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**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 5 – June 17-18, 2008
Nags Head, NC
*Revised Draft Meeting Summary***

Summary of Consensus Agreements

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

1. Formed five subcommittees: Routes and Areas, Village Closures, Vehicle Characteristics and Operations, Natural Resources, and Permits, Passes and Fees.

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.

Species Overview Presentation: American Oystercatchers

Ted Simons, of USGS and NC State University, presented on the ecology and population dynamics of American Oystercatchers in North Carolina. His presentation can be found at <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=23809>.

Key American Oystercatcher themes, questions and concerns raised in Committee discussion with Mr. Simons included:

- *Geographic Area Included:* Concern that the dredge islands and Pea Island are not included in the CAHA counts.
- *Listing Status:* American Oystercatchers is a proposed state Species of Special Concern in NC, indicating a determination that the species needs additional management protection due to habitat decline or a small population.
- *Causes of Nest Failure and Chick Loss:* Discussion about the primary causes of nest failure and chick loss (in rank order): (1) predation, (2) natural causes, (3) human effects. Access to food resources in marshes and fans is one important factor in where American Oystercatchers choose to nest. Nest failure and chick loss attributed to “direct effect of humans” include chicks separated from parents who then die of exposure or starvation, nests destroyed by dogs being walked on the beach, visitors who inadvertently step on nests and chicks getting run over. Factors influencing predation include native/non-native species, predator

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population size, and success of predator management practices. Key predators of American Oystercatchers include raccoons and feral cats.

- *Impact of Monitoring:* There hasn't been any reduction in survival recorded of birds that have been banded, radio tagged or radio tracked compared with those that have not. Wildlife research, which has inherent individual disturbance and potential risk depending on the level of capture, is carried out because the goal is benefit to the population as a whole.
- *Buffer Distances and Disturbances:* American Oystercatchers vary substantially in their individual tolerance for disturbance. Chicks separated from adults or continually flushed from nests have lower success rates. Bird reactions to disturbance by pedestrians and vehicles vary, and they are at risk of death from vehicles.
- *Nighttime Activity:* Scientists have recently discovered that chicks use the waterline area at night.
- *Scientific Unknowns About the American Oystercatcher:*
 - The significance of the pre-nesting, pre-scrape period in terms of susceptibility to humans.
 - The destination of individual birds that leave CAHA.
 - The impact of non-traditional, enhanced, newly created or man-made habitat on survival rates.
 - The ways in which human activity affects predation patterns.

Species Overview Presentation: Piping Plover

Anne Hecht of USFWS presented on the conservation of the Atlantic Coast Piping Plover. Her presentation can be found at <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=23809>.

Key Piping Plover themes, questions and concerns raised in Committee discussion with Ms. Hecht included:

- *Buffer Design:* Buffers are one component of larger Piping Plover management plans. Buffer needs are different at different times in the breeding season, and are most substantial after chicks hatch and before they fledge. To be biologically sound, buffers need to run from the ocean to the dune or the bay side. Areas need to be closed early enough that there aren't vehicle ruts on the beach that the chicks cannot cross. Birds need substantial room to set up areas, which often shift very quickly. Some Park Service units use area- instead of nest-specific buffers under particular conditions. There is no resource reason to close an area inaccessible to chicks to ORVs.

