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**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 4 – May 8-9, 2008
Nags Head, NC
Meeting Summary
Approved August 7, 2008**

Summary of Consensus Agreements

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

1. Approved the February and March meeting summaries. (9 May, pm)
2. Identified areas designated as open or closed to ORV use from Ramps 1 – 4, subject to consensus on all areas and routes. (8 May, pm)
3. Agreed to recommend to USFWS to continue with current management of Pea Island National Wildlife Refuge and to provide additional parking as feasible to protect the dunes from heavy wear. (8 May, pm)
4. Approved in principle one or more additional ramp(s) between Ramps 23 and 27, one additional ocean side bathhouse to be located at or between Ramps 23 and 27 (location and details to be determined) and additional parking at sound side 46. (8 May, pm)

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. He welcomed everyone and gave an overview of the agenda items to be accomplished during the two-day meeting. As a cameraman was filming in the meeting room on May 8, the facilitators requested that Committee members be informed who is filming or photographing during committee meetings. Carolyn McCormick informed the Committee that he was from France 5 TV, was filming a documentary about climate change, and wanted to use meeting footage as an example of a community working collaboratively to address coastal issues. Though some concerns were voiced about the potential for the documentary to inaccurately represent stakeholder groups' views on climate change, the Committee did not object to the cameraman's presence.

Designating ORV Routes and Areas

Mike Murray provided an overview of the need to designate ORV routes and areas on CAHA. 36 CFR §4.10 (a) states that "operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use." Mr. Murray requested suggestions for a new system that would reduce user conflicts in which the Park would not be continually managing implementation of a large number of closure overlays on areas open to ORVs. If the Committee can designate these areas, they will go into the NEPA preferred alternative. Mr. Murray presented an

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overview of the work done on May 1 by the Designating Areas Workgroup, in which small, multi-stakeholder groups identified areas of agreement and disagreement on where ORVs should be allowed in CAHA and generated suggestions for additional ramps and interdunal roads. Committee members have a common interest in ensuring that a consensus package that becomes the preferred alternative in the NEPA process be legally, scientifically and practically defensible.

The Committee discussed the challenges of designating areas for ORV use. Committee members approached the designation of ORV routes and areas from different perspectives. Some Committee members wanted the Park to be managed by opening the seashore to ORVs and then identifying important natural resource overlays. Other Committee members stated that laws, policy and regulations indicate that the first priority for managing the Park is to protect natural resources and then identify the overlay of areas for public use and/or open to ORVs. They also noted the difficulty of making decisions about where ORV use would be appropriate in the absence of a resource management plan. They prefer an adaptive management approach, with clear goals and benchmarks based on an articulated set of assumptions about the current state, monitoring implementation to learn whether goals and decision making criteria are being met, and adjusting the plan to ensure that resource protection goals are being met. They suggested convening a panel of scientists to make recommendations about a natural resource baseline to the Committee.

Sandy Hamilton confirmed NPS' intention not to develop a separate resource management plan and to include applicable resource management plan components in the ORV management plan. Many Committee members expressed a desire for scientific advice and data and the need to address issues such as cost and legitimacy prior to convening a panel of experts.

The Committee then looked at different areas of the seashore using the Ranger District maps to identify areas of agreement and disagreement about areas that should or should not be open to ORVs. They focused on long-term ORV closures or open areas, and set aside areas where there was not agreement for the time being. A general caveat to the discussion was that any areas designated as open to ORVs also would be subject to temporary safety, natural resource, or village closures (details to be determined).

Map One: Bodie Island Ranger District Map 1 of 3

Consensus Agreement in Principle (8 May PM)

Ramp 1 – Ramp 4

- Repair Ramp 1, make it wide enough for two vehicles, and open it to ORV use year round down to the north edge of the Coquina Beach pedestrian only area.
- Move Ramp 2 south, perhaps ¼ mile, separating it from the Coquina Beach parking lot, and straighten it.

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- Create a pedestrian only use area of approximately one mile at Coquina Beach near the parking access to begin at the north edge of Ramp 2, and following Access Board standards.
- Area between Ramp 2-4 open for ORV access.
- NPS will consider public parking at the end of Bone Yard Road (sound side A).
- NPS will determine contractual arrangements with the Hunt Club on the second road (sound side B) and consider meeting current obligations then making that road public.

