrictions, as it does not meet the requirements of a major adverse impact as defined on page 369 of the DEIS. All you need to do is to look at the history here, recorded in the annual sea turtle reports, and you'll find the following: "From 2000 through 2003, four years, with night driving and wood -- two by two wooden stakes at closures, the false crawl ratio was 0.75 to 1. 2004 and 2005, was white Carsonite stakes at closures, the false crawl and nest ratio jumped to 1.62 to 1." Neither National Park Service, the U.S. Fish and Wildlife, or North Carolina Wildlife Resource Commission flinched at this dramatic increase. Only I showed this problem to you, Mike, and you made the change. 2006 and 2007, you started using brown Carsonite stakes and closures, while night driving was still allowed and the false crawl and nest ratio dropped to 0.98 to 1, without the unexplained 24 false crawls in the hook bird closure at Cape Point. In 2008 and 2009, with brown Carsonite stakes and no night driving because of the Consent Decree, the false crawl ratio was 0.95 to 1. That's the lowest false crawl ratio to nest, in the last 10 years, has been with night driving, and wooden stakes. It's clear that the Cape Hatteras National Seashore recreational area false crawls have increased by the use of Carsonite stakes and not reduced by a ban on night driving. I repeat. Not reduced by a ban on night driving. It's also worth noting that the false crawl ratio in front of villages on Hatteras Island in the last 10 years as been 0.67 to 1. U.S. Fish and Wildlife false crawl expected ratio on undeveloped islands is 1 to 1. Please use

science from here at Cape Hatteras and not from Florida.

Correspondence ID:	15096	Project:	10641	Document:	32596
Name:	Judge, Warren				
Received:	Apr,27,2010 00:00:00				
Correspondence Type:	Transcript				
Correspondence:	<p>Thank you and good evening, Mike, once again, we're hearing from -- we're hearing the faces and the stories of the people of the Outer Banks, those who live here and those who visit here. And I'm so proud that they have come out and shared their -- their personal wishes and desires with you on how to adjust your plan. You heard from Audubon that your number one priority is the protection of species. Two weeks ago, we heard from our President that the young people of this nation need to get out. They need to get out and explore the treasures and experience the National Parks. I'm so proud of our young lady, Sharon, the student who spoke here tonight, and our first speaker. Maybe that's what the President had in mind when he asked the young people to get involved. The Dare County Board of Commissioners strongly supports open and accessible beaches for the Cape Hatteras National Seashore recreational area. We believe in open access for everyone, consistent with the enabling legislation that created America's first National Seashore. Our residents and visitors have been faithful stewards of wildlife. We support -- Dare County supports resource protection for shore birds and sea turtles. We believe in this country and this nation that puts men and women in space, and puts them on space stations and transplants organs in bodies and makes artificial limbs that allow people to complete -- to compete athletically and in Olympics -- that we ought to be able to figure this out and all share the beach. The Southern Environmental Law Center talks about pedestrian access. Almost everything we do in the Cape Hatteras National Seashore is pedestrian. You don't drive your car along the surf and cast your rod. You cast your line into the ocean. The way this park developed, you access the beach by vehicle. Gary Gross talked about access for the disabled and handicapped. This is very important. Very important. Paul Tine gave you figures from the State of North Carolina. They've got to be right. They're not scientists. They've got to be right. And this is the argument that we have made. You cannot blame the 28 percent unemployment in Salvo and Rodanthe on the economy and for the whole of Dare County at 6 percent. Please poll Hatteras Island. Now do not use aggregate figures of Dare County to base Alternative F. And one more point. We have not talked about it in the three meetings we've had so far. Villages. There are -- there are two villages that have been given four more months -- four more months of closure - - seasonal closure. We don't know why. We're hoping it's a typographical error. We're hoping that it's a mistake in Alternative F. We do not understand why 146 oceanfront homes are protected four months longer from anybody being able to get in front of them. There's very little access. That section of beach, Frisco and Hatteras Village, may have the least amount of access in the entire Seashore. Please look at that in Alternative F. That's a problem. Thank you.</p>				
Correspondence ID:	15097	Project:	10641	Document:	32596
Name:	Harris , Jim				
Received:	Apr,27,2010 00:00:00				
Correspondence Type:	Transcript				
Correspondence:	<p>Jim Harris from Southern Shores. I've got to correct some things from last night. Chris Canfield said that he felt sorry for the NPS folks on Hatteras Island, from the problem he caused by a lawsuit. He also said that ORV users could walk out in front of the school, carrying signs but could not walk on the beach carrying gear. There's a big difference, carrying a sign on the side of the road, and carrying 40 or 50 pounds of tackle in soft sand. I've got a thing taken from DEIS, page 88. "Create habitat through physical alteration or the creation of dredge islands." The NPS considered creating habitat through various methods, based on the experience of the staff at North Carolina Wildlife Resources. Habitat creation projects can be short-lived and labor intensive. Duh? Based on the experience with hand pulling, herbicides, fires and bull dozers, it was found that most of these techniques are effective for only a short period of time. Duh? The creation of new habitat for birds will destroy habitat for predators. Your argument to do nothing actually encourages predation. Which is the -- which is your prime object to protect? Birds or predators? As long as vegetation is allowed to grow unfettered, on the interiors of the points and spits, predators will be able to get close to the feeding baby birds. Clearing these areas will give the birds a better chance of fledging.</p>				
Correspondence ID:	15098	Project:	10641	Document:	32596
Name:	Schawang , Sandra				
Received:	Apr,27,2010 00:00:00				
Correspondence Type:	Transcript				
Correspondence:	<p>Hello. I'm Sandra Schawang, and I'm here as a resident and as -- as an employee of an Outer Banks business. And, I would support what Ernestine from Ocracoke said about, it does affect businesses. And the Holiday Ice person said it does affect the businesses, and the ability of businesses that have been here for a long time, from prospering. I'd also like to say, to echo also, the person who said that this title is very misleading and could be misleading to other people who might speak out in support, if they understood. But it affects a lot more than just vehicles on the beach. It affects people walking on the beach, and all the other activities on the beach, which is very detrimental to the way of life on the beach. I think everybody here has made very important statements, and I'll stop now. Thank you.</p>				
Correspondence ID:	15099	Project:	10641	Document:	32596
Name:	Ray, Jefferson				
Received:	Apr,27,2010 00:00:00				
Correspondence Type:	Transcript				
Correspondence:	<p>Hello. My name is Jefferson Ray. I live in Currituck County. I work for the Elizabeth City School System, with students with disabilities. I have two children, seven and nine years old. And my hobbies are surfing, and throwing my kids into the ocean. I support Alternative C, although much like the young -- I appreciate the young lady from Manteo's comments regarding the failure to look at actual science when you're drafting -- when you're drafting your statement and making decisions and policy, especially the fact that predation and storms are responsible for the vast majority of disruptions and fatalities. I also agree with the Dare County Commissioner that I do not know, about oystercatchers as a species of concern. And it's ridiculous that oystercatchers receive the amount of protection that they get, when, if you look at any other national seashore in the United States, there are no other species of concern that receive that level of protection. And I support Alternative C and I'm finished. Thank you.</p>				
Correspondence ID:	15100	Project:	10641	Document:	32596
Name:	Barker , Doug				
Received:	Apr,27,2010 00:00:00				
Correspondence Type:	Transcript				
Correspondence:	<p>Hello. I'm Doug Barker. I -- I'm for open beach access and the only thing I really wanted to state was from the 19 -- with the late 1930s legislation that Congress had established for the Cape Hatteras National Seashore recreational area, is I -- I just beg of you to please let that not be another broken government promise for us all. Thank you.</p>				
Correspondence ID:	15101	Project:	10641	Document:	32596
Name:	Foster , Bill				
Received:	Apr,27,2010 00:00:00				
Correspondence Type:	Transcript				
Correspondence:	<p>Good evening, Mike. Bill Foster from Hatteras. My last experience in this building was during Reg-Neg, and I don't have very many happy memories,</p>				

because we did essentially nothing to negotiate during that time. And so, I was kind of discouraged when I left there. But this is a different day, and under the requirements for the DEIS, the agency's required to consider all reasonable alternatives. And so, I take great joy in having an opportunity to present a more reasonable alternative than anything that's listed in the DEIS. And feel like in the next two weeks before the end of comment period, that I, with any help I've received from anybody else, can write something that's more reasonable. The goal for my reason -- for a reasonable alternative, I believe, should offer both the maximum access for the people, as well as provide the maximum quality habitat for the natural resources associated with the beach in Cape Hatteras National Seashore. I don't think those two things are mutually exclusive. Both in Reg- Neg and in the DEIS, the two things people and the -- what has been called the resource -- are treated as if they couldn't occur at the same time. And I don't believe that's the case. One of the ideas that has come up has been to modify habitat to remove vegetation. And I'd like to put it in a little bit different terms. We all know -- I think everyone will agree -- that the islands that are just out in the sound, the spoil islands, are far better habitat than anything that's found within Cape Hatteras National Seashore, in terms of the number of birds that nest on those islands. And so it seems reasonable that, if the Park Service wants more birds in the park, then all we have to do is create an island within the park. If we create islands within the park that have dimensions -- two dimensions instead of stretched out down the beach, there's ample opportunity for the resource and provide -- if we provide corridors by them, then we have access for the people. I believe it's a goal that will not only -- we can accomplish, will be more reasonable than anything in the DEIS. Thank you.

Correspondence ID: 15102 **Project:** 10641 **Document:** 32596

Name: Pauls, Steve
Received: Apr.27.2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good evening. Thanks for giving me the opportunity to speak tonight. My name is Steve Pauls. I'm a local businessman. I own the Pit Surf Shop in Kill Devil Hills. We've been here for 15 years. Originally, the issue of access south of the bridge, and brought to our attention when Pea Island access was threatened by the 17-mile bridge, many years ago. As surfers at the time, we were concerned 'cause we weren't going to have a place to surf in one of our favorite spots. We put the call out to our customers that we want some response from them. And the response was overwhelming. What surprised us and what really brought this issue to our attention from all the beaches, was that the response was not just from surfers, and it was not just from Outer Banks surfers. It was people from all walks of life that heard the message just from our one little store. They wrote so many e-mails to the Department of Transportation that those guys did more than Warren Judge. They wanted us to -- to stop doing it. The Outer Banks, having lived here for almost 20 years, in my opinion, is every man's beach. It's every person's beach. It's your every kid's beach. It's a place you can come, if you're the average American. You don't have to be rich to come here. You can get on our beaches without a pass, without having a ton of money, without a boat. That's why people come here. The message that's being sent to you that, unequivocally, with a doubt, what your average person wants who lives here, who visits here, is an access to the beaches, as much as is possible. They want to exist with nature, not stand and look outside into there. Now, I've been coming to these meetings now for, as long as they've been made available. Anytime there's access, I make it a point to come. And the observation I can give to you is this. Is that every time the message is overwhelmingly in that favor, and the only dissent to restricted access are the folks in special interests groups who are paid to be here, or are employed by those constituencies. It's a rare time that someone stands up and says, "You know what? I think less access would be a good idea." And I live here, and I'm just saying that because you almost never hear that. So, I implore you, if at all possible, to listen to the people who are speaking in this situation, not folks who have lots of money to throw around. Not folks that could influence judges and politics. Listen to the folks that are standing here in front of you, because the everyday person is speaking, and they're giving you a loud and clear message.

Correspondence ID: 15103 **Project:** 10641 **Document:** 32596

Name: Kelly, Sue
Received: Apr.27.2010 00:00:00

Correspondence Type: Transcript

Correspondence: My name is Sue Kelly. I'm a resident of Kill Devil Hills. And I'm one of those people who's here because that gentleman thinks there aren't very many of us here. I believe that there's a lot more people in this county and in this area, who support what the National Park Service is trying to do, to allow people access but also to protect the environment. I am a volunteer for NEST -- the Network for Endangered Sea Turtles -- and I just want to mention to you, only 1 out of 1,000 sea turtles, loggerheads, particularly, others as well, who hatch will grow to adulthood. And only 1 in 10,000 of those sea turtles will live to old age and die a natural death. Now they have lots of predators. And certainly many of them are ones we have no control over. But we need to do whatever we can do to take care and protect the nature and the beauty that we have been given the privilege to live in and to enjoy. I also want to say that I'm a volunteer at the National Park Service. I volunteer at the Bodie Island Lighthouse. And I'm here as an individual. But I know that the people who come to the Bodie Island light, particularly like being there because it, of all our lighthouses, looks so much like it used to be here, whereas the other communities have changed. Not necessarily for the worse, but they have changed. Bodie Island is surrounded largely by the nature that surrounded it when it was built in 1872. I think there're two issues that never get mentioned during this discussion, and it is that things have changed. I'm a four-wheeler. The first year that Ford made the Explorer, I bought one. I've been up and down these beaches, all over the place. And I love it. But that was a time, back then, when there weren't so many people with off-road vehicles. Now there are thousands and thousands and thousands, and that's a change. That's a change from the way things were 20 years ago. The other change that we have is that there's not as much beach as there used to be. The beach is simply not as wide. We know we have places all along this area, where the beach is getting very, very narrow. That has a tremendous impact. I've never heard anybody mention those two issues in relation to what we are here talking about. I really regret that some people found it necessary to ridicule those of us who believe in nature and support the Park Service's attempts to protect nature and give us the rights that we need as well to be on the beach. Thank you.

Correspondence ID: 15104 **Project:** 10641 **Document:** 32596

Name: Shaw, Byron
Received: Apr.27.2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good evening. My name is Byron Shaw. When I say I'm a native of these Outer Banks, my lineage goes all the way back, at least as far as Captain O. C. Ward, surfer number six, at the Bodie Lifesaving Station, who helped broadcast to the world that Orville and Wilbur Wright achieved flight for the first time in human history. I do not feel that the socio-economic study contained in the DEIS adequately addresses the ill effects on the villages of Cape Hatteras National Seashore. The dynamics of the northern incorporated towns differ greatly from the villages south of Oregon Inlet. The Hatteras and Ocracoke businesses' owners, they've lost upwards of 40 percent in revenue, and that's a fact. Furthermore, I do not feel the mere two paragraphs in the 800 plus page DEIS fairly represents our culture and heritage of beach access. I also feel that the dredge spoil islands provide an ideal habitat, free of predation and should be included in the assessment of the bird population on these seashores. Ultimately, I agree with the position statement prepared by the Coalition for Beach Access. Thank you for your time.

Correspondence ID: 15105 **Project:** 10641 **Document:** 32596

Name: Hardham, Larry
Received: Apr.27.2010 00:00:00

Correspondence Type: Transcript

Correspondence: Thank you. I -- I did notice in the rules that there didn't seem to be a prohibition about speaking twice, and I so I figured I'd take a shot. Several things real quick. Permanent closures in the DEIS do nothing but increase the vegetation growth and actually destroy the habitat. This has been addressed several times, and I -- I just can't help but re-emphasize that. It's happened at Oregon Inlet. It's happening now at Cape Point and on South Beach. Permanent closures I just don't think should be a part at all of the plan that's going to last the next 10 or 15 years. Things change here. To have an area between two ramps close permanently, I think would be served a lot better to have it at a floating closure, which was the concept that we introduced at

Reg-Neg, as a floating closure to replace permanent closures, not to supplement them. Secondly, the permits used to be based -- an ORV permit has been based on a cost-recovery system. And it blows my mind that the Park Service spent \$20.05 to send this document out, when it could have been sent in a well-advertised postal service method of, "If it fits, it ships for \$10.70." If this is the philosophy that's going to be used for cost-recovery on pricing permits, you've got a real problem. The lady from NEST, I thank you for volunteering with turtles. I volunteered at Pea Island for 15 years. Your point about narrow beaches is just another reason to relocate because narrow beaches allow for more nests to be over-washed and washed away. If we consider the nested hatch under 10 percent of their eggs, in addition to those that have been lost completely with a zero percent hatch, this Park has shamefully lost nearly 46 percent of the nests laid in this seashore in the last 10 years. That, to me, spells nothing more than a take. And I think it's unconscionable that the DEIS pursues the same plans that have allowed for this shameful loss of nests. Thank you.

Correspondence ID: 15106 **Project:** 10641 **Document:** 32596
Name: Shaw, Megan
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Thank you to the National Park Service for giving us all the opportunity to express how we feel. I'm going to echo a lot of the comments that I've heard here, and the comments that I hear every day when I talk to folks in the Cape Hatteras National Seashore. First of all, the locals were here this winter to help with the turtles, the cold storm events, with the beach clean-ups. We really worked to protect our resource. And I do not feel the socio-economic study in the DEIS adequately addressed the ill-effects from the villages of Cape Hatteras National Seashore. The dynamics of northern beach incorporated towns such as Southern Shores and Kill Devil Hills, that varies greatly from Ocracoke Village, or Salvo or Rodanthe. Hatteras and Ocracoke business owners have lost upwards of 40 percent of revenue. It's a fact. They tell me that every day. And I believe them. Furthermore, I do not feel the two paragraphs in the 800 plus page DEIS fairly represent a culture and heritage of beach access. It's about more than ORV. It's about human access, pedestrian access. I feel the dredge spoil islands provide an ideal habitat, free of predation and should be included in the assessment of the bird population on the seashore. Those islands are full of birds. Nobody can get to them. They can't get the foxes, any kind of predation, so they should have been included in the assessment of the population for birds. So, ultimately, I agree with the position statement prepared by the Coalition for Beach Access. Thanks again for your time.

Correspondence ID: 15107 **Project:** 10641 **Document:** 32596
Name: Westervelt, Ernestine
Received: Apr,27,2010 00:00:00
Correspondence Type: Transcript
Correspondence: I was a speaker earlier on and one of the things, I was a tad bit nervous, needless to say. But one of the things that I neglected to say was that, when I read the paragraph from this, page 561 -- When I read the paragraph regarding the -- paragraph three, regarding impact of this proposal on the socio-economic thing is, I forgot to put in my interpretation of it, which was that according to this paragraph, it is perfectly acceptable for businesses on the Outer Banks, Hatteras County, Ocracoke, which is part of Hyde County, to go bankrupt, as long as the tourists and the businesses go someplace else and spend their money, and these other people make a profit. And I think that is just -- it's just dreadful -- to put Outer Banks people and businesses in such a low regard. And I thank you again.

Correspondence ID: 15108 **Project:** 10641 **Document:** 32596
Name: Perdue, Beverly E
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: North Carolina Department of Environment and Natural Resources
10-0331 DEIS Off-road Vehicle (ORV) Management Plan at Cape Hatteras National Seashore in Dare and Hyde Counties
May 10, 2010 Dee Freeman Secretary
The Department of Environment and Natural Resources has reviewed the proposed Draft Environmental Impact Statement. The attached comments are for the applicant's information.
Thank you for the opportunity to review. Please let me know if you have any questions.
Attachments 1601 Mail Service Center, Raleigh, North Carolina 27699-1601 Phone: 919-733-4984 \ FAX: 919-715-3060 Internet: www.enr.state.nc.us
Beverly Eaves Perdue Governor

Correspondence ID: 15109 **Project:** 10641 **Document:** 32596
Name: Kennedy, Anne
Received: May,17,2010 00:00:00
Correspondence Type: Letter
Correspondence: Please accept this letter as my comment on the ORV DEIS before you at this time.
I am a 73 year old woman and have enjoyed the beaches at Hatteras since I was a college student. I believe the beaches are to be enjoyed by the birds and other wildlife as well as the people. I would hate to lose this privilege. Surely it would be possible to restrict driving on the beaches, but maintain their use for people to swim and walk.
After reviewing the National Park Service DEIS I must disagree with any of the six alternatives within the document.
I have; however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.
Thank-you for you attention to this matter.

Correspondence ID: 15110 **Project:** 10641 **Document:** 32596
Name: LeGrand, Harry
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: North Carolina Department of Environment and Natural Resources
May 5, 2010 MEMORANDUM TO: FROM: SUBJE:CT: Harry LeGrand, Natural Heritage Program DEIS - Off-road Vehicle (ORV) Management Plan at Cape Hatteras National Seashore; Dare and Hyde counties
REFERENCE: Project No. 10-0331
The Natural Heritage Program supports the project as proposed; either Preferred Alternative D or Alternative F are acceptable to the Program.
Alternative D is the Environmentally Preferred Alternative, which has a more simplified and fixed set of regulations that increase the predictability of areas for usage by the public. Alternative F is the National Park Service Preferred Alternative, which incorporates more seasonal and geographic flexibility to manage both the natural resources and the ORV/visitor usage of the seashore.
The DEIS indicates that both Alternatives D and F will have beach closures for "Species Management Areas", which also includes protection for bird nesting areas as well as areas for protecting the Federally Threatened seabeach amaranth (*Amaranthus pumilus*). Additional regulations, such as regarding night driving, are proposed for the Federally Threatened loggerhead sea turtle (*Caretta caretta*) and several other sea turtles, which come ashore only at night to deposit eggs on the beaches in the summer; the turtle season is extended to November 15. Generally, these Species Management Areas will be closed starting on March 15. We endorse the establishment of these additional protection actions. Alternative F has more flexibility with

the ending of the closures, depending on the lateness of the season for colonial nesting birds. Allowing NPS staff flexibility in this decision seems wise. In summary, the DEIS addresses our concerns, and our Program supports the protection of significant resources that will result. Please do not hesitate to contact me at 919-715-8697 if you have questions or need further information.
1601 Mail Service Center, Raleigh, North Carolina 27699-1601 Phone:919-733-4984 \ FAX: 919-715-3060 Internet: www.eor.state.nc.us

Correspondence ID: 15111 **Project:** 10641 **Document:** 32596
Name: Scheller, Roberto L
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Review of the subject project found that the proposed project impacts would not have anticipated impacts directly on wetlands or surface waters from beach traffic. It is this Offices' understanding that impacts would be to beach areas as a result of ORV traffic. Current management practices at the Seashore allow ORV users to drive on the beach seaward of the primary dune line, with a 10-meter backshore area seaward of the primary dune line protected seasonally. Drivers must use designated ramps to cross between the beach and NC-12 that runs behind the primary dune line. It was noted that wetland impacts are occurring on the sound side from drivers deviating from designated drive paths. It is recommended that access roads on the sound side should be improved enough to allow reasonable access during high water to help reduce wetland impacts from off road traffic and/or closed until vegetation can reestablish. Any impacts to wetlands or surface waters from the implementation of the proposed management plans should be reported to this Office immediately. If you should have any questions or require additional information you may e-mail me at roberto.seheller@ncdenr.gov or contact me by phone at 252-948-3940.

Correspondence ID: 15112 **Project:** 10641 **Document:** 32596
Name: Shade, Betsy
Received: May,17,2010 00:00:00
Correspondence Type: Letter
Correspondence: These comments are submitted for consideration on your draft plan for managing off-road vehicles. My sister used to own a beach property at Nags Head. We often stay at her beach house near Assateague Island National Seashore. My six children (ages now 11 to 14) love wild country, and we all hope the beaches of Cape Hatteras will be more wild and beautiful when they grow up and explore our beautiful land for themselves. Until the Bonner Bridge was opened in 1960, there were few vehicles on the beach at Cape Hatteras. It is a great shame that ORVs were allowed to invade the national seashore until now they dominate it. They have destroyed habitat for birds and sea turtles and ruined the quiet of the wild ocean beaches. I urge NPS to protect essential habitat for the protected species of birds and sea turtles by adopting Alternative D. It will make at least half the beach safe for wildlife and for visitors on foot. Vehicles on the beach should be regulated, as they are at Assateague, with a permit system and a limit on the number of vehicles on the beach at the same time. At Assateague the fifty-fifty allocation between ORVs and pedestrians has been accepted by the public. It is fair to both groups. Please reject Alternative F, which continues the imbalance between motorized and nonmotorized beaches. Only 16 miles would be closed to vehicles all year. The other 50 miles would be open to vehicles all or part of the year, and thus not safe for wildlife or for visitors on foot. Thank you for considering my thoughts. I wish you will in this project.

Correspondence ID: 15113 **Project:** 10641 **Document:** 32596
Name: BROWNING, LEE
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: My name is Lee Browning and I'm from Greensboro. I've spent most of my life as a Criminal Investigator in that area. According to the enabling legislation back when the Park was founded, Congress is responsible for setting the protocols to help manage this recreational area. And for the past two and a half years, quite frankly, I've been wondering when this process was going to start. In 2009, there were fewer birds under the first four years of the Consent Decree, than in 2008. Nine pairs versus 11 pairs. Another thing that I found was these maps. The over-washed pre-nesting closure recommendations were South Beach and Hatteras Inlet co-closure recommendations and at North Point, Ocracoke closure recommendations, show no piping plover nests in the last two years. Under Alternative F, please explain why these areas are going to be closed permanently, not only to ORVs but to pedestrians. In my opinion, it is very impossible to see this issue as really about protecting the birds and the wildlife. It's entirely about restricting access, not only to the ORVs, but to pedestrians. Somebody please explain why everywhere else in this country, there's a 200-meter buffer to protect the nests. Why, in Hatteras, is it 1,000 meters? 800 meters would make all the difference in the world, in an access corridor, to eliminate most of the problems that we're going through right here, and have been for the last several years. Thank you very much.

Correspondence ID: 15114 **Project:** 10641 **Document:** 32596
Name: HOLSTEIN, LARRY
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: Panel members, to whom it may concern, my name's Larry Holstein, and I currently live in Maryville, Tennessee. My father, my wife and I served our country in the United States military. We were told it was to keep our shores free. Now, our freedom is being stolen from within. I disagree with the ORV Environmental Impact Statement, referring to the disabled, page 7, part 1, and page 58, chapter 2. These rules were made before many of us were born. They are shallow, passe, and certainly not in spirit with the Americans with Disabilities Act. I need an ORV to get my wife and I to the fishing areas, if there are going to be any left. Anything else is not acceptable. This surf fishing is simply part of my American heritage. Thank you.

Correspondence ID: 15115 **Project:** 10641 **Document:** 32596
Name: LEH, JIM
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: However, I read pretty well, and while I commend the NPS authors and staff on putting together a document that reminds me a lot of the material that I've cranked out for consumption by Federal Agencies over the last 30 years, I do have to take some serious exception to its content. I -- it occurs to me that this management plan, however it ends up, is in fact going to have the force of policy, and that it may well practically have the force of law over the period of time. And I'm reminded to that Conrad Wirth's assurances in the 1950s, were written, made in good faith, and turned out to be unenforceable. So, I urge all of us who are participating in this process, let's get it right. Let's word it carefully. The conclusions and recommendations that are reached here -- the sources cited -- really need to be unimpeachable, because of their impact on the lives of all of us, and I think, in the long term, viability of the Seashore itself, as a national asset. Two quick examples. The Economic Impact Analysis is, to be quite honest, tentative and incomplete. I urge you to push RTI to get hard-edged, and to push into greater depth in analyzing the impact on these communities. I urge you to watch for professional -- Professor Dan Stein's 2009 report on the National Park visitor spending, coming out in July or in August of this year, and look at it very carefully in comparison to 2008 data on the economic life and viability of these communities. I urge you to look again at positive, positive habitat management. It's costly. It's difficult. No question about it. But you're already manipulating the ecosystem and expanding and maintaining alternative breeding habitat. Work a little bit on earlier reports which say the salt pond vegetation really could stand to be eradicated and that mud flats and wet flats should be expanded and protected. I urge you to revisit unbalanced language describing regulatory approaches. The language that I see in the DEIS right now emphasizes restricting ORVs and other recreational uses. It really does not pay much attention to managing natural resources. I urge you to take another

look at the U.S.G.S. synthesis document, and others that provide clear, quantitated statements about bird and turtle behavior, but their descriptions of ORV impact are filled with vague words like "can," "might," "is possibly" and "maybe." Again, this is too important to take it slack. Let's get it right. Thank you.

Correspondence ID:	15116	Project:	10641	Document:	32596
Name:	PIERCE, FLEETWOOD				
Received:	Apr,26,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	My name is Fleetwood Pierce. I'm from Colerain, North Carolina. I come down here the first time and caught my first drum in 1953. There were no restrictions at all at that time, and you take this ORV, close off the points and all the good fishing parts with drum, both of my grandchildren (starts crying) and their younguns, they won't have the place. Why? Why? For a little bird that ain't even -- ain't even -- a natural bird down here. You got it all over these other states, and ya'll close up this for people. And look at the economy. Thank you.				
Correspondence ID:	15117	Project:	10641	Document:	32596
Name:	White, Peregrine				
Received:	Apr,26,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	My name is Peregrine White. I live in Nags Head, and I'm the Chairman of the Republican Party in Dare County. Previous speakers spoke to the matter that Congress is responsible for the enactment of legislation and rules and policies for the Park Service. In that -- following that, the Dare County Republican Party, along with the Dare County Commissioners and several other parties, have presented resolutions and past resolutions, calling for return to the 2007 plan, and then starting over again with that as a basis. I have copies of that and I will leave them on the table. The other thing is that, I was just down on the beach, looking at the restrictions that are on the beach. Some of the restrictions start here and they're down the road, there's another restricted area, and so forth. The whole area in between is restricted -- all of the area between the beginning and the very last, going across several of the accesses to the beach. Third thing. The punishment for people who are violating the thing. Most of the people, most of the violators in your study are pedestrians, not ORVs. But, the punishment for them has become a punishment for the rest of the islands, for its people. We are punished by increasing the size, unreasonably, and I've been to other turtle and bird sanctuaries, giving the punishment as being unreasonable, with 1,000 meter increments, impossible, that's the better part of a mile. The punishment should fit the crime. If the Park Service cannot find out who is the perpetrator of the violation -- of the vandalism of the signs, or the movement of signs, then the Park Service should do better investigation, or not punish the people who live here. Thank you.				
Correspondence ID:	15118	Project:	10641	Document:	32596
Name:	FOSTER, BILL				
Received:	Apr,26,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Thank you. My name is Bill Foster. Judging by the order I came in, I suspect that's where -- where I am. The draft document represents a lot of work. That's a lot of work. But my impression from reading that document is that it represents a lot of work to justify actions which were planned before the EIS was started. Based upon the Executive Summary, I think that it's reasonable to conclude that the NPS staff started and ended with three assumptions. These three assumptions were and are: Number one, the protection of natural resources preempts the right of people to access the beach. Number two, people, especially if they use a vehicle, cannot co-exist with other species in the beach ecosystem. Number three, all impacts of vehicles on the beach ecosystem are negative. I'd like to repeat that. The three assumptions that I see, the protection of natural resources preempts the right of people to access the beach. People, especially if they use a vehicle, cannot co-exist with other species in the beach ecosystem. And the third assumption is that all impacts of vehicles on the beach ecosystem are negative. If all three of these assumptions are true, then NPS has done an excellent job of preparing this Draft Plan. If however, any of these assumptions is not true, then none of the listed alternative plans can satisfy both the enabling legislation and the various directives and legislation that's come along behind that. In three minutes, I cannot list all the reasons that these assumptions are not true. But, I will provide them in detail in written comment at a later date. What I'd like to do is leave you with idea for a different alternative than the ones that are listed in the Plan. What if the alternative had as its goal to optimize access and at the same time optimize the habitat for the various species involved? One thing that we never did during Reg-Neg was to try to take care of both the people and the resource. It was always one or the other. And, in -- as it turns out in the Plan, all the actions only go one way. We close for where the birds might be, and then we close anywhere else that's supposed to be open, if some bird happens to go there. I think the enabling legislation makes it clear that both the people and the resource have equal weight. Thank you.				
Correspondence ID:	15119	Project:	10641	Document:	32596
Name:	Browning, Lou				
Received:	Apr,26,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	I'm Lou Browning from Frisco. I'm a Wildlife Rehabilitator. If you read the footnotes and the quoted sources, the DEIS actually identifies habitat destruction as the real problem here. Statistically, the issue of public access is a diversion. It simply feeds more lawyers. Limiting public access will not serve the habitat problems for nesting and wintering birds. The Park Service has been in control of this habitat for over 50 years. The Park Service is responsible for the habitat destruction. You have perpetuated the stabilization of the island in prime nesting areas. This has diminished the wide beaches and tidal mud flats that are required for sufficient populations of birds. Years ago, you mined sand from Cape Point for beach nourishment. For many years, you drained water from the sedges onto the beach. You allow sea oats to grow in nesting areas, thus building more dunes. You protect sea oats. You should be yanking them out by the roots, if they're in a nesting area. The effect of your actions has made the beaches more suitable for predators than for birds. If we want birds around, we need to provide quality nesting and feeding habitat. Stop wasting your time killing everything else. You need to deal with the real problem. All the nesting areas in question are Park property. What I suggest is to re-naturalize some areas. What I suggest is to remove all vegetation and sand dunes from Cape Point, Hatteras Inlet and Bodie Island spit. Contour these new flat, barren areas to provide quality nesting sites and tidal mud flats for feeding. The effect will be to fledge more birds, kill less predators and have the natural food sources available for the wintering birds. If you do this, I'm sure you will find there's enough room in our Park for wildlife and humans. You messed it up. Now, fix it.				
Correspondence ID:	15120	Project:	10641	Document:	32596
Name:	SCARBOROUGH, RICK				
Received:	Apr,26,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	These proposals are not going to really affect me recreationally, where they will affect my livelihood. Year-round closures are not necessary on our beaches. We don't have any threatened or endangered birds that winter on our beaches. The sand spoil islands that were dredged up by the State and our Sound waters have more nesting birds on them than most of the closed beaches combined. I've seen this with my own eyes. If the National Park Service can enforce State laws on our beaches, that should open the door for the Federal Park Service to work with the State on the nests on the dredge slands. All right. Southeast Canada is the primary nesting area for the piping plover. The piping plover populations in Canada should be factored into the equations here. A few special interest groups I don't feel should be able to dictate the future of the majority. The majority is supposed to rule in this country. People on the beach -- they're going to scare off the predators. If we want to hurt the birds, taking people off, we've got more predators. Beach erosion is not worse in the open beach areas than in the closed areas. That's -- you can see that with your own eyes. Why would the federal government				

want to burden the people by stopping the money flow in an area where the economy is still good? There would be a lot of lost tax revenue on the state, the federal and the county level. And here is something we really have to stand on right here, is, back when the Park Service was first -- they were first making this a Federal Park, the Phipps family -- one of the families that was on the island here that owned a lot of the property -- they donated all of the Cape Point and a lot of other parts of the beach to the National Park Service. And the National Park Service agreed with this family that the beach would never be closed to the livelihood of the locals, and it wouldn't be closed to the recreational enjoyment -- now, let me underline "recreational enjoyment of the locals or of the visiting public." And that was the only reason that that particular family gave -- let me underline "gave" the Park Service that land. That's it.

Correspondence ID: 15121 **Project:** 10641 **Document:** 32596
Name: Beedie, Rob
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: Yes. My name's Rob Beedie. I own one of the smallest surfing companies in the world, called the Global Surf Network. We're an audio/video film production company, and we represent small businesses throughout the world. We're here to talk about this right here, (holds up newsletter), which I'm probably not smart enough to understand it. But I would like to ask one question, because I drove four hours to get here. How many locals are here, and if they could raise their hand? And how many wannabe locals? And ya'll know what that is: people that moved here late. And how many tourists are here? Now I've worked with the Park Service in the past, for over a decade, to help save the Cape Hatteras National lighthouse. Okay? And what I'd like to do, in memory of my grandfather and my father and mother, and I hope I don't offend anybody here, but I would like for you to bow your head, because we're leaving one person out. We have brilliant minds here. And I would like to invite my Lord, Jesus Christ, and I am a sinner -- I am a sinner that was saved when 13 years old, and the people that know me here, I have a son that's buried at Meadows; okay? And the Outer Banks residents, the Hatteras residents, created a memorial scholarship fund in his memory. He was 21 years old and it's 15 years ago. And he worked in the environment, and he was recognized for it. And they've given a scholarship out every year since then. There's one beach here, sir, that we paddle out and the surfers paddle out with flowers, my friends and I, every year. Okay. This beach represents life, liberty and the pursuit of happiness to me. Nothing more.

Correspondence ID: 15122 **Project:** 10641 **Document:** 32596
Name: N/A, N/A
Received: Apr,26,2010 00:00:00
Correspondence Type: Letter
Correspondence: I'm not -- I'm not a land owner, or anything, but I will paddle out where my son's buried, whether there's flags or not. And I may be the first person arrested and to have a federal crime. But that's what you're stealing from me. Okay? And I -- and I -- and I would like the environmental people to search your souls. But I pray to Jesus Christ that -- that the wisdom -- the wisdom and understanding on all parties before you decide anything. We, the people, can take care of these animals. God ordained us to do so. And I have my son's picture here, and I pray that ya'll don't close that area down. And God bless the people of Hatteras.

