

MM

James Miller  
213 Dunbarton Drive  
Spartanburg, SC 29307

April 7, 2010

RECEIVED  
APR 12 2010  
BY: .....

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Mr. Murray,

As a long time visitor to the Buxton/Hatteras area for purposes of vacationing and fishing I would like to encourage the N.P.S. to take visitors who drive vehicles onto the beaches into account when drafting the **DEIS**. I personally have been driving vehicles on these beaches for **28 years** and have not **once** seen an instance where harm was done to the beaches or environment by vehicles being driven on the beaches. In fact, the people gaining access to the beaches via 4 wheel drive vehicles are concerned to the extreme for the well being of the beaches, and creatures that frequent these beaches.

The environmentalist would have the public believe otherwise, that the visitors to the beaches cause harm to the environment. If this is the case, why have I never seen this happen in all the years I have driven the beaches of the OBX? Where is the scientific proof that such damage is being done?

**Bottom line** – there is plenty of room on the OBX beaches for visitors in vehicles to co-exist with the environment with no harm being done to the environment. To close these beaches to vehicle traffic, for no reason other than pressure being brought to bear by environmental groups, would be a gross injustice to the American public.

Sincerely,



James Miller

REIVE  
APR 12 2010

April 6, 2010

Dear Mr. Murray,

I'm writing to ask you to please consider my comment on The Draft Environmental Impact Statement.

Cape Hatteras National Seashore is a very special place where man and nature have been able to coexist for many years. Its natural beauty and beach access have drawn many of us there and we in turn have supported the local economy, gladly.

We've enjoyed beach access for surfing, fishing and just being on the beautiful place that the CHNS is. We've made many friends from other states there along with business owners whom we also consider friends. The friendly ladies of The Outer Banks Motel, Tides Restaurant, Orange Blossom Bakery, Diamond Shoals Restaurant, Bubba's BBQ, Red Drum Bait & Tackle and host of others.

We haven't been down there in a few years, but what is happening there now with beach access saddens me so I felt compelled to write to you.


Please consider the impact the beach closures have had on the local businesses.

We all love nature and we've been patiently waiting for the Piping Plover issue to be resolved. However, it appears that the real problems facing the Plover are not trucks driving on the beach, but predation and studies have shown that predation actually decreases with beach access.

The Plover situation affects us here in New Jersey as well. The efforts made to protect Plovers over the last 15 years have produced no marked increase in their population compared to their numbers when beach access was unrestricted. In that sense, I think the measures taken have done more harm to people than good for the Plover.

When you all decide what it is you are going to do down there concerning beach access please understand that it will most likely set a precedent that will have repercussions along all coastal communities of the United States. We're all watching and hoping.

We don't envy you and the position you are in and wish you all the best in what happens on The Cape Hatteras National Seashore and the beach access issue.

Sincerely,  
  
Robert & Rossana Paxson  
701 Caspian Avenue  
Atlantic City, NJ 08401



RECEIVED  
APR 14 2010

mm

April 13, 2010

BY:.....

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

Dear Mike,

I am writing today to express my thoughts and observations with hopes they will be taken in consideration for the new Cape Hatteras National Recreational Seashore management plan. I have reviewed the 700 plus pages of the ORV management plan and environmental impact statement. What I did not see deep in the pages was very disappointing. Cape Point needs to be represented with more respect in regards to human activities!


The Cape Point area has been a very large part of this Nation's maritime history and this island's cultural. Well over 1200 shipwrecks over have been recorded in the immediate area and countless lives and dreams have been lost at Cape Point. There is also a longstanding heritage of commercial and recreational fishing that has fed families and this nation for centuries. It has been a social gathering place of people for many generations including the Native Americans from long ago. Cape Point is a Mecca for surf fishing, birding, shelling, windsurfing, surfing, sunbathing, and many other recreational activities. These are facts. I understand too that it is the southern most breeding area for a very limited number of piping plovers and other shorebirds when the conditions are just right.

The National Park has done a decent job helping these species. But neither you nor I are responsible for their fluxuating numbers. There are several major factors that cause these bird's survival numbers to go up and down. Storms and predation are by far, and with no argument, the two biggest factors. The Park's own data shows it is not from visitors walking or running over nests or chicks! The bird enclosures in the Cape Point area are necessary and I have personally always endorsed them. However, I spent the last two months reviewing piping plover nest hatchings at Cape Point. Over an eight-year period, all the data I reviewed showed that every chick hatched in an enclosure has traveled west towards the salt pond or lateral dune, never east towards the north beach or ocean! I know my birds and their activities very well after observing them for over 40 years. Perhaps that is why I'm presently working with Duke Energy studying avian patterns in the Pamlico Sound for the proposed wind energy project. Please look at that data very closely when making final decisions at Cape Point. There is no reason access to Cape Point should be denied when the area is being monitored by so many qualified Park biologists and the enclosures are properly in place. The special interests groups that created the latest outrageous buffers did this with little or no scientific justification and most intelligent people question their true motives. I would also like to know what Audubon, SELC, and DOW have done to help my National Park increase shore bird numbers. Local

and national organizations have multiple beach clean ups. Has Audubon? How about DOW? Have they created new habit anywhere? Have they increased education to help shorebird species? Donated any money to local groups like N.E.S.T.S.? They have done absolutely nothing! Their influence should be very limited when the final plan is drawn up. They are going to sue again regardless of what plan is implicated.

In closing Mike, please keep this in mind. If the American people knew the truth and what the hell was really going on out here, I would not be writing this letter. Remember what just happened in New Jersey, Virginia, and Massachusetts elections...and don't forget Toyota's bad karma after giving Audubon 20 million dollars. The good people of the United States are tired of being pushed and bullied around. This Park certainly needed some changes but it should never resemble a full-blown bird refuge or be managed by a few special interest groups with big money lobbyists. You were doing a fine job way before they ever got involved. There's a very large majority of people that are behind you and I don't hear anyone screaming "I want my National Park closed"... do you? Do not confuse other areas of the Park like the inlets and spits with Cape Point. The Point is a very special place and needs the full respect and access it deserves. Please listen to the majority and thanks for all your time invested in my National Park's future.

Sincerely,

A handwritten signature in black ink that reads "Kevin Mc Cabe". The signature is written in a cursive style with a large, sweeping "K" and "C".

Kevin Mc Cabe  
P.O. Box 743  
Buxton, NC 27920  
Ph# 252-995-4788



mm

RECEIVED  
APR 28 2010  
BY: .....

April 28, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

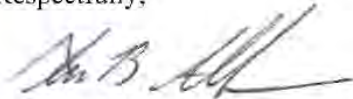
**Re:** Comment on Draft ORV Management Plan (DEIS)

Dear Superintendent Murray:

I strongly support and agree with the Coalition for Beach Access\* Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement dated March 5, 2010.

- \*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 (April 6, 2010)

Respectfully,



Glen B. Allen  
168 Fontana Drive  
Clayton, NC 27527

mm

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

MAY 03 2010

Outer Banks Group

Please keep Buxton Point open  
even if we have to get there  
on the back roads. As long as  
we can get there.

Core Williams Anderson  
Buxton

Robin Anderson

Ross Anderson

Kevin Anderson



mm

I would like to address you, today, as a property owner on Hatteras Island. I purchased my house 7 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 no difference in my rental volume because of stricter beach driving regulations.

What I have seen is that the vast majority of vacationers at the Outer Banks are families who have come for the simple pleasures of the National Sea Shore. They have come to enjoy the waves, walk along the beach, enjoy the scenery and the wild life, and play in the sand – as did my family and I. I have seen a marked increase of sea turtles, and shore birds during the period of stricter beach driving regulations. My family and I have enjoyed volunteering to help watch over sea turtle nests, and have helped to rescue distressed sea turtles.

I have come to plead with you to preserve the National Sea Shore as a natural sea shore; a place where I am glad to spend much of my retirement and a place whose natural wonders attracts so many tourists and has become a world destination.

*Therefore I endorse Alternative D, as recommended by the National Park Service, for the protection of the natural yet fragile environment.*

RECEIVED  
APR 28 2010

BY:.....

5/1/10

mm

RECEIVED

MAY 03 2010

Water Banks Group

"I Disagree"

No Piping Plover deaths have been  
caused by ORV's

(Casualties due to Birds & Turtles is a joke!)

It's all about the ~~\$\$\$\$\$~~  
=====



To Whom it may concern,

Please do not close the  
beaches.

RECEIVED

MAY - 3 2010

Outer Banks Group

Joe Basilone  
5801 Hawthorn Lane  
Williamsburg, VA 23185



Property owner, 39191 Sunfish Ct., Avon NC

Comments concerning the Draft Environmental Impact Statement for the Cape Hatteras National Seashore at the Hampton VA meeting, April 29, 2010.

I do not agree with the DEIS failure to adequately recognize the cultural considerations inherent in combined ORV use and surf fishing in the CHNS. The 800 page DEIS lacks meaningful content dedicated to cultural resource issues. Dictionary.com defines "culture" as: "the behaviors and beliefs characteristic of a particular social, ethnic, or age group." 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 behaviors and beliefs of ORV-surf fishermen are definitely those of a particular social group. And it is a group that has been established for almost a century. Our very presence here tonight is undisputable testimony to our dedication to maintaining the traditions and economics important in maintaining our historic identity. The first book about surf fishing, *The Call of the Surf*, by Van Campen Heilner and Frank Stick was copyrighted in 1920. The first ferries began in the mid-1920s when Capt. Toby Tillet established a tug and barge service across Oregon Inlet to Hatteras Island. The motor vehicles Capt. Tillet brought to Hatteras Island drove on the sand. There were no roads. Heilner's best seller, *Salt Water Fishing*, first copyrighted in 1937, contains a photo of a model T Ford on the beach at Hatteras. The model T has balloon tires and tackle boxes. A surf fisherman is standing beside it with a big drum. And Heilner refers to it as a "beach buggy." The NC Beach Buggy



Assoc. and the Cape Hatteras Anglers Club are two of the largest organized groups that are "particular to this social group." These groups and others have been sharing the camaraderie and energy of fishing on the beach for many decades. The DEIS is in conflict with itself when it simultaneously advocates severely restricted access and yet acknowledges on page 83 that ORV access is historical in nature.

I disagree with the DEIS on page 136 where it prohibits pets in the Seashore during bird breeding season from March 15 to July 31. The Park Service already has the ability to cite pet owners who fail to comply with the current leash regulations.

I disagree with the DEIS on Pages 121-127 and page 468 where it describes the limited ORV corridors and inflexible buffers. These excessive restrictions are not based on any objective science. ORVs and pedestrians should be given reasonable pass through corridors to access all areas of the beach. The DEIS fails to provide documentation that ORV use has resulted in an significant wildlife damage.

I agree with the access proposals contained in the 77 page Coalition for Beach Access document provided to the National Park Service.

I do not agree with the fact that the current DEIS fails to recognize the previous NPS defacto regulations which determined when and where ORV use was permitted. These regulations were in use for decades and appeared to control and regulate ORV use in a reasonable manner. The DEIS certainly does not provide a history of environmental damage, major or minor during the time these regulations were in use.



mm



Photo by the author

Above, a typical "beach buggy" especially equipped for fishing. The ideal rig in which to traverse the miles of sandy beaches along both coastlines. Aluminum paint prevents rusting. The fish is a channel bass.

On the opposite page: The Surfman.

Photo by the author

RECEIVED  
APR 29 2010

BY:.....



RECEIVED

APR 21 2010

4/16/10

Outer Banks Group My name is Alfred Bevan, NCBBB #3.

I have been driving on and fishing from the beaches of the Outer Banks for 40 years. I also swim + surf from these same beaches and observe all that nature has to offer.

It is, after all, a fabulous place.

Over these many years I have watched the NCBBB grow as well as a growing use by the general public. It has been clear that these people have, with the help of the Park Service, policed themselves in an effort to preserve all that nature provides.

There are so many common sense ways that the government, the special interest groups and the folks who just want to have access as they have in the past, they can't all be listed here.

I have tried to understand the 50 page "executive summary" and probably have been that successful.



I was told several years ago  
that the ultimate goal for  
the Park Service + the special  
interest folks was to shut the  
beach down to all O.R.V. traffic  
and most foot traffic. It kills  
me to say but I now believe  
that statement to be true.  
Shame on every body!

Alfred Berber



RECEIVED  
 APR 29 2010  
 BY:.....



### [www.HatterasIslandSurfFilmFestival.com](http://www.HatterasIslandSurfFilmFestival.com)

*Free beach access is vitally important to all beach lovers, whether they just stroll on them in the midnight breeze or if they are trying to catch the big one that just barely got away.*

*As for surfers, they are always willing to share their special stories of how hollow it was or as fishermen do, how big it was, but the special stories are always those shared with friends when they catch it just right, uncrowded, with their friends.*

*As a surfer since 1962, I discovered Cape Hatteras long before it was popular. I was lucky. My Dad was a hardcore, good – no, a great – fisherman who loved Cape Hatteras and the uncrowded areas that others seemed to know nothing about.*

*Throughout the '60s was the best of times because it felt like our very own paradise.*

*Yes, time does change many things, and we know that it is often times called progress.*

*Once again, as fishermen, surfers, and just ordinary beach lovers, we know that if any beach in the world closes off access, then we have all lost.*

*Crowding people into "commercial zones" is never a viable alternative. In the case of the Outer Banks and, especially Cape Hatteras, we all know that it isn't the buildings, it isn't the glitter, nor is it hype that attracts the masses.*

*It is an attraction that few areas are blessed with at all.*

*God did this area well. Most people don't realize how really perfect it is.*

*It is simply the ocean, the beaches, the friendliness of locals, and the sense of peace that the area naturally offers.*

*I have no answers, nor do I have a viable solution, but I know for sure that, yes, the environment is important, but certainly not the most important. Beach access, free beach access is the attraction and the freedom is worth protecting.*

*If this right is denied to those who love this area the most, then what we have really lost is our rights to life, liberty, and the pursuit of happiness.*

*Aren't we as Americans guaranteed those rights?*

*Shame on those who are blinded by either greed or by some misguided environmental political power move that blinds their perspective.*

*Human rights should be held in the highest regard and those who have never set foot on the sands of Cape Hatteras to fish, surf, or even walk, will never understand nature's freedom and how it enriches one's soul.*

*Collectively we all are caretakers of the coast and have been long before this controversial issue.*

*I pray that the decision-makers rule in favor of exactly what the locals desire and that blind ignorance doesn't prevail.*

*Just look north to Virginia or south to Myrtle Beach and then breathe in the salt air slowly in Hatteras.*

*What you're breathing in is freedom, and that is definitely worth protecting and educating others of its value.*

*Those opposing freedom should leave well enough alone and go home.*

*I predict maybe a long battle, and at times it may even feel like a losing battle, but the Hatteras I have grown to know always seems to win.*

*Why, you may ask, and I'll say simply just this – because it's Hatteras.*

*If your community wins, we all win.*

*Rob Beedle  
Global Surf Network  
<http://www.GlobalSurfNetwork.com>*

*[rob@globalsurfnetwork.com](mailto:rob@globalsurfnetwork.com)*

*[www.OuterBanksWebsites.net](http://www.OuterBanksWebsites.net)*



*Professional Sound Services For This Festival Donated By  
**Sound Engineer - Travis Fox***

MM

April 30, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

MAY 03 2010

Walter Banks Group

Dear Superintendent Murray:

I have just returned home from Hatteras Island where I participate in a fishing tournament each year. I was extremely disappointed to find the entire sound side of Hatteras Village closed due to nesting birds. This is a joke! According to locals I talked to, there are only three nests on the whole island, and they are in Buxton. Even if there were nests there, do the birds nest in the one road that leads to the sound?

I understand also that the rangers are killing foxes and coones to protect the birds. What happened to the balance of nature?

If the beaches are closed, as I understand they are going to be, what happens to the lifestyle of the people on the island whose forefathers owned the island in the first place?

There are sensible ways to protect the birds and turtles if they need protecting without jeopardizing the local economy, but I don't think what I have seen and heard is anywhere close.

A concerned visitor,



Dick Belton



**Dr Michael A. Berry**  
**16 Charrington Place, Chapel Hill, NC 27517**

RECEIVED  
APR 28 2010  
BY: .....

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 16 Charrington Place, Chapel Hill, North Carolina, 27517. 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/S02-3.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.

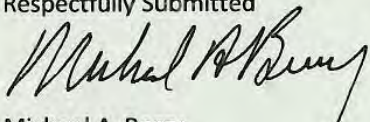
Some of the original contributors (Cohen and Golder) have used the Protocols to be the basis for litigation and insist on denial of public access to the seashore. A lead author "J.B. Cohen" has previously shown his conflict of interest and activist affiliation when he "J.B. Cohen" signed a sworn affidavit 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

*William Irwin Berryhill, Jr.*  
*Chief United States Marshal, Ret.*

2001-2002  
 2003-2004  
 2005-2006  
 2007-2008  
 2009-2010

RECEIVED

MAY 06 2010

Water Banks Group

May 1, 2010

Dear Mr. Superintendent:

*After studying your DEIS as carefully as I can (it was huge by the way), I have decided that the plan I like the best is the COALITION FOR BEACH ACCESS DEIS ASSESSMENT. This plan in its entirety best represents the presiding will of the taxpayers (CHNS users) as well as the invaluable wildlife deserving public protection. Adoption of this plan would solve all of your problems with effective Seashore management and would be a boon to your administration as Superintendent.*

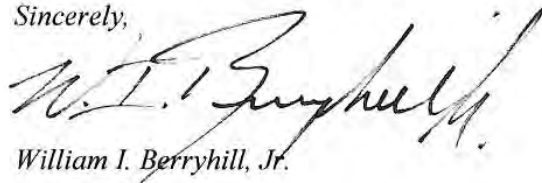
*One other point I would like to make is from the law enforcement perspective. As a CHNS user for over forty years, I have spent many a day on the beach without a single sighting of a Park Ranger. This is not good. It's a glowing invitation for a minority of neer-do-wells to violate Park Service regulations.*

*My best advice is to throw the NPS DEIS out the window and replace it with the COALITION FOR BEACH ACCESS and to convince the U. S. Department of the Interior to hire more Park Rangers to enforce the regulations you already have on the books.*

*The above two steps would comprise your new DEIS in a manner inculcating overall public recreational acceptance and wildlife protection simultaneously.*

*It's time the National Park Service became neighbors of the citizens who pay its bills -- and not their enemy.*

Sincerely,



William I. Berryhill, Jr.



Inter Banks Group

I LIVE IN BUXTON, NORTH CAROLINA AND I WOULD LIKE TO BRIEFLY COMMENT ON TWO SUBJECTS THAT APPLY TO ME AND MY FAMILY IN REFERENCE TO THE "DEIS" PLAN.

THE BEACH IS OUR SOURCE OF RECREATION, FIRST: WITHOUT THE USE OF AN "ORV" IT WOULD BE IMPOSSIBLE FOR ME, MY WIFE AND MY TWO CHILDREN, ONE OF WHICH IS ONLY A TODDLER TO HAVE ACCESS TO OUR BEACH, PEDESTRIAN ONLY AREAS DISCRIMINATE AGAINST US AND MANY OTHERS FOR VARIOUS REASONS.

SECONDLY THE SOCIOECONOMIC IMPACT OF THE DEIS' PLAN IMPACTS OUR FAMILY IN A NEGATIVE WAY. BOTH MY WIFE AND I WORK FOR A BUSINESS THAT DEPENDS ON TOURISM. HATTERAS ISLAND HAS SOME OF THE BEST SURF FISHING BEACHES IN THE WORLD, THAT IS OUR MOST VISITORS COME HERE, AND THOSE ARE THE VISITORS THAT SUPPORT THE BUSINESS WE WORK FOR. THESE ARE MY CONCERNS, AND I HOPE FOR MORE CONSIDERATION FOR NOT ONLY MYSELF, BUT ALSO FOR THE MANY VISITORS WHO COME TO ENJOY OUR WONDERFUL BEACHES.

THANK YOU,

Jeremy Robinson  
Doris Buckley

TERRY RIFE/INK



*mm*

Mke Murray  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C.

RECEIVED  
MAY 09 2010  
Walter Banks Group

Mr. Murray,

My husband and I have owned a business here in Buxton for the last 33 years. We also own several pieces of commercial rental property in the same town.

I am writing in regard to the D.E.I.S. and am questioning the lack of an economic impact statement on the effects of the beach closures on Hatteras Island and specifically the individual seashore villages on business.

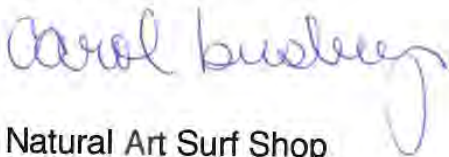
No one from the National Park Service and the environmental groups involved has ever talked to us or any of our renters about the impact the beach closures, especially Cape Point, has had on our businesses. I can tell you the day after Cape Point was closed two summers ago for the first time, we saw about a 25% drop in our weekend business. We also had many weekenders come in and tell us they were never coming back.

I am asking how conclusions can be reached when the people that are the most affected by it are left out of the fact finding process?

The affect on our community should have been on the top of the list of priorities and not left out completely.

Yours truly,

Carol Busbey



Natural Art Surf Shop  
Boxx 333  
Buxton, N.C.  
27920

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
APR 28 2010  
Outer Banks Group

P.O. Box 237  
Rodanthe, N.C. 27968  
April 28, 2010

RE: page 469 in  
DEIS Book

Dear Mr. Murray,

What an awful time for you and your staff  
and for the residents and visitors of The National  
Seashore.

I do not agree for total closure at The Point,  
Hatteras Inlet and Ocracoke Inlet. As a practical  
solution, clearing vegetation, that is not endangered,  
would provide enough breeding/nesting/fledging space  
for all nesting state-listed/special status species.  
With increasing the open, sandy substrates, there  
would be room for bird closures, ORV and  
pedestrian use.

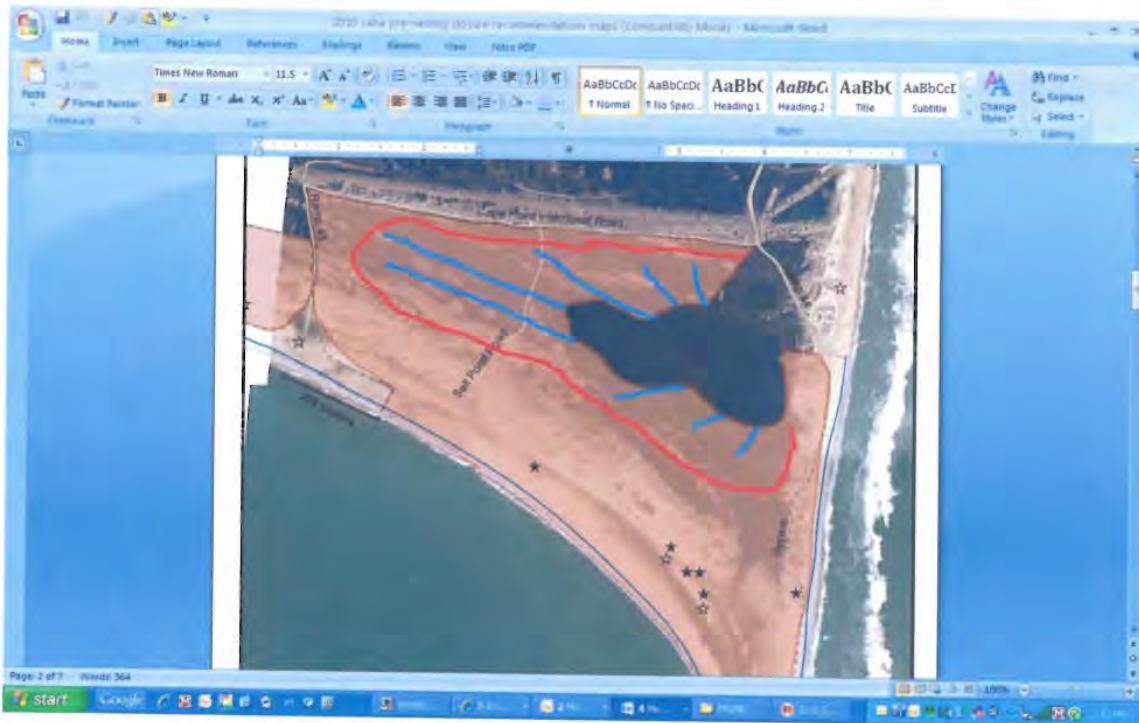
Thank you.

Yours,  
Mary Ann Cohen



RECEIVED  
APR 26 2010

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 Prenesting 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.



mm

*Comment by David Goodwin, Buxton, NC  
On behalf of Cape Hatteras Business Allies*

BY: .....

My name is David Goodwin & I am speaking on behalf of the Cape Hatteras Business Allies, which represented the businesses on Hatteras & Ocracoke Islands during the negotiated rulemaking process.

I have been coming to Hatteras Island since the mid 1950s. I have lived here for 11 years. My father bought a house in Hatteras Village in 1962 since he had decided that that end of the island provided the best fishing experience for him.

In the NPS Preferred Alternative in the DEIS, I note with dismay that the beaches of Hatteras Inlet, on the Hatteras Island side, have been designated a SMA. This designation prohibits all entry into the inlet area by ALL persons, whether in ORVs or on foot permanently. This designation removes one of the most sought-after fishing & recreating areas of the Seashore from any public use.

While Oregon Inlet spit & South Point both share some similarities with Hatteras Inlet, there is no other area within the Seashore that provides for diverse activities like Hatteras Inlet. There, you can fish, swim, sunbathe, play volleyball & many other activities. It is a very family-friendly beach, particularly on the sound side. Not every visitor wants to recreate on the ocean side with its pounding waves & sometimes strong winds & blowing sands. The "Rip" is a well known fishing spot that attracts fishermen from all over the country. It is well know & well loved by many. So visitors & residents alike will only fish in this area & make annual pilgrimages to take advantage of its offerings.

In Hatteras Village itself are many businesses that rely on visitor use of the beach. There are tackle shops, beach equipment rentals, general merchandise stores that cater to beachgoers, motels, campgrounds & rental housing providers. All of these businesses in some form or fashion depend on access to the beaches for their livelihood, particularly access to the Hatteras Inlet area. To close this area permanently to human use will severely impact these businesses. People drive by many good beaches to come to this Seashore. With Hatteras Inlet removed from human access, most of these visitors will go elsewhere. This will impact the local businesses adversely & diminish the visitor experience, particularly those with babies & young children.

Cape Hatteras Business Allies recommends that the Park Service reconsider its permanent closure of Hatteras Inlet. We recommend changing the designation to one that will allow access to this area on at least a seasonal basis. The ~~fragile~~ interior used for foraging can be permanently closed for shorebird use. But the soundside & "Rip" areas along the shoreline need to be opened to the public. This should include ORV use, as many visitors & residents cannot walk long distances with a load of fishing/recreating equipment. This usage of Hatteras Inlet has been ongoing for many decades & has not resulted in any major disturbance of wildlife use in the area. In fact, PPL usage of the this area has been non-existent since 2006 (Table 20, pg.199 DEIS)

Thank you for your time.



RECEIVED  
APR 26 2010  
Apr. 26 2010

m m

Grasses  
for years I have seen grasses planted only to be destroyed by high tides. Trees will not survive in this area due to nature & nature will prevail

BY: \_\_\_\_\_

referred to  
as  
species  
protection

Wild life. This is & always has been their natural habitat yet you choose to trap & remove them or encumber them in order to attempt to get a bird to establish a habitat here. If this was natural for these birds they would have been here for many years & would not have to be forced. After years of attempting to get these birds to come here, we have yet to know the true story of survival rate but what we hear is very low.

Water has been allowed to stand in areas where wild life would live during the winter. Maybe your way of getting rid of wild life. In years past that area would be drained.

Finally the permit.

We all knew that was what this would lead up to. Pay to use what is already yours. Economy at its worst, some people can't afford gas for their vehicles or food for the table. How many birds do you estimate this will save?

- (1) How about per island or Portsmouth Island as a more protected place for birds & other wild life?
- (2) Why penalize the people in this room for going into restricted areas without proof of who made the infraction. What if someone in the oblate suite did it to make us look guilty? Nothing should

RECEIVED  
MAY 10 1964

he done until quit is proven!

Handwritten notes on the right margin, including a large arrow pointing downwards.



## CORRIDORS

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 an open area 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. In the DEIS, as outlined on pages xii, xvii, 468 – Corridors are only allowed in Management Level 2 portions of SMA's. These corridors while theoretically possible, are subject to resource or safety closures at any time. I believe Corridors should be maintained for pedestrians and ORV's in all areas of the Cape Hatteras National Seashore Recreational Area. Corridors should be established throughout the entire breeding and nesting season. Corridors should be provided in all areas of the seashore, including the highly restrictive Management Level 1 portions of SMA's required under Alternative F. Corridors will provide valuable access without impairment or damage to protected resources. I believe people and nature can live in harmony and that science-based resource protection can be balanced with providing recreational access.

Sincerely,

Allen Burrus

RECEIVED  
APR 26 2010

BY:.....

m

**BUFFERS**

Buffers, or closures, are important management practices for species recovery. However, to benefit the protected species & the visiting public, all buffers must be based on peer-reviewed science. Once buffers are established, they must be routinely monitored throughout the breeding season to ensure that resources are effectively protected and public access is provided. The extreme buffers outlined in DEIS pages 121 to 127 must be modified in the final version of the Environmental Impact Statement. The 1,000 meter buffer for Piping Plover, required in Alternative F, is excessive and punitive and not based on peer reviewed science. This 1,000 meter buffer can only be fully appreciated when it is understood that this is a minimum distance that is required in all directions of the nest of unfledged chicks or on a linear distance it is 1¼ miles. A more appropriate and yet effective buffer is 200 meters. Ample scientific evidence and precedent exists (i.e. Piping Plover Recovery Act) to support a 200 meter buffer. As part of the NEPA process, I formally request 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. A 30 meter buffer should be established for these birds rather than the 300 meters outlined in the DEIS.

Sincerely,



Allen Burrus

**RECEIVED**  
APR 26 2010

BY:.....



Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
APR 20 2010  
Outer Banks Group

I disagree with the proposals  
I have read. I fish alot, my relatives  
fish a visit here for the reason.  
We picnic on Oregon inlet with vehicles,  
& can'to. Please do not do this for  
economic reasons that will have a  
negative impact on tourism.

I agree with night driving restrictions  
on beaches.



This letter comes to you hoping that you are intelligent and open minded re the Outer Banks ORV Rules.

The Outer Banks pioneer families donated this marvelous seashore area to the Federal Government for a National Recreation Area, as a perpetual hope that **all people** would be able to enjoy the fishing, swimming, shelling and boating advantages. On top of that list were their own families and descendents.

If the proposals of the special interest groups that are determined to close this National Seashore Recreational area for populating birds or whatever narrow minded reasons they can fabricate become policy, those who have called the OBX their home for generations will be literally pushed out of their homeland by strangers. They will be unable to make a living if the tourist industry suffers, and suffer it will. Most tourists are fishermen, or beach lovers. If they are unable to do either activity except in a tiny designated area or by an entrance ticket, they will seek other shores. I can assure you we will if this is proclaimed.

The other methods the descendents use to provide for their families are fishing, trapping crabs, etc. or taking fishing charters. Much of this provides fresh fish for area restaurants. It is not economically feasible in these days of high gas prices to even consider transporting their catch to the remote populated cities. Once again, these people will suffer as they join the ranks of unemployed Americans who would like to work and have a political policy doing more harm than good.

Life is not all black and white. Sometimes one must consider the greater good. Given the choice of letting people live, work and have their lives uninterrupted in their homeland or chasing birds hoping you can corral them into a designated area doesn't sound like much of a hard choice.

There are many unemployed Americans in cities that are unable to find work. You live on the Outer Banks; you know hardship will befall these people. They cannot just pick up and leave their homes, their traditions, their families....they don't want to and they lack the funds to start over from scratch.

In decades past, their ancestors had to be hard working and have great survival skills just to remain there. Do not let their efforts to have land for their descendents to enjoy have been in vain. This is your responsibility.

Let us keep America the Home of the Free.

Thank You,

Most Sincerely,

Bob & Becky Sharp

893 N. Homestead Lane

Lancaster, KY 40444

RECEIVED

APR 26 2010

Outer Banks Group



RECEIVED

APR 26 2010

Outer Banks Group

April 23, 2010

Dear Supt. Murray,

I have been diving & surf fishing on the Outer Banks for over 40 yrs, it is one of the most pleasurable things I have ever done.

The Banks are not only beautiful, but they are the best surf fishing place anywhere!

I hope a resolution can be found so that I may continue to pursue this, along with many others.

Yours truly,  
R. Wright



Mr. Robert L. Wright Jr.  
1003 Kendale Cir.  
Chesapeake, VA 23322-6872

*mm*

RECEIVED  
APR 28 2010

Comment on NPS DEIS for Cape Hatters

I disagree with the fact that the birds on the dredge islands are not counted among ~~the~~ population. They are increasing in huge numbers there ,but not along the shoreline.

*Captal Cabett  
PO Box 1445  
James Cabett*



RECEIVED  
APR 26 2010

1114

Comment on NPS DEIS for Cape Hatters

I disagree with the NPS policy of only moving high-risk turtle nests when a storm is eminent.  
There are a lot of resident volunteers whom would help with the moving.  
A lot of turtles would be saved if they were moved like they are at other beaches.

BY: -----

*Captal Carbett  
Buxton NC  
Jim Carbett*

MM

RECEIVED  
APR 26 2010

Comment on NPS DEIS for Cape Hatters

I disagree with the NPS "Plan F" socioeconomic analysis. The region of influence includes all the northern beaches, not just the Hatteras Island beaches. I have seen a 30% decrease in my business here on the island.

Many businesses have suffered as a result of the closures and decreased fishing.

BY: .....

Crystal Robert  
Buxton NC  
Jim Corbett



*MW*

RECEIVED  
APR 26 2010

Comment on NPS DEIS for Cape Hatteras

BY:-----

I disagree with the NPS proposed Plan F. Most of us live on the sound side, making it impossible to walk to the beach- it would be miles to walk.

Also, unless one rents an oceanfront house, or at the most 4 or 5 rows back, it is impossible to walk with small children, chairs, coolers, umbrellas, and other things for such a long distance.

We need more parking lots and board walks over to the beach. There are not enough. This is why so many people need to drive to the beach.

*Crystal Corbett  
Buxton NC  
Jim Corbett*

RECEIVED  
APR 26 2010

Comment on NPS DEIS for Cape Hatters

I disagree with the NPS "Plan F".

1. If beach driving is dangerous to birds, then why do the NPS ride up and down the beach?
2. Why doesn't the NPS remove the acre of vegetation around the closures at Cape Point so the birds wouldn't have to build their nests so close to the water and get washed away?
3. I believe that responsible beach driving is completely safe for birds. In all the years there have been very few infractions and none that resulted in bird deaths.

BY: \_\_\_\_\_  
Crystal Cabett  
Buxton NC.  
Jim Cabett



Abby

RECEIVED  
APR 26 2010

Comment on NPS DEIS for Cape Hatteras

I disagree with the proposed Plan F 1000 meter buffer zone ~~for the piping plover~~. It exceeds the 200 meter buffer zone as the standard set for federal protection of the PIPL.

As stated in the NPS 2008 PIPL management report, table 5A, the chicks moved 155meters from one nest from hatch to fledge, 147m at another nest, and 208m at another nest. I disagree that they need 1000 m.

Captal Cabot  
Buxton NC.  
Jan C. Cabot

*m 12*

Comment on NPS DEIS for Cape Hatteras

RECEIVED  
APR 26 2010

I strongly disagree with the predator-trapping program. There have been many river otter trapped and they are on the endangered species list. The piping plover is not on the list for this area. A rare breed is being destroyed to further a bird that is not on the list. Also, people's pet cats have been trapped and killed. We have spent money to have them spayed and we feed them. Also a red fox was shot by a park ranger on the beach, in front of children. I find this cruel and inhumane. I believe all wildlife should be protected.

*Captal Adelt  
Buxton NC  
Jim Adelt*



RECEIVED  
APR 26 2010

Comment on NPS DEIS for Cape Hatters

I disagree with the NPS Plan F. The consent decree and all the closures have not increased the PIPL population at all, in fact, according to your own resource management report, the piping plover has decreased from 2008. If beach driving is harmful, then why are there less PIPL with less driving- shouldn't the numbers have increased with more closures?

In 2003= 50% hatching rate  
2005 =100%  
2007 = 40%  
2008 =23%

The weather(storms) have controlled the PIPL population, not beach driving. As you can see from the statistics above, some of the best hatch rates were when there was more beach driving.

*Crystal Abbott*  
Buxton, NC  
*Jim Cahill*

April 19, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

APR 23 2010

Outer Banks Group

Dear Superintendent Murray:

I am writing in response to the proposed Draft Environmental Impact Statement for The Cape Hatteras National Seashore.

I have been going to Hatteras Island for 15 years. I have owned a house there for ten years. I am getting close to retirement age and have planned on spending more time there.

I really can't understand the closing off of the whole beach for birds. My parents raised all kind of wild birds (turkeys, quail, peasanets, etc.) when a nest was disturbed they moved and built a new nest. From what I have read there has not been any increase in the number of chicks that have fledged. So why would you increase the sizes and places that the beach will be closed, not only to vehicles but to pedestrians too.

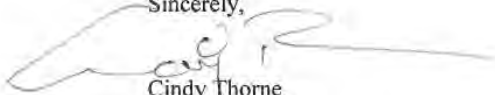
But my biggest worry is that you are going to close the beach from March 15 - July 31 to pets. I take my 2 St. Bernards to the beach every year in April. They love the beach. I obey the rules(keep on a 6ft. Leash and clean up after them.) Why should my dogs and me be punished for people who don't obey the law. Spend some time arresting and fining them and then maybe they will follow the law.

From reading the DEIS Assessment you are making everything worse than the Consent Agreement in effect now. You are going to kill Hatteras Island. People will not come here if they can't go on the beach, either walking or in vehicles. More and more people bring their pets. Why come if they can't go on the beach with them. Our country right now is in terrible shape. Hatteras Island does not have big industry to fall back on just the tourist trade. Close the beaches and that industry will go too.

Stand up for the people who live on Hatteras. Keep the promise that was given when our government took over this seashore.

Thank you for listening.

Sincerely,



Cindy Thorne  
161 Nemece Lane  
West Newton, Pa. 15089  
724-872-9753



MM

RECEIVED

APR 20 2010

April 21, 2010

Outer Banks Group

Dear Mr. Mike Murray,

I am writing this letter in support of free and open access to the Cape Hatteras National Recreational Seashore for both pedestrians and ORVs.

The congressional creation of this recreational seashore in 1937 was to preserve the area for recreational purposes for the public.

## SUBCHAPTER LXIII--NATIONAL SEASHORE RECREATIONAL AREAS

Sec. 459. Cape Hatteras National Seashore Recreational Area;  
conditional establishment; acquisition of lands

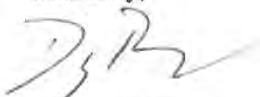
When title to all the lands, except those within the limits of established villages, within boundaries to be designated by the Secretary of the Interior within the area of approximately one hundred square miles on the islands of Chicamacomico, Ocracoke, Bodie, Roanoke, and Collington, and the waters 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. (Aug. 17, 1937, ch. 687, Sec. 1, 50 Stat. 669; June 29, 1940, ch. 459, Sec. 1, 54 Stat. 702.)

The DEIS that is being introduced will undermine this initial legislation. I believe the efforts made in the past by the park service in order to protect the flora and fauna were fair and effective. Denying public access to mass acreage to the seashore due to sightings of certain wildlife will not benefit the wildlife any more than efforts that were made in the past.

If the DEIS proposal is put into effect, it will have devastating consequences to the tourist industry that the Outer Banks relies upon. Many jobs will be lost; the economy for the counties will collapse, and will leave many residents destitute. The closings that have already taken place have already proven to be adversely affecting the local businesses.

Please consider a more effective plan that we could all support. One that will benefit the wildlife, residents, and visitors for years to come.

Sincerely,



Doug Barker

RECEIVED  
MAR 22 2010

BY:.....

To MY Beloved Hatteras Island

I will always cherish the many memories we have so dearly enjoyed together. Do you remember the time when I was a child and my grandparents introduced me and my brothers to you? It was love at first sight. The countless mornings watching the sunrise over your beautiful waters while fishing, and learning life lessons spoken to me by my grandparents. Lessons on respect for you and your abundant wildlife. Learning to drive on your golden sands with care and caution. Oh that was so many years ago. My how time fly's.

I recall countless times when my friends along with my family and I would drive your sands to clean you up. We would load our vehicles with washed up storm debris or scattered litter left behind by non-respecting walk over tourist. We did this out of love and respect for you and your wildlife and enjoyed every minute of it.

How about the time you hosted a beautiful wedding for your dear friends Mike and Donna, only later you so graciously did it again for their son Josh. Let us not forget the gorgeous sunset that prevailed while Scott and Lynn were exchanging their vows. My you are quite a lady.

I remember surfing your waters and meeting a beautiful lady walking your pristine sands. That lady is now my best friend my love and not to mention my wife. I recall bringing my new born son to you and watching him smile as we stuck his tiny feet in your sand. He is now grown and would someday love to introduce his children to you.

I have met the most awesome friends in my life on your shores. These friends and I all have the same love interest and that love is for you my sweet Hatteras Island. You have so touched our lives that thanks would not even be sufficient. You are our refuge our peace and our sanctuary. When life's troubles seem to drag us down, you my dear show us the beautiful creations of our all mighty God. Peace and serenity seem to over take us. You have no idea how much you mean to countless people. Millions who love and respect you.

Please I beg of you don't leave us for the un-informed un-appreciative and selfish organizations such as the Audubon society or the so called Defenders of Wildlife. You know as well as I do that this would only mean that your shore line would be left cluttered with debris and trash by those that may walk your sands, those that do not respect you and enjoy the many things we have shared together.

Our hearts right now are very weary knowing the fate that may lie ahead for you. If those that don't know or even VISIT you have their own selfish agendas placed on you.



0013236

I plead with you our National Park Service and or any government agency that has deemed themselves as decision makers for what you may think is best for our beautiful Hatteras Island. THINK before you decide to take away a place that our most Glorious God has created for all. Created not only for birds and animals of all types, but also created for humans those that God created in his own image.

Hatteras has long been a wildlife sanctuary and respectfully so. But it is also a sanctuary for people. People who respect and appreciate all of what Hatteras Island has to offer. Please do not take our access to these beautiful shores away.

Respectfully, Danny Blevins  
517 Beauregard Dr.  
Chesapeake Va, 23322

RECEIVED

APR 27 2010

Outer Banks Group

4-25-2010

I DO NOT AGREE WITH DEIS ORV  
VERSION F. STATISTICS SHOW THAT WHEN  
HUMANS ARE PRESENT IN CERTAIN AREAS,  
PREDATION IN THOSE AREAS IS SLOWED AND  
DECREASED GREATLY - PLACING 1000 FOOT BUFFERS  
MAKES THREATENED ANIMALS MORE PRONE TO  
PREDATION - SEVERAL MILITARY BASES, WHICH  
ARE GOVERNMENT LAND, ONLY HAVE 30 FEET  
BUFFERS AROUND ENDANGERED ANIMALS  
CLOSING THE BEACHES WOULD BE AN  
ECONOMICAL DISASTER ON RESIDENTS OF  
HATTERAS ISLAND. DON'T PEOPLE HAVE THE  
SAME RIGHTS AS ANIMALS. SEEMS LIKE SOME  
COMPROMISE COULD BE MADE FOR ALL.

Dale Smithson  
Resident



April 22, 2010

MM

RECEIVED

APR 26 2010

Outer Banks Group

Dear Mike

Please try to be as reasonable as possible while dealing with us - Property Owners in Knafkat Shores.

We all love the beach and we want to help you in the Park Service.

Some folks go off the deep end when they don't get their way. Just help us all you can to save our beach.

I am 87 years old and can't walk down to the beach any more, so when my kids come they take me in their wheel drive cars down to the beach. I really look forward to that trip —

Everyone has a story !!

Sincerely

Elaine &amp; Markham

MIKE MURRAY, SUPT  
 CAPE HATTERAS NATL SEASHORE  
 1401 NAT'L PARK DR.  
 MANTO, N.C. 27954

4/21/10

RECEIVED

APR 27 2010

Outer Banks Group

DEAR SIR:

REFERENCE: PGS 121-127 CLOSURES DUE TO BIRDS

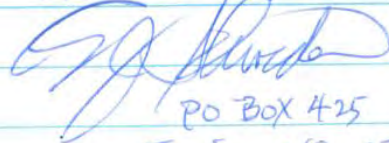
SINCE A TIDE CHANGE IS 6 HOURS FROM HIGH TO LOW TIDE,  
 THEN THE EXPOSED SAND FOR ORV USE IS APPROXIMATELY 3  
 HOURS FOR EACH TIDE. (NORMAL CONDITIONS).

THIS TIMED CORRIDOR CAN BE ESTABLISHED FOR CONDITIONAL ORV  
 USE (DEPENDENT UPON WIND/WATER CONDITIONS) ON MOST BEACHES. THIS  
 IS ESPECIALLY TRUE FROM CAPE POINT SOUTH TO AND BELOW RAMP 49,  
 WHEREIN THIS BEACH IS VERY FLAT. (ACCESSIBLE FROM RAMP 45).  
 WHILE BEING A NARROW CORRIDOR IT SERVES THE NATIONALLY FAMOUS  
 EAST COAST HOT SPOT FOR ACCESS TO CAPE POINT FOR ALL TO CONTINUE  
 TO ENJOY.