Suggestions

- Natural Resources
 - From Ramp 4 to terminus by Bait Pond may be important habitat for a variety of species
- Open to ORV Use
 - From Ramp 4 to the terminus by the Bait Pond (and what is currently the Oregon Inlet Bridge)
- Parking
 - Additional parking at Coquina Beach, north of existing parking

Map Two: Bodie Island Ranger District Map 2 of 3

Consensus Agreement In Principle (8 May PM)

Pea Island National Wildlife Refuge

- The Committee recommends that USFWS continue with current management of PINWR and provide additional parking as feasible to protect the dunes from heavy wear. (There was discussion about whether it was within the Committee's authority to make recommendations to FWS. FWS indicated its willingness to receive ad hoc advice on PINWR from the Committee though the Committee does not have formal authority to provide input on the management of PINWR.)

Suggestions

- Open to ORV Use
 - From southern edge of PINWR to bottom of map

Issue to be Resolved

- New boundary survey indicates no NPS property ownership north of Rodanthe Pier except for area between mean low tide and mean high tide. Beach management responsibility needs to be determined.

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**Map Three: Bodie Island Ranger District Map 3 of 3
and Hatteras Island Ranger District Map 1 of 4**

Consensus Agreement in Principle (8 May PM)

Ramp 23 – 27

- One or more additional ramp(s) between Ramps 23 and 27.
- One additional ocean side bathhouse to be located at or between Ramps 23 and 27, location and details to be determined.
- Additional parking at sound side 46.

Suggestions and Related Concerns

- Facilities
 - Improve signage for Salvo Day Use Area
 - Additional facilities at Salvo Day Use Area on ocean side
 - There's an existing bathhouse on sound side
 - Add facilities or bathhouses as appropriate at Ramps 23, 27 and 30
 - Consider weather patterns, water infrastructure when siting
 - Build a bathhouse ocean side at Proposed Ramp 28
 - Long walk to ocean
 - Expanded parking lot similar to Sandy Bay
- Open to ORV Use
 - From top of map to bottom of map
 - From Ramp 23 or Ramp 27 to bottom of map (just below Ramp 30)
 - Sound side 46 sound side access
 - From just south of the Rodanthe Fishing Pier (if the beach accretes in front of Rodanthe Village) to the bottom of the map, ocean side and sound side
- Natural Resources
 - No significant natural resource concerns were identified between Ramps 23-27, and data from CAHA was requested
 - Between Ramps 27-30 may be important habitat for a variety of species
- Parking
 - Increase parking at Ramp 23 and walkover
 - Increase parking at sound side 46
- Pedestrian Only Use Area(s)
 - Somewhere between Ramps 23-30
 - Somewhere south of Salvo
 - ½ mile from the south edge of Salvo to Ramp 23
 - Long walk from the Ramp 23 parking to the beach
 - Too close to PINWR, another area where ORVs are not allowed

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- Popular water sports area from Ramp 23 north to the shipwreck and an equal distance south
 - Between Ramps 27 - 30 – whole area or one mile
 - Beach is narrow, locate near Ramp 27
 - Proposed Ramp 26 to Ramp 27 (approximately one mile) – year round or seasonal
 - Proposed Ramp 26 to sound side 46
- Ramps and Interdunal Roads
 - Additional ramps
 - Add interdunal road parallel to Highway 12 between Ramps 23-30, sited to minimize habitat damage
 - Highway 12 already provides an alternate route
 - Might disrupt view of ocean from Highway 12
 - NPS concerns about cumulative impact of new construction. May be less total impact if simply build new ramps and use Highway 12 as alternate route
 - Add interdunal road behind any pedestrian area put in place near Ramp 23 for village access if Salvo is seasonally open
 - Add ramp north of sound side 46
 - Additional use could impact current activity of duck hunting from the shoreline
 - Add three ramps between Ramps 23-27
 - Too many ramps for a four mile area
 - Avoid creating new ramps to areas where resource closures are likely