Correspondence ID: 15123 **Project:** 10641 **Document:** 32596
Name: WILSON, DAVE
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Good evening. I'm Dave Wilson and I own a home here in Buxton that I rent out during the tourist season. The DEIS that we're discussing tonight attempts to predict the impact that several different methods of managing ORV use on Hatteras Island will have on our beaches and our livelihood. When making its final decision on the ORV plan, the National Park Service must do a careful job of balancing the cost and the benefits of this plan. Unfortunately, none of the proposed alternatives described in the DEIS passes this test. This is because all of the alternatives are based on a faulty premise that ORVs have led to declining piping plover populations on our island. Not only is there no evidence to support this, but there's very clear evidence that storms and not ORVs, are the main reason that the piping plover populations fluctuate on the island. The evidence of this fact is very clear. In March, 1980, American Birds Magazine reported that no more than ten pairs of piping plovers per year had bred along the North Carolina coast, for the 20 year period from 1960 to 1980. In 1987, the Park Service began doing its own measurements, and it found that year, that it discovered ten pairs in 1987, the same number that had been discovered seven years earlier in 1980, and for the 20 years prior to that. The Park Service has continued to monitor the piping plovers, and over this entire period it has been doing this from 1987 to present, it's found an average of nine pairs per year. For the past two years, the data is particularly instructive. In 2008, the Park Service counted 11 pairs, and in 2009, it counted 9 pairs. The average over the past two years has been 10 pairs, the exact same number that have been here when the weather's good for the past 50 years. But what's even more important here to note, is that from 2008 to 2009, the number actually decreased by 20 percent, and this indicates that the Draconian restrictions that the Park Service has placed on beach access has really had no effect on increasing the piping plover population. The evidence is really very clear, that nature intends there to be about 10 piping plover pairs on Hatteras Island every year. And no matter what the Park Service does, that's what's going to be here. So, how did we end up here? Well, in short, we ended up here because a cycle of stormy seasons caused the piping plover populations to decline in the mid-1990s. Not only was the decline clearly not caused by ORVs, but it was -- it was clearly -- it is now a distant memory. You know, the last decline for year over year of the piping plover was from 2002 to 2003 -- I'm sorry, from 2001 to 2002 -- and ever since then, it has been increasing steadily as the storm seasons have abated. And, in fact, we haven't had any named storms hit us in the past couple of years. Let me just conclude -- I'm going to give you some charts in the written material -- but let me just conclude, that based on the impact on my rental income from the past two years, and extrapolating that over all of rental houses on Hatteras Island, I estimate the impact of the island economy to be about \$14,000,000 per year. And this is a devastating impact to the people who live here. I have asserted that the decline in the Plover population that started in the mid 1990s was caused by storms, so let me back that up with facts. From the time the Park Service began monitoring Piping Plovers on Hatteras Island in 1987 until 1995 not a single tropical storm or hurricane made official landfall on the Outer Banks. Then, from the period 1996-2007 we were hit by 14 named storms, and have very near misses from two other named storms. Since then no named storms have made landfall. It isn't a coincidence that the decline in the Piping Plover population coincided with a string of seasons where we were hit by named storms. The fluctuation in the Plover population had nothing to do with ORVs and everything to do with these storms. The storms caused the decline. I began by saying that the Park Service must do a careful cost/benefit analysis to ensure that there is an appropriate balance between the benefits of the ORV plan that it adopts and the costs that this plan will impose. And I just explained that the ORV plan it adopts, if it is one of the alternatives listed in the DEIS, will provide essentially no benefits with respect to the Piping Plover population. So let me finish by talking about the costs that any one of these alternatives would impose. I rent out my home in Buxton during the tourist season. I went back over my records and found that, for the period March 15 to July 31 each year; my rental income has dropped sharply since the Park Service implemented the beach access restrictions that resulted from the consent decree. To be specific, they have dropped by 36%, or \$7,800 per year. I spend all of my rental income on Hatteras Island, so the loss in income I have suffered is a direct loss to the Hatteras Island economy. A check of the websites for four of the companies that do a lot of rental property management on Hatteras Island (Midgett Realty, Hatteras Realty, Outer Beachers Realty and Sun Realty) reveals that there are over 1,800 rental homes on the island. Assuming that my home is typical, which I believe it to be, that means that the economic loss to Hatteras Island since the ORV restrictions went into effects has been about \$7,800 times 1800 homes, or

over \$14 million.

According to the U.S. Census Bureau the median annual household income in Dare County is 455,122 (2008) data. Taking more that \$14 million a year away from the island economy takes away the total annual income for \$14 million divided by \$55,000/family or 255 families. Of course it's more likely that, rather than completely wiping out 255 families, the effects is to cut the income of over 500 families in half, or 750 families by a third or something similar.

This is a devastating blow that you are inflicting on the people of Hatteras Island. All for what? All for nothing. The evidence clearly shows that storms affect the Plover population on Hatteras Island and ORVs don't.

For half a century, as long as the weather's been reasonable, there have been about ten Piping Plovers pairs on Hatteras Island. There are that many today, and no matter what the Park Service puts in its final ORV plan there will be that many tomorrow.

Please, I beg of you, when developing your final plan do a careful cost benefit analysis and take into account the impact that storms have had on our island. If a beach access restriction won't achieve anything that Mother Nature wouldn't have on her own then don't make us suffer the terrible costs.

Correspondence ID: 15124 **Project:** 10641 **Document:** 32596
Name: SCHWESTER, GENE
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Our 26th President, Teddy Roosevelt, created the National Park Service for the full enjoyment of all peoples. People. People. The emphasis is on people here. That's over a 100 years ago. And in these days, it seems that that has turned around 360 degrees in the favor of the environmentalists. I want to address the Alternatives A through F, which favor the environmentalists. And what I want to propose is Alternative H, which favors the people of Hatteras island. And that is the free and open access to our beaches. And the conditions I've listed: we want a responsible citizen from Hatteras Island and Ocracoke Island to accompany me and a Park Service individual in locating these nests, and document with a GPS or by photograph where they exist, to stave off any mistrust and so forth. And as an additional part of that Alternative H will be a conditional opening of that particular beach where there is no nest to be found. And also, after the fledglings are located, we'll want the beaches open immediately. Also, why hasn't there been a provision addressed in the DEIS for hatcheries? If these birds, which we could probably win the MegaMillion before we even get to see one, why with our stimulus plan, can't we have 100 percent hatch ratio for the survival of these eggs? We can go out there with our Easter baskets and pick those five eggs over -- of if we could find them -- over 750 billion cubic yards of beach. Why hasn't this been addressed? And about fees. What about the stimulus plan? Hasn't the NPS been allotted 1.2 million dollars? Where is that been going? I've got one more second here if I can. If they're going to close the beaches, why do we need the NPS? Why do we need the 100 percent staff?

Correspondence ID: 15125 **Project:** 10641 **Document:** 32596
Name: MEDLIN, KATIE
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Well, they stole my thunder. I'm just going to turn mine back over to the court reporter, but I would like to say something. My husband and I are retired down here for many years, and we sit around every day, and we thought, "Lord, if we'd just been smart enough to figure out a way to manufacture all this string and all these little poles that stack from Nags Head to Ocracoke, we could be wealthy. We'd never have to worry about another dime."

Correspondence ID: 15126 **Project:** 10641 **Document:** 32596
Name: PAINTER, JACK
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Mr. Superintendent, thank you for this opportunity. I'm here to talk specifically about the corridors in the DEIS. First of all, I believe that establishing corridors is a vital tool in providing access to our beaches, while concurrently effectively managing all resources of our beaches. That includes the human resources. First, corridors provide a path -- a small path around temporary resource closures, in order to provide access to an open area that would otherwise be blocked. Someone's already spoken to that. Further, in some instances, corridors can be made through or around closure areas, with no detriment to the wildlife. Also, in other areas of wildlife management, corridors can be established below the mean high tide line. I -- I doubt very seriously if I'm going to wade a plover to death. In addition, since unfledged chicks are not found in nests between the ocean and the mean high tide line, this type of pass-through corridor would have no negative effect on wildlife. I can't find that in the plan anyplace. It seems the present in the DEIS is outlined on pages xii, xvii, and page 468. Corridors are only allowed in Management Level Two portions of SMAs. These corridors, while theoretically plausible, are subject to resource or safety closures on a whim. I believe that the corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area. Further, corridors should be established throughout the entire breeding and nesting season. Also, corridors to be provided in all areas of the seashores, including highly restricted Management Level 1 portions of SMAs required under Alternative F. Corridors will provide a valuable access, Mr. Superintendent, without impairment or damage to protect the resources. I also believe and wholeheartedly support open and accessible beaches for everyone all day, every day. We must remember that access to our beaches is consistent with the promises made in the enabling legislation. Our residents have always been faithful stewards of wildlife. We believe that people and nature can live in harmony. We've proved it here on Hatteras Island over and over and over again, that we can live in harmony. Science based resource protection can be balanced with provided recreational access. One additional comment. You guys had a long time to work on this plan. I'm a little confused as to why the people that it affects the most are allowed three minutes to talk to you about it.

Correspondence ID: 15127 **Project:** 10641 **Document:** 32596
Name: Upton, David
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: My name is David Upton. I come from Mooresboro, North Carolina. That's about 370 miles as the crow flies. About 450 by the road. And by the time I get here, I'm whupped. As I sat at home and looked at this DEIS thing that you've come up with, how in the world do you expect to pull such a charade over this bunch of people? I mean, you've -- I'll sit there and look at it and I'll shake my head. Shut the computer down. Go back an hour later and start it up again, and start getting -- the more -- and the more I read, the more -- more angry I become. Basically, you're trying to take our beaches away from us. You're trying to take my beach from my grandkids, and their grandkids, and I'm highly upset about it. If this is the best you can do, you need to throw that whole thing out the window and start over. Off-road vehicles -- you -- I looked at some of these websites of these people that are trying to shove some of this stuff down our throat, and they'll show these tracks between the high tide and the low tide line, track after track. One tide change wipes that out. And they'll have this picture of this piping plover laying there in a tire track. Who run over that piping plover? It wasn't one of these people here. Wasn't it a Park Service vehicle that run over that piping plover that's being used? Park Service. You're here to protect the wildlife. To maintain this place. In 1937, when Congress enacted that law, and it's a law, that this beach would have open and free access, and then you come in here with your rattling sabre, or ever what you want to call it and start taking things away from us. I didn't even know who you were when I come in this building tonight. But I know who you are now, and I know what you look like. And I know what some of these other people look like. And it's -- it's a shame that this Park has been run like it's being run now. I think that the people need to take it back over like some of these people said. Get some responsible citizens here on this island more involved in what's going on. Throw this DEIS thing out and start all over.

Correspondence ID: 15128 **Project:** 10641 **Document:** 32596
Name: Dillon, Carol

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

Correspondence: My name is Carol Dillon and I'm an angry, 81-year old woman. And the only reason I mention my age is, I was here when the Park was formed. I personally heard the promises that the Park people made. They claimed they would never stop beach driving. They claimed they would maintain the beaches and the dunes. They would pay market prices for our property. All lies. Every one. Let me give you some examples. My mother had 100 acres of high wooded land over near where the Park is -- high, wooded trees. They paid her \$15 an acre. And if you don't call that stealing, I do. You personally came here with your bulldozers and raped the beaches. You took the three dunes that the CCCs had built, took a bulldozer back down in the ocean, and made a high dune. You allowed the Navy Base to take the Phipps 20-foot dune and take millions of cubic yards of sand to fill in the place where they put the Navy housing. It was nothing but a swamp. Later, six years later, an inlet was cut in the exact same spot. So, you're not fulfilling what I personally heard the Park Service claim. So, if the people here cannot believe the government or representatives of the government, what can we believe in? Let me give you some personal examples that have just occurred to me personally, within the last year. First, you put my cat in the pound. And fortunately, I didn't find out who that was, or saw, or I wouldn't be here today. But, it was not funny. I didn't think it was funny a bit. But the second thing is, about three, four, or five months ago, you took a jeep, and there were about six or eight of you, ran over my sandbags on my property, ruined the sandbags. When we had the storm in December, that was the exact same spot that broke through the dune that was completely -- I'll be through in 30 seconds -- so, anyway, I'm still angry. If -- the man was talking about God and Jesus Christ. If God would give me one, maybe three wishes, you'd be the first to go.

Correspondence ID: 15129 **Project:** 10641 **Document:** 32596

Name: DAWSON, RYAN

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

Correspondence: Hello, my name is an angry American citizen sick of an unelected dictator's harmonies, life, liberty and property, and I'm from an unoccupied section of Buxton near the no-human anti-freedom zone run by the bird police. I don't care if you found an albino duckbill platypus dodo bird hybrid out there, the Park is for recreation and that's the law. The public was never to worry that the Park would land -- the land would suddenly become private property open to developers, or suddenly become a wildlife refuge, closed to humans. It's our Park the federal government purchased, or in some cases, stole the land from the public in order to create the Park. The Park does not belong to the Park Service. It is not Park Service land. It is Park land. The Park Service, like the police, are public servants and they don't own the Park land any more than cops own the towns they patrol. It is our land and you work for us. It is outstand -- it's astounding that pseudo-environmental groups would claim that closing a beach on an island wouldn't have any economic or cultural impacts. And many of the idiots in the Southern Environmental Law Center -- these ignorant buffoons -- don't even know what they have done. And I've got six questions for you. Why is the public being punished for a government organization breaking its own rules? And yet, this same government organization is being paid to enforce the punishment. It's funny that the National Park Service failed to act to do their job to provide recreation and properly manage the Park for 39 years and counting, but they're so swift to prevent recreation. The second question. Since when does the Judicial Branch use an Executive Order to overturn a Congressional law? Neither the Executive Branch nor the Judicial Branch have the power to change the law. It's unconstitutional. That's the basic foundation of representative government, that laws come from elected legislators, not kings or judges. The constitution used to mean something. It still means something to me. Maybe not to these animal murdering fascists, but it means something to me. The third question. Why is it, when the pretext for this mess hangs on the NPS's non-compliance with an Executive Order about ORVs, that pedestrians are banned from walking on the beach? How do they extrapolate walking from a failed plan to manage driving? And notice, that's to "manage driving," not ban it outright. Fourth question. Before closing a federal -- federally-promised beaches on an island, did the police state bother to gauge the economic impact before stealing the beaches? Has there been any compensation to the residents of the island who have lost their liberties, business and property values? Now I have to skip a whole bunch because of the time limits on freedom of speech. But the fifth question. Why is an arm of the Executive Branch writing up laws? That's not their responsibility. To say the NPS was so evil they kicked puppies would actually be an derstatement, for these goons are murdering animals by traps, gas and bullets. Since 1984, the environmental groups are supporting the murder of animals, and separation of man from nature, and the public is trying to reverse it. The presence of people in the Park -- Elected officials agree with us -- have been to DC twice and talked with the senators. Our liberal government, our state government, our federal government -- all of our elected portion of government agree with us.

Correspondence ID: 15130 **Project:** 10641 **Document:** 32596

Name: Barley, Bill

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

Correspondence: Yes. My name is Bill Barley. I live in Buxton and have for close to 40 years. And I, too, have seen a lot of changes in the Park, and what we've been allowed to do. For many, many years there, we had the inner dunal roads. We could go from Cape Point campground. We could go straight through the campground to access the beach, or go on the inner dunal road and we could stop. We could cook out, and we could access the beaches from the inner dunal roads. Same way with Hatteras Inlet, was a flat. You could -- I mean, you could pay softball out there. It was like the bottom of the salt flats. Now, it's nothing but dunes, and you drive through the dunes, and boom, there's the inlet. It was not that way for many, many years. So, you've changed the dynamics. The Point was the same way. It was flat. So, I agree with everyone here that says, Well if the special interest groups, combined with you, spend their time and energy to create better habitat, instead of trying to take all the beaches. I mean, they remind me of somebody that rides along the road and sees trash on the side of the road and complains about it instead of stopping and picking it up. Now, on a recent trip out west, I was in Siltcoos, Oregon on the coast, and I went -- headed to the ocean. And I turned down a two-lane -- two-lane road. It reminded me -- I thought I was on the road between Avon and Buxton. The same dunes. The sea oats were the same. The sound was right there. It was identical to where I live. And I kept going and I came up on a sign that said, "Oregon Dune National Recreational Area." I took a picture of the sign, and I wondered why our Park does not have a recreational area in it. They catered -- you could drive for 30 miles out on the dune. You could stop and camp anywhere you wanted. And they -- they pushed that. I mean, that was what the Park Service -- they were so friendly and nice about it. Yeah, go use it. Go use it. No problem. And so, on my way home, I stopped at Utah, and I saw a "Wind Canyon National Recreational Area." Had to stop. You could -- you could rent boats, jet skis. You could go to any part of the park and just plop down and camp. Stay. Stay, you know. And I wondered -- in 1937, Congress established Cape Hatteras National Seashore recreational area for the benefit and enjoyment of the people. And in '58, it was dedicated by Conrad Wirth, and he assured everyone, vehicular access. I googled "National Park Service" a couple of days ago, and I found National monuments, National memorials, and when I went to National Recreation Area, both parks that I saw were in it. Cape Hatteras was not. It's not even listed on your site as a recreational area. And so, folks that's in North Carolina, South Carolina, Virginia, Maryland and Tennessee, none of those states have a National Recreation Area. So, if you take that whole circle, the closest one is outside the area. Thank you.

Correspondence ID: 15131 **Project:** 10641 **Document:** 32596

Name: Dunnagan, Brad

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

Correspondence: Hi. I'm Brad Dunnagan. I was elected SGA President of the Cape Hatteras Secondary School, which is where we're at right now. And I'm speaking on behalf of the student body, as well as many of the folks out here right now. Let's see. Where do I start? A 1,000 meter buffer between piping plover nests and people. We know that predation causes over 50 percent of all the deaths of the piping plover, whether it was their eggs, whether it was the piping plover themselves. And we know that humans cause less than 10 percent. So, if you have that 1,000 meter buffer between humans and the actual eggs, you're increasing predation, you're lowering human -- you're lowering human kills, which actually -- here, I've never seen a dead pip -- dead piping plover around here, unless it was ripped into pieces by an animal. But, anyway, you're increasing the predation rate. And, you're restricting

human rights, which everybody has a right to be on this Park, that they pay for. That they pay to run. They pay your paychecks. They pay -- let's see, they pay the Congressmen's paychecks. They pay President Obama's paycheck. And it's our responsibility as governing people to listen to the majority of our own people, and not the simple whim of a few.

Correspondence ID: 15132 **Project:** 10641 **Document:** 32596
Name: Ballance, Gene
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Following are my suggested improvements to the ORV DEIS.
 1. Commercial fishing vehicles have already their own permits (xxx, 325), and given their long history on the ocean beach (19), I believe they should be given corridors through resource closures.(viii,xi) The ramps were originally created for them (20). That commercial fishermen are not given corridors through resource closures is inconsistent with their being allowed through safety closures (xxi) and having more night driving time (xxx). Some might say this is special treatment, and I agree (53). I disagree with the statement that they are non-essential vehicles (xxx). They provide food for our people. There could at least have been a definition of essential vehicle given in the DEIS, instead of referring the reader to a piping plover document. That definitely shows that plovers are rated above the descendants of the original people that settled these islands (325). Even the ESA recognizes that a long history of species coexisting together is evidence that one is no great harm to the other. This is why Alaskan natives are exempt. The piping plover is not even endangered. Moreover, page 327 of the DEIS says:
 "Commercial fish harvesting would have negligible impact on piping plovers because plovers do not feed on any commercially important fish. However, plovers do feed on some of the same prey items of fish species that may be harvested and, as such, harvest of fish may mean greater prey encounters for plovers. In this case, the impact of commercial fishing could result in long-term minor to moderate increases in prey availability that would have a beneficial impact on piping plover foraging."
 This statement is inconsistent with commercial fishermen not being allowed corridors through resource closures.
 2. A buffer with 1,000 meters diameter could cover all private land on Ocracoke Island (121-127). Thus it is not a buffer, but just a more politically correct way of saying "no access".
 3. Much was made of the fact that that of US National Seashores only Cape Hatteras has seen a decline in piping plover numbers in recent years (121-127). There has also been an increase in ORV use. Every scientist knows that "correlation does not necessarily imply causation". The Pamlico Sound area is very large and unique in the US. They are many other places immediately outside the seashore that are good bird habitat. This may not be true to such an extent for the other seashores. There should be a study of how this factor might figure into bird counts.

Correspondence ID: 15133 **Project:** 10641 **Document:** 32596
Name: Blessing, Wayne
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: My name is Wayne Blessing. I first visited the seashore recreation area on July 4, 1959. I got hooked on surf fishing, and in 1962, I bought a 1941 Plymouth two-wheel drive as a beach buggy. I've had 17 buggies since, all of them four-wheel drive. In 1964, we bought a little house in Frisco. I retired in 1979, and currently spend 20 or 25 weeks per year here. It was the ability to motor the beach, looking for fish, that kept us interested for 50 years. During my long life, I've known that change is inevitable, and I've always followed the mantra that fair is fair. In the DEIS, I see a lot of change, but question the fairness. It appears to me that the starting point was with the Consent Decree, whereas the fairest starting point would have been with Alternative A, what we used to have. More specifically, I do agree with increasing parking places, increase pedestrian access, although I see no reason for making 27 and to 30 a pedestrian-only stretch. When I motor past pedestrians, almost inevitably, they smile and they wave and I wave back. I don't see resentment there. I haven't so far. Additional ramps and the inner dunal 49 North, makes sense, just as it used to do. The over-control or excessive regulation is, to me, seen in the bird closures. Why do we require a 1,000 meters when Cape Cod and Assateague get by with much, much less. I feel this is twisting the knife, once it is penetrated. I don't agree with the lack of shore access to Hatteras Inlet, and South Point, Ocracoke, or Oregon Inlet. I wish there were -- was a greater commitment to adoptive management of field closures and bypass routes to Cape Point and these other places. I saw turtle management go awry, 300 yards north of Frisco pier two years ago in the autumn. The beach was closed from dune to surf for at least one month. I have one page here, and I'm about done. And I didn't see the reason for that. I think the crux of this thing is in the following sentence or paragraph. I feel strongly that the Department of Interior and the Audubon consulted to influence local management to go beyond what is fair and justifiable to our side, to reduce chances of further litigation. I'm done.

Correspondence ID: 15134 **Project:** 10641 **Document:** 32596
Name: JUDGE, WARREN
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Thank you and good evening. I'm proud to stand with these folks at my back tonight. Not many of us have B.S.s or M.S.s or Ph.D.s behind our name, nor do we have doctor in front of the name. But, Mike, you've heard from people who have experience in this National Seashore Recreational Area. These folks know the birds. They know the turtles. Listen to them. I beg you to listen to them. We spend -- this nation spends hundreds of millions of dollars a year in preserving our history and our heritage. From the battlefields -- the Civil War battlefields of Virginia, to Mount Vernon, the Statue of Liberty, the Washington Monument, the Jefferson Memorial, the Raleigh -- Fort Raleigh, Wright Brothers Park, and the Cape Hatteras National Seashore recreational area. Don't need access? We need access to enjoy the park. We need access to go about our lives. A couple of weeks ago, a couple of my colleagues and I visited with the National Park Director in Washington DC. They were all excited in the Department of Interior that day, because the next day, President Obama was coming. The kick-off of a nationwide awareness campaign to bring people back to the National Parks, to re-ignite a passion in the American people to visit their National Parks. The -- the opportunity was not lost upon Allen and Bobby and I to draw, and segue with Director Jarvis, that this is what we're talking about. Let's give the people of this nation access to this National Park. Buffers are the crux of our problem. We draw a line perpendicular through a nest, and we go a 1,000 meters on either side. Guys, that's not a buffer, that's a wall. It stops access. There are varying opinions. For every scientist in this country, there's going to be a different opinion. Let's work together. Let's work together to give the protection for the birds and the turtles, but give man, woman, and child access throughout this National Seashore recreational area. Negotiated rule-making. I went into that optimistic, but oh so naive. In our very first meeting, negotiated rule-making was decided that it had to be unanimous. I don't know how unanimity and negotiation go in the same sentence. But, hopefully we can springboard from these Hearings this week, and hopefully, you'll take these comments and you'll reflect, and you'll work on Alternative F. The North Carolina Wildlife Resource Commission Director will be sending you comments, Gordon Myers. There's a difference coming from the State of North Carolina. The representation in that seat during Reg-Neg was incorrect. Please, please watch for Gordon's recommendations on buffers, and please help us. Thank you.

Correspondence ID: 15135 **Project:** 10641 **Document:** 32596
Name: OUTTEN, BOBBY
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Good evening. You've heard many speakers tonight talk about access and the goal for all of us is to allow access, to create access, to allow our people to use our beaches. We've talked to you about a number of issues. We've talked to you about buffers. We've talked to you about regulations for unlisted birds. Tonight, I want to speak to you just a second about turtles. Endangered turtles represent about one percent in Hatteras in the southeast. We have about one percent of the nests that occur in the southeastern part of the United States. So, we have a very low percentage of turtle nests, and a very low percentage of the whole turtle population that come out of this area. We believe, even with that low percentage, that turtles would benefit from the

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

Correspondence ID: 15136 **Project:** 10641 **Document:** 32596
Name: CORBETT, CRYSTAL
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Good evening. I disagree with the plan F beach restrictions. It does not allow enough access to our Park, especially for those with disabilities. I've watched a lot of -- of men, literally limp up here tonight. They -- they need to be able to get on the beach to do what they enjoy, and that's fish. We have limited access ramps on the Seashore, and more and more of them seem to get closed with the nesting -- with the bird nesting. We need more access ramps, parking lots and walkways over to the beach. Most of us here live sound side. We have thousands in the summer that rent sound side. We need to be able to get to the beach to enjoy our Park. If beach driving or human presence is detrimental to the birds, why were there less piping plover last year than the year before? According to your own resource management report from 2008, there was a 28 percent fledge rate last year. That is less than the years before the Consent Decree. There's no scientific reason for these statistics, but it can't be based on beach driving or human presence. If that were the case, there should be more fledged chicks with the new restrictions and closures. And there's not; there's less. The closures aren't working. My final comment. The National Park Service is supposed to provide a service to our Park, not a penalty. Thank you.

Correspondence ID: 15137 **Project:** 10641 **Document:** 32596
Name: Kennedy, Sharon P
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: My name is Sharon Peele Kennedy, and I'm a nine-generation Hatteras islander, half-pirate and half-indian. I'm here to represent the commercial fishermen of this island, that was included in that draft of the 1937 or whatever. And we want to know why there is so little reference to the commercial fishing industry's access to the beach. Yes, ya'll say it's included, that the way you've got the closures at -- set up -- how're we going to get there? They've been beach fishing here since horse and cart days, and now we're not going to be able to do that. And the Cape Point is very sacred to a lot of our native people here. We go there to forage for our food, and our recreation. We've all been taught to go there. Our children -- our school children go there to go fish. They go there to surf. They go there to learn wildlife, to see what birds and turtles look like. And now we're not going to be able to. If we can't go to the beach, then nobody should be on that beach. Mother nature can take care of herself. She doesn't need my tax dollars to pay you all to go there to monitor it. Okay? Also, if you go there on like 4th of July, Memorial weekend, you'll see thousands and hundreds of people on our beaches, generations enjoying this beach. The next day, you can't stick a toe in the water, because there's a storm. Mother nature, again, takes care of everything. I commend the Park Service, because if it wasn't for them, there would be no turtle or plover eggs. It would be golf courses and swimming pools. Don't let us down. Re-institute the respect that we used to have for the Park Service and we'll try to learn to co-exist with you. Now that you're closing our beaches, you're -- you're shutting all that down. So, we've been generous to you, be generous back to us. Thank you.

Correspondence ID: 15138 **Project:** 10641 **Document:** 32596
Name: Canfield, Chris
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: My name is Chris Canfield, and I am the Director of Audubon in North Carolina. Audubon has been involved in helping to protect this beautiful region of North Carolina for generations of citizens for more than 100 years. Our founder, T. Gilbert Pearson, spent much time getting to know the landscape and the people of this area, and he had great affection for both, for good reason. I want to thank the Park Service for your efforts in this DEIS. You do a good job of clarifying the need for and the legal and scientific requirements for these management decisions. This did not come about in an arbitrarily instigated way by us or by the Park Service, but something requested decades ago by the leaders of our country and its citizens to safeguard all National Parks. Audubon has believed and continues to believe that resource protections can be done, while still allowing responsible ORV access. We find ourselves in a bit of a quandary with respect to the opinions presented in the DEIS. On the one hand, Alternative F, the Park Service's preferred one, according to your own document, does not meet fully the resource protection goals you set out. It certainly has its strengths, but it's especially weak in dealing with migrating and wintering birds. On the other hand, Alternative D, the only one identified as fully meeting the resource protection needs, is unnecessarily restrictive, especially for pedestrians, but also for ORVs. We look forward to a final plan that fine tunes the balance. Yes, it must be science-based, as you acknowledged in the report and as some have said here, particularly the adaptive management efforts you discussed must be aimed first, at meeting the natural resource protection goals you outlined. We fully support increased access for all through better parking, by upgrading existing ramps, and creative solutions to allowing people to get within walking distance of favored areas. We will provide more detailed written comments prior to the deadline. I want to close on a personal note. I want to say that I have been as frustrated and as heartsick by the tensions this issue has caused as anyone. I'm especially sympathetic to Park Service staff who have weathered this. I wish for all the sakes of everyone in this room -- I wish for the sake of everyone in this room, that this had been dealt with decades ago. But it wasn't. So, I hope we can eventually all find a way to make the best of the changes underway, and continue to share this beautiful natural resource with visitors from around the world. Thank you.

Correspondence ID: 15139 **Project:** 10641 **Document:** 32596
Name: Luizer, Virginia
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: My name is Virginia Luizer. I'm from Buxton, North Carolina. I am relatively new to the island. However, I came here to partake in a particular traditional and culture upon my retirement, a retirement I worked hard for. Yes, DOW and Audubon is right. This park should not and cannot be managed the same as other parks. One thing that I didn't see in the DEIS, is the fact that each of eight villages on this park are completely surrounded by federal property. There is no other park like that. These people sold you their land for promises. Our lives -- this is not -- this is not visitation and just tourism. It's our lives. What do we do if we can't go to the beach? You go to a restaurant once or twice. How many times can you visit the museum -- graveyard and museum? We are captives. And yes, there is the animosity, and yes, this is an environmental extremist. Even they agreed in the court-ordered Consent Decree, that the Interim Plan was NEPA-compliant -- was EPA-compliant. It had a finding of no significant impact. But because it wasn't what they wanted, they sued. When Isabelle took out the inlet, the road down there north of Hatteras, they wanted to leave it out. To hell with the people down there. They don't need electric. They don't need services. They don't need access to care, to food. Right now, they're suing over the damn bridge, because they don't want it to land on Pea Island. This is not your typical park. This is a park with human people, living in well-established communities, that have been here for hundreds of years. And, yes, guess what? They're going to sue again. They just told you. They don't like

Alternative F. You do anything other than what they want, they're gonna sue. Well, guess what? Do the Interim Plan. You'll save 1.7 million dollars per year, and you'll get to tell them that they don't own this place and that they can't destroy lives of people who live here. Mike Murray. Mike Murray, I'm sorry. You're not our neighbor. You're a god damn warden.

Correspondence ID: 15140 **Project:** 10641 **Document:** 32596
Name: Johnson, Dean
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: My name's Dean Johnson. I'm a -- number one, a sportsman that's been coming here for many years. I'm also a vendor that does a lot of business on Hatteras Island and Ocracoke Island. A lot of people that I do business with are here today. But I'm also, if we're talking about heritages -- the first Johnson came here in 1609, so that's, I guess, why there's so many of us Johnsons around here, in the United States. But, we fought in pretty much every war, including the one my mother calls the "first war of northern aggression." I want to simply speak on the socio-economic part of the DEIS. It states in Section F that the economic impact will be to the low end. Well, in my sales records, since the Consent Decree, I can prove that these businesses down here skyrocketed when you re-open beaches, and decline when you close beaches down. Nobody has asked me for any of my input, and I do a lot of business on these two islands. The other thing, I'll close with. On the three minutes that we're being held to, in your own four-page thing you handed out, it says, ". . .but all speakers will be allotted at least three minutes to provide their comments," not "only and less than three minutes." So, if you can't get these four pages right, how can we agree with anything in the 800.

Correspondence ID: 15141 **Project:** 10641 **Document:** 32596
Name: Scarborough, David
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: I'm David Scarborough. I live in Avon. And I will say that I have a lot of issues with the DEIS. I've read through that and identified those issues, and I intend to comment in writing on those. In a three minute session, though, it's impossible to get to all that. So, I will limit it to one comment. And this is related to turtles. I disagree with the following statement that's found on page 377 of the DEIS. The statement reads, "ORV and other recreational use would have long-term major impacts on sea turtles, due to the amount of seashore available for ORV use, and by allowing nighttime driving on the beach." The historical records found in the annual MPS turtle reports for the Cape Hatteras National Seashore do not support this conclusion. None of the events defined on page 369, which are required for the impact to be declared "major adverse", have occurred. Specifically, nesting females have not been killed. Complete or partial nest loss due to human activity has not occurred frequently. Hatchling disorientation or disruption due to humans have not occurred frequently. Direct hatchling mortality from human activity has not frequently occurred. These events have not occurred historically, and no pedestrian or ORV use behaviors suggest that they are likely to occur in the future. Further, due to the flawed major adverse finding in the DEIS, I agree with the plan -- I disagree with the plan to prohibit night ORV beach access in the May 1 through September 15 time frame. Night ORV and pedestrian access should be managed using the guidelines that were followed prior to the Consent Decree. Additionally, the Park Service should institute more proactive techniques to ensure turtle hatch rates are successful and some of which are used at the Pea Island National Wildlife Preserve. I would also say that there have been many comments made tonight that I really appreciate what I'm hearing from the crowd here and those comments are on target and will be in my written comments also. Thank you.

Correspondence ID: 15142 **Project:** 10641 **Document:** 32596
Name: Couch, John
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Thank you very much. My name is John Couch, Post Office Box 751, Buxton, North Carolina, 27920. My first comment is going to be on pets and horse restrictions. The DEIS, page 136, says, "The prohibition of pets in the seashore during the bird breeding season, including in front of the villages, equals to no pets in public areas, beaches, campgrounds, sound front, foot trails, Park maintained roads from March 15, my birthday, to July 31. I did a survey of my own today. I called the four largest rental companies today, and anywhere from 27 percent to 38 percent, they have changed their houses to pet friendly properties. They have done the research. They have seen the trends that people travel with their pets. A lot of them would prefer to travel with their pets and not their children. However, it is -- it is unimaginable that RTI and even in this document, that they have not simply called the realty companies, which are the major employer down here, and have taken that into consideration. I also agree with the prior to speaker, David Scarborough, on his comments on the turtle programs. Also, the prior speaker, Dean Johnson. He spoke on something that I have -- occurs to my business, which is the Red Drum in Buxton. We have CarQuest Auto Parts. We have Lighthouse Service Center. We have Red Drum Food Mart and Red Drum Tackle Shop. And when Cape Point closes down, we feel it. Dean Johnson feels it because he's in the ice business. And we can tell. Sales plummet. Our gas sales go down. We don't sell beer. We don't sell wine, drinks, all because of the Consent Decree, and with this DEIS that will continue. But, when the beaches at Cape Point open back up, business booms. The other thing is, is that when Cape Point closes down, nobody goes to Cape Point, doesn't pass our businesses, and my community's businesses in Buxton. They go elsewhere. So, for four months, we are displaced out of an economy pattern that is just absolutely uncalled for, ridiculous. You need to look at that economy and make some better decisions on that. Thanks.