SINCE PLOVERS DO NOT NEST IN WATER OR WATER WASHED SHORES IT  
 WOULD BE THE PERFECT SOLUTION FOR THIS BEACH SECTION.

THANK YOU.

E.J. SCHWESTER



PO BOX 425  
 FRISCO, NC. 27936



Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
APR 27 2010  
Outer Banks Group

4.23.2010

Dear Sir:

WE DISAGREE WITH AND WHOLEHEARTEDLY OPPOSE ANY FEE  
BASED PROGRAM (FOR ORV ACCESS) IN ANY FORM TO OUR BEACHES.  
WITH THE RECENT STIMULUS GRANT TO THE NPS THERE IS NO  
EARTHLY REASON FOR ADDITIONAL MONEY HARDSHIPS TO OUR  
BEACH GOERS.

WE ALREADY HAVE FISHING LICENSE REQUIREMENTS FOR  
FISHERMAN WHOM PROBABLY ACCOUNT FOR 90% OF OUR BEACH USE.

PLEASE, PLEASE HAVE THIS CHANGED FOR THE BENEFIT  
OF ALL AFFECTED.

THANK YOU.



RECEIVED  
APR 26 2010Hwy. NC 12 PO Box 448  
Avon, NC 27915  
Phone 1-252-995-4171  
Fax: 1-252-995-6799  
E-mail ffff1@mindspring.com

BY: .....

*Frank & Fran's The Fisherman's Friend, Inc.*

April 26, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Supt. Murray,

Please accept this letter as my first comment on the NPS DEIS for Off Road Vehicle Management Plan.

While we have had to exist under the terms of the draconian rule of the judge's approval of the consent decree demanded by the environment special interest groups and agreed to at gun point by local access groups to have any access at all, I find the six plans in the DEIS's 800 plus pages totally unacceptable.

This comment is in regard to the pre-nesting bird closures throughout the seashore and the early additional closures now installed when only 2 piping plovers have nests within the Cape Point closure and 7 oystercatcher nests in the entire seashore have been found.

If you want it is okay without interruption to walk from the south boarder of Pea Island Wildlife Refuge to Oregon Inlet (13 miles+-) without encountering a bird enclosure. However, if you examine the 4-22-2010 NPS Beach Access Report and add the number of miles closed to "PEOPLE" you will see that there are 10.3 miles closed in the seashore recreational area and another 3.3 miles with limited access (You can only get to by boat) for a total of 13.6 or more than the entire wildlife refuge beaches.

Closures in a refuge could be understood, but when NPS who has a dual mandate to not only protect birds, but to also protect the rights of access to its visiting people, common sense observation shows that NPS is making bad decisions in these closures. Differences in buffers and management within the USFW Refuge and a Recreational seashore would seem to be more aggressive in the refuge while more lenient in the recreational seashore, but this is not the case, has not been the case in recent years and only gets worse in the NPS Preferred Alternative "F".

NPS in the implementation of this plan must review their preferred plan and the "Coalition for Access" position statement and find a common ground that we all can exist.

Thank you for this opportunity to comment and I do hope that the faith I have lost in my government can be reversed in how these comments are used in this plan.

Sincerely,

Frank Folb  
Citizen  
Buxton, NC



RECEIVED

APR 26 2010

Outer Banks Group

In reference to the NPS DEIS, I strongly disagree with both page 7 part 1 and chapter 2 - alternative: accessibility for the disabled.

I suggest with a special permit for areas in front of the villages that an ORV be allowed to transport disabled persons to the beach but must return the vehicle to the street. I do not understand this concept which would make for more beach driving rather than leave the vehicle with the party at the beach. Also about the boardwalks, this is of no use to someone who cannot walk distances nor ride in wheel chairs. My husband has disabilities that restrict him of either of these options.

We are here to fish as we have been for many years. The only way we can do this is to take an ORV to the beach with our fishing equipment.

Both my husband and I served in the armed forces to keep our shores free and now it our freedoms are being taken from us from within our own government.

The provisions offered are non-applicable to him and many other disabled tax paying Americans. Please give this serious consideration and I would like a solution to this not unique situation.

Thank you  
Frances Holstein

Outer Banks Group  
APR 19 2010  
RECEIVED

April 16, 2010

Dear Mr. Murray,

My husband and I have been visiting the Outer Banks for the last ten years. Four years ago, when I retired, we purchased a travel trailer and spend 2 months at the Outer Bank each year.

We were unhappy to hear about some proposed changes to beach access.

1) Beach closure to vehicles. We love to fish on the beach. However, we are both in our sixties and suffer from arthritis. Unfortunately, we won't be able to fish if we have to park, walk and carry our fishing gear.

2) We also travel with our dog. Beach closure to pets would certainly have our travel to the Outer Banks cease.

3) Economic impact - We spend a great amount of money while vacationing. Talking to the locals last fall it became obvious that many were finding it hard to make ends meet.

I would sincerely hope that extensive beach closures and restrictions be reconsidered. Our economy in this country has been in



trouble. I would hate to think of the economic impact some of these provisions would have on the Latin American economy.

Sincerely,  
Fay Sturgeon

Attn.:  
 Mike Murray, Superintendent  
 Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, NC 27954

RECEIVED

APR 22 2010

Outer Banks Group

Please note my objections to the following sections of alternative (F) of the NPS Beach management plan.  
 (Bird closures)

1. P. 468 inflexible buffers set at 300m - unreasonable & arbitrary, that is approximately 3 football fields, most birds would be unaware of human presence. 100m would be more appropriate. (that is a football field distance)
  2. P. 468 piping plover buffers set at 1000m (better than 1/2 of a mile) should be more in range of 200m (2 football fields)
- (Turtle closures)

1. Turtle nests could be safely moved from high density human areas, such as life guard beach areas on Ocracoke. Nests have been removed for other reasons without harm. (over wash storms, predator control)
- (Possible Pet Restrictions)

1. Reason & common sense dictate that pets should be allowed on CHNS with restrictions (on leash) Pet owners should be req'd to remove pet feces. (poop)

- (Possible additional parking lots for beach access)
1. I disagree, would be costly, (construction + main.) & would require harsh impact to wetlands + or beach. much worse than ORV contact.

Thank you for listening!

JAMES S. BURLAND  
 P.O. Box 794  
 Ocracoke, N.C. 27960



MM

—  
JOE BOUGH  
17824 BARNES RD  
BRIDGEVILLE DE.  
19933

MR. MURRAY,  
PLEASE KEEP OUR  
BEACHES OPEN AND FREE  
THERE IS ROOM FOR FISHERMAN  
AND BIRDS + TURTLES.

THANK YOU  
Joe Bough

RECEIVED

APR 26 2010

Outer Banks Group

0013247

JOE E. BUNN  
PRESIDENT

ROCKY MOUNT CORD CO.  
P.O. DRAWER 4304  
ROCKY MOUNT, NC 27803-0304  
(252) 977-9130 • (800) 342-9130  
www.rmcord.com  
E-mail: jbunn@rmcord.com

RECEIVED  
APR 20 2010

BY: .....

Please let all of us  
continue to maintain  
access to the Cape  
Hatteras National Seashore.

Thank you,

Joe Bunn  
NC BBA  
Life 791



Addressing DEIS page numbers 121-127:

Buffers are important management practices for species recovery. However, for the buffers to be a success and to have long term benefits for the wildlife, buffers must be based on peer-reviewed science. As a recent college graduate from the University of North Carolina at Chapel Hill, I understand the importance of protecting the wildlife on Hatteras Island. I also understand the necessity of having adequate research to support such laws. I challenge the National Park Service to investigate and study what they plan to implement. Where are the statistics proving this DEIS will greatly benefit the wildlife at the expense of the economic welfare of the residents of Hatteras Island? The buffers suggested here are much larger than what is required by your own species recovery plans.

- For example, Piping Plover unfledged chicks, are given a protective buffer of a minimum of 1,000 meters in all directions.
- The Piping Plover, a species classified as threatened and not endangered, is given a level of unprecedented protection in Alternative F.

The DEIS does not cite any researched-based science in supporting such closure. A more appropriate & effective buffer would be 200 meters.

Thank you for your time and consideration,



Jennifer Burrus

RECEIVED  
APR 26 2010

BY:.....

M.M

RECEIVED  
APR 28 2010  
Outer Banks Group



1602 OAKENGATE LANE • MIDLOTHIAN, VIRGINIA 23113  
Email: jsheffield@westhamcorp.com  
804-794-0888 CELL: 804-938-6560 FAX: 804-378-7290  
*• Action with Integrity •*

Mike Murray

1401 National Park Drive

Maneto, NC 27954

RE: Seashore Access plan

Dear Mr. Murray,

I am sure you have not received many if any letters agreeing with the Park service plan to again close sections of the beach to ORV traffic. The plan is impressive in length and content. Pages 222 – 257 clearly identify problem area’s of use conflict between nature and man.

This also is in opposition to the beach access closure proposed.

Now just turned 60, I look back to my access to the beaches from Nags Head to Ocracoke over the many years. My youth, early marriage, two children growing up, have produced many memories of our ORV experiences. I can remember going onto the beach at the old Coast Guard station at the Oregon Inlet Bridge and driving on the beach all the way to Buxton lighthouse.

I have met many friends on the beach, some fishing early spring and others early winter, some in the heat of the summer. The one thing I have found in my many years of cumulative time spent on the beach is there is no one time of the year to enjoy the beach. The beach is used blue skies and hurricanes’ alike, heat of the summer and coldest winter day or night.

The economy of OBX is sole dependent on beach access. Without the beach and access thereto many residents will be without work. The current economy as it is has created harm to OBX’s economy, but there is clear evidence that the prior year beach closures have also added to this situation.

I believe in protecting nature. I admit I am not the one to make the decision what measure to use in protecting birds and turtles or humanity.



0013250

I respectfully ask is there not a reasonable way to give access to the entire beach if limited to only direct ramp to water edge back 100 to 150 from the ocean. The Outer Banks Seashore provides experience through the entire year. Your proposals eliminate prime fishing experiences for the entire family during peak seasonal fish migrations, both spring and fall.

I see your office is in Maneto. Currently my wife and I reside (second home) in Maneto Marina across from the replica ship on Festival Island. Our boat name is Sea Venture. You will see our 2 Labs on the back deck. Please feel free to come by. We would both enjoy meeting you.

A handwritten signature in black ink, appearing to read "Jim Sheffield". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jim Sheffield

Cell # 804-938-6560

mm

04/13/2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Keith D. McCabe  
46 Clermont  
Newport Coast, CA 92657  
  
949-584-1775

Dear Superintendent Murray,

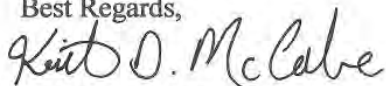
I disagree with the NPS DEIS and it's approach to resolving the open access issues for our Cape Hatteras National Seashore. I support open access. There is no scientific basis that can be used to justify the decisions that have been made or the ones that will be made in the near future. The last two years have caused many Dare County residents great hardship and has been a moral blow to the island communities. The natural state of the Cape Hatteras National Seashore must always be preserved but continuous access to the beaches and Cape Point must be insured.

I am a native North Carolinian and grew up along the coast of N.C. My family has been fighting developers and poor decision making regarding the use of public beaches and the ecological issues of those beaches since the 1970's. I own two properties in Buxton, N.C. for my enjoyment and the enjoyment of my family. We have flown approximately 3000 miles every year for the last 15 years to enjoy walks on the beach, fishing at the point, and to view the beautiful, Cape Hatteras National Seashore. We have also been hosts to hundreds of visitors from around the country, including many from California. They all have experienced something very special.

This changed two years ago when access to the point and other popular areas were closed during our visits. Beach access issues are not the only reason why many visitors decide not to visit the Cape Hatteras National Seashore. This issue has caused a tense and upsetting feeling across the entire Outer Banks and it's communities. Families, business people, fishermen, locals, non-locals, tourist, Park Rangers, politicians, schools, restaurants, children and the list goes on, everywhere you go this issue is talked about. Visitors and tourist come here for serenity, for peace, for the love of our beaches and country. This is what they come to the Cape Hatteras National Seashore to experience.

Please restore continuous access to our beaches and Cape Point. Please restore the reasons why so many visitors come year after year to the Cape Hatteras National Seashore. Please, please restore the serenity, peace and love of the island.

Best Regards,



Keith D. McCabe



RECEIVED  
APR 28 2010

mm

I have read Plan F of the DEIS and hope it will be revised to consider the original purpose of this recreational seashore as stated by the federal government when the land was acquired in 1937.

**SUBCHAPTER LXIII - NATIONAL SEASHORE RECREATIONAL AREA  
(CH. 459, SEC. 1, 54 STAT. 702)**

“....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 Recreational Area...”

Wildlife preservation is important to the citizens here. Birds can be protected on approximately 20 miles of Hatteras Island without closing any ORV access ramps. Birds can also fly to hundreds of barrier islands in the Pamlico Sound, where their nests are less likely to be disturbed by predators. Nests discovered on open beaches can be roped off for protection as they were prior to 2008 (DEIS p. 24).

Turtle nests can be roped off as well or eggs could be moved to Pea Island Wildlife Refuge. Eggs are only moved now prior to storms, which have proven to be more detrimental to hatchlings than ORVs. (DEIS p.87, p.119, p. 125, p. 392-396)

Under a revised Plan F, the villages of Hatteras Island could be restored to their original purpose as recreational areas open to ORV use by the public. This would assure the NPS of compliance with the Americans with Disabilities Act, which is questionable under Plan F. (DEIS p.1) It would be a show of support by the NPS for the socioeconomic growth of the island, which cannot survive without ORV access. The NPS would be displaying its' respect for the traditions, culture and history of Hatteras Island, not considered in Plan F. And the NPS would be honoring the federal governments original contract with the people.

Please consider a revision to Plan F that the citizens of Hatteras Island can support. This is the perfect opportunity to restore good human relations between the NPS and the people. We have worked together so diligently in the past to preserve wildlife and accommodate vacationers. Hatteras Island is dependent on tourism to survive economically! The main attraction to tourists here are the ORV access ramps to the beach. Without ORV access to the beaches, tourists will not come here and the economy of Hatteras Island will die.

Respectfully, Lynn Jordan  
P.O. Box 734 - Rodanthe, NC 27968

*Lynn Jordan*  
P.O. Box 734  
Rodanthe, NC 27968

March 13, 2010

Dear Mr. Murray,

I just finished reading the six plans the NPS has recommended for ORV driving on Hatteras and Ocracoke Islands. All six plans kill the economy on these islands. I see absolutely NO evidence of compromise with the officials of Dare County! And nowhere have I read anything that convinces me that any of your plans were based on substantial scientific evidence! You are recommending closing our beaches for birds who are not even in danger of extinction and killing other wildlife to protect them! What the scientific evidence shows is that ALL wildlife and humans have coexisted beautifully on Hatteras and Ocracoke Islands since the beginning of time! Your recommendations represent the most despicable miscarriage of justice I have ever encountered! These plans are simply plans for government control at the expense of the people who pay park service salaries and expenses! It's a devastating mockery of justice and totally disregards the voice and rights of the people!

Please, help us preserve the economical well being of two islands, totally dependent on tourism to exist. Leave yourself open to a compromise that will keep our beaches open during the tourist season. The citizens on Hatteras and Ocracoke love nature and want to work with the park service to preserve wildlife, but your options do not take the people into consideration! I beg you to reconsider your recommendation to close our access ramps during the summer. It appears obvious that the NSP does not want to work with the citizens to preserve wildlife. Please prove me wrong!

Respectfully,

*Lynn Jordan*  
Lynn Jordan



Public Comment April 26, 2010

Mary Ann Cohen  
SALVO, NC

Page 284 of the DEIS states

"Recreational fishing is a significant part of N.C.'s economy, attracting spending from both local and out-of-state anglers."

With ~~the~~ the restrictions for ORV in the DEIS how will recreational fishing continue to help the NC economy?

page 482 of DEIS states the NPS Organic Act directs national parks to conserve wildlife for future generations and to protect native animal life as part of the park unit's natural ecosystem. Does trapping and killing native mammals protect them?  
~~What~~

RECEIVED  
APR 26 2010

BY: .....

0013255

MM

RECEIVED

APR 26 2010

Outer Banks Group

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

4-22-10

- New Ramp 32.5 to Ramp 38 do NOT AGREE NO CLOSURE NEEDED
- CAPE POINT DO NOT AGREE to MAR 15 to Sept 15 closure - ANY BIRDS NESTING WOULD MOVE to BETTER PROTECTED AREA
- 0.2 MILE SOUTH RAMP 4 to OREGON INLET POND DO NOT AGREE ON CLOSING MAR. 15 to JUL 31 NESTING BIRDS WILL FIND + NEST IN INLAND WATERS WHERE BETTER PROTECTED
- I DO NOT AGREE WILL CONSENT AGREED UPON - NEED to REVERSE THIS + GET BACK to COMMON SENSE
- I PURCHASED HOUSE IN 1986 + then RETIRED HERE IN 1999 main reason is I like to fish + use open beaches + do not think NPS OR JUDGE BOYLE Has ANY business to change to what we have NOW!!

REGARDS

MIKE DITONDO  
107 VEE LEE DR  
K.D.H. N.C.  
27948

252-441-9271



mm

RECEIVED

APR 27 2010

Tutert Banks Group

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Merrill T Griffin  
Larry T Griffin  
PO Box 552  
Avon, NC 27915

Dear Mike,

My husband and I agree with the DEIS statement "ORV's 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"(page 1). Pedestrian access only harms grandparents with young grandchildren as is is nearly impossible to carry all the items needed for a great beach experience for them accross a long stretch of soft hot sand. We abide by all the wildlife enclosures and clean the beach when needed. Please continue to allow ORV's for beach access.

Sincerely

*Merrill T Griffin*

Merrill T Griffin  
4/24/2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
APR 27 2010  
Outer Banks Group

Merrill T Griffin  
Larry T Griffin  
P O Box 552  
Avon, NC 27915

Dear Mike,

My husband and I agree with the DEIS statement "protect and preserve natural and cultural resources" on page 1. Cape Point is a great cultural experience for young people and adults alike. The shoals and graveyard of the Atlantic are of great historical significance. This area should be accessible by ORVs to preserve the culture of this area.

Sincerely  
*Merrill T Griffin*  
Merrill T Griffin

4/24/2010



mm

National Park Service  
Cape Hatteras National Seashore  
Cape Hatteras, NC

RECEIVED  
APR 26 2010

BY:.....

Merrill T Griffin  
Larry T Griffin  
PO Box 552  
Avon, NC 27915

Dear Sirs,

My husband and I totally disagree with the DEIS statement "prohibition of pets in the Seashore during bird breeding season including in front of the villages" (page 136). We feel this will affect very many visitors to our area. We do not have pets but feel people who do would definitely go elsewhere for vacation, Please continue to allow pets on leashes.

Sincerely

*Merrill T Griffin*  
Merrill T Griffin

4/25/2010

mm

National Park Service  
Cape Hatteras National Seashore  
Cape Hatteras, N C

RECEIVED  
APR 26 2010

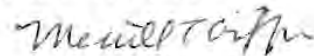
BY:.....

Merrill T Griffin  
Larry T Griffin  
PO Box 552  
Avon, NC 27915

Dear Sirs,

My husband and I disagree with the statement in the DEIS "Visitor experience could be affected by conflicts between motorized and non-motorized recreation users" (p.vi). We have been coming to Avon, NC for 30 years and recently retired here permanently. We abide by all the closure signs and pick up plastic trash from the beach that is harmful to wildlife. Please continue to allow ORV access.

Sincerely Merrill T Griffin



4/25/2010



Michele Tidd  
5011 Church Rd.  
Bowie, Md. 20720

47151 Ridge Trail  
Buxton, NC, 27920

April 14, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC. 27954

RECEIVED <sup>mm</sup>  
APR 19 2010  
Outer Banks Group  
*File*

Dear Mr. Murray,

I'm writing today to request your swift action and fervent support of [ HR-718 / S-1557 ], a bill regarding preservation of public access to the beaches of the Cape Hatteras National Seashore Recreational Area.

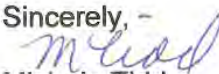
The National Park Service has for decades done an exceptionally capable job of managing our nation's first National Seashore. A delicate balance exists between insuring and protecting public access and wildlife habitats. Management authority belongs in the hands of NPS. Passage of this bill restores that authority and with it that balance.

There is no place quite like it yet both its past and future is in peril without your support.

The currently imposed Consent Decree is based upon flawed science with no peer review and supported only by well funded special interests and experts without credential. Along with missing its goal entirely it succeeds in polarizing while ignoring balance and excluding the stakeholders. Recreational enjoyment of this rare national treasure and public access to all Americans is being denied. A local economy is being devastated and the historic fabric of a community woven over hundreds of years is threatened at additional expense to taxpayers.

Recent National Park Service Resource Management Field Summary Reports confirm that the first full season of park management under the Consent Decree has had no measurable positive impact upon wildlife habitat in general, or bird and turtle nesting results specifically.

The National Park Service has historically been the protector of the National Seashore's natural resources while promoting safety and minimizing conflicts among its various users. I urge you to return management authority of the park to those best qualified. In the interest of fairness and good common sense I ask for your vigorous unqualified support and immediate action.

Sincerely, -  
  
Michele Tidd

NICHOLAS AND EVE SALIMBENE  
314 DIANA DRIVE  
MCKEES ROCKS, PA 15136  
(412) 780-4983  
Ews3333@aol.com

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RE: ORV driving in Frisco and Hatteras Villages

Dear Mr. Murray,

My husband and I have owned a beachfront vacation rental home in the Village of Frisco for the last 12 years. We utilize the home for vacations with family, and rent the home out through Midgett Realty about 23 weeks a year. We have loved the Outer Banks since our first visit, and hope to retire to the area within the next 5-8 years.

I am very disturbed and concerned about the proposed plan to open the beach in front of the villages of Frisco and Hatteras to ORV driving year round. This proposal would be extremely detrimental to the pristine, family friendly beaches that lure visitors to vacation in the area. Not to mention the environmental impact on the beach, dune and wildlife.

Last season I left a questionnaire in our home asking my renters, about 80% of whom are repeat visitors to the Outer Banks, how they would feel about beach driving in front of the cottages during the rental season, and if it would impact their decision to return to Frisco in future years. The response was a unanimous reply that they would no longer vacation in Frisco or Hatteras should driving be allowed on the beach from May through September. That response came from approximately 40 families, encompassing over 200 people. I venture to surmise that my renters are not the only ones who will no longer find the Outer Banks beaches to be their vacation destination should this proposal be implemented. Should Hatteras Island lose the vacationers, either through lack of beach access to fishing space due to wildlife restrictions or open ORV traffic in the villages year round, the already damaged economy will completely collapse. I don't think that would benefit anyone, except maybe the piping plover.

Also of note, I was recently down at our home to prepare for the rental season, and was thrilled to see that the dune has grown considerably and is almost back to its original state after the terrible devastation during Hurricane Isabel. My home is adjacent to the right-of-way walking access to the beach and I fear that ORV driving may damage or erode the dune area, and worry that drivers may find a quick access to the street and Highway 12 by utilizing the walking pathway for their driving shortcut. Obviously, the dune is very important to the island and its homeowners, and damage to it would put all homes in jeopardy of flooding, over wash and destruction. Also, the beach to the dune line, was completely covered with water during high tide. We were unable to walk on the beach during high tide, as we would have had to walk on the dune. Where would the ORV's drive? I would say up over the dune, especially if they become trapped by the rising water.

Our home is a family friendly, pet friendly vacation destination. Most of my renters bring their pets, children, grandchildren and relatives with them when they visit. Would it not be extremely

dangerous to have vehicles, children, pets and elderly people all sharing the same small beach area? There is definitely not enough space to accommodate both people and vehicles from the water line to the dune line.

I am not one who feels that the beaches in front of the villages should be closed year round for driving. It is fair to compromise with the ORV proponents, as has been the norm in previous years, and allow driving in front of the villages from October thru March. But please leave the restrictions on driving during the rental season in place for the sake of the island, the dunes, the economy, the residents, the vacationers, the wildlife, and the pristine beaches that drew my family, as well as many others to this location in the first place.

Sincerely,



Eve W. Salimbene



RECEIVED

APR 26 2010

Outer Banks Group

MM

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Nancy Giannetti  
P.O. Box 357  
Buxton, N.C. 27920

I agree with you that Piping Plovers need to be protected, but I disagree with some of the ways you are protecting them. You, yourself said that the Piping Plover will not nest in grass so why not plow up the grass rather than move the stakes closer each year to the ocean.

We all know that the Outer Banks always have hurricanes, one word that continually wash away nests and baby birds. In the past 1970's + early 80's the ~~Maintenance~~ maintenance people always plowed up the grass (especially around the pond at the Point) so the birds could nest and use the pond for water, therefore free them from overwash and hurricanes.

This allows people to use the ocean and birds be safe at the pond.

Sincerely,  
Nancy Giannetti

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

50242 Timber Trail  
Frisco, NC 27936  
April 26, 2010

RECEIVED

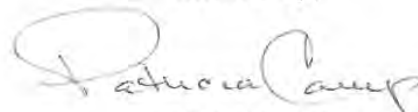
APR 27 2010

Oyster Banks Group

Dear Mr. Murray,

The DEIS NPS Preferred Alternative F on Pages 121 - 127 & Page 468, states the need for large and inflexible breeding and nesting buffers. Every year, a pair of Oyster Catchers breed and nest where Hurricane Isabel broke through Hatteras Island. Due to the lack of land between the road and the sound, the buffer cannot conform to the current requirements. However, the birds seem to have adapted just fine to the limitations. This begs the question, why is it necessary to increase the current buffer? It does not make any sense!

Sincerely,



Patricia Camp

mm

50242 Timber Trail  
Frisco, NC 27936  
April 25, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

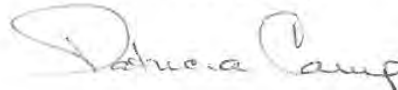
APR 27 2010

Outer Banks Group

Dear Mr. Murray,

In the DEIS NPS Preferred Alternative F on Page 136, it prohibits pets to be on the beach during bird breeding season even in areas in front of the villages. This does not make sense. If it has not been found necessary to block off an area for breeding, then dogs would not be any more detrimental than people to the beach. If there is a problem with people allowing their dogs to run free, enforce the rules. The amount of beach that people can use has been reduced to the point where enforcement does not need to be extensive.

Sincerely,



Patricia Camp



Att. Mike Murrey  
Cape Hatteras National Seashores

I disagree with visitor experience (pvi)  
I have never heard of a pedestrian being hit by a vehicle  
Pedestrian only areas are easily restricted by signs

I disagree with the protected species still at risk p. 210

I have seen the plover (though rarely) and never  
heard of one being hurt by an ORV  
Why do the NPS close south facing beaches longer p. 119  
than in Avon, Rodentnet, Salvo

I agree with page 1 about ORVs being a primary  
source of access and they should remain so. I am  
disabled. I can only get around with the aid  
of a walker. Cape Point and the Inlets have always  
been my favorite places to drive to.

I strongly disagree with closures due to birds p. 468  
Close off the nesting areas far above the  
tide line. The natural predation of other species  
that always been a part of wildlife are far more  
to blame

I agree with the protection of the turtles but  
let the ORVs have access around the nests  
until the incubation period and then protect their  
journey to the sea p. 125 and p. 377

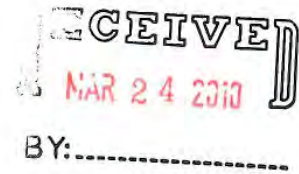
Robin Powell

Robin Powell  
PO Box 636  
Buxton, NC 27920

RECEIVED

APR 27 2010

Outer Banks Group



Dear Mike Murray,

I am writing to comment on the Off-Road Vehicle Management Plan. Our family vacations on the Outer Banks every summer. We live in Virginia Beach and are used to loud crowded beaches. We oppose all beach driving on the outer banks. I'm sorry if the fishermen can't drive right up to the fish, vehicles should stay on roads.

- Sharon Nieto  
Va. Beach

Mr. Thomas P. Burke  
2512 S. Virginia Dare Trail  
Nags Head, NC 27959

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954


RECEIVED

APR 22 2010

Outer Banks Group

I DISAGREE WITH THE FOLLOWING POINTS  
IN ALTERNATIVE F:

- 1) NO VEHICLE ACCESS CORRIDOR AT BODIE ISLAND  
SPIT DURING THE SHOREBIRD BREEDING SEASON
- 2) VEHICLE FREE AREAS IN NON BREEDING AREAS
- 3) RELOCATING RAMP 2 FURTHER SOUTH
- 4) VEHICLE CARRYING CAPACITY AT BODIE ISLAND  
(TOO LIMITED)
- 5) PERMIT SYSTEM
- 6) BUFFERS ARE WAY TO LONG
- 7) NIGHT DRIVING RESTRICTIONS TO LARGE
- 8) PEA ISLAND IS NOT EVEN RECOGNIZED -  
IT SHOULD BE OPENED UP FOR ORV USE
- 9) RAMP 1 IS CLOSED, IT SHOULD BE OPENED  
TO COQUINA BEACH.
- 10) NEW INTERDUNAL ROAD TO THE BAIT POND ON  
BODIE ISLAND, SHOULD BE OPEN TO ORV'S,

  
THOMAS P BURKE



Wayne Glass <sup>12/12</sup>  
210 Gate St.  
High Point, N.C. 27263  
NCBBA #101  
CHAC #584

RECEIVED

APR 27 2011

Outer Banks Group

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

I would like to comment to the N.P.S. (OEIS) which I feel is Flawed. Some points in particular ~~are~~ that I strongly disagree with

I disagree with the Routes & Areas why has NPS never made public a list of reported incidents

on page 210 no piping plover deaths have been attributed to general ORVs. most or all cases have involved NPS official ORVs

I disagree with closures Due to birds, I disagree with the killing or capture of other native animals to save birds

Why close massive areas when only 3% of interference is attributed to Humans whether in an ORV or perdition

over

## Cultural / Historical Values

I disagree with the DEIS when they only have 2 paragraphs out of the 800 page document devoted to this.

## I disagree with Socioeconomic Analysis

The visitor count should have been with the Cape Hatteras National Seashore Recreational Area, only; not Fort Raleigh and the Wright Brothers National Memorial

there is incomplete data since they did not use data from the first full year of the Consent Decree (2009)

I strongly disagree with the restrictions on pets on page 134, I can't understand why the pets on 6 ft leashes would pose a problem (none that I have ever heard of)

Why was alternative F attributed to the advisory committee? when the Neg Reg was discontinued

Wayne Glass



Mike Murray, Superintendent  
 Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, NC 27954



Oral comment, Ocracoke, NC (4-26-10)BY:.....

**1.**

**Alternative F: Management Based on Advisory Committee Input**

As a member of the Negotiated Rulemaking Advisory Committee I strongly object to the 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. This 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, etc. While the committee could not reach consensus, it is untenable that NPS has totally ignored the input of an overwhelming majority in favor of preconceived regulations supported by a small minority group of 3-5 members.

**2.**

**TCPs'**: The DEIS was prepared with indifference to the Traditional & Cultural values attached to surf zone access. This failure stands in direct violation of the NPSs' legal responsibility under section 106 of the NEPA and the NEPA frame work as a whole. This surf zone (as pictorially shown on the cover and pages 15, 18, 22, 259 & 260) has long had an unbroken history as both a location for traditional economic activities but also historical cultural activities that continue to present times. NPS has failed to do a proper study and has published a DEIS without completing the required studies that were requested by me, 15 months in advance of the DEIS publishing date. These studies must be completed and subjected to a section 106 review before the Final EIS is released.

**3.**

**Excessive resource closures/buffers** established for non-ESA listed species. These species (American Oyster Catchers, Black Skimmers, Common Terns, Least Terns & Wilson's Plover) 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. We recommend that NPS not establish closures in excess of those defined/established by the state of North Carolina.

W. James Keene  
 PO Box 1615  
 Nags Head, NC 27959



4/17/10  
RECEIVED

APR 23 2010

Outer Banks Group

Dear Mr. Murray,

I want to express my fervent hope & desire for the continuance of & maintainance of access to Cape Hatteras National Seashore Recreational Area.

I believe that the federal government and the environmentalists have greatly exaggerated the threat posed to wild life by ORV driving on the beach. And that the current rules make it unreasonably difficult to get to traditionally popular fishing areas.

Area businesses detest the restrictions too, citing reduced spending by ORV users.

Sincerely,

Walter M. Zacharias  
Cleveland, Ohio

mm

Bullet Points - Dare County DEIS Position

RECEIVED  
APR 26 2010

NON-ENDANGERED BIRDS

BY:.....

Active migrants

- 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 reevaluate its position of giving birds that are designated only as a North Carolina species of concern, the same protection as those truly endangered.
- This reevaluation throughout all portions of the DEIS is consistent with management practices in other federal parks.
- The purpose of individual states, such as North Carolina, establishing lists of species of concern is to earmark certain species for special statement monitoring and tracking.

OR o keep pt  
Closed for new  
Approx 132  
days  
birds

The management buffers described in DEIS pages 121 to 127 should be modified to allow pre-nesting closures for only endangered or threatened species. This would result in establishing pre-nesting closures exclusively for the Piping Plover, the only threatened bird species in the seashore.

- Also, 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 & 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.
- Other important key points for all topics – Dare County Supports

with these  
measures  
we can  
balance  
recovery  
of  
with  
necessary  
beaches

- Open and accessible beaches for everyone
- Believes access is consistent w/ promises made in the enabling legislation
- Our residents and visitors have always been faithful stewards of wildlife
- We believe people and nature can live in harmony and that science-based resource protection can be balanced with providing recreational access.



mm

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

MAY 08 2010

Outer Banks Group

Mr. Murray,

Currently there is a consent decree that restricts public access to prime locations in many parts of Cape Hatteras National Seashore Rec Area.

I'm writing to you today because I support H.R. 718 and S. 1557 which reinstate the National Park Service "Interim ON Management Strategy."

I fully disagree on the idea of removing people from the Cape Hatteras National Seashore Rec. Area.

There is NO scientific evidence and I believe there is a way that we can coexist on the beaches as we have for years with all animal species!

Thanks for your time,  
Rebecca Demro

MECH VA.



MM

Patrick DeSota  
5448 Mack Lineberry Rd.  
Climax, NC

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
APR 8 2001  
Outer Banks Group

Dear Mr. Murray

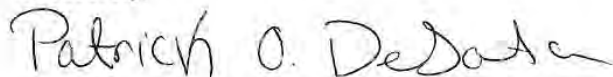
My name is Patrick DeSota from Climax North Carolina and I am 18 years old. I am writing to you today to express my opinion on the NPS plan for Ocracoke and the Cape Hatteras National Seashore. When I was 14 years old, My dad and I, and a few friends drove out on the beach at 7:30 PM to go fishing for the night on Ocracoke. Never been surf fishing in my life, and that one night, I caught a 50 ½ red drum. It was the best night of my life! But with what the NPS is doing with the "no driving rule" and "limited times to drive", I honestly don't want to go back to the outer banks. It's just that plain and simple. The economy will be crushed for Ocracoke and the island will slowly disappear off the face of the earth. All the fisherman and women that go to the outer banks that live in the central part of NC are appalled with this! No one likes this idea at all. For once listen to the citizens and not just the people that make a high salaries and think they know everything.

People should be able to fish when and where ever they want and not have to worry about no driving times or birds. Birds have migrated for the last 1.5 million years and to me, it doesn't seem like they've had a problem yet.

Don't restrict our time to a certain limit and not allow us to fish where we want to fish because of tiny birds that migrate all the time. There are other options to this. People could be assigned passes and be able to fish wherever they want and not have to worry, but the people that don't have passes can't.

Without us citizens, the Outer Banks wouldn't be where it is today. But if these outrageous plans get put into place (like limiting our hours of driving and even driving at all), you can count me out of ever going there again. Along with a bunch of other's here in the Piedmont of NC.

Sincerely,



Patrick O. DeSota

0013276



North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

Beverly Eaves Perdue  
Governor

James H. Gregson  
Director

Dee Freeman  
Secretary

March 12, 2010

Michael B. Murray, Superintendent  
Outer Banks Group  
National Park Service  
1401 National Park Drive  
Manteo, North Carolina 27954-9451

**SUBJECT:** Status of Consistency Determination Submission for Implementation of an Off-Road Vehicle Management Plan at the Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina (DCM#20100034)

Dear Mr. Murray:

We received your consistency determination on March 10, 2010 for the proposed implementation of Alternative "F" as the Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina. The project has been distributed to State agencies that would have a regulatory interest in the proposed activity for review and comment. The public review period will close on April 9, 2010. Please be aware that as we continue to review this submission that we may request additional information. We intend to make a decision regarding whether the proposed activity would be consistent with the State's coastal program soon after.

The State of North Carolina has sixty (60) days from the receipt of the consistency determination to either "concur" or "object" to your consistency determination unless an extension is agreed to. The sixtieth day is May 9, 2010. Furthermore, the State is entitled to an extension of up to fifteen (15) days if additional review time is necessary. Final Federal agency action cannot be taken sooner than ninety (90) days from the State's receipt of the consistency determination unless State concurrence is obtained. Please feel free to contact me at 252-808-2808 if you have any questions. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

Stephen Rynas, AICP  
Federal Consistency Coordinator

Cc: Doug Huggett, Division of Coastal Management  
Frank Jennings, Division of Coastal Management  
David Moye, Division of Coastal Management  
Megan Carlioli, National Park Service

400 Commerce Ave., Morehead City, NC 28557-3421  
Phone: 252-808-2808 \ FAX: 252-247-3330 Internet: [www.nccoastalmanagement.net](http://www.nccoastalmanagement.net)

An Equal Opportunity \ Affirmative Action Employer

One  
North Carolina  
*Naturally*

01/17



Comments on the DEIS

## Changes Needed in Alternative F

By Max Dutton

My name is Max Dutton.

In looking at the Draft Environmental Impact Statement that will govern the future of the Cape Hatteras National Seashore Recreational Area, it is important that we first look back and learn from the past, **before** we charge ahead and repeat critical errors.

There are lessons to be learned from the past that can help guide the National Park Service **now** in making modifications that are desperately needed in preferred alternative F.

First and foremost, we must acknowledge a fundamental principle that the health and welfare of humans comes first. **We** are the ones divinely entrusted with the responsibility to do the right thing, and live in harmony with nature.



**It is a fact**, that for generations the residents and visitors of the Outer Banks have been outstanding stewards of wildlife. When the special interest groups filed their lawsuit against the Park Service, they were trying to fix something that wasn't broken.

Their mistake in judgment led to a consent decree that has caused enormous harm to **our** community.

And, what they refuse to admit is that the consent decree not only hurt people, but the threatened species did better under the previous Interim Plan. Unfortunately that plan has been written off by the National Park Service in the DEIS as a "No-Action" alternative.

One of the principles of the Interim Plan was that the Park Superintendent should have the "flexibility" to manage buffers and resources based upon actual conditions in the field.....rather than the extremist demands of special interest groups.

Please - modify Alternative F to give "flexibility" for Corridors, especially in the restrictive Management Level 1 areas.

Please - modify Alternative F to give “flexibility” to the Park Superintendent to establish practical buffers based on transparent, peer reviewed science.

Remember, the consent decree was prepared behind closed doors by the special interest groups. They’re the ones who established the 1,000 meter buffer, with no scientific justification.

Please, take those 1,000 meter buffers out of alternative F, before it is too late.

Please - Do not make the same mistake twice.

Thank you.

**Public Comment to:** National Park Service Meeting  
Hampton, Virginia April 29<sup>th</sup>, 2010

**Public Comment on:** Draft Environmental Impact Statement (DEIS)

**Public Comments by:** Virginia Coastal Access Now



- For the public record, I'm Mark Feltner, President of Virginia Coastal Access Now (VCAN) 1356 Pamlico Boulevard, Chesapeake, Virginia 23322. VCAN is our non-profit group that represents saltwater recreational anglers, beach goers, environmental advocates, and the public including many Virginia residents working to protect public access and ORV use at Cape Hatteras National Seashore (CHNS).
- In review of the draft options in the DEIS, VCAN cannot support any of the alternatives as they are all flawed in diminishing the visitor experience and not recognizing the socioeconomic and cultural resource impacts.
- Our non-profit also supports the hard work by and position of the Hatteras Coalition in their fight to restore public access to the beaches of Cape Hatteras.
- Everyone needs to remember, first and foremost, that CHNS is a National Seashore (or Park) not a National Wildlife Refuge (NWR) like Pea Island NWR imbedded in CHNS or our own Back Bay NWR here in Virginia Beach. At a NWR the wildlife comes first, public access and use second. At a National Park or Seashore public access and use comes first and wildlife second. That is not to say and/or ignore the fact that we are all stewards of these natural resources including the habitat and wildlife at Hatteras. The greatest conservationists, environmental stewards, and guardians of Hatteras are the people who rely on and access it the most – be it for commercial, residential, or recreational reasons.
- No real scientific data demonstrates any loss of critical habitat or wildlife from normal ORV use at CHNS. A prime example being that Hatteras is at the southern end of the piping plover's range and the documented population trends including plover population decreases correlate better to hurricanes, Nor'easters, and habitat destruction due to storm damage and NOT ORV use of the beach.
- Remember also that Hatteras natives, North Carolinians, and the public were utilizing motorized vehicles on the Outer Banks before the establishment of CHNS in 1953, Nixon's 1972 for ORV management plans, and the current legal ORV and access condition brought about from the Hatteras consent decree which inherently violates the cultural heritage that is Hatteras.
- We have all lost too much public access to our Nation's coastal waters from both the extremes, private developers and environmental zealots, to accept anymore. The nation's first national seashore was meant for the people. Let's keep it that way.



mm

Margaret and George Finley  
50525 Timber Trail  
Post Office Box 522  
Frisco, NC 27936  
252-995-7882

RECEIVED  
MAY 2 2010  
Tidee Banks Group

April 28, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Mr. Murray:

I have not read the entire DEIS, it is burdensome to print an 800+ page document on a home printer, and just as difficult to read it on a computer screen. I will, however, comment on several items it contains.

The DEIS, option f, appears to use the Consent Decree as the starting point, therefore accepting the dictates of the environmental groups and a Judge as the base point.

**I disagree; the reasonable starting position should be the year prior to the consent decree.**

*"ACHP (Advisory Council on Historic Preservation) Seeks to promote an approach to resource management and conflict on federally owned public land that achieves balance between natural and cultural values".*

The Park Service has committed to the policy.

In the DEIS there is little mention of:   Community Heritage  
  Culture of Native Islanders  
  Culture of Local Residents

Why was this given little thought? Why is everyone a visitor?

**The DEIS does not achieve the balance to resolve conflict.**

NEPA requires environmental justice. I believe that it asks who is bearing the brunt of the rulings in the DEIS.

By building on the Consent Decree you have placed the burden squarely on the shoulders of the beach users, both pedestrians and ORVs.

**The DEIS does not meet the NEPA requirements.**

**Again I disagree with option f.**

Why is Pea Island, a pedestrian-only beach, not used in totaling the set-aside for pedestrian-only beaches?

M. & G. Finley

(Superintendent Murray, page two)

There is no scientific basis for a 1000 meter buffer around a hatched plover nest.

**I disagree with the parameters of the buffer, 200 meters for an unfledged chick or a plover nest is reasonable.**

Why did the Park Service mandate 1000 meters as the buffer, more than 6/10 of a mile?

If the buffer is to be in all directions, would the ocean out to ½ mile be closed for a unfledged plover nest?

**I disagree with the 1000 meter buffer parameters.**

**I disagree with closures or buffers for birds or nests that are not on the federal endangered or threatened list.**

*"ORVs have long served as a primary form of access for many portions of the beach in the seashore....."*

The only way my wife can get to the beach is by an ORV, she uses a wheelchair, except in our home, where she uses a cane or walker. Pedestrian-only areas discriminate against individuals with limited mobility.

**I disagree with the Special Use permits requirement that the vehicle used to transport a disabled person to the village beaches be returned to the street.**

**I disagree that the DEIS is a fair and balanced approach and equitably meets the needs of the plovers and beach users.**

The decisions, or lack thereof, that the Park Service has made in the past have direct impact on the lives of residents in the seven villages on Hatteras Island. Our economy is reliant on visitors; you are chasing them away in droves. Our property values are reliant on a strong local economy and full beach access, the property values were holding better than most areas until the Consent Decree.

**I support "The Coalition for Beach Access" position paper.**

**Please get it right this time.**

George Finley

Margaret Finley



mrl

Margaret E. and George B. Finley  
50525 Timber Trail  
Post Office Box 522  
Frisco, NC 27936  
252-995-7882

April 29, 2010

RECEIVED  
MAY 11 2010  
Outer Banks Growth

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Mr. Murray:

I do not believe that the economic impact study in the DEIS is sufficient or factual.

The economic impact will affect;

Taxes we send to Raleigh from Dare County

- The taxes to support our school system
- The local job opportunities
- Loss of revenue from sales tax, transfer tax, etc
- Dare County will no longer be able to provide the services it now provides to its residents
- Property values will decline more
- Off island vendors will lose business and jobs
- Ocracoke will lose day trippers and the additional revenues
- More foreclosures due to loss of rental income
- Skilled workman will have to leave the island to seek employment
- Graduating students will have fewer job opportunities and will have to seek employment off-island
- The impact will be felt at new car dealerships in the state and in the region
- The island food banks are overwhelmed

The economic impact is Region and State wide. The meetings in Raleigh and Hampton underscore your acceptance and understanding of that fact. Yet, your study is flawed; it is not just Dare County that will suffer under the impact of your actions.

