

INTERIM STRATEGIC PLAN FOR PROTECTED SPECIES
CAPE HATTERAS NATIONAL SEASHORE
BUXTON, NORTH CAROLINA
PRESENTATION AND PUBLIC HEARING
NOVEMBER 1, 2005

COURT REPORTER - T.K. TRAVIS

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1 COURT REPORTER'S NOTE: Sign in and Open House
2 began Tuesday, November 1, 2005 at 6:33 p.m.

3 MR. PATRICK REED: Good evening, ladies and
4 gentleman. My name is Pat Reed. And I'm the acting
5 superintendent for Outer Banks Group. I'd like to thank you
6 all for coming here this evening to help in this public
7 scoping process and give us your comment and input for this
8 planning for this Interim Strategy for Protected Species.
9 The first objective this evening for this scoping meeting --
10 first of all, to explain the planning process and timeline to
11 you, to share information from the internal scoping that we
12 did internally at the National Park Service. The purpose, to
13 meet the objectives and the issues associated with this plan,
14 and to share with you what we heard when we were at the
15 informational meetings a few weeks ago when we were here for
16 informational meetings here up and down the Outer Banks and
17 to receive your comments, which is the most important thing
18 this evening is we get an opportunity to get your comments
19 officially on the records here.

20 We've been pretty busy since the last time we
21 were here for the informational sessions. And I'd like at
22 this time to introduce Jess Commerford, who is the
23 environmental planner with the consulting group on this.
24 He's going to go through in more detail the work that has
25 been done since we were last at the informational sessions

1 and talk to you about some of the early development and
2 introduce some alternatives and other things that you will
3 have the opportunity to comment on, I hope tonight, and also
4 during the formal comment period throughout this process.
5 Jess? Thank you.

6 MR. JESS COMMERFORD: Good evening, everyone. I
7 see some familiar faces from the last meeting in October and
8 some new ones. So to those of you who have come back, thank
9 you for sticking with the process and remaining interested.
10 And for those of you that have just joined us, welcome.

11 We're going to spend a little time running
12 through some slides that really explain the NEPA process.
13 For those of you that were here last time, you may recall
14 what we described as being more of an informal setting. It
15 was a question and answer session. Really what we want to do
16 tonight is to focus a little bit more on the formal NEPA
17 process, which is the development of the Environmental
18 Assessment associated with the Protected Species Management
19 Plan and talk about that and the development of the
20 alternatives. And I'll go through this some more in more
21 detail, but a large part of the role this evening is to hear
22 from you all to help us develop a range of issues and
23 alternatives as part of that process. What you see before
24 you is a slide clearly identified as the planning process
25 associated with the Interim Protected Species Management Plan

1 and the NEPA process. We won't go through this in a lot of
2 detail. I think most of you have been with us for the last
3 half hour or hour. And it is described in detail on the
4 boards over here. And we've got that information you can
5 take with you as well. But largely you'll see there that we
6 start with the Internal Scoping Process with the Park Service
7 personnel and those meetings and that collaboration as to the
8 development of some of the preliminary alternatives you're
9 seeing here this evening, along with the public meetings that
10 we had during the first week of October. And that leads them
11 through the impact analysis and that sort of thing that will
12 happen with the Environmental Assessment, including what the
13 decision is on the Protected Species Management Plan in the
14 March time frame.

15 The goal of this process is to develop an
16 Interim Strategy leading up to an ORV management plan. At
17 the last meeting, we did try to show a distinction between
18 those two things. And you'll see those differences
19 illustrated here on a slide. The Interim Strategy is really
20 a seven month process that focuses most specifically on
21 Protected Species Management. We will be considering hearing
22 ORV development and those issues, but that will be the
23 broader scope as well. And you will see here the ORV
24 planning process is supposed to be a three year process,
25 which as I said, will consider all aspects of ORV use in the

1 park and not particularly related to Protected Species
2 Management.

3 The National Environmental Policy Act or NEPA,
4 which you will hear it referred to pretty consistently, is a
5 process that joins the planning process. The first step in
6 that process is to develop a purpose, need and objective for
7 taking action and to identify the range of issues to be
8 addressed in the Environment Assessment. You will find it on
9 a flyer that is located out here. You can find those on the
10 table if you haven't already gotten a copy and that
11 identifies in particular what those are. In addition, as for
12 Section 8, it would be either by e-mail or hardcopy if you
13 showed up at the meetings that were here in October and
14 signed up on that list.

15 The purpose that you're here -- discussed here
16 is the purpose for taking action. And it's a broad goal
17 statement which really tells you all what the proposal is and
18 what the alternatives intend to accomplish by taking that
19 action. The purpose of this plan in particular is to
20 evaluate and implement strategies to protect sensitive and
21 protected species and to provide for recreational use as
22 directed in the enabling legislation and the Park, NPS
23 management policies and other laws that mandate until the
24 longer term ORV management plan is developed.

25 The need for action here discussed is the

1 properly graduated question, why we are taking action now?
2 It is the cause statement leading up to the plan in the
3 Environment Assessment. Action is needed now because a clear
4 and consistent set of management strategies is needed. The
5 lack of an approved plan has led to inconsistent management
6 of protected species and has created confusion for both the
7 public and Park staff in the past. A management strategy in
8 which to consult with Fish and Wildlife Services under
9 Section 7 of the Endangered Species Act is also necessary.
10 The management strategy is needed to comply with the
11 Endangered Species Act, The Migratory Bird Treaty Act, NPS
12 Policies, management policies and Park enabling legislation
13 and to avoid adverse effects to protected species. It also
14 addresses public concern about species management and
15 continued recreational use which needs to be addressed
16 immediately.

17 You'll also see illustrated on the handout and
18 listed in the document a list of objectives. And those
19 objectives are really goals within the broader goals that
20 must be met in large part for this strategy to be considered
21 a success and be effective. NPS has developed so far five
22 categories of objectives to this strategy. And those
23 objectives categories are Management Methodology, Public
24 Engagement Process, Visitor Use and Experience in the Park,
25 Protected Species and Park Operations. The Management

1 Methodology objectives includes establishing adaptive interim
2 management practices and procedures that have the ability to
3 respond to changes in a dynamic physical and biological
4 environment in the Park. And to establish procedures for the
5 prompt and efficient public notification of protected species
6 management actions and the reasons that these actions are
7 being taken. The Public Engagement objective is to establish
8 an ongoing and meaningful dialogue with multiple public
9 groups interested and affected by protected species
10 management to ensure development of an implementable
11 strategy. Visitor Use and Experience objectives include
12 providing for continued recreational use and access
13 consistent with required management of protected species; and
14 to increase opportunities for public awareness and
15 understanding of NPS resource management and visitor use
16 policies and responsibilities as it pertains to the
17 protection of the protected species in the Park. Protected
18 Species objectives include provide threatened, endangered and
19 other protected species and their habitats protection from
20 adverse impacts related to recreational uses as required by
21 laws and policies such as The Migratory Bird Treaty Act,
22 Endangered Species Act and NPS management policies; and also
23 to consult with the Fish and Wildlife Service to ensure that
24 NPS management actions comply with the requirements of the
25 Endangered Species Act. The Park Operations objective

1 provide for effective protected species management while
2 maintaining other park operations.

3 Issues that have been identified so far in this
4 process you'll see presented. And the issues in the planning
5 and the NEPA process frequently relate more often to concerns
6 and obstacles to accomplishing the objectives that was
7 established. Issue statements describe the relationship
8 between the action that can be taken and the environmental
9 resources in the Park.

10 Issues identified to date and this is largely by
11 the Park Service staff and that Internal Scoping process that
12 I mentioned earlier are preliminary. And that we're under
13 the assumption it will lead to basis of a discussion and
14 collecting additional comments this evening. Those
15 identified so far by the Park Service address Visitor Use and
16 Experience, which is the management of protected species that
17 could result in adverse and beneficial changes to visitor use
18 and experience; the Economy of Communities within the
19 Seashore, which is management of protected species that could
20 affect the local and regional economies. Local Commercial
21 Fishing Activities is the management of protected species
22 that could affect access for commercial fishing in the Park.

23 Protected Species, recreational activities at the Seashore
24 that could impact federally threatened or endangered species
25 and their habitat on the beach, on the southside of the

1 Seashore -- soundside, I'm sorry, and conflicts between the
2 listed species and recreational uses that could create direct
3 or indirect losses of the species. And Other Sensitive
4 Species, habitat for the American oystercatcher and other
5 locally sensitive species as well as species listed by the
6 State of North Carolina which may be vulnerable to
7 recreational use. Soundscapes; recreational activities at
8 the Seashore could create noise that could impact protected
9 species by altering the natural quiet and sounds of the
10 Seashore. Wetland; human activities in wetland areas could
11 adversely affect wetlands and other habitat important to
12 protected species. Coastal Barrier Ecosystem; the natural
13 processes such as hurricanes and other storm events may
14 create habitat for protected species resulting in conflicts
15 between management of the area as habitat and management of
16 those areas for recreation.

17 I'll talk very briefly about alternatives. And
18 one of the things that we were hoping to do during the Open
19 House preceding this meeting was to give you all an idea of
20 the process that has led up to some preliminary alternatives.

21 And there are a few that's been identified on the boards
22 here. And those are also spelled out on the handout that's
23 available to you. And I really want to stress that these are
24 preliminary only and very much used for talking points this
25 evening and over the next few weeks as the alternatives are

1 refined and developed. A full range of alternatives is
2 required for the Environmental Assessment under NEPA. Where
3 the purpose and the need to define the probable alternatives
4 and different ways to solve those problems, which is to say
5 the need and purpose and objectives we discussed will result
6 in the -- NEPA addressing the issues. The alternatives are
7 within stated constraints including NPS policies. And each
8 are to minimize impacts to all or several of the resources
9 we've said previously. Alternatives are the heart of the
10 NEPA document and the environmental planning process in
11 general. They define real options for decision makers and
12 management assets in the Park. They often will require
13 creative approaches. They are based on environmental rather
14 than technical, logistical or economic differences. And I
15 want to explain that for a minute. Environmental issues do
16 include economic impacts and socioeconomic impacts,
17 recreational impacts. And so when I say "economic
18 differences," that's really a long range alternative that
19 addresses different environmental impacts in a substantive
20 way, but it does not exclude all the other issues discussed.