Correspondence ID: 15143 **Project:** 10641 **Document:** 32596
Name: WILLARD, DANIEL
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Well, Mike, I really came here to gripe about the lack of maintenance that the Park has served for the past 50 some odd years. You ever tried to work here? But, really the only most important thing is nighttime driving. It has destroyed the weekend fishery of Cape Point and everywhere else. There's no reason that our lights on the beach, which is very minimal at 3:00 a.m. in the morning, and the turtles are coming in, should affect the turtle population that bad. We are -- we have lost the weekend tourists from Virginia and all around North Carolina because of that. We still get the visitors for the whole week, mostly because they do not know about the closures and lack of beaches they can use. We need more parking, more access to the beaches, and we don't need the closures in front of the houses which we cannot access ourself. So, please try to fix this mess. Do some maintenance, not just blow it off, like you have done the '78 plan, the maintenance of the maritime forest, by closing down in '03, the drainage system out at Cape Point. And, don't forget in '82, when ya'll took responsibility of the jetties, to maintain -- that was built there by the Navy -- to maintain the Navy Base in the northern section of Buxton. All that has not been maintained, and now we've lost the Coast Guard base there, due to the Park Service maintenance problem. So, please try to fix this mess; will you. Thank you.

Correspondence ID: 15144 **Project:** 10641 **Document:** 32596
Name: Hardham, Larry
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Hi. I'm Larry Hardham. I'm a resident of Buxton. On page 219 and 220, of the DEIS, under the heading of "Natural Catastrophes" it says, "Periodic, short-term weather-related erosion events(e.g., atmospheric fronts, Nor'easter storms, tropical storms and hurricanes) are common phenomena throughout the loggerhead nesting range, and may vary considerably from year to year. It is reported that 24-1/2 percent of all loggerhead nests laid in Deerfield Beach, Florida in 1992 were lost or destroyed by Hurricane Andrew, as a result of storm surge; 22.7 percent loss of turtle loggerhead nest production on the southern portion of Hutchison Island in Florida; 19 percent of loggerhead nests in Melbourne Beach, Florida after a five- day

Nor'easter storm in 1985. In Georgia, 16 percent of the loggerhead nests were lost to tropical storm systems in 2001. Nest loss was particularly high at Sapelo (54 percent) and Little Cumberland (28 percent)." The six percentages listed in the DEIS under "Natural Catastrophes" that I've just read averaged 27.3 percent, and these same events are listed in the revised 2009 Loggerhead Recovery Plan under the same heading on page 44, that heading being, "Natural Catastrophes." In fact, the DEIS paragraph is a virtual quote from the Recovery Plan. On page 220 of the DEIS, it states under the heading of, "Threat Occurrences at Cape Hatteras National Seashore," "The majority of the turtle nest losses at the seashore from 1999 to 2007 were weather related, particularly due to hurricanes and other storms. During this time, six hurricanes caused impacts on nests. In 2003, Hurricane Isabelle destroyed 52 of the 87 nests..." I find it interesting that the Recovery Plan does not even mention the 52 of the 87 nests lost in 2003 at Cape Hatteras, which amounted to 59.8 percent of the nests, higher than anything mentioned as a catastrophic loss. Another interesting fact is that the Hatteras loss is not listed in the DEIS, that between 2000 and 2009, a ten-year period, the seashore has lost 36.4 percent of the nests laid in the seashore The Recovery Plan seems to think that the State of Georgia losing 16 percent was catastrophic, and we lose 36 percent, and it's a non-event. It's ridiculous and for the Park to continue to pursue policies that have lead to this horrible loss rate is shameful.

Correspondence ID: 15145 **Project:** 10641 **Document:** 32596
Name: EAKES, BOB
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Well, I'd like to change the name of Alternative F to Alternative F-us. This was not done at Reg-Neg. It's the environmental lobby side that's being talked about in F. It's not the access side. I greatly resented the Consent Decree. I wasn't a part of it. I wasn't afforded the ability to be a part of it. I also read F in DEIS and I don't understand where it came from, Mike. It did not come from us. The buffers are too large. They're greatly too large. Anne Hecht routinely -- that's the wicked witch of the East, the piping plover guru of the world -- routinely gives permits for dredging and constructions at sites that don't use maximum buffers. I don't understand why we have to be penalized so severely. There is no provision for two weeks' past fledgling in the recovery plan. I can't think that you'd ever get sued any faster than to go beyond what the recovery plan calls for. The main area by Cape Point and parts of the inlets which should not have birds nesting there, they're going to be over-washed. There are places we want to be at. They should -- you should allow access there. It's been promised by past directors, by past secretaries, and by you. We can work a system out that allows a bypass set of access and still protect the resource. Use an adaptive resource management plan that determines the right distances on the colonial waterbirds. American oystercatchers and least terns, you walk right up to them before they flush. Hell, these terns nest on the tops of our buildings. They don't care about us very much. They nest right in the middle of our ramps. The judgment for success of colonial waterbirds should take the dredge islands and Pea Island and the areas in. Don't do it just based upon Cape Hatteras National Seashore. We're being penalized for that. Sorry, it's hard to talk fast when you only got three minutes. Turtle mismanagement's been covered, but it's a joke in Cape Hatteras National Seashore. I'm really pissed off about campfires. You seem to be rewarding the front row cottage owners, especially those that participated in Reg-Neg, by allowing campfires. How're you going to take your kids to the beach if you're in the fifth row, and take it -- go over there and marshmallow -- have them roast marshmallows. You're not. I got it. I want you in the EIS to tell us what your vision of the next generation and the generation of users after that are, 'cause it's obvious, Mike, that this Park Service doesn't like our generation.

Correspondence ID: 15146 **Project:** 10641 **Document:** 32596
Name: MATHIS, WAYNE
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Thank you for the opportunity to address the body on the subject of the DEIS and for hearing the public's opinion. I hope that these opinions are heeded. Most of these speakers have covered many of the points I would address this evening. I'm going to reiterate very few of them briefly. First of all, I deplore the concept of mass punishment for the actions of a few which are incorporated in here. This is almost a nazi-like action on the part of the Park Service. I deplore the use of inconsistent policies and the management of many of the wildlife species present, inconsistent in that they are at odds with practices which are more successful in other areas, and which are implemented up in Pea Island, for example. Third, I think that there is protections afforded to non-threatened and not endangered species, which are not justified or supportable, nor are they legislative mandated in any way. And I think they are exceptionally onerous, even Draconian, and restrictive on public access to a public park. And I don't believe these should be supported. There's the imposition of excessive buffers, which appear not to be supportable, although they are defended as the best available science, because they appear in a Patuxant Protocol, which by design, was designed to provide the absolute extreme measures of protection for a species, and absolute extreme extent that they may exceed anything that is reasonable. I deplore the fact that in devising many of these policies, the Park Service appears to have abandoned the concepts of a multi-use park, or of adaptive management. I think you can adapt the habitats somewhat and improve your performance in bird nesting areas, and I believe that in declaring excessive areas from pedestrian use only, you are abandoning multiple use concepts. I, as an ORV operator, have no problem sharing the beach with a pedestrian, and I find it deplorable that some potential sociopath takes umbrage at seeing his fellow citizens recreating in a manner that is not suitable or appropriate in his own mind. So, I do not believe that pedestrian closures should be so extensive. You've heard several speakers address the fact that the piping plovers represent a very small population, breeding population here. Early in the presentation, someone pointed out that the numbers 20 years ago are about what they are now. I've heard a paid shill, who earns his living suing the government under the Endangered Species Act, have heard that these species are in trouble. And -- and the fact is that the species are recovering very nicely and its principle breeding area is to the north of us. I thank you again. I reserve the rights to extend and revise my remarks in a written presentation.

Correspondence ID: 15147 **Project:** 10641 **Document:** 32596
Name: Harris, Jim
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: I'm Jim Harris, Southern Shores, North Carolina. I wrote a pretty nice piece on how to improve the habitat at the Point, by clearing brush and making some swales, to let moisture go out. But, I'm not going to do that. I'm going to pick low-hanging fruit. Environmental laws were written with loop-holes, written by lawyers, so they could feast on these loop-holes. They did not care one bit about how this harms any of us, or you. There will always be tire tracks from law enforcement on these beaches, unless you want a pedestrian only to be found when the buzzards fly. I'm disappointed that the staff that wrote this DEIS are not here to answer for the mess they made.

Correspondence ID: 15148 **Project:** 10641 **Document:** 32596
Name: Whitaker, Elaine
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Good evening. My name is Elaine Whitaker. I've lived in Hatteras village for a long, long time. I'm a teacher/counselor here at Cape Hatteras Secondary School, and my husband is a charter boat captain. As bizarre as this may sound, if the Plan does not go like you want it to with your new implementation, I hope you will strongly consider the continued access of Hatteras Inlet for all shore fisherman, both recreationally and commercially.

Correspondence ID: 15149 **Project:** 10641 **Document:** 32596
Name: WHITAKER, ROM
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: But, at any rate, I've run a -- I've run a charter boat in Hatteras Village for 23 years, and you say, well how does this affect me? Well, I can tell you a big

majority of my customers have come down to this island, come to enjoy the beach, to go fishing on the beach, to bring their brand-new four-wheel drive truck down here, and go enjoy the beach. And it will greatly affect us. When the beach is closed, our business goes down. And I think anybody in my line of work will support that. I've heard it today. I've talked to two boat captains here lately, good friends of mine, whose grandfathers owned this land. And now, you are telling these guys -- their grandfather owned the land -- that they can't even walk out on that beach to go swimming, or surfing, or whatever. But, I've got children. One of my children -- one of my youngest boys was in the audience. I've also got a 21-year old. They love this island. They'd like to come back to this island to work, but they need a place to do it and a way to do it. I mean, I think that the Park Service, 30 or 35 years ago, should have come up with an ORV plan. Why should we be penalized now because they didn't? All of a sudden, we're starting not at zero, but we're starting at a 20 to nothing ballgame, with 20 for the environmentalists, and that we're at zero. So, we're starting behind the eight- ball. I mean, let's at least start on an equal playing field, go back before the Consent Decree, where the Park Service was giving corridors and access to these probably most important fishing places on the whole east coast. You know, I used to think this country was for the people, by the people, but I've heard -- I don't know what number I am -- but I've heard about 50 comments to let us use our land that we are paying for. You, me, the taxpaying citizens of the United States own this land, not the Park Service. We want to use it. We paid for it. We should be able to use it. And I just hope that you'll find a way to provide the people access. Thank you.

Correspondence ID: 15150 **Project:** 10641 **Document:** 32596

Name: Belter, Bill

Received: Apr.26,2010 00:00:00

Correspondence Type: Other

Correspondence: Hi. My name's Bill Belter. I don't -- I didn't have anything written or prepared to say. But I do feel like I'm one of probably tens of thousands of folks or hundreds of thousands that really have come to these beaches, and even the folks in the Audubon Society, when they came here as children, during the '70s and '60s and '80s, they came from places where they didn't have, you know, their forefathers and the people before them, you know, they built on our beaches, and they didn't have access. And they -- they came here, and many of them were fishermen. And these -- these people on this island have been the best stewards. They've been stewards for hundreds of years. I think they've proved -- they've proved that -- that it's important to have a people and a town relationship. They've proved that. They set precedence. It's -- it's happened here -- it's been going on here, and if the people in the Park Service -- it seemed like the Park Service were -- were more friendly years ago, and it seemed like they almost were ashamed to set up some sort of program, because of the promises they did -- they knew that they made to the people that owned the land who sacrificed the land. They left here to fight wars, to go to shipyards. They didn't have a bridge. They were poor and -- and they gave their land away. Then not only -- some was taken and they gave it away. They wanted people -- they wanted -- they wanted people to come here, but -- 'cause probably 'cause they were so poor. And now, the folks have come here and what's made this place so great, this community, that strong people here, including the people that love the birds, decide they want -- they want to go home and just know that nobody's on this beach. So, they just feel good in their heart that that little bird might be there. I think we all love the birds, too. I know we do. I love the birds. But -- but I want to be able -- what inspired me and my children and my grandparents and great-grandparents -- and nobody knows me here, and that's not -- that's not a big deal. I know we're all visitors here. But I -- but I, too -- I came here -- I have a heritage here, too. I -- I've got family buried here. And that's not -- that's not even why I'm standing here. I just -- I'm standing here mainly because of people like me that -- I've come back here. My family -- part of my family left but I've come back. But many other people come back and can't live here, but they've been inspired by this place. And we all want it -- I know we want to share it with the folks that want to bring their cameras, and not their fishing poles or their surfboards. But a lot of us want to bring our families and just swim, or just enjoy the peace and quiet and the beauty of the beach. Thank you.

Correspondence ID: 15151 **Project:** 10641 **Document:** 32596

Name: Couch, Stewart

Received: Apr.26,2010 00:00:00

Correspondence Type: Other

Correspondence: Hi. My name is Stewart Couch. I'm from Buxton, North Carolina. I work in Avon. I don't know what's happened to the Park Service. Thank God for the Park Service. I -- I can say that. Thank you for being here. I know there's a lot of animosity here, but it's because we're not getting what we want. There's a dual mandate from the Park Service to protect the resources, and to provide for access. And I don't think it's happening. But, Superintendent Murray, thank you. You -- you have a hard job. I appreciate the Audubon Society and the Defenders of Wildlife. They're part of the process and they should have input. But, there needs to be a balance, and we need to be able to access the beach. As I'm sure you're aware, the environmental groups, and specifically Audubon Society, the Defenders of Wildlife, through their legal arm, the Southern Environmental Law Center, have been relentless in their effort to transform large areas of Cape Hatteras National Seashore recreational area from a seashore recreational destination to be enjoyed by the public into a wildlife sanctuary, with minimal human encroachment. I don't see how we can have the dual mandate of access and -- and wildlife sanctuary brought into the recreational area. And I think you're going too far to one group, who you think is more powerful, than the people who want to use the beach, and have been using the beach for a long time -- for a long time, since the Indians were here for a 1,000 years. The DEIS plan addresses more -- much more than just wanting to drive on the beach. We came up with this ORV plan. Now, in my opinion, the environmental groups wish to critically influence a National Park Service to shift its dual mandate of providing for the protection of natural resources and wildlife, while simultaneously providing for the public's right to current and future recreational opportunities' access to a policy of denying human entry to large areas of the park, and severely restricting the public's access to all portions of the beach. And -- humans have a right to use the beach, too, and we've used it for a long time. I'm going to be submitting a written comment, but I would like to address a couple of things, until my time runs out. Any piping plover unfledged chick brood requires a 1,000 meter pedestrian access. That's 771 acres for one bird. That's crazy. That's on page 121 and 127. On page, I think it's 366, the socio-economic data and analysis are incomplete and erroneous, and result in an understatement of the effect restrictions have upon the island in the region and the State of North Carolina. And I believe on page 368, the Park Service says we're not really sure on what's going to happen, but -- but the businesses will have to adapt. And out of 810 pages, there's only two paragraphs that address the economic impact. If I want to read, for my own pleasure, I'll read War and Peace. I've never read that, but I have 810 page tomb I can read. My brother, in his great infinite wisdom, John Couch, mentioned the pets. That's a big deal. That's on page 136. Michael Vick. He got really in trouble by denying the dogs. Don't deny the pets. Thank you.

Correspondence ID: 15152 **Project:** 10641 **Document:** 32596

Name: HOOPER, GRANDY

Received: Apr.26,2010 00:00:00

Correspondence Type: Other

Correspondence: My name is Grandy Hooper. I was born on this island in 1956. Probably one of the only handful in here who were born on the island. I bought my first surfboard in 1970. Could go on the beach. Do what we wanted to back then. The other day, I was taking pictures on the shore side of Little Kinnakeet Station, and even there, the Park Service is denying us access to the gravesites for our family up there. The road's been shut down. I've been in Iraq and Afghanistan. I've been wounded three times on two separate occasions. I'm dis -- the Army considers me disabled. My wife sorta doesn't. She made me take the trash out before I came here. She doesn't think anything of that. But, you know, I want to take my girls to the beach. I don't have a prepared statement. I just -- I'm just trying to speak from my heart. I want my girls to grow up on this beach like I did, to be able to go surfing. This country was founded on freedom and it's being taken from us. I've -- I've been overseas fighting for my life, and I come back home and now I'm fighting for my livelihood. I'm now on reserve status because of my disability, supposedly. But, you know, so I have to have a job here. But it's being -- my livelihood's being taken away. It really is. It's -- it's going down. How am I supposed to support my family, after giving my service to my country? I come home and this is what I come home to. It's really pretty sad. So, Ayla and Lydia, hey, plover eggs, there're what's for breakfast.

Correspondence ID: 15153 **Project:** 10641 **Document:** 32596

Name: Burrus, Jennifer

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

Correspondence: As he just said, my name is Jennifer Burrus. My family was one of the first to come to the Outer Banks. There were two brothers that came to Hatteras and Ocracoke Island off of the Mary Margaret. And I only say this because, you know, my family has been here a zillion years. They've survived depressions and storms and they're gonna survive, whatever law you pass. So that's not what bothers me. I mean, that's not going to break me or bend me. What bothers me is the lack of evidence in this 8.3 pound DEIS document. I just graduated from UNC-Chapel Hill, and throughout my whole academic history, I have never, ever submitted a written document without ample and adequate references and citations. And to know that a law that's being passed without ample and adequate research-based facts, it's just based on assumptions and it's gut-based. And that's kind of unnerving. I hope that I don't get stoned on the way out of here for -- for saying that. I've taken some varying classes at Chapel Hill, and I even worked alongside Sidney Mattock, studying the history and the extinction of the dusky seaside sparrow. So I understand the importance of -- of preserving wildlife. But, at the same time, I also understand the importance of having science and data and statistics and fact upon fact upon fact, saying why it's important to have a 1,000 meter buffer when, you know why -- why won't a 200 meter do? Why is that not adequate? And I think -- basically, I challenge you, I urge you, I beg you to take the time that is necessary to do the research, to find the facts. I think you -- you owe it to me and my family and everybody here. I think you owe it to us and we deserve to know why you're doing what you're doing and how you came to the conclusions you came to. I would like to see, you know, the control groups and the variables used and the research conducted by an unbiased third-party. So, that's basically all I have to say. Thank you very much.

Correspondence ID: 15154 **Project:** 10641 **Document:** 32596

Name: Oden, Jeff

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

Correspondence: My name is Jeff Oden. I'm -- I'm a commercial fisherman and I also own and operate Sea Gull Motel, which depends 100 percent on beach access, and other, you know, 25 percent of that is from people who come here and beach fish as well. And my main -- main concern is -- as was previously mentioned by the previous speaker -- Hatteras Inlet. So, considering the time limits -- anyway, Hatteras requires that I focus on that area. The proposed South Point closure which, as I've been informed, could last indefinitely, is illogical for the following reasons. First off, plovers have not been resident to this area in over three years, and the present closure in this area, I am told, is necessitated by possible mating behavior from a few oystercatchers. Now, I'm in agreement the efforts to protect wildlife are in order and, in fact, necessary in some cases. But, I am in disagreement that the present closure or future possible permanent closure are anything but an absurdity. The sound side closure which has been instituted for the third year at the new inlet outside of Hatteras Village, as I am told, for oystercatchers. Now, if oystercatchers will nest with cars whizzing by at 55 to 70 miles an hour, then there are certainly no reason that they couldn't -- that they wouldn't feel equally comfortable with a narrow corridor above the high tide line from the Coast Guard station side where -- that allows beach access. As a motel owner, I've had numerous complaints over the last few years, and lost many customers that came to my village with one purpose, and that was to fish or recreation at the South Point. And the simple fact is, with erosion what it is and the changes that have taken place on this point, that used to be flats, and now is transformed into dunes unsuitable for nesting, there is no logical reason for having -- having to be in this room defending my access to this area. What -- what will this closure mean to me personally? As a kid, I grew up there. I learned to swim, I learned to fish, I spent every Sunday afternoon cooking out on that point, and -- and I surf there at present. And you know, the real kicker to this is, my grandfather used to own that point, from Hatteras Inlet Coast Guard Station all the way to -- to the South Point. He owned it. And all I've got to say is -- he was a slight man, and he walked with a cane, but I -- I feel pretty confident, even though I only got to know him in the ten years -- the first ten years of my life -- that the first person that told him he would not be allowed on that South Point, with the assurances given to him in the interim, that cane would have been used for something besides walking.

Correspondence ID: 15155 **Project:** 10641 **Document:** 32596

Name: SWARTWOOD, JUDY

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

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

Correspondence ID: 15156 **Project:** 10641 **Document:** 32596

Name: Lester, Hal

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

Correspondence: My name's Hal Lester. I'd like to formally say that I disagree with the National Park Service's Preferred Alternative for management of the National -- of the Cape Hatteras National recreational area. But I do agree with just leaving us alone and making things back the way they were. I don't really have a prepared statement, so I'm going to just tell you a little story. I own a business here. I own a house here. When you shut down the Cape Point, which is in a -- very close to me in proximity to my business -- it affects my business greatly -- 50 percent. Okay? And I can prove it. This year, I had to lay off everybody -- first time ever. Families are being affected. Children. People. And Derb and the Audubon -- I'm sick of your fake sympathy for us, and if there is a Jesus up there, I know a man mentioned it earlier, I hope you rot in hell.

Correspondence ID: 15157 **Project:** 10641 **Document:** 32596

Name: Schoolcraft, Kelly

Received: Apr,26,2010 00:00:00

Correspondence Type: Other

Correspondence: Good afternoon. My name's Kelly Schoolcraft, and I'm a full-time commercial fisherman and I live in Frisco, North Carolina. Do ya'll know what the Magnuson-Stevens Act is? I -- if you don't, I suggest you read through it, because one of the things that's mentioned in there, is -- is a socio-economic impact study on how regulations affect the fishing industry. Our industry is constantly dealing with endangered species. But yet, there is slowly becoming a balance between the threatened species and what the general fisherman needs. I suggest that ya'll do this study and not just take the word off of these people that these businesses are gonna be affected. This is mandated by Congress. It's in there. You should look at the guidelines put in that document, and apply those document -- those guidelines where it comes to the economic study to the regulations and stuff that you're trying to throw down on this island. There can be a balance in there, but it's not as it is now. Ya'll should read that document and apply those principles to what you're trying to do to the businesses on this island. Thank you.

Correspondence ID: 15158 **Project:** 10641 **Document:** 32596

Name: WEBB, JIMMIE

Received: Apr,12,2010 00:00:00

Correspondence Type: Other

Correspondence:

Three minutes is hardly enough to even get cranked up for. I disagree with you, and your programs. You put out a document that's like Congress' documents, that's got everything in there except the truth. You listen to people who call themselves experts in certain areas, and they don't have any more degree than I got. Why come I can't be your expert? But, let's get on with it. I don't trust you. Why don't I trust you to do anything that you say that you do? Number one. What did we do to the Indians? We wrote out all this paperwork. And we go on out and told them what it said. But we didn't tell them about the small print. Where are the Indians? They're gone. Then we decided that we would save the buffalo. And we turned it over to the Department of Interior. I reckon that they have to have all this land, so that they could be there for us to see in the future. What did your people do? First thing you did, you culled the herds. You broke the herds down. Now you got less than you started with. That don't sound right. Course now, the cattlemen come out pretty good because they leased the grazing land to feed their cows, which I like beef, too. Well, what did we do to the wild horses? We did the same thing. We said we've got to have all this land set aside so that they can be there and prosper. What's happened to them? One time, they were hunting them down like dogs, selling their meat to the packing markets. Then we came up with the bright intelligent agreement that we'll put 'em in small herds. They're too big, so let's cull them. We culled them, then we decided that won't good enough. We put 'em in little pens, and we're gonna feed 'em. Started costing a lot. What're we gonna do with them now? But the grazing land got mustered out to the Cattlemen's Association for grazing cattle. American people are not trusting their government today. These people don't trust you. I don't trust you. Listen, there's been enough information these people have dug up, to counter 90 percent of what your experts came up with. It's like lawyers. Lawyers know the game. We can hire our expert to suit our particular needs. So, gang, I know you're good honest people, but I don't trust you. I don't think these people should trust you, either. Do what they said do. Give them a chance to survive and live on this island. One of the reasons I was here, was to -- all right. One last thing I want to ask you. What plans do you have for those people who have certain things that they can't walk on the beach? They've got to have some conveyance to get there. I can't walk across the sand. I smoked too many cigarettes. It's my fault, but I can't go. I still like it on the beach. All right, gang. I know that you're smiling, so that goes ahead and tells me one thing. Ya'll have already decided. This meeting should have been held in the beginning. Thank you for your time. It's up.

Correspondence ID: 15159 **Project:** 10641 **Document:** 32596

Name: James, Freddy
Received: Apr.26,2010 00:00:00

Correspondence Type: Other

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

Correspondence ID: 15160 **Project:** 10641 **Document:** 32596

Name: Bennik, Daphne
Received: Apr.26,2010 00:00:00

Correspondence Type: Other

Correspondence: Good morning. My name is Daphne Bennik, and I'm speaking today on behalf of the Ocracoke of the Hatteras Ocracoke Council, which operates under the umbrella of the Outer Banks Chamber of Commerce. With the exception of the Village of Ocracoke, the entire island is owned by the U.S. Government and managed by the National Park Service, as part of the Cape Hatteras National Seashore. We take huge exception as a result of the Economic Impact Study presented in the Draft Environmental Impact Statement. The Village of Ocracoke is little more than a passing thought to those who wrote the Economic Impact Section of the Draft Environmental Impact Statement. Although it has its own economic character and challenges, apparently addressed under the heading of "Seashore Villages," a little investigation would have shown that each of the villages in the Seashore is unique, and economic impact can't be addressed in the blanket forum, or a one-size-fits all approach. Although Ocracoke Village is home to only 10 to 15 percent of Hyde County's population, it provides approximately 50 percent of the tax base for the entire county. That's a huge burden and responsibility for a village that has only about 600 acres of buildable land. Any negative impact that's experienced in the village has a ripple effect that makes what is one of the poorest counties in the state, into an even more economically depressed area. Any decrease in revenues is felt in the schoolrooms, the health department, and all other county agencies that provide services. According to U.S. Census data, the average wage earner in Hyde County can expect to make \$22,356.00 a year. For a family of four, that's just about \$100 more than the federal poverty level. The Economic Impact Data in the DEIS does not attempt to address the impact of Alternative F on Ocracoke's small businesses, nor the pain that will be felt by the community. The conclusion to the section on economic impacts of Alternative F states, "This uncertainty may impact small businesses disproportionately." If the company that was paid to do the Economic Impact Study had taken any time to learn the geography and character of the area, they would realize that Ocracoke is a collection of small businesses. There are no major industrial plants or employers, which isn't surprising, when considering the fact that we can only be reached by ferry or plane. Our infrastructure will not sustain other industries. The economic engine of the village has long been commercial fishing and tourism. However, many commercial fishers have had to adapt to federal rules for that industry, which has forced them into other occupations. Most all are related to tourism. The Economic Analysis suggests that small businesses that are negatively impacted can adapt over time. There are no suggestions as to what it might be that we can adapt to. Thank you.

Correspondence ID: 15161 **Project:** 10641 **Document:** 32596

Name: Ballance, Gene
Received: Apr.26,2010 00:00:00

Correspondence Type: Other

Correspondence: Hello. I'm Gene Ballance, and I'm a Hyde County Commissioner from Ocracoke, and also a commercial fisherman. In terms of specific things I've read in the Environmental Impact Statement, the 1,000 meter closure seems a big round excessive number, and seems almost punitive. I think it could be done better than that. On the -- I take exception to commercial fishermen and commercial fishing vehicles being called "non-essential." We provide food for people and it even says in the plan that the harvest of fish may mean greater prey encounters for plovers and be beneficial to them. So, I think we should be given, in addition to the permit that we have, we should be able to stay on our tradition of being able to provide food for people here, as we've done for hundreds of years and not be closed out from the resource closures. I don't think this would be a big thing to do, being's there's not that many of us left for various reasons. And, it could be done by requiring to have proof of sale within a short time period. Thank you.

Correspondence ID: 15162 **Project:** 10641 **Document:** 32596
Name: Bradley, Scott
Received: Apr.26,2010 00:00:00
Correspondence Type: Other
Correspondence:

Good morning. My name is Scott Bradley. I'm a full-time resident here on Ocracoke. I'd like to speak to two issues. One is the buffers, as set forth on pages 121 to 127, and also about potential restrictions on pets on the beach on page 136. I think, as Gene commented, the buffers are large. They are too large and they're inflexible -- they appear to be inflexible. So, you need to put the science out there that justifies their size. I'm told that all decisions of this nature have to be made on valid science. So, we need to see the science that says that these closures are justified. Obviously, the most excessive one involves the piping plovers. A 1,000 meters for unfledged chicks, and 50 meters for breeding and nesting buffer. I think these are excessive. Perhaps 200 meters for the unfledged chicks is reasonable. This especially involves South Point, where over the last several years, we've seen a steady loss of access. It seems like there's from five, and then there was three percent of the area open, and sometimes, there's none. So, unless there's verifiable science that can justify it otherwise, we need to keep at least half -- I'm sorry -- about five percent of the area open, which would be a zone maybe of a 100 to 150 feet in from all along the shore line. And also, return to the pre-consent decree area on the back side of -- the sound side of South Point where there used to be still water for disabled people and older folks to go, where they could swim in calm waters. And, finally, we need to establish the ORV pass-throughs, when there have to be closures, just like I think maybe you did, Mike -- you did when you were up at Cape Cod. The second issue is pets on the beach. I drive the beach on a daily basis and I've never seen a pet or a dog chase a bird. It's even very rare to see a dog running unattended. Yes. People do have their dogs by their car sometimes, or by their beach chairs not on the leash. But, I've never seen them threaten the local resources. I'm told that about a third of our houses, our rental houses, are pet-friendly. And, certainly, all these people don't take their pets to the beach. But, you'll be sending a message that Ocracoke is not the pet-friendly vacation destination. Thank you.

Correspondence ID: 15163 **Project:** 10641 **Document:** 32596
Name: Honeycutt, Greg
Received: Apr.26,2010 00:00:00
Correspondence Type: Other
Correspondence:

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

Correspondence ID: 15164 **Project:** 10641 **Document:** 32596
Name: Oliver, Gary
Received: Apr.26,2010 00:00:00
Correspondence Type: Other
Correspondence:

I'm Gary Oliver. I own the Outer Banks Fishing Pier in Nags Head, and Fishing Unlimited. I've been there for 40 years. In the DEIS, first page, it states, "To preserve and protect the natural coastal resources and natural processes of access on the Outer Banks." Access to the surf is, indeed, the most natural historical process in the seashore. It's been used by generations and much of the beach has been accessible except by ORV. There are also several places where it talks about conflicts among users. I've never -- I don't know what you're talking about. I don't see any justification for that. If it really happens, it's insignificant. Another natural and cultural process is the role of the Park Service in the park. For years, you'll have been partners with the communities of Dare County, and worked closely with us and have adjusted with us. When the interim plan came through, it took away your ability to adjust to changing conditions, and it's caused a little bit of stress, which is unfortunate, which we hate to see. Talk about the surf zone -- that area, we drive and fish and swim and congregate, is an area that is least suitable for nests. You've got to remember, a third of all nests on the seashore are lost by high tides and storms. Therefore, some of the closures along the beach, I oppose. Oregon Inlet Spit is one area that is accreted a lot this year. It's an important area. It closed. There's so much congestion between ramp two and ramp four, that it's hard for people to get around. And with the beaches in Nags Head and Kill Devil Hills closed in the summertime, and also, 15 miles of Pea Island closed, congestion is often heavy there. So, a car over there -- a ORV corridor would be a good idea. Down along the north shore of Hatteras Island, I think a 150-foot surf line all the way down should be opened, subject to closure because of buffers and nests. The South Beach of Ocracoke could also be the same. The buffers are excessive. A 1,000 foot buffer for a unfledged plover chick -- there are places this island is 1,000 meters wide. This is not the prairie. This is a small island. It's a barrier island. I think that they need to be adjusted accordingly to the size of the area. Species management areas which you'll talk about, areas where there has been a lot of nesting in previously. ML1, I believe, is too restrictive. You need to -- ML2 allows for some flexibility in managing the area for the Park Service for changes and changing condition. And I thank you for my three-minute time.

Correspondence ID: 15165 **Project:** 10641 **Document:** 32596
Name: White, Peregrine
Received: Apr.26,2010 00:00:00
Correspondence Type: Other
Correspondence:

Good morning. I'm Peregrine White. I'm the chairman of the Republican Party for Dare County. For the past two years, we've been following the Environmental Impact Statements as they have come out. We've been following the Interim Plan that was put in 2007. I attended many of the hearings for the negotiated, or the un-negotiated plan that was held in Kill Devil Hills. In 2009, we presented a petition to the State party, which I have a copy of for Mike. This year, the County party and the Third Congregational District also signed a resolution, asking the support of the -- Senator Burr, and at one time, Senator Dole and Senator Hagan's position that the -- we go back to the 2007 plan and negotiate from there in good faith. One of the other speakers spoke about turtle nests. One of the pictures that I -- that I gave Mike is where I was visiting this last year for a wedding. Martin County, Florida, has not one or two or a dozen turtle nests. They have hundreds of turtle nests down that coast. The educational sign that you have, Mike, on the first picture, shows the type of education they do, showing you that -- what is the event, what will affect the turtles, and what will not. In the second picture is one of their turtle closures. I'm standing eight feet from that. There's no restriction down there on people walking by them. Now this -- the beach I was on is within about 100 to 150 feet, which is walkable of the parking lots, of which there are, just about every half mile, along there. This is a tourist area. There are hotels on the same area, with walkways down to the beach, and they are not restricted as to the pedestrian use of their beach. The other thing I was at was at Fort Matanzas, which is a national monument. We walked the beach there, and I was as close as I am to you, from bird nests. In fact, one of the birds didn't respect their nesting area, which was behind the barrier. The guide that we were with actually had the materials with her, and fenced in the area where the bird nest was, so we wouldn't disturb the bird. This is a bird, sitting on a nest in the rocks on the edge of the beach. The restrictions that are in the EIS and the plan are far excessive from my experience. Thank you.

Correspondence ID: 15166 **Project:** 10641 **Document:** 32596
Name: Harris, Jim
Received: Apr.26,2010 00:00:00
Correspondence Type: Other

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

Correspondence ID: 15167 **Project:** 10641 **Document:** 32596
Name: Mandulak, Bill
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence:

My name is Bill Mandulak. I'm representing the Coastal Conservation Association of North Carolina. I've been coming to the Outer Banks for over 30 years, fishing, and recreating along the Cape Hatteras National Seashore recreation area. I tried to go through the 800 pages or so, and I will tell you that it is a great -- great indication of "bureaucratic obstacation". It is absolutely impossible for everyone to go through this. It is like reading War and Peace without the attendant gripping novel, that should be attended with it. You know, as sportsmen, we're lucky to get through the sports page and the comic section and the front page, let alone to read this entire document. But my point is, that there are several options in here. It's very difficult to go through all the options. But what's very disturbing is that there's no -- there is a Environmental Preferred Option, an NPS Preferred Option. There is no User Preferred Option. There is no option in here that describes what the predominant users of the park would like to have in their option, for access to the beach. To suggest that a recreation area as this Park was established, should have closures with no human activity on the surf zone is absolutely absurd. Several people have -- and I'm speaking specifically to Option F -- several people have mentioned the excessive buffers. They are very inconsistent with other places that have the same bird activity and the same -- same turtle activity. They're very excessive and they're very inconsistent. Night driving to extend to November 15, is well beyond what we've seen anywhere. If a nest is still there at -- in November, chances are pretty good it's not going to hatch at all because of cold weather that would have killed the eggs. The one thing that's really disturbing is there is all of these various activities to prevent ORV acc -- disturbance of birds, and yet there's no information to expand the habitat around the Salt Pond. No recognition of the birds moving to Spoil Islands. And finally, there's no implementation of some of the things that are done up in the Northeast, particularly for plovers. There are some large cages that are put around -- around nests up there that keep predators out, and so forth. None of those actions are described, and they -- and yet we focus on ORV access, which is less than one percent, you know, a small fraction of one percent of the activity around -- around the birds. So, I think that you really need to reconsider that -- those buffers, et cetera. Thank you.

