

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

HOLIDAY INN & CONFERENCE CENTER
1815 WEST MERCURY BOULEVARD
HAMPTON, VIRGINIA

APRIL 29, 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 29, 2010,
2 Hampton Public Hearing on Off-Road Vehicle Management
3 Plan/Draft Environmental Impact Statement commenced at 6:00
4 p.m. at the Holiday Inn & Conference Center, Hampton,
5 Virginia.

6 SUPERINTENDENT MICHAEL B. MURRAY: Good evening,
7 ladies and gentlemen. I'm Mike Murray, the Superintendent at
8 Cape Hatteras National Seashore. Welcome to this Public
9 Hearing on the Draft Off-Road Vehicle Management
10 Plan/Environmental Impact Statement. As we proceed with the
11 Hearing tonight, if anyone in the back of the room has any
12 difficulty hearing, just raise your hand and we'll realize we
13 need to check the sound system. Can everybody hear okay?
14 (No response.) Thanks. I want to briefly review the project
15 time line for the Off-Road Vehicle Management Plan. We are
16 currently in the Public Comment period for the DEIS. It ends
17 on May 11. The newsletter that was available at the sign-in
18 desk gives this (on the slide) information, or very similar
19 information, and all the details on how to comment. We've
20 conducted Public Hearings this week: Monday, Ocracoke and
21 Buxton; Tuesday, Kill Devil Hills; and, last night, we were
22 in Raleigh, and tonight we are in Hampton. And then, the
23 comment period, again, stays open through May 11. After the
24 public comment period closes, the Park Service will be
25 reviewing all the comments and begin preparation of the Final

1 Environmental Impact Statement, which includes written
2 responses to all the substantive comments. Then internal
3 work will be going on this spring and the summer. In the
4 fall, we'll publish a proposed regulation. This is sort of a
5 two-part process. There's an Off-Road Vehicle Management
6 Plan and Environmental Impact Statement, and then there's
7 also a Special Park Regulation that goes along with it. The
8 Proposed Regulation will have a 60-day Public Comment Period
9 after it is released. And then, once that Public Comment
10 Period closes, we'll review those Public Comments, and then
11 begin work on the Final Regulation. The schedule is to
12 publish the Final Environmental Impact Statement and Notice
13 of Availability, which is the official *Federal Register*
14 notice that the FEIS has been completed, this fall. And
15 then, the Record of Decision, which follows after the Final
16 EIS is published, the schedule is to release the Record of
17 Decision before December 31, 2010, and then publish the Final
18 Regulation by or before April 1, 2011. And now, the next
19 slide. Here's a review on how to comment on the EIS. And
20 again, these details are in the newsletter. Now, you can
21 comment in person at the meeting tonight, either orally or in
22 writing. Our facilitator's going to remind you of the ground
23 rules, but just so you can be thinking about it, if you want
24 to speak, you have to sign up. So, if anybody missed the
25 sign-up table out front, you might want to go sign up. You

1 can comment on-line at the Park Planning website. The
2 address is on the screen. It's also in the newsletter. It's
3 <http://parkplanning.nps.gov/caha>. CAHA is the Park Service
4 acronym for Cape Hatteras National Seashore. You can comment
5 in writing by mail or hand delivery to me, Superintendent, at
6 Cape Hatteras National Seashore, 1401 National Park Drive,
7 Manteo, North Carolina. Comments must be received by
8 midnight on May 11. The reason for Mountain time is the
9 website that the Park Service uses to manage public comments
10 is based in Denver. So, you actually get two extra hours if
11 you're from the east coast. Again, please refer to the
12 newsletter for complete instructions. Now, I'm going to turn
13 the meeting over to our facilitator, Frank Skidmore. Thank
14 you for coming.

15 MR. FRANK SKIDMORE: Thank you. Well, good evening.
16 As you see from the first bullet up there, the purpose here
17 is to receive comments on the DEIS, and DEIS means it's a
18 draft. And drafts can change. And there may be very
19 important information out there that you have that can be
20 very helpful for that. My job is to facilitate a fair
21 process that allows everyone who has signed up to present a
22 comment, that it's heard, understood by the Park Service, and
23 by everyone here in the room as well, and particularly by the
24 court reporter, who must record it accurately and transcribe
25 it so it's completely responded to and addressed. So, it's

1 important that we observe mutual respect and courtesy, and be
2 quiet as someone is delivering the comment, so that parts of
3 it are not lost, and of course, no disruptions within the
4 hearing room here. Again, you must be signed up to speak,
5 and we anticipate each individual will be given one chance to
6 speak tonight. Please keep your comments on point, because
7 there is limited time. Please consider what the purpose here
8 is, and that's to provide comments on the draft. And each
9 speaker will be allotted a maximum of three minutes. Now
10 that is going to be administered with a timekeeper who will
11 hold up a yellow card when you have used 2 minutes and 30
12 seconds of your time, to advise you that you've only got 30
13 seconds left. And then a red card will come up when the
14 three-minute point is reached, and I ask you to wrap up your
15 comments at that point. Yielding time to another is not part
16 of the process that we're following. Again, speakers will
17 come up to this center microphone here and address the
18 Superintendent. The comments are being delivered to the
19 National Park Service, even though it's important that
20 everyone here also hear those -- those comments, for your own
21 education as to what's being said and -- and provided. If
22 someone addresses your talking point before your turn to
23 speak, you may decline to speak. Or you may stand up and say
24 I agree with so and so's point entirely, and add your name,
25 and the court reporter will take down that fact that your

1 name is agreeing with some other speaker. Written and oral
2 comments are considered in the exactly the same manner. When
3 you provide an oral comment, it's translated into a written
4 comment for review and response. If you have other things
5 you wish to say when the three minutes has been reached, you
6 can submit the rest of your comments here, and it will become
7 a part of -- part of your statement, and they'll be turned in
8 right here at the table. The time limit, we're finding is
9 about right, to allow everyone to speak during the time
10 that's been allocated for the meeting. So that's -- that's
11 the reason for the limitation. Please turn cell phones to
12 "off" or "vibrate." And, I thank you for being here. It's
13 -- it's a busy world. It's a busy time, and we appreciate
14 you taking a couple of hours to show interest in this, and
15 present your ideas and your comments. Now, I'm going to call
16 out several names at a time, so that people are advised that
17 they're next, or third in line, or so on. We have three
18 chairs that are reserved up here, so if you're buried back in
19 the middle of an aisle, and would like to reduce the amount
20 of time we spend transferring among speakers, you may come
21 and, essentially, queue in one of these three chairs, and be
22 ready to stand up immediately to present your comments when
23 the person ahead of you is finished.

24 MR. ROBERT WOJCIK: I have a point of order. You
25 have a podium. I have a fear that some of these people may

1 not speak many times, may need a podium to speak at. If you
2 could move that podium to the speaker at this microphone.

3 MR. SKIDMORE: Say that again.

4 MR. WOJCIK: All I'm saying is, you have a podium to
5 speak at. Many people may not be used to giving talks or
6 speeches, may would be inclined to put their notes on there
7 for reference. Since you have one, can we have one here as
8 well? I think it's just a simple courtesy.

9 MR. SKIDMORE: Is there anyone out there that needs a
10 podium?

11 MR. WOJCIK: I'll take it.

12 MR. SKIDMORE: To speak?

13 MAN ATTENDEE: Yes.

14 MR. WOJCIK: I mean, you use it -- just move that one
15 over.

16 MR. SKIDMORE: Well, you see --

17 MR. MURRAY: If we're physically able to do it, I
18 don't object. If we're physically able to do it.

19 MR. SKIDMORE: This thing is -- is locked in where it
20 is.

21 MR. WOJCIK: Well, we could just talk up there.

22 MR. SKIDMORE: You want to go see if they've got
23 another podium?

24 MR. DOUG WETMORE: Yes.

25 MR. SKIDMORE: Okay. We'll try to get another podium

1 for that to occur. This is pretty well in place. I don't
2 think we can disengage it.

3 MR. WOJCIK: I mean, if we can just use that one. I
4 have no problem.

5 MR. SKIDMORE: Well, we really -- we really prefer
6 that you're giving the comment to the Park Service and not to
7 the audience, just -- just as a format thing, but should that
8 -- it come to that, we'll make that exception. We've got an
9 individual that's gone to get a podium. We'll -- we'll try
10 to do that. Doug, were you able to get a podium?

11 MR. WETMORE: We're still looking for one.

12 COURT REPORTER'S NOTE: There was an off-the-
13 record break at 6:10 p.m. until 6:11 p.m.

14 MR. SKIDMORE: Okay. Well, here are the first four
15 commenters. It'll be David Graham, followed by Darren Lopez,
16 H. T. Gordon, and Ted Hamilton. Are any of those speakers,
17 speakers that want a podium?

18 MR. DAVID GRAHAM: I don't even think I need a
19 microphone. Can everyone hear me?

20 ATTENDEES: Yes.

21 MR. GRAHAM: My name is David Graham. I'm not a
22 scientist. I don't have a lot of doctorates, just a surf
23 fisherman, and a veteran, and disabled. Take away my ORV and
24 you take my beach away from me. I can't do pedestrian. I
25 can't do walk-overs. That's gone. I'm gone. And that's

1 kind of what I want to address. I'm not too concerned with
2 whatever plan that comes out of this, because I know it's
3 going to court, and you do, too. That's where the real fight
4 will be. And it'll probably come to some legislation also,
5 and we're ready for that, too. It's the plan behind the
6 plan, to get the ORVs off the beach, close the businesses,
7 get the people off the island. That's what we're fighting.
8 The plan behind the plan. There's one thing that bothers me
9 about this whole thing, Mr. Murray, and it's just the way
10 your department has chose sides. When your employee, Cyndy
11 Holda, told Bob Eakes of the Red Drum, "Bob, you are young
12 enough to learn and earn a new business," you showed which
13 side you picked. Why did you pick them? Why are you against
14 us? All we want to do is go fishing. Take our kids to the
15 water, like my dad took me, when I was in a stroller. Like I
16 took my grandkids, and I want them to take their grandkids.
17 I fought one war, and I'll carry the scars until the day I
18 die. I'm not afraid of another one, sir. Thank you.

19 MR. SKIDMORE: Thank you, sir. The next speaker is
20 Darren Lopez.

21 MR. DARREN LOPEZ: Good afternoon. My name is Darren
22 Lopez. I'm not a veteran. I'm a new -- newcomer to the
23 country. I've only been here for 20 years. My dad didn't
24 used to take me fishing, but I fully intend to take my nine-
25 year old daughter fishing -- fishing, my nine-month old

1 daughter when she becomes nine years old. When actually this
 2 charade started, I was just a rogue fisherman. I'd go
 3 fishing any time I wanted to. Now I have a daughter. Come a
 4 few year's time, when she's at school, we could be living
 5 here to go fishing when school's out. When major holidays
 6 are on. Fourth of July. Memorial Day. According to Plan F,
 7 there's going to be a limit on the amount of vehicles at the
 8 Point. Well, the Point, the greatest wonder on the east
 9 coast as far as I'm concerned, is where I want to take my
 10 daughter. Without being able to take my daughter, I don't
 11 think we'll go. It will be like going to Disneyland, get
 12 into Disneyland, and oh, "Well, Mickey Mouse isn't here
 13 today." Do you think I would take my daughter to Disneyland?
 14 No. If we go -- the point -- if we go down to Hatteras, and
 15 there's a limit on the amount of vehicles? What? Are we
 16 going to sit at the entrance to the ramp, because we're 401
 17 and wait to be called? I don't think so. We'll probably go
 18 somewhere else. That's pretty much what I'd like to say.
 19 Thank you.

20 MR. SKIDMORE: We will have a podium here shortly, so
 21 if I call someone who needs a podium, we'll just defer you
 22 for another speaker, until we get that podium. Next is H. T.
 23 Gordon, followed by Ted Hamilton, and Willie Munden.

24 MR. H. T. GORDON: My name is H. T. Gordon. I'm a
 25 property owner in Salvo, North Carolina. And I think that

1 most of the people in here like fishing and we -- we like
2 fishing on the beach. And also, that these environmentalists
3 that are trying to kick us off the beach, I don't think they
4 fish at all. Because if they were worried about the birds,
5 they would be at the end of the Bonner Bridge protesting.
6 Because every time I come across that bridge, there's at
7 least five -- four or five dead birds on that -- on that
8 bridge. And somebody -- you know, if they were so much
9 worried about those birds, they'd be there protesting
10 somehow, to keep those birds alive. Now, my wife and I came
11 here this afternoon across the, you know, Hampton Roads
12 Bridge Tunnel, the southern bridge going westbound, and we
13 found five dead birds on that bridge already. So, if they
14 were worried about the birds, dead birds on the beach, they
15 should be protesting these bridges where these birds are
16 being killed. So, I -- I would like to see them protesting
17 the places where these birds are killed, rather than on the
18 beach, because I have never seen but maybe one or two dead
19 sea gulls on that beach, since I've been going down there.
20 So, that's all I have to say.

