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**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 3 – March 18-19, 2008
Avon, NC
Meeting Summary
*Approved May 9, 2008***

Summary of Consensus Agreements

None.

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.

Temporary Closures

When the Committee designates ORV routes and areas, it will identify those areas on CAHA that will be open to ORV use and those areas where ORV use might be permanently prohibited. Within those areas designated for ORV use, temporary ORV closures may sometimes be implemented. Temporary ORV closures are put in place for limited periods of time and are eventually reopened. The Committee will address the issue of alternative routes around temporary closures as part of the discussion about designating routes and areas.

The Committee worked on developing a framework for temporary closures and on identifying for each temporary closure the: type, purpose, scope, and triggers for closing and reopening.

ORV Safety Closures

A small group discussed ORV safety closures on March 19. They built on previous Committee work on this topic and presented the following to the Committee:

TYPE: ORV Safety Closure

PURPOSE: Close areas otherwise open to ORV use that contain dangerous conditions (as identified in Superintendent's Order #7)

SCOPE: Applies within open ORV routes, trails and areas

TRIGGERS FOR CLOSING AND OPENING: As specified in the Guidance in Superintendent's Order #7, with monitoring to occur at least weekly rather than monthly.

OTHER: Recommend a standing community safety committee to give input to NPS on closures and openings. The committee would be composed of community members appointed annually by the Superintendent and would include participants from each ranger district.

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The small group recommended that future Committee work on permits include discussion of whether drivers should be required to have a signed copy of current ORV regulations in their vehicle and that future Committee work on education and outreach include discussion of materials to help drivers identify hazardous driving conditions.

Issues to be addressed on ORV safety closures include: (a) automatic reopening of ORV safety closures, and (b) more specific monitoring provisions.

Seasonal/Village Closures

A summary of the seasonal closures workgroup call on March 13, 2008 was distributed and reviewed. The workgroup participants were John Alley, Renee Cahoun, Frank Folb, Stephen Kayota, Jim Lyons, Wayne Mathis, Judy Swartwood, Jeff Wells and Pat Weston. A small group continued to develop a framework for temporary closures in front of villages on March 19 and presented the following to the Committee:

TYPE: Village Closure

PURPOSE: Promote pedestrian safety and reduce user conflicts

SCOPE: Applies to all villages uniformly 150' from last beachfront boundary property line, with the exception of the Frisco Golf Course.

TRIGGERS FOR CLOSING AND OPENING: To be determined, possibly connect to high traffic dates.

OTHER: Recommend looking at data on occupancy rates or density per square mile for use in identifying appropriate closing and reopening triggers.

The Committee discussed allowing commercial fishermen on village beaches otherwise closed by village closures, noting that most commercial fishing takes place during the off-season. The issue of permanently closing areas in front of villages will be addressed as part of the discussion of designating routes and areas open to ORV use.

Permits, Licenses, Passes, etc.

A summary of the workgroup call on permits, licenses, passes, etc. held on March 11, 2008 were distributed and reviewed. The workgroup members were Carla Boucher, Bob Eakes, Walker Golder, Larry Hardham, Destry Jarvis, Wayne Mathis, Mike Murray, Patrick Paquette and Michael Peele. On both the call and in a small group discussion on March 19, participants discussed definitions (of passes, permits, entrance fees, special permits, licenses, etc.) and when and why NPS might choose to use any of these management tools. The subgroup did not reach a recommendation on whether or not to use a permit system, and participants had different views on the timing for the Committee to address permits, licenses, passes, etc. on CAHA and the sequencing of topics.

Carrying Capacity

The Committee was given a verbal summary of the March 14, 2008 carrying capacity workgroup call. The workgroup members on the call were Carla Boucher, Thayer Broili, Cape Hatteras National Seashore Negotiated Rulemaking

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Susan Cameron, Renee Cahoun, Bob Davis, Sandy Hamilton, Jim Keene, and Jim Lyons. Robert Milne, a workgroup member, was inadvertently left off the distribution list.

The workgroup discussion covered the following. NPS does not have a standard method for determining carrying capacity. The workgroup proposed that they work with NPS to develop the methodology NPS will use. They discussed the possibility of different methodologies for visitor experience, resource protection, and management, and whether to look Park-wide at vehicles and people.

NPS staff requested that the carrying capacity discussion be postponed to enable NPS to consider carrying capacity generally and where it fits into to the full range of NEPA alternatives. Carrying capacity can be addressed either as part of the general management plan or as part of the ORV management plan, and NPS staff would prefer to include it in the ORV management plan. NPS will provide a status report to the Committee following internal discussions.