Correspondence ID: 15168 **Project:** 10641 **Document:** 32596
Name: Chamberlin, George
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence:

Good morning, ladies and gentlemen. Thank you very much for the time. My name is George Chamberlin. My wife, Elizabeth, and I own a business here on Ocracoke, a hotel. My wife, Betty, is one of the originals and I learned a lot of the history from her mom, who was actually here when the Park Service land was transferred to the Park Service. I'll file a complete report with the U.S. Park Service prior to the May deadline, but I wish to present these comments to you today, so that you may have some sense of my feelings, and those I have spoken with regarding the published DEIS. I do wish to also make a point that we have not asked when we could meet with this group, or for how long we could speak; we were told. I fear that the result of your plan will be presented in much the same manner. We will, in the final analysis, and after proper comments, be told what will happen to the Outer Banks, and that the most -- most of the cry for logic and reason will not prevail. I can only hope this statement will not be true, and offer the following suggestions. Important decisions must not be made that are based on general estimates and incomplete data. NPS conclusions should be, as in the business world, based on and referenced by actual historical facts or data, and from information that has been obtained by face-to-face discussions with visitors, residents and business owners in the affected areas, not by three men in response to a document that forces us to disprove a negative, inaccurate or general statements such as minimum to moderate impact. What does that mean? Additional restrictions and those from previous regulations also require factual data and logic. For example, if you require that pets be banned from certain areas, you must realize that no pets means no people. The simple logical fact is that those people that have pets consider them, for the most part, family members, and will not readily leave those pets for a weekend or more to visit the Outer Banks. They will take their family to other locations, and a loss of revenue will be felt by the businesses of the area, and not by the rule makers. The DEIS not only fails to take into account the economic impact of the proposal, it hardly mentions the human issues involved. Historically, beach access and enjoyment of the Outer Banks was meant to be a special place where people and wildlife interacted. The Outer Banks, and specifically Ocracoke, was never intended to be a wilderness area. Yet, this proposal does nothing to enhance wildlife, other than to prohibit humans from within overly-restricted areas, and to somehow reduce predators. Logical rules and regulations are certainly required to ensure that an educated visitor to the park area knows the rules and are enforced by an educated Park Service staff. But the Outer Banks and, specifically, Ocracoke, was not given to the Park Service so that it could be turned into a wildlife-only wilderness area, to be controlled by outside zealots and poorly managed by big government. We also realize the pressures that are now being put on the Park Service by special interest groups and the courts.

Correspondence ID: 15169 **Project:** 10641 **Document:** 32596
Name: Eshan, David
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence:

Good morning. I'm David Eshan. I represented an Ocracoke civic business, at REGNEG. I'd like to see everybody come out this morning. I have a few points I'd like to make. First one. Starting at the North end is the North Point of Ocracoke. Closing down this area completely to ORVs except for a quarter mile on either side of ramp 59 is just a shame. There has not been a piping plover nest there in the last ten years. As on Chart 200 -- piping plover nests -- no nests since -- when there was one in 1996, and only four chicks have fledged there in the last 18 years. That's kind of a big area to close down completely, for little gain. Also, new ramps -- from installing the new ramps, page 100. Ramps 62 to 64, are open to ORVs. This area has been a safety closure my entire life. Now, we're closing down areas that are safe to open up areas that have been considered unsafe for the past 30 years or more. Yes, we do need these other areas open, if they're going to close them down, but why should we close down safe areas and open up unsafe areas? Also, on page 100, a half a mile southwest of ramp 68 to 1.2 miles northeast of ramp 70, has dates of closures from November 1 to -- ORV route from November 1 to March 14. These dates need to be changed. Having these dates totally blocks out our spring and fall fishing seasons. No access in March, or half of March, all of April, May, and September, and October, we're losing when people like to come to the beach to go fishing. Also, on page 101, the 1.2 miles northeast of ramp 70 to a half mile northeast of ramp 70, these dates are also in the DEIS are -- the April 1 to October 31 should also be changed. Same thing. We're blocking out specific times of the year when we have fisherman that are here primarily to beach fish. If we don't have these times, then it's really going to hurt business. The last comment I'd like to make is on page 101, half a mile southwest of ramp 72 to inlet. In the DEIS, it states it's three miles. If you go there and measure it, it's 1.3 miles. NPS has a closure of -- "floating" closure of one mile, so how's it going to float? There is nowhere else for it to float. And also in that, it says, "Access to the corridor would be allowed on the shoreline to the inlet." That's the floating corridor. Let's see, let me finish up. If resource protection staff determines that any single activity or collection of activities is negative impact on shore bird uses specific location, the NPS may implement, add restrictions or on compatible activity. That means they're going to close it down.

Correspondence ID: 15170 **Project:** 10641 **Document:** 32596

Name: Tyson, Scott
Received: Apr.26,2010 00:00:00
Correspondence Type: Other

Correspondence: My name is Scott Tyson. I'm from Charlotte, North Carolina. I come to Ocracoke five or six different times a year. And I've been doing so for 40 years, and this is the first time I've ever been here and not been able to access South Point. It's very sad. That's the reason we come here, is to fish South Point, and to enjoy the natural beauty of the vastness of the area. It's a huge amount of room down there. As far as the closures to birds, and SMAs go, MLI is overly restrictive to pedestrian ORV corridors. Bypasses should be provided through, around or below high tide line and all SMAs during an entire breeding and nesting season, within guidelines to maintain access. Should the large inflexible buffers -- buffers should use breeding and nesting buffered distances to establish ORV pass-through only corridors to ensure beach access is always maintained. Piping plover unfledged chicks buffers should move with the brood as it relocates to a reliable food source, not expanded so as to expand economic opportunities, as well as increased visitor experience with no harm to wildlife. It should be noted that 85 percent of the American oystercatcher nests, 83 percent is due to either predation or storm or lunar tides. Only three percent of those nests are harmed by human interference. The NPS does not adequately consider locations neighboring the recreational area that are part of the same ecosystems, villages, dredges, Spoil Islands, Pea Island National Wildlife Refuge. Dredges in Spoil Islands typically have fewer predators to threaten nesting birds. Bird activity within neighboring areas should be tracked and included in target productivity levels. Fluctuations in trends and recreational area bird populations should be viewed relative to reasonable and steady experiences, not in isolation. Reason of Influence. The reason of influence incorporates the North beach communities, including Southern Shores and Duck. These areas are almost completely disconnected from ORVs in access issues relating to the seashore. Inclusion of the northern beaches in analysis significantly dilutes estimates of economic impact on the seashore villages. Nowhere is it clearly addressed that overwhelmingly -- the overwhelming majority of negative impact will be felt by small businesses in the seashore villages, rather than overall economic interests -- interest within greater region of impact. Overall Visitor Counts. Overall visitor counts appears to include visitors to Fort Raleigh National Historic Site and Wright Brothers National Memorial. The large percent of these visitors vacation in the Northern beach communities, and recreate on non-federal beaches outside the seashore. Visitors who patronize Fort Raleigh National Historic Site and Wright Brothers National Memorial, but do not visit the actual seashore areas, need to be factored out. It should be noted that the people that use these beaches are the people that take care of the beaches, and clean the beaches, and look out for the beaches, and look out for the wildlife out there. It is not the people that are trying to shut down the beaches. They're just trying to shut them down for their own personal monetary gain. Mr. Murray, I'd like to thank you for all your hard work. Thank you.

Correspondence ID: 15171 **Project:** 10641 **Document:** 32596
Name: Lanier, Leslie
Received: Apr.26,2010 00:00:00
Correspondence Type: Other

Correspondence: Hi. My name's Leslie Lanier. I own a small business on the island. I do want to say I agree with, I think, everything that's been said. Daphne Bennick, for sure. Mr. Oliver. And for sure, the best statement I've heard is the "bureaucratic obstacation". The document is incredibly hard to read, as are many of our government publications. In the past couple of years, I've lost two full-time employees. Is it all due to beach closures? I'm sure it's not. But the beach closures do not help. There needs to be a corridor, so that pedestrians and ORV drivers can get down through the -- past the nests, whether it be the piping plover or the turtles. I don't see a whole lot about the predation -- the predators -- that's what's killing the birds. It's not our dogs. It's not the people. It's not the children. Cape Lookout Seashore, this winter, lost, I think, 92 turtles in one weekend. We can't help the cold. We can keep dogs on leashes, and we're good at doing that. And you're good at making us do that, the Park Service is. We can keep our children away from the enclosed nests. They do not have to be a thousand feet. There can be a corridor and I think that's where you need to spend your time. You do need to put a personal aspect on the plan. Less income for my business is less employees, is less taxes to Hyde County, which is -- I don't know, help me -- is the second poorest county in the state, maybe. Our -- the people that do come to Ocracoke are not the people that go to the Wright Brothers Memorial all the time. I mean, you get millions up there. We don't get those millions. Our ferry systems have been cut. We need the Park Service to work with us, and to work with Ocracoke and Dare County, particularly the southern parts of the Dare County, to help us out. Thank you.

Correspondence ID: 15172 **Project:** 10641 **Document:** 32596
Name: Burke, Tom
Received: Apr.26,2010 00:00:00
Correspondence Type: Other

Correspondence: My name is Tom Burke. I live in Nags Head, North Carolina. I'm down here this week to fish. That's why I'm here. I rented a house for the week. I'm eating in restaurants. I'm visiting shops. I'm going to local grocery stores. I'm spending my money. Back to the plan itself. I got on my web -- I got on my computer. Went to the Park Service's website, downloaded two files. It's in two files, because they're both so large. It took me roughly a half hour from the time I started to even find Alternative F. To expect someone to read 800 pages, and come in here and comment a week or two later is just absurd. So, I'm going to just limit my comments to Alternative F, which in fact, I did read. I disagree with what's in Alternative F, because, it does not recognize the de facto plan that was in place in prior years leading up to the Interim Plan. And the Interim Plan's important. I want to come back to that. But, as a result of your recommended plan, Alternative F, it negatively -- it's going to negatively impact the experience that our visitors, guests, have when they come to the Outer Banks, and it also damages our local economy. I would like you guys to just consider going back to the Interim Plan, the Interim Management Plan. When that was announced, no one liked it. I didn't like it because it restricted my access. The bird people didn't like it because they felt it was too lenient. And I said, Well, no one likes it, it must be right. There must be something to it. The plan that you're recommending now, what's in DEIS, quite frankly, if you're -- if the Park Service signature wasn't on it, I would swear this was written by the Audubon Society because, frankly, it's for the birds. Thank you very much.

Correspondence ID: 15173 **Project:** 10641 **Document:** 32596
Name: Flanagan, Dave
Received: Apr.26,2010 00:00:00
Correspondence Type: Other

Correspondence: I'm Dave Flanagan. I'm a resident of Nags Head, North Carolina. Part of my comments have been touched on by Mr. Burke, for my comment today is in regards to routes and areas. I disagree with Alternative F restrictions. These restrictions exceed those under the Consent Decree, the Interim Management Strategy, and the de facto ORV plan previously in place under Superintendent Bailey, which was Superintendent number seven. I would like to see the Interim Management Plan reinstated into this process. I believe if we could get back to the Interim -- Interim Management Plan, this would give us all some type of working area for the Park Service, and also these organizations. As a past Director and Vice President of Beach Buggy Association, we have also worked a great deal with the Park Service under that plan. I'd like to see that plan reinstated. Thank you.

Correspondence ID: 15174 **Project:** 10641 **Document:** 32596
Name: Duke, Cecil
Received: Apr.26,2010 00:00:00
Correspondence Type: Other

Correspondence: My name is Cecil Duke. I live in Richmond, Virginia. I disagree with Alternative F of the DEIS in regards to the law enforcement practices. It is not right to punish all users of the park because there are not enough law officers to cover all of the laws and impact statements put upon us. Violations such as night access, improper driving, access of closed areas, both pedestrian and ORV. Because proper law enforcement is not available when a violation is found, after the fact, the Park Service answer is to close more beach to all. Many organizations have been requesting more Park Service law officers for years. And our citizens who own the park deserve to have them. As more and more areas are compressed, forcing beach goers into close quarters, user issues could appear, again, needing at times, law enforcement ranger's presence. I hope that the lack of proper staffing of law enforcement rangers will

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

Correspondence ID: 15175 **Project:** 10641 **Document:** 32596
Name: Klinger, Charles
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Hi. My name's Charles Klinger. I live in Great Falls, Virginia. And my comments are in reference to Alternative F, and specifically the closures due to turtles. And I think that the .5 meter area from nest to water is largely, too big. And that if you visualize a football field from one end zone, that's what you've got. So, I think that this is way too large, and I think it should be more like the keyhole method that ya'll had before. I thank you.

Correspondence ID: 15176 **Project:** 10641 **Document:** 32596
Name: Dimmig, Richard
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Good morning. My name is Richard Dimmig and I'm from Pocono Pines, Pennsylvania. I've spent about -- I've spent about half the year down here in Nags Head Acres, where my wife and I live, and my daughter's there, and we -- we originally came here because of the free and open beaches. And our families have many, many friends. And I totally disagree with pretty much everything that's in Plan F. I think it's -- there's no consideration for people, the ORVs, the local businesses, the economy. And, we know many people from Pennsylvania that no longer come to the Outer Banks because of the fact that they've been unable to get on the beaches, where they're restricted or, you know, it's like it's losing control. I think when you're predator management, you have to be careful that you're not picking winners and losers because not all the animals deserve to die, either. And, the inflexible borders for the piping plover, 1,000 meters or 700 acres, is totally out of control. So, thank you.

Correspondence ID: 15177 **Project:** 10641 **Document:** 32596
Name: Judge, Warren
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Good morning. I'm Warren Judge. I'm Chairman of the Dare County Board of Commissioners. I'm here today representing the 33,000 people who live in Dare County, and the 6,000,000 visitors that we serve as host to every year. The Dare County Board of Commissioners, on behalf of those people, has always stood for free and open access to Cape Hatteras National Seashore Recreational Area. We also believe in conservation and protection of species and wildlife. Unlike the special interest groups and the opponents of access, we believe that these two can go hand in hand, and can exist together and, at the same time, to provide that access that we support. Dare County supports and requests that corridors be created and maintained in all areas of the Cape Hatteras National Seashore Recreational Area. Corridors provide a path around temporary resource closures in order to provide an access to an open area that would otherwise be blocked. Corridors can be established below the high tide line. Since unfledged chicks are not found in nests between the ocean and the high tide line, this type of pass-through corridor would have no negative effect on the wildlife. Corridors should be provided, Mike, in all areas of the seashore, including the highly restrictive Management Level One portions of the SMA, required under the Preferred Alternative. And we would like to request that we don't use Management Level One, that you use Management Level Two. Corridors worked with success in the 2007 Management Plan. Corridors are for valuable access, provide valuable access without impairment or damage to protected species. Hatteras Island is extremely important to Dare County. It represents -- in the last five years, it represents 28.4 percent of our tourism income. It represents 22 percent of our ad valorem tax base. It's critical. It's critical to the State, to Dare County, and to the State of North Carolina. Cape Hatteras National Seashore Recreational Area is a -- is a people going to the beach for whatever they do -- sunbathe, walk on the beach, sea shell, bird watch, swim, take their family, fish. The Seashore was developed to be accessed by vehicles. We have less than 800 parking spaces in the entire seashore. The ramps that are designed to get people across to the -- from the road to the beach are built for cars. They're not built for pedestrians, although pedestrians use them. We support everything that I say about corridors. We need corridors to provide access to everybody in Cape Hatteras National Seashore recreational area. Thank you.

Correspondence ID: 15178 **Project:** 10641 **Document:** 32596
Name: Outten, Bobby
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: Hi. I'm Bobby Outten. I'm here to speak to you about Alternative F and about the protections given to the non-endangered birds. The Endangered Species Act requires protection for endangered species, and we acknowledge that and we understand that that has to be done. While we don't necessarily agree with the buffers, we acknowledge the need to follow the Endangered Species Act. The Park Service may also have some obligation to protect any species of animal that lives in the park at some level. What we object to is elevating the protections given to non-endangered species to levels that you've given to the endangered species. To my knowledge, only the endangered species that we're talking about in the bird population is the piping plover. North Carolina identifies the number of colonial waterbirds as species of concern. What that means in North Carolina is, is that that's a bird that needs to be looked at and monitored. That does not mean that there's any level of regulation given by the State or requested by the State. And yet, those birds are being protected at extremely high levels that cause closures. The result of that is, if you look at Oregon Inlet where there were no piping plover, the endangered species last year, pre-nesting closures began on March 11. They became resource closures on March 23. On July 16, an American oystercatcher chick fledged, but because it wasn't flying properly, the closures continued until August 16. So, even though there were no endangered species at Oregon Inlet, Oregon Inlet remained closed from March 11 to August 6, 2009. We think that's an extremely long closure for a non-endangered, non-threatened species of birds that isn't protected at all under North Carolina law, and can't understand why it's elevated to these great levels of protection under this plan. Similarly, at Cape Point, pre-nesting closures began on March 12, 2009. They became resource closures for American oystercatchers on April 14. On July 16, an American oystercatcher chick fledged, but again was not proficient in flying in the air. Cape Point was closed until August 27, 2009. Again, extremely long and this is more than 140-day closure in the height of the season for birds that aren't on any list. We don't understand and don't agree with that. But, we request that the buffers be modified, so that pre-nesting closures be only had for endangered species, not threatened species. Because the colonial waterbirds do not return to same nest each year, such closures are unnecessary in warranty and result in closures that aren't needed and have severe economic impacts in Dare County. Thank you.

Correspondence ID: 15179 **Project:** 10641 **Document:** 32596
Name: Carter, Derb
Received: Apr,26,2010 00:00:00
Correspondence Type: Other
Correspondence: I'm Derb Carter, with the Southern Environmental Law Center in Chapel Hill. We represent the National Audubon Society and Defenders of Wildlife. I've been coming to the Seashore on Hatteras and Ocracoke for 35 years, multiple times a year. I drive on the beach. I walk on the beach. I enjoy birding. I enjoy fishing on the beaches. I've seen a lot of changes in that amount of time. I know a lot of you have been here longer than I have, but just in that amount of time, there's certainly been a lot of changes. We have more people who want to come here. And most noticeably, a lot more driving on the beach. When I came in my old Cherokee, most of the people you saw on the beach were trying to get to a particular spot to fish. Now, around my neighborhood in Chapel Hill, everyone has a four-wheel drive. And you come to the beach now, and there's just a lot more vehicles on the beach.

Audubon and Defender's brought this to our attention based on their concern about the impacts of that ORV-use on breeding birds in particular on the Seashore. We looked into and found two things. One is that, over a period of time, State biologists, Park Service biologists, had documented an 86 percent decline in breeding birds on the Seashore. We also looked into the situation regarding ORV-use, and it quickly became apparent that the Park Service had not met their long-standing obligation to manage that use. And that's how we got involved. And we're looking for four things in a final ORV management plan. First, we're looking for access. We think that it's important that people who come to the Seashore can access the beaches and the seashore. We're also looking for a balance access that provides places to go, not only for ORVs but for pedestrians. There are people -- I know many of them -- who come to this seashore because they want to walk on a beach that actually is free from ORVs, and that access is as important to many people as the access is to those, like me, who have an ORV and want to access certain areas. We've looked at the five other national seashores on the Atlantic Coast that have ORV plans. There's 150 miles in those seashores. They allow ORVs on 26 miles. Alternative F provides access on 52 -- on 52 miles here, out of 68, or twice that allowed on all the other five national seashores on the Atlantic coast that have ORV plans. The final three things we're looking at is resource protection. We want these decisions based on the best scientific information available, and we want the Park Service to meet its obligations to manage natural resources in a way that can provide for their recovery on the Seashore. Thank you very much.

Correspondence ID: 15180 **Project:** 10641 **Document:** 32596
Name: Harper, Linda
Received: Apr.26,2010 00:00:00
Correspondence Type: Other
Correspondence: I'm Linda Harper. I have been a resident of the Outer Banks since 1969, and enjoyed fishing and the seashore for 40 years. During that time, I have seen the areas that can be used grow smaller, and as that has happened, the use in the areas that we can use is more concentrated, which seems to me to cause over-use in those areas. Further restrictions of areas and further closures will also impact the towns and villages in Dare County that allow four-wheel drive access, Nags Head and Kill Devil Hills and Corolla and Carova, probably resulting in more restrictions in those areas, because they'll become over-used and over-crowded. Thank you.

Correspondence ID: 15181 **Project:** 10641 **Document:** 32596
Name: O'Connell, Greg
Received: Apr.26,2010 00:00:00
Correspondence Type: Other
Correspondence: My name's Greg O'Connell. I'm from Mays Landing, New Jersey. I'm a proud member of New Jersey Beach Buggy Association and I'm here today as a representative of the Recreational Fishing Alliance. I'd like to start off by saying that a number of comments and points were addressed by other speakers. We support many of the people that spoke here today. To point out a couple, Mr. Oliver, Mr. Keene, Mr. Eshan, and Mr. Sutton. As a fisherman that's traveling 450 miles to get down here, some of the concerns that I have with Alternative F are not being guaranteed or not knowing what areas are going to be open. A number of the best fishing places could be closed, and without knowing in advance with enough time to plan a vacation, there's little chance of somebody like me from New Jersey, renting a house or booking rooms and planning on coming down here on a vacation unless I know where I'm going to be able to fish, and knowing that I'm going to have access to some of the best fishing locations. We obviously support corridors. We would recommend to the NPS that there's a number of beaches in other states that are managed with different types of enclosures and corridors, and certainly a lot less restrictive buffers than what's presented in this DEIS. Obviously, we would strongly suggest that you guys look at the cultural and historical value of surf fishing in this area. Without having access to the beach, there's very little reason to come down here, and there's very little difference between what you have here on the Outer Banks as opposed to what other areas have, in terms of their -- in their beaches and things. So, there would be no reason for me to, you know, not go to New Jersey beaches, versus coming down here. The whole reason for coming down here is the fact that we have access to a great deal of shoreline, and it's just a long-standing tradition to come down here and be able to access places like Cape Point and the South Point on Ocracoke. In conclusion, we would support the Interim Management strategy that was in place prior to -- in 2007 and prior to 2007. The Park Service personnel is highly educated. They're trained. It was a plan that was put in place to be protective of both the wildlife, and also worked for fisherman. I would strongly suggest -- or we would strongly suggest that you go back to that, and allow your personnel to be able to make decisions and, you know, try to make it work for both parties. Thank you.

Correspondence ID: 15182 **Project:** 10641 **Document:** 32596
Name: O'Neal, Vince
Received: Apr.26,2010 00:00:00
Correspondence Type: Other
Correspondence: Vince O'Neal. My mother and father's families lived here for many years. They've been here for many generations. I'm a commercial fisherman part-time and a business owner. Have a family. My kids are 3, 11 and 13, and I'm hoping they'll be able to survive here for generations like we have. My father's land was a lot -- was taken in the '50s, and his grandfather -- his grandfather and my grandfather. Anyway, when they took the land in the '50s, there were supposedly promises made with government he could continue to use it. He was always bitter about his land being taken. Being a World War II veteran, he called the Park Service the Gestapo. I do not have that view. I am glad it is a national seashore. I'm glad that we're able to use it, and I'm proud to be able to take my kids over and my friends and family and say, "Hey, this is yours." It's not a Myrtle Beach. It's not a Virginia Beach. You, as the Park Service, are the stewards and the caretakers of our land. There's a lot of good points been made here today. I hope you'll listen. Take into consideration the special interest groups, the biologists, the guy who looks in a microscope all day long, helps makes these decisions. But, don't let it weigh too heavily. These people all have great ideas, and we'll hope you'll pay attention to them. Commercial fisherman, we've been dealing with these sea turtle issues and so forth, for quite a while now. Now, everybody's having to deal with them. So, we're used to dealing with this. But, we're in a threat to being shut down also. But, it goes hand in hand with these special interest groups, and the seashore and so on. It all goes to the same process, basically. The fate of our villages and communities are in your hands. We expect you to deliver a plan that will allow our families and future generations to survive in the Outer Banks. Thank you.

Correspondence ID: 15183 **Project:** 10641 **Document:** 32596
Name: Oelschlegel, Betty J
Received: Apr.26,2010 00:00:00
Correspondence Type: Other
Correspondence: My name is Betty Jane Oelschlegel, and I'm a business owner here on the island. And I would like to talk about the economy, and the effect that this will have on the economy. I'd like to respond to the Southern Poverty [sic] Environmental Center. He's speaking about the number of miles of open beach, access beach, but I'm wondering whether or not that access has always been restricted. Ours has been more open and now you are talking about restricting it. I feel like we deal with a lot of stresses here on the Outer Banks. I feel like we have a lifeline, that Route 12, and that stream of tourists coming here is our lifeline. There's so many things that affect that lifeline, that it -- it can get downright scary, if you have a hurricane, if you have a Northeast. This is one thing that we cannot control. We've been able to streamline a lot and been able to solve a lot of problems, and we get pretty creative, and we're pretty prepared. But this is something we cannot prepare against. And my fear is that I'm now working three jobs, that maybe I will have to take a fourth job, if the stream of tourists is even more restricted than it's been. Thank you.

Correspondence ID: 15184 **Project:** 10641 **Document:** 32596
Name: Austin, Rudy
Received: Apr.26,2010 00:00:00
Correspondence Type: Other

Correspondence: My name's Rudy Austin and, at the present time, I'm the President of the Civic Business. I think everybody in this community, the ones that I've talked to, are just interested in this thing being fact. We think the buffered things are really extravagant, and I feel like I can speak to this with a little bit of experience. I do boat tours and bird tours and so forth, and I've been doing it for over 40 years. I'm not going to tell you how much over 40 years, but I've been doing it over 40 years. And I go to the bird nests and areas and I show people the birds. I take the bird counters and the amount of distance you all have put down here is ridiculous. I watched oystercatchers last year. Went with them 150 feet up. They never got excited. They never flew. They finished their nest. They fledged and left. I'm watching a pair this year that are nesting -- the same thing. A couple years ago on -- I've been watching these birds on Cape Lookout National Seashore, and Cape Hatteras. About three years ago, we had a situation over there with the beach cutting tool, and they left a sand spit of about 350 feet on the ocean side, and I was able to go up in the back as well as other boats. And on that sand spit, we had a group of terns, plovers, and so forth, that started nesting, and there was a high -- that was a lot of shells. They like that shelly bottom. The Park Service went in there and marked it off. Just simply marked it off. People walked on the ocean side and boats went back in the back side and went right by it, within 150 to 200 feet of the birds. They never got excited. They never flew away. I sat there day in and day out and watched them through my binoculars, while I was waiting for people to walk down the beach. People walked on the outside of the -- of the corridor that they had -- they had marked off, and as far as I know, every nest hatched and every bird left. And about ten days to two weeks after that, the whole place was over-washed. So, it did away with that particular habitat. What I'd like to see you do is not to restrict yourself. Be flexible in these buffers. Don't lock yourself in for ten years, you know. That's just, you know -- just be flexible. The Park Service has done an outstanding job regardless of what other people are saying, as far as I know on this island, in past years, marking off the nests, and so forth. They've really done a good job. And, just let the Park Service do their job and be flexible. And we thank you.

Correspondence ID: 15185 **Project:** 10641 **Document:** 32596
Name: Graham, David
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: I don't even think I need a microphone. Can everyone hear me? My name is David Graham. I'm not a scientist. I don't have a lot of doctorates, just a surf fisherman, and a veteran, and disabled. Take away my ORV and you take my beach away from me. I can't do pedestrian. I can't do walk-overs. That's gone. I'm gone. And that's kind of what I want to address. I'm not too concerned with whatever plan that comes out of this, because I know it's going to court, and you do, too. That's where the real fight will be. And it'll probably come to some legislation also, and we're ready for that, too. It's the plan behind the plan, to get the ORVs off the beach, close the businesses, get the people off the island. That's what we're fighting. The plan behind the plan. There's one thing that bothers me about this whole thing, Mr. Murray, and it's just the way your department has chose sides. When your employee, Cyndy Holda, told Bob Eakes of the Red Drum, "Bob, you are young enough to learn and earn a new business," you showed which side you picked. Why did you pick them? Why are you against us? All we want to do is go fishing. Take our kids to the water, like my dad took me, when I was in a stroller. Like I took my grandkids, and I want them to take their grandkids. I fought one war, and I'll carry the scars until the day I die. I'm not afraid of another one, sir. Thank you.

Correspondence ID: 15186 **Project:** 10641 **Document:** 32596
Name: Lopez, Darren
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good afternoon. My name is Darren Lopez. I'm not a veteran. I'm a new -- newcomer to the country. I've only been here for 20 years. My dad didn't used to take me fishing, but I fully intend to take my nine-year old daughter fishing -- fishing, my nine-month old daughter when she becomes nine years old. When actually this charade started, I was just a rogue fisherman. I'd go fishing any time I wanted to. Now I have a daughter. Come a few year's time, when she's at school, we could be living here to go fishing when school's out. When major holidays are on. Fourth of July. Memorial Day. According to Plan F, there's going to be a limit on the amount of vehicles at the Point. Well, the Point, the greatest wonder on the east coast as far as I'm concerned, is where I want to take my daughter. Without being able to take my daughter, I don't think we'll go. It will be like going to Disneyland, get into Disneyland, and oh, "Well, Mickey Mouse isn't here today." Do you think I would take my daughter to Disneyland? No. If we go -- the point -- if we go down to Hatteras, and there's a limit on the amount of vehicles? What? Are we going to sit at the entrance to the ramp, because we're 401 and wait to be called? I don't think so. We'll probably go somewhere else. That's pretty much want I'd like to say. Thank you.

Correspondence ID: 15187 **Project:** 10641 **Document:** 32596
Name: Gordon, H T
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: My name is H. T. Gordon. I'm a property owner in Salvo, North Carolina. And I think that most of the people in here like fishing and we -- we like fishing on the beach. And also, that these environmentalists that are trying to kick us off the beach, I don't think they fish at all. Because if they were worried about the birds, they would be at the end of the Bonner Bridge protesting. Because every time I come across that bridge, there's at least five -- four or five dead birds on that -- on that bridge. And somebody -- you know, if they were so much worried about those birds, they'd be there protesting somehow, to keep those birds alive. Now, my wife and I came here this afternoon across the, you know, Hampton Roads Bridge Tunnel, the southern bridge going westbound, and we found five dead birds on that bridge already. So, if they were worried about the birds, dead birds on the beach, they should be protesting these bridges where these birds are being killed. So, I -- I would like to see them protesting the places where these birds are killed, rather than on the beach, because I have never seen but maybe one or two dead sea gulls on that beach, since I've been going down there. So, that's all I have to say.

Correspondence ID: 15188 **Project:** 10641 **Document:** 32596
Name: Munden, Willie
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hi. My name is Willie Munden. I'm a lifelong resident of the Tidewater area, and I've been visiting Cape Hatteras since the early '50s with my father, fishing. We used to drive off the beach in Sandbridge, drive all the way down the beach to Oregon Inlet, cross over on the ferry, drive Hatteras Island, down to Hatteras Inlet, and turn around and drive and fish back. That's been happening, like I said, as far as I know, all the way back to the '30s. The present plan as the first speaker spoke about, it's really the -- the -- the complete closure of the beach that's -- that's -- that's trying to be done here by the environmental groups, and I'm -- I'm completely against it. Like I said, I've been fishing and surfing down in Hatteras with my father, my -- my daughters, my sons, over the past 40 or 50 years, and I believe that -- that there should be no closure to the beach between the mean -- the mean low tide line and the base of the dune. And that's -- that's year-round, on a daily use basis. If there has to be some restrictions for turtle nests or things like that on a very temporary basis, that's makes sense, but otherwise, no. The -- some of the data that's being used in a general sense that states, well when you -- when you remove human presence in an area, that the birds come back or the wildlife come back. Well, of course, that's true. It's self-evident. So, basing decisions on those kinds of -- on that kind of data seems to me, simply -- simply false, unless the only -- unless the only result is to just remove humans from -- from access to any piece of land. I mean, we could take New York City and move all the people out, and within six months, it'd be overrun with animals. So, it doesn't make any sense to me to use data that, in these reports, that show that, when you remove humans, that more wildlife come. The other part about the data that I have a problem with is that most of the bird nest destruction that happens, the vast majority of it has to do with ocean -- ocean over-wash, and natural predators -- non-human natural predators. Well, are we going to start killing the natural predators down there? Are we going to start putting up sea walls to keep the over-wash from coming up? And, if that's the majority of the -- of the -- of the destruction of these nesting sites, then it seems, once again, that this -- that this, as the first speaker spoke, it's really not this plan, it's the plan within a plan that's trying to be

pushed here, and trying to force -- force all of us off. Finally, I just want to say from a personal note as someone else said, that my access down to Cape Hatteras for surfing and so on, is -- is a lifelong thing. And if it's -- if it's stopped, I will consider moving from this area, having lived here all my life. Thank you.

Correspondence ID: 15189 **Project:** 10641 **Document:** 32596
Name: Rumschlag, Bill
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: My name's Bill Rumschlag, and I'm a veteran and also a surf fisherman. The first point I want to make is I emphatically agree with all the first five speakers. I've been going down to the Hatteras seashore, Ocracoke, Avon for 30 years with my family, fishing. Every fisherman I've ever met on the beach has the greatest respect for the treasure that he's enjoying. They all pick up their trash. They all take care of their things and -- and have a respect for the beach, the dunes, and the animals. That doesn't get recognized enough. When you talk to the locals down there, and I can give a specific example. A couple years ago, the entire south end of Ocracoke was closed for one egg in one nest, that after three or four days, after we spent \$3,000 for our cottage and couldn't get on the beach, was eaten by another bird. We all own the beach. You own the beach. I own the beach. And everybody in this room owns the beach. We pay -- it's a National Park. We pay our federal income tax. We all must have access to that beach. Yes, we have to respect the environment. But to close the beach in this concept of the plan behind the plan, is very disconcerting. What I would ask, the plan -- and you've put a lot of work into it -- I think it's what, 40 years in the making -- 40. The science that is behind it, the purported science, and -- and the environmental statements -- has it been reviewed, peer-reviewed by an independent, unbiased third-party? Because the entire package is based on the data that's been presented. And to date, I have not seen where it has been reviewed by an unbiased third-party. Thank you.

Correspondence ID: 15190 **Project:** 10641 **Document:** 32596
Name: BEEDIE, ROB
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening, gentlemen. Nice seeing you. I made a request down in Buxton, at this, the government meeting. And my grandfather and parents would be ashamed that there's no American flag that we could pledge allegiance to. And also in the American tradition, of inviting Jesus Christ in, to give all the decision-makers wisdom to make the proper decisions. What's at stake here to me? I disagree with the DEIS. I know everybody's worked hard on it, but it -- it leaves out one basic thing: our right to -- our constitutional right to life, liberty, and pursuit of happiness. I served 111th Artillery, '68 to '74. I've lived all around the country, in California, and traveled. And Cape Hatteras is very special. It is a shame that you're tearing grown men to a point to tears; okay? All I ask ya'll to do, is search your own soul. Okay? We can co-exist. First, God created that. He ordained man to be the caretaker, not governments. Okay? We are responsible people, and I know I'm running out of time, but it's America's coast. And I'm here to let everyone know that my invested interest is neither financial or land ownership, but it was bestowed upon me early on by forces much larger and more important than any of us here. I'm a simple man who's simply loves this area. I pray for the decision-makers to ponder diligently before writing into law any regulations that bring any further hardship on a free community and hinders Americans, all Americans, their God-given right to life, liberty and the pursuit of happiness. And as ya'll know, my son, had a surfer celebration at 21 years old and he's buried in that ocean. And I rode down there yesterday, and the "no walking" on the beach is close. He was born on Father's Day, and we paddled out, my friends and I, and put flowers there. I will be the first one arrested probably for federal offense. I'm 62 years old, and been surfing for 48 years. I will stand in defiance of this government for denying me my life, liberty, and pursuit of happiness, and I will put flowers on that ocean. Okay? And I'm -- I'm gonna abide by the law, but I can't abide by ignorant decisions. And shame on the lawyers. The lawyers are putting the Park Service in a weird situation. It's called a lawsuit. Well, you -- you have fired up the fishermen and the surfers, and the international surf community. When they put a lawsuit on you, we stop mobile war. We stopped mobile war. And -- and, just let Jesus come into your hearts, and take care of what's His, not yours.