21 And these alternatives must be reasonable. And what I mean
22 by "reasonable," the alternatives need to be economically
23 feasible and need to display common sense. And they need to
24 meet the objectives of taking action in the first place.
25 They need to be technically feasible, but they don't

1 necessarily need to be the cheapest or easiest solution.

2 You'll see here on this flow chart the process
3 used to develop the alternatives. That's over here on the
4 board which you can take a look at after the formal part of
5 the meeting as well. But largely, you'll see that the Park
6 Service starts this process by looking at the requirements
7 under the Organic Act, the NPS management policies and other
8 requirements under the management of the Park and beyond
9 that, looking at the Park's enabling legislation. Here in
10 particular, the purpose and the significance of the
11 development of Cape Hatteras as a national park in the first
12 place. And then looking at developing the purpose, need and
13 objectives of the Interim Species Protected -- Protection
14 Plan in which we've just discussed. All of that leads up to
15 the developing of the scoping process and this part of this
16 evening with a full definition of a range of alternatives
17 that can be addressed in the environmental assessment.

18 The alternatives are developed with a variety of
19 different input including the most important, the public
20 input; it was why NEPA was developed; the Federal laws that
21 affect the management, as I said, Park Service policies that
22 affect the management of the park, science and the protocols
23 that protect the management of the protected species and that
24 practical knowledge, in which, again, comes from the public
25 input and those most familiar with the issues around the

1 park. And these alternatives are driven by the five
2 categories of objectives that I mentioned earlier. And
3 again, what this evening is to be is a sounding board
4 requiring and defining public input this evening. All
5 reasonable alternatives will be considered. But it's
6 important to know that when you have several different
7 variations of those that what we attempt to do is to look at
8 the full spectrum of those options. And when you have many,
9 many different options within that spectrum and what it boils
10 down to is the final alternatives that really illustrate the
11 full range of those issues.

12 As you see on the handout and maybe on the board
13 this evening, the definition of no action alternative. And
14 the inclusion of a no action alternative in the Environmental
15 Assessment is an actual procedural and a real requirement
16 under NEPA in the Environmental Assessment. And so it's
17 really considered baseline in which you look for in
18 alternatives. In this instance, no action, which is typical
19 for management plans, is a continuation of the existing
20 management which is in this case is a continuation of 2004
21 management policies for protected species of the Park.

22 And so as many of you know, we were here earlier
23 in October and had three nights of informal meetings the
24 first week of October. And there were several issues that
25 were a fairly common theme for those three meetings and

1 referred to here in this room in particular. And that
2 included the comments throughout such as the following: the
3 NEPA effect to the Interim Strategy on ORV access; the 2005
4 escort system, turtle management in particular; the economic
5 impacts associated with ORV management, in particular species
6 management; and other management practices suggestions. All
7 of this input will be considered along with the public
8 scoping comments that will be received this evening as part
9 of the ORV Interim Strategy. We made the point the last time
10 and we would like to reiterate that point this evening; much
11 of what is being discussed in this process is definitely a
12 focal point to the larger issue of ORV management in
13 particular. And we want to assure everyone that the issues
14 that are raised will be applied to both and be carried
15 forward as they move forward to developing a formal ORV
16 management plan.

17 So there are several ways to actually provide
18 comments in this process. This meeting this evening is a
19 formal public scoping meeting. We are accepting comments
20 tonight through several amenities. The -- kind of what we
21 had before this was an Open House. We will take official
22 comments on the record from everyone for the next hour. And
23 then for an hour afterwards, we will continue to do the Open
24 House. I would like to point out if you didn't catch this
25 when you came in, we do have a court reporter set up in a

1 private room over here. If you are more comfortable going in
2 and sitting down with that individual in person rather than
3 making a public -- a comment in public, you're welcome to do
4 that. If you didn't take the opportunity to do that
5 beforehand and would like to for the hour following the
6 formal part of the meeting this evening, you're welcome to do
7 that if you have any. Comments on the Environmental
8 Assessment need to be received by November 17. And that date
9 is identified in the flyer that went out just a couple of
10 weeks ago to those folks that participated. You can submit
11 comments directly online through the website. And that
12 address is on the slide there and available on some of the
13 handouts. And there's a good deal of information that's
14 available there on that site and being able to submit
15 comments. It's working well. Some folks did ask the last
16 time, the public transcript from the reporter that's sitting
17 here this evening, he was at the last three meetings, is
18 available on the website. It was just posted for you last
19 Friday. So if you want to -- so if you weren't here as part
20 of that meeting and want to see for yourself the points that
21 were raised, you can go back and find the official transcript
22 on the record there.

23 Providing comments through our meeting this
24 evening, there is a handwritten form over here so you can
25 submit written comments. Please include your full name and

1 your mailing address. If you have an e-mail address, we
2 would appreciate having that also. It's another way we can
3 submit the information out to you quickly. And again, those
4 comments need to be received by November 17.

5 And again, ask everyone to keep in mind the
6 longer term ORV management plan will be handled by a
7 regulation development process. There will an environmental
8 impact statement which is also under NEPA and will be more
9 robust than the environmental assessment process. And it
10 will coincide with the longer term ORV management plan.

11 So with that, I'm going to go ahead and move
12 forward to the public part of the comment period this
13 evening. For those of you that were here last time, this
14 format will look familiar to you. There's several folks that
15 have signed up to speak this evening. And I'll call on folks
16 to come up and speak that have signed up on the cards. And I
17 believe everyone was probably shown one of these as you came
18 in this evening. And so I'll call everyone who checked off
19 that they had a desire to give us a comment this evening.
20 I'll just call the person up to speak and one or two names
21 after that so that if you are following, that you'll have a
22 chance to get ready to come up to the microphone. I'm going
23 to ask you when you come up to make a comment, to please
24 speak into the microphone. It's important for the reporter
25 here to accurately capture your comments this evening. State

1 your name if you would, please, so that it's accurate for the
2 record. I would ask everyone else to have respect for the
3 person speaking. It's courtesy for one thing, but also
4 again, with the recording, if there is a lot of noise in the
5 background, it makes it more difficult to capture accurately
6 what the speaker is saying. As I said last time, and it is
7 true again this evening, if you have detailed comments in
8 writing that you would like to submit or if you have
9 supporting information that you would like admitted in the
10 official record, you're welcome to do that. So you can hand
11 that off to us when you come up to speak or do that again in
12 the hour of Open House we're going to have afterwards and we
13 will attach that to the formal part of the transcript and the
14 formal record for the process. I would also like to point
15 out that any comments that you give us this evening carry
16 equal weight. So if you made a comment to one of the folks
17 manning the pads here this evening, if you make a comment in
18 writing, if you make a comment to one of the reporters in the
19 private room or do so here, it's all getting entered into the
20 same record and all carries equal weight. We do have several
21 people that have signed up to speak this evening. And so as
22 was the case when we were here the first week of October,
23 we're going to have a time limit. And we're going to allow
24 three minutes for each speaker to come up and make their
25 comment. Unlike last time, this is not a question and answer

1 format. As I had mentioned to folks in October, that is more
2 of the Open House and an unofficial process. And this is
3 more formal as part of the scoping process. Also similar to
4 last time, it's our habit to call on any elected officials
5 that are in the audience that speak on behalf of the larger
6 community. I don't mean to point him out here, but I see
7 Commissioner Judge here. If you would like to come up, you
8 are welcome to.

9 COMMISSIONER WARREN JUDGE: I would, but let's
10 let the other folks speak --

11 MR. JESS COMMERFORD: Okay.

12 COMMISSIONER WARREN JUDGE: -- in case we run
13 short of time.

14 MR. JESS COMMERFORD: Are there any other
15 elected officials in the audience this evening that wish to
16 be heard first? Okay, with that, we'll go ahead and get
17 started. Like last time, to assist people in tracking their
18 three minute limit, my colleague Greg here will hold up his
19 hand when you're at the two and a half minute mark so that
20 you know you've got about thirty seconds to complete making
21 your point. And after that, we're going to let you know when
22 you hit three minutes. Again, we have quite a few folks that
23 have signed up, so I want to give everybody an equal
24 opportunity. And with that, we'll go ahead and get started.
25 And I apologize in advance as always if I butcher the

1 pronunciation of your name when I call you. But we'll start
2 with David Scarborough and we'll go to Ted Hamilton after
3 that.

4 MR. DAVID SCARBOROUGH: My name is David
5 Scarborough and I'm from Gastonia, North Carolina. I've been
6 coming to the Outer Banks since 1982. I have a home in Avon
7 that I built in '93. Now that I'm retired, I live here about
8 six months out of the year. Open beach access and the
9 ability to drive on the beach is what brought me back after
10 my first trip here and continues to be an important part of
11 why I come here. I think it's important that we continue to
12 look for ways to work together and -- and provide this
13 access, so that we continue to have the enjoyment that we
14 have on the beach today, whether it's fishing or other uses
15 of the beach. I also think that in terms of the plan, I
16 think there -- we need to make sure that we look at all the
17 alternatives. And I apologize I was not at the earlier
18 meetings. I don't know if some of these thoughts came out
19 then. But one thought is the turtles; I would strongly
20 encourage that we consider alternatives of using other areas
21 on the East Coast which would include extraction of the eggs
22 and allowing those eggs to hatch if -- if in captivity and
23 then release back into the ocean as opposed to on the beach;
24 you would get a much higher success rate with the hatchlings
25 that way than what we do today.

1 I would also say that at some point, I think
2 it's important that we consider whether or not the piping
3 plover -- or the Outer Banks is truly a viable habitat for
4 the piping plover. When we look at what has happened over
5 the years since 1985, the lack of success even in the areas
6 like Pea Island where there is very limited access, no
7 vehicular access and only limited pedestrian access, I think
8 we have to question whether that's truly -- this is a --
9 truly a viable habitat for the piping plover. Thank you.

10 MR. JESS COMMERFORD: Thank you. Ted Hamilton
11 and Dee Hardham after that.

12 MR. TED HAMILTON: I'm Ted Hamilton. At the
13 last meeting, several people asked about how the economic
14 analysis would be done. The answer was basically by an
15 employee of the -- the firm that's doing this study, but no
16 detail was given. I would like to know do we have that
17 detail now; can we look at that; can we review it; can we
18 comment on it?