Vehicle Characteristics

The Committee sought consensus on vehicle characteristics based on the recommendations made by the vehicle characteristics workgroup (see Workgroup Summary). The members of the workgroup were Ronald Bounds, Carla Boucher, Jim Keene, Patrick Paquette and Paul Stevens. Workgroup members noted that they proposed a change to their recommendations to provide that (a) four-wheel drive vehicles are “allowed” (rather than “permitted”) and two-wheel drive vehicles are “allowed” rather than “permitted” with a special permit, and (b) those seeking special permits for two-wheel drive vehicles or motorcycles would not be required to pay any more than any other driver on the beach.

Committee discussion focused primarily on three topics:

Two-wheel drive vehicles. Committee members discussed the benefits and challenges of allowing two-wheel drive vehicles on the beach. Many did not want to prohibit those capable of driving two-wheel drive vehicles on the beach from doing so. Some wanted to discourage inexperienced drivers from attempting to drive on the beach. Committee members determined that two-wheel driver vehicles should be allowed on the beach if granted a special use permit by NPS and that NPS would grant this special use permit when two criteria were met: (a) vehicles contained the required equipment, and (b) drivers had been provided with standard educational information.

Motorcycles. The Committee discussed and did not reach agreement on whether or not motorcycles should be allowed on the beach. Street-legal motorcycles are currently allowed on CAHA, although few people ride them on the beach. The workgroup recommended that motorcycles be allowed on the beach with a special use permit. Some Committee members expressed concerns about the ease of illegal encroachment into closed areas, noise levels, the use of motorcycles for thrill-seeking (instead of access for other activities), and the possibility that motorcycles might disturb certain species at a greater distance than other ORVs.

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Emergency vehicles. Emergency vehicles would be exempt from the requirements, as they are considered “essential vehicles” in the traffic section of the Code Federal Regulations. Committee members asked that this citation be added. NPS also requested extending the exemption to the other essential vehicles identified in the CFR.

The Committee did not reach agreement on the package of vehicle characteristics, though there was individual support for many components of the package. The Committee put this topic aside for now.

Review of Current and Historic Use

The Committee and NPS staff discussed the current and historic use of the Park by reviewing Park maps. NPS distributed updated versions of the maps from the CAHA ORV Plan/Environmental Impact Statement Alternative Options Workbook (January 15 2008) and displayed both seasonal closure maps, dated March 13, 2008 and maps showing the 2007 peak resource closures (turtle and bird, ocean-side), dated August 14, 2007. On August 14, 2008, of the 63 total miles of ocean-side beach on CAHA the amount opened and closed to ORV use were as follows: 25.4 miles were open, 9.8 miles had resource closures, 8.1 miles had seasonal closures, and 19.7 miles had year-round closures. The difficulty of creating accurate maps when the geography of the beach changes substantially from year to year was noted repeatedly.

| Bodie Island Ranger District | |
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| Approximate Location | Overview of Comments and Questions |
| Ramp 1-2 | <ul style="list-style-type: none"> • Ramp 1 is a single lane ramp with soft sand. • Is Ramp 1 closed because it is in disrepair? The Town of Nags Head offered to fix the ramp if requested by NPS. • Lifeguard and bathhouse in summer. • Parking: 20 spaces at Ramp 1. |
| Ramp 2/Coquina Beach | <ul style="list-style-type: none"> • High volume of foot traffic. • Parking: 177 spaces. |
| Ramp 4 to Oregon Inlet | <ul style="list-style-type: none"> • Ramp 4 is the busiest ramp in the Bodie Island Ranger District. • 120 campsites at Oregon Inlet Campground open from Good Friday to Columbus Day. Significant foot traffic from campground to beach. • Parking: People park on Ramp 4 to walk to the beach, or they park at the Oregon Inlet Fishing Center and carpool to the beach. 75 spaces at the south end of the Oregon Inlet Bridge, 8 spaces at the observation platform, 26 spaces on the ocean side at new inlet, 13 spaces on the sound side lot at new inlet. |
| Pea Island | <ul style="list-style-type: none"> • How much foot traffic is there onto Pea Island from Highway 12, and how many parking spaces? |
| Salvo/Ramp 23 | <ul style="list-style-type: none"> • Ramp 23 and to the north are popular areas for surfing and kiteboarding on both sound and ocean side. • Parking: 14 spaces at Ramp 23. |
| Ramp 23-27 | <ul style="list-style-type: none"> • Heavy use for fishing, surfing, kiteboarding on both sound and |

