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**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 2 – February 26-27, 2008
Kill Devil Hills, NC
Meeting Summary
*Approved May 9, 2008***

Summary of Consensus Agreements

The Cape Hatteras National Seashore Negotiated Rulemaking Committee reached consensus on the following during the meeting:

1. Approved the January meeting summary, with one addition.
2. Approved the charge to the Socio-Economic Analysis and Agenda Planning subcommittees.
3. Removed campfires from the list of topics to be addressed by the Committee.
4. Identified the safety equipment required for vehicles traveling on the beach: a jack, a shovel, a low tire pressure gauge and a jack support, and formed a vehicle characteristics workgroup to create proposed language (see work groups section below).
5. Established 25mph as the maximum speed limit on the beach.
6. Approved language about warnings as general advice to NPS in the final report of the Committee rather than in the proposed regulation.
7. Formed four workgroups – carrying capacity; seasonal closures; vehicle characteristics; and permits, passes, cards etc.

Welcome to All and Opening of the Meeting

Mike Murray, Cape Hatteras National Seashore (CAHA) Superintendent and Committee member, opened the meeting in his capacity as the designated federal official (DFO) for the Cape Hatteras National Seashore Negotiated Rulemaking process. Mr. Murray welcomed everyone and gave an overview of the agenda items to be accomplished during the two-day meeting.

Updates

NEPA Process: NPS received 385 workbooks. NPS expects to make a summary of comments available by the March Committee meeting.

Notice of Upcoming Committee Meetings: The Federal Register notice of the next three Committee meetings should be published by February 29. [Note: the notice was published on February 28, 2008.]

Peer Reviews: The instructions for the peer reviewers of the Neal and Vogelsong studies are being reviewed by NPS. Once they are finalized, NPS will share them with the Committee and contact reviewers.

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Committee Membership: There are two open alternate seats on the Committee, both for Civic and Homeowner Association seats. DOI will announce the vacancies and seek applicants through the Federal Register. NPS will advise the Committee when the notice is published.

Revised Proposed Rule: FWS will be releasing a revised proposed critical habitat rule and provide an opportunity for public comment. FWS also will be revising the economic analysis. A final decision is expected in fall 2008.

Related Litigation: On February 20, 2008, the Southern Environmental Law Center (SELC), on behalf of National Audubon and Defenders of Wildlife, requested the court issue a preliminary injunction. Committee members shared their views on the proposed injunction, including a commitment to keep working to resolve conflicts and to develop a proposed rule, concerns that the litigation distracts from the negotiated rulemaking efforts, and views about the economic and the ecological impact of vehicle use on CAHA. Committee members confirmed they are committed to the negotiated rulemaking as long as the Committee is working productively. Derb Carter addressed the following questions:

- *Will SELC, Defenders, and National Audubon consider a long-term plan that might include something less than what they requested from the court?* The lawsuit is aimed at the interim species management plan to find a solution that protects species on the seashore and is based on sound science. The preliminary injunction motion sought to have NPS allow ORV use only in the areas described in the moderate protection protocol identified by USGS for piping plover. SELC, Defenders, and National Audubon are willing to consider alternatives to the moderate protection protocol depending on the scientific basis and to consider implementation strategies.
- *Is the injunction intended to be in place from now until the negotiated rulemaking is completed, or just for this season?* This preliminary injunction was requested for this breeding season, and to stay in place until the court addresses the merits of the case, which could be before the next breeding season.
- *Does SELC have a direct financial interest?* No, SELC does not charge fees to their clients for representing them.

Spring Planning: NPS is in re-consultation with FWS on the interim management strategy. NPS anticipates an amended biological opinion in mid-March, after which staff will complete habitat assessments so that pre-nesting closures are based on habitat conditions and can be completed prior to April 1. NPS expects to share its reasoning on closures based on the interim species management strategy and the FONSI, with the public in advance of implementation.

Socio-Economic Analysis Subcommittee

The Committee reviewed the draft charge for the Socio-Economic Analysis Subcommittee. The draft charge was revised to clarify expectations on attendance and to add information about groundrules. The Committee adopted the revised charge.

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Committee members briefly discussed the socio-economic analysis. There was suggestion to include “intangible values” in the analysis, and to ensure that any lists used for sampling are legitimate and inclusive. The Subcommittee will present any recommendations or joint advice to the Committee for decision-making.

