

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

CAPE HATTERAS SECONDARY SCHOOL
48576 HWY. 12
BUXTON, 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 Buxton Public Meeting on Off-Road Vehicle Management
3 Plan/Draft Environmental Impact Statement commenced at 5:05
4 p.m. at the Cape Hatteras Secondary School, Buxton, North
5 Carolina.

6 SUPERINTENDENT MICHAEL B. MURRAY: Good afternoon.
7 Good afternoon, ladies and gentlemen. I want to welcome you
8 to this Public Hearing on the Cape Hatteras National Seashore
9 Draft Off-Road Vehicle Management Plan Environmental Impact
10 Statement or, as we refer to, the DEIS. Next slide. I want
11 to cover briefly where we stand in the project time line of
12 the planning process. We are currently in the Public Comment
13 period for the DEIS that ends May 11, 2010. This week we're
14 holding Public Hearings. The next Hearing will be tomorrow
15 night in Kill Devil Hills. Then, Wednesday night will be
16 Raleigh. Thursday night will be Hampton. And, there's more
17 information in the newsletter about where those meetings are.
18 Once the Comment Period is closed, the Park Service will
19 review the Public Comments and start preparation of the Final
20 Environmental Impact Statement which will include written
21 responses to comments. So that work, the review of those
22 comments, will be spring and summer, 2010. This fall, we'll
23 publish a Proposed Regulation. There'll be a 60-day Public
24 Comment Period on that. And then those comments will be
25 reviewed in the fall, as well. The final Environmental

1 Impact Statement and Notice of Availability, which is the
2 *Federal Register* notice that it's been completed, and is
3 available for the public, will be fall, 2010. And by fall,
4 we're interpreting that as being up to the winter solstice,
5 December. The Record of Decision, of which there is a
6 waiting period after the final EIS, will be before December
7 31, 2010. And then the Final Regulation will be before April
8 1, 2011. Next slide. Several ways you can comment,
9 including verbally here at the Hearing. You can comment in
10 person here, either orally or in writing. You can leave your
11 written comments with the court reporter, as you come up to
12 the podium. Or, if you don't want to make verbal comments,
13 you can hand-deliver your comments to the court reporter
14 during the meeting, or after the meeting. You can also
15 comment on-line, at the Park Planning website. There's more
16 detailed instructions in the newsletter about how to do that.
17 But, the website is <http://parkplanning.nps.gov/caha>. You
18 can also mail or hand-deliver written comments to me, Mike
19 Murray, Superintendent, Cape Hatteras National Seashore, 1401
20 National Park Drive, Manteo, North Carolina. All comments
21 must be received by midnight, Mountain time, on May 11, 2010.
22 Again, the newsletter has complete instructions. People are
23 curious why Mountain time? The Park Service-wide park
24 planning website is based in Denver, and so it's programmed
25 to shut down receiving comments at midnight, Denver time.

1 I'm going to turn the podium over to Frank Skidmore, who's
2 the facilitator for this hearing. Frank.

3 MR. FRANK SKIDMORE: Thank you. Good evening. I'm
4 Frank Skidmore, and I'm pleased to be here as your process
5 facilitator. My job is to facilitate a process that allows
6 everyone that would like to give a comment to do so, in a
7 clear way, that allows the court reporter to capture every
8 word, and that allows everyone's comments, if you will, to be
9 entered for the record. For that purpose, we have a number
10 of ground rules that make this -- make this work. First of
11 all, the purpose of the -- of the Public Hearings are to
12 deliver -- the purpose is to deliver the comments on the DEIS
13 and the comment period that ends on May 11. And the
14 National Park Service will respond to comments in the Final
15 Environmental Impact Statement. Mutual respect and courtesy.
16 Please remain quiet. These are ground rules that are
17 designed to allow everyone to have their comments fully
18 understood by the court reporter, and, of course, to avoid
19 disruption during any of the comments, so that we can have
20 fairness for everyone. You must be signed up to speak. At
21 this point, we have some 52 members of the public that would
22 like to make comments. So, please keep your comments on
23 point. If you can be brief, that would assist in getting
24 through the process a little more quickly, of course. But
25 each speaker is allocated a maximum of up to three minutes.

1 Now, the timekeeper to our left will hold up a yellow card
 2 when we're at 2 minute and 30 second point, so that you know,
 3 warning there's only 30 seconds left. And then a red card
 4 will be held up when the time has expired. I think you'll be
 5 surprised how quickly three minutes will go. But, please,
 6 adhere to this so that we can move this meeting through in
 7 the time that has been scheduled for it. Yielding time to
 8 another individual is not -- not one of the options under our
 9 ground rules. Incidentally, for consistency throughout the
 10 meetings, and so that the comments are all delivered and
 11 recorded consistently, at some point, it would be a potential
 12 that the court reporter would have to turn off her recording,
 13 if someone was running on too long, so that our statement was
 14 consistent with others. Speakers should refrain from
 15 addressing the audience. If someone addresses your talking
 16 point, it is perfectly acceptable to stand up and say, "I
 17 agree with this individual or these individuals," and enter
 18 your comment as a written comment. Written comments are
 19 considered in the same way as the oral comments, which are
 20 trans -- translated into a written comment after the court
 21 reporter has taken them down. Please turn cell phones to
 22 "Off" or "Vibrate."

23 MAN ATTENDEE: Just did that.

24 MR. SKIDMORE: And, incidentally, if you would like
 25 to just hand your comments in, the place to do it would be

1 down here, not try to come up here on the stage to reach us.
2 The court reporter will take any written comments. So that
3 concludes the ground rules and what I will be doing, in terms
4 of making this process move along, is I will be announcing
5 several names in order, in advance, so that those who are
6 about to speak can queue up, if you will. We have several
7 chairs down here reserved. Three reserved for people that
8 can sit there, awaiting their turn, so that we don't spend a
9 lot of our time just trying to get people out of the audience
10 into their place. So, with that, we will start the comment
11 process. And our first -- and by the way, the speakers here,
12 I have in the order that you signed in. And the first
13 speaker, commenter, will be Don Bowers, followed by Lee
14 Browning, followed by Mary Ann Cohen, and then Larry
15 Holstein. So, I would ask that individuals who are in line,
16 I'll continue to keep you abreast of folks that are coming.
17 Please come down here and be ready to speak when your time
18 starts. Thank you. Don.

19 MR. DON BOWERS: Hello. My name is Don Bowers. I'm
20 from Frisco. During my 44 years here, I am witnessing the
21 same mistakes being made and history repeating itself with
22 our beaches. Over 20 years ago, best available science said
23 the birds need more protection, and they roped off the dredge
24 pond, and the Point, and the spits. Best available science
25 said keep the closures up year-round. Best available science

1 said to increase the closure sites, because the birds didn't
2 like the grass that was growing inside the closures. Best
3 available science said the bird population declined because
4 of ORVs and predators that moved into this new habitat. Best
5 available science also sued the Park Service. Best available
6 science says close the points and spits and trap and kill
7 predators. Best available science says closures don't hurt
8 our economy. Best available science says you count birds on
9 dredge islands, and on Pea Island. Who pays for all this?
10 We do and the cost is escalating. We need real peer-reviewed
11 unbiased science. It's no secret that environmentalism is
12 big business. If you were the commissioner of baseball,
13 would you let the player do the study on performance
14 enhancing drugs, peer review themselves through the study,
15 police it and then penalize the fans by making them pay for
16 it? Best available science also says that hatched plovers
17 need 1,000 meters of protection, which is not in the Recovery
18 Act. If you stand at the new lighthouse location and look
19 towards the old site, that is less than 1,000 meters, for a
20 bird the size of a golf ball. The Pope doesn't get that much
21 protection. Two years ago, during Reg-Neg day meeting at the
22 Point, Sidney Mattock pointed out a plover, which was well
23 within 100 yards, describing its behavior towards the other
24 birds, totally ignoring the 30 people that charged up to that
25 rope line. That's peer-reviewed reality, not best reviewed

1 -- best available science. Walker Golder also told me that
2 day that the best solution for the bird was to get rid of all
3 the grasses. And these other issues with the DEIS -- you
4 describe your resources as protected, as visitors or
5 predators. We are not predators and we're definitely not
6 protected. So referring to all the hard-working tax-paying
7 islanders who have family that was buried here longer than
8 the Park has been in existence, as visitors, is offensive.
9 We neglected the loss of habitat due to best available
10 science and poor park management. This best available
11 science has pulled the trigger and made it okay to trap and
12 kill hundreds of animals, with no study as to their role in
13 balance of nature. It's just park policy. We've been
14 studied to death on a bridge with no progress, and yet these
15 animals are losing their lives or adapting to the environment
16 that best available science has created. I find it laughable
17 that local members of the Coalition in their spare time, and
18 for free, came up with a more common-sense plan in two months
19 that offers more protection for all parties, than the years
20 it took for best available science. Overall, Alternate F
21 gets an "F." Thank you.

22 MR. SKIDMORE: Lee Browning, who will be followed by
23 Mary Ann Cohen, Larry Holstein, and Jim Leh.

24 MR. LEE BROWNING: My name is Lee Browning and I'm
25 from Greensboro. I've spent most of my life as a Criminal

1 Investigator in that area. According to the enabling
2 legislation back when the Park was founded, Congress is
3 responsible for setting the protocols to help manage this
4 recreational area. And for the past two and a half years,
5 quite frankly, I've been wondering when this process was
6 going to start. In 2009, there were fewer birds under the
7 first four years of the Consent Decree, than in 2008. Nine
8 pairs versus 11 pairs. Another thing that I found was these
9 maps. The over-washed pre-nesting closure recommendations
10 were South Beach and Hatteras Inlet co-closure
11 recommendations and at North Point, Ocracoke closure
12 recommendations, show no piping plover nests in the last two
13 years. Under Alternative F, please explain why these areas
14 are going to be closed permanently, not only to ORVs but to
15 pedestrians. In my opinion, it is very impossible to see
16 this issue as really about protecting the birds and the
17 wildlife. It's entirely about restricting access, not only
18 to the ORVs, but to pedestrians. Somebody please explain why
19 everywhere else in this country, there's a 200-meter buffer
20 to protect the nests. Why, in Hatteras, is it 1,000 meters?
21 800 meters would make all the difference in the world, in an
22 access corridor, to eliminate most of the problems that we're
23 going through right here, and have been for the last several
24 years. Thank you very much.

25 MR. SKIDMORE: Mary Ann Cohen, to be followed by

1 Larry Holstein, Jim Leh, and Fleetwood Pierce. Would the
2 next individuals please come on down and be in place, so we
3 don't lose too much time. Thank you.

4 MS. MARY ANN COHEN: I'm Mary Ann Cohen from Salvo.
5 On page 284 of the DEIS, it states that, "Recreational
6 fishing is a significant part of North Carolina's economy,
7 attracting spending from both local and out-of-state
8 anglers." With the restrictions for the ORV in the DEIS, how
9 will recreational fishing continue to help the North Carolina
10 economy? On page 482 of the DEIS, it states that, "The
11 National Park Service Organic Act directs National Parks to
12 conserve wildlife for future generations and to protect
13 native animal life as part of the Park unit's natural
14 ecosystem." Does trapping and killing native mammals protect
15 them? Thank you very much.

16 MR. SKIDMORE: Larry Holstein. Larry will be
17 followed by Jim Leh, Fleetwood Pierce, Peregrine White.

18 MR. LARRY HOLSTEIN: Panel members, to whom it may
19 concern, my name's Larry Holstein, and I currently live in
20 Maryville, Tennessee. My father, my wife and I served our
21 country in the United States military. We were told it was
22 to keep our shores free. Now, our freedom is being stolen
23 from within. I disagree with the ORV Environmental Impact
24 Statement, referring to the disabled, page 7, part 1, and
25 page 58, chapter 2. These rules were made before many of us

1 were born. They are shallow, passe, and certainly not in
2 spirit with the Americans with Disabilities Act. I need an
3 ORV to get my wife and I to the fishing areas, if there are
4 going to be any left. Anything else is not acceptable. This
5 surf fishing is simply part of my American heritage. Thank
6 you.

7 MR. SKIDMORE: Jim Leh, to be followed by Fleetwood
8 Pierce and Peregrine White.

9 MR. JIM LEH: Good afternoon. My name is actually
10 Jim Leh. I have a bad penmanship problem.

11 MR. SKIDMORE: Sorry.

12 MR. JIM LEH: However, I read pretty well, and while
13 I commend the NPS authors and staff on putting together a
14 document that reminds me a lot of the material that I've
15 cranked out for consumption by Federal Agencies over the last
16 30 years, I do have to take some serious exception to its
17 content. I -- it occurs to me that this management plan,
18 however it ends up, is in fact going to have the force of
19 policy, and that it may well practically have the force of
20 law over the period of time. And I'm reminded to that Conrad
21 Wirth's assurances in the 1950s, were written, made in good
22 faith, and turned out to be unenforceable. So, I urge all of
23 us who are participating in this process, let's get it right.
24 Let's word it carefully. The conclusions and recommendations
25 that are reached here -- the sources cited -- really need to

1 be unimpeachable, because of their impact on the lives of all
2 of us, and I think, in the long term, viability of the
3 Seashore itself, as a national asset. Two quick examples.
4 The Economic Impact Analysis is, to be quite honest,
5 tentative and incomplete. I urge you to push RTI to get
6 hard-edged, and to push into greater depth in analyzing the
7 impact on these communities. I urge you to watch for
8 professional -- Professor Dan Stein's 2009 report on the
9 National Park visitor spending, coming out in July or in
10 August of this year, and look at it very carefully in
11 comparison to 2008 data on the economic life and viability of
12 these communities. I urge you to look again at positive,
13 positive habitat management. It's costly. It's difficult.
14 No question about it. But you're already manipulating the
15 ecosystem and expanding and maintaining alternative breeding
16 habitat. Work a little bit on earlier reports which say the
17 salt pond vegetation really could stand to be eradicated and
18 that mud flats and wet flats should be expanded and
19 protected. I urge you to revisit unbalanced language
20 describing regulatory approaches. The language that I see in
21 the DEIS right now emphasizes restricting ORVs and other
22 recreational uses. It really does not pay much attention to
23 managing natural resources. I urge you to take another look
24 at the U.S.G.S. synthesis document, and others that provide
25 clear, quantitated statements about bird and turtle behavior,

1 but their descriptions of ORV impact are filled with vague
2 words like "can," "might," "is possibly" and "maybe." Again,
3 this is too important to take it slack. Let's get it right.
4 Thank you.

5 MR. SKIDMORE: Next is Fleetwood Pierce, followed by
6 Peregrine White, Bill Forte and Lou.

7 MR. FLEETWOOD PIERCE: My name is Fleetwood Pierce.
8 I'm from Colerain, North Carolina. I come down here the
9 first time and caught my first drum in 1953. There were no
10 restrictions at all at that time, and you take this ORV,
11 close off the points and all the good fishing parts with
12 drum, both of my grandchildren (starts crying) and their
13 younguns, they won't have the place. Why? Why? For a
14 little bird that ain't even -- ain't even -- a natural bird
15 down here. You got it all over these other states, and ya'll
16 close up this for people. And look at the economy. Thank
17 you.

18 MR. SKIDMORE: Peregrine White.

19 MR. PEREGRINE WHITE: My name is Peregrine White. I
20 live in Nags Head, and I'm the Chairman of the Republican
21 Party in Dare County. Previous speakers spoke to the matter
22 that Congress is responsible for the enactment of legislation
23 and rules and policies for the Park Service. In that --
24 following that, the Dare County Republican Party, along with
25 the Dare County Commissioners and several other parties, have

1 presented resolutions and past resolutions, calling for
2 return to the 2007 plan, and then starting over again with
3 that as a basis. I have copies of that and I will leave them
4 on the table. The other thing is that, I was just down on
5 the beach, looking at the restrictions that are on the beach.
6 Some of the restrictions start here and they're down the
7 road, there's another restricted area, and so forth. The
8 whole area in between is restricted -- all of the area
9 between the beginning and the very last, going across several
10 of the accesses to the beach. Third thing. The punishment
11 for people who are violating the thing. Most of the people,
12 most of the violators in your study are pedestrians, not
13 ORVs. But, the punishment for them has become a punishment
14 for the rest of the islands, for its people. We are punished
15 by increasing the size, unreasonably, and I've been to other
16 turtle and bird sanctuaries, giving the punishment as being
17 unreasonable, with 1,000 meter increments, impossible, that's
18 the better part of a mile. The punishment should fit the
19 crime. If the Park Service cannot find out who is the
20 perpetrator of the violation -- of the vandalism of the
21 signs, or the movement of signs, then the Park Service should
22 do better investigation, or not punish the people who live
23 here. Thank you.