21 MR. SKIDMORE: Thank you very much. Next is Ted
22 Hamilton, followed by Willie Munden, and Bill Rumschlag.

23 MR. TED HAMILTON: I'm Ted Hamilton, a native Tar
24 Heel, who's owned a house in Salvo since 1971, and was a
25 visitor to the area prior to that. Even having seen the area

1 evolve over those years, I still wish to state that I fully
2 support the Coalition for Beach Access DEIS assessment, dated
3 April 13, 2010, as contained at the following website, and
4 that's detailed in the copy I handed in. Of particular note
5 is the Coalition Access Alternative position, shown in column
6 three of the matrix on pages 8 through 10, of the assessment,
7 and the comments shown in column four. Additionally of note
8 is the Coalition proposed bird buffer distances on page 12,
9 and the proposed turtle closure revisions on pages 15 and 16.
10 I believe these Coalition alternatives strike a far better
11 balance for human access versus resource protection, and is
12 based on experience, observations and data more specific to
13 the seashore than the NPS Alt F. This is further evident
14 from the document's supporting information. Further, the
15 following website, again detailed in the copy I handed in,
16 contains the Coalition Position Statement dated March 5,
17 2010, updated April 6, 2010, that further justifies the
18 rationale behind the Coalition Assessment and the Access
19 Alternatives offered by the Coalition. I request that each
20 aspect of the Coalition Alternatives that differ from the NPS
21 Alt F be specifically addressed by NPS. And that I, and the
22 rest of the public, be provided the NPS rationale for either
23 acceptance or rejection of each particular differing aspect.
24 A response of this sort is indicated by item one of the
25 ground rules I was given at the start of this meeting.

1 Finally, for those who say only a small percentage of the
2 seashore is being affected, well, the closures proposed in
3 NPS Alt F for the inlet spits, Cape Point and South Beach are
4 like closing Old Faithful in Yellowstone. Yes, there is more
5 beach just like there are more geysers. But all beaches,
6 just like all geysers, are not equal.

7 MR. SKIDMORE: Thank you, Ted. Next is Willie
8 Munden, followed by Bill Rumschlag, and Rob Beedie.

9 MR. WILLIE MUNDEN: Hi. My name is Willie Munden.

10 MR. SKIDMORE: Sir, could you hold just a moment?
11 Just a minute, please.

12 COURT REPORTER'S NOTE: There is a momentary
13 pause while a podium is being placed for use by the
14 commenters.

15 MR. SKIDMORE: Start again, sir.

16 MR. MUNDEN: Okay. Hi. My name is Willie Munden.
17 I'm a lifelong resident of the Tidewater area, and I've been
18 visiting Cape Hatteras since the early '50s with my father,
19 fishing. We used to drive off the beach in Sandbridge, drive
20 all the way down the beach to Oregon Inlet, cross over on the
21 ferry, drive Hatteras Island, down to Hatteras Inlet, and
22 turn around and drive and fish back. That's been happening,
23 like I said, as far as I know, all the way back to the '30s.
24 The present plan as the first speaker spoke about, it's
25 really the -- the -- the complete closure of the beach that's

1 -- that's -- that's trying to be done here by the
2 environmental groups, and I'm -- I'm completely against it.
3 Like I said, I've been fishing and surfing down in Hatteras
4 with my father, my -- my daughters, my sons, over the past 40
5 or 50 years, and I believe that -- that there should be no
6 closure to the beach between the mean -- the mean low tide
7 line and the base of the dune. And that's -- that's year-
8 round, on a daily use basis. If there has to be some
9 restrictions for turtle nests or things like that on a very
10 temporary basis, that's makes sense, but otherwise, no. The
11 -- some of the data that's being used in a general sense that
12 states, well when you -- when you remove human presence in an
13 area, that the birds come back or the wildlife come back.
14 Well, of course, that's true. It's self-evident. So, basing
15 decisions on those kinds of -- on that kind of data seems to
16 me, simply -- simply false, unless the only -- unless the
17 only result is to just remove humans from -- from access to
18 any piece of land. I mean, we could take New York City and
19 move all the people out, and within six months, it'd be
20 overrun with animals. So, it doesn't make any sense to me to
21 use data that, in these reports, that show that, when you
22 remove humans, that more wildlife come. The other part about
23 the data that I have a problem with is that most of the bird
24 nest destruction that happens, the vast majority of it has to
25 do with ocean -- ocean over-wash, and natural predators --

1 non-human natural predators. Well, are we going to start
2 killing the natural predators down there? Are we going to
3 start putting up sea walls to keep the over-wash from coming
4 up? And, if that's the majority of the -- of the -- of the
5 destruction of these nesting sites, then it seems, once
6 again, that this -- that this, as the first speaker spoke,
7 it's really not this plan, it's the plan within a plan that's
8 trying to be pushed here, and trying to force -- force all of
9 us off. Finally, I just want to say from a personal note as
10 someone else said, that my access down to Cape Hatteras for
11 surfing and so on, is -- is a lifelong thing. And if it's --
12 if it's stopped, I will consider moving from this area,
13 having lived here all my life. Thank you.

14 MR. SKIDMORE: Thank you very much. Next is Bill
15 Rumschlag, followed by Rob Beedie and Rob Giroux.

16 MR. BILL RUMSCHLAG: My name's Bill Rumschlag, and
17 I'm a veteran and also a surf fisherman. The first point I
18 want to make is I emphatically agree with all the first five
19 speakers. I've been going down to the Hatteras seashore,
20 Ocracoke, Avon for 30 years with my family, fishing. Every
21 fisherman I've ever met on the beach has the greatest respect
22 for the treasure that he's enjoying. They all pick up their
23 trash. They all take care of their things and -- and have a
24 respect for the beach, the dunes, and the animals. That
25 doesn't get recognized enough. When you talk to the locals

1 down there, and I can give a specific example. A couple
2 years ago, the entire south end of Ocracoke was closed for
3 one egg in one nest, that after three or four days, after we
4 spent \$3,000 for our cottage and couldn't get on the beach,
5 was eaten by another bird. We all own the beach. You own
6 the beach. I own the beach. And everybody in this room owns
7 the beach. We pay -- it's a National Park. We pay our
8 federal income tax. We all must have access to that beach.
9 Yes, we have to respect the environment. But to close the
10 beach in this concept of the plan behind the plan, is very
11 disconcerting. What I would ask, the plan -- and you've put
12 a lot of work into it -- I think it's what, 40 years in the
13 making -- 40. The science that is behind it, the purported
14 science, and -- and the environmental statements -- has it
15 been reviewed, peer-reviewed by an independent, unbiased
16 third-party? Because the entire package is based on the data
17 that's been presented. And to date, I have not seen where it
18 has been reviewed by an unbiased third-party. Thank you.

19 MR. SKIDMORE: Thank you, Bill. Next is Rob Beedie,
20 followed by Rob Giroux, and Alan Pitt.

21 MR. ROB BEEDIE: Good evening, gentlemen. Nice
22 seeing you. I made a request down in Buxton, at this, the
23 government meeting. And my grandfather and parents would be
24 ashamed that there's no American flag that we could pledge
25 allegiance to. And also in the American tradition, of

1 inviting Jesus Christ in, to give all the decision-makers
2 wisdom to make the proper decisions. What's at stake here to
3 me? I disagree with the DEIS. I know everybody's worked
4 hard on it, but it -- it leaves out one basic thing: our
5 right to -- our constitutional right to life, liberty, and
6 pursuit of happiness. I served 111th Artillery, '68 to '74.
7 I've lived all around the country, in California, and
8 traveled. And Cape Hatteras is very special. It is a shame
9 that you're tearing grown men to a point to tears; okay? All
10 I ask ya'll to do, is search your own soul. Okay? We can
11 co-exist. First, God created that. He ordained man to be
12 the caretaker, not governments. Okay? We are responsible
13 people, and I know I'm running out of time, but it's
14 America's coast. And I'm here to let everyone know that my
15 invested interest is neither financial or land ownership, but
16 it was bestowed upon me early on by forces much larger and
17 more important than any of us here. I'm a simple man who's
18 simply loves this area. I pray for the decision-makers to
19 ponder diligently before writing into law any regulations
20 that bring any further hardship on a free community and
21 hinders Americans, all Americans, their God-given right to
22 life, liberty and the pursuit of happiness. And as ya'll
23 know, my son, had a surfer celebration at 21 years old and
24 he's buried in that ocean. And I rode down there yesterday,
25 and the "no walking" on the beach is close. He was born on

1 Father's Day, and we paddled out, my friends and I, and put
2 flowers there. I will be the first one arrested probably for
3 federal offense. I'm 62 years old, and been surfing for 48
4 years. I will stand in defiance of this government for
5 denying me my life, liberty, and pursuit of happiness, and I
6 will put flowers on that ocean. Okay? And I'm -- I'm gonna
7 abide by the law, but I can't abide by ignorant decisions.
8 And shame on the lawyers. The lawyers are putting the Park
9 Service in a weird situation. It's called a lawsuit. Well,
10 you -- you have fired up the fishermen and the surfers, and
11 the international surf community. When they put a lawsuit on
12 you, we stop mobile war. We stopped mobile war. And -- and,
13 just let Jesus come into your hearts, and take care of what's
14 His, not yours.

15 MR. SKIDMORE: Thank you, Mr. Beedie. Next is Rob
16 Giroux, followed by Alan Pitt and Chris Detreville.

17 MR. ROB GIROUX: I would just like -- I would just
18 like to say, I've been going to Hatteras my whole life with
19 my family, and it's very important to us. It's pretty much
20 the only thing that makes living in Virginia tolerable. I
21 don't want to be driving down Highway 12 one day with my son,
22 and say to him, "Look over there. That's where your dad used
23 to surf and your uncle. And past that lighthouse, there's a
24 point where your grandfather used to fish. Trust me, it's
25 beautiful." He's going to look at me and say, "Who cares?"

1 I've never seen it." Just think about what -- please
2 consider what effect your decisions will have on future
3 generations. If they can't experience the environment, why
4 will they grow up to protect it? Thank you.

5 MR. SKIDMORE: Thank you, Rob. Next is Alan Pitt,
6 followed by Chris Detreville, and Matthew Stubbs.

7 MR. ALAN PITT: Afternoon. My name is Alan Pitt. I
8 live in Richmond, Virginia, and I've had a summer place in
9 Frisco, North Carolina since 1993. Thank you for allowing me
10 to speak. I read the entire width and breadth of the DEIS,
11 and feel a gross misrepresentation claimed this is only
12 regulatory toward ORV use, that proposing mandates that
13 encompassed every single beach related activity from kite-
14 flying, to pedestrian and pet access, and the seashore for
15 the next 10 to 15 years. The two preferred Alts of DEIS, and
16 the environmental D, NPS F set forth the most stringent
17 protocols in any National Seashore or Park. If the lack of
18 success towards species recovery after two seasons of similar
19 measures under the Consent Decree is any indicator, these
20 proposed measures are likely to fail as well, all while
21 devastating the local economy, and putting undue pressure on
22 all user groups who visit the Park through over-reaching,
23 confusing, and dubious regulations. Pedestrian closures
24 violations are, by far, the most numerous year after year,
25 yet education and permitting for this user group is not

1 required. And there is no instructional signs at pedestrian
2 entrances to the ORV zones, which leaves this group the most
3 uninformed within the park. Few argue that increased
4 resource management is needed as user numbers rise. But the
5 management techniques touted in the two preferred Alts have
6 not shown significant successes when in practice under the
7 CD, as predation and over-wash continue to be the greatest
8 concern for sensitive species in the park -- not ORVs or
9 human disturbance. Larger buffer closures and buffer sizes
10 allow more unrestrained movement of predator species, and the
11 lack of ORV traffic in the said closures allows for denser
12 habitat and denser vegetation growth, creating more and
13 larger areas of predator habitat within the areas that are
14 supposedly being protected. The NPS's lack of habitat
15 creation and management policies, in particular at Cape
16 Point, in relation to piping plover habitat is especially
17 troubling. A fairly reasonable and practical long-term
18 vegetation litigation surrounding the ephemeral ponds on Cape
19 Point would vastly improve piping plover habitat. Doing so
20 could negate the need for massive and long-lasting closures
21 to this all important visitor destination, all the while
22 helping shorebird recovery numbers. Ever increasing numbers
23 of predator trapping or removal operations from the sea --
24 within the Seashore, have shown little to no improvements for
25 all the effort and loss of life involved for the targeted

1 species in this policy. There can never be a completely,
2 totally, predator-free ecosystem within the Seashore, so it
3 makes perfect sense to manage the predator habitat. The
4 single most troubling aspect of the entire DEIS is the, in
5 reference to the American oystercatcher, prohibiting pets
6 within the Seashore during breeding -- breeding season,
7 including in front of the village. There's also a preference
8 to piping plover, saying the same thing, that if people don't
9 keep their animals under control, they'll be taken off the
10 Seashore from May to August. Thank you very much.