Mike Murray informed the Committee that to avoid the perception of a conflict of interest NPS will fully fund the socio-economic studies done for the NEPA process and the negotiated rulemaking, rather than accepting funding from outside sources.

Agenda Planning Subcommittee

The Committee reviewed the draft charge for the Agenda Planning Subcommittee. The draft charge was revised to include the changes in the charge to the Socio-Economic Subcommittee concerning attendance and ground rules. The Committee adopted the revised charge.

Identifying Discussion Topics on ORV Management

The Agenda Planning Subcommittee recommended the Committee identify the topics for discussion at this meeting. The subcommittee members proposed to separate ORV management and natural resource issues and developed a matrix of ORV management topics based on the NEPA workbook. The matrix lists the issues without prioritization. Natural resource issues would be addressed later.

The Committee reviewed the issues matrix and discussed the:

- need for a distinct topic for access for commercial fishermen and to consider the impact on commercial fishing when considering the issues
- addition of “self-contained vehicles” to the list of vehicle types
- challenge of determining where NPS and private land meet near the villages
- statutory basis for determining carrying capacity and looking at all users, not just ORV users
- term access is used to describe both vehicular access generally and access for people with disabilities and that meets ADA requirements specifically
- authority for NPS to collect fees

Mike Murray reviewed the general authority for NPS to collect fees on CAHA under the Federal Lands Recreational Enhancement Act (FLREA) and the Park Uses Authority. The Park Uses Authority allows for special permitting of a particular subset of users if their activity is beyond typical recreational user activities and the Park incurs additional administrative costs. Permits under the Park Uses Authority are intended to cover program costs. An example is charging visitors a fee for participating in fishing tournaments. A user fee charged to all visitors to CAHA would fall under FLREA, which often requires additional amenities. The Committee’s discussions and decisions about revenue collection will determine which authority is triggered.

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Committee members ranked the ORV management topics in the matrix into three categories for purposes of selecting topics for discussion at the meeting and identifying the major issues for the Committee to address. Committee members were asked to identify which issues were of high, medium and low importance to the their constituency.

All Committee members identified closures as an important issue. The following issues were considered high importance to the most Committee members: education, accessibility, frequency and kind of law enforcement, carrying capacity, permits/licenses/passes/cards, routes, signage seasons, times of day. Most Committee members considered the following issues of medium or lower importance: fees, ramps, village beaches, vehicle characteristics, parking, beach fires, fines and penalties, speed limits, warnings, mapping, outreach.

Speed Limits for Driving on CAHA

The Committee agreed the maximum speed limit for driving on CAHA will be 25mph, unless determined otherwise.

The Committee discussed a variety of options for speed limits, including a two-tiered and three-tiered approach, on the beach and in front of villages. The Committee also discussed the relationship of speed limits to other issues.

Committee members explored the reasons to limiting vehicle speed on the beach and in front of the villages. These included safety for drivers in uninhabited areas, the wellbeing of the resource itself, pedestrian safety, and the safety of wildlife species. Piping Plover chick behavior around vehicles also was discussed, and FWS noted that Plover chicks' instinct is to duck out of sight of predators and vehicles, rather than to move out of the way. Other species move out of the way of vehicles. Several committee members would like to identify clear criteria for determining when particular speed limits come into effect so that changes in speed limit are made formally, not subjectively. NPS and several others prefer speed limits that are simple for enforcement, signage, and driver understanding.

Open issues:

- Classifying places or times that will require lower speed limits, including:
 - inter-dunal roads/trails, sound side, ramps (possibly in the same category as inter-dunal roads), in front of villages, and near seasonal, safety or resource closures,
 - open (uninhabited), inhabited (in front of villages), areas of special concern (safety, resource closures, etc.)
 - open beaches with no houses in the low season (higher mph), in front of villages when they are open and on open beaches during the high season (lower mph)
 - open beach, within 100' of a person, vehicle or ramp
- Defining ramps, one suggestion being the area between the pavement and beach.
- Maximum speed limit for special areas/times – 10mph or 15mph. Some Committee members noted drivers often go slower than the speed limit on the beach near

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pedestrians and obstacles, and questioned the difference of an average driving speed of 10 or 15 mph on the beach. Some suggested that 10mph near densely populated areas would be safer for pedestrians. NPS staff said that implementing and enforcing a speed limit structured as a certain number of feet from a person or vehicle might be difficult and would require substantial driver education.