George B. Finley

Margaret E. Finley



Burnham S. Gould, Jr.  
71 Gravey Pond Lane,  
Southern Shores, NC 27949

RECEIVED

APR 27 2010

Outer Banks Group

April 28, 2010

Mr. Mike Murray, Superintendent  
Cape Hatteras National Seashore,  
1401 National Park Drive,  
Manteo, NC 27954

Re: Driving on Cape Hatteras National Seashore

Dear Mr. Murray:

I wish to go on record as strongly opposing the continuation of driving on the fragile beaches of Cape Hatteras National Seashore. The growth of off road vehicles and their use on beaches during the last few decades has destroyed the aesthetics and beauty of much of the area. For the sake of future generations the National Park Service must seek to redress the situation.

Driving on public beaches was, fundamentally, a recreation of the last third of the twentieth century. It was fun while it lasted. However, now we are in a new century. We know, or should know, about the terrible environmental and aesthetic damage that beach driving has caused.

People need to respect the interdependent web of all life. We humans enjoy being members of a very adaptable species. When we encounter other species which cannot adapt to our desires, like Piping Plovers, American Oystercatchers, Black Skimmers, Loggerhead Turtles, and many others, we must get out of the way. To protect our wildlife the overwhelming weight of scientific opinion indicates that beaches must be vehicle free, at least during the spring and summer breeding season. Fortunately, non motorized human access appears to be less of a problem.

The time has come to firmly ban beach driving, at least during the spring and summer months. Non motorized access can continue to be enjoyed where, in the opinion of respected scientists, it is minimally disruptive to wildlife.

Please do your best to insure that the National Park Service will use the current review of off road vehicle management on Cape Hatteras National Seashore to preserve and protect its beaches, to restore the unique ambience which it has provided, and to help the wildlife that needs it to live and thrive. Thank you.

Yours truly,



Burnham S. Gould, Jr.

RECEIVED

MAY 03 2010

Tilley Banks Group

Comments on CHNSRA Draft ORV Management Plan  
DEIS

We have reviewed the DEIS as well as the Coalition for Beach Access ORV Access Environmental Impact Position Statement and urge that the changes outlined in the Coalitions Position Statement be fully adopted in the FEIS.

Routes and Areas

p.vi Conflicts between motorized and non motorized recreation users

--NPS has never made public a list of reported incidents.

--in 10 years, only a single minor incident involving a stuck vehicle and a pedestrian was disclosed. The driver was uncharged and determined to be not at fault

P 1- NPS should acknowledge that Pea Island NWR is a prime, pedestrian only area for visitors to the seashore. This is 10+ miles of ORV free seashore on Hatteras Island.

P.210 protected species still at risk from pedestrians & ORV's even with resource closures in place

--No Piping Plover deaths have ever been attributed to ORVs

--ORV violations continue to decrease as signage & education improve

--pedestrian violations are far more significant than ORV violations.

P.xxiv carrying capacity for "peak use limit" determined universally based upon linear feet of beachfront.

--no reason to restrict capacity on Bodie & Ocracoke rather than at Cape Point

--fails to acknowledge that closures on Bodie Island Spit & Cape Point increased congestion at other areas (p265).

--buffers & closures force folks into smaller areas resulting in increased resource impairment and diminished visitor experience.

P. xix ORV off season access on South facing Villages

--Based upon seasonal visitor stats, Frisco, Hatteras, Ocracoke do not require ORV closure beyond the 5/15-9/15 closures for the other villages.

P. 1 ORVs providing primary and practical access for visitors

--pedestrian only access are in opposition to ADA, small children, elderly, folks who need recreational equipment.

P. 263 Alt F fails to deal with the need for a soundside access ramp on Bodie. Relocating ramp 2 ½ mile So is ill advised. Better to enlarge parking and add handicap ramp at R1.

Closure Due to Birds

p. 468 Restrictive SMA

ML1 is overly restrictive. Foot & ORV corridors or bypasses should be provided thru,



around, or below high tide line in all SMAs during entire breeding & nesting season to maintain access.

P. 468 Foot & ORV corridors should be provided as cited immediately above.

P. 121-127

–establish reasonable buffers to allow pass thru only corridors to ensure maintenance of access.

–buffer for chicks should move not expand with the brood as it relocates to reliable food source.

--Buffers should be reasonable based upon science and experience in other nesting areas

PP breeding nesting 75-50m	Unfledged chicks 200m
----------------------------	-----------------------

WP breeding nesting 150-30	U C 30m
----------------------------	---------

AMOY 150-flush+15	UC flush +15
-------------------	--------------

Least Tern 150-flush+15	UC 30
-------------------------	-------

Other Colonial 200-30	UC 30
-----------------------	-------

p.124 Pro-Active Adaptive Mgmt

–adopt initiatives as outlined in DEIS and review progress as needed– not ever 5 years.

Acknowledge that human interference is a mere 3% of AMOY nest survival

–consider neighbor locations (villages, dredge & spoil islands, Pea Island NWR) as the same eco system. Track & include bird activity in these adjacent areas in target productivity.

#### Closure Due to Turtles

p.125 Night Driving Restrictions are unnecessary and overly restrictive. The following changes would adequately protect nesting turtles.

–Closure to surf line from 1 hour before sunset until dawn monitored by Turtle Night Nest Watch Team.

–Closure of 10 sq meters during daylight hours

–Use of Pea Island Style keyhole pattern fence to surf line after dark.

P.377 “Major Adverse” events (as defined by NPS p.369) have not occurred on our beaches

–Nesting females have not been killed

–Complete or partial nest loss due to human activity has not “occurred frequently”

–Hatchling disorientation/disruption due to human activity has not “occurred frequently”

–Direct hatchling mortality from human activity has not “occurred frequently”

Pro-Active Turtle Night Nest Watch program would insure continued non impact of ORVs

Adoption of more proactive techniques used at other East Coast locations would enhance turtle nesting success.

P. 392-396 NPS inadequately addresses environmental issues more detrimental to turtle recovery success than ORVs or pedestrians.

–weather events lead to a 38.5% of nests with 0 hatchlings (p.87, p.219).

–false crawl statistics do not support the theory that light pollution is a significant problem



on our beaches (p. 125, p. 219)  
 –predator management and nest enclosure practices encourage ghost crabs which are a primary predator of turtle eggs and hatchlings.

Using current NCWRC relocation guidelines our beaches and our state has lost 55% and 60% of Leatherback nests respectively over the past 10 years. Rather than continue these failed guidelines adopt what is working in other states. To wit, base nest relocation on “average high tide line”.

#### Cultural/Historical Values

As set forth in the National Environmental Policy Act (NEPA) the very purpose of the DEIS is to protect and preserve natural and cultural resources in the decision making process. In the DEIS “protect and preserve natural and cultural resources” appears in the 1<sup>st</sup> sentence on the 1<sup>st</sup> page, as well as numerous times thereafter in the “Purpose of the Plan” section. 2 paragraphs of the remaining 800+ page document is devoted to an analysis of cultural resources.

NPS guidelines require that Traditional Cultural designation be based on patterns of land use that reflect cultural traditions valued by long term residents of the local community. Further a landscape can also constitute Traditional Cultural Property if it is a place where a community has traditionally carried out economic or other cultural practices important in maintaining its historic identity..

The DEIS describes ORV access as historic (p.83) and as predating the Seashore and as being integral to the public use by residents and visitors. The document also lists commercial fishing (p.18), recreational fishing (p. 15 & 206) , and general recreational activities (p. 259) as historic. These activities are featured on the front cover of the DEIS, but apparently ignored throughout the rest of the document.

Collectively these activities, along with social gatherings, weddings, funerals, represent an unbroken pattern of land use extending back many generations prior to the Seashore’s establishment. The continuation of these patterns of use are central to maintaining the historic identity of these communities.

NPS’ failure to appropriately consider the cultural and historic value of surf zone access is a direct violation of its legal responsibility under Section 106 of the NEPA and the NEPA framework.

#### Socioeconomic Analysis

Socioeconomic data and analyses in the DEIS (pg. 270-281; 561-698) result in misleading and, at times, erroneous conclusions.

##### 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 CHNSRA.

–Inclusion of the Northern Beaches in analysis significantly dilutes estimates of economic impact of Seashore Villages.

–Analysis of economic impact to the Seashore Villages is significantly downplayed. Emphasis in the DEIS is on the ROI wide or County wide level impacts.

–The overwhelming majority of negative impacts will be felt by small businesses in the Seashore Villages. This is not addressed.

#### Incomplete Data on Visitation/Business Surveys

–Economic analyses in the DEIS do not use data from the 1<sup>st</sup> full year of the Consent Decree (2009).

–Many 2008 visitors were either unaware of the scope and breadth of Consent Decree beach closure, 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 the DEIS.

#### Overall Visitor Counts

Overall visitor counts include visitors to Ft Raleigh NHS and the Wright Bros NM.

–A large percentage of these visitors vacation in the Northern Beaches communities and recreate on the non-federal beaches outside of the Seashore.

–Visitors patronizing Ft Raleigh & the Wright Bros who do not visit the actual Seashore need to be factored out of the count.

#### Maintenance of Future Access to Cape Point and South Point Ocracoke

All socioeconomic analyses related to Alternate F are predicated on the assumption that access corridors will remain open for at least an appreciable portion of the high visitor season.

–Under Alternate F, the access corridors will be subject to Resource Closures based upon (inflated) 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 above cited inaccuracies clearly understate the socioeconomic impact of the Seashore Villages. Further, this negative impact will be absorbed almost entirely by Small Businesses.

#### Other Areas of Interest

##### Pet/Horse Restrictions

Pets should be allowed on lease year round in all areas open to pedestrians or ORVs.

NPS needs to consider why interfering with nature is ok sometimes but not others. 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.

–OK to replace South Point Wetlands with a parking area because beach will be closed to ORV's

–OK to relocate turtle nests when storms are imminent, but not before

–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 plover habitat that isnt in the ORV corridor)

–OK to kill predators (greatest risk to turtles & birds), not ok to drive on beach at night (deterrent to predators, low risk to turtles & birds)

#### Additional Considerations

Cape Hatteras National Seashore and Recreational Area is unique in the fact that folks live here. You catagorize us as visitors but that misses the point that we live in the middle of you. That fact makes CHNSRA unique. We live in your park or your park is where we live. My guess is its America's park and you manage it and we live in it. Don't let us down.

John Griffin  
Salvo NC



MM

RECEIVED  
APR 29 2010

B.C. ....

## Public Comments on the DEIS

by **Gary Gross**

Following are written copies of the comments made by Gary Gross during the five public hearings on the DEIS.

- Ocracoke
- Buxton
- Kill Devil Hills
- Raleigh
- Hampton

## Public Comments – Ocracoke

My name is Gary Gross

I would like to begin by saying that this hearing on Ocracoke should have been held in the evening. It is unfair to ask the people of Hyde County to miss work or abandon their businesses to attend this important public hearing.

In fact, the ferry from Swan Quarter does not even leave until 10 o'clock, making it virtually impossible for people on the mainland to participate in these hearings about their future.

The timing of this hearing prevented the maximum level of participation from Hyde County citizens.

Today, I would like to comment on how turtles are managed in the Draft Environmental Impact Statement for the Cape Hatteras National Seashore Recreational Area.

I believe endangered sea turtles would benefit from more proactive management practices that are now in use in other places, including other federal facilities.

With more proactive management, including nest relocation, a better rate of nesting success can be achieved.

It must always be remembered that the true measure of turtle management success, is not the number of nests in a given area, but the number that successfully hatch.

Here are the facts as to why the DEIS should be modified in its final form to include more proactive nest relocation –

- The Cape Hatteras National Seashore Recreational Area is on the northernmost fringe of turtle nesting locations in the southeast. In this area, it is weather and predation that represents the greatest threat to sea turtles. Not people, not night driving. In fact,



people on the beach at night will help reduce predators.

- The Loggerhead Recovery Plan has historically recognized relocation as a regular conservation practice.
- Meanwhile, the North Carolina Wildlife Resources Commission recommends relocation only as “last resort,” preferring a philosophy that lets nature take its course.
- In page 125 of the DEIS, the National Park Service relies upon the approach used by North Carolina Wildlife Resources Commission, which allows nest relocation only for those under imminent threat.
- This contradicts the practice done by U.S. Fish and Wildlife Service in the Pea Island Wildlife Refuge on the north end of Hatteras Island.

- 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, neighboring South Carolina in 2009, relocated 40% of its nests, which resulted in an incredibly low rate of lost nests of only 7.7%. This makes a compelling case for proactive nest relocation.

The turtle management practices outlined in the DEIS pages 125 and 392 to 396 should be modified to allow more pro-active nest relocation as a tool for species recovery.

## Public Comments – Buxton

My name is Gary Gross

Tonight I would like to comment on the birds that are selected for protection in the Draft Environmental Impact Statement.

The Endangered Species Act requires protection for all endangered species. However, there is no requirement in the ESA that non-endangered species be afforded the same level of protection.

I believe the National Park Service should reevaluate the position they have taken in the DEIS in giving special protection for non-endangered bird species.

I am referring to the protection that is outlined in pages 121 to 127 of the DEIS, which gives birds that are not endangered, and not even threatened, the same level of protection, as if they were endangered. These include



American Oystercatchers, Least Terns and Colonial Waterbirds. It was for these non-endangered birds, that Oregon Inlet and Cape Point were closed from March/April through late August of last year.

However, in the DEIS, these birds are given huge buffers, as if endangered. In fact, these birds are protected by the National Park Service only because they appear on a North Carolina list called "Species of Concern."

States, such as North Carolina have created these lists in order to designate certain species as worthy of special tracking and monitoring - not to force the hand of federal agencies and require them to apply the maximum buffers that are reserved for truly endangered species.

The National Park Service should reevaluate its position regarding buffers for these birds when preparing their final Environmental Impact Statement.

According, pre-nesting closures are appropriate only for the threatened Piping Plover. Pre-nesting closures are unwarranted for American Oystercatchers and Least Terns. And, because Colonial Waterbirds do not return to the same breeding site year after year, Pre-nesting closures for them are both unpredictable and unnecessary.

Furthermore, in counting birds in the Cape Hatteras National Seashore Recreational Area, it is important that the Park Service get the benefit of considering all birds in the same ecosystem. That is why birds, of all species, on the dredge and spoil islands should be counted.

For example, on Cora June Island, just 500 yards off the shores of Hatteras Village, there are large colonies of birds not counted by the National Park Service.

Ignoring these birds distorts an accurate assessment of the effectiveness of resource management.

Making these changes in Alternative F would –

- Benefit the long range success of wildlife
- Enhance the visitor experience
- Improve the lives of those who depend on the Cape Hatteras National Seashore Recreational Area



## Public Comments – Kill Devil Hills

My name is Gary Gross.

In other hearings I've addressed key items outlined in the DEIS. Tonight, I would like to start at the very **beginning**. I respectfully submit that there is something flawed about the document before we even open it and try to study its 810 pages.

The flaw that I am referring to, is the **cover** of the DEIS. The photos selected by the National Park Service for the cover, distorts the true visitor experience.

The cover mistakenly creates the impression that the Cape Hatteras National Seashore Recreational Area is only for fishing. It also creates the false impression that the seashore is only for men. This distortion creates an incorrect stereotype that the special interest groups love to exploit, saying that this whole thing is about a bunch of

guys, in trucks, who just wanna go fishing. Nothing could be further from the truth.

While both commercial and recreational fishing play a vital role in the seashore, it is only **one** of many activities in the Cape Hatteras National Seashore Recreational Area.

Others include surfing, kiteboarding and other water sports, swimming, sunbathing, shell collecting, horseback riding, bird watching, walking, and many other forms of family recreation.

Understanding this recreational diversity is fundamental to appreciating the need **everyone** has for beach access.

The Cape Hatteras National Seashore is well known as a wholesome, family-oriented destination. Accordingly, our visitors represent a broad cross section of humanity. On any given day, you will see not just men, but women and families with children enjoying recreation together.

Another distortion on the cover involves the photo showing vehicles crammed into one portion of the seashore. This is **not** representative of the visitor experience and sends a false statement that the issue is about ORV access. It is not. This issue is about beach access for **everyone** including the special needs of the many disabled and chronically ill visitors to our seashore.

Unfortunately, the cover sets the theme for other distortions that are contained in the document itself. For example, the excessive 1,000 meter closures outlined on DEIS pages 121 to 127.

The DEIS does not reflect the diversity that is the true visitor experience for people of all ages, races, and cultures who depend upon the promises in the enabling legislation that guaranteed recreational access for everyone.



## Public Comments - Raleigh

My name is Gary Gross.

Tonight I would like to set the record straight about something said yesterday at the Kill Devil Hills hearing that goes to the core of really understanding the routes and areas designated in the DEIS.

An SELC spokesperson said, and I quote: the "Preferred alternative, from the way we counted it, looks like it preserves 52 miles of the seashores 68 total miles as accessible to ORV's, at least some portion of the year. That only leaves 16 miles that are accessible only to pedestrians. That doesn't strike us as fair." Listen to this part, "We would like to see equal access for pedestrian users of the beach as well as ORV users."

This is a very clever. It is like the shell game, at a carnival, where the fast talker gets the audience all twisted up and confused, so you can't follow the action. Let's slow it down and look at the facts:

According to the Park Service chart on DEIS page 101 –

29 miles are classified as open year round to ORV's. That means it is designated as an ORV "route" with theoretical access, not guaranteed access. It can be shut down at a moment's notice for any breeding or nesting behavior.

Last year for example, during the important July 4<sup>th</sup> weekend, only 21 miles were actually open, not 29 and certainly not 52. And, those open areas did not include access to Oregon Inlet and Cape Point and other key areas that may have been technically open, but with no way to get there. Think of it this way - It's like saying Yellowstone Park is open, but failing to mention that the

area around old faithful is closed. A visitor to that Park would return home with a very bad experience.

Also on July 4<sup>th</sup>, Compared to the 21 miles of ORV access, there were actually 26 miles of Pedestrian Only access, plus 6 miles of limited pedestrian access. This proves there is not the imbalance between ORV and pedestrian access that SELC would have you believe.

And in alternative D, the one they prefer, get this, there would be 27 miles open for ORV and 40 miles for pedestrian only. Is this the equal access they talked about last night?

No, it's all part of the shell game that I am confident the Park Service and the public will have the wisdom to discern.



## Public Comments - Hampton

My name is Gary Gross.

Tonight, at this final public hearing, I would like to thank you Mr. Superintendent for way these meetings have been conducted and the opportunity you have given us to speak

I have heard many people talk from the heart, about the importance of preserving beach access. Their message has been clear and consistent about what they want you to change or add to Alternative F.

The **people** – want protection of resources, but ask **you** to base it on peer-reviewed science with reasonable buffers.

The **people** – want **you** to have the flexibility to establish common sense corridors throughout the seashore that would provide access without harming wildlife.

The people – want you to re-consider the economic impact. ~~Mr. Superintendent, I say this respectfully to you as a resident and part of the Outer Banks community,~~ <sup>J. Brown</sup> the Government did not do a very good job on the socio-economic section of the DEIS.

They farmed-out a bunch of it outside contractors, rather than connect with the community and find out for themselves. At best, the economic impact section is superficial and incomplete. It was not well done.

I say that not to criticize, but to remind you that it can be fixed. Please listen to the people, and make the critical changes to Alternative F that you have heard over and over again from the heart of the people.

During these hearings, along with you, I've listened to the razzel-dazzle from SELC.<sup>\*</sup> In Kill Devil Hills, I heard ~~them~~ <sup>SELC</sup> <sub>J. Brown</sub> say, quote, "they would like to see equal access for pedestrian users of the beach as well as ORV users."

\* They said, "we've looked at the 5 other National Seashores on the Atlantic Coast that have ORV Plans. There's 150 miles in those seashores, they allow ORV use on 26 miles. NOT TRUE. On just the Padre Island National Seashore, 63.5 of its 70 miles are open to beach driving year round." <sub>J. Brown</sub>

Then, last night in Raleigh, we both heard them talk out of the other side of their mouth saying, "We believe a true no-action alternative would look at no driving on the seashore and that would be the proper environmental baseline."

Their message, changes like the tides at the seashore. But, from the people, you have heard one consistent theme: protect resources, balance it with reasonable access, and reconsider the economic impact.

Tonight we look to you. As the Superintendent, ~~you're the public face of the Cape Hatteras National Seashore Recreational Area.~~ You're the one we look to, to guide this thing through the rest of the federal process and have it come out later this year in a way that properly balances resource protection with reasonable recreational access.



Mr. Superintendent, we are entrusting our future to you, please do the right thing. Thank you.





mm

DEIS Comments 4/29/2010.

BY: .....

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>

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.

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>

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.

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.

Ted A. Hamilton  
6 Jib Ct  
Hampton VA 23664  
[tedsalvo@earthlink.net](mailto:tedsalvo@earthlink.net)  
757 880 4797

Please attempt to keep my e:mail and phone private

## NIGHT DRIVING

**Page XX of the DEIS alternative F:**

Nov 16 to Apr 30: Designated ORV routes would be open to ORV use 24 hours a day.

May 1 to Nov 15: Designated ORV routes in potential sea turtle nesting habitat (ocean intertidal zone, ocean backshore, and dunes) would be closed to nonessential ORV use from 1 hour after sunset until turtle patrol has checked the beach in the morning (by approx. one-half hour after sunrise).

Sep 16 to Nov 15: ORV routes with no or low density of turtle nests remaining would reopen for night driving, subject to terms and conditions of an ORV permit.

Hours of night-driving prohibition would be established in the Superintendent's Compendium and subject to periodic review.

RECEIVED  
APR 27 2010

BY:.....

Last night David Scarborough commented that there is no need for night driving restrictions as it does <sup>not</sup> meet the requirements of "major adverse" impacts as defined on page 369 of the DEIS. All you need to do is look at the history here as recorded in the annual sea turtle reports and you will find the following:

2000-2003 with night driving and wood 2x2 wood stakes at closures the false crawl to nest ratio was 0.75:1

2004-2005 with white carsonite stakes at closures the false crawl to nest ratio jumped to 1.62:1. Neither NPS, USF&W nor NCWRC flinched at this dramatic increase. Only after I showed this problem to you Mike was a change made.

2006-2007 you started using brown carsonite stakes at closures while night driving was still allowed and the false crawl to nest ratio dropped to 0.98:1 without the unexplained 24 false crawls at the hook bird closure at Cape Point.

2008-2009 with brown carsonite stakes and no night driving the false crawl to nest ratio was 0.95:1.

Thus the lowest false crawl to nest ratio in the last ten years has been with night driving and wood stakes.

It is clear that at the Cape Hatteras National Seashore Recreational Area false crawls have been increased by the use of carsonite stakes and not reduced by a ban on night driving. I repeat not reduced by a night driving ban.

It is also worth noting that the false crawl ratio in front of villages on Hatteras Island in the last ten years has been 0.67:1.

USF&W expected false crawl to nest ratio on an undeveloped beach is 1:1

Please use science from here at Cape Hatteras and not from Florida!

Submitted by: Larry Hardham, P O Box 1268, Buxton, NC 27920



## Sea Turtle nest loss at CHNSRA

Pages 219 and 220 of the DEIS state:

**Natural Catastrophes.** 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 was reported that 24.5% of all loggerhead nests laid on Deerfield Beach, Florida, in 1992 were lost or destroyed by Hurricane Andrew as a result of storm surge (NMFS and USFWS 2008). Similarly, Martin (1996) reported a 22.7% loss of total loggerhead nest production on the southern portion of Hutchinson Island, Florida, during the passage of Hurricane Erin in 1995. Ehrhart and Witherington (1987) reported a 19% loss of loggerhead nests at Melbourne Beach, Florida, after a 5-day Nor'easter storm in 1985. In Georgia, 16% of loggerhead nests were lost to tropical storm systems in 2001; nest loss was particularly high on Sapelo (54%) and Little Cumberland islands (28%). On Fisher Island in Florida, it was reported that hatchling emerging success decreased significantly following Hurricane Andrew in 1992 (NMFS and USFWS 2008). They found that hatchlings were unable to emerge from nests where sand had accreted in large quantities and that these hatchlings probably died from asphyxiation or exhaustion while struggling to emerge from the nests. Sea turtles have evolved a strategy to offset these natural events by laying large numbers of eggs and by distributing their nests both spatially and temporally.

The six percentages listed under "Natural Catastrophes" that I just read average 27.3% and these same events are listed in the revised 2009 Loggerhead Recovery Plan under the same heading on page 44. In fact the DEIS paragraph is a virtual quote from the Recovery Plan.

Page 220 of the DEIS states:

**Threat Occurrences at Cape Hatteras National Seashore.** The following data and discussions are from the Seashore's annual sea turtle reports, 1999 to 2008, and include all turtle species (NPS 2000b, 2001c, 2002c, 2003e, 2005c, 2006e, 2008a, 2009c; Sayles pers. comm. 2005).

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.

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 a 59.8% loss which would be higher than any other catastrophic event listed.

Another interesting fact about Cape Hatteras, not listed in the DEIS, is that between 2000 and 2009 (ten years) this Seashore has the outstanding record of losing 36.4% of nests laid in the Seashore. In the Recovery Plan USF&W seems to think that the state of Georgia having lost a full 16% of nest laid there in 2001 was catastrophic. What would they call a ten year average of 36.4%? In fact last year with no hurricanes or tropical storms within 400 miles we lost 36.58% of nests laid here.

The most amazing thing is that the DEIS turtle program continues to support the exact same policies that produced these catastrophic losses of the last ten years. How do you justify your support of a program which results in a loss of 36.4% of nests each year? What do you call a plan that produces 33.3% more lost nests than catastrophic losses? The only thing that comes to mind is GUILTY OF A TAKE. Cape Hatteras national Seashore Recreational Area probably has the largest sea turtle closures and the least productive nesting of any beach in the Loggerhead nesting habitat.

A written sea turtle plan will be submitted as a comment to the DEIS with features used in other areas acting under the same Loggerhead Recovery Plan with approval by USF&W service and state agencies that will address the shortcomings of the DEIS while affording added protection and at the same time allowing for access by the visiting public which satisfies the NPS dual mandate of protecting resources and allowing public use.

Submitted by: Larry Hardham, P O Box 1268. Buxton, NC 27920



AM

RECEIVED  
APR 27 2010

DEIS COMMENT 4 25 10  
Global warming & sea level rise

BY:.....

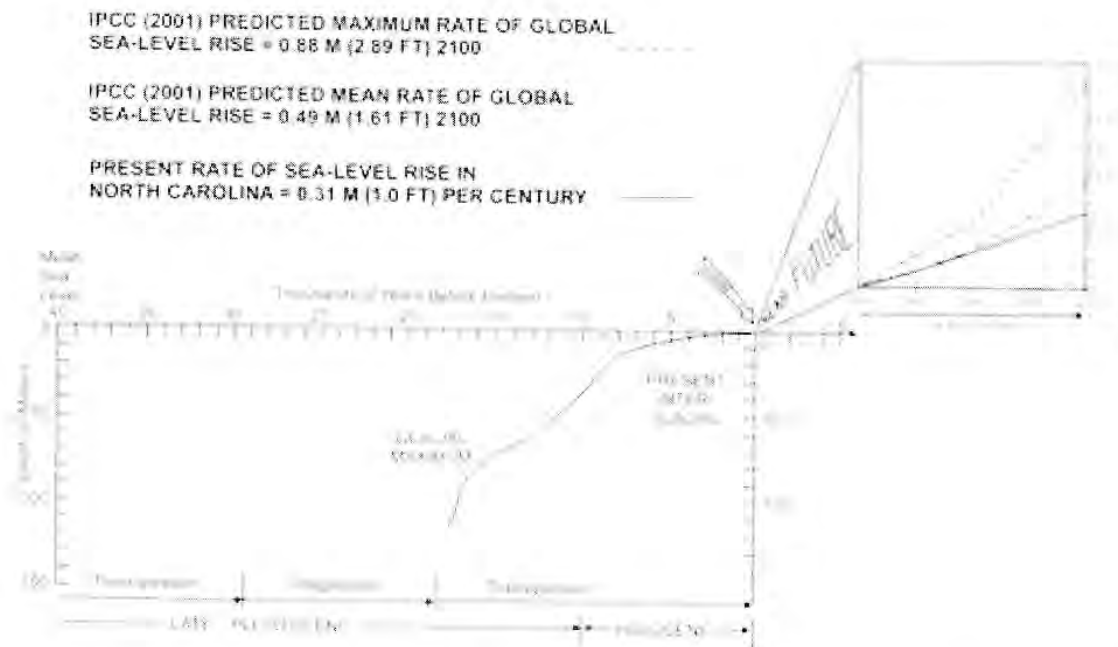
DEIS page 293;

### Impacts of Climate Change

Studies predict that coastal barrier islands and their natural and cultural resources will be affected by sea level rise and potentially stronger storm events resulting from climate change. Relative sea level is currently rising in northeastern North Carolina at a rate of 16 to 18 inches per century, a substantially higher rate than the 7 inches per century one hundred years ago and the 3 inches per century rate 200 years ago

Stan Riggs & others;

<http://www.google.com/search?hl=en&q=stan+riggs+ecu+%2B+sea+level+rise&start=10&sa=N>  
Page 62



The above chart is wrong. IPCC (2001) prediction has not happened in CHNSRA. The present rate (solid line) has not happened. It cannot be demonstrated anywhere. If this prediction were true it would be evident on bridge pilings, dock pilings, breakwaters, seawalls, and most importantly all the beaches.

Erosion is not sea level rise.

Reduced beach width is not sea level rise.

Tidal & wind driven flooding is not sea level rise.

Subsidence is not sea level rise.

The major players in global warming/sea level rise have been caught manipulating their own and others documents to fit an agenda consisting of a “get rich scheme”. Everything from the U.N., IPCC, East Anglia University, Dr. Mann (hockey stick) and many others have ruined any chance of honesty doing good scientific work.

Jim Harris  
92 S. Dogwood Tr.  
Southern Shores NC 27949



BY:.....

## Create Habitat DEIS 4 25 10

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 an 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 ORVs.

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 3-4

## **PURPOSE AND SIGNIFICANCE OF CAPE HATTERAS NATIONAL SEASHORE**

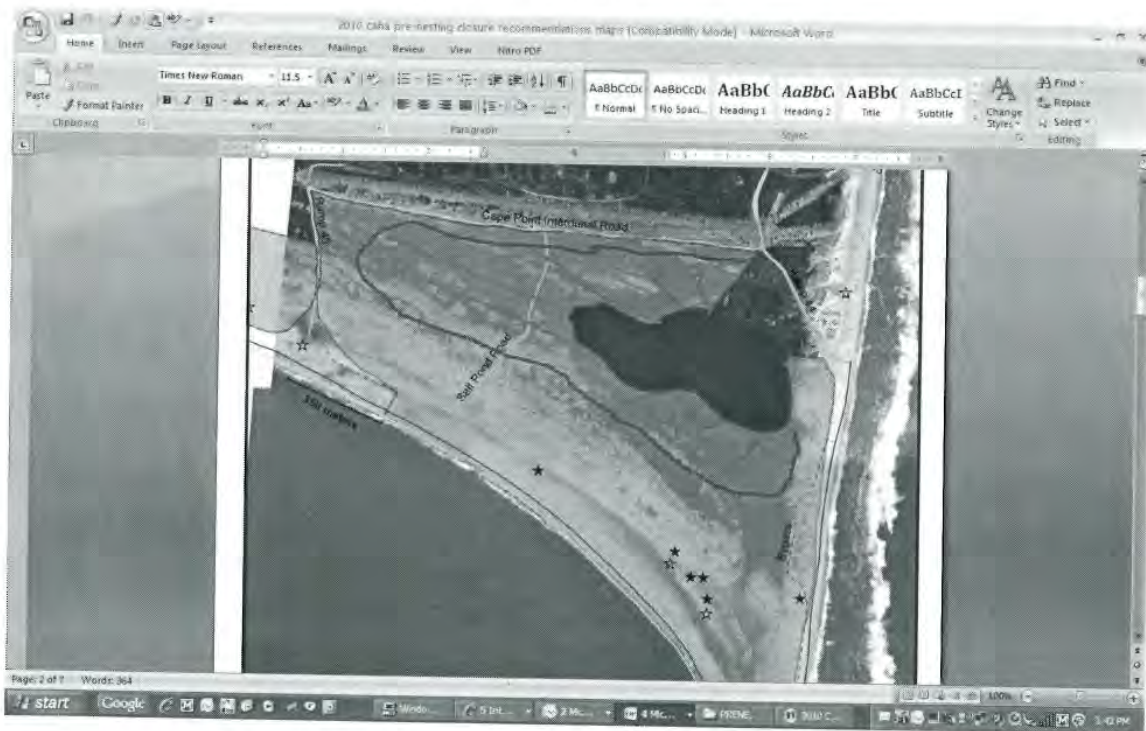
All units of the national park system were formed for a specific purpose (the reason they are significant) and to conserve significant resources or values for the enjoyment of future generations.



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.

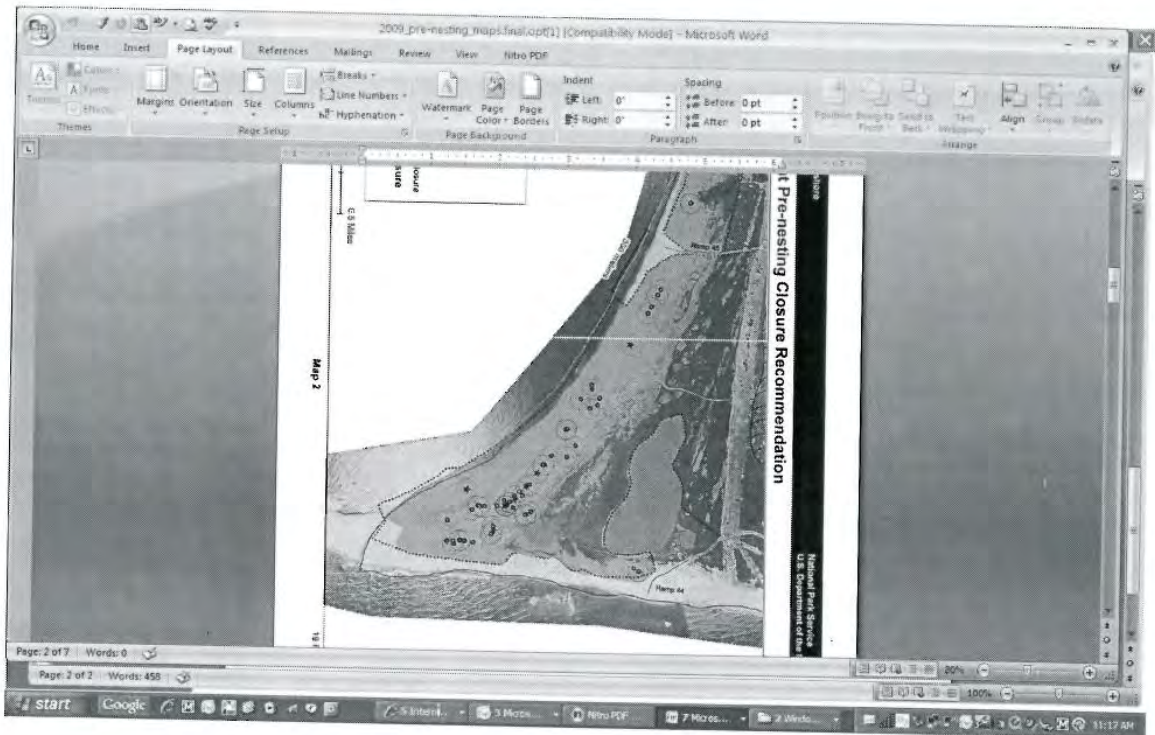


RED line—area to be cleared

Blue lines—swales to extend shoreline for feeding nesting habitat

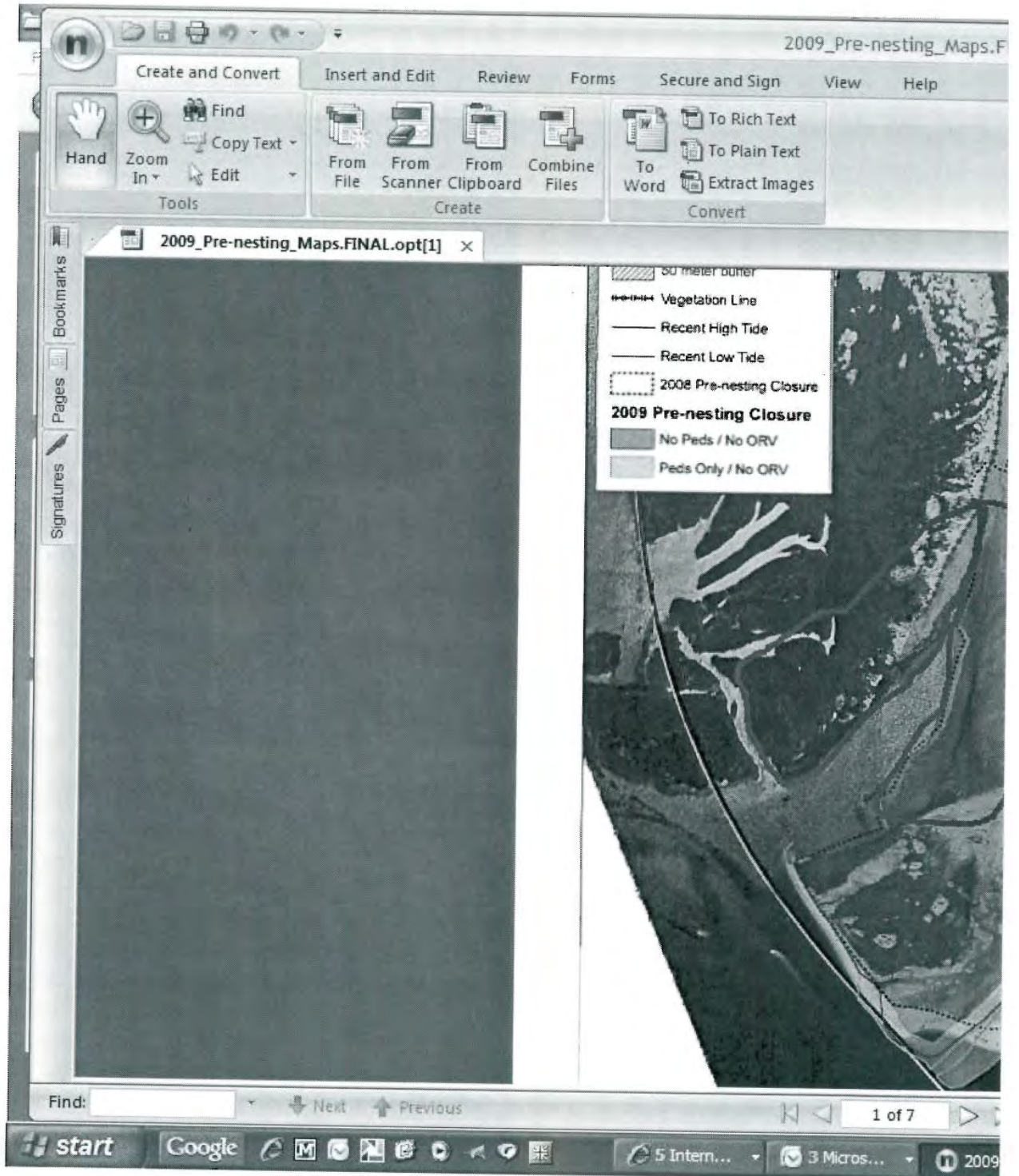
Look at the Prenesting closure map for Cape Point 2009, it clearly shows plovers nesting away from vegetation. These birds will find another shoreline away from CHNSRA if they are forced closer to the active shoreline.

0013315



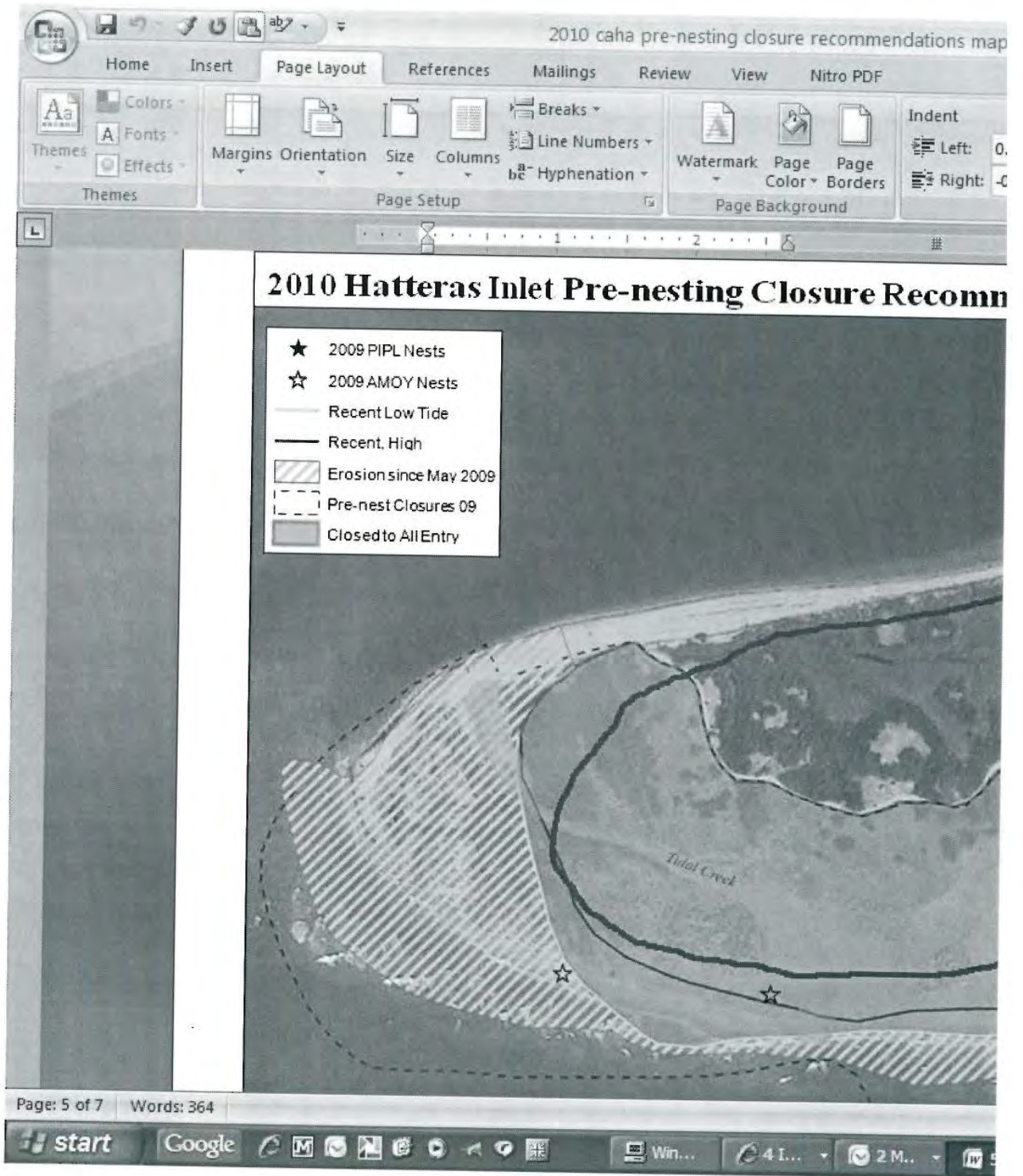


0013316



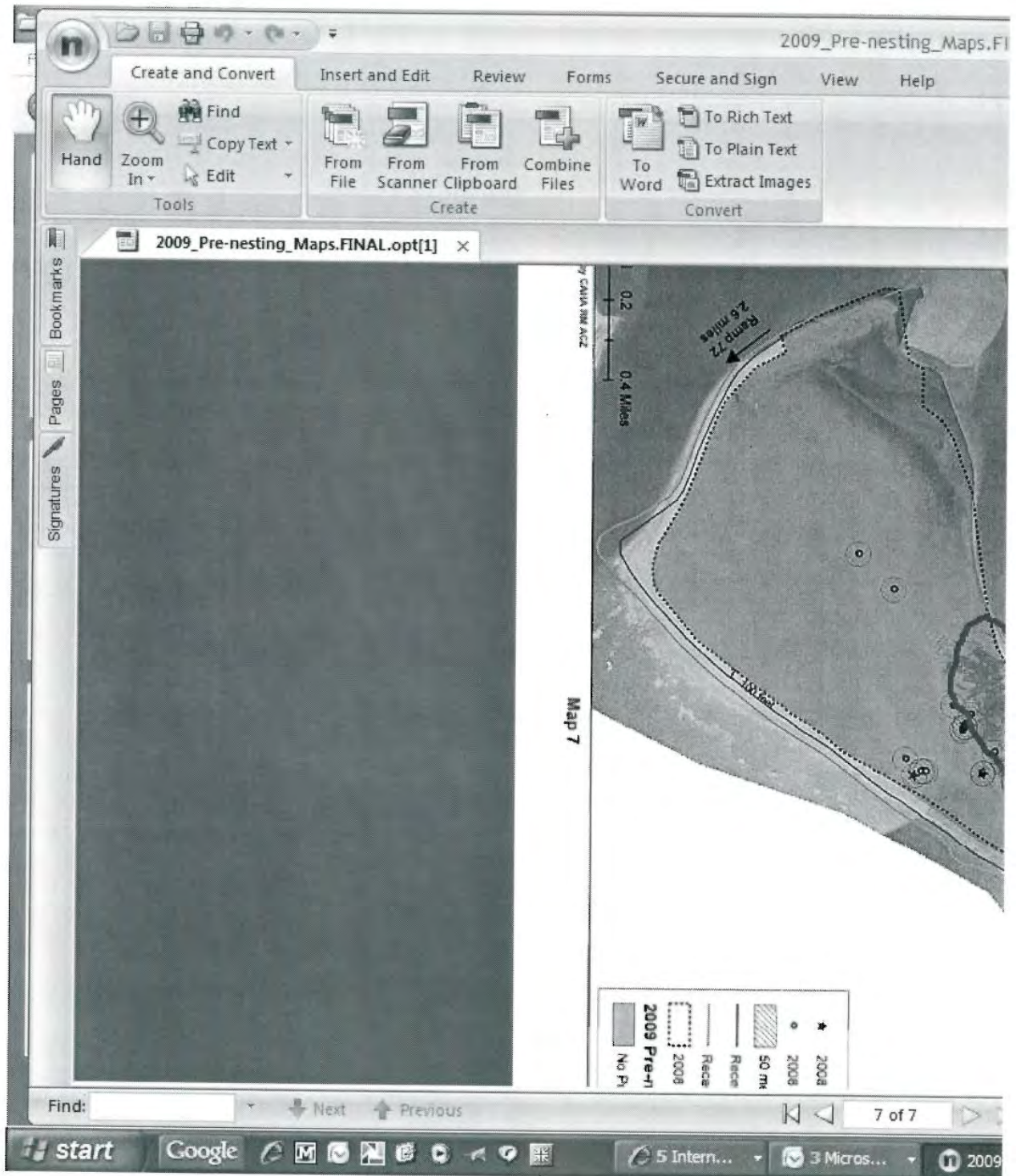


0013317



0013319





Elimination of vegetation in certain areas of the Point and Spits will encourage our birds to nest away from the high energy shorelines.