Correspondence ID: 15191 **Project:** 10641 **Document:** 32596
Name: GIROUX, ROB
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: I would just like -- I would just like to say, I've been going to Hatteras my whole life with my family, and it's very important to us. It's pretty much the only thing that makes living in Virginia tolerable. I don't want to be driving down Highway 12 one day with my son, and say to him, "Look over there. That's where your dad used to surf and your uncle. And past that lighthouse, there's a point where your grandfather used to fish. Trust me, it's beautiful." He's going to look at me and say, "Who cares? I've never seen it." Just think about what -- please consider what effect your decisions will have on future generations. If they can't experience the environment, why will they grow up to protect it? Thank you.

Correspondence ID: 15192 **Project:** 10641 **Document:** 32596
Name: STUBBS, MATTHEW
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: First, I would like to say that, thank you for being here, but thank these folks for being here, because these people are fighting for what we love. I would like to say that I disagree with all alternatives that were listed in the DEIS. To be honest with you, I didn't read it. I'm a working man, and I enjoy the seashore, but I don't have time to spend 800 -- my son doesn't want me reading this and go to bed with it. I do not believe in plovers. That secondly, I want to state. Why don't I believe in plovers? Because I've only seen pictures of them, just like dinosaurs. I've only seen these from a distance. My son can learn this from watching television at home. He cannot learn this by going to the seashore. My son does not own a 1,000 meter spotting scope. So, my son will never see one of these birds. It's impossible. I would also like to say that, it's been stated several times -- people are saying that they're trying to close the beach. I want to basically make a little anecdote to that. You guys state several times, you don't want to close the beach. But however, you want to give a 1,000 meters to a bird that can nest in the palm of my hand. All right? According to the National Park Service, there's 74 miles of accessible seashore -- 119,000 meters. Put 119 plover nests, 1,000 meters apart, what do you have left? Zero. Now we've come five and a half, six hours, to see Highway 12. There's not that much down there to see, except for the beach. You take away the beach, you take away reason to go to the shore in the first place. Are we going to, as a society change this where my children are going to sit in the house and watch television, so they can see nature? I live on five and a half acres in western Goochland, so my kids can see nature. They can't see it at the beach. That's impossible for me to understand. Who determines whether the animals live and die? I mean, this is something that's been mentioned by my friend, Mr. Chris Detreville, and several other folks. Animals are dying so others can live? Who makes that decision? I thought that was God's role in life. Thought that was Mother Nature. We have on here -- there -- there is not one endangered bird in Hatteras Seashore. Not one. Not one. There are threatened species of concern, and I can do that all day long. I saw a turtle nest that was supposed to be being protected. I saw it destroyed due to the protections that were afforded it by the National Park System. They put a netting around it to block out light. That caught the seashore waves from an in-blowing storm, destroyed the sea turtle nest, later to find out that no -- no survivors. Lastly, I'd like to say this. There's a sign in front of the first National Park. There's a sign. This sign says, very clearly, "For the enjoyment of the people." It says it right above the main entrance. Also, they'll be filming life after people on this island, after we're gone.

Correspondence ID: 15193 **Project:** 10641 **Document:** 32596
Name: Wojcik, Robert
Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: I'm Robert Wojcik. Many of you may know me as a professor, because there's a couple of websites I'm on, and they probably reference me in that way. I'm married, from Richmond, Virginia, two children, a grandson. I have a house in Salvo, around mile post 43. Non-rental. I go down there as much as I can. Observe. Fish. Relax. My wife says when I go there, all the wrinkles go out of my face. But now, since this decree, I go down there and I probably have more wrinkles in my face, because it just -- I just grind my molars through the teeth for the waste of time and money. I'm a veteran. I love to fish. Thank God I still have the right to speak, with the freedom of speech. But, as far as the rest of this I've seen, it's just deplorable. I want to talk about one area, because many people have talked about this. My son talked to your office, Mr. Murray, about eight years ago. He was in a car accident. He is a quadriplegic now. Not of his fault. But he addressed your office, because he's one of these kids that just wants to do things right. He addressed your office about putting a -- a -- barriers to -- not barriers, but ways to get onto the beach for him -- handicap accessible. About three years ago, I went down -- we were down there. Mile post 44, the last street, I can't think -- it's called North Beach now. Go to the far northeast corner, you'll see a area which you gave a person access to that, so he can build a pier all the way up to the dunes. That access was given, if he'd make that accessible to the public. I walked up there. That's -- that's not handicap accessible. I called your office. Your office said, we're not required by law to follow that. I forget the name in your office that said that. I can give that name to you, but I left it back at home. I called you back the second time, because I think, well, you know, I'm a professor at a college, and I said, "You know, that's just a bum answer." The second response was, "That's a closed community or closed subdivision." Well, so it is. It is a subdivision within the area, but that subdivision has renters. If I'd go over and rent that, would you be liable if I sued you for not letting my son get to that beach, just to drive down to look at the dunes? I can take my son to the beach by my vehicle, but last year, 23, 30, 34, the only beach open was 38 and 40. And I don't know about the rest of you, but try riding with a trailer with a handicapped son, strapped to the back, with my wife holding him down, to ramp 38. He get's tossed. It's a hard ramp to drive on. I have no access to the beach. He has a 300-pound chair that I cannot push. I don't know what -- I can't put him on a little rubberized chair and run him down here. I'm 63. I probably have 15 more years to live here. In that case, I just -- but anyway. I'm going to -- one more response was, it's a -- the people in the Outer Banks, I feel sorry for them. They've been slapped into the face. My final comment. You've showed no creativity for the Outer Banks. Two areas that I was concerned with here lately. The bright lights. Why can't we put red lights on trucks so they can drive at night? I've read another one, too, that says, "Black barriers -- we can't -- we can't guide with black barriers -- plastic -- because the quote is, "Fencing chicks away from their areas would essentially reduce their chances of survival." No data. No reference. No nothing. I mean that could have been plucked out from anywhere. I'd like to see the reference. The validity and reliability of the National Parks so that's other resources and information. It's just not -- it's not good information. It wouldn't flow in the college where I work. And I thank you.

Correspondence ID: 15194 **Project:** 10641 **Document:** 32596

Name: Nugent, Alfred

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good evening. My name's Alfred Nugent. My family's relationship with the Outer Banks started when my father served there for a short period of time in the second world war as a Coast Guardsman before he went to the Pacific. Like a lot of guys from that time, he went home and got married. When we were old enough, he brought myself and the other seven children in our family to the beach. We went there on and off for a number of years to Buxton, and eventually, when he got the money together in the '70s, he bought one of the doublewides that Mr. Beckham was putting up in Avon, and we've had the house ever since. All of us go there routinely. We don't rent the place. We use it as a way to get down there and enjoy the beach. He picked to go there because he thought it was a good place for us as children, and if he'd lived, to stay retired with my mother. I'm -- I can't do as nearly an eloquent as Ted Hamilton endorsing the position of the Coalition for Beach Access, which I think is the only reasonable version of this that I've seen on the -- on the plate. I contest the assertion in the DEIS that there was no plan in place. There was a plan in place by those of us who were down there in the '70s, that was put together by old EPA and the other access groups at the time. It's not the fault of the people that live on that island that did what they were supposed to do, that the federal government lost and failed to implement their plan. But, having said that, I'll go to the one substantive point I want to raise, and I think just got addressed, more than adequately by Mr. Wojcik, is handicapped access. My mother is still alive. You have in this plan, four places for people to get on the beach on a wheel chair who have to be helped. For all practical purposes, ORV access is handicapped access. If I want to take her to the places we went when we were kids, I need to drive her there. Because in your 80s, you're not walking to the beach. And I'll tell you, as a father, if you're hauling a bunch of very small children, you're not walking pretty far to the beach with a bunch of three and four-year olds, either. So, by taking away ORV access and not providing reasonable access that way, you're destroying the chance -- the choice -- the chance of the two groups of people that should get access to this, which is the young and the old. And the final piece, I guess is, where you've limited access to the bay, you've limited access to the place people with children go to swim, because it's a safe place to take them, besides in the surf. That's all I've got to say.

Correspondence ID: 15195 **Project:** 10641 **Document:** 32596

Name: Basilone, Bonny

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: I'm Bonny Basilone. I disagree with the DEIS concerning a pet policy as stated on page 136. The policy prohibits pets on the Seashore from March 15 to July 31. The Park Service already has regulations concerning unleashed pets, and these regulations should be enforced. Additional extremely restrictive pet regulations are not justified by the available data. I disagree with the DEIS proposed restrictive measures and inflexible buffers as found on pages 121 through 127, and page 468. These will prevent off-road vehicle use on large portions of the National Seashore. I agree with efforts to establish reasonable access corridors, so that ORVs can access the surf zone in the National Seashore, and I am in favor of the Coalition for Access 77-page proposal. Thank you.

Correspondence ID: 15196 **Project:** 10641 **Document:** 32596

Name: Tripp, Archie

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good afternoon. And thank you for coming and thank you for giving us this opportunity to speak. I am Archie Tripp. I'm also a scientist, retired. A nature lover. A past member of the Audubon Society. A wildlife photographer. And, most importantly, a full-time beach bum. I want to see all wildlife thrive on the Outer Banks. And I have supported in the past, beach closings, to protect the plover. It think it's important. However, as I see it, the proposed plan goes far beyond what I can support. And support of moderate people is vital to successful implementation of any plan. Specifically, items that really hit me were the 1,000-meter closure per nest. As pointed out earlier, depending on how you do the math, 63 nests could close the entire beach. I don't think that would happen, but that still comes out that way. As was so well just stated, what's the purpose of not allowing that the dog could walk on a leash through these areas? I don't know. Not up to the nest, of course, but outside of some boundary. Other things were -- it seems like large sections of beach are going to be closed to pedestrians -- even pedestrians during this time. And I'm not talking about the specific areas around the nest, but broad areas. And then, part of the beach is to be closed to all -- the off-range vehicles full-time. I -- I see that as excessive. I urge you to protect the plover, but such protection must be supported by the body politic. These proposed rules do not meet that criteria. Thank you.

Correspondence ID: 15197 **Project:** 10641 **Document:** 32596

Name: Ewell, John

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: I've got to change glasses. My name is John Ewell. I'm not an expert. I'm not a scientist. I just love to surf fish. I'm sort of selfish tonight, because I'm speaking for me and for friends I've fished with for 25 years on the Outer Banks. I'm a surf fisherman during April, May, October and November. I want

to reference the closures due to birds on page 468. ORV corridors are very important. I agree that birds need to be protected, but the DEIS goes too far. I'm not smart enough to determine how big a buffer needs to be. I only know that there has to be a way that we can work together to protect the birds and still give us fisherman an ORV corridor, or a bypass around the buffer, so we can reach our favorite fishing spots, like Cape Point, Hatteras Island, and the south end of Ocracoke. Next, I want to talk about the closure due to turtles, page 125 in the report. Here again, I want turtles protected, but again, the DEIS goes too far. As a fisherman, I think if the closure runs to the surf line, we should have an ORV corridor behind the nest and the dunes, or around -- established by the National Park Service around the dunes, so we can again, reach our favorite fishing spots. In closing, I want to say that this -- that it is my opinion that surf fishermen did not have any input into the DEIS report. If they did have input, none of it ended up in this report. In other words, I believe that the report as written is biased. All I'm asking for is consideration and objectivity in the final report. Thank you.

Correspondence ID: 15198 **Project:** 10641 **Document:** 32596

Name: Bartlett, Alan
Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: Hi. I'm Alan Bartlett from Portsmouth, Virginia. First, let me thank the Park Service for providing a convenient venue for Hampton Roads residents to attend this Public Comment Session. Second, I'd like to provide a little prospective as to my stake in this whole matter. I live in Virginia, but I spend approximately 90 days per year on Hatteras Island. My wife and I spend 80 percent of our annual recreational budget on the island, primarily investing in local businesses. We have a trailer in Buxton, and, since 2005, have been joined there by four other relatives, their families and two very close friends, with their family of three. Over the last 30 years, we've taught our children how to enjoy, respect, and give back to the Cape Hatteras National Seashore and recreational area. The good memories are innumerable. The local culture is unique. And the people are as spirited as Hatteras and Ocracoke are beautiful. I'm not going to focus primarily on birds, turtles, enclosures, and such, because I'm not a scientist or a qualified expert. I can offer an opinion based upon what I've read today, but by now, I think we've all heard enough opinions. This whole thing is about people, and I'm qualified to speak about people, because I've had 15 -- 57 years of experience in the role. I believe that the mutual long-range goal of a couple of well-funded special interest groups is to remove people altogether from Hatteras Island. Their methodologies include marketing and public relations campaigns, investing millions of dollars in lobbying activities and political contributions, and retaining the SELC by -- to repeatedly sue the federal government into submission, in order to eliminate beach access altogether. If these groups prevail, there may be no surf fishing, surfing, kite-boarding, swimming, sunbathing, pets, picnics, and family activities on federal land, originally set aside for the recreation and enjoyment of tax-paying American citizens, and their guests. Short term, and at a minimum, I oppose any plan that includes the following found in the DEIS: permanent closings; Hatteras Inlet, north end of Ocracoke, and ramps 27 and 30; 1,000 meter plover buffers; prohibition of pets from March 15 through July 31, and the elimination of predators by the NPS in the name of conversation. Long term, I call upon our government agencies: to recognize the intended use of the Cape Hatteras National Seashore and recreational area, and to reinstate common-sense access policies before special interests force the local economy to fail; force state and local tax bases to disappear; and residents to be deprived of the ability to make sustainable living. This is about people.

Correspondence ID: 15199 **Project:** 10641 **Document:** 32596

Name: Pitts, Chip
Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good evening. Thank you for the opportunity to speak. I had prepared statements, but everything I was going to say has already been pretty well stated eloquently and passionately by the speakers before me. But I've driven all the way over here, and I'm going to say something. My name is Chip Pitts. I live in Virginia Beach. My house is two blocks from the ocean. I can walk out my front door, walk two blocks and stand in the Atlantic Ocean. We have a cottage in Buxton. It's been in my wife's family for over 50 years, and when we think about going to the beach, we think about driving two and a half hours to go to Buxton. We don't think about walking two blocks to go to the beach. Buxton is a jewel on the east coast, and that -- that has been passionately stated by the speakers here. But, as I've sat out there, one of the things that has kind of come to my mind, is I'm glad I'm not you people. And I say that with all sincerity. I -- I did not participate in or attend the Neg-Reg [sic] meetings -- Reg-Neg meetings, but I followed them. And you have a situation where you have stakeholders on the one side, that are occupied by people who believe that there should be open access to the beach, that there should be reasonable, responsible, traditional uses of the beach, that 70 years of that access has proven to provide a healthy ecosystem on the beach. And they believe that people should be allowed to go there to recreate, and are part of the stewardship of the beach, to maintain that healthy ecosystem. On the other side, you have stakeholders whose published literature indicates that human activity on the beach is the problem. And they have really not spent their effort in trying to find a way that includes human activity in preservation of -- of the resource. Those two bodies are not going to agree. You have to come up with a plan that will manage the beach for 10 to 15 years. The Draft Environmental Impact Statement addresses what we can do, when can we do it, and how we can do it. It doesn't say why. You have not noted the scientific methodology, the peer-reviewed data, why you are making the decisions. The closure boundaries. The time of year of the closure boundaries. If you expect public acceptance of your plan, it needs to be reasoned. It needs to be specific. It needs to be scientifically supportable. And it can't smack of the Park Service being intimidated by special interest groups.

Correspondence ID: 15200 **Project:** 10641 **Document:** 32596

Name: Egghart, Chris
Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: My name is Chris Egghart. I'm from Richmond. I'm a cultural resource and environmental professional. And I've read the entire DEIS and let me tell you, three minutes is not enough to talk about everything in that -- three hours might not be enough. But I'm here to talk about -- specifically, about the traditional cultural value of -- of the Outer Banks beaches, particularly the spit and inlet areas. I disagree with the DEIS in that it -- it does not address the issue of these areas that is traditional cultural properties, despite them being formally identified to the Park Service and requested to be evaluated. This, despite that the spit and inlet areas to a "T" meet the published guidelines -- the definitions of traditional cultural properties, published by the Park Service. It's National Register Bulletin 38. This situation is even more perplexing, as when the then Director of the National Park Service, when the Cape Hatteras National Seashore recreation area was being formed, promised the people of the Outer Banks that they would have -- always have access to their beaches. And he did this out of recognition of the traditional cultural value of these beaches and the access to those beaches -- that importance. That traditional cultural importance has only grown since then. Access to the beach is part of what it means to be an Outer Banker, or to have an Outer Banks experience. A previous speaker mentioned the historic aspect of beach buggy use. Well, it goes that much further. For the local communities, the Outer Banks is the beach for the -- excuse me, the Outer Banks communities -- the beaches are a meeting place. A social gathering place. In a very real -- in a very real sense, it helps define what it means to be a member of that traditional community. Alternative F in the DEIS completely takes that away. The surf zone activities are components of an unbroken pattern of land use that spans back many generations before the establishment of the Seashore, and remain integral to the fabric of the historically unique Outer Banks communities. In short, it's about the people. And, thank you very much.

Correspondence ID: 15201 **Project:** 10641 **Document:** 32596

Name: Fripp, Jean
Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: Thank you. Thank you for allowing us to speak. I'm Jean Fripp. I live in Williamsburg, Virginia. I'm also a property owner on Hatteras Island. And I will be brief. I believe we're all stewards of the environment. No one wants to see an animal become endangered. However, I strongly believe the dynamic beauty of the Outer Banks can be shared and enjoyed by families, fishermen, and wildlife. I do not support the closing of the beaches on Hatteras Island to the vehicular traffic. I do not support closing the beaches to leashed pets. And I do not support fencing off a square mile of beach for a

bird's nest. These things are not necessary and they are not realistic. We need a rational plan that protects wildlife and recognizes the recreational and economic value of the Outer Banks. Thank you for letting me speak.

Correspondence ID: 15202 **Project:** 10641 **Document:** 32596
Name: Krise, Buddy
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: My name is Buddy Krise. I knew you wouldn't spell it -- say it right, but that's all right. Don't worry about it. If you did, I'd be scared. I'm not a speaker and I'm not really prepared like I'd like to be. But, we are letting people who are in another part of the world dictate us what we should be doing. If we took their hobby -- whatever it may be -- golfing, hang-gliding and told them they couldn't do that, they'd have a whole different picture about this thing. You're taking -- I'm not a surf fisherman. I love the beach. I love anything I do in water, but a lot of these fellows have said more than I can say. You take that from them, you're taking their thing for them to live, to work for, and struggle for. And National Parks right now are hurting for money. And here we are -- and I say we as the public -- spending a lot of money, trying to decide what should happen -- to be done to that beach could be spent better in the parks. The marina at Cape -- at Ocracoke -- that needs -- federal park needs a ton of work done there. This money we're spending for this could be put in down there. So, like somebody at Hatteras said a couple years ago about this thing, why are we letting somebody who lives in Tennessee, Kentucky, Arizona or wherever they may be across the country, tell us how to live? We've got enough of this federal government telling us how to live. Thank you. And I appreciate the time.

Correspondence ID: 15203 **Project:** 10641 **Document:** 32596
Name: Brinkley, Jennifer
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hello. My name is Jennifer Brinkley. I grew up in the Tidewater. I have been going down to Cape Hatteras since before I was born. And I fully support keeping the beaches open. I think that the National Park Service should be ashamed of themselves.

Correspondence ID: 15204 **Project:** 10641 **Document:** 32596
Name: Higham, James
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: James Higham from Virginia Beach, Virginia. The first thing I'd like to point out is that Conrad Wirth promised all visitors and residents access to the beach. And the Park Service has not kept that promise. I don't hear enough stressed about the people and the economy of Hatteras Island. I feel that is very, very important. Another thing that I think is also extremely important is the enabling legislation, which created the Seashore for the benefit and enjoyment of the people. I'm very disappointed with the Park Service's laziness, as it pertains to habitat degradation. Places that used to support vast colonies of the colonial waterbirds are now overgrown with vegetation, so the birds have no place left to go but on the beach, where human disturbance and predation and weather are a problem. I think the Park Service should really work on that. Your adaptive management and pilot programs, I think could be implemented much earlier. The access groups have stated that they're ready to do habitat management or manipulation, whatever you want to call it, at the time, so that the birds can have a place and we can access the beaches. It seems like a win-win situation. I don't know why the need to have pilot programs and studies, when they're already in place. Also, I'm a big fan of using the beach at night, and there have been no studies done to date to qualify or quantify the effects that nighttime beach use has on nesting sea turtles at Cape Hatteras. I really believe that Species [sic] Management Areas is just another tool to keep people off the beach. I mean, the birds have wings. They're going to nest where they want -- the Dredge Islands, you know. I mean, so, if you could have an SMA, you know, it's only coming up for review for every five years, and all the birds are elsewhere. The area's going to be closed. We're just going to have nowhere to go. I -- it's ridiculous. I think this game is rigged. I really do. Also, the Park Service and U.S. Fish and Wildlife have target numbers for piping plovers, and whatnot. I'd like to know the target numbers for foxes, raccoons, possums, minx. I want to know how many in the Park Service thinks it's viable in that ecosystem, so we're not killing too many. Also, I think three minutes is just a joke -- 800 pages -- three minutes. That's ridiculous. I fully support no action Alternative A. I believe that is the best balance between resource protection and recreation. I think it's ridiculous that we have a Consent Decree. I think this 800 pages is just insane. I can't believe this is happening here. Mike Murray, I don't -- I don't know what to tell you, man, but I'm not very happy with you.

Correspondence ID: 15205 **Project:** 10641 **Document:** 32596
Name: Kittrell, Rick
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: I'm Rick Kittrell. I'm a home owner on the Outer Banks. Been going down there over 50 years, like the other lady said, even before I was born. It goes back -- I think part of this goes back to what -- what was the original intent for this land? At least part of that intent is what has been said a half a dozen times, at least, that I've heard tonight. And that was for the benefit and enjoyment of the people. So, how is it possible, if we're going to close the beaches, that we're going to get that enjoyment and benefit? My experience watching the fowl and the other creatures down there is, by driving, walking and so forth, and observing them. Cormorants, plover or other birds, they pick up and move. They move out of the traffic areas and so forth. So, that kind of brings me to my next point. And that is, these creatures can move to the thousands of other acres that are available and at the disposal of the National Park Service. And some of those areas are either -- either not visited by humans or rarely visited by humans. The ramps and the recreational areas that people traverse, drive and so forth, and go fishing on, are but a small percentage of the total acreage that's available to the National Park Service. Discrete areas can certainly be cordoned off for the wildlife and to protect those animals and creatures. So, in summary, this is about people. I say keep the beaches open. Thank you.

Correspondence ID: 15206 **Project:** 10641 **Document:** 32596
Name: Almond, Scott
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: My name is Scott Almond and I live in Virginia Beach, Virginia. I'd like to thank the National Park Service for having this public meeting here in Hampton, Virginia, to hear my comments. My wife, son, and myself, enjoy visiting the beaches of Cape Hatteras National Seashore and access to the beach with our vehicle's the very reason my family chooses to vacation in that area. I will offer a few comments on the DEIS with respect to Alternative F, the NPS preferred alternative, as described on xi and xii, the executive summary that directly relates to vehicle access to the beach. On page 15 of the executive summary, I respectfully disagree with ML1 closure restrictions. Under Alternative F for Cape Point, .2 mile west of the hook to ramp 45, and onto new ramp 47, from March 15 through July 31. I believe this area should remain an ORV route year-round. On page 16 of the executive summary, I respectfully disagree with ML1 closure restriction under Alternative F. The ocean shore line from .2 miles southwest of Bone Road to the inlet. I believe this area should remain open and an ORV route year-round. On page 123, which is a part of Table 10, Species Management Strategies for Action Alternatives, I respectfully disagree with the buffer of 1,000 meters for unfledged chick buffers for the piping plover. Considering that 1,500 meters is known as the metric mile, this 1,000 meter buffer is, indeed, about two-thirds of a mile. I believe that 200 meters is a more reasonable distance, which would still be about twice the length of a football field. Thank you for your time.

Correspondence ID: 15207 **Project:** 10641 **Document:** 32596
Name: Vachet, Dave
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Thanks for the opportunity to speak. My name's Dave Vachet. I live in Norfolk, Virginia. I'm opposed to all the alternatives, as well, presented in the DEIS, because they are not -- they are flawed in the fact that they diminish the existing visitor experience, and do not recognize the socio-economic and cultural resource impacts. And, in an effort to manage wildlife, pedestrian and ORV usage is being unfairly portrayed as a significant factor affecting nesting success of birds. The proposed buster -- buffers for nesting birds are not based on peer-reviewed science, and are not standards used anywhere else in NPS-managed lands. In essence, the public is being penalized where predation and storms are the true factors to the lack of success. This diminishes the existing visitor experience. This Seashore is also unique from other Seashores in that multiple villages and communities exist inside the boundaries of the Park. Impacts to these towns and the communities are more acute than to surrounding communities, whenever the Park Service institutes rules. I don't believe the alternatives in this document have properly evaluated the socio-economic and historical and cultural impacts to these communities contained therein. The large ROI mentioned is too large to adequately assess the economic impacts to the villages. And, very little is addressed in terms of historic access to the shoreline. Please address these deficiencies in the final document. Thanks.

Correspondence ID: 15208 **Project:** 10641 **Document:** 32596
Name: Quillon, Howard
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening. My name is Howard Quillon, and I am the President of the United Mobile Sports Fisherman Association, representing over 50,000 anglers, and the Vice President of the Assateague Mobile Sports Fisherman Association, representing over 1,200 anglers. I've been visiting Cape Hatteras National Seashore and recreational area for over 40 years, and I've not heard anything tonight that I disagree with. And, I do disagree with the Preferred Alternative F for the management of Cape Hatteras. As defined, it is over -- over-restrictive and excessive in nature. I believe that a more balanced approach of preservation, conservation and recreation can be achieved, and a few examples are as follows. Under Species Management, specifically page 468, piping plover. And I'm only going to cite a few. The current plan, as well as proposed, states that a 1,000 meter buffer zone, that we've heard many times, around the area nest be employed. The suggested parameters are a range of 300 to 1,000 meters. The current maximum practice has not increased the fledgling count. It is well known that vehicle traffic is less disturbing to a nest than pedestrian traffic. The primary reason for failing piping plover nests are not due to human intervention. They are due to weather and predation. Furthermore, activity in the area actually helps to diminish the predation, due to consistent activity. By reducing or stopping activity in the area, we are increasing the likelihood of predation. Implementing a flexible buffer zone, identified on pages 121 through 127, that allows traffic to pass, will serve to the best of all interests. Starting with a 300-meter zone, and increasing when and if necessary, as the chicks hatch, depending on which way the chicks go to feed, the zone could be expanded. The management process is employed where I live. Assateague Island National Seashore management works very cooperatively with the OSV community and routinely has good exhaust -- results. Last year, we averaged 1.38 chicks per nest. The Species Management Analysis. You must include all areas of the region in order to determine the effectiveness of a management program, and not focus on selected areas. Seashores change daily, thus the habitat changes daily. When areas are created, either by man or by nature, and are conducive to bird procreation, they must be included in the overall management of that species. I'll skip to the socio- economic impact. I have provided a full copy of this. Cape Hatteras has long been a summertime vacation spot and for -- and spring and fall fisherman attraction. This has helped every village and community thrive. The villages' culture activities pre-date the National Park Service by decades. Alternative F's overly restrictive practices of resource management will further cripple the economy and the peoples' lives. Under the current Consent Decree, the economic impact has been severe and devastating in many cases. As cited earlier, their -- the answer, "A business will have to adapt," page 383, is short-sighted and unacceptable. I see I'm out of time and I'll just simply say that you must use adaptive management in order to achieve a balanced result. Thank you.

Correspondence ID: 15209 **Project:** 10641 **Document:** 32596
Name: Scoville, Sheila
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening. My name is Sheila Scoville. And I'm about to become the most unpopular person in the room, but I would ask that you respect my opinions as I'm respecting yours. Thank you for letting me speak. This is, I'm sure, something you're familiar with. It's the U.S. Code that established the National Parks and all of its associated services, such as the National Monuments, and so on. And I'm going to read from it exactly, and I'm not -- this isn't -- I'm not cherry-picking here. This is an exact quotation. "The service thus established shall promote and regulate the use of the federal areas known as National Parks, Monuments, and Reservations herein specified as provided by law by such means and measures as to conform to the fundamental purpose of such said Parks, Monuments and Reservations, which purpose is to conserve the scenery and the natural and historic objects, and the wildlife therein, and to provide for the enjoyment of the same in such manner as will leave them unimpaired for the enjoyment of future generations." Now, I'm not a local. I'm not a member of the Hatteras community, but this is a federal property, and, you know, it was turned over to the federal government in, I believe, the '30s. And, as everybody knows, if -- if you sell your house, you don't get to tell the next homeowner what color to paint the -- the property. And the mandate for the operation of a national facility such as this, it's the enjoyment of these -- protection of the scenery and the wildlife is secondary to the protection of the wildlife there. And, as all of you are as passionate about seeing that your children and grandchildren enjoy what you do, I enjoy seeing the birds at Hatteras. And I take my children and I hope to take my grandchildren to see the endangered and threatened species that are represented there. And, I'm -- I'm sorry if the locals feel that they've gotten sort of a raw deal. But again, it's a federal facility and I have as much right to enjoyment of the facility as the local people do. And this is also from the -- this -- the Hatteras website. It says, "Cape Hatteras National Seashore, a globally important bird area, is a critical natural landform along the Atlantic flyway, serving as a major resting and feeding grounds for migratory birds." And I endorse the strictest preservation of the areas set aside for the shorebirds. Thank you.

Correspondence ID: 15210 **Project:** 10641 **Document:** 32596
Name: Doherty, Peter
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Thank you. My name is Peter Doherty. I'm a field biologist. I'm a veteran. And I'm a member of the Defenders of Wildlife. I've spent a good deal of time at Hatteras as a visitor, and also I've spent a good deal of time following piping plovers in various places around its range, including Massachusetts, Oregon Inlet, and The Bahamas. There's a lot of misinformation tonight about piping plover, about biology and shorebird biology. It's been uttered here tonight, both about the plover. Indeed, there is a threatened plover, and an endangered plover population in this -- in this United States of America. And they all use Hatteras. Yeah. Number two. The long-term goal of any biologist that I know and any group in governmental biologists that I've come in contact, and any environmental lawyer, is to do, not as been suggested tonight, but rather it is to get each and every species that is on the threatened endangered list off that list. De-list it. Like the eagle. Like the pelican. Number three. Yes, many millions of birds are killed by automobiles, by -- by windows and by feral cats. And -- and many, many people have worked very, very hard and long about it. But it's not a germane issue here tonight. We are all here. We all own this beach. And the purpose we own this beach, this CAHA and this Cape Lookout and Cape Code National Seashore and others, is to pass on, not only its uses, but its wildlife, as Sheila Scoville mentioned just a moment ago. Finally, two points. About this traditional, cultural use argument that I keep hearing, both here and on various websites. Look at the cover that you chose for the -- for the EIS, and it shows -- it shows some traditional uses. It also shows a large part of Oregon Inlet, looking like a tailgate party at an NFL football game on a Sunday morning. This isn't -- this isn't a recreational area in that respect, and -- and it isn't being respected when we use it as it has been for the last 35 years, as ORV usage has increased as our population has increased, et cetera. And one more thing. My major -- my major reservation of this -- of Alternative F and there are

many good things in Alternative F -- is about -- how -- how poorly, I think, wintering shorebirds and in- transit staging shorebirds have been treated. I would -- I would ask the Park Service to look closely at the methodology that was used in the Oregon Inlet study that I did with Virginia Tech several years back when -- when you, Mr. Superintendent, first came to CAHA. The -- the -- the information there forms -- forms a framework upon which to do it at the other inlets. And -- and thank you very much.

Correspondence ID: 15211 **Project:** 10641 **Document:** 32596
Name: Swartwood, Judy
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hi. My name is Judy Swartwood. I'm a resident and a business owner in Buxton, North Carolina. And I can't for the life of me figure out why the environmentalists want to teach the next generation that wildlife is something that prevents them from enjoying the seashore. As several speakers have addressed, the reasons that they come down there is to see an osprey dive in water, and come out with a fish. Or to a kid from Pennsylvania, who's never seen the ocean, to see a turtle nest enclosure. Those are big deals to people. That's why they come to our beaches. And how're they going to experience these things, pieces of the shipwreck or watching the sandpipers run back and forth in the waves. All these beautiful things that people can no longer enjoy and experience because they can't access the beach. They used to have the freedom to come down there and choose what time of day they wanted to go to the beach, what part of the beach they chose to go to, what they chose to do there, and who they chose to take with them, including their dog. Now they're going to be dictated to as to when, where, how, why, and what they can do, what they can't do. So, generations are going to learn that a beach is something -- no offense to you Virginia Beach people -- but that's shaded by high-rise buildings, that looks like a patchwork quilt full of towels, and beach umbrellas, something that they can't run around on and play on because they might step on somebody, or somebody's things. Is that what we really want to teach our future generations that the beach is all about? Where the nightlife consists of bars, and drinking, and amusement parks? Or where the nightlife consists of the Milky Ways and shooting stars and the things they can experience out under the dark skies, that they can no longer experience, when they can't go out to the beach in the dark? When people don't have a reason to come down there for a unique visitor experience, they're going to quit coming down there. As a business owner, we live on our business property, as do many business owners have their homes above their restaurants, in their campgrounds, in their hotels. There's many self-employed people. People. All of us work hard. We work in the service industry. Service is the word that the Park Service either needs to get back to or take out of its name. And these people are not eligible for unemployment benefits. We don't get sick leave. We don't get vacation. We don't get a check from the federal government or the state government when we lose our businesses, and we have no income. We don't get those things. And this is what's happening to us right now.

Correspondence ID: 15212 **Project:** 10641 **Document:** 32596
Name: Knicely, Darin
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening. I'm Darin Knicely. Thank you, Superintendent, Mr. Skidmore, for having this forum here for us this evening. I'm a resident of Hampton, Virginia. My wife and family are lucky enough to visit the Seashore each summer and quite a few times throughout the year. I'm not naturally from here. Blue Ridge Mountains, Shenandoah Valley is where I grew up. And that's pretty much tattooed across me. And that's what I go through life knowing, that that's something we have to preserve. And luckily, through my family and my marriage, we were able to be married in Avon. Hopefully, we'll be able to take our kids back there someday. But through her family, I got to see the joy and love that there is on the beach, especially somewhere like Avon and Salvo, where you don't have all the amenities and you can really figure out how nature was, and how you can interact with it safely. But, a lot of the speaking tonight was around empirical research and what the findings were. So, I looked at some of the research articles they had. 2005 Journal of Wildlife Management published an article, and that's kind of something I'm concerned with, with this work, is what's published. Because I don't see much citing, other than the NPS services in the manual. The findings work. Yes, there was possibly a regional decline. But let's see where it was. Results indicated an 8.4 increase from 1991 but only a .2 increase since 1996, and this is 2001. Atlantic Coast increased by 78 percent, and 12.4 percent from '91 -- from '96 to 2001. Where are we having trouble? Texas, Great Plains, Saskatchewan, Canada. As we go through, we also see that it's continuing. Sub-regional studies show that the Atlantic coast, 66.2 percent increase, and still from 2000 - - sorry, '96 to 2001, we saw another 12 percent increase. So, my common denominator, when you talk about lobbyists and who they're choosing to change their policies, is the weakest link. And I'm not going after Texas. I'm not going after Michigan if I'm a lobbyist. I'm going after an area that I feel doesn't have the resources or the support. But, unfortunately, what they're going to find out, it's much like the Blue Ridge Mountains, that you don't mess with our land. It's gonna be much like that in the Outer Banks. Thank you.

Correspondence ID: 15213 **Project:** 10641 **Document:** 32596
Name: Joyner, David
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening. I'm David Joyner, Vice President of North Carolina Beach Buggy Association, a resident of Franklin, Virginia. Mike, in the DEIS, you have attributed Alternative F as being the result of the advisory committee. I don't know what meetings you were at, but for 18 months that I spent on Reg-Neg, none of that came out of what the North Carolina Beach Buggy Association agreed to. We worked very hard to try to come up with a plan that would reach consensus, and were constantly stonewalled by people with their own special interests. Once again, the North Carolina Beach Buggy Association has worked very hard with other access groups, and come up with a position statement, and it's the Coalition for Beach Access. Please read that because we did write that. We did not do anything with this and please take our name off of that DEIS. Thank you.

