

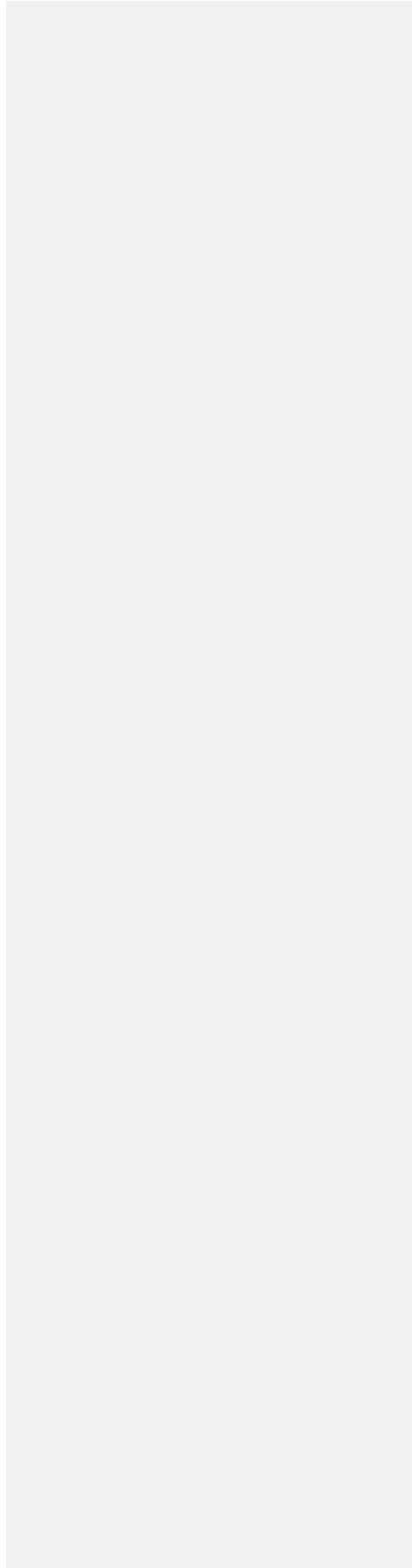
National Park Service  
U.S. Department of the Interior

Cape Hatteras National Seashore  
North Carolina



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

**Public Comment Analysis Process  
and  
NPS Response to Comments  
on the Draft Plan/EIS**



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**Comment [dw1]:** Where's the title for page 4?

**Comment [seh2]:** Per discussion with Lori, we would add here a list of the codes and under each the concern statements with a page numbers for each concern statement. We'll see how it looks and if it'll suffice as a subject index.

**PAGE NUMBERING IS OFF**

## INTRODUCTION

Pursuant to the National Environmental Policy Act (NEPA), its implementing regulations, and National Park Service (NPS) guidance on meeting NEPA obligations, the NPS has reviewed and considered comments submitted on the Draft Off-Road Vehicle (ORV) Management Plan/Environmental Impact Statement (plan/DEIS). This appendix describes how the NPS considered public and agency comments and provides responses to the substantive comments received.

On March 5, 2010, the NPS published a notice of availability of the plan/DEIS in the Federal Register, posted the plan/DEIS on the NPS Planning, Environment and Public Comment (PEPC) website at [www.parkplanning.nps.gov/caha](http://www.parkplanning.nps.gov/caha), and issued a news release announcing the electronic availability of the plan/DEIS on PEPC. Following the announcement of the document's availability and the distribution of the plan/DEIS to agencies and the public, a 60-day public comment period was open between March 12, 2010 and May 11, 2010. This public comment period was announced by publication of the U.S. Environmental Protection Agency notice of availability of the plan/DEIS in the March 12, 2010 *Federal Register*, through the Seashore's website ([www.nps.gov/caha](http://www.nps.gov/caha)), through a newsletter sent to interested parties, elected officials, and appropriate local and state agencies, and through press releases. In addition to the initial distribution of the plan /DEIS to interested parties, elected officials, and appropriate local and state agencies and posting on the PEPC website, the plan/DEIS was also available in local public libraries, at the public meetings, and by contacting the Seashore Superintendent to request a printed copy or CD. The public was encouraged to submit comments regarding the plan/DEIS through the NPS's PEPC website, by U.S. Postal Service or other mail delivery service, or hand delivery directly to the Superintendent at the Seashore's headquarters in Manteo, North Carolina. Oral statements and written comments were also accepted during the five hearing-style public meetings, discussed below. -Each submission received (a letter, oral testimony, or comment directly entered into PEPC) is referred to as a correspondence. Comments were not accepted by fax, email, or in any other way than those specified above. Bulk comments in any format (hard copy or electronic) submitted on behalf of others were not accepted. A total of \_\_\_ comments were received as bulk comments gathered by a third party and submitted on behalf of others and were not considered.