11 MR. SKIDMORE: Thank you, Alan. Chris Detreville, to
12 be followed by Matthew Stubbs and Robert Wojcik.

13 MR. CHRIS DETREVILLE: Good evening. First of all, I
14 agree. Where is the flag? My name's Christopher Detreville,
15 and I'm from Richmond, Virginia. I've been coming to the
16 recreation area for almost 35 years, and I've driven 100
17 miles tonight, so I could speak for three whole minutes. So,
18 excuse me if I talk a little fast. I've got many problems
19 with the DEIS and Alt F in particular, and it's exceedingly
20 difficult for me to pick out just one or two points to object
21 about in this eight-pound travesty of justice. So, that's
22 going to be my first point. This (shows) is a copy of the
23 Homestead Act. It was written in 1862. Double the size of
24 our country. It's one page, handwritten, front and back.
25 Now, look what happens when lawyers get involved. A 700 page

1 document, that doesn't seem to expand for you. It seems to
2 destroy you. My question is, why exactly is this document so
3 large? Average everyday people, you know, the kind of people
4 that come here to fish and hunt -- I mean, fish and enjoy the
5 area -- they can't make heads nor tails of this. Was that
6 the purpose? To confuse the public? Why can't we have a
7 public comment extension period, to properly comprehend this
8 document, that'll change the recreation area for so long?
9 Mr. Murray, your agency was charged with coming up with an
10 ORV plan, and Off-Road Vehicle Plan. That's it. How did
11 this morph into telling me where I can walk, jog, fish, surf,
12 fly a kite, walk my dog?

13 COURT REPORTER'S NOTE: There is a momentary
14 pause as the audience stands and applauds.

15 MR. DETREVILLE: Sir, you have overstepped your
16 bounds. And where's the real science issues? I mean,
17 seriously, this document is slam full of "might'ves,"
18 "could'ves," "should'ves," "probablies," but there's hardly
19 any real science here. A consensus does not make science.
20 Where is the real peer review? Where is the unbiased peer
21 review? The reality is, neither NPS nor the assorted
22 environmental groups can show that we, as users of the
23 seashore, sir, cause harm to either the environment or the
24 wildlife. In fact, the record shows quite the opposite. All
25 of that is conveniently ignored. Why does the NPS ignore the

1 fact that there's been no incident concerning injury or death
 2 of a plover as a result of ORV usage? One hundred percent of
 3 plover mortality is due to storms and predation. Why is that
 4 ignored? Under Alt F, suddenly, my five-pound dog, my little
 5 Yorkie-Poo, is an enemy of the State. Well, I've got news
 6 for you, Mr. Murray, I don't go places where my best friend's
 7 not invited. But, I guess that's probably the point; wasn't
 8 it? And it's all for the animals; right? Is it? One
 9 thousand two hundred and ninety one (1,291) animals have been
 10 slaughtered in the recreation area, since this tragedy began
 11 -- 1,291 -- that's over a 1,000 innocent creatures killed to
 12 protect a handful of birds, birds that aren't even
 13 endangered. They're on the threatened list. The only thing
 14 threatened here, sir, Mr. Murray, is freedom. The only thing
 15 endangered here, is the rights of the citizens to use and
 16 enjoy the recreation area that was given to us so long ago.
 17 I believe it's an entire disaster. Alt F of the DEIS is a
 18 perversion of justice. All of it. It doesn't matter what we
 19 say here tonight, NPS doesn't care about the pro-access side.
 20 We don't have the money, the clout, the power of these well-
 21 funded individualists. Sir, that's justice, justice
 22 perverted.

23 COURT REPORTER'S NOTE: There is a momentary
 24 pause as the audience stands and applauds.

25 MR. SKIDMORE: Thank you. Next is Matthew Stubbs,

1 followed by Robert Wojcik, and Alfred Nugent.

2 MR. MATTHEW STUBBS: First, I would like to say that,
3 thank you for being here, but thank these folks for being
4 here, because these people are fighting for what we love. I
5 would like to say that I disagree with all alternatives that
6 were listed in the DEIS. To be honest with you, I didn't
7 read it. I'm a working man, and I enjoy the seashore, but I
8 don't have time to spend 800 -- my son doesn't want me
9 reading this and go to bed with it. I do not believe in
10 plovers. That secondly, I want to state. Why don't I
11 believe in plovers? Because I've only seen pictures of them,
12 just like dinosaurs. I've only seen these from a distance.
13 My son can learn this from watching television at home. He
14 cannot learn this by going to the seashore. My son does not
15 own a 1,000 meter spotting scope. So, my son will never see
16 one of these birds. It's impossible. I would also like to
17 say that, it's been stated several times -- people are saying
18 that they're trying to close the beach. I want to basically
19 make a little anecdote to that. You guys state several
20 times, you don't want to close the beach. But however, you
21 want to give a 1,000 meters to a bird that can nest in the
22 palm of my hand. All right? According to the National Park
23 Service, there's 74 miles of accessible seashore -- 119,000
24 meters. Put 119 plover nests, 1,000 meters apart, what do
25 you have left? Zero. Now we've come five and a half, six

1 hours, to see Highway 12. There's not that much down there
2 to see, except for the beach. You take away the beach, you
3 take away reason to go to the shore in the first place. Are
4 we going to, as a society change this where my children are
5 going to sit in the house and watch television, so they can
6 see nature? I live on five and a half acres in western
7 Goochland, so my kids can see nature. They can't see it at
8 the beach. That's impossible for me to understand. Who
9 determines whether the animals live and die? I mean, this is
10 something that's been mentioned by my friend, Mr. Chris
11 Detreville, and several other folks. Animals are dying so
12 others can live? Who makes that decision? I thought that
13 was God's role in life. Thought that was Mother Nature. We
14 have on here -- there -- there is not one endangered bird in
15 Hatteras Seashore. Not one. Not one. There are threatened
16 species of concern, and I can do that all day long. I saw a
17 turtle nest that was supposed to be being protected. I saw
18 it destroyed due to the protections that were afforded it by
19 the National Park System. They put a netting around it to
20 block out light. That caught the seashore waves from an in-
21 blowing storm, destroyed the sea turtle nest, later to find
22 out that no -- no survivors. Lastly, I'd like to say this.
23 There's a sign in front of the first National Park. There's
24 a sign. This sign says, very clearly, "For the enjoyment of
25 the people." It says it right above the main entrance.

1 Also, they'll be filming life after people on this island,
2 after we're gone.

3 MR. SKIDMORE: Thank you. Next is Robert Wojcik,
4 followed by Alfred Nugent and Joe Basilone.

5 MR. ROBERT WOJCIK: I'm Robert Wojcik. Many of you
6 may know me as a professor, because there's a couple of
7 websites I'm on, and they probably reference me in that way.
8 I'm married, from Richmond, Virginia, two children, a
9 grandson. I have a house in Salvo, around mile post 43.
10 Non-rental. I go down there as much as I can. Observe.
11 Fish. Relax. My wife says when I go there, all the wrinkles
12 go out of my face. But now, since this decree, I go down
13 there and I probably have more wrinkles in my face, because
14 it just -- I just grind my molars through the teeth for the
15 waste of time and money. I'm a veteran. I love to fish.
16 Thank God I still have the right to speak, with the freedom
17 of speech. But, as far as the rest of this I've seen, it's
18 just deplorable. I want to talk about one area, because many
19 people have talked about this. My son talked to your office,
20 Mr. Murray, about eight years ago. He was in a car accident.
21 He is a quadriplegic now. Not of his fault. But he
22 addressed your office, because he's one of these kids that
23 just wants to do things right. He addressed your office
24 about putting a -- a -- a barriers to -- not barriers, but
25 ways to get onto the beach for him -- handicap accessible.

1 About three years ago, I went down -- we were down there.
2 Mile post 44, the last street, I can't think -- it's called
3 North Beach now. Go to the far northeast corner, you'll see
4 a area which you gave a person access to that, so he can
5 build a pier all the way up to the dunes. That access was
6 given, if he'd make that accessible to the public. I walked
7 up there. That's -- that's not handicap accessible. I
8 called your office. Your office said, we're not required by
9 law to follow that. I forget the name in your office that
10 said that. I can give that name to you, but I left it back
11 at home. I called you back the second time, because I think,
12 well, you know, I'm a professor at a college, and I said,
13 "You know, that's just a bum answer." The second response
14 was, "That's a closed community or closed subdivision."
15 Well, so it is. It is a subdivision within the area, but
16 that subdivision has renters. If I'd go over and rent that,
17 would you be liable if I sued you for not letting my son get
18 to that beach, just to drive down to look at the dunes? I
19 can take my son to the beach by my vehicle, but last year,
20 23, 30, 34, the only beach open was 38 and 40. And I don't
21 know about the rest of you, but try riding with a trailer
22 with a handicapped son, strapped to the back, with my wife
23 holding him down, to ramp 38. He get's tossed. It's a hard
24 ramp to drive on. I have no access to the beach. He has a
25 300-pound chair that I cannot push. I don't know what -- I

1 can't put him on a little rubberized chair and run him down
 2 here. I'm 63. I probably have 15 more years to live here.
 3 In that case, I just -- but anyway. I'm going to -- one more
 4 response was, it's a -- the people in the Outer Banks, I feel
 5 sorry for them. They've been slapped into the face. My
 6 final comment. You've showed no creativity for the Outer
 7 Banks. Two areas that I was concerned with here lately. The
 8 bright lights. Why can't we put red lights on trucks so they
 9 can drive at night? I've read another one, too, that says,
 10 "Black barriers -- we can't -- we can't guide with black
 11 barriers -- plastic -- because the quote is, "Fencing chicks
 12 away from their areas would essentially reduce their chances
 13 of survival." No data. No reference. No nothing. I mean
 14 that could have been plucked out from anywhere. I'd like to
 15 see the reference. The validity and reliability of the
 16 National Parks so that's other resources and information.
 17 It's just not -- it's not good information. It wouldn't flow
 18 in the college where I work. And I thank you.

19 MR. SKIDMORE: Thank you very much, sir. Next is
 20 Alfred Nugent, followed by Joe Basilone and then Bonny
 21 Basilone.

22 MR. ALFRED NUGENT: Good evening. My name's Alfred
 23 Nugent. My family's relationship with the Outer Banks
 24 started when my father served there for a short period of
 25 time in the second world war as a Coast Guardsman before he

1 went to the Pacific. Like a lot of guys from that time, he
2 went home and got married. When we were old enough, he
3 brought myself and the other seven children in our family to
4 the beach. We went there on and off for a number of years to
5 Buxton, and eventually, when he got the money together in the
6 '70s, he bought one of the doublewides that Mr. Beckham was
7 putting up in Avon, and we've had the house ever since. All
8 of us go there routinely. We don't rent the place. We use
9 it as a way to get down there and enjoy the beach. He picked
10 to go there because he thought it was a good place for us as
11 children, and if he'd lived, to stay retired with my mother.
12 I'm -- I can't do as nearly an eloquent as Ted Hamilton
13 endorsing the position of the Coalition for Beach Access,
14 which I think is the only reasonable version of this that
15 I've seen on the -- on the plate. I contest the assertion in
16 the DEIS that there was no plan in place. There was a plan
17 in place by those of us who were down there in the '70s, that
18 was put together by old EPA and the other access groups at
19 the time. It's not the fault of the people that live on that
20 island that did what they were supposed to do, that the
21 federal government lost and failed to implement their plan.
22 But, having said that, I'll go to the one substantive point I
23 want to raise, and I think just got addressed, more than
24 adequately by Mr. Wojcik, is handicapped access. My mother
25 is still alive. You have in this plan, four places for

1 people to get on the beach on a wheel chair who have to be
2 helped. For all practical purposes, ORV access is
3 handicapped access. If I want to take her to the places we
4 went when we were kids, I need to drive her there. Because
5 in your 80s, you're not walking to the beach. And I'll tell
6 you, as a father, if you're hauling a bunch of very small
7 children, you're not walking pretty far to the beach with a
8 bunch of three and four-year olds, either. So, by taking
9 away ORV access and not providing reasonable access that way,
10 you're destroying the chance -- the choice -- the chance of
11 the two groups of people that should get access to this,
12 which is the young and the old. And the final piece, I guess
13 is, where you've limited access to the bay, you've limited
14 access to the place people with children go to swim, because
15 it's a safe place to take them, besides in the surf. That's
16 all I've got to say.