USFWS can work with NPS concerning "CRITICAL HABITAT". In a Midwestern State to NOT declare a reservoir Critical Habitat. Not declaring CH allowed manipulation of the habitat by burning or using heavy equipment to clear and level the banks on the reservoir to be made into better habitat.

I disagree with statements on page 88 of the DEIS 4 24 10

- In National Seashores and National Parks excluding North Carolina, vegetation is burned, bulldozed, weed-killer used, ephemeral pools are created, nesting material applications are used to actively manipulate habitat. Why is there a refusal to do any of that here?

<http://www.fws.gov/arcata/es/birds/WSP/plover.html> (Snowy plover) page 181

**2.2.1 Remove nonnative and other invasive vegetation from existing and potential habitat and replace with native dune vegetation.**

Land managers should implement remedial *efforts to remove or reduce vegetation* that is encroaching on western snowy plover breeding habitat or obstructing movement of chicks from nesting to feeding areas.

Why don't we do something like this here? Vegetation only protects predators here in CHNSRA

<http://ternandplover.unl.edu/2009%20LPR%20Least%20Tern%20and%20Piping%20Plover%20Report.pdf> 2009 Annual report (found on page 61)

The Tern and Plover Conservation Partnership uses a voluntary, proactive approach to avoid and minimize bird-people conflicts and to reduce or eliminate the need for law enforcement personnel to be involved in tern and plover management. *There were no conflicts or need for law enforcement recorded in 2009, as was the case in 2008.*

Before terns and plovers returned to Nebraska and the field season began, *TPCP met with the production managers of all area sand and gravel mines.* At these meetings, we discussed the mining companies' production plans for the season, safety regulations, and site access. We paid particular attention to concerns mine personnel had regarding previous on-site activities of the TPCP and changes to MSHA (Mine Safety and Health Administration) policy as it applies to non-mine personnel. *We also met with homeowners associations at the lakeshore housing developments.* At these meetings, we discussed the construction plans for the area and site access. We paid particular attention to property owners' concerns



regarding previous on-site activities of the TPCP. See Table 1 for a list of active and inactive sand and gravel mines and lakeshore housing developments in the Lower Platte River.

Based on our pre-nesting season conversations with mine production managers and homeowners' associations, we mapped out the areas where it would be best if the terns and plovers did not nest. These were the areas within the mine property that were going to be dredged during the nesting season or where heavy equipment was

going to be operating. At the housing developments, these were the areas where buildings were to be constructed or utilities were to be installed.

A result of each of these meetings was site-specific management and monitoring plans; an equally valuable result was becoming acquainted with the people living and working at these sites. As the season progressed, this made our management efforts easier to implement. Throughout the season, we maintained close contact with these individuals so we could respond to any on-site changes that developed as the season progressed.

[http://fieldguide.mt.gov/detail\\_ABNNB03070.aspx](http://fieldguide.mt.gov/detail_ABNNB03070.aspx)

The memorandum, in combination with a biological opinion from the USFWS, guides management actions at this location (USFWS 2003). Management activities include moving nests upslope from areas where flooding of nests is imminent; using nest cages over nest bowls to prevent trampling and predation by avian predators; signing beaches to indicate nesting; ***beach enhancement (grading or burning unwanted encroaching vegetation); raising island elevation to make room to move nests in years with rising water during the nesting season;*** the release of captive-reared plovers (Erickson and Prellwitz 1999);

Cooperation with USFWS to specifically limit "Critical Habitat" so vegetation can be "controlled";

- DEIS page 189;

"Section 7 of the ESA requires federal agencies to ensure that actions they authorize, fund, or carry out are not likely to destroy or adversely modify designated critical habitat. Activities that may destroy or adversely modify critical habitat include those that alter the primary constituent elements (PCEs) to an extent that the value of critical habitat for both the survival and recovery of the species is appreciably reduced (65 FR 41793)."

[http://fieldguide.mt.gov/detail\\_ABNNB03070.aspx](http://fieldguide.mt.gov/detail_ABNNB03070.aspx)



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

- DEIS page 190;

Of the 2,043 acres of designated critical habitat in Dare and Hyde counties, approximately 1,827 acres are located within the boundaries of the Seashore and are located at Bodie Island Spit, Cape Point, Hatteras Inlet Spit, Ocracoke Inlet Spit, and South Point (73 FR 62816).

1. NC-1: This unit extends from the southern portion of Bodie Island through Oregon Inlet
2. NC-2: This unit is entirely within the Seashore and encompasses Cape Point.
3. NC-4: This unit extends from the western end of Hatteras Island to the eastern end of Ocracoke Island.
4. NC-5: This unit is entirely within the Seashore and includes the western portion of Ocracoke Island

Prime chick feeding areas is also prime adult feeding area. A prime feeding area will be prime feeding area all year long, except during storm and celestial tide events, in which the areas could be overwashed.

To make this habitat restoration a success, several steps are necessary;

1. Apply weed killer, the grasses are "rhizome" grass. If it is cut to pieces, the pieces will grow on their own.

2. Bulldoze the vegetation into small brush piles and use the piles to form a staggered row barrier dune as a buffer.
3. Create swales (shallow ditches) leading away from the water sources like fingers of a hand.

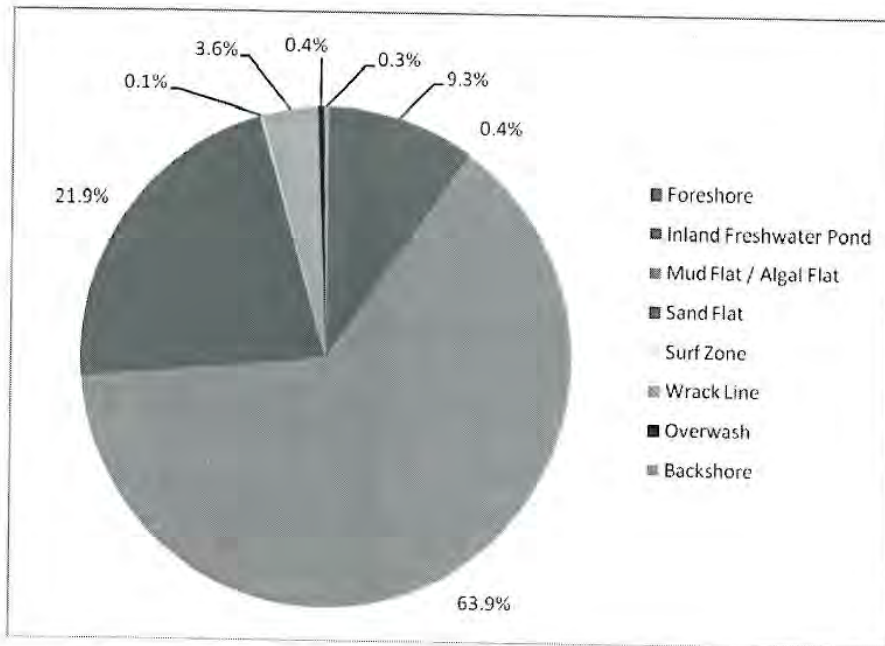
The shore nesting birds are territorial; they will defend their food source and nesting area. Just a normal shoreline is not enough, and the more shoreline that is created the greater the attraction for more birds.

DEIS Chapter 3 page 191;

*Chicks with access to moist substrate habitat survived better than chicks without such access in Virginia (Loegering and Fraser 1995) and Rhode Island (Goldin and Regosin 1998). A study in New York in 1992 and 1993 found that piping plover broods had higher foraging rates in areas with ephemeral pools and tidal flats, which suggested that these habitats were superior. This study also documented higher incidences of arthropods in the moist substrate habitat, which could explain the increased plover numbers and survival rates in these habitat types. Management implications of this study include conserving a variety of foraging habitat (Elias et al. 2000). Burger (1994) found that when broods had access to a diversity of foraging habitat zones, the impact of human disturbance was reduced because chicks had opportunities to escape disturbances and still forage.*

By improving habitat at the points and spits, creating ephemeral pools and shallow water swales, plovers, AMOY, Knots, Wilson's plover, Gull-billed terns and the rest of the ground feeders would accept these feeding opportunities over a high-energy shoreline.

DEIS Chapter 3 page 205



Foreshore- 9.3%  
 Inland Freshwater pond 0.4%  
 Mud Flat/Algal flat 63.9%  
 Sand flat 21.9%  
 Surf Zone 0.1%  
 Wrack Line 3.6%  
 Overwash 0.4%  
 Backshore 0.4%

DEIS Chapter 3 page 207-208

#### Risk Factors

Small populations such as the Atlantic Coast piping plover populations face a heightened risk of extinction compared to large populations because they are more vulnerable to the following: (1) random environmental variations, such as storms; (2) *reduction in genetic variations that limit a species' ability to adapt to local conditions*; (3) sudden, random drops in birth and death rates; and (4) an *impaired ability to find suitable mates* (Lande 1988).

Deviant is not very diverse.

Jim Harris  
 92 S. Dogwood Tr.  
 Southern Shores NC 27949



mm

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

MAY 09 2010

Outer Banks Group

Dear Superintendent Murray,

I am opposed to Alternative F and support the Coalition for Beach Access position, with respect to Cape Hatteras National Seashore Recreational Area Off – Road Vehicle Management Plan / Environmental Impact Statement Draft.

Kitty Hawk Kites operates three stores on Hatteras Island two of which have a 10-15 year history. Our store in Hatteras Village and Avon were off last year about 15%. Our other locations on the Outer Banks were down only 5%. Certainly a more restrictive plan in place such as alternative F would cause Hatteras Island visitors to decline and our store sales to decline more. As a result, jobs would be eliminated.

Much of Hatteras Island's Heritage is recreational, fishing, windsurfing, surfing, kiteboarding, swimming, walking on the beach, kayaking, and boating. To restrict access will restrict recreation on the island which in turn will reduce tourism and environmentally friendly recreation. This in turn will eliminate jobs. Restricted access will severely impact recreational tourism on Hatteras Island and what is the economy of Hatteras Island.

I am opposed to Alternative F. I do not understand the justification for the restrictiveness of this proposal. I support the Coalition for Beach Access Proposal.

Sincerely,



John Harris

**SCOTT W. HARRIS  
P.O. BOX 734  
RODANTHE, NC 27968**

**April 22, 2010**

RECEIVED  
APR 23 2010  
Outer Banks Group

Dear Mr. Murray,

I support free and open beaches on Hatteras Island. Due to the landform, beaches here cannot be accessed by the physically challenged or by those whose recreational sports require fishing gear, coolers, surfboards, umbrellas, etc. ORV access ramps are part of our tradition and the main attraction that sets Hatteras Island apart from other beaches. Without our access ramps tourists will no longer come here. The economy will die. Many of my neighbors and I will be forced to move from a place we love.

I am appealing to you to amend Plan F of the DEIS. I am in favor of a compromise that considers the rights of wildlife as well as the rights of man. I love the wildlife here and have supported the NPS in its' efforts to preserve and protect wildlife for years, but Plan F is not a plan the citizens of Hatteras Island can live with.

Sincerely,



Scott Harris

24229 Seasound Road  
 Rodanthe, NC 27968  
 April 20, 2010

RECEIVED

APR 21 2010

MURRAY BEACH GRANT

Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, NC 27954

Dear Superintendent Murray,

Mr. Murray, I am deeply concerned about the proposed beach closures on Hatteras Island.

**With a struggling economy, open beaches are essential to the businesses in our area.** I speak from personal experience. My brother and sister-in-law were forced to close their retail store in the tri-village area after a huge decline in sales following the closure of the Salvo ramp last summer. Furthermore, family members working in property rental programs including house cleaning and pool and spa maintenance have documented a decline in their weekly rentals, therefore, a decline in their available work and income as a result of limited beach access in our area. There are numerous retail spaces that remain empty after last summer, and I fear that the proposed closures will enhance the destruction of rental programs, retailers, and tourism on Hatteras Island. While some studies that incorporate tourism from northern beaches of the Outer Banks may suggest minimal economic influence, I assure you that the effects of beach closures on Hatteras Island are devastating. I have heard the manipulation of statistics to support limited beach access, but these statistics come in the form of homes that were already rented prior to newly enforced beach closures last year. Living across the street from a motel property, I have witnessed firsthand the frustration of visitors who will not be returning to our island simply because they can no longer have the vacation experiences of years past. The threat to the income of a majority of islanders is not an exaggeration. Unlike the migrating birds, many of these people lack the skill, education, ability or desire to live elsewhere. Having a history of eleven generations of family on Hatteras Island, the result of governmental regulation has forced us to sacrifice our land, relinquish our hunting and fishing livelihoods, and now, tourism, our only means of survival for most families, is being willfully destroyed. Clearly, the socioeconomic impact of Hatteras Island beach closures is being vastly understated.

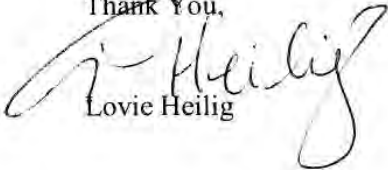
**Advocacy of open beach access shouldn't conflict with the protection of wildlife.** In fact, island natives demonstrate great passion for the preservation and maintenance of our natural resources. This is evidenced by our beach sweep initiatives and coastal studies programs within our schools. While protecting nesting areas is necessary, football field closures surrounding those areas are excessive. The majority of nest or hatchling disruptions have resulted from weather conditions. Only 3% of threats to nests have been human related. However, while there is little evidence to support human-related damages, law-abiding citizens are losing their freedom to access local beaches. This is equivalent to closing a major interstate highway as a result of a single speeding car. The



punishment doesn't fit the crime. Furthermore, the 300 meter closures for ALL activities, including PEDESTRIANS as a result of state listed species is suspicious, especially when there's a category of birds titled "other," which leads me to believe that the species can be interpreted as "threatened" for the sole purpose of closing beaches. Many of the proposals are extreme and indeed seem to be designed to end beach driving entirely, which is unnecessary. Other east coast beaches have effective management plans in place that are far less intrusive to beach goers. Furthermore, unlike the northern beaches of the Outer Banks, Hatteras Island depends upon off-road access ramps for beach accessibility. Very little parking exists within the villages, and beach availability is limited to private property access. For years the off-road driving has been successfully regulated, and the balance between human access and protection of nature was achieved. Maintaining that balance is essential to the survival of Hatteras Island.

**Overregulation of our island waters and beaches is damaging to our cultural heritage.** According to the guidelines of the National Park Service upon its establishment on Hatteras Island, there should be a responsibility to preserve the "patterns of land use that reflect cultural traditions valued by the long term residents of the local community." There are still long term residents that remember when off road driving was the only access to our seashore and are now witnessing the prohibition of it. As a "Midgett" descendant, with more family than any other in the history of the United States Coast Guard, I can recall stories of ghosts, pirates, shipwrecks, picnics at the beach, and memories entwined in the unique culture of Atlantic heritage. The recreational and commercial fishing, surfing, kayaking, kite-boarding, and social gatherings, including evening bonfires, that attract visitors and locals to our shores are deep-rooted traditions of our land that should remain in tact. I ask that you please do all within your power to protect the precious identity of Hatteras Island. It is my hope that my daughter will be able to enjoy the liberties and legacies of our historical coastline.

Thank You,

  
Lovie Heilig

**Thomas Hicks**

785 Valley Summit Dr  
Roswell, GA 30075

Property Owner  
27243 Park Rd  
Salvo, NC 27972

April 19, 2009

RECEIVED

APR 23 2010

Juter Banks Group

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Subject: Cape Hatteras National Seashore Off-Road Vehicle Management Plan /  
Environmental Impact Statement

Dear Mr. Murray

We are deeply concerned regarding the direction being taken by the National Park Service (NPS) with the draft "Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement." We strongly believe that the positions developed by the Coalition for Beach Access are reasonable and provide adequate protection for endangered species. We are particularly concerned with the NPS proposed positions limiting beach access for pedestrians with leashed pets. For example, DEIS states that "Pets would be prohibited within all designed breeding shorebird Species Management Areas (SMAs) from March 15 to Oct. 15," and "Pets would be prohibited within all nonbreeding shorebird SMAs that are otherwise open to recreation use." This is an unacceptable proposal.

Current NPS regulations require pets with pedestrians to be on leashes no longer than six feet. This requirement is more than adequate to prevent pets from damaging protected species. Pets on leashes do not damage protected species. Statements in the DEIS that reference reports citing damage to protected species from pets are not accurate reflections of conditions where pets are required to be on leashes. Prohibiting pets completely from beach areas, particularly in front of villages, will significantly disrupt vacationer experiences and cause vacationers to seek other more pet friendly beach areas such as in Currituck County. Implementing the NPS proposed actions regarding pets would significantly affect demand for rental properties on Hatteras Island, a hardship that is not accurately reflected in the DEIS.

Many families choose to take their pets with them on beach vacations. This is an important criterion for vacationers choosing a beach destination. Our family makes it a priority to have our pets with us on our beach vacations. One of the reasons we purchased a home on Hatteras Island was the beach access for our walks with our pets. Adoption of restrictive beach access rules for pets may force us and others to leave Hatteras Island for more pet friendly beach areas.

Proposals within the DEIS to limit beach access beyond current requirements would present a significant and unnecessary hardship on rental property owners and vacationers. We strongly urge your department to adopt the positions of the Coalition for Beach Access, particularly with respect to pet access to beaches.

Your attention to this matter is greatly appreciated.

Sincerely



Thomas Hicks



Claudia Hicks

cc: Coalition for Beach Access



mm

RECEIVED  
APR 28 2010  
BY:.....

April 28, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954


**Re:** Comment on Draft ORV Management Plan (DEIS)

Dear Superintendent Murray:

I strongly support and agree with the Coalition for Beach Access\* Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement dated March 5, 2010.

- \*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 (April 6, 2010)

Respectfully,

  
100 Tobacco Road  
Henderson, N.C. 27537

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Mr. MURRAY:

I disagree with the sizes of enclosures in table 11, pg. 127. Based on my experience as a birder and fisherman on the Outer Banks and, previously, in Ct, R.I and Mass these enclosures are a maximum whose perimeters might be approached toward the end of a breeding cycle. Where an enclosure blocks access to a location on the water which is highly desirable for human activities there should be an access corridor.

I agree with the concept of developing an educational program that would increase peoples understanding and appreciation of the natural community and dynamics of the Outer Banks. Such a program should be offered to everybody even if it is mandatory for CRVs and/or pedestrians on the beaches.

I disagree with the need for 'floating' enclosures for non-breeding birds (page 81, para. 4). Each of the proposed areas in which such an enclosure will occur is proximate to areas already closed to humans not to mention the likely establishment of additional SMA, associated with nesting activities.

I disagree with abandoning turtle nest relocation (pgs 86-87) as an option for maintaining ORV access to an otherwise 'open' area. It is an option that could be used as it might be in the case of a likely inundation.

After reading the executive summary, my feeling of joy and privilege at being 'on the beach' - whether in a vehicle or a foot - became a feeling of trespass. I still feel a sense of stewardship and responsibility but it seems irrelevant and unwanted.

Though I'm not so hopeful that this process will soften the effects of some of the extreme attitudes that seem to be affecting the 'plan', it is the process and this response is a sign of respect for the process. I heard many good comments and suggestions at the public hearing and hope this process can re-focus the work of the Park Service toward the whole of its original mandate and prevent it from becoming primarily a policing agency whose task is controlling human access to the seashore - especially the ORV users who, undeservedly, come off as outlaws in the DEIS.

Sincerely  


RECEIVED

MAY 19 2010

Tidel Banks Group



RECEIVED  
APR 27 2010

*M. M.*

Comments on the DEIS By:.....

## Protection for Non-Endangered Birds

By Mike Johnson

My name is Mike Johnson.

I would like to speak tonight about the unwarranted protection that the Draft Environmental Impact Statement gives to non-endangered birds.

The DEIS, as it is now written, in pages 121 to 127, requires huge closures for birds that are not endangered, and not even threatened. These include gigantic 300 meter buffers for American Oystercatchers, Least Terns and Colonial Waterbirds --- again species that are NOT endangered.

These non-endangered birds are protected in the Cape Hatteras National Seashore Recreational Area only because they appear on a North Carolina list of species of concern.

*I ALSO AGREE WITH THE COMMENTS OF  
JOHN NEWBOLD, GARY GROSS, MAX DUTTON, ALLEN BURNES  
BOBBY DUTTON, LARRY HARHAM, WARREN JUDGE*

The purpose of this North Carolina listing is only to designate certain birds for future monitoring and tracking on a statewide level. The purpose was never to force federal agencies, such as the National Park Service, to adopt this state list and impose restrictions, as if these birds were endangered.

The North Carolina "List of Concern" should not be used against us in the Cape Hatteras National Seashore Recreational Area.

This is a major issue for our residents and visitors because it was these non-endangered birds that closed down Oregon Inlet, Cape Point, and other areas from March through late August of last year.

Instead, we recommend a more reasonable, and yet effective 30 meter buffer for non-endangered birds. And, these non-listed birds should not be given pre-nesting closures.

Also, on the subject of non-threatened and non-endangered birds, I have a concern that all birds in the same ecosystem should be counted. This is the only way to accurately determine the real numbers of birds in an area.

For example, in determining the number of birds in the Cape Hatteras National Seashore Recreational Area, it is crucial to consider the many birds that are thriving on nearby dredge and spoil islands, such as Cora June Island.

While only 500 yards away from the shores of Hatteras Village, Cora June Island is home to many birds where they enjoy a habitat free of predators.

However, the Park Service does not include the birds on these islands, even though they really are part of the same ecosystem as the Cape Hatteras National Seashore Recreational Area.

I believe the DEIS should be changed now before it becomes written in stone. Do not give the maximum level of protection to non-endangered and non-threatened species. And, count the birds that are just a stones-throw away from the seashore.

Thank you.

  
DARR CO. COMMISSIONER



P.O. Box 312  
Hatteras, N.C. 27943  
April 29, 2010

Dear Superintendent Murray,

I am writing in reference to the  
Deis proposed by the NPS.

I have been a horse owner in Frisco  
for 35 years. I disagree with restricting  
horse riding on the beach.

I do appreciate the opening of Open  
Ponds for horse riding. We will hopefully  
be able to continue riding on the beach.  
I have never seen any damage done  
to wildlife or vegetation by the horses.

Sincerely,  
Margaret Johnston

RECEIVED  
MAY 11 2010  
Mar Banks Group

mll

Mrs. Lynn B. Jordan  
P.O. Box 734  
Rodanthe, NC 27968  
April 21, 2010

RECEIVED  
APR 23 2010  
Tutert Banks Group

Dear Mr. Murray,

I support open ORV beach access on Cape Hatteras National Seashore Recreational Area. I have read the DEIS Plan F and hope it can be revised to consider the original purpose of this recreational seashore as stated by the federal government upon acquiring the land in 1937.

**SUBCHAPTER LXIII - NATIONAL SEASHORE RECREATIONAL AREA  
(CH.459,SEC.1,54STAT.702)**

**Cape Hatteras National Seashore Recreational Area "....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 Recreational Area...."**

Hatteras Island is approximately 60 miles long. If 30 miles of the island were devoted to wildlife preservation and protection, birds would naturally flock to those areas. They can also nest on hundreds of barrier islands in the Pamlico Sound, where eggs would be much less likely to be destroyed by predators. Nest discovered elsewhere can be roped off for protection as they were prior to 2008. (DEIS p.24)

Turtle nests can be roped off as well or eggs could be moved to Pea Island Wildlife Refuge. Eggs are only moved now prior to storms, which have proven to be more detrimental to the hatchlings than ORVs. (DEIS p.87,p.119,p.125,p.392-396) .

The villages of Hatteras Island could be restored to their original purpose as a recreational area open to ORV use by the public. This would assure the NPS compliance with the Americans with Disabilities Act, which is questionable under Plan F. (DEIS p.1) It would be a show of support by the NPS for the socioeconomic growth of the island, which cannot survive without ORV access. The NPS would be displaying its' respect for the traditions, culture and history of Hatteras Island, not considered in Plan F. And the NSP would be honoring the federal governments original contract with the people.

Please consider a drastic compromise to Plan F and support the citizens of Hatteras Island. This is the perfect opportunity to restore human relations between the NPS and the people, who have worked together so diligently in the past to preserve and protect wildlife and accommodate tourists. Without tourism Hatteras Island cannot survive economically! And without ORV access to the beaches, tourism here will cease to exist!

Respectfully,





RECEIVED  
APR 29 2010

MM

Joel and Elizabeth Boys Jorlett  
748 Village Green Parkway  
Newport News, Virginia 23602  
and  
Lot 188, Cape Woods Resort  
Buxton, North Carolina 27920  
757 249 9229

BY:.....

April 29, 2010

Michael B. Murray, Superintendent  
Outer Banks Group  
1401 National Park Drive  
Manteo, North Carolina 27954

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 [CHNS] 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?

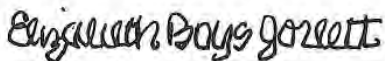
On the CHNS NPS website in the "Nature and Science" section there is a reference to the piping plover as "endangered" when in fact the bird is "threatened". Statements like this on the official NPS website are misleading to the general public. Just how much more false and misleading information is in 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,



Joel Jorlett



Elizabeth Boys Jorlett

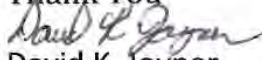
Copy furnished:

The Secretary of the Interior  
The Director of the National Park Service

Hello, my name is David Joyner and I am Vice-President of the North Carolina Beach Buggy Association. I have been coming to Cape Hatteras National Seashore Recreational Area with my family since 1960. After years of standing on concrete, going up & down chimneys my knees are weak & I can no longer walk great distances. Cape Hatteras National Seashore Recreational Area belongs to all citizens of this United States of America. It is not just for the young and fit, but for everyone including those with limited mobility. For every mile of beach set aside for Permanent Resource Closures and Pedestrian Only Areas you are denying access to hundreds of people with disabilities, not just folks like me but the young men and women who are fighting our wars and coming home with missing limbs. Those with disabilities cannot make it thru the soft sand between parking lots and the ocean. Families with small children cannot carry everything a family needs for a day at the beach on their backs. Include vehicle corridors thru seasonal resource closures to allow access to open areas that would otherwise be inaccessible because everyone could not walk to them. We need our vehicles to access areas for recreation & the vehicle needs to stay with us on the beach in the event of a medical emergency or sudden storm. A Special Use Permit to allow a Handicapped Person to be transported to the beach & then the vehicle having to be moved is unacceptable! When you write this Final Driving Plan for the Park, please remember it is about access, not denial to a treasure known as Cape Hatteras National Seashore Recreational Area. Please do not keep me and others from having the joy of being by the ocean.

---

Thank You



David K. Joyner

33518 Joyners Bridge Road

Franklin, VA 23851





Kimberly Lamm  
24738 Seagull View Lane  
Carrollton, Virginia 23314  
[klamm@charter.net](mailto:klamm@charter.net)

BY:-----

### Keep Hatteras open for ORV!

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. I 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 met 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.



I'm Judy Latham, ordinary private citizen, a widow of modest means and I live here in Wake County. My one-acre organic garden is Backyard Wildlife Habitat #27392. I maintain five bird feeders, two fountains and a bird bath. I am also a very poor but enthusiastic surf fisherwoman. I'm not strong enough to cast very far, but that doesn't mean I don't enjoy trying just as much as anyone else.

I've loved the Outer Banks since my first visit in 1970. My husband proposed to me in the shadow of the Ocracoke lighthouse and we watched the first sunrise of the new millennium from the beach in Buxton. When he died suddenly, it was there I fled to for my first Christmas without him.

I can't afford to buy an oceanfront cottage. I can't even afford to rent one without sharing. But I can afford to own a 4wd vehicle which has transported me and my bad foot out to paradise from time to time.

My fear with any of the DEIS alternatives is that those opportunities will diminish or disappear entirely. I cannot support any one of the six. It is my belief the buffers even in Alternative F are excessive and have no scientific basis. The economic data is vague and geographically irrelevant. Also, in my opinion, TCP consideration has gotten short shrift. The scenario I see playing out is that extensive closures will pressure some service businesses to fail so that when the beaches do occasionally open for visitors, the remaining services will be inadequate and/or priced for the wealthy only. And that leaves me out.

During the current global financial crisis, American citizens need national parks for low-cost recreation more than ever. I am bitterly disappointed that my government has defended itself and me so passively. The only upside, I suppose some would say, is that there's full employment among environmental lawyers.

I submit that I am the truly threatened species at Cape Hatteras, not the plovers. I strongly urge a compromise plan with the Pro-access Coalition Position Statement.

I'll make additional specific comments electronically. Thank you.

Judith C. Latham  
7905 Tulip Circle  
Raleigh, NC 27606  
[JCLathamNC@aol.com](mailto:JCLathamNC@aol.com)  
(919)760-7562

RECEIVED  
APR 28 2010  
BY:.....

0013345

mm

STUART B. LAUGHON  
4400 S. ASHLAWN DRIVE  
RICHMOND, VIRGINIA 23221

April 27, 2010

RECEIVED

APR 30 2010

Outer Banks GIS

Mike Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

Dear Superintendent Murray,

I am writing about the final results of the Plovers or the People. I truly believe the restrictions on Cape Hatteras would impact the people of the island so devastatingly that they would not be able to survive. It's quite a struggle as it is, but the laws the NPS want to add are "cruel and unusual punishment".

I am a native of North Carolina and have been enjoying the beaches for over seventy years. We built a home in Avon about twenty five years ago and our children and grandchildren have come to love, cherish and respect this beautiful, unique slice of our country. We have always felt so fortunate to be a part of these exceptional people and their land. I truly believe the plans you have in sight now would ruin not only the Seashore itself, but also the people who have fought so hard and so long to make this their home.

I urge you from the bottom of my heart to reconsider the "Off-Road Vehicle Management Plan" and the Environmental Impact Statement (DEIS). My sincere thanks to you for considering my request and the many requests from others who love this small area of our great Country.

Warmest regards,

*Stuart B. Laughon*  
Stuart B. Laughon





BY:.....

## Comments on the DEIS/ORV Management Plan

### Care Hatteras National Seashore Recreational Area

James W. Lea  
Buxton NC Homeowner  
Professor of Family Medicine  
UNC –Chapel Hill School of Medicine  
April 28, 2010

Mr. Superintendent, I find the DEIS/ORV management plan to be fatally weak, especially with regard to its handling of bird and turtle ecology, its description of the risks to wildlife posed by ORVs, pedestrians and pets on the Seashore beaches, its cavalier dismissal of habitat management strategies for preserving both recreation and conservation, and its shortsighted treatment of the economic consequences of the Action Alternatives for the residents of the Outer Banks and of the entire state of North Carolina. To be specific:

On pages 281 and 284, the DEIS acknowledges that "...beach-related tourism drives the economy of the area." And that's it. None of the Action Alternatives specifically provides for protecting that vital element of resident life, acknowledging only that businesses on the islands "may" be damaged when beach closures force recreational visitors to vacation, fish, surf, bird watch and spend their dollars elsewhere. Nor does the analysis address the economic damage to the rest of North Carolina from the loss of revenues generated by the state's third-ranked producer of tourism-related taxes. As tourism is dramatically diminished on Bodie, Hatteras and Ocracoke Islands by visitors' loss of beach access – as it will be if the DEIS goes forward as written – the state's budgets for education, roads, social services and other mandates will go back to the chopping block or everyone's taxes will go up. All North Carolinians would then be able to say to their Outer Banks neighbors: "Now I really feel your pain."

In addition, the documentation that justifies restricting public access to the Seashore's public beaches reminds me of the "best available science" that for thousands of years kept



our ancestors believing that the earth was flat. What's presented as scientific reporting throughout the DEIS is often scattered observations seasoned with the observers' preferences – instead of peer-replicated independent experimental studies that real science is made of. Page 208 describes weather and tides as a significant risk factor for piping plovers on the beach. "A strong thunderstorm was noted on the night before Nest 2 on South Beach was discovered lost; however, the loss is characterized as 'unknown' because it cannot be shown conclusively that weather was the cause." But on page 209I, we read "The impact of predation had been postulated to be greater on beaches with high human use because of the presence of pets and trash..." The relationship between humans and predators is not characterized as "unknown because it cannot be shown conclusively." Whatever happened to burden of proof? This is the kind of biased writing that slants much of the document and it's not acceptable.

It's a universally accepted premise of science, business and most other organized, goal-oriented endeavors that if you can't measure it, you can't manage it. The DEIS I'm reading today is woefully short on credible measurement and should not be a basis for any attempt at ORV and beach use management.

Thank you.

April 28, 2010

RECEIVED  
APR 28 2010

Dear Mike,

BY:-----

I have reviewed the 800 plus pages of the ORV management plan and environmental impact statement. What I did not see deep in the pages was very disappointing. Cape Point needs to be represented with more respect in regards to human activities!

The Cape Point area has been a very large part of this Nation's maritime history and this island's culture. There has been a longstanding heritage of commercial and recreational fishing at the Point that has fed families and this nation for centuries. It has been a social gathering place of people for many generations. Cape Point is a Mecca for surf fishing, birding, shelling, windsurfing, surfing, and many other recreational activities. **It is a destiny for many Park visitors.** I understand too that it is the southern most breeding area for a **very limited number of piping plovers** and only when the conditions are just right!

The National Park has always done a decent job helping these species. But neither you nor I are responsible for their fluxuating numbers. Storms and avian predation are by far, **and with no argument,** the two biggest factors! The Park's own data shows it is not from visitors walking or running over nests or chicks! The bird enclosures near the Cape Point area are necessary and I have always endorsed them as long as **shore side access is provided.** I spent the last several months reviewing piping plover data at Cape Point. Over a ten-year period, all the data showed that almost every chick hatched in an enclosure has **traveled west** towards the salt pond or lateral dune, **never east to the north beach or ocean!** I know my birds and their activities very well after observing them for over 40 years. Please look at that data very closely when making final decisions at Cape Point. There is no reason access to the Point should ever be denied when the area is being monitored by so many Park biologists and the enclosures are properly in place. The special interests groups, Audubon, SELC, and DOW that created the latest outrageous buffers did this with **little or no scientific justification** and most intelligent people question their true motives. The buffers also prohibit birding, which I have thoroughly enjoyed at the Point for over 30 years. I would also like to know what they done to help increase shore bird numbers in my National Park? So far and with multiply opportunities, they **have done absolutely nothing.** Their influence should be very limited when the final plan is drawn up. I'm sure they will sue again regardless.

In closing Mike, please keep this in mind. If the American people really knew what was going on out here, we would not be here tonight. Also remember what just happened in the New Jersey, Virginia, and Massachusetts elections...and don't forget Toyota's bad karma after giving Audubon 20 million dollars. The good people of the United States are tired of being pushed and bullied around. The repercussions will be heard loud and clear this November and our congress will look deep into the currant issues here. Our Park certainly needed some changes but it should never resemble a full-blown bird refuge or be managed by a few special interest groups with big money lobbyists. I don't hear **anyone** screaming "I want my National Park closed" **Do you?** Do not confuse other areas of the Park with historic Cape Point. The Point is a very special place.... please give it the **full respect** it deserves. Has always Mike, thanks for your hard work and remember, it's about access.

Sincerely,



Kevin Mc Cabe  
PO Box 743  
Buxton, N.C. 27920



RECEIVED

APR 23 2010

Tutert Banks Group

Mike Murray, Superintendent  
 Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, NC 27954

Katie Medlin  
 PO Box 453  
 Buxton NC 27920

attn:

Mr. Murray,

Apr 25, 4pm 84

My husband & I have for many years enjoyed riding to the beach to see the deer & other wildlife & watch the beautiful sunsets. At our age we are unable to walk over. Please help us to be able to continue to do this.

Please consider also that the high tides will continue to destroy the grasses and some of the other things of interest from the environment. Nature will prevail.

If this area was intended to be a habitat for these birds, it would have been in place for many years & would not cost millions of dollars and man power to try to force it. Sea Island would be the perfect solution on Portsmouth Island.

It concerns me deeply that animals are being trapped and some destroyed on their natural habitat.

Thank you  
 Katie Medlin



0013350

RECEIVED <sup>mm</sup>  
APR 29 2010

BY:.....

Attn: Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27945

Dear Mr. Murray and members of the National Park Service:

I grew up on Hatteras Island and have gone to the beach my whole life. I used to swim from north Rodanthe to the pier and jump off of it in my youth. I will be 89 in July, and I still go to the beach with my sister, my children, and my grandchildren.

The beach does not belong to the Park Service. If anyone should stay off of it, it should be the park service itself. We always welcomed visitors, and were glad to have all people, so you can imagine the rudeness of your trying to steal our beaches. When the park service first came to our island, they promised the natives that they wouldn't prohibit them from using the land as they wanted. We trusted you; you let us down. We were used to being able to take a man for his word back then, but promises have been broken.

As for the birds, I feed them daily. We know our birds better than you do; they've been on the beaches with us our whole lives.

I pray God's blessings upon you, and that you will seek His will. Please don't take what doesn't belong to you, or involve yourselves in taking more from us than has already been taken. We've sacrificed enough.

Thank You,

*Lovie O'Neal Midgett*  
Lovie O'Neal Midgett

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

558 Cleardale Avenue  
Trenton, N.J. 08618  
April 29, 2010

RECEIVED

MAY 09 2010

Outer Banks Group

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 Crocoked 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 ~~other~~ their livelihood)

and other wildlife.  
Please remember it is the Cape  
Satteras National Seashore Recreation

Area when you make your final  
decisions.

Thank you for your consideration  
in this matter.

Sincerely,  
Carl and Elizabeth  
Nagelle





North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

Beverly Eaves Perdue  
Governor

James H. Gregson  
Director

Dee Freeman  
Secretary

March 12, 2010

Michael B. Murray, Superintendent *MM*  
Outer Banks Group  
National Park Service  
1401 National Park Drive  
Manteo, North Carolina 27954-9451

**SUBJECT:** Status of Consistency Determination Submission for Implementation of an Off-Road Vehicle Management Plan at the Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina (DCM#20100034)

Dear Mr. Murray:

We received your consistency determination on March 10, 2010 for the proposed implementation of Alternative "F" as the Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina. The project has been distributed to State agencies that would have a regulatory interest in the proposed activity for review and comment. The public review period will close on April 9, 2010. Please be aware that as we continue to review this submission that we may request additional information. We intend to make a decision regarding whether the proposed activity would be consistent with the State's coastal program soon after.

The State of North Carolina has sixty (60) days from the receipt of the consistency determination to either "concur" or "object" to your consistency determination unless an extension is agreed to. The sixtieth day is May 9, 2010. Furthermore, the State is entitled to an extension of up to fifteen (15) days if additional review time is necessary. Final Federal agency action cannot be taken sooner than ninety (90) days from the State's receipt of the consistency determination unless State concurrence is obtained. Please feel free to contact me at 252-808-2808 if you have any questions. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

Stephen Rynas, AICP  
Federal Consistency Coordinator

Cc: Doug Huggett, Division of Coastal Management  
Frank Jennings, Division of Coastal Management  
David Moye, Division of Coastal Management  
Megan Carlioli, National Park Service

M. M.

April 29, 2010

RECEIVED

MAY 10 2010

Outer Banks Group

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 or 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 wild life 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,

A handwritten signature in cursive script that reads "Susan Gard Nelson". The signature is written in black ink and is positioned above the typed name.

Susan Gard Nelson

314 Tern Ct

Kill Devil Hills, NC 27948



Mr. and Mrs. John P. Newbold  
 2515 S. Pilot Lane  
 Nags Head, North Carolina 27959  
 252-480-2453  
 email: [fishnfools@charter.net](mailto:fishnfools@charter.net)

CEIVED  
 APR 27 2010

April 25, 2010

Superintendent Michael Murray  
 Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, North Carolina 27954

Dear Superintendent Murray:

We have watched with disbelief as the Off-road Management Plan has been developed and is now being presented to the public as the 'best way to manage ORV usage within the park'. To me, 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.

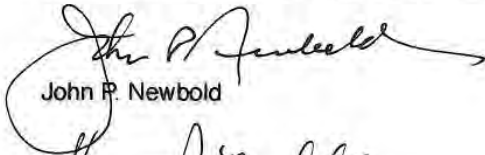
1. We live here on a core-bank strip of land that changes daily in size and is treated harshly by wind, waves and weather. There were never any native species here. Just as man came here, so did birds and animals. The strongest people and animals that could adapt were able to survive here. Those that 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. The 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 Recreational Area, in 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 and statistics 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 thirty 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 of the 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. Yet the group spent over two years working on a plan that they could never develop. This failure was the result of NPS refusing 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 degree 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 all the shots. It is obvious to me and it should be to others that NPS has little interest in doing anything except the wishes of 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 birds 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 gives your counts unrealistically lower numbers of species that 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 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 hinderance 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 areas 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 ORV's and pedestrians, it is a fabricated one. In the past ten years, only one 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 kill 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 group 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 environmentalists 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 to 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 the hatchlings. But, in time of dire weather, it's suddenly OK to move them. Seems to us too many of one sex or another beats the pants off of letting the nest die because of exposure to cold water, which occurs often here. You want turtle population, MOVE THE NESTS.

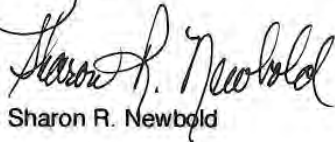


11. Of the six options listed for an off-road plan, your choice of Alternative F to us is the worst possible choice. Bird populations won't change, but the effect on the peoples who live here and the visitors who come to enjoy the beach will be changed forever. The worst part of all this closure is that 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!



John R. Newbold



Sharon R. Newbold



ph w1

April 27, 2010

Cape Hatteras National Seashore  
Mike Murray, Superintendent  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
APR 28 2010  
Tuler Banks Group

Dear Mr. Murray,

I am unable to attend any of the Public Comment Sessions so please accept this letter as my comment.

I disagree with the NPS statement on p.210 that protected species are at risk from pedestrians and ORVs. There have been no Piping Plover deaths attributed to ORVs. ORV violations continue to decrease as signage and education improve. Pedestrian violations are much more significant than ORV violations. I do agree that ORV drivers should be required to take a NPS approved training class on beach driving.

I disagree with pedestrian only areas. This discriminates against individuals with limited mobility, disabilities, physical impairments, families with small children and those who wish to engage in recreational activities that require equipment. I question if this is also a violation of Americans with Disabilities Act.

I disagree with the buffers proposed in the DEIS. They are excessive and should be reduced as well as provide pedestrian and ORV corridors to go around or below high tide line during entire breeding and nesting season. I agree with the following during breeding/nesting: Piping plover-50m, Wilsons Plover 30m, AMOY flush +15m, Least Tern 100m and other Colonial Waterbirds 30m. Unfledged chicks: Piping Plover 200m, Wilsons Plover 30m, AMOY flush +15m, Least Tern 30m, other Colonial Waterbirds 30m. Piping Plover unfledged chicks buffer should move with the brood as it relocates to reliable food source, not expanded.

I agree that the NPS should aggressively pursue the adaptive management initiatives identified in the DEIS and then implement less restrictive closures every year. I also agree that the NPS should create more favorable piping plover habitat by clearing vegetation at Cape Point ponds.

The DEIS inadequately addresses environmental issues more detrimental to turtles and birds. The most significant factors impacting both bird and turtle nest failures are mammalian predation, storms/lunar tides, nest abandonment, avian predation and ghost crab predation.

I disagree with the Night Driving Restrictions. There have been no Major Adverse events and human activity has not occurred frequently. Night driving deters predators lowering the risk to turtles and birds.