Correspondence ID: 15214 **Project:** 10641 **Document:** 32596
Name: Knicely, Christina
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Hi. Good evening. My name's Christina Knicely. I've lived in Hampton, Virginia for 26 years, my entire life. We've been going down to the Outer Banks since before I was born, as well, and I also have a degree in biology. And as far as I'm concerned, nothing that I do on the island harms the environment. I'm a surfer, and so is my family. I grew up surfing with my father and my sister. I've been doing it since I was 12. And I truly believe that nothing we do on the island at all, in any way, will harm any animals that inhabit the area. I grew up with parents that instilled in me and my sister, and our family how to have respect for the environment while we're down there. We don't leave trash. We don't -- we don't destroy anything on the beach. As I've grown up, I've noticed the restricted areas have increased, the roped off areas on both the north and south side of the island. My father would always joke that one day we would never have the ability to drive on the beach. And I never believed that, at 26 years old, I'd be standing here today defending that right. So, that's all I have to say. Thank you for your time and I really just hope that you make the right decision. Thank you.

Correspondence ID: 15215 **Project:** 10641 **Document:** 32596
Name: FICKLEN, CARTER
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Thank you, Mr. Murray, Mr. Skidmore, and the other staff whose efforts to bring this to Hampton to an area where lots of stakeholders exist for going to the Outer Banks to enjoy and for our recreations. It's a very important issue to everyone. I've seen lots of passion. Warms my heart, all the folks that have not enjoyed a beautiful evening outside tonight, to sit inside a room with no windows, to talk about the place that we love. I feel like for the last 32

years, I've lived a dream. My grandfather showed me Hatteras Island. I live in Yorktown, Virginia, and I've had a lease on a camper in North Beach Campground in Rodanthe for 13 years. I kinda woke up from this dream when I read Option F. And, it terrifies me to be -- not be able to show my children, my grandchildren, and hopefully my great-grandchildren, the joy that I've experienced surfing on these beaches for the past 20 some years of my life. Access to the Outer Banks was a key tool in teaching me preservation and understanding our environment, which led me to a career in environmental health. While I spent a lot of my four and a half years at Old Dominion University cutting classes to go to this seashore to surf, I did learn what is supposed to be in an Environmental Impact Statement, and what a peer-reviewed study is. And I do strongly encourage you to seek quality peer-review data and to review this and to really -- I strongly feel that Option F is not a suitable option. I hope that you'll continue in the National Park Service's mission to provide Cape Hatteras National Seashore for the enjoyment of the people. Thank you.

Correspondence ID: 15216 **Project:** 10641 **Document:** 32596

Name: Mannschreck, Bill
Received: Apr.28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Yes, I'm Bill Mannschreck, from Virginia Beach. There's two issues -- the turtles and the birds. My understanding about the turtles is the Fish and Wildlife Organization is, when they find a nest, they're moving it to another area. So, I think that the turtle area could be solved easily between them and the Park Service if -- if you would patrol the beach in the morning, then find a nest, we move it to an area that's closed, say like north of Coquina Beach, or wherever the beach is closed. I know that'd solve the problem, because the turtles will come back to the same area, and we'd never would have to close off the beach again, in our good fishing areas. The second is, Mike, we've heard all these people talk, and I'm going to -- it sounds real logical to me, but I'm on their side. But they all sound like the kind of people that would not be afraid to talk up to their boss if they thought something was going wrong. And that's what I'm asking you to do. I think if you listen to these people, you have to believe that what's going on now is wrong. This -- this plan is -- is wrong. I think I'd like to ask you to speak up. I'd like to ask you to write a letter to the head of Park Service and say, "I'm in this job. I'm in a tough predicament, but after hearing all the people from Ocracoke, and so on, I'd like to throw out this plan that we're working with now and let the Coalition Plan be the meat to work with." And I think our people, as they've said before, we love the wildlife. We don't want to run over a bird. I -- I think we could draft one heck of a good plan in good English in a brief concise package, that would solve the problem, and I think we'd like to work with a couple of people here from Preservers of Wildlife, work with them to get their input so that we can keep going the way we have been. I -- I think it would be a crime to have all this bureaucracy and closure. So, I ask you Mike, to -- to speak up and -- and say, "Damn it, this is not right. We -- we've -- we've gotta preserve the beach access like it has been." Thank you.

Correspondence ID: 15217 **Project:** 10641 **Document:** 32596

Name: Styron, Ernie
Received: Apr.28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good evening. My name's Ernie Styron. I don't know anybody in the room. This is the first meeting I've made. I've been pretty impressed with the response and the words that everybody has said. I'll address the Superintendent in a minute. Especially the folks that are here from Protected Wildlife. I think you have a cause and you have the right to say what you've said. I've got 27 years in the military. I grew up at Hatteras village. I was born in Elizabeth City. My dad was stationed at Ocracoke village. His family was raised in Hatteras village. I know what this is going to do. It's going to destroy a way of life. You're in a tough spot. I recognize that. We have a requirement to have an off-road vehicle plan. Nobody in this room disputes that. I would encourage you, though, to go back and look at what's the purpose of the park. It's for the people to enjoy and see wildlife and participate in it. Taking them out of the picture where you can only look at them from 1,000 yards away, does not help you enjoy life. Looking at it through a camera, through a TV is not quite the same. So, I ask you to go back. The original off-road plan that was submitted was probably pretty good. I didn't read through all of it. But, years ago, we had a plan. It did get executed. You drive through there today, you don't see people down there throwing trash out their windows. If you had seen that over the last 70 years, the beach would be a mess. You drive down there today, what do you find on the beach? You find wildlife. You find fishermen. You find families. Preserve that, please. Thank you.

Correspondence ID: 15218 **Project:** 10641 **Document:** 32596

Name: JOHNSTON, JAMES
Received: Apr.28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Gentlemen and ladies, thank you for this opportunity. I came to express my dissent and disagreement, especially with Plan F. And I didn't mean to be sarcastic, but it's getting that way. The Park Service is managing this just like the guy there that can't even pronounce my name. If he reads it, it's Johnston, it's not Johnson. Okay? Your turtle plan is totally, totally insufficient. I was raised on a farm. I've lived on a farm all my life. I still live on a farm in New Jersey. If we raised livestock, poultry and other stuff the way you guys do the turtles down there, we'd be bankrupt. There are other alternatives of what can be done with those turtles to get a much higher hatchery rate. You know, even your own figures show that you don't do a good job. So, I think you should look at hatcheries and other stuff where you can do a better job with those turtles, and still keep the beaches open and not shutting the beaches, just for the turtles and the lousy job that somebody's decided to do, when there's other options available. One thing I didn't expect to talk about tonight, but I'm going to discuss it. I first came to the Outer Banks in the '60s, after coming back from an overseas combat tour with the 82nd Airborne Division. I have, since then, had post-traumatic stress disorder. When I came over there, I found out Hatteras was a spot where you get out on the beach and relax and get rid of some of your nightmares and other problems. I don't think that's been addressed at all in this plan, about what you're going to do with people with these problems, where they need some space, just to get out. I don't fish in a crowd very often. I usually get off by myself, and a lot of people here that know me will tell you the same thing. I don't think it's been addressed. The other thing is, the lack of an American flag here makes me wonder, do you represent the people of the United States who pledge allegiance to it, or is the Park Service representing a few birds? I'm not trying to be sarcastic. That's just the way I see it. Thank you.

Correspondence ID: 15219 **Project:** 10641 **Document:** 32596

Name: LARNORE, BOB
Received: Apr.28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Thank you for the opportunity to speak. Mr. Murray, when you came on board with the Park Service here, or at Hatteras, I took great interest in your attitude and toward your thoughts and the way you went about expressing yourself in publications. I'm a member of the North Carolina Beach Buggy Association, and I have received the newsletter ever since it's been published, I believe. Anyway, having been part of the beach process and beach fishing over the years, your predecessors would skirt around the issues about the off-road plan that was in place, or should be permanent, or at least for a defined period of time. They skirted the issues, dodged the bullets and I compliment you for taking this project on, in the way that you said you would when you came on board. My concern tonight is, somehow along the way, the plan has become imbalanced. And I ask you and your committees or whoever is involved to please look at the peoples' issues and think about the people and not about the politicians, but the people who are living there, who go there for recreation, for numerous reasons already mentioned tonight. I believe you have the capacity to do that, and I have the faith in you to think about and work out a plan that has balance that serve the people and also protect the environment. There's plenty of ways to do that, but you need to have the documented data to make -- help you make the decision and make the committee make the decision. I thank you very much for your time, and I hope, sincerely, that we all can enjoy the beach, whether we're there watching birds or there surf fishing during the year with our families, our fishing teams or whomever it may be. Thank you for your time, and God bless you. I hope you have a successful career. Thank you.

Correspondence ID: 15220 **Project:** 10641 **Document:** 32596
Name: DesRoches, Matt
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: My name is Matt DesRoches and I'm from Virginia Beach. Been going down to Hatteras Islands since I was a youngster. Brought my kids down there. We've always enjoyed the many miles of beach that we had access to down there for surfing, fishing, and other beach activities. I live at Virginia Beach, where, during the summer, we corral all the surfers into a four-block area, and it's madness. And most people, locals like me, don't go even there during the summer. We go to Hatteras. There's miles of beaches that are only accessible by off-road vehicles that families go to and set up camp for the day, picnic, enjoy the beach, enjoy the surfing. There's many surf spots down there throughout the entire island. I own property down there in Frisco, and property in Hatteras village as well. There's -- I've gotten to know the locals there very intimately, and they are hurting economically right now. And, as a property owner down there, I feel their pain. A fact, as I can see, it has declined since they first started limiting beach access a year or so ago. Down -- last year, we were down 30 percent in occupancy. In Virginia Beach, we have tourists that come into town from all over. On Hatteras Island, we don't have tourists. We have guests. We have visitors. We have vacationers. And there's a big difference there. People don't come down to Hatteras to tour. You're not going to see Seven-Elevens down in Hatteras. You're not going to see McDonald's down in Hatteras. You're not gonna see high-rise hotels crowding the beach. You're not gonna see concrete boardwalks in Hatteras. People come to Hatteras for what it is and what it's always been, historically, and culturally, and the access to the beach is extremely important to that. It's extremely important to the economy down there. We are facing today, probably the worst economic times throughout the country since, arguably, the Great Depression. The federal government is pouring trillions of dollars to try and stimulate the economy. The plan laid forth in this DEIS will cripple and kill, irrevocably, the economy of Hatteras Island and -- COURT REPORTER'S NOTE: Mr. DesRoches' final words competed with applause and with noise from next door.

Correspondence ID: 15221 **Project:** 10641 **Document:** 32596
Name: Schneirla, Sandy
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: Thank you for the opportunity to speak tonight. My name is Sandy Schneirla. And I hadn't planned on speaking tonight, so, I'm sorry -- so, I'm a little nervous, to say the least. But, I am a resident of Virginia Beach, Virginia, lived there all my life, and going to the Outer Banks most of my life. When my children were little, I took them. We'd get in the Jeep and ride down there. Now, my husband and our family dog go down in our RV. We stay at a couple of different campgrounds down -- in fact, we were down last weekend for Four Plus' Surf Fishing Tournament. I keep up to date on all the articles from the North Carolina Beach Buggy Association, and also from the Outer Banks Preservation Association. And there were a couple of points. Most of what's been said tonight, I do agree with, about keeping the beaches open. There are lots of ideas and lots of thoughts that came into my head as people were speaking. But instead of just telling you how we feel about why we want to keep the beaches open, I don't under -- there's a couple things I don't understand. One is, Jack Shea, Commissioner of Dare County wrote an article that was in the Beach Buggy Association Newsletter. Not this past one -- the time before last. And it was about killing the mammals on the beaches. There was a picture of a ranger with a shotgun on the beach, shooting a raccoon. I don't understand why the birds are more important than the mammals. Who gives the right to kill these mammals, to try to protect a bird? And then, in the same sense, we have Pea Island National Wildlife Refuge area. That was created for the wildlife. Why aren't the wildlife that are on the beaches, being moved to Pea Island so that they can survive there, instead of closing our beaches where we go to enjoy? And I won't even get into the economic issues down there, because that's horrid. But my biggest issue is, if we opened a wildlife area, why isn't the wildlife there? Why are we allowing our beaches to be closed for the wildlife who have their own area already? I do not support closing any of the beaches of the Outer Banks. Thank you for your time.

Correspondence ID: 15222 **Project:** 10641 **Document:** 32596
Name: Hayes, Ed
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: Hi. My name is Ed Hayes. I live in Virginia Beach. I've been going down to Hatteras for about ten years, pretty much since I moved to Virginia. And I believe it's a special place, like probably most of the people here, and also, as a kite-boarder, it is one of the best places in the world. I consider myself quite sympathetic to environmental causes, but I would like these controls implemented in a reasonable way that take into the consideration all the uses of the National Seashore. This doesn't seem to be the case now. And I haven't read all this 800-page document. I heard about it last -- this meeting last night. And I made the drive here to attend the meeting. I would hope -- normally, I would think if there's important to say, you could say it in a few pages, rather than 800 pages. I don't mind making accommodations to preserve the beauty and the national -- natural environment of Hatteras. Personally, I don't have strong opinions about the off-road use. I think most of the people who do use vehicles on the beach are considerate. Personally, though, I don't mind walking across the dunes to access the beach. My big concern is at least being able to do that. I think restricting even pedestrian access over wide areas is unjustified. And I think this over-stepping in trying to protect the environment causes a resentment and backlash, and reduces the support for environmental causes. I don't know the correct compromise, but I'm just asking that there are reasonable controls, not total bans. My understanding is the park intent is for the enjoyment of the people. Therefore, I think it should allow people. Thank you.

Correspondence ID: 15223 **Project:** 10641 **Document:** 32596
Name: Darges, Jim
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15224 **Project:** 10641 **Document:** 32596
Name: WHITEHEART, RUSTY
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: 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, 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.

Correspondence ID: 15225 **Project:** 10641 **Document:** 32596

Name: Rose, Tom
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15226 **Project:** 10641 **Document:** 32596

Name: HYMAN, DR. GEYSOLYNNE
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15227 **Project:** 10641 **Document:** 32596

Name: HYMAN, ROBERT
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15228 **Project:** 10641 **Document:** 32596

Name: Towell, Buster
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15229 **Project:** 10641 **Document:** 32596

Name: Bullock, Donna

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good evening. My name is Donna 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 are -- there're not accessible, you know, by foot. Also, my 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.

Correspondence ID: 15230 **Project:** 10641 **Document:** 32596

Name: YATES, JOHN

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15231 **Project:** 10641 **Document:** 32596

Name: King, Scott

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15232 **Project:** 10641 **Document:** 32596

Name: King, Vickie

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15233 **Project:** 10641 **Document:** 32596

Name: McRae, Stuart

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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 that 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 Service data, North Carolina has accounted for only an average of 3.3 of the east coast breeding pairs. The breeding pairs at 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 the east coast. I believe our conservation tax dollars are much better spent in other areas for conservation. No data shows 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.

Correspondence ID: 15234 **Project:** 10641 **Document:** 32596

Name: Berry, Mike

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15235 **Project:** 10641 **Document:** 32596

Name: McCants, Bernie

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: My name is Bernie McCants. I'm 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. 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 fledging 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 fledging 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.

Correspondence ID: 15236 **Project:** 10641 **Document:** 32596

Name: Nowak, Chris

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: Thank you. My name is Chris Nowak 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.

Correspondence ID: 15237 **Project:** 10641 **Document:** 32596

Name: BERRYHILL, William

Received: Apr,28,2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15238 **Project:** 10641 **Document:** 32596

Name: Judge, Warren

Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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 no signs and only numbers pulled out of the air by the whims of special interest groups. Again, denying special interest groups talk and sound bites, characterizing the whole of the 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 drunk drivers, reckless drivers and speeders. We expect the 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.

Correspondence ID: 15239 **Project:** 10641 **Document:** 32596

Name: Hales, Jeff

Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15240 **Project:** 10641 **Document:** 32596

Name: OUTTEN, BOBBY

Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: Good evening. It seems intuitive 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 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

Correspondence ID: 15241 **Project:** 10641 **Document:** 32596

Name: Senter, Nancy

Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15242 **Project:** 10641 **Document:** 32596

Name: Filomena, Tracey

Received: Apr.28.2010 00:00:00

Correspondence Type: Transcript

Correspondence: My name is Tracey Filomena. I'm a resident of Cary. 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.

Correspondence ID: 15243 **Project:** 10641 **Document:** 32596
Name: Miller, Reid
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: 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.

Correspondence ID: 15244 **Project:** 10641 **Document:** 32596
Name: Powell, Joe
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: 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 good friend, got a 15-year-old cheerleading daughter, was in 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.)

Correspondence ID: 15245 **Project:** 10641 **Document:** 32596
Name: Walsh, Leon
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: 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 includes minimum standoff buffers, such as pages 121 to 127, 210, 468 and others, for various species, and users that are arbitrary, and have little scientific basis in peer reviews, scientific literature. Reference to earlier comments from Mike Berry, Judy Latham, very nice. From this standpoint, I 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? I want to tell you a story about my 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.

Correspondence ID: 15246 **Project:** 10641 **Document:** 32596
Name: Ballance, Chris
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: Good evening. 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.

Correspondence ID: 15247 **Project:** 10641 **Document:** 32596
Name: Parker, Kyle
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: 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.

Correspondence ID: 15248 **Project:** 10641 **Document:** 32596
Name: Gisler, Geoff
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: 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.

Correspondence ID: 15249 **Project:** 10641 **Document:** 32596
Name: MacIntyre, Russ
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: My name is Russ MacIntyre. 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.

Correspondence ID: 15250 **Project:** 10641 **Document:** 32596
Name: ANDERSON, PHILLIP
Received: Apr.28,2010 00:00:00
Correspondence Type: Transcript
Correspondence: 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 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 forest, 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.

Correspondence ID: 15251 **Project:** 10641 **Document:** 32596
Name: Schwartz, Melissa
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: 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.

Correspondence ID: 15252 **Project:** 10641 **Document:** 32596
Name: Idol, Joel
Received: Apr,28,2010 00:00:00
Correspondence Type: Transcript

Correspondence: 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 -- 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.

Correspondence ID: 15253 **Project:** 10641 **Document:** 32596
Name: Mueller, Heinz J
Received: May,13,2010 00:00:00
Correspondence Type: Letter

Correspondence: The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Off-Road Vehicle (ORV) Management Plan/Environmental Impact Statement (EIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. The purpose of this ORV management plan and Draft EIS is to evaluate the impacts of several alternatives for regulations and procedures that would carefully manage ORV use/access at Cape Hatteras National Seashore (CHNS) in Manteo, North Carolina, for the next 10 to 15 years. The National Park Service (NPS) is the lead federal agency for the proposed action. NPS management plans represent the broadest level of planning conducted by the NPS and are intended to provide overall guidance for making informed decisions about future conditions in national parks. The outcome of the Draft EIS will also form the basis for a special regulation to manage ORV use at CHNS to protect and preserve natural and cultural resources and natural processes, to provide a variety of visitor use experiences while minimizing conflicts among various users, and to promote the safety of all visitors. The Draft EIS assesses the environmental impacts of six alternatives (A, B, C, D, E and F). Two no-action alternatives were analyzed to capture the full range of management actions that occurred and are currently occurring at CHNS. Alternative A represents continuation of management based on the 2007 Interim Protected Species Management Strategy. This management strategy was challenged in court and subsequently modified by a consent decree signed in 2008. Alternative B represents continuation of management as described in the consent decree. Four action alternatives were evaluated. Alternative C would provide visitors to CHNS with a degree of predictability regarding areas available for ORV use, as well as vehicle-free areas, based largely on the seasonal resource and visitor use characteristics of various areas in CHNS. Under Alternative D, visitors to CHNS would have the maximum amount of predictability regarding areas available for ORV use and vehicle-free areas for pedestrian use with most areas having year-round, rather than seasonal designations. Restrictions would be applied to larger areas over longer periods of time to minimize changes in designated ORV and non-ORV areas over the course of the year. Alternative D is identified as the environmentally preferable alternative. Alternative E would provide for the greatest amount of flexibility in access for both ORV and pedestrian users, including allowing some level of overnight vehicle use at selected points and spits. Where greater access is permitted, often additional controls or restrictions would be in place to limit impacts on sensitive resources. Alternative F includes a similar amount of access as provided under Alternative E, but with different limitations on allowable times and dates of ORV access. Alternative F is identified as the NPS preferred alternative. CHNS provides important habitats and plays a vital role in the survival of many wildlife species, including a number of rare, unique, threatened and endangered species. ORV use along the CHNS can disrupt habitat or cause a loss of habitat in high use areas. Habitat loss due to ORV use could also occur indirectly as a result of the noise and disturbance from this activity. A number of these species have had historically low reproductive rates. The lack of large undisturbed areas for successful breeding contributes to these low rates at CHNS. Frequent human disturbance can cause the abandonment of nest sites as well as direct loss of eggs and chicks. Vegetated wetlands along the soundside and interior of the islands are susceptible to direct damage from ORV use. Estuarine wetlands are often denuded of vegetation when ORVs are driven and parked along the soundside shoreline. Also, many of the interior or intertidal roads are located near wetland areas that are often not noticeable to visitors. When standing water is present along these ORV routes, visitors often drive over adjacent vegetated areas in an attempt to avoid the standing water. This results in wider roads, new vehicle routes, and crushed or dead vegetation. Construction of new parking areas is also of concern for wetlands that may be located nearby. In general, EPA strongly supports the restriction of use of ORVs to specifically-designated routes that are clearly posted as such and monitored accordingly and to eliminate the use of ORVs within ecologically sensitive areas. Therefore, EPA supports the inclusion of a number of elements common to all the action alternatives that address this interest, including: 1) the establishment of areas that allow ORV use and vehicle-free (non-ORV) areas where ORV use is prohibited; 2) a requirement that ORV operators must drive only on marked ORV routes and must comply with posted restrictions; 3) increased education and outreach to support this requirement; 4) the establishment of Species Management Areas (SMAs) for protection of threatened and endangered species during the breeding and nonbreeding seasons; 5) a requirement that ORV operators must secure vehicular permits

for use of designated ORV routes; and 6) the establishment of ORV carrying capacity limits for certain sensitive locations at CHNS. All of these measures when taken together should serve to minimize impacts to a number of the sensitive resources described above. However, the primary difference between the action alternatives is the amount of access each allows for ORV use and the degree of flexibility in establishing the operating parameters associated with the designated ORV routes.

EPA's primary concern about the preferred alternative (Alternative F) is that it designates the second-highest amount of shoreline miles for ORV use and includes the greatest number of new (or relocated) access ramps, parking areas, and new roads and trails among the action alternatives. There appears to be a significant number of existing access points and roads on CHNS, and it is unclear from the Draft EIS of the need for this additional access. These trails and roads will likely lead to additional potential impacts to soils and wetlands, particularly from ORV use in and around vegetated wetlands on the soundside and along interior ORV routes. Alternative F also allows for greater flexibility in the establishment and enforcement of buffer zones during the breeding season, night-time driving restrictions, and has higher carrying capacities in certain areas than other alternatives, which could lead to the disruption to sensitive and endangered wildlife. Alternative F will also require significantly more resources and operating costs to fully manage the greater flexibility that it allows while attempting to ensure environmental resources are adequately protected. EPA has concerns that the NPS will not have the ability to fully enforce and maintain the protection of sensitive resources if Alternative F is implemented.

EPA agrees with the NPS designation of Alternative D as the environmentally preferable alternative. Alternative D includes the greatest number of shoreline miles closed to ORVs and the least number of miles designated as ORV routes. It also has the least number of new or relocated access ramps, new parking lots, and new ORV interdunal roads. It also provides the greatest level of protection for sensitive species through the establishment of SMAs that involves larger and longer species protection buffers and would not allow pedestrian access once prenesting closures are established. It employs the most restrictive seasonal night-driving regulations to be protective of sea turtle nesting and hatching during that time. It also is the least expensive of any of the action alternatives and requires the least amount of personnel to manage implementation due to its more predictable design of ORV route designation. Therefore, we recommend reconsideration of this alternative as a viable action alternative.

However, EPA understands the need of the NPS to appropriately balance access to CHNS from multiple users based on its enabling legislation and other regulations. If the impacts of implementing Alternative D are considered significantly adverse on other users and socioeconomic factors, EPA recommends implementation of Alternative C, or perhaps some other hybrid alternative, as a reasonable compromise to achieve more access and greater flexibility with regard to ORV designation than Alternative D. Alternative C would provide greater protections for sensitive species with larger seasonal buffers, lower carrying capacities, and much fewer new access ramps, parking lots, and new roads as compared to Alternative F. Alternative C also appears to have approximately similar socioeconomic impacts as the preferred alternative.

A number of mitigation measures are proposed in the Draft EIS to avoid or minimize potentially adverse impacts from implementation of the ORV management plan and to ensure that the park's natural and cultural resources are protected and preserved for future visitors. EPA supports inclusion of these mitigation measures as part of the new management plan and subsequent ORV regulations for CHNS. These measures represent significant monitoring and adaptive management activities to ensure that the increase in ORV access areas and likely subsequent increase in recreational usage of CHNS do not negatively impact natural and cultural resources.

We rate this document EC-2 (Environmental Concerns). Enclosed is a summary of definitions for EPA ratings. We have concerns that the proposed action identifies the potential for impacts to the environment that should be avoided/minimized. EPA recommends selection of other reasonably available alternatives that are analyzed in the Draft EIS which could reduce the environmental impacts of the proposal. We appreciate the opportunity to review the proposed action. Please contact Ben West at (404) 562-9643 if you have any questions or want to discuss our comments.

Correspondence ID: 15254 **Project:** 10641 **Document:** 32596
Name: Pitts, Charles R
Received: May,19,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Dear Sir: May 10, 2010 I live in Virginia Beach, VA and am a property owner in Buxton, NC with a 45 year history of visiting the Outer Banks. I compliment you what is an obvious attempt at fairness based on the claims of the stakeholders. However, if it is the desire of the Park Service to have a final Environmental Impact Statement and ORV plan that will stand up to scrutiny and have as high a degree of public acceptance as possible, several issues have not been fully addressed. They would be; the underlying science on which the ORV plan will be structured, the economic and cultural impact of the plan when implemented, and the appropriateness of the plan in its compliance With the park'S enabling legislation to "set apart as a national seashore recreational area for the benefit and enjoyment of the people." Major problems of credibility exist for the science that was used to originate the ORV plan. The science was not developed through open data collection, study, research, conclusion, peer review and recommendation specific to Cape Hatteras National Seashore Recreation Area. It was imposed on the Park Service through litigation and capitulation to a consent decree in order to keep the beaches open and further developed through a process of claim and counter-claim during the Regulation Negotiation process. The environmental advocates presented studies and protocols that were apparently chosen to further their position of beach closure, not because they had any balanced relevancy to the specific conditions and activities at CHNSRA. The beach access stakeholders questioned the scientific justification and motivation for such extreme measures. The park represents less than 1% of sea turtle nesting sites on the Atlantic Coast and less than 1% of the piping plover's breeding range. What is the benefit of beach closure to the world wide populations of piping plovers and sea turtles when the major limiting factors to breeding success at the park are weather and natural predation? The beach access stakeholders proposed that other conservation strategies would be more effective at increasing breeding success. Without full disclosure and review of the scientific basis and a demonstration of the "Hard Look Doctrine" by the park service, adoption of the protocols imposed by the Consent Decree will be seen as politics, not use of science in sound management practices. This would only lead to anger and resentment, not acceptance by the great majority of park residents and visitors. As of this writing, the Economic Impact Study is still pending. I look forward to that study. In general, an Economic Impact Study consists of documentation of existing conditions, analysis of potential changes to those conditions and assumptions going forward. The validity of the forecast is contingent on the accuracy of the analysis of the changes. The DEIS does a good job of listing park activities, i.e. fishing, surfing, boating, beachcombing, wind surfing, kite surfing, bird watching, etc., but does not include data on what percentage of park users participate in what activity, during what season. That data would alSo give user data for ocean beach use, sound side use, and other. The DEIS acknowledges the traditional and necessary use of ORVs to access most of the park's recreational areas. It is difficult to believe that restricted ORV use and public perception of limited access to the parts of the park they come to use can do anything but greatly reduce park visitation and very negatively impact the park economy. Cultural impact is the change from cultural norms. The most iconic picture of activity specific to the CHNSRA is a beach buggy and a fisherman (or fisherwoman). Certainly, there are other activities, but surf fishing is the most popular, and absolutely, the activity that the village economies depend on. With restricted ORV access, the beach buggy goes away. Without the beach buggy the picture goes away. Finally, the consideration really is; do we close the park to recreational use for most visitors and tum it into a wildlife sanctuary, or do we maintain the park as a "national seashore recreation area for the benefit and enjoyment of the people" with meaningful protections to target species that are not punitive to residents and visitors. I Pray For Your Consideration,

Correspondence ID: 15255 **Project:** 10641 **Document:** 32596
Name: Mauguy, eric
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15256 **Project:** 10641 **Document:** 32596
Name: Riley, Juna
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15257 **Project:** 10641 **Document:** 32596
Name: Litchfield, Kirstin
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15258 **Project:** 10641 **Document:** 32596
Name: Kocek, Alison
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15259 **Project:** 10641 **Document:** 32596
Name: Futch, David
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15260 **Project:** 10641 **Document:** 32596
Name: Smith, Barry
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15261 **Project:** 10641 **Document:** 32596
Name: Phillips, Lyn
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15262 **Project:** 10641 **Document:** 32596
Name: Pollack, Michael
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15263 **Project:** 10641 **Document:** 32596
Name: Warriner, Vanessa
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15264 **Project:** 10641 **Document:** 32596
Name: Burch, Ken and Connie
Received: May,13,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Correspondence ID: 15265 **Project:** 10641 **Document:** 32596
Name: Chamberlin, George
Received: May,24,2010 00:00:00
Correspondence Type: Letter
Correspondence:

Ladies and Gentlemen: I will file a complete report with the US Park Service prior to the May deadline but I wish to present these comments to you today so that you may have a sense of my feelings and those I have spoken with regarding the published DEIS.

I do wish to also make the point that we have not been asked when we could meet with this group or for how long we could speak; we were told. I fear that the result of your plan will be presented in much the same manner; we will, in the final analysis and after proper comments, be told what will happen to the Outer Banks and that most of the cry for logic and reason will not prevail. I can only hope this statement will not be true and offer the following suggestions:

Draft Environmental Impact Statement-DEIS-Notes 1. General Analysis and Statements A. Important decisions must not be made that are based on general estimates and incomplete data. NPS conclusions should be, as in the business world, based on and referenced by actual historical facts or data and from information that has been obtained by face-to-face discussions with visitors, residents and business owners in the effected areas; not by a three minute response to a document that forces us to disprove a negative, inaccurate or general statements such as "minimum to moderate impact". What does that mean?

B. Additional restrictions and those from previous regulations also require factual data and logic. For example, if you require that pets be banned from certain areas you must realize that "no pets means no people". The simple, logical fact is that those people that have pets consider them, for the most part, family members and will not readily leave those pets for a weekend or more to visit the Outer Banks. They will take their family to other locations and the loss of revenue will be felt by the businesses of the area, not by the rule-makers.

C. The DEIS not only fails to take into account the economic impact of the proposal, it hardly mentions the human issues involved. Historically, beach access and enjoyment of the Outer Banks was meant to be a special place where people and wild life interacted. The Outer Banks and specifically Ocracoke was never intended to be a wilderness area, yet this proposal does nothing to enhance wildlife other than to prohibit humans within overly restricted areas and to some how, reduce predators. Logical rules and regulations are certainly required to insure that an educated visitor to the park area knows the rules and are enforced by an educated park service staff but the Outer Banks and specifically Ocracoke, was not given to the Park Service so that it could be turned into a "wild life only" wilderness area, to be controlled by outsider zealots and poorly managed by big government.

We all realize the pressures that are now being put on the Park Service by special interest groups and the courts. It is all the more reason why the Park Service should now step up and become a fair and logical manager to this special place that was entrusted to them. Do not enact a wilderness area that does not take into account the well being and enjoyment of the people that live here. Your current plans are flawed and we request you dramatically revise those plans to include people. Do not let pressures and special interest groups ruin your reputation and the land you have had placed in your

charge. If you fail to manage fairly you will have failed in your responsibilities.

Correspondence ID: 15266 **Project:** 10641 **Document:** 32596
Name: Lewis, Phillip
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 May 4, 2010
 Please accept this letter as my comments on the ORV DEIS before you at this time.
 After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.
 I have; however, reviewed the 77 page Coalition for Beach Access Poaition Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 15267 **Project:** 10641 **Document:** 32596
Name: Lewis, Danty
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 May 4, 2010
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 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 15268 **Project:** 10641 **Document:** 32596
Name: Lewis, Scott
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 May 4, 2010
 Please accept this letter as my comments on the ORV DEIS before you at this time.
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 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 15269 **Project:** 10641 **Document:** 32596
Name: Lewis, Sheila
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 May 4, 2010
 Please accept this letter as my comments on the ORV DEIS before you at this time.
 After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.
 I have; however, reviewed the 77 page Coalition for Beach Access Poaition Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 15270 **Project:** 10641 **Document:** 32596
Name: Lewis, Charles
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 May 4, 2010
 Please accept this letter as my comments on the ORV DEIS before you at this time.
 After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.
 I have; however, reviewed the 77 page Coalition for Beach Access Poaition Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 15271 **Project:** 10641 **Document:** 32596
Name: Lewis, Gertrude
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 May 4, 2010
 Please accept this letter as my comments on the ORV DEIS before you at this time.
 After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.
 I have; however, reviewed the 77 page Coalition for Beach Access Poaition Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.
 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 15272 **Project:** 10641 **Document:** 32596
Name: Lewis, James
Received: May,04,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954

May 4, 2010

Please accept this letter as my comments on the ORV DEIS before you at this time.

After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.

I have, however, reviewed the 77 page Coalition for Beach Access Position Statement signed by several groups that were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore.

Correspondence ID: 15273 **Project:** 10641 **Document:** 32596
Name: Ackley, Barbara
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Superintendent Cape Hatteras National Seashore 1401 National Park Drive
 May 11, 2010

Dear Supt. Murray,

Please accept this package as my comment on the Cape Hatteras National Seashore Off-Road Vehicle Management Plan/Environmental Impact Position Statement being considered at this time. I have used the specified legal name of the area, Cape Hatteras National Seashore Recreational Area, which the current Draft does not properly use.

After thoroughly reviewing the NPS DEIS, I must disagree with any and all of the six alternatives within the document.

I have, however, reviewed and include as part of my response the "Coalition for Beach Access Position Statement" signed by several groups. These groups were a part of the negotiated rule making process and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting the fragile resources.

As you know, I attended most of the negotiations meetings. I gave written and oral presentations at those times. I have submitted written and oral comments on many occasions. The workbook required many hours of careful attention to detailed information which I submitted. In responding to the actions of the National Park Service at Cape Hatteras National Seashore Recreational Area I have carefully researched the available scientific information including the numerous reports and documents publically available and responded to the same. I see no evidence in the plan/DEIS that my input was even considered.

Once again I will offer my comments and suggestions for proper administration of the park that will allow for the recreation for which this park was established as well as providing for and protecting the wildlife. Included is the "Sea Turtle Management - A Common Sense Approach for the Cape Hatteras Seashore Recreational Area" authored by Larry Hardham and Bob Davis document that I include as part of my response.

Sincerely, Barbara Ackley AckleyBc@aol.com 252-995-4781 Post Office Box 1224 Buxton, NC 27920

CAPE HATTERAS NATIONAL SEASHORE OFF-ROAD VEHICLE MANAGEMENT PLAN, ENVIRONMENTAL IMPACT STATEMENT May 11, 2010

This draft plan/EIS (DEIS) should be withdrawn as written.

The document does not carry the proper name of the area involved as named by Congress. In accordance with Title 16 of the United States Code, Chapter 1, Subchapter LXUI, Section 459, the title should be amended to reflect the name of the park codified by U.S. law, "...said area shall be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area."-A letter signed by the Assistant Director of the Department of Interior on May 10,1954, as included in the Administrative History on page 239, instructed "formal memoranda and documents (which) require the correct, full name of 'Cape Hatteras National Seashore Recreational Area' " The current publication is not properly titled.

