

Thank you for allowing me to comment. I am very concerned about the future management of Cape Hatteras National Seashore. This Seashore is a North Carolina treasure but it is also shared by visitors from across the country and around the world. It is a well regarded, highly recognized location for outdoor recreation to include surfing, fishing, birding, turtle watching and general outside relaxation. It would be a tragic loss to thousands if the Seashore ecosystem becomes so compromised that it can't sustain the animals and plant life that have historically made up the natural rugged beauty of this barrier island.

It is well known that species live and support each other in their habitats. This allows great diversity as each species carves out a niche that provides their life support. Cape Hatteras National Seashore is no exception. However in a relatively short period of time, the Seashore has gone from one of the most important places for beach-nesting waterbirds and shorebirds to one of the most threatened. The number of birds that nest on the Seashore's beaches has declined precipitously in the past 10 years. Gull-billed Tern, Common Tern, Black Skimmer, and Wilson's Plover have nearly abandoned all of Hatteras Island. In areas where the nesting birds continue to hang on, nesting success is extremely low because of disturbance and predation.

Therefore, I am asking the National Park Service to protect beach-nesting birds from disturbances by people and vehicles. I would like for you to:

1. Develop a **bird** management plan to protect the habitats where birds are nesting as well as provide proven and science-based buffer distances to prevent disturbances. Protection of the foraging habitats that are required by Piping Plover and American Oystercatcher adults and chicks during the nesting season should be included in this plan. The plan should be science-based management and follow guidelines and recommendations put forth in published research and conservation plans.

2. Develop a plan for the management of ORV's that will not only accommodate the bird management plan but that will also allow for reasonable recreational use of the Seashore. I am not asking for a ban on vehicles. I am asking for a plan that will allow birds, people and vehicles to safely coexist at Cape Hatteras.

Appropriate, proven and science-based protection measures can be implemented to protect nesting birds and allow for the use of the Seashore by people and vehicles.

Thank you.

Lena Gallitano
2907 Hostetler St
Raleigh, NC 27609

CONCERNING OFF-ROAD VEHICLE USE AT CAPE HATTERAS NATIONAL SEASHORE

My family and I have been regular visitors to the Cape Hatteras National Seashore (CHNS) for 40 years. Even though I live in Virginia and reside 50 miles from the ocean, I drive over 3 hours to CHNS because of the profoundly superior beach experience to be enjoyed there. That experience includes being able to look back to the dunes and not seeing high-rise buildings; it includes having more than 10 feet between you and other people on the beach; it includes walking a ways and not seeing anyone else.

I have also been fortunate enough in recent years to have visited such National Park jewels as the Grand Canyon North and South Rims, Yosemite, Zion, Gettysburg, Yorktown, the National Mall in DC and many others. In all these sacred places, you see how the Park Service is striving to balance preservation and recreational use and to accommodate additional pressure from increasing visitation with protection of the resource. This is a hard task where most assuredly not everyone will be completely satisfied with the result. However, management policies and plans have to be made; in fact, in some cases they are long overdue.

I would suggest that fundamental values would be a most valuable guide to use when considering the long-term management of off-road vehicles in CHNS. The enabling legislation and mission statements of the National Park system and the CHNS would be logical resources to look for a declaration of such core values. The Organic Act of 1916 states that the "fundamental purpose (of the NPS is) to preserve the scenery and the natural and historic objects and the wildlife within." The CHNS legislation from 1937 points to "the preservation of the unique flora, fauna and physiographic conditions." The mission statements emphasize, "The NPS preserves unimpaired the natural and cultural resources... for this and future generations." Our National Parks, Monuments, Historic Places, Battlefields and Seashores are national treasures that we hold in trust. The Park Service is specifically designed as being different from such organizations as the Forest Service (Land of Many Uses) as the Park Service emphasizes preservation over use.

I do not in any way mean to imply that recreational and ORV use of CHNS should not be allowed. I do want to assert that this use has to be balanced with proper preservation of the resource. There has been a concerted political effort from numerous ORV groups to significantly expand the area of beach open to ORV use. They certainly have the right to espouse their views, but I strongly urge the Park Service to remember that ORV use is just one of many recreational activities enjoyed in the CHNS. My friends and I like to walk on a nice beach where one does not have to slog through tire ruts, where the only sounds you hear are the waves, wind and birds, not the sound of an internal

combustion engine. CHNS is blessed with miles of shoreline. Some areas should be assessable to vehicles; some areas should be permanent, year-round pedestrian-only beaches.