I do agree that the DEIS should initiate a Turtle Watch Program similar to the program used by the Alligator Wildlife Refuge at Pea Island, develop a predator management policy and adopt the proactive techniques currently used by other east locations to encourage turtle nesting success. For example: relocate nests that are in ORV corridors.

The DEIS ignores the cultural and historical importance of surf zone access to Outer Banks communities and fails to address the ethnographic study which the NPS has failed to complete. This is in violation of the NEPA process.

I disagree with the socioeconomic data and analyses in the DEIS. It is incomplete, misleading, inflated and flawed. This data included the northern beaches which significantly dilutes estimates of economic impact on the Seashore Villages. It down plays the impact on small businesses in the Seashore Villages. It does not use data from the first full year of the Consent Decree. 2008 visitors were unaware of the beach closures and were locked into reservations. Visitor counts should not include Fort Raleigh National Historic Site, The Wright Brothers National Memorial or non-federal beaches outside of the Seashore.

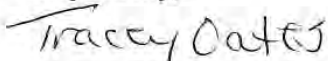
The DEIS is very confusing on the issue of pets. I support allowing pets on 6 foot leashes year-round in all areas open to pedestrians or ORVs.

I disagree with and do not support ORV permit fees or limitation of permits.

I disagree with replacing wetlands for parking lots. This would not be necessary if beach was not closed to ORVs.

Thank you for taking the time to read my comments and hope that some of the suggestions make it to the FEIS.

Respectfully,



Tracey Oates

NCBBA Secretary #11240



P.O. Box 342  
Hatteras, NC 27943  
April 29, 2010

Dear Superintendent Murray,

I am writing in reference to the DEIS proposed by the NPS. As an owner of a small business in Hatteras village, I am concerned about the negative impacts of beach closures. My business as well as many others on the island would suffer great losses.

I disagree with a highly restrictive plan and would urge those making the final decision to implement a compromise. Closures are necessary at times but should be reasonable and fair to all - both animals and visitors in the park. I would ask NPS officials to approach the decision making process with an open minded attitude.

Yours truly,  
Jane Oden

RECEIVED

Walter Banks Group



MM

Mike Murray, Superintendent  
 Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, NC 27954

RECEIVED

FEB 24 2016

Outer Banks Group

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 M. Page*  
 Connie Midgett Page

RECEIVED  
APR 29 2010

me

All,

BY:-----

**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 uniformed 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 DIES, 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 they 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.**



MM

GEORGE W. PRATT  
 PO Box 294  
 Buxton, NC 27920  
 (252) 986-1517

April 27, 2010

RECEIVED

Wilder Buggy Club

Mike Murry, Superintendent  
 Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, NC 27954

I am writing to comment on the draft *Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact Statement*. My comments in this letter deal with the title of the Plan/Statement.

The term "off-road vehicle" implies in the eyes of the general public that people come to the Cape Hatteras National Seashore primarily to go "off-roading" in their highly modified vehicles with large knobby tires. It paints the picture of owners of the vehicles speeding up and down the beach, climbing dunes, running through enclosures and cutting "donuts" and figure eights in the sand. This maybe true of less than .001% of those that come to access the seashore in their vehicles, however the vast majority of those coming to the Park use multi-use family vehicles which also are capable of driving where there is no pavement. Most of the families in them care for the area and are conservationists wanting to not disrupt the ecology of the seashore they enjoy. Groups like the North Carolina Beach Buggy Association, in partnership with the Park Service, have done more to promote beach cleanup, beach respect, and research and protection of endangered species than other so call environmental groups. Most of the "bad" behavior on the beach is minimal. Some is done through ignorance. The Park Service does not have an educational or interpretive component that supports responsible beach use. They tend to use signs instead. The privilege of driving on the beach should include attendance in a mandatory interpretive program that stresses the responsibility and ethics of beach use. The Park Service once took great pride in its function as an educator, but has failed to offer what would be the most popular educational program at the seashore. While many would not agree, a reasonably priced permit system for beach driving is needed and might be used to fund this education. The inadequate funding of enforcement personnel in the Park also contributes to the problem of bad behavior by Park visitors.

I do support the use of the word *Environmental* in the title, but would add the suffix "-ist". It is a political rather than a scientific term, and it implies that the impact statement will be more politically biased rather than scientific based in its underpinnings. Many people equate *environmentalism* with science, but it's a political and social movement. The impact statement will be politically correct and meant not to offend those who identify with the environmental movement and its organizations (which will sue the Park Service no matter what it does). These organizations which are more and more corporately funded and isolated from their membership take a very elitist view that only they understand the environment and that the public should be denied access to areas that they designate. Please do not change the wording to "Ecological Impact Statement." That implies that you have tried to study and understand the whole system of factors that influence the life cycle of species that use Hatteras Island during only part of their life cycle. It would imply that in framing your policies you understand and take into consideration what happens to species when they are away from the Park, and that you have a long term understanding of the history of it's cycles and changes in numbers--not just 20 years of data. It would also imply that the document you have created is scientifically based rather than simply "legally defensible" from attacks by the environmental movement.

I would also like to recommend that the word "recreation" put back in the official name of the Park. It implies that we value one of the reasons that the Park was established. Many of the newer parks established near urban areas continue to use "recreation" in their title, and don't try to maintain the fiction that they are a "wilderness area." (As you go through the Park, it is not the tire tracks that let you know you are not in the wilderness--it's all the signs.) Cape Hatteras is a highly modified environment near increasingly urbanize areas. It can give you the sense of

wilderness. It is still a place of wonder where you can observe natural wonders in its vistas, flora and fauna; if you can access it.

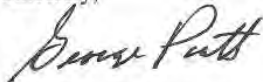
I would recommend the following title for the document:

*Cape Hatteras National Recreational Seashore Family Access Vehicle and Citizen Restriction Plan / Environmentalist Impact Statement.* I suggest this because I think that it is a more honest fiction than the current title. Wording in the document should be changed to reflect the new title. When the document talks about restricting ORV and pedestrian access to areas of the seashore, it should be changed to read "restrict family access vehicles (FAV) and citizen access to their recreational seashore." The purpose of the document is to restrict the traditional uses by families and citizens to areas of the park, and the title ought to better reflect this truth. It would also better reflect the political bent of the project, and point out that it is under the control of some in the more elitist wing of the environmental movement. Anybody can sue you for anything, if they have the resources. If your document is created in consultation with Department of Interior lawyers with the objective of blocking all possible litigious actions, your document is already under their control. They will sue you irrespective of what you do.

This letter is not meant to be factious or cynical. I simply have a respect for the power of words. I favor access to the seashore with restrictions (a permit system with a strong educational component in local ecology). I also favor laws, policies and procedures that protect the ecological needs of species when they have a realist chance of working, but I think most of your plans miss that target. I also have great respect for science, but I do not see much here. My suggestions are to remind the framers of this document that the words that are chosen to go into the document have perceptual, political and legal ramifications. They are tools that paint a picture and shape the perceptions of its audience and ultimately their social, political, and legal reality. Your document has the effect of creating federal laws that support or pervert the intentions of Congress or the executive orders of the President. Remember, "the best available science" is not science. Please, try not to **unnecessarily** restrict the freedom of access that citizens and families have to the seashore. Please, try not to unnecessarily destroy the economic viability of your neighbor's families. Please, try to protect access for future generations.

More later.

Sincerely,



George Pratt



mm



From: Howard D. Quillen

President – United Mobile Sportfisherman Association

Vice-President – Assateague Mobile Sportfisherman Association

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:

**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.

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 fledge, remove the buffer zone and return the beach to normal activity (page 87).

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.

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.

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.



**Turtles** – In any give year, approximately 40% of turtle nests are lost due to storm activity and predation. 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.

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 a moving the nest, if in fact we are serious about helping the turtles.

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 as a result. Once the nests are moved, again a flexible buffer zone around the nests is appropriate. 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.

### **Socio-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 Otter 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 270-281:561-598) provide incomplete and misleading information.

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.

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 multi-use areas that allow both pedestrian and OSV access. Rarely is there a need to restrict one 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.

0013373

MM

136 Willow Pond Drive  
Morehead City, NC 28557-2611  
April 25, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

APR 26 2010

Water Banks Group

Dear Mike:

Enclosed are the comments I will use at the upcoming meeting in Buxton and are the comments you will receive from the Coalition of National Park Service Retirees relating to the DEIS on ORVs at Cape Hatteras.

Will you please see that these become a part of the official record.

Thank you.

Sincerely,



Dwight F. Rettie

cc: Rob Milne



Comments on the Draft Environmental Impact Statement Relating to ORVs at Cape Hatteras National Seashore on behalf of the Coalition of National Park Service Retirees

My name is Dwight Rettie and I am here representing the Coalition of National Park Service Retirees. During the negotiated rule making process I was Alternate Delegate to Rob Milne who is now living in France. Rob extends his best wishes to all of those present at this hearing.

The Coalition of National Park Service Retirees is an organization of more than 600 former National Park Service employees, now retired, who wish in this way to remain connected to not only the National Park idea, but also to the present employees of the Park Service and to many of you sitting in this room whom we have had contact over the years and during the negotiated rulemaking process.

Both Rob and I were very much disappointed that it was not possible for the committee to arrive at a consensus document that could draw the support of both the Park Service and the myriad of outside interests representing people and organizations—often referred to as “stakeholders”—who have an interest in the subject matter of this hearing. We hope that past failures will result in new efforts to arrive at agreements in the future. We have every confidence that no one in this room wishes those efforts to fail.

As we have represented the Coalition, it has been our goal to avoid “taking sides” on individual issues as they came before the committee and that have been and will be raised by the DEIS.

We saw our mission as one to represent visitors and potential visitors who are probably not at this meeting today. They are the great majority of the American people who are the true owners of Cape Hatteras National Seashore—not instead of, but rather in addition to everyone in this room and those that will attend subsequent hearings on this subject. We have seen this subject become so embroiled in local issues that keeping an eye on the long term needs of the park and the large numbers of people who now and in the future have an interest in this great national treasure. No matter how certain anyone may feel that their claim on this Seashore is more valid or of longer standing than anyone else's, this park does not belong to any of its users—but to them all, plus many more who will never have the opportunity to visit here.

I have spent long hours reading the DEIS—and I stand impressed by the quality of the work that went into its preparation and release—notwithstanding the vigor with which some people disagree with something in particular. It is a fine professional piece of work!

I would like to call everyone's attention to the ambitious programs contained in the

preferred Alternative: more ramps and improvements to existing ones. More interdunal roads, more restrooms and other amenities, and improved monitoring of park resources of all kinds. I am convinced that the future holds great promise for this park. Profound disagreements that remain unresolved can delay or sink many of those ambitious undertakings.

We hope these meetings are a new beginning and not merely more of the same disagreements that have made compromise so difficult—indeed, often impossible.

It seems unlikely to me that NPS will receive the money and staff needed to implement the preferred alternative in the face of the level of vigorous hostility that has had such a grip on efforts to negotiate.

It is time for a new beginning.

Thank you.

P.O. Box 312  
Hatteras, N.C. 27943  
April 29, 2010

Dear Superintendent Murray,

I am writing in reference to the  
Deis proposed by the NPS.

I have been a horse owner in Frisco  
for 35 years. I disagree with restricting  
horse riding on the beach.

I do appreciate the opening of Open  
Ponds for horse riding. We will hopefully  
be able to continue riding on the beach.  
I have never seen any damage done  
to wildlife or vegetation by the horses.

Sincerely,  
Margaret Johnston

RECEIVED

APR 29 2010

W. Banks Group



P.O. Box 342  
Hatteras, NC 27943  
April 29, 2010

Dear Superintendent Murray,

I am writing in reference to the DEIS proposed by the NPS. As an owner of a small business in Hatteras village, I am concerned about the negative impacts of beach closures. My business as well as many others on the island would suffer great losses.

I disagree with a highly restrictive plan and would urge those making the final decision to implement a compromise. Closures are necessary at times but should be reasonable and fair to all - both animals and visitors in the park. I would ask NPS officials to approach the decision making process with an open minded attitude.

Yours truly,  
Jane Oden

RECEIVED

APR 30 2010

Walter Banks Group

mv

Margaret E. and George B. Finley  
50525 Timber Trail  
Post Office Box 522  
Frisco, NC 27936  
252-995-7882

April 29, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
MAY 10 2010  
WILL BANKS GIC

Dear Mr. Murray:

I do not believe that the economic impact study in the DEIS is sufficient or factual.

The economic impact will affect;

Taxes we send to Raleigh from Dare County

- The taxes to support our school system
- The local job opportunities
- Loss of revenue from sales tax, transfer tax, etc
- Dare County will no longer be able to provide the services it now provides to its residents
- Property values will decline more
- Off island vendors will lose business and jobs
- Ocracoke will lose day trippers and the additional revenues
- More foreclosures due to loss of rental income
- Skilled workman will have to leave the island to seek employment
- Graduating students will have fewer job opportunities and will have to seek employment off-island
- The impact will be felt at new car dealerships in the state and in the region
- The island food banks are overwhelmed

The economic impact is Region and State wide. The meetings in Raleigh and Hampton underscore your acceptance and understanding of that fact. Yet, your study is flawed; it is not just Dare County that will suffer under the impact of your actions.

George B. Finley

Margaret E. Finley



4/29/10

mm

RECEIVED

APR 30 2010

MR MURRAY, SIR

I LIVE IN BUXTON, NORTH CAROLINA AND I WOULD LIKE TO BRIEFLY COMMENT ON TWO SUBJECTS THAT APPLY TO ME AND MY FAMILY IN REFERENCE TO THE "DEIS" PLAN.

THE BEACH IS OUR SOURCE OF RECREATION. FIRST: WITHOUT THE USE OF AN "ORV" IT WOULD BE IMPOSSIBLE FOR ME, MY WIFE AND MY TWO CHILDREN, ONE OF WHICH IS ONLY A TODDLER TO HAVE ACCESS TO OUR BEACH. PEDESTRIAN ONLY AREAS DISCRIMINATE AGAINST US AND MANY OTHERS FOR VARIOUS REASONS.

SECONDLY THE SOCIOECONOMIC IMPACT OF THE "DEIS" PLAN IMPACTS OUR FAMILY IN A NEGATIVE WAY. BOTH MY WIFE AND I WORK FOR A BUSINESS THAT DEPENDS ON TOURISM. HATTERAS ISLAND HAS SOME OF THE BEST SURF FISHING BEACHES IN THE WORLD, THAT IS ~~WHY~~ MOST VISITORS COME HERE, AND THOSE ARE THE VISITORS THAT SUPPORT THE BUSINESS WE WORK FOR.

THESE ARE MY CONCERNS, AND I HOPE FOR MORE CONSIDERATION FOR NOT ONLY MYSELF, BUT ALSO FOR THE MANY VISITORS WHO COME TO ENJOY OUR WONDERFUL BEACHES.

THANK YOU,

Terry Blevins & Joni Luckey

TERRY BLEVINS



0013380

STUART B. LAUGHON  
4400 S. ASHLAWN DRIVE  
RICHMOND, VIRGINIA 23221

April 27, 2010

Mike Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

RECEIVED

APR 27 2010

Mike Murray

Dear Superintendent Murray,

I am writing about the final results of the Plovers or the People. I truly believe the restrictions on Cape Hatteras would impact the people of the island so devastatingly that they would not be able to survive. It's quite a struggle as it is, but the laws the NPS want to add are "cruel and unusual punishment".

I am a native of North Carolina and have been enjoying the beaches for over seventy years. We built a home in Avon about twenty five years ago and our children and grandchildren have come to love, cherish and respect this beautiful, unique slice of our country. We have always felt so fortunate to be a part of these exceptional people and their land. I truly believe the plans you have in sight now would ruin not only the Seashore itself, but also the people who have fought so hard and so long to make this their home.

I urge you from the bottom of my heart to reconsider the "Off-Road Vehicle Management Plan" and the Environmental Impact Statement (DEIS). My sincere thanks to you for considering my request and the many requests from others who love this small area of our great Country.

Warmest regards,

*Stuart B. Laughon*  
Stuart B. Laughon

0013381

MM

136 Willow Pond Drive  
Morehead City, NC 28557-2611  
April 25, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
APR 30 2010  
Tuter Banks Group

Dear Mike:

Enclosed are the comments I will use at the upcoming meeting in Buxton and are the comments you will receive from the Coalition of National Park Service Retirees relating to the DEIS on ORVs at Cape Hatteras.

Will you please see that these become a part of the official record.

Thank you.

Sincerely,



Dwight F. Rettie

cc: Rob Milne

Comments on the Draft Environmental Impact Statement Relating to ORVs at Cape Hatteras National Seashore on behalf of the Coalition of National Park Service Retirees

My name is Dwight Rettie and I am here representing the Coalition of National Park Service Retirees. During the negotiated rule making process I was Alternate Delegate to Rob Milne who is now living in France. Rob extends his best wishes to all of those present at this hearing.

The Coalition of National Park Service Retirees is an organization of more than 600 former National Park Service employees, now retired, who wish in this way to remain connected to not only the National Park idea, but also to the present employees of the Park Service and to many of you sitting in this room whom we have had contact over the years and during the negotiated rulemaking process.

Both Rob and I were very much disappointed that it was not possible for the committee to arrive at a consensus document that could draw the support of both the Park Service and the myriad of outside interests representing people and organizations—often referred to as “stakeholders”—who have an interest in the subject matter of this hearing. We hope that past failures will result in new efforts to arrive at agreements in the future. We have every confidence that no one in this room wishes those efforts to fail.

As we have represented the Coalition, it has been our goal to avoid “taking sides” on individual issues as they came before the committee and that have been and will be raised by the DEIS.

We saw our mission as one to represent visitors and potential visitors who are probably not at this meeting today. They are the great majority of the American people who are the true owners of Cape Hatteras National Seashore—not instead of, but rather in addition to everyone in this room and those that will attend subsequent hearings on this subject. We have seen this subject become so embroiled in local issues that keeping an eye on the long term needs of the park and the large numbers of people who now and in the future have an interest in this great national treasure. No matter how certain anyone may feel that their claim on this Seashore is more valid or of longer standing than anyone else's, this park does not belong to any of its users—but to them all, plus many more who will never have the opportunity to visit here.

I have spent long hours reading the DEIS—and I stand impressed by the quality of the work that went into its preparation and release—notwithstanding the vigor with which some people disagree with something in particular. It is a fine professional piece of work!

I would like to call everyone's attention to the ambitious programs contained in the



preferred Alternative: more ramps and improvements to existing ones. More interdunal roads, more restrooms and other amenities, and improved monitoring of park resources of all kinds. I am convinced that the future holds great promise for this park. Profound disagreements that remain unresolved can delay or sink many of those ambitious undertakings.

We hope these meetings are a new beginning and not merely more of the same disagreements that have made compromise so difficult—indeed, often impossible.

It seems unlikely to me that NPS will receive the money and staff needed to implement the preferred alternative in the face of the level of vigorous hostility that has had such a grip on efforts to negotiate.

It is time for a new beginning.

Thank you.

mm

HOOD RICHARDSON  
STATEMENT TO DRAFT ENVIRONMENTAL IMPACT HEARING  
KILL DEVIL HILLS  
Tuesday April 27, 2010  
252-975-3472  
110 West Second Street  
Washington, N. C. 27889

RECEIVED  
APR 27 2010

BY:.....

I am Hood Richardson, a Beaufort County Commissioner. I was the lead Beaufort County Commissioner in the OLF law suit. This was also a National Environmental (NEPA) issue. The Federal Government wanted 30,000 acres of prime farm land. The purpose of NEPA is to protect the public from ham fisted solutions. The burden is on the National Park Service to prove that what they want to do is the minimum reasonable effort to accomplish their desired protection. The National Park Service and the various environmental groups failed to act in a reasonable and assertive manner over many years. Now, they want to use their imperial authority to force the public not to use our beaches at all. That is not reasonable at any time and especially under NEPA.

I urge the decision makers to form a policy that promotes beach access. I endorse the no action alternative, but knowing some kind of action is forth coming, I like the recommendations from the Coalition for Beach Access. They provide for reasonable environmental protection while allowing for the use of the beaches and water by the public.

K

APRIL 25, 2010

DEAR SUPERINTENDENT MURRAY,

RECEIVED  
APR 25 2010  
Tidder Banks Group

I WANT TO THANK YOU FOR LISTENING TO ALL THE PEOPLE WHO VISIT AND VALUE CAPE HATTERAS NATIONAL SEASHORE. WHEN IT COMES TO ORV USE AT CHNS I PREFER A MORE BALANCED APPROACH. THEREFORE, I SUPPORT ALTERNATIVE PLAN D IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, IF MODIFIED TO PROVIDE GREATER PEDESTRIAN ACCESS.

I BELIEVE THAT RECREATIONAL USE OF THIS WONDERFUL RESOURCE SHOULD PUT RESOURCE PROTECTION FIRST, OTHERWISE IT WILL BECOME JUST A PILE OF SAND. THE BEST SCIENTIFIC INFORMATION SHOULD BE USED TO PROTECT THE BIRDS AND TURTLES THAT ALSO SHARE OUR SPACE AT CHNS. THEY ARE DEPENDENT ON US TO ALLOW THEM TO EXIST. AND FOR THAT THEY NEED MORE ROOM AND TIME TO BREED AND RAISE THEIR YOUNG. MIGRATING BIRDS NEED SAFE



0013386

STOPOVER SPOTS AND WINTERING BIRDS  
NEED RESOURCE RICH AREAS TO LIVE,

I AM NOT ASKING THAT ORV USE BE ELIMINATED  
JUST THAT IT BE REDUCED SO THAT ALL OF  
US - BIRDS - TURTLES - PLANTS - HUMANS -  
HAVE A CHANCE NOW AND IN THE FUTURE  
TO CALL THE SEASHORE HOME,

I WILL BE FOLLOWING THE PROGRESS OF  
YOUR EFFORTS AT CAPE HATTERAS.

SINCERELY,



JOANNE FRITTENBERG  
52 HILLCREST DRIVE  
WEAVERVILLE, NC 28787

RECEIVED  
APR 27 2010

MM

Dear Mike Murray,

BY:..... Page 1 of 2

Please find herewith, a few pictures, as we believe pictures tell a lot. The pictures are of our home in Virginia Beach. They are current or recent. There are the ones of our Robin with her eggs nesting in the wreath on our front door. There are the ones of our Chick-a-dee family raising their babies in the house on our rear deck. There are the Mallards raising their babies in the back yard and the Geese and Whiskers the Muskrat (Nutria) who figured if it was good for the ducks, he would give it a try. We have had many others, Birds, Turtles (Nests), Rabbits (Nests) and yes, the snakes.

Some prey on them as you know. However, they all feel safe and secure in their relationship with us. We are good neighbors, Not the enemy.

This is our "best available science." It should be considered in conjunction with the other science, don't you think?

We hope you will understand that we take it personally when we are condemned by environmental groups because we want to continue the traditional use of the beach at CHNS.

You will also find a picture of our granddaughter experiencing the wonders of Cape Hatteras. She is the next of several generations. We have had four generations together on this wonderful beach, which would not be possible anywhere else.



My wife and I have worked hard all our lives in the hope to one day soon be able to retire to the Outer Banks. We want to be able to finally enjoy the beaches as we have dreamed of for so long. We see our dreams fading. We put our faith in you, you are our Hope.

We realize there is a need for more regulation than there has been in the past. We are all for it. We were just on the beach last Saturday 4/24, cleaning it. We had to ask a couple to leash their dogs, which they did. They were very receptive when we explained why it was necessary. We cleaned up trash from visitors as well as debris from storms. We were happy to do this as we want to be good stewards of God's gifts. We even pulled someone out that got stuck @ Ramp 4. We tried to educate the couple to the ways of beach driving. We believe that through cooperation everyone's goals can be achieved. We don't feel the good majority should be punished due to the actions of a few who do not understand. But, we have just begun to really educate people in this situation. It will get better with the proper effort.

We Thank You,

Ron & Cecile Saunders

Virginia Beach, Va

Kill Devil Hills, N.C.

NCBBA OBPA



We cannot believe the direction those in authority in the United States are taking. We are 70 and 75 years of age.

In our entire lifetime, Americans were all on the same page...one for all and all for one. Why is this changing? It seems there is a large faction within our own ranks that is corrupting America from the inside out.

We worked all our lives and paid taxes to have a better life for ourselves, children, grandchildren and those who were truly disabled. Fast forward to 2010 and you will see the officials (do we need to include the NPS ?) as opponents of the law abiding citizens of America. The mindset is that our rights are optional, our tax money belongs to anyone shrewd enough to claim it and any special interest group that foots the bill for a "buy out" to get a law changed to fit their particular program. Sad.

Do you all see where this is headed? Socialism, here we are at your door...

It is time for all of us to Just Say No. The NPS has always been a group of nature loving individuals that enjoys the freedom of vast free land. Please keep this agenda! Do not get into this absurd disappearing plant and bird protection theory that is just a guise to control areas that some want to control.

We only ask that you assert yourselves to continue to do your job as "keeper of the peace" and overseers of a vital area of America.

Have you failed to consider the hard working, forever tax paying citizens that served in the military , or those who worked in factories in crowded Eastern United States cities with the dream that when retirement came, they would relocate to the OBX to enjoy the serenity it offers? These are the people that have paid and do pay your salary. Up to now, they have been respectful of your profession. This will change with your new mandates. You will no longer be respected...you will be considered the opponent, as you will have to be the ones enforcing these absurd restrictions.

If the OBX becomes as drastically altered as you and the special interest groups propose , we will no longer be interested in visiting a governmentally run recreation area, which will not be recreational. Would we even consider taking a governmental "bus" to view the ocean and sunset (for a fee, mind you) and be back within the hour to unload so they could get another load of "tourists"? Or, wait in long lines to obtain tickets to go to the beach. Talk about a waste of time, yours and ours.

Why was the Pea Island Sanctuary set aside in the first place if it is unsatisfactory for these Piping Plovers and all those other fabricated specimens of impending extinction? Why do you not consider Portsmouth Island for your "bird mandated nesting area"...it has few inhabitants and would work out well with mosquitoes for feeding them. And, here's a new thought...perhaps those birds are nesting and living where you have never even visited.

Birds and animals are blessed with instinctive gifts. They know where they need to live and what they need to do to perpetuate their species. They constantly surprise mankind as they "outsmart" them...ask National Geographic photographers.

0013390

One more thought....the Outer Banks pioneer families who donated this marvelous seashore area to the Federal Government for a National Recreation Area, did so as a perpetual hope that **all people** would be able to enjoy the fishing, swimming, shelling and boating advantages. These proposals shamefully abuse their gift to this country by closing all access to the beaches that they gave us. If they were alive today and could consider these intended rules, they would forego their gift....ask their heirs.

Please reconsider. Let us keep America the Home of the Free.

Thank You,

Most Sincerely,

Bob & Becky Sharp

893 N. Homestead Lane

Lancaster, KY 40444

RECEIVED  
APR 23 2010  
Outer Banks Group

As 26-year vacationers to the Outer Banks, NC, we feel such affection for it . It is a 750 mile drive from our home in Kentucky. The vacations we always thoroughly enjoy are the reason for our yearly return. It is truly a family vacation area....something for everyone.

In reading the lengthy documents, it is too obvious, that the NPS insists upon rights to close any or all areas at will, for any number of reasons that appear to be unreasonable and lacking overall vision for the entire picture.

Birds are endowed with wings by our Creator ...they can stay or fly away. All efforts to mandate their nesting grounds, flight path, etc. is absurd. The only way to possibly keep any bird in any area man insists upon for them is to cage them and feed them, as they do in a zoo. You can turn the whole Outer Banks into a bird sanctuary (SHUDDER!) and still not achieve your goal.

If the OBX becomes as drastically altered as you and the special interest groups propose....please note, I did not say the people of the United States.....our rights are no longer considered in this decree, we will no longer be interested in visiting a governmentally run recreation area, which will not be for recreation. May I emphasize that the MAJORITY vote as the deciding factor in this country has worked beautifully up to this point.

Why is the Pea Island Sanctuary unsatisfactory for these Piping Plovers....isn't it a designated area? Why do you not consider Portsmouth Island for your "bird mandated nesting area" ...it has few inhabitants and would work out well with mosquitoes for feeding them.

Regarding your control of the number of people allowed on the beach at a time, there are Super Bowls, NCAA Tournaments, NFL Games, College games of all sorts, where tens of thousands of people congregate in an enclosed building and you are worried about the safety of several families on an open beach? Sorry, folks, that one defies logic.

One more thought....the Outer Banks pioneer families who donated this marvelous seashore area to the Federal Government for a National Recreation Area, did so as a perpetual hope that **all people** would be able to enjoy the fishing, swimming, shelling and boating advantages. These proposals shamefully abuse their gift to this country by closing all access to the beaches that they gave us. If they were alive today and could consider these intended rules, they would forego their gift....ask their heirs.

Please reconsider. Let us keep America the Home of the Free.

Thank You,

Most Sincerely,

Bob & Becky Sharp

893 N. Homestead Lane

Lancaster, KY 40444

RECEIVED  
APR 21 2010  
Outer Banks Group



## Comments on the DEIS

**Corridors**

By Jack Shea



My name is Jack Shea.

The beaches of the Cape Hatteras National Seashore Recreational Area should be open and accessible to the people. Access to our public lands is a fundamental right that was promised in the enabling legislation that created America's first national seashore.

However, this access to our public lands is severely restricted in Alternative F of the DEIS. I am here tonight to ask the National Park Service to seriously consider the role of corridors as a practical means to give us access to our public lands in a way that does not hurt wildlife.

Corridors need only be small paths around a resource closure to provide access to an area that would otherwise be blocked.

In some cases, these corridors can go through or around closures.

In many places, a corridor can easily be established below the high tide line. Since unfledged chicks are not found in this area, it is a perfect solution to providing access in a way that does not negatively affect wildlife.

As outlined in DEIS pages, roman numeral 12 and 17, and on page 468, corridors are only allowed in Management Level 2 portions of SMA's. Even these limited corridors are subject to resource or safety closures at any time.

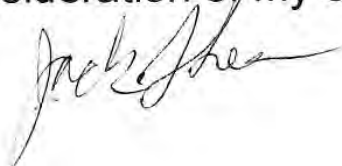
Corridors are effective tools for access and should be established throughout the entire seashore including the highly restrictive Management Level 1 portions of SMA's.

Please remember in preparing your final Environmental Impact Statement that Corridors provide valuable access to federal lands without impairment or damage to protected resources.

Corridors are a practical way to enhance the visitor experience and open up popular areas like Oregon Inlet and Cape Point

Corridors are a common sense solution that represents a win-win situation for wildlife and for "we the people."

Thank you for your consideration of my comments.

A handwritten signature in black ink, appearing to read "Jack Jones". The signature is written in a cursive, flowing style.

## Comments on the DEIS

### Piping Plover Buffers

By Jack Shea



My name is Jack Shea.

There are many aspects of the DEIS that I find objectionable –

However, tonight I would like to focus your attention on the extreme buffers given to piping plover unfledged chicks as outlined on pages 121 to 124 of the DEIS.

Alternative F requires a minimum 1,000 meter buffer in all directions. This represents a linear distance 2,000 meters or 6,561 feet. Or, expressed in miles it is 1.24 miles. This gigantic buffer is equivalent to the following –

- 40 Olympic size swimming pools
- 18 Professional football fields
- 6 Nimitz class aircraft carriers



What if these extreme closures were imposed on our decision makers in Washington, D.C., instead of the people at the Cape Hatteras National Seashore Recreational Area?

For example, a nest of unfledged piping plover chicks in the middle of the National Mall surrounded by the Smithsonian buildings, would shut down the entire area.

The closure would extend all the way from the Grant memorial on the west lawn of the U.S. Capitol all the way to the Washington monument.

Furthermore, someone standing in the middle of Pennsylvania Avenue in front of the White House is closer to the Oval Office than a family can get to a piping plover nest while on the beaches of the Cape Hatteras National Seashore Recreational Area. Here we see that a non-endangered bird gets a larger protective buffer than the President of the United States.

These comparisons to geography in Washington, D.C. are important because the National Park Service and the Department of Interior need to understand precisely what would happen if these regulations were imposed in their recreational area, in their backyard.

More consistent with the species recovery plan would be a protective buffer of 200 meters. This would still provide a quarantine area of one-quarter mile, or 8 Olympic size swimming pools.

The purpose of protective buffers is to facilitate the recovery of the species. This can be accomplished with 200 meter buffers that have proven to be effective elsewhere, including other federal lands.

Bottom line, there is no justification for 1,000 meter buffers in the DEIS. This should be changed in Alternative F in favor of a more practical and effective 200 meter buffer.

Thank you for your consideration of my comments.

A handwritten signature in cursive script, appearing to read "Jack Shee". The signature is written in black ink on a white background.

mm

RECEIVED  
APR 28 2010  
BY: .....

April 28, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

**Re:** Comment on Draft ORV Management Plan (DEIS)

Dear Superintendent Murray:

I strongly support and agree with the Coalition for Beach Access\* Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement dated March 5, 2010.

- \*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 (April 6, 2010)

Respectfully,

Ernie Smith  
2707 Ridge Road  
Wilson NC 27896



M m

RECEIVED  
MAY 08 2010  
Outer Banks Group

Donald F. Streinz  
346 Town Hill Road  
New Hartford, CT 06057

April 30, 2010

Mr. Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Subject: National Park Service Proposed Rules for Hatteras Island Beach Access

Dear Sir,

I and my family have owned a home at 54107 Sandpiper Drive, Frisco, NC for 20+ years. We and our guests have enjoyed the Park and access to the beach for a variety of recreational purposes, including hiking, swimming, fishing, ORV exploring etc. I have recently become aware of the Park Service's draft ORV management plan and have a some concerns. I will attempt to express them briefly below.

Issues:

1. NPS states up front (p. 1) that because the Pea Island NWR is not administered by NPS, it cannot direct its visitor use. It is true that the Pea Island NWR is managed by a different agency, but an agency of the same Government. Responsible management of Hatteras Island's sea shore requires that the agencies communicate and that NPS as originator of this document direct usage of areas under its jurisdiction in a manner that explicitly considers controls presently in place at Pea Island.
2. NPS proposes shorter off-season ORV access for south facing villages than for the remainder of HI. The rationale for this difference is not apparent. Seasonal visitor usage statistics are similar for both south facing and east facing villages. Beach usage is therefore also similar. Increased restriction for the south facing villages is unfairly burdensome.
3. NPS buffer zones around breeding nests and unfledged birds are excessive by my experience. On northern coastal beaches where I frequent, Piping Plover (which are native to the area) buffer zones are very much smaller, often less than 10 meters. By my observations, this has no apparent effect on the birds. They nest and grow in full harmony with the human activities around them.
4. NPS buffer zones for birds do not seem to include corridors thru them for human (ORV) passage. If large buffers must be employed, then passages need to be incorporated and be moved, if necessary, as chicks relocate for food.
5. NPS has a legal and moral responsibility to protect and preserve the traditional cultural importance of the Outer Banks surf zone. At the establishment of the HI National Seashore, the

NPS was charged with the responsibility to preserve traditional cultural access and activities (commercial and recreational fishing, off-road access, etc.) of the communities affected. In contrast, the document places extreme restrictions on human interference with wildlife when documented nest failure assessments have shown that human interference is the least significant impact, by an order of magnitude.

6. Prohibition of pets "during bird breeding season" (p. 136) is not justified. A simple requirement that pets be positively controlled is justified and adequate. Pets should not be allowed on the beach unless leashed with 6 foot maximum leads. Leashed access should be permitted year-around.

Thank you for the opportunity to express some of my concerns regarding this document.

Sincerely,



Donald F. Streinz

RECEIVED

APR 24 2010

Outer Banks Group

4/26/10

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

PLEASE DO NOT SANCTION THE  
STATE + FEDERAL CLOSURE OF THE  
ORV BEACH ACCESS ON HATTERAS  
AND OCRACOKE ISLANDS.

AS A MEMBER OF THE  
NATIONAL WILDLIFE ASSOCIATION,  
I SUPPORT PROTECTING WILDLIFE  
HABITAT, HOWEVER, I STRONGLY  
FEEL THAT WE CAN COOPERATE  
WITH SOUND PROGRAMS FOR BEACH  
ENJOYMENT WITHOUT COMPLETE  
ACCESS CLOSURE. *EM*



*mm*

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.

Dave Vachet  
127 W. Gilpin Ave  
Norfolk, VA, 23503

W M

Lewis D. & Ellen G. Walker  
101 Mill View Lane  
Newtown Square, PA 19073

RECEIVED  
APR 27 2010  
Outer Banks Group

April 25, 2010

Mr. Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Re: National Park Service Proposed Rules for Beach Access in the Draft Environmental Impact Statement ("DEIS")

Dear Mr. Murray:

We are writing in response to the aforementioned DEIS which is scheduled to become effective at year-end. We are very disappointed with the six alternative plans presented, especially Alternative F, to which we would assign the same grade.

We have vacationed in Avon, NC since 1978. We have been property owners since 1996. We have made many friends over the years and have had many renters return to our home each summer. The biggest draw for our tenants has been the natural beauty of the seashore, the abundant fishing and uncrowded beaches. These are exactly the reasons why so many in our area avoid the New Jersey and Delaware shores.

The vacationers and property owners alike, contribute much money to the local Outer Banks economy through their spending on food, charter fishing, equipment sales and rentals and real estate and occupancy taxes. Many of our friends in Avon, rely exclusively on the visitors who return each summer. This DEIS will do nothing to increase the number of visitors to our Island. In fact, it will do quite the opposite.

The draconian restrictions imposed by Alternative F will not make anybody but a few militant nature extremist happy. Transforming the Cape Hatteras National Seashore Recreational Area from a recreational destination into a wildlife sanctuary with no human encroachment is a terrible idea. The loss of jobs, the decrease in visitor spending and the loss of both real estate taxes (certainly the home values will have to be reduced significantly) and visitor taxes will have a devastating impact on Hatteras Island.

If the goal of Alternative F of the DEIS is to return Hatteras Island to its primitive long ago past, it will do that. If we are to maintain Hatteras Island as the pristine, uncluttered destination desired by so many, Alternative F must be rejected. It would appear Alternative F, the preferred option of the National Park Service, is an easy out for the NPS- far more restrictive than anything decreed or proposed thus far. So, please say no to Alternative F. Thank you.

Sincerely,



mm

RECEIVED  
APR 28 2010  
BY:.....

April 28, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

**Re:** Comment on Draft ORV Management Plan (DEIS)

Dear Superintendent Murray:

I strongly support and agree with the Coalition for Beach Access\* Cape Hatteras National Seashore Recreational Area ORV Access Environmental Impact Position Statement dated March 5, 2010.

- \*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 (April 6, 2010)

Respectfully,

*Robert C Wells*  
Robert C Wells  
3315 Brooklane  
Wilson, NC 27896



M M

**25 HOWARD STREET  
PO BOX 505  
OCRACOKE, NORTH CAROLINA 27960-0505  
fwestervelt@pol.net**

21 April, 2010

Superintendent Michael Murray  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27964

RECEIVED

APR 28 2010

Outer Banks Group

Re: CAHA ORV Management Plan DEIS

Dear Superintendent Murray:

However one views the thrust of the DEIS, one must admire its sheer weight, volume and thoroughness. Much of the bulk is repetitive text, making it difficult to pick out quickly the issues relevant to ORV on the beach. The page numbers in the index of the electronic version of DEIS do not correlate with the actual page numbers, rendering the electronic version less than fully useful. The binding is unusually effective, and is commendable.

I choose as my first comment topic one applicable to all Alternatives, the rationale for this herculean and objectionable effort. One would think that during the several decades of this controversy the environmental zealots would have had sufficient time and money to to marshal unassailable data in support of their cause. But then, why would they bother when all they needed to do was refer to "existing law" and launch lawsuits, a plan carefully and incrementally laid before the affected populace became awakened to the alarm?

While the specified shorebirds may or not be endangered as claimed (pp. 319-419), it is not proven that this is in any way due to human activities on CAHA. And, one asks, how many birds are enough- what is the goal? Their habitat is not limited to the Outer Banks Recreational Area, and CAHA cannot be said to be their salvation. Indeed, this issue may be more an environmental political weapon than one of biologic concern.

The frequently released reports of the NPS regularly reveal that the "piping plover product" of CAHA Ocracoke, those which fly away, rarely exceeds single digits annually. This is of no significance to species survival. In the period 1989-2009 the annual average fledge rate has been 0.27 for Ocracoke North Spit, 0.52 for South Point. DEIS further asserts (see Table 14, p. 186 and adjacent Fig. 3, p. 187) that whereas between 1986 and 2009 the number of breeding pairs of plovers doubled in Virginia (100 to 208) and elsewhere in North Carolina (30 to 64), the number remained constant and low (12 to 10) in CAHA. This points out that plovers seem to be doing fine- they simply don't like CAHA. So what? This is a perception problem of the enviro-biologists, not of the birds. Much ado about nothing!

A. My first recommendation, doubtless tardily futile, is to buttress any plan with solid justification. It must be clear to all that this major upheaval is really necessary! The impacted

public might then be more tolerant of any resulting restrictions.

Secondly, one is struck by the fractious designation of sanctuary areas, rather than unifying bird reserves more logically. While the literate public will be able, though often under protest, to observe these divisions, one suspects the birds will frequently transgress; and we all know what will happen then. Much too contrived and fussy.

Efforts to share area between conservation and recreation, including ORV, are complex, costly, subject to ephemeral schedules and fraught with conflict. Efforts to reach a compromise here have failed. Surely the birds do not necessarily like the same area as do people, nor do they need the same area for so few as do we for so many. What's wrong? The answer- bird advocates do not want to compromise; they want it all. For example, consider the ridiculous buffer areas granted to plover and other hatchlings ( up to 1000 meters radius). Such a circle, for just one bird, equals roughly 1.22 square miles (about 780 acres), or three-quarters the area of Ocracoke Village with its more than 1000 human houses, lodgings and shops. Such arbitrary regulations make a mockery of any authoritative exercise.

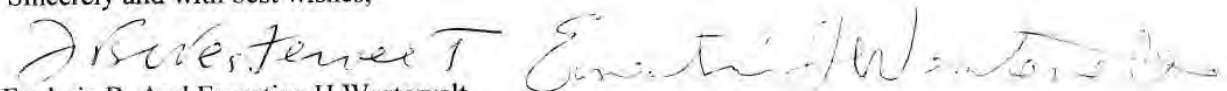
B. My second recommendation is, to reconsider and revise in detail the necessary preserve areas and realistic buffer areas so as to maximize the human access and minimize their perceived over-regulation. Designating North Ocracoke Spit as permanent non-ORV can have no basis in real fact and will seriously compromise fishing, especially commercial, itself already under regulatory seige. To set aside the entirety of Ocracoke South Point, for instance, for the benefit of a handful of birds is insulting to us and to our guests, gives NPS a terrible image and depresses our economy.

In closing, those of us who reside and work on the Outer Banks are distressed by the clumsy analysis of the threatened impact (pp. 561-598) of even Alternative F upon our lifestyle and livelihoods. The imperious third paragraph, suggesting that it is *we* who should change our lives and that our monetary loss would merely be someone else's gain, is beyond offensive. It is the birds who should change, as they have (see para. 4, above) with resultant no net loss. The ongoing socioeconomic study, still far from complete, will appear too late to influence the commentary or the decision, a sorry state in these days of economic hardship.

We deserve better. You can do better.

Sincerely and with best wishes,

Frederic B. And Ernestine H. Westervelt  
The Cove Bed and Breakfast.





4/28/10

To Whom It May Concern:

RECEIVED  
APR 28 2010

BY: \_\_\_\_\_

I stand in support of HR 718. As a long time North Carolina resident, and current property owner in Avon, NC, I have enjoyed, and hope to continue to enjoy this treasured area National Seashore and Recreation Area at Cape Hatteras NC, along with other Americans and the general public, for years to come. That is why I am making this public comment.

NPS closures due to birds and turtles have been historically satisfactory and the science is there to prove it. This recent action is unwarranted.

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

As members of OBPA, my husband David and I share in the beliefs outlined by OBPA, that 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.

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."

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.

The socioeconomic data and analyses in the DEIS (pg 270-281;561-598) 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 (p.566); 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.

Feel free to make this public comment available to all. If there are questions, please feel free to contact me at:

Karen Wheless  
103 Ransdell Road  
Louisburg, NC 27549  
Phone: 919-818-9019  
Email: ksw4obx@gmail.com

4/17/10

mm

Mr. Murray,

I would like to voice my support  
of HR 718 and Senate Bill 1557,  
requesting the overturn of the consent decree.

And the return of Cape Hatteras Nat'l  
Seashore to the National Park Service's  
management under the Interim Protected  
Species Management Strategy.

Sincerely,

Walter M. Zacharias  
Cleveland, Ohio

RECEIVED

APR 21 2010

Julia Banks Group

May 8, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

Dear Mr. Murray,

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?

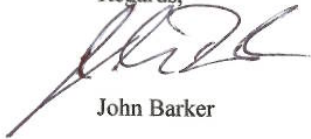
One question I would have for the special interest groups that seem so concerned about the preservation of the wildlife and ecology within the Cape Hatteras National Seashore Recreational Area, where were they on



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 Americans are supposed to stick together and help each other prosper especially in the trying times 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.

Regards,

A handwritten signature in black ink, appearing to read "John Barker", written over a horizontal line.

