

## Addressing the NEGOTIATED RULEMAKING COMMITTEE January '09

My name is Douglas A. Taylor and am a resident of Turnersville, NJ 08012. In advance I apologize if it sounds like I am rambling, but what is happening here I have already seen in NJ.

Back in the early 70's a section of Long Beach Island, called Holgate, was fought for by the New Jersey Beach Buggy Association to preserve it in its natural state and keep it from being developed. At that time we had to have it included as a wildlife area to be included in the John Forsyth Bird Sanctuary even though the US Government or USFW did not want it as they considered it too small of an area. Under the terms of the agreement, fishermen, birders, commercial fishermen and any other group was to have free and open access year round to the front beach area via foot, boat and OVI. During the mid 90's a movement was made to limit this access due to the Piping Plover. Nesting area (April 15th to October); first to it was only the tip of the island and we were to have access even just by foot. (The complete walking distance is ~2.5 miles to the tip and the width of the beach is two vehicle widths at most points and narrower at other points). Over a period of two years, drafts like you are proposing along with hearings and a nicely printed book were presented at each point and with alternatives for access plans which also included a "Possible Water Taxi" to be used to by pass "sensitive" areas to go to the "open" areas. To make a long story short, it seems that the USFW had their own plan already finalized and rammed it down our throats that closed access to this section that was originally not wanted to everybody in the name of Preservation of the Plover. It should be noted that the breeding population nor the number of fledglings have not significantly increased over when this same stretch of land had open and unobstructed access. The only thing from the old times was the old perimeter of 20 meters radius was observed for the birds. What I am asking of both the USFW and NPS "What guarantee do we have that the same thing will not happen to the Cape Hatteras Recreational National Park?" and how can we hold you to this promise.

Addressing another area concerning the radius of safety for the Piping Plover, I would like to know how the distance of 600ft radius was arrived at when through studies performed under the blessing of the USFW and published in their study, "Piping Plover, Atlantic Coast Population", this was considered the distance that a chick could possibly move from its nest over a period up to five days. Keeping a constant 600 ft radius around each nesting leads me to believe that the location of the chick is not known which causes a closing of a larger beach area to the public than is necessary.

(<http://www.fws.gov/northeast/pipingplover/recguide.html>). From the daily reports that I have read from this past year, daily observations were made to track the location of the chicks. If this is true than pedestrian access should be more liberal allowing the use of areas that were closed this past year. This would also allow the pedestrians to wade in the water to by-pass the closed areas.

Presently, available data indicate that a 50 meter buffer distance around nests or chicks will be adequate to prevent harassment of the majority of incubating piping plovers and of the chicks by pedestrians.

<http://www.fws.gov/northeast/pipingplover/recplan/appendixg.html>

In this day and age we have to set the rules by active means and not by passive elimination methods. We have to take active stewardship of our lands which will allow for better use of the beaches. Allow at least pedestrian access along the waters' edge in the closed areas.

As an added comment concerning the use of vehicles in the areas identified as Closed to OVI, it would be a good idea if the vehicle is not a NPS vehicle, but a civilian vehicle, that said vehicle should be easily identified through the use of a magnetic sign. Said sign should measure at least 3 foot x 3 foot and labeled "**National Park Service Special**

**Permit # XXX**” with lettering to be at least 1 foot in height. The signs would be mounted to both the drivers and passenger side doors. These signs would be publicly registered and posted within 12 hours on the Hatteras web site designating the sign number, who it was signed out to, group designation, and reason for being in the designated area.

Since I can not physically be at the meeting I will anxiously watch the tapes for the answers along with a written responses to each question as presented.

Thank you for your time.

Respectfully, Douglas A. Taylor (fishtrek@comcast.net)