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| | <p>ocean side.</p> <ul style="list-style-type: none"> • KOA and Cape Hatteras Campgrounds are open year-round. • Sound side across from Ramp 27 is popular for duck hunting and launching small boats. • Ramp 23 has an ocean-side designated boat launch. • Parking: 23 spots at Ramp 27. |
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| Hatteras Island Ranger District | |
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| Approximate Location | Overview of Comments and Questions |
| Ramp 30-34 | <ul style="list-style-type: none"> • Sound side of Little Kinakeet Station used to have several access points/roads that are now closed, one of which was used as access to a graveyard. Why were these closed? • Sound side good for fly fishing, kayaking. • Areas near Ramps 30 and 34 are used for kayaking, windsurfing and kiteboarding on the ocean side. • The Little Kinakeet Station renovation will continue indefinitely. • Parking: 21 spaces at Ramp 30, 23 spaces at Ramp 34. |
| Ramp 38 to Buxton | <ul style="list-style-type: none"> • Popular for pedestrians not using ORVs for access, who park in the sound-side parking lot. • Ramp 38 is a popular surfing location. Haulover (aka Canadian Haul) is the most popular windsurfing location on CAHA. • From Haulover through Kite Point is the most popular kiteboarding location on CAHA. • Two large parking lots and a ramp used by visitors to fish in deep channels were lost in Hurricane Dennis and never replaced. Who has jurisdiction over those parking lots? • Parking: 23 spaces at Ramp 38, 10 spaces on old Rt. 12, 73 spaces at Haulover. |
| Buxton to Cape Point | <ul style="list-style-type: none"> • Questions about types of closures implemented. • Could the widest parts of the beach be opened in the off-season? • Cape Point and south beach are used for skinboarding, fishing, windsurfing and kiteboarding. • Parking: 15 spaces at Ramp 43 (depending on the sand), 11 spaces at the fish cleaning station, 184 spaces at the lighthouse parking lot near the beach. |
| Cape Point to Ramp 49 | <ul style="list-style-type: none"> • Cape Point Campground has 150+ campsites and is open from Memorial Day weekend to Labor Day weekend. • There is a designated boat launch area sound side at milepost 46. |
| Ramp 49 | <ul style="list-style-type: none"> • The Frisco Campground has 175+ campsites and is usually open from early April through mid-October. |
| Ramp 49 to Ramp 55 | <ul style="list-style-type: none"> • Frisco Day Use Area is used for surfing and kiteboarding. Sandy Beach is used for kayaking and kiteboarding on the sound side. • Parking: 69 spaces at Frisco Bath House, 31 spaces at Sandy Bay Soundside lot. |
| Ramp 55 to Hatteras Inlet | <ul style="list-style-type: none"> • Cable Crossing/Coast Guard Station has a designated boat launch area on the sound side and is a popular place to launch kayaks and small power craft. Areas previously accessed from the Pole Road were good for launching small boats. |

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| | <ul style="list-style-type: none"> • Parking: 20 spaces at Ramp 55. |
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| Ocracoke Island Ranger District | |
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| Approximate Location | Overview of Comments and Questions |
| Ramp 59 to Ramp 67 | <ul style="list-style-type: none"> • Three sound-side roads are popular with kayakers, small boat users and commercial fishermen. • Which of the five roads are open and to whom? • Parking: 22 spaces at Ramp 59, 22 and 30 spaces on ocean side, 9 spaces near Pony Pens. |
| Ramp 67 to Ocracoke Inlet | <ul style="list-style-type: none"> • Popular for surfing, windsurfing and kiteboarding. • Ocracoke Campground at Ramp 68 is open from early April through early October. There are two private campgrounds on Ocracoke that are open through Thanksgiving, and Hammock Hills is open year-round. • Parking: 46 spaces at Ramp 68, 93 spaces at the Ocracoke Day Use Area. |

Some Committee members asked about the implications of public boat launches for commercial boat operations. The policy for officially designated launch sites for non commercial-boats propelled by machinery on CAHA is determined by superintendent's designation in accordance with the CFR. The different opening and closing dates of the campgrounds on CAHA were also discussed. NPS has begun to consider establishing consistent campground dates, and noted that the inconsistency was because some campgrounds are not weatherized and others are subject to flooding. NPS is open to Committee recommendations on campgrounds and boat launches, although not as a part of the proposed ORV special regulation.

Natural Resource Closures

Park staff presented the NPS procedure for making decisions on natural resource closures for different species at different times of year. They distributed and presented information from *Table 2: Action to be Implemented – Species Management* contained in the Interim Protected Species Strategy FONSI. Park staff described the process of surveying for species activity and the guidelines for deciding when and how to limit pedestrian or ORV access. Mike Murray noted that he has delegated authority to Park staff during 2008 to take immediate action if they observe Piping Plover chicks outside of a natural resource closure.