Comment [dw3]: Is it necessary to repeat this?

Comment [seh4]: I think it can be deleted, start the sentence with "The plan/DEIS was also..."

Comment [seh5]: Replace "regarding" with "on"

Comment [seh6]: Delete parenthesis

Comment [mbm7]: Shouldn't we mention this?

## PUBLIC COMMENT MEETINGS

In April 2010 five public meetings were held to continue the public involvement process and facilitate community feedback on the plan/DEIS, in addition to the opportunities provided to submit written comments, as described above. Meeting times and locations for the five public meetings were as follows.

- April 26, 2010 from 9:00 am to 11:00 am at the Ocracoke School, Ocracoke, North Carolina.
- April 26, 2010 from 5:00 pm to 8:00 pm at the Cape Hatteras Secondary School, Buxton North Carolina.
- April 27, 2010 from 6:00 pm to 8:00 pm at the Wright Brothers National Memorial, Kill Devil Hills, North Carolina.
- April 28, 2010 from 6:00 pm to 8:00 pm at the McKimmon Conference & Training Center, Raleigh, North Carolina.
- April 29, 2010 from 6:00 pm to 8:00 pm at the Holiday Inn & Conference Center, Hampton, Virginia.

The public meetings were announced on the PEPC website, the Seashore's website, through news releases, a newsletter, and notices in local newspapers.

A total of 793 attendees signed in during the five meetings. Some individuals attended more than one meeting and are counted more than once in this total. Each meeting ~~was kicked off~~ began with a brief presentation by the Seashore Superintendent, explaining the project background and NEPA timeline. The presentation was followed by an opportunity for attendees to provide oral statements to the Superintendent. All oral statements were recorded by a court reporter and the transcripts entered into PEPC as correspondences. Written public comments were also accepted at the public meetings and entered into PEPC by the project team. NPS provided attendees with a copy of the newsletter sent out before the meetings, which provided additional information about the NEPA process, frequently asked questions regarding the project, and additional opportunities for comment on the project, including directions on how to provide comments directly on the NPS's PEPC website.

### COMMENT ANALYSIS METHODOLOGY

During the comment period, 15,265 pieces of correspondence were received. from 15,469 individuals. Some pieces of correspondence were signed by two different individuals, thus giving a larger number of individuals than correspondence received. ~~Some individuals submitted more than one piece of correspondence. However, these totals include multiple duplicate correspondences from the same individual(s), which were noted but not tallied, therefore the number of individuals who provided comments would be less than the total indicated above, but not substantially.~~ Correspondence was received by one of the following methods: hard copy letter via mail or in-person delivery to the Seashore, oral or written statement provided at a public meeting, or entered directly into the NPS -PEPC website. All correspondence ~~delivered by any of those methods, regarding of method of delivery,~~ were entered into the PEPC system for analysis. Each correspondence was read and specific comments within each correspondence were identified. This process resulting in 51,108 comments being derived from all correspondences received.

All comments were categorized by applying a series of codes which identify the general content of a comment and help to group similar comments together. A total of 144 codes were used to categorize all of the comments received on the plan/DEIS. An example of a code developed for this project is *AL1115 Alternative Elements: Nighttime Restrictions*. In some cases, the same comment may be categorized under more than one code, reflecting the fact that the comment may contain more than one issue or idea.

During coding, comments were also classified as substantive or non-substantive. A substantive comment is defined in the NPS Director's Order #12 (DO-12) Handbook as a comment that does one or more of the following (DO-12 Handbook, Section 4.6A):

- Question, with a reasonable basis, the accuracy of information presented in the EIS;
- Question, with reasonable basis, the adequacy of the environmental analysis;
- Present reasonable alternatives other than those presented in the EIS; and/or
- Cause changes or revisions in the proposal.

As further stated in the DO-12 Handbook, substantive comments "raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with NPS policy, are not considered substantive." NPS read and considered all substantive and non-substantive comments, in the process of preparing the final Plan/EIS. Although typically only substantive comments are analyzed to create concern

**Comment [seh8]:** Lori: Have you checked with Cyndy? The Seashore may have sent a summary after the meetings.

Berger: Email from Cyndy said 793, so I fixed this number.

**Comment [dw9]:** Should we include "within the allotted time", because the court reporter stopped recording at 3 minutes.

**Comment [seh10]:** Probably should add Doug's text from dw8, unless park thinks otherwise.

**Comment [seh11]:** Is this correct, Lori?

Berger: Yes it is correct, transcripts were entered into PEPC.

**Comment [dw12]:** Was this actually done? Did PEPC only count one correspondence from Larry Hardham?

**Comment [seh13]:** Poor choice of words on my part, I meant we didn't tally how many an individual submitted to come up with an accurate number of individuals who submitted commented without douaable counting. I think it may be better just to say how many correspondences were received and not get into how many individuals

**Comment [seh14]:** Suggest deleting this to reduce confusion

**Comment [seh15]:** Check to be sure this is still correct re what is in the CR report

Berger: AL1115 is still a code we use in the report.

statements for NPS response, in this report the NPS has also responded to some non-substantive comments where it believed such responses would provide helpful information to the public.