24 MR. SKIDMORE: As Mr. White did, if you have -- if
25 you're representing an organization, please let us know that

1 as well. Thank you. The next speaker is Bill Fort -- Forte
2 -- followed by an individual whose last name we don't have,
3 but whose name is "Lou" and then Rick Scarborough and Carol
4 Dawson.

5 MR. BILL FOSTER: Thank you. My name is Bill Foster.
6 Judging by the order I came in, I suspect that's where --
7 where I am. The draft document represents a lot of work.
8 That's a lot of work. But my impression from reading that
9 document is that it represents a lot of work to justify
10 actions which were planned before the EIS was started. Based
11 upon the Executive Summary, I think that it's reasonable to
12 conclude that the NPS staff started and ended with three
13 assumptions. These three assumptions were and are: Number
14 one, the protection of natural resources preempts the right
15 of people to access the beach. Number two, people,
16 especially if they use a vehicle, cannot co-exist with other
17 species in the beach ecosystem. Number three, all impacts of
18 vehicles on the beach ecosystem are negative. I'd like to
19 repeat that. The three assumptions that I see, the
20 protection of natural resources preempts the right of people
21 to access the beach. People, especially if they use a
22 vehicle, cannot co-exist with other species in the beach
23 ecosystem. And the third assumption is that all impacts of
24 vehicles on the beach ecosystem are negative. If all three
25 of these assumptions are true, then NPS has done an excellent

1 job of preparing this Draft Plan. If however, any of these
2 assumptions is not true, then none of the listed alternative
3 plans can satisfy both the enabling legislation and the
4 various directives and legislation that's come along behind
5 that. In three minutes, I cannot list all the reasons that
6 these assumptions are not true. But, I will provide them in
7 detail in written comment at a later date. What I'd like to
8 do is leave you with idea for a different alternative than
9 the ones that are listed in the Plan. What if the
10 alternative had as its goal to optimize access and at the
11 same time optimize the habitat for the various species
12 involved? One thing that we never did during Reg-Neg was to
13 try to take care of both the people and the resource. It was
14 always one or the other. And, in -- as it turns out in the
15 Plan, all the actions only go one way. We close for where
16 the birds might be, and then we close anywhere else that's
17 supposed to be open, if some bird happens to go there. I
18 think the enabling legislation makes it clear that both the
19 people and the resource have equal weight. Thank you.

20 MR. SKIDMORE: Thank you. I'll check with you after
21 the period here, to make sure this was your card that you --

22 MR. FOSTER: F-O-S-T-E-R.

23 MR. SKIDMORE: Perhaps.

24 MR. FOSTER: P. O. Box 212?

25 MR. SKIDMORE: Yes.

1 MR. FOSTER: P. O. Box 212.

2 MR. SKIDMORE: That's you. Okay. Thank you. Next
3 we have an individual, first name "Lou" with HIWR. Great.

4 MR. LOU BROWNING: I'm Lou Browning from Frisco. I'm
5 a Wildlife Rehabilitator. If you read the footnotes and the
6 quoted sources, the DEIS actually identifies habitat
7 destruction as the real problem here. Statistically, the
8 issue of public access is a diversion. It simply feeds more
9 lawyers. Limiting public access will not serve the habitat
10 problems for nesting and wintering birds. The Park Service
11 has been in control of this habitat for over 50 years. The
12 Park Service is responsible for the habitat destruction. You
13 have perpetuated the stabilization of the island in prime
14 nesting areas. This has diminished the wide beaches and
15 tidal mud flats that are required for sufficient populations
16 of birds. Years ago, you mined sand from Cape Point for
17 beach nourishment. For many years, you drained water from
18 the sedges onto the beach. You allow sea oats to grow in
19 nesting areas, thus building more dunes. You protect sea
20 oats. You should be yanking them out by the roots, if
21 they're in a nesting area. The effect of your actions has
22 made the beaches more suitable for predators than for birds.
23 If we want birds around, we need to provide quality nesting
24 and feeding habitat. Stop wasting your time killing
25 everything else. You need to deal with the real problem.

1 All the nesting areas in question are Park property. What I
 2 suggest is to re-naturalize some areas. What I suggest is to
 3 remove all vegetation and sand dunes from Cape Point,
 4 Hatteras Inlet and Bodie Island spit. Contour these new
 5 flat, barren areas to provide quality nesting sites and tidal
 6 mud flats for feeding. The effect will be to fledge more
 7 birds, kill less predators and have the natural food sources
 8 available for the wintering birds. If you do this, I'm sure
 9 you will find there's enough room in our Park for wildlife
 10 and humans. You messed it up. Now, fix it.

11 MR. SKIDMORE: Next we have Rick Scarborough,
 12 followed by Carol Dawson, Rob Beedie and John Benson.

13 MR. RICK SCARBOROUGH: These proposals are not going
 14 to really affect me recreationally, where they will affect my
 15 livelihood. Year-round closures are not necessary on our
 16 beaches. We don't have any threatened or endangered birds
 17 that winter on our beaches. The sand spoil islands that were
 18 dredged up by the State and our Sound waters have more
 19 nesting birds on them than most of the closed beaches
 20 combined. I've seen this with my own eyes. If the National
 21 Park Service can enforce State laws on our beaches, that
 22 should open the door for the Federal Park Service to work
 23 with the State on the nests on the dredge islands. All
 24 right. Southeast Canada is the primary nesting area for the
 25 piping plover. The piping plover populations in Canada

1 should be factored into the equations here. A few special
2 interest groups I don't feel should be able to dictate the
3 future of the majority. The majority is supposed to rule in
4 this country. People on the beach -- they're going to scare
5 off the predators. If we want to hurt the birds, taking
6 people off, we've got more predators. Beach erosion is not
7 worse in the open beach areas than in the closed areas.
8 That's -- you can see that with your own eyes. Why would the
9 federal government want to burden the people by stopping the
10 money flow in an area where the economy is still good? There
11 would be a lot of lost tax revenue on the state, the federal
12 and the county level. And here is something we really have
13 to stand on right here, is, back when the Park Service was
14 first -- they were first making this a Federal Park, the
15 Phipps family -- one of the families that was on the island
16 here that owned a lot of the property -- they donated all of
17 the Cape Point and a lot of other parts of the beach to the
18 National Park Service. And the National Park Service agreed
19 with this family that the beach would never be closed to the
20 livelihood of the locals, and it wouldn't be closed to the
21 recreational enjoyment -- now, let me underline "recreational
22 enjoyment of the locals or of the visiting public." And that
23 was the only reason that that particular family gave -- let
24 me underline "gave" the Park Service that land. That's it.

25 MR. SKIDMORE: Carol Dawson, to be followed by Rob

1 Beedie, John Benson and Dave Wilson.

2 MS. CAROL DAWSON: The National Park Service -- my
3 family didn't give it to you -- you stole it. But, anyway,
4 my name is Carol Dillon Dawson. I was born in Buxton and my
5 mother's family was shipwrecked here many years ago. My
6 first comment is to tell you, the National Park Service, that
7 I was not at all surprised when I found out that you were not
8 taking questions or answering any of our comments, because
9 that would involve intelligence and backbone, neither of
10 which you have. We are here regarding the beach closures
11 along the Outer Banks. All of us know that it is not really
12 about birds or their eggs. It's about privatizing these
13 beaches like you have done in other areas of our country.
14 Let's see, in the past few years, we're charged to fish.
15 We're charged to climb a lighthouse that should never have
16 been moved, to the tune of \$18,000,000 tax dollars. Now the
17 NPS has closed our beaches, even to foot traffic. You want
18 us to believe that it's because of an endangered bird egg.
19 The piping plover has a brain about one cubic square inch.
20 This species knows better than to breed on the beach. It
21 goes to the dredge islands or the top of warm metal buildings
22 where predators will not reach their eggs. These birds must
23 have more common sense than you do, because you want us to
24 believe that these birds need Cape Point, Oregon Inlet and
25 Hatteras Inlet to breed, and that you need to close, not only

1 to ORV traffic, but to foot traffic as well. Do you think we
2 are really that stupid? The Outer Banks for North Carolina
3 is the most undeveloped coastline along the eastern seaboard.
4 Miles of untouched beach. But you want us to believe that
5 these birds need the most famous beach in the world, Cape
6 Point, to breed and that human presence would hurt them. You
7 have killed thousands of animals that are indigenous to this
8 area, that cannot fly back to this island, just to protect
9 plover eggs. Animals have been trapped, murdered by you,
10 thousands of them, chewing off their own legs to get out of
11 the traps you've set. The Yogi Bear police here on the
12 island have cost the American taxpayer hundreds of thousands
13 of dollars to protect these eggs, and kill animals. I do not
14 allow the National Park Service on my property. I own
15 several businesses here in Buxton, and have not allowed you
16 there for several years. My hope is to get every business
17 owner to ban you, so that you can't buy gas, food, clothing,
18 et cetera. The National Park Service came to this island in
19 the early 1950s, and stole the land from the natives, making
20 false promises to the people here. One of them was that you
21 would never close the beach, the Cape Hatteras National
22 Recreational Seashore. Some people in this room believe that
23 it was only the Audubon Society wanting our beaches closed.
24 You knew that not having a long-term plan would put you in
25 the clear of causing the complete and total economic demise

1 of the island's economy. It is not only the business owners
2 you have affected. It's all the people we employ, and all --
3 every human being that wants to exercise their human civil
4 liberties to go to the beaches of Cape Hatteras. It is not
5 the birds that are endangered here. Human beings are the
6 species that are endangered here. Thankfully -

7 MR. SKIDMORE: You --

8 MS. DAWSON: I -- I just want to finish one sentence.
9 My father died here 36 years ago, right here on this
10 property. In his obituary, it stated that he was a National
11 Park Service fighter. Thirty-six years ago, he knew to hold
12 you accountable. I'm here to tell you he's back, in the form
13 of children, grandchildren and great-grandchildren. I'll see
14 you in --

15 COURT REPORTER'S NOTE: The speaker's final
16 words were drowned out by applause.

17 MR. SKIDMORE: Rob Beedie is followed by John Benson,
18 Dave Wilson, and Gene Schwester.

19 MR. ROB BEEDIE: Sir.

20 MAN ATTENDEE: Say them again. We couldn't hear the
21 names.

22 MR. SKIDMORE: Rob Beedie.

23 MR. BEEDIE: Sir. I know you made a lot -- I know
24 you made several restrictions on our freedom of speech as far
25 as time frame. I would like to ask you for the privilege to

1 speak from your podium to the people of Hatteras, and you can
2 hear every word, and you can shut me down, if I get out of
3 line. I owe these people what I'm going to say, and I think
4 you -- you will enjoy hearing it.

5 MR. SKIDMORE: Sir, I'm sorry, but the purpose of
6 the hearing is to deliver comments to the National Park
7 Service --

8 MR. BEEDIE: Yes, sir.

9 MR. SKIDMORE: -- and not to the audience.

10 MR. BEEDIE: Yes, sir.

11 MR. SKIDMORE: And we're just going to abide by those
12 ground rules.

13 MR. BEEDIE: Yes. My name's Rob Beedie. I own one
14 of the smallest surfing companies in the world, called the
15 Global Surf Network. We're an audio/video film production
16 company, and we represent small businesses throughout the
17 world. We're here to talk about this right here, (holds up
18 newsletter), which I'm probably not smart enough to
19 understand it. But I would like to ask one question, because
20 I drove four hours to get here. How many locals are here,
21 and if they could raise their hand? And how many wannabe
22 locals? And ya'll know what that is: people that moved here
23 late. And how many tourists are here? Now I've worked with
24 the Park Service in the past, for over a decade, to help save
25 the Cape Hatteras National lighthouse. Okay? And what I'd

1 like to do, in memory of my grandfather and my father and
 2 mother, and I hope I don't offend anybody here, but I would
 3 like for you to bow your head, because we're leaving one
 4 person out. We have brilliant minds here. And I would like
 5 to invite my Lord, Jesus Christ, and I am a sinner -- I am a
 6 sinner that was saved when 13 years old, and the people that
 7 know me here, I have a son that's buried at Meadows; okay?
 8 And the Outer Banks residents, the Hatteras residents,
 9 created a memorial scholarship fund in his memory. He was 21
 10 years old and it's 15 years ago. And he worked in the
 11 environment, and he was recognized for it. And they've given
 12 a scholarship out every year since then. There's one beach
 13 here, sir, that we paddle out and the surfers paddle out with
 14 flowers, my friends and I, every year. Okay. This beach
 15 represents life, liberty and the pursuit of happiness to me.
 16 Nothing more.

17 MAN ATTENDEE: Amen.

18 MR. BEEDIE: I'm not -- I'm not a land owner, or
 19 anything, but I will paddle out where my son's buried,
 20 whether there's flags or not. And I may be the first person
 21 arrested and to have a federal crime. But that's what you're
 22 stealing from me. Okay? And I -- and I -- and I would like
 23 the environmental people to search your souls. But I pray to
 24 Jesus Christ that -- that the wisdom -- the wisdom and
 25 understanding on all parties before you decide anything. We,

1 the people, can take care of these animals. God ordained us
2 to do so. And I have my son's picture here, and I pray that
3 ya'll don't close that area down. And God bless the people
4 of Hatteras.

5 MR. SKIDMORE: Okay. My role is simply to make sure
6 that everyone gets a chance to speak here, and it's clearly
7 caught by the court reporter and we'll proceed to do that.
8 The next speaker is John Benson, followed by Dave Wilson,
9 Gene Schwester, and Kate Medlin.

10 MR. JOHN BENSON: I've thought a lot for the last
11 couple of days of what I should say tonight. And after
12 listening to several other people, I thought I should say, "I
13 really want to thank you for giving us all of three minutes
14 to talk about something that's so important to each of us."
15 It's impossible for me to respond to the Draft Environmental
16 Impact Statement of 800 pages in three minutes, and it's
17 impossible to sit down and go through it. But, I've tried to
18 and I've got something I turned in and I hope you'll read.
19 I'm here tonight because I want you to see who you are
20 affecting, and I hope you'll look at the rest of us in the
21 crowd and listen to what we're saying, and realize that
22 you're doing this to people. And I wish that there were more
23 people that were making decisions, sitting up there that
24 could look at us. I'd like to say that the Draft
25 Environmental Impact Statement that you've prepared does not

1 adequately or factually address the issues of resource
2 protection, visitor expectations and experience, economic
3 impacts, or impacts on traditional or cultural values and
4 quality of life within the Cape Hatteras National Seashore,
5 and within the villages of Hatteras and Ocracoke Islands.
6 I'd refer you to the Environmental Impact Statement that's
7 been prepared by the ORV Access Coalition. It does a much
8 better job in much less words of addressing these issues than
9 the Park Service has been mandated to address. Not one of
10 the five alternative ORV plans provided by the Park Service
11 meets the Park Service's mandate to both protect resources,
12 and to provide a quality experience for visitors to the Cape
13 Hatteras National Seashore. None of them. The Park
14 Service's preferred alternative is worse than what we're
15 going through now, which is terrible. I would suggest that
16 you should read the information and suggestions provided by
17 the Access Coalition and adopt their suggestions as your
18 preferred alternative. It would be something that would help
19 the birds, the turtles, the people that live here and the
20 visitors that come here to enjoy our beaches. I read the --
21 through the DEIS and I saw the words, "could," "might,"
22 "maybe," "can" so many times that it almost disgusted me. To
23 use that as a basis for affecting my life and the lives of
24 everybody here is not what my National Park Service is all
25 about. Thank you.