- Signage - NPS must make users aware of speed limits, whether through signs, maps, or other techniques. Frequent changes in speed limits in different areas of the beach or over time make this job more difficult for Park staff. Some Committee members suggested signs indicate the reason for a lower speed limit (e.g. Village, 15mph) and using signs saying “slow down” or “caution” in certain places such as on ramps, rather than formally reducing the speed limit.

Information requested:

- Possible resource-related reasons for 10mph rather than 15mph near a resource closure?
- Design specifications on ramps including construction standards, air tanks, signage, and facilities associated with them.

Access

Designating Routes and Areas

Designating routes and areas for access is a fundamental requirement of 36 CFR 4.10B and of Executive Order 11644. In designating routes and areas, the Endangered Species Act (ESA), the Organic Act, NPS Management Policies 2006 and relevant case law must be considered.

Open issues:

- Criteria for designating routes and areas. The Executive Order and the Bureau of Land Management both have criteria. Criteria mentioned by Committee members include designating areas and routes so as to be cognizant of:
 - minimizing damage to soil, water, vegetation or other federal lands resources
 - minimizing harassment of wildlife or significant disruption of habitat
 - minimizing conflicts between ORV and other existing or proposed recreational uses
 - minimizing noise in populated areas
 - not affecting natural, aesthetic or scenic values
 - not being situated in officially designated wilderness areas
 - recreational or economic needs of the community
 - protection of endangered and threatened species pursuant to ESA
 - the presence of vegetation
 - the need for flexibility given the ever-changing beach landscape

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- Define terminology: routes, areas, trails and corridors, existing and proposed uses, impairment. Suggestions included:
 - Routes – a vehicle cannot travel off the route, linear area
 - Areas – general open space
 - Existing and Proposed uses – should include historical use
 - Trails – are typically what residents on CAHA call “roads,” for example Pole Road

Information requested:

- Large Maps showing what is open and closed to ORV driving and why (type of closure, if known), as well as areas important for different uses. Walker Golder volunteered staff from North Carolina Audubon to work with NPS to develop GIS mapping. The map will be for a particular date, and some Committee members requested NPS look at a date with maximal closures, perhaps from summer 2007.

Criteria for Change to Designated Routes and Areas (Closures)

Superintendents of National Seashores have the authority to institute ORV closures under 36 CFR §1.5 that are consistent with applicable policies. NPS currently places three types of closures at CAHA. Seasonal closures are closed May 15-September 15 or may be closed year round in specific locations, authorized locally under Superintendent’s Order #7. Natural resource closures are closed to protect particular resources, authorized under the Interim Species Management Strategy. Safety closures are primarily implemented for the safety of vehicle drivers and occasionally for other safety reasons, authorized locally under Superintendent’s Order #7.

Mike Murray indicated that he would like to base any changes to current management on logical criteria developed by the Committee. Someone raise the issue of closure-related compensation for drivers. There were divergent views on the starting point for this discussion, ranging from “open unless closed” to “closed unless open.” NPS requested that the Committee focus on what ORV management should be now and going forward. Some Committee members also raised concerns about closures that have never reopened and the need for closures to comply with all regulations.

Many Committee members expressed the importance of criteria for closures, monitoring and re-opening, and several that for every closing there be a trigger for reopening. Many also indicated the importance of closure terminology that accurately reflects the reason for closures. Committee members began discussing the need for criteria for changes to designated routes and areas (closures) and identified the following possible triggers for closures and re-openings:

- Fixed calendar date (for example May 15-September 15)
- Pedestrian density
- Area unsafe for driving or impassable (for example based on beach width or high/low tide marks)

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- Natural resources in need of protection
- Incompatible use
- Historically closed areas

Open issues:

- Type of closure – definitions or classifications and whether certain closures should apply to drivers and pedestrians
- Criteria – for NPS to use for closures, monitoring closed areas, and reopening closures
- Placement – the location of potential closures in ORV routes and areas
- Mitigation measures to reduce the impact of closures on ORV users (e.g. alternative access points)

Seasonal Closures

The Committee discussed seasonal closures, which might be described as pedestrian safety closures, as they are put in place primarily to protect pedestrians (as opposed to safety closures that are put in place primarily to protect drivers). Several committee members noted that natural resource closures could also be seasonal and that pedestrian safety/seasonal closures on a set calendar can be included in the regulation, rather than being listed as temporary closures. The following definitions were proposed for seasonal closures:

- A specific geographical area that can be predetermined to have a dense pedestrian walk-on population at particular times of year.
- A dense pedestrian or recreational use not compatible with an ORV area.
- A closure defined by dates.