Under each code, all substantive comments and those non-substantive comments for which NPS decided a response would be useful, were grouped by similar themes, and those groups were summarized with a concern statement. For example, under the code AL1125 Alternative Elements: Species Closures/Buffers, one of the concern statement identified was,

“Commenters stated that the buffers proposed for turtle nests were too large, and smaller buffer sizes were needed. One commenter suggested that the exit to the ocean be no more than 18 inches wide. They suggested these closures be removed in the morning as is done at Pea Island National Wildlife Refuge. Other commenters suggested that nests be closed off from the nest to the surfline from one hour before sunset until dawn.”

This one concern statement is an example of a concern statement that captured many comments. Following each concern statement are one or more “representative quotes” which are comments taken from the correspondence to illustrate the issue, concern, or idea expressed by the comments grouped under that concern statement. Sometimes comments under a concern statement provided opposing points of view. In those cases, one or more representative quotes were included to illustrate the differing perspectives.

### OVERVIEW OF CORRESPONDENCE RECEIVED

About 95% of the correspondences were submitted on-line into PEPC, about 4 % came from the public meeting transcripts, and about 1% were in written hardcopy format. About 99% of correspondences came from unaffiliated individuals.<sup>1</sup> The others came from federal, state, and local government, businesses, and a variety of organizations.

About 21% of the comments received related to code AL1085: Alternatives: Alternative F (Substantive). Alternative F was identified in the plan/DEIS as the NPS preferred alternative. The code AL1045: Support Alternative D (Non-Substantive) was the second most common, representing about 19% of the total comments and 63% of the individual correspondence received. -Alternative D was identified in the plan/DEIS as the environmentally preferable alternative.- Other most discussed topics were species closures/buffers (about 13%), adaptive management/periodic review (about 14%), desired future conditions (about 4 %); socioeconomics (about 3%), impacts on threatened and endangered species, (about 5%), impacts on visitor use and experience (about 4%); and the park purpose and significance (about 4%). -The remaining codes were addressed by fewer commenters.

Although the analysis process attempts to capture the full range of public concerns, this content analysis report should be used with caution. Comments from people who chose to respond do not necessarily represent the sentiments of the entire public. Furthermore, this was not a vote-counting process, and the emphasis was on the content of the comment rather than the number of times a comment was received.

Of the individual commenters who provided their address, about 21% were from the state of North Carolina, about 11 % from California, and about 11% from Virginia. Between about 3% and 5% of comments came from Florida, Maryland, New Jersey, New York, and Pennsylvania. Correspondences were received from a total of states and 18 countries outside of the U.S.

<sup>1</sup> Unaffiliated individual is used in PEPC to categorize correspondences from individuals that are not writing as the official representative of an organization, business or other entity, although they may say in their correspondence that they are members of an organization.

**Comment [seh16]:** Lori: do we mean that we coded the non-sub comments but in most cases did not create a concern statement or response for them?

Berger: Yes, typically only sub comments get a concern statement. I think what you added covers it.

**Comment [seh17]:** Lori: is this still a valid concern statement in the CR report?

Berger: This code is still in the report

**Comment [seh18]:** Is this still the text in the CR report?

Berger: the concern statements themselves have changed a bit, I selected a new one to include here.

**Comment [seh19]:** Ideas of what to call this section?

Berger: Put in a suggestion

**Comment [seh20]:** Lori: is this 99% of comments or of correspondences?

Berger: Correspondences, PEPC does not do it by Comments

**Comment [mbm21]:** Looks like some text is missing in the footnote. Not sure what needs to be added.

**Comment [mbm22]:** Not sure if the 63 % is valid. It is mathematically based on 9,576 non-substantive comments received in support of D divided by the number of pieces of correspondence (15,265). What I don't know is...do we attribute only one, or more than one, non-substantive comment in favor of or against a specific alternative to any one individual piece of correspondence? For example, if someone wrote: "I like D. I think it is better than all the other alternatives" and later in the same correspondence the same person wrote "I prefer D" again, does that count as 1, 2 or 3 nonsubstantive comments in support of D? In any case, if it is possible to indicate the most common comment relative to the total pieces of correspondence or to...

**Comment [D23]:** More people commented on periodic review than socioeconomics? I'm not sure this list really captures the importance of these ...

**Comment [dw24]:** I think we should remove the percentages. We should also mention something about form letters.

**Comment [I25]:** Sandy, I pulled this from something we did for LAMR, let me know if this is what you were thinking.

**Comment [seh26]:** Should we add something here about it not being a vote, and all comments considered whether made once or many times? Ideas how to state it? ...

