

INTERIM STRATEGIC PLAN FOR PROTECTED SPECIES

CAPE HATTERAS NATIONAL SEASHORE

BUXTON, NORTH CAROLINA

PUBLIC MEETING

OCTOBER 4, 2005

COURT REPORTER: T.K. TRAVIS

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1 COURT REPORTER'S NOTE: Public Meeting began  
2 Tuesday, October 4, 2005 at 7:08 p.m.

3 MR. PATRICK REED: Well, to begin, I want to  
4 thank you all for coming out tonight for this information  
5 session, particularly in the rain out there. But I do  
6 appreciate having a great crowd here this evening and good  
7 people and have an opportunity to provide some information to  
8 you and also to more importantly listen to you too in terms  
9 of what's on your mind. This is the second in a series of  
10 three information meetings on the Interim Strategy for  
11 Protected Species. We were up at Kitty Hawk last night and  
12 tomorrow night, we'll be over at Ocracoke. There's also four  
13 other town house -- town hall type meetings or not -- well,  
14 open house type meetings, excuse me, that will be held too  
15 and another one up at Kitty Hawk over the course of this  
16 week, one at Rodanthe, one down at Hatteras and also another  
17 one over at Ocracoke. There is a difference between those  
18 meetings and the type of meeting that we'll have this evening  
19 where we'll be making a formal presentation. In the open  
20 house format, we will be there and there will be several  
21 staff members there from the park. And we'll be -- have an  
22 opportunity there to talk one on one with people. And so it

1 would be a little more informal setting like this we're  
2 having this evening. But we will be there at the open houses  
3 and be able to meet and talk individually with people that  
4 either can't come tonight or were at one of the other  
5 programs or would like to come back and speak more one on one  
6 with us. And so that's what is coming up for the rest of the  
7 week, a total of seven different opportunities to -- so we  
8 can provide some information and listen to you all, so.

9           This is not the formal scoping meeting. There will  
10 be scoping meetings coming up in early November. This is an  
11 opportunity, as I mentioned, to provide information to you  
12 this evening. There will be more opportunities and we'll  
13 explain that in a little more in detail here. But one of the  
14 important things I want to explain tonight, too, is I want to  
15 make sure that you all are aware of what's going to be  
16 happening with this planning process and how you can become  
17 active and intergage and interact in it, not only tonight,  
18 but also over the next few months as we work to complete this  
19 Interim Strategy and have it completed before the nesting and  
20 breeding season start the first of April of next year.

21           I'll introduce at least one of the Park staff members  
22 that's here this evening that's sitting up front with me

1 here. Many of you know Mark Hardgrove, the deputy  
2 superintendent. I'm not sure I really introduced myself.  
3 I'm Pat Reed; I'm the acting superintendent of the Outer  
4 Banks Group and I'm delighted to be here with you this  
5 evening. At this time, I'd like to introduce the planning --  
6 our planning consultant here who is going to help lead us  
7 through this process this evening. And we're very fortunate  
8 to have with us Jess Commerford. And with that, I will turn  
9 it over to him and he'll kind of -- kind of lead us through  
10 the process that we're going to go through this evening.

11 MR. JESS COMMERFORD: Thanks, Pat. Again,  
12 thanks to everyone for coming out this evening braving the  
13 weather. And I guess that was the fire siren earlier today,  
14 so thanks for coming. We appreciate everyone's interest in  
15 the planning process and your participation here this  
16 evening. I want to just speak briefly about the format of  
17 the meeting so you'll know what to expect and how we will try  
18 to get through this and give everyone an opportunity this  
19 evening.

20 This is, as Pat said, an informational meeting. And  
21 our real objective tonight is to make this a question and  
22 answer session. And so this is really designed as an

1 opportunity for you to ask questions of the Park Service  
2 staff about the planning process itself and how that planning  
3 process will work. As he mentioned, there are several other  
4 opportunities to participate in that process, but they're,  
5 you know, somewhat distinct from this. There are the open  
6 houses that he mentioned on Wednesday, Thursday and Tuesday.  
7 And there are some details out front about the locations and  
8 times for those meetings. And the details of that are also  
9 on the website. And the URL or the address for that website  
10 is on the handout that you've got there this evening. And so  
11 I would encourage you to take a look at that. It is really  
12 again more of an informal opportunity to talk one on one with  
13 Park Service staff about the technical aspects of the  
14 planning process. But tonight is an opportunity for more of  
15 a question and answer session. As he mentioned, there will  
16 also be the public scoping meetings as part of the documents  
17 that's prepared under the National Environmental Policy Act,  
18 which is a requirement that goes with the plan. And there  
19 will be more details forthcoming on the website and through  
20 other venues about your opportunities to participate in that  
21 process. And so, again, our goal this evening is give you an  
22 opportunity to ask any questions you have about the planning

1 process and get some idea or feedback from the National Park  
2 Service on how that process can best be used to address any  
3 concerns you have about the process itself or the outcome of  
4 that process. We hope, of course, that this will be a fair  
5 and open meeting this evening. We recognize that there are  
6 varying viewpoints about the priorities for Park management.  
7 And we would appreciate everyone being courteous and fair  
8 towards opposing viewpoints as they are expressed this  
9 evening if that's the case.

10 We do have the reporter here this evening. And he is  
11 here largely just to make sure that we accurately capture all  
12 of the questions and the responses so that can be entered  
13 into the record for this process. It's worth noting that,  
14 again, just in terms of being fair to other speakers, when  
15 folks come up and ask questions tonight, if you would step up  
16 to the microphone and speak clearly into the microphone, that  
17 would be helpful. And I do need folks to understand that if  
18 the person who is asking the question, if other folks are  
19 talking or making comments while that happens, he can't  
20 capture that through his mike system. And likewise, if  
21 someone asks a question and other folks are talking while  
22 someone from Park Service is trying to provide an answer,

1 that sound out there is going to cut it off. And so if  
2 everyone could please be mindful of that while other folks  
3 are speaking.

4 The question did come up about the meeting at Wright  
5 Brothers last night about the transcripts. And what we  
6 intend to do is make those transcripts available for these  
7 meetings on the website. So again, the web address that you  
8 see there in probably a two plus week time frame -- it's  
9 going to take about two weeks for us to get the transcripts  
10 back from the reporter. You know, in some time frame  
11 thereafter we'll get those posted on the website, so you can  
12 see, you know, everything that was captured here this evening  
13 as well as what happens in the other two meetings.

14 To give everyone a chance to speak this evening, we  
15 are going to have some time limits. We're going to budget  
16 about two minutes for you to ask your question and roughly a  
17 couple of minutes, then, for Park Service to respond. We've  
18 got enough folks that have signed up this evening that -- to  
19 give everybody an opportunity to speak and give everyone a  
20 chance, we're going to need to stick to that as much as  
21 possible. So again, when I call your names as we get to that  
22 part of that meeting, if you could please step up to the

1 microphone, state your name and ask your question, we would  
2 appreciate it. My colleague Greg over here has a couple of  
3 flash cards. We're going to hold up a yellow card when  
4 you're about ninety seconds to give you an idea that you've  
5 got about thirty seconds to wrap up, and the red card when  
6 your time has expired at which point Pat or someone from Park  
7 Service will come up to give you a question (sic). I  
8 apologize for the formality of that; I know it seems kind of  
9 onerous, but in fairness to everyone who has signed up to  
10 speak, which is well in excess of about twenty-three or  
11 twenty-four folks this evening, we need to stick to that and  
12 so it's fair to everyone and give everybody a chance. And we  
13 also do that because we have kind of a requirement to be  
14 consistent between the three meetings and make sure that each  
15 of those is run accordingly.

16           If you have brought written testimony or written  
17 comments this evening that you would like entered into the  
18 official record, you're welcome to do that. And so, you can  
19 come up and drop those off with Greg when you come up to  
20 speak or hand those to us after the meeting and just let us  
21 know that you'd like them entered into the record and they  
22 will get attached to that. And that will be attached to the

1 record that you'll see on the website. Likewise, if you have  
2 any supporting documentation or materials or information that  
3 you would like the Park Service to use or consider through  
4 this process, hand that to us and we'll make sure that it  
5 gets entered.

6 As we get to the questions a little bit later, I  
7 typically try to give any elected officials the chance to  
8 come up and speak first. And so when we get to that here in  
9 a few minutes, I'll call and see if we have any elected folks  
10 in the audience that would like to speak first and then we do  
11 that.

12 And so, what we'll do now is have a short  
13 presentation from Pat. He's got some slides here to give you  
14 some background on the planning process itself and what you  
15 can anticipate and how that's going to work. And when he's  
16 done, we'll come back and start the question session. Thanks  
17 again for everyone that came this evening.

18 MR. PATRICK REED: We've got a couple planning  
19 things going on simultaneously here. What we're really  
20 mainly to talk about this evening is this plan for Interim  
21 Management of Protected Species that we'll be doing here over  
22 the next few months. The meeting purpose tonight, to explain

1 the plans to develop a Interim Protected Species Management  
2 Strategy, why we are initiating this process, the purpose of  
3 the Interim Strategy, how this process relates to the long  
4 term ORV management planning and how you can all be involved  
5 in this process. And most importantly, we've come here to  
6 listen to you this evening.