Options Tested

Various options were tested including:

- PINWR to Ramp 30 open to ORV use
- Any driving in front of villages dependent on village closure decisions, accretion and NPS jurisdiction
- A new ramp or ramps between Ramps 27-30
- One-mile pedestrian only use area, possibly between proposed Ramp 26 and Ramp 27
- Improvements including additional parking at sound side 46
- Setting aside: horseback riding, temporary closures, and carrying capacity for further discussion

The reasons for the disagreements included:

- Desire for some permanent closure or a different way to deal with this area
- Closing areas to ORV use without any gains for drivers
- A one-mile pedestrian only area is a problem, as the area between Ramps 23-27 is good for fishing, although it might be acceptable if there were three additional ramps north of Ramp 27 or if between Ramp 30 and Avon

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- More information is needed about natural resource needs between Ramp 27-30

Issues to be Resolved

- New boundary survey indicates no NPS property ownership north of Rodanthe Pier except for area between mean low tide and mean high tide. Beach management responsibility needs to be determined.

Map Four: Hatteras Island Ranger District Map 2 of 4

Suggestions

- Facilities
 - None proposed
- Natural Resources
 - Ramp 30-34 may be important habitat for a variety of species
- Open to ORV Use
 - From top of map to Ramp 34
 - Area around Ramp 34
 - From proposed ramp at sound side 59 to the north
 - From southern border of Avon to sound side 59
 - From Avon to Buxton
- Parking
 - Additional parking in the Haulover parking lot
 - Additional parking at sound side 59
 - New sound side parking at Proposed Ramp 40 (at Kite Point)
 - New parking south of Ramp 38, location to be determined
 - New parking just north of Buxton
- Pedestrian Only Use Area(s)
 - Near Ramp 34 to some point in Avon, approximately 1 mile long, partially in and partially out of the village, or to the Avon Pier
 - From Haulover to the north edge of Buxton
 - From sound side 59 to the south
 - From Proposed Ramp 40 (just above Kite Point) to the lighthouse jetties
 - From Buxton town line north one mile
 - At Haulover, ocean side, extending either north or south for one mile
- Ramps and Interdunal Roads
 - Add ramp at sound side 58, just north of Haulover (Proposed Ramp 39)
 - Add ramp just above Kite Point (Proposed Ramp 40)
 - Add ramp at sound side 59

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- Add ramp just north of Buxton (Proposed Ramp 41)

Options Tested

Various options were tested including:

- Additional parking south of Ramp 38
- Add two new ramps, Proposed Ramp 39 and Proposed Ramp 40 just north of where the words Kite Point are written on the map
- Implement pedestrian only use areas from approximately one mile north of Buxton to the lighthouse jetties
- Improve parking at sound side 60
- Move Ramp 40 to approximately sound side 59
- Pedestrian only use area from Ramp 40's new location to the north edge of Buxton
- Increase parking just north of Buxton.

The reasons for the disagreements included:

- Permanently closing the area in front of the villages is not acceptable
- Need consistency in front of the villages
- Prefer Proposed Ramp 40 to be closer to the Haulover
- Prefer pedestrian only use area on the ocean side near Haulover instead of approximately one mile north of Buxton to the lighthouse jetties, making this a pedestrian only use area is not a gain for pedestrians.
- New parking between Haulover and Buxton may be in area prone to overwash/breach.

In addition to the location-specific discussion focusing on the maps, Committee members identified the following comments and questions regarding designating routes and areas.

General Design Considerations

- Facilities should be designed to serve multiple user groups whenever possible.
- When identifying pedestrian only use areas consider: location of other non-ORV areas, distance from beach, and possibility of changing designated pedestrian only use areas depending on usage; and meet the Access Board Standards.
- When designing new ramps, consider likely users and build and maintain appropriate ramps that include portable johns, parking, facilities, air stations, etc. as appropriate; and evaluate dune conditions and historical closures to identify good ramp locations.
- Areas of the beach open to ORVs should have access by ORVs as sometimes long segments of the beach formally open to ORVs are not really open due to surrounding closures.