**Comment [I27]:** SH Comment: Why did you think we should delete this Doug?

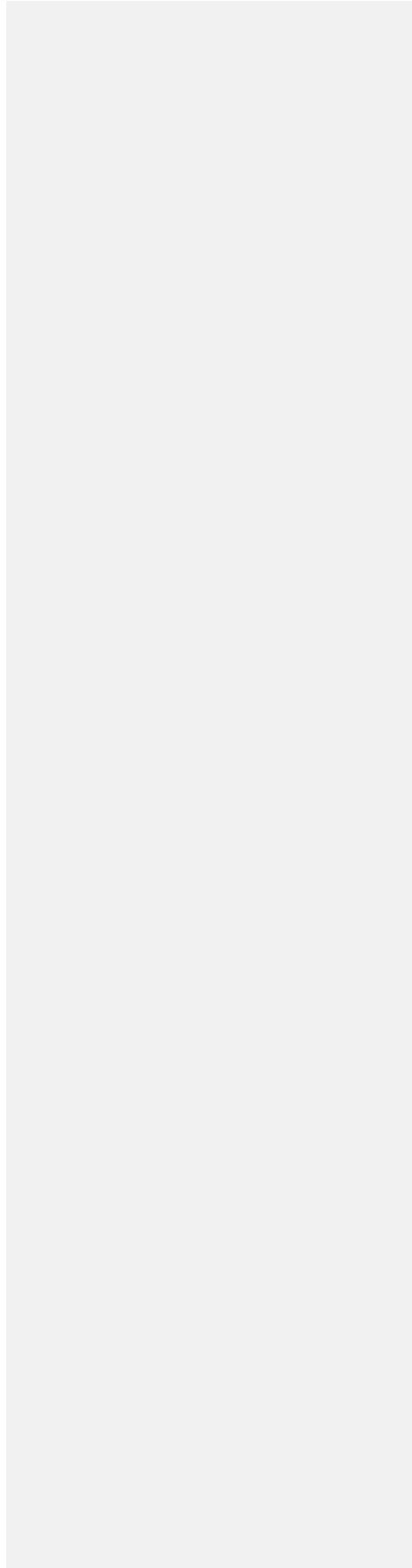
**Comment [dw28]:** OK to leave in.

**Comment [seh29]:** Delete this whole section since we don't have a PEPC analysis with updated numbers available.

This report summarizes the substantive comments received during the DEIS public review comment process. These comments are organized by codes and further organized into concern statements. Representative quotes are then provided for each concern statement, followed by the NPS response for each concern statement.

**Comment [seh30]:** This should go at the beginning right before the first code in the CR section of this report.

Berger: We will ask Juanita to move this.





## CONCERN RESPONSE REPORT

### *Cape Hatteras National Seashore Off-Road Vehicle Negotiated Rulemaking and Management Plan/EIS*

This report summarizes the substantive comments<sup>2</sup> received during the DEIS public review comment process. These comments are organized by codes and further organized into concern statements. Representative quotes are then provided for each concern statement, followed by the NPS response

#### ***AE1100 - Affected Environment: Threatened and Endangered Species***

**Concern ID:** 24018

**CONCERN STATEMENT:** Commenters stated that the NPS did not correctly address environmental issues related to sea turtles. They stated that false crawl statistics do not indicate that light pollution is an issue and that the EIS should address weather events being more detrimental to recovery than ORV or pedestrians.

**Representative Quote(s):** **Corr. ID:** 3490 **Organization:** *Not Specified*

**Comment ID:** 141218 **Organization Type:** Unaffiliated Individual

**Representative Quote:** I agree with the assessment that NPS Inadequately Addresses Environmental Issues More Detrimental to Turtle Recovery Success than ORVs or Pedestrians (p. 392-396) because:

- 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

**Corr. ID:** 12230 **Organization:** Coastal Conservation Association North Carolina

**Comment ID:** 140961 **Organization Type:** Unaffiliated Individual

**Representative Quote:** It is clear that significant facts have been ignored in the preparation of this DEIS. The success of turtle nesting and piping plover nesting and fledging is virtually unchanged since the de facto ORV plan was implemented in 1978. The primary causes of failed nesting and fledging are overwhelmingly predation and weather events which have occurred for hundreds of years. ORV caused mortality is a fraction of 1%. The USFWS and NPS personnel have caused more plover mortality. Yet, the NPS chooses to

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<sup>2</sup> This concern response report also responds to a few non-substantive concerns where the NPS determined that a response would provide helpful information to the public.

attack those users who are very sensitive to the wildlife in the CHNSRA.

**Corr. ID:** 14765      **Organization:** *Not Specified*

**Comment ID:** 135677      **Organization Type:** Unaffiliated Individual

**Representative Quote:** 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.