1 MR. SKIDMORE: Thank you, John. Dave Wilson is next,
2 followed by Gene Schwester, Katie Medlin and then Lynn
3 Jordan.

4 MR. DAVE WILSON: Good evening. I'm Dave Wilson and
5 I own a home here in Buxton that I rent out during the
6 tourist season. The DEIS that we're discussing tonight
7 attempts to predict the impact that several different methods
8 of managing ORV use on Hatteras Island will have on our
9 beaches and our livelihood. When making its final decision
10 on the ORV plan, the National Park Service must do a careful
11 job of balancing the cost and the benefits of this plan.
12 Unfortunately, none of the proposed alternatives described in
13 the DEIS passes this test. This is because all of the
14 alternatives are based on a faulty premise that ORVs have led
15 to declining piping plover populations on our island. Not
16 only is there no evidence to support this, but there's very
17 clear evidence that storms and not ORVs, are the main reason
18 that the piping plover populations fluctuate on the island.
19 The evidence of this fact is very clear. In March, 1980,
20 *American Birds Magazine* reported that no more than ten pairs
21 of piping plovers per year had bred along the North Carolina
22 coast, for the 20 year period from 1960 to 1980. In 1987,
23 the Park Service began doing its own measurements, and it
24 found that year, that it discovered ten pairs in 1987, the
25 same number that had been discovered seven years earlier in

1 1980, and for the 20 years prior to that. The Park Service
2 has continued to monitor the piping plovers, and over this
3 entire period it has been doing this from 1987 to present,
4 it's found an average of nine pairs per year. For the past
5 two years, the data is particularly instructive. In 2008,
6 the Park Service counted 11 pairs, and in 2009, it counted 9
7 pairs. The average over the past two years has been 10
8 pairs, the exact same number that have been here when the
9 weather's good for the past 50 years. But what's even more
10 important here to note, is that from 2008 to 2009, the number
11 actually decreased by 20 percent, and this indicates that the
12 Draconian restrictions that the Park Service has placed on
13 beach access has really had no effect on increasing the
14 piping plover population. The evidence is really very clear,
15 that nature intends there to be about 10 piping plover pairs
16 on Hatteras Island every year. And no matter what the Park
17 Service does, that's what's going to be here. So, how did we
18 end up here? Well, in short, we ended up here because a
19 cycle of stormy seasons caused the piping plover populations
20 to decline in the mid-1990s. Not only was the decline
21 clearly not caused by ORVs, but it was -- it was clearly --
22 it is now a distant memory. You know, the last decline for
23 year over year of the piping plover was from 2002 to 2003 --
24 I'm sorry, from 2001 to 2002 -- and ever since then, it has
25 been increasing steadily as the storm seasons have abated.

1 And, in fact, we haven't had any named storms hit us in the
2 past couple of years. Let me just conclude -- I'm going to
3 give you some charts in the written material -- but let me
4 just conclude, that based on the impact on my rental income
5 from the past two years, and extrapolating that over all of
6 rental houses on Hatteras Island, I estimate the impact of
7 the island economy to be about \$14,000,000 per year. And
8 this is a devastating impact to the people who live here.
9 So, please --

10 MR. SKIDMORE: Thank you very much. I realize many
11 of you have things that you'd like to express beyond the
12 three-minute point. We've got 62 people now signed up and I
13 just need us all to keep moving along and realize that you
14 can submit whatever comments you can't get in, in three
15 minutes, can be submitted here for the record, and receive
16 the same action.

17 MAN ATTENDEE: We've got all night. We'll wait.

18 MR. SKIDMORE: Next is Gene Schwester, Katie Medlin,
19 Lynn Jordan and Jack Painter.

20 MR. GENE SCHWESTER: Our 26th President, Teddy
21 Roosevelt, created the National Park Service for the full
22 enjoyment of all peoples. People. People. The emphasis is
23 on people here. That's over a 100 years ago. And in these
24 days, it seems that that has turned around 360 degrees in the
25 favor of the environmentalists. I want to address the

1 Alternatives A through F, which favor the environmentalists.
2 And what I want to propose is Alternative H, which favors the
3 people of Hatteras island. And that is the free and open
4 access to our beaches. And the conditions I've listed: we
5 want a responsible citizen from Hatteras Island and Ocracoke
6 Island to accompany me and a Park Service individual in
7 locating these nests, and document with a GPS or by
8 photograph where they exist, to stave off any mistrust and so
9 forth. And as an additional part of that Alternative H will
10 be a conditional opening of that particular beach where there
11 is no nest to be found. And also, after the fledglings are
12 located, we'll want the beaches open immediately. Also, why
13 hasn't there been a provision addressed in the DEIS for
14 hatcheries? If these birds, which we could probably win the
15 MegaMillion before we even get to see one, why with our
16 stimulus plan, can't we have 100 percent hatch ratio for the
17 survival of these eggs? We can go out there with our Easter
18 baskets and pick those five eggs over -- of if we could find
19 them -- over 750 billion cubic yards of beach. Why hasn't
20 this been addressed? And about fees. What about the
21 stimulus plan? Hasn't the NPS been allotted 1.2 million
22 dollars? Where is that been going?

23 MR. SKIDMORE: Gene, that concludes your time.

24 MR. SCHWESTER: I've got one more second here if I
25 can. If they're going to close the beaches, why do we need

1 the NPS? Why do we need the 100 percent staff?

2 MR. SKIDMORE: Thank you. Katie Medlin is next,
3 followed by Lynn Jordan, Jack Painter, and Natalie Kavnagh.

4 MS. KATIE MEDLIN: Well, they stole my thunder. I'm
5 just going to turn mine back over to the court reporter, but
6 I would like to say something. My husband and I are retired
7 down here for many years, and we sit around every day, and we
8 thought, "Lord, if we'd just been smart enough to figure out
9 a way to manufacture all this string and all these little
10 poles that stack from Nags Head to Ocracoke, we could be
11 wealthy. We'd never have to worry about another dime."

12 MR. SKIDMORE: Lynn Jordan.

13 MS. LYNN JORDAN: Hi. My name is Lynn Jordan. I'm
14 from Salvo. I've read the plan F of the DEIS and hope you
15 will consider revising it to the original purpose of this
16 recreational seashore. It's stated by the federal government
17 when the land was acquired in 1937, and I'd like to read to
18 you part of that legislation. "The said area shall be and is
19 established, dedicated and set apart as a National Seashore
20 recreational area for the benefit and enjoyment of the
21 people, and shall be known as Cape Hatteras National
22 Recreational Area." Wildlife preservation is important to
23 the citizens here. It always has been. Birds can be
24 protected on approximately 20 miles of Hatteras Island
25 without closing any of our ORV ramps. Birds can also fly to

1 hundreds of barrier islands in the Pamlico Sound, where their
2 nests are less likely to be disturbed by predators. Nests
3 discovered on open beaches can be roped off for protection,
4 just like they were prior to 2008. Turtle nests can be roped
5 off as well or the eggs can be moved to Pea Island Wildlife
6 Refuge. Eggs are only moved now, prior to storms, which have
7 proven to be more detrimental to the hatchlings than ORVs.
8 Under revised Plan F, the villages of Hatteras Island could
9 be restored to their original purpose as recreational areas
10 open to ORVs by the public. This would assure the National
11 Park Service of compliance with the Americans with
12 Disabilities Act, which is questionable under Plan F. It
13 would be a show of support by the National Park Service for
14 the socio-economic growth of the island, which cannot survive
15 without ORV access. The National Park Service would be
16 displaying its respect for the traditions, culture and
17 history of Hatteras Island, not considered in Plan F. And
18 the National Park Service would be honoring the federal
19 government's original contract with the people. Please
20 consider a revision to Plan F the citizens of Hatteras Island
21 can support. This is a perfect opportunity to restore good
22 relations between the National Park Service and the people.
23 We've worked diligently together in the past. Hatteras
24 Island's dependent on tourism to survive economically. The
25 main attraction to tourists here is our ORV access to the

1 beach. Without that access, tourists will not come and the
2 economy here will die. Thank you.

3 MR. SKIDMORE: Jack Painter, followed by Natalie
4 Kavnagh, David Upton and Carol Dillon.

5 MR. JACK PAINTER: Mr. Superintendent, thank you for
6 this opportunity. I'm here to talk specifically about the
7 corridors in the DEIS. First of all, I believe that
8 establishing corridors is a vital tool in providing access to
9 our beaches, while concurrently effectively managing all
10 resources of our beaches. That includes the human resources.
11 First, corridors provide a path -- a small path around
12 temporary resource closures, in order to provide access to an
13 open area that would otherwise be blocked. Someone's already
14 spoken to that. Further, in some instances, corridors can be
15 made through or around closure areas, with no detriment to
16 the wildlife. Also, in other areas of wildlife management,
17 corridors can be established below the mean high tide line.
18 I -- I doubt very seriously if I'm going to wade a plover to
19 death. In addition, since unfledged chicks are not found in
20 nests between the ocean and the mean high tide line, this
21 type of pass-through corridor would have no negative effect
22 on wildlife. I can't find that in the plan anyplace. It
23 seems the present in the DEIS is outlined on pages xii, xvii,
24 and page 468. Corridors are only allowed in Management Level
25 Two portions of SMAs. These corridors, while theoretically

1 plausible, are subject to resource or safety closures on a
2 whim. I believe that the corridors should be maintained for
3 pedestrians and ORVs in all areas of the Cape Hatteras
4 National Seashore Recreational Area. Further, corridors
5 should be established throughout the entire breeding and
6 nesting season. Also, corridors to be provided in all areas
7 of the seashores, including highly restricted Management
8 Level 1 portions of SMAs required under Alternative F.
9 Corridors will provide a valuable access, Mr. Superintendent,
10 without impairment or damage to protect the resources. I
11 also believe and wholeheartedly support open and accessible
12 beaches for everyone all day, every day. We must remember
13 that access to our beaches is consistent with the promises
14 made in the enabling legislation. Our residents have always
15 been faithful stewards of wildlife. We believe that people
16 and nature can live in harmony. We've proved it here on
17 Hatteras Island over and over and over again, that we can
18 live in harmony. Science based resource protection can be
19 balanced with provided recreational access. One additional
20 comment. You guys had a long time to work on this plan. I'm
21 a little confused as to why the people that it affects the
22 most are allowed three minutes to talk to you about it.

23 MR. SKIDMORE: Natalie Kavnagh, followed by David
24 Upton, Carol Dillon and Gary Gross.

25 MS. NATALIE PERRY KAVNAGH: Good evening. My name is

1 Natalie Perry Kavnagh. I grew up here on Hatteras Island.
2 My family is from here and has been here for about 300 years.
3 I know that doesn't mean much to you, but it means a lot to
4 me. It means that I want to pass my home, my property, and
5 business on to my son. Where you come in is that this plan
6 you have written for the management of the beaches will
7 greatly affect my being able to do that. I prefer to have
8 the management of the park like it was during the '70s, when
9 I was growing up here. However, since it appears that you've
10 decided on Alternative F, I will focus my concerns on that
11 information. Data used in this statement comes from reading
12 past Park Service reports and just observing the general
13 workings of the beach over the years. This Plan, which is
14 stricter than the Consent Decree, will not be good for the
15 visitors' experience of the park or the economy of the
16 island. The fact is that an economic impact study hasn't
17 been done but the time I've had to comment on this Plan even
18 hinders my ability to comment. I disagree with the fact that
19 the off-season ORV access in front of Frisco Village is
20 closed longer than other places, even though the visitor use
21 statistics are similar to other areas. I believe the Park
22 has given in to the personal request of a private homeowner
23 in this matter, disregarding the needs of the people of the
24 nation. It is everyones' Park, not one person's. The bird
25 closures in this plan are too strict. ORV bypasses or

1 corridors should be maintained through the bird use areas, to
2 allow access to beaches around the bird nest areas. Good
3 management can allow for both the people and the birds to use
4 this resource. One thousand meters is too large a buffer
5 around piping plover nests. Wilson's plover, American
6 oystercatcher, least terns and other colonial waterbirds only
7 need 30 meters of protection based on past park reports.
8 Hire more resource people to watch the bird activity, if that
9 is necessary, and adjust allowing for access in areas birds
10 have moved from. To be sure, it is cheaper to the government
11 than losing thousands and thousands of tax dollars from our
12 business losses. Manage the vegetation at Cape Point to
13 allow more open beach, like it was in the '70s and '80s. A
14 lot of the problems here started when the park ORV closure
15 around Cape Point Pond moved the shore bird nesting too close
16 to the ocean. This would be safer for the birds. There
17 would be less predator habitat, and less over-wash of nests.
18 I disagree with the night driving restrictions. Turtles have
19 not been run over by ORVs here. Nest loss has not occurred
20 with frequency here. Hatchling disruption has not occurred
21 frequently here. It seems to me that allowing ORVs on the
22 beach at night actually would frighten predators to the
23 birds, and not do damage to the turtles. I disagree with the
24 prohibition of pets in the park area, even for part of the
25 year. Responsible pet owners should have the right to keep

1 their pets in the Park on a leash near bird areas. If
 2 someone violates a leash rule, don't let them bring a pet
 3 again, but don't penalize everyone else. I disagree with any
 4 year-round closures to these beaches. Do not close Hatteras
 5 Inlet beach. Do not close Ocracoke's North Beach. Do not
 6 close any area permanently. All areas should be accessible
 7 and flexible to resource closures.

8 MR. SKIDMORE: Natalie, your time has expired.

9 MS. KAVNAGH: Yes, sir.

10 MR. SKIDMORE: Thank you very much. David Upton is
 11 next, followed by Carol Dillon, Gary Gross, and Frank Folb.

12 MR. DAVID UPTON: My name is David Upton. I come
 13 from Mooresboro, North Carolina. That's about 370 miles as
 14 the crow flies. About 450 by the road. And by the time I
 15 get here, I'm whupped. As I sat at home and looked at this
 16 DEIS thing that you've come up with, how in the world do you
 17 expect to pull such a charade over this bunch of people? I
 18 mean, you've -- I'll sit there and look at it and I'll shake
 19 my head. Shut the computer down. Go back an hour later and
 20 start it up again, and start getting -- the more -- and the
 21 more I read, the more -- more angry I become. Basically,
 22 you're trying to take our beaches away from us. You're
 23 trying to take my beach from my grandkids, and their
 24 grandkids, and I'm highly upset about it. If this is the
 25 best you can do, you need to throw that whole thing out the

1 window and start over. Off-road vehicles -- you -- I looked
2 at some of these websites of these people that are trying to
3 shove some of this stuff down our throat, and they'll show
4 these tracks between the high tide and the low tide line,
5 track after track. One tide change wipes that out. And
6 they'll have this picture of this piping plover laying there
7 in a tire track. Who run over that piping plover? It wasn't
8 one of these people here. Wasn't it a Park Service vehicle
9 that run over that piping plover that's being used? Park
10 Service. You're here to protect the wildlife. To maintain
11 this place. In 1937, when Congress enacted that law, and
12 it's a law, that this beach would have open and free access,
13 and then you come in here with your rattling sabre, or ever
14 what you want to call it and start taking things away from
15 us. I didn't even know who you were when I come in this
16 building tonight. But I know who you are now, and I know
17 what you look like. And I know what some of these other
18 people look like. And it's -- it's a shame that this Park
19 has been run like it's being run now. I think that the
20 people need to take it back over like some of these people
21 said. Get some responsible citizens here on this island more
22 involved in what's going on.

23 MAN ATTENDEE: Yeah.

24 MR. UPTON: Throw this DEIS thing out and start all
25 over.

1 MR. SKIDMORE: Carol Dillon.

2 MS. CAROL DILLON: My name is Carol Dillon and I'm an
3 angry, 81-year old woman. And the only reason I mention my
4 age is, I was here when the Park was formed. I personally
5 heard the promises that the Park people made. They claimed
6 they would never stop beach driving. They claimed they would
7 maintain the beaches and the dunes. They would pay market
8 prices for our property. All lies. Every one. Let me give
9 you some examples. My mother had 100 acres of high wooded
10 land over near where the Park is -- high, wooded trees. They
11 paid her \$15 an acre. And if you don't call that stealing, I
12 do. You personally came here with your bulldozers and raped
13 the beaches. You took the three dunes that the CCCs had
14 built, took a bulldozer back down in the ocean, and made a
15 high dune. You allowed the Navy Base to take the Phipps 20-
16 foot dune and take millions of cubic yards of sand to fill in
17 the place where they put the Navy housing. It was nothing
18 but a swamp. Later, six years later, an inlet was cut in the
19 exact same spot. So, you're not fulfilling what I personally
20 heard the Park Service claim. So, if the people here cannot
21 believe the government or representatives of the government,
22 what can we believe in? Let me give you some personal
23 examples that have just occurred to me personally, within the
24 last year. First, you put my cat in the pound. And
25 fortunately, I didn't find out who that was, or saw, or I

1 wouldn't be here today. But, it was not funny. I didn't
2 think it was funny a bit. But the second thing is, about
3 three, four, or five months ago, you took a jeep, and there
4 were about six or eight of you, ran over my sandbags on my
5 property, ruined the sandbags. When we had the storm in
6 December, that was the exact same spot that broke through the
7 dune that was completely -- I'll be through in 30 seconds --
8 so, anyway, I'm still angry. If -- the man was talking about
9 God and Jesus Christ. If God would give me one, maybe three
10 wishes, you'd be the first to go.