Open issues:

- Do passive, non-ORV recreation areas that may be closed seasonally belong in this category?
- If dates are used as an opening/closing trigger, what criteria will be used to determine those dates?
- How to address the possibility of closing areas to ORV use at times and places without dense pedestrian use?
- Pedestrians may not use a beach with a lot of vehicular traffic, which would make it difficult to use pedestrian density as a trigger for closing a beach.

Safety Closures

The Committee discussed the current NPS definition for safety closures.* The Committee also discussed using NPS existing approach to monitoring and reopening safety closures

* “There may be situations that, for various reasons, the beach is not safe for vehicles to use. This has happened in the past and the park will continue to post cautionary signs near access ramps when

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substituting weekly monitoring for monthly. Some Committee members expressed the desire to include mitigation measures such as providing alternative routes to the beach and questioned whether the approach would apply for all designated routes and areas.

Warnings

The Committee unanimously approved the following language on warnings to provide to NPS as general advice in the final report of the Committee rather than in the proposed regulation.

“Definitions: (1) Verbal or written notification made to an individual by a ranger that a violation of park regulations has occurred. (2) Does not carry a fine or require a court appearance. A record of a warning may or may not be kept on file.

“Possible Purposes, Interests and Questions: (1) A important tool to show understanding to first time offenders, separate mistakes and errors from disobedience, and signal that the Park seeks compliance from and not punishment of users. (2) Warnings are a traditional part of a “progressive” law enforcement program. NPS operates under the philosophy of using the “lowest effective level” of enforcement. For example, if a warning for a minor first offense corrects the behavior, then a warning is effective. If a blatant or serious offense occurs, a violation notice or an arrest may be the lowest effective level.”

This topic was discussed at an informal gathering of Committee members on the night of February 26. They reviewed the matrix language, believed warnings are a useful part of NPS enforcement protocol, and recommended the Committee adopt the matrix language on warnings. Other topics raised during the discussion concerned enforcement, monitors, and a possible neighborhood-watch type program that will be discussed with enforcement issues.

possible. Providing for public safety is the responsibility of all CAHA employees. As such, CAHA law enforcement (LE) rangers have the authority to establish a safety closure for any condition, which provides a clear and imminent threat of significant bodily injury or death to the public or significant damage to personal property. Non-emergency service staff, when encountering such safety hazards, should establish initial safety precautions and contact the LE ranger staff to evaluate the situation and establish any necessary closures.

“A narrow beach, by itself, would not provide such a hazard. Tides which block access through portions of beaches occur periodically and predictably and are an obvious, easily avoidable hazard, and would not warrant a closure. Examples of hazards that would justify a closure include, but are not limited to, deep beach cuts which block the beach from dune to surf with no obvious way around; or obstacles, such as exposed stumps or debris that blocks the entire width of the beach and can not be removed with out assistance or heavy equipment. Where hazards block only a portion of a beach, and safe access is available around the hazard, staff will mark and post the hazard to direct ORV traffic around the hazard.

“Safety closures will be monitored at least once monthly and reopened when the safety issue has sufficiently diminished to warrant reopening the section to ORV access. The same notification procedures as occurred when the closure was created will be followed when the closure is reopened.”

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Campfires

The Committee agreed to remove campfires from the list of topics to be addressed by the Committee.

An informal gathering of Committee members met on the night of February 26 discussed campfires, including: the current rules for campfires on the beach, whether there should be fees or permits for fires, whether NPS should count the number of fires on CAHA, and whether NPS should consider prohibiting campfires from midnight to 6:00 a.m. to reduce disturbances.

NPS noted that most fires are in front of villages and on spits. Some Committee members expressed concerns about banning campfires, and about the problems of rowdy beach parties on the Seashore. Many Committee members considered campfires outside the scope an ORV management plan.

Fines/Penalties

The topic of fines and penalties also was discussed briefly at the informal gathering of Committee members on the evening of February 26. They recommended the Committee not spend time discussing as a separate topic and instead discuss the types of sanctions NPS could use when discussing particular issues.