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- *Numbers of Piping Plover:* North Carolina is making progress (increase from 24 to 61 pair between 2000 and 2007), but with only 61 pairs, the population is still very vulnerable. According to Anne Hecht, there is carrying capacity on CAHA for significantly more than 15 pairs of Piping Plover, and foraging habitat due to loss of vegetation may be a limiting factor but that nesting habitat is not. Although there are not many Piping Plover on CAHA today does not mean that will continue in the future. Most of the Recovery Plan's estimates were low, as evidenced by the many areas on the East Coast that have far exceeded their goals.
- *Habitat Enhancement and Piping Plover:* Natural coastal processes create the best habitat for Piping Plover, and the best way to have more appropriate habitat is to conserve those processes. Most sites will retain their ability to conserve the species over time if the natural processes are conserved. Piping Plover do nest on beaches that have been artificially stabilized, at least in the NY/NJ region, but at lower densities and with less success. Based on the experiences in other places it is unlikely that Piping Plover will be successful on nourished beaches. If vegetation around the Salt Pond on Cape Point were removed, it is possible it could become a more successful Piping Plover area and create a natural barrier between the foraging area and ocean access. Additional habitat creation does not mean that birds won't cross into other areas.
- *Piping Plover and Predator Management:* Piping Plover predators include foxes, raccoons and ghost crabs. A lot of predation is human abetted. There is currently very little known about ghost crabs and Piping Plover. CAHA has an active predator management program, and the Piping Plover Recovery Plan recommends integrated predator management, which includes altering habitat so it becomes less suitable to predators.
- *Chick Fences:* Concerns about use of chick fences to protect Piping Plover from vehicles and other disturbances included: the risk of inadvertently preventing chicks from getting to prime foraging areas, the difficulty of maintaining impermeable fences, the need to ensure fences do not impede habitat-forming overwash, the possibility that chicks may try to walk around fences, and predators use fences to trap chicks.
- *Other considerations:*
 - Due to their small size and steepness, dredge spoil islands generally do not have enough foraging area for Piping Plover.
 - Most Parks are managing beyond any standard guidelines or baseline documents, implementing buffers and dates to give protection needed above minimum requirements.
 - The management situation on CAHA is more complex than on other seashores because multiple bird species need protection.
 - The level of disturbance to Piping Plover caused by pedestrians or vehicles depends on mode, numbers, speed and other factors.

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- *Scientific Unknowns About the Piping Plover:*
 - The winter range and impacts of disturbance on survival in the winter or nesting results in the spring.
 - Management needs in the seven-nine non-breeding months each year.
 - Methods for increasing Piping Plover success beyond excluding humans from the area, such as habitat enhancement, managing predators, etc.

Many Committee members would like to know more about techniques used by other National Park units to manage Piping Plover.

Species Overview Presentation: Colonial Waterbirds

Michael Erwin of the University of Virginia and the USGS Patuxent Wildlife Research Center presented on ground-nesting colonial waterbirds of CAHA. He discussed Black Skimmer, Common Tern, Forster's Tern (marsh nester), Gull-billed Tern, Least Tern, Royal Tern, and Sandwich Tern. His presentation can be found at <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=23809>.

Key ground-nesting colonial waterbird themes, questions and concerns raised in Committee discussion with Mr. Erwin included:

- *Geographic Area Included:* Currently, birds on the dredge islands are not included in CAHA counts. If they were included, according to the state those counts would show that there has not been an increase in bird population on the dredge islands over the past 20 years. Others said colonial waterbirds have moved from CAHA to the dredge islands.
- *Buffer Distances and Disturbance:* First flush is one of several methods to measure disturbances. There is great variation based on species and timing in the breeding cycle in the likelihood that disturbance will cause birds to abandon their nests. There are few published studies on vehicle vs. pedestrian disturbances but, for colonial waterbirds, pedestrians cause greater disturbances than vehicles.
- *Predators:* Predator control is key to the success of colonial waterbirds, whose many predators include great horned owls, foxes, raccoons, feral dogs and mink. One feral dog, fox, raccoon or mink can destroy a colony of 30-1000 pairs of birds in one night.
- *Chick Fences:* The use of chick fences is potentially feasible with small least tern colonies to prevent chicks from getting run over. One risk of chick fences is that they do not exclude predators.
- *Dredge Islands and Habitat Management:* The state has been managing dredge islands for beach nesting birds for two decades. Those habitats change rapidly. State employees have found that managing habitat on dredge island for bird

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habitat is best done with application of dredge spoils because it quickly creates early successional habitat that lasts for several years. Pulling vegetation by hand, using hand rakes or bulldozers are less effective methods and vegetation returns within several months. Dredge spoil applied to these islands may quickly return to its previous underwater location.

- *Vehicular Headlights:* Limited observations have shown possible interactions between vehicles driving on the beach at night and birds. There is not enough data to draw conclusions on birds and vehicular headlights at this time.

Vision for Cape Point

Committee members shared their individual visions of how they would each ideally like Cape Point to be managed in the future.

Some key themes mentioned by multiple Committee members included:

- Keep Cape Point open to ORVs to the maximum extent possible that will protect species for birds and people to coexist.
- Provide some access along ocean for human use, possibly along the eastern side although it's unclear whether it's possible to keep a corridor open year-round.
- Establish some bird-only areas during breeding/nesting season on interior part of beach, with limited or managed access.
- Look into habitat management or other techniques to encourage birds to nest in areas of historical success.
- Allow limited beach driving when it isn't harmful to wildlife.
- Chicks and vehicles should be kept apart.