In addition, the 1964 Wilderness Preservation Act did not include Cape Hatteras. On page 192 of the Administrative History: "The Cape Hatteras National Seashore was not to have any designated wilderness areas despite the language of its own authorizing legislation. The Park Service considered the seashore a recreational area and, besides, the area had long been inhabited and most villagers on Hatteras and Ocracoke Islands sought to escape their rustic lifestyle, not perpetuate it." The DEIS treats our Seashore as a wilderness area with closures that prohibit recreation in the most prized locations for such activities.

I will provide further information regarding these errors and misconceptions and the many others that have been included in the above titled document. I will use the correct name as designated by Congress and required by the Department of Interior: Cape Hatteras National Seashore Recreational Area (CHNSRA).

The reason stated for setting aside this seashore is found in the Prospectus of the Cape Hatteras National Seashore, March 1938, published by the United States Department of the Interior, National Park Service.

Recreation Area On title page: "This Prospectus of the Cape Hatteras National Seashore has been prepared by the National Park Service in response to numerous requests for information concerning the area. The national seashore represents a new type of recreation area to be administered by the Federal Government. Since it is a new venture, it seems desirable to present basic information relative to the area and the policies for its development."

Primarily a seashore is a recreation area bathing may be the first considerationprovide ample shoreline for all types of beach recreation."

"Secondarily, the area should include adjacent lands which by reason of historical, geological, forestry, wildlife, or other interests, have sufficient justification to be preserved by the Federal Government. It is important therefore to reach back into the hinterlands and acquire areas which will provide a variety of interest, scenic, scientific and historic."

"Thirdly, it is important to include in the area, lands necessary for proper administration and lands which serve principally as a protection for the recreational and other developments which are the primary purposes of the area Inasmuch as control of much of the water in the Sounds may be desirable for fish and bird life, the boundaries of Cape Hatteras National Seashore area will embrace a substantial portion of these waters."

"recreational pursuits shall be emphasized to provide activities in as broad a field as is consistent with the preservation of the area. It shall be the policy of the service to permit fishing, boating and other types of recreation."

Wilderness Area Page 6

"The Cape Hatteras region is noted as a nesting place for great numbers of gulls, skimmers, terns, petrels and certain shore birds. In recognition of the importance of the area for bird life, the Biological Survey is establishing a Wildlife Sanctuary on Pea Island in the northern portion of the Hatteras section. This Sanctuary will become a part of the Seashore area."

This DEIS proposition put forth by the National Park Service as a plan for vehicular use on the beach of the Cape Hatteras area fails to include all relevant documents, accurately presented, that are the purpose and law of this seashore. The plan also does not carry the most relevant, up-to-date science that would maintain and increase the targeted species of wildlife. Instead, a program of continuing past unsuccessful practices and perpetuating the false assumption that limiting people and their machines will somehow increase the wildlife.

CHAPTER 1: ISSUES AND IMPACT TOPICS This Draft Environmental Impact Statement (DEIS) investigates the various possible impacts of Off Road Vehicles (ORVs) on Cape Hatteras National Seashore Recreational Area (CHNSRA). Most of these impacts occur on the beach, with access areas by means of ramps and interdunal trails.

FLOODPLAINS AND WETLANDS P.28 It is agreed that the evidence of vehicle travel, like footprints, is erased by the twice daily tides, monthly higher tides caused by moon effect and frequent storm events. Vehicles do not use the dune areas except where interdunal trails are constructed. The DEIS in criticizing ORV operation states:

"When standing water is present along these ORV routes, visitors often drive over adjacent vegetated areas "

Properly constructed routes would prevent ORVs from damaging vegetated areas. This is an NPS administrative/maintenance problem, not the fault of ORV use. To drive through standing water could damage vehicle and/or cause the engine to be stalled requiring a tow. Drivers know that water in this environment contains salt and it corrosive to the vehicle. Two lane roads with proper maintenance would prevent this problem. It only occurs when two vehicles going in opposite directions attempt to pass or deep standing water is encountered. P.309. Table 50

I disagree with plans to restrict vehicle access by signage and closures to soundside areas. Vehicles traversing these areas, serve as a deterrent to vegetation growth. These areas, if cleared of most vegetation would allow for bird resting, nesting, and foraging at which times the areas should be

closed as utilized. In recent years Piping Plovers with fledglings have travelled long distances from current nesting areas on the beaches at the spits in order to forage at the soundside sections. The nearby vegetation provides cover for predators. Several chicks have vanished in the underbrush. An examination of the annual reports and weekly resource management reports will show that the plovers choose and have greater success nesting and brooding away from the active ocean front. The sounds, as well as other areas that have been historically used have become overgrown with vegetation. A recent example is the 2009 brood from nest 06 on Ocracoke Spit that had to travel over 1000 feet to get to the sound foraging area.

P.318. Table 51 I agree that additional parking spaces are needed to accommodate the visitors who do not have ORV transportation and also for those who are able to walk to swimming beaches and pedestrian only areas, especially adjacent to villages where parking on hard surface roads is not permitted.

WILDLIFE AND WILDLIFE HABITAT p. 28 It is agreed that CHNSRA provides habitat for numerous birds at various times of the year. During the seasons of wintering and migrating, the beaches are not heavily used by recreationalists. There is ample space for birdlife in the many (approximately 70) miles of shoreline. There are large spits and open beaches for resting. More appropriate space could be developed by maintaining additional areas free of vegetation. In earlier years the vegetation was sparser due to the presence of motorized vehicles. Current restrictions have prevented ORVs from traversing of vast areas of the interior beaches and dune toe. There have been fewer strong storms. Thus the grasses have grown and sand has become trapped enlarging the dense vegetation which is not attractive to the wintering and migrating birds. Dunes have developed on the ocean side of the primary dunes which narrows the beach area. This condition has provided cover for predators as well. The distances involved and infrequency of automotive traffic in the off season cause little disturbance of birds. A view of the beaches on a winter, spring, or fall day shows few vehicles and immense areas of buffered restriction.

During the summer nesting season birds are forced to utilize the beach area near the oft turbulent ocean. The former safe habitat around the ponds and ephemeral moist areas has been overgrown. Nests are lost each year to ocean overwash, wind and blowing sand. Already in 2010 by May 11th three American Oyster Catcher nests have been lost to weather.

It has been suggested by many people on many occasions that habitat be restored/created that is more favorable to the birds, especially in the case of the piping plover. In the 1990s the area around the dredge ponds, ephemeral ponds, and soundside began to become more vegetated due to lack of storm overwash and restriction of ORVs. Vegetation was removed on a limited basis and plover fledge rates increased. Application to Ft. Collins was made for technical assistance to begin habitat restoration on a limited basis a couple of years ago but never has been acted upon according to Thayer Broili, Chief of Resource Management. A suggested management plan has been submitted by me repeatedly since 2006 as recommended by a Weed Science authority and has been ignored.

Several times I have presented information regarding creating habitat for bird life. Here are samples:

"MITIGATION FOR BIRD NESTING Most successful method of encouraging bird nesting. Suggested site: Salt Pond south of ramp 44, a previous site Procedure to remove vegetation from perimeter of pond 1. Utilize vegetation removing techniques including the use of environmentally friendly weed control products delivered specifically to targeted vegetation using an ATV mounted boom sprayer in order to remove vegetation which inhibits nesting 2. Use cultivation equipment, like an ATV pulled Disc-Harrow to soften sand to make it more inviting for nesting 3. Place predator traps around perimeter of cleared area to prohibit intrusion of predators 4. Use signage to prohibit pedestrians and ORVs

Recommended herbicides: Roundup or Rodeo Glyphosate containing products safest products on the market Work by inhibiting production of aromatic amino acids alanine, phenylalanine, taptophan by inhibiting the enzyme enolpyruval shikimate phosphate synthase, an enzyme found only in higher photosynthesizing plants and therefore is not in non-target desirable organisms such as aquatic, avian or mammalian life. Glyphosate containing products have a very environmentally friendly toxicological profile.

Glyphosate only has an effect on plants and algae. In addition, it generally has no ability to persist in the environment with a half life of less than 4 hours. Finally, glyphosate containing products are very safe to the user and has a dermal LD-50 of more than 4000 mg/kg and virtually no long term effects. Glyphosate is not a teratogen, mutagen or carcinogen based on years of testing and it has been on the commercial market since 1975 with no reported cases of deleterious effects due to exposure or over exposure.

PROPOSED VEGETATION CONTROL I have reviewed the information provided by David Allen and found that there are a few suggestions that may increase the effectiveness of a herbicide program to control vegetation in the waterbird nesting areas. While I am more than happy to provide my suggestions I am not a wetlands specialist, my expertise is in field crops. A very good contact for further information is Dr. Allen York at the North Carolina State University; he is the extension weed scientist. I don't believe that glyphosate is the complete answer for this issue, but amended use of the product may lend itself to more positive results.

The first issue with glyphosate is that it has no soil activity, which means it controls what is up but will have no effect on subsequent germination. There are other herbicides that may be used in these situations that would provide control of vegetation for numerous years. A few examples are diuron, sulbmeturon, imazepic, and imazapyr. I have experience with imazapyr and diuron and both are very safe to vertebrates and invertebrates. They have soil activity for up to 5 years in some areas but I anticipate this to be much less in a beach sand environment as clay content and organic matter tend to provide for a more favorable condition for longevity of control. One area for further investigation would be the use of multiple herbicides and their effectiveness. I feel that a contact non-selective herbicide such as glyphosate combined with a long lasting herbicide such as those mentioned above may be the best approach. The use of mechanical control of these weeds would be less than that obtained with herbicides as in a beach environment we would expect a certain percentage of these weeds to regrow through the loose sand that would be piled on top of them. Burning would have a better effect than mechanical control but in the case of sedges, rushes and woody plants the effect would be less than that which can be obtained with glyphosate when used appropriately. Finally, rates of glyphosate have to be increased dramatically to control woody species. This may be up to 4 times the rate to control annual herbaceous weeds.

Control of woody species, biennials or perennial weedy species is best achieved in mid summer to early to mid fall. The reason for this is that these types of weeds have underground reproductive structures and can regrow if the top of the plant is removed from either mechanical methods, burning or herbicide application. The key is to apply herbicides when the photosynthate is moving to the roots of the plant and can carry the herbicide to those structures and control them as well. Early in the season the mass flow in a plant is primarily to the top portions of the plant as starches stored in the roots are converted into sugars and transported to the actively growing portions of the plant which is the above ground portions. Application of herbicides at this time will simply remove the top of the plant and the plant will likely regrow. We can often see this with young annual grasses early in the season when the growing point is still underground. The top of the plant is controlled but the grass regrows from the growing point. However, when glyphosate is applied in mid summer to mid fall the herbicide moves into the roots and can effectively control the plant, this is especially true with woody species.

In summary, a fall application for control of sedges and more perennial weeds combined with a late spring application to control annuals for the annual weeds may be the best approach. Burning or mechanical control methods employed before glyphosate application will reduce its effectiveness. Glyphosate will only control green tissue, so any prior method of control employed before herbicide application to remove green tissue will negate and effect from glyphosate.

While adding dredge material may be effective I would suppose that it would be rather costly and is itself a temporary fix for the problem. Once the seeds get deposited they will again grow in the new dredge material. This brings us back to the same place we are presently a few years in the future. I feel that properly applied glyphosate at the most appropriate timing and rate will provide much better control of the species that were mentioned. The addition of other longer lasting herbicides will provide control of these weeds for more than one season. I believe that further investigation of these weed control measures is warranted and would be happy to provide any information that may be needed I appreciate the opportunity to discuss this information with those parties interested in improving bird nesting habitat on the CHNS.

Respectfully,

J Andy Ackley Ph.D.

p. 28-29 A discussion of ghost crab population on the beaches refers to a study that is not known or available to the public nor is it apparent that is has been peer reviewed. Another study by Leatherman conducted in 1981 is also included. Both indicate that ORVs kill ghost crabs. In a public presentation to the Rule Making Committee in November 2008: I included the following information from the second edition published in 1982 of the Barrier Island Handbook by Dr. Leatherman:

"Dr. Stephen P. Leatherman, one of the nations foremost authorities on beach quality and ratings and known as Dr. Beach, writes of a study at Assateague. Fewer ghost crabs were found on areas with heavy ORV-usage. Pedestrian impact sites averaged 19 ghost crabs per plot. Wild beaches had 10. ORV areas averaged 0.3 ghost crabs.

What is the significance of these reports? What we know is that ghost crabs kill birds and turtles. We also know that ORVs kill ghost crabs. We should, therefore, prevent ghost crab predation by allowing ORVs on beaches where the threatened animals nest. " To date in 2010, four Piping Plover nests of the nine nests have been predated by ghost crabs.

Pp 251-252 those invertebrates that are beneficial to birds and live primarily in the wrack line can be protected by educating and encouraging the ORV drivers to avoid the wrack line. Most ORV drivers prefer avoiding the wrack line because it may contain debris that could damage vehicles. While the wrack line in areas of intense recreational use can be temporarily impacted, it is refreshed with by tide action twice a day. If sufficient beach area is open for recreational use, there will be large areas and wrack lines seldom impacted.

Pp 485-486 Predation. It should be remembered that all animals prey and are preyed upon. Those threatened species that are being especially protected are of special concern. Native animals are also of special concern. All of the animals currently being trapped and killed because they are predators are also native species. The Prospectus on page 7: "Mammals reported in the area include deer, otter, mink, raccoon, muskrat, foxes, rabbits and squirrel. They should not be removed & killed because they are the native species the Organic Act is saying must be preserved for future generations.

The effect of removing native animals from the seashore can have unintended consequences as the natural balance is upset. An example is that of removing raccoons as was published in the Smithsonian Magazine.

"INTRAGUILD PREDATION ON SEA TURTLE NESTING BEACHES by Brandon Barton

In Florida, raccoons (*Procyon lotor*) are removed from loggerhead (*Caretta caret*) nesting beaches to decrease egg predation. However, raccoons are also predators of ghost crabs (*Ocyropsis quadrata*), and ghost crabs also consume a large number of loggerhead eggs annually. Research conducted for my Masters degree demonstrated that intraguild predation by raccoon's limited ghost crab populations and that raccoon removal resulted in higher densities of ghost crabs. Areas where raccoons were not abundant because of trapping still had the highest rates of total egg predation because of dense ghost crab populations. I am currently collaborating with researchers at the University of Central Florida to answer a question that arose during this project: why was raccoon predation highest where raccoon abundance was lowest? We believe that raccoons can easily locate sea turtle nests that have been attacked by ghost crabs because chemical cues are transmitted through the ghost crabs burrow and to the beach surface. Thus, as ghost crab density increases following raccoon removal, any remaining raccoons will be more efficient at finding sea turtle nests by following ghost crabs to the eggs. We are also using a long-term dataset to further address the effects of raccoon and ghost crab predation on sea turtle conservation.

Peer-reviewed publications

Barton, B.T. and J. D. Roth (In review). Implications of intraguild predation for sea turtle nest protection.

Barton, B. T. and J. D. Roth (2007). Raccoon removal on sea turtle nesting beaches. *Journal of Wildlife Management* 71:1234-1237.

Schmitz, O. J., H.P. Jones and B. T. Barton (2007). Scavengers. *Encyclopedia of Ecology*. Elsevier, UK

Smithsonian magazine 2/06 While the presence of ORV users is blamed, the real reason for the predator proliferation is the presence of eight villages. Especially noticeable in the inhabited areas are raccoons, opossums, and feral cats. An example of this is the mistaken location of shorebird closures adjacent to Salvo, north of ramp 23 which has had entire colonies predated by cats and opossum. These animals and ghost crabs are also nourished by the people on the village beaches. The ORV operators are known to pick up their own trash as well as that left by others. They also participate in beach cleanups. It is much easier to remove debris with a truck than on foot.

It is most disturbing to read of all the supposed problems that may be attributed to vehicles on the beach. In contrast, the annual reports as well as the weekly updates during the summer season point to verified nest and fledgling losses due to weather and predation. There have been no reported effects on wildlife on the seashore due to the recreational use of ORVs. There has been much supposition but no facts. The monitoring by staff has been documented as disturbing. The lack of available habitat in safe areas is a topic that could be addressed and remedied as discussed in this response. There have been no reports of actual damage of or death to birds by vehicles on the beach. The only birds reported killed by humans were those deaths that occurred in the presence of researchers, staff, and their activities.

CHNSRA is a valuable resource for the recreating public as it was intended. Any limitation of area access has been proven these past few years to be very detrimental to the islands economies and well being of the residents. Any further restrictions by closures as charted on page 503 in the NPS preferred Alternative F would severely limit the beach front access, crowd the visitors, and destroy the enjoyment possibilities for all visitors. The few birds that these grandiose ideas would aid pale in contrast to the hardships caused to residents and visitors alike. Are 6 or 7 plovers worth this sacrifice? And are these expansive closures really necessary for non-endangered birds? I don't think so.

RARE, UNIQUE, THREATENED, M D ENDANGERED SPECIES

Piping Plover (PIPL) The Great Lakes and Atlantic Coast wintering populations of the Piping Plover are threatened on CHNSRA. The beaches are not heavily accessed by either pedestrians or vehicles at other than the summer season. A familiarity with the area makes this evident. There are vast areas open for resting and foraging. These birds are able to fly to optimum areas at all times. A researcher who addressed the Reg/Neg committee mentioned seeing very few individuals on Bodie Island spit when he was there. He noted that during a windy day he observed a plover along the road on Pea Island hunkered down against the wind as cars drove by. Obviously the bird was not disturbed!

The threatened Atlantic Coast piping plover population occasionally nests at CHNSRA. In the last 10 years the largest number of pairs and nests was 11. The largest number of fledglings in any year was 7. This small number can not in any way prevent the endangered status of PIPL. The listing of threatened soon may be removed due to the results in other areas to the north. The current PIPL program is an extreme misuse of the land resource at this park that was set aside as a national seashore recreational area.

Closures for Piping Plover should be no greater than the advisory guidelines of the Piping Plover Recovery Plan suggest. Permission should be sought under Section 6 of the ESA to reduce closures for chicks to 100 meters as provided.

The Species Management Areas for Piping Plovers should be closed only in areas that have had breeding activity that has produced fledglings in 2 of the last 5 years. This would be interpreted for 2010 as interior sections of Cape Point and Ocracoke. The only other area that has had a success, Bodie Island Spit, is where one chick has fledged in the last five years. There has been no success at either North Ocracoke or Hatteras Inlet Spit or overwash area. This is the total PIPL success in five years of extreme closures at the expense of the visiting public.

All nest, egg, and chick loss has been due to storms and predators. All pairs have been able to nest. In the Wildlife section part of this paper I have written about methods to enhance vegetation for the plover production in safer areas. Many others as well as I have spoken, written, demonstrated. We have studied the science and NPS reports each week and annually. Among the methods of enabling plover protection is restoring/creating habitat and limiting ghost crabs. With public support and proper ORV operation we can be an asset in promoting the health of the Piping Plover species.

The plovers are not able to replace themselves here. A better plan would be to either provide a safer environment for bird production or discourage them from nesting in unsuccessful areas. Otherwise the Piping Plover would be more productive by choosing a site on another seashore.

The human and economic costs to the National Park Service (taxpayers) and local citizens have been enormous in relation to the number of birds fledging. The loss of native animals has been disturbing. This experiment has been conducted long enough and has failed. It is time to give the recreational area back to the public.

Seabeach Amaranth

P.29 "no plants have been documented since 2005."

Therefore no action need be taken. If any of these plants are observed, they should reasonably be enclosed to prevent damage by pedestrians or vehicles. The closures proposed herein for birds and the areas seldom if ever accessed should provide adequate area for any attempted restoration study.

Turtles The beaches of CHNSRA have not been hospitable to nesting sea turtles. Over the last 10 years of NPS data there has been an average loss of 40% of the turtle nests laid each year. The loss would be closer to 60% or 70% without relocation which involves human manipulation. This is called management of the resource. No other Atlantic coast or Gulf shore area suffers such disastrous losses because other beaches are less violent and/or their management includes a much higher rate of relocation.

These high losses are weather/wave related and can be compensated by a proper relocation program which NPS refuses to engage. Relocation of turtle nests into hatcheries, corrals or even safe areas have been practiced successfully around the world. They are not novel or untried science.

Instead of addressing the major cause for turtle loss the DEIS adheres to a natural nesting dogma with large closures to the waterline and prohibition of night ORV driving. Examination of the NPS annual records proves that those two controls are ineffective.

In the past 10 years of data no adult turtle was ever been impacted or killed by night vehicle operation. Turtle egg or hatchling impacts have been 0.01% of the resource from night driving. Missed nests have never been a serious problem at CHNSRA being of the order of 1%. Further reductions in missed nests could be accomplished by use of trained dogs or enlistment of night ORV operators to assist in location of new nests. Prohibition of night driving

is not warranted by the science.

The key to evaluate turtle survival is the tracking of hatchling release, i.e., the number of hatchlings that actually survive to enter the water. CAHA has no idea what that information could be. Their process of natural nesting can not gather that data. Corrals provide maximum predator protection and a record of hatchling release. Even the Pea Island process of nest sitters with keyhole fencing gathers hatchling release data and prevents ghost crab predation at hatching time.

The DEIS program of closure expansion serves only to encourage an increase in ghost crab population near the turtle nest which is counter productive to hatchling and egg safety. How can one agency get so many things wrong? Here is a sampling of emails from workers in other North Carolina beach areas regarding the prevention of ghost crab predation.

In Emerald Isle we have nest sitters starting at day 55. They usually stay until around midnight unless there is activity. There is also usually a big crowd of people waiting for the hatch and kids love to chase the ghost crabs away to save the turtles.

If we have ghost crab problems before the nest is due to hatch, we put a small hole screen over the entire site. If the crabs are digging into the nesting site when they are due to hatch, we try to dig them out. ...at least fill in their holes.

We have not found that they will go into the nest to get the babies, but they will wait around the perimeter to grab them when they come out ... if we are there, it is not a problem because we can keep them from grabbing a baby. ...when we are not there it is a problem.

Two years ago a nest hatched and it looked like an army from one of the Roman movies ... of ghost crabs lined up in rows down are the waters edge just waiting for the hatchlings ... so we put them in a bucket and let them go to the water further down the beach ... very strange sight.

We have lost some to ghost crabs when the nest hatches and we are not there. We have even dug into the crab hole to get turtles back out ...

Humans are your best defense when the nest hatches.

Pam Minnick Emerald Isle

maryellenrogers@bellsouth.net July 23, 2009 8:13 pm Subject: Ghost crabs

Since the crabs are territorial, you can trap the ones closest to the nest and remove them humanely.

Use a PVC pipe with a diameter about the same size as the crabs hole. Cut it into 10 to 12 inch lengths. Put masking tape or duct tape over one end. Use the pipe or a trowel to dig a 10 or 12 inch hole and put the taped end in the hole so that it is even with the surrounding sand.

The crabs will think there is competition and go into the pipe to confront their rival. It is too slippery for it to climb out. You can pick it up and relocate the crab. Put the pipe piece back in the hole for the next one.

Be aware that the pipe should be near but BEHIND the nest (don't want any trapped hatchlings). Crabs should be removed daily or they die, attracting ants and flies.

"Gloria Hillenburg" <turtletlady@hnc.net> To: <nc-cturtle@lists.seuturtle.org> Sent: Thursday, July 23, 2009 9:56 AM Subject: Re: NC-CTURTLE: AB nest hatched!

Yes we have crews of nest parents on every nest we have here at Ocean Isle Beach, so far we have had 3 nest to hatch ... #we see the crabs come around the nest or Fox... we put cayenne pepper around the nest (NOT IN THE FRONT OF THE NEST) in case the babies come out when no one is on the nest. they seem not to like that smell or taste. Also with the nest parents being there and all the visitors they keep a close eye on them and will deter them from the babies. ...hope this helps.Gloria Ocean Isle Beach

As I write this response to the DEIS we are vacationing on the beaches of Gulf State Park, Alabama. Turtle nests are protected here with a 3 foot by 3 foot square stake and string closure with ribbons and a warning sign. As the nest enters the hatch window there are volunteers that watch each nest. A trench is dug in the sand to run from the nest to the Gulf waters. Black plastic light shield is placed around the nest and part way across the beach. Each hatchling is escorted along the trench safely to the water and it is counted.

Nest density in Alabama is about 1.4 nests/mile, which is similar to Cape Hatteras. Nests are relocated according to the biologist's knowledge of the beach. Wire screens are placed over each nest to retard predation. Recreational ORVs are not permitted on these beaches but there is ample evidence of vehicle tracks. In one 4 hour afternoon I observed 2 law enforcement trucks, 2 lifeguard trucks, one trash truck and a turtle patrol to travel past my fishing spot.

Outside the Alabama State parks the beaches are bordered by lines of high rise condominiums. Their beaches which are used for turtle nesting are filled with concrete tables, umbrellas and nearby lounge chairs that will not be disturbed by winds ... The truck tracks in the sand are every bit as prolific as most of the Hatteras beaches. With that small enclosure a maintenance truck can drive within one and a half feet of a nest. All forms of beach recreation are performed around that 3' by 3' closure. Compare this to CAHA where people are fined \$150 if they walk in front of a 30' by 30' closure below the high tide line and yet Alabama does a much better job of protecting the turtle species.

Furthermore, compare the 3 foot closure with the DEIS (p.119) 30 ft., 75 ft., or 150 or 300 ft closure. These large CAHA closures do not protect against wind and wave. Still 40% nest loss. They do not protect against predation. Ghost crab predation has been reported by observers of as much as 100%.

This current practice, which is not restoring the species, has additionally decreased the value of visitor experience. With no provision for relocation which would allow recreational access, the closures have a negative impact on the island economy. This is not only wrong; it is insane!

The magnitude of losses (60-70%) of turtle nests under completely natural site selection would argue against the supposition that the female loggerhead can pick the most optimum location for nesting. This failure is worse than random occurrence. Recovery of the loggerhead, leatherback, and green species will require more intensive management, regardless of NCWRC opinions. The NPS is fully aware of the nature and extent of sea turtle nest destruction on their beaches. They are also aware of the variety of successful programs conducted everywhere else. They ignore those facts to propose anti-recreation programs within the DEIS that can control only miniscule parts of the problems. This stems directly from the NPS assertion that Cape Hatteras is to be ruled directly by the Organic Act without the enabling legislation as interpreted by NPS in the 1950's. With this attitude NPS contends that people are the problem and they must protect the parks from the people. The DEIS will accomplish this and serve as a shining example to the radical environmental community. Meanwhile the loggerhead population will continue to decline.

Over the past 10 years the total weather related nest losses amount to the destruction of 27,700 eggs. Failure to protect against such loss was a deliberate decision by the NPS. During this time period they have rejected numerous times the information presented to them by others and myself. We have informed the local staff with procedures used nearby in North Carolina as well as those in other Atlantic and Gulf Coasts that have been extremely successful. The best example of increasing the number of an endangered sea turtle species is that of Padre Island National Seashore. There by relocating all Kemp's Ridley nests to a hatchery and protected release of all hatchlings, approximately 90% of the eggs laid produce hatchlings to the water. The Kemp's Ridley is being brought back from the very edge of extinction at Padre Island National Seashore. It is being done with state of the art management practices. It is being done without keeping vehicles off the beach. There were only 250-300 female turtles of that species 1eA in the world. Approximately 90% of the eggs laid result in hatchlings into the surf. Recently turtles from those released over 20 years ago have come back to nest. All of this is done by very low tech methods. People are not deprived of enjoying the nature available on the beach and have become very involved and supportive of the program. There are 100 volunteers. Dr. Donna Schaver, who conducts the program, reports that the biggest threats to the turtles are sharks and boats. Yes this had required a change of the technology of commercial fishing. Nets with special excluders must be used and yes there are inspections just as there are for us on the beach.

My point is that they have a successful program, supported by NPS, Texas Wildlife Dept., foundations and private contributors. The key is good management works with true science. Bad management hurts. Turtles are being successfully brought back from certain extinction and humans are recognized as entitled users of the Park. Science is being properly used in Texas.

The turtle program under the DEIS will continue the destruction and further endanger the Loggerhead, the endangered Leatherback and Green Sea Turtle species. These losses must be considered as a "Taken under the ESA and NPS should be prosecuted under the provision of that law. The NPS may seek protection by claiming they are operating under the USFWS and NCWRC recommendations but it is the NPS boots that are on the beach sand. NPS is the agency that is solely responsible to husband this resource.

Included as part of my response is Sea Turtle Management - A Common Sense Approach for the Cape Hatteras National Seashore Recreational Area. Authors: Larry Hardham and Bob Davis, May 05, 2010 is included as part of my response. This submission by far exceeds the program offered by the NPS to protect the threatened and endangered sea turtles.

STATE-LISTED AND SPECIAL STATUS SPECIES The continued practice of closing off large areas for the non Federal listed birds is not required or necessary. These are definitely birds of interest and protection. However, the unwarranted protection at this seashore recreational area is not good stewardship of the resource. The State of North Carolina does not require or even suggest that such restrictions should be put on CHNSRA. The state

doesn't require it on the state properties.

North Carolina Director of Wildlife Resources is quoted in the Virginia Pilot on May 9, 2010 as saying that the Commission does not recommend these practices. My opinion is that we should put reasonable closures around all nests when they are discovered. Small nearby foraging areas should be closed if necessary, recognizing that most chicks are fed by their parents. The visitors are interested in protecting and viewing the birds if they can get close enough. Natural buffers, like roads, vegetation, dunes, and beach structure frequently are sufficient in most areas. The creation or restoration of habitat around ephemeral and natural ponds is advisable and would be more cost effective than creating, moving, maintaining, and monitoring buffers. These more ideal habitat areas would be more successful and acceptable by the public than current practices.

The present practice of establishing fixed closures adjacent to the villages is not a good action. Historically, the raccoons, opossums, cats and dogs have come from the villages where they are healthy and increasing in number the remainder of the year. Locations such as the soundside of the spits and the Dredge Pond and ephemeral ponds at Cape Point may prove more successful if the vegetation were removed as presented in the Wildlife section of this response.

SOUNDSCAPES P.30 "Impacts related to soundscapes could occur wherever ORVs are allowed ... "

Cape Hatteras National Seashore Recreational Area was set aside as a recreational area. Conrad Wirth, Director of the National Park Service, used the words of the title 18 times in his address to the people in the Coastland Times, October 31, 1952. At the dedication on April 24, 1958, Assistant Secretary of the Interior, Roger Ernst used these words "the country's first national seashore recreational area" to describe the area being established. There are sounds associated with recreation. Talking (60dB(A)), laughter, music, and the transportation of visitors and staff to the area (vehicles 56dB(A) at 10 meters) are necessary sounds in such an area as CAHA. By comparison, a relatively quiet home has sounds of 60dB(A) from motors such as air conditioners and dishwashers; a quiet small private office, 50dB(A) @EIS p.253). These sounds are well within the expected range at the seashore. Only the possible sound from a radio could be at such a level to be considered annoying by some in the seashore environment.

"Vehicular noise has the potential to impact other recreational uses, such as bird watching or enjoying the solitude and natural soundscape of the seashore."

Bird watching in itself is enjoyed by many who visit the seashore. Due to the distances involved, most birds only are visible by the majority of visitors using motorized vehicles for transportation. Bird watching is enhanced by vehicles. The participants of this activity are advised to stay in the vehicle so as not to disturb the birds and turn off the engine in order to hear the bird sounds. At the usual closure distance of at least 50 meters, a vehicle at 15 mph produces 41.7 dB(A); the surf, 48.2 dB(A). (DEIS, p. 507) Apparently, the birds have become accustomed to the sound of the surf. Personal observation is that the birds do not flush or appear disturbed as vehicles pass at this distance. Sounds made by the different birds vary by species and size of flock.

Some bird sounds may not be audible at this permitted distance. Terns and gulls can be quite noisy. A study found: "Background levels varied considerably and increased with colony size... the lowest "background" level in the smallest colony was 59.5 dB(A)." (Sound Levels in 3 Ring-billed Gull colonies of Different Size. H.Blockpoel and J.Neuman)

The solitude and soundscape of the seashore is not disturbed by the short time period of a passing vehicle. Those sitting on the beach are usually approximately 10 meters from the vehicle travel lane, more than the length of a parked vehicle. The ambient surf sound is approximately the same level as the vehicle sound at this distance. The closer an individual is to the breaking waves, the greater the surf sound. Those shelling or walking between the parked vehicle and the surf usually walk on the harder sand in the wet area and are therefore closer to the louder breaking surf sound. The decibel level is also dependent on the wind, tide and relative ocean disturbance.

"Vehicular noise could create unsuitable habitat for Seashore wildlife"

Bird activity is usually within the prenesting closures. These closures keep vehicles at a safe distance from any bird activity. As previously stated and charts in the DEIS, p. 507 demonstrate, the decibel level of motor noise is less than that of the ambient surf in areas of bird activity. The ORV trails and routes are located near the ocean shore for the most part. A benefit of these routes is that the birds are discouraged from establishing nests where the spring storms have caused nest loss. The American Oyster Catcher, for instance, lost 6-16% of their nests in each of the last 5 years. Piping Plover also lose nests to weather because they lay too close to the ocean. The threatened Piping Plover parents with fledglings choose the interior ephemeral areas and ponds or sound surf, not ocean, for foraging. (2009 CAHA Annual Resource Reports, Appendix A, Maps 1-1 1). It would be better management to allow the vehicles close to the ocean to discourage nesting in a dangerous area.

pp. 252-255 "According to the NPS, the acoustical environment is comprised of a combination of acoustic resources, including natural, cultural, and historical sounds."

The sounds of Cape Hatteras National Seashore Recreational Area are those to be expected as natural, cultural and historical. The ORVs have been present and used for transportation to the various recreational locations since before the park was founded and have continued throughout the years of use. These are acceptable sounds and do not negatively affect man or wildlife. Those who can walk to and along the shoreline can find areas, even on the busiest day, where few vehicles will be seen. Any prohibition of ORVs would negatively impact the large majority of users. In order to prevent the overcrowding of all beaches for everyone, the greatest amount of area open to vehicles is required. Those who must use vehicular transport choose to visit this recreational area because it allows an uncrowded space where the many different family activities can be experienced without disturbing others.

Solitude can be enjoyed by anyone desiring it as well. Vehicle traffic can be substantially reduced, as much as half, by constructing additional ramps that will allow a single passage versus a double passage of a given area.

p. 255 The sound level measurements cited were taken at areas that are not typical of CAHA. The site on Bodie Island is not typical of the beach areas where people are concentrated near the surf line or where wildlife species of concern are. The site near Cape Point is an area frequently used by birdlife including the threatened Piping Plover. However, this area is closed during the heavy beach use season for prenesting, nesting, incubating, and fledging times. The sounds at these two locations have little relationship to the sounds along the active surf areas where the vehicles travel.

Pp 526-527 It would appear that the sound emanating from a vehicle would be considered negligible throughout most of the year. The levels of the few vehicles on the beach in the winter months would not approach the minor category except for brief periods. There will be vast vacant areas as there have been in the past. The sound levels during the high visitation summer months would not impact birds due to seasonal resource closures. Night driving is negligible and is a legitimate use of the seashore. Those driving to remote night fishing or sky viewing spots are the relatively few vehicle drivers accessing the seashore at that time. The closing of village areas to off road vehicles provides extensive vehicle free spaces for those pedestrians who seek such areas. As stated previously, with fewer vehicle and resource closures as in previous years, there will be larger areas in which to distribute vehicles. The recent practice of compacting beach users into smaller spaces has destroyed the desired solitude most visitors prefer. Isolates have no special right to demand solitude at every spot of beach where they choose to stand. Isolation can be found but not on every piece of busy recreational beach at every hour of the day.

The extensive ORV-free beach front at Pea Island is available year round for all who can walk it. In summary, the required use of motorized vehicles by most visitors, including those who are unable to walk the distance which can be several miles, is of minor impact to solitude and wildlife and is in fact a necessary component of this recreational area.

VISITOR USE AND EXPERIENCE P30 "Currently, the mix of recreational users at the Seashore includes a variety of users such as ORV users, day users without ORVs, swimmers, anglers, bird watchers, water sports enthusiasts and other users and other users."

This is a strange sentence. All of those listed may be ORV users or non-ORV. But most beach users are ORV users. As a practical matter most of those using the beach find they need transportation to pursue their interests. The only visitors who can use the beach to any extent without transportation are those on the village beach front or those who are capable of walking from the few pedestrian access areas.