NPS staff patrol through pre-nesting closures by either walking through them or, if in a vehicle, driving below the high tide line at less than 5mph. NPS currently uses symbolic fencing to identify resource closure areas. Symbolic fencing is composed of signs with red flagging and is designed to visually identify the closed area rather than physically excluding people or vehicles. Carsonite signs, made of an inert material, are used to identify ORV corridors. When there isn't a resource closure in place, the interim strategy requires 100' ORV corridors at spits and points during breeding season and 150' ORV corridors during non-breeding season. Dozens of carsonite signs are lost annually, but NPS staff do not know

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of any related resource impacts. Pedestrians are permitted between the carsonite signs and resource closures.

Committee discussion focused on:

- The various conditions under which NPS will lift or reduce the size of a natural resource closure.
- The goal of ensuring minimal disturbances by observers and others.
- The desire of many Committee members and the organizations they represent to help protect turtle nests. NPS is coordinating with the state to move turtle nests from areas that are continually overwashed.
- Questions about the purpose of the interim species management strategy's 100' and 150' ORV corridor widths. One Committee member suggested that they were established to protect the resource, perhaps by helping dunes rebuild after storms.
- Request for Park guidelines on water users coming ashore near resource closures.

NPS distributed documents¹ that reflect Mike Murray's decisions about where NPS will be putting 2008 pre-nesting closures and explains NPS reasoning. The Committee had the opportunity to review and ask questions about the pre-nesting closure plans. The interim strategy requires that these closures be based on an annual habitat assessment of conditions and a review of historical species use. Pete Benjamin noted that FWS intended to conclude pre-nesting closure consultation with NPS by April 1.

Committee members discussed:

- Whether some of the best nesting habitat on Bodie Island is outside of the closure.
- Whether NPS could set aside an area on Cape Point for launching commercial dories.
- Challenge of closures that enable vegetation to grow, thereby reducing good habitat.
- The possibility of developing alternate routes around natural resource closures.
- Concern that when beaches widen due to accretion of sand, they may be considered better bird habitat and end up being closed to ORV use, as in the case of North Ocracoke in 2008.
- The sand shoals off North Ocracoke, which lie outside NPS jurisdiction (as they are not connected to the land at mean low tide).

The Committee also discussed the 2008 closure on North Ocracoke in depth. NPS staff will put a pre-nesting closure in place on North Ocracoke because it is good breeding habitat and because NPS staff observed Piping Plover foraging and exhibiting territorial behavior there in 2007. The closure boundary on North Ocracoke will extend to the vegetation. Committee members discussed bird behavior observed over the past few years and the appropriateness or inappropriateness of closing the area to ORVs based on that level and type of behavior.

¹ Recommendations for 2008 Pre-Nesting Closures [from Park Staff to the Superintendent] and Maps of 2008 Pre-Nesting Closure Request
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Socio-Economic Analysis Subcommittee

The Socio-economic Analysis Subcommittee met on the evening of March 18 and discussed the instructions provided to the Neal and Vogelsong peer reviewers, possible approaches to the visitor's survey, a businesses survey, and data from the Marine Fisheries Commission. Their work was presented to the Committee. NPS distributed information to the subcommittee on (a) a potential visitor intercept and count study, and (b) a business survey, including the types of questions that might be asked and a list of businesses to be surveyed. The peer review instructions were distributed to the Committee, and the peer reviews of the Neal and Vogelsong studies will be shared with the Committee.

The subcommittee raised the following questions:

- How will underlying data and the results of the peer review be used in developing the regulation?
- What is the use and impact of socio-economic studies on NPS decision-making? How will economic data and impacts be considered as compared with other data or species protection?
- Will the timing of the surveys fit with the negotiated rulemaking schedule?

NPS committed to the subcommittee to review and provide an overview of the Marine Recreational Fisheries Statistics Survey and to create a document comparing expenditure values derived from several studies. The subcommittee asked NPS to find out if there are data on socio-economic impacts in other parks due to changes in ORV management.

Related Litigation

The hearing on the February 20, 2008 motion for preliminary injunction filed by Southern Environmental Law Center (SELC), on behalf of National Audubon and Defenders of Wildlife, is scheduled for April 4.

At several Committee members' request, NPS staff displayed draft maps showing the areas NPS believes would be closed to ORV use were the preliminary injunction issued as requested. The description of the types of habitats the plaintiffs requested be closed to ORVs were developed by USGS and are described in USGS Alternative B (moderate protection). The maps shown by NPS depicted closures at Bodie Island Spit, Cape Point, Hatteras Inlet, North Ocracoke and South Ocracoke.