19 The second thing is several people asked about
20 the details of why certain closures were being made,
21 specifically related to the Migratory Bird Treaty Act. I
22 think you've got a good start with the chart that's there in
23 trying to point out and flag why that certain elements of the
24 closure are used. But I think you need to go a step deeper
25 than that. And for example, say, on the protocols, where

1 you've got option C and then steps one through ten or
2 wherever it is, with each one of those, explain why that step
3 is in the protocol. And if you can't explain why it's in
4 that protocol, then, you know, the credibility is just
5 lacking on it.

6 The third thing is I had the fortune of visiting
7 the Oregon Dunes National Recreational Area out on the
8 Pacific Coast about a month ago. And it turns out that area
9 is much like this. They've got areas that are set aside for
10 pedestrians only. They've got areas that are seasonally
11 closed for driving. And they've got areas that are open
12 year-round, very much like we have here. So I asked a ranger
13 that was on duty at the visitor's center there, I said, What
14 species are you worried about under the Endangered Species
15 Act; lo and behold, the snowy plover. I said, Well, what do
16 you do to protect this bird? And he said, "Well, come
17 breeding season, we set aside some areas for it, you know, to
18 breed in." And I said, Well, where are you in those areas?
19 How do you decide? He said, "Well, we always do that within
20 the pedestrian areas." And I said, Gee, that's a novel idea.

21 A little different than what we're doing here. And so then
22 I asked him, I said, Well, what do you -- what do you do
23 about the Migratory Bird Treaty Act? What do you -- you
24 know, what protection do you afford these birds? And he
25 looked at me like I had two heads and then said, "Nothing,

1 we're not required to. There's no reason that we do that."
2 Another novel idea, and so I would like to see you talk to
3 these folks out there and see if right hand and left hand can
4 come together. Thank you.

5 MR. JESS COMMERFORD: Thanks. Dee Hardham.

6 MS. DEE HARDHAM: Jess, I donate my three
7 minutes to Larry Hardham.

8 MR. JESS COMMERFORD: John Mortensea.

9 MR. JOHN MORTENSEA: I would like to give mine
10 to Larry, too.

11 MR. JESS COMMERFORD: Charles Lategano.

12 MR. CHARLES LATEGANO: My name is Charles
13 Lategano. I live in Avon, North Carolina. My concern is
14 more as a surf -- a surfer than -- than as a fishermen. I
15 posed the question earlier about the reopening of the old
16 road or the one lane road. And the answer I got was that
17 irregardless of the NEPA and the Endangered Species
18 Protection Act and everything that we've seen on the
19 slideshow, a big reason that road isn't open is the local law
20 enforcement doesn't want it open. And I was really unaware
21 that local law enforcement had such control and such an
22 effect over National Park Service property. And I just think
23 that further in this process that the local law enforcement
24 shouldn't have such an effect over, you know, our access to
25 federally managed lands. Thank you.

1 MR. JESS COMMERFORD: Bill Vancura and Robert
2 Irby after that.

3 MR. BILL VANCURA: My name is Bill Vancura and I
4 live here in Buxton. One of the things that I have is I was
5 interested in what type of park that we actually have here.
6 I don't know if it was a recreational park or a restricted
7 park, because I think this park is a little bit unique from
8 any other park. You know, we can ORV here. And I don't
9 think some place like Fort McKendrick, you can't ORV there.
10 And so I think that -- and so all that I read in the paper, I
11 don't know whether it was *The Coastal Times* or *The Verdes*,
12 that said that you were going to take some rules from other
13 parks. And I think that this park is unique. And I think
14 that the rules ought to be set up for this park and this park
15 alone if we are, you know, different than most of the other
16 parks. And I think that should be taken into consideration.

17 The other thing is I'd like to congratulate you
18 on protecting the piping plovers. I mean, you protected them
19 so well, I couldn't even see them. I had no idea that they
20 were there. I'm taking your word for it that they were
21 there. Of course, I couldn't get close enough to see them.
22 So if you're a bird watcher and you like to see an endangered
23 species, we really didn't have a shot at it. Thank you.

24 MR. JESS COMMERFORD: Thank you. Robert Irby,
25 D.L. Parks after that.

1 MR. ROBERT IRBY: I'm Robert Irby from Richmond,
2 Virginia. I'm sure most -- most of the other things have
3 been mentioned. The one that I have particular interest in
4 is access for the handicap and the elderly, particularly
5 fishermen and family use of this park. I've been using it
6 since I was a surfer at the age of sixteen. And my board
7 lost its buoyancy, so I took up fishing. And I've got a
8 twenty-three year old daughter that got sick at the age of
9 two. We've been bringing her down here ever since because
10 this is the only place we can bring her and take her out on
11 the beach. We can't take her on the beach staying in a
12 cottage because they're too far and we can't wheel her across
13 the sand in the wheel -- in her wheelchair. Now she's even
14 confined to either a lounge chair or staying in the vehicle.
15 And it's not just children like mine, it's the elderly --
16 that they've grown up. They started off bringing their
17 children down here teaching them how to fish, not just
18 teaching them how to fish, but how to enjoy the environment,
19 the birds, what have you, the fish and just general family
20 togetherness that's an actual worthwhile versus taking them
21 to a State Fair or something like that where they don't learn
22 nearly as much about the environment as they do down here. I
23 know it firsthand because I've been coming here since I was a
24 child. And I've been fishing with my parents since I was a
25 child. But what about the parents that brought their

1 children down here, they've grown old. They've -- what do
2 their children -- where are they going to take their parents
3 now that are now unable to go out on the beach on their own.
4 They can't do it. You know, they have to come down here and
5 have their children or friends help them out of the vehicle,
6 sit them in a chair. Just today, I saw a number of elderly
7 gentlemen fishing from their chair. They never got out of
8 their chair. Whether they could or not, I can't tell you.
9 But this is -- you know, it's one of my major concerns. And
10 there are a number of other people that voiced theirs that I
11 agree with as well, but they can speak better on economic
12 impacts and what have you. Thank you for your time.

13 MR. JESS COMMERFORD: Thank you Mr. Irby. D.L.
14 Parks, Pat Weston after that.

15 MR. D.L. PARKS: Hi, I'm Dave Parks. I live in
16 Avon. I've been a resident since '94. I've been a property
17 owner since '89. I've going to reserve the majority of my
18 time. I'll do it in an e-mail when I have time to really
19 think them over. Just a couple of short ones; number one, as
20 I look around the room here, you folks have obviously spent a
21 great deal of time preparing for this meeting tonight. It
22 would have been nice if there had been some kind of --
23 something in the newspaper. And maybe there was something
24 there that I didn't see to give a little more idea about what
25 the agenda was going to be tonight. And lastly, you

1 mentioned in your comments in previous sessions that
2 inconsistent management has been an issue here. And I think
3 there are a significant number of skeptics in this crowd and
4 myself among them. And one thing that I think you really
5 need to keep in mind is, based on the experiences of the
6 people in this room, the best predictor of future performance
7 is irrelevant past performance. And that's all I have to
8 say.

9 MR. JESS COMMERFORD: Thank you. Pat Weston and
10 Howard Rooney after that.

11 MS. PAT WESTON: Hi, I'm Pat Weston. I live in
12 Avon, North Carolina. And just you should know that none of
13 the comments made here tonight is to be taken personally. We
14 just -- we just have to express the way we feel. I'd like to
15 first just say that the prospectives of the Cape Hatteras
16 National Seashore states that primarily the Seashore is a
17 recreation area. Jim and I have lived here since '99. We
18 are not natives, but we're locals. I was raised just across
19 the Virginia, North Carolina border. And we've come to Cape
20 Hatteras since 1951 at the age of four. The protocol put out
21 was put out in the form of a synthesis. And the definition
22 of synthesis is that it's the production of a substance which
23 could be the protocol by the union of groups or by the
24 degradation of a complex group. It can also be the logical
25 combination of -- of thesis and antithesis into a higher

1 stage of truth. Thesis being a proposition to be proved or
2 one advance without proof. And antithesis meaning the
3 rhetorical contrast of ideas by means of parallel
4 arrangements, words, clauses or sentences, as in an example,
5 action, not words, or they promised freedom and provided
6 slavery. To present the protocol on page four of the
7 synthesis, it says, "These protocols do not attempt to
8 balance the need for protection of these species with other
9 activities that occur at Cape Hatteras Seashore, nor was the
10 National Park Service management policy considered in
11 detail." To present an entire proposed paper protocol for
12 the Cape Hatteras National Seashore, formerly known as a
13 recreation area, which doesn't take into consideration
14 current, traditional and historical activities is outrageous
15 and abominable. This whole undertaking equates into
16 worthless pieces of paper and a grave waste of time for the
17 readers thereof. Furthermore, it's an insult to our
18 intelligence. Let's face it, you paid nothing and you got
19 nothing. We have solid sound information from Wildlife
20 professionals that say vast closures are not necessary. And
21 many birds can and do co-habit with ORVs. This information
22 has been provided to the Park Service and obviously, they put
23 no stock into it. How can you expect us to put any stock
24 into these wordy protocols when it appears that the existence
25 of any human recreation has not been even remotely

1 considered. That's where the word degradation comes into
2 meaning. The degradation of human rights and vehicular
3 access in favor of bird habitat. And why is it not in the
4 scheme of things, and I do mean the scheme of things, to
5 consider harvesting eggs for off-site protection and
6 incubation. It has proved successful for condors and
7 turtles, why not the piping plover. Oh, you say there isn't
8 any money. We don't have a financial resources for a program
9 of that nature and magnitude, but you miraculously came up
10 with maybe about a half million dollars to monitor and
11 protect three piping plover chicks that resulted in an
12 unprecedented closure of Cape Point, probably reputed to the
13 most best -- the best surf fishing site along the East Coast.
14 Procurement and incubation of eggs is a way to achieve
15 success to these numbers and would preclude the need for
16 trapping and killing of predators. And since there is no way
17 to trap ghost crabs, need I say more. We have no stable
18 management. No one driving the car. Only a chauffeur that
19 takes direction from someone with an agenda in the back seat
20 who has only the ultimate destination or objective in sight,
21 in mind, and be damned of any obstacles in the way. We are
22 those obstacles. I can't tell you what the closure of Cape
23 Point did to us, added to other occurrences during the past
24 couple of years, but I can tell you one thing, massive
25 closures and disallowance of traditional recreation

1 activities will not be tolerated by the natives and locals
2 and visitors. We will not let you do this to us, not as a
3 people, as a visitor, as a community or as an island.
4 Government officials, legislators, and agencies haven't even
5 begun to hear from us yet. Just wait, we have banded
6 together and we will bombard their phones, fax machines and
7 e-mails with our voices, the voice of the people. You are in
8 for the fight of your lives, so you had better buckle up
9 because it's going to be a really rough ride. And we are not
10 afraid. Thank you.