17 MR. SKIDMORE: Thank you very much. Next is Joe
18 Basilone, followed by Bonny Baselone, and then Archie Tripp.

19 MR. JOE BASILONE: My name is Joe Basilone. I live
20 in Williamsburg, Virginia. I'm also lucky enough to have a
21 home in Avon, North Carolina. I do not agree with the impact
22 -- the Draft Impact Statements. Failure to adequately
23 recognize the cultural considerations inherent in combined
24 ORV use, surf fishing and the Cape Hatteras National
25 Seashore. The statement lacks meaningful content dedicated

1 to cultural resource issues. *Dictionary.com* defines
2 "culture" as, "The behaviors and beliefs characteristic of a
3 particular social, ethnic or age group." National Park
4 Service guidelines state, "A landscape can also constitute
5 traditional cultural property, if it is a location where a
6 community has traditionally carried out economic or other
7 cultural practices important in maintaining its historic
8 identity." The behaviors and beliefs of off-road vehicle
9 surf fishermen are definitely those of a particular social
10 group. And, it is a group that has been established for
11 almost a century. Our very presence here tonight is
12 indisputable testimony to our dedication to the tradition and
13 economics important in maintaining our historic identity.
14 The first book about surf fishing, The Call of the Surf
15 written by Van Campen Heilner and Frank Stick was copyrighted
16 in 1920. The first ferries at Hatteras began in the mid-
17 '20s, when Captain Toby Tillett established a tug and barge
18 service across Oregon Inlet to Hatteras Island. The motor
19 vehicles that Captain Tillett brought to Hatteras all drove
20 on the sand. There were no roads. Heilner's best-selling
21 book, Salt Water Fishing, first copyrighted in 1937, in which
22 stayed in print until 1956, contains a photograph of a Model-
23 T Ford on the beach at Hatteras. The Model-T has balloon
24 tires and tackle boxes. A surf fisherman is standing beside
25 it with a big drum. And Heilner refers to it as a beach

1 buggy. The North Carolina Beach Buggy Association and the
2 Cape Hatteras Angler's Club are two of the largest organized
3 groups that are particular to this social group. These
4 groups and others have been sharing the camaraderie and
5 energy of fishing on the beach for many decades. The
6 National Park Service is in conflict with itself, when it
7 simultaneously advocates severely restricted access and yet,
8 acknowledges on page 83 of the statement that ORV access is
9 historical in nature. I have other comments. I've submitted
10 them in writing, and many of the other presenters have
11 expressed them before me. Thank you for the opportunity to
12 speak.

13 MR. SKIDMORE: Thank you, Joe. Bonny Basilone is
14 next, followed by Archie Tripp, and then John Ewell.

15 MS. BONNY BASILONE: I'm Bonny Basilone. I disagree
16 with the DEIS concerning a pet policy as stated on page 136.
17 The policy prohibits pets on the Seashore from March 15 to
18 July 31. The Park Service already has regulations concerning
19 unleashed pets, and these regulations should be enforced.
20 Additional extremely restrictive pet regulations are not
21 justified by the available data. I disagree with the DEIS
22 proposed restrictive measures and inflexible buffers as found
23 on pages 121 through 127, and page 468. These will prevent
24 off-road vehicle use on large portions of the National
25 Seashore. I agree with efforts to establish reasonable

1 access corridors, so that ORVs can access the surf zone in
2 the National Seashore, and I am in favor of the Coalition for
3 Access 77-page proposal. Thank you.

4 MR. SKIDMORE: Thank you, Bonny. Next is Archie
5 Tripp, followed by John Ewell, and Alan Bartlett.

6 MR. ARCHIE TRIPP: Good afternoon. And thank you for
7 coming and thank you for giving us this opportunity to speak.
8 I am Archie Tripp. I'm also a scientist, retired. A nature
9 lover. A past member of the Audubon Society. A wildlife
10 photographer. And, most importantly, a full-time beach bum.
11 I want to see all wildlife thrive on the Outer Banks. And I
12 have supported in the past, beach closings, to protect the
13 plover. It think it's important. However, as I see it, the
14 proposed plan goes far beyond what I can support. And
15 support of moderate people is vital to successful
16 implementation of any plan. Specifically, items that really
17 hit me were the 1,000-meter closure per nest. As pointed out
18 earlier, depending on how you do the math, 63 nests could
19 close the entire beach. I don't think that would happen, but
20 that still comes out that way. As was so well just stated,
21 what's the purpose of not allowing that the dog could walk on
22 a leash through these areas? I don't know. Not up to the
23 nest, of course, but outside of some boundary. Other things
24 were -- it seems like large sections of beach are going to be
25 closed to pedestrians -- even pedestrians during this time.

1 And I'm not talking about the specific areas around the nest,
2 but broad areas. And then, part of the beach is to be closed
3 to all -- the off-range vehicles full-time. I -- I see that
4 as excessive. I urge you to protect the plover, but such
5 protection must be supported by the body politic. These
6 proposed rules do not meet that criteria. Thank you.

7 MR. SKIDMORE: Thank you, Archie. John Ewell,
8 followed by Alan Bartlett, and Chip Pitts.

9 MR. JOHN EWELL: I've got to change glasses. My name
10 is John Ewell. I'm not an expert. I'm not a scientist. I
11 just love to surf fish. I'm sort of selfish tonight, because
12 I'm speaking for me and for friends I've fished with for 25
13 years on the Outer Banks. I'm a surf fisherman during April,
14 May, October and November. I want to reference the closures
15 due to birds on page 468. ORV corridors are very important.
16 I agree that birds need to be protected, but the DEIS goes
17 too far. I'm not smart enough to determine how big a buffer
18 needs to be. I only know that there has to be a way that we
19 can work together to protect the birds and still give us
20 fisherman an ORV corridor, or a bypass around the buffer, so
21 we can reach our favorite fishing spots, like Cape Point,
22 Hatteras Island, and the south end of Ocracoke. Next, I want
23 to talk about the closure due to turtles, page 125 in the
24 report. Here again, I want turtles protected, but again, the
25 DEIS goes too far. As a fisherman, I think if the closure

1 runs to the surf line, we should have an ORV corridor behind
2 the nest and the dunes, or around -- established by the
3 National Park Service around the dunes, so we can again,
4 reach our favorite fishing spots. In closing, I want to say
5 that this -- that it is my opinion that surf fishermen did
6 not have any input into the DEIS report. If they did have
7 input, none of it ended up in this report. In other words, I
8 believe that the report as written is biased. All I'm asking
9 for is consideration and objectivity in the final report.

10 Thank you.

11 MR. SKIDMORE: Thank you, John. Next is Alan
12 Bartlett, then Chip Pitts, and Chris Egghart.

13 MR. ALAN BARTLETT: Hi. I'm Alan Bartlett from
14 Portsmouth, Virginia. First, let me thank the Park Service
15 for providing a convenient venue for Hampton Roads residents
16 to attend this Public Comment Session. Second, I'd like to
17 provide a little prospective as to my stake in this whole
18 matter. I live in Virginia, but I spend approximately 90
19 days per year on Hatteras Island. My wife and I spend 80
20 percent of our annual recreational budget on the island,
21 primarily investing in local businesses. We have a trailer
22 in Buxton, and, since 2005, have been joined there by four
23 other relatives, their families and two very close friends,
24 with their family of three. Over the last 30 years, we've
25 taught our children how to enjoy, respect, and give back to

1 the Cape Hatteras National Seashore and recreational area.
2 The good memories are innumerable. The local culture is
3 unique. And the people are as spirited as Hatteras and
4 Ocracoke are beautiful. I'm not going to focus primarily on
5 birds, turtles, enclosures, and such, because I'm not a
6 scientist or a qualified expert. I can offer an opinion
7 based upon what I've read today, but by now, I think we've
8 all heard enough opinions. This whole thing is about people,
9 and I'm qualified to speak about people, because I've had 15
10 -- 57 years of experience in the role. I believe that the
11 mutual long-range goal of a couple of well-funded special
12 interest groups is to remove people altogether from Hatteras
13 Island. Their methodologies include marketing and public
14 relations campaigns, investing millions of dollars in
15 lobbying activities and political contributions, and
16 retaining the SELC by -- to repeatedly sue the federal
17 government into submission, in order to eliminate beach
18 access altogether. If these groups prevail, there may be no
19 surf fishing, surfing, kite-boarding, swimming, sunbathing,
20 pets, picnics, and family activities on federal land,
21 originally set aside for the recreation and enjoyment of tax-
22 paying American citizens, and their guests. Short term, and
23 at a minimum, I oppose any plan that includes the following
24 found in the DEIS: permanent closings; Hatteras Inlet, north
25 end of Ocracoke, and ramps 27 and 30; 1,000 meter plover

1 buffers; prohibition of pets from March 15 through July 31,
2 and the elimination of predators by the NPS in the name of
3 conversation. Long term, I call upon our government
4 agencies: to recognize the intended use of the Cape Hatteras
5 National Seashore and recreational area, and to reinstate
6 common-sense access policies before special interests force
7 the local economy to fail; force state and local tax bases to
8 disappear; and residents to be deprived of the ability to
9 make sustainable living. This is about people.

10 MR. SKIDMORE: Thank you very much. Next is Chip
11 Pitts, who will be followed by Chris Egghart, and Jean Fripp.

12 MR. CHIP PITTS: Good evening. Thank you for the
13 opportunity to speak. I had prepared statements, but
14 everything I was going to say has already been pretty well
15 stated eloquently and passionately by the speakers before me.
16 But I've driven all the way over here, and I'm going to say
17 something. My name is Chip Pitts. I live in Virginia Beach.
18 My house is two blocks from the ocean. I can walk out my
19 front door, walk two blocks and stand in the Atlantic Ocean.
20 We have a cottage in Buxton. It's been in my wife's family
21 for over 50 years, and when we think about going to the
22 beach, we think about driving two and a half hours to go to
23 Buxton. We don't think about walking two blocks to go to the
24 beach. Buxton is a jewel on the east coast, and that -- that
25 has been passionately stated by the speakers here. But, as

1 I've sat out there, one of the things that has kind of come
2 to my mind, is I'm glad I'm not you people. And I say that
3 with all sincerity. I -- I did not participate in or attend
4 the Neg-Reg [sic] meetings -- Reg-Neg meetings, but I
5 followed them. And you have a situation where you have
6 stakeholders on the one side, that are occupied by people who
7 believe that there should be open access to the beach, that
8 there should be reasonable, responsible, traditional uses of
9 the beach, that 70 years of that access has proven to provide
10 a healthy ecosystem on the beach. And they believe that
11 people should be allowed to go there to recreate, and are
12 part of the stewardship of the beach, to maintain that
13 healthy ecosystem. On the other side, you have stakeholders
14 whose published literature indicates that human activity on
15 the beach is the problem. And they have really not spent
16 their effort in trying to find a way that includes human
17 activity in preservation of -- of the resource. Those two
18 bodies are not going to agree. You have to come up with a
19 plan that will manage the beach for 10 to 15 years. The
20 Draft Environmental Impact Statement addresses what we can
21 do, when can we do it, and how we can do it. It doesn't say
22 why. You have not noted the scientific methodology, the
23 peer-reviewed data, why you are making the decisions. The
24 closure boundaries. The time of year of the closure
25 boundaries. If you expect public acceptance of your plan, it

1 needs to be reasoned. It needs to be specific. It needs to
2 be scientifically supportable. And it can't smack of the
3 Park Service being intimidated by special interest groups.