11 MR. SKIDMORE: Gary Gross, followed by Frank Folb,
12 Ryan Dawson, and then Stephen Hissey.

13 MR. GARY GROSS: Tonight, I would like to comment on
14 the birds that are selected for protection in the Draft
15 Environmental Impact Statement. The Endangered Species Act,
16 no doubt, requires protection for all endangered species.
17 However, there is no requirement in the ESA that non-
18 endangered birds be afforded the same level of protection. I
19 believe the National Park Service should re-evaluate the
20 position that they have taken in the DEIS, in giving special
21 protection for non-endangered bird species. I'm referring to
22 the protection that's outlined in pages 121 to 127 of the
23 DEIS, which gives birds that are not endangered and not even
24 threatened, the same level of protection as if they were
25 endangered. These include the American oystercatchers, least

1 terns and colonial waterbirds. It was for these non-
2 endangered birds that Oregon Island and Cape Point and other
3 areas were closed essentially from March/April through late
4 August of last year. However, in the DEIS Alternative F,
5 these birds are given huge buffers as if they were
6 endangered. In fact, these birds are protected by the Park
7 Service only because they appear on the North Carolina list
8 called "Species of Concern." States such as North Carolina
9 have created these lists in order to designate certain
10 species as worthy of special tracking and monitoring, not to
11 force the hand of federal agencies, and require them to apply
12 the maximum buffers that are reserved for the truly
13 endangered. The Park Service should re-evaluate the position
14 regarding buffers for these birds, when preparing their final
15 Environmental Impact. Accordingly, pre-nesting closure's
16 appropriate only for the threatened piping plover, they are
17 unwarranted for the American oystercatchers and least terns,
18 and because the colonial waterbirds don't return to the same
19 area year after year, pre-nesting closures for them is
20 unpredictable and unnecessary. Furthermore, in counting
21 birds in the Seashore, it's important that the Park Service
22 get the benefit of considering all birds in the same
23 ecosystem. That is why birds of all species on the dredge
24 and spoil islands should be counted. For example, on Cora
25 June Island, just 500 yards off the shores of Hatteras

1 village, there are large colonies of birds that are not
2 counted by the National Park Service. Ignoring these birds,
3 it distorts an accurate assessment of the effectiveness of
4 resource management. Making these changes in Alternative F
5 would do three things. One, it would benefit the long-range
6 success of the species. Number two, it would enhance the
7 visitor experience. And number three, it would improve
8 dramatically the lives of those who depend on the Cape
9 Hatteras National Seashore recreational area.

10 MR. SKIDMORE: I think, following that comment, is
11 just a good time to just remind everyone that what we're
12 trying to do is get good solid points that can be recorded
13 that can assist the National Park Service in their decisions.
14 Next is Frank Folb, Ryan Dawson, Stephen Hissey, and Bill
15 Barley.

16 MR. FRANK FOLB: Before I comment, I'd like to note
17 that on your slides that you put up before us in the
18 beginning, you noted that letters and comments had to be in
19 Mike's office by the 11th, but on your site on the internet,
20 it says they must be post-marked by the 11th. So, there's a
21 conflict right there and what you said here, and what the --
22 what the internet -- what your internet site says, and I pass
23 -- that's the word we have been using when putting out this
24 notice to people in the public. My comment today is
25 something on something that's really relative, that's going

1 on as we speak. That if anybody that came down highway 12
2 today from Oregon Inlet, it will affect. While we have had
3 to exist under the terms of Draconian rule of the judge's
4 approval of the Consent Decree demanded by the environmental
5 special interest groups, and agreed to at gunpoint by local
6 access groups, to have any access at all, I find the plans of
7 the DEIS 800 plus pages totally unacceptable. This comment
8 is in regard to the pre-nesting bird enclosures throughout
9 the Seashore, and the early additional closures now installed
10 for only two piping plover nests within the seashore at Cape
11 Point, and seven oystercatcher nests within the entire
12 Seashore, including one on Green Island. If you want, it is
13 okay with -- if you want to, without interruption, you can
14 walk from the south end of Pea Island Wildlife Refuge, which
15 is where Serendipity used to be, you can walk from there to
16 Oregon Inlet. You can't drive because of a midnight decision
17 to close that to ORVs, but you can walk that, undisturbed,
18 without a closure. And yet, if you add up the 4/22/2010 NPS
19 Beach Access Report and add the number of miles closed to
20 people -- that's pedestrians and vehicles -- you will see
21 that 10.3 miles have been closed in the Seashore recreation
22 area, and another 3.3, like past people have said, you can't
23 get to because of those people-closures, with limited access.
24 You can get there by boat, for a total of 13.6, or more than
25 the entire wildlife refuge beaches. Closures in a refuge

1 could be understood, but when NPS, who has a dual mandate to
 2 not only protect birds, but to also protect the rights of
 3 access to its visiting people, common-sense observations show
 4 that the NPS is making bad decisions in these closures.
 5 Differences in buffers and management within the U.S. Fish
 6 and Wildlife Refuge and a recreational seashore would seem to
 7 be more aggressive in the refuge, while more lenient in the
 8 recreational seashore. But this is not the case and has not
 9 been the case in recent years, and only gets worse in the NPS
 10 Preferred Alternative F. NPS is, in the implementation of
 11 this Plan, must review their preferred plan and the Coalition
 12 for Access position statement, and find a common ground that
 13 we can all exist. Thank you for the opportunity to comment.
 14 And I do hope that the faith that I've lost in our government
 15 can be recovered through the comments and how they are
 16 handled in this document. Thank you.

17 MR. SKIDMORE: Thank you, Frank. Ryan Dawson is
 18 next, followed by Stephen Hissey, Bill Barley, and Brad
 19 Dunnagan.

20 MR. RYAN DAWSON: Hello, my name is an angry American
 21 citizen sick of an unelected dictator's harmonies, life,
 22 liberty and property, and I'm from an unoccupied section of
 23 Buxton near the no-human anti-freedom zone run by the bird
 24 police. I don't care if you found an albino duckbill
 25 platypus dodo bird hybrid out there, the Park is for

1 recreation and that's the law. The public was never to worry
2 that the Park would land -- the land would suddenly become
3 private property open to developers, or suddenly become a
4 wildlife refuge, closed to humans. It's our Park the federal
5 government purchased, or in some cases, stole the land from
6 the public in order to create the Park. The Park does not
7 belong to the Park Service. It is not Park Service land. It
8 is Park land. The Park Service, like the police, are public
9 servants and they don't own the Park land any more than cops
10 own the towns they patrol. It is our land and you work for
11 us. It is outstand -- it's astounding that pseudo-
12 environmental groups would claim that closing a beach on an
13 island wouldn't have any economic or cultural impacts. And
14 many of the idiots in the Southern Environmental Law Center
15 -- these ignorant buffoons -- don't even know what they have
16 done. And I've got six questions for you. Why is the public
17 being punished for a government organization breaking its own
18 rules? And yet, this same government organization is being
19 paid to enforce the punishment. It's funny that the National
20 Park Service failed to act to do their job to provide
21 recreation and properly manage the Park for 39 years and
22 counting, but they're so swift to prevent recreation. The
23 second question. Since when does the Judicial Branch use an
24 Executive Order to overturn a Congressional law? Neither the
25 Executive Branch nor the Judicial Branch have the power to

1 change the law. It's unconstitutional. That's the basic
2 foundation of representative government, that laws come from
3 elected legislators, not kings or judges. The constitution
4 used to mean something. It still means something to me.
5 Maybe not to these animal murdering fascists, but it means
6 something to me. The third question. Why is it, when the
7 pretext for this mess hangs on the NPS's non-compliance with
8 an Executive Order about ORVs, that pedestrians are banned
9 from walking on the beach? How do they extrapolate walking
10 from a failed plan to manage driving? And notice, that's to
11 "manage driving," not ban it outright. Fourth question.
12 Before closing a federal -- federally-promised beaches on an
13 island, did the police state bother to gauge the economic
14 impact before stealing the beaches? Has there been any
15 compensation to the residents of the island who have lost
16 their liberties, business and property values? Now I have to
17 skip a whole bunch because of the time limits on freedom of
18 speech. But the fifth question. Why is an arm of the
19 Executive Branch writing up laws? That's not their
20 responsibility. To say the NPS was so evil they kicked
21 puppies would actually be an understatement, for these goons
22 are murdering animals by traps, gas and bullets. Since 1984,
23 the environmental groups are supporting the murder of
24 animals, and separation of man from nature, and the public is
25 trying to reverse it. The presence of people in the Park --

1 MR. SKIDMORE: Sir, your time has expired.

2 MR. DAWSON: I don't care. Elected officials agree
3 with us -- have been to DC twice and talked with the
4 senators. Our liberal government, our state government, our
5 federal government -- all of our elected portion of
6 government agree with us.

7 MR. SKIDMORE: Ryan, are you about to finish?

8 MR. DAWSON: Yeah, I'm about to finish when I'm
9 finished.

10 MR. SKIDMORE: I'm going to ask -- I'm asking you to
11 stop.

12 MR. DAWSON: I don't care. And yet, the beaches are
13 closed. I've got two minutes -- I've got two or three
14 sentences.

15 COURT REPORTER: You're off the record.

16 COURT REPORTER'S NOTE: There was off-the-record
17 break at 6:25 p.m. until 6:26 p.m.

18 MR. SKIDMORE: Next speaker is Stephen Hissey,
19 followed by Bill Barley, Brad Dunnagan, and Allen Burrus.

20 MR. STEPHEN HISSEY: My name is Steve Hissey. I live
21 in Frisco. I love the whole Park, but my favorite turf is
22 Hatteras Inlet. Page 12 DEIS, I disagree on under
23 Alternative F, Hatteras Inlet Spit, and North Ocracoke Spit
24 would be non-ORV accesses areas year-round, with inner good
25 roads that would allow access to the general area, but not

1 the shoreline. I disagree with one mile closed on each side
2 of Hatteras Inlet as indicated by Table ES-2. Hatteras Inlet
3 is the third most favorite area to recreate in the National
4 Recreational Seashore. And I say, "Recreational Seashore."
5 You're denying access to Hatteras Inlet to the old, the
6 young, and especially the disabled. You mention your intent
7 to improve Pole Road and place a parking lot near Hatteras
8 Inlet. So, you want to take a pristine wilderness area with
9 a natural sand road and change it. It reminds me of the old
10 Joanie Mitchell song, "Pave Paradise and Put in a Parking
11 Lot." Let me refresh your memory. When the Access Coalition
12 in Dare County filed suit against U.S. Fish and Wildlife, for
13 their attempted critical habitat designation on both sides of
14 the inlets in Cape Point, we won. The judge was from a
15 higher court than that podunk court in Elizabeth City. He
16 told U.S. Fish and Wildlife they were not allowed to
17 designate areas that did not have the PCE, which is a Primary
18 Constituent Element for the bird, and hopes that the PCE may
19 someday form. Crested tidal mud flats and tidal pools for
20 birds to forage and feed. Hatteras Inlet is dry, barren,
21 windblown sand on the ocean side. And vegetation to the surf
22 line in the inlet and sound side is right there; it comes
23 right to it. There is no PCE there, either. There is no PCE
24 at all at Hatteras Inlet. If you designate an SMA or species
25 management area at South Hatteras Inlet, we feel you are in

1 direct violation of the federal judge's ruling. We can't
2 wait to tell him about it. Have a good evening.

3 MR. SKIDMORE: Bill Barley, Brad Dunnagan, Allen
4 Burrus, and Wayne Blessing.

5 MR. BILL BARLEY: Yes. My name is Bill Barley. I
6 live in Buxton and have for close to 40 years. And I, too,
7 have seen a lot of changes in the Park, and what we've been
8 allowed to do. For many, many years there, we had the inner
9 dunal roads. We could go from Cape Point campground. We
10 could go straight through the campground to access the beach,
11 or go on the inner dunal road and we could stop. We could
12 cook out, and we could access the beaches from the inner
13 dunal roads. Same way with Hatteras Inlet, was a flat. You
14 could -- I mean, you could pay softball out there. It was
15 like the bottom of the salt flats. Now, it's nothing but
16 dunes, and you drive through the dunes, and boom, there's the
17 inlet. It was not that way for many, many years. So, you've
18 changed the dynamics. The Point was the same way. It was
19 flat. So, I agree with everyone here that says, Well if the
20 special interest groups, combined with you, spend their time
21 and energy to create better habitat, instead of trying to
22 take all the beaches. I mean, they remind me of somebody
23 that rides along the road and sees trash on the side of the
24 road and complains about it instead of stopping and picking
25 it up. Now, on a recent trip out west, I was in Siltcoos,

1 Oregon on the coast, and I went -- headed to the ocean. And
2 I turned down a two-lane -- two-lane road. It reminded me --
3 I thought I was on the road between Avon and Buxton. The
4 same dunes. The sea oats were the same. The sound was right
5 there. It was identical to where I live. And I kept going
6 and I came up on a sign that said, "Oregon Dune National
7 Recreational Area." I took a picture of the sign, and I
8 wondered why our Park does not have a recreational area in
9 it. They catered -- you could drive for 30 miles out on the
10 dune. You could stop and camp anywhere you wanted. And they
11 -- they pushed that. I mean, that was what the Park Service
12 -- they were so friendly and nice about it. Yeah, go use it.
13 Go use it. No problem. And so, on my way home, I stopped at
14 Utah, and I saw a "Wind Canyon National Recreational Area."
15 Had to stop. You could -- you could rent boats, jet skis.
16 You could go to any part of the park and just plop down and
17 camp. Stay. Stay, you know. And I wondered -- in 1937,
18 Congress established Cape Hatteras National Seashore
19 recreational area for the benefit and enjoyment of the
20 people. And in '58, it was dedicated by Conrad Wirth, and he
21 assured everyone, vehicular access. I googled "National Park
22 Service" a couple of days ago, and I found National
23 monuments, National memorials, and when I went to National
24 Recreation Area, both parks that I saw were in it. Cape
25 Hatteras was not. It's not even listed on your site as a

1 recreational area. And so, folks that's in North Carolina,
2 South Carolina, Virginia, Maryland and Tennessee, none of
3 those states have a National Recreation Area. So, if you
4 take that whole circle, the closest one is outside the area.
5 Thank you.

6 MR. SKIDMORE: Brad Dunnagan, followed by Allen
7 Burrus, Wayne Blessing.

8 MR. BRAD DUNNAGAN: Hi. I'm Brad Dunnagan. I was
9 elected SGA President of the Cape Hatteras Secondary School,
10 which is where we're at right now. And I'm speaking on
11 behalf of the student body, as well as many of the folks out
12 here right now. Let's see. Where do I start? A 1,000 meter
13 buffer between piping plover nests and people. We know that
14 predation causes over 50 percent of all the deaths of the
15 piping plover, whether it was their eggs, whether it was the
16 piping plover themselves. And we know that humans cause less
17 than 10 percent. So, if you have that 1,000 meter buffer
18 between humans and the actual eggs, you're increasing
19 predation, you're lowering human -- you're lowering human
20 kills, which actually -- here, I've never seen a dead pip --
21 dead piping plover around here, unless it was ripped into
22 pieces by an animal. But, anyway, you're increasing the
23 predation rate. And, you're restricting human rights, which
24 everybody has a right to be on this Park, that they pay for.
25 That they pay to run. They pay your paychecks. They pay --

1 let's see, they pay the Congressmen's paychecks. They pay
2 President Obama's paycheck. And it's our responsibility as
3 governing people to listen to the majority of our own people,
4 and not the simple whim of a few.

5 MR. SKIDMORE: Allen Burrus is next, followed by
6 Wayne Blessing, Warren Judge, and Bobby Outten.

7 MR. ALLEN BURRUS: That's a hard act to follow, young
8 fellow. It takes nerve. Thank you for coming. We
9 appreciate it. It'd be easy to play to the crowd, but that's
10 not what I'm here for to do. I'd like to -- I'm going to
11 talk about corridors. Corridors are a vital tool in
12 providing access, while managing resources. They provide a
13 small path around temporary resources closed, in order to
14 provide access to an open area that would otherwise be
15 blocked. In some instances, corridors can be made through or
16 around closed -- closure areas. And in other places,
17 corridors can be established along the high tide line. Since
18 unfledging chicks are not found in nests between the ocean
19 and the high tide line, this type of pass-through corridors
20 would have no negative effect in wildlife. In the DEIS, as
21 outlined on pages 12 and 17, and 468, corridors are only
22 allowed in management level portions of SMAs. These
23 corridors, while theoretically possible, are subject to
24 resource or safety closures at any time. I believe corridors
25 should be maintained for pedestrians and ORVs in all areas of

1 the National Seashore Recreational Area. Corridors should be
2 established throughout the entire breeding and nesting
3 season. Corridors should be provided in all areas of the
4 seashore, including the highly restrictive Management Level 1
5 portions of SMAs, required under Alternative F. Corridors
6 will provide valuable access without impairment or damage to
7 protect the resources. I believe people and nature can live
8 in harmony, and that science-based resources can be balanced
9 while providing recreational access. And I believe it's very
10 important when there is -- obviously closures are -- are
11 statistically located that will not allow you to get to open
12 areas. It can only be acc -- it can only be accessed through
13 a corridor. Cape Point. Hatteras Inlet. I hope you will
14 consider re-opening that and -- and Oregon Inlet. A good
15 example there. Last year when a nest closed that inlet for
16 long periods of time, or a corridor, or even an inner dunal
17 road would have allowed that to be opened. And I hope you'll
18 consider doing that. Thank you, and I appreciate it.