7           Why is a strategy needed? Well, the 2005 season was  
8 costly. It was costly to local businesses and other  
9 interests. It was costly to the National Park Service. We  
10 know that we can do better both to protect the critical  
11 species that we are responsible for managing and also  
12 providing recreational access to our visitors and citizens,  
13 also better to communicate with the public regarding our  
14 management processes. And this is the beginning of a lot of  
15 opportunities for us to interact and talk about these issues.

16           What is an Interim Protected Species Strategy? It  
17 will guide management practices for protection of species  
18 over the next three to four years until long range ORV  
19 management plan and regulations are in place.

20           What is an Interim Protected Species Management Plan?

21           Protected species is a very broad term. It includes both  
22 species that are listed as threatened or endangered under The

1 Endangered Species Act, protected under certain federal  
2 regulations, Migratory Bird Treaty Acts or under state laws  
3 and special listed species also.

4           What's an Interim Protected Species Management  
5 Strategy? It describes management practices that will be  
6 used to ensure protection of the species while allowing for  
7 visitor use.

8           What are the benefits of having an Interim Strategy?

9     The Seashore will have an improved management strategy in  
10 place that factors in public input. It meets the  
11 requirements under The Endangered Species Act, Migratory Bird  
12 Treaty Act and other applicable laws and sets forth plans for  
13 how the Park will allow recreation use while protecting  
14 species.

15           Why is an Interim Strategy needed? The Seashore is  
16 required to consult with the U.S. Fish and Wildlife Service  
17 on actions that may affect, threaten and endanger species.  
18 The Seashore cannot delay management actions until an ORV  
19 plan is completed in 2008 which is the current projected  
20 planning schedule to do the full ORV management plan with an  
21 environmental impact statement.

22           How does consultation work? Consultation with the

1 U.S. Fish and Wildlife Service is important to ensure that  
2 actions taken by The Seashore do not lead to adverse effects  
3 to the species. The NPS will provide a biological assessment  
4 on a proposed Interim Strategy to the Fish and Wildlife  
5 Service. The U.S. Fish and Wildlife Service then will -- if  
6 they concur with that action that it's not likely to  
7 adversely effect or conclude no jeopardy, then the Seashore  
8 will implement that strategy and implement it under a  
9 superintendent's order.

10 What influences the content of this Interim Strategy  
11 that we're just starting off on right now? Certainly, very  
12 importantly, there's a variety of things; very importantly is  
13 public input in which we're starting tonight and will be,  
14 like I say, many other opportunities for formal public  
15 comment as we go into review of alternatives and under formal  
16 scoping and also as we have formal comment periods under the  
17 environmental assessment to this Interim Strategy. Federal  
18 laws, and there's a whole variety of laws; it's not just the  
19 Endangered Species Act, the Migratory Bird Treaty Act. It's  
20 the legislation that created this National Seashore. It's  
21 legislation in 1916 that created the National Park Service as  
22 an agency and a host of other federal laws that apply to the

1 way that we manage these areas that we have a privilege to  
2 work in. Our NPS policies, in which I mentioned; science, we  
3 certainly want to base our question -- our management  
4 practices on the best available science that we have. And  
5 practical knowledge, practical knowledge from you and also  
6 from our people. People who know the resource and are --  
7 interact with it on a daily basis. And certainly you folks  
8 here know the resource and -- as well or better than anyone  
9 because of the years of experience and activities that you've  
10 been involved here as you lived your lives here on the  
11 Seashore.

12           How will the NPS develop the Interim Management  
13 Strategy? Conduct the initial informational and listening  
14 sessions, in which we're doing this week; utilize the need  
15 for the National Environmental Policy Act process to analyze  
16 the range of alternatives; we'll develop a biological  
17 assessment on the proposed strategy, and it'll finalize the  
18 strategy for implementation in the spring of 2006 before we  
19 move into the nesting and breeding season this next spring.

20           How do the Interim Strategy and the ORV plan relate  
21 to each other? This Interim Strategy that we're primarily  
22 focusing on tonight is a seven month planning process. It

1 focuses on protected species management. It will be  
2 considered during the ORV management and development, plan  
3 development, but it may be changed based on information  
4 discussed during development of the plan. The ORV management  
5 plan and regulation is actually at least a three year  
6 planning process. It will consider all aspects of ORV use on  
7 the Seashore, not just its relationship to protected species  
8 management. And it may be developed via negotiated rule  
9 making with an advisory committee to develop the regulation  
10 along with public involvement. That's one option. We will  
11 need, of course, in this ORV management plan to get to  
12 regulations and development for the ORV management plan  
13 either through a natural process of rule making or as another  
14 alternative as maybe you're familiar with -- exploring  
15 possibility of using negotiated regulation process to achieve  
16 that result.

17           What is the Interim Strategy development schedule?  
18 Well, this week, it's the public information meetings all  
19 this week and actually into next Tuesday before we wrap them  
20 up. Early November -- and this is very important, too, as I  
21 mentioned earlier. This isn't a formal public scoping  
22 session tonight, but that will be in early November when we

1 have some more information that we can provide to you in  
2 advance of that. We actually have some roughouts of some  
3 alternatives where we have the needs and objectives and a  
4 purpose-type statement associated with the plan. And those  
5 things will come out in advance of these. The meetings are  
6 scheduled in early November. And that will be certainly a  
7 formal opportunity to provide comment in the planning  
8 process. Early December, the NPS submits the biological  
9 assessment to the U.S. Fish and Wildlife Service, which is a  
10 very important day for us to get that in. They have ninety  
11 days in which to respond to us. And by mid-February, we hope  
12 to have the biological opinion to the Seashore. Also it's --  
13 going on during this same process here, we're -- also  
14 parallel to this, we're doing this environmental assessment.  
15 And in early December -- in December and early January of  
16 2006, there will be public comment periods on the  
17 environmental assessments and it will be a public comment  
18 period of at least thirty days or perhaps a bit longer to  
19 receive comments on the EA. And by March, we should have it  
20 -- an approved opinion back from the U.S. Fish and Wildlife  
21 Service and we'll implement this strategy through a  
22 superintendent's order.

1           How can you participate in this process? Well, to  
2 share your ideas; certainly, we want to hear your concerns  
3 and feelings and things, too, but we want your ideas too on  
4 how we can better manage the species here and also provide  
5 for recreational access on the Seashore; participate in the  
6 NEPA scoping sessions. Again, this is very important for you  
7 to come back in early November and participate in those;  
8 learn about the species at risk, and we're providing -- have  
9 some additional information here tonight, but we also have in  
10 -- have on -- in your handout sheets a website that you can  
11 link to, a planning website and there's a number of links off  
12 of that will take you to all kinds of sites that will give  
13 you more information about the federal laws, the species  
14 themselves, the Park Service policy, a lot of background  
15 information that will be helpful as we go through the  
16 planning process.

17           Okay, please keep in mind, we're in the initial  
18 stages of launching into the development of the strategy, so  
19 there are no specifics to share with you at this time  
20 tonight. We will have more information for you to respond to  
21 during the public scoping in a few weeks.

22           Longer term ORV management will be handled via a

1 regulation development process and environmental impact  
2 statement. Opportunity for input into that process will be  
3 announced in the coming months. If you put your thoughts in  
4 writing, it will ensure too that we have a copy of your  
5 comments both for our consideration and also for the official  
6 record, so we would encourage you to give us your comments in  
7 writing at some point during this planning process, either  
8 through the website or through comment forms or a letter to  
9 put your thoughts in writing so that it will and add those in  
10 so it will become part also of the official record.

11 I thank you very much for your time and attention.  
12 I'm going to turn this back over to Jess and we'll move on  
13 with the rest of the program and get an opportunity to listen  
14 to you. Thank you.

15 MR. JESS COMMERFORD: Thanks, Pat. And so as I  
16 said, what we'll do is start calling off folks. And I know  
17 some of you, you know, may have a comment that you want to  
18 make and that's certainly something you can do, but again,  
19 the two minutes goes by quicker than it may seem so if you  
20 can get to a question or get to that sort of an issue as  
21 quickly as you can, that will be helpful and we'll move  
22 through this. As I said, please take care to try to be quiet

1 while others are speaking into the microphone. What I'll do  
2 as I go through this is I'll call the name of the person who  
3 is next up, but then I'll mention one or two names out, so if  
4 you're at the back or something and want to get yourself  
5 positioned to speak, we can do that and try to move through a  
6 little more efficiently. As I go through these, you know, if  
7 your issue has been raised or your question has been asked  
8 and answered once or twice and you want to take a pass, just  
9 feel free to do that when I call your name, go ahead and let  
10 me know if you've decided not to speak. And then when we get  
11 through all of these if we've got some time left and you  
12 didn't sign up to speak, then we'll go ahead and try to get  
13 those folks who have changed their mind and decided to ask a  
14 question the opportunity to do that. So with that, we'll go  
15 ahead and get started. And first up is Frank Fold.

16 MR. FRANK FOLD: Pass, Fold.

17 MR. JESS COMMERFORD: Pass; okay, and I should  
18 say, let me apologize in advance because it's inevitable that  
19 I'll butcher a couple of names as I go through this, so  
20 forgive me. Larry Hardham and after that will be John Couch.