I believe a good example of how CHNS has strayed from its fundamental values is the beach by Frisco Campground. There is an ORV access ramp just before the campground. For over 30 years of my memory, the vehicles had to turn east to the point while the area to the right was pedestrian only. In recent years, the west portion of the beach has been open to traffic. Now, if you are camping, you cannot walk to a beach where ORVs do not dominate your experience. This negates the experience of camping in a NPS facility. That is not a balanced approach; that is not a preservationist approach; that is a political reaction. Now is the time to remember the Park Service's heritage in order to honor our obligations for future generations.



Richard Baker
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Windsor, Va. 23487

CA PKS scoping meeting 2/28/07 McKimmon Ctr., Raleigh

Recreational Fishing in NC is a \$1 billion per year business. Commercial fishing approaches that figure as well.

As I understand it the CA Nat Seashore was established to include and maintain traditional uses. Surf Fishing is one of those traditional uses- and a very important one. I believe that most fishermen are responsible users of the beach. Fishermen and organizations like the Beach Buggy Assoc. have been cooperative and helpful partners to the Park Service for many years.

Let me say that I am interested in the conservation and enhancement of endangered species. No-one wants to further endanger the existence of species that are in trouble- whether on the land or in the water. I'm all for posting and protecting turtle nests and migratory bird breeding areas, but use reason when establishing needed buffers and protection zones. Do what's necessary, not more.

If pets are a problem, then prohibit them. If predators are a problem, control them too. If you need to establish a permit for use, then do so. If you need to control and limit access, then do so with a reasoned approach. But do not wholesale eliminate the use of vehicles on the beach. Humans are generally caring and rational entities that can operate under reasonable guidelines. You must realize that the ocean beach is an extremely dynamic area. Potential problems, like ruts from vehicular traffic that "may" pose a problem for endangered species are often and routinely eliminated by wind and storms- which in and of themselves are probably a bigger overall threat to endangered species than ORVs.

I believe that the Park Service can develop a ORV use plan that meets the needs of the endangered & threatened species while allowing the use of the beaches by fishermen and fishermen in vehicles. But you must be reasonable and prudent.

Thank you,

Mac Currin
801 Westwood Drive
Raleigh, NC 27607

Additional comments:

Hotline is a great idea only if you can respond in a timely manner. Otherwise it creates frustration & distrust of your authority

Cape Hatteras National Seashore
Off-Road Vehicle Management Plan/EIS
1401 National Park Drive
Manteo, NC 27954

Comments from a Recreational Fisherman

I live on Bogue Sound and keep a boat at my dock but I do my surf fishing at Cape Hatteras. Although the Crystal Coast is beautiful for fun in the sun, access for Off-Road Vehicles is very limited and tightly controlled by dates, permits and fees. When I want to surf fish I take the ferry to Ocracoke then to Cape Hatteras. Not because the fishing is better or the beaches are prettier, but because I can drive on the beach.

I bought a Ford Expedition that can go anywhere but it has never left the road except on the Outer Banks. I surf fish about ten days each year either with my wife or friends. We rent local lodging, eat at restaurants, shop and buy lots of groceries and gas. We start every day buying ice, drinks, bait, tackle and food for a day on the beach. We spend lots of money but enjoy every minute of it.

When we hit the beach we always stay on designated driving trails. We are experienced and go prepared. We've never had an emergency and had to be rescued by the Park Service. Our interactions with the Park Rangers have always been friendly and respectful. They have been helpful in providing local information and up to date status of beach access. When we leave the beach, we leave only our tracks. We police the area and take away all trash, whether we brought it or not. The beach is better off when we leave than when we arrived.

Please do not take any action that will restrict our access to this public beach.

Thank you,



2/28/07

Robert E Tripp, III
804 Soundview Ave
Newport, NC 28570
Email retripp@aol.com

**NATIONAL PARK SERVICE PUBLIC
SCOPING MEETING
McKIMMON CENTER
RALEIGH, NORTH CAROLINA**

FEBRUARY 28, 2007

**RE: ORV MANAGEMENT PLAN
CAPE HATTERAS NATIONAL
RECREATIONAL SEASHORE**

**ATTENTION: SUPERINTENDENT MIKE
MURRAY**

**I have already written you a letter for the
official record stating**

**why the Cape Hatteras National Recreational
Seashore is so important**

**to me and voicing my unqualified support for
continued vehicular assess.**

~~**this public**~~

**So rather than repeat those remarks which
I've already sent you, I**

prefer to use my allotted time to address some specific issues involving ORV

use and beach access.