19 MR. SKIDMORE: Thank you, Allen. Next is Wayne
20 Blessing, followed by Warren Judge, Bobby Outten.

21 MR. WAYNE BLESSING: My name is Wayne Blessing. I
22 first visited the seashore recreation area on July 4, 1959.
23 I got hooked on surf fishing, and in 1962, I bought a 1941
24 Plymouth two-wheel drive as a beach buggy. I've had 17
25 buggies since, all of them four-wheel drive. In 1964, we

1 bought a little house in Frisco. I retired in 1979, and
2 currently spend 20 or 25 weeks per year here. It was the
3 ability to motor the beach, looking for fish, that kept us
4 interested for 50 years. During my long life, I've known
5 that change is inevitable, and I've always followed the
6 mantra that fair is fair. In the DEIS, I see a lot of
7 change, but question the fairness. It appears to me that the
8 starting point was with the Consent Decree, whereas the
9 fairest starting point would have been with Alternative A,
10 what we used to have. More specifically, I do agree with
11 increasing parking places, increase pedestrian access,
12 although I see no reason for making 27 and to 30 a
13 pedestrian-only stretch. When I motor past pedestrians,
14 almost inevitably, they smile and they wave and I wave back.
15 I don't see resentment there. I haven't so far. Additional
16 ramps and the inner dunal 49 North, makes sense, just as it
17 used to do. The over-control or excessive regulation is, to
18 me, seen in the bird closures. Why do we require a 1,000
19 meters when Cape Cod and Assateague get by with much, much
20 less. I feel this is twisting the knife, once it is
21 penetrated. I don't agree with the lack of shore access to
22 Hatteras Inlet, and South Point, Ocracoke, or Oregon Inlet.
23 I wish there were -- was a greater commitment to adoptive
24 management of field closures and bypass routes to Cape Point
25 and these other places. I saw turtle management go awry, 300

1 yards north of Frisco pier two years ago in the autumn. The
2 beach was closed from dune to surf for at least one month. I
3 have one page here, and I'm about done. And I didn't see the
4 reason for that. I think the crux of this thing is in the
5 following sentence or paragraph. I feel strongly that the
6 Department of Interior and the Audubon consulted to influence
7 local management to go beyond what is fair and justifiable to
8 our side, to reduce chances of further litigation. I'm done.

9 MR. SKIDMORE: Thank you, Wayne. Next is Warren
10 Judge, followed by Bobby Outten, Jim Corbett and Crystal
11 Corbett.

12 MR. WARREN JUDGE: Thank you and good evening. I'm
13 proud to stand with these folks at my back tonight. Not many
14 of us have B.S.s or M.S.s or Ph.D.s behind our name, nor do
15 we have doctor in front of the name. But, Mike, you've heard
16 from people who have experience in this National Seashore
17 Recreational Area. These folks know the birds. They know
18 the turtles. Listen to them. I beg you to listen to them.
19 We spend -- this nation spends hundreds of millions of
20 dollars a year in preserving our history and our heritage.
21 From the battlefields -- the Civil War battlefields of
22 Virginia, to Mount Vernon, the Statue of Liberty, the
23 Washington Monument, the Jefferson Memorial, the Raleigh --
24 Fort Raleigh, Wright Brothers Park, and the Cape Hatteras
25 National Seashore recreational area. Don't need access? We

1 need access to enjoy the park. We need access to go about
2 our lives. A couple of weeks ago, a couple of my colleagues
3 and I visited with the National Park Director in Washington
4 DC. They were all excited in the Department of Interior that
5 day, because the next day, President Obama was coming. The
6 kick-off of a nationwide awareness campaign to bring people
7 back to the National Parks, to re-ignite a passion in the
8 American people to visit their National Parks. The -- the
9 opportunity was not lost upon Allen and Bobby and I to draw,
10 and segue with Director Jarvis, that this is what we're
11 talking about. Let's give the people of this nation access
12 to this National Park. Buffers are the crux of our problem.
13 We draw a line perpendicular through a nest, and we go a
14 1,000 meters on either side. Guys, that's not a buffer,
15 that's a wall. It stops access. There are varying opinions.
16 For every scientist in this country, there's going to be a
17 different opinion. Let's work together. Let's work together
18 to give the protection for the birds and the turtles, but
19 give man, woman, and child access throughout this National
20 Seashore recreational area. Negotiated rule-making. I went
21 into that optimistic, but oh so naive. In our very first
22 meeting, negotiated rule-making was decided that it had to be
23 unanimous. I don't know how unanimity and negotiation go in
24 the same sentence. But, hopefully we can springboard from
25 these Hearings this week, and hopefully, you'll take these

1 comments and you'll reflect, and you'll work on Alternative
2 F. The North Carolina Wildlife Resource Commission Director
3 will be sending you comments, Gordon Myers. There's a
4 difference coming from the State of North Carolina. The
5 representation --

6 MR. SKIDMORE: Thirty seconds.

7 MR. JUDGE: -- in that seat during Reg-Neg was
8 incorrect. Please, please watch for Gordon's recommendations
9 on buffers, and please help us. Thank you.

10 MR. SKIDMORE: Bobby Outten, to be followed by Jim
11 Corbett and Crystal Corbett.

12 MR. BOBBY OUTTEN: Good evening. You've heard many
13 speakers tonight talk about access and the goal for all of us
14 is to allow access, to create access, to allow our people to
15 use our beaches. We've talked to you about a number of
16 issues. We've talked to you about buffers. We've talked to
17 you about regulations for unlisted birds. Tonight, I want to
18 speak to you just a second about turtles. Endangered turtles
19 represent about one percent in Hatteras in the southeast. We
20 have about one percent of the nests that occur in the
21 southeastern part of the United States. So, we have a very
22 low percentage of turtle nests, and a very low percentage of
23 the whole turtle population that come out of this area. We
24 believe, even with that low percentage, that turtles would
25 benefit from the management practices now used in other

1 federal seashores and a more proactive management approach to
2 nesting to achieve nesting success. This includes relocating
3 nests in desirable locations, as is done in other states and
4 in other federally-controlled areas. Again, the true measure
5 of turtle success is not necessarily the number of nests that
6 you achieve, but the number that successfully hatch and
7 return to the sea. That is the goal, to increase that
8 population, and we believe that active management can, in
9 fact, make that goal successful. The Cape Hatteras National
10 Seashore recreational area is on the northern-most fringe of
11 the turtle nesting areas. And, in this area, weather and
12 predators represent a much greater threat to turtles than do
13 man. With regard to active management, the Loggerhead
14 Recovery Plan recognizes, and I quote, "Historically,
15 relocation of sea turtle nests at higher beach elevations or
16 to hatcheries was a regularly recommended conservation
17 management activity throughout the southeastern United
18 States." This is in the 2009 second revision on page 52.
19 Notwithstanding, the National Park Service, on page 125 of
20 DEIS, relies upon approach used by the North Carolina
21 Wildlife Resources Commission that discourages the movement
22 of nests. This contradicts the U.S. Fish and Wildlife
23 Service practice, and even the practice in Pea Island, which
24 is located just adjacent to the park. By not supporting nest
25 relocation, the Cape Hatteras National Seashore recreational

1 area has lost over 46 percent of its nests laid in the last
2 11 years. Meanwhile, South Carolina relocated 41 percent of
3 its nests during 2009, representing an incredibly low rate of
4 about 7.7 percent, again making a strong case for active
5 management of turtle nests. Thank you.

6 MR. SKIDMORE: Ladies and gentlemen, I'm trying not
7 to cut people off in mid-sentence, or mid-thought, but we are
8 not even half-way through, so let's continue to try to
9 observe the three-minute restriction. The next speaker is
10 Jim Corbett, followed by Crystal Corbett, Sharon Kennedy, and
11 Derb Carter.

12 COURT REPORTER'S NOTE: The next speaker is not
13 available.

14 MR. SKIDMORE: Okay. The next -- Jim Corbett will
15 not be speaking, so Crystal Corbett, followed by Sharon
16 Kennedy and Derb Carter.

17 MS. CRYSTAL CORBETT: Good evening. I disagree with
18 the plan F beach restrictions. It does not allow enough
19 access to our Park, especially for those with disabilities.
20 I've watched a lot of -- of men, literally limp up here
21 tonight. They -- they need to be able to get on the beach to
22 do what they enjoy, and that's fish. We have limited access
23 ramps on the Seashore, and more and more of them seem to get
24 closed with the nesting -- with the bird nesting. We need
25 more access ramps, parking lots and walkways over to the

1 beach. Most of us here live sound side. We have thousands
2 in the summer that rent sound side. We need to be able to
3 get to the beach to enjoy our Park. If beach driving or
4 human presence is detrimental to the birds, why were there
5 less piping plover last year than the year before? According
6 to your own resource management report from 2008, there was a
7 28 percent fledge rate last year. That is less than the
8 years before the Consent Decree. There's no scientific
9 reason for these statistics, but it can't be based on beach
10 driving or human presence. If that were the case, there
11 should be more fledged chicks with the new restrictions and
12 closures. And there's not; there's less. The closures
13 aren't working. My final comment. The National Park Service
14 is supposed to provide a service to our Park, not a penalty.
15 Thank you.

16 MR. SKIDMORE: Next is Sharon Kennedy, followed by
17 Derb Carter, Chris Canfield, and Virginia Luizer.

18 MS. SHARON KENNEDY: My name is Sharon Peele Kennedy,
19 and I'm a nine-generation Hatteras islander, half-pirate and
20 half-indian. I'm here to represent the commercial fishermen
21 of this island, that was included in that draft of the 1937
22 or whatever. And we want to know why there is so little
23 reference to the commercial fishing industry's access to the
24 beach. Yes, ya'll say it's included, that the way you've got
25 the closures at -- set up -- how're we going to get there?

1 They've been beach fishing here since horse and cart days,
2 and now we're not going to be able to do that. And the Cape
3 Point is very sacred to a lot of our native people here. We
4 go there to forage for our food, and our recreation. We've
5 all been taught to go there. Our children -- our school
6 children go there to go fish. They go there to surf. They
7 go there to learn wildlife, to see what birds and turtles
8 look like. And now we're not going to be able to. If we
9 can't go to the beach, then nobody should be on that beach.
10 Mother nature can take care of herself. She doesn't need my
11 tax dollars to pay you all to go there to monitor it. Okay?
12 Also, if you go there on like 4th of July, Memorial weekend,
13 you'll see thousands and hundreds of people on our beaches,
14 generations enjoying this beach. The next day, you can't
15 stick a toe in the water, because there's a storm. Mother
16 nature, again, takes care of everything. I commend the Park
17 Service, because if it wasn't for them, there would be no
18 turtle or plover eggs. It would be golf courses and swimming
19 pools. Don't let us down. Re-institute the respect that we
20 used to have for the Park Service and we'll try to learn to
21 co-exist with you. Now that you're closing our beaches,
22 you're -- you're shutting all that down. So, we've been
23 generous to you, be generous back to us. Thank you.

24 MR. SKIDMORE: Derb Carter.

25 MR. DERB CARTER: I'm Derb Carter with the Southern

1 Environmental Law Center. We represent National Audubon
2 Society and Defender's of Wildlife. I've been coming to
3 Hatteras and the seashore for 35 years, to drive on the
4 beach, walk on the beach, bird on the beach, and fish on the
5 beach. Frank Folb spoke earlier. He doesn't know this, but
6 I bought my first drum rig from him in 1982. I caught my
7 first drum on Cape Point a couple of nights later. A few
8 years later, in 1988, as a volunteer, I coordinated the first
9 statewide survey of breeding piping plovers in North
10 Carolina. We had piping plovers breeding from Currituck to
11 Holden Beach, near the South Carolina line. Much has changed
12 during this period of time. More use of the beach. More
13 vehicles on the beach. Birds on Cape Hatteras declined by 86
14 percent. Piping plovers no longer breed at Currituck or
15 Holden Beach, and this park is one of their last chances.

16 COURT REPORTER'S NOTE: The speaker was drowned
17 out by the attendees.

18 MR. SKIDMORE: We need to hear the comment and have
19 it recorded, please.

20 MAN ATTENDEE: You've heard it before. It's just the
21 same rhetoric.

22 MR. CARTER: We're looking for four things in a final
23 ORV plan. We looking for how it provides for access. Now
24 when I say access, I mean ORV access -- but I also mean
25 pedestrian access.

1 WOMAN ATTENDEE: No, you're not.

2 MR. CARTER: For those visitors who come the beach,
3 who want to walk in an area that does not have ORVs or tire
4 tracks. There are five other national seashores that have
5 ORV plans on the Atlantic coast. A hundred and fifty miles
6 of beach on the seashores, and they allow ORV use, seasonal
7 or year-round on 26 miles of those 150 miles. There's 68
8 miles of National Seashore on Cape Hatteras. Your preferred
9 plan would allow ORV use on 52 miles, or twice the amount
10 allowed on these other five seashores combined.

11 COURT REPORTER'S NOTE: The audience disrupted
12 the comments.

13 MR. CARTER: We're also looking at how this plan --

14 MR. SKIDMORE: Ladies and gentlemen, please let the
15 commenter have his three minutes.

16 MAN ATTENDEE: Tell the truth then.

17 WOMAN ATTENDEE: Tell the truth.

18 MR. CARTER: We're also looking at how this plan
19 provides for natural resource protection, particularly
20 recovery of wildlife populations on the Seashore, and in
21 particular, those threatened and endangered species that are
22 present.

23 MAN ATTENDEE: That's why you kill them.

24 MR. CARTER: We're looking at how the plan bases
25 decisions on science. Yes, the best available science.

1 We're not asking for anything more, but we can't have it
2 settle for anything less. And finally, we're looking to make
3 sure that the Park Service complies with its policies,
4 regulations, and laws that govern management of this
5 seashore, which was established by Congress for the use and
6 enjoyment of all the citizens of the United States. Thank
7 you very much.

8 MAN ATTENDEE: We see right through you. We see
9 right through you.

10 MR. SKIDMORE: Ladies and gentlemen, this is a
11 process that is to allow everyone, regardless of what their
12 opinion is, and whether you agree with it, allow them to give
13 their comment to the National Park Service, and we will
14 follow the ground rules and allow that to happen, if we're to
15 have a meeting. The next speaker is Chris Canfield, followed
16 by Virginia Luizier, Dean Johnson and Dave Scarborough.

17 MR. CHRIS CANFIELD: My name is Chris Canfield, and I
18 am the Director of Audubon in North Carolina. Audubon has
19 been involved in helping to protect this beautiful region of
20 North Carolina for generations of citizens for more than 100
21 years. Our founder, T. Gilbert Pearson, spent much time
22 getting to know the landscape and the people of this area,
23 and he had great affection for both, for good reason. I want
24 to thank the Park Service for your efforts in this DEIS. You
25 do a good job of clarifying the need for and the legal and

1 scientific requirements for these management decisions. This
2 did not come about in an arbitrarily instigated way by us or
3 by the Park Service, but something requested decades ago by
4 the leaders of our country and its citizens to safeguard all
5 National Parks. Audubon has believed and continues to
6 believe that resource protections can be done, while still
7 allowing responsible ORV access. We find ourselves in a bit
8 of a quandary with respect to the opinions presented in the
9 DEIS. On the one hand, Alternative F, the Park Service's
10 preferred one, according to your own document, does not meet
11 fully the resource protection goals you set out. It
12 certainly has its strengths, but it's especially weak in
13 dealing with migrating and wintering birds. On the other
14 hand, Alternative D, the only one identified as fully meeting
15 the resource protection needs, is unnecessarily restrictive,
16 especially for pedestrians, but also for ORVs. We look
17 forward to a final plan that fine tunes the balance. Yes, it
18 must be science-based, as you acknowledged in the report and
19 as some have said here, particularly the adaptive management
20 efforts you discussed must be aimed first, at meeting the
21 natural resource protection goals you outlined. We fully
22 support increased access for all through better parking, by
23 upgrading existing ramps, and creative solutions to allowing
24 people to get within walking distance of favored areas. We
25 will provide more detailed written comments prior to the

1 deadline. I want to close on a personal note. I want to say
2 that I have been as frustrated and as heartsick by the
3 tensions this issue has caused as anyone. I'm especially
4 sympathetic to Park Service staff who have weathered this. I
5 wish for all the sakes of everyone in this room -- I wish for
6 the sake of everyone in this room, that this had been dealt
7 with decades ago. But it wasn't. So, I hope we can
8 eventually all find a way to make the best of the changes
9 underway, and continue to share this beautiful natural
10 resource with visitors from around the world. Thank you.