11 MR. JESS COMMERFORD: Thank you. Howard Rooney.

12 MR. HOWARD ROONEY: I am Howard --

13 MR. JESS COMMERFORD: Barbara Ackley after that.
14 I'm sorry.

15 MR. HOWARD ROONEY: I'm Howard Rooney. I'm a
16 resident of Hatteras Island in the village of Hatteras. And
17 this is going to be kind of a hard act to follow, I can tell
18 you. It always is. I have in my hand this protocol. And to
19 me, as the last time, it's an obscene party -- or protocol.
20 This that we have down here and we looked and we saw
21 everything was there except one thing and that was a human.
22 All we talked about was birds, wildlife, plants and what we
23 can do to protect them. That's a very nice goal. Everybody
24 in this room probably is a better environmentalist than any
25 person that you have writing any of your protocols. These

1 people live here or come here. They abide by the rules. We
2 don't have any problem, you know. How was the piping plover
3 this last time? Do you think because you were armed that you
4 stopped anything, no, because the people said okay, let the
5 piping plover live. We can live with that. But then you
6 come up with this kind of stuff that says, Well, we are going
7 to block off any area we want to and if the plover lands in
8 it, and then we will mark it off again. And if it's not in
9 that area, oh, it's over here, we're going to put it over
10 here. No rhyme or reason. The turtle, what do you do with
11 the turtle. You don't do anything until it nests on the
12 beach, then you block it off. What's the difference between
13 the turtle and the bird? And then if we don't like the
14 predator, we kill it. And we're supposed to be helping the
15 environment. Thirty red fox, \$30,000.00, trap them in, you
16 know, a very nice trap called a snare trap and then shoot it;
17 very humane. That's why we wonder sometimes just what and
18 who is behind what's going on. And the other thing is --
19 that we don't understand is the inaction of the Park Service.
20 We have the number one plan, the first one up there, do
21 nothing. We're waiting on it. We would like to know what
22 you're going to do. We're trying to come down here and say,
23 This is what we're trying to do. We hope that you will do
24 this thus and so or at least look at it. And I hope that's
25 what we do. Thank you.

1 MR. JESS COMMERFORD: Thank you. Barbara Ackley
2 and Bob Davis after that.

3 MS. BARBARA ACKLEY: Barbara Ackley from Buxton
4 and Bridgeton, New Jersey. Information published by the Park
5 Service including the Patuxent protocols seem to make all the
6 problems the fault of ORVs and recreation activities. Their
7 solutions depend on removing all human beach activities. We
8 need to look a little further and find ways for humans and
9 flora and fauna to co-exist and have equal status in value.
10 The new National Park management plan addresses this and will
11 probably be signed into law by the President after the ninety
12 day review period.

13 I have a few suggestions regarding how the ORV
14 passage can be assured and recreational activities continued.

15 ORV passage must be allowed and especially not blocked
16 between Cape Point and Frisco and Ramp 55 on the Hatteras
17 Inlet. There should be no enclosures in prime recreational
18 surf front areas such as Oregon Inlet, Cape Point, Hatteras
19 Inlet and Ocracoke Inlet. There should be sufficient space
20 free of overwash for ORV passage between enclosures and
21 shoreline. If absolutely necessary to block the beach, there
22 should be created and maintained ORV passage behind
23 enclosures, interdunal roads or over dunes including
24 soundside passage from Pole Road to Hatteras Inlet. This can
25 be facilitated by minimal breeding, resting, nesting areas

1 away from recreational areas. Locate enclosures on broad
2 beaches near dunes such as on beach north of Ramp 43, east
3 and west of Ramp 45 -- open Ramp 45 and adjacent to ponds
4 such as south of Ramp 44 and Dredge Hole. Vegetation may
5 have to be removed. Remove enclosures when the season is
6 over to keep grass from growing and making it appropriate for
7 bird activity. For further hundred percent survival of birds
8 from eggs to fledgling, incubate it and/or fence protected
9 areas near ponds. Consideration needs to be given to whether
10 breeding, nesting, fledgling with two pairs of piping plovers
11 in the natural environment is really appropriate on Cape
12 Hatteras National Seashore where they are subject to
13 predation and ocean overwash. Piping plovers will need to be
14 seen -- will never been seen by bird watchers because they
15 are shielded from public view. This year we had to use a
16 high powered telescope to see the infant plovers. You
17 couldn't see them with ordinary binoculars.

18 How will our ORV, beach equipment, recreational
19 activities and commercial fishing affect the colonial
20 waterbirds? They fly to feed. Keep enclosures on sandy
21 areas and away from surf. Remove vegetation from beach in
22 front of dunes. Off-season ORV passage would aid this. Many
23 of the same suggestions apply to these birds as for the
24 piping plovers.

25 And as for the American oystercatchers, the same

1 issues and suggestions as piping plovers and colonial
2 waterbirds -- remove vegetation, remove predators, maybe even
3 large birds. Consider creating appropriate bird areas by
4 altering dunes in some areas since they apparently aren't as
5 environmentally critical as bird life.

6 The sea turtles, the same ORV concern as the
7 birds. I question the statement regarding false crawls in
8 ORV areas, pedestrian beach areas and near other villages.
9 Most other beaches are steep and narrow; do false crawls
10 really mean inhibiting nesting. Mother will eventually lay
11 eggs somewhere. As a mother, I can tell you, infants get
12 laid. Human use is very slim at night. ORV dim or turn off
13 their lights at night and fish without lights if this is a
14 concern. Educate drivers to drive near the dunes at night.
15 Adult turtles can crawl through ruts and footsteps; educate
16 beach goers to fill in holes after digging them or after
17 getting stuck; educate beach front dwellers and renters
18 regarding light pollution, seek government regulation; study
19 preferred areas for nesting; study the effect of sand
20 temperature on sex and hatch rate; move the nest to safer
21 spots away from ocean overwash; incubate. It is
22 irresponsible to blame human usage on lack of turtle
23 protection when sixty percent of nests laid were lost due to
24 ocean overwash which could have been prevented. Good
25 scientific methodology was not used in others. As recent as

1 2002, 100 nests were laid. The Seabeach Amarynth; what was
2 the results of beach planning a couple of years ago. Was
3 anything learned about production at Cape Hatteras? ORVs are
4 not the primary threat. Fish and Wildlife received no
5 petitions regarding this species. If discovered at Cape
6 Hatteras, consider it a resource to be relocated to Pea
7 Island, Currituck Native Wildlife Refuge or Cape Romaine
8 where the plant is happy.

9 In conclusion, for survival of species and
10 increased numbers of protected species, much more needs to be
11 done than just ORV regulation. Studies monitoring
12 intervention of activities of plants and birds needs to be
13 seriously adjusted. Human rights as well as wildlife rights
14 need to be considered. Money needs to be spent on resource
15 study instead of law enforcement. Law enforcement needs to
16 educate, not just guard and give citations. Management needs
17 to consider with an open mind all leadership issues in this
18 park. Interpretative and education emphasis should be on
19 human usage as well as species information. Thank you.

20 MR. JESS COMMERFORD: Thank you. Bob Davis and
21 then David Joyner after that.

22 MR. BOB DAVIS: Bob Davis, Buxton. The ever
23 reaching principle in the development of any management plan
24 for this park should be that the Cape Hatteras National
25 Seashore was and is and will be a recreation area. Anytime

1 you come into a crossroads of park planning, you must
2 consider it the recreational area as affecting that decision.

3 Beach access for public use must be maintained and looked
4 after in your development of your plans. The wildlife needs
5 to be managed to allow public use. You have a resource
6 protection group -- a resource development group -- a
7 resource management group -- rather, I'll get the right words
8 here -- they don't manage resource, they manage people. You
9 exclude people from the wildlife. This is the slippery slope
10 we've been on for many years now and each year it gets worse.

11 To protect species, the only thing they can think about to
12 protect species is to set mankind aside from it. That may be
13 wonderful in a game preserve or a refuge, but has no place in
14 your thinking for a recreational area such as Cape Hatteras
15 National Seashore. These old prior policies are no longer
16 valid here. You're trying to put a square peg into a round
17 hole with that attitude. We have a federal administration
18 dedicated to an equitable relationship between wildlife
19 resources and public need for recreation. The President will
20 sign a new National Park Service Management Plan very
21 shortly. A lot of the things that you're basing your plans
22 on right now are on very shallow, sandy ground. We've got to
23 get rearranged in our thinking to handle this park.

24 Let's talk specifically about turtle management.

25 We need to start immediately on the creation of an

1 incubation facility here in Cape Hatteras. You can locate
2 this place and follow the enabling legislation by locating it
3 where you already have cleared land such as around the Cape -
4 - the Cape Hatteras Lighthouse which draws most of your
5 visitors here. Or if you don't want to disturb the
6 historical setup there by putting another building in it, go
7 over to the ranger's headquarters. There's ample room there
8 to put another facility in. This facility could be such --
9 if you say I'm done with three minutes, I've just got
10 started, sir -- can be such as to be an attraction to your
11 visitors coming in here. You can even make money off of it
12 to help pay for it if you do it right. You can take the
13 experience that the National Seashore -- that the Park
14 Service has in Padre Island and relocate that exactly here if
15 you don't want to spend a lot of money, just do it that way.
16 That's a relatively crude operation. It's very labor
17 intensive. You shouldn't have to do that. I'm sure they
18 already have plans in the books down there as to how they can
19 improve that facility with modern technology. You can build
20 a plan here that would take care of these turtles and get the
21 advantage of a ninety-eight percent release back into the
22 water. This is what incubation does for you. Your current
23 practices here following North Carolina protocols of Mom
24 Nature knows best and do the least amount of interference
25 with that resource has produced less than forty percent of

1 these turtles going back into the water, compared to ninety-
2 eight percent. Your stewardship here has been terrible. We
3 can't continue that way. Recognizing that the wheels in the
4 Park Service grind for -- for a very long time and it's going
5 to take a while for this thing to get going, we need to get
6 started. If you need permits from anybody, start getting the
7 permits. There should be an interim management that starts
8 this year. You ought to be doing studies to determine what
9 sex ratio you need to produce an incubation system. You need
10 to look at north beaches, the south beaches to determine the
11 temperature profiles in those nests. They need to be done
12 this year so you can go forward with a good program. Right
13 now, we ought to be on a program of relocation of nests to
14 prevent this terrible loss because of overwash. You need to
15 relocate based on erosion or submersions by expected tides or
16 if there is an ORV trail in existence between that turtle
17 nest and the water, an ORV trail should have equal
18 importance, as much importance as the potential for erosion.
19 We need to put people back into the equation. The new site
20 for nests ought to be in -- in compact areas to enable you to
21 control and observe these nests, not just take a nest that's
22 low and put it up high, move it to another site. You ought
23 to pick two central sites, one on the north beaches, one on
24 the south beaches until you nail this temperature
25 differential, if there is one between these two sites. They

1 should be put onto broad, high, stable beaches. The site
2 should not be in front of any housing. And they should never
3 interfere with ORV use. You must provide for ORV passage at
4 all times. You need to take a look at light pollution here
5 and how it affects the turtles. You need to get a dialogue
6 between the Park Service and the county government to prevent
7 direct shining of lights onto your beach. That can be done.