4 MR. SKIDMORE: Thank you. The next speaker is Chris
5 Egghart, followed by Jean Fripp and Buddy Krise.

6 MR. CHRIS EGGHART: My name is Chris Egghart. I'm
7 from Richmond. I'm a cultural resource and environmental
8 professional. And I've read the entire DEIS and let me tell
9 you, three minutes is not enough to talk about everything in
10 that -- three hours might not be enough. But I'm here to
11 talk about -- specifically, about the traditional cultural
12 value of -- of the Outer Banks beaches, particularly the spit
13 and inlet areas. I disagree with the DEIS in that it -- it
14 does not address the issue of these areas that is traditional
15 cultural properties, despite them being formally identified
16 to the Park Service and requested to be evaluated. This,
17 despite that the spit and inlet areas to a "T" meet the
18 published guidelines -- the definitions of traditional
19 cultural properties, published by the Park Service. It's
20 *National Register Bulletin 38*. This situation is even more
21 perplexing, as when the then Director of the National Park
22 Service, when the Cape Hatteras National Seashore recreation
23 area was being formed, promised the people of the Outer Banks
24 that they would have -- always have access to their beaches.
25 And he did this out of recognition of the traditional

1 cultural value of these beaches and the access to those
2 beaches -- that importance. That traditional cultural
3 importance has only grown since then. Access to the beach is
4 part of what it means to be an Outer Banker, or to have an
5 Outer Banks experience. A previous speaker mentioned the
6 historic aspect of beach buggy use. Well, it goes that much
7 further. For the local communities, the Outer Banks is the
8 beach for the -- excuse me, the Outer Banks communities --
9 the beaches are a meeting place. A social gathering place.
10 In a very real -- in a very real sense, it helps define what
11 it means to be a member of that traditional community.
12 Alternative F in the DEIS completely takes that away. The
13 surf zone activities are components of an unbroken pattern of
14 land use that spans back many generations before the
15 establishment of the Seashore, and remain integral to the
16 fabric of the historically unique Outer Banks communities.
17 In short, it's about the people. And, thank you very much.

18 MR. SKIDMORE: Thank you, Chris. Next will be Jean
19 Fripp, followed by -- I'm going to try a different
20 pronunciation -- Buddy Krise, and then Jennifer Brinkley.

21 MS. JEAN FRIPP: Thank you. Thank you for allowing
22 us to speak. I'm Jean Fripp. I live in Williamsburg,
23 Virginia. I'm also a property owner on Hatteras Island. And
24 I will be brief. I believe we're all stewards of the
25 environment. No one wants to see an animal become

1 endangered. However, I strongly believe the dynamic beauty
2 of the Outer Banks can be shared and enjoyed by families,
3 fishermen, and wildlife. I do not support the closing of the
4 beaches on Hatteras Island to the vehicular traffic. I do
5 not support closing the beaches to leashed pets. And I do
6 not support fencing off a square mile of beach for a bird's
7 nest. These things are not necessary and they are not
8 realistic. We need a rational plan that protects wildlife
9 and recognizes the recreational and economic value of the
10 Outer Banks. Thank you for letting me speak.

11 MR. SKIDMORE: Thank you very much. Buddy will be
12 followed by Jennifer Brinkley and James Higham.

13 MR. A. E. "BUDDY" KRISE: My name is Buddy Krise. I
14 knew you wouldn't spell it -- say it right, but that's all
15 right. Don't worry about it. If you did, I'd be scared.
16 I'm not a speaker and I'm not really prepared like I'd like
17 to be. But, we are letting people who are in another part of
18 the world dictate us what we should be doing. If we took
19 their hobby -- whatever it may be -- golfing, hang-gliding
20 and told them they couldn't do that, they'd have a whole
21 different picture about this thing. You're taking -- I'm not
22 a surf fisherman. I love the beach. I love anything I do in
23 water, but a lot of these fellows have said more than I can
24 say. You take that from them, you're taking their thing for
25 them to live, to work for, and struggle for. And National

1 Parks right now are hurting for money. And here we are --
2 and I say we as the public -- spending a lot of money, trying
3 to decide what should happen -- to be done to that beach
4 could be spent better in the parks. The marina at Cape -- at
5 Ocracoke -- that needs -- federal park needs a ton of work
6 done there. This money we're spending for this could be put
7 in down there. So, like somebody at Hatteras said a couple
8 years ago about this thing, why are we letting somebody who
9 lives in Tennessee, Kentucky, Arizona or wherever they may be
10 across the country, tell us how to live? We've got enough of
11 this federal government telling us how to live. Thank you.
12 And I appreciate the time.

13 MR. SKIDMORE: Thank you, Buddy. Next is Jennifer
14 Brinkley, followed by John Higham, and Richard Kittrell.

15 MS. JENNIFER BRINKLEY: Hello. My name is Jennifer
16 Brinkley. I grew up in the Tidewater. I have been going
17 down to Cape Hatteras since before I was born. And I fully
18 support keeping the beaches open. I think that the National
19 Park Service should be ashamed of themselves. And --

20 COURT REPORTER'S NOTE: The audience applause
21 drowned out the final words of her statement.

22 MR. SKIDMORE: Thank you. Next is James Higham.

23 MR. JAMES HIGHAM: James Higham from Virginia Beach,
24 Virginia. The first thing I'd like to point out is that
25 Conrad Wirth promised all visitors and residents access to

1 the beach. And the Park Service has not kept that promise.
2 I don't hear enough stressed about the people and the economy
3 of Hatteras Island. I feel that is very, very important.
4 Another thing that I think is also extremely important is the
5 enabling legislation, which created the Seashore for the
6 benefit and enjoyment of the people. I'm very disappointed
7 with the Park Service's laziness, as it pertains to habitat
8 degradation. Places that used to support vast colonies of
9 the colonial waterbirds are now overgrown with vegetation, so
10 the birds have no place left to go but on the beach, where
11 human disturbance and predation and weather are a problem. I
12 think the Park Service should really work on that. Your
13 adaptive management and pilot programs, I think could be
14 implemented much earlier. The access groups have stated that
15 they're ready to do habitat management or manipulation,
16 whatever you want to call it, at the time, so that the birds
17 can have a place and we can access the beaches. It seems
18 like a win-win situation. I don't know why the need to have
19 pilot programs and studies, when they're already in place.
20 Also, I'm a big fan of using the beach at night, and there
21 have been no studies done to date to qualify or quantify the
22 effects that nighttime beach use has on nesting sea turtles
23 at Cape Hatteras. I really believe that Species [sic]
24 Management Areas is just another tool to keep people off the
25 beach. I mean, the birds have wings. They're going to nest

1 where they want -- the Dredge Islands, you know. I mean, so,
2 if you could have an SMA, you know, it's only coming up for
3 review for every five years, and all the birds are elsewhere.
4 The area's going to be closed. We're just going to have
5 nowhere to go. I -- it's ridiculous. I think this game is
6 rigged. I really do. Also, the Park Service and U.S. Fish
7 and Wildlife have target numbers for piping plovers, and
8 whatnot. I'd like to know the target numbers for foxes,
9 raccoons, possums, minx. I want to know how many in the Park
10 Service thinks it's viable in that ecosystem, so we're not
11 killing too many. Also, I think three minutes is just a joke
12 -- 800 pages -- three minutes. That's ridiculous. I fully
13 support no action Alternative A. I believe that is the best
14 balance between resource protection and recreation. I think
15 it's ridiculous that we have a Consent Decree. I think this
16 800 pages is just insane. I can't believe this is happening
17 here. Mike Murray, I don't -- I don't know what to tell you,
18 man, but I'm not very happy with you.

19 MR. SKIDMORE: Thank you. Please submit any
20 additional comments you have in writing. Next is Richard
21 Kittrew, or Kittrell, followed by Mark Feltner and Dean
22 Johnson.

23 MR. RICHARD KITTRELL: I'm Rick Kittrell. I'm a home
24 owner on the Outer Banks. Been going down there over 50
25 years, like the other lady said, even before I was born. It

1 goes back -- I think part of this goes back to what -- what
2 was the original intent for this land? At least part of that
3 intent is what has been said a half a dozen times, at least,
4 that I've heard tonight. And that was for the benefit and
5 enjoyment of the people. So, how is it possible, if we're
6 going to close the beaches, that we're going to get that
7 enjoyment and benefit? My experience watching the fowl and
8 the other creatures down there is, by driving, walking and so
9 forth, and observing them. Cormorants, plover or other
10 birds, they pick up and move. They move out of the traffic
11 areas and so forth. So, that kind of brings me to my next
12 point. And that is, these creatures can move to the
13 thousands of other acres that are available and at the
14 disposal of the National Park Service. And some of those
15 areas are either -- either not visited by humans or rarely
16 visited by humans. The ramps and the recreational areas that
17 people traverse, drive and so forth, and go fishing on, are
18 but a small percentage of the total acreage that's available
19 to the National Park Service. Discrete areas can certainly
20 be cordoned off for the wildlife and to protect those animals
21 and creatures. So, in summary, this is about people. I say
22 keep the beaches open. Thank you.

23 MR. SKIDMORE: Thank you, Richard. Next is Mark
24 Feltner, followed by Dean Johnson, and Scott Almond.

25 MR. MARK FELTNER: Good evening. And thanks for the

1 opportunity to comment. For the public record, I'm Mark
2 Feltner, President of Virginia Coastal Access Now, VCAN, 1356
3 Pamlico Boulevard, Chesapeake, Virginia, 22332. VCAN is our
4 300-member, non-profit group that represents salt-water
5 recreational anglers, beachgoers, and the public, including
6 many Virginia residents, working to protect public access and
7 ORV use at Cape Hatteras National Seashore. I am also a
8 scientist, and a surf fisherman, for what that's worth. In
9 review of the options in the DEIS, VCAN cannot support any of
10 the alternatives as they are all flawed in diminishing
11 visitor experience, and do not recognize the socio-economic
12 and cultural resource impacts. Our non-profit does support
13 the hard work by and the position of the Hatteras Coalition
14 in their fight to restore public access to the beaches of
15 Cape Hatteras. Everyone, including the Park Service, needs
16 to remember first and foremost, that Hatteras is a National
17 Seashore or Park. Not a National Wildlife Refuge, like Pea
18 Island embedded in Hatteras, or our own Back Bay here in
19 Virginia Beach. At a National Wildlife Refuge, the wildlife
20 comes first; public access and use, second. At a National
21 Park or Seashore, public access and use comes first, and
22 wildlife, second. That is not to say and/or ignore the fact
23 that we're all stewards of these natural resources, including
24 the habitat and the wildlife at Hatteras. The greatest
25 conservationists, environmental stewards and guardians of

1 Hatteras are the people who rely on and access it the most,
2 be it for commercial, residential or recreational reasons.
3 No real scientific data demonstrates any loss to critical
4 habitat or wildlife from normal ORV usage at Hatteras -- a
5 prime example being that Hatteras is at the southern end of
6 the piping plover's range and the documented population
7 trends, including plover population decreases, correlate
8 better to hurricanes, Nor'easters, and habitat destruction,
9 due to storm damage and not ORV use at the beach. Remember
10 also, that Hatteras natives, North Carolinians and the public
11 were utilizing motorized vehicles on the Outer Banks before
12 the establishment of Cape Hatteras National Seashore in 1953,
13 and the current legal ORV and access condition brought about
14 from the Hatteras Consent Decree, which inherently violates
15 the cultural heritage that is Hatteras. Lastly, we have all
16 lost too much public access to our nation's coastal waters,
17 from both the extremes -- private developers and
18 environmental zealots -- to accept any more. The nation's
19 first National Seashore was meant for the people. Let's keep
20 it that way. Thank you for your time.

21 MR. SKIDMORE: Thank you, Mark. Dean Johnson is
22 next, followed by Scott Almond, and Gary Gross.

23 MR. DEAN JOHNSON: I'd like to reiterate what he just
24 said. And I guess I've been to too many of these things,
25 when your staff recognizes me at the door, and says, "This

1 guy knows the drill." I'm Dean Johnson and I'm a vendor, of
 2 course, that does business on Ocracoke and Hatteras Island.
 3 And I've stated at the other meetings in Buxton, and Ocracoke
 4 and Kill Devil Hills that I'm totally against what's written
 5 in Alternative F, on the socio-economic impact. I believe,
 6 in Kill Devil Hills, I gave numbers into the record that
 7 shows 100 percent increase in products sold with beaches open
 8 as opposed to closed. The economic impact is going to be
 9 detrimental to the businesses on Hatteras, which in turn
 10 affects vendors like myself. But, I just want to reiterate,
 11 Mr. Murray, that I took my time to go to Ocracoke, to go to
 12 the Buxton meeting, to go to the Kill Devil Hills meeting,
 13 couldn't make Raleigh, but made it up here tonight, to show
 14 you the importance that it is, that we use some common-sense
 15 approaches to this, so that it does not put people like
 16 myself out of business. I'm 43. Maybe I could learn a new
 17 trade, but I'm pretty daggone good at what I do, and if those
 18 beaches are open, then a lot of people will -- will prosper.
 19 Thank you.