The following are more specific ideas presented by individual Committee members:

- *Areas Open to ORVs*
 - All of Cape Point
 - All of the time
 - When it is not harmful to wildlife
 - Access along eastern side along the water's edge
 - All of the time
 - Most of the time
 - Via a corridor when natural resource closures are in place
 - If it doesn't put natural resources at risk
 - Around the point itself
 - 500' crescent on the Point for multiple uses
 - To the west of the Point
 - The interior of Cape Point in winter
 - To reduce vegetation
 - To provide access.
 - On a rolling basis in different interior areas

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- Other
 - Enough room for different uses on beach without crowding
 - Maximize alternative methods of access (interdunal roads/bypassability).
 - Designate Cape Point an ORV route/area, if it is open any time of year
- *Habitat Management*
 - Reduce habitat that encourages predators (integrated predator management to decrease the attractiveness of a place to those selected species)
 - Manage habitat and vegetation¹
 - Create bird habitat and influence breeding in desirable areas
 - Adapt and maintain bird sanctuaries/ a “multi-species complex” on the upper part of the beach and around the dredge hole
 - Foster habitat on the interior of the Point
 - Manage water levels in the Salt Pond to maintain the area for foraging and breeding
 - Seek expert advice on improving the area for habitat
 - Encourage birds to areas where they historically have highest chance of success
 - Near Salt Pond and encourage birds to nest there
 - Clear the west side of Salt Pond of vegetation
 - Use herbicides to reduce vegetation
 - Leave vegetation on north and east sides of Salt Pond to block chicks from walking onto the east beach
 - Consider goats to control vegetation
 - Study ways to entice birds to the interior of the Point (e.g. control water near campground, use decoys or sound recordings, etc.)
 - Place shell deposits higher on the shoreline to entice colonial waterbirds to put their nests further up the beach
- *Management Procedures*
 - Create consistent rules
 - Enact regulations manageable for NPS
 - Provide flexibility for managers
 - Enable NPS to manage adaptively
 - User groups should help manage their organizations’ vehicular use
 - Need more NPS enforcement and information sharing, especially on holidays
 - Give NPS and FWS discretion to accommodate beach access as needed and high vehicular use on certain holiday weekends is acceptable.
 - Use volunteers to help move closure boundaries as needed.
 - Need extensive monitoring of species.

¹ The names Salt Pond, Dredge Hole and Dredge Pond were used interchangeably by Committee members.
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- Have fixed date March-September ORV closure place until NPS defines clear natural resource, visitor experience and park management objectives
- If an overall species management objective was in place, it might be possible to take slightly greater risks in having a corridor along Cape Point at all times if greater protections were in place in other CAHA areas.
- *Natural Resource Closures*
 - Have a small closure section along the ocean
 - When there are nests but no chicks, create adequate buffer zone while keeping some corridors or areas open to ORVs
 - Close 60% of the interior of the beach
 - Once chicks hatch
 - Establish full protection - 100m plus ocean side access
 - Need large buffers, likely preclude access to the Point if birds nesting or going to that area (for ~35 days until the chicks can fly)
 - Monitor every other day
 - Keep access to the Point
 - Base natural resource decisions on best available science; and set buffer distance on best available science on territorial behavior, courtship, scraping, nesting etc.
 - Have areas on the west side toward South Beach as permanent closures (not designated as ORV routes)
 - Identify priorities for bird protection efforts
 - Don't protect birds in areas with poor past success
 - Implement small winter habitat closures to protect some areas for foraging birds, some in the interior and some on south beach
- *Nighttime Access*
 - Allow access at night for stargazing
 - Consider night restrictions at certain times of the year to protect birds and turtles
 - ORV access at night only of concern in spring and summer
 - Allow access at night for fishing if people leave their vehicles parked so no chicks are endangered
- *Pedestrian Use*
 - Have pedestrian corridors around closures where pedestrians can walk below the high tide line (but not in the water)
 - South Beach between campgrounds should be pedestrian only year round
 - Full access to Cape Point most of the year
- *Physical Barriers*
 - When chicks are on the ground:
 - Erect physical barriers such as chick fencing or physical barriers to segregate birds and people