8 It ought to be done. You ought to have an ordinance and
9 building regulations to prevent that.

10 When it comes to flora, you need to start
11 routine patrols to locate where any of these endangered
12 species are. When you find it, isolate it and allow for ORV
13 passage around it. If you can't get ORV passage around that,
14 dig the thing up and move it. Get back to the public use of
15 the park coming first.

16 As far as bird life is concerned --

17 MR. JESS COMMERFORD: Mr. Davis, I need you to
18 move to wrap up, please.

19 MR. BOB DAVIS: Well, I'm about half way through
20 it. But that's -- if that's what you want, I'll quit now.

21 MR. JESS COMMERFORD: We've got about seventeen
22 other people signed up to speak, so I need to give everyone
23 else a chance.

24 MR. BOB DAVIS: Well, I had asked to be -- to be
25 -- I had asked to be put on last so that I could spend some

1 more time.

2 UNIDENTIFIED PERSON: Let's hear it.

3 MR. BOB DAVIS: When you all are done, I'll --

4 UNIDENTIFIED PERSON: We want to hear him out.

5 MR. JESS COMMERFORD: When you're all done, I'll
6 come back.

7 MR. BOB DAVIS: I'll come back.

8 MR. JESS COMMERFORD: David Joyner.

9 MR. DAVID JOYNER: David Joyner, Franklin,
10 Virginia, vice-president of the North Carolina Beach Buggy
11 Association; I'd agree with one of the earlier statements
12 that the biggest conservationists are the people that use
13 this park, not the folks that you're going to be interviewing
14 tomorrow night in D.C. that are mostly environmentalists per
15 se. But one of the things that I'd like to see in this
16 interim plan -- and nowhere does the Park Service record when
17 they go through a closed area. A lot of times tracks are
18 made by the Park Service and not the ORV users on the beach.

19 I asked a couple of rangers was there a policy and they
20 said, No. Now you should radio into headquarters that you
21 went through an area at such and such time to create an
22 incident report. That way it's recorded when the next person
23 on the shift comes through and sees tracks going through the
24 area and there's only one set of tracks, you know who did it.
25 Thank you.

1 MR. JESS COMMERFORD: Thank you. Wayne Mathis
2 and Frank Jakob after that.

3 MR. WAYNE MATHIS: Thank you, my name is Wayne
4 Mathis; I'm a resident of Buxton. I noted in one of your
5 earlier slides that you re-emphasized that the National Park
6 Service has a mandate to consult with the Fish and Wildlife
7 Service to ensure compliance of the Endangered Species Act.
8 The first point I'd like to continue with -- to remind you of
9 is right now, Congress is currently showing a lack of
10 confidence, let's say, in the goals and objectives and
11 endangered portions of the Endangered Species Act of
12 legislation. And you may actually be trying to pursue a
13 statute which is being overtaken by events.

14 The second area I'd like to address is the
15 recommendations or some comments regarding the protocols
16 developed in your consultation with Fish and Wildlife up at
17 the Patuxent River National Research -- Wildlife -- whatever
18 they have up there. Quoting portions of the protocol that
19 came back, that has been said earlier, and I quote, "These
20 protocols do not attempt to balance the need for protection
21 of species with other activities that occur at Cape Hatteras
22 National Seashore, nor was National Park Service management
23 policy considered in drafting these protocols." I regard
24 that as a fatal flaw in that very -- in that entire document.
25 You asked for a rigorous protocol to be developed. I think

1 rigorous is an understatement in the product. I think
2 draconian -- a draconian set of protocols is what you have
3 actually gotten back out of them.

4 I'd like to focus on a couple of details in the
5 protocols regarding birds, and specifically three kinds of
6 birds. Regarding the piping plover, a recommendation from
7 Patuxent River is a complete closure year round to all
8 recreational activity at six areas where piping plovers have
9 been documented. And it's documented at any time over the
10 last ten years. Those six areas are the Oregon Inlet Spit,
11 Cape Point, South Beach, Hatteras Inlet Spit, the north side
12 of Oregon Inlet -- of Ocracoke Island and the south end of
13 the Spit at Ocracoke Island. Those are some of the most
14 popular visitation points in your entire park. And they're
15 proposing a closure year round to all recreational activities
16 at those six sites. We're talking about over the last ten
17 years, maybe anywhere from zero to ten birds. And for that,
18 you're going to close off visitation to the six most popular
19 points in your park. For colonial birds, they recommend a
20 closure to all recreational activities from April 15 through
21 September 30 at these six areas and at any other areas where
22 nesting, foraging or roosting has occurred in the past ten
23 years. Sir, that is virtually the entire park. Now the
24 colonial birds, I know, are neither threatened or endangered.
25 They are only a subject of regulation under The Migratory

1 Bird Treaty Act, which does not mandate any specific habitat
2 set aside or anything else. It only precludes -- it only
3 prohibits deliberate killing of these creatures. For the
4 American oystercatcher, they recommend a complete closure
5 from March 15 to April 15 of all areas used by these birds in
6 the last decade. Now taken collectively just considering the
7 management of the piping plover, the oystercatcher and
8 colonial birds in a group, they're proposing a closure of the
9 entire park to all the recreational activities. I -- I
10 submit that is not at all responsive to your -- your
11 obligation to provide a park for the use and enjoyment of the
12 American people. And that's half of your mission, sir.

13 The recommendations for sea turtle management
14 and for management of the Seabeach Amarynth, which are
15 threatened or endangered species are similarly overbearing
16 and overreaching. Now these recommendations could just as
17 easily have come right straight out of the mouth of the most
18 radical misanthropic zealot in the craziest, environmental
19 terrorist organization known in our country. And they would
20 have given it to you free of charge.

21 Even the U.S. Fish -- and I would even like to
22 note that the Fish and Wildlife Service does not even
23 implement draconian regulations on their own wildlife
24 refuges, and yet they're trying to force this off on you all.
25 And so what would my recommendation be for your response to

1 these protocols you have received from Patuxent River. And
2 boy, I long for the day when Senator Fulbright ruled the U.S.
3 Senate, because these things, I should feel, would be perfect
4 candidates for his Golden Fleece Award as the greatest waste
5 of taxpayers' dollars for the entire years. But seriously --

6 MR. JESS COMMERFORD: I need you to wrap up,
7 please.

8 MR. WAYNE MATHIS: I'll be done in just a
9 second. But seriously, I would recommend that the -- that
10 the most salient points of those -- of these recommended
11 protocols that you have, that they be rejected totally out of
12 hand as completely unresponsive to the realities of your
13 mission here. And I think that instead of even placing any
14 stock at all in that -- those protocols that you have
15 received, you dismiss them out of hand and seek some
16 reasonable balance between reasonable species protection and
17 recreational use and enjoyment of the park by the American
18 people as Congress intended. Thank you for your time.

19 MR. JESS COMMERFORD: Thank you. Frank Jakob
20 and then Sidney Maddock after that.

21 MR. FRANK JAKOB: Hi, my name is Frank Jakob.
22 And I've been a resident down here for about thirty years.
23 And I missed the other meetings and I -- luckily, I misplaced
24 my journal and I found it today, and said, Oh, my gosh, we've
25 got a meeting here, okay. And so I kind of rushed down from

1 Salvo to make sure that I had a chance. And I didn't really
2 prepare anything, but I do want to make a few general
3 comments. I'm in the real estate business and sort of like
4 semi-retired, but working harder than I did in my whole life.
5 And I'm just looking around here and I'm wondering, you guys
6 have really put a great presentation together, but where were
7 these piping plovers back in 1976 and what have you when we
8 went through this here with rules and regulations for ORVs
9 and public use here in the National Seashore, see. All of a
10 sudden, some agency says, Wow, we've got all of this and
11 we've got to do this and do this. I mean is -- has it really
12 been a problem, all right? I mean, when we had the closures
13 there with the piping plovers and you couldn't drive out of
14 the beach -- see, I'm for all recreation, for people as well
15 as ORV, everything to be sensible, just like if you're
16 driving down the highway and you're driving erratic or what
17 have you, you should have your license lifted and you should
18 be put in jail, okay. I think if you're out on the beach and
19 you're doing something that's not consistent with what you're
20 doing -- should you get a permit for walking on the beach? I
21 mean is that what we're coming to, because Atlantic City has
22 them, I mean, you know. And that's why people come here to
23 our seashore. And our distinguished county commissioner here
24 could tell us -- I think we've got about a twelve billion
25 dollar industry here. Your salary is being paid out of the

1 money, by the way. And so I guess you all really work for
2 us, I tell you. We all work for every -- you know, for the
3 public, right? And we should have some definite inputs.
4 What happened -- well, now I've got a couple of acres down in
5 Buxton and my point is really, what happened? If all of a
6 sudden the piping plovers land and decide to nest on my
7 property, do you have jurisdiction over my property? Good
8 question. Do you -- does -- you know, I know you guys have a
9 lot of government agencies here, all right, and we're bounded
10 real heavy. That's probably part of the problem because
11 we've got a National Seashore and then you've got Fish and
12 Wildlife and then you've got town and you've got a Corps of
13 Engineers and, wow, okay. All right, is there like one
14 person I can go to that's in charge of everyone that I can
15 really talk to. And I think that's really what our problem
16 is because you've got to answer to some boss that says, Hey,
17 we were told to do this, so you had better make up a really
18 good presentation. And you've got a lot more money than any
19 of us do, individually, but not collectively, and you've put
20 a good presentation, and I applaud you for that. Hey, you're
21 doing what you're being asked to, but where were we in 1972,
22 '73, '76, Nixon -- we had to do something or do what -- I
23 can't remember who was president. And we had some rules and
24 regulations that worked. And all of a sudden, the last
25 couple of years, something -- somebody says, Well, wait a

1 minute, okay. And so anyhow, I get back to the National
2 Seashore. That's what it's for. If you want a -- if you
3 want to have a wildlife area, then let's go down to the
4 Beaufort Banks and -- as matter of fact, I'm heading to Cape
5 Lookout tomorrow. I don't know if -- do piping plovers land
6 down there, because I didn't hear any problem with that one,
7 you know. But I'm going to go down for a couple of days of
8 fishing. And what's the wilderness area, the island down
9 below Core Banks. Well, I'll sell you this island at a
10 million dollars an acre, okay. I think everybody will cash
11 in, right. And so if we come up with somewhere in the -- you
12 know, in the, I don't know. How many acres do we have here?