Vehicle Characteristics

The current standards for vehicles allowed to drive on CAHA follow the NPS code of regulations, which incorporates state regulations. Vehicles that drive on CAHA must be street legal in the state of origin. Vehicles prohibited from driving on highways in their own state are prohibited from driving on CAHA.

Some Committee members suggested that the goals of developing additional characteristics might be to ensure that drivers can rescue themselves, to prevent involuntary immobilization, or to encourage responsible use. Suggested issues to be addressed in a regulation include:

- Type of Vehicle (four-wheel drive or more, two-wheel drive, motorcycles, ATVs, DOT-approved)
- Safety Equipment (see below)
- Tire Pressure Requirements
- Tire Specifications
- First Aid Kits

There was discussion about inexperienced people getting stuck, whether getting stuck by, for example, not lowering tire pressure, and blocking traffic should be a violation, and the need for public education. Safe driving practices are important for responsible use, and if it's not required it's not enforceable.

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Safety Equipment

The Committee agreed that vehicles traveling on the beach be required to carry a jack, shovel, low tire pressure gauge, and jack support.

Committee members discussed the different types of safety equipment that could be required, the implications of requiring each piece of equipment, and whether the equipment should be required or recommended. The Committee decided not to specify the type of jack support. Discussion also included:

- The need for drivers on the beach to be prepared without placing burdensome requirements on beach visitors.
- A request for a transition time for adopting new requirements.
- Concern that often vehicles rescuing stuck vehicles are damaged.
- Concern that requiring equipment may lead inexperienced drivers to think they can safely operate that equipment.
- The suggestion that safety requirements for commercial fishermen should be managed separately.

Open issues:

- Should standards be set for vehicles (such as the ones in the list above) and operators (such as holding a valid state license, completing training, abiding by regulations)?
- Infrastructure needed for particular requirements? For example, if there are tire pressure requirements, should each ramp have an air pressure pump?
- How would NPS enforce the safety equipment requirement?

Tire Pressure

Committee members discussed whether a specific tire pressure should be required on the beach. Many recommended 20psi, if it was acknowledged that driving or extra weight could lead to tire pressure to increase closer to 25psi. NPS noted that their priority is for drivers to air down, rather than focus on a specific air pressure. The following suggestions were made: air down to 20psi prior to approaching a ramp and carry a tire gauge, and pull-outs at all access points if airing down is required. Tire pressure levels may be difficult to enforce.

Work Groups

Four workgroups were formed to set up discussions for the March meeting:

- Carrying capacity: Thayer Broili, Carla Boucher, Renee Cahoun, Susan Cameron, Bob Davis, Jim Keene, Jim Lyons and Robert Milne
- Permits, licenses, passes or cards: Carla Boucher, Bob Eakes, Walker Golder, Larry Hardham, Destry Jarvis, Wayne Mathis, Mike Murray, Patrick Paquette, and Michael Peele

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- Seasonal closures: John Alley, Frank Folb, Stephen Kayota, Jim Lyons, Wayne Mathis, Carolyn McCormick (or Renee Cahoun depending on availability), Judy Swartwood, Jeff Wells, and Pat Weston
- Vehicle characteristics (e.g. types of vehicles, tires, wheels and tire pressure): Ronald Bounds, Carla Boucher, Jim Keene, Patrick Paquette, and Paul Stevens (in place of Mike Murray, who initially indicated that he would participate)

Public Comments (February 26 and 27)

Ted Hamilton advised the Committee to look at all habitat and land in the area, not just the land within Park boundaries when trying to understand and decide about future use and ORV issues. He also questioned the criteria for Committee participation and what happens if particular Committee seats are unrepresented at multiple Committee meetings.

Jim Harris requested the litigants to stop working through lawsuit, that critical habitat and ORV use be discussed together, and noted that the socio-economic analysis data may be ineffective if there are beach closures soon as a result of litigation. He noted that bumps and soft sand are both effective at keeping vehicle speeds low, especially on ramps. He also recommended prohibiting driving or walking that causes unreasonable damage.

Ginny Luizer noted the litigation was filed after the Notice of Intent for this Committee to be formed, and concern the litigants might have a fixed idea of acceptable negotiated outcomes.