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Scientific

- Are there scientific reasons related to natural resource protection for closing areas on CAHA to ORVs year-round?
- What scientific information will serve as the best guidance for the Committee? Options mentioned include: USGS Protocol B, USFWS recovery plan and guidance for managing Piping Plover, and the Interim Species Management Plan. These documents seek to answer different questions, consider different geographic areas, had different levels of public review and input, and focus on different species.
- Would additional ramps destabilize the man-made dune ridge system and create more east-west cut-throughs for the ocean?
- Need for flexibility to establish resource closures if, due to storm events or other habitat changes, areas become suitable for birds, sea turtles or other natural resources that might require protection from ORVs.

Other

- The upcoming federal highway legislation could provide substantial, timely funding for improvements to parking, roads and ramps if submitted for consideration.
- If some ORV or pedestrian only areas do not seem to be used, when and how determine a change in status?
- How will horses be managed? There are businesses at risk due to ORV closures.

The Committee also discussed the effort at the meeting to designate routes and areas. Some Committee members questioned representatives of environmental and conservation groups about not being definitive whether particular areas on CAHA should be closed or open to ORVs. The reason derives from the different approaches to designating areas. The representatives of environmental and conservation groups and others on the Committee expected, based on the regulations, that the Committee would consider a resource conservation base with ORV overlays, rather than consider an ORV base with resource management overlays. The Committee needs to find a way to discuss and make decisions about natural resources related to ORV areas and routes soon, and there is a need to base decisions on sound science.

Some Committee members suggested dividing up the tasks among Committee members of developing recommendations for the June meeting relating to vehicular and driving-related topics, natural resource issues, and setting up a scientific review panel of government scientists to develop recommendations over the summer for the Committee to review in the fall. The Committee did not decide whether to do so and some members indicated a preference for different stakeholder groups to work on all issues.

Pete Benjamin noted that USFWS' Section 7 consultation used for the Interim Species Management Plan considered the narrow question of whether the proposed action would jeopardize the continued existence of the listed species or adversely modify species habitat. In evaluating a long-term ORV management plan, USFWS will examine whether NPS is taking an active role in the ultimate recovery of listed species.

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Some Committee members representing pedestrian interests expressed support for keeping Buxton, Frisco and Hatteras as permanent pedestrian areas, and the hope that Dare County and NPS jointly will work to provide more parking and access points so those who cannot or choose not to drive onto the beach have access. They also support access by vehicles to critical areas of the beach if possible.

Commercial Fishing under the Consent Decree

Michael Peele informed the Committee about some of the practical difficulties he has experienced fishing commercially under the terms of the Consent Decree. He requested that ORVs used for commercial fishing be considered “special purpose vehicles,” allowed to drive between high and low water line from Buxton to Frisco, and permitted to fish earlier than 6:00 am through May 20. Park staff committed to respond to Michael’s questions.

Committee Business

Committee Membership: The DFO has received several requests from Committee members for the removal of other members from the Committee. NPS will consider these requests and respond in writing. NPS has decided not to seek alternates for the two Committee principals who do not currently have approved alternates because of the lengthy approval process. Those principals are willing to work without alternates, and FACA does not require that each principal have an alternate.

Upcoming Meeting Schedule: The next Committee meeting is scheduled for June 17-18 at the Comfort Inn in Nags Head. Fall Committee meetings will be held September 8-9 (Avon Fire Hall), October 22-23 (Hatteras Village Civic Center), November 14-15 (Clarion Hotel in Kill Devil Hills), and December 11-12 (Avon Fire Hall). The Park will submit this information to the Federal Register for publication.

Negotiated Rulemaking Evaluation: The DOI Office of Collaboration and Dispute Resolution will be evaluating the negotiated rulemaking process after the June meeting at NPS’ request. They will be speaking with Committee members and others to determine whether the process is making progress and should continue.

Attendance: At the request of several Committee members, member attendance at reg neg meetings will now be recorded at the start of both the morning and the afternoon sessions. The Meeting Summaries will reflect the date and time block for consensus agreements. Committee members were reminded that pursuant to the Groundrules, if both the principal and the alternate are absent from a meeting in which consensus will be deliberated or decided, the absences will be equivalent to not dissenting, and consensus reached during the presence of an alternate and in the absence of a principal will be binding upon the principal.