Committee members asked if the pond on Bodie Island Spit would be closed to boat traffic, if commercial fishing would be excluded were the preliminary injunction granted, and whether the sound side of North Ocracoke would be closed. A Committee member expressed concern about prohibiting ORV access at popular recreation areas for birds that have not yet arrived, and another indicated the USGS protocols were not solely scientific.

Derb Carter addressed the following question:

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- *Are representatives of National Audubon, Defenders and SELC willing to negotiate for a long-term plan that includes less than prohibition of ORV access to the six major areas identified in the USGS protocol?* SELC, Defenders and National Audubon hope for a long-term solution that allows for both reasonable ORV use and resource protection and are open to reasonable solutions that meet both those goals.

Agenda Planning Subcommittee

Committee members suggested the following topics for the May meeting for consideration by the Agenda Planning Committee:

- Use of peer review results in determining what/how data is used
- Use and impact of socio-economic work on overall NPS decision-making
- Summary of EIS workbooks, if completed
- Socio-economic peer review, if completed
- Fall meeting schedule
- Long-term natural resource closures: how, when, what to discuss
- Designation of areas and routes
- Safety closure proposal
- Vehicle characteristics

Work Groups

One workgroup was formed to set up discussions for the May Committee meeting:

- Designating areas: NPS/Park, FWS, Dare County (likely Lee Wrenn), Hyde County (Eugene Balance or David Esham), John Alley, John Couch, Bob Eakes, Frank Folb, Walker Golder, David Goodwin, Larry Hardham or Bob Davis, Stephen Kayota, Jim Keene, Jim Lyons or Bernie Gould, Sidney Maddock, Wayne Mathis, Neal Moore, Michael Peele and Jason Rylander. This workgroup will begin to identify specific ORV areas and routes that would be designated as such as well as those specific areas in need of further discussion.

Public Comments (March 18 and 19)

Robert Alderman spoke about the need for local leaders to educate community members about the negotiated rulemaking. He described NPS killing a fox on Cape Point and questioned agencies and organizations that promote both killing and protecting wildlife.

Barbara Ackley talked about how important it is to use data to make decisions and to look carefully at the different types of ORV closures.

Ted Hamilton asked the Committee to decide what to do when Committee representatives are repeatedly absent. He stated that Committee questions about 2008 pre-nesting closures were questions about whether or not the closures conformed to the interim plan, and that a warning to the public about beach hazards would eliminate the need for ORV safety closures.

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John Benson thanked those Committee members working to develop a plan for both people and wildlife and stated that if the beaches were closed to ORVs, many residents would have to leave.

Ron Parenti said that he strongly opposes any part of the beach being closed longer than it has been and that while this might increase property values, it would decrease quality of life.

Virginia Luizer distributed a document she developed that identifies areas on CAHA open to ORVs, when and why. She told the Committee that it is up to them to decide what will be open to ORV use and that the local economy cannot survive solely on summer revenue.

Willo Kelly stated that both the Outer Banks Homebuilders' Association and the Outer Banks Association of Realtors passed resolutions in support of the negotiated rulemaking and in appreciation of the local officials participating. He said that while the environment must be considered, they oppose any injunction that would close the beaches between now and the end of the negotiation.

Stewart Couch said that the Committee's job is to protect the social culture of the Outer Banks, the visitors and the county economy. He said it would cost the county millions of dollars a year if the beaches were closed to ORV access.

Bob Oakes asked that the Committee (rather than a judge) develop the ORV management plan.

Jim Ebert said that economic forces will draw new types of visitors in the Outer Banks and that using new language such as "vehicle-free beaches" could increase visitation.

Trafton Reynolds asked that the lawsuit be withdrawn, stated that people should be considered before animals, and noted that Hatteras Island home sale prices are declining.

Summer Mattingly stated that preventing ORV access would ruin the local economy and prevent families from being able to afford college, and that local people should be permitted to decide what happens on the beach. Summer distributed a two-page statement.

Carol Garris stated concern that if CAHA beaches are closed to ORVs, they will eventually be closed to other types of use.

Alan Sutton thanked those on the Committee representing small businesses for their efforts.

Ryan White stated that special interest groups are trying to determine what happens on CAHA and asked them to stop.

Eric Stump noted that as the owner of a fleet of well-maintained rental vehicles, he was pleased that two-wheel drive vehicles might be allowed on the beach with special use permits.

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In response to public comment, Mike Murray explained that he made the decision to kill the fox on Cape Point in 2007 based on his wildlife management experience because of the fox's abnormal behavior.