John Barker

mm

May 8, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

Dear Mr. Murray,

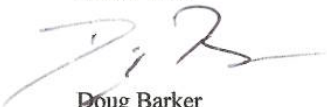
I am writing to you in support of the 1937 acquisition and the 1940 Congressional Legislation that granted free and open access in which the Cape Hatteras National Seashore Recreational Area was to be established. This park was not designated a wildlife sanctuary such as Pea Island. I demand the federal 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.

Thank You,



Doug Barker

None of these correspondences will have addresses.

All were received on April 26, 2010.

In the "Notes" Section, please type "Public Comment received at Buxton Public Meeting"

**MR. LEE BROWNING:**

My name is Lee Browning and I'm

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

**MR. LARRY HOLSTEIN:**

Panel members, to whom it may

concern, my name's Larry Holstein, and I currently live in Maryville, Tennessee. My father, my wife and I served our country in the United States military. We were told it was to keep our shores free. Now, our freedom is being stolen from within. I disagree with the ORV Environmental Impact Statement, referring to the disabled, page 7, part 1, and page 58, chapter 2. These rules were made before many of us were born. They are shallow, passe, and certainly not in spirit with the Americans with Disabilities Act. I need an ORV to get my wife and I to the fishing areas, if there are going to be any left. Anything else is not acceptable. This surf fishing is simply part of my American heritage. Thank you.



**MR. JIM LEH:**

However, I read pretty well, and while

I commend the NPS authors and staff on putting together a document that reminds me a lot of the material that I've cranked out for consumption by Federal Agencies over the last 30 years, I do have to take some serious exception to its content. I -- it occurs to me that this management plan, however it ends up, is in fact going to have the force of policy, and that it may well practically have the force of law over the period of time. And I'm reminded to that Conrad Wirth's assurances in the 1950s, were written, made in good faith, and turned out to be unenforceable. So, I urge all of us who are participating in this process, let's get it right. Let's word it carefully. The conclusions and recommendations that are reached here -- the sources cited -- really need to be unimpeachable, because of their impact on the lives of all of us, and I think, in the long term, viability of the Seashore itself, as a national asset. Two quick examples. The Economic Impact Analysis is, to be quite honest, tentative and incomplete. I urge you to push RTI to get hard-edged, and to push into greater depth in analyzing the impact on these communities. I urge you to watch for professional -- Professor Dan Stein's 2009 report on the National Park visitor spending, coming out in July or in August of this year, and look at it very carefully in comparison to 2008 data on the economic life and viability of these communities. I urge you to look again at positive, positive habitat management. It's costly. It's difficult. No question about it. But you're already manipulating the ecosystem and expanding and maintaining alternative breeding habitat. Work a little bit on earlier reports which say the salt pond vegetation really could stand to be eradicated and that mud flats and wet flats should be expanded and protected. I urge you to revisit unbalanced language describing regulatory approaches. The language that I see in the DEIS right now emphasizes restricting ORVs and other recreational uses. It really does not pay much attention to managing natural resources. I urge you to take another look at the U.S.G.S. synthesis document, and others that provide clear, quantitated statements about bird and turtle behavior, but their descriptions of ORV impact are filled with vague words like "can," "might," "is possibly" and "maybe." Again, this is too important to take it slack. Let's get it right. Thank you.

**MR. FLEETWOOD PIERCE:**

My name is Fleetwood Pierce.

I'm from Colerain, North Carolina. I come down here the first time and caught my first drum in 1953. There were no restrictions at all at that time, and you take this ORV, close off the points and all the good fishing parts with

drum, both of my grandchildren (starts crying) and their younguns, they won't have the place. Why? Why? For a little bird that ain't even -- ain't even -- a natural bird down here. You got it all over these other states, and ya'll close up this for people. And look at the economy. Thank you.

**MR. PEREGRINE WHITE:**

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.

**MR. BILL FOSTER:**

Thank you. My name is Bill Foster. Judging by the order I came in, I suspect that's where -- where I am. The draft document represents a lot of work. That's a lot of work. But my impression from reading that document is that it represents a lot of work to justify actions which were planned before the EIS was started. Based upon the Executive Summary, I think that it's reasonable to conclude that the NPS staff started and ended with three assumptions. These three assumptions were and

are: Number one, the protection of natural resources preempts the right of people to access the beach. Number two, people, especially if they use a vehicle, cannot co-exist with other species in the beach ecosystem. Number three, all impacts of vehicles on the beach ecosystem are negative. I'd like to repeat that. The three assumptions that I see, the protection of natural resources preempts the right of people to access the beach. People, especially if they use a vehicle, cannot co-exist with other species in the beach ecosystem. And the third assumption is that all impacts of vehicles on the beach ecosystem are negative. If all three of these assumptions are true, then NPS has done an excellent job of preparing this Draft Plan. If however, any of these assumptions is not true, then none of the listed alternative plans can satisfy both the enabling legislation and the various directives and legislation that's come along behind that. In three minutes, I cannot list all the reasons that these assumptions are not true. But, I will provide them in detail in written comment at a later date. What I'd like to do is leave you with idea for a different alternative than the ones that are listed in the Plan. What if the alternative had as its goal to optimize access and at the same time optimize the habitat for the various species involved? One thing that we never did during Reg-Neg was to try to take care of both the people and the resource. It was always one or the other. And, in -- as it turns out in the Plan, all the actions only go one way. We close for where the birds might be, and then we close anywhere else that's supposed to be open, if some bird happens to go there. I think the enabling legislation makes it clear that both the people and the resource have equal weight. Thank you.

**MR. LOU BROWNING:**

I'm Lou Browning from Frisco.

I'm a Wildlife Rehabilitator. If you read the footnotes and the quoted sources, the DEIS actually identifies habitat destruction as the real problem here. Statistically, the issue of public access is a diversion. It simply feeds more lawyers. Limiting public access will not serve the habitat problems for nesting and wintering birds. The Park Service has been in control of this habitat for over 50 years. The Park Service is responsible for the habitat destruction. You have perpetuated the stabilization of the island in prime nesting areas. This has diminished the wide beaches and tidal mud flats that are required for sufficient populations of birds. Years ago, you mined sand from Cape Point for beach nourishment. For many years, you drained water from the sedges onto the beach. You allow sea oats to grow in nesting areas, thus building more dunes. You protect sea oats. You should be yanking them out by the roots, if they're in a nesting area. The effect of your



actions has made the beaches more suitable for predators than for birds. If we want birds around, we need to provide quality nesting and feeding habitat. Stop wasting your time killing everything else. You need to deal with the real problem. All the nesting areas in question are Park property. What I suggest is to re-naturalize some areas. What I suggest is to remove all vegetation and sand dunes from Cape Point, Hatteras Inlet and Bodie Island spit. Contour these new flat, barren areas to provide quality nesting sites and tidal mud flats for feeding. The effect will be to fledge more birds, kill less predators and have the natural food sources available for the wintering birds. If you do this, I'm sure you will find there's enough room in our Park for wildlife and humans. You messed it up. Now, fix it.

**MR. RICK SCARBOROUGH:**

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 islands. 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.

**Rob Beedie**

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

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.

**MR. DAVE WILSON:**

Good evening. I'm Dave Wilson and I own a home here in Buxton that I rent out during the

tourist season. The DEIS that we're discussing tonight attempts to predict the impact that several different methods of managing ORV use on Hatteras Island will have on our beaches and our livelihood. When making its final decision on the ORV plan, the National Park Service must do a careful job of balancing the cost and the benefits of this plan. Unfortunately, none of the proposed alternatives described in the DEIS passes this test. This is because all of the alternatives are based on a faulty premise that ORVs have led to declining piping plover populations on our island. Not only is there no evidence to support this, but there's very clear evidence that storms and not ORVs, are the main reason that the piping plover populations fluctuate on the island. The evidence of this fact is very clear. In March, 1980, American Birds Magazine reported that no more than ten pairs of piping plovers per year had bred along the North Carolina coast, for the 20 year period from 1960 to 1980. In 1987, the Park Service began doing its own measurements, and it found that year, that it discovered ten pairs in 1987, the same number that had been discovered seven years earlier in 1980, and for the 20 years prior to that. The Park Service has continued to monitor the piping plovers, and over this entire period it has been doing this from 1987 to present, it's found an average of nine pairs per year. For the past two years, the data is particularly instructive. In 2008, the Park Service counted 11 pairs, and in 2009, it counted 9 pairs. The average over the past two years has been 10 pairs, the exact same number that have been here when the weather's good for the past 50 years. But what's even more important here to note, is that from 2008 to 2009, the number actually decreased by 20 percent, and this indicates that the Draconian restrictions that the Park Service has placed on beach access has really had no effect on increasing the piping plover population. The evidence is really very clear, that nature intends there to be about 10 piping plover pairs on Hatteras Island every year. And no matter what the Park Service does, that's what's going to be here. So, how did we end up here? Well, in short, we ended up here because a cycle of stormy seasons caused the piping plover populations to decline in the mid-1990s. Not only was the decline clearly not caused by ORVs, but it was -- it was clearly -- it is now a distant memory. You know, the last decline for year over year of the piping plover was from 2002 to 2003 -- I'm sorry, from 2001 to 2002 -- and ever since then, it has been increasing steadily as the storm seasons have abated. And, in fact, we haven't had any named storms hit us in the past couple of years. Let me just conclude -- I'm going to give you some charts in the written material -- but let me just conclude, that based on the impact on my rental income from the past two years, and extrapolating that over all of rental houses on Hatteras Island, I estimate the impact of the island economy to be about \$14,000,000 per year. And this is a devastating impact to the people who live here. So, please



**MR. GENE SCHWESTER:**

Our 26th President, Teddy

Roosevelt, created the National Park Service for the full enjoyment of all peoples. People. People. The emphasis is on people here. That's over a 100 years ago. And in these days, it seems that that has turned around 360 degrees in the favor of the environmentalists. I want to address the Alternatives A through F, which favor the environmentalists. And what I want to propose is Alternative H, which favors the people of Hatteras island. And that is the free and open access to our beaches. And the conditions I've listed: we want a responsible citizen from Hatteras Island and Ocracoke Island to accompany me and a Park Service individual in locating these nests, and document with a GPS or by photograph where they exist, to stave off any mistrust and so forth. And as an additional part of that Alternative H will be a conditional opening of that particular beach where there is no nest to be found. And also, after the fledglings are located, we'll want the beaches open immediately. Also, why hasn't there been a provision addressed in the DEIS for hatcheries? If these birds, which we could probably win the MegaMillion before we even get to see one, why with our stimulus plan, can't we have 100 percent hatch ratio for the survival of these eggs? We can go out there with our Easter baskets and pick those five eggs over -- of if we could find them -- over 750 billion cubic yards of beach. Why hasn't this been addressed? And about fees. What about the stimulus plan? Hasn't the NPS been allotted 1.2 million dollars? Where is that been going?

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?

**MS. KATIE MEDLIN:**

Well, they stole my thunder. I'm

just going to turn mine back over to the court reporter, but I would like to say something. My husband and I are retired down here for many years, and we sit around every day, and we thought, "Lord, if we'd just been smart enough to figure out a way to manufacture all this string and all these little poles that stack from Nags Head to Ocracoke, we could be wealthy. We'd never have to worry about another dime."

**MR. JACK PAINTER:**

Mr. Superintendent, thank you for

this opportunity. I'm here to talk specifically about the corridors in the DEIS. First of all, I believe that

establishing corridors is a vital tool in providing access to our beaches, while concurrently effectively managing all resources of our beaches. That includes the human resources. First, corridors provide a path -- a small path around temporary resource closures, in order to provide access to an open area that would otherwise be blocked. Someone's already spoken to that. Further, in some instances, corridors can be made through or around closure areas, with no detriment to the wildlife. Also, in other areas of wildlife management, corridors can be established below the mean high tide line. I -- I doubt very seriously if I'm going to wade a plover to death. In addition, since unfledged chicks are not found in nests between the ocean and the mean high tide line, this type of pass-through corridor would have no negative effect on wildlife. I can't find that in the plan anyplace. It seems the present in the DEIS is outlined on pages xii, xvii, and page 468. Corridors are only allowed in Management Level Two portions of SMAs. These corridors, while theoretically plausible, are subject to resource or safety closures on a whim. I believe that the corridors should be maintained for pedestrians and ORVs in all areas of the Cape Hatteras National Seashore Recreational Area. Further, corridors should be established throughout the entire breeding and nesting season. Also, corridors to be provided in all areas of the seashores, including highly restricted Management Level 1 portions of SMAs required under Alternative F. Corridors will provide a valuable access, Mr. Superintendent, without impairment or damage to protect the resources. I also believe and wholeheartedly support open and accessible beaches for everyone all day, every day. We must remember that access to our beaches is consistent with the promises made in the enabling legislation. Our residents have always been faithful stewards of wildlife. We believe that people and nature can live in harmony. We've proved it here on Hatteras Island over and over and over again, that we can live in harmony. Science based resource protection can be balanced with provided recreational access. One additional comment. You guys had a long time to work on this plan. I'm a little confused as to why the people that it affects the most are allowed three minutes to talk to you about it.

**MR. DAVID UPTON:**

My name is David Upton. I come from Mooresboro, North Carolina. That's about 370 miles as the crow flies. About 450 by the road. And by the time I get here, I'm whupped. As I sat at home and looked at this DEIS thing that you've come up with, how in the world do you expect to pull such a charade over this bunch of people? I mean, you've -- I'll sit there and look at it and I'll shake my head. Shut the computer down. Go back an hour later and

start it up again, and start getting -- the more -- and the more I read, the more -- more angry I become. Basically, you're trying to take our beaches away from us. You're trying to take my beach from my grandkids, and their grandkids, and I'm highly upset about it. If this is the best you can do, you need to throw that whole thing out the window and start over. Off-road vehicles -- you -- I looked at some of these websites of these people that are trying to shove some of this stuff down our throat, and they'll show these tracks between the high tide and the low tide line, track after track. One tide change wipes that out. And they'll have this picture of this piping plover laying there in a tire track. Who run over that piping plover? It wasn't one of these people here. Wasn't it a Park Service vehicle that run over that piping plover that's being used? Park Service. You're here to protect the wildlife. To maintain this place. In 1937, when Congress enacted that law, and it's a law, that this beach would have open and free access, and then you come in here with your rattling sabre, or ever what you want to call it and start taking things away from us. I didn't even know who you were when I come in this building tonight. But I know who you are now, and I know what you look like. And I know what some of these other people look like. And it's -- it's a shame that this Park has been run like it's being run now. I think that the people need to take it back over like some of these people said. Get some responsible citizens here on this island more involved in what's going on.

Throw this DEIS thing out and start all over.

**MS. CAROL DILLON:**

My name is Carol Dillon and I'm

an angry, 81-year old woman. And the only reason I mention my age is, I was here when the Park was formed. I personally heard the promises that the Park people made. They claimed they would never stop beach driving. They claimed they would maintain the beaches and the dunes. They would pay market prices for our property. All lies. Every one. Let me give you some examples. My mother had 100 acres of high wooded land over near where the Park is -- high, wooded trees. They paid her \$15 an acre. And if you don't call that stealing, I do. You personally came here with your bulldozers and raped the beaches. You took the three dunes that the CCCs had built, took a bulldozer back down in the ocean, and made a high dune. You allowed the Navy Base to take the Phipps 20-foot dune and take millions of cubic yards of sand to fill in the place where they put the Navy housing. It was nothing but a swamp. Later, six years later, an inlet was cut in the exact same spot. So, you're not fulfilling what I personally heard the Park Service claim. So, if the people here cannot believe the



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

**MR. RYAN DAWSON:**

Hello, my name is an angry

American citizen sick of an unelected dictator's harmonies, life, liberty and property, and I'm from an unoccupied section of Buxton near the no-human anti-freedom zone run by the bird police. I don't care if you found an albino duckbill platypus dodo bird hybrid out there, the Park is for recreation and that's the law. The public was never to worry that the Park would land -- the land would suddenly become private property open to developers, or suddenly become a wildlife refuge, closed to humans. It's our Park the federal government purchased, or in some cases, stole the land from the public in order to create the Park. The Park does not belong to the Park Service. It is not Park Service land. It is Park land. The Park Service, like the police, are public servants and they don't own the Park land any more than cops own the towns they patrol. It is our land and you work for us. It is outstand -- it's astounding that pseudo-environmental groups would claim that closing a beach on an island wouldn't have any economic or cultural impacts. And many of the idiots in the Southern Environmental Law Center -- these ignorant buffoons -- don't even know what they have done. And I've got six questions for you. Why is the public being punished for a government organization breaking its own rules? And yet, this same government organization is being paid to enforce the punishment. It's funny that the National Park Service failed to act to do their job to provide recreation and properly manage the Park for 39 years and counting, but they're so swift to prevent recreation. The second question. Since when does the Judicial Branch use an Executive Order to overturn a Congressional law? Neither the Executive Branch nor the Judicial Branch have the power to change the law. It's unconstitutional. That's the basic foundation of representative government, that laws come from elected legislators, not kings or judges. The

constitution used to mean something. It still means something to me. Maybe not to these animal murdering fascists, but it means something to me. The third question. Why is it, when the pretext for this mess hangs on the NPS's non-compliance with an Executive Order about ORVs, that pedestrians are banned from walking on the beach? How do they extrapolate walking from a failed plan to manage driving? And notice, that's to "manage driving," not ban it outright. Fourth question. Before closing a federal -- federally-promised beaches on an island, did the police state bother to gauge the economic impact before stealing the beaches? Has there been any compensation to the residents of the island who have lost their liberties, business and property values? Now I have to skip a whole bunch because of the time limits on freedom of speech. But the fifth question. Why is an arm of the Executive Branch writing up laws? That's not their responsibility. To say the NPS was so evil they kicked puppies would actually be an understatement, for these goons are murdering animals by traps, gas and bullets. Since 1984, the environmental groups are supporting the murder of animals, and separation of man from nature, and the public is trying to reverse it. The presence of people in the Park --

Elected officials agree

with us -- have been to DC twice and talked with the senators. Our liberal government, our state government, our federal government -- all of our elected portion of government agree with us.

**MR. BILL BARLEY:**

Yes. My name is Bill Barley. I live in Buxton and have for close to 40 years. And I, too, have seen a lot of changes in the Park, and what we've been allowed to do. For many, many years there, we had the inner dunal roads. We could go from Cape Point campground. We could go straight through the campground to access the beach, or go on the inner dunal road and we could stop. We could cook out, and we could access the beaches from the inner dunal roads. Same way with Hatteras Inlet, was a flat. You could -- I mean, you could pay softball out there. It was like the bottom of the salt flats. Now, it's nothing but dunes, and you drive through the dunes, and boom, there's the inlet. It was not that way for many, many years. So, you've changed the dynamics. The Point was the same way. It was flat. So, I agree with everyone here that says, Well if the special interest groups, combined with you, spend their time and energy to create better habitat, instead of trying to take all the beaches. I mean, they remind me of somebody that rides along the road and sees trash on the side of the road and complains about it instead of stopping and picking it up. Now, on a recent trip out west, I was in Siltcoos, Oregon on the coast, and I went --

headed to the ocean. And I turned down a two-lane -- two-lane road. It reminded me -- I thought I was on the road between Avon and Buxton. The same dunes. The sea oats were the same. The sound was right there. It was identical to where I live. And I kept going and I came up on a sign that said, "Oregon Dune National Recreational Area." I took a picture of the sign, and I wondered why our Park does not have a recreational area in it. They catered -- you could drive for 30 miles out on the dune. You could stop and camp anywhere you wanted. And they -- they pushed that. I mean, that was what the Park Service -- they were so friendly and nice about it. Yeah, go use it. Go use it. No problem. And so, on my way home, I stopped at Utah, and I saw a "Wind Canyon National Recreational Area." Had to stop. You could -- you could rent boats, jet skis. You could go to any part of the park and just plop down and camp. Stay. Stay, you know. And I wondered -- in 1937, Congress established Cape Hatteras National Seashore recreational area for the benefit and enjoyment of the people. And in '58, it was dedicated by Conrad Wirth, and he assured everyone, vehicular access. I googled "National Park Service" a couple of days ago, and I found National monuments, National memorials, and when I went to National Recreation Area, both parks that I saw were in it. Cape Hatteras was not. It's not even listed on your site as a recreational area. And so, folks that's in North Carolina, South Carolina, Virginia, Maryland and Tennessee, none of those states have a National Recreation Area. So, if you take that whole circle, the closest one is outside the area. Thank you.

**MR. BRAD DUNNAGAN:**

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.

**MR. WAYNE BLESSING:**

My name is Wayne Blessing. I first visited the seashore recreation area on July 4, 1959. I got hooked on surf fishing, and in 1962, I bought a 1941 Plymouth two-wheel drive as a beach buggy. I've had 17 buggies since, all of them four-wheel drive. In 1964, we bought a little house in Frisco. I retired in 1979, and currently spend 20 or 25 weeks per year here. It was the ability to motor the beach, looking for fish, that kept us interested for 50 years. During my long life, I've known that change is inevitable, and I've always followed the mantra that fair is fair. In the DEIS, I see a lot of change, but question the fairness. It appears to me that the starting point was with the Consent Decree, whereas the fairest starting point would have been with Alternative A, what we used to have. More specifically, I do agree with increasing parking places, increase pedestrian access, although I see no reason for making 27 and to 30 a pedestrian-only stretch. When I motor past pedestrians, almost inevitably, they smile and they wave and I wave back. I don't see resentment there. I haven't so far. Additional ramps and the inner dunal 49 North, makes sense, just as it used to do. The over-control or excessive regulation is, to me, seen in the bird closures. Why do we require a 1,000 meters when Cape Cod and Assateague get by with much, much less. I feel this is twisting the knife, once it is penetrated. I don't agree with the lack of shore access to Hatteras Inlet, and South Point, Ocracoke, or Oregon Inlet. I wish there were -- was a greater commitment to adoptive management of field closures and bypass routes to Cape Point and these other places. I saw turtle management go awry, 300 yards north of Frisco pier two years ago in the autumn. The beach was closed from dune to surf for at least one month. I have one page here, and I'm about done. And I didn't see the reason for that. I think the crux of this thing is in the following sentence or paragraph. I feel strongly that the Department of Interior and the Audubon consulted to influence local management to go beyond what is fair and justifiable to our side, to reduce chances of further litigation. I'm done.

**MR. WARREN JUDGE:**

Thank you and good evening. I'm proud to stand with these folks at my back tonight. Not many of us have B.S.s or M.S.s or Ph.D.s behind our name, nor do we have doctor in front of the name. But, Mike, you've heard from people who have experience in this

National Seashore Recreational Area. These folks know the birds. They know the turtles. Listen to them. I beg you to listen to them. We spend -- this nation spends hundreds of millions of dollars a year in preserving our history and our heritage. From the battlefields -- the Civil War battlefields of Virginia, to Mount Vernon, the Statue of Liberty, the Washington Monument, the Jefferson Memorial, the Raleigh -- Fort Raleigh, Wright Brothers Park, and the Cape Hatteras National Seashore recreational area. Don't need access? We need access to enjoy the park. We need access to go about our lives. A couple of weeks ago, a couple of my colleagues and I visited with the National Park Director in Washington DC. They were all excited in the Department of Interior that day, because the next day, President Obama was coming. The kick-off of a nationwide awareness campaign to bring people back to the National Parks, to re-ignite a passion in the American people to visit their National Parks. The -- the opportunity was not lost upon Allen and Bobby and I to draw, and segue with Director Jarvis, that this is what we're talking about. 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.

**MR. BOBBY OUTTEN:**

Good evening. You've heard many speakers tonight talk about access and the goal for all of us is to allow access, to create access, to allow our people to use our beaches. We've talked to you about a number of issues. We've talked to you about buffers. We've talked to you about regulations for unlisted birds. Tonight, I want to speak to you just a second about turtles. Endangered

turtles represent about one percent in Hatteras in the southeast. We have about one percent of the nests that occur in the southeastern part of the United States. So, we have a very low percentage of turtle nests, and a very low percentage of the whole turtle population that come out of this area. We believe, even with that low percentage, that turtles would benefit from the management practices now used in other federal seashores and a more proactive management approach to nesting to achieve nesting success. This includes relocating nests in desirable locations, as is done in other states and in other federally-controlled areas. Again, the true measure of turtle success is not necessarily the number of nests that you achieve, but the number that 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.

**MS. CRYSTAL CORBETT:**

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



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

**MS. SHARON KENNEDY:**

My name is Sharon Peele

Kennedy, and I'm a nine-generation Hatteras islander, half-pirate and half-indian. I'm here to represent the commercial fishermen of this island, that was included in that draft of the 1937 or whatever. And we want to know why there is so little reference to the commercial fishing industry's access to the beach. Yes, ya'll say it's included, that the way you've got the closures at -- set up -- how're we going to get there? They've been beach fishing here since horse and cart days, and now we're not going to be able to do that. And the Cape Point is very sacred to a lot of our native people here. We go there to forage for our food, and our recreation. We've all been taught to go there. Our children -- our school children go there to go fish. They go there to surf. They go there to learn wildlife, to see what birds and turtles look like. And now we're not going to be able to. If we can't go to the beach, then nobody should be on that beach. Mother nature can take care of herself. She doesn't need my tax dollars to pay you all to go there to monitor it. Okay? Also, if you go there on like 4th of July, Memorial weekend, you'll see thousands and hundreds of people on our beaches, generations enjoying this beach. The next day, you can't stick a toe in the water, because there's a storm. Mother nature, again, takes care of everything. I commend the Park Service, because if it wasn't for them, there would be no turtle or plover eggs. It would be golf courses and swimming pools. Don't let us down. Re-institute the respect that we used to have for the Park Service and we'll try to learn to co-exist with you. Now that you're closing our beaches, you're -- you're shutting all that down. So, we've been generous to you, be generous back to us. Thank you.

**MR. CHRIS CANFIELD:**

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.

**MS. VIRGINIA LUIZER:**

My name is Virginia Luizer.

I'm from Buxton, North Carolina. I am relatively new to the island. However, I came here to partake in a particular traditional and culture upon my retirement, a retirement I worked hard for. Yes, DOW and Audubon is right. This park should not and cannot be managed the same as other parks. One thing that I didn't see in the DEIS, is the fact that

each of eight villages on this park are completely surrounded by federal property. There is no other park like that. These people sold you their land for promises. Our lives -- this is not -- this is not visitation and just tourism. It's our lives. What do we do if we can't go to the beach? You go to a restaurant once or twice. How many times can you visit the museum -- graveyard and museum? We are captives. And yes, there is the animosity, and yes, this is an environmental extremist. Even they agreed in the court-ordered Consent Decree, that the Interim Plan was NEPA-compliant -- was EPA-compliant. It had a finding of no significant impact. But because it wasn't what they wanted, they sued. When Isabelle took out the inlet, the road down there north of Hatteras, they wanted to leave it out. To hell with the people down there. They don't need electric. They don't need services. They don't need access to care, to food. Right now, they're suing over the damn bridge, because they don't want it to land on Pea Island. This is not your typical park. This is a park with human people, living in well-established communities, that have been here for hundreds of years. And, yes, guess what? They're going to sue again. They just told you. They don't like Alternative F. You do anything other than what they want, they're gonna sue. Well, guess what? Do the Interim Plan. You'll save 1.7 million dollars per year, and you'll get to tell them that they don't own this place and that they can't destroy lives of people who live here. Mike Murray. Mike Murray, I'm sorry. You're not our neighbor. You're a god damn warden.

**MR. DEAN JOHNSON:**

My name's Dean Johnson. I'm a --

number one, a sportsman that's been coming here for many years. I'm also a vendor that does a lot of business on Hatteras Island and Ocracoke Island. A lot of people that I do business with are here today. But I'm also, if we're talking about heritages -- the first Johnson came here in 1609, so that's, I guess, why there's so many of us Johnsons around here, in the United States. But, we fought in pretty much every war, including the one my mother calls the "first war of northern aggression." I want to simply speak on the socio-economic part of the DEIS. It states in Section F that the economic impact will be to the low end. Well, in my sales records, since the Consent Decree, I can prove that these businesses down here skyrocketed when you re-open beaches, and decline when you close beaches down. Nobody has asked me for any of my input, and I do a lot of business on these two islands. The other thing, I'll close with. On the three minutes that we're being held to, in your own four-page thing you handed out, it says, ". . .but all speakers will be allotted at least three minutes to provide their comments," not "only and less than three minutes."



So, if you can't get these four pages right, how can we agree with anything in the 800.

**MR. DAVID SCARBOROUGH:**

I'm David Scarborough. I

live in Avon. And I will say that I have a lot of issues with the DEIS. I've read through that and identified those issues, and I intend to comment in writing on those. In a three minute session, though, it's impossible to get to all that. So, I will limit it to one comment. And this is related to turtles. I disagree with the following statement that's found on page 377 of the DEIS. The statement reads, "ORV and other recreational use would have long-term major impacts on sea turtles, due to the amount of seashore available for ORV use, and by allowing nighttime driving on the beach." The historical records found in the annual MPS turtle reports for the Cape Hatteras National Seashore do not support this conclusion. None of the events defined on page 369, which are required for the impact to be declared "major adverse", have occurred. Specifically, nesting females have not been killed. Complete or partial nest loss due to human activity has not occurred frequently. Hatchling disorientation or disruption due to humans have not occurred frequently. Direct hatchling mortality from human activity has not frequently occurred. These events have not occurred historically, and no pedestrian or ORV use behaviors suggest that they are likely to occur in the future. Further, due to the flawed major adverse finding in the DEIS, I agree with the plan -- I disagree with the plan to prohibit night ORV beach access in the May 1 through September 15 time frame. Night ORV and pedestrian access should be managed using the guidelines that were followed prior to the Consent Decree. Additionally, the Park Service should institute more proactive techniques to ensure turtle hatch rates are successful and some of which are used at the Pea Island National Wildlife Preserve. I would also say that there have been many comments made tonight that I really appreciate what I'm hearing from the crowd here and those comments are on target and will be in my written comments also. Thank you.

**MR. JOHN COUCH:**

Thank you very much. My name is

John Couch, Post Office Box 751, Buxton, North Carolina, 27920. My first comment is going to be on pets and horse restrictions. The DEIS, page 136, says, "The prohibition of pets in the seashore during the bird breeding season, including in front of the villages, equals to no pets in public areas, beaches, campgrounds, sound front, foot trails, Park maintained roads from March 15, my birthday, to

July 31. I did a survey of my own today. I called the four largest rental companies today, and anywhere from 27 percent to 38 percent, they have changed their houses to pet friendly properties. They have done the research. They have seen the trends that people travel with their pets. A lot of them would prefer to travel with their pets and not their children. However, it is -- it is unimaginable that RTI and even in this document, that they have not simply called the realty companies, which are the major employer down here, and have taken that into consideration. I also agree with the prior to speaker, David Scarborough, on his comments on the turtle programs. Also, the prior speaker, Dean Johnson. He spoke on something that I have -- occurs to my business, which is the Red Drum in Buxton. We have CarQuest Auto Parts. We have Lighthouse Service Center. We have Red Drum Food Mart and Red Drum Tackle Shop. And when Cape Point closes down, we feel it. Dean Johnson feels it because he's in the ice business. And we can tell. Sales plummet. Our gas sales go down. We don't sell beer. We don't sell wine, drinks, all because of the Consent Decree, and with this DEIS that will continue. But, when the beaches at Cape Point open back up, business booms. The other thing is, is that when Cape Point closes down, nobody goes to Cape Point, doesn't pass our businesses, and my community's businesses in Buxton. They go elsewhere. So, for four months, we are displaced out of an economy pattern that is just absolutely uncalled for, ridiculous. You need to look at that economy and make some better decisions on that. Thanks.

**MR. DANIEL WILLARD:**

Well, Mike, I really came here

to gripe about the lack of maintenance that the Park has served for the past 50 some odd years. You ever tried to work here? But, really the only most important thing is nighttime driving. It has destroyed the weekend fishery of Cape Point and everywhere else. There's no reason that our lights on the beach, which is very minimal at 3:00 a.m. in the morning, and the turtles are coming in, should affect the turtle population that bad. We are -- we have lost the weekend tourists from Virginia and all around North Carolina because of that. We still get the visitors for the whole week, mostly because they do not know about the closures and lack of beaches they can use. We need more parking, more access to the beaches, and we don't need the closures in front of the houses which we cannot access ourself. So, please try to fix this mess. Do some maintenance, not just blow it off, like you have done the '78 plan, the maintenance of the maritime forest, by closing down in '03, the drainage system out at Cape Point. And, don't forget in '82, when ya'll took responsibility of the jetties, to maintain -- that was built there by the Navy -- to maintain

the Navy Base in the northern section of Buxton. All that has not been maintained, and now we've lost the Coast Guard base there, due to the Park Service maintenance problem. So, please try to fix this mess; will you. Thank you.

**MR. LARRY HARDHAM:**

Hi. I'm Larry Hardham. I'm a resident of Buxton. On page 219 and 220, of the DEIS, under the heading of "Natural Catastrophes" it says, "Periodic, short-term weather-related erosion events(e.g., atmospheric fronts, Nor'easter storms, tropical storms and hurricanes) are common phenomena throughout the loggerhead nesting range, and may vary considerably from year to year. It is reported that 24-1/2 percent of all loggerhead nests laid in Deerfield Beach, Florida in 1992 were lost or destroyed by Hurricane Andrew, as a result of storm surge; 22.7 percent loss of turtle loggerhead nest production on the southern portion of Hutchison Island in Florida; 19 percent of loggerhead nests in Melbourne Beach, Florida after a five-day Nor'easter storm in 1985. In Georgia, 16 percent of the loggerhead nests were lost to tropical storm systems in 2001. Nest loss was particularly high at Sapelo (54 percent) and Little Cumberland (28 percent)." The six percentages listed in the DEIS under "Natural Catastrophes" that I've just read averaged 27.3 percent, and these same events are listed in the revised 2009 Loggerhead Recovery Plan under the same heading on page 44, that heading being, "Natural Catastrophes." In fact, the DEIS paragraph is a virtual quote from the Recovery Plan. On page 220 of the DEIS, it states under the heading of, "Threat Occurrences at Cape Hatteras National Seashore," "The majority of the turtle nest losses at the seashore from 1999 to 2007 were weather related, particularly due to hurricanes and other storms. During this time, six hurricanes caused impacts on nests. In 2003, Hurricane Isabelle destroyed 52 of the 87 nests..." I find it interesting that the Recovery Plan does not even mention the 52 of the 87 nests lost in 2003 at Cape Hatteras, which amounted to 59.8 percent of the nests, higher than anything mentioned as a catastrophic loss. Another interesting fact is that the Hatteras loss is not listed in the DEIS, that between 2000 and 2009, a ten-year period, the seashore has lost 36.4 percent of the nests laid in the seashore

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

**MR. BOB EAKES:**

Well, I'd like to change the name of Alternative F to Alternative F-us. This was not done at



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

**MR. WAYNE MATHIS:**

Thank you for the opportunity to address the body on the subject of the DEIS and for hearing the public's opinion. I hope that these opinions are heeded. Most of these speakers have covered many of the points I would address this evening. I'm going to reiterate very few of them briefly. First of all, I deplore the concept of mass punishment for the actions of a few which are incorporated in here. This is almost a nazi-like action on the part of the Park Service. I deplore the use of

inconsistent policies and the management of many of the wildlife species present, inconsistent in that they are at odds with practices which are more successful in other areas, and which are implemented up in Pea Island, for example. Third, I think that there is protections afforded to non-threatened and not endangered species, which are not justified or supportable, nor are they legislative mandated in any way. And I think they are exceptionally onerous, even Draconian, and restrictive on public access to a public park. And I don't believe these should be supported. There's the imposition of excessive buffers, which appear not to be supportable, although they are defended as the best available science, because they appear in a Patuxant Protocol, which by design, was designed to provide the absolute extreme measures of protection for a species, and absolute extreme extent that they may exceed anything that is reasonable. I deplore the fact that in devising many of these policies, the Park Service appears to have abandoned the concepts of a multi-use park, or of adaptive management. I think you can adapt the habitats somewhat and improve your performance in bird nesting areas, and I believe that in declaring excessive areas from pedestrian use only, you are abandoning multiple use concepts. I, as an ORV operator, have no problem sharing the beach with a pedestrian, and I find it deplorable that some potential sociopath takes umbrage at seeing his fellow citizens recreating in a manner that is not suitable or appropriate in his own mind. So, I do not believe that pedestrian closures should be so extensive. You've heard several speakers address the fact that the piping plovers represent a very small population, breeding population here. Early in the presentation, someone pointed out that the numbers 20 years ago are about what they are now. I've heard a paid shill, who earns his living suing the government under the Endangered Species Act, have heard that these species are in trouble. And -- and the fact is that the species are recovering very nicely and its principle breeding area is to the north of us. I thank you again. I reserve the rights to extend and revise my remarks in a written presentation.

**MR. JIM HARRIS:**

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

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

**MS. ELAINE WHITAKER:**

Good evening. My name is Elaine Whitaker. I've lived in Hatteras village for a long, long time. I'm a teacher/counselor here at Cape Hatteras Secondary School, and my husband is a charter boat captain. As bizarre as this may sound, if the Plan does not go like you want it to with your new implementation, I hope you will strongly consider the continued access of Hatteras Inlet for all shore fisherman, both recreationally and commercially.

**MR. ROM WHITAKER:**

But, at any rate, I've run a --  
I've run a charter boat in Hatteras Village for 23 years, and you say, well how does this affect me? Well, I can tell you a big majority of my customers have come down to this island, come to enjoy the beach, to go fishing on the beach, to bring their brand-new four-wheel drive truck down here, and go enjoy the beach. And it will greatly affect us. When the beach is closed, our business goes down. And I think anybody in my line of work will support that. I've heard it today. I've talked to two boat captains here lately, good friends of mine, whose grandfathers owned this land. And now, you are telling these guys -- their grandfather owned the land -- that they can't even walk out on that beach to go swimming, or surfing, or whatever. But, I've got children. One of my children -- one of my youngest boys was in the audience. I've also got a 21-year old. They love this island. They'd like to come back to this island to work, but they need a place to do it and a way to do it. I mean, I think that the Park Service, 30 or 35 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.



**MR. BILL BELTER:**

Hi. My name's Bill Belter. I don't -- I didn't have anything written or prepared to say. But I do feel like I'm one of probably tens of thousands of folks or hundreds of thousands that really have come to these beaches, and even the folks in the Audubon Society, when they came here as children, during the '70s and '60s and '80s, they came from places where they didn't have, you know, their forefathers and the people before them, you know, they built on our beaches, and they didn't have access. And they -- they came here, and many of them were fishermen. And these -- these people on this island have been the best stewards. They've been stewards for hundreds of years. I think they've proved -- they've proved that -- that it's important to have a people and a town relationship. They've proved that. They set precedence. It's -- it's happened here -- it's been going on here, and if the people in the Park Service -- it seemed like the Park Service were -- were more friendly years ago, and it seemed like they almost were ashamed to set up some sort of program, because of the promises they did -- they knew that they made to the people that owned the land who sacrificed the land. They left here to fight wars, to go to shipyards. They didn't have a bridge. They were poor and -- and they gave their land away. Then not only -- some was taken and they gave it away. They wanted people -- they wanted -- they wanted 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.

**MR. STEWART COUCH:**

Hi. My name is Stewart Couch.

I'm from Buxton, North Carolina. I work in Avon. I don't know what's happened to the Park Service. Thank God for the Park Service. I -- I can say that. Thank you for being here. I know there's a lot of animosity here, but it's because we're not getting what we want. There's a dual mandate from the Park Service to protect the resources, and to provide for access. And I don't think it's happening. But, Superintendent Murray, thank you. You -- you have a hard job. I appreciate the Audubon Society and the Defenders of Wildlife. They're part of the process and they should have input. But, there needs to be a balance, and we need to be able to access the beach. As I'm sure you're aware, the environmental groups, and specifically Audubon Society, the Defenders of Wildlife, through their legal arm, the Southern Environmental Law Center, have been relentless in their effort to transform large areas of Cape Hatteras National Seashore recreational area from a seashore recreational destination to be enjoyed by the public into a wildlife sanctuary, with minimal human encroachment. I don't see how we can have the dual mandate of access and -- and wildlife sanctuary brought into the recreational area. 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.

**MR. GRANDY HOOPER:**

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.

**MS. JENNIFER BURRUS:**

As he just said, my name is Jennifer Burrus. My family was one of the first to come to the Outer Banks. There were two brothers that came to Hatteras and Ocracoke Island off of the Mary Margaret. And I only say this because, you know, my family has been here a zillion years. They've survived depressions and storms and they're gonna survive, whatever law you pass. So that's not what bothers me. I mean, that's not going to break me or bend me. What bothers me is the lack of evidence in this 8.3 pound DEIS document. I just graduated from UNC-Chapel Hill, and throughout my whole academic history, I have never, ever submitted a written document without ample and adequate references and citations. And to know that a law that's being passed without ample and adequate research-based facts, it's just based on assumptions and it's gut-based. And that's kind of unnerving. I hope that I don't get stoned on the way out of here for -- for saying that.



I've taken some varying classes at Chapel Hill, and I even worked alongside Sidney Mattock, studying the history and the extinction of the dusky seaside sparrow. So I understand the importance of -- of preserving wildlife. But, at the same time, I also understand the importance of having science and data and statistics and fact upon fact upon fact, saying why it's important to have a 1,000 meter buffer when, you know why -- why won't a 200 meter do? Why is that not adequate? And I think -- basically, I challenge you, I urge you, I beg you to take the time that is necessary to do the research, to find the facts. I think you -- you owe it to me and my family and everybody here. I think you owe it to us and we deserve to know why you're doing what you're doing and how you came to the conclusions you came to. I would like to see, you know, the control groups and the variables used and the research conducted by an unbiased third-party. So, that's basically all I have to say. Thank you very much.

**MR. JEFF ODEN:**

My name is Jeff Oden. I'm -- I'm a commercial fisherman and I also own and operate Sea Gull Motel, which depends 100 percent on beach access, and other, you know, 25 percent of that is from people who come here and beach fish as well. And my main -- main concern is -- as was previously mentioned by the previous speaker -- Hatteras Inlet. So, considering the time limits -- anyway, Hatteras requires that I focus on that area. The proposed South Point closure which, as I've been informed, could last indefinitely, is illogical for the following reasons. First off, plovers have not been resident to this area in over three years, and the present closure in this area, I am told, is necessitated by possible mating behavior from a few oystercatchers. Now, I'm in agreement the efforts to protect wildlife are in order and, in fact, necessary in some cases. But, I am in disagreement that the present closure or future possible permanent closure are anything but an absurdity. The sound side closure which has been instituted for the third year at the new inlet outside of Hatteras Village, as I am told, for oystercatchers. Now, if oystercatchers will nest with cars whizzing by at 55 to 70 miles an hour, then there are certainly no reason that they couldn't -- that they wouldn't feel equally comfortable with a narrow corridor above the high tide line from the Coast Guard station side where -- that allows beach access. As a motel owner, I've had numerous complaints over the last few years, and lost many customers that came to my village with one purpose, and that was to fish or recreation at the South Point. And the simple fact is, with erosion what it is and the changes that have taken place on this point, that used to be flats, and now is transformed into dunes unsuitable for nesting, there is no logical reason for having -- having

to be in this room defending my access to this area. What -  
- what will this closure mean to me personally? As a kid, I  
grew up there. I learned to swim, I learned to fish, I  
spent every Sunday afternoon cooking out on that point, and  
-- and I surf there at present. And you know, the real  
kicker to this is, my grandfather used to own that point,  
from Hatteras Inlet Coast Guard Station all the way to -- to  
the South Point. He owned it. And all I've got to say is -  
- he was a slight man, and he walked with a cane, but I -- I  
feel pretty confident, even though I only got to know him in  
the ten years -- the first ten years of my life -- that the  
first person that told him he would not be allowed on that  
South Point, with the assurances given to him in the  
interim, that cane would have been used for something  
besides walking.

**MS. JUDY SWARTWOOD:**

Hi. I, too, was representing

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

**MR. HAL LESTER:**

My name's Hal Lester. I'd like to  
formally say that I disagree with the National Park  
Service's Preferred Alternative for management of the  
National -- of the Cape Hatteras National recreational area.  
But I do agree with just leaving us alone and making things  
back the way they were. I don't really have a prepared  
statement, so I'm going to just tell you a little story. I  
own a business here. I own a house here. When you shut  
down the Cape Point, which is in a -- very close to me in  
proximity to my business -- it affects my business greatly -  
- 50 percent. Okay? And I can prove it. This year, I had  
to lay off everybody -- first time ever. Families are being  
affected. Children. People. And Derb and the Audubon --

I'm sick of your fake sympathy for us, and if there is a Jesus up there, I know a man mentioned it earlier, I hope you rot in hell.

**MR. KELLY SCHOOLCRAFT:**

Good afternoon. My name's

Kelly Schoolcraft, and I'm a full-time commercial fisherman and I live in Frisco, North Carolina. Do ya'll know what the Magnuson-Stevens Act is? I -- if you don't, I suggest you read through it, because one of the things that's mentioned in there, is -- is a socio-economic impact study on how regulations affect the fishing industry. Our industry is constantly dealing with endangered species. But yet, there is slowly becoming a balance between the threatened species and what the general fisherman needs. I suggest that ya'll do this study and not just take the word off of these people that these businesses are gonna be affected. This is mandated by Congress. It's in there. You should look at the guidelines put in that document, and apply those document -- those guidelines where it comes to the economic study to the regulations and stuff that you're trying to throw down on this island. There can be a balance 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.