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Public Comments (May 8 and 9)

Jim Harris asked that litigants be removed from the Committee and that peer-reviewed science be used as the foundation of the Committee's decisions, and shared his interest in creating bird habitat on Cape Point to entice birds from the east and south facing beaches.

Ted Hamilton asked NPS when the public comments from the NEPA workbooks would be posted, suggested that NPS share all closure rules widely and asked why vehicles cannot be left, parked, on the beach overnight under the consent decree.

Ginny Luizer asked that the Committee advise NPS on flood control and habitat management.

Robert Alderman stated his dismay that due to the consent decree there is currently no pedestrian access to Cape Point.

Michael Stokes stated there should be pedestrian access through natural resource closures and vehicular access to areas in CAHA described as open, and litigants should be removed from the Committee. He also asked the Committee to base their decisions on science, consider economic impact, and open safe corridors around closures.

Carol Garris stated that the interests of human communities should come before individual financial interests and a hope that science will be the foundation of ORV-related management decisions on CAHA. Carol Garris and her daughters Jennifer and Allison, displayed items they carry to the beach in their vehicle, and stated how difficult it would be to carry them on foot. Carol stated that the Committee must prioritize local economics and that species can adapt to changing conditions. Jennifer Garris said she and her friends love using the beach and are sad they might not be able to, shuttle buses to the beach would be inconvenient, and closed beaches will put local businesses out of business. Allison Garris showed a sign asking how birds matter more than she does.

Sean Marsh described his fear that he and others won't be able to share with their children what their parents shared with them. He said it is difficult to imagine the current experience of local residents and that the Committee must follow its groundrules.

Wes Olinger stated that current closures prevent him from going to his wedding site, threaten the livelihood of local residents, and NPS must develop corridors around closures to allow ORV access to 'open' areas.

John Newbold said his business is down 31% this year, the current Superintendent is the best the Park has had, and certain Committee members should be removed from the Committee. During his comment, John asked one Committee member for his attention and to listen. The member replied that John should keep talking while he (the member) would be bored. The Committee member later said that his reply was out of order.

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Steve Magliano described being hemmed in on the beach and crowded into small spaces between natural resource closures.

Arch Bracher described the value of Cape Point for the fishing community worldwide and said an access corridor of 50 feet or so would remedy the situation of current closures that prevent birds, fishermen and businesses from coexisting as they have for the past fifty years.

Summer Bracher said it is unreasonable and unfair that peoples' livelihoods are being threatened by the rights of the birds.

David Masters suggested that NPS find a way to post what is open and closed every few hours to prevent visitor trips to closed destinations.

Greg Roberts described the economic situation on the Outer Banks as fragile and tough, subject to extreme weather, and stated that the Committee must protect those who have, protected the beach from excessive development by preserving a traditional lifestyle.

Michael Berry expressed concern that management decisions in the consent decree were made behind closed doors. He said these decisions are having the unintended consequences of closing huge areas of CAHA to ORV use without scientific evidence requiring such measures. Another potential unintended consequence could include ORV drivers all using the same small areas of beach to the detriment of the natural system. He stated that the science in the USGS protocols comes from the best reports available, but that the closure distances are expert opinion and should be used as guidelines subject to management decisions on the ground rather than as standards from which NPS cannot deviate. He recommended that the Park create a panel of high-level government scientists to carry out a scientific review of the science that will be associated with the ORV management plan. He also indicated he would submit written comments to the Committee.

Responses to public comment by various Committee members included appreciation for the public's participation, concerns about the economic situation over the summer, a request that NPS staff on the ground not be blamed for implementing legally required closures, a request for people to share any relevant science with the Committee, and a request to the public to understand that the Committee is working on a long-term plan and cannot change or influence current management decisions.

Mike Murray thanked participants for their efforts and adjourned the meeting at 4:03pm.