11 MAN ATTENDEE: Say goodbye. Boo.

12 MR. SKIDMORE: Again, I'm going to ask everyone to
13 behave with courtesy to each speaker, so that we can receive
14 the comments. That's what this process is for, and that's
15 how this process must be. Next is Virginia Luizer, followed
16 by Dean Johnson and David Scarborough.

17 MS. VIRGINIA LUIZER: My name is Virginia Luizer.
18 I'm from Buxton, North Carolina. I am relatively new to the
19 island. However, I came here to partake in a particular
20 traditional and culture upon my retirement, a retirement I
21 worked hard for. Yes, DOW and Audubon is right. This park
22 should not and cannot be managed the same as other parks.
23 One thing that I didn't see in the DEIS, is the fact that
24 each of eight villages on this park are completely surrounded
25 by federal property. There is no other park like that.

1 These people sold you their land for promises. Our lives --
2 this is not -- this is not visitation and just tourism. It's
3 our lives. What do we do if we can't go to the beach? You
4 go to a restaurant once or twice. How many times can you
5 visit the museum -- graveyard and museum? We are captives.
6 And yes, there is the animosity, and yes, this is an
7 environmental extremist. Even they agreed in the court-
8 ordered Consent Decree, that the Interim Plan was NEPA-
9 compliant -- was EPA-compliant. It had a finding of no
10 significant impact. But because it wasn't what they wanted,
11 they sued. When Isabelle took out the inlet, the road down
12 there north of Hatteras, they wanted to leave it out. To
13 hell with the people down there. They don't need electric.
14 They don't need services. They don't need access to care, to
15 food. Right now, they're suing over the damn bridge, because
16 they don't want it to land on Pea Island. This is not your
17 typical park. This is a park with human people, living in
18 well-established communities, that have been here for
19 hundreds of years. And, yes, guess what? They're going to
20 sue again. They just told you. They don't like Alternative
21 F. You do anything other than what they want, they're gonna
22 sue. Well, guess what? Do the Interim Plan. You'll save
23 1.7 million dollars per year, and you'll get to tell them
24 that they don't own this place and that they can't destroy
25 lives of people who live here. Mike Murray. Mike Murray,

1 I'm sorry. You're not our neighbor. You're a god damn
2 warden.

3 MR. SKIDMORE: The next commenter is Dean Johnson,
4 followed by David Scarborough, John Couch, and Kevin McCabe.

5 MR. DEAN JOHNSON: My name's Dean Johnson. I'm a --
6 number one, a sportsman that's been coming here for many
7 years. I'm also a vendor that does a lot of business on
8 Hatteras Island and Ocracoke Island. A lot of people that I
9 do business with are here today. But I'm also, if we're
10 talking about heritages -- the first Johnson came here in
11 1609, so that's, I guess, why there's so many of us Johnsons
12 around here, in the United States. But, we fought in pretty
13 much every war, including the one my mother calls the "first
14 war of northern aggression." I want to simply speak on the
15 socio-economic part of the DEIS. It states in Section F that
16 the economic impact will be to the low end. Well, in my
17 sales records, since the Consent Decree, I can prove that
18 these businesses down here skyrocketed when you re-open
19 beaches, and decline when you close beaches down. Nobody has
20 asked me for any of my input, and I do a lot of business on
21 these two islands. The other thing, I'll close with. On the
22 three minutes that we're being held to, in your own four-page
23 thing you handed out, it says, ". . .but all speakers will be
24 allotted at least three minutes to provide their comments,"
25 not "only and less than three minutes." So, if you can't get

1 these four pages right, how can we agree with anything in the
2 800.

3 MR. SKIDMORE: David Scarborough.

4 MR. DAVID SCARBOROUGH: I'm David Scarborough. I
5 live in Avon. And I will say that I have a lot of issues
6 with the DEIS. I've read through that and identified those
7 issues, and I intend to comment in writing on those. In a
8 three minute session, though, it's impossible to get to all
9 that. So, I will limit it to one comment. And this is
10 related to turtles. I disagree with the following statement
11 that's found on page 377 of the DEIS. The statement reads,
12 "ORV and other recreational use would have long-term major
13 impacts on sea turtles, due to the amount of seashore
14 available for ORV use, and by allowing nighttime driving on
15 the beach." The historical records found in the annual MPS
16 turtle reports for the Cape Hatteras National Seashore do not
17 support this conclusion. None of the events defined on page
18 369, which are required for the impact to be declared "major
19 adverse", have occurred. Specifically, nesting females have
20 not been killed. Complete or partial nest loss due to human
21 activity has not occurred frequently. Hatchling
22 disorientation or disruption due to humans have not occurred
23 frequently. Direct hatchling mortality from human activity
24 has not frequently occurred. These events have not occurred
25 historically, and no pedestrian or ORV use behaviors suggest

1 that they are likely to occur in the future. Further, due to
 2 the flawed major adverse finding in the DEIS, I agree with
 3 the plan -- I disagree with the plan to prohibit night ORV
 4 beach access in the May 1 through September 15 time frame.
 5 Night ORV and pedestrian access should be managed using the
 6 guidelines that were followed prior to the Consent Decree.
 7 Additionally, the Park Service should institute more
 8 proactive techniques to ensure turtle hatch rates are
 9 successful and some of which are used at the Pea Island
 10 National Wildlife Preserve. I would also say that there have
 11 been many comments made tonight that I really appreciate what
 12 I'm hearing from the crowd here and those comments are on
 13 target and will be in my written comments also. Thank you.

14 MR. SKIDMORE: The next speaker is John Couch,
 15 followed by Kevin McCabe and Daniel Willard.

16 MR. JOHN COUCH: Thank you very much. My name is
 17 John Couch, Post Office Box 751, Buxton, North Carolina,
 18 27920. My first comment is going to be on pets and horse
 19 restrictions. The DEIS, page 136, says, "The prohibition of
 20 pets in the seashore during the bird breeding season,
 21 including in front of the villages, equals to no pets in
 22 public areas, beaches, campgrounds, sound front, foot trails,
 23 Park maintained roads from March 15, my birthday, to July 31.
 24 I did a survey of my own today. I called the four largest
 25 rental companies today, and anywhere from 27 percent to 38

1 percent, they have changed their houses to pet friendly
2 properties. They have done the research. They have seen the
3 trends that people travel with their pets. A lot of them
4 would prefer to travel with their pets and not their
5 children. However, it is -- it is unimaginable that RTI and
6 even in this document, that they have not simply called the
7 realty companies, which are the major employer down here, and
8 have taken that into consideration. I also agree with the
9 prior to speaker, David Scarborough, on his comments on the
10 turtle programs. Also, the prior speaker, Dean Johnson. He
11 spoke on something that I have -- occurs to my business,
12 which is the Red Drum in Buxton. We have CarQuest Auto
13 Parts. We have Lighthouse Service Center. We have Red Drum
14 Food Mart and Red Drum Tackle Shop. And when Cape Point
15 closes down, we feel it. Dean Johnson feels it because he's
16 in the ice business. And we can tell. Sales plummet. Our
17 gas sales go down. We don't sell beer. We don't sell wine,
18 drinks, all because of the Consent Decree, and with this DEIS
19 that will continue. But, when the beaches at Cape Point open
20 back up, business booms. The other thing is, is that when
21 Cape Point closes down, nobody goes to Cape Point, doesn't
22 pass our businesses, and my community's businesses in Buxton.
23 They go elsewhere. So, for four months, we are displaced out
24 of an economy pattern that is just absolutely uncalled for,
25 ridiculous. You need to look at that economy and make some

1 better decisions on that. Thanks.

2 MR. SKIDMORE: Kevin McCabe, who is followed by
3 Daniel Willard, Dwight Rettie, and Larry Hardham.

4 MR. KEVIN McCABE: With only three minutes, I'm going
5 to refer to Cape Point also. I have reviewed the 800 plus
6 pages of the DEIS, and what I found deep in the pages was
7 very disappointing. Cape Point needs to be presented with
8 more respect in regards to human activities. The Cape Point
9 area has been a very large part of this nation's maritime
10 history and this island's culture. There's been a long-
11 standing heritage of commercial and recreation fishing at the
12 Point, that has fed families and this nation for centuries.
13 It has been a social gathering place of people for many
14 generations. Cape Point is a mecca for surf fishing,
15 birding, shelling, wind surfing, surfing, and many other
16 recreational activities. It is a destiny for many of the
17 Park's visitors. I do understand that it is the southernmost
18 breeding area for a very limited number of piping plovers,
19 only when the conditions are just right. The National Park
20 was doing a decent job in helping these species before the
21 Consent Decree, but neither you nor I are responsible for
22 their fluctuating numbers. Storms and avian predation are by
23 far, with no argument, the two biggest factors. The Park's
24 own data shows it's not from visitors walking or running over
25 nests or chicks. The bird enclosures near Cape Point are

1 necessary, and I have always endorsed them as long as there
2 is shore side access. I spent the last several months
3 reviewing piping plover data at Cape Point. Over a 10-year
4 period, the data showed that almost every single chick
5 hatched in an enclosure, traveled west toward the salt pond,
6 or lateral dune. Never east towards the North Beach or
7 ocean. I know my birds very well and their activities after
8 observing them for over 40 years. Please, or -- excuse me.
9 There is no reason that Cape Point should ever be denied
10 access when it is being monitored by so many Park biologists
11 and enclosures are properly in place. The special interest
12 groups, Audubon, Southern Environmental Law Center and
13 Defenders of Wildlife, they created the latest outrageous
14 buffers -- did this with little or no scientific
15 justification and most intelligent people question their true
16 motives. I would also like to know what they have done to
17 help increase bird numbers in the National Park. So far,
18 they have done absolutely nothing out here, and their
19 influence should be very limited, when the final plan is
20 drawn up. I am sure they will sue again, regardless. In
21 closing, Mike, please keep this in mind. If the people of
22 America really knew what was going on out here, we wouldn't
23 be here tonight. Also remember what happened in the New
24 Jersey/Virginia/Massachusetts elections. And don't forget
25 Toyota's bad karma when they gave Audubon \$20,000,000. The

1 good people of the United States are tired of being pushed
2 and bullied around. Please give the Point special
3 consideration and the full respect it deserves. And I have a
4 e-mail from Walker Golder that says, "I look forward to
5 driving out to the Point and always will." And I'd like this
6 to go on that table instead of this one.

7 MR. SKIDMORE: Give it to the court reporter.

8 MR. McCABE: Okay.

9 MR. SKIDMORE: Next is Daniel Willard, followed by
10 Dwight Rettie, Larry Hardham and Pat Weston.

11 MR. DANIEL WILLARD: Well, Mike, I really came here
12 to gripe about the lack of maintenance that the Park has
13 served for the past 50 some odd years. You ever tried to
14 work here? But, really the only most important thing is
15 nighttime driving. It has destroyed the weekend fishery of
16 Cape Point and everywhere else. There's no reason that our
17 lights on the beach, which is very minimal at 3:00 a.m. in
18 the morning, and the turtles are coming in, should affect the
19 turtle population that bad. We are -- we have lost the
20 weekend tourists from Virginia and all around North Carolina
21 because of that. We still get the visitors for the whole
22 week, mostly because they do not know about the closures and
23 lack of beaches they can use. We need more parking, more
24 access to the beaches, and we don't need the closures in
25 front of the houses which we cannot access ourself. So,

1 please try to fix this mess. Do some maintenance, not just
2 blow it off, like you have done the '78 plan, the maintenance
3 of the maritime forest, by closing down in '03, the drainage
4 system out at Cape Point. And, don't forget in '82, when
5 ya'll took responsibility of the jetties, to maintain -- that
6 was built there by the Navy -- to maintain the Navy Base in
7 the northern section of Buxton. All that has not been
8 maintained, and now we've lost the Coast Guard base there,
9 due to the Park Service maintenance problem. So, please try
10 to fix this mess; will you. Thank you.

11 MR. SKIDMORE: Dwight Rettie is next, followed by
12 Larry Hardham, Pat Weston and Bob Eakes. Dwight? Dwight
13 Rettie?

14 WOMAN ATTENDEE: He left.

15 MAN ATTENDEE: He left.

16 MR. SKIDMORE: Okay, the next speaker is Larry
17 Hardham.

18 MR. LARRY HARDHAM: Hi. I'm Larry Hardham. I'm a
19 resident of Buxton. On page 219 and 220, of the DEIS, under
20 the heading of "Natural Catastrophes" it says, "Periodic,
21 short-term weather-related erosion events(e.g., atmospheric
22 fronts, Nor'easter storms, tropical storms and hurricanes)
23 are common phenomena throughout the loggerhead nesting range,
24 and may vary considerably from year to year. It is reported
25 that 24-1/2 percent of all loggerhead nests laid in Deerfield

1 Beach, Florida in 1992 were lost or destroyed by Hurricane
2 Andrew, as a result of storm surge; 22.7 percent loss of
3 turtle loggerhead nest production on the southern portion of
4 Hutchison Island in Florida; 19 percent of loggerhead nests
5 in Melbourne Beach, Florida after a five-day Nor'easter storm
6 in 1985. In Georgia, 16 percent of the loggerhead nests were
7 lost to tropical storm systems in 2001. Nest loss was
8 particularly high at Sapelo (54 percent) and Little
9 Cumberland (28 percent)." The six percentages listed in the
10 DEIS under "Natural Catastrophes" that I've just read
11 averaged 27.3 percent, and these same events are listed in
12 the revised 2009 Loggerhead Recovery Plan under the same
13 heading on page 44, that heading being, "Natural
14 Catastrophes." In fact, the DEIS paragraph is a virtual
15 quote from the Recovery Plan. On page 220 of the DEIS, it
16 states under the heading of, "Threat Occurrences at Cape
17 Hatteras National Seashore," "The majority of the turtle nest
18 losses at the seashore from 1999 to 2007 were weather
19 related, particularly due to hurricanes and other storms.
20 During this time, six hurricanes caused impacts on nests. In
21 2003, Hurricane Isabelle destroyed 52 of the 87 nests..." I
22 find it interesting that the Recovery Plan does not even
23 mention the 52 of the 87 nests lost in 2003 at Cape Hatteras,
24 which amounted to 59.8 percent of the nests, higher than
25 anything mentioned as a catastrophic loss. Another

1 interesting fact is that the Hatteras loss is not listed in
2 the DEIS, that between 2000 and 2009, a ten-year period, the
3 seashore has lost 36.4 percent of the nests laid in the
4 seashore.

5 MR. SKIDMORE: Sir, your -- your time has expired.

6 MR. HARDHAM: The Recovery Plan seems to think that
7 the State of Georgia losing 16 percent was catastrophic, and
8 we lose 36 percent, and it's a non-event. It's ridiculous
9 and for the Park to continue to pursue policies that have
10 lead to this horrible loss rate is shameful.

11 MR. SKIDMORE: The next speaker is Pat Weston.

12 MS. WESTON: I'll waive my time. John Couch covered
13 my subject nicely. Thank you.

14 MR. SKIDMORE: Okay. Thank you. Following then will
15 be Bob Eakes, followed by Wayne Mathis and Jim Harris.

16 MR. BOB EAKES: Well, I'd like to change the name of
17 Alternative F to Alternative F-us. This was not done at Reg-
18 Neg. It's the environmental lobby side that's being talked
19 about in F. It's not the access side. I greatly resented
20 the Consent Decree. I wasn't a part of it. I wasn't
21 afforded the ability to be a part of it. I also read F in
22 DEIS and I don't understand where it came from, Mike. It did
23 not come from us. The buffers are too large. They're
24 greatly too large. Anne Hecht routinely -- that's the wicked
25 witch of the East, the piping plover guru of the world --

1 routinely gives permits for dredging and constructions at
2 sites that don't use maximum buffers. I don't understand why
3 we have to be penalized so severely. There is no provision
4 for two weeks' past fledgling in the recovery plan. I can't
5 think that you'd ever get sued any faster than to go beyond
6 what the recovery plan calls for. The main area by Cape
7 Point and parts of the inlets which should not have birds
8 nesting there, they're going to be over-washed. There are
9 places we want to be at. They should -- you should allow
10 access there. It's been promised by past directors, by past
11 secretaries, and by you. We can work a system out that
12 allows a bypass set of access and still protect the resource.
13 Use an adaptive resource management plan that determines the
14 right distances on the colonial waterbirds. American
15 oystercatchers and least terns, you walk right up to them
16 before they flush. Hell, these terns nest on the tops of our
17 buildings. They don't care about us very much. They nest
18 right in the middle of our ramps. The judgment for success
19 of colonial waterbirds should take the dredge islands and Pea
20 Island and the areas in. Don't do it just based upon Cape
21 Hatteras National Seashore. We're being penalized for that.
22 Sorry, it's hard to talk fast when you only got three
23 minutes. Turtle mismanagement's been covered, but it's a
24 joke in Cape Hatteras National Seashore. I'm really pissed
25 off about campfires. You seem to be rewarding the front row

1 cottage owners, especially those that participated in Reg-
2 Neg, by allowing campfires. How're you going to take your
3 kids to the beach if you're in the fifth row, and take it --
4 go over there and marshmallow -- have them roast
5 marshmallows. You're not. I got it. I want you in the EIS
6 to tell us what your vision of the next generation and the
7 generation of users after that are, 'cause it's obvious,
8 Mike, that this Park Service doesn't like our generation.