**MR. JIMMIE WEBB:**

Three minutes is hardly enough to

even get cranked up for. I disagree with you, and your programs. You put out a document that's like Congress' documents, that's got everything in there except the truth. You listen to people who call themselves experts in certain areas, and they don't have any more degree than I got. Why come I can't be your expert? But, let's get on with it. I don't trust you. Why don't I trust you to do anything that you say that you do? Number one. What did we do to the Indians? We wrote out all this paperwork. And we go on out and told them what it said. But we didn't tell them about the small print. Where are the Indians? They're gone. Then we decided that we would save the buffalo. And we turned it over to the Department of Interior. I reckon that they have to have all this land, so that they could be there for us to see in the future. What did your people do? First thing you did, you culled the herds. You broke the herds down. Now you got less than you started with. That don't sound right. 'Course now, the cattlemen come out pretty good because they leased the grazing land to feed their cows, which I like beef, too. Well, what did we do to the wild horses? We did the same thing. We said we've got to have all this land set aside so that they can be there



and prosper. What's happened to them? One time, they were hunting them down like dogs, selling their meat to the packing markets. Then we came up with the bright intelligent agreement that we'll put 'em in small herds. They're too big, so let's cull them. We culled them, then we decided that won't good enough. We put 'em in little pens, and we're gonna feed 'em. Started costing a lot. What're we gonna do with them now? But the grazing land got mustered out to the Cattlemen's Association for grazing cattle. American people are not trusting their government today. These people don't trust you. I don't trust you. Listen, there's been enough information these people have dug up, to counter 90 percent of what your experts came up with. It's like lawyers. Lawyers know the game. We can hire our expert to suit our particular needs. So, gang, I know you're good honest people, but I don't trust you. I don't think these people should trust you, either. Do what they said do. Give them a chance to survive and live on this island. One of the reasons I was here, was to --

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.

**MR. FREDDY JAMES:**

My name's Freddy James. I own a business in Buxton that was started by my dad in the '70s. And in the '80s, when wind surfing became popular, we did a program with the Park Service called "Wind Surf with a Ranger" which provided a great service to the visitors of the island to teach people -- we taught one person a week for free -- how to wind surf. That was brought through -- the rangers would get the group together and we would take a volunteer and teach them how to wind surf in the pond out at the Point. Slowly, your policy was to protect the birds as you -- as we were told by you -- that you blocked off the areas of the pond, slowly but surely, making it the point where there is now, where there's absolutely no access to this pond. What it's done is, by no access, you've allowed all the vegetation in the dunes to grow around it, which in turn has created an ideal habitat for all the predators that you're now trapping and killing, and doing nothing to deter new predators from coming near that area. So, you're doing nothing to address the -- nothing to address the predators, new predators coming in and killing the old -- what's actually there, and shoot -- I'm sorry. I had this written

but had a moment of not reading it. Anyway, you slowly blocked off the access and allowed the vegetation to flourish, and you're not addressing the main cause of the failure rates of the nests, which is, in your own study, the mammal predation. If you go back to the way it was in the '80s, by flattening all the vegetation in the dunes, you're gonna allow much more breeding habitat for the birds, and eliminating a lot of the predator problem, because they don't have any ideal habitat to survive in. They're gonna go back across the dunes, and away from where the breeding ground is. Also, by limiting access, you've also pushed the breeding areas closer and closer to the surf line, which is the number two reason in your statement that -- the failure rates, which is the storms and ocean tide. So, you're pushing them further and further to the second main problem and not addressing adequately the first problem. So, by doing -- eliminating all the vegetation in the dunes, you're eliminating the two main problems, but nowhere in your DEIS does it -- does it address that at any point. And the main reason why it's a problem is due to your lack or -- or bad policy, which now you're trying to continue by more closures, which is only going to increase the -- the mammal habitat -- or the predation habitat, and force the birds closer to the beach. So, they are more -- more susceptible to the storms. That's it.

Board of Commissioners  
**Tom Davis, Chair**  
**Sharon Spencer, Vice-chair**  
**Gene Ballance**  
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  
**Interim County Manager**  
Sid Hassen  
County Attorney

**Note to Amanda: When entering this into PEPC – in the “notes” box – please insert: Graphs/Picture/Appendix attachments are available in the appendix of the public comment report. Then note what Correspondence number this entry was and email it to me.**

**THANKS!**

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)

May 11, 2010

Gene Ballance, 81 Marks Path

PO Box 704

Ocracoke, NC 27960

Mr. Mike Murray, Superintendent

Cape Hatteras National Seashore

Following are my suggested improvements to the ORV DEIS.

I. 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 all All commercially important fish. However, plovers do feed all some of the same prey Items of fish species that may be harvested and, as such, harvest offish 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 all piping plover foraging.*

This 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 of 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. There 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.

Thanks for all you hard work on this DEIS.

-Gene Balance

0013450

m m

**Pat Calvert**  
**128 Parker Avenue**  
**Newport News, VA 23606**

**RECEIVED**

MAY 10 2010

**Outer Banks Group**

May 4, 2010

Mr. Murray, Superintendent  
National Park Service of Cape Hatteras

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!

Thanks you,

*Pat Calvert*

Pat Calvert

**Copithorn, Frederik - copithfh**

**From:** Defenders of Wildlife [defenders@mail.defenders.org] on behalf of Frederik Copithorn [copithfh@jmu.edu]  
**Sent:** Friday, May 07, 2010 1:26 PM  
**To:** Copithorn, Frederik - copithfh  
**Subject:** COPY: Cape Hatteras National Seashore Management Plan

RECEIVED

MAY 10 2010

Outer Banks Group

May 7, 2010

NPS PEPC  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

I appreciate the opportunity to comment on 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 Alternative D if modified to provide greater pedestrian access, which was identified in the DEIS as the environmentally preferred alternative. 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 principals 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.

Sincerely,

Mr. Frederik Copithorn  
47 Rural Dr  
Mount Solon, VA 22843-9754  
(540) 350-2835

*I grew up on LI beaches and saw ORV's  
subsume the beach for their use.  
Beaches must include areas for  
nesting birds. Otherwise it is not  
a beach anymore. FFCopithorn*



m u

**WILLIAM P. DALY, JR.**  
301 Blair Court  
Vienna, Virginia 22180

RECEIVED

MAY 10 2010

Outer Banks Group

May 7, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Re: Recommendations for a permanent ORV beach driving plan  
for the National Seashore/Hatteras Island Homeowners Coalition:

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;

Mike Murray, Superintendent  
May 7, 2010  
Page 2

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 beachfront 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.

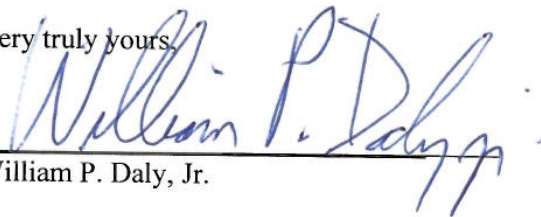
e. There have been numerous tickets issued to beach drivers for reckless driving or speeding, but far fewer than there would have been if there were enough rangers patrolling the beaches to see what we have seen through the years. This lack of Park Service Ranger enforcement is not a result of rangers 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.

Mike Murray, Superintendent  
May 7, 2010  
Page 3

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,



William P. Daly, Jr.



RECEIVED

MAY 11 2010

Outer Banks Group

5-9-10

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 acres 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 a 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.

Carol Dillon Dawson

RECEIVED

MAY 11 2010

Banks Group

May 8, 2010

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

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,



Pam Donahue  
P.O. Box 623  
39172 N. Albacore Lane  
Avon, NC 27915

May 8, 2010

RECEIVED

MAY 11 2010

Outer Banks Group

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

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 would become your enemy. You would find out that 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 philosophical, but in fact the lady who spoke at the April 26<sup>th</sup> 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.

Thank you,



Larry and Pam Donahue  
P.O. Box 623  
Avon, NC 27915

0013457



## THE ALBATROSS FLEET

Foster's Quay  
PO Box 120  
Hatteras, NC 27943

RECEIVED

MAY 11 2010

Outer Banks Group

May 9, 2001

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 BS 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.

Captain Ernie Foster  
(252) 986-2515

fax (252) 986-2515  
albatrossfleet@earthlink.net

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 hundreds 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.

How sad to come to this conclusion.



Ernie Foster

None of these correspondences will have addresses.

All were received on April 28, 2010.

In the "Notes" Section, please type "Public Comment received at Hampton, VA Public Meeting"

**MR. DAVID GRAHAM:**

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.

**MR. DARREN LOPEZ:**

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 what I'd like to say. Thank you.

**MR. H. T. GORDON:**

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.

**MR. WILLIE MUNDEN:**

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.

**MR. BILL RUMSCHLAG:**

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.

**MR. ROB BEEDIE:**

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.

**MR. ROB GIROUX:**

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.

**MR. MATTHEW STUBBS:**

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.

**MR. ROBERT WOJCIK:**

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 -- 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.

**MR. ALFRED NUGENT:**

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.

**MS. BONNY BASILONE:**

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.

**MR. ARCHIE TRIPP:**

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.

**MR. JOHN EWELL:**

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.

**MR. ALAN BARTLETT:**

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.

**MR. CHIP PITTS:**

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.

**MR. CHRIS EGGHART:**

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.

**MS. JEAN FRIPP:**

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.

**MR. A. E. "BUDDY" KRISE:**

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.

**MS. JENNIFER BRINKLEY:**

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.

**MR. JAMES HIGHAM:**

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.

**MR. RICHARD KITTRELL:**

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.

**MR. SCOTT ALMOND:**

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.

**MR. DAVE VACHET:**

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.

**MR. HOWARD QUILLON:**

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.

**MS. SHEILA SCOVILLE:**

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 cherrypicking 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.

**MR. PETER DOHERTY:**

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.

**MS. JUDY SWARTWOOD:**

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.

**MR. DARIN KNICELY:**

Good evening. I'm Darin

Knically. 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.

**MR. DAVID JOYNER:**

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.

**MS. CHRISTINA KNICELY:**

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.

**MR. CARTER FICKLEN:**

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.

**MR. BILL MANNSCHRECK:**

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.

**MR. ERNIE STYRON:**

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.

**MR. JAMES JOHNSTON:**

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.

**MR. BOB LARNORE:**

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.

**MR. MATT DESROCHES:**

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.

**MS. SANDY SCHNEIRLA:**

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.

**MR. ED HAYES:**

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.

Thomas G. & Marilyn B. Harrison  
26203 Colony Court  
Salvo, NC 27972

RECEIVED  
MAY 12 2010  
Outer Banks Group

Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954  
May 11, 2010  
"

Subject: Comments on Draft Off-Road Vehicle Management Plan/Environmental Impact Statement (DEIS)

Dear Superintendent Murray,  
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.



(Harrison continued)

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".

Respectfully,

Thomas G. & Marilyn B. Harrison  
26203 Colony Court  
Salvo, NC 27972

**Steve Harrison**  
**869 Indian Hill Road**  
**Hendersonville, NC 28791**  
**raleighwood@juno.com**

May 8, 2010  
Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Superintendent Murray,

RECEIVED  
MAY 12 2010  
Outer Banks Group

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.

(Harrison continued)

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.

,

~  
Steve Harrison  
869 Indian Hill Road  
Hendersonville, NC 28791  
[raleighwood@juno.com](mailto:raleighwood@juno.com)



Rosemary Miller Steiner  
200 Scuppernong Road  
Manteo, N.C. 27954

Received  
MAY 12 2010  
Outer Banks Group

Superintendent Mike Murray  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo N.C. 27954  
Dear Mike Murray:

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 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 reasonable 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

(Rosemary Miller Steiner continued)

**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. Corralling 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 15<sup>th</sup>. 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

(Rosemary Miller Steiner continued)

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.

Rosemary Miller Steiner  
200 Scuppernong Road  
Manteo, N.C. 27954



Steve Harrison  
869 Indian Hill Road  
Hendersonville, NC 28791

RECEIVED  
MAY 12 2010  
Outer Banks Group

May 8, 2010  
Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Superintendent Murray,

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:

(Steve Harrison continued)

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.

Sincerely,  
Steve Harrison  
869 Indian Hill Road  
Hendersonville, NC 28791  
[raleighwood@juno.com](mailto:raleighwood@juno.com)

Tom and Becky Buddenbohn  
4916 Westhaven Rd.  
Arlington Texas 76017

May 10,2010  
4916 Westhaven Rd.  
Arlington Texas 76017

RECEIVED  
MAY 12 2010  
Outer Banks Group

Mr. Michael Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Dr.  
Manteo, NC 27954

Dear Mr. Murray,

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  
(Tom and Becky Buddenbohn continued)

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.

Best Regards,

Tom and Becky Buddenbohn  
Arlington Texas

Dave and Donna Lawson  
Boyette House Condominiums  
45 Ocean Road, Unit B, Ocracoke Island  
P.O. Box 239  
Marydel DE 19964  
302-670-4461  
djuhrden@wildblue.net

May 8, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Superintendent Murray:

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

(Dave and Donna Lawson, continued)

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.

Sincerely,

Dave and Donna Lawson

Boyette House Condominiums

45 Ocean Road, Unit B, Ocracoke Island

P.O. Box 239

Marydel DE 19964

302-670-4461

[djuhrden@wildblue.net](mailto:djuhrden@wildblue.net)

This is a hard copy of a comment submitted electronically.



BJ Oelschlegel  
PO Box 366  
Ocracoke, NC 27960

**RECEIVED**  
MAY 12 2010  
**Outer Banks Group**

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
140 I National Park Drive  
Manteo, NC 27954

BJ Oelschlegel  
PO Box 366  
Ocracoke, NC 27960

Re: DEIS

5/10/10

Dear Mr. Murray,

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.

(BJ Oelschlegel, continued)

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.

You are scaring me,  
BJ Oelschlegel

1:1 m

May 6, 2010

Mr. Mike Murray, Superintendent  
Cape Hatteras National Seashore

RECEIVED  
MAY 10 2010  
Outer Banks Group

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 disabilities 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 does not support me! And I am only one of 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!



Robert P. Henry  
Resident and Registered Voter  
47152 Hwy. 12  
P.O. Box 423  
Buxton, NC 27920



Mike Murray  
 Cape Hatteras National Seashore Recreation Area  
 1401 National Park Drive  
 Manteo, NC 27954

mm

RECEIVED

MAY 11 2010

Outer Banks Club

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.

*Jennifer Midgette Scott*  
 Jennifer Midgette Scott  
 Buxton, NC

May 9, 2010

Superintendent Mike Murray  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, North Carolina 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

Dear Superintendent Murray,

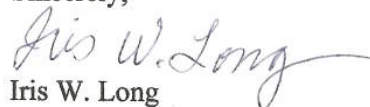
Please accept this letter as my response to the ORV DEIS before you at this time. I disagree with NPS' preferred alternative F as this is more restrictive than the current Consent Decree.

I have reviewed the 77-page Coalition for Beach Access Position Statement signed by several groups that were part of the negotiated rulemaking process and agree that it provides the best alternatives for both the people who live here and those who visit the Seashore while maintaining the protection of the island's fragile resources.

As a business owner on Ocracoke, I have first hand knowledge of the financial hardships that the Consent Decree has caused. My business has declined 20% per year since the CD was put into place. With the more restrictive regulations put in place, the financial impact will be even greater.

Please consider all aspects of this alternative as you make your decision that will undoubtedly affect the lives of every living thing in the Seashore.

Sincerely,



Iris W. Long  
Frisco, NC



RECEIVED

MAY 11 2010

Outer Banks Group

Virginia L. Luizer  
P.O. Box 1092  
Buxton, NC 27920

May 7, 2010

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 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"<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

Alternative F defines an unprecedented standard for species management outside of the Species Management Areas--namely, ML1.<sup>4</sup> ML1 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

<sup>1</sup> DEIS p. 121.

<sup>2</sup> DEIS p. 121.

<sup>3</sup> 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.

<sup>4</sup> DEIS p. 65.



2009 shows a pattern of wide-spread full-beach resource closures spanning the period of 5/15 to 8/15.<sup>5</sup> 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.<sup>6</sup> 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<sup>7</sup> 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.<sup>8</sup> 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,<sup>9</sup> 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<sup>10</sup> and a prohibition of pets in all public places within the park for the period of March 15 to July 31.<sup>11</sup>

### **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.<sup>12</sup> 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<sup>13</sup> resulting in a new mix of visitors and new business opportunities. Under this scenario, the NPS projects business revenue losses of 0%.<sup>14</sup> 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,<sup>15</sup> 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.

<sup>5</sup> 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)

<sup>6</sup> 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) Furthermore, 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.

<sup>7</sup> DEIS p. 82.

<sup>8</sup> DEIS p. 82.

<sup>9</sup> DEIS, Table ES-2.

<sup>10</sup> DEIS, Table ES-2.

<sup>11</sup> DEIS p. 136.

<sup>12</sup> DEIS, p. 562.

<sup>13</sup> DEIS, p. 559.

<sup>14</sup> DEIS, p. 562.

<sup>15</sup> Park Visitation Statistics--March through August relative to the total.



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.<sup>16</sup>

After emphasizing the importance of the beaches both to tourism and to 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 there 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.

<sup>16</sup> Testimony presented at public hearings at Ocracoke and Buxton.



Based upon the above, I submit that the ability of seashore residents to continue to use the seashore beaches in a manner consistent with traditional uses is more important 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 Islands. 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 'people of low income groups,' at a time when many desirable beaches were being quickly developed commercially."<sup>17</sup> 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.

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 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<sup>18</sup>

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."<sup>19</sup> 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 became an "important model for subsequent similar parks around the country."<sup>20</sup>

### 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,<sup>21</sup>
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,<sup>22</sup>
3. that the more aggressive management approach used in 2008 and 2009 did not result in any marked improvement for managed species,<sup>23</sup> and

<sup>17</sup> "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 26.

<sup>18</sup> "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. V.

<sup>19</sup> "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 244.

<sup>20</sup> "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 200.

<sup>21</sup> Consent Decree filed on 4/30/2008.

<sup>22</sup> For example, Piping Plover pairs increased from 3 to 11 over the period of 2005-2007. Piping Plover fledgling rates for the period were 2.0, .5, and .67. NPS Piping Plover report, p. 9.



4. that the Interim Plan triggers and buffers are consistent with the triggers and buffers utilized at other seashores,<sup>24</sup>

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."<sup>25</sup> 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.<sup>26</sup>

"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..."<sup>27</sup>

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

<sup>23</sup> 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.

<sup>24</sup> Management Protocols from several National Seashores--available upon request.

<sup>25</sup> DEIS p. 35.

<sup>26</sup> "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 194.

<sup>27</sup> "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 19.



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).<sup>28</sup>

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' beaches 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."<sup>29</sup> 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<sup>30</sup> 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.

cc: Jonathan Jarvis, Director, NPS  
Ken Salazar, Secretary of the Interior

<sup>28</sup> DEIS, p. 13.

<sup>29</sup> "The Creation and Establishment of Cape Hatteras National Seashore, The Great Depression Through Mission 66", p. 234.

<sup>30</sup> DEIS, p. xxx.

RECEIVED

MAY 11 2010

Outer Banks Group

Virginia L. Luizer  
P.O. Box 1092  
Buxton, NC 27920



May 7, 2010

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 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 addendums ranging from 20 to nearly 1,500 pages each.<sup>1</sup> 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.<sup>2</sup>

cc: Jonathan Jarvis, Director NPS  
Ken Salazar, Secretary of the Interior

<sup>1</sup> <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=26580>

<sup>2</sup> Letter from National Park Service to Walter Jones, 4/29/2010.



Handwritten initials or mark

RECEIVED  
MAY 11 2016  
Jeter Banks Group

100 Bank Street  
Boston, MA 02110  
Tel: 617-552-3000

100 Bank Street  
Boston, MA 02110  
Tel: 617-552-3000

RE: [Name] (DOB: [Date])  
Please find enclosed the following information:

The following information is provided for your information:

Administrative E - Management Based on Advisory Committee  
The Committee is the National Bank Service Advisory Committee. The  
Committee is a non-profit organization that provides advisory services  
to the Federal Reserve Bank of Boston. The Committee is composed  
of representatives from various financial institutions and is  
responsible for providing advice and recommendations to the  
Federal Reserve Bank of Boston.

For more information, please contact the following:

[Detailed body text, mostly illegible due to low resolution and blurring]

Very truly yours,  
[Signature]

[Additional text at the bottom of the page]

North Carolina  
Department of Administration

Beverly Eaves Perdue, Governor  
May 11, 2010

CERTIFIED MAIL #7008 1300 0000 1133 9637  
RETURN RECEIPT REQUESTED  
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 27699-1301  
*Telephone: (919)HW7-242J*  
Fax (919)733-9571  
State Courier #51-01-00

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](http://www.enr.state.nc.us)  
**Beverly Eaves Perdue**  
Governor



## North Carolina Department of Environment and Natural Resources

May 5, 2010  
MEMORANDUM  
TO:  
FROM:  
SUBjeCT:

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.ncus](http://www.eor.state.ncus)

North Carolina Department of Environment and Natural Resources  
Division of Water Quality  
Coleen H. Sullins  
Director

Environmental Impact Statement Review for Off-Road Vehicle (ORV) Management Plan  
for Cape Hatteras National Seashore, Dare and Hyde Counties

May 11, 2010

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](mailto:roberto.seheller@ncdenr.gov) or contact me by phone at 252-948-3940.

None of these correspondences will have addresses.

All were received on April 26, 2010.

In the "Notes" Section, please type "Public Comment received at Ocracoke Public Meeting"

**MS. DAPHNE BENNIK:**

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.

**Eugene Ballance**

Hello. I'm Gene Ballance, and

I'm a **Hyde County Commissioner** from Ocracoke, and also a commercial fisherman. In terms of specific things I've read in the Environmental Impact Statement, the 1,000 meter 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.

**MR. SCOTT BRADLEY:**

Good morning. My name is Scott

Bradley. I'm a full-time resident here on Ocracoke. I'd like to speak to two issues. One is the buffers, as set forth on pages 121 to 127, and also about potential restrictions on pets on the beach on page 136. I think, as Gene commented, the buffers are large. They are too large and they're inflexible -- they appear to be inflexible. So, you need to put the science out there that justifies their size. I'm told that all decisions of this nature have to be made on valid science. So, we need to see the science that 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.

**MR. GREG HONEYCUTT:**

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.

**MR. GARY OLIVER:**

I'm Gary Oliver. I own the **Outer Banks Fishing Pier** in Nags Head, and **Fishing Unlimited**. I've been there for 40 years. In the DEIS, first page, it

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

**MR. PEREGRINE WHITE:**

Good morning. I'm Peregrine White. I'm the chairman of the **Republican Party for Dare County**. For the past two years, we've been following the Environmental Impact Statements as they have come out. We've been following the Interim Plan that was put in 2007. I attended many of the hearings for the negotiated, or the un-negotiated plan that was held in Kill Devil Hills. In 2009, we presented a petition to the State party, which I



have a copy of for Mike. This year, the County party and the Third Congregational District also signed a resolution, asking the support of the -- Senator Burr, and at one time, Senator Dole and Senator Hagan's position that the -- we go back to the 2007 plan and negotiate from there in good faith. One of the other speakers spoke about turtle nests. One of the pictures that I -- that I gave Mike is where I was visiting this last year for a wedding. Martin County, Florida, has not one or two or a dozen turtle nests. They have hundreds of turtle nests down that coast. The educational sign that you have, Mike, on the first picture, shows the type of education they do, showing you that -- what is the event, what will affect the turtles, and what will not. In the second picture is one of their turtle closures. I'm standing eight feet from that. There's no restriction down there on people walking by them. Now this -- the beach I was on is within about 100 to 150 feet, which is walkable of the parking lots, of which there are, just about every half mile, along there. This is a tourist area. There are hotels on the same area, with walkways down to the beach, and they are not restricted as to the pedestrian use of their beach. The other thing I was at was at Fort Matanzas, which is a national monument. We walked the beach there, and I was as close as I am to you, from bird nests. In fact, one of the birds didn't respect their nesting area, which was behind the barrier. The guide that we were with actually had the materials with her, and fenced in the area where the bird nest was, so we wouldn't disturb the bird. This is a bird, sitting on a nest in the rocks on the edge of the beach. The restrictions that are in the EIS and the plan are far excessive from my experience. Thank you.

**MR. JIM HARRIS:**

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

and the Bodie Island Spit on July 4, 2009." Both of those locations were closed on that date. So, it couldn't possibly be true. And if you base anything on a lie, you're producing another lie. And I don't like that.

**MR. BILL MANDULAK:**

My name is Bill Mandulak. I'm representing the **Coastal Conservation Association** of North Carolina. I've been coming to the Outer Banks for over 30 years, fishing, and recreating along the Cape Hatteras National Seashore recreation area. I tried to go through the 800 pages or so, and I will tell you that it is a great -- great indication of "bureaucratic obstacation". It is absolutely impossible for everyone to go through this. It is like reading War and Peace without the attendant gripping novel, that should be attended with it. You know, as sportsmen, we're lucky to get through the sports page and the comic section and the front page, let alone to read this entire document. But my point is, that there are several options in here. It's very difficult to go through all the options. But what's very disturbing is that there's no -- there is a Environmental Preferred Option, an NPS Preferred Option. There is no User Preferred Option. There is no option in here that describes what the predominant users of the park would like to have in their option, for access to the beach. To suggest that a recreation area as this Park was established, should have closures with no human activity on the surf zone is absolutely absurd. Several people have -- and I'm speaking specifically to Option F -- several people have mentioned the excessive buffers. They are very inconsistent with other places that have the same bird activity and the same -- same turtle activity. They're very excessive and they're very inconsistent. Night driving to extend to November 15, is well beyond what we've seen anywhere. If a nest is still there at -- in November, chances are pretty good it's not going to hatch at all because of cold weather that would have killed the eggs. The one thing that's really disturbing is there is all of these various activities to prevent ORV acc -- disturbance of birds, and yet there's no information to expand the habitat around the Salt Pond. No recognition of the birds moving to Spoil Islands. And finally, there's no implementation of some of the things that are done up in the Northeast, particularly for plovers. There are some large cages that are put around -- around nests up there that keep predators out, and so forth. None of those actions are described, and they -- and yet we focus on ORV access, which is less than one percent, you know, a small fraction of one percent of the activity around -- around the birds. So, I think that you really need to reconsider that -- those buffers, et cetera. Thank you.

**MR. GEORGE CHAMBERLIN:**

Good morning, ladies and gentlemen. Thank you very much for the time. My name is George Chamberlin. My wife, Elizabeth, and I own a business here on Ocracoke, a hotel. My wife, Betty, is one of the originals and I learned a lot of the history from her mom, who was actually here when the Park Service land was transferred to the Park Service. I'll file a complete report with the U.S. Park Service prior to the May deadline, but I wish to present these comments to you today, so that you may have some sense of my feelings, and those I have spoken with regarding the published DEIS. I do wish to also make a point that we have not asked when we could meet with this group, or for how long we could speak; we were told. I fear that the result of your plan will be presented in much the same manner. We will, in the final analysis, and after proper comments, be told what will happen to the Outer Banks, and that the most -- most of the cry for logic and reason will not prevail. I can only hope this statement will not be true, and offer the following suggestions. Important decisions must not be made that are based on general estimates and incomplete data. NPS conclusions should be, as in the business world, based on and referenced by actual historical facts or data, and from information that has been obtained by face-to-face discussions with visitors, residents and business owners in the affected areas, not by three men in response to a document that forces us to disprove a negative, inaccurate or general statements such as minimum to moderate impact. What does that mean? Additional restrictions and those from previous regulations also require factual data and logic. For example, if you require that pets be banned from certain areas, you must realize that no pets means no people. The simple logical fact is that those people that have pets consider them, for the most part, family members, and will not readily leave those pets for a weekend or more to visit the Outer Banks. They will take their family to other locations, and a loss of revenue will be felt by the businesses of the area, and not by the rule makers. The DEIS not only fails to take into account the economic impact of the proposal, it hardly mentions the human issues involved. Historically, beach access and enjoyment of the Outer Banks was meant to be a special place where people and wildlife interacted. The Outer Banks, and specifically Ocracoke, was never intended to be a wilderness area. Yet, this proposal does nothing to enhance wildlife, other than to prohibit humans from within overly-restricted areas, and to somehow reduce predators.

Logical rules and regulations are certainly required to ensure that an educated visitor to the park area knows the rules and are enforced by an educated



Park Service staff. But the Outer Banks and, specifically, Ocracoke, was not given to the Park Service so that it could be turned into a wildlife-only wilderness area, to be controlled by outside zealots and poorly managed by big government. We also realize the pressures that are now being put on the Park Service by special interest groups and the courts.

**MR. DAVID ESHAN:**

Good morning. I'm David Eshan. I represented an Ocracoke civic business, at REGNEG. I'd like to see everybody come out this morning. I have a few points I'd like to make. First one. Starting at the North end is the North Point of Ocracoke. Closing down this area completely to ORVs except for a quarter mile on either side of ramp 59 is just a shame. There has not been a piping plover nest there in the last ten years. As on Chart 200 -- piping plover nests -- no nests since -- when there was one in 1996, and only four chicks have fledged there in the last 18 years. That's kind of a big area to close down completely, for little gain. Also, new ramps -- from installing the new ramps, page 100. Ramps 62 to 64, are open to ORVs. This area has been a safety closure my entire life. Now, we're closing down areas that are safe to open up areas that have been considered unsafe for the past 30 years or more. Yes, we do need these other areas open, if they're going to close them down, but why should we close down safe areas and open up unsafe areas? Also, on page 100, a half a mile southwest of ramp 68 to 1.2 miles northeast of ramp 70, has dates of closures from November 1 to -- ORV route from November 1 to March 14. These dates need to be changed. Having these dates totally blocks out our spring and fall fishing seasons. No access in March, or half of March, all of April, May, and September, and October, we're losing when people like to come to the beach to go fishing. Also, on page 101, the 1.2 miles northeast of ramp 70 to a half mile northeast of ramp 70, these dates are also in the DEIS are -- the April 1 to October 31 should also be changed. Same thing. We're blocking out specific times of the year when we have fisherman that are here primarily to beach fish. If we don't have these times, then it's really going to hurt business. The last comment I'd like to make is on page 101, half a mile southwest of ramp 72 to inlet. In the DEIS, it states it's three miles. If you go there and measure it, it's 1.3 miles. NPS has a closure of -- "floating" closure of one mile, so how's it going to float? There is nowhere else for it to float. And also in that, it says, "Access to the corridor would be allowed on the shoreline to the inlet." That's the floating corridor. Let's see, let me finish up. If resource protection staff determines that any single activity or collection of activities is negative impact on shore bird uses specific location, the NPS may implement, add

restrictions or on compatible activity. That means they're going to close it down.

**MR. SCOTT TYSON:**

My name is Scott Tyson. I'm from

Charlotte, North Carolina. I come to Ocracoke five or six different times a year. And I've been doing so for 40 years, and this is the first time I've ever been here and not been able to access South Point. It's very sad. That's the reason we come here, is to fish South Point, and to enjoy the natural beauty of the vastness of the area. It's a huge amount of room down there. As far as the closures to birds, and SMAs go, ML1 is overly restrictive to pedestrian ORV corridors. Bypasses should be provided through, around or below high tide line and all SMAs during an entire breeding and nesting season, within guidelines to maintain access. Should the large inflexible buffers -- buffers should use breeding and nesting buffered distances to establish ORV pass-through only corridors to ensure beach access is always maintained. Piping plover unfledged chicks buffers should move with the brood as it relocates to a reliable food source, not expanded so as to expand economic opportunities, as well as increased visitor experience with no harm to wildlife. It should be noted that 85 percent of the American oystercatcher nests, 83 percent is due to either predation or storm or lunar tides. Only three percent of those nests are harmed by human interference. The NPS does not adequately consider locations neighboring the recreational area that are part of the same ecosystems, villages, dredges, Spoil Islands, Pea Island National Wildlife Refuge. Dredges in Spoil Islands typically have fewer predators to threaten nesting birds. Bird activity within neighboring areas should be tracked and included in target productivity levels. Fluctuations in trends and recreational area bird populations should be viewed relative to reasonable and steady experiences, not in isolation. Reason of Influence. The reason of influence incorporates the North beach communities, including Southern Shores and Duck. These areas are almost completely disconnected from ORVs in access issues relating to the seashore. Inclusion of the northern beaches in analysis significantly dilutes estimates of economic impact on the seashore villages. Nowhere is it clearly addressed that overwhelmingly -- the overwhelming majority of negative impact will be felt by small businesses in the seashore villages, rather than overall economic interests -- interest within greater region of impact. Overall Visitor Counts. Overall visitor counts appears to include visitors to Fort Raleigh National Historic Site and Wright Brothers National Memorial. The large percent of these visitors vacation in the Northern beach communities, and recreate on non-federal beaches

outside the seashore. Visitors who patronize Fort Raleigh National Historic Site and Wright Brothers National Memorial, but do not visit the actual seashore areas, need to be factored out.

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.

**MS. LESLIE LANIER:**

Hi. My name's Leslie Lanier. I own a small business on the island. I do want to say I agree with, I think, everything that's been said. Daphne Bennick, for sure. Mr. Oliver. And for sure, the best statement I've heard is the "bureaucratic obstacation". The document is incredibly hard to read, as are many of our government publications. In the past couple of years, I've lost two full-time employees. Is it all due to beach closures? I'm sure it's not. But the beach closures do not help. There needs to be a corridor, so that pedestrians and ORV drivers can get down through the -- past the nests, whether it be the piping plover or the turtles. I don't see a whole lot about the predation -- the predators -- that's what's killing the birds. It's not our dogs. It's not the people. It's not the children. Cape Lookout Seashore, this winter, lost, I think, 92 turtles in one weekend. We can't help the cold. We can keep dogs on leashes, and we're good at doing that. And you're good at making us do that, the Park Service is. We can keep our children away from the enclosed nests. They do not have to be a thousand feet. There can be a corridor and I think that's where you need to 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.

**MR. TOM BURKE:**

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.

**MR. DAVID FLANAGAN:**

I'm Dave Flanagan. I'm a resident of Nags Head, North Carolina. Part of my comments have been touched on by Mr. Burke, for my comment today is in regards to routes and areas. I disagree with Alternative F restrictions. These restrictions exceed those under the Consent Decree, the Interim Management Strategy, and the de facto ORV plan previously in place under Superintendent Bailey, which was Superintendent number seven. I would like to see the Interim Management Plan reinstated into this process. I believe if we could get back to the Interim -- Interim Management Plan, this would give us all some type of working area for the Park Service, and also these organizations. As a past Director and Vice President of Beach Buggy Association, we have also worked a great deal with the Park Service under that plan. I'd like to see that plan reinstated. Thank you.

**MR. CECIL DUKE:**

My name is Cecil Duke. I live in Richmond, Virginia. I disagree with Alternative F of the DEIS in regards to the law enforcement practices. It is not right to punish all users of the park because there are not

enough law officers to cover all of the laws and impact statements put upon us. Violations such as night access, improper driving, access of closed areas, both pedestrian and ORV. Because proper law enforcement is not available when a violation is found, after the fact, the Park Service answer is to close more beach to all. Many organizations have been requesting more Park Service law officers for years. And our citizens who own the park deserve to have them. As more and more areas are compressed, forcing beach 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.

**MR. CHARLES KLINGER:**

Hi. My name's Charles

Klinger. I live in Great Falls, Virginia. And my comments are in reference to Alternative F, and specifically the 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.

**MR. RICHARD DIMMIG:**

Good morning. My name is

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

**MR. WARREN JUDGE:**

Good morning. I'm Warren Judge.

I'm Chairman of the **Dare County Board of Commissioners**. I'm here today representing the 33,000 people who live in Dare County, and the 6,000,000 visitors that we serve as host to every year. The Dare County Board of Commissioners, on behalf of those people, has always stood for free and open access to Cape Hatteras National Seashore Recreational Area. We also believe in conservation and protection of species and wildlife. Unlike the special interest groups and the opponents of access, we believe that these two can go hand in hand, and can exist together and, at the same time, to provide that access that we support. Dare County supports and requests that corridors be created and maintained in all areas of the Cape Hatteras National Seashore Recreational Area. Corridors provide a path around temporary resource closures in order to provide an access to an open area that would otherwise be blocked. Corridors can be established below the high tide line. Since unfledged chicks are not found in nests between the ocean and the high tide line, this type of pass-through corridor would have no negative effect on the wildlife. Corridors should be provided, Mike, in all areas of the seashore, including the highly restrictive Management Level One portions of the SMA, required under the Preferred Alternative. And we would like to request that we don't use Management Level One, that you use Management Level Two. Corridors worked with success in the 2007 Management Plan. Corridors are for valuable access, provide valuable access without impairment or damage to protected species. Hatteras Island is extremely important to Dare County. It represents -- in the last five years, it represents 28.4 percent of our tourism income. It represents 22 percent of our ad valorem tax base. It's critical. It's critical to the State, to Dare County, and to the State of North Carolina. Cape Hatteras National Seashore Recreational Area is a -- is a people going to the beach for whatever they do -- sunbathe, walk on the beach, sea shell, bird watch, swim, take their family, fish. The Seashore was developed to be accessed by vehicles. We have less than 800 parking spaces in the entire seashore. The ramps that are designed to get people across to the -- from the road to the beach are built for cars. They're not built for pedestrians, although pedestrians use them. We support everything that I say about corridors. We need corridors to provide access to everybody in Cape Hatteras National Seashore recreational area. Thank you.

**MR. BOBBY OUTTEN:**

Hi. I'm Bobby Outten. I'm here



to speak to you about Alternative F and about the protections given to the non-endangered birds. The Endangered Species Act requires protection for endangered species, and we acknowledge that and we understand that that has to be done. While we don't necessarily agree with the buffers, we acknowledge the need to follow the Endangered Species Act. The Park Service may also have some obligation to protect any species of animal that lives in the park at some level. What we object to is elevating the protections given to non-endangered species to levels that you've given to the endangered species. To my knowledge, only the endangered species that we're talking about in the bird population is the piping plover. North Carolina identifies the number of colonial waterbirds as species of concern. What that means in North Carolina is, is that that's a bird that needs to be looked at and monitored. That does not mean that there's any level of regulation given by the State or requested by the State. And yet, those birds are being protected at extremely high levels that cause closures. The result of that is, if you look at Oregon Inlet where there were no piping plover, the endangered species last year, pre-nesting closures began on March 11. They became resource closures on March 23. On July 16, an American oystercatcher chick fledged, but because it wasn't flying properly, the closures continued until August 16. So, even though there were no endangered species at Oregon Inlet, Oregon Inlet remained closed from March 11 to August 6, 2009. We think that's an extremely long closure for a non-endangered, non-threatened species of birds that isn't protected at all under North Carolina law, and can't understand why it's elevated to these great levels of protection under this plan. Similarly, at Cape Point, pre-nesting closures began on March 12, 2009. They became resource closures for American oystercatchers on April 14. On July 16, an American oystercatcher chick fledged, but again was not proficient in flying in the air. Cape Point was closed until August 27, 2009. Again, extremely long and this is more than 140-day closure in the height of the season for birds that aren't on any list. We don't understand and don't agree with that. But, we request that the buffers be modified, so that pre-nesting closures be only had for endangered species, not threatened species. Because the colonial waterbirds do not return to same nest each year, such closures are unnecessary in warranty and result in closures that aren't needed and have severe economic impacts in Dare County. Thank you.

**MR. DERB CARTER:**

I'm Derb Carter, with the **Southern**

**Environmental Law Center** in Chapel Hill. We represent the National Audubon Society and Defenders of Wildlife. I've

been coming to the Seashore on Hatteras and Ocracoke for 35 years, multiple times a year. I drive on the beach. I walk on the beach. I enjoy birding. I enjoy fishing on the beaches. I've seen a lot of changes in that amount of time. I know a lot of you have been here longer than I have, but just in that amount of time, there's certainly been a lot of changes. We have more people who want to come here. And most noticeably, a lot more driving on the beach. When I came in my old Cherokee, most of the people you saw on the beach were trying to get to a particular spot to fish. Now, around my neighborhood in Chapel Hill, everyone has a four-wheel drive. And you come to the beach now, and there's just a lot more vehicles on the beach. Audubon and Defender's brought this to our attention based on their concern about the impacts of that ORV-use on breeding birds in particular on the Seashore. We looked into and found two things. One is that, over a period of time, State biologists, Park Service biologists, had documented an 86 percent decline in breeding birds on the Seashore. We also looked into the situation regarding ORV-use, and it quickly became apparent that the Park Service had not met their long-standing obligation to manage that use. And that's how we got involved. And we're looking for four things in a final ORV management plan. First, we're looking for access. We think that it's important that people who come to the Seashore can access the beaches and the seashore. We're also looking for a balance access that provides places to go, not only for ORVs but for pedestrians. There are people -- I know many of them -- who come to this seashore because they want to walk on a beach that actually is free from ORVs, and that access is as important to many people as the access is to those, like me, who have an ORV and want to access certain areas. We've looked at the five other national seashores on the Atlantic Coast that have ORV plans. There's 150 miles in those seashores. They allow ORVs on 26 miles. Alternative F provides access on 52 -- on 52 miles here, out of 68, or twice that allowed on all the other five national seashores on the Atlantic coast that have ORV plans. The final three things we're looking at is resource protection. We want these decisions based on the best scientific information available, and we want the Park Service to meet its obligations to manage natural resources in a way that can provide for their recovery on the Seashore. Thank you very much.

**MS. LINDA HARPER:**

I'm Linda Harper. I have been a resident of the Outer Banks since 1969, and enjoyed fishing and the seashore for 40 years. During that time, I have seen the areas that can be used grow smaller, and as that has happened, the use in the areas that we can use is more concentrated, which seems to me to cause over-use in those

areas. Further restrictions of areas and further closures will also impact the towns and villages in Dare County that allow four-wheel drive access, Nags Head and Kill Devil Hills and Corolla and Carova, probably resulting in more restrictions in those areas, because they'll become over-used and over-crowded. Thank you.

**MR. GREG O'CONNELL:**

My name's Greg O'Connell. I'm

from Mays Landing, New Jersey. I'm a proud member of New Jersey Beach Buggy Association and I'm here today as a representative of the **Recreational Fishing Alliance**. I'd like to start off by saying that a number of comments and points were addressed by other speakers. We support many of the people that spoke here today. To point out a couple, Mr. Oliver, Mr. Keene, Mr. Eshan, and Mr. Sutton. As a fisherman that's traveling 450 miles to get down here, some of the concerns that I have with Alternative F are not being guaranteed or not knowing what areas are going to be open. A number of the best fishing places could be closed, and without knowing in advance with enough time to plan a vacation, there's little chance of somebody like me from New Jersey, renting a house or booking rooms and planning on coming down here on a vacation unless I know where I'm going to be able to fish, and knowing that I'm going to have access to some of the best fishing locations. We obviously support corridors. We would recommend to the NPS that there's a number of beaches in other states that are managed with different types of enclosures and corridors, and certainly a lot less restrictive buffers than what's presented in this DEIS. Obviously, we would strongly suggest that you guys look at the cultural and historical value of surf fishing in this area. Without having access to the beach, there's very little reason to come down here, and there's very little difference between what you have here on the Outer Banks as opposed to what other areas have, in terms of their -- in their beaches and things. So, there would be no reason for me to, you know, not go to New Jersey beaches, versus coming down here. The whole reason for coming down here is the fact that we have access to a great deal of shoreline, and it's just a long-standing tradition to come down here and be able to access places like Cape Point and the South Point on Ocracoke. In conclusion, we would support the Interim Management strategy that was in place prior to -- in 2007 and prior to 2007. The Park Service personnel is highly educated. They're trained. It was a plan that was put in place to be protective of both the wildlife, and also worked for fisherman. I would strongly suggest -- or we would strongly suggest that you go back to that, and allow your personnel to be able to make decisions and, you know, try to make it work for both parties. Thank you.



**MR. VINCE O'NEAL:**

Vince O'Neal. My mother and father's families lived here for many years. They've been here for many generations. I'm a commercial fisherman part-time and a business owner. Have a family. My kids are 3, 11 and 13, and I'm hoping they'll be able to survive here for generations like we have. My father's land was a lot -- was taken in the '50s, and his grandfather -- his grandfather and my grandfather. Anyway, when they took the land in the '50s, there were supposedly promises made with government he could continue to use it. He was always bitter about his land being taken. Being a World War II veteran, he called the Park Service the Gestapo. I do not have that view. I am glad it is a national seashore. I'm glad that we're able to use it, and I'm proud to be able to take my kids over and my friends and family and say, "Hey, this is yours." It's not a Myrtle Beach. It's not a Virginia Beach. You, as the Park Service, are the stewards and the caretakers of our land. There's a lot of good points been made here today. I hope you'll listen. Take into consideration the special interest groups, the biologists, the guy who looks in a microscope all day long, helps makes these decisions. But, don't let it weigh too heavily. These people all have great ideas, and we'll hope you'll pay attention to them. Commercial fisherman, we've been dealing with these sea turtle issues and so forth, for quite a while now. Now, everybody's having to deal with them. So, we're used to dealing with this. But, we're in a threat to being shut down also. But, it goes hand in hand with these special interest groups, and the seashore and so on. It all goes to the same process, basically. The fate of our villages and communities are in your hands. We expect you to deliver a plan that will allow our families and future generations to survive in the Outer Banks. Thank you.