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- Appropriate if the only way to keep access with particular species
 - Consider 3-6' berms or dunes
 - Create fence down to the hook
 - Prohibit chicks from walking on the east beach
- *Timing of Resource Closures*
 - Implement pre-nesting closures with symbolic fencing of all suitable habitat
 - Ass done in spring 2008
 - Starting March 15
 - Immediately upon observation of breeding behavior
 - Set fixed annual dates for closing and reopening beaches to ORVs and pedestrians
 - Close Cape Point March 15-Sept 15, Open Sept 16-March 14
 - No vehicular access in spring and summer on Cape Point
 - Set appropriate buffers based on best science, expand as necessary during nesting phase
- *Vehicle Management*
 - Establish slow drive-through areas where vehicles cannot stop and people cannot get out of their vehicles
 - Allow vehicular access with a permit system
 - Consider an alternative transportation system
 - Managed, guided vehicular access
 - Especially between pre-nesting and fledging periods
 - Use guides to lead vehicles around bird closures other than Piping Plover and American Oystercatchers
 - Implement a bypass system
 - Limit the number of vehicles
 - Create a seasonal cap
 - Control overall numbers, based on carrying capacity
- *Other*
 - Use multiple variable testing to determine which variables lead to successful species management.
 - Use equity principle: give birds the upper half of the beach and humans the lower half.
 - Make concessions for people with handicaps so they can drive to prime spots.
 - Exempt commercial fishing community from regulations that prohibit other ORVs from the beach.
 - Signage and education can help to ensure safe egress when many vehicles are on the beach.

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- Look for examples from other places routes around closures that would protect birds and give ORVs and pedestrians access to the places they want to get to.
- Need more information on management practices at other National Park units that have increased their Piping Plover numbers, and how and under what circumstances vehicles and pedestrians each disturb other species.
- Research options of alternative forms of access.
- Learn more about physical barriers that could potentially be used in separating vehicles and chicks.
- Beware of assuming that humans know what other species need to survive.
- Consider what sea level rise will do to CAHA.
- Look into making the dredge islands part of CAHA.
- Plan for success so CAHA is ready if in a decade it has 30 pairs of Piping Plover.

Socio-Economic Analysis Update

Carol Mansfield of RTI International gave an update on the status of socio-economic study research design and requested additional information from Committee members on possible sources of information. All types of human movement onto the beach at public access points will be tracked on both the sound and ocean sides. Data will be collected at comparison sites elsewhere to enable the researchers to determine how CAHA compares to other sites given larger economic trends.

Business Survey – Information will be collected from businesses on their revenue and levels of performance. The intention is to collect information while business owners are still in the area and after most of the season has passed (so the businesses will be able to provide numbers from the season). The list of businesses included will be publicly available. Small business data will be analyzed separately for the Small Business Administration and OMB. Some Committee members' suggested having a kickoff meeting to inform local business owners about the survey process. RTI will provide data to the Committee, and the formal report is scheduled for release in spring 2009.

Vehicle Count – RTI will ground truth the numbers gathered by the traffic counters and will compile vehicle counts for 2008. Any additional vehicle counts that Committee members have from previous years will help RTI develop their sampling plan and provide a comparison with previous years.

Visitor Intercept – RTI is considering doing a visitor intercept study in which they talk with a sample of visitors on CAHA. They would seek to learn what visitors are doing on their current trip and ask about the impact of elements of possible ORV management plan alternatives and how those might change behavior. This would be year-round sampling, and the sampling plan would look at distribution of visitors across the beach, sampling across different days, hours, months and parts of the seashore. Any surveys of the local population would be done through random digit dial or mapping out of addresses rather than by using particular contact lists.

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Committee members offered various suggestions for reaching visitors. Several noted concerns that RTI's study will leave out people who are choosing not to come to the beach currently and that it may not reflect any potential increase in new businesses in response to changes in Park management.

The peer review of the Neal and Vogelsong studies has been completed. RTI will, for the most part, not be using the two studies because neither study gathered answers to how people would react to specific ORV management alternatives NPS will consider. RTI does intend to use both the Neal and the Vogelsong estimates of visitors' expenditures per trip as part of a model including both low and high-end estimates.

Committee Business

Workplan Review – The Committee reviewed the proposed workplan going forward through issuance of the final rule in April 2011. Committee discussion included concern that the Committee must accomplish a lot before the end of January 2009. There were suggestions to shift to three-day Committee meetings or to do substantial work in subcommittees and workgroups over the summer and on the day before Committee meetings in the fall. Concerns also were expressed about the Committee's ability to develop detailed management options by October in time for review by a technical panel.