9 MR. SKIDMORE: Wayne Mathis, followed by Jim Harris,
10 Darr Barshis, and Elaine Whitaker.

11 MR. WAYNE MATHIS: Thank you for the opportunity to
12 address the body on the subject of the DEIS and for hearing
13 the public's opinion. I hope that these opinions are heeded.
14 Most of these speakers have covered many of the points I
15 would address this evening. I'm going to reiterate very few
16 of them briefly. First of all, I deplore the concept of mass
17 punishment for the actions of a few which are incorporated in
18 here. This is almost a nazi-like action on the part of the
19 Park Service. I deplore the use of inconsistent policies and
20 the management of many of the wildlife species present,
21 inconsistent in that they are at odds with practices which
22 are more successful in other areas, and which are implemented
23 up in Pea Island, for example. Third, I think that there is
24 protections afforded to non-threatened and not endangered
25 species, which are not justified or supportable, nor are they

1 legislative mandated in any way. And I think they are
2 exceptionally onerous, even Draconian, and restrictive on
3 public access to a public park. And I don't believe these
4 should be supported. There's the imposition of excessive
5 buffers, which appear not to be supportable, although they
6 are defended as the best available science, because they
7 appear in a Patuxant Protocol, which by design, was designed
8 to provide the absolute extreme measures of protection for a
9 species, and absolute extreme extent that they may exceed
10 anything that is reasonable. I deplore the fact that in
11 devising many of these policies, the Park Service appears to
12 have abandoned the concepts of a multi-use park, or of
13 adaptive management. I think you can adapt the habitats
14 somewhat and improve your performance in bird nesting areas,
15 and I believe that in declaring excessive areas from
16 pedestrian use only, you are abandoning multiple use
17 concepts. I, as an ORV operator, have no problem sharing the
18 beach with a pedestrian, and I find it deplorable that some
19 potential sociopath takes umbrage at seeing his fellow
20 citizens recreating in a manner that is not suitable or
21 appropriate in his own mind. So, I do not believe that
22 pedestrian closures should be so extensive. You've heard
23 several speakers address the fact that the piping plovers
24 represent a very small population, breeding population here.
25 Early in the presentation, someone pointed out that the

1 numbers 20 years ago are about what they are now. I've heard
2 a paid shill, who earns his living suing the government under
3 the Endangered Species Act, have heard that these species are
4 in trouble. And -- and the fact is that the species are
5 recovering very nicely and its principle breeding area is to
6 the north of us. I thank you again. I reserve the rights to
7 extend and revise my remarks in a written presentation.

8 MR. SKIDMORE: Next is Jim Harris, followed by Darr
9 Barshis and Elaine Whitaker.

10 MR. JIM HARRIS: I'm Jim Harris, Southern Shores,
11 North Carolina. I wrote a pretty nice piece on how to
12 improve the habitat at the Point, by clearing brush and
13 making some swales, to let moisture go out. But, I'm not
14 going to do that. I'm going to pick low-hanging fruit.
15 Environmental laws were written with loop-holes, written by
16 lawyers, so they could feast on these loop-holes. They did
17 not care one bit about how this harms any of us, or you.
18 There will always be tire tracks from law enforcement on
19 these beaches, unless you want a pedestrian only to be found
20 when the buzzards fly. I'm disappointed that the staff that
21 wrote this DEIS are not here to answer for the mess they
22 made.

23 MR. SKIDMORE: Darr Barshis, now to be followed by
24 Elaine Whitaker.

25 MR. DARR BARSHIS: My name is Darr Barshis. I live

1 in Hatteras Village. I'm here to speak about the need for
2 cooperation of all the parties involved in formulating these
3 new regulations. I drive an ORV and I spend most of my time
4 at Hatteras Inlet and Cape Point. For some reason, there's a
5 perception that ORV owners are anti-environment. I believe I
6 speak for most of us in saying that couldn't be further from
7 the truth. I see myself as a steward of the beach, not
8 someone out there to exploit it. Local residents I see on
9 the beach each day, I know feel the same way. I enjoy
10 driving the beach in winter. I'm there in the most extreme
11 conditions. Most often in winter, I'm alone on the beach.
12 In the short three years I've lived here, I've called in at
13 least half a dozen stranded sea turtles. As we know, when
14 they leave the water for any length of time, they get cold
15 and immobile. If not helped quickly while in this condition,
16 we know they are soon attacked by sea gulls, who start their
17 attack by pecking out the eyes. I keep the NPS biologist's
18 cell phone number in my truck, and have called Michelle many
19 times. Similarly, we have all seen waterbirds with some sort
20 of injury on the beach. And there again, Michelle gets
21 volunteers with proper equipment to the scene quickly.
22 Locals know to carry towels in their vehicles for those times
23 we encounter a bird tangled in fishing line or some other
24 obstruction. We know covering the eyes calms the animal
25 down, and allows us to remove the obstruction. Three years

1 ago, I came upon an exhausted pilot whale stranded in the
2 wash at Cape Point. The water was rough that day, and the
3 current swift. The whale was exhausted. Fortunately,
4 another vehicle came by with a large man, who helped me get
5 the animal in the water, and around Cape Point, where the
6 current carried it to its mate that had followed us just off
7 shore. I know many locals have stories just like this,
8 stories the public rarely hears and this regulatory debate
9 does not consider. Animals saved by locals are not part of
10 any recorded statistics. I want to express my support for
11 the Coalition for Beach Access DEIS Assessment, and I want to
12 thank those concerned residents for the time they put towards
13 analyzing the issues. I want to emphasize that if closures
14 are mandated, access corridors be provided around those
15 closures. I support all efforts to keep the areas of
16 Hatteras Inlet, Cape Point, and Ocracoke open to public
17 access. These are significant recreational destinations. We
18 all understand the Park Service is in an awkward position in
19 this matter for not having implemented an ODV management plan
20 years ago. We all understand we're subject to the rulings of
21 a willing and wanting federal judge. We must, though, be
22 mindful of the fact that when this regulatory back and forth
23 is all said and done, when the attorneys go home, the judge
24 is sitting warm next to his fireplace, and none of the normal
25 people dare travel to the blowing, stinging sand on a

1 freezing beach, I'll be there, and I know a lot of these
2 folks behind me will be there, too. Without access, we can't
3 help. And without cooperation, we can't help each other.

4 MR. SKIDMORE: Elaine Whitaker.

5 MS. ELAINE WHITAKER: Good evening. My name is
6 Elaine Whitaker. I've lived in Hatteras village for a long,
7 long time. I'm a teacher/counselor here at Cape Hatteras
8 Secondary School, and my husband is a charter boat captain.
9 As bizarre as this may sound, if the Plan does not go like
10 you want it to with your new implementation, I hope you will
11 strongly consider the continued access of Hatteras Inlet for
12 all shore fisherman, both recreationally and commercially.

13 MR. SKIDMORE: Next is George Boyd, followed by
14 Thomas Woods. Is George Boyd here? The next card says
15 Thomas and Ann Woods. Do you wish to speak?

16 COURT REPORTER'S NOTE: George Boyd, Thomas
17 Woods and Ann Woods do not respond.

18 MR. SKIDMORE: Graham Whitaker?

19 MR. ROM WHITAKER: Well, it's Rom, like Romulus.
20 But, anyway. Well, probably it's -- my spelling is not real
21 well.

22 MR. SKIDMORE: Yeah, Rom.

23 MR. ROM WHITAKER: But, at any rate, I've run a --
24 I've run a charter boat in Hatteras Village for 23 years, and
25 you say, well how does this affect me? Well, I can tell you

1 a big majority of my customers have come down to this island,
2 come to enjoy the beach, to go fishing on the beach, to bring
3 their brand-new four-wheel drive truck down here, and go
4 enjoy the beach. And it will greatly affect us. When the
5 beach is closed, our business goes down. And I think anybody
6 in my line of work will support that. I've heard it today.
7 I've talked to two boat captains here lately, good friends of
8 mine, whose grandfathers owned this land. And now, you are
9 telling these guys -- their grandfather owned the land --
10 that they can't even walk out on that beach to go swimming,
11 or surfing, or whatever. But, I've got children. One of my
12 children -- one of my youngest boys was in the audience.
13 I've also got a 21-year old. They love this island. They'd
14 like to come back to this island to work, but they need a
15 place to do it and a way to do it. I mean, I think that the
16 Park Service, 30 or 35 years ago, should have come up with an
17 ORV plan. Why should we be penalized now because they
18 didn't? All of a sudden, we're starting not at zero, but
19 we're starting at a 20 to nothing ballgame, with 20 for the
20 environmentalists, and that we're at zero. So, we're
21 starting behind the eight-ball. I mean, let's at least start
22 on an equal playing field, go back before the Consent Decree,
23 where the Park Service was giving corridors and access to
24 these probably most important fishing places on the whole
25 east coast. You know, I used to think this country was for

1 the people, by the people, but I've heard -- I don't know
2 what number I am -- but I've heard about 50 comments to let
3 us use our land that we are paying for. You, me, the
4 taxpaying citizens of the United States own this land, not
5 the Park Service. We want to use it. We paid for it. We
6 should be able to use it. And I just hope that you'll find a
7 way to provide the people access. Thank you.

8 MR. SKIDMORE: Thank you. You were, in fact, the
9 50th commenter. Next is Merrilee Schoolcraft, followed by
10 Bill Belter, Stewart Couch, and Grandy Hooper.

11 MAN ATTENDEE: Merrilee's not -- she went -- some of
12 her points were covered already.

13 MR. SKIDMORE: Okay. Bill Belter.

14 MR. BILL BELTER: Hi. My name's Bill Belter. I
15 don't -- I didn't have anything written or prepared to say.
16 But I do feel like I'm one of probably tens of thousands of
17 folks or hundreds of thousands that really have come to these
18 beaches, and even the folks in the Audubon Society, when they
19 came here as children, during the '70s and '60s and '80s,
20 they came from places where they didn't have, you know, their
21 forefathers and the people before them, you know, they built
22 on our beaches, and they didn't have access. And they --
23 they came here, and many of them were fishermen. And these
24 -- these people on this island have been the best stewards.
25 They've been stewards for hundreds of years. I think they've

1 proved -- they've proved that -- that it's important to have
2 a people and a town relationship. They've proved that. They
3 set precedence. It's -- it's happened here -- it's been
4 going on here, and if the people in the Park Service -- it
5 seemed like the Park Service were -- were more friendly years
6 ago, and it seemed like they almost were ashamed to set up
7 some sort of program, because of the promises they did --
8 they knew that they made to the people that owned the land
9 who sacrificed the land. They left here to fight wars, to go
10 to shipyards. They didn't have a bridge. They were poor and
11 -- and they gave their land away. Then not only -- some was
12 taken and they gave it away. They wanted people -- they
13 wanted -- they wanted people to come here, but -- 'cause
14 probably 'cause they were so poor. And now, the folks have
15 come here and what's made this place so great, this
16 community, that strong people here, including the people that
17 love the birds, decide they want -- they want to go home and
18 just know that nobody's on this beach. So, they just feel
19 good in their heart that that little bird might be there. I
20 think we all love the birds, too. I know we do. I love the
21 birds. But -- but I want to be able -- what inspired me and
22 my children and my grandparents and great-grandparents -- and
23 nobody knows me here, and that's not -- that's not a big
24 deal. I know we're all visitors here. But I -- but I, too -
25 - I came here -- I have a heritage here, too. I -- I've got

1 family buried here. And that's not -- that's not even why
2 I'm standing here. I just -- I'm standing here mainly
3 because of people like me that -- I've come back here. My
4 family -- part of my family left but I've come back. But
5 many other people come back and can't live here, but they've
6 been inspired by this place. And we all want it -- I know we
7 want to share it with the folks that want to bring their
8 cameras, and not their fishing poles or their surfboards.
9 But a lot of us want to bring our families and just swim, or
10 just enjoy the peace and quiet and the beauty of the beach.
11 Thank you.

12 MR. SKIDMORE: Next is Stewart Couch, followed Grandy
13 Hooper, Catherine Burrus, and Jennifer Burrus.

14 MR. STEWART COUCH: Hi. My name is Stewart Couch.
15 I'm from Buxton, North Carolina. I work in Avon. I don't
16 know what's happened to the Park Service. Thank God for the
17 Park Service. I -- I can say that. Thank you for being
18 here. I know there's a lot of animosity here, but it's
19 because we're not getting what we want. There's a dual
20 mandate from the Park Service to protect the resources, and
21 to provide for access. And I don't think it's happening.
22 But, Superintendent Murray, thank you. You -- you have a
23 hard job. I appreciate the Audubon Society and the Defenders
24 of Wildlife. They're part of the process and they should
25 have input. But, there needs to be a balance, and we need to

1 be able to access the beach. As I'm sure you're aware, the
2 environmental groups, and specifically Audubon Society, the
3 Defenders of Wildlife, through their legal arm, the Southern
4 Environmental Law Center, have been relentless in their
5 effort to transform large areas of Cape Hatteras National
6 Seashore recreational area from a seashore recreational
7 destination to be enjoyed by the public into a wildlife
8 sanctuary, with minimal human encroachment. I don't see how
9 we can have the dual mandate of access and -- and wildlife
10 sanctuary brought into the recreational area. And I think
11 you're going too far to one group, who you think is more
12 powerful, than the people who want to use the beach, and have
13 been using the beach for a long time -- for a long time,
14 since the Indians were here for a 1,000 years. The DEIS plan
15 addresses more -- much more than just wanting to drive on the
16 beach. We came up with this ORV plan. Now, in my opinion,
17 the environmental groups wish to critically influence a
18 National Park Service to shift its dual mandate of providing
19 for the protection of natural resources and wildlife, while
20 simultaneously providing for the public's right to current
21 and future recreational opportunities' access to a policy of
22 denying human entry to large areas of the park, and severely
23 restricting the public's access to all portions of the beach.
24 And -- humans have a right to use the beach, too, and we've
25 used it for a long time. I'm going to be submitting a

1 written comment, but I would like to address a couple of
2 things, until my time runs out. Any piping plover unfledged
3 chick brood requires a 1,000 meter pedestrian access. That's
4 771 acres for one bird. That's crazy. That's on page 121
5 and 127. On page, I think it's 366, the socio-economic data
6 and analysis are incomplete and erroneous, and result in an
7 understatement of the effect restrictions have upon the
8 island in the region and the State of North Carolina. And I
9 believe on page 368, the Park Service says we're not really
10 sure on what's going to happen, but -- but the businesses
11 will have to adapt. And out of 810 pages, there's only two
12 paragraphs that address the economic impact. If I want to
13 read, for my own pleasure, I'll read War and Peace. I've
14 never read that, but I have 810 page tomb I can read. My
15 brother, in his great infinite wisdom, John Couch, mentioned
16 the pets. That's a big deal. That's on page 136. Michael
17 Vick. He got really in trouble by denying the dogs. Don't
18 deny the pets. Thank you.

19 MR. SKIDMORE: Next is Grandy Hooper, followed by
20 Catherine Burrus, Jennifer Burrus, David Goodwin.

21 MR. GRANDY HOOPER: My name is Grandy Hooper. I was
22 born on this island in 1956. Probably one of the only
23 handful in here who were born on the island. I bought my
24 first surfboard in 1970. Could go on the beach. Do what we
25 wanted to back then. The other day, I was taking pictures on

1 the shore side of Little Kinnakeet Station, and even there,
2 the Park Service is denying us access to the gravesites for
3 our family up there. The road's been shut down. I've been
4 in Iraq and Afghanistan. I've been wounded three times on
5 two separate occasions. I'm dis -- the Army considers me
6 disabled. My wife sorta doesn't. She made me take the trash
7 out before I came here. She doesn't think anything of that.
8 But, you know, I want to take my girls to the beach. I don't
9 have a prepared statement. I just -- I'm just trying to
10 speak from my heart. I want my girls to grow up on this
11 beach like I did, to be able to go surfing. This country was
12 founded on freedom and it's being taken from us. I've --
13 I've been overseas fighting for my life, and I come back home
14 and now I'm fighting for my livelihood. I'm now on reserve
15 status because of my disability, supposedly. But, you know,
16 so I have to have a job here. But it's being -- my
17 livelihood's being taken away. It really is. It's -- it's
18 going down. How am I supposed to support my family, after
19 giving my service to my country? I come home and this is
20 what I come home to. It's really pretty sad. So, Ayla and
21 Lydia, hey, plover eggs, there're what's for breakfast.