20 MR. SKIDMORE: Thank you, Dean. Next is Scott
 21 Almond, followed by Gary Gross, and Dave Vachet.

22 MR. SCOTT ALMOND: My name is Scott Almond and I live
 23 in Virginia Beach, Virginia. I'd like to thank the National
 24 Park Service for having this public meeting here in Hampton,
 25 Virginia, to hear my comments. My wife, son, and myself,

1 enjoy visiting the beaches of Cape Hatteras National Seashore
2 and access to the beach with our vehicle's the very reason my
3 family chooses to vacation in that area. I will offer a few
4 comments on the DEIS with respect to Alternative F, the NPS
5 preferred alternative, as described on xi and xii, the
6 executive summary that directly relates to vehicle access to
7 the beach. On page 15 of the executive summary, I
8 respectfully disagree with ML1 closure restrictions. Under
9 Alternative F for Cape Point, .2 mile west of the hook to
10 ramp 45, and onto new ramp 47, from March 15 through July 31.
11 I believe this area should remain an ORV route year-round.
12 On page 16 of the executive summary, I respectfully disagree
13 with ML1 closure restriction under Alternative F. The ocean
14 shore line from .2 miles southwest of Bone Road to the inlet.
15 I believe this area should remain open and an ORV route year-
16 round. On page 123, which is a part of Table 10, Species
17 Management Strategies for Action Alternatives, I respectfully
18 disagree with the buffer of 1,000 meters for unfledged chick
19 buffers for the piping plover. Considering that 1,500 meters
20 is known as the metric mile, this 1,000 meter buffer is,
21 indeed, about two-thirds of a mile. I believe that 200
22 meters is a more reasonable distance, which would still be
23 about twice the length of a football field. Thank you for
24 your time.

25 MR. SKIDMORE: Thank you, Scott. Gary will be

1 followed by Dave Vachet and Howard Quillon.

2 MR. GARY GROSS: My name is Gary Gross. Tonight at
3 the final public meeting, I'd like to thank you, Mr.
4 Superintendent, for the way these meetings have been
5 conducted, and the opportunity that you've given all of us to
6 speak. I've heard many people talk from the heart about the
7 importance of preserving beach access. Their message has
8 been clear and consistent about what they want you to change
9 or add to Alternative F. The people want protection of
10 resources, but ask you to base it on peer-reviewed science
11 with reasonable buffers. The people want you to have the
12 flexibility to establish common-sense corridors throughout
13 the seashore that would provide access without harming
14 wildlife. The people want you to reconsider the economic
15 impact. The government did not do a very good job on the
16 socio-economic section of the DEIS. They farmed out a bunch
17 of it to outside contractors, rather than connect with the
18 community and find out for themselves. At best, the economic
19 impact section's superficial and incomplete. It was not
20 well-thought out. I say that, Mr. Murray, not to criticize,
21 but to remind you that it can be fixed. Please listen to the
22 people and make the critical changes to Alternative F that
23 you have heard over and over again, from the heart of the
24 people. During these meetings, along with you, I've listened
25 to the razzle-dazzle from SELC. They said, "We've looked at

1 the five other National Seashores on the Atlantic coast that
2 have ORV plans. There's 150 miles in those seashores. They
3 allow ORV use in 26 miles." Not true. On just the Padre
4 Island National Seashore, 63.5 of the 70 miles are open to
5 beach driving year-round. In Kill Devil Hills, I heard them
6 say, "They would like to see equal access for pedestrian
7 users of the beach as well as ORV." Then, last night in
8 Raleigh, we heard them talk out of the other side of their
9 mouth, saying, "We believe a true no-action alternative would
10 look at no driving on the seashore, and that there would be
11 the proper environmental base-line." Their message changes
12 like the tides on the seashores of Hatteras. But, from the
13 people, you have heard one consistent theme: protect
14 resources, balance it with reasonable access, and reconsider
15 the economic impact. Tonight, we look to you. As the
16 Superintendent, you're the one that we look to, to guide this
17 thing through the rest of the federal process, and have it
18 come out later this year in a way that properly balances
19 resource protection with reasonable recreational access. Mr.
20 Superintendent, we are entrusting our future to you. Please
21 do the right thing. Thank you.

22 MR. SKIDMORE: Thank you, Gary. Dave Vachet,
23 followed by Howard Quillon and Sheila Scoville.

24 MR. DAVE VACHET: Thanks for the opportunity to
25 speak. I'm also opposed to all of the alternatives

1 presented --

2 MR. SKIDMORE: Excuse me, sir. Would you say your
3 name?

4 MR. VACHET: Oh, I'm sorry. My name's Dave Vachet.
5 I live in Norfolk, Virginia.

6 MR. SKIDMORE: Make sure we have the right
7 pronunciation.

8 MR. VACHET: Gotcha. I'm opposed to all the
9 alternatives, as well, presented in the DEIS, because they
10 are not -- they are flawed in the fact that they diminish the
11 existing visitor experience, and do not recognize the socio-
12 economic and cultural resource impacts. And, in an effort to
13 manage wildlife, pedestrian and ORV usage is being unfairly
14 portrayed as a significant factor affecting nesting success
15 of birds. The proposed buster -- buffers for nesting birds
16 are not based on peer-reviewed science, and are not standards
17 used anywhere else in NPS-managed lands. In essence, the
18 public is being penalized where predation and storms are the
19 true factors to the lack of success. This diminishes the
20 existing visitor experience. This Seashore is also unique
21 from other Seashores in that multiple villages and
22 communities exist inside the boundaries of the Park. Impacts
23 to these towns and the communities are more acute than to
24 surrounding communities, whenever the Park Service institutes
25 rules. I don't believe the alternatives in this document

1 have properly evaluated the socio-economic and historical and
2 cultural impacts to these communities contained therein. The
3 large ROI mentioned is too large to adequately assess the
4 economic impacts to the villages. And, very little is
5 addressed in terms of historic access to the shoreline.
6 Please address these deficiencies in the final document.
7 Thanks.

8 MR. SKIDMORE: Thank you, Dave. Next is Howard
9 Quillon, followed by Sheila Scoville, and Peter Doherty.

10 MR. HOWARD QUILLON: Good evening. My name is Howard
11 Quillon, and I am the President of the United Mobile Sports
12 Fisherman Association, representing over 50,000 anglers, and
13 the Vice President of the Assateague Mobile Sports Fisherman
14 Association, representing over 1,200 anglers. I've been
15 visiting Cape Hatteras National Seashore and recreational
16 area for over 40 years, and I've not heard anything tonight
17 that I disagree with. And, I do disagree with the Preferred
18 Alternative F for the management of Cape Hatteras. As
19 defined, it is over -- over-restrictive and excessive in
20 nature. I believe that a more balanced approach of
21 preservation, conservation and recreation can be achieved,
22 and a few examples are as follows. Under Species Management,
23 specifically page 468, piping plover. And I'm only going to
24 cite a few. The current plan, as well as proposed, states
25 that a 1,000 meter buffer zone, that we've heard many times,

1 around the area nest be employed. The suggested parameters
2 are a range of 300 to 1,000 meters. The current maximum
3 practice has not increased the fledgling count. It is well
4 known that vehicle traffic is less disturbing to a nest than
5 pedestrian traffic. The primary reason for failing piping
6 plover nests are not due to human intervention. They are due
7 to weather and predation. Furthermore, activity in the area
8 actually helps to diminish the predation, due to consistent
9 activity. By reducing or stopping activity in the area, we
10 are increasing the likelihood of predation. Implementing a
11 flexible buffer zone, identified on pages 121 through 127,
12 that allows traffic to pass, will serve to the best of all
13 interests. Starting with a 300-meter zone, and increasing
14 when and if necessary, as the chicks hatch, depending on
15 which way the chicks go to feed, the zone could be expanded.
16 The management process is employed where I live. Assateague
17 Island National Seashore management works very cooperatively
18 with the OSV community and routinely has good exhaust --
19 results. Last year, we averaged 1.38 chicks per nest. The
20 Species Management Analysis. You must include all areas of
21 the region in order to determine the effectiveness of a
22 management program, and not focus on selected areas.
23 Seashores change daily, thus the habitat changes daily. When
24 areas are created, either by man or by nature, and are
25 conducive to bird procreation, they must be included in the

1 overall management of that species. I'll skip to the socio-
2 economic impact. I have provided a full copy of this. Cape
3 Hatteras has long been a summertime vacation spot and for --
4 and spring and fall fisherman attraction. This has helped
5 every village and community thrive. The villages' culture
6 activities pre-date the National Park Service by decades.
7 Alternative F's overly restrictive practices of resource
8 management will further cripple the economy and the peoples'
9 lives. Under the current Consent Decree, the economic impact
10 has been severe and devastating in many cases. As cited
11 earlier, their -- the answer, "A business will have to
12 adapt," page 383, is short-sighted and unacceptable. I see
13 I'm out of time and I'll just simply say that you must use
14 adaptive management in order to achieve a balanced result.
15 Thank you.

16 MR. SKIDMORE: Thank you. Next is Sheila Scoville,
17 followed by Peter Doherty, and Judy Swartwood.

18 MS. SHEILA SCOVILLE: Good evening. My name is
19 Sheila Scoville. And I'm about to become the most unpopular
20 person in the room, but I would ask that you respect my
21 opinions as I'm respecting yours. Thank you for letting me
22 speak. This is, I'm sure, something you're familiar with.
23 It's the U.S. Code that established the National Parks and
24 all of its associated services, such as the National
25 Monuments, and so on. And I'm going to read from it exactly,

1 and I'm not -- this isn't -- I'm not cherrypicking here.
2 This is an exact quotation. "The service thus established
3 shall promote and regulate the use of the federal areas known
4 as National Parks, Monuments, and Reservations herein
5 specified as provided by law by such means and measures as to
6 conform to the fundamental purpose of such said Parks,
7 Monuments and Reservations, which purpose is to conserve the
8 scenery and the natural and historic objects, and the
9 wildlife therein, and to provide for the enjoyment of the
10 same in such manner as will leave them unimpaired for the
11 enjoyment of future generations." Now, I'm not a local. I'm
12 not a member of the Hatteras community, but this is a federal
13 property, and, you know, it was turned over to the federal
14 government in, I believe, the '30s. And, as everybody knows,
15 if -- if you sell your house, you don't get to tell the next
16 homeowner what color to paint the -- the property. And the
17 mandate for the operation of a national facility such as
18 this, it's the enjoyment of these -- protection of the
19 scenery and the wildlife is secondary to the protection of
20 the wildlife there. And, as all of you are as passionate
21 about seeing that your children and grandchildren enjoy what
22 you do, I enjoy seeing the birds at Hatteras. And I take my
23 children and I hope to take my grandchildren to see the
24 endangered and threatened species that are represented there.
25 And, I'm -- I'm sorry if the locals feel that they've gotten

1 sort of a raw deal. But again, it's a federal facility and I
2 have as much right to enjoyment of the facility as the local
3 people do. And this is also from the -- this -- the Hatteras
4 website. It says, "Cape Hatteras National Seashore, a
5 globally important bird area, is a critical natural landform
6 along the Atlantic flyway, serving as a major resting and
7 feeding grounds for migratory birds." And I endorse the
8 strictest preservation of the areas set aside for the
9 shorebirds. Thank you.

10 MR. SKIDMORE: Thank you, Sheila. Next is Peter
11 Doherty, followed by Judy Swartwood, and David Joyner.

12 MR. PETER DOHERTY: Thank you. My name is Peter
13 Doherty. I'm a field biologist. I'm a veteran. And I'm a
14 member of the Defenders of Wildlife. I've spent a good deal
15 of time at Hatteras as a visitor, and also I've spent a good
16 deal of time following piping plovers in various places
17 around its range, including Massachusetts, Oregon Inlet, and
18 The Bahamas. There's a lot of misinformation tonight about
19 piping plover, about biology and shorebird biology. It's
20 been uttered here tonight, both about the plover. Indeed,
21 there is a threatened plover, and an endangered plover
22 population in this -- in this United States of America. And
23 they all use Hatteras.