Subcommittees – The Committee formed five subcommittees to work over the summer via phone, email and in person as needed and to bring up to three proposals to the Committee at the September meeting. [The detailed charge for each subcommittee was distributed on June 27, 2008.]

- Natural Resources Subcommittee: David Allen, Carla Boucher, Bob Eakes, Walker Golder, Larry Hardham, Robert Milne, Mike Murray, David Rabon, Jason Rylander and Judy Swartwood.
- Permits, Passes and Fees Subcommittee: Carla Boucher, Renée Cahoun, Derby Carter, Destry Jarvis, Mike Murray, Patrick Paquette, Michael Peele and Dwight Rettie.
- Routes and Areas Subcommittee: Frank Folb, David Goodwin, Jim Keene, Bernie Gould, Destry Jarvis, Jim Keene, Sidney Maddock and Mike Murray.
- Vehicle Characteristics and Operations Subcommittee: Renée Cahoun, Derby Carter, Jim Keene, Neal Moore, Patrick Paquette and Paul Stevens.
- Village Closure Subcommittee: John Alley, Sonny Duke, Steve Kayota (or Vincenzo Sanguinetti), Roy Kingery, Jim Lyons, Wayne Mathis, Paul Stevens and Jeffrey Wells.

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Proposed Agenda Items for Fall Meetings – Committee members suggested the following for fall meetings: the agenda planning subcommittee develop agendas based on recommendations from the DFO, presentation by expert on turtle management options, and night driving discussion.

Meeting 4 Summary – A revised draft summary was distributed at the meeting, along with an Errata sheet showing changes and comments. Given the time requirements under FACA for approving meeting summaries, the Committee agreed to provide comments in writing, review a revised draft summary, and confirm approval via email.

Public Comments (June 17 and 18)

Eve Salimbene described the importance of keeping village beaches closed to ORVs in the summer for safety reasons.

Jim Lea stated that the Committee needs to learn more about strategies for balancing recreation and conservation on the beach rather than focusing solely on species needs.

Diane Lea expressed a desire for the Committee to avail themselves of information from scientists unaffiliated with governmental agencies and to look for alternative solutions that enable CAHA to provide a variety of uses for a variety of people.

Bob Holland stated that the beach shouldn't be entirely closed to visitors due to Plover needs and asked that a management plan accommodating people and birds be implemented.

Jim Vaughn said that small retailers in the Outer Banks are fragile, that surfing is family recreation, and asked that the beaches be kept free and open.

Jesse Himes, a pro surfer who lives on the Outer Banks, said that surfers care a great deal about clean beaches and clean oceans, that CAHA is unique as a place where people can drive on the beach and surf anywhere, and that there should be a way to marry the goals of species protection with people recreating on the beach.

Matt Walker spoke about surfing as a \$7 billion industry, surfers as environmentalists, CAHA as a worldwide Mecca for surfing, and how humans protect Mother Nature.

Barbara Ackley expressed concern that current resource management practices are experimental, with unpredictable outcomes, while beach closures are contributing to a very difficult economic season on the Outer Banks. She suggested NPS consider moving nests and discouraging nesting in storm-prone places and warned about unintended consequences of species protection. She also referred to NPS data indicating that weather and predation, not ORVs, were the cause of Piping Plover and turtle fatalities in 2006 and 2007.

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Jim Harris expressed concern that the DFO permitted certain Committee members to remain on the Committee and asked whether the consent decree and long-range plan are related or distinct. He also said that driving on the beach is good for turtles because it disrupts the ghost crabs.

Ted Hamilton spoke about the difficulty in determining beach carrying capacity and vehicle counts when many ramps are closed. He asked that data be collected about whether there is an off-season problem in front of villages. He noted that the layer of Google maps depicting beach access need to be updated promptly. He stated that it is the Committee's job to decide how to manage ORV driving on CAHA. He gave an example of a recreation area with distinct areas for ORVs and for bird protection, and stated that limited vehicular access in other East Coast Parks is not necessarily the cause of the increase in bird population in those places.

Mike Stokes said that science used in decision making on CAHA should be in a form the public can understand and that decision makers should focus on access corridors, and that he hopes for an outcome that is closer to the interim plan than the consent decree.

John Mortensen stated that the local population is a key beach user group.

Delores Swartz read a letter she wrote that was published in a newspaper about closed beaches leading residents to tell visitors to get out instead of welcoming them.