21 MR. JOHN COUCH: John Couch will pass.

22 MR. LARRY HARDHAM: I guess this teaches me to

1 come late. You all have repeatedly told us that the 1978 ORV  
2 plan will be used to govern ORV use here in the park until a  
3 new one is developed, yet this year you have not followed the  
4 plan in regards to listing the seasonal closures in front of  
5 the villages and north around 43. No press release has been  
6 issued to explain why, no appeals for help have been made and  
7 privately some people have been told that this has been  
8 delayed until October the 11th, because of a lot of work that  
9 was created by recovering from Ophelia and debris on the  
10 beaches. Yet, after Isabel which struck on September 17, we  
11 were suspicious that the park would keep the beaches closed  
12 and we offered to clean the beaches ourselves, which we did  
13 on the entire north beaches inside of a week. And the  
14 beaches were reopened before October 11. Trash on the beach  
15 certainly seems to be a shame to me because -- to keep the  
16 beaches closed because the beaches were closed as -- were  
17 cleaned this past weekend. And all you really had to do was  
18 to spread the word that this was the reason that you were not  
19 opening the beaches. And in a matter of days, it could have  
20 been solved. And since the beaches are clean now, you know,  
21 what's the excuse for waiting until October the 11?

22 MR. PATRICK REED: I'd like to start by thanking

1 everybody that participated in the cleanup over the last  
2 week, too, including members of the OBPA and The Anglers Club  
3 and members of the community here along with the people at  
4 the Park Service and others that participated in that. It  
5 was a lot of very fine work done and a large quantity of  
6 trash and debris that was taken off the beaches. As far as  
7 the date for reopening it in front of the beaches or in front  
8 of the villages, we are going to reopen those October the  
9 11th. And we did confer with several stakeholders here.  
10 There is a press release that's going out tomorrow morning  
11 regarding that. And the reason is because of the amount of  
12 efforts we have and the priorities we put on cleaning up  
13 after what damage and all of that that we had after Hurricane  
14 Ophelia. Our first priority to was to clean up and -- or to  
15 reopen those areas and repair those areas that were -- that  
16 previously had been opened to the public and that we needed  
17 to get reopened. We went -- we did some significant amount  
18 of work on grading and filling holes at Pole Road and opening  
19 up ramps and other areas that were closed to the public  
20 because of the storm. I think part of the reason, you know,  
21 we didn't get a press release out earlier was because of the  
22 proximity of the timing, the 15th of September and the storm

1 damage and amount of period for us for assessment of the  
2 clean-up related work. And we've also had a number of the  
3 staff that have been out of the park on other emergencies  
4 nationally like Hurricane Katrina. We still have staff out  
5 on that now. But the intent is in fact to get the beaches  
6 open in front of the villages. And they'll be open by no  
7 later than on Tuesday, the 11th of October. And we need time  
8 right now to get the public information out in the form of a  
9 press release. And we also need time to go out and post the  
10 signage, the speed limit signage and the crossing pedestrian  
11 signage and other things that are necessary to put in place  
12 in all of the village areas there. And that does take some  
13 time and it takes some personnel staff time to do that.

14 MR. JESS COMMERFORD: Richard T. Swisstack.

15 MR. RICHARD T. SWISSTACK: Pass.

16 MR. JESS COMMERFORD: Dewey Par and after will  
17 be Goodloe Murphy.

18 MR. DEWEY PAR: My name is Dewey Par. I'm  
19 asking this question on behalf of my ancestors, the Grays and  
20 the Farriors as well as myself who was here at the beginning  
21 of the National Park Service. I'd like to know why has the  
22 National Park Service changed its approach to working in

1 harmony with the local community and the protection of the  
2 species to that of one of viewing locals as their enemies?  
3 The other thing I would -- the other question I'd like to ask  
4 in reference with this is why is rudeness and the general  
5 attitude that all locals are uneducated and uncouth now the  
6 norm with our National Park Service? Thank you.

7 MR. PATRICK REED: Well, I think it's -- you  
8 know, for me personally it's very important that the National  
9 Park Service do a better job in terms of relating to the  
10 community and re-establishing stronger and better community  
11 relations. Some -- as you know, I lived in the community  
12 here about twenty-some years ago. I spent five years in  
13 Buxton as a District Ranger there. And I still have a number  
14 of what I consider to be good friends here in the area from  
15 that period of time. And we need to do a better job, the  
16 National Park Service, in re-establishing positive working  
17 relationships and developing trust among the local  
18 communities. And you can't have good relationships without  
19 trust. And so this planning process and the opportunity for  
20 us to interact with you I hope will be a beginning point to  
21 create new trusts and better community relationships as we,  
22 you know, move into doing the strategic plan here and

1 otherwise. I certainly from my perspective to answer the  
2 last part of the question, certainly of no reflection, I have  
3 great admiration for the people that live here on the Outer  
4 Banks. As part of that, my children were here in school in  
5 Buxton for five years while we here and went on to complete  
6 their educations, too. These are wonderful, genuine people  
7 here that are certainly very, very intelligent and sharp and  
8 contribute a great deal and have contributed a great deal in  
9 terms of interacting with the Park. And the Park is going to  
10 be more open in the future as we go in this planning park  
11 process as it has been before, to take your input and your  
12 ideas and incorporate those into the management policies and  
13 actions from the Park here.

14 MS. MARY HELEN GOODLOE-MURPHY: I'm Mary Helen  
15 Goodloe-Murphy.

16 MR. PATRICK REED: Hi.

17 MS. MARY HELEN GOODLOE-MURPHY: You said that  
18 this Interim Strategy is going to be based on science.  
19 You've previously announced that the U.S. Geological Survey  
20 was going to develop protocols. Where are those protocols?  
21 Have they been peer reviewed? Are they available now or when  
22 will they be available to the public?

1 MR. PATRICK REED: That's a good question.  
2 We're getting close. You know, you've heard that answer  
3 before, I think, Mary Helen, but we -- they are still under  
4 peer review and that we expect to have them here within the  
5 next couple of weeks. And when they are finalized, we will  
6 make those available to the public.

7 MR. JESS COMMERFORD: William Henning.

8 MR. WILLIAM HENNING: Pass.

9 MR. JESS COMMERFORD: Pat Weston and then Sue  
10 Glass.

11 MS. SUE GLASS: Pass.

12 MS. PAT WESTON: Hi, I'm Pat Weston. The first  
13 thing I would like to say is that I think we all need to  
14 start fresh. And I don't think we need to take past baggage  
15 forward. And I think that's the only way that we can achieve  
16 anything together. We were talking about the National Park  
17 Service developing a plan and that when you developed the  
18 plan, you sent it to U.S. Fish and Wildlife to ask for their  
19 concurrence on the proposed strategy, that their plan of  
20 action would not adversely affect the species. What I'd like  
21 to know is will a decision be made on the actual likelihood  
22 and agreement that the plan is fair and appears to pose no

1 adverse effect or will the fear of a lawsuit temper or give  
2 weight to the decision as possibly has been done in the past?

3 And a friend of mine made a remark in talking about getting  
4 things done. If signs had wings and beaks, it would have  
5 been done last night. Thank you.

6 MR. JESS COMMERFORD: Thanks.

7 MR. PATRICK REED: I agree wholeheartedly with  
8 starting fresh. I think that's exactly what we need to do in  
9 terms of building this plan and building relationships in the  
10 community. As far as lawsuits, there are more than one  
11 attorneys from varying points in view that are interested in  
12 what we're doing here. The fear of a lawsuit is not going to  
13 affect the management's decision here. Certainly, we don't  
14 put all our weight or get involved in litigation, but we're  
15 going to do what we feel is our responsibility to do to  
16 protect the resources here and also to provide public access  
17 to our beaches and recreational area here. And, you know, if  
18 we end up in court, then, you know, we'll address those  
19 issues in court.

20 MR. JESS COMMERFORD: Sue Glass, you're a pass,  
21 is that correct?

22 MS. SUE GLASS: I changed my mind.

1 MR. JESS COMMERFORD: Okay.

2 MS. SUE GLASS: I came up with a question.  
3 Okay, I'm reading your planning process steps. And here I  
4 see in step number two, "the Public Scoping for Issues and  
5 Alternatives, the thirty day public comment period  
6 anticipated to start in mid-October." This says, "public  
7 meeting anticipated to take place the week of October 30th."  
8 Will the Anglers Club have their yearly tournament November  
9 3rd, 4th and 5th?

10 MR. PATRICK REED: Yeah, we -- I became aware of  
11 that on Saturday when I was down here for the clean-up  
12 related activities and probably should have known of it in  
13 advance of that. We have since then went back to the people  
14 that are putting together the planning process and  
15 rescheduled those three meetings. One of them is going to be  
16 here in Buxton, one of them is going to be in Currituck and  
17 the other one up in the Washington, D.C. area for those  
18 particular scoping meetings. We've turned them around and  
19 are rescheduling. And we are a very tight time frame to be  
20 able to get this all done and have it completed by -- before  
21 the first of April of next year. But we shifted them around  
22 to do Buxton first now on Tuesday evening, the 2nd. I know

1 that's still close and pushing to be getting a tournament  
2 there. I believe the 2nd, is that correct, Mark?

3 MR. MARK HARDGROVE: Yes, Tuesday night the 2nd.

4 MR. PATRICK REED: Okay, we will shift those  
5 around to get public announcements out, but we'll get down  
6 here to have this session first and not in the middle of the  
7 fishing tournament.