Attachments

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

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Attachment A: Attendance

REG NEG COMMITTEE MEMBERS						
Last Name	First Name	Seat	Organization	Principal or Alternate	May 8	May 9
Allen	David	State Govt	NC Wildlife Res. Comm	P	AM & PM	AM & PM
Alley	John	User Groups/Open Access	Outer Banks Preservation Assoc	P	AM & PM	AM & PM
Ballance	Gene	County Govt	Hyde County, NC	A		AM & PM
Benjamin	Pete	Federal Govt	USFWS, Raleigh Field Office	P	AM & PM	AM & PM
Boucher	Carla	User Groups/ORV Use	United Four Wheel Drive Assoc	P	AM & PM	AM & PM
Bounds	Ronald	User Groups/Rec Fishing	United Mobile Sportfishermen	A	AM & PM	AM & PM
Broili	Thayer	Federal Govt	Cape Hatteras National Seashore	A	AM & PM	AM & PM
Cahoon	Renee	Tourism, Visitation & Business	Outer Banks Visitor Bureau	A	AM & PM	AM & PM
Carter	Derb	Enviro. & Nat. Res. Cons. (S/R)	Southern Enviro. Law Center	P	AM & PM	AM & PM
Couch	John	User Groups/Open Access	Outer Banks Preservation Assoc	A	AM & PM	AM & PM
Davis	Robert	User Groups/Rec Fishing	Cape Hatteras Anglers Club	A	AM & PM	AM & PM
Doerr	Patricia	User Groups/Rec Fishing	American Sportfishing Assoc	A	AM & PM	AM & PM
Duke	C.A.	Civic & Homeowner Assoc	Rodanthe-Waves-Salvo Cvc Assoc	P	AM & PM	AM & PM
Eakes	Bob	User Groups/Rec Fishing	American Sportfishing Assoc	P	AM & PM	AM & PM
Esham	David Scott	County Govt	Hyde County, NC	P	AM & PM	AM & PM
Folb	Frank	Civic & Homeowner Assoc	Avon Property Owners Assoc	P	AM & PM	AM & PM
Forman	Trip	Other User Group	Watersports Industry Association	P	AM & PM	
Foster	William	Commercial Fishermen	NC Fisheries Association	A	AM	
Golder	Walker	Enviro. & Nat. Res. Cons. (S/R)	Audubon North Carolina	P	AM & PM	AM & PM
Goodwin	David	Tourism, Visitation & Business	Cape Hatteras Business Allies	A	AM & PM	AM & PM
Hagedon	Sam	Tourism, Visitation & Business	Outer Banks Chamber of Comm	A	AM & PM	AM & PM
Hardham	Larry	User Groups/Rec Fishing	Cape Hatteras Anglers Club	P	AM & PM	AM & PM
Jarvis	Destry	Enviro. & Nat. Res. Cons. (N)	Ntrl Rsrc Defence Cncl & The Wilderness Soc	P	AM & PM	AM & PM
Joyner	David	User Groups/ORV Use	NC Beach Buggy Assoc	A	AM & PM	AM & PM
Judge	Warren	County Govt	Dare County	P	AM & PM	AM & PM