But before I do, I want to take this opportunity to thank

Superintendent Murray for the refreshing change in management style

which he has brought to his new job during the past year. Mike, from all

reports I've received from my Outer Banks contacts, you have been

approachable, open, been willing to listen, and have kept all user groups

updated on the precise reasons for your management decisions – most

of which we surf fishermen heartily supported. For this, you certainly

deserve every commendation.

Here are ten specific suggestions I would like to make to improve ~~AND FACILITATE~~ ^{AND FACILITATE} THE USE OF ORV'S WITHIN THE RESOUCE .

1) Emphasize sound law enforcement based on common sense and good

judgment. Irresponsible ORV operators should not be placed

in the jail but UNDER the jail! One idea that might be helpful

would be for the NPS to establish something like a “neighborhood

watch” program to report illegal ORV activity. Consider making

^{AN} ~~some~~ educational programs for first-time beach drivers a part of

this “watch” program.

2) Pay careful attention to the negative socio-economic impacts of

any beach closures. Compare the dollars lost in the local economy

to the costs of creating suitable wildlife habitat not in conflict

with public access. The Buxton Woods and the Cape Point Pond

might be good spots for ^{SOME} creative habitat formation.

3) Restore the Pole Road to its pre-Isabel condition to provide

traditional access to the north side of Hatteras Inlet.

4) Provide more new ramps and access roads to reverse the decreases

in access points made over the past 25-years and to accommodate

the increase in resource visitors.

5) Improve the maintenance of existing ramps and access roads.

6) Promptly reopen any and all “temporary” or “seasonal” beach

closures when the cited justification condition no longer exists.

7) Provide amenities at all ramps such as restrooms, trash dumpsters,

air pumps, and fish cleaning stations.

8) Improve park drainage caused by ocean over-wash and excessive

rain accumulations to prevent having to close any ramps –

especially Ramps 44 and 49.

9) Investigate better predator control. My guess is that feral cats, *RACCOONS*,

and foxes destroy more wildlife than any responsibly driven ORVs

ever have.

10) And last but not least, always remember that responsible

mobile surf fishermen are the very best friends the National

Park Service has when it comes to the ~~lowing~~ care and

maintenance of the precious resource know as the Cape

Hatteras National Recreational Seashore!

Respectfully submitted for the official record,

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BERNIE McCANTS, 2325 WINDY WOODS DR, RALEIGH, N.C. 27607
919-602-4516 BERNIE.MCCANTS@DUKE.EDU

My name is Bernie McCants, and I'm here on behalf of the approximately 300 members, including over 100 families, of the Raleigh Salt Water Sportfishing Club.

I want to thank Superintendent Murray, his staff and members of the National Park Service for coming inland tonight to allow us the opportunity to learn more about the development of the ORV management plan and to provide an opportunity to hear from us.

The Raleigh Salt Water Sportfishing Club is celebrating its 30th anniversary this year and is made up of a diverse mix of salt water anglers: Many primarily blue water fish, some love inshore & backwater fishing, a number fly fish, we have a number who are active in king mackerel fish and we have a large contingent of surf fishermen – or as we are affectionately know in the club - dirt fishermen.

The Club fields five, 6-angler teams in three of the invitation tournaments held in part or completely on Cape Hatteras National Seashore. Club members collectively spend hundreds of days fishing from Coquina to Ocracoke Inlet each year, most taking advantage of access to the beach in ORVs. We treasure this privilege and want to ensure we can continue to ^{FISH}~~access~~ the beaches and soundside of the Seashore in a reasonable and responsible manner.

When the idea of a national seashore was developed, protection of recreational access for the present and ,more importantly, for future generation was front and center.

In the Prospectus for the Seashore acquisition and development:

“Primarily a seashore is a recreation area. Therefore in its selection, the boundaries should be placed in such a manner that the maximum variety of recreation is provided.”

And in the enabling legislation:

“Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which **shall** be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness etc., etc. .

As you drive north along Highway 12, with the exception of the Oregon Inlet Fishing center, the impoundments, berms and Wildlife support structures in Pea Island and the small parking lots and few access ramps, this wilderness preservation has been accomplished. The creation of the Seashore has preserved the wild and scenic beauty of NC northern barrier islands and has provided the public an wonderful area for fishing, swimming, shelling, windsurfing and birding.

As to the specifics, here are a few of the issues we would like to see addressed in ORV management plan

- Maintain and improve the access roads & ramps.
- Make every effort to restore and maintain the Pole Road to pre-Isabel condition to provide traditional access to the north side of Hatteras Inlet.
- Reopening of “temporary” or “seasonal” Beach Closures when cited justification condition no longer exists. There is a perception that the

owners of the oceanfront cottages in Frisco and Hatteras Village have been deeded private beaches.