8 MR. JESS COMMERFORD: John and Karen Hartrampf?

9 MR. JOHN HARTRAMPF: Pass.

10 MR. JESS COMMERFORD: Barbara Ackley and Howard  
11 Rooney after that.

12 MS. BARBARA ACKLEY: I'm really very  
13 disappointed in the Cape Hatteras National Seashore  
14 Recreational Park Service, whatever --

15 UNIDENTIFIED PERSON: I can't hear it.

16 MS. BARBARA ACKLEY: -- whatever words you want  
17 to choose, you have let us down. We who live here, retire  
18 here, visit here count on you to preserve and protect our  
19 vocation and avocation area. This was established as a  
20 recreation area. It is a very unique seashore and has been  
21 used traditionally for a swimming, surfing, fishing, general  
22 beach enjoyment. People enjoy the Park in many ways. In the

1 past few years, millions of dollars have been spent on the  
2 lighthouse for those who enjoy that here; the Wright Brothers  
3 Memorial, millions more who came here for that. And hundreds  
4 of thousands, if not a million, dollars have been spent to  
5 keep people off the beach. I have always considered myself  
6 an environmentalist. Even my family calls me a tree hugger.  
7 I have supported environmental organizations in favor by  
8 diversity. I also try to be a realist. I try to educate  
9 myself in scientific areas. What is being done here flies in  
10 the face of good science and especially common sense. It is  
11 a proven fact that plants and animals adapt. Deer, raccoons,  
12 possums co-exist with humans. Even the terns mate on the  
13 parking lots and nest on the roof of the Outer Banks Mall.  
14 The shore birds are perfectly capable of flying over Cape  
15 Point on the inlets and nesting, resting and feeding in the  
16 vast areas set aside as wildlife areas in Cape Lookout, Core  
17 Banks, Portsmouth Island, Pea Island and the islands off the  
18 Virginia coast. Areas in Massachusetts and Canada are really  
19 the preferred areas for the nesting piping plovers. The  
20 colonial birds and other birds would use the south beach and  
21 other areas. You need to take down the fences so the grass  
22 doesn't grow which makes it unattractive for them. Don't

1 entice them to areas especially appropriate for recreational  
2 activities. We have a growing population of relaxation  
3 deprived people that live within a day's driving distance.  
4 Think about it; years ago black bear and red fox roamed  
5 Roanoke Island. Should we not create habitat and reintroduce  
6 them, should we tear down Fort Raleigh, Elizabethan Gardens,  
7 the Amphitheater, The Lost Colony, the Visitor's Center and  
8 the Manteo headquarters, no, we introduced them into  
9 Alligator Refuge. Thank goodness no one has yet decided we  
10 should bring back the dinosaur. If we were doing that to  
11 save the --

12 MR. JESS COMMERFORD: Wrap up if you can,  
13 please.

14 MS. BARBARA ACKLEY: -- the terns, they would  
15 survive better by being moved away from the eroding shoreline  
16 and away from human interference to safer areas with broader  
17 beaches or Pea Island. They could also be incubated where it  
18 even would be possible to control the sex by controlling the  
19 temperature. We prefer to be at Cape Hatteras to pursue  
20 other goals. It's not our job to continually do research of  
21 science and laws and write letters, we do not need to get  
22 involved. However, we will if we have to. We definitely

1 want to see change and improvement. It is the job of those  
2 being paid by the U.S. Park Service to do the research, write  
3 the policies, get the permits, request the waivers and carry  
4 out the work they were hired to do. Remember that this was  
5 created as a recreational area. If you need a permit to  
6 drain the campground and surrounding areas, make the call,  
7 get it. There is a layer of salt now on top of the dried  
8 swampy area because salt water was allowed to lay there.  
9 This is not good for ground water recharge or wildlife. If  
10 you need a permit to move turtle nests, get them. If you  
11 need a plan to allow an incidental take, write it. Three  
12 years ago, you talked about these things. We have written  
13 documentation.

14 MR. JESS COMMERFORD: I need you to wrap up,  
15 please.

16 MS. BARBARA ACKLEY: I'm finishing. I repeat  
17 one more time, you have let us down. Take down those  
18 enclosures. They are illegal or they may be taken down. My  
19 question is are you going to take down the fences before the  
20 fall, winter, spring or during those seasons until a nest  
21 appears?

22 MR. PATRICK REED: That's a lot to respond to.

1 I'm going to start the first place saying that I certainly do  
2 acknowledge this is a National Seashore and a recreation  
3 area. And we have certain laws specifically in the enabling  
4 legislation that established that and the purposes of the  
5 areas here. We also have a variety of other laws too that  
6 we're responsible for, including these other ones that  
7 protect threatened and protected species. What we are  
8 looking for is, I guess, a balance to be able to do those  
9 things that are necessary to do, to comply with the laws in  
10 protecting the species that we have here. And in fact, we  
11 are -- I guess the managers of these areas, the stewards of  
12 these areas, these areas including this National Seashore and  
13 Fort Raleigh and Wright Brothers are owned by the people of  
14 the United States. And I feel very personally fortunate to  
15 have spent my whole career working in these areas, but you're  
16 exactly correct in terms of these are -- these areas are the  
17 people's areas. But we have laws that are written by all of  
18 the people too, and we're trying to find a balance to where  
19 we can -- a reasonable balance where we can provide  
20 recreational access and use and also meet the responsibility  
21 of the other laws to protect the species. Regarding the  
22 fences that we have up there now, I will say in terms of the

1    carcinite posts and the zones that we have as far as the  
2    driving quarters and the protected areas out there, those are  
3    still in place in certain areas on the inward side. We did  
4    take down the balance of the sound side on the stith this  
5    last Saturday at Hatteras. And we're looking at whether we  
6    can make additional adjustments out at Cape Point. And we've  
7    also made some additional adjustments up in Oregon Inlet.  
8    Whether these signs can come down, they were adopted here  
9    under a superintendent's order and partial implementation of  
10   the drafted '78 ORV management plan. And I think that as we  
11   get a new superintendent in here too, a permanent  
12   superintendent in here, I think we need to look and review  
13   that whole process of approval and adoption of portions of  
14   that '78 plan. And whether there's changes or not, you know,  
15   that superintendent's order can be amended or rescinded. And  
16   I -- that's going to be my recommendation here when we do get  
17   a new permanent superintendent in is that's one of the things  
18   they need to look at in terms of our status with that and ORV  
19   quarters and all of the other things that were adopted within  
20   the last couple of years in that superintendent's order in  
21   relationship to doing what we do now in 2008 roughly when we  
22   get an ORV management plan. This will in effect replace

1 whatever practices we have going on right now.

2 MR. JESS COMMERFORD: Howard Rooney and Robert  
3 Davis after that.

4 MR. HOWARD ROONEY: That's kind of a hard act to  
5 follow, but I'm going to try. When you put armed guards to  
6 protect three birds at the point, did you really think you  
7 were going to have civil disobedience? If you did, you were  
8 dead wrong. Humans are now the predator. That's what you've  
9 told us. You are unable to control nature, but you can  
10 control humans. Yours was an obscene gesture. You gave us  
11 the birdie. The only friends you have on this island, that  
12 is unexcusable. You talk about we have to repair. We want  
13 an apology from the National Park Service. You people, not  
14 from D.C., not down the road, from you all. And maybe if we  
15 get an apology from you, we might feel like we can forgive  
16 you, because it's going to be a long road to hoe. And my  
17 question is why did you put armed guards out on the point?

18 MR. PATRICK REED: There are a number of things  
19 that, you know, that occurred this year with the management  
20 of the activities here that we don't want to repeat again  
21 next year in terms of how the management is going to be  
22 handled as far as the next nesting season. That's the reason

1 why we're moving forward with this short term plan. We're --  
2 we have some things that we can certainly improve on and  
3 change and do better and with your help, hopefully that, you  
4 know, we'll be able to do that.

5           As far as the armed guards and the specific question  
6 regarding those, of course, our rangers are armed anyway.  
7 And we did bring in an incident management team and -- under  
8 a system that the National Park Service has that responds to  
9 special events across the United States. And they come and  
10 they are trained law enforcement officers. And so it  
11 certainly wasn't no -- there was no intent on the part of the  
12 National Park Service to intimidate the people here on the  
13 island. Our rangers carry -- there's no intent. The rangers  
14 carry weapons anyway. They're required to. They're required  
15 to wear body armor. And you'll see that out on the beaches  
16 year around. It's just that we had a lot more rangers here  
17 than we normally had -- had during that period of time. And  
18 I think a lot of you had the opportunity to interact with  
19 these rangers from other areas also. But we did not  
20 certainly intend to intimidate in terms of and regards to the  
21 -- what confrontations there were nor I wasn't here probably  
22 earlier on in that as far as the civil disobedience question

1 that was brought. You know, you all are just out there  
2 expressing your concerns and interests and other things. And  
3 the rangers did interact. I know there was a tense moment or  
4 two out there. But I think things did settle down. I know  
5 I've spent time too since I've arrived here two and a half  
6 months ago, and we were still doing some of the operations  
7 out at Cape Hatteras and other things and talked to both  
8 visitors and people there that were interacting with rangers.