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REG NEG COMMITTEE MEMBERS						
Last Name	First Name	Seat	Organization	Principal or Alternate	May 8	May 9
Kayota	Steven	Civic & Homeowner Assoc	Hatteras Island Homeowners Coalition	P	AM & PM	AM & PM
Keene	Jim	User Groups/ORV Use	NC Beach Buggy Assoc	P	AM & PM	AM & PM
Kingery	Roy	Civic & Homeowner Assoc	Hatteras Village Civic Assoc	P	AM & PM	AM & PM
Leggat	Scott	Tourism, Visitation & Business	Outer Banks Chamber of Comm	P	AM & PM	AM & PM
Lyons	Jim	Other User Group	Cape Hatteras Recreation Alliance	P	AM & PM	AM & PM
Maddock	Sidney	Enviro. & Nat. Res. Cons. (S/R)	National Audubon Society	A	AM & PM	AM & PM
Mathis	Wayne	State Govt	NC Marine Fisheries Commission	P	AM & PM	AM & PM
McCall	Aaron	Enviro. & Nat. Res. Cons. (N)	The Nature Conservancy	A	AM & PM	AM & PM
McCormick	Carolyn	Tourism, Visitation & Business	Outer Banks Visitor Bureau	P	AM & PM	AM & PM
Milne	Robert	Enviro. & Nat. Res. Cons. (N)	Coalition of NPS Retirees	P	AM & PM	AM & PM
Moore	Raymond Neal	Other User Group	Cape Hatteras Bird Club	A	AM & PM	AM & PM
Murray	Michael	Federal Govt	Cape Hatteras National Seashore	P	AM & PM	AM & PM
Nuzzo	Matt	Other User Group	Watersports Industry Association	A		AM & PM
Paquette	Patrick	User Groups/Rec Fishing	Recreational Fishing Alliance	P	AM & PM	AM & PM
Pearsall	Sam	Enviro. & Nat. Res. Cons. (N)	The Nature Conservancy	P	AM & PM	AM & PM
Peele	Michael	Commercial Fishermen	NC Fisheries Association	P	AM & PM	AM
Piner	Lyle	User Groups/ORV Use	United Four Wheel Drive Assoc	A	AM & PM	AM & PM
Rabon	David	Federal Govt	USFWS, Raleigh Field Office	A	AM & PM	AM & PM
Rettie	Dwight	Enviro. & Nat. Res. Cons. (N)	Coalition of NPS Retirees	A	AM & PM	AM & PM
Rylander	Jason	Enviro. & Nat. Res. Cons.(N)	Defenders of Wildlife	P	AM & PM	AM & PM
Sanguineti	Vincenzo	Civic & Homeowner Assoc	Hatteras Island Homeowners Coalition	A	AM & PM	AM & PM
Swartwood	Judy	Tourism, Visitation & Business	Cape Hatteras Business Allies	P	AM & PM	AM & PM
Wells	Jeffrey	Civic & Homeowner Assoc	Hatteras Landing Homeowners Assoc	P	AM & PM	AM & PM
Weston	Pat	Civic & Homeowner Assoc	Grtr Kinnakeet Shores Homeowners Inc	A	AM & PM	AM & PM
Winslow	Sara	State Govt	NC Marine Fisheries Comm	A	AM & PM	AM & PM

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REG NEG COMMITTEE MEMBERS						
<u>Last Name</u>	<u>First Name</u>	<u>Seat</u>	<u>Organization</u>	<u>Principal or Alternate</u>	<u>May 8</u>	<u>May 9</u>
Wrenn	Lee	County Govt	Dare County	A	AM & PM	AM & PM

AGENCY AND OTHER STAFF				
<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>	<u>May 8</u>	<u>May 9</u>
Hamilton	Sandra	NPS	AM & PM	AM & PM
Holda	Cyndy	NPS	AM & PM	AM & PM
Waanders	Jason	Office of the Solicitor	AM & PM	AM & PM
Ferguson	Ona	CBI	AM & PM	AM & PM
Field	Pat	CBI	AM & PM	AM & PM
Fisher	Robert	Fisher Collaborative Services	AM & PM	AM & PM

MEMBERS OF THE PUBLIC				
<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>	<u>Made Public Comment?</u>	<u>Date Present</u>
Alderman	Robert		Y	May 8
Berry	Sharon	Citizen		May 8 & 9
Berry	Mike	Writer	N Y	May 8 & 9
Bracher	Arch	Self	Y	May 9
Bracher	Summer	Citizen & self	Y	May 9
Ebert	Jim	Self		May 8 & 9
Garris	Carol		Y Y	May 8 & 9
Garris	Jennifer	Self	Y	May 9
Garris	Scott	Self		May 9
Garris	Allison	Self	Y	May 9
Haley	Shane	Self		May 9
Hamilton	Ted	Self	Y Y	May 8 & 9
Harris	Jim	Self	Y Y	May 8 & 9
Hayes	Mike			May 8 & 9
Luizer	Ginny	Self	Y	May 8
Magliano	Steve		Y	May 8
Marsh	Sean			May 8
Masters	David	Self	Y	May 9
Moore	Pat	Self		May 8 & 9
Mortensen	John			May 8
Newbold	John		Y	May 8
Olinger	Wes		Y	May 8
Oутten	Bobby	Dare County Attorney		May 8
Roberts	Greg	Self	Y	May 9
Stokes	Michael	Public	Y Y	May 8 & 9
Story	Tim	Outer Banks Fishing Charters		May 9
Swartz	Dolores	Avon Resident		May 8
Swartz	Neil	Avon Resident		May 8
Thomas	Nevin	Self		May 8 & 9
Walls	Jim	Self		May 9