- Investigate creating additional interdunal access roads from the ramp 44 area to the South beach to bypass seasonal nesting area
- Create more sound-side access. I've recently taking up kayaking are there are limited areas to splash the yak on the soundside of Hatteras & Ocracoke Islands
- Additional restroom facilities near ramps.
- .Improve the drainage throughout the Park not only to insure timely drainage of ocean overwash and rain accumulations to prevent closing ramps (think 44 & 49), campgrounds but to prevent the killing of native vegetation and prevent creating habitat for 'squitos
- Provide dumpster / trash receptacles at the access ramps. Everyone I knows pack their trash out but I would be more willing to haul out additional trash if I were able to drop it off at a dumpster prior to getting out on the highway
- More efficient and better publicized methods to report violators of park rules, both by ORVs and walk-overs.
- Provide brochures and other information about beach driving. With the popularity of SUV with 4WD and AWD, the number of people on the beach without an appreciation of the do's and don't is amazing.
- As an aside, the focus on bird management seems to solely on human/ORV management with a splash of predator control. I've wondered why Wildlife and the Park Service haven't tried to actively modify the habitat around the Cape Point pond by removing vegetation and drawing down the pond to create foraging areas.

In reading the Newsletter put out by the National Park Service and some of the alternative concepts, there are some potentially troubling issues:

- While a Zoning System by visitor use on the surface sounds attractive, the devil is in the details. A continued non-ORV area in the area by the old Lighthouse site make a lot of sense as do seasonal closure in front of the villages Resource management areas sound great, but it is worrisome in that the major areas of resource closures coincide with the four most popular ORV sites within the Seashore – Oregon Inlet, Hatteras Inlet, Ocracoke Inlet and Cape Point.
- The mention of nighttime driving restriction is also cause for concern if for reasons other protection of pre-fledgling birds.
- We welcome the concepts of speed limits, additional enforcement, increased education and outreach

I would like to close by acknowledging, on behalf of the Club, the management style and substance of Superintendent Murray and his staff in 2006. Compared to the contentious events of the previous 3 or so years, last year was a breath of fresh air. Information on beach access was readily available, there were frequent updates on closure status, areas were close for defined biological reasons and opened when these biological reasons were no longer in effect and, when possible, corridors were created to allow controlled access thru sensitive areas to areas without issues. From my vantage point, it was a balanced effort to address the two often-conflicting missions of the Seashore, wilderness, habitat and species protection and recreation access for the public.



Cape Hatteras National Seashore Off-Road Vehicle Management Plan

Public Meeting on the Off-Road Vehicle Management Plan/
Environmental Impact Statement | February 2007

You're Invited!

Because of your interest in Cape Hatteras National Seashore, we are requesting your input in developing the Off-Road Vehicle Management Plan/Environmental Impact Statement (EIS). Your participation is vital to our planning process.

Background on ORV Driving at Cape Hatteras National Seashore

Off-road vehicle (ORV) management has become an issue of concern for National Park Service (NPS) units in recent years, as shown by the development of management plans and regulations for Cape Cod National Seashore, Fire Island National Seashore, Assateague Island National Seashore, Padre Island National Seashore, and Big Cypress National Preserve. ORV use at Cape Hatteras National Seashore began primarily for transportation with local residents and visitors using the beaches for vehicular transportation purposes because there were few formal roads in this remote area. Since the main purpose of beach driving was transportation, and not recreation, the number of ORVs on the beach was much less than it is today. The paving of NC-12, completion of the Bonner Bridge, and the introduction of the State of North Carolina Ferry system to Ocracoke Island facilitated visitor access to the islands and resulted in increased vehicle use on beaches for recreational purposes and for commercial netting of fish. Presently at the Seashore, ORVs are used for commercial and recreational fishing, sightseeing, travel to and from swimming and surfing areas, and pleasure driving.

The Seashore recognizes the importance of ORV use to Seashore users as well as the value others place upon seashore resources that must be protected. The ORV management plan/EIS will identify criteria to designate ORV use areas and routes and establish ORV management practices and procedures that have the ability to adapt in response to changes in the Seashore's dynamic physical and biological environment.

Your Participation Will Help Shape This Plan

There are a number of ways to be involved:

- Attend a public scoping meeting
- Submit comments electronically to: <http://parkplanning.nps.gov/caha>
- Submit written comments by mail to:
Superintendent
RE: Off Road Vehicle Management Plan/EIS
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27952
- Please comment on-line or provide written comments by mail. Faxed comments will not be accepted.