9 And I think you probably could also see later on that these  
10 were good, honest people too, the rangers that were brought  
11 in, too, not meaning any intent. But there's trained federal  
12 law enforcement officers like the rangers we have here and  
13 they were to carry the equipment that's a part of their job.

14 And certainly, there was no intent on our part to intimidate  
15 the people of the island here just to -- how to maintain some  
16 calm in terms of being able to manage the area out there.  
17 And I guess they probably didn't know exactly what to expect.

18 I don't see us in a situation certainly repeating that. And  
19 I do want to see rangers out on the beach that are talking on  
20 a regular basis with the visitors. They're out there  
21 interacting and improving that.

22 I think our chief -- new chief ranger is in the

1 building here. I'd like to introduce to you Norah Martinez.  
2 She's just come here and arrived and is in the blue shirt  
3 over here standing aside. She came from the Grand Canyon  
4 just a few weeks ago. And she will be our new supervisor of  
5 our ranger activities and -- throughout the National Seashore  
6 area here. And she's been working on this and other issues  
7 of concerns, too, in terms of our organization and our  
8 protection activities.

9 MR. JESS COMMERFORD: Robert Davis and then  
10 Larry Cullen after that.

11 MR. ROBERT B. DAVIS: I have one basic question  
12 to put forward to this group as you begin drafting your  
13 strategy. How can you develop a plan that will prevent or at  
14 least mitigate the frustrations experienced by the public in  
15 their dealings with the Park Service here on the Outer Banks  
16 Islands?

17 My earliest frustration began with a Fish and  
18 Wildlife action, designation of critical habitat. When I  
19 read their proposal and listened to the local rhetoric of  
20 opposition, I was not overly concerned. After all, how could  
21 anybody with one iota of sanity propose to close the premier  
22 fishing and recreational areas of these islands. I didn't

1 believe the voices of doom and gloom, but nevertheless I  
2 joined the OBPA for the princely sum of five dollars. I  
3 suppose you could liken this to a poker player tossing a  
4 nickel in the pot just to open it and have a hand in the  
5 game. I recognize the Fish and Wildlife and the Park Service  
6 are separate agencies, but the former can have a major impact  
7 upon your species management. After witnessing the beach  
8 closings this summer, I must admit I was dead wrong about  
9 sanity and strongly urge all to support the OBPA in every way  
10 possible.

11           My frustrations deepened after Hurricane Isabel. The  
12 resource management people stood in rapture at the banks of  
13 Izzie Inlet, "Look at all the bird habitat! It was created  
14 by a natural force, so our policies prevent anyone from  
15 changing it. The public will just have to build a bridge or  
16 run a ferry. We will be glad to take their proposals for  
17 permits." Thank heaven for Tom Ridge. I just wish he had  
18 known about Pole Road. Why won't you open Pole Road, fix it  
19 the way it was before Izzie. It was the resource people who  
20 stopped the laying of the dredge pipe that was to close Izzie  
21 Inlet because it ran through a bird enclosure. It was the  
22 resource people who were busy erecting bird enclosures while

1 all the villagers were trying to help each other to survive  
2 and rebuild from the hurricane damage. It was your resource  
3 people that prevented homeowners from pushing the sand back  
4 onto the beach from whence it came. It was the resource  
5 people driving up and down the beach in empty trucks while  
6 the public, many senior citizens, was loading their own  
7 trucks with debris to clean the beaches. At least your  
8 maintenance guys carted off the piles of debris. I would  
9 like to propose a new concept; every National Park vehicle  
10 that enters the beach should be required to bring back beach  
11 trash. This would greatly enhance visitor enjoyment. The  
12 resource management people -- the resource management group  
13 should be charged with beach debris removal instead of  
14 wasting time and material installing excess fencing. A  
15 really good project for them would be to control light  
16 pollution and get our dark skies back.

17 Not long after the hurricane, there was a press  
18 release published in the local newspaper, a photograph of the  
19 Park superintendent and his staff. The caption indicated  
20 that he was congratulating his people for their efforts to  
21 aid in the storm recovery. Was this like pouring salt into  
22 our wounds?

1           Public perception is that closure is your primary  
2 management tool. Closure of Ramp 45 was their first response  
3 to deer hunters and kids riding circles in the soft sod of  
4 Cape Point campground. This ramp is still closed after many  
5 years. The closure of Cape Point campground for July 4th of  
6 this year due to flooding was a prime example of denial of  
7 public access because that choice was easier with the  
8 Coastkeeper, Jan DeBleu. I wonder how the water quality of  
9 our rain soaked sedges compares to that New Orleans effluent  
10 being pumped into Lake Pontchartrain. Somebody needs a  
11 reality check around here. The Public Safety closure on the  
12 south base of Cape Point last winter was totally unnecessary.  
13       And public frustration really grew as this expanded into the  
14 infamous Cape Point Bird Sanctuary. Closure for political  
15 purpose has also been practiced by the National Seashore. We  
16 remember fifteen years ago when Congress failed to pass a  
17 budget, you weren't getting your paychecks. And so instead  
18 of just locking your doors, you closed the ramp -- you closed  
19 the access at Ramp 12, I'm sorry, Route 12. Everybody had to  
20 drive to Frisco and enter the beach at Ramp 49 then drive  
21 north to fish Cape Point. We were told to contact our  
22 Congress to get the budget passed to get that ramp.

1 MR. JESS COMMERFORD: If you could wrap up, sir.

2 MR. ROBERT B. DAVIS: What's that?

3 MR. JESS COMMERFORD: Wrap up if you can.

4 MR. ROBERT B. DAVIS: Yes. As a citizen, I  
5 strenuously object to the waste of my taxes by the Park  
6 Service and the summer piping plover project. A full  
7 accounting of the money and value of manpower squandered on  
8 Hatteras Island would be of interest. How many hundreds of  
9 thousands of dollars were expended that could have been  
10 better used for disaster relief?

11 What was really accomplished by this incredible  
12 effort at Cape Point? Did we witness a huge colony of  
13 thousands or hundred of piping plovers being protected? No.  
14 There were two little birds procreated at Cape Point and  
15 another two at Hatteras Inlet. The enclosures were so big,  
16 we couldn't even see the birds. How can anyone justify this  
17 expense? Does the survival of this species really hinge upon  
18 these two pair? Wouldn't they really nest someplace else?  
19 Please don't tell me that the Park Service is going to point  
20 with pride the results of their effort and repeat this again  
21 next year. The public is weary of the continual use of  
22 closure as your primary management tool.

1           The basic problem is that, what National Park thinks  
2 is their mandate for Cape Hatteras National Seashore is not  
3 what the public knows to be their mandate. It's not that  
4 we're on different pages, we're really reading from different  
5 books. The Park Service has chosen to manage the National  
6 Seashore with an emphasis on protection of wildlife. This  
7 was not the intent of Congress when the Park was first  
8 established in 1937. They considered the islands to be  
9 composed of three basic units -- one, the beaches, to be  
10 developed for a variety of recreational purposes. Two, the  
11 woodlands, shrub, sedges and marsh containing unique flora  
12 and fauna, to be protected and preserved. No development or  
13 construction of buildings except those necessary for  
14 maintenance and administration would be allowed. Three,  
15 historical features such as buildings, lighthouses,  
16 airfields, preserved for future enjoyment of the public. The  
17 Congress, in their far seeking wisdom, revisited this issue  
18 and in 1940, they amended that law and placed additional  
19 emphasis upon their recreational goals. They renamed the  
20 park to be Cape Hatteras National Seashore Recreational Area.  
21 The Park Service has chosen to ignore this act of Congress.

22           MR. JESS COMMERFORD: Sir, you --

1                   MR. ROBERT B. DAVIS: Will anybody relinquish  
2 two minutes to me from --

3                   UNIDENTIFIED PERSON: Sure, you go on.

4                   UNIDENTIFIED PERSON: You go right ahead.

5                   MR. ROBERT B. DAVIS: I'm going to finish up.  
6 We feel that this park group needs to return to its roots and  
7 develop a management strategy based upon public access to its  
8 beaches while protecting wildlife without infringement upon  
9 that access. The best scientific studies should be performed  
10 to accomplish that goal. The Patuxent Wildlife Research  
11 Center should be capable of such an effort. Rigorous  
12 protocols prepared by them exclusive of ORV and public access  
13 are best relegated to established refuges, whereas  
14 Recreational Areas, which this is, require application of  
15 reasonable and prudent solutions.

16                   This is a unique park with eight villages  
17 incorporated within its boundaries and dedicated to  
18 recreational needs of the public. To the employees of the  
19 Park Service, this is your livelihood. To us villagers, it's  
20 our way of life. Thank you.