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

Attachments

- A. Attendance
- B. Action Items
- C. Materials Distributed and Presented 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> |
| Allen | David | State Govt | NC Wildlife Res. Comm. | P | Mar 18 & 19 |
| Alley | John | User Groups/Open Access | Outer Banks Preservation Association | P | Mar 18 & 19 |
| Ballance | Gene | County Govt | Hyde County, NC | A | Mar 18 |
| Benjamin | Pete | Federal Govt | USFWS, Raleigh Field Office | P | Mar 18 & 19 |
| Boucher | Carla | User Groups/ORV Use | United Four Wheel Drive Association | P | Mar 18 & 19 |
| Bounds | Ronald | User Groups/Rec Fishing | United Mobile Sportfishermen | A | Mar 18 & 19 |
| Broili | Thayer | Federal Govt | Cape Hatteras National Seashore | A | Mar 18 & 19 |
| Cahoon | Renee | Tourism, Visitation & Business | Outer Banks Visitors Bureau | A | Mar 18 & 19 |
| Cameron | Susan | State Govt | NC Wildlife Res. Comm. | A | Mar 18 & 19 |
| Carter | Derb | Enviro. & Nat. Res. Cons. (S/R) | Southern Enviro. Law Center | P | Mar 18 & 19 |
| Couch | John | User Groups/Open Access | Outer Banks Preservation Association | A | Mar 18 & 19 |
| Davis | Robert | User Groups/Rec Fishing | Cape Hatteras Anglers Club | A | Mar 18 & 19 |
| Doerr | Patricia | User Groups/Rec Fishing | American Sportfishing Association | A | Mar 18 |
| Duke | C.A. | Civic & Homeowner Assoc | Rodanthe-Waves-Salvo Cvc Association | P | Mar 18 & 19 |
| Eakes | Bob | User Groups/Rec Fishing | American Sportfishing Association | P | Mar 18 & 19 |
| Esham | David Scott | County Govt | Hyde County, NC | P | Mar 19 |
| Folb | Frank | Civic & Homeowner Assoc | Avon Property Owners Association | P | Mar 18 & 19 |
| Forman | Trip | Other User Group | Watersports Industry Association | P | Mar 19 |
| Foster | William | Commercial Fishermen | NC Fisheries Association | A | Mar 18 |
| Golder | Walker | Enviro. & Nat. Res. Cons. (S/R) | Audubon North Carolina | P | Mar 18 & 19 |
| Goodwin | David | Tourism, Visitation & Business | Cape Hatteras Business Allies | A | Mar 18 & 19 |
| Gould | Burnham | Other User Group | Cape Hatteras Recreation Alliance | A | Mar 18 & 19 |
| Hagedon | Sam | Tourism, Visitation & Business | Outer Banks Chamber of Commerce | A | Mar 18 & 19 |
| Hardham | Larry | User Groups/Rec Fishing | Cape Hatteras Anglers Club | P | Mar 18 & 19 |
| Jarvis | Destry | Enviro. & Nat. Res. Cons. (N) | Ntrl Rsrc Defence Cncl & The Wilderness Society | P | Mar 18 & 19 |
| Joyner | David | User Groups/ORV Use | NC Beach Buggy Assoc. | A | Mar 18 & 19 |
| Judge | Warren | County Govt | Dare County | P | Mar 18 & 19 |
| Kayota | Steven | Civic & Homeowner Assoc | Hatteras Island Homeowners Coalition | P | Mar 19 |

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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> |
|------------------|-------------------|---------------------------------|--|-------------------------------|---------------------|
| Keene | Jim | User Groups/ORV Use | NC Beach Buggy Assoc | P | Mar 18 & 19 |
| Kingery | Roy | Civic & Homeowner Assoc | Hatteras Village Civic Association | P | Mar 18 & 19 |
| Leggat | Scott | Tourism, Visitation & Business | Outer Banks Chamber of Commerce | P | Mar 19 |
| Lyons | Jim | Other User Group | Cape Hatteras Recreation Alliance | P | Mar 18 & 19 |
| Maddock | Sidney | Enviro. & Nat. Res. Cons. (S/R) | National Audubon Society | A | Mar 18 & 19 |
| Mathis | Wayne | State Govt | NC Marine Fisheries Commission | P | Mar 18 & 19 |
| McCall | Aaron | Enviro. & Nat. Res. Cons. (N) | The Nature Conservancy | A | Mar 18 & 19 |
| Milne | Robert | Enviro. & Nat. Res. Cons. (N) | Coalition of NPS Retirees | P | Mar 18 & 19 |
| Moore | Raymond Neal | Other User Group | Cape Hatteras Bird Club | A | Mar 18 & 19 |
| Murray | Michael | Federal Govt | Cape Hatteras National Seashore | P | Mar 18 & 19 |
| Nuzzo | Matt | Other User Group | Watersports Industry Association | A | Mar 18 |
| Paquette | Patrick | User Groups/Rec Fishing | Recreational Fishing Alliance | P | Mar 18 & 19 |
| Peele | Michael | Commercial Fishermen | NC Fisheries Association | P | Mar 18 & 19 |
| Rettie | Dwight | Enviro. & Nat. Res. Cons. (N) | Coalition of NPS Retirees | A | Mar 18 & 19 |
| Rylander | Jason | Enviro. & Nat. Res. Cons. (N) | Defenders of Wildlife | P | Mar 18 & 19 |
| Swartwood | Judy | Tourism, Visitation & Business | Cape Hatteras Business Allies | P | Mar 18 & 19 |
| Wells | Jeffrey | Civic & Homeowner Assoc | Hatteras Landing Homeowners Association | P | Mar 18 & 19 |
| Weston | Pat | Civic & Homeowner Assoc | Greater Kinnakeet Shores Homeowners Inc. | A | Mar 18 & 19 |
| Winslow | Sara | State Govt | NC Marine Fisheries Comm | A | Mar 18 & 19 |
| Wrenn | Lee | County Govt | Dare County | A | Mar 18 & 19 |