22 MR. SKIDMORE: The next speaker is Catherine Burrus,
23 followed by Jennifer Burrus. Is Catherine Burrus here?
24 Jennifer Burrus?

25 COURT REPORTER'S NOTE: Catherine Burrus does

1 not come forward.

2 MS. JENNIFER BURRUS: As he just said, my name is
3 Jennifer Burrus. My family was one of the first to come to
4 the Outer Banks. There were two brothers that came to
5 Hatteras and Ocracoke Island off of the *Mary Margaret*. And I
6 only say this because, you know, my family has been here a
7 zillion years. They've survived depressions and storms and
8 they're gonna survive, whatever law you pass. So that's not
9 what bothers me. I mean, that's not going to break me or
10 bend me. What bothers me is the lack of evidence in this 8.3
11 pound DEIS document. I just graduated from UNC-Chapel Hill,
12 and throughout my whole academic history, I have never, ever
13 submitted a written document without ample and adequate
14 references and citations. And to know that a law that's
15 being passed without ample and adequate research-based facts,
16 it's just based on assumptions and it's gut-based. And
17 that's kind of unnerving. I hope that I don't get stoned on
18 the way out of here for -- for saying that. I've taken some
19 varying classes at Chapel Hill, and I even worked alongside
20 Sidney Mattock, studying the history and the extinction of
21 the dusky seaside sparrow. So I understand the importance of
22 -- of preserving wildlife. But, at the same time, I also
23 understand the importance of having science and data and
24 statistics and fact upon fact upon fact, saying why it's
25 important to have a 1,000 meter buffer when, you know why --

1 why won't a 200 meter do? Why is that not adequate? And I
2 think -- basically, I challenge you, I urge you, I beg you to
3 take the time that is necessary to do the research, to find
4 the facts. I think you -- you owe it to me and my family and
5 everybody here. I think you owe it to us and we deserve to
6 know why you're doing what you're doing and how you came to
7 the conclusions you came to. I would like to see, you know,
8 the control groups and the variables used and the research
9 conducted by an unbiased third-party. So, that's basically
10 all I have to say. Thank you very much.

11 MR. SKIDMORE: The next commenter is David Goodwin,
12 and that'll be followed by Jeff -- I believe it's Odu -- Oden
13 and then Judy Swartwood and Hal Lester.

14 MR. DAVID GOODWIN: My name is David Goodwin, and I'm
15 speaking here on -- tonight -- on behalf of Cape Hatteras
16 Business Allies, which represented the businesses on Hatteras
17 and Ocracoke Islands during the negotiated rule making
18 process. A little personal history. I've been coming to
19 Hatteras island since the mid-'50s. I've lived here for 11
20 years. My father bought a house in Hatteras village in 1962,
21 since at that time, he decided that that end of the island
22 provided the best recreational experience for him, which in
23 his case, was fishing. I'm going to focus my comments on
24 Hatteras village and Hatteras Inlet. In all the -- in the
25 National Park Service Preferred Alternative number F in the

1 DEIS, I note with dismay that the beaches of Hatteras Inlet,
2 on the Hatteras Inlet -- on the Hatteras Island side -- have
3 been designated a special -- or SMA. This designation
4 prohibits all entry into the inlet area by all persons,
5 whether you're on an ORV or on foot, and it does so
6 permanently. This designation removes one of the most sought
7 after fishing and recreational areas of the seashore from any
8 public use. Now, Oregon Inlet Spit and South Point in
9 Ocracoke, both share some similarities with Hatteras Inlet,
10 but actually there is no other area within the Seashore that
11 provides for the diverse activities like Hatteras Inlet does.
12 There you can fish, you can swim, sunbathe, play volleyball,
13 take your children, your small kids and do many, many other
14 recreational activities. It's a very, very family-friendly
15 beach, particularly on the sound side. You've got to
16 remember that not every visitor wants to recreate on the
17 ocean side, with it's pounding waves and sometimes strong
18 winds blowing sand. The rip at Hatteras Inlet is a well-
19 known fishing spot that attracts fishermen -- fishermen from
20 all over the country, and I dare say, the world. It's well-
21 known and well-loved by many, many -- many people. So,
22 visitors and residents alike will only fish in this area,
23 many of them will, and make annual pilgrimages to take
24 advantage of its offerings. In Hatteras Village itself,
25 there are many businesses that rely on visitors that use this

1 beach. There are tackle shops, beach equipment rental
2 places, general merchandise stores that cater to beach goers,
3 motels, campgrounds and rental housing providers, just to
4 name a few. All these businesses in some form or fashion
5 depend upon access to the beaches for their livelihood,
6 particularly access to the Hatteras Inlet area. To close
7 this area permanently to human use will severely impact these
8 businesses. People drive by a good many good beaches to come
9 to this seashore. With Hatteras Inlet removed from -- from
10 human access, most visitors are just gonna go somewhere else.
11 This will impact the local businesses adversely and diminish
12 the visitor experience, particularly those with young
13 children. Cape Hatteras Business Allies recommends that the
14 Park Service reconsider its permanent closure of Hatteras
15 Inlet. And we recommend changing the designation to one that
16 will allow access to this area, at least on a seasonal basis.
17 Thank you very much.

18 MR. SKIDMORE: Next is Jeff Oden, followed by Judy
19 Swartwood and Hal Lester.

20 MR. JEFF ODEN: My name is Jeff Oden. I'm -- I'm a
21 commercial fisherman and I also own and operate Sea Gull
22 Motel, which depends 100 percent on beach access, and other,
23 you know, 25 percent of that is from people who come here and
24 beach fish as well. And my main -- main concern is -- as was
25 previously mentioned by the previous speaker -- Hatteras

1 Inlet. So, considering the time limits -- anyway, Hatteras
2 requires that I focus on that area. The proposed South Point
3 closure which, as I've been informed, could last
4 indefinitely, is illogical for the following reasons. First
5 off, plovers have not been resident to this area in over
6 three years, and the present closure in this area, I am told,
7 is necessitated by possible mating behavior from a few
8 oystercatchers. Now, I'm in agreement the efforts to protect
9 wildlife are in order and, in fact, necessary in some cases.
10 But, I am in disagreement that the present closure or future
11 possible permanent closure are anything but an absurdity.
12 The sound side closure which has been instituted for the
13 third year at the new inlet outside of Hatteras Village, as I
14 am told, for oystercatchers. Now, if oystercatchers will
15 nest with cars whizzing by at 55 to 70 miles an hour, then
16 there are certainly no reason that they couldn't -- that they
17 wouldn't feel equally comfortable with a narrow corridor
18 above the high tide line from the Coast Guard station side
19 where -- that allows beach access. As a motel owner, I've
20 had numerous complaints over the last few years, and lost
21 many customers that came to my village with one purpose, and
22 that was to fish or recreation at the South Point. And the
23 simple fact is, with erosion what it is and the changes that
24 have taken place on this point, that used to be flats, and
25 now is transformed into dunes unsuitable for nesting, there

1 is no logical reason for having -- having to be in this room
2 defending my access to this area. What -- what will this
3 closure mean to me personally? As a kid, I grew up there. I
4 learned to swim, I learned to fish, I spent every Sunday
5 afternoon cooking out on that point, and -- and I surf there
6 at present. And you know, the real kicker to this is, my
7 grandfather used to own that point, from Hatteras Inlet Coast
8 Guard Station all the way to -- to the South Point. He owned
9 it. And all I've got to say is -- he was a slight man, and
10 he walked with a cane, but I -- I feel pretty confident, even
11 though I only got to know him in the ten years -- the first
12 ten years of my life -- that the first person that told him
13 he would not be allowed on that South Point, with the
14 assurances given to him in the interim, that cane would have
15 been used for something besides walking.

16 MR. SKIDMORE: Judy Swartwood, to be followed by Hal
17 Lester and Michael Hilton.

18 MS. JUDY SWARTWOOD: Hi. I, too, was representing
19 Cape Hatteras Business Allies, and let's -- let's talk about
20 the real economic impact. There are business owners like
21 myself, who reside on our business property. We don't have a
22 house somewhere else. So, when these people lose their
23 businesses, they're gonna lose their homes, too. It's not
24 just about jobs. It's about people's homes. There are
25 people in this room right now who can't pay their electric

1 bill, who are going to the food pantry for food. It's not
2 whatever's in your book -- all that mumbo-jumbo and
3 percentages and mathematical science. That's not the
4 reality. The reality is there's people in this room right
5 now that are hurting. And we are the people who are affected
6 most by all of this. And I'm sorry, I don't mean to be rude,
7 but I find it highly offensive that Derb Carter and Chris
8 Canfield want to come here and take up six minutes of time,
9 when the people that live here that are being hurt aren't
10 allowed to talk longer than that. It's just insane.

11 MR. SKIDMORE: Hal Lester.

12 MR. HAL LESTER: My name's Hal Lester. I'd like to
13 formally say that I disagree with the National Park Service's
14 Preferred Alternative for management of the National -- of
15 the Cape Hatteras National recreational area. But I do agree
16 with just leaving us alone and making things back the way
17 they were. I don't really have a prepared statement, so I'm
18 going to just tell you a little story. I own a business
19 here. I own a house here. When you shut down the Cape
20 Point, which is in a -- very close to me in proximity to my
21 business -- it affects my business greatly -- 50 percent.
22 Okay? And I can prove it. This year, I had to lay off
23 everybody -- first time ever. Families are being affected.
24 Children. People. And Derb and the Audubon -- I'm sick of
25 your fake sympathy for us, and if there is a Jesus up there,

1 I know a man mentioned it earlier, I hope you rot in hell.

2 MR. SKIDMORE: Michael Hicton. Is Michael Hicton --
3 Hilton here? It could be Hilton. Michael Hilton? There's
4 no Michael Hicton or Hilton?

5 WOMAN ATTENDEE: He left.

6 MR. SKIDMORE: Kelly Schoolcraft?

7 MR. KELLY SCHOOLCRAFT: Good afternoon. My name's
8 Kelly Schoolcraft, and I'm a full-time commercial fisherman
9 and I live in Frisco, North Carolina. Do ya'll know what the
10 Magnuson-Stevens Act is? I -- if you don't, I suggest you
11 read through it, because one of the things that's mentioned
12 in there, is -- is a socio-economic impact study on how
13 regulations affect the fishing industry. Our industry is
14 constantly dealing with endangered species. But yet, there
15 is slowly becoming a balance between the threatened species
16 and what the general fisherman needs. I suggest that ya'll
17 do this study and not just take the word off of these people
18 that these businesses are gonna be affected. This is
19 mandated by Congress. It's in there. You should look at the
20 guidelines put in that document, and apply those document --
21 those guidelines where it comes to the economic study to the
22 regulations and stuff that you're trying to throw down on
23 this island. There can be a balance in there, but it's not
24 as it is now. Ya'll should read that document and apply
25 those principles to what you're trying to do to the

1 businesses on this island. Thank you.

2 MR. SKIDMORE: The next speaker is Jimmie Webb,
3 followed by Freddy James.

4 WOMAN ATTENDEE: Get'em Principal.

5 MR. JIMMIE WEBB: Three minutes is hardly enough to
6 even get cranked up for. I disagree with you, and your
7 programs. You put out a document that's like Congress'
8 documents, that's got everything in there except the truth.
9 You listen to people who call themselves experts in certain
10 areas, and they don't have any more degree than I got. Why
11 come I can't be your expert? But, let's get on with it. I
12 don't trust you. Why don't I trust you to do anything that
13 you say that you do? Number one. What did we do to the
14 Indians? We wrote out all this paperwork. And we go on out
15 and told them what it said. But we didn't tell them about
16 the small print. Where are the Indians? They're gone. Then
17 we decided that we would save the buffalo. And we turned it
18 over to the Department of Interior. I reckon that they have
19 to have all this land, so that they could be there for us to
20 see in the future. What did your people do? First thing you
21 did, you culled the herds. You broke the herds down. Now
22 you got less than you started with. That don't sound right.
23 'Course now, the cattlemen come out pretty good because they
24 leased the grazing land to feed their cows, which I like
25 beef, too. Well, what did we do to the wild horses? We did

1 the same thing. We said we've got to have all this land set
2 aside so that they can be there and prosper. What's happened
3 to them? One time, they were hunting them down like dogs,
4 selling their meat to the packing markets. Then we came up
5 with the bright intelligent agreement that we'll put 'em in
6 small herds. They're too big, so let's cull them. We culled
7 them, then we decided that won't good enough. We put 'em in
8 little pens, and we're gonna feed 'em. Started costing a
9 lot. What're we gonna do with them now? But the grazing
10 land got mustered out to the Cattlemen's Association for
11 grazing cattle. American people are not trusting their
12 government today. These people don't trust you. I don't
13 trust you. Listen, there's been enough information these
14 people have dug up, to counter 90 percent of what your
15 experts came up with. It's like lawyers. Lawyers know the
16 game. We can hire our expert to suit our particular needs.
17 So, gang, I know you're good honest people, but I don't trust
18 you. I don't think these people should trust you, either.
19 Do what they said do. Give them a chance to survive and live
20 on this island. One of the reasons I was here, was to --

21 WOMAN ATTENDEE: Let Jimmie talk.

22 MR. WEBB: -- all right. One last thing I want to
23 ask you. What plans do you have for those people who have
24 certain things that they can't walk on the beach? They've
25 got to have some conveyance to get there. I can't walk

1 across the sand. I smoked too many cigarettes. It's my
2 fault, but I can't go. I still like it on the beach. All
3 right, gang. I know that you're smiling, so that goes ahead
4 and tells me one thing. Ya'll have already decided. This
5 meeting should have been held in the beginning. Thank you
6 for your time. It's up.

7 MR. SKIDMORE: Freddy James.

8 MR. FREDDY JAMES: My name's Freddy James. I own a
9 business in Buxton that was started by my dad in the '70s.
10 And in the '80s, when wind surfing became popular, we did a
11 program with the Park Service called "Wind Surf with a
12 Ranger" which provided a great service to the visitors of the
13 island to teach people -- we taught one person a week for
14 free -- how to wind surf. That was brought through -- the
15 rangers would get the group together and we would take a
16 volunteer and teach them how to wind surf in the pond out at
17 the Point. Slowly, your policy was to protect the birds as
18 you -- as we were told by you -- that you blocked off the
19 areas of the pond, slowly but surely, making it the point
20 where there is now, where there's absolutely no access to
21 this pond. What it's done is, by no access, you've allowed
22 all the vegetation in the dunes to grow around it, which in
23 turn has created an ideal habitat for all the predators that
24 you're now trapping and killing, and doing nothing to deter
25 new predators from coming near that area. So, you're doing

1 nothing to address the -- nothing to address the predators,
2 new predators coming in and killing the old -- what's
3 actually there, and shoot -- I'm sorry. I had this written
4 but had a moment of not reading it. Anyway, you slowly
5 blocked off the access and allowed the vegetation to
6 flourish, and you're not addressing the main cause of the
7 failure rates of the nests, which is, in your own study, the
8 mammal predation. If you go back to the way it was in the
9 '80s, by flattening all the vegetation in the dunes, you're
10 gonna allow much more breeding habitat for the birds, and
11 eliminating a lot of the predator problem, because they don't
12 have any ideal habitat to survive in. They're gonna go back
13 across the dunes, and away from where the breeding ground is.
14 Also, by limiting access, you've also pushed the breeding
15 areas closer and closer to the surf line, which is the number
16 two reason in your statement that -- the failure rates, which
17 is the storms and ocean tide. So, you're pushing them
18 further and further to the second main problem and not
19 addressing adequately the first problem. So, by doing --
20 eliminating all the vegetation in the dunes, you're
21 eliminating the two main problems, but nowhere in your DEIS
22 does it -- does it address that at any point. And the main
23 reason why it's a problem is due to your lack or -- or bad
24 policy, which now you're trying to continue by more closures,
25 which is only going to increase the -- the mammal habitat --

1 or the predation habitat, and force the birds closer to the
2 beach. So, they are more -- more susceptible to the storms.
3 That's it.

4 MR. SKIDMORE: That concludes all of the cards that I
5 have of individuals who had signed up, but did anyone's card
6 get lost or mislaid, that I failed to call? Okay.

7 SUPERINTENDENT MURRAY: We really appreciate you all
8 coming tonight. And our meeting -- the public hearing is
9 hereby adjourned. Thank you.

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11
12 *****THE HEARING CONCLUDED AT 8:05 P.M.*****
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