13 Well, you need money to either buy it, you can't, you know -
14 - keep it open for public recreation, but keep it open in
15 such a way that makes sense.

16 The other day, one last issue, you know, you
17 closed the point, all right. And I said, you know, I don't
18 have a problem with turtle nesting. I'd say if you want to
19 put a turtle nest here, I'll go around it. But when you're
20 closing the point because there's some piping plovers out
21 there, and I'm sitting there and it's getting dark and here
22 comes two raccoons coming by. I said, geez, I wonder if they
23 took care of the piping -- what are they doing out there.
24 Nobody is regulating the raccoons, all right. But they're
25 sure regulating the people. So think about what you're doing

1 in here, because we really need to keep this open for the
2 public. And if you want to make it a wildlife area, then
3 treat it -- you know, we're not a wildlife area, all right,
4 no more if they landed in my backyard is that a wildlife
5 area. I still have jurisdiction over my own property. And I
6 think us, together, have -- should be the prime, right,
7 determining factor here at the Seashore area. Thank you.

8 MR. JESS COMMERFORD: Thank you. Sidney Maddock
9 and Carol Dillon after that.

10 MR. SIDNEY MADDOCK: Good evening, my name is
11 Sidney Maddock. And these comments are submitted on behalf
12 of Audubon North Carolina and its twelve thousand members.
13 For many years, the Seashore implemented tried, proven and
14 standard bird management practices. And these worked more
15 recently. They elected to abandon these practices and
16 combine with increased human disturbance and severe
17 predation. We've seen a precipitous decline in our beach
18 nesting bird numbers. Audubon North Carolina does not oppose
19 properly managed beach driving. However, it is critical that
20 the planning effort properly address human disturbance of
21 colonial waterbird and shorebird nesting habitats and keep
22 foraging areas for shorebirds. Timely protection of nesting
23 habitats will influence success. Early in these nesting
24 seasonal disturbances, waterbird colonies have resulted in
25 increased nest abandonment and reduced hatching success

1 consistent with guidelines established by the Fish and
2 Wildlife Services. Areas should be posted by April 1, so
3 that nesting birds can establish territories. Audubon North
4 Carolina strongly opposes the delay of posting until after a
5 nest is found, because of the clear risk to species. The
6 planning strategy should provide an adequate buffer around
7 nesting areas for shorebirds and colonial waterbirds and for
8 shorebirds, protect nearby feeding habitats consistent with
9 scientific recommendation. That's two hundred meters for
10 mixed assemblages of colonial waterbirds. There should also
11 be sufficient habitat for chicks so that we will not continue
12 to have problems with chicks getting run over like we've seen
13 in previous years up until this year.

14 UNIDENTIFIED PEOPLE: (mumbling)

15 MR. JESS COMMERFORD: Please.

16 MR. SIDNEY MADDOCK: The Seashore should not
17 construct barriers. Walls or fences will not be effective in
18 keeping chicks that are learning to fly from being run over.

19 They could block access to intertidal feeding areas, could
20 increase the chance of predation and will block access to the
21 nesting habitat for sea turtles. The Seashore should also
22 protect prime habitats used by migratory and wintering
23 shorebirds from disturbance with documented use of the
24 Seashore. At least seven Great Lakes piping plover over the
25 last four years, this is clearly an important area for that

1 population. The planning process should address the effects
2 of predation of nesting shore birds and colonial waterbirds
3 and efforts that the Seashore will take to manage those
4 species. Nominated predators such as red fox and feral cats
5 have impacted beach nesting birds' success. While the
6 Seashore has taken steps to address predation, these efforts
7 have been inconsistent. Other issues, law enforcement
8 staffing levels for resource management and how alternative
9 management strategies can affect staffing level such as the
10 escort impact and monitoring of areas. A species not
11 addressed by the plover -- I'm sorry, a species not addressed
12 by the protocols was the Wilson's plover, which historically
13 was abundant and is declining. I'd like to thank the
14 Seashore for the opportunity to present these comments. And
15 we will be submitting more detailed written comments before
16 the close of the deadline.

17 MR. JESS COMMERFORD: Thank you. Carol Dillon
18 and Judy Swortwood after that.

19 MS. CAROL DILLON: I'm Carol Dillon from Buxton.
20 And those of you that know me at all know I don't like you
21 folks. That's not a very nice thing to start off with, but
22 let me tell you why there's so much resentment of the Park
23 Service here. I was here in '52, '53 when you people came
24 down here, and when I say, "you people," I don't mean you
25 sitting here, I mean the Park Service, came here and made all

1 these promises to us. And I heard these people say, We will
2 never close the beaches to vehicles. We will never stop the
3 net fishermen from fishing on the beach. We will not stop
4 the people hunting along the shoreline. You lied to us. And
5 the natives, in which I consider myself since we've been here
6 since the Indians, resent this. Now what I would like for
7 you to do is to consider this, stop the vehicle -- you know,
8 to stop the vehicles on the beach in the middle of the
9 summer, it's intolerable and it's really disgusting. It hurt
10 our economy. It put Park Service, as far as what people
11 think of you, back from beginning.

12 And then the other thing that I'd like you to do
13 is to do something about the erosion on the beach. And
14 whether you know it or not, you caused most of it. You came
15 down here and you took the three dunes that the CCCs had
16 built and you bulldozed them up in one high dune and then
17 caused the ocean to take it away. And then in 1955, you
18 allowed the Navy to go up here at the Phipp's clubhouse and
19 take the sand from that and fill in the swamp where you've
20 got the -- now Coast Guard housing. And in 1962, it caused
21 an inlet there. You caused it. Then you let the Navy come
22 in and you put some jetties in and that caused further
23 erosion. And what I'd like you to do, please, is to either
24 start another CCC program, sink some ships or get some beach
25 nourishment, then you'd have room for your piping plovers and

1 your turtles and things that you find important. You don't
2 find people important. But we're not against birds. I feed
3 them everyday. I wouldn't feed a piping plover for anything
4 in this world, but -- well, I might as well tell the truth.
5 But I'd like you to help our -- I'd like you to keep your
6 promises. Go back to Collingsworth Newspaper, in which I'm
7 sure you have access to, and keep those promises that I heard
8 by word of mouth. And for Heaven's sake, quit killing our
9 cats with my taxpayer's money. I'd like to tell these people
10 how many cats you've killed trying to save one or two birds.

11 I resent that.

12 MR. JESS COMMERFORD: Thanks. Judy Swortwood.

13 MS. JUDY SWORTWOOD: Hi, I'm Judy Swortwood from
14 Buxton. I'm a business owner. I don't know which issues to
15 address tonight. There's so many, but I'll ask for some
16 definitions. The new buzz words that are out, "locally
17 sensitive species," "other sensitive species," "soundscapes."

18 What are these things? Where are these definitions coming
19 from and how are they protected by law is one of my
20 questions. And the other thing that I'd like to address is
21 in the October 5 meeting at Kill Devil Hills, Superintendent
22 Reed stated that "an animal doesn't have to be endangered
23 under the Endangered Species Act to be protected or they can
24 be animals that are protected through state laws and
25 regulations." And this was in a response to a question

1 regarding the Migratory Bird Treaty. My question is why did
2 the Park Service specifically target a dog by setting a leg
3 hold trap for it when it is in direct violation of the State
4 of North Carolina anti-cruelty law? Do you only abide by the
5 state laws when it can help to compromise beach access?

6 Thank you.

7 MR. JESS COMMERFORD: Thank you. Larry Hardham.

8 MR. LARRY HARDHAM: I -- I've got copies of the
9 -- of protocols here. And something I read in here led me to
10 believe that the Park Service was not charged for these. I
11 learned this evening that in fact money did change hands to
12 get this pile of paper here. The turtle section is prefaced
13 that the protocols were done without regard to budget,
14 staffing or impacts on the Cape Hatteras National Seashore
15 uses such as recreation. You know, if a -- if a report is
16 done without any possibility of it being implemented, what's
17 the purpose in it. If you don't have the money to do it, you
18 don't have the people do it, why do they even write it. I
19 mean that's an absolute waste of taxpayer's money.

20 Originally I was going to say, If you paid nothing for it,
21 you got what you paid for it. But you all have been taken on
22 this. And this is just ludicrous. Enough said about
23 that.

24 OBPA had -- OBPA has submitted a substantial
25 number of biological policy suggestions and legal opinion

1 regarding the handling of bird closures here in the park. I
2 have submitted suggestive policy changes regarding turtle
3 practices here in the park and suggested that the North
4 Carolina Wildlife Resource Commission which governs sea
5 turtle practices for the whole state develop safe, specific
6 protocols specific for this park due to our unique
7 geographical situation here. You've had impact -- input from
8 the park's resource management people who should be familiar
9 with the area but have misled you before on more than one
10 occasion. One was their wonderful, post-Isabel press release
11 of May 24, 2004 that stated there were twenty-one species of
12 birds using the main wash over area on Pole Road. These --
13 there were all -- these were all birds that I would describe
14 as warm and fuzzy birds. Yet somehow after all of the hours
15 spent observing these warm, fuzzy birds, they failed to
16 notice or more maybe more importantly failed to report Great
17 Black Back birds, Great Black Back gulls, herring gulls,
18 crows and grackle were consistent with using the area as
19 well. These four species are known as birds of prey on
20 piping plover, oystercatcher, tern, black skimmer eggs and
21 their chicks as well as turtle hatchlings. And I'll admit
22 that I made it to that area with National Park Service
23 Southeastern Regional Chief of Resource Management Sherry
24 Field, three of the four species of birds that we saw there
25 were these predator birds. And I ask you, where were these

1 predator birds when all of this observation was done to
2 develop the list of twenty-one warm and fuzzy birds. The
3 research management people raved over the quality of the wash
4 over area on Pole Road as prime habitat, but yet by the end
5 of the summer, the soundside was overgrown with grass and
6 thus -- thus no longer attractive for the foraging area -- as
7 foraging area for the birds. And Pole Road is still closed
8 in that area. And now you have national environmental groups
9 telling you how to do things here from their ivory towers in
10 Washington using totally inaccurate accounts of what has
11 happened here in the park to raise millions of dollars.