| AGENCY AND OTHER STAFF | | | |
|-------------------------------|-------------------|-------------------------------|---------------------|
| <u>Last Name</u> | <u>First Name</u> | <u>Organization</u> | <u>Date Present</u> |
| Hamilton | Sandra | NPS | Mar 18 & 19 |
| Holda | Cyndy | NPS | Mar 18 & 19 |
| Stevens | Mike | DOI - Solicitor's Office | Mar 18 & 19 |
| Ferguson | Ona | CBI | Mar 18 & 19 |
| Field | Pat | CBI | Mar 18 & 19 |
| Fisher | Robert | Fisher Collaborative Services | Mar 18 & 19 |

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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 | Mar 18 |
| Adams | Matt | Self | | Mar 19 |
| Alderman | Robert | Self | Y Y | Mar 18 & 19 |
| Amick | Kyle | Self | | Mar 19 |
| Benson | John | Self | Y | Mar 18 |
| Brite | Kenny | EMS | | Mar 18 |
| Comer | Roy | Self | | Mar 19 |
| Comer | Joan | Self | | Mar 19 |
| Couch | Stewart | Hatteras Realty | Y | Mar 18 |
| Crampton | Chester | Self | Y | Mar 18 |
| Diehl | Lauren | Self | | Mar 19 |
| Ebert | Jim | Self | N Y | Mar 18 & 19 |
| Garris | Carol | Self | Y | Mar 19 |
| Giannotti | Nancy | Anglers Club | | Mar 18 |
| Goodloe-Murphy | Mary Helen | The Coastland Times | | Mar 18 |
| Hamilton | Ted | Self | Y Y | Mar 18 & 19 |
| Harris | Jim | Self | | Mar 18 & 19 |
| Hawkind | Hawk | Indiv. | | Mar 19 |
| Hayes | Mike | Self | | Mar 19 |
| Hehl | Kirk | Self | | Mar 18 |
| Jones | Woody | Clerk, Avon Pier | | Mar 18 |
| Kelly | Willo | Outer Banks Association / Home Builders | Y | Mar 18 |
| Lea | Jim | Self | | Mar 19 |
| Luizer | Virginia | Self | Y N | Mar 18 & 19 |
| Marx | Brad | Self | | Mar 18 |
| Mattingly | Sylvia | Equine Adventures | | Mar 18 |
| Mattingly | Sue | Self | | Mar 19 |
| Mattingly | Sumner | | Y | Mar 19 |
| McCabe | Kevin | Kim Mosher Design | | Mar 18 & 19 |
| McCracken | Mark | Hatteras Island Tree Care | | Mar 18 |
| Moore | Pat | Cape Hatteras Bird Club | | Mar 19 |
| Mortensen | John | Self | | Mar 19 |
| Nolan | Irene | Island Free Press | | Mar 18 & 19 |
| Oakes | Bob | Ocracoke Island | Y | Mar 18 |
| Parenti | Ron | Self | Y | Mar 18 & 19 |
| Price | James | Self | | Mar 18 |
| Reynolds | Trafton | Homeowner | N Y | Mar 18 & 19 |
| Robert | Karen | Self | | Mar 18 |
| Ryan | Steve | Self | | Mar 18 & 19 |
| Scott | Buck | Arkins Creek Store | | Mar 18 |
| Scott | Delores | Buxton | | Mar 18 |
| Strohm | Craig | Teacher | | Mar 18 |
| Stump | Eric | Island Cruises | Y | Mar 19 |
| Sutherland | Hugh | Self | | Mar 19 |
| Sutton | Alan | Tradewinds Tackle | | Mar 19 |