21                   MR. JESS COMMERFORD: Larry Cullen and then Jim  
22 Keene.

1                   MR. LARRY CULLEN:  What happened?  Twenty-five  
2  years ago, I met you people for the first time when I brought  
3  my family down here to enjoy your park.  We saw guys like  
4  Warren Wrenn taking us out to recs on the beach.  We had  
5  people walking down the beach.  We said hello, we shared the  
6  good day.  We tried to share a drink, but you wouldn't take  
7  it.  We had fun.  We were glad to come here.  We came back  
8  for every year for what, eighteen years, just about eighteen  
9  years.  My son grew up to respect the rangers, to look to  
10 them for guidance.  He had a whole bunch of patches.  And he  
11 -- he still has them somewhere.  What happened?  We came to  
12 live here.  I retired a few years ago from teaching and we  
13 came to live here.  And I was excited.  I mean, I was going  
14 to get involved.  And I ended up getting involved in a  
15 negative way.  My dad told me when I was a kid to beware of  
16 fanatics of all stripes, both of what were good and what were  
17 bad.  And I'm afraid what we've done is succumb to the  
18 fanatics of both sides.  I think we need to come together,  
19 but I think we need to earn -- you guys need to earn a little  
20 bit of trust of us.  A lot of times we've come forward and  
21 run programs and worked with you and then things happened,  
22 like the armed confrontation on the beach last summer.  I

1 wonder what my son having been six years old then standing by  
2 my side looking at you guys over there with your guns and  
3 police and state police in the dunes, I wonder if he would  
4 say, "Dad, what are they doing?" And I'd have to look at him  
5 and say, "Son, they're closing our beach." What happened?  
6 Let's not let that happen again. Thank you.

7 MR. JESS COMMERFORD: Jim Keene.

8 MR. JIM KEENE: I'm Jim Keene, a citizen of Nags  
9 Head --

10 MR. JESS COMMERFORD: Helle Cullen after that,  
11 I'm sorry.

12 MR. JIM KEENE: I beg your pardon.

13 MR. JESS COMMERFORD: Helle Cullen after that.

14 MS. HELLE K. CULLEN: I'll pass.

15 MR. JIM KEENE: Since I took longer than I was  
16 supposed last night, I'm going to be very brief tonight. And  
17 that is I want to talk what I thought this meeting was called  
18 for --

19 UNIDENTIFIED PERSON: I can't hear him.

20 MR. JIM KEENE: -- and that was to talk about  
21 how meetings are to be established and run in the future.  
22 Please do not use this format again. If somebody has the

1 opportunity to speak, the superintendent has done a good job  
2 of trying to answer most of these questions, but some  
3 questions have not truly been answered. The person speaking  
4 should have an opportunity to either rebuttal or to ask a  
5 follow-up question. I know we cannot turn it into a debate.

6 But as these meeting go forward, please give the people the  
7 opportunity to ask a follow-up or to rebut the answer that  
8 they may or may not have received. Thank you.

9 MR. COMMERFORD: Thank you. You're passing.  
10 Nancy Gannoti.

11 MS. NANCY GANNOTI: Hi, I'm Nancy Gannoti. I  
12 would just like to know with all of the overwash and the  
13 different seasons that we have here and the storms that we  
14 have, why don't you dig up the turtle nests and replant them  
15 or put them up in Pea Island like you used to. In the past,  
16 you've done that. I've been here for twenty some years and  
17 have been coming since '65. And we used to watch you dig up  
18 the turtle nests and put them at a safe area where the --  
19 when we had the overwash it wouldn't. And I would also just  
20 like to comment on the rangers that you have now. In the  
21 past, we used to go out on the beach and the rangers would  
22 come by and say hi and stop and talk to people. And now we

1 don't even see them on the beach. If they do, they go by.  
2 They don't even wave. And also volunteers, I started  
3 volunteering at the lighthouse in '93. And this year, I  
4 wasn't even called to see if they didn't -- even needed help  
5 at the lighthouse, so. So something is happening with the  
6 Park Service.

7 MR. JESS COMMERFORD: Thank you.

8 MR. PATRICK REED: I want to thank you all.  
9 Most of you in one form or the other have volunteered in some  
10 way over the years to help the Park and the Seashore out  
11 here. And I can tell you I sincerely appreciate that. The  
12 National Park Service appreciates that. We have somewhere  
13 gone astray in terms of relationships with the communities.  
14 And that's what is going to be key in terms of working on  
15 here in the future and building those relationships. One  
16 question that was brought up regarding the turtles, we do  
17 follow the North Carolina guidelines here. I think there's -  
18 - this strategy -- this Interim Strategy here we're working  
19 on for species protection, we will -- with your input and  
20 ideas, you know, we have an opportunity here to reevaluate  
21 what we're doing in terms of both how we manage the turtles  
22 in some cases. We relocate nests on the beach and in some

1 cases we don't. It would depend upon the way the guidelines  
2 are stated with the state standards. And I do recall when I  
3 was here we did move some nests to the National Wildlife  
4 Refuge to be incubated. It depended upon circumstances. But  
5 we will be reevaluating and looking at how we manage those.  
6 We do want to be in compliance with the state standards that  
7 have been adopted too by the U.S. Fish and Wildlife. But we  
8 want to be reasonable and consistent in how we approach that.

9           Certainly, our -- you know, in terms of our rangers  
10 and other employees, I think it's key that we be friendly and  
11 develop better relationship in terms of with our visitors.  
12 And the whole issue of trust and I really didn't come here to  
13 ask you specifically to trust us tonight, but to tell you we  
14 need to earn your trust. And trust isn't something that --  
15 it's something that we're going to have to earn and earn back  
16 from the folks here in the community. And we can only do  
17 that by interacting with you and getting your ideas and input  
18 and taking it to heart seriously. And we will do that.

19           MR. JESS COMMERFORD: Okay, I apologize for this  
20 in advance, Ted and Connie Hartley -- Hartney.

21           MR. TED HARTUNG: Hartung, I'll pass.

22           MS. CONNIE HARTUNG: We'll pass.

1 MR. JESS COMMERFORD: Pass, okay, Ann Jennette.  
2 She's gone. Okay, we'll come back to her. Wayne Blessing.

3 MR. WAYNE BLESSING: It used to be I could get  
4 down quicker than that, but things are changing. I've been  
5 driving these beaches since 1963. I've had a house down here  
6 since '64. I came across the inlet in '60. I've seen an  
7 awful lot of changes. It used to be a lot of fun. It's not  
8 as much fun, maybe that's because I'm older. There are an  
9 awful lot more people, and I know you have to relate to that.

10 And that's part of our biggest problem. I didn't come  
11 prepared to speak tonight. But in looking over this booklet,  
12 one major question comes to mind and that is Fish and  
13 Wildlife calling all the shots for you guys? It seems to me  
14 that I saw on the internet a recommendation from a Fish and  
15 Wildlife guy published, I think, three or four years ago  
16 recommending closing all of these stiths early in the year so  
17 the plovers would have a chance to pick out their favorite  
18 landing areas. And if that's the case, the emphasis has gone  
19 completely away from recreation. And we're talking about  
20 some sort of a median. We used to have the bird signs. If I  
21 would travel from what's now Ramp 23 up to -- 34 up to Ramp  
22 23, the bird signs would be kind of on the beach. Maybe the

1 beach has narrowed some. But now they're invading. It looks  
2 like the Park Service wants more and more of the real estate  
3 for the birds or for themselves. Two other thoughts and I'll  
4 get off here; I noticed down at the inlet, as you said, the  
5 signs came down this weekend. Why did they come down one day  
6 and the next day, they put a stake up probably a quarter of a  
7 mile south of the -- north of the rip? And that is -- the  
8 better fishing is -- there's a little point in there. Some  
9 of the commercial guys who are having trouble getting back  
10 there to cast net got permission to go back. It's open now,  
11 but it was closed for two or three days and I can't figure  
12 why. Years ago on Ocracoke we were fishing back towards the  
13 ferry slip and we could go back as far as we could without  
14 getting in the grass, a ranger came up and as a distance from  
15 here to the corner of the room started putting in a post.  
16 And I went over and asked him -- in other words, we had to go  
17 past that, we were locked in a way. I asked him what he was  
18 doing and he said, "Well, it's getting awfully narrow back  
19 here and we're going to have to close it off." I said,  
20 "Well, why would you put it there, why wouldn't you put it  
21 back here?" Well, he was reasonable and nice. He said,  
22 "that's a good idea", he could. And so part of the problem,

1 I think, is your folks don't know what our problems are. And  
2 if there could be some sort of intermingling, maybe we'd have  
3 a common ground and more common answers. Thank you.

4 MR. PATRICK REED: Thank you, and I agree. And  
5 that's hopefully -- and that's hopefully what we'll do in  
6 this process is look for and seek this balance between  
7 access, recreational use and responsibilities and obligations  
8 to protect species under the variety of different laws. I'd  
9 like to address the question specifically about who's  
10 responsible for making decisions here at the Seashore. It's  
11 the National Park Service's responsibility and more  
12 specifically me right now as the acting superintendent to  
13 make the decisions. And I know since I've been here, I have  
14 in fact been making those decisions with input from our  
15 natural resource staff, with input and discussions with the  
16 U.S. Fish and Wildlife Service who do have legal obligations  
17 under the endangered species acts and those federal laws. We  
18 are also in need on a regular basis with a lot of the groups  
19 right here in this community with the OBPA and the Anglers  
20 Club and a number of other people here and also with the  
21 North Carolina Beach Buggy Association. And we've been in  
22 meetings with some of the environmental related groups who

1 had interests and concerns, too. We have a responsibility to  
2 talk to everyone and to get their information and  
3 concurrence. And we have a special responsibility to work  
4 and discuss things with the U.S. Fish and Wildlife Service  
5 with their legal obligation to render opinions under the  
6 Endangered Species Acts and other wildlife related federal  
7 regulations. But the final responsibility and the final  
8 decision is that of the agency that's responsible for use and  
9 manage this park and that's the National Park Service. And  
10 right now, specifically, me as the acting superintendent.  
11 And whoever else who comes in here to follow me as the  
12 superintendent.