12 A report issued November the 5th of 2003 shortly
13 after Hurricane Isabel by two employees of U.S. Fish and
14 Wildlife and two -- and North Carolina Wildlife Resource
15 Commission even went so far out in left field as to suggest
16 that to mitigate for filling in Izzy Inlet, that artificial
17 primary ocean dunes should be eliminated to create bird
18 habitat between Salvo and Avon and between Avon and Frisco.
19 This radical and outrageous suggestion would jeopardize
20 Highway 12, our only road on and off the island. And what
21 they're saying is human life is expendable. And that the
22 Park Service should violate their agreement with the North
23 Carolina DOT concerning the maintenance of the dunes to
24 protect Highway 12. The North Carolina Wildlife Resource
25 Commission subsequently wrote a scathing letter to

1 Superintendent Billy and copied Gayle Norton disavowing that
2 November the 5th report. I quote from that letter, "This
3 report purports to represent the joint position of U.S. Fish
4 and Wildlife Service and the North Carolina Wildlife Resource
5 Commission, but it does not. Even more egregious than the
6 misrepresentation of the agency's position is the
7 unauthorized reproduction of the North Carolina Wildlife
8 Resource Commission logo at the top of the report. The North
9 Carolina Wildlife Resource Commission disowns any support for
10 the recommendations issued in this report. And no entrance
11 otherwise may be made." Yet this park's resource management
12 team continued to try to implement the suggestions made in
13 this outrageous report. And furthermore, U.S. Fish and
14 Wildlife Endangered Species' office in Raleigh never flinched
15 or responded. And so one can only conclude that they backed
16 all of the ridiculous suggestions in the report. One of the
17 two U.S. Fish and Wildlife employees who wrote this November
18 5 report was also involved in a conference call involving
19 twelve people on September 11, 2002 when another U.S. Fish
20 and Wildlife expert on piping plovers clearly stated that the
21 survival of the species did not depend on their success at
22 Cape Hatteras National Seashore. Yet he has in part been
23 responsible for the vast closures in the areas of this park
24 this past summer contributing to the expenditure of over
25 \$500,000.00 of taxpayers' money for two nests in areas not

1 critical to the survival of the species. These people appear
2 to be on a mission to eliminate all human activity on the
3 most popular beaches in this Seashore and expose their only
4 transportation corridor to the ravages of virtually every
5 storm. And the worst part of this is that this U.S. Fish and
6 Wildlife employee sits in what I believe to be the number two
7 position in the U.S. Fish and Wildlife Endangered Species
8 office in Raleigh which will be determining if this Interim
9 Protected Species Plan is acceptable. This did not sit well
10 with me and I suspect a lot of other people. And we expect a
11 reasonable and fair treatment as well as a livable plan as an
12 end result here. Thank you.

13 MR. JESS COMMERFORD: That concludes everyone
14 who had signed up to speak definitely. But as many of you
15 know, we've asked for some maybes. And we've hit the point
16 in which we advertised we would be taking public comments.
17 But what I'd like to do is just read through these names and
18 get a general sense of how many of these folks definitely
19 wish to speak and then we can kind of figure out if what to
20 do to go forward here. Virginia Luizer?

21 MS. VIRGINIA LUIZER: Yes.

22 MR. JESS COMMERFORD: You'd still like to speak,
23 okay. Bernie McCants? Wilson -- Grove Wilson -- Grove
24 Wilson. I can't spell out the first name. Frank Folb, you'd
25 like to speak. Jack Painter?

1 MR. JACK PAINTER: I'd like to make that revised
2 and send my remarks in an e-mail and give the balance of my
3 time to Bob.

4 MR. JESS COMMERFORD: John Workman. Frank Folb,
5 Junior.

6 MR. FRANK FOLB, JUNIOR: I'll pass.

7 MR. JESS COMMERFORD: Jim Doolittle. Yes, no?

8 MR. JIM DOOLITTLE: I'll e-mail.

9 MR. JESS COMMERFORD: Very good. Sheri
10 Champion?

11 MS. SHERI CHAMPION: I'm going to e-mail.

12 MR. JESS COMMERFORD: No, okay, the last name
13 looks like Colburn --

14 MR. COLBURN: No.

15 MR. JESS COMMERFORD: No. Okay, and Jack
16 Painter, did I call that one?

17 MR. BOB DAVIS: He wants to give me three
18 minutes.

19 MR. JESS COMMERFORD: I don't see any objection,
20 sticking as close as we can to those three minutes, I think
21 we can go ahead and take ten minutes to get through these and
22 then go to the Open House for the remainder, if we could.
23 Virginia?

24 MS. BARBARA ACKLEY: Just wait a minute, I e-
25 mailed Mary Doll and told her that this was totally unfair.

1 You people spent hours developing this stuff. You're going
2 to spend hours writing this plan and you won't give us over
3 an hour to speak. This is ridiculous. We don't need this
4 Open House time afterwards. We -- we need to use the time to
5 hear what has to be said.

6 MR. JESS COMMERFORD: I believe I was proposing
7 to do that, thank you.

8 MS. BARBARA ACKLEY: I didn't hear that.

9 MR. JESS COMMERFORD: Virginia?

10 MS. VIRGINIA LUIZER: Okay, I hadn't planned on
11 speaking, but I did want to clarify something. As everybody
12 has been saying, they referred to the USGS protocols and the
13 fact that they say they do not consider recreation. In fact,
14 my reading of them, they only do not attempt to balance the
15 need for recreation, they use recreational disturbance as a
16 scapegoat for every failure for every species on this island.
17 Bob Davis documented the turtles being mainly overwash and
18 weather related. As far as nest abandonment, nest
19 abandonment is not primarily due to recreational disturbance.

20 As an example, 2000, three failed nests, a single weather
21 event contributed to the loss of two. A three day storm at
22 the end of May produced high winds, heavy rain and ocean
23 overwash. The third nest located at Hatteras Inlet was
24 likely because of crabs. The -- 2001, the two unsuccessful
25 nests late in season might have been second nesting attempts

1 although no nests were found at those two sites earlier in
2 the season. All of the documents on piping plover clearly
3 state that late nests are typically subject to abandonment.
4 2002, two nests were lost in 2002, the one breeding pair
5 located in Hatteras Inlet Spit initiated both. The initial
6 nest was being incubated when waves undermined a protected
7 dune allowing ocean overwash to flood the nest. The pairs'
8 second nest containing one egg was lost to unknown causes,
9 though predation was likely. The nest had been in danger of
10 flooding due to its location, which was approximately twenty
11 feet from a pond fed by rain and overwash. I only collected
12 a few years. Similarly, with respect to the mortality of
13 chicks, one chick in 2001 was lost to unknown causes.
14 Periods of rains were reported the previous day and may have
15 been a contributing factor. 2002, heavy rains also coincided
16 with the loss of a chick. 2003, an early season tropical
17 storm affected the area's weather from June 18 to the 20th.
18 Rain and gusty winds occurred during the period that
19 coincided with the loss of three five day old chicks. A few
20 days of wind and rain again coincided with the disappearance
21 with the seven -- seventeen day old chick. That is quite
22 simply where these birds are nesting right now is not safe.
23 It's been alluded to in the USGS studies, as bad as they are,
24 about creation of habitat. I've said over and over again,
25 the high rate of success we had in the '80s was due to the

1 high area that was used for nesting off the side of the pond
2 extending towards the south of the point. We stopped
3 draining the pond. We stopped controlling vegetation. The
4 birds have moved close to low lying areas. We should reclaim
5 the habitat, leave the ORVs and the pedestrians on the low
6 lying areas discouraging the birds from being there and
7 turtles and anything else that's being over washed and get
8 them back on high ground. And we'll be back where we used to
9 be and everybody will be happy.

10 MR. JESS COMMERFORD: Thanks. Mr. Folb.

11 MR. FRANK FOLB: Frank Folb, I'm from Buxton and
12 Avon and I'm glad I wasn't called first because it makes it
13 easier to speak later. I've been down here -- coming down
14 here all my life which is sixty-two years. I've ridden the
15 bus on the beach with two gentleman that used to drive the
16 bus that went from Hatteras to Manteo that are in the
17 audience tonight. And so I have been around here for a long
18 -- you know, been around here for a long time and seen things
19 change. In the last ten years, we've seen the resource
20 management of the National Park Service change their
21 direction. And the direction has not been to make the birds
22 better. Their whole attempt is to do away with four-wheel
23 drives on the beach. If they had interest in the birds,
24 there's an island just two islands south of us, Portsmouth
25 Island, that's very, very little inhabited, has no roads on

1 it, has some tourists' value, but not the tourist value of
2 this island and Ocracoke Island. And it could have been --
3 made much more sense in my thinking that if these resource
4 managers had been moved to one of the shacks on Portsmouth
5 Island and made to live there and do the resource management
6 and make a place for these birds to hatch and nest, that
7 there would have been much less conflict between them and the
8 visitors to this island. Also, you'll find that this park
9 was not a national park when it was established. It was
10 established as a recreational Seashore. Somewhere around --
11 around -- back in time, some wise folks decided in
12 Washington, D.C., to change it to a national park. And the
13 interest needs to go back and make it the recreational
14 Seashore that is and was created and was promised as Ms.
15 Carol Dillon in the newspaper by the people that founded --
16 that originally came down and found the park.

17 One last thing and this is not quite in the
18 subject, but I'm proudly getting ready to present to John
19 Couch a check for \$3,000.00 from our tournament that was held
20 on the beaches of Avon. And everybody in that tournament was
21 surf fishing with vehicles. And I'm going to give him a
22 check for \$3,000.00 to support the effort to keep vehicles on
23 the island. Thank you.