24 MR. SKIDMORE: Sir, please -- please address the
25 Superintendent.

1 MR. DOHERTY: Yeah. Number two. The long-term goal
2 of any biologist that I know and any group in governmental
3 biologists that I've come in contact, and any environmental
4 lawyer, is to do, not as been suggested tonight, but rather
5 it is to get each and every species that is on the threatened
6 endangered list off that list. De-list it. Like the eagle.
7 Like the pelican. Number three. Yes, many millions of birds
8 are killed by automobiles, by -- by windows and by feral
9 cats. And -- and many, many people have worked very, very
10 hard and long about it. But it's not a germane issue here
11 tonight. We are all here. We all own this beach. And the
12 purpose we own this beach, this CAHA and this Cape Lookout
13 and Cape Code National Seashore and others, is to pass on,
14 not only its uses, but its wildlife, as Sheila Scoville
15 mentioned just a moment ago. Finally, two points. About
16 this traditional, cultural use argument that I keep hearing,
17 both here and on various websites. Look at the cover that
18 you chose for the -- for the EIS, and it shows -- it shows
19 some traditional uses. It also shows a large part of Oregon
20 Inlet, looking like a tailgate party at an NFL football game
21 on a Sunday morning. This isn't -- this isn't a recreational
22 area in that respect, and -- and it isn't being respected
23 when we use it as it has been for the last 35 years, as ORV
24 usage has increased as our population has increased, et
25 cetera. And one more thing. My major -- my major

1 reservation of this -- of Alternative F and there are many
2 good things in Alternative F -- is about -- how -- how
3 poorly, I think, wintering shorebirds and in-transit staging
4 shorebirds have been treated. I would -- I would ask the
5 Park Service to look closely at the methodology that was used
6 in the Oregon Inlet study that I did with Virginia Tech
7 several years back when -- when you, Mr. Superintendent,
8 first came to CAHA. The -- the -- the information there
9 forms -- forms a framework upon which to do it at the other
10 inlets. And -- and thank you very much.

11 MR. SKIDMORE: Thank you, sir. Next is Judy
12 Swartwood, followed by David Joyner, Darin Knicely, and
13 Christina Knicely.

14 MS. JUDY SWARTWOOD: Hi. My name is Judy Swartwood.
15 I'm a resident and a business owner in Buxton, North
16 Carolina. And I can't for the life of me figure out why the
17 environmentalists want to teach the next generation that
18 wildlife is something that prevents them from enjoying the
19 seashore. As several speakers have addressed, the reasons
20 that they come down there is to see an osprey dive in water,
21 and come out with a fish. Or to a kid from Pennsylvania,
22 who's never seen the ocean, to see a turtle nest enclosure.
23 Those are big deals to people. That's why they come to our
24 beaches. And how're they going to experience these things,
25 pieces of the shipwreck or watching the sandpipers run back

1 and forth in the waves. All these beautiful things that
2 people can no longer enjoy and experience because they can't
3 access the beach. They used to have the freedom to come down
4 there and choose what time of day they wanted to go to the
5 beach, what part of the beach they chose to go to, what they
6 chose to do there, and who they chose to take with them,
7 including their dog. Now they're going to be dictated to as
8 to when, where, how, why, and what they can do, what they
9 can't do. So, generations are going to learn that a beach is
10 something -- no offense to you Virginia Beach people -- but
11 that's shaded by high-rise buildings, that looks like a
12 patchwork quilt full of towels, and beach umbrellas,
13 something that they can't run around on and play on because
14 they might step on somebody, or somebody's things. Is that
15 what we really want to teach our future generations that the
16 beach is all about? Where the nightlife consists of bars,
17 and drinking, and amusement parks? Or where the nightlife
18 consists of the Milky Ways and shooting stars and the things
19 they can experience out under the dark skies, that they can
20 no longer experience, when they can't go out to the beach in
21 the dark? When people don't have a reason to come down there
22 for a unique visitor experience, they're going to quit coming
23 down there. As a business owner, we live on our business
24 property, as do many business owners have their homes above
25 their restaurants, in their campgrounds, in their hotels.

1 There's many self-employed people. People. All of us work
 2 hard. We work in the service industry. Service is the word
 3 that the Park Service either needs to get back to or take out
 4 of its name. And these people are not eligible for
 5 unemployment benefits. We don't get sick leave. We don't
 6 get vacation. We don't get a check from the federal
 7 government or the state government when we lose our
 8 businesses, and we have no income. We don't get those
 9 things. And this is what's happening to us right now.

10 MR. SKIDMORE: Thank you, Judy. David Joyner is
 11 next, followed by Darin Knicely and Christina Knicely, then
 12 Carter Ficklen.

13 MR. DARIN KNICELY: Good evening. I'm Darin Knicely.
 14 Thank you, Superintendent, Mr. Skidmore, for having this
 15 forum here for us this evening. I'm a resident of Hampton,
 16 Virginia. My wife and family are lucky enough to visit the
 17 Seashore each summer and quite a few times throughout the
 18 year. I'm not naturally from here. Blue Ridge Mountains,
 19 Shenandoah Valley is where I grew up. And that's pretty much
 20 tattooed across me. And that's what I go through life
 21 knowing, that that's something we have to preserve. And
 22 luckily, through my family and my marriage, we were able to
 23 be married in Avon. Hopefully, we'll be able to take our
 24 kids back there someday. But through her family, I got to
 25 see the joy and love that there is on the beach, especially

1 somewhere like Avon and Salvo, where you don't have all the
2 amenities and you can really figure out how nature was, and
3 how you can interact with it safely. But, a lot of the
4 speaking tonight was around empirical research and what the
5 findings were. So, I looked at some of the research articles
6 they had. 2005 *Journal of Wildlife Management* published an
7 article, and that's kind of something I'm concerned with,
8 with this work, is what's published. Because I don't see
9 much citing, other than the NPS services in the manual. The
10 findings work. Yes, there was possibly a regional decline.
11 But let's see where it was. Results indicated an 8.4
12 increase from 1991 but only a .2 increase since 1996, and
13 this is 2001. Atlantic Coast increased by 78 percent, and
14 12.4 percent from '91 -- from '96 to 2001. Where are we
15 having trouble? Texas, Great Plains, Saskatchewan, Canada.
16 As we go through, we also see that it's continuing. Sub-
17 regional studies show that the Atlantic coast, 66.2 percent
18 increase, and still from 2000 -- sorry, '96 to 2001, we saw
19 another 12 percent increase. So, my common denominator, when
20 you talk about lobbyists and who they're choosing to change
21 their policies, is the weakest link. And I'm not going after
22 Texas. I'm not going after Michigan if I'm a lobbyist. I'm
23 going after an area that I feel doesn't have the resources or
24 the support. But, unfortunately, what they're going to find
25 out, it's much like the Blue Ridge Mountains, that you don't

1 mess with our land. It's gonna be much like that in the
2 Outer Banks. Thank you.

3 MR. SKIDMORE: If you could just wait just a minute.
4 That was Darin; correct?

5 MR. KNICELY: Yes, sir.

6 MR. SKIDMORE: Okay. David Joyner.

7 MR. DAVID JOYNER: Good evening. I'm David Joyner,
8 Vice President of North Carolina Beach Buggy Association, a
9 resident of Franklin, Virginia. Mike, in the DEIS, you have
10 attributed Alternative F as being the result of the advisory
11 committee. I don't know what meetings you were at, but for
12 18 months that I spent on Reg-Neg, none of that came out of
13 what the North Carolina Beach Buggy Association agreed to.
14 We worked very hard to try to come up with a plan that would
15 reach consensus, and were constantly stonewalled by people
16 with their own special interests. Once again, the North
17 Carolina Beach Buggy Association has worked very hard with
18 other access groups, and come up with a position statement,
19 and it's the Coalition for Beach Access. Please read that
20 because we did write that. We did not do anything with this
21 and please take our name off of that DEIS. Thank you.

22 MR. SKIDMORE: Thank you, David. Christina is next,
23 followed by Carter Ficklen, and Bill Mannschreck.

24 MS. CHRISTINA KNICELY: Hi. Good evening. My name's
25 Christina Knicely. I've lived in Hampton, Virginia for 26

1 years, my entire life. We've been going down to the Outer
2 Banks since before I was born, as well, and I also have a
3 degree in biology. And as far as I'm concerned, nothing that
4 I do on the island harms the environment. I'm a surfer, and
5 so is my family. I grew up surfing with my father and my
6 sister. I've been doing it since I was 12. And I truly
7 believe that nothing we do on the island at all, in any way,
8 will harm any animals that inhabit the area. I grew up with
9 parents that instilled in me and my sister, and our family
10 how to have respect for the environment while we're down
11 there. We don't leave trash. We don't -- we don't destroy
12 anything on the beach. As I've grown up, I've noticed the
13 restricted areas have increased, the roped off areas on both
14 the north and south side of the island. My father would
15 always joke that one day we would never have the ability to
16 drive on the beach. And I never believed that, at 26 years
17 old, I'd be standing here today defending that right. So,
18 that's all I have to say. Thank you for your time and I
19 really just hope that you make the right decision. Thank
20 you.

21 MR. SKIDMORE: Thank you, Christina. Next is Carter
22 Ficklen, followed by Bill Mannschreck, and then Ernie --
23 Ernie Styron.

24 MR. CARTER FICKLEN: Thank you, Mr. Murray, Mr.
25 Skidmore, and the other staff whose efforts to bring this to

1 Hampton to an area where lots of stakeholders exist for going
2 to the Outer Banks to enjoy and for our recreations. It's a
3 very important issue to everyone. I've seen lots of passion.
4 Warms my heart, all the folks that have not enjoyed a
5 beautiful evening outside tonight, to sit inside a room with
6 no windows, to talk about the place that we love. I feel
7 like for the last 32 years, I've lived a dream. My
8 grandfather showed me Hatteras Island. I live in Yorktown,
9 Virginia, and I've had a lease on a camper in North Beach
10 Campground in Rodanthe for 13 years. I kinda woke up from
11 this dream when I read Option F. And, it terrifies me to be
12 -- not be able to show my children, my grandchildren, and
13 hopefully my great-grandchildren, the joy that I've
14 experienced surfing on these beaches for the past 20 some
15 years of my life. Access to the Outer Banks was a key tool
16 in teaching me preservation and understanding our
17 environment, which led me to a career in environmental
18 health. While I spent a lot of my four and a half years at
19 Old Dominion University cutting classes to go to this
20 seashore to surf, I did learn what is supposed to be in an
21 Environmental Impact Statement, and what a peer-reviewed
22 study is. And I do strongly encourage you to seek quality
23 peer-review data and to review this and to really -- I
24 strongly feel that Option F is not a suitable option. I hope
25 that you'll continue in the National Park Service's mission

1 to provide Cape Hatteras National Seashore for the enjoyment
2 of the people. Thank you.

3 MR. SKIDMORE: Thank you, Carter. Next is Bill
4 Mannschreck, followed by Ernie Styron, and James Johnston.

5 MR. BILL MANNSCHRECK: Yes, I'm Bill Mannschreck,
6 from Virginia Beach. There's two issues -- the turtles and
7 the birds. My understanding about the turtles is the Fish
8 and Wildlife Organization is, when they find a nest, they're
9 moving it to another area. So, I think that the turtle area
10 could be solved easily between them and the Park Service if
11 -- if you would patrol the beach in the morning, then find a
12 nest, we move it to an area that's closed, say like north of
13 Coquina Beach, or wherever the beach is closed. I know
14 that'd solve the problem, because the turtles will come back
15 to the same area, and we'd never would have to close off the
16 beach again, in our good fishing areas. The second is, Mike,
17 we've heard all these people talk, and I'm going to -- it
18 sounds real logical to me, but I'm on their side. But they
19 all sound like the kind of people that would not be afraid to
20 talk up to their boss if they thought something was going
21 wrong. And that's what I'm asking you to do. I think if you
22 listen to these people, you have to believe that what's going
23 on now is wrong. This -- this plan is -- is wrong. I think
24 I'd like to ask you to speak up. I'd like to ask you to
25 write a letter to the head of Park Service and say, "I'm in

1 this job. I'm in a tough predicament, but after hearing all
2 the people from Ocracoke, and so on, I'd like to throw out
3 this plan that we're working with now and let the Coalition
4 Plan be the meat to work with." And I think our people, as
5 they've said before, we love the wildlife. We don't want to
6 run over a bird. I -- I think we could draft one heck of a
7 good plan in good English in a brief concise package, that
8 would solve the problem, and I think we'd like to work with a
9 couple of people here from Preservers of Wildlife, work with
10 them to get their input so that we can keep going the way we
11 have been. I -- I think it would be a crime to have all this
12 bureaucracy and closure. So, I ask you Mike, to -- to speak
13 up and -- and say, "Damn it, this is not right. We -- we've
14 -- we've gotta preserve the beach access like it has been."
15 Thank you.

16 MR. SKIDMORE: Thank you, Bill. Next is Ernie
17 Styron, followed by James Johnston, and Bob Lanore.

18 MR. ERNIE STYRON: Good evening. My name's Ernie
19 Styron. I don't know anybody in the room. This is the first
20 meeting I've made. I've been pretty impressed with the
21 response and the words that everybody has said.