Steve Ryan described his experience being treated badly on the beach and on a website based on false accusations that he, a retired NPS employee, was spying for NPS. He asked the Committee to work civilly and honestly while respecting the rights of all.

Michael Gery described overhearing people who have chosen not to visit the Outer Banks this year, one said they heard the beaches were closed, another said there were too many vehicles. He said people who want non-ORV access aren't adequately represented on the Committee. He also said that some have used misinformation about the process and scare tactics, which are harmful to CAHA, the reg neg and the Outer Banks.

Bob O'Donnell described the Outer Banks as one of the best areas for affordable family recreation that allows family members to do multiple activities in one place. He noted Outer Banks residents' high level of knowledge about natural resources. He urged the Committee to find an equitable solution rather than seeking a compromise, noting that an unsatisfactory compromise would lead to more lawsuits and controversy.

Committee responses to the public's comments included appreciation for their time and contribution, a note that no one on the Committee is suggesting that villages be opened to ORVs in the summer, a comment that ORV associations have codes of ethics and do not condone harassment, and special thanks to the representatives of the surfing industry for sharing their perspective. Several Committee members recommended giving members of the public more than three minutes to speak while also working to stay on schedule and treating all members of the public fairly.

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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	June 17	June 18
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	
Ballance	Gene	County Govt	Hyde County, NC	A	AM & PM	AM & PM
Benjamin	Pete	Federal Govt	USFWS, Raleigh Field Office	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	AM & PM
Cameron	Susan	State Govt	NC Wildlife Res. Comm	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	
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	AM & PM
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
Gould	Burnham	Other User Group	Cape Hatteras Recreation Alliance	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
Judge	Warren	County Govt	Dare County	P	AM & PM	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 &	Outer Banks Chamber of	P	AM & PM	AM

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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>June 17</u>	<u>June 18</u>
		Business	Comm			
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
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
Paquette	Patrick	User Groups/Rec Fishing	Recreational Fishing Alliance	P	AM & PM	AM & PM
Peele	Michael	Commercial Fishermen	NC Fisheries Association	P	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
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
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>June 17</u>	<u>June 18</u>
Anglin	Jon	NPS	PM	PM
Balance	Kenny	NPS	AM & PM	AM & PM
Ferguson	Ona	CBI	AM & PM	AM & PM
Field	Pat	CBI	AM & PM	AM & PM
Fields	Sherri	NPS	AM & PM	AM & PM
Fisher	Robert	Fisher Collaborative Services	AM & PM	AM & PM
Fox	Lori	Louis Berger		AM & PM
Hamilton	Sandra	NPS	AM & PM	AM & PM
Holda	Cyndy	NPS	AM & PM	AM & PM
Holland	Melinda	USIECR	AM & PM	AM & PM
Mansfield	Carol	Contractor	AM & PM	AM

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AGENCY AND OTHER STAFF				
<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>	<u>June 17</u>	<u>June 18</u>
Martinez	Norah	NPS		AM
McGee	Doug	Hatteras	AM & PM	
Muizneeks	Britta	Hatteras	AM & PM	
Stevens	Mike	DOI - Solicitor's Office	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>
Ackley	Barbara	Self	Y Y	June 17 & 18
Adams	Matt	Self		June 17 & 18
Ebert	John	Self		June 18
Erwin	Michael	USGS		June 17
Garris	Carol	Self		June 18
Gery	Michael		Y	June 18
Hamilton	Ted	Self	Y Y	June 17 & 18
Harris	Jim	Self	Y Y	June 17 & 18
Hecht	Anne	USFWS		June 17
Himes	Jesse	Self	Y	June 17
Holland	Bob	Self	Y	June 17
Lea	Diane	Self	Y Y	June 17 & 18
Lea	Jim	Self		June 18
Mansfield	Carol	RTI		June 18
McCabe	Ken	Kim Mosher Designs		June 18
Mortensen	John	Self	Y	June 18
O'Donnell	Bob		Y	June 18
Ryan	Steve	Self	Y	June 18
Salimbene	Eve	Self	Y	June 17
Shoaf	Richard	Self		June 18
Simons	Ted	USGS		June 17
Stephens	John	UNC-CH		June 17 & 18
Stokes	Mike	Self	Y	June 18
Swartz	Delores	Self	Y	June 18
Vaughn	Jim	Self	Y	June 17
Walker	Matt	Surfing Magazine	Y	June 17
Wintel	Loretta	self	Y	June 17