Does this plan/EIS fulfill the requirements of the Aid to Disabilities Act? p.63 "Existing boardwalks would be retrofitted with accessible ramps to allow for more opportunities for disabled persons to access or view the beach. "

Does this really allow a disabled person or one with physical limitations to enjoy the many features CHNSRA offers?

My companion and I both have knee replacements that work fine but we can't walk the distance to the shore, let alone view and enjoy the point and spits and other pedestrian only areas that are being proposed- Hatteras and Ocracoke Inlets. I have breathing limitations. Will we be required to hire transportation? Come to think about it, are the pedestrian only areas legal in that we can not have the remote, solitude, uncrowded beach experience that they can? We enjoy sitting on the beach and reading in an uncongested area. This is one reason we chose Buxton for retirement! Alternative F if adopted will diminish the quality of our lives. It will also diminish the quality of life and enjoyment for future generations. Our children and grandchildren are prohibited from the enjoyment of this seashore and the special views and areas for activities NOW! This is in violation of the Organic Act and the

NEPA law as well as the ADA.

This is what a multiple sclerosis victim has written. (Used with permission) I include this information as my response by reference.

The NPS proposes in part Accessibility for the Disabled The Seashore would provide access to disabled visitors as follows: ? Beach access points and boardwalks compliant with the Americans with Disabilities Act requirements would be provided at Coquina Beach, the Frisco Boathouse, the Ocracoke Pony Pen, and the Ocracoke day use area. ? Beach access would be provided through the issuance of special use permits for areas in front of the villages to allow ORVs to transport disabled visitors to the beach and then return the vehicle back to the street. ? Beach wheelchairs could be checked out at each District on first-come, first served basis. ? My response to the DEZS public comment is thru May 11) was as follows:

The accommodations for the handicapped as described on page 58 are woefully inadequate, and certainly not in compliance with the existing Americans with Disabilities Act. That act provides that ALL public facilities should be accessible to those disabled Three ramps out of? doesn't comply. the "special use permitting" is implemented, how are the handicapped going to "call" their transportation back. How about bathroom facilities since it seems it will take an hour or more to get transportation back.

If the issue is the ORVs, this doubles or triples the beach transportation miles,

This provision is wrong on almost all levels. Also many disabled Americans require assistance dogs - like my MS - not just the visually impaired.

This section, if implemented, will surely be opposed by the Justice Dept.

My writing does not do my disgust with the NPS proposals justice. Patricia Clark Clarkobx@gmail.com 816-363'838 (last digit missing in PDF)

This entire section on "Visitor use and experience" sounds as though it is written by someone who is not familiar with the Cape Hatteras area. This park is 70 miles long and involves a long bridge and a ferry ride. There is no parking or pedestrian access through the village cottage areas. There are few other parking areas outside the built up areas. Some parking is done along Highway 12 and, if permitted, it is dangerous. How many miles do the few who chose a solitary walk need? Do many really want to lug their telescope at night to the Point and spits? Do birders really want to walk with their optical equipment? This may be several miles to a buffer that restricts access to an area that would be close enough to view the birds. Can families reasonably carry chairs, umbrellas, coolers, surfing and fishing equipment very far in soft sand to the areas that are desirable by all of the family?

Those of us who know the beach are insulted by sections such as this one. The claim is made that ORVs leave trash. Believe me, we clean up more than we make. It is the walking beach goer who may leave trash because he/she can't carry it out. Those who know the village beaches and the ORV beaches know the facts. The homeowners association in Avon even puts out trash cans and pays for pick up. The Park Service puts large ugly orange dumpsters in parking lots. It is volunteers who clean up the beach!

SOCIOECONOMICS P 31 "Management or regulation of ORV use at the Seashore could impact the local economy by changing the demand for goods and services from ORV users in these communities."

Beach regulations have already impacted the local economy. It is not only the restrictions on ORVs but also the extensive closures of resource areas, village areas, nighttime use, pedestrian areas that have devastated the area. The possibility of year round closures affects others beside the summer family tourist business. Retirees are looking to leave because they can not use the beach anymore. A considerable number of native residents have had to leave the area in search of work. There have been bankruptcies and foreclosures of individuals and businesses. The owners of the rental homes are also facing foreclosure for lack of summer rentals. The DEIS violates the NEPA regulation. The eight small villages impacted by the proposed regulations will be further damaged. The quality of life for all of the residents and former residents who have had to leave for jobs in other areas as well as those who may wish to return has been damaged. To perpetuate this social injustice is a violation. To institute even more onerous regulations is illegal. All of the visitors, indeed all of the residents of the United States, will have a potential enriching experience taken away from them. Those who come here may not find suitable lodging, restaurants, service facilities, or needed items. For goodness sake -we are over an hour and a half away from the nearest Wal-Mart! If the local businesses are no longer here to provide the necessities, goods and services, for a vacation or life on the island, the National Park Service has harmed us all!

The major industry of Dare County is Tourism. Most of the business owners are "Mom and Pop" operations. There are very few franchises or large company owned operations. It is already known what will happen if this plan/EIS goes into effect. It has already happened. The closures since 2005 have devastated many businesses.

If the demand for services changes from the needs of tourists for food, lodging and services, there are not other business ventures open or occupations that can be changed to. Unemployment is already high. Islanders have already moved to other areas just to find work. The tackle shops, surf recreation equipment and instruction outfits, motels, cottage rental services and owners, building trades, gift shops, and miscellaneous service providers will, as already seen, be in financial difficulty. Personal friends, with a disabled child, told us yesterday that they have lost parts of their business to foreclosure and may not be able to keep the other parts much longer. The tourists simply aren't coming here. Another friend who is physically limited from many jobs others can do has had to seek another part time job to support his family.

Director of the National Park Service, Conrad Wirth, assured the residents and those who gave the land for the Park that the economy would improve because the NPS would not build accommodations and restaurants for the visitors. The economy changed from farming, logging, and fishing to strictly a tourist economy with emphasis on recreational fishing. If the current users of the beach for fishing at the best spots for catching are prohibited from those spots, they will not come to the Outer Banks. This has already been demonstrated in the last 5 years and reported over and over again by customers of these businesses. The other visitors, who value the high quality beaches here that are spacious enough to attract visitors from areas of crowded beaches, will find other vacation activities. This is not opinion. This is a proven fact. No wishful thinking will change fact.

Indicative of the economic effects are the school enrollments Hatteras Island school enrollment has dropped 12.5 %. The total Dare County enrollment has dropped 2%. However, removing the Hatteras population drops the county percentage of decrease to only .44%, which is the effect of the general downturn in the economy. The enrollment drop on Hatteras is a result of the closures on the beach. The children in the schools represent a large portion of the adult working population. In the fall of 2005 the total enrollment in grades kindergarten through grade 12 in on Hatteras Island was 656 students. In the fall of 2009 the population was 574 students.

The first significant beach closure occurred in the summer of 2005 when Cape Point was closed. The closures increased each year through the first full summer of Consent Decree beach closures which was 2009.

The biggest effect was noticed in the secondary school, the Cape Hatteras Secondary School of Coastal Studies. In February 2005, before the closures, the middle-high school enrollment was 401. Now in spring of 2010 the enrollment has dropped to 308 (23.2%).

It is noted that the Hispanic school population has increased 72.7%. These are the young workers on the lowest pay scale. Historically they have had the highest bite . It is also noted that the private preschool population has dropped. Some have estimated 50%. These were the children of the working families who could no longer afford childcare because of Loss of jobs or fewer hours. Many of these families have had to leave the island.

This includes the teachers who also have had to leave to find jobs elsewhere. The elementary school has added a preschool class of 18 four year old children h r n the poorer families. The decline in school enrollment is indicative of the general economic downturn on Hatteras Island. These economic effects have increased the need for private and government assistance throughout many areas. There is more need for food, housing, and medical assistance. Our food pantry is serving twice as many people. Our medical providers may need to close one of the two doctors' offices. The County Commissioners are considering not replacing our emergency helicopter. We are over an hour away from a hospital and specialist offices. Our single road is frequently impassable because of storms.

Using the economic statistics from the Region of Influence and those from the 2000 census has very little relevance to the facts on Hatteras and Ocracoke Islands here and now. As the Hatteras school statistics show, these barrier islands are more heavily impacted by the actions of the National Park Service. A beach management plan such as presented in the DEIS Alternative F will decrease substantially the already severely impacted economy of Hatteras Island. Also impacted is the over all quality of life for the residents. The social values created and sustained in a very special, unique Seashore Recreational Area environment have now been impacted negatively by beach closures and will be even more detrimentally impacted by this proposed action.

SUMMARY AND CONCLUSION In developing a plan for ORV use on Cape Hatteras National Seashore Recreational Area and considering the environmental impacts several points must be considered and prioritized

1. Why was the seashore created?

a. From the Prospectus: "In recognition of the fact that seashore areas in public ownership in the United States amount to less than 1% of the total cost line, the National Park Service for a number of years, has given consideration to the possible acquisition of outstanding portions of this type of area for public recreational use. Seashore recreation within recent years has been very highly developed by private interests with the result that all of the

- desirable shoreline immediately adjacent to the centers of largest populations is exhausted "
- b.The need for recreation is as great, or greater due to population increases, as it was in 1938.
- c.The need for inexpensive access to recreational activities is greater in times of economic hardship.
- d.Location within a day's travel from major population centers of the United States. Today visitors from all American cities and many foreign countries are within this distance.
- 2.What is the natural area?
- a.The area is a barrier island that is constantly being affected and reshaped by natural forces. Nature controls all activities.
- b.The island is not a hospitable place for man or wildlife. Man's imprint is short lived. Only a few varieties of wildlife exist for very long. Some have adapted. Most either have evolved or are declining. This may be the case with the plovers and turtles and state listed species. A warming climate may be contributing. The sand becomes too hot and the weather too menacing for plover eggs and chicks; too hot for male turtle production. Predators have been able to survive/evolve.
- 3.What species are required to be accommodated?
- a.The primary species of concern is Homo sapiens. The park was created for this species and the many available recreational parts. All users must be accommodated. All beaches need to be multiuse beaches in order to be used by all the people. Many activities may be performed at any given time in any given space.

Correspondence ID: 15274 **Project:** 10641 **Document:** 32596
Name: Page, Connie M
Received: Apr,29,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore 140I National Park Drive Manteo, NC 27954 Dear Superintendent Murray, Although I am writing in regards to the proposed Hatteras Island beach closures, I'd like to give you some background to further your understanding of the conflict from a native's perspective. My father was a Midgett and my mother was an O'Neal. If you think you have rights or knowledge of island history, consider this: before the United States of America ever existed, the Midgetts and O'Neal's received land grants from sound to ocean, water to water, from the Lord Proprietor of England in the 1600s and early 1700s. To inform people that have the impression that natives aren't willing to share the land with the birds or relinquish their beaches, please realize that we have lost control of so much already. All of Pea Island once belonged to my family, and it was forcefully taken away from them. After my grandfather's death and his many years of refusal to sell his property, my grandmother, peaceful natured, was not given the choice to sell, but rather provided with \$400.00 for each child for the taking of their birthrights. 1900 acres of Bodie Island was granted to Mathew Midgett. It had belonged to the people of Hatteras Island, now it belongs to government. The growth of government controlled land has resulted in over-regulation of fishing: the livelihood of my ancestors. Today's generation can hardly obtain a fishing license; it must be handed down, and remains difficult to survive on what once was our heritage. As a result, tourism has become the economic lifeline of Hatteras and Ocracoke Islands. My own son lost his retail business after huge profit losses connected with last summer's closure of ramp 23. To limit beach accessibility is to limit the tourism, which will once again, betray the island natives and cause the suffering of many families who have no other means of survival.

The people of Hatteras Island have always shared their land, but are being forced to compromise more and more with each passing generation. For example, the Day Use area just south of Salvo belonged to my family as well, as evident by the graveyard headstones. The government has taken this property along with the others to benefit "the people," yet I question if government management of this once private property is more beneficial to the public, especially when the descendants of whom the land once belonged will lose their accessibility to it. When you feel hostility on behalf of islanders towards the concept of "protecting the environment," I hope you can understand the skepticism of a people who have experienced such vast betrayal on behalf of those who professed their devotion and protection. The National Park Service upon its arrival on Hatteras Island promised that they would not have a negative impact on the people, and professed their intentions to preserve the historical traditions of long term residents. Now we're seeing the destruction of the socioeconomic and cultural identity of our island once again.

We have always lived alongside the birds and the turtles. I don't know of any natives that have slaughtered the animals. Therefore, protective beach closures should be reasonable rather than punishable to the public. What was the point of acquiring the land if the people cannot access or enjoy it? I ask that you keep the promises that were made to my family, and do all in your power to preserve the freedom of our beaches and the legacy of my heritage Thank You, Connie Midgett Page

Correspondence ID: 15275 **Project:** 10641 **Document:** 32596
Name: Nelson, Susan G
Received: May,03,2010 00:00:00
Correspondence Type: Letter
Correspondence: April 29, 2010
Dear Superintendent Murray, I am writing to express my disagreement with Alternative F of the DEIS. Certainly as a citizen of Dare County the effects to the socioeconomic status of county retailers is evident; but more so it is with great sadness that I note that with Alternative F the NPS has strayed from one of your favorite premises, "We (NPS) are proud that tribes, local governments, nonprofit organizations, businesses, and individual citizens ask for our help in revitalizing their communities, preserving local history, celebrating heritage, and creating close to home opportunities for kids and families to get outside, be active, and have fun."

When we as a community ask for and agreed to an agreement to the purchase of our lands the above premise was expected. Now, in the matter of months Alternative F will take away each of those "offered" partnerships:

- 1) Revitalizing the community - little to no access to the ocean that beckons locals and visitors alike will deter visitors and year round residents, causing an economic crisis. Certainly the southern beaches will suffer but so will all of the area.
- 2) Preserving local history - look at your own pictures and captions of the Outer Banks, is not fishing at the Points a long standing tradition of visitors and locals when the drum run? What about the families that offer their children glimpses of a "wild" world, ripe for imagination of the young child, looking for treasures, watching the sea life and the birds make their "living"?
- 3) Celebrating heritage: If you close the points to ORVs you effectively "kill" my heritage as a native of the outer banks, the family history I have passed on to my children and now my grandchildren, to spend an evening at the South Point of Ocracoke as the tide goes out and tidal pools emerge, skimmers cruising for food, and crabs scuttling about. Just the makeup of the Park Service beaches assure that the people who venture into that soft sand are aware of nature and respectful, willing to travel a little further and a little riskier to see Mother Nature at her finest.
- 4) Creating close to home opportunities for kids and families to get outside, be active, and have fun. My family is very close and I know that family traditions of off-roading to Oregon Inlet, Cape Point, and Ocracoke South Point have strengthened our bonds by placing us in an environment that encourages us to talk and play together. We are close to home so it does not mean overnight expenses and yet when you have driven down to the point of up to an area with no one else around you are alone, just you and your family.

I feel frustrated because I feel I cannot effectively portray how important the tradition of ORV access is to my family and as I have witnessed to many other families as well. I feel betrayed by the NPS, a program I had always supported and trusted.

Please review your decisions to put Alternative F into place. Please do not close the Points to vehicles. Allow us the opportunity to help you protect the wildlife of our native home. Charge a vehicle fee, make us take a class to prove we will safeguard the creatures sharing the beach with us but do not treat us as people who do not care, because it is simply not true. Please remember your own history of "giving" to the communities in which you affect.

Sincerely,
Susan Gard Nelson 314 Tern Ct Kill Devil Hills, NC 27948

Correspondence ID: 15276 **Project:** 10641 **Document:** 32596

Name: Nagele, Elizabeth
Received: May.03.2010 00:00:00
Correspondence Type: Letter
Correspondence: Superintendent Murray:
 My husband and I own property in Salvo, N.C., very close to ramp 23 and we have been coming to the Outer Banks since 1959. We have been carefully driving on the beach since 1996 and have been ever mindful of the birds and other wildlife as well as other drivers and pedestrians and fishermen.
 We believe the Off-Road Vehicle Management Plan scheduled to go into effect for Hatteras Island and Ocrocoke Island is too restrictive. It is too restrictive regarding both the length of time during the year and the distances in meters needed for buffer zones.
 Also, it is disproportionate in favor of the birds and turtles at the expense of human beings (and their livelihood) and other wildlife. Please remember it is the Cape Hatteras National Seashore Recreation Area when you make your final decisions.
 Thanks you for your consideration in this matter.
 Sincerely
 Elizabeth and Carl Nagele

Correspondence ID: 15277 **Project:** 10641 **Document:** 32596
Name: Hawkins Jr, Robert E
Received: May,12,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mr. Mike Murray, Supt. Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 Supt. Murray:

Please accept this letter as my comment on the ORV DEIS before you at this time.
 After reviewing the NPS DEIS I must disagree with any of the six alternatives within the document.
 I have however, reviewed the 77-page Coalition for Beach Access Position Statement signed by several groups that were part of the negotiated rulemaking process, and it by far succeeds in furnishing the best visitor experience while maintaining the needs of protecting fragile resources.
 Please consider all aspects of this alternative and put people back into the management of Cape Hatteras National Seashore
 Sincerely R.E. Hawkins

Correspondence ID: 15278 **Project:** 10641 **Document:** 32596
Name: Salber, Ralph
Received: May,06,2010 00:00:00
Correspondence Type: Letter
Correspondence: May 4, 2010
 Superintendent Mike Murray Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954
 REL DEIS Assessment Coalition for Beach Access

Dear Superintendent Murray,
 I would like to make some comments on the DEIS Assessment for the Cape Hatteras National Recreational area. I would also like to address the flaws or improvement areas.
BUFFER ZONES The major issue that concerns me is the size of the buffer zones (pages 121-127). For Piping Plover, the recommended buffer is 1000 meters or 771 acres in all directions from the nest. For the American Oystercatcher, which is not even a federally threatened species, the recommended buffer is 300 meters. I believe these buffers should be reduced to allow pedestrian and ORV passage through these narrow beach areas. There is not one area in the entire United States where the nesting buffer for the Piping Plover or Oystercatcher is so extreme. The negative effect on the tourist trade and the local economic impact do not justify the minimal increase in bird numbers. The two major reasons for death of new bird hatchlings are predation by mammals (54%) and storms/high tides (29%). The remaining nest failures are nest abandonment (6%), avian predation (5%), ghost crab predation (3%) and human interference (3%). It would be logical that human activity on the beach would deter predation by all sources.
INCLUSION OF PEA ISLAND Why does NPS continue to refuse to acknowledge that Pea Island National Wildlife Refuge is already a pedestrian only area and call for more "ORV free areas".
DISCRIMINATION Pedestrian only areas discriminate against individuals with limited mobility (myself included) due to age or physical impairment.
RESTRICTIVE SPECIES MANAGEMENT AREAS (p.468) Pedestrian and ORV corridors should be provided thru, around or below high tide lines in all SMA's during entire breeding and nesting season to allow access.
HABITAT MANAGEMENT NPS should pursue a more aggressive approach in vegetation and habitat management away from the beach tidal area where less human activity is present.
INCOMPLETE DATA SURVEYS NPS has not adequately considered locations neighboring the recreational area that are part of the same ecosystem (villages, dredge and spoil islands and Pea Island National Wildlife Refuge).
TURTLE NESTING Why doesn't NPS use more proactive techniques used at other east coast locations to encourage turtle nesting success (p. 86-87). NPS inadequately addresses environmental issues which are more detrimental to turtle recovery success than ORV's or pedestrians.
NATIONAL ENVIRONMENTAL POLICY ACT According to the National Environmental Policy Act, NPS is to protect and preserve natural and cultural resources in the federal decision making process. Yet NPS has ignored the traditional cultural importance of surf zone access to the Outer Banks community. In the 810 page DEIS document, NPS only designates two paragraphs to the analysis of the preservation of cultural resources. Also, the DEIS describes ORV access as historical in nature (p. 83) and is featured on the front cover of the DEIS. Why has the NPS failed to appropriately address the traditional cultural value of the surf zone access? NPS is in direct violation of its legal responsibility under Section 106 of the National Environmental Policy Act.
REGION OF INFLUENCE The socioeconomic data and analysis in the DEIS (p. 270-281; 561-598) result in misleading and sometimes erroneous conclusions. "The region of influence" includes the northern beach communities of Southern Shores and Duck which are almost completely disconnected from ORV use and access issues relating to the seashore. The economic impact will have a greater effect on the small businesses in the seashore villages rather than the region of influence as a whole. Actual business survey data, rather than model projections for economic impact for seashore villages' businesses are not available in the DEIS. The visitor counts used in the DEIS include visitors to Fort Raleigh National Historic site and the Wright Brothers National Monument. Many of these visitors do not visit the actual seashore and should not be counted in the visitation surveys. Most businesses on Hatteras Island depend on tourism for their economic survival and unless some predictability of access to Cape Point and South Point Ocrocoke can be assured, economic analysis predicted on assumption of access are fundamentally flawed.
PETS I believe that pets should be allowed year round in any area open to human activity as long as pets are on a 6-foot leash.
MISREPRESENTATION OF APPROVAL Why was "Alternative F" attributed to the advisory committee? The rules policies and procedures in "Alternative F" were not reviewed or approved by the participants in the Reg-Neg process and they do not endorse the DEIS plan.
ERRORS IN IMPACT The cumulative impact of "Alternative F" on the visitor experience and the regional economy, when assessed relative to the pre-interim plan period, will be much more adverse than the DEIS acknowledges.
CONCLUSIONS There is room for both public use and resource management. However, the science offered to support the environmentalist positions does not justify the extreme ORV and pedestrian access restrictions proposed in the DEIS. Rather than total closures which will have a negative effect on the summer tourist season and the survival of the local economy, I hope the NPS will amend the DEIS to allow guaranteed beach access year round while still protecting the nesting birds and turtles with reasonable buffer zones.
 Sincerely yours,
 Raph Salber PO Box 165 Richwood, NJ 08074
 And

Correspondence ID:	15279	Project:	10641	Document:	32596
Name:	Davis, Robert B				
Received:	May,10,2010 00:00:00				
Correspondence Type:	E-mail				
Correspondence:	Mike Murray 1401 National Park Drive Manteo, NC 27954 May 10, 2010 Comment on DEIS: I disagree with procedure on p. 381 that applies to Alternatives; C, D, E and F wherein unsuitable turtle nest sites would be identified with maps and descriptions by NCWRC. The CAHA resource personnel on the beach with their first hand knowledge are better qualified to make that determination. CAHA has the ultimate responsibility of the turtle resource. Consultation with other agencies is encouraged but must be recognized as consultation and not abrogation of responsibility. Thank you Robert B. Davis PO Box 1224 Buxton, NC 27920				
Correspondence ID:	15280	Project:	10641	Document:	32596
Name:	Smith, Theresa				
Received:	May,07,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Dear Sir, This section of the Beach in Avon is closed to vehicles during the summer and part of the fall to accommodate vacations. Since this is a "residential" area, is it possible to restrict vehicles in this area year round, a continuation of closing since there is a good stretch of beach for driving, after nesting season, from ramp 38 south of Avon, all the way to Buxton and a very good stretch from Avon's North ramp to Salvo. We've also suffered much erosion, south of the Avon pier. It is a bit of a travesty to see vehicles on this beach. I realize you have concerns more pressing than this appeal but ORVs are a distraction to the beauty we move to Avon to appreciate. Thank you for allowing us comments. Sincerely, Theresa Smith (Year-round resident ocean front)				
Correspondence ID:	15281	Project:	10641	Document:	32596
Name:	Davis, G				
Received:	May,07,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Superintendent Mike Murray Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954 May 6, 2010 Dear Mr. Murray As a frequent visitor of the Cape Hatteras National Seashore Recreational Area, my husband and I have concerns about the narrowing, very restrictive in some areas, of our ability to enjoy the fishing and the beach. There are non-endangered and non-threatened species like Oystercatchers, so much area ceased for them? Also why are the Piping Plover getting so much area, up to 1000 meters. Surely the birds are important but the economy of the area seems to have been given little consideration in the plan proposed. I hope that these areas will warrant your consideration. Thank you G. Davis Seashore Beach Avon, NC				
Correspondence ID:	15282	Project:	10641	Document:	32596
Name:	Davis, G				
Received:	May,07,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Superintendent Mike Murray Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954 May 6, 2010 Dear Mr. Murray, As a frequent visitor of the Cape Hatteras National Seashore, we have some concerns re: DEIS Off Road Vehicle Management Plan Would it be possible to relocate the nests before some are destroyed to protect more than we have? Fishing here which is a boom to the economy occurs at times of optimum tides. These tides may occur at night. Surely the human presence on the beach at night is a deterrent to predators. Even a barking dog is a deterrent to predators which is also prohibited from March 15-July 31. Please reconsider some of the many stringent restrictions on beach use, which, I'm sure, will ultimately affect the economy of this wonderful use and the measure of its restrictions. Thank you G. Davis Seashore Bend Avon, N.C.				
Correspondence ID:	15283	Project:	10641	Document:	32596
Name:	Willard, Daniel J				
Received:	May,11,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Superintendent Mike Murray Cape Hatteras National Seashore 1401 National Park Drive Manteo, NC 27954 Mike, After reading all the pages of the DEIS, I have found that the NPS and the green side are in bed together. Not once did the NPS stand up against the green side in favor for the people of the United States, who the NPS work for. The NPS has not only broken the promises given to the local people when the park was established, but they also have not maintained the recreational park since. That in itself is against what the NPS was established for in the first place. The only alternative that should be done is to send the 1978 Plan to Congress to be approved. After that plan is in place, we can work on improvements that are needed. The 78 Plan has been used since 1978 to control ORV use in the park and still in in effect even with the consent agreement. If the NPS can't do their jobs, then they should give the park back to the people of Hatteras, Ocracoke, and Bodie Island. As an avid angler on the North Carolina Seashore, I am strongly opposed to the National Park Service (NPS) preferred alternative, Alternative F, in the DEIS and urge you to make significant changes to the preferred alternative in order to provide both reasonable resource protection and reasonable public access to public land. Recreational fishing is one of the most enjoyable American pastimes, and Cape Hatteras National Seashore has some of the best surf fishing locations on the east coast ? accessible only by ORV. Alternative F is the most restrictive management option to date, far exceeding any sense of balance between resource protection and public access and betraying all promises made to the public regarding recreational uses in the seashore. The majority of provisions included within the preferred alternative far exceed anything proposed by a majority of the Negotiated Rulemaking Committee, including excessively large resource closures (buffers), unnecessary year-round and floating closures, and the lack of access corridors around or through resource closures. In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community. Without reasonable ORV access, responsible anglers like me, and the local economy that is supported by recreational fishing, suffer greatly. I urge you to provide a better balance between resource protection and recreational uses by incorporating the December 2009 recommendations from the				

Negotiated Rulemaking Committee into the preferred alternative.

Some of the items that should be fixed are: Night time driving, closing of the Inlets and point, protecting of non-endangered species, and villages summertime only closure. In the past three years under the consent agreement, the lack of nighttime driving had no impact on false crawls which were the reason for the ban. However it did hurt the visitation of our park. Closing the inlets and other areas has not improved the bird nesting results for the past three years; maybe it is time to find better bird experts. Even I know the plovers don't like ocean over wash areas for nesting. Protecting NC's birds of concern when the state doesn't is wrong. Making a private beach for the front row big houses is wrong. Mike please make right the wrongs the NPS has done to this park and the people of the United States.

Thank you,

BM1 Daniel j. Willard, USCG Ret.

Correspondence ID: 15284 **Project:** 10641 **Document:** 32596
Name: Eustis III, Frederic A
Received: May,11,2010 00:00:00
Correspondence Type: Letter
Correspondence: Mike Murray, Superintendent Cape Hatteras National Seashore Park 1401 National Park Drive Manteo, NC 27954

May 4,2010

Re: Cape Hatteras National Seashore Recreational Area Draft Off-Road Vehicle Management Plan/EIS

Dear Mr. Murray:

This letter is sent to you as a public comment under your draft EIS referred to above. I strongly disagree with the basis under which the EIS was formulated and its lack of scientific data. The EIS is a series of suppositions and assumptions with essentially no underlying scientific evidence of their accuracy or even relevance. As such the EIS (and its plan) are fundamentally flawed and cannot be used for the purposes of creating a legally valid plan to manage ORV use (or access in general).

The EIS repeatedly presents statements as truths with no scientifically credible studies or evidence to back them up. For example, on page 319 of the EIS, the EIS assumes, for all of the considered alternatives that human interference is a major cause of damage to bird populations. This basic assumption underlies all of the plans laid out in the EIS and rests on assumptions and personal prejudices, not scientifically based data. The large number of lists of assumptions through out the document (e.g., pages 241, 242, 243, 292, 305, 351, 384 ("additional assumptions"), 385 ("range of assumptions"), Appendices A-F) emphasize how much the conclusions and recommendations of the EIS are based on guess work and personal beliefs. Nowhere in the EIS did I find any peer reviewed, published studies that support the EIS's justification of the need for the plan or the highly punitive provisions and restrictions the EIS contains. See References, pages 657-685 (N.B., the selection of references reinforces the lack of data; for example on pedestrian access - there is practically nothing demonstrating damage from pedestrian access; in addition, most of these "studies" are merely accounts, apparently not produced according to the standards required as discussed below).

The EIS tries to remedy the total lack of scientific data by invoking "adaptive" approaches (see, e.g., pages 162,274); but this merely emphasizes the fact that the EIS proposes major changes in current use for which there is a lack of scientific data. One of the few pieces of data that appear to have some credible scientific basis (though seemingly no statistical analysis was done on any of these "data gatherings") is the statement that only four percent of the AMOY nest failures is due to human interference (EIS at 232). This directly contradicts the underlying assumption that the proposals are warranted.

II. Agency Action Must Be Supported by Quality ScientificData. The history of NEPA and the APA make clear the necessity for agency action to be based on facts and scientific judgment. In fact, these statutes exist to insure an open process that will prevent the imposition of personal judgments and biases rather than scientifically based, factual determinations. Pseudoscience and politicized judgments of factual determinations have been used by many agencies and courts to implement plans they thought were the right choices, but were, in fact, based on personal biases and not on scientifically demonstrated facts. The abuse of the court and administrative processes to advance specialized interests at the cost of legitimate science has become such a problem that the SupremeCourt has created rules to address the kinds of evidence allowable in judicial evidence, and by analogy and logic, usable in agency determinations. In *Daubert v. Merrell Dow Pharmaceutical*, 509 US 579 (1993), the court held that evidence to be allowed in such determinations must be based on scientifically recognized studies and determinations and must be based on "a reliable foundation" (at 584). See also, *GeneralElectric Co. v Joiner* 522 US 139 (1997); *Kumho Tire Co. v. Cannichael* 526 US 137(1999). And it is clear that these decisions of the SupremeCourt also logically apply to agencies in execution of their responsibilities. See D. Hiep Truong, *Daubert and Judicial Review: How Does an Administrative Agency Distinguish Valid Science from Junk Science* 33 *Akron* 1. Rev. 3 (2000). The requirement of a reliable foundation for decision-making has been interpreted to require recognized studies conducted according to standard scientific protocols and published in peer review journals. There is practically no evidence of this in the EIS. And the purported evidence presented is in fact frequently contradictory or created out of whole cloth. What is demanded by the Supreme Court is intellectual rigor and that appears conspicuously absent from the EIS.

This lack of rigor has turned the EIS into an expression of a few people's personal desires and thereby guts the whole process of open and scientifically based determinations. The precautionary principle is not used for these kinds of decisions in the United States; only reliable data provides a permissible basis for agency decisions. When a plan as radical (in terms of the changes from historical practices in the area) and as destructive (in terms of the huge economic effects on the local people and area) as proposed by the EIS is concocted based on assumptions and personal desires, it becomes an unacceptable abuse of the agency discretion. And when an agency acts in this kind of way, its decisions are arbitrary and capricious.

One of the most upsetting aspects of the lack of credible scientific evidence is the fact that the one "person" who can acquire this information is the National Park Service. Yet they have done little if anything to develop information upon which a rational plan and the compromises it must include can be based. The most logical assumption here is that the Park Service is unwilling to gather such information. Or, perhaps, they know the likely result and do not wish it to come to light. The lack of credible factual information for the actions being considered in the EIS suggests that such evidence would not support the action the Park Service wants to take. This, in turn, implies that the Park Service made its mind up before constructing the Plan (see introductory memo at start of BIS; no page number, where the Park Service explains that it has made its choice prior to public input).

I believe that the Park Service has fundamentally failed its mission in balancing the needs of people and that of animals and that it has done so through its own failures and its fear of lawsuits from the radical environmentalists who apparently have it too scarred to do what is right - both ethically and legally. This is no basis for agency actions, which threaten the livelihood and lifetime commitments of thousands of people. Please scrap the BIS, start over and develop scientific evidence that justifies the huge and very damaging series of proposals in the EIS. Don't assume, speculate and guess: you are hurting the people you are supposed to protect. Thank you for considering these points. Sincerely
 Frederic A. Eustis, III Avon,NC

Correspondence ID: 15285 **Project:** 10641 **Document:** 32596
Name: Spencer, Nicola
Received: May,07,2010 00:00:00
Correspondence Type: Letter
Correspondence: Dear Superintendent,

My name is Nicola Spencer and I am concerned citizen of Hatteras Island. I have lived on the island almost my whole life and the beach has been something all my friends and I have looked forward during the summer There is not really all that much to do on this little island but the beach is something all of us residents and tourists cherish. It all started from no vehicles on the beach to any beach access in some parts whatsoever. I understand that you are trying to protect the wildlife but please just consider giving our beach access back to us. This is affecting our economy and the future of Hatteras, but there are solutions to this too. Have no beach access on Hatteras Island would be like taking away a baby we need it. Not have beach access isn't just something I don't like it is a crisis for the economy. If we don't have any beach access then I am sure the tourists won't want to come anymore because the reason they come is for our beautiful beaches. If we don't have any tourists coming down in the summer then we don't have money for our island and that is not good at all. Many businesses will shut down if we don't have any visitors come down here because they provide pretty much all of our money that is why we shut restaurants down in the winter. The beach makes up Cape Hatteras so if we don't have that

then what is there to do. If there are no businesses and nothing to do then many people will move away to find a better opportunity. As you can see not having our beaches is going to do something very bad for our economy.

If we don't have any beach access then what is the future of Hatteras? Well it could be gone and washed away into the ocean. All the locals would move away to find a better job and that means no tourists, so there would be nobody here to take care of the beaches and the whole island, so all the houses would eventually fall apart and get washed away. If everyone stayed this island would be completely utterly boring. There is really nothing else to do besides go to the beach in the summer tie. Lastly, there really wouldn't be any businesses. They would not have enough money to provide food and other things needed for their business, so it would just shut down. There would certainly be no future for Cape Hatteras without the beach.

No instead of just listing reasons why I think this is a bad idea I would like to give you some solutions to this problem. We could relocate the birds and turtles to maybe a better home. You move them when a hurricane or bad storm is coming so why don't we just keep them where you move them, that way it is a double win situation. We could just mark off 1,000 meters of the beach and stick all the turtles and birds in that little mark off. This way we could share the beach. Another suggestion I have is that the Park Service could limit the amount of people on the beach. The people and animals could share the beach if we did this. Please take some of my suggestions into mind I am sure they will benefit the community.

Now is the time to decide if you are going to close our beaches or keep them open! Please when you are deciding what you want to do keep us in mind not just the birds. Remember this is affecting our economy and the future of Hatteras. I hope that you will take my solutions into mind and use them.

Thank you for taking the tie to read this.

Sincerely,
Nicola Spencer

Correspondence ID:	15286	Project:	10641	Document:	32596
Name:	Whittaker, Mike				
Received:	May,10,2010 00:00:00				
Correspondence Type:	Letter				
Correspondence:	Supt. Murray, Please Accept this letter as my comments on the ORV DEIS before you at this time. After Reviewing the NPS DEIS I must disagree with all of the 6 Alternatives within the document. I have Also Reviewed the Coalition For Beach Access Position Statement signed by several groups that were a part of the Negotiated Rule Making process And it by far succeeds in furnishing the best visitor experiance while maintaining the Needs of protecting the fragile Resources. Please consider All Aspects of this Alternative And put people back into the Management of Cape Hatteras National Seashore and Recreation Area. Sincerely, Mike Whittaker				