Barbara Ackley spoke about pairs of nesting Piping Plover on CAHA over the past few years, and weather, predation and abandonment as the primary causes of nest loss in 2007. She noted the importance of looking at the connections between vegetation, habitat and ORV use and reminded Committee members that ORVs make recreation on CAHA possible for those unable to walk to or on the beach.

Richard Perkins, from the Ocracoke Invitational Surf Fishing Tournament, asked the Committee to protect vehicular access.

David Masters, from the Nags Head Surf Fishing Club, indicated that it would be impossible to run a tournament without vehicles on the beach, and that prohibiting ORVs on the beach would destroy the local economy.

Rob Alderman, the owner of three Hatteras Island businesses that depend on surf fishing, expressed concern for the future of people living on the Outer Banks due to this rulemaking. He also noted that signage will not prevent bad behavior on the beach.

Fleetwood Pierce expressed concern that the Committee would destroy what has brought him to the Outer Banks since the 1950s.

Mike Berry noted the litigation does a disservice to an inclusive public process and the importance of sound science and good public education.

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John Mortenson, who uses an ORV for transportation to outdoor activities, suggested that closures attract species to an area and the species should be relocated to safer areas.

Anthony Fletcher indicated that driving on the beach has always been important and the regulatory negotiation threatens a way of life.

Carol Garris expressed concern about the residents' economic survival if driving on the beach is prohibited, and indicated that peoples' lives are as important as birds' lives.

Hawk Hawkins indicated that four generations of his family have recreated on the beach with vehicles, and he wants a similar experience and memories for his children.

John Homely indicated NPS manages the beach well and requested families be allowed to keep recreating on the beach as is.

In response to questions posed during public comment about participation on the Committee, NPS referred to the Committee's groundrule on attendance, which provides that poor attendance or not participating in good faith are grounds for the DFO to recommend to the Secretary of Interior that someone be removed from the Committee. Committee members were requested to notify each other or the facilitators if they are unable to attend a meeting.

Mike Murray thanked participants for their efforts and adjourned the meeting at 4:00pm.

Attachments

- A. Attendance
- B. Action Items
- C. Materials Distributed to the Committee

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Attachment A: Attendance

REG NEG COMMITTEE MEMBERS					
<u>Last Name</u>	<u>First Name</u>	<u>Seat</u>	<u>Organization</u>	<u>Principal or Alternate</u>	<u>Date Present</u>
Alley	John	User Groups/Open Access	Outer Banks Preservation Assoc	P	Feb 26 & 27
Ballance	Gene	County Govt	Hyde County, NC	A	Feb 27
Benjamin	Pete	Federal Govt	USFWS, Raleigh Field Office	P	Feb 26 & 27
Boucher	Carla	User Groups/ORV Use	United Four Wheel Drive Assoc	P	Feb 26 & 27
Bounds	Ronald	User Groups/Rec Fishing	United Mobile Sportfishermen	A	Feb 26 & 27
Broili	Thayer	Federal Govt	Cape Hatteras National Seashore	A	Feb 26 & 27
Cahoon	Renee	Tourism, Visitation & Business	Outer Banks Visitor Bureau	A	Feb 27
Cameron	Susan	State Govt	NC Wildlife Res. Comm	A	Feb 26 & 27
Carter	Derb	Enviro. & Nat. Res. Cons. (S/R)	Southern Enviro. Law Center	P	Feb 26 & 27
Couch	John	User Groups/Open Access	Outer Banks Preservation Assoc	A	Feb 26 & 27
Davis	Robert	User Groups/Rec Fishing	Cape Hatteras Anglers Club	A	Feb 26 & 27
Doerr	Patricia	User Groups/Rec Fishing	American Sportfishing Assoc	A	Feb 26 & 27
Duke	C.A.	Civic & Homeowner Assoc	Rodanthe-Waves-Salvo Cvc Assoc	P	Feb 26 & 27
Eakes	Bob	User Groups/Rec Fishing	American Sportfishing Assoc	P	Feb 26 & 27
Esham	David Scott	County Govt	Hyde County, NC	P	Feb 26
Folb	Frank	Civic & Homeowner Assoc	Avon Property Owners Assoc	P	Feb 26 & 27
Foreman	Trip	Other User Group	Watersports Industry Association	P	Feb 26 & 27
Foster	William	Commercial Fishermen	NC Fisheries Association	A	Feb 26
Golder	Walker	Enviro. & Nat. Res. Cons. (S/R)	Audubon North Carolina	P	Feb 26 & 27
Goodwin	David	Tourism, Visitation & Business	Cape Hatteras Business Allies	A	Feb 26 & 27
Gould	Burnham	Other User Group	Cape Hatteras Recreation Alliance	A	Feb 26 & 27
Hagedon	Sam	Tourism, Visitation & Business	Outer Banks Chamber of Comm	A	Feb 26 & 27
Hardham	Larry	User Groups/Rec Fishing	Cape Hatteras Anglers Club	P	Feb 26 & 27
Jarvis	Destry	Enviro. & Nat. Res. Cons. (N)	Ntrl Rsrc Defence Cncl & The Wilderness Soc	P	Feb 26 & 27
Joyner	David	User Groups/ORV Use	NC Beach Buggy Assoc	A	Feb 26 & 27
Judge	Warren	County Govt	Dare County	P	Feb 26 & 27