22 MR. SKIDMORE: Sir, please address the
23 Superintendent.

24 MR. STYRON: I'll address the Superintendent in a
25 minute. Especially the folks that are here from Protected

1 Wildlife. I think you have a cause and you have the right to
2 say what you've said. I've got 27 years in the military. I
3 grew up at Hatteras village. I was born in Elizabeth City.
4 My dad was stationed at Ocracoke village. His family was
5 raised in Hatteras village. I know what this is going to do.
6 It's going to destroy a way of life. You're in a tough spot.
7 I recognize that. We have a requirement to have an off-road
8 vehicle plan. Nobody in this room disputes that. I would
9 encourage you, though, to go back and look at what's the
10 purpose of the park. It's for the people to enjoy and see
11 wildlife and participate in it. Taking them out of the
12 picture where you can only look at them from 1,000 yards
13 away, does not help you enjoy life. Looking at it through a
14 camera, through a TV is not quite the same. So, I ask you to
15 go back. The original off-road plan that was submitted was
16 probably pretty good. I didn't read through all of it. But,
17 years ago, we had a plan. It did get executed. You drive
18 through there today, you don't see people down there throwing
19 trash out their windows. If you had seen that over the last
20 70 years, the beach would be a mess. You drive down there
21 today, what do you find on the beach? You find wildlife.
22 You find fishermen. You find families. Preserve that,
23 please. Thank you.

24 MR. SKIDMORE: Thank you, Ernie. Next is James
25 Johnson, followed by Bob Lanore and Matt DesRoches.

1 MR. JAMES JOHNSTON: Gentlemen and ladies, thank you
2 for this opportunity. I came to express my dissent and
3 disagreement, especially with Plan F. And I didn't mean to
4 be sarcastic, but it's getting that way. The Park Service is
5 managing this just like the guy there that can't even
6 pronounce my name. If he reads it, it's Johnston, it's not
7 Johnson. Okay? Your turtle plan is totally, totally
8 insufficient. I was raised on a farm. I've lived on a farm
9 all my life. I still live on a farm in New Jersey. If we
10 raised livestock, poultry and other stuff the way you guys do
11 the turtles down there, we'd be bankrupt. There are other
12 alternatives of what can be done with those turtles to get a
13 much higher hatchery rate. You know, even your own figures
14 show that you don't do a good job. So, I think you should
15 look at hatcheries and other stuff where you can do a better
16 job with those turtles, and still keep the beaches open and
17 not shutting the beaches, just for the turtles and the lousy
18 job that somebody's decided to do, when there's other options
19 available. One thing I didn't expect to talk about tonight,
20 but I'm going to discuss it. I first came to the Outer Banks
21 in the '60s, after coming back from an overseas combat tour
22 with the 82nd Airborne Division. I have, since then, had
23 post-traumatic stress disorder. When I came over there, I
24 found out Hatteras was a spot where you get out on the beach
25 and relax and get rid of some of your nightmares and other

1 problems. I don't think that's been addressed at all in this
 2 plan, about what you're going to do with people with these
 3 problems, where they need some space, just to get out. I
 4 don't fish in a crowd very often. I usually get off by
 5 myself, and a lot of people here that know me will tell you
 6 the same thing. I don't think it's been addressed. The
 7 other thing is, the lack of an American flag here makes me
 8 wonder, do you represent the people of the United States who
 9 pledge allegiance to it, or is the Park Service representing
 10 a few birds? I'm not trying to be sarcastic. That's just
 11 the way I see it. Thank you.

12 MR. SKIDMORE: Thank you. Next is Bob Lanore,
 13 followed by Matt DesRoches, Sandy -- I'll try Sandy's later.

14 MR. BOB LARNORE: Thank you for the opportunity to
 15 speak. Mr. Murray, when you came on board with the Park
 16 Service here, or at Hatteras, I took great interest in your
 17 attitude and toward your thoughts and the way you went about
 18 expressing yourself in publications. I'm a member of the
 19 North Carolina Beach Buggy Association, and I have received
 20 the newsletter ever since it's been published, I believe.
 21 Anyway, having been part of the beach process and beach
 22 fishing over the years, your predecessors would skirt around
 23 the issues about the off-road plan that was in place, or
 24 should be permanent, or at least for a defined period of
 25 time. They skirted the issues, dodged the bullets and I

1 compliment you for taking this project on, in the way that
2 you said you would when you came on board. My concern
3 tonight is, somehow along the way, the plan has become
4 imbalanced. And I ask you and your committees or whoever is
5 involved to please look at the peoples' issues and think
6 about the people and not about the politicians, but the
7 people who are living there, who go there for recreation, for
8 numerous reasons already mentioned tonight. I believe you
9 have the capacity to do that, and I have the faith in you to
10 think about and work out a plan that has balance that serve
11 the people and also protect the environment. There's plenty
12 of ways to do that, but you need to have the documented data
13 to make -- help you make the decision and make the committee
14 make the decision. I thank you very much for your time, and
15 I hope, sincerely, that we all can enjoy the beach, whether
16 we're there watching birds or there surf fishing during the
17 year with our families, our fishing teams or whomever it may
18 be. Thank you for your time, and God bless you. I hope you
19 have a successful career. Thank you.

20 MR. SKIDMORE: Thank you, Bob. Matt DesRoches, to be
21 followed by Sandy and I hope this is it -- Schneirla, and
22 then Ed Hayes.

23 MR. MATT DESROCHES: First of all, I thank you for
24 saying my name correctly.

25 COURT REPORTER'S NOTE: Activities in the next

1 conference room are disruptive.

2 MR. SKIDMORE: Can you hear okay?

3 WOMAN ATTENDEE: No.

4 WOMAN ATTENDEE: We can only hear the auction going
5 on next door.

6 MAN ATTENDEE: There's a lot going on over here.

7 MR. DESROCHES: My name is Matt DesRoches and I'm
8 from Virginia Beach. Been going down to Hatteras Islands
9 since I was a youngster. Brought my kids down there. We've
10 always enjoyed the many miles of beach that we had access to
11 down there for surfing, fishing, and other beach activities.
12 I live at Virginia Beach, where, during the summer, we corral
13 all the surfers into a four-block area, and it's madness.
14 And most people, locals like me, don't go even there during
15 the summer. We go to Hatteras. There's miles of beaches
16 that are only accessible by off-road vehicles that families
17 go to and set up camp for the day, picnic, enjoy the beach,
18 enjoy the surfing. There's many surf spots down there
19 throughout the entire island. I own property down there in
20 Frisco, and property in Hatteras village as well. There's --
21 I've gotten to know the locals there very intimately, and
22 they are hurting economically right now. And, as a property
23 owner down there, I feel their pain. A fact, as I can see,
24 it has declined since they first started limiting beach
25 access a year or so ago. Down -- last year, we were down 30

1 percent in occupancy. In Virginia Beach, we have tourists
2 that come into town from all over. On Hatteras Island, we
3 don't have tourists. We have guests. We have visitors. We
4 have vacationers. And there's a big difference there.
5 People don't come down to Hatteras to tour. You're not going
6 to see Seven-Elevens down in Hatteras. You're not going to
7 see McDonald's down in Hatteras. You're not gonna see high-
8 rise hotels crowding the beach. You're not gonna see
9 concrete boardwalks in Hatteras. People come to Hatteras for
10 what it is and what it's always been, historically, and
11 culturally, and the access to the beach is extremely
12 important to that. It's extremely important to the economy
13 down there. We are facing today, probably the worst economic
14 times throughout the country since, arguably, the Great
15 Depression. The federal government is pouring trillions of
16 dollars to try and stimulate the economy. The plan laid
17 forth in this DEIS will cripple and kill, irrevocably, the
18 economy of Hatteras Island and --

19 COURT REPORTER'S NOTE: Mr. DesRoches' final
20 words competed with applause and with noise from next door.

21 MR. SKIDMORE: Thank you, Matt. Sandy? She'll be
22 followed by Ed Hayes.

23 MS. SANDY SCHNEIRLA: Thank you for the opportunity
24 to speak tonight. My name is Sandy Schneirla. And I hadn't
25 planned on speaking tonight, so, I'm sorry -- so, I'm a

1 little nervous, to say the least. But, I am a resident of
2 Virginia Beach, Virginia, lived there all my life, and going
3 to the Outer Banks most of my life. When my children were
4 little, I took them. We'd get in the Jeep and ride down
5 there. Now, my husband and our family dog go down in our RV.
6 We stay at a couple of different campgrounds down -- in fact,
7 we were down last weekend for Four Plus' Surf Fishing
8 Tournament. I keep up to date on all the articles from the
9 North Carolina Beach Buggy Association, and also from the
10 Outer Banks Preservation Association. And there were a
11 couple of points. Most of what's been said tonight, I do
12 agree with, about keeping the beaches open. There are lots
13 of ideas and lots of thoughts that came into my head as
14 people were speaking. But instead of just telling you how we
15 feel about why we want to keep the beaches open, I don't
16 under -- there's a couple things I don't understand. One is,
17 Jack Shea, Commissioner of Dare County wrote an article that
18 was in the Beach Buggy Association Newsletter. Not this past
19 one -- the time before last. And it was about killing the
20 mammals on the beaches. There was a picture of a ranger with
21 a shotgun on the beach, shooting a raccoon. I don't
22 understand why the birds are more important than the mammals.
23 Who gives the right to kill these mammals, to try to protect
24 a bird? And then, in the same sense, we have Pea Island
25 National Wildlife Refuge area. That was created for the

1 wildlife. Why aren't the wildlife that are on the beaches,
2 being moved to Pea Island so that they can survive there,
3 instead of closing our beaches where we go to enjoy? And I
4 won't even get into the economic issues down there, because
5 that's horrid. But my biggest issue is, if we opened a
6 wildlife area, why isn't the wildlife there? Why are we
7 allowing our beaches to be closed for the wildlife who have
8 their own area already? I do not support closing any of the
9 beaches of the Outer Banks. Thank you for your time.

10 MR. SKIDMORE: Thank you, Sandy. Next is Ed Hayes.

11 MR. ED HAYES: Hi. My name is Ed Hayes. I live in
12 Virginia Beach. I've been going down to Hatteras for about
13 ten years, pretty much since I moved to Virginia. And I
14 believe it's a special place, like probably most of the
15 people here, and also, as a kite-boarder, it is one of the
16 best places in the world. I consider myself quite
17 sympathetic to environmental causes, but I would like these
18 controls implemented in a reasonable way that take into the
19 consideration all the uses of the National Seashore. This
20 doesn't seem to be the case now. And I haven't read all this
21 800-page document. I heard about it last -- this meeting
22 last night. And I made the drive here to attend the meeting.
23 I would hope -- normally, I would think if there's important
24 to say, you could say it in a few pages, rather than 800
25 pages. I don't mind making accommodations to preserve the

1 beauty and the national -- natural environment of Hatteras.
 2 Personally, I don't have strong opinions about the off-road
 3 use. I think most of the people who do use vehicles on the
 4 beach are considerate. Personally, though, I don't mind
 5 walking across the dunes to access the beach. My big concern
 6 is at least being able to do that. I think restricting even
 7 pedestrian access over wide areas is unjustified. And I
 8 think this over-stepping in trying to protect the environment
 9 causes a resentment and backlash, and reduces the support for
 10 environmental causes. I don't know the correct compromise,
 11 but I'm just asking that there are reasonable controls, not
 12 total bans. My understanding is the park intent is for the
 13 enjoyment of the people. Therefore, I think it should allow
 14 people. Thank you.

15 MR. SKIDMORE: Thank you, Ed. That concludes every
 16 card I have. Did I lose or did we lose any cards? Was there
 17 anyone who had signed up who was not called upon? (No
 18 response.) I believe that concludes all of our comments.
 19 I'd like to thank the commenters for being on point, and
 20 generally adhering to our time limits, and the audience for
 21 being very courteous. Superintendent?

22 SUPERINTENDENT MURRAY: And I want to thank you all
 23 for coming tonight. The hearing's hereby closed. Thank you.

24
 25 *****THE HEARING CONCLUDED AT 8:05 P.M.*****

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I, BOBBIE G. NEWMAN, A COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE AFORESAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE FOREGOING PAGES ARE AN ACCURATE TRANSCRIPT OF THE PUBLIC HEARING IN HAMPTON, VIRGINIA, WHICH WAS TAKEN BY ME BY STENOMASK, AND TRANSCRIBED UNDER MY DIRECT SUPERVISION.

I FURTHER CERTIFY THAT I AM NOT FINANCIALLY INTERESTED IN THE OUTCOME OF THIS ACTION, A RELATIVE, EMPLOYEE, ATTORNEY OR COUNSEL OF ANY OF THE PARTIES, NOR A RELATIVE OR EMPLOYEE OF SUCH ATTORNEY OR COUNSEL.

THIS THE 17TH DAY OF MAY, 2010.

NOTARY PUBLIC NUMBER 200616600172.

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