**MS. BETTY JANE OELSCHLEGEL:**

My name is Betty Jane

Oelschlegel, and I'm a business owner here on the island. And I would like to talk about the economy, and the effect that this will have on the economy. I'd like to respond to the Southern Poverty [sic] Environmental Center. He's speaking about the number of miles of open beach, access beach, but I'm wondering whether or not that access has always been restricted. Ours has been more open and now you are talking about restricting it. I feel like we deal with a lot of stresses here on the Outer Banks. I feel like we have a lifeline, that Route 12, and that stream of tourists coming here is our lifeline. There's so many things that

affect that lifeline, that it -- it can get downright scary, if you have a hurricane, if you have a Northeaster. This is one thing that we cannot control. We've been able to streamline a lot and been able to solve a lot of problems, and we get pretty creative, and we're pretty prepared. But 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.

**MR. RUDY AUSTIN:**

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

0013535

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.



Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
MAY 10 2010  
Outer Banks Group

RE: Beach Closure and Access Restrictions

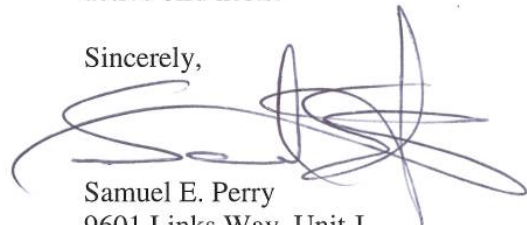
Mr. Murray,

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 year and now live in Hatteras 2-3 days per week for 6 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 motorized vehicles in limited temporary closures that are directly linked to active bird nests.

Sincerely,



Samuel E. Perry  
9601 Links Way, Unit J  
Glen Allen, Virginia 23059

Po Box 1166  
AVON, NC

0013537

mm

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

MAY 10 2010

Outer Banks Group

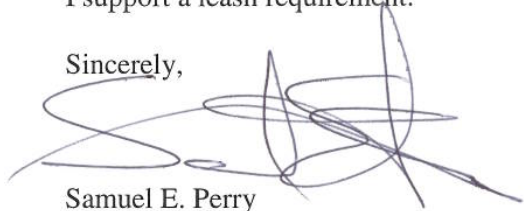
RE: Beach Closure to Pets

Mr. Murray,

I am opposed to bans for pets on Hatteras Island 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.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Samuel E. Perry', written over a horizontal line.

Samuel E. Perry  
9601 Links Way, Unit J  
Glen Allen, Virginia 23059

mm

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
MAY 10 2010  
Outer Banks Group

RE: Beach Closure and Access Restrictions

Mr. Murray,

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 surfing pose little risk to nests, no more than natural predators.

In 2009 I spent over \$10,000 in purchases over 6 months (lodging, equipment, meals, and fuel) in Dare county to support my pursuit of kiteboarding on the seashore.

Sincerely,



Dr. Kimberly Perry  
9601 Links Way, Unit J  
Glen Allen, Virginia 23059



0013539

M M

George W Pratt  
PO Box 294  
Buxton, NC 27920  
(252) 986-1517

May 6, 2010

RECEIVED

MAY 10 2010

Outer Banks Group

Mike Murry, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Sir:

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 National 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 Wildlife 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 animals, such as fox, gulls, and crows, prey on the young plovers or eggs.

<http://www.fws.gov/midwest/endangered/pipingplover/pipingpl.html>

Only one line is dedicated to one the major causes 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 an 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 release 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 nests, 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. Vehicles (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 filled 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 out 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 roads 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 area in August and September. I have seen as many as seven this area at a time. They do not feed in the areas where vegetation grows right up to the water. If you put up parking more paved 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 areas 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. Birds 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

None of these correspondences will have addresses.

All were received on April 28, 2010.

In the "Notes" Section, please type "Public Comment received at Raleigh Public Meeting"

**MR. JIM DARGES:**

Good evening, my name is Jim

Darges. I am an NC State graduate with a degree in Zoology, so it's probably not surprising that I like birds, mammals, reptiles, and fish. The Draft EIS Proposals to me do not appear at all to be in keeping with the spirit and the intended purpose of the Cape Hatteras National Seashore and recreation area. The enabling legislation foresaw a park that people could come to and engage in a variety of seashore activities. Because of the remoteness of the park, off-road vehicle use was necessary, and still remains so to this day. Specifically contained in some of these proposals are resource -- resource management plans that are overreaching, overprotective, and uneven. For example, predator control, vegetation management, vast bird buffers; these are not consistent or needed in a park where off-road vehicle use is needed to be able to access the entire park. Additionally, I think that the DEIS has underestimated the economic impact, not only to the local economy, but statewide, possibly even further up and down the eastern seaboard. In conclusion, I feel that wildlife and park visitors can coexist, but this draft does not seem to envision that. I strongly recommend that a position paper published by the Coalition for Beach Access be examined for alternatives that would allow us all to enjoy the park and allow the resources to be properly managed. Thank you.

**MR. RUSTY WHITEHEART:**

The first National Park I

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

That's the principle the National

Park Service is founded on, and the vision of Teddy Roosevelt. In reviewing this document, I see on the very first page, "Approved access, increased population, polarity in sport utility vehicles have resulted in a dramatic increase in the vehicle use on seashore beaches. There's been a decline in most beach nesting bird population on the seashore since the 1990's." This statement implies a cause and effect. Then on page 265 I read, "Although there --



there are some data from various sources about the number of vehicles on the beach, none of the sources have the scope or reliability to provide a robust estimate of vehicles on the beach." First you say there's a dramatic increase of vehicles on the beach, and then later on, you say you don't have enough information to even make an estimate on how many vehicles are on the beach, much less actual accounts of how many users are on the beach. It goes on, on page 563 to say, "Unfortunately, the data on visitation, and especially broken down by different types of seashore visitors, are not complete enough to provide reliable estimates of baseline visitation." So, not only do we not know how many vehicles are on the beach, we don't know where they're on the beach, and you also don't know why 2.1 million visitors are in the park. Yet, you can still say in the DEIS project that small businesses will experience long-term negligible to moderate adverse impacts. It would be one thing if we were talking about a small park that was a single location. In this case, we're talking about a park that's 90 miles long, crosses two inlets and multiple villages. I bet a large percentage of those 2.1 million people never cross the Bonner Bridge. And a much, much -- very small percentage of them ever actually make it to Hatteras, or Ocracoke, or the beaches in those areas. The preferred alternative is not substantially different from the current Consent Decree. Yet, you do not have baseline data on visitation before the Consent Decree. There's no way for the National Park Service to do a realistic economic analysis of the impacts and the implementation of preferred alternatives. And that's an extreme disservice to the people of Hatteras and Ocracoke Island. From the document, we know that shorebird species has declined from 1996 to 2003. And you know it suggests that ORV use is the cause, but what happened during that time period? You have tropical storm Fran, Bertha, Bonnie, Floyd, Isabelle, and then the US DEIS document that was used in the science behind this states, "Accordingly, the tides or weather may alter habitat enough to render it unsuitable for nesting. This may lead to territory abandonment among breeds." In summary, I'm opposed to Alternative F; I think we can do more adaptive management to allow access to key areas where visitors will be. Thank you.

**MR. TOM ROSE:**

Thank you for allowing me to speak.

My name is Tom Rose, and I'm a native North Carolinian. For over 60 years, I've had the privilege of visiting the Hatteras Seashore, Nags Head areas. Then my father, my grandfather retired at Hatteras, fishing, swimming, diving, enjoying the wildlife, and worrying in my later years, now, about the wildlife. In college, I studied something that was very interesting. I learned that in North Carolina we

had islands of white pines. And in short term, our folks would go out, climb up the loblolly pines, look for islands of white pines and go cut them down for ships' masts. We don't have those white pines anymore. There's a lot of wild stuff that is lost now. So, I'm for maximum protection of those. I guess, I've changed over the years. I was probably one of those cowboys driving on the beach, many, many years ago -- 40 years and 50 years ago, actually. And now, I would like to see it all protected, because I've learned my lesson. I've seen the wild things disappear. I've seen Hatteras change, and I no longer feel very comfortable with exploiting those resources. And I would urge you to take the maximum protection for those resources. I will submit additional comments through email. Thank you.

**DR. GEYSOLYNNE HYMAN:**

Thank you for getting my name

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

**MR. ROBERT HYMAN:**

Thank you. Good evening. I

would like to address you today as a property owner on Hatteras Island. I purchased my house seven years ago, with a view to retirement after many years of purchasing weekly rentals, because my family and I love the Outer Banks. I rented this property to vacationers until last September, a few months after I retired. I must tell you that I saw absolutely no difference in my rental volume because of

stricter beach driving regulations. And I can show that on the books. What I have seen is that the vast majority of vacationers at the Outer Banks are families who have come here for the simple pleasures of the National Seashore. They have come to enjoy the waves, walk along the beach, enjoy the scenery and the wildlife, and play in the sand, as do I and my family. I have seen a marked increase of sea turtles and shorebirds during the period of stricter beach driving regulations. My family and I have enjoyed volunteering to help watch of sea turtle nests, and have helped to rescue distressed sea turtles. In fact, one of the volunteer activities was my son's at Enloe High School. Before he went off to Carolina to go to college, he, in fact, sat on some nests, and we sat there with him. I have come to plead with you to preserve the National Seashore as a National Seashore, as a place where I am glad to spend much of my retirement, in a place where natural wonders attract so many tourists that it has become a world destination. Therefore, I endorse Alternative D, as recommended by the National Park Service, for the protection of this wonderful, yet fragile environment.

**MR. BUSTER TOWELL:**

Thank you. My name is Buster

Towell; I'm 59 years old. I am a surf fisherman, and I am employed, and have been for 20 years, in the North Carolina Division of Water Quality as an Environmental Senior Specialist. I've told you I'm a surf fisherman, and, by God, that is my passion in life. I love the Outer Banks like everybody in this room. And what has been discussed by several speakers tonight is the environmental implications that this may have. I'm very concerned about that. I have friends who retired from State Government who live in Avon and on Ocracoke. I'm concerned that, excuse me, -- like a kid who gets his hand slapped too many times reaching in the cookie jar, at some point in time, that kid's going to learn his lesson, and he's not going to do that anymore. People who go and spend their money to help the tax dollars, which actually, I would assume, help the Park Service, are going to quit going there if certain -- I'm not going to say rights because there are no rights -- but privileges are taken away. With that said, we're going through a census now; we're finishing up a census, and I see that the time lines will jive up with this completing a census, and going and checking to see how many people actually live or are permanent, full-time residents on the banks, how many people really do visit this facility every year. It would seem to me that less people going across the bridge and coming across the two ferries would mean less people visiting your park. Which has got to be -- some big accountant, somewhere in Washington has got to be saying, "Wait a minute, you're not serving this public, you know, we're going to cut your



funding." So, you could shoot yourself in the foot, so to speak. So, I would really appreciate a closer look at the economic aspect of this. Thank you.

**MS. DONNA BULLOCK:**

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.

**MR. JOHN YATES:**

Good evening. Good evening

Mr. Murray, thank you for allowing me to speak. I've been a resident of North Carolina since 1965. And since 1965, I have used the Outer Banks of North Carolina. I have been a steward of the beaches, I've been a steward of the wildlife. I have protected birds; if I saw a bird in jeopardy, I've taken my time to stop what I was doing to rescue that bird, or to rescue that -- I've never driven over a turtle nest, never left trash on the beach. I've always picked up the trash of others. That being said, my kids grew up on Hatteras Island. I carried them back and forth. I lived in eastern North Carolina for years. Now, I want my grandkids to be able to visit that island. The last few years since the Consent Decree, it has been heart breaking to go across Oregon Inlet Bridge and see nobody at Oregon Inlet on the spit, no families. Used to, that was families with little children enjoying the beach. Now, there's nobody there in the summer. That's -- that's heart breaking. I go to the seashore now, probably, 10, 8 to 10, 15 times a year, okay. And I've had open heart surgery, so I can't walk to the beach. I can't walk for miles, and I'm not -- I'm 65 years old. I was in the court the day that Judge Boyle ruled, made the ruling that he did to force you people to change

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

**MR. SCOTT KING:**

My name is Scott King. I live in Durham, North Carolina. I present these comments on the DEIS Cape Hatteras National Seashore conclusion in the public record. I disagree with Alternative F proposal to place a 1000 meter in all direction buffer zone about an unplaced piping plover chick group. This large of an area is unprecedented and is inconsistent with other national seashores. There is no peer reviewed scientific study to substantiate the need for such a large buffer at the Cape Hatteras National Seashore. A 200-meter buffer zone that moves with the chick group is more appropriate. Furthermore, I do not support any of the draft alternatives offered by the National Park Service. I do support the Coalition for Beach Access's ORV and Management Environmental Impact position statement as a reasonable alternative. Thank you for consideration of my comments.

**MS. VICKIE KING:**

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

**MR. STUART MCRAE:**

Hello, Mr. Superintendent. I'm

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

**MR. MIKE BERRY:**

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

**MR. BERNIE MCCANTS:**

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 fledgling rates and turtle merges,  
while keeping much more the beach and sound unimpaired from  
visiting public. In short, I support the majority of the  
recommendations that have been provided by the Coalition of  
Beach Access, including vegetation management removal at the  
spits in Cape Point and proof habitat plovers and Colonial  
nesting birds; remove from the public use adjacent to the  
beaches, and for better evidence of space management of the  
turtle nesting sites. I do fully support expanding closures  
during hatching and fledgling periods when wildlife is at  
real increased risk from negative human -- their actions.  
Given the time constraints, I will provide specific comments  
in writing. That's all my time; I thank you for yours.

**MR. CHRIS NOWAK:**

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.



**MR. William BERRYHILL:**

Mr. Superintendent, it's my pleasure to be here tonight. I'm a Raleigh native. Until recently, I was the Chief US Marshall for the Eastern District of North Carolina, which covered 44 counties, including Dare. And during that time, I spent over 40 years as a surf fisherman on the Outer Banks. So, I've been in law enforcement and a surf fisherman. And let me just say that I've observed that there are very few rangers that I see on the beaches enforcing existing Park Services regulations. We do see them, we just don't see them often enough, or in enough quantity to do the job of protecting the resource. I would urge that, rather than a huge new DEIS, that we go back to hiring more rangers to enforce existing laws, to protect not only the ecology, but the fisherman and the public in general. I shall be submitting additional comments to you before May 11, but I did want to offer that observation as a former law enforcement officer. Thank you, sir.

**MR. WARREN JUDGE:**

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

**MR. JEFF HALES:**

Mike, I'd like to thank you for

taking the time to do this and to listen to us. My name is Jeff Hales, and I am from Durham, North Carolina. I am a native North Carolinian. I am a building contractor, I'm a licensed Coast Guard Captain. I'm a member of the Outer Banks Preservation Association, and a member of the North Carolina Beach Buggy Association. And I am an environmentalist, as all of these people are. It's in our best interest to look after the wildlife on the National Seashore. I am not a terrorist of lawyers. "I am not a cowboy, I'm not a killer of baby birds," and I'm quoting, "and turtles. I'm not a bully with a four-wheel drive." I'm simply a man who loves the Outer Banks. My first visit there was in 1958, and I've been there ever since. I'm here to ask you, Mike, to consider rethinking the National Parks Service Plan and come up with a common sense plan with the coalition. Don't let legal blackmail influence your decision, please. Remember the people you have met while at Cape Hatteras. You, of all people, know the organizations that prefer beach access do everything in their power to be good stewards of our beloved North Carolina Outer Banks. Remember the sportsmen and women who have helped the National Park Services keep the beaches of Cape Hatteras National Seashore clean and protected wildlife for the 30 years before you were made defendants, and not the managers of the most beautiful coastal area in this country. Thank

you for your time.

**MR. BOBBY OUTTEN:**

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 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, disproportionally 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

**MS. NANCY SENTER:**

Hello, my name is Nancy Senter, and I live in Cary, and we have a small seasonal home in the village of Avon. So, we go to the beach as often as we can, mostly every other weekend. My family, my children, we very much enjoy the Outer Banks. We're a steward of the beach. It hurts my heart when we go over Oregon Inlet Bridge and it's empty, the beaches are empty because the special interest groups have denied access to families to the beach. I have two grandchildren who are very much enjoying the beach right now, and I would hate -- I think it would be a travesty if they could only experience the beach through looking at pictures in a book because they can't have access any more. So, please, I'm in very much support of the people who have spoke before; they've said more than I could ever say, to keep the beaches open. Keep them accessible to families and people. Thank you.

**MS. TRACEY FILOMENA:**

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.

**MR. REID MILLER:**

Mr. Murray, I'm Reid Miller from

Cary, North Carolina. I started coming to the beach in 1962. We started camping at Buxton with a tarp. I've been there 50 years; I now have a tent. I can't afford a house, much like most of the people, or a lot of people that go down here. They come because they can afford \$20.00 a night to camp out, and they have an SUV that they can drive on the beach, and can take their children out to enjoy the -- the out of doors. And, you know, this is what a last refuge is -- this is one of the last places you can go with your family, and have an inexpensive vacation. Our family of my six children and my wife are stewards of the beach. And I brought them up to respect the beach. And, yeah, I don't disagree that there should be some training for folks that are coming down here. We don't need "Ya-whos" driving up and down the beach. We need to teach people about the beach and how to use it properly. I think the buffers are way out of hand, you know, killing all the predators for the birds. Allowing no pets on the beach just doesn't make any sense to me. I do agree with Jim Lea, the Professor from North Carolina, and Judy Latham, the bird lady, and the gentleman from Dare County. Thank you, very much.

**MR. JOE POWELL:**

Hello, can you hear me? Hello, my

name is Joe Powell and I'm from Raleigh, and the fine State of North Carolina. And we have been connected to the Outer Banks and Ocracoke ever since our family has -- since the very early 1900s. The colony here of Raleigh is not based on Umstead Park; Umstead Park is here. If they have some change in Umstead Park, I don't think I would even become aware of it. However, the economy in Ocracoke is based on the water, it's based on access to the beaches. And in comparison there, I think, that the businesses and all there are just dependent on people coming down there, because they enjoy the beaches and they want to get out to the water. My dad, he was 91, we just lost him a few years ago. We have two houses at Ocracoke and our extended families, that's cousins and everything, we own about 16 houses on Ocracoke, and we are not in the real estate business. And so, we enjoy doing it as a family, and my dad was 91 when we lost

him a few years ago, and he was handicapped. He was not an alzheimer's patient in any regard, and he wanted to go down to Ocracoke. And I've got three brothers -- he said, "I want to go down to Ocracoke." So, we went down there and we got in our trucks, went down there, and stayed at the house, and we rode out on the beach. "I'd like to go down to South Point." He knew the beach like the back of his hand, and that's what he wanted to do. Handicapped people -- got a 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.)

**MR. LEON WALSH:**

Thank you, Mike. Excuse me for reading. My name is Leon Walsh. By training and profession, I'm an environmental engineer and a research scientist. I'm a North Carolina native, a frequent visitor to the Cape Hatteras Seashore, and I believe in responsible management of the Cape Hatteras Seashore Park -- I believe in responsible management. I would encourage you guys, the Park Service, to develop real and flexible management plans for the park's many users and resources. As published, each of the DEIS options, one through six, automatically restricts the ability of the Park Service professionals to manage the operations of the Cape Hatteras Park for the benefit of all users and resources. I believe the DEIS 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.

**MS. CHRIS BALLANCE:**

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.

**MR. KYLE PARKER:**

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

**MR. GEOFF GISLER:**

Geoff Gisler with the **Southern Environmental Law Center**. I just want to follow up on the comments last night, make a few viewpoints. This is often depicted as a birds versus people sort of decision, and what we found, and what I think has been clear over the last two years, is that we can have both by protecting birds and sea turtles during their critical times in their life cycles, when they're breeding, when they're nesting, when they're migrating through into their other breeding or migrating roosting route. By protecting the birds during those sensitive times, we can increase their populations on the seashore and have the seashore provide that function it was designed to hold in promoting our natural resources. We can also have many, many, miles of beach open to access both pedestrians and ORV users. Earlier, it was mentioned that during the 4th of July last year, only 20 miles, or approximately, was opened to ORV use. Much of the remaining of the seashore was opened to pedestrians in front of -- in front of villages not closed because of resources. So, what we see is there's 68 miles of beach, there's plenty for resources and people. What's also clear is that, under the law, if there is a conflict between the resources and the people, the Park Services must side on the side of the resources; that the Organic Act and the enabling legislation

of the seashore, the regulations that are in place to guide ORV use, demand -- and National Park Services demand that if there is a conflict between recreational use and Natural Resource Protection, that the Park Service must side on the -- with the Natural Resource Protection. We also know that at the seashore, there is evidence that even responsible ORV use can harm wildlife. Researchers at this institution from NC State that have studied wildlife and breeding behavior on the seashore, have documented that fledgling success is much lower with partial beach enclosures than it is with full beach closures. We know that birds are more likely to fledge if there's a full beach closure, because even responsible ORV use can disturb their feeding, can disturb nesting, and can disturb their development, in that fragile time period. What this plan must do is provide a legally defensible basis for the future of management of the seashore. And, as Mr. Carter just mentioned, Alternative D is the only one that the DEIS identifies as fully meeting these obligations to protect Natural Resources on the seashore, and must serve as the starting point for developing a plan to manage the seashore over the next 10 or 15 years on the DEIS. Thank you.

**MR. RUSS MACINTYRE:**

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.

**MR. PHILLIP ANDERSON:**

Good evening. Thank you for allowing me to have my piece said. Mr. Murray, this is the third time I've talked before you. I certainly hope that this time my notes are recognized. In the previous meetings I've been to, 90 percent of the folks in these meetings have said, "I want pro access to the beach, I want to be out there, and I want to be responsible, and everything the Park Service since then has been towards the bird side." We're big on the preferred to protect, not prohibit. Going back through this plan here, number F is way worse than the Consent Decree is right now. And that is very prohibitive, and it was not supposed to be part of a precedent-setting lawsuit. It was supposed to be just for the Consent Decree; was not supposed to apply to the park plan. On 486, the inflexible bird closures, 1000-meter enclosure for the plovers, I think is excessive. You are allowed by law to have 200 to 1000-meter enclosures. In the past, the Park Service has been able to sit out there and say, "We're going to put a 600-meter enclosure around here. We're going to set out the fish and wildlife, and we're going to figure out where we can have good access to the birds, or good access to the beach, protection for the birds, and allow everyone to strike a balance." And that's how it was in 2007; they had the best bird year in 15 years, and we had really good access out there. I don't have a whole lot of things out here to go along with the statements, but on page 136, the pet provisions -- no pets in any part of the public areas of the park between March 15, or -- yeah, March 15 and July 31. That's, I think, unacceptable. People come here from all over the country. They're not going to come from Iowa, drive out here to pay money to climb that lighthouse, and then realize that I can't leave my dog in the parking lot at the lighthouse, while I climb this track. Because four and half miles away there might be a plover nest. That road is cut through a maritime forrest, miles away from where the birds are. Are you going to ban anybody from walking down the Cape Hatteras Lighthouse road with their dog? I don't think that is very acceptable. That's about all I've got to say. I'm going to have a much more coherent and concise written statement for you. My name is Phillip Anderson. I live here in Raleigh, North Carolina. I use Cape Hatteras National Seashore almost every weekend, and these are things I believe in.

Thank you.

**MS. MELISSA SCHWARTZ:**

Good evening. My name is

Melissa Schwartz, and I can tell you I'm a relative newcomer to North Carolina, and I moved here nine years ago from California. And I can tell you what an amazing resource the Cape Hatteras Seashore is. I mean, I came here, saw the lighthouse for the very first time, had an opportunity to touch the lighthouse, and had an opportunity to experience the serenity, and the amazing beaches that this coast has. And I will be completely honest. I am not as educated as probably I should have, but I would think that just common sense and education, that being to help people and animals cohabitate together on the beach, makes more sense to me than prohibiting any sort of access. I have friends that live on the coast, who are trying to make their livelihood. I know that the tourism season over the summer is the majority of where their money comes from. And, if the beaches are closed, you're going to be putting a lot of people out of business, and a lot of people are going to be having to leave the island, because they're not going to have revenue to be able to support their life. You know, I look at where I came from, in San Diego, where we would have the sea lions that would come up on Children's Beach, and people knew -- just give them a wide berth. I would think that the people here in North Carolina and the visitors to North Carolina would know, if they see a turtle, give it a berth. You know, if they see a bird and they see eggs, give it its space. Makes common sense to me. But then, again, I'm not a native, I'm new to here, but I would say, please, don't close the beaches because it such an amazing, amazing resource to this state. Thank you.

**MR. JOEL IDOL:**

Yeah, I wasn't prepared to speak

tonight, but I felt like I had to. My name is Joel Idol. I grew up on a Carolina tobacco farm. I have a degree in forestry. I'm an environment specialist with the North Carolina Department of Environmental Natural Resources. I care about the environment and I care about our natural resources. I'm sure everybody here does, or nobody would be here. 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.



May 5, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
MAY 10 2010  
Outer Banks Group

Dear Sir,

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 ORV 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 the 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.

Sincerely,



Michael S. Raynes, Ed.S.  
16307 Don Verne Drive  
Woodford, VA 22580  
(27030 5<sup>th</sup> St. Salvo, NC)  
540-760-6543

David Scarborough  
P.O. Box 1143  
Avon, N.C. 27915

Michael B. Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

4/26/2010

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 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 measureable, positive impact on resources, and incorrectly concludes that greater restrictions will have a negligible impact on the visitor experience and the local economy or the Region of Influence.

The Environmental Impact Analysis fails to adequately address the reality that non-human factors are of far 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.

Sincerely,

  
David Scarborough

RECEIVED

MAY 11 2010

Outer Banks Group



mm

David Scarborough  
P.O. Box 1143  
Avon, N.C. 27915

Michael B. Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

RECEIVED

MAY 11 2010

Outer Banks Group

5/10/2010

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 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 Oceanside 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.

Sincerely,

  
David Scarborough

mm

David Scarborough  
P.O. Box 1143  
Avon, N.C. 27915

Michael B. Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

5/10/2010

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 31. Hatteras Inlet is a traditional, high use visitor area. It is noted for the surf fishing experience in the spring, summer and fall, and as fertile commercial fishing grounds as well. The proposed designation of this area as ML1 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.

Sincerely,

  
David Scarborough

mm

David Scarborough  
P.O. Box 1143  
Avon, N.C. 27915

Michael B. Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

5/10/2010

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. I 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 resource 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 successfully implemented vegetation control management.

Sincerely,

  
David Scarborough



m m

David Scarborough  
P.O. Box 1143  
Avon, N.C. 27915

Michael B. Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

5/10/2010

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 available 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.

Sincerely,

  
David Scarborough

m m

David Scarborough  
P.O. Box 1143  
Avon, N.C. 27915

RECEIVED

MAY 11 2010

Outer Banks Group

Michael B. Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

5/10/2010

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 measures proposed under Alternative F for the protection of "State listed Species of Concern" as documented 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 to the North Carolina Wildlife Resource Commission. Director Gordon Meyers has provided public comments 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 recognize 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 recreational area.

Sincerely,

  
David Scarborough

m m

David Scarborough  
P.O. Box 1143  
Avon, N.C. 27915

Michael B. Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

5/10/2010

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 means 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 pursue resource management techniques that have a chance to help. In doing so, they would also find that fewer restrictions need be imposed on the visiting public. On May 5<sup>th</sup>, 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 east coast and gulf locations. The NPS should adopt the program contained within this document. The document is available electronically at <http://www.obpa-nc.org/turtles/TurtleMgmtProgram.pdf>

Sincerely,

  
David Scarborough



mm

David Scarborough  
P.O. Box 1143  
Avon, N.C. 27915

RECEIVED  
MAY 11 2010  
Outer Banks Group

Michael B. Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, N.C. 27954

4/26/2010

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 15<sup>th</sup> 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).

Sincerely,

  
David Scarborough

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 pipen 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: Please look into the Pipen Plover population in south east Canada. This is where the bird is supposed to be nesting. We are their furthest 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 Phipps 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 speake interest 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. Believe 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! Don'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 control. 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 residents.

Thank you for your help!!! Rick Scarborough, po box 572 Buxton, NC 27920,  
252-995-4679

RECEIVED:

MAY 10 2010

Outer Banks Group



0013574

To: MIKE MURRAY, SUPERINTENDENT  
CAPE HATTERAS NATIONAL SEASHORE RECREATION AREA

MM

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.

RECEIVED

MAY 11 2010

Outer Banks Group



I know some ORV 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 visitors 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.

Michael Scott  
Buxton, NC  
May 10, 2010

A handwritten signature in black ink that reads "Michael Scott". The signature is written in a cursive style with a large, stylized "M" and "S".

Susie Perry  
PO Box 25  
Frisco, NC 27936

RECEIVED  
MAY 12 2010  
Outer Banks Group

May 10, 2010

Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Superintendent Murray:

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.

(Susie Perry, continued)

- 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.

Susie Perry PO Box 25 Frisco, NC 27936



John B. Couch  
P.O. Box 751  
Buxton N.C. 27920  
252-995-4955

RECEIVED  
MAY 12 2010  
Outer Banks Group

Superintendent Mike Murray  
Cape Hatteras National Seashore  
140I National Park Drive  
Manteo N.C. 27954

Dear Mike Murray:

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

(John B. Couch, continued)

**Unfledged chicks:**

Piping plover-----200 meters (as is done in 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.

(John B. Couch, continued)

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 ofthe 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.

Respectively,  
John B. Couch  
P.O. Box 751  
Buxton N.C. 27920



(John B. Couch, continued)

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.

Sincerely,  
John B. Couch  
P.O. Box 751  
Buxton N.C. 27920

252-995-4955

**James D. Charlet, Sr.**  
**P. O. Box 362**  
**26216 Monitor Lane**  
**Salvo (Hatteras Island), NC 27972**  
**(h) 252-987-2146 (o) 252-996-0493**  
hatterasjames@gmail.com

RECEIVED  
MAY 12 2010  
Outer Banks Group

May 10, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Superintendent Murray:

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."

**(James D. Charlet, Sr., continued)**

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.

Sincerely,  
James D. Charlet, Sr.

Kara M. Eakes

252 996 0567

May 10,2010  
RECEIVED  
MAY 12 2010  
Outer Banks Group

Mr. Mike Murray - Superintendent

Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Superintendent Murray,

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.

Thank you for your consideration,

Kara M. Eakes  
2529960567

Annaliese Dolph  
Director of Public Policy  
Disability Rights North Carolina  
2626 Glenwood Avenue, Suite 550  
Raleigh, NC 27608  
919-856-2195

RECEIVED  
MAY 12 2010  
Outer Banks Group

May 11, 2010

Submitted via PEPC Web site and U.S. Mail

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo NC 27954

Dear Superintendent Murray:

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.

<sup>1</sup> 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.

*North Carolina's Protection and Advocacy System* 2626 Glenwood Avenue Suite 550 Raleigh, NC 27608 919-856-2195 877-235-4210 888-268-5535 TTY 919-856-2244 [www.disabilityrightsnc.org](http://www.disabilityrightsnc.org)

DRNC Comments  
5/11/2010  
Page 2

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.

Sincerely,

Annaliese Dolph '~./.-

Director of Public Policy

Adrienne Allison

Staff Attorney.

Comments submitted by Kenneth A. Smith, LCDR USCG Ret.

Mike Murray,  
 Superintendent, Cape Hatteras National Seashore Recreational Area  
 1401 National Park Drive,  
 Manteo, North Carolina 27954.

RECEIVED  
 MAY 10 2010  
 Outer Banks Group

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 5<sup>th</sup>, 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](http://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.



Comments submitted by Kenneth A. Smith, LCDR USCG Ret.

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, 2<sup>nd</sup> 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

Comments submitted by Kenneth A. Smith, LCDR USCG Ret.

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.”<sup>1</sup>

The NEPA document in its 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



Comments submitted by Kenneth A. Smith, LCDR USCG Ret.

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.



Kenneth A. Smith, LCDR, USCG Ret.  
14 Bridgeport Circle  
Stafford, VA 22554

Copy: The Honorable Barack Obama, President of the United States  
The Honorable Ken Salazar, Secretary, U.S. Department of the Interior  
The Honorable Bob McDonnell, Governor of the State of Virginia  
The Honorable Beverly Purdue, Governor of the State of North Carolina  
The Honorable Robert Wittman, Representative of Virginia  
The Honorable Richard Burr, Representative of North Carolina  
The Honorable Walter B. Jones, Jr, Representative of North Carolina  
The Honorable Kay Hagan, Senator of North Carolina  
Jon Jarvis, Director, National Park Service  
Dan Wenk, Deputy Director Operations  
Nancy Sutley, Chairman, U.S. Council on Environmental Quality



RECEIVED

MAY 12 2010

## Outer Banks Group

6008 Villa Rd.  
Knoxville, Tn. 37918

Superintendent  
CHNS  
1401 National Park Drive  
Manteo, NC 27954

3 May 2010

To Whom It May Concern:

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.

Respectfully,  
Pete Benjamin Hance

Comment #2

RECEIVED

MAY 12 2010

Outer Banks Group

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: 1 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. 1 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 CANNT 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: 1 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: 1 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 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.

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 proposed 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](http://WWW.HATTERASREALTY.COM)  
800-HATTERAS (428-8372) ext. 222

**Comment #3**

**RECEIVED**

MAY 12 2010

**Outer Banks Group**

**Liz Robinson**

**1795 Houston Road**

**Phoenix, Oregon 97535**

May 6, 2010

Dear Superintendent Murray:

Please consider these comments on the draft ORV management plan. 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.

Thank you for considering my comments.

Sincerely yours,

**Liz Robinson**



Comment #4

RECEIVED

MAY 12 2010

Outer Banks Group

May 6, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Mr. Murray,

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

0013603

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.

Thank you,

Emily Smith  
904 Edmunds St.  
Farmville, VA 23901

Comment #5  
20100518213556496

**RECEIVED**  
**MAY 12 2010**  
**Outer Banks Group**

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo NC 27954

Dear Mr. Murray,

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.

Sincerely,

Patricia **J.** Moore  
President, Cape Hatteras Bird Club

Comment #6  
20100518213434231

**RECEIVED**  
**May 12 2010**  
**Outer Banks Group**

May 7, 2010  
Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Mr. Murray:

This is our comment on your 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.

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, extending on eleven ramps from NC State Highway 12. Seasonal closures have been used, but these have not ended the impacts on wildlife.

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.

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.

Sincerely,

**George & Lauria Riley**  
**12301 Harbor Circle**  
**Fort Washington, MD 20744**

Comment #7  
20100518213556496

RECEIVED  
MAY 12 2010  
Outer Banks Group

May 5, 2010

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Mr. Murray,

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.

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.

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.

Hunter Smith  
904 Edmunds St.  
Farmville, VA 23901



Comment #8  
20100518213934604

RECEIVED

MAY 12 2010

Outer Banks Group

Mike Murray  
Superintendent  
Cape Hatteras National Seashore  
1401 National Park Dr  
Manteo NC 27954

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.

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.

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.

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.

This management has worked in the past and is a viable management plan.

Sincerely,

Martha McCullough  
PO Box 1228  
48267 NC Hwy 12  
May 7, 2010  
Buxton NC 27920

Comment #9  
20100518213953600

RECEIVED  
MAY 12 2010  
Outer Banks Group

Rodanthe-Waves-Salvo Civic Association  
P.O. Box 323, Rodanthe, N.C. 27968

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/EIS

Dear Superintendent Murray:

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.

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.

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.

For visitors arriving from the north, Ramp 23 is the first seashore access ramp available on Hatteras Island.

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.

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.

#### 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 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.

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.

***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 31.

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.

Sincerely,

Mary Helen Goodloe-Murphy

For the Board of **Directors for the**  
Rodanthe-Waves-Salvo Civic Association

Comment #10  
20100518214116765

**RECEIVED**  
**MAY 12 2010**  
**Outer Banks Group**

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)**
  - 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)**
  - 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)**

- 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.
- 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**
  - Why does Alternative F continue to ignore the longstanding need for a soundside access ramp on Bodie Island? (p. 263)
  - 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
  - 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)
  - NPS: Established based on annual habitat assessment.
  - NPS: Manage each SMA using ML1 or ML2 procedures.
  - NPS: ML1 -No pedestrian or ORV access during entire breeding season
  - NPS: ML2 -pedestrian only corridor thru SMA at Bodie Island Spit
  - NPS: ML2 --pedestrian & ORV corridor thru SMA at Cape Point, South Point
  - 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)
  - NPS: Only recognized in ML2 managed SMAs
  - NPS: SMA management reverts to standard buffers when bird breeding activity first observed
  - 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)
  - NPS: ML1-300 meter for all activities for all state listed species
  - NPS: ML2 -buffers vary by species by activity
- Large, Inflexible Buffers (p. 121-127)
  - NPS: buffers (i.e. closures) will be larger than those endorsed by Coalition
  - 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)



- 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:
  - 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.
  - 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.
  - 500 black skimmer nests reported on Pea Island in 2009

## Closures Due to Turtles

- Night Driving Restrictions Penalize Pedestrian and ORV users (**p.125**)
  - May 1 -November 15th
- Excessive DEIS Hatch Window Closures Restrict Access -
  - NPS: Around the clock closure from nest to surf line (p.125)
  - Pro-Access: Closure to surf line from 1 hour before sunset until dawn, monitored by Turtle Night Nest Watch Team
  - NPS:105 meters wide (p.125)
  - Pro-Access: Closure should be 10 meters square during the day
  - NPS: Use U shaped light filter fence to orient hatchlings
  - 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
  - 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"
  - Direct hatchling mortality from human activity has not "frequently occurred"
  - 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**)
  - 38.5% of nests had 0% hatchlings due to weather events. (p. 87, p. 219) - 2009 Loggerhead Recovery Plan calls this catastrophic
  - False crawl statistics do not support theory that light pollution is a significant problem at the Recreational Area. (p.125, p. 219)
  - 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
  - Recreational Area and the State have lost 55% and 60% of Leatherback nests respectively over the past 10 years following these guidelines.
  - Use of "average high tide line" (as used in other states) rather than "seaward of debris line marking spring high tide" 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.
  - 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."
  - 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 pre-dating 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?



- 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?
  - If access restrictions are due to violations, those responsible should be held *account* able. 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?
  - 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.

Comment 11  
20100518214311126

RECEIVED  
MAY 12 2010  
Outer Banks Group

Mr. Mike Murray, Superintendent  
Cape Hatteras National Seashore

May 6, 2010

Dear Sir.

After many months of reading and hearing comments in reference to other and this latest DIES 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!

0013623

Catherine Burns  
Homeowner and Registered Voter  
47152 Hwy. 12  
P.O. Box 423  
Buxton, NC 27920

Comment 12  
20100518214247060

**RECEIVED**  
**MAY 12 2010**  
**Outer Banks Group**

May 11, 2010

Superintendent Michael Murray  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Re: Off-road Management Plan, Alternate F

Dear Mr. Murray,

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 Alterative 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.

Terrence N. Evans  
405 Sandpiper Terrace  
Nags Head, NC



2.

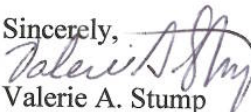
I am more than thoroughly disappointed that the Park Service has even entertained any of these plans, especially Alt F. The process has gone on, unprofessionally, against the rules, and without a fair chance for the people it will effect the most (those of us who live, work, and cherish Hatteras & Ocracoke, 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 U-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.

Sincerely,



Valerie A. Stump

m m

Attn.: Mr. Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Dr.  
Manteo, NC 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

May 7, 2010

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?



RECEIVED *mm*

MAY 11 2010

Outer Banks Group

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 to 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 educated 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. Enviromental 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 shoreline we will not have to worry 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

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 INTERSET GROUPS WOULD BETTER SPEND THEIR MONEY DONATING TO THE PARK SERVICE FOR MORE 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 MUST HAVE ACCES TO THE AREA THAT MAKES IT AN ISLAND; THE BEACH)!



m m

Attn.: Mr. Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Dr.  
Manteo, NC 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

May 7, 2010

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?

Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

MAY 11 2010

Outer Banks Group


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 useage of the Cape Hatteras National Recreation Area.

Thank You,

  
Neil Swartz  
PO Box 336  
Avon NC

Comment DEIS 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 closures 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?

RECEIVED

MAY 11 2010

Outer Banks Group



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.

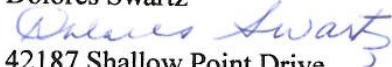
I also endorse the comments made by the Dare County Commissioners. Economic hardships are happening on Hatteras Island. Using a ROI to assess this island is flawed. This place is UNIQUE-its habitat, people, historical past and cannot and should not be compared to anywhere else.

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 rejection of the NPS DEIS plan and my support for The Coalition for Beach Access sensible, fair conscious able plan for BEACH ACCESS.

Dolores Swartz



42187 Shallow Point Drive

PO Box 336

Avon, Hatteras Island, North Carolina



Comment DEIS 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 closures 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?

RECEIVED

MAY 11 2010

Outer Banks Group

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.

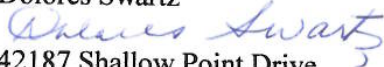
I also endorse the comments made by the Dare County Commissioners. Economic hardships are happening on Hatteras Island. Using a ROI to assess this island is flawed. This place is UNIQUE-its habitat, people, historical past and cannot and should not be compared to anywhere else.

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 rejection of the NPS DEIS plan and my support for The Coalition for Beach Access sensible, fair conscious able plan for BEACH ACCESS.

Dolores Swartz



42187 Shallow Point Drive

PO Box 336

Avon, Hatteras Island, North Carolina



mm

May 9, 2010

Mr. Mike Murray  
Superintendent, Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED  
MAY 11 2010  
Outer Banks Group

Dear Supt. Murray:

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 29.35 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."

For 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."

Sincerely,



Judy and John Torres  
PO Box 56  
Buxton NC 27920



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 me for over seventy years.we have needed these waters for survival and still do.when the 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 us 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 thing away from us that we can count on.

Yours truly

*Hilda Waterfield*  
Box 238  
Butter, N.C  
27920

RECEIVED

MAY 11 2010

Outer Banks Group

mm

Mike Murry, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

RECEIVED

MAY 11 2010

Outer Banks Group

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 maintain 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 approve. 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 is 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 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.

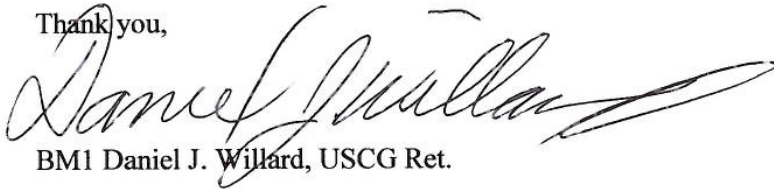
In order to restore balance to the DEIS, I highly recommend that the NPS revisit the proposal put forth to the Negotiated Rulemaking Committee in December of 2009. It provides the necessary protections for wildlife resources while having the support of a majority of the local community.

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.

Some of the items that should be fixed are: Night time driving, closing of the Inlets and point, protecting of non endanger 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,

A handwritten signature in black ink, appearing to read "Daniel J. Willard". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

BM1 Daniel J. Willard, USCG Ret.



RECEIVED

MAY 11 2010

Outer Banks Group

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

*Heather D. Woodrow*



May 5, 2010  
 2259 Garden Way  
 Freeport, PA 16229  
 724-295-4623

Mike Murray, Superintendent  
 Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, NC 27954

RECEIVED

MAY 10 2010

Outer Banks Group

Dear Mr. Murray:

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 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 (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 apart 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.

Respectfully submitted,



Darlene P. Zubal  
Member NCBBA, #13111  
Member OBPA  
Annual Visitor since the year 2000

Comments

Park: Cape Hatteras NS  
Project: Cape Hatteras National Seashore Off-Road Vehicle Negotiated Rulemaking and Management Plan/EIS (ID: 10641)  
Document: 2010 03Mar 05 - Draft ORV Management Plan/EIS (ID: 32596)

We welcome your comments on this project. The comment period closes on 05/11/2010. Your comments must be postmarked no later than 05/11/2010.

Please note: The preferred method for commenting is to use the electronic form located at: <http://parkplanning.nps.gov>. Click on the link 'Plans/Documents Open for Comment', then select the document on which you wish to comment.

If you cannot use the electronic form, you may send this hard copy form and/or your letter to:  
Mike Murray, Superintendent  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Before including your address, telephone number, electronic mail address, or other personal identifying information in your comments, you should be aware that your entire comment (including your personal identifying information) may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review by checking the box "keep my contact information private," we cannot guarantee that we will be able to do so.

\* indicates required fields

<b>Comment Form</b>	
City:*	<u>FREEPORT</u> State/Province:* <u>PA</u>
Postal Code:*	<u>16229</u>
First Name:	<u>DARLENE</u> Middle Initial: <u>    </u>
Last Name:	<u>ZUBAL</u>
Organization:	
Member:	<u>NCBBA, OBPA</u>
Official Representative:	
Address 1:	<u>2259 GARDEN WAY</u>
Address 2:	
Country:	<u>USA</u>
E-mail:	<u>FLIPFLOP128@YAHOO.COM</u>
<input checked="" type="checkbox"/> Keep my contact information private	
<b>Topic Questions Instructions:</b> To enter comments electronically, click on the COMMENT ON DOCUMENT link, located on left navigation menu bar of this webpage.	
<b>Topic Questions:</b> We welcome your comments on this project. The comment period closes on ' 05/11/2010 at 11:59 PM.' Your comments must be submitted or postmarked by midnight Mountain Time on ' 05/11/2010 by 11:59 PM.'	
<b>Comments or Requests:</b>	