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<u>Last Name</u>	<u>First Name</u>	<u>Seat</u>	<u>Organization</u>	<u>Principal or Alternate</u>	<u>Date Present</u>
Kayota	Steven	Civic & Homeowner Assoc	Hatteras Island Homeowners Coalition	P	Feb 26 & 27
Keene	Jim	User Groups/ORV Use	NC Beach Buggy Assoc	P	Feb 26 & 27
Kingery	Roy	Civic & Homeowner Assoc	Hatteras Village Civic Assoc	P	Feb 26 & 27
Leggat	Scott	Tourism, Visitation & Business	Outer Banks Chamber of Comm	P	Feb 26 & 27
Lyons	Jim	Other User Group	Cape Hatteras Recreation Alliance	P	Feb 26 & 27
Maddock	Sidney	Enviro. & Nat. Res. Cons. (S/R)	National Audubon Society	A	Feb 26 & 27
Mathis	Wayne	State Govt	NC Marine Fisheries Commission	P	Feb 26 & 27
McCall	Aaron	Enviro. & Nat. Res. Cons. (N)	The Nature Conservancy	A	Feb 26 & 27
McCormick	Carolyn	Tourism, Visitation & Business	Outer Banks Visitor Bureau	P	Feb 26 & 27
Milne	Robert	Enviro. & Nat. Res. Cons. (N)	Coalition of NPS Retirees	P	Feb 26 & 27
Moore	Raymond Neal	Other User Group	Cape Hatteras Bird Club	A	Feb 26 & 27
Murray	Michael	Federal Govt	Cape Hatteras National Seashore	P	Feb 26 & 27
Paquette	Patrick	User Groups/Rec Fishing	Recreational Fishing Alliance	P	Feb 26 & 27
Peele	Michael	Commercial Fishermen	NC Fisheries Association	P	Feb 26 & 27
Piner	Lyle	User Groups/ORV Use	United Four Wheel Drive Assoc	A	Feb 26 & 27
Rettie	Dwight	Enviro. & Nat. Res. Cons. (N)	Coalition of NPS Retirees	A	Feb 26 & 27
Rylander	Jason	Enviro. & Nat. Res. Cons.(N)	Defenders of Wildlife	P	Feb 26 & 27
Swartwood	Judy	Tourism, Visitation & Business	Cape Hatteras Business Allies	P	Feb 26 & 27
Weston	Pat	Civic & Homeowner Assoc	Greater Kinnakeet Shores Homeowners Inc	A	Feb 26 & 27
Winslow	Sara	State Govt	NC Marine Fisheries Comm	A	Feb 26 & 27
Wrenn	Lee	County Govt	Dare County	A	Feb 26

AGENCY AND OTHER STAFF

<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>	<u>Date Present</u>
Fox	Lori	Louis Berger	Feb 26 & 27
Holda	Cyndy	NPS	Feb 26 & 27
Martinez	Norah	NPS	Feb 26
Waanders	Jason	Office of the Solicitor	Feb 26 & 27
Ferguson	Ona	CBI	Feb 26 & 27
Field	Pat	CBI	Feb 26 & 27
Fisher	Robert	Fisher Collaborative Services	Feb 26 & 27