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Attachment B:

**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 4 – May 8-9, 2008*
Draft Summary of Action Items**

Task	From	To	Deadline
Distribute Action Item list from Meeting 4.	CBI	Committee	Done
Respond to Michael Peele's questions about possible changes to commercial access under the consent decree.	NPS	Michael Peele	May (ASAP)
Send out final approved Meeting 2 and Meeting 3 summaries.	CBI	Committee	May 16, 2008
Provide documentation when beach driving on PINWR stopped and by what authority (sent).	NPS	Committee	May 13, 2008
Provide seasonal rates from various realtors to help inform village closure discussion (completed and available for dissemination).	CBI	Committee	May 16, 2008
Determine federal requirement on whether motorcycles can be treated differently from other vehicles (completed and available for dissemination)	DOI Solicitor's Office	Committee	May 16, 2008
Respond to questions regarding water users such as kiteboarding, kayaking, etc. in resource closure areas.	NPS	Committee	May 31, 2008
Post NEPA workbook executive summary on PEPC and notify Committee.	NPS	Committee	May 31, 2008
Socioeconomic Analysis Subcommittee meeting (by phone or in person).	CBI/NPS		Prior to June meeting
Keep facilitators informed of subgroup activity.	Committee	CBI	ongoing
Prepare and distribute draft Meeting 4 summary.	CBI	Committee	June 2, 2008
Develop and distribute draft agenda for June meeting.	Agenda Planning Subcommittee	Committee	June 10, 2008
Review draft Meeting 4 summary and submit comments.	Committee	CBI	June 16, 2008
Determine compatible uses regarding providing public parking on Pea Island National Wildlife Refuge, if public can use administrative parking lot, and parking space plans in comprehensive conservation plan, if any.	FWS to FWS Refuge	Committee	June meeting
Check contractual obligations to Hunt Club affecting access.	NPS	Committee	June meeting
Draft proposed approach to ORV safety closures and consider reopening criteria.	CBI/NPS	Committee	June meeting
Respond to letters regarding members on the Committee.	NPS	Committee	June meeting

*Action items not completed from previous meetings are carried forward into the most current action item list.

08/07/08

Attachment C:

**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 4 – May 8-9, 2008
*Materials Distributed***

1. Draft Final Agenda, dated April 18, 2008.
2. Draft Meeting 2 Summary, dated April 29, 2008.
3. Draft Meeting 3 Summary, dated April 29, 2008.
4. Designating Routes and Areas Workgroup Summary, revised May 7, 2008.
5. Cape Hatteras National Seashore Baseline maps, undated.
6. Document entitled “An Alternative for Managing the Impacts of ORV While Allowing Vehicular Access” from Destry Jarvis.
7. Letter from Michael Peele addressed to the Committee and NPS.

8/07/08

**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 4 – May 8-9, 2008
Nags Head, NC**

Final changes made to the July 3, 2008 version of the Draft Summary

Location	Change
Page 3, Consensus Agreement In Principle, Pea Island National Wildlife Refuge	Added: "(There was discussion about whether it was within the Committee's authority to make recommendations to FWS. FWS indicated its willingness to receive ad hoc advice on PINWR from the Committee though the Committee does not have formal authority to provide input on the management of PINWR.)"
Page 4, Natural Resources, bullet 1	Added the words "and data from CAHA was requested" so the bullet now reads: "No significant natural resource concerns were identified between Ramps 23-27, and data from CAHA was requested"
Page 8, Scientific, top of page	Added new bullet, "Need for flexibility to establish resource closures if, due to storm events or other habitat changes, areas become suitable for birds, sea turtles or other natural resources that might require protection from ORVs."