13 MR. JESS COMMERFORD: Jim Lyons.

14 MR. JIM LYONS: Pat, I have a really brief  
15 question. The Park is going to use, as a reference, the 1978  
16 draft interim plan that's twenty-seven years old to manage  
17 the Seashore. And if you --

18 UNIDENTIFIED PERSON: Speak up.

19 UNIDENTIFIED PERSON: We can't hear you.

20 MR. JIM LYONS: If you -- the Park is going to  
21 use the 1978 draft Interim Management Plan to manage the  
22 seashore. If the Park uses that plan, are they going to use

1 it in its entirety or are they going to enforce all the rules  
2 and regulations that go with that plan?

3 MR. PATRICK REED: My understanding from what  
4 I've read and seen since I've been here, a portion at least  
5 the '78 draft ORV management plan was adopted under former  
6 management of the Park here through a superintendent's order.

7 I know I will be making the recommendation too as I leave  
8 here and when I do and get replaced by a permanent  
9 superintendent that would look at it and review that  
10 superintendent's order and those things are subject to change  
11 or amendment. And I think we need to look at those -- at  
12 that in terms of how we will manage the Seashore from now  
13 until we get a final ORV management plan that goes through  
14 the full environmental assessment and public input and we  
15 have a regulation for ORV management that would replace that.

16 But I think we do need to look at that and how we've been  
17 managing those areas and those sections of that and how it's  
18 been adopted and we need to revisit it. And that would be my  
19 recommendation to the Park that we either, before I leave  
20 here, start in that process or my recommendations to the new  
21 superintendent that comes in.

22 MR. JESS COMMERFORD: Do we have Ann Jennette

1 back? Sharon Kennedy.

2 MS. SHARON KENNEDY: My statement is I'm a  
3 lifetime resident here and I have a long lineage of ancestors  
4 to this beautiful island. I've also had the privilege to go  
5 to Cape Point Beach my entire life as early as the age of  
6 eight with my parents, my grandparents, uncles. We've all  
7 enjoyed fishing and the abundant wildlife. For years, I have  
8 witnessed the usage of our beaches -- some positive and some  
9 not so positive. The entire beach is more resilient to the  
10 driving of them than they are to the storms that cause  
11 problems. And let's not forget the wind tunnels in the dunes  
12 each time a large tract of land is removed or for houses  
13 causing erosions. All of this activity harms our beaches.  
14 As for the bird sanctuary that has been put into place, that  
15 can also be done with co-existence with full access to the  
16 fishing spots on this beach. When the Park was created for  
17 future generations to enjoy, him and/or some of his wealthier  
18 friends used to come here to fish and hunt. They were able  
19 to drive on the beaches. And they were crowded then when I  
20 was eight years old. I had to learn to cast straight out so  
21 I wouldn't bump people. And so there has always been people  
22 on these beaches. Folks from all over this country have

1 traveled to these banks and especially to Hatteras beaches to  
2 drive out on them mainly to fish and swim and to enjoy.  
3 These are mostly hard working tax paying folks who have  
4 worked hard. There are families who have saved a year to  
5 come to these beaches to enjoy the uniqueness of being able  
6 to drive out on them to fish or swim. For the most part,  
7 these people are experiencing nature, relaxing, enjoy quality  
8 time with their families. The elderly members are even able  
9 to come out and enjoy the convenient -- by the convenience of  
10 being able to drive out on the beaches. It was a national  
11 tragedy to stop this activity all for the sake of a few  
12 questionable, whether they're indigenous or not, birds to  
13 this area. It is not like there is enormous flocks of them  
14 here.

15 As for the preserving of the beaches, is it for  
16 preserving the beaches, the birds or is it a way for the  
17 government to somehow to control or to collect revenue from  
18 the beachgoers. We already pay taxes.

19 As -- also this summer, I was extremely insulted when  
20 I attempted to go to the beach and was met with people with  
21 bullet proof vests and guns to prevent me from going to the  
22 beach. I'm armed with sunscreen and my bathing suit, in

1 which, you know, is spooky, but that was very insulting to  
2 me, okay. And I am all for the Park Service, because if it  
3 wasn't for the Park Service, none of us would enjoy these  
4 open beaches. It would all be privatized with private  
5 accesses. And so I'm just here -- I just came from another  
6 meeting, so I'm kind of nervous with this too. But I'm just  
7 saying as a native and a person that's been here all her  
8 life, the majority of the people who come to this beach do  
9 not disrupt. There would not be disruption of these bird  
10 nestings. Most people observe them, find them interesting.  
11 That's kind of a living, natural thing that we've got going  
12 on that we can actually teach people conservation and to be  
13 environmentally friendly. But when you take people's pride  
14 and their -- stuff they've been doing since '63 or however  
15 long, you're turning your people away from something that  
16 we're doing innocently. And the people who abuse the beaches  
17 are not the majority. And the majority should not be  
18 punished for the ones that are disrupting the nests and  
19 bothering them. I'm a conservationist and environmentalist  
20 myself. Most people are very vigilant about making sure the  
21 people who do come here and disrupt these areas, they usually  
22 get onto their cases or report them. And so you need to

1 realize that this beach changes by the tide, not by the  
2 birds.

3 MR. JESS COMMERFORD: I'm going to try to answer  
4 that one more time. Okay, with that, I've got just a few  
5 folks who signed maybe, so let me run through those and see  
6 where folks are on that. Katie Medlin?

7 MS. KATIE MEDLIN: My question has been  
8 answered.

9 MR. JESS COMMERFORD: Amberly Dyar?

10 MS. AMBERLY DYAR: Pass.

11 MR. JESS COMMERFORD: Wayne Mathis?

12 MR. WAYNE MATHIS: My question has been  
13 answered.

14 MR. JESS COMMERFORD: Frank Folb? Frank Folb,  
15 Junior, I'm sorry.

16 MR. FRANK FOLB JR.: Frank Folb, Junior; on the  
17 board earlier, I noticed a lot about the environmental  
18 assessment, but I didn't notice anything about economic  
19 assessments. Are you going to pay attention to the economics  
20 of Hatteras Island and Ocracoke Island? You've got eight  
21 villages that are going to be involved in this. And it will  
22 affect us terribly.

1           Something else, if you want to gain our trust back,  
2 you need to think about taking care of getting rid of the  
3 resource management that we have right now because they are  
4 obviously in bed with the defenders of wildlife and the other  
5 groups that are causing our pains. But that's about all I  
6 have to say.

7           MR. JESS COMMERFORD: I'd like to make one quick  
8 comment on that and then I'll let Pat respond. The economics  
9 and the socioeconomic impacts associated with various  
10 management alternatives will in fact be addressed in the NEPA  
11 document. And a senior economist with our firm is in fact  
12 one of the key staff members of this study looking at  
13 recreation impacts and economic impacts associated with  
14 recreational uses of the Park. And so it is in fact  
15 something that's considered weight-bearing heavily in the  
16 document.

17           MR. PATRICK REED: That's really what I was  
18 going to pass onto you and tell you that is -- we sincerely  
19 do understand that the economy is very, you know, impacted by  
20 the actions of the Park paid here in terms of how it affects  
21 tourism and access to the beaches. And it will seriously be  
22 taken into consideration as we plan for managing and finding

1 a reasonable balancing point between these different, kind of  
2 sometimes conflicting, responsibilities that we have.

3 MR. JESS COMMERFORD: Ann Jennette one last  
4 time?

5 UNIDENTIFIED PERSON: She's disappeared.

6 MR. JESS COMMERFORD: All right, with that we've  
7 gone through all of the cards where folks that signed up to  
8 speak. Is there anyone who has not spoken so far that would  
9 like to come up and ask a question. Yes. And please  
10 speak --

11 MS. VIRGINIA LUICER: Yeah, I got it, besides my  
12 voice carries; I used to teach. I asked this question  
13 earlier, but I think the entire group --

14 MR. COMMERFORD: Could you just state your name  
15 for me, please?

16 MS. VIRGINIA LUICER: Oh, Virginia Luicer, L-U-  
17 I-C-E-R. I asked this question earlier of Mr. Reed. I think  
18 the whole group would benefit from hearing the answer.  
19 Basically we keep hearing that an employee has done something  
20 that either was not as per a directive given by the  
21 superintendent or not quite what they intended in terms of  
22 fulfilling their task, either putting up a closure, et

1 cetera. My question is in the future, you or your  
2 predecessor, what do you guys plan to do to make sure that  
3 your employees are in fact following out your directives and  
4 being properly supervised? That would gain a lot of trust  
5 back from the community and the people who visit the  
6 Seashore.

7 MR. PATRICK REED: I'd like to start by saying  
8 that there are a lot of fine employees that work with the  
9 Cape Hatteras National Seashore in a lot of different  
10 divisions, whether they're providing educational  
11 interpretative programs or are enforcement people or  
12 maintenance people who provide clean up and access things for  
13 our campgrounds and other facilities. And certainly our  
14 resource management staff provides valuable input into  
15 management. I'd like to say that management decisions here  
16 are made by park management such as myself. And, you know,  
17 in cases where, you know, things might not be implemented,  
18 you know, per those instructions, we, you know, do address  
19 those. I just would like to emphasize that managers are  
20 making the decisions here in the National Seashore with input  
21 from their staff. And we are out. I know I've been out on a  
22 very regular basis here, and Mark and others too, to look and

1 see what's being done with closure modifications or other  
2 types of things that are done. And we have done some field  
3 corrections and -- out here on the Seashore where things  
4 weren't marked the way they were intended to be marked. But  
5 decisions are being made here by the managers of the Park  
6 with the input from the staff and they'll continue to be done  
7 that way. Thank you.

8 MR. JESS COMMERFORD: Is there anyone else who  
9 hasn't spoken so far? Yes, please. And again, state your  
10 name into the microphone for me if you can.

11 MS. IRENE NOLAND: My name is Irene Noland. I'm  
12 the editor of *The Island Breeze*. And I have a question for  
13 Mr. Commerford; is that correct?

14 MR. COMMERFORD: Yes, thanks.

15 MS. IRENE NOLAND: First of all, how do you  
16 spell your name? Secondly, what firm do you work for? Where  
17 is it located? Who is paying you? And I'd ask who is the  
18 socioeconomic study being conducted by? And if you know how  
19 much, how much is your firm being paid? Thank you.

20 MR. JESS COMMERFORD: Thanks. I get that  
21 question often actually. That's a good one. It's Jess  
22 Commerford, C-O-M-M-E-R-F-O-R-D. And I'm a senior

1 environmental planner in our Washington, D.C office. Berger  
2 is an engineering, planning and environmental consultant firm  
3 with offices nationwide. And we do resource management  
4 studies and environmental impact analysis studies for Park  
5 Service for several project nationwide including this one.

6 MS. IRENE NOLAND: The name of the firm.

7 MR. JESS COMMERFORD: Louis Berger Group, L-O-U-  
8 I-S, B-E-R-G-E-R Group, Incorporated. The -- Alan Karnovitz  
9 is the name of the economist who's associated with that  
10 project. And he has been in touch with the Park Service  
11 staff to lay out the parameters of the economic analysis for  
12 the study and will continue to be involved in that. And he  
13 is an economist with -- in excess of fifteen years  
14 experience doing economic analysis for particularly these  
15 kinds of projects for recreational management and the impacts  
16 of federal projects and federal installations on surrounding  
17 communities. And he will be involved in that process.

18 And I hope this doesn't sound like a cop-out, but to  
19 be honest I'm not exactly sure what our budget for this  
20 project is. I will tell you that that's done in phases. We  
21 usually -- this first phase, which is kind of the scoping or  
22 the meeting support phase, is one task which has been awarded

1 to us. And I'll throw out a figure, but it may be widely  
2 wrong, so. But as we move forward and do the meat of the  
3 documents, those will come in extra tasks and they are  
4 awarded kind of in phases as we weed through that process.  
5 Did I catch all of that? Anyone else who hasn't spoken so  
6 far? Yes, sir.

7 MR. DAVID GOODWYN: David Goodwyn -- excuse me,  
8 David Goodwyn. One question about your economists and the  
9 environmental -- excuse me, economic assessment. Will this  
10 gentleman or your firm be visiting businesses in this area  
11 while formulating the potential impact of this -- whatever is  
12 going to happen here with the endangered species or will this  
13 be done from afar like it has been done in the past?

14 MR. JESS COMMERFORD: I honestly don't know the  
15 answer to the question -- the answer to that question yet.  
16 Frankly, the scoping process that we've talked about, I mean  
17 that analysis is really done as part of that impact analysis  
18 process, so those scoping meetings that we're talking about  
19 in the first week of November. Scoping, the meaning of that  
20 term to actually scope the issues associated with this study.

21 And so if -- those meetings in November are really your  
22 opportunity to make known in a more formal way the issues

1 that we really think we need to focus on in that study. And  
2 we really don't determine -- we don't predetermine what the  
3 scope of that analysis is going to be until we get through  
4 that process and we get feedback from the community and  
5 others just what resources we need to take a look at. There  
6 are various tools that we've used in the past to do that  
7 analysis. It has included in the past, you know, visits with  
8 different business owners. More often than not, you know, we  
9 do surveys and get those out to folks that we think we need  
10 to get information from directly, you know, and then other  
11 times depending on the scope or the budget for the project,  
12 it will be more of a desktop analysis based on economic  
13 figures for the surrounding community. I don't want to  
14 prejudge this again. That feedback in November is what will  
15 help us determine the exact approach that we need to take to  
16 do that. And again, as I said before and as Pat has said  
17 before, these open houses that are occurring later this week  
18 and early next week, those are opportunities for everyone to  
19 stress the importance of looking at those issues for Park  
20 Service. And the meetings in November are an opportunity to  
21 get into the formal record through the NEPA process, those  
22 issues that you would like assessed and -- faucet and input

1 are of course welcome on the approaches that we need to take  
2 to do that. Anyone else who hasn't asked a question? I'm  
3 going to run into this again tonight. I need to say we're --  
4 I don't want to get into a situation where we're going back  
5 to folks that have already asked a question because that's a  
6 slippery slope. And it goes to one other issue that was  
7 raised earlier in the meeting about feedback. I know that  
8 seems kind of onerous, and is in fact why we have the open  
9 houses. But if we get into that and don't have time to get  
10 back to everyone else that's had a chance to speak once  
11 already, you know, in terms of fairness, I don't want to do  
12 that. If there is anyone else who has not asked a question  
13 so far that would like to, I'll take that now.

14 MS. BARBARA CLEVELAND: My name is Barbara  
15 Cleveland. In the economic study, when you do that, would  
16 you be sure to make sure that the economists know that we're  
17 not surrounded by the Park, we are included in the Park. We  
18 are a part of it.

19 MR. JESS COMMERFORD: Thanks. Anyone else?  
20 And with that, we're going to conclude the meeting this  
21 evening.

22 UNIDENTIFIED PERSON: I just have an added --

1 that I forgot to add to this. Back one time you all made a  
2 promise to the commercial fisherman, dorey fisherman, the  
3 beach fisherman, that they would also have proper access to  
4 the beach. Has there been an ending conversation that -- I  
5 guarantee that that will stay because I represent the  
6 commercial fisherman, dorey fisherman, the beaches have  
7 (inaudible) forever. And I just want a definite conclusion  
8 in response to that?

9 MR. JESS COMMERFORD: Sure.

10 UNIDENTIFIED PERSON: We're a native species  
11 too. And we are no longer being excluded from this process.

12 MR. PATRICK REED: Well, the commercial fishing  
13 -- and I certainly recognize it as a very integral part of  
14 the history of the Outer Banks and the whole culture of the  
15 Outer Banks and the villages that were established here well  
16 before there was a National Park Service unit in here. And  
17 there are specific provisions for commercial fishing in the  
18 legislation. And certainly we would like to hear from and  
19 have commercial fishermen participate and have input into  
20 this planning process. And they are very important people  
21 here and they do contribute a great deal in terms of the  
22 history and culture of the area to make it what it is and why

1 people come down here just because of the uniqueness of this  
2 area and because of its commercial fishing background and  
3 history.

4 MR. COMMERFORD: Anyone else?

5 UNIDENTIFIED PERSON: I'd like to ask a question  
6 (inaudible). I've heard in the past week that there have  
7 been 180 some animals that have been killed in relationship  
8 to the protected species on the beach.

9 UNIDENTIFIED PERSON: Would you repeat the  
10 question, please.

11 MR. JESS COMMERFORD: Ma'am, I didn't hear it.  
12 Did you catch it?

13 UNIDENTIFIED PERSON: I said I've heard this  
14 week that there have been over 180 some animals of one kind  
15 or another that have been killed to protect the species on  
16 the beach that everybody's concerned about and I was just  
17 wondering if that's true? And if so, who orders the killing  
18 of these animals?

19 (CONVERSATIONS INAUDIBLE)

20 MR. PATRICK REED: I'm not sure I have the  
21 details or answer to that question. There has been some  
22 animals under -- that have been trapped here under a permit

1 from the U.S. Department of Agriculture, predator related  
2 animals. And I'm not sure I know there have been -- I don't  
3 know what, if any of these, have been destroyed or whether  
4 they've been released or relocated somewhere else after  
5 they're -- I'm really going to have to get that information  
6 and get it back to you, because I really can't answer the  
7 question because I'm not sure specifically what has happened  
8 regarding that trapping related program other than it was  
9 done through the U.S. Department of Agriculture under a  
10 permit.

11 MR. JESS COMMERFORD: Anyone else who hasn't  
12 asked a question who would like to come up and ask one? And  
13 with that, we're going to conclude the formal part of the  
14 meeting this evening. We did advertise that we'd be around  
15 until 9:00, so if you want to, you know, ask a couple of  
16 questions of some folks as we head out, you're welcome to do  
17 that. I think -- we spent a few minutes last night  
18 afterwards. If you want to catch someone and ask a question,  
19 you can do that. And again, I would strongly encourage those  
20 of you who want more of a one on one dialogue with these  
21 folks to come to one of the open houses and participate in  
22 that process. Thank you everyone for coming out this

1 evening.

2 (The proceedings concluded at 8:36 P.M.)

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