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MEMBERS OF THE PUBLIC				
<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>	<u>Made Public Comment?</u>	<u>Date Present</u>
Ackley	Barbara	Self	Y Y	Feb 26 & 27
Alderman	Rob		Y Y	Feb 26 & 27
Bell	John	Self		Feb 26
Benson	John	Self		Feb 27
Berry	Mik	Self	N Y	Feb 26 & 27
Cohen	Tunia	Self		Feb 27
Ebert	Jim	Self		Feb 26 & 27
Edwards	JB			Feb 27
Eubank	Peggy	North Banks Bird Club		Feb 26
Fletcher	Anthony	Self		Feb 27
Garris	Carol		Y	Feb 27
Gazaway	James	Self		Feb 26
Golding	Jeffrey	Self		Feb 27
Gueireri	Christian	Self		Feb 26
Hamilton	Ted	Self	Y Y	Feb 26 & 27
Harris	Jim	Self	Y	Feb 26 & 27
Hawking	Hawk	OBPA/IND.	Y	Feb 27
Homey	John	Self	Y	Feb 27
Keel	Earl	Self		Feb 26
Lauren	Diehl			Feb 27
Laws	Joe	Self		Feb 26
Loizer	Ginny	Self	Y	Feb 26
Masters	Dave	NHSFIT	Y	Feb 26
Moore	Pat	Cape Hatteras Bird Club		Feb 26 & 27
Mortensen	John	Self	N Y	Feb 26 & 27
Mulle	Robert	Self		Feb 26
Oakes	Bob			Feb 27
Perkins	Richard	OSFIT	Y	Feb 26
Pierce	Fleetwood	Self	Y	Feb 27
Pierce	James			Feb 27
Roach	Ronnie			Feb 27
Ryan	Steve	Self		Feb 26 & 27
Sybert	David	Self		Feb 26
Thomas	Nevin	Self		Feb 26 & 27
Weston	Jinn			Feb 26
Willard	Daniel	Self		Feb 26 & 27

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Attachment B

**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 2 – February 26-27, 2008
*Draft Summary of Action Items***

Task	From	To	Deadline
Distribute final versions of the January meeting summary, the socio-economic analysis subcommittee charge and the agenda planning subcommittee charge as adopted on February 26 and 27, 2008.	CBI	Committee	Done
Establish workgroups by sending workgroup email lists to participants of each workgroup.	CBI	Workgroups	Done
Distribute Action Item list from Meeting 2.	CBI	Committee	Done
Determine how to ensure any lists used for sampling are legitimate and inclusive.	Socio-Economic Analysis Subcommittee	Committee	Ongoing
Report on how non-economic values will be quantified.	CBI	Socio-Economic Analysis Subcommittee	Next Socio-Economic Analysis Subcommittee meeting
Manage the next socio-economic analysis subcommittee meeting.	CBI	Socio-Economic Analysis Subcommittee	Once NPS proposed survey approach is released
Develop draft agenda for March meeting.	Agenda Planning Subcommittee	Committee	March 11, 2008
Prepare draft meeting summary and distribute	CBI	Committee	March 13, 2008
Convene Permits/Licenses Workgroup	CBI	Workgroup	March meeting
Convene Seasonal Closures Workgroup	CBI	Workgroup	March meeting
Convene Carrying Capacity Workgroup	CBI	Workgroup	March meeting
Convene Vehicle Characteristics Workgroup	TBD	Workgroup	March meeting
Bring workbook maps to Committee meeting.	NPS	Committee	March meeting
Produce draft maps of CAHA showing areas open and closed for ORV use on a particular date, seasonal areas, ramps, data from 1978 plan and, if possible, resource closures and parking areas.	NPS and North Carolina Audubon	Committee	March or May meeting, depending on level of difficulty
Follow up on Ethics questions submitted to DOI office after January meeting	CBI	Committee	March

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Attachment C

**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 2 – February 26-27, 2008
*Materials Distributed***

1. Draft Agenda, also distributed via email on February 19, 2008
2. Draft Socio-Economic Analysis Subcommittee Charge, dated February 15, 2008
3. Draft Agenda Planning Subcommittee Charge, undated
4. Issues Chart, dated February 19, 2008
5. Socio-Economic Analysis Subcommittee Charge, dated February 26, 2008
6. Agenda Planning Subcommittee Charge, dated February 26, 2008
7. Cape Hatteras National Seashore Off-Road Vehicle Routes map