24 MR. JESS COMMERFORD: Jeff Painter.

25 MR. JEFF PAINTER: I'm going to give about

1 thirty seconds worth of this and give the rest of my time to
2 Bob. Are you getting a message that your proposal is less
3 than popular with the people who have lived here all their
4 lives, who go back generations and generations and have
5 watched the habitat changed. A little common sense applied
6 will alleviate most of your heartbreak. Go back and rethink
7 what you're doing.

8 MR. JESS COMMERFORD: Thank you. Is there
9 anyone else besides Mr. Davis that would like to speak at
10 this time? Are you -- did you sign up, sir?

11 MR. NEAL MOORE: No, sir.

12 MR. JESS COMMERFORD: Go ahead and come up,
13 state your name in the microphone if you would, please.

14 MR. NEAL MOORE: My name is Neal Moore. I live
15 in Frisco. And I have listened last time and this time and I
16 would request that I have as much time to speak and necessary
17 to say what I have to say as the most time given to any other
18 individual that has spoken tonight. And you may not like
19 what I have to say. I have been accosted on the beach by
20 three individuals. I am not going to be intimidated. And
21 they are certainly not going to like any fight they want to
22 create because I will fight back and they won't like the way
23 that I fight. And there are two individuals that I know of
24 that came to my house at 3:00 A.M. in the morning for
25 whatever intent, I don't know, but I met them at the door and

1 the report by the National Park Service, the State Police and
2 the deputy sheriff of Dare County will reflect what occurred.

3 But that's not why I came up here. I made some notes
4 listening to what has transpired.

5 First off, why three lousy birds? It just so
6 happens that this year was the first year in five years that
7 they've had a successful nesting of the piping plover on
8 Hatteras Island. We put six birds into the air this year.
9 Now why worry about three lousy birds? Let's go back and
10 take a look at what the human race has done in this country.

11 We're trying to bring back the red wolf over in the
12 Alligator River Refuge from the brink of extinction. We're
13 doing the same with the Mexican gray wolf in New Mexico. We
14 did the same with the whooping crane which is down to about a
15 dozen birds and finally located after being thought extinct
16 in Yellowstone and is now fairly well surviving. We are
17 doing the same with the condor which was down to a dozen
18 birds and is now about 100, 125 birds. We did the same with,
19 of all things, the American bison -- the buffalo. It
20 stretched from the Missouri-Kansas border to the eastern
21 slopes of the Rockies and from the Canadian border to the
22 Mexican border and probably beyond. Even Buffalo, New York
23 probably gets its name from that. In 1860, there were
24 estimated a sixty million buffalo roaming the plains. By
25 1880, they had been shot out of existence at fifty to sixty

1 million buffalo. And when they finally came around to
2 deciding that it was worth saving in 1889, they managed to
3 round about 600 buffalo from which now our herds exist. And
4 black tails -- the black tail prairie dog and the black
5 footed ferret are all on the brink of extinction, primarily
6 from shooting, poisoning and habitat loss. We just located
7 one particular bird thought to have been extinct since the
8 1940s. They're spending millions of dollars trying to bring
9 that one back. They're even trying to locate it. At the
10 same time, the Corps of Engineers has a \$300,000,000.00
11 drainage canal, digging, and pumping operation draining a
12 billion gallons a day out of its habitat for the irrigation
13 of cotton fields and soybean fields claiming it won't hurt
14 it. And probably the most egregious thing of all, the one
15 animal -- the one land invertebrate animal that existed in
16 greater numbers than any other single species occupied this
17 country in the west and in the north central part of the
18 United States literally blackening the sky and closing out
19 the sun when it migrated, when it flew. One flock estimated
20 at one mile wide and sixty miles long contained a billion two
21 hundred and fifty million birds. The largest population of
22 any one species ever to walk on land. That flock of a
23 billion two hundred and fifty million was about the year
24 1830. By 1906, the last wild bird of that species was noted.
25 And in 1914, in the Cincinnati Zoo, the last remaining bird

1 of that species died, the passenger pigeon, extinct in about
2 75 years from billions to zero. If we can shoot the buffalo
3 -- and by the way, they shot those things and dynamited the
4 roosts for the birds to ship about that time to New York,
5 Buffalo, Philadelphia, and Boston for food. When the flocks
6 got down to 100,000 plus or minus birds, they petitioned
7 Congress that perhaps we should have legislation. And
8 Congress said, Oh, there are plenty of birds left, the stock
9 will replenish. It didn't. If we can do that to a bird that
10 existed in the billions or to animals that existed in the
11 millions, we can certainly do it to a little bird like the
12 piping plover. I'm not just talking about only the piping
13 plover. There are hundreds of birds in this country that are
14 endangered or threatened. The Great Lakes population of the
15 piping plover is down to about sixty nesting pairs. The
16 eastern population of the nesting plover is about 1,700
17 nests. And they are threatened and they are decreasing in
18 number. If we can't do something to come to a compromise
19 here on the Outer Banks to preserve at least a piece of that
20 bird, we should -- should be ashamed of ourselves.

21 Now the local websites that rail or publish
22 against the closure of the beach; ORV riding. And I myself
23 use that beach out there probably more than or just as much
24 as anybody else in this room, strictly from my standpoint and
25 for fishing, bird watching and sightseeing. And so don't

1 tell me that I'm not a user of that beach and I want to keep
2 it that way.

3 Now the lists --

4 MR. JESS COMMERFORD: Let's get towards wrapping
5 up, sir.

6 MR. NEAL MOORE: Just as long as I get the five
7 minutes that you gave to Bob.

8 MR. JESS COMMERFORD: It's been about six
9 actually.

10 MR. NEAL MOORE: All right.

11 MR. JESS COMMERFORD: I need you to wrap up,
12 please.

13 MR. NEAL MOORE: I want you to know that these
14 websites that people put out are so negative that they say of
15 a particular Park Service employee, "I saw her riding the
16 bicycle to work today, I should have run over her" or
17 referring to the people in the Park Service as that "bird
18 bitch." And they're talking about the extreme closures of
19 the beach. That's not true. It didn't happen that way. But
20 their own websites scare away as many people as anything
21 else. So I think there should be some moderation. I would
22 certainly appreciate some kind of moderation. I don't want
23 to be approached on the beach again. They don't know my
24 name. They don't me -- know me from Adam out there, but yet
25 because I have a scope in hand, they think I'm some kind of

1 an enemy. I am not. And I think -- I could go on until
2 midnight if you want.

3 UNIDENTIFIED PERSON: I don't think so.

4 MR. JESS COMMERFORD: Wrap up.

5 MR. NEAL MOORE: Now I didn't expect you to
6 stand up and applaud. I thank you for at least being
7 somewhat considerate. I certainly was to the rest of the
8 crowd. And if you think you can harass me, I have been
9 harassed by experts. So I don't know what chance you think
10 you've got.

11 MR. JESS COMMERFORD: Thank you. I think we
12 have a couple of more folks that wish to speak. And we're
13 going to go ahead and take those. And then after that, we're
14 going to use the rest of the half hour to do question and
15 answer format if we can. And we have an individual up here.
16 Please state your name clearly in the microphone.

17 MR. JOHN COUCH: My name is John Couch. That's
18 C-O-U-C-H, like potato. I'm a resident of Buxton. I own the
19 Red Drum, specifically Whitehouse Auto Parts and Whitehouse
20 Service Center. And I'm a taxpayer extraordinaire. All
21 these comments tonight, we need to take into consideration
22 that it's not about the bird, it's about this policy that's
23 gone way, way wacko. And this -- this year when they closed
24 Cape Point, we sat over there at the Red Drum -- there's four
25 businesses over there -- we looked at each other. And for

1 the first time in the history of my business, I sent people
2 home in the summertime, because there was little business to
3 do. I was sending my people home at 2:00 in the afternoon.
4 And I'm here to reflect the feelings of the community, my
5 neighbors that suffered through thirty-six days of a bad, bad
6 policy. The SuperDome down in Louisiana is fifty-seven acres
7 in size, and that includes the parking. This year, Hatteras
8 Inlet, Cape Point, 700 acres, something was wrong. We asked
9 for the -- I'm president of the Outer Banks Preservation
10 Association as well. We asked for the plover monitoring
11 reports back in August. We still haven't received them as
12 yet. My business is off twenty percent. The tackle shop at
13 the Red Drum is off fifty percent on the weekends. The OBPA
14 went up and asked for help from the Dare County Board of
15 Commissioners. And I'm glad that Mr. Judge is here. And we
16 asked that they use their influence. And they said this, "Be
17 it further resolved that the Dare County Board of
18 Commissioners demand that the U.S. Fish and Wildlife Service
19 and the National Park Service formulate a resource protection
20 policy which strictly limits and minimizes beach closures
21 within the Cape Hatteras National Seashore and ensures free
22 and open access for pedestrian and ORV use." We have 140
23 businesses that we went around in time that we were going to
24 go up there and 140 businesses agreed that some sense needs
25 to be had out there. We don't need to go through this next

1 year. There is a reasonable compromise. Co-existing, yes,
2 we can do that. And we have over 1,000 individual signatures
3 on the petition supporting the same action. And I'd like to
4 hand that to Mr. Reed. And thank you for your time.

5 MR. JESS COMMERFORD: Thank you. Commissioner?

6 COMMISSIONER WARREN JUDGE: Thank you. We've
7 got a great group of people here, don't we? Thank you all.
8 Thank you all. You all have heard a lot tonight. You've
9 heard it with a lot of passion. I know you have a lot of
10 scientists that support you, U.S. Fish and Wildlife and the
11 Park Service. We've got a lot of scientists here in Dare
12 County. The Dare County Board of Commissioners -- John read
13 out of a resolution that we passed. And Mr. Superintendent,
14 I'm sure you all have received our letter now that I spoke
15 about at the meeting in Kill Devil Hills back the first of
16 October. Please enter that into the record. But the Dare
17 County Board of Commissioners unanimously and passionately
18 asked that the residents and visitors of Hatteras Island and
19 to Hatteras Island always have access inside the park. We
20 appreciate the delicate balance that you must achieve in
21 managing the resource. You've heard -- you've heard our
22 residents talk about how they respect the wildlife and care
23 for the wildlife. We just want you all to make sure that the
24 plan shares the beach, the oceanfront, the sound front and
25 all parts of the park with both man and beast.

1 John mentioned the economy. Frank, I wished we
2 had a twelