

U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CAPE HATTERAS NATIONAL SEASHORE PUBLIC MEETING ON OFF-ROAD
VEHICLE MANAGEMENT PLAN/DRAFT ENVIRONMENTAL IMPACT STATEMENT

OCRACOKE SCHOOL
1 SCHOOLHOUSE ROAD
OCRACOKE, NORTH CAROLINA

APRIL 26, 2010

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U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, CAPE
HATTERAS NATIONAL SEASHORE --

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1 COURT REPORTER'S NOTE: The April 26, 2010

2 Ocracoke Public Meeting on Off-Road Vehicle Management
3 Plan/Draft Environmental Impact Statement commenced at 9:05
4 a.m. at the Ocracoke School, Ocracoke, North Carolina.

5 SUPERINTENDENT MICHAEL B. MURRAY: Good Morning.

6 Welcome to this Public Hearing on the Cape Hatteras National
7 Seashore Draft Off Road Vehicle Management Plan and
8 Environmental Impact Statement. I'm the Park Superintendent.
9 I want to review briefly the project time line for completing
10 the Draft Environmental Impact Statement, the Final
11 Environmental Impact Statement, and the Proposed Rule and the
12 Final Rule. We are in the Public Review process or period
13 for the DEIS. It ends May 11. And, we're currently
14 conducting this week the Public Hearings. The sounds in the
15 audience remind me -- which I need to take care of myself.
16 The meeting etiquette would be to turn your cell phones and
17 pagers off or in the vibrate silence mode, please.

18 COURT REPORTER'S NOTE: He turns off his own
19 cell phone.

20 SUPT. MURRAY: I'll let this thing turn off. At the
21 end of the public comment period, during the Spring and
22 Summer 2010, the Park Service will be in the process of
23 reviewing the public comments, and then we'll begin preparing
24 the Final Environmental Impact Statement, which includes a
25 written response to comments. We'll publish the proposed

1 regulation some time during the Summer or Fall, 2010. I
2 believe it'll more likely be in the fall. And then, there'll
3 be a 60-day Public Comment Period on the proposed regulation.
4 There'll be a time period of reviewing the public comments on
5 the proposed regulation before the final regulation is
6 prepared. Then the Final Environmental Impact Statement and
7 Notice of Availability, which is a *Federal Register* Notice,
8 letting people know that the Final EIS is available, will be
9 published in the Fall of 2010. The Record of Decision will
10 be completed before December 31, 2010. And then, the final
11 regulation will be completed before April 1, 2011. There are
12 several ways to comment on the Draft Environmental Impact
13 Statement, including in person at this hearing. At this
14 hearing, you can comment verbally, or in writing. You can
15 submit comments on-line at what's called the "PEPC" website,
16 the National Park Service planning website. The website is
17 <http://parkplanning.nps.gov/caha>. So, you can input your
18 comments there until midnight on May 11, Mountain Standard
19 Time, or you can mail or hand-deliver written comments to me,
20 the Superintendent, Cape Hatteras National Seashore, 1401
21 National Park Drive, Manteo, North Carolina. Comments must
22 be received by midnight Mountain Time on May 11, 2010.
23 Please refer to the information in the newsletter available
24 at the sign-in desk for complete instructions on how to
25 submit comments. People are curious, sometimes, why Mountain

1 Time? The Park Service PEPC website is based in Denver, and
2 it automatically shuts down receiving comments at midnight on
3 the last day of the comment period. So, you get a couple of
4 extra hours there. I'll now introduce the Hearing
5 facilitator, Frank Skidmore. Thank you.

6 MR. FRANK SKIDMORE: Well, good morning. I'm pleased
7 to be here. And my job is very simple and that is to help
8 each one of you who have registered to deliver comments to
9 come up and deliver your comments in a way that our recorder
10 can pick up, and make sure that we get all of your thoughts
11 and those are recorded to then be addressed later on. The
12 ground rules have been handed out. I have several slides
13 that merely go over the same ground rules that you've
14 received to make sure that we all understand those. First of
15 all, there's only one purpose for the comment, and that's to
16 address the Environmental Impact Statement, and to address
17 any part of the Environmental Impact Statement that you would
18 like to address. And this is one of the ways that you can
19 provide a comment. And all comments provided in any one of
20 the ways are handled in the same manner. In the case this
21 morning, your oral comments will be transcribed and become a
22 written comment. The guiding principles. The second bullet
23 there merely says that if we are quiet and respectful of each
24 person who comes up, their comment will be accurately
25 recorded, and we'll be able to address it. And so, we remain

1 quiet and we allow everyone the chance to give their comment
2 as clearly and without any interruption as we can. Next
3 slide. I'll be calling people up in the order that they
4 signed in, so you have to be signed in, in order to be called
5 up. Please address, again, the EIS so that our comments get
6 right to the point, and your viewpoints are well understood
7 by those who will address them later. Each speaker is
8 allocated a maximum of three minutes. And this is consistent
9 throughout all the meetings. And to ensure that you are
10 aware of how your time is going, at the 2 minute and 30
11 second point, our timekeeper will hold up a yellow warning
12 card that you only have 30 seconds left. And then at the
13 three minute point, there'll be a red card held up, meaning
14 that your time has transpired. And please, at that moment,
15 complete your comment right -- as quickly as possible. I
16 probably won't cut you off in mid-sentence, but we need to
17 conclude so we can move on to the next comment. At some
18 point, the recording stops, just for consistency of the
19 comments all to be of a certain length and no more. Yielding
20 time to another is not part of the process. Again, the
21 comments are being directed to the Park Service, so that they
22 can use those in coming to their Record of Decision. So,
23 you'll be addressing Superintendent Murray with your
24 comments. If someone has already addressed your point, and
25 you wish to merely say you agree with a prior speaker or

commenter, you may do so. And that, of course, leaves more time for others. As I say, the written and oral comments are considered exactly in the same manner. So, one can deliver a written comment in the same -- for the same effect as an oral comment. And I believe everyone has turned off their cell phones. And I'd like to genuinely thank you for coming and participating. This is a part of what our system envisions when we have major decisions of this type to reach. Now, I'm going to start by calling three names. And we actually have two chairs up here. If you wish, and you're a bit behind, you can come and stage yourself, so that a minimum amount of time is spent going from chair to speaker. So, the first three commenters, in order. It's Daphne Bennik. And please forgive me if I mispronounce, but a point to make is that when you come up, please pronounce your name. And if you are representing some organization or affiliation, please indicate that you are doing so, so that you are perhaps speaking for an organization as well as yourself. So, the first speaker will be Daphne Bennik. The second speaker will be Eugene Ballance. And Scott Bradley will be the third speaker. With that, Daphne. And if the other two would like to come forward, if you're not in good position, please do so.

MS. DAPHNE BENNIK: Good morning. My name is Daphne Bennik, and I'm speaking today on behalf of the Ocracoke

1 Members of the Hatteras Ocracoke Council, which operates
2 under the umbrella of the Outer Banks Chamber of Commerce.
3 With the exception of the Village of Ocracoke, the entire
4 island is owned by the U.S. Government and managed by the
5 National Park Service, as part of the Cape Hatteras National
6 Seashore. We take huge exception as a result of the Economic
7 Impact Study presented in the Draft Environmental Impact
8 Statement. The Village of Ocracoke is little more than a
9 passing thought to those who wrote the Economic Impact
10 Section of the Draft Environmental Impact Statement.
11 Although it has its own economic character and challenges,
12 apparently addressed under the heading of "Seashore
13 Villages," a little investigation would have shown that each
14 of the villages in the Seashore is unique, and economic
15 impact can't be addressed in the blanket forum, or a one-
16 size-fits all approach. Although Ocracoke Village is home to
17 only 10 to 15 percent of Hyde County's population, it
18 provides approximately 50 percent of the tax base for the
19 entire county. That's a huge burden and responsibility for a
20 village that has only about 600 acres of buildable land. Any
21 negative impact that's experienced in the village has a
22 ripple effect that makes what is one of the poorest counties
23 in the state, into an even more economically depressed area.
24 Any decrease in revenues is felt in the schoolrooms, the
25 health department, and all other county agencies that provide

1 services. According to U.S. Census data, the average wage
 2 earner in Hyde County can expect to make \$22,356.00 a year.
 3 For a family of four, that's just about \$100 more than the
 4 federal poverty level. The Economic Impact Data in the DEIS
 5 does not attempt to address the impact of Alternative F on
 6 Ocracoke's small businesses, nor the pain that will be felt
 7 by the community. The conclusion to the section on economic
 8 impacts of Alternative F states, "This uncertainty may impact
 9 small businesses disproportionately." If the company that
 10 was paid to do the Economic Impact Study had taken any time
 11 to learn the geography and character of the area, they would
 12 realize that Ocracoke is a collection of small businesses.
 13 There are no major industrial plants or employers, which
 14 isn't surprising, when considering the fact that we can only
 15 be reached by ferry or plane. Our infrastructure will not
 16 sustain other industries. The economic engine of the village
 17 has long been commercial fishing and tourism. However, many
 18 commercial fishers have had to adapt to federal rules for
 19 that industry, which has forced them into other occupations.
 20 Most all are related to tourism.

21 MR. SKIDMORE: You're at 30 seconds.

22 MS. BENNIK: Is it over?

23 WOMAN ATTENDEE: No.

24 MR. SKIDMORE: Thirty more seconds.

25 MS. BENNIK: Oh. Okay. Sorry. The Economic

1 Analysis suggests that small businesses that are negatively
2 impacted can adapt over time. There are no suggestions as to
3 what it might be that we can adapt to. Thank you.

4 MR. SKIDMORE: Thank you very much, Daphne. The next
5 commenter is Eugene Ballance.

6 MR. EUGENE BALLANCE: Hello. I'm Gene Ballance, and
7 I'm a Hyde County Commissioner from Ocracoke, and also a
8 commercial fisherman. In terms of specific things I've read
9 in the Environmental Impact Statement, the 1,000 meter
10 closure seems a big round excessive number, and seems almost
11 punitive. I think it could be done better than that. On the
12 -- I take exception to commercial fishermen and commercial
13 fishing vehicles being called "non-essential." We provide
14 food for people and it even says in the plan that the harvest
15 of fish may mean greater prey encounters for plovers and be
16 beneficial to them. So, I think we should be given, in
17 addition to the permit that we have, we should be able to
18 stay on our tradition of being able to provide food for
19 people here, as we've done for hundreds of years and not be
20 closed out from the resource closures. I don't think this
21 would be a big thing to do, being's there's not that many of
22 us left for various reasons. And, it could be done by
23 requiring to have proof of sale within a short time period.
24 Thank you.

25 MR. SKIDMORE: Thank you very much. The next speaker

1 will be Scott Bradley, followed by Greg Honeycutt and Gary
2 Oliver.

3 MR. SCOTT BRADLEY: Good morning. My name is Scott
4 Bradley. I'm a full-time resident here on Ocracoke. I'd
5 like to speak to two issues. One is the buffers, as set
6 forth on pages 121 to 127, and also about potential
7 restrictions on pets on the beach on page 136. I think, as
8 Gene commented, the buffers are large. They are too large
9 and they're inflexible -- they appear to be inflexible. So,
10 you need to put the science out there that justifies their
11 size. I'm told that all decisions of this nature have to be
12 made on valid science. So, we need to see the science that
13 says that these closures are justified. Obviously, the most
14 excessive one involves the piping plovers. A 1,000 meters
15 for unfledged chicks, and 50 meters for breeding and nesting
16 buffer. I think these are excessive. Perhaps 200 meters for
17 the unfledged chicks is reasonable. This especially involves
18 South Point, where over the last several years, we've seen a
19 steady loss of access. It seems like there's from five, and
20 then there was three percent of the area open, and sometimes,
21 there's none. So, unless there's verifiable science that can
22 justify it otherwise, we need to keep at least half -- I'm
23 sorry -- about five percent of the area open, which would be
24 a zone maybe of a 100 to 150 feet in from all along the shore
25 line. And also, return to the pre-consent decree area on the

1 back side of -- the sound side of South Point where there
 2 used to be still water for disabled people and older folks to
 3 go, where they could swim in calm waters. And, finally, we
 4 need to establish the ORV pass-throughs, when there have to
 5 be closures, just like I think maybe you did, Mike -- you did
 6 when you were up at Cape Cod. The second issue is pets on
 7 the beach. I drive the beach on a daily basis and I've never
 8 seen a pet or a dog chase a bird. It's even very rare to see
 9 a dog running unattended. Yes. People do have their dogs by
 10 their car sometimes, or by their beach chairs not on the
 11 leash. But, I've never seen them threaten the local
 12 resources. I'm told that about a third of our houses, our
 13 rental houses, are pet-friendly. And, certainly, all these
 14 people don't take their pets to the beach. But, you'll be
 15 sending a message that Ocracoke is not the pet-friendly
 16 vacation destination. Thank you.

17 MR. SKIDMORE: Thank you, Scott. Greg Honeycutt.

18 MR. GREG HONEYCUTT: I'm Greg Honeycutt. I've lived
 19 on the Outer Banks for 32 years with businesses in Dare
 20 County for 31. My business is in the Corolla Duck area.
 21 Despite the economy, it's stayed somewhat stable. My
 22 businesses in the Nags Head area, especially Hatteras Island,
 23 have suffered greatly in the last two years. My business in
 24 Hatteras Island had been the largest growing part of my
 25 business percentage-wise up until two years ago. I've been a

1 resident of Ocracoke for 13 years; a visitor to Ocracoke for
 2 32. I disagree with the size of the buffer area for bird
 3 species. I feel strongly that ORV access should be provided
 4 to South Point through a corridor during nesting, and a
 5 reasonable access when birds hatch, at least during daylight
 6 hours. I know we have a problem with -- now, I don't have a
 7 problem with the permit system and fee, if the monies
 8 collected are used for ORV access and protection of the
 9 species, such as turtle egg incubation and/or relocation of
 10 turtle eggs. I don't like the fact that North Point of
 11 Ocracoke will be closed to RV -- to RVs forever, year round,
 12 especially since North Point is larger than it's been in
 13 probably 30 years. But if a compromise can be worked out
 14 with buffers and South Point access, I can go along with
 15 that. It's all about being reasonable and providing a
 16 common-sense approach that protects ORV use and protects
 17 wildlife.

18 MR. SKIDMORE: Thank you, Greg. Gary Oliver will be
 19 next, followed by Peregrine White and Jim Keene.

20 MR. GARY OLIVER: I'm Gary Oliver. I own the Outer
 21 Banks Fishing Pier in Nags Head, and Fishing Unlimited. I've
 22 been there for 40 years. In the DEIS, first page, it states,
 23 "To preserve and protect the natural coastal resources and
 24 natural processes of access on the Outer Banks." Access to
 25 the surf is, indeed, the most natural historical process in

1 the seashore. It's been used by generations and much of the
2 beach has been accessible except by ORV. There are also
3 several places where it talks about conflicts among users.
4 I've never -- I don't know what you're talking about. I
5 don't see any justification for that. If it really happens,
6 it's insignificant. Another natural and cultural process is
7 the role of the Park Service in the park. For years, ya'll
8 have been partners with the communities of Dare County, and
9 worked closely with us and have adjusted with us. When the
10 interim plan came through, it took away your ability to
11 adjust to changing conditions, and it's caused a little bit
12 of stress, which is unfortunate, which we hate to see. Talk
13 about the surf zone -- that area, we drive and fish and swim
14 and congregate, is an area that is least suitable for nests.
15 You've got to remember, a third of all nests on the seashore
16 are lost by high tides and storms. Therefore, some of the
17 closures along the beach, I oppose. Oregon Inlet Spit is one
18 area that is accreted a lot this year. It's an important
19 area. It closed. There's so much congestion between ramp
20 two and ramp four, that it's hard for people to get around.
21 And with the beaches in Nags Head and Kill Devil Hills closed
22 in the summertime, and also, 15 miles of Pea Island closed,
23 congestion is often heavy there. So, a car over there -- a
24 ORV corridor would be a good idea. Down along the north
25 shore of Hatteras Island, I think a 150-foot surf line all

1 the way down should be opened, subject to closure because of
2 buffers and nests. The South Beach of Ocracoke could also be
3 the same. The buffers are excessive. A 1,000 foot buffer
4 for a unfledged plover chick -- there are places this island
5 is 1,000 meters wide. This is not the prairie. This is a
6 small island. It's a barrier island. I think that they need
7 to be adjusted accordingly to the size of the area. Species
8 management areas which ya'll talk about, areas where there
9 has been a lot of nesting in previously. ML1, I believe, is
10 too restrictive. You need to -- ML2 allows for some
11 flexibility in managing the area for the Park Service for
12 changes and changing condition. And I thank you for my
13 three-minute time.

14 MR. SKIDMORE: Thank you, Gary. Peregrine White is
15 next, followed by Jim Keene and Gary Gross.

16 MR. PEREGRINE WHITE: Good morning. I'm Peregrine
17 White. I'm the chairman of the Republican Party for Dare
18 County. For the past two years, we've been following the
19 Environmental Impact Statements as they have come out. We've
20 been following the Interim Plan that was put in 2007. I
21 attended many of the hearings for the negotiated, or the un-
22 negotiated plan that was held in Kill Devil Hills. In 2009,
23 we presented a petition to the State party, which I have a
24 copy of for Mike. This year, the County party and the Third
25 Congregational District also signed a resolution, asking the

1 support of the -- Senator Burr, and at one time, Senator Dole
2 and Senator Hagan's position that the -- we go back to the
3 2007 plan and negotiate from there in good faith. One of the
4 other speakers spoke about turtle nests. One of the pictures
5 that I -- that I gave Mike is where I was visiting this last
6 year for a wedding. Martin County, Florida, has not one or
7 two or a dozen turtle nests. They have hundreds of turtle
8 nests down that coast. The educational sign that you have,
9 Mike, on the first picture, shows the type of education they
10 do, showing you that -- what is the event, what will affect
11 the turtles, and what will not. In the second picture is one
12 of their turtle closures. I'm standing eight feet from that.
13 There's no restriction down there on people walking by them.
14 Now this -- the beach I was on is within about 100 to 150
15 feet, which is walkable of the parking lots, of which there
16 are, just about every half mile, along there. This is a
17 tourist area. There are hotels on the same area, with
18 walkways down to the beach, and they are not restricted as to
19 the pedestrian use of their beach. The other thing I was at
20 was at Fort Matanzas, which is a national monument. We
21 walked the beach there, and I was as close as I am to you,
22 from bird nests. In fact, one of the birds didn't respect
23 their nesting area, which was behind the barrier. The guide
24 that we were with actually had the materials with her, and
25 fenced in the area where the bird nest was, so we wouldn't

1 disturb the bird. This is a bird, sitting on a nest in the
2 rocks on the edge of the beach. The restrictions that are in
3 the EIS and the plan are far excessive from my experience.
4 Thank you.

5 MR. SKIDMORE: Thank you, Peregrine. The next is Jim
6 Keene, followed by Gary Gross and Jim Harris.

7 MR. JIM KEENE: My name is Jim Keene. I'm a resident
8 of Nags Head and President of the North Carolina Beach Buggy
9 Association. There's three points that I'd like to make this
10 morning. The first one is Alternative F, which is really
11 what we're here talking about. That's the Preferred Plan, as
12 it is going forward. But every place you see Alternative F,
13 you find it followed by a simple sentence that says,
14 "Management Based on Advisory Committee Input." As a member
15 of the Negotiated Rule Making Advisory Committee, I strongly
16 object to the reference that Alternative F reflects, in any
17 important measure, the consensus or even a majority agreement
18 from those who served on this committee. And these
19 references are on a whole list of pages which I'll give to
20 you. The National Park Service initially refused to record
21 or broadcast our meetings, and now inaccurately states that
22 this document is a result of our actions. It reminds me all
23 too much of Pontius Pilate. Of the 30 members that were
24 there, 27 voting members, 30 government reps who abstained
25 from voting, the overwhelming majority proposed -- or

1 opposed, excuse me, the excessive buffers, the nighttime
2 closures, the inconsistent village closures, the pre-nesting
3 closures, and the excessive permanent closures, et cetera, et
4 cetera. While the committee could not reach consensus, it is
5 untenable that the National Park Service has totally ignored
6 the input of an overwhelming majority in favor of the pre-
7 conceived regulations supported by a small minority group of
8 three to five. The second point I want to make is
9 traditional and cultural properties. The DEIS was prepared
10 with indifference to the traditional and cultural values
11 attached to the surf zone access. This failure stands in
12 direct violation of the National Park Service's legal
13 responsibility under Section 106 of the National
14 Environmental Policy Act and NEPA the framework as a whole.
15 The surf zone is particularly shown throughout this document
16 on pages 15, 18, 259, et cetera, et cetera, has long had an
17 unbroken history as both the location for traditional
18 economic activities, but also historical cultural activities
19 that continue to present time. The National Park Service has
20 failed to do a proper study, and has published a DEIS without
21 completing the required studies that were requested by me, 15
22 months in advance of this DEIS's publication date. These
23 studies must be completed, and subject to a Section 106
24 review before the final DEIS is released and published.
25 Excessive resource closures and buffers that are established

1 for non-ESA listed species, including American
2 oystercatchers, black skimmers, common terns, least terns,
3 Wilson's plovers, et cetera. They are listed birds, listed
4 on the protected wildlife species of North Carolina, as North
5 Carolina special concerns species --

6 MR. SKIDMORE: You have 30 seconds left.

7 MR. KEENE: The excessive closures as defined within
8 the DEIS Species Management Strategies on pages 121 through
9 126 -- Table 10 -- in no way reflect protections of four of
10 these species by the State of North Carolina on their list.
11 The excessive closures granted these species by National Park
12 Service has and will close more beach access than the
13 closures afforded the ESA list of piping plovers. We
14 recommend that National Park Service not establish closures
15 in excess of those defined and established by the State of
16 North Carolina. Thank you.

17 MR. SKIDMORE: Thank you, Jim. Next is Gary Gross.

18 MR. GARY GROSS: Yes. I'd like to begin this morning
19 with a fundamental point about the Hearing. I respectfully
20 submit that this Hearing should have been held in the
21 evening. I believe that it's unfair to ask the people of
22 Hyde County to miss work, or abandon their businesses in
23 order to attend this important Public Hearing about their
24 future. In fact, the Swan Quarter Ferry doesn't even leave
25 until 10:00, making it virtually impossible for the people on

1 the mainland to participate in this important event. I'd
2 like to comment on how turtles are managed in the Draft
3 Environmental Impact Statement. Endangered sea turtles would
4 benefit from more proactive management practices that are now
5 in place, including in other federal facilities. With more
6 proactive management, including nest relocation, a better
7 rate of nesting success can be achieved. We must always
8 remember that the true measure of turtle management success
9 -- it's not the number of nests in a given area, but the
10 number that successfully hatch. Here are the facts as to why
11 the DEIS should be modified in it's final form to include
12 more proactive nest relocation. The seashore's on the
13 Northern-most fringe of the turtle nesting locations in the
14 Southeast. In this area, it is weather, number one,
15 predation number two, that represents the greatest threat to
16 sea turtles. It's not people. It's not night driving. In
17 fact, people on the beach at night will help reduce
18 predators. The Loggerhead Recovery Plans historically
19 recognized relocation as a regular conservation practice.
20 Meanwhile, North Carolina's Wildlife Resources Commission
21 recommends relocation as a last resort, preferring a
22 philosophy that lets nature takes its course. In page 125 of
23 the DEIS, the Park Service relies upon the approach used by
24 North Carolina, which allows nest relocation only for those
25 under imminent threat. This contradicts the practice done by

1 U.S. Fish and Wildlife in the Pea Island Wildlife Refuge just
2 a brief distance away, on the North end of Hatteras Island.
3 By not supporting nest relocation, Hatteras seashore has lost
4 over 46 percent of the nests laid in the past 11 years.
5 Meanwhile, we see in South Carolina in 2009, 40 percent of
6 its nests which resulted in and were relocated, which had an
7 incredibly low rate of lost nests of only 7.7 percent. This
8 makes a compelling case for nest relocation. The turtle
9 management practices outlined in the DEIS on page 125 and 392
10 to 396, should be modified to allow more proactive nest
11 relocation as a tool for species recovery. Thank you.

12 MR. SKIDMORE: Thank you, Gary. Next will be Jim
13 Harris, followed by Bill Mandulak, and George Chamberlin.

14 MR. JIM HARRIS: I'm Jim Harris. I live in Dare
15 County. Nowhere in the DEIS do you address pedestrians, who
16 are the largest user group in this Park. You don't have any
17 signs for them, no training, no nothing. Even here in this
18 little document, "Develop regulations and procedures to
19 carefully manage ORV use/access to the seashore..." -- that's
20 the people that walk that access to the seashore. Under page
21 58 of the DEIS, "Education and Outreach. Post signs
22 regarding applicable ORV regulations and ORV access ramp,
23 beach routes and sound side areas. Information on beach
24 closures and sound seashore resources is readily available
25 and presented in a clear manner to the public." That's not

1 quite true. Nowhere does it say, "pedestrians." There are
 2 no rules for pedestrians. Pedestrians in the first three
 3 weeks of Cyndy Holda's reports, say, "17 pedestrians violated
 4 resource closures. One ORV did." Next, I would like to talk
 5 about DEIS, Chapter 3, Page 256. Your little pie chart
 6 showing where vehicles were. And you say, "Over half the
 7 vehicles were located around Cape Point and the Bodie Island
 8 Spit on July 4, 2009." Both of those locations were closed
 9 on that date. So, it couldn't possibly be true. And if you
 10 base anything on a lie, you're producing another lie. And I
 11 don't like that.

12 MR. SKIDMORE: Thank you, Jim. Bill Mandulak,
 13 followed by George Chamberlin and David Eshan.

14 MR. BILL MANDULAK: My name is Bill Mandulak. I'm
 15 representing the Coastal Conservation Association of North
 16 Carolina. I've been coming to the Outer Banks for over 30
 17 years, fishing, and recreating along the Cape Hatteras
 18 National Seashore recreation area. I tried to go through the
 19 800 pages or so, and I will tell you that it is a great --
 20 great indication of "bureaucratic obstacation". It is
 21 absolutely impossible for everyone to go through this. It is
 22 like reading War and Peace without the attendant gripping
 23 novel, that should be attended with it. You know, as
 24 sportsmen, we're lucky to get through the sports page and the
 25 comic section and the front page, let alone to read this

1 entire document. But my point is, that there are several
2 options in here. It's very difficult to go through all the
3 options. But what's very disturbing is that there's no --
4 there is a Environmental Preferred Option, an NPS Preferred
5 Option. There is no User Preferred Option. There is no
6 option in here that describes what the predominant users of
7 the park would like to have in their option, for access to
8 the beach. To suggest that a recreation area as this Park
9 was established, should have closures with no human activity
10 on the surf zone is absolutely absurd. Several people have
11 -- and I'm speaking specifically to Option F -- several
12 people have mentioned the excessive buffers. They are very
13 inconsistent with other places that have the same bird
14 activity and the same -- same turtle activity. They're very
15 excessive and they're very inconsistent. Night driving to
16 extend to November 15, is well beyond what we've seen
17 anywhere. If a nest is still there at -- in November,
18 chances are pretty good it's not going to hatch at all
19 because of cold weather that would have killed the eggs. The
20 one thing that's really disturbing is there is all of these
21 various activities to prevent ORV acc -- disturbance of
22 birds, and yet there's no information to expand the habitat
23 around the Salt Pond. No recognition of the birds moving to
24 Spoil Islands. And finally, there's no implementation of
25 some of the things that are done up in the Northeast,

1 particularly for plovers. There are some large cages that
2 are put around -- around nests up there that keep predators
3 out, and so forth. None of those actions are described, and
4 they -- and yet we focus on ORV access, which is less than
5 one percent, you know, a small fraction of one percent of the
6 activity around -- around the birds. So, I think that you
7 really need to reconsider that -- those buffers, et cetera.
8 Thank you.

9 MR. SKIDMORE: Thank you, Bill. Next is George
10 Chamberlin.

11 MR. GEORGE CHAMBERLIN: Good morning, ladies and
12 gentlemen. Thank you very much for the time. My name is
13 George Chamberlin. My wife, Elizabeth, and I own a business
14 here on Ocracoke, a hotel. My wife, Betty, is one of the
15 originals and I learned a lot of the history from her mom,
16 who was actually here when the Park Service land was
17 transferred to the Park Service. I'll file a complete report
18 with the U.S. Park Service prior to the May deadline, but I
19 wish to present these comments to you today, so that you may
20 have some sense of my feelings, and those I have spoken with
21 regarding the published DEIS. I do wish to also make a point
22 that we have not asked when we could meet with this group, or
23 for how long we could speak; we were told. I fear that the
24 result of your plan will be presented in much the same
25 manner. We will, in the final analysis, and after proper

1 comments, be told what will happen to the Outer Banks, and
 2 that the most -- most of the cry for logic and reason will
 3 not prevail. I can only hope this statement will not be
 4 true, and offer the following suggestions. Important
 5 decisions must not be made that are based on general
 6 estimates and incomplete data. NPS conclusions should be, as
 7 in the business world, based on and referenced by actual
 8 historical facts or data, and from information that has been
 9 obtained by face-to-face discussions with visitors, residents
 10 and business owners in the affected areas, not by three men
 11 in response to a document that forces us to disprove a
 12 negative, inaccurate or general statements such as minimum to
 13 moderate impact. What does that mean? Additional
 14 restrictions and those from previous regulations also require
 15 factual data and logic. For example, if you require that
 16 pets be banned from certain areas, you must realize that no
 17 pets means no people. The simple logical fact is that those
 18 people that have pets consider them, for the most part,
 19 family members, and will not readily leave those pets for a
 20 weekend or more to visit the Outer Banks. They will take
 21 their family to other locations, and a loss of revenue will
 22 be felt by the businesses of the area, and not by the rule
 23 makers. The DEIS not only fails to take into account the
 24 economic impact of the proposal, it hardly mentions the human
 25 issues involved. Historically, beach access and enjoyment of

1 the Outer Banks was meant to be a special place where people
2 and wildlife interacted. The Outer Banks, and specifically
3 Ocracoke, was never intended to be a wilderness area. Yet,
4 this proposal does nothing to enhance wildlife, other than to
5 prohibit humans from within overly-restricted areas, and to
6 somehow reduce predators.

7 MR. SKIDMORE: Thirty seconds left.

8 MR. CHAMBERLIN: Logical rules and regulations are
9 certainly required to ensure that an educated visitor to the
10 park area knows the rules and are enforced by an educated
11 Park Service staff. But the Outer Banks and, specifically,
12 Ocracoke, was not given to the Park Service so that it could
13 be turned into a wildlife-only wilderness area, to be
14 controlled by outside zealots and poorly managed by big
15 government. We also realize the pressures that are now being
16 put on the Park Service by special interest groups and the
17 courts.

18 MR. SKIDMORE: Your time is up.

19 MR. CHAMBERLIN: The rest of my comments are written.

20 MR. SKIDMORE: Thank you very much. David Eshan,
21 followed by Scott Tyson and John Manning.

22 MR. DAVID ESHAN: Good morning. I'm David Eshan. I
23 represented an Ocracoke civic business, at REGNEG. I'd like
24 to see everybody come out this morning. I have a few points
25 I'd like to make. First one. Starting at the North end is

1 the North Point of Ocracoke. Closing down this area
 2 completely to ORVs except for a quarter mile on either side
 3 of ramp 59 is just a shame. There has not been a piping
 4 plover nest there in the last ten years. As on Chart 200 --
 5 piping plover nests -- no nests since -- when there was one
 6 in 1996, and only four chicks have fledged there in the last
 7 18 years. That's kind of a big area to close down
 8 completely, for little gain. Also, new ramps -- from
 9 installing the new ramps, page 100. Ramps 62 to 64, are open
 10 to ORVs. This area has been a safety closure my entire life.
 11 Now, we're closing down areas that are safe to open up areas
 12 that have been considered unsafe for the past 30 years or
 13 more. Yes, we do need these other areas open, if they're
 14 going to close them down, but why should we close down safe
 15 areas and open up unsafe areas? Also, on page 100, a half a
 16 mile southwest of ramp 68 to 1.2 miles northeast of ramp 70,
 17 has dates of closures from November 1 to -- ORV route from
 18 November 1 to March 14. These dates need to be changed.
 19 Having these dates totally blocks out our spring and fall
 20 fishing seasons. No access in March, or half of March, all
 21 of April, May, and September, and October, we're losing when
 22 people like to come to the beach to go fishing. Also, on
 23 page 101, the 1.2 miles northeast of ramp 70 to a half mile
 24 northeast of ramp 70, these dates are also in the DEIS are --
 25 the April 1 to October 31 should also be changed. Same

1 thing. We're blocking out specific times of the year when we
2 have fisherman that are here primarily to beach fish. If we
3 don't have these times, then it's really going to hurt
4 business. The last comment I'd like to make is on page 101,
5 half a mile southwest of ramp 72 to inlet. In the DEIS, it
6 states it's three miles. If you go there and measure it,
7 it's 1.3 miles. NPS has a closure of -- "floating" closure
8 of one mile, so how's it going to float? There is nowhere
9 else for it to float. And also in that, it says, "Access to
10 the corridor would be allowed on the shoreline to the inlet."
11 That's the floating corridor. Let's see, let me finish up.
12 If resource protection staff determines that any single
13 activity or collection of activities is negative impact on
14 shore bird uses specific location, the NPS may implement, add
15 restrictions or on compatible activity. That means they're
16 going to close it down. So --

17 MR. SKIDMORE: Your time is up.

18 MR. ESHAN: Thank you.

19 MR. SKIDMORE: Thank you very much. Scott Tyson will
20 be followed by John Manning and Leslie Lanier.

21 MR. SCOTT TYSON: My name is Scott Tyson. I'm from
22 Charlotte, North Carolina. I come to Ocracoke five or six
23 different times a year. And I've been doing so for 40 years,
24 and this is the first time I've ever been here and not been
25 able to access South Point. It's very sad. That's the

1 reason we come here, is to fish South Point, and to enjoy the
 2 natural beauty of the vastness of the area. It's a huge
 3 amount of room down there. As far as the closures to birds,
 4 and SMAs go, ML1 is overly restrictive to pedestrian ORV
 5 corridors. Bypasses should be provided through, around or
 6 below high tide line and all SMAs during an entire breeding
 7 and nesting season, within guidelines to maintain access.
 8 Should the large inflexible buffers -- buffers should use
 9 breeding and nesting buffered distances to establish ORV
 10 pass-through only corridors to ensure beach access is always
 11 maintained. Piping plover unfledged chicks buffers should
 12 move with the brood as it relocates to a reliable food
 13 source, not expanded so as to expand economic opportunities,
 14 as well as increased visitor experience with no harm to
 15 wildlife. It should be noted that 85 percent of the American
 16 oystercatcher nests, 83 percent is due to either predation or
 17 storm or lunar tides. Only three percent of those nests are
 18 harmed by human interference. The NPS does not adequately
 19 consider locations neighboring the recreational area that are
 20 part of the same ecosystems, villages, dredges, Spoil
 21 Islands, Pea Island National Wildlife Refuge. Dredges in
 22 Spoil Islands typically have fewer predators to threaten
 23 nesting birds. Bird activity within neighboring areas should
 24 be tracked and included in target productivity levels.
 25 Fluctuations in trends and recreational area bird populations

1 should be viewed relative to reasonable and steady
 2 experiences, not in isolation. Reason of Influence. The
 3 reason of influence incorporates the North beach communities,
 4 including Southern Shores and Duck. These areas are almost
 5 completely disconnected from ORVs in access issues relating
 6 to the seashore. Inclusion of the northern beaches in
 7 analysis significantly dilutes estimates of economic impact
 8 on the seashore villages. Nowhere is it clearly addressed
 9 that overwhelmingly -- the overwhelming majority of negative
 10 impact will be felt by small businesses in the seashore
 11 villages, rather than overall economic interests -- interest
 12 within greater region of impact. Overall Visitor Counts.
 13 Overall visitor counts appears to include visitors to Fort
 14 Raleigh National Historic Site and Wright Brothers National
 15 Memorial. The large percent of these visitors vacation in
 16 the Northern beach communities, and recreate on non-federal
 17 beaches outside the seashore. Visitors who patronize Fort
 18 Raleigh National Historic Site and Wright Brothers National
 19 Memorial, but do not visit the actual seashore areas, need to
 20 be factored out.

21 MR. SKIDMORE: Thirty seconds remaining.

22 MR. TYSON: It should be noted that the people that
 23 use these beaches are the people that take care of the
 24 beaches, and clean the beaches, and look out for the beaches,
 25 and look out for the wildlife out there. It is not the

1 people that are trying to shut down the beaches. They're
2 just trying to shut them down for their own personal monetary
3 gain. Mr. Murray, I'd like to thank you for all your hard
4 work. Thank you.

5 MR. SKIDMORE: Thank you, Scott. Next is John
6 Manning, who'll be followed by Leslie Lanier and Tom Burke.

7 MR. JOHN MANNING: Everything that I wanted to say
8 has been pretty well covered. I'll pass and shorten the
9 meeting.

10 MR. SKIDMORE: Thank you, John. Leslie Lanier.

11 MS. LESLIE LANIER: Hi. My name's Leslie Lanier. I
12 own a small business on the island. I do want to say I agree
13 with, I think, everything that's been said. Daphne Bennick,
14 for sure. Mr. Oliver. And for sure, the best statement I've
15 heard is the "bureaucratic obstacation". The document is
16 incredibly hard to read, as are many of our government
17 publications. In the past couple of years, I've lost two
18 full-time employees. Is it all due to beach closures? I'm
19 sure it's not. But the beach closures do not help. There
20 needs to be a corridor, so that pedestrians and ORV drivers
21 can get down through the -- past the nests, whether it be the
22 piping plover or the turtles. I don't see a whole lot about
23 the predation -- the predators -- that's what's killing the
24 birds. It's not our dogs. It's not the people. It's not
25 the children. Cape Lookout Seashore, this winter, lost, I

1 think, 92 turtles in one weekend. We can't help the cold.
2 We can keep dogs on leashes, and we're good at doing that.
3 And you're good at making us do that, the Park Service is.
4 We can keep our children away from the enclosed nests. They
5 do not have to be a thousand feet. There can be a corridor
6 and I think that's where you need to spend your time. You do
7 need to put a personal aspect on the plan. Less income for
8 my business is less employees, is less taxes to Hyde County,
9 which is -- I don't know, help me -- is the second poorest
10 county in the state, maybe. Our -- the people that do come
11 to Ocracoke are not the people that go to the Wright Brothers
12 Memorial all the time. I mean, you get millions up there.
13 We don't get those millions. Our ferry systems have been
14 cut. We need the Park Service to work with us, and to work
15 with Ocracoke and Dare County, particularly the southern
16 parts of the Dare County, to help us out. Thank you.

17 MR. SKIDMORE: Thank you, Leslie. Next will be Tom
18 Burke, followed by David Flanagan and Cecil Duke.

19 MR. TOM BURKE: My name is Tom Burke. I live in Nags
20 Head, North Carolina. I'm down here this week to fish.
21 That's why I'm here. I rented a house for the week. I'm
22 eating in restaurants. I'm visiting shops. I'm going to
23 local grocery stores. I'm spending my money. Back to the
24 plan itself. I got on my web -- I got on my computer. Went
25 to the Park Service's website, downloaded two files. It's in

1 two files, because they're both so large. It took me roughly
 2 a half hour from the time I started to even find Alternative
 3 F. To expect someone to read 800 pages, and come in here and
 4 comment a week or two later is just absurd. So, I'm going to
 5 just limit my comments to Alternative F, which in fact, I did
 6 read. I disagree with what's in Alternative F, because, it
 7 does not recognize the *de facto* plan that was in place in
 8 prior years leading up to the Interim Plan. And the Interim
 9 Plan's important. I want to come back to that. But, as a
 10 result of your recommended plan, Alternative F, it negatively
 11 -- it's going to negatively impact the experience that our
 12 visitors, guests, have when they come to the Outer Banks, and
 13 it also damages our local economy. I would like you guys to
 14 just consider going back to the Interim Plan, the Interim
 15 Management Plan. When that was announced, no one liked it.
 16 I didn't like it because it restricted my access. The bird
 17 people didn't like it because they felt it was too lenient.
 18 And I said, Well, no one likes it, it must be right. There
 19 must be something to it. The plan that you're recommending
 20 now, what's in DEIS, quite frankly, if you're -- if the Park
 21 Service signature wasn't on it, I would swear this was
 22 written by the Audubon Society because, frankly, it's for the
 23 birds. Thank you very much.

24 MR. SKIDMORE: Thank you, Tom. The next one to speak
 25 is David Flanagan, followed by Cecil Duke and Charles

1 Klinger.

2 MR. DAVID FLANAGAN: I'm Dave Flanagan. I'm a
3 resident of Nags Head, North Carolina. Part of my comments
4 have been touched on by Mr. Burke, for my comment today is in
5 regards to routes and areas. I disagree with Alternative F
6 restrictions. These restrictions exceed those under the
7 Consent Decree, the Interim Management Strategy, and the *de*
8 *facto* ORV plan previously in place under Superintendent
9 Bailey, which was Superintendent number seven. I would like
10 to see the Interim Management Plan reinstated into this
11 process. I believe if we could get back to the Interim --
12 Interim Management Plan, this would give us all some type of
13 working area for the Park Service, and also these
14 organizations. As a past Director and Vice President of
15 Beach Buggy Association, we have also worked a great deal
16 with the Park Service under that plan. I'd like to see that
17 plan reinstituted. Thank you.

18 MR. SKIDMORE: Thank you, you David. Cecil Duke.

19 MR. CECIL DUKE: My name is Cecil Duke. I live in
20 Richmond, Virginia. I disagree with Alternative F of the
21 DEIS in regards to the law enforcement practices. It is not
22 right to punish all users of the park because there are not
23 enough law officers to cover all of the laws and impact
24 statements put upon us. Violations such as night access,
25 improper driving, access of closed areas, both pedestrian and

1 ORV. Because proper law enforcement is not available when a
2 violation is found, after the fact, the Park Service answer
3 is to close more beach to all. Many organizations have been
4 requesting more Park Service law officers for years. And our
5 citizens who own the park deserve to have them. As more and
6 more areas are compressed, forcing beach goers into close
7 quarters, user issues could appear, again, needing at times,
8 law enforcement ranger's presence. I hope that the lack of
9 proper staffing of law enforcement rangers will never be used
10 as a tool to close even more beach to beach driving. I have,
11 over the years, called the law enforcement ranger several
12 times, to report violations in progress. And I have never
13 had a response. I have even been told by dispatchers to
14 obtain as much information of the violators, and personally
15 take out a warrant against those involved in the violation.
16 Thank you for this opportunity to speak.

17 MR. SKIDMORE: Thank you, Cecil. The next speaker
18 will be Charles Klinger, followed by Richard Dimmig and Alan
19 Sutton.

20 MR. CHARLES KLINGER: Hi. My name's Charles Klinger.
21 I live in Great Falls, Virginia. And my comments are in
22 reference to Alternative F, and specifically the closures due
23 to turtles. And I think that the .5 meter area from nest to
24 water is largely, too big. And that if you visualize a
25 football field from one end zone, that's what you've got.

1 So, I think that this is way too large, and I think it should
2 be more like the keyhole method that ya'll had before. I
3 thank you.

4 MR. SKIDMORE: Thank you, Charles. Next is Richard
5 Dimming, followed by Alan Sutton, and Allen Burrus.

6 MR. RICHARD DIMMIG: Good morning. My name is
7 Richard Dimmig and I'm from Pocono Pines, Pennsylvania. I've
8 spent about -- I've spent about half the year down here in
9 Nags Head Acres, where my wife and I live, and my daughter's
10 there, and we -- we originally came here because of the free
11 and open beaches. And our families have many, many friends.
12 And I totally disagree with pretty much everything that's in
13 Plan F. I think it's -- there's no consideration for people,
14 the ORVs, the local businesses, the economy. And, we know
15 many people from Pennsylvania that no longer come to the
16 Outer Banks because of the fact that they've been unable to
17 get on the beaches, where they're restricted or, you know,
18 it's like it's losing control. I think when you're predator
19 management, you have to be careful that you're not picking
20 winners and losers because not all the animals deserve to
21 die, either. And, the inflexible borders for the piping
22 plover, 1,000 meters or 700 acres, is totally out of control.
23 So, thank you.

24 MR. SKIDMORE: Thank you, Richard. Alan Sutton is
25 next, followed by Allen Burrus, and Warren Judge.

1 MR. ALAN SUTTON: Hello. I'm Alan Sutton, a small
2 business owner on Ocracoke. Superintendent Murray, I
3 disagree with the statement, "There would be 1.0 mile of
4 'floating' ocean shoreline area for nonbreeding shore birds.
5 Area would be bypassed via the ORV corridor on the upper
6 beach during nonbreeding season." The statement's found on
7 page 101 under Alternative F, Oceanside Location, 0.5 miles,
8 Southwest of ramp 72 to the inlet. Species Management Area.
9 Page 124, on nonbreeding shorebird SMAs, ocean shoreline
10 areas, states, "If resource protection staff determines that
11 any single activity or collection of activities is negatively
12 impacting shorebird use of a specific location, the NPS may
13 implement additional restrictions on compatible activities."
14 These statements allow for ORV access or visitor use
15 experiences to be restricted and potentially eliminated year
16 round, if they are found to be negatively impacting shorebird
17 use. This is inconsistent with the assumption that
18 Alternative F socio-economic impacts would be long-term
19 negligible to minor adverse or beneficial as stated on page
20 145. As someone that was asked for economic consequences of
21 closures, I can assure you that Ocracoke South Point is not
22 defined as the specific location where the ocean and inlet
23 shorelines meet. South Point is the term that the visitors
24 and businesses' owners use to define the 2.5 mile area from
25 ramp 72 to the inlet and along the inlet. Restricting access

1 throughout any of this region will severely affect the socio-
 2 economics of Ocracoke. Most of the entire sound side mud
 3 flats are already closed year round for nesting and non-
 4 breeding shorebirds. These flats and sound side shoreline
 5 area are closed to ORVs, pedestrians, and any visitor
 6 experience. This closed area accounts for well over half of
 7 the South Point area. Additional closures for non-breeding
 8 shorebirds is not needed. I recommend that that statement
 9 regarding non-breeding shorebirds be removed from the South
 10 Point area. I have additional written comments that I will
 11 submit in writing regarding the excessive buffer -- the
 12 excessively large buffer sizes for nesting birds, the
 13 unneeded nighttime restrictions on drum fisherman that are
 14 extremely sensitive to light, the inadequate and
 15 inappropriate economic data, the closures of North Ocracoke,
 16 and the date surrounding other ramps as stated by David Scott
 17 Eshan, and the availability of permits and the ease of
 18 access. My last comment is that it is disappointing that
 19 this plan does not more clearly represent the majority of the
 20 people effected.

21 MR. SKIDMORE: Thank you, Alan. Allen Burrus is
 22 next, followed by Warren Judge and Bobby Outten.

23 MR. ALLEN BURRUS: My name's Allen Burrus. I own a
 24 grocery store in Hatteras Village that was started in 1866 by
 25 my great-great-grandfather, and I'm still a visitor, even

1 though I'll be buried in a graveyard that has ancestors that
 2 were buried there 300 years ago. So, I've got one federal
 3 group saying I'm a visitor, and another one that Mike and
 4 myself attended the other day that thinks that I should be
 5 put in a pen and studied, because I'm an endangered species.
 6 So, it all works different ways. But, what I'm really here
 7 today for is buffers, or closures, or important management
 8 practices for species recovery. However, to benefit the
 9 protected species and the visiting public, all buffers must
 10 be based on peer review science. Once buffers are
 11 established, they must be routinely monitored throughout the
 12 breeding season, to ensure that resources are effectively
 13 protected and public access is provided. The extreme buffers
 14 outlined in DEIS pages 121 to 127 must be modified in the
 15 final version of the Environmental Impact Statement, that
 16 1,000 meter buffer for the piping plover required in
 17 Alternative F is excessive and punitive, and not based on
 18 peer review science. This 1,000 meter buffer can only be
 19 fully appreciated when it is understood that this is a
 20 minimum distance that is required in all directions. The
 21 nest of unfledgling chicks on a linear distance is about a
 22 mile and a quarter, and it "floats". A more appropriate, yet
 23 effective buffer, is 200 meters. Ample science evidence and
 24 precedence exists to support a 200-meter buffer. As part of
 25 the E -- N-E-P-A process, NEPA, I formally request the

1 National Park Service provide peer review science that
2 justifies a 1,000-meter closure in all direction, buffers for
3 other species, including American oystercatchers, least
4 terns, colonial waterbirds must be also be changed. A 30-
5 meter buffer, which should be established for these birds
6 rather than the 300 meter outlined in DEIS. Thank you.

7 MR. SKIDMORE: Thank you, Alan. Next will be Warren
8 Judge, followed by Bobby Outten and Derb Carter.

9 MR. WARREN JUDGE: Good morning. I'm Warren Judge.
10 I'm Chairman of the Dare County Board of Commissioners. I'm
11 here today representing the 33,000 people who live in Dare
12 County, and the 6,000,000 visitors that we serve as host to
13 every year. The Dare County Board of Commissioners, on
14 behalf of those people, has always stood for free and open
15 access to Cape Hatteras National Seashore Recreational Area.
16 We also believe in conservation and protection of species and
17 wildlife. Unlike the special interest groups and the
18 opponents of access, we believe that these two can go hand in
19 hand, and can exist together and, at the same time, to
20 provide that access that we support. Dare County supports
21 and requests that corridors be created and maintained in all
22 areas of the Cape Hatteras National Seashore Recreational
23 Area. Corridors provide a path around temporary resource
24 closures in order to provide an access to an open area that
25 would otherwise be blocked. Corridors can be established

1 below the high tide line. Since unfledged chicks are not
 2 found in nests between the ocean and the high tide line, this
 3 type of pass-through corridor would have no negative effect
 4 on the wildlife. Corridors should be provided, Mike, in all
 5 areas of the seashore, including the highly restrictive
 6 Management Level One portions of the SMA, required under the
 7 Preferred Alternative. And we would like to request that we
 8 don't use Management Level One, that you use Management Level
 9 Two. Corridors worked with success in the 2007 Management
 10 Plan. Corridors are for valuable access, provide valuable
 11 access without impairment or damage to protected species.
 12 Hatteras Island is extremely important to Dare County. It
 13 represents -- in the last five years, it represents 28.4
 14 percent of our tourism income. It represents 22 percent of
 15 our *ad valorem* tax base. It's critical. It's critical to
 16 the State, to Dare County, and to the State of North
 17 Carolina. Cape Hatteras National Seashore Recreational Area
 18 is a -- is a people going to the beach for whatever they do
 19 -- sunbathe, walk on the beach, sea shell, bird watch, swim,
 20 take their family, fish. The Seashore was developed to be
 21 accessed by vehicles. We have less than 800 parking spaces
 22 in the entire seashore. The ramps that are designed to get
 23 people across to the -- from the road to the beach are built
 24 for cars. They're not built for pedestrians, although
 25 pedestrians use them. We support everything that I say about

1 corridors. We need corridors to provide access to everybody
2 in Cape Hatteras National Seashore recreational area. Thank
3 you.

4 MR. SKIDMORE: Thank you, Warren. Next will be Bobby
5 Outten, followed by Derb Carter and Linda Harper.

6 MR. BOBBY OUTTEN: Hi. I'm Bobby Outten. I'm here
7 to speak to you about Alternative F and about the protections
8 given to the non-endangered birds. The Endangered Species
9 Act requires protection for endangered species, and we
10 acknowledge that and we understand that that has to be done.
11 While we don't necessarily agree with the buffers, we
12 acknowledge the need to follow the Endangered Species Act.
13 The Park Service may also have some obligation to protect any
14 species of animal that lives in the park at some level. What
15 we object to is elevating the protections given to non-
16 endangered species to levels that you've given to the
17 endangered species. To my knowledge, only the endangered
18 species that we're talking about in the bird population is
19 the piping plover. North Carolina identifies the number of
20 colonial waterbirds as species of concern. What that means
21 in North Carolina is, is that that's a bird that needs to be
22 looked at and monitored. That does not mean that there's any
23 level of regulation given by the State or requested by the
24 State. And yet, those birds are being protected at extremely
25 high levels that cause closures. The result of that is, if

1 you look at Oregon Inlet where there were no piping plover,
 2 the endangered species last year, pre-nesting closures began
 3 on March 11. They became resource closures on March 23. On
 4 July 16, an American oystercatcher chick fledged, but because
 5 it wasn't flying properly, the closures continued until
 6 August 16. So, even though there were no endangered species
 7 at Oregon Inlet, Oregon Inlet remained closed from March 11
 8 to August 6, 2009. We think that's an extremely long closure
 9 for a non-endangered, non-threatened species of birds that
 10 isn't protected at all under North Carolina law, and can't
 11 understand why it's elevated to these great levels of
 12 protection under this plan. Similarly, at Cape Point, pre-
 13 nesting closures began on March 12, 2009. They became
 14 resource closures for American oystercatchers on April 14.
 15 On July 16, an American oystercatcher chick fledged, but
 16 again was not proficient in flying in the air. Cape Point
 17 was closed until August 27, 2009. Again, extremely long and
 18 this is more than 140-day closure in the height of the season
 19 for birds that aren't on any list. We don't understand and
 20 don't agree with that. But, we request that the buffers be
 21 modified, so that pre-nesting closures be only had for
 22 endangered species, not threatened species. Because the
 23 colonial waterbirds do not return to same nest each year,
 24 such closures are unnecessary in warranty and result in
 25 closures that aren't needed and have severe economic impacts

1 in Dare County. Thank you.

2 MR. SKIDMORE: Thank you very much. Derb Carter is
3 next, followed by Linda Harper and Greg O'Connell.

4 MR. DERB CARTER: I'm Derb Carter, with the Southern
5 Environmental Law Center in Chapel Hill. We represent the
6 National Audubon Society and Defenders of Wildlife. I've
7 been coming to the Seashore on Hatteras and Ocracoke for 35
8 years, multiple times a year. I drive on the beach. I walk
9 on the beach. I enjoy birding. I enjoy fishing on the
10 beaches. I've seen a lot of changes in that amount of time.
11 I know a lot of you have been here longer than I have, but
12 just in that amount of time, there's certainly been a lot of
13 changes. We have more people who want to come here. And
14 most noticeably, a lot more driving on the beach. When I
15 came in my old Cherokee, most of the people you saw on the
16 beach were trying to get to a particular spot to fish. Now,
17 around my neighborhood in Chapel Hill, everyone has a four-
18 wheel drive. And you come to the beach now, and there's just
19 a lot more vehicles on the beach. Audubon and Defender's
20 brought this to our attention based on their concern about
21 the impacts of that ORV-use on breeding birds in particular
22 on the Seashore. We looked into and found two things. One
23 is that, over a period of time, State biologists, Park
24 Service biologists, had documented an 86 percent decline in
25 breeding birds on the Seashore. We also looked into the

1 situation regarding ORV-use, and it quickly became apparent
2 that the Park Service had not met their long-standing
3 obligation to manage that use. And that's how we got
4 involved. And we're looking for four things in a final ORV
5 management plan. First, we're looking for access. We think
6 that it's important that people who come to the Seashore can
7 access the beaches and the seashore. We're also looking for
8 a balance access that provides places to go, not only for
9 ORVs but for pedestrians. There are people -- I know many of
10 them -- who come to this seashore because they want to walk
11 on a beach that actually is free from ORVs, and that access
12 is as important to many people as the access is to those,
13 like me, who have an ORV and want to access certain areas.
14 We've looked at the five other national seashores on the
15 Atlantic Coast that have ORV plans. There's 150 miles in
16 those seashores. They allow ORVs on 26 miles. Alternative F
17 provides access on 52 -- on 52 miles here, out of 68, or
18 twice that allowed on all the other five national seashores
19 on the Atlantic coast that have ORV plans. The final three
20 things we're looking at is resource protection. We want
21 these decisions based on the best scientific information
22 available, and we want the Park Service to meet its
23 obligations to manage natural resources in a way that can
24 provide for their recovery on the Seashore. Thank you very
25 much.

1 MR. SKIDMORE: Thank you, Derb. Next is Linda
2 Harper, followed by Greg O'Donnell, and Jon Chamberlain.

3 MS. LINDA HARPER: I'm Linda Harper. I have been a
4 resident of the Outer Banks since 1969, and enjoyed fishing
5 and the seashore for 40 years. During that time, I have seen
6 the areas that can be used grow smaller, and as that has
7 happened, the use in the areas that we can use is more
8 concentrated, which seems to me to cause over-use in those
9 areas. Further restrictions of areas and further closures
10 will also impact the towns and villages in Dare County that
11 allow four-wheel drive access, Nags Head and Kill Devil Hills
12 and Corolla and Carova, probably resulting in more
13 restrictions in those areas, because they'll become over-used
14 and over-crowded. Thank you.

15 MR. SKIDMORE: Next is Greg O'Connell.

16 MR. GREG O'CONNELL: My name's Greg O'Connell. I'm
17 from Mays Landing, New Jersey. I'm a proud member of New
18 Jersey Beach Buggy Association and I'm here today as a
19 representative of the Recreational Fishing Alliance. I'd
20 like to start off by saying that a number of comments and
21 points were addressed by other speakers. We support many of
22 the people that spoke here today. To point out a couple, Mr.
23 Oliver, Mr. Keene, Mr. Eshan, and Mr. Sutton. As a fisherman
24 that's traveling 450 miles to get down here, some of the
25 concerns that I have with Alternative F are not being

1 guaranteed or not knowing what areas are going to be open. A
2 number of the best fishing places could be closed, and
3 without knowing in advance with enough time to plan a
4 vacation, there's little chance of somebody like me from New
5 Jersey, renting a house or booking rooms and planning on
6 coming down here on a vacation unless I know where I'm going
7 to be able to fish, and knowing that I'm going to have access
8 to some of the best fishing locations. We obviously support
9 corridors. We would recommend to the NPS that there's a
10 number of beaches in other states that are managed with
11 different types of enclosures and corridors, and certainly a
12 lot less restrictive buffers than what's presented in this
13 DEIS. Obviously, we would strongly suggest that you guys
14 look at the cultural and historical value of surf fishing in
15 this area. Without having access to the beach, there's very
16 little reason to come down here, and there's very little
17 difference between what you have here on the Outer Banks as
18 opposed to what other areas have, in terms of their -- in
19 their beaches and things. So, there would be no reason for
20 me to, you know, not go to New Jersey beaches, versus coming
21 down here. The whole reason for coming down here is the fact
22 that we have access to a great deal of shoreline, and it's
23 just a long-standing tradition to come down here and be able
24 to access places like Cape Point and the South Point on
25 Ocracoke. In conclusion, we would support the Interim

1 Management strategy that was in place prior to -- in 2007 and
2 prior to 2007. The Park Service personnel is highly
3 educated. They're trained. It was a plan that was put in
4 place to be protective of both the wildlife, and also worked
5 for fisherman. I would strongly suggest -- or we would
6 strongly suggest that you go back to that, and allow your
7 personnel to be able to make decisions and, you know, try to
8 make it work for both parties. Thank you.

9 MR. SKIDMORE: Thank you very much. Next will be Jon
10 Chamberlain, followed by Vince O'Neal and Betty Oelschlegel.
11 Jon Chamberlain.

12 COURT REPORTER'S NOTE: Mr. Chamberlain is not
13 present to speak.

14 MR. SKIDMORE: He perhaps had to leave. So, Vince
15 O'Neal.

16 MR. VINCE O'NEAL: Vince O'Neal. My mother and
17 father's families lived here for many years. They've been
18 here for many generations. I'm a commercial fisherman part-
19 time and a business owner. Have a family. My kids are 3, 11
20 and 13, and I'm hoping they'll be able to survive here for
21 generations like we have. My father's land was a lot -- was
22 taken in the '50s, and his grandfather -- his grandfather and
23 my grandfather. Anyway, when they took the land in the '50s,
24 there were supposedly promises made with government he could
25 continue to use it. He was always bitter about his land

1 being taken. Being a World War II veteran, he called the
2 Park Service the Gestapo. I do not have that view. I am
3 glad it is a national seashore. I'm glad that we're able to
4 use it, and I'm proud to be able to take my kids over and my
5 friends and family and say, "Hey, this is yours." It's not a
6 Myrtle Beach. It's not a Virginia Beach. You, as the Park
7 Service, are the stewards and the caretakers of our land.
8 There's a lot of good points been made here today. I hope
9 you'll listen. Take into consideration the special interest
10 groups, the biologists, the guy who looks in a microscope all
11 day long, helps makes these decisions. But, don't let it
12 weigh too heavily. These people all have great ideas, and
13 we'll hope you'll pay attention to them. Commercial
14 fisherman, we've been dealing with these sea turtle issues
15 and so forth, for quite a while now. Now, everybody's having
16 to deal with them. So, we're used to dealing with this.
17 But, we're in a threat to being shut down also. But, it goes
18 hand in hand with these special interest groups, and the
19 seashore and so on. It all goes to the same process,
20 basically. The fate of our villages and communities are in
21 your hands. We expect you to deliver a plan that will allow
22 our families and future generations to survive in the Outer
23 Banks. Thank you.

24 MR. SKIDMORE: Thank you very much. Next will be
25 Betty Oelschlegel, followed by Rudy Austin.

1 MS. BETTY JANE OELSCHLEGEL: My name is Betty Jane
2 Oelschlegel, and I'm a business owner here on the island.
3 And I would like to talk about the economy, and the effect
4 that this will have on the economy. I'd like to respond to
5 the Southern Poverty [sic] Environmental Center. He's
6 speaking about the number of miles of open beach, access
7 beach, but I'm wondering whether or not that access has
8 always been restricted. Ours has been more open and now you
9 are talking about restricting it. I feel like we deal with a
10 lot of stresses here on the Outer Banks. I feel like we have
11 a lifeline, that Route 12, and that stream of tourists coming
12 here is our lifeline. There's so many things that affect
13 that lifeline, that it -- it can get downright scary, if you
14 have a hurricane, if you have a Northeaster. This is one
15 thing that we cannot control. We've been able to streamline
16 a lot and been able to solve a lot of problems, and we get
17 pretty creative, and we're pretty prepared. But this is
18 something we cannot prepare against. And my fear is that I'm
19 now working three jobs, that maybe I will have to take a
20 fourth job, if the stream of tourists is even more restricted
21 than it's been. Thank you.

22 MR. SKIDMORE: Thank you very much. Rudy Austin.

23 MR. RUDY AUSTIN: My name's Rudy Austin and, at the
24 present time, I'm the President of the Civic Business. I
25 think everybody in this community, the ones that I've talked

1 to, are just interested in this thing being fact. We think
2 the buffered things are really extravagant, and I feel like I
3 can speak to this with a little bit of experience. I do boat
4 tours and bird tours and so forth, and I've been doing it for
5 over 40 years. I'm not going to tell you how much over 40
6 years, but I've been doing it over 40 years. And I go to the
7 bird nests and areas and I show people the birds. I take the
8 bird counters and the amount of distance you all have put
9 down here is ridiculous. I watched oystercatchers last year.
10 Went with them 150 feet up. They never got excited. They
11 never flew. They finished their nest. They fledged and
12 left. I'm watching a pair this year that are nesting -- the
13 same thing. A couple years ago on -- I've been watching
14 these birds on Cape Lookout National Seashore, and Cape
15 Hatteras. About three years ago, we had a situation over
16 there with the beach cutting tool, and they left a sand spit
17 of about 350 feet on the ocean side, and I was able to go up
18 in the back as well as other boats. And on that sand spit,
19 we had a group of terns, plovers, and so forth, that started
20 nesting, and there was a high -- that was a lot of shells.
21 They like that shelly bottom. The Park Service went in there
22 and marked it off. Just simply marked it off. People walked
23 on the ocean side and boats went back in the back side and
24 went right by it, within 150 to 200 feet of the birds. They
25 never got excited. They never flew away. I sat there day in

1 and day out and watched them through my binoculars, while I
2 was waiting for people to walk down the beach. People walked
3 on the outside of the -- of the corridor that they had --
4 they had marked off, and as far as I know, every nest hatched
5 and every bird left. And about ten days to two weeks after
6 that, the whole place was over-washed. So, it did away with
7 that particular habitat. What I'd like to see you do is not
8 to restrict yourself. Be flexible in these buffers. Don't
9 lock yourself in for ten years, you know. That's just, you
10 know -- just be flexible. The Park Service has done an
11 outstanding job regardless of what other people are saying,
12 as far as I know on this island, in past years, marking off
13 the nests, and so forth. They've really done a good job.
14 And, just let the Park Service do their job and be flexible.
15 And we thank you.

16 MR. SKIDMORE: Thank you, Rudy. That concludes our
17 list of speakers. As the process facilitator, I'd like to
18 thank everybody and compliment you for the courtesy and
19 manner in which you've conducted this Hearing. So, with
20 that, I'll turn it over to Superintendent Murray.

21 SUPT. MURRAY: Thank you all very much for coming
22 this morning, and the Hearing is hereby adjourned.

23 ***** THE HEARING CONCLUDED AT 10:30 A.M.*****
24
25

STATE OF NORTH CAROLINA)

) C-E-R-T-I-F-I-C-A-T-I-O-N

COUNTY OF PITT)

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