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Attachment B:

**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 5 – June 17-18, 2008*
Draft Summary of Action Items**

Task	From	To	Deadline
Respond to questions regarding water users such as kiteboarding, kayaking, etc. in resource closure areas.	NPS	Committee	Done
Distribute request from Carol Mansfield for input on socio-economic data collection methodology.	CBI	Committee	Done
Distribute Action Item list from Meeting 5.	CBI	Committee	Done
Submit final comments on draft Meeting 4 summary.	Committee	CBI	June 20, 2008
Provide input on socio-economic data collection methodology.	Committee	Carol Mansfield	June 25 and August 1, 2008
Send out new subcommittee member lists and charges.	CBI	Committee	June 27, 2008
Post presentation slides on PEPC.	NPS	Committee	July 3, 2008
Incorporate final comments and send out revised Meeting 4 summary.	CBI	Committee	July 3, 2008
Approve revised Meeting 4 summary and confirm in writing.	Committee	CBI	July 10, 2008
Prepare and distribute draft Meeting 5 summary.	CBI	Committee	July 10, 2008
Post NEPA workbook executive summary on PEPC and notify Committee.	NPS	Committee	July 15, 2008
Distribute final approved Meeting 4 summary.	CBI	Committee	July 17, 2008
Provide Committee links to Wildlife Resources Committee data, Piping Plover Recovery Plan.	NPS	Committee	July 18, 2008.
Provide written comments on NPS's proposed carrying capacity approach.	Committee	NPS	July 18, 2008
Review draft Meeting 5 summary and submit comments.	Committee	CBI	July 24, 2008
Check contractual obligations to Hunt Club affecting access.	NPS	Committee	August 1, 2008
Draft proposed approach to ORV safety closures and consider reopening criteria.	NPS	Committee	August 1, 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	August 1, 2008
Incorporate feedback and distribute revised draft Meeting 5 summary. (Additional revision time included because of the September meeting date.)	CBI	Committee	August 7, 2008
Provide additional suggestions for managing public	Committee	CBI	August 8,

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comment at Committee meetings.			2008
Develop and distribute draft agenda for September meeting. Potential agenda topics: sea turtles and climate change impacts.	Agenda Planning Subcommittee	Committee	September 1, 2008
Convene new subcommittees for work over the summer.	CBI	Subcommittees	Prior to September meeting
Consider three-day Committee meetings.	NPS	Committee	September meeting
Develop proposed time period for public comment.	CBI	Committee	September meeting
Socioeconomic analysis: meeting to launch survey and publicize list of businesses	NPS	Committee/public	Fall 2008

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

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Attachment C:

**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 5 – May 17-18, 2008
*Materials Distributed***

1. Draft Final Agenda, dated June 12, 2008
2. Draft Meeting 4 Summary, dated June 13, 2008
3. List of changes to the Draft Meeting 4 Summary, dated June 13, 2008.
4. Draft Proposed Workplan, dated June 13, 2008
5. Presentation by Anne Hecht: "Conservation of the Atlantic Coast Piping Plover"
6. Presentation by Michael Erwin: "Ground-nesting Colonial Waterbirds of Cape Hatteras National Seashore, NC"
7. Presentation by Ted Simons: "Ecology and Population Dynamics of American Oystercatchers in North Carolina"

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**Cape Hatteras National Seashore Negotiated Rulemaking
Meeting 5 – June 17-18, 2008
Nags Head, NC**

Changes to the July 11, 2008 Draft Summary based on Committee Feedback

Location	Change
Page 4, Geographic Area Included	Added: "Others said colonial waterbirds have moved from CAHA to the dredge islands."
Page 5, Dredge Island and Habitat Management Bullet	Changed wording of last sentence for clarification to read: "Dredge spoil applied to these islands may quickly return to its previous underwater location."
Page 6, Habitat Management, Manage habitat and vegetation	Added footnote: "The names Salt Pond, Dredge Hole and Dredge Pond were used interchangeably by Committee members."
Page 11, Public Comment Title	Date corrected.
Page 11, Public Comment, Barbara Ackley	Added: "She also referred to NPS data indicating that weather and predation, not ORVs, were the cause of Piping Plover and turtle fatalities in 2006 and 2007."
Page 14, Attendance List	Sara Winslow: changed to reflect she was absent both days.
Page 15, Attendance List	Norah Martinez: changed to reflect she was present on the morning of June 18.