Please be sure to include your full name and e-mail address, if available, with the comments so we may add you to our mailing list for information on the planning process. In order for your comments to be the most useful in developing the draft plan/EIS, please submit comments by March 16, 2007.

Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Purpose of and Need for Action

The purpose of this plan/EIS is to develop regulations and procedures that manage ORV use/access in the seashore to protect and preserve natural and cultural resources and natural processes, provide a variety of appropriate visitor use experiences while minimizing conflicts among various users, and promote the safety of all visitors.

An ORV management plan is needed for the following reasons:

- The seashore must comply with Executive Orders 11644 and 11989 respecting ORV use, and with NPS laws, regulations (36 CFR 4.10), and policies to minimize impacts to park resources and values.
- To address the lack of an approved plan, which has led over time to inconsistent management of ORV use, user conflicts, and safety concerns.
- ORV use could damage natural and cultural resources.
- To provide for protected species management in relation to ORV and other uses to replace the Cape Hatteras National Seashore Interim Protected Species Management Strategy/EA and associated Biological Opinion.

Objectives:

Objectives are what must be achieved to a large degree for the action to be considered a success. All alternatives selected for detailed analysis must meet project objectives to a large degree, and resolve the purpose and need for action. Objectives must be grounded in overall NPS laws and regulations, NPS policies, the park's enabling legislation, purpose, significance, and mission goals and must be compatible with direction and guidance provided by the park's general management plan, strategic plan, and/or other management guidance. The following draft objectives are related to developing an ORV management plan at Cape Hatteras National Seashore.

MANAGEMENT METHODOLOGY

- Identify criteria to designate ORV use areas and routes.
- Establish ORV management practices and procedures that have the ability to adapt in response to changes in the seashore's dynamic physical and biological environment.
- Establish a civic engagement component for ORV management.
- Establish procedures for prompt and efficient public notification of beach access status including any temporary ORV use restrictions for such things as ramp maintenance, resource and public safety closures, storm events, etc.
- Build stewardship through public awareness and understanding of NPS resource management and visitor use policies and responsibilities as they pertain to the seashore and ORV management.

NATURAL PHYSICAL RESOURCES

- Minimize adverse impacts from ORV use to soils and topographic features, e.g., dunes, mud flats, etc.

THREATENED, ENDANGERED, AND OTHER PROTECTED SPECIES

- For threatened, endangered, and other protected species (e.g., state-listed species) and their habitats, minimize adverse impacts related to ORV uses as required by laws and policies, such as the Endangered Species Act, the Migratory Bird Treaty Act, and NPS laws and management policies.

VEGETATION

- Minimize adverse impacts to native plant species related to ORV use.

OTHER WILDLIFE AND WILDLIFE HABITAT

- Minimize adverse impacts to wildlife species and their habitats related to ORV use.

CULTURAL RESOURCES

- Protect cultural resources such as shipwrecks, archeological sites, and cultural landscapes from adverse impacts related to ORV use.

VISITOR EXPERIENCE

- Manage ORV use to allow for a variety of appropriate visitor use experiences.
- Minimize conflicts between ORV use and other uses.

VISITOR USE

- Ensure that ORV operators are informed about the rules and regulations regarding ORV use at the park.

VISITOR SAFETY

- Ensure that ORV management promotes the safety of all visitors.

PARK OPERATIONS

- Identify operational needs and costs to fully implement an ORV management plan.

Negotiated Rulemaking:

Concurrent with the NEPA process, the Seashore is proposing to conduct a negotiated rulemaking to develop a proposed rule for ORV management at the Seashore. The Negotiated Rulemaking Act of 1990 (5 USC 561-570) establishes a statutory framework for agency use of negotiated rulemaking to reach a consensus with stakeholders on a proposed regulation, in this case, a regulation regarding off-road vehicle use at the Seashore. Negotiated rulemaking brings together representatives of the agency and various affected parties to negotiate the content of a consensus agreement that will help shape a proposed rule with the help of an impartial alternative dispute resolution professional.

The next step in the Negotiating Rulemaking process is publication of a Notice of Intent to Establish a Negotiating Rulemaking committee in the Federal Register. Once the Notice of Intent has been published, the public will be able to comment on the proposed establishment and makeup of the Committee. The NEPA process would be conducted concurrently with the Negotiated Rulemaking and the consensus of the committee would be evaluated in the Draft EIS as part of the NEPA process. Updates on the Negotiated Rulemaking process can be found at <http://parkplanning.nps.gov/caha>.