5/9/08

| <u>Last Name</u> | <u>First Name</u> | <u>Organization</u> | <u>Made Public Comment?</u> | <u>Date Present</u> |
|-------------------------|--------------------------|----------------------------|------------------------------------|----------------------------|
| Swartz | Neil | Self | | Mar 19 |
| Swartz | Dolores | Self | | Mar 19 |
| Thomas | Nevin | Self | | Mar 18 |
| Tune | Wayne | Self | | Mar 19 |
| White | Ryan | Hatteras Jack | Y | Mar 19 |
| Willard | Dan | Homeowner | | Mar 18 |
| Wojciccho wski | Greg | Buxton | | Mar 18 |

5/9/08

**Attachment B: Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 3 – March 18-19, 2008*
Draft Summary of Action Items**

| Task | From | To | Deadline |
|--|------------------------------|-----------|----------------------|
| Distribute Action Item list from Meeting 3. | CBI | Committee | Done |
| Identify dates in September to December when you would not be able to attend a reg neg meeting. | Committee | CBI | March 27, 2008 |
| Review draft Meeting 2 summary and submit comments. | Committee | CBI | April 1, 2008. |
| Distribute or post carrying capacity background materials. | NPS | Committee | April 3, 2008 |
| Provide status of carrying capacity. | NPS | Committee | April 4, 2008 |
| Prepare and distribute draft Meeting 3 summary. | CBI | Committee | April 10, 2008 |
| Review draft Meeting 3 summary and submit comments. | Committee | CBI | April 24, 2008 |
| Prepare and distribute second draft of both Meeting 2 and Meeting 3 summaries. | CBI | Committee | May 1, 2008 |
| Develop and distribute draft agenda for May meeting. | Agenda Planning Subcommittee | Committee | May 1, 2008 |
| Convene workgroup to designate ORV areas. | CBI | Committee | Prior to May meeting |
| Find out if there is data on parking spaces and pedestrian use of the beach on Pea Island. | FWS | Committee | May Meeting |
| Determine federal requirement on whether motorcycles can be treated differently from other vehicles. | DOI Solicitor's Office | Committee | May meeting |
| Identify fall Committee meeting dates. | CBI | Committee | May meeting |
| Consider mapping USGS protocol overlays. | NPS | Committee | May meeting |
| Draft ORV safety closure proposed approach. | CBI | Committee | May meeting |
| Research follow up from village closure discussion. | CBI | Committee | May meeting |
| Response to questions regarding water users in resource closure areas. | NPS | Committee | May meeting |
| Set up species protection discussion. | CBI | Committee | May meeting |
| Distribute 2007 natural resource closure maps in pdf and post on PEPC. | NPS | Committee | May meeting |
| Post the NEPA workbook summary on PEPC. | NPS | Committee | TBD |

Outstanding Action Items from Previous Reg Neg Meetings

| | | | |
|---|---------|-----------|-------------|
| Provide documentation when driving on Pea Island stopped and by what authority. | NPS/FWS | Committee | May meeting |
|---|---------|-----------|-------------|

Attachment C

**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 3 – March 18-19, 2008
*Materials Distributed or Presented***

1. Draft Final Agenda, dated March 11, 2008
2. Draft Meeting 2 Summary, dated March 16, 2008
3. NPS CAHA Maps [from the CAHA ORV Plan/Environmental Impact Statement Alternative Options Workbook], dated January 15, 2008
4. Vehicle Characteristics Workgroup Summary, undated
5. Permits, Passes, Licenses and Cards Workgroup Summary, revised March 17, 2008
6. Seasonal Closures Workgroup Summary, revised March 17, 2008
7. Maximum Summer Beach Closures List Aug. 14, 2007
8. Superintendent's Order #07: ORV Management, dated May 9, 2006
9. Table 2: Action to be Implemented – Species Management, from CAHA Interim Protected Species Strategy/EA/FONSI, dated July 2007
10. Recommendations for 2008 Pre-Nesting Closures [from Park Staff to the Superintendent], dated March 17, 2008
11. Maps of 2008 Pre-Nesting Closure Request, dated March 10, 2008
12. NPS CAHA Maps of Maximum Beach Closures August 14, 2007, dated March 13, 2008 (presentation)
13. NPS CAHA Maps of Seasonal ORV Closures, dated March 13, 2008 (presentation)
14. NPS CAHA Maps of estimated closure areas if the preliminary injunction were granted (presentation)
15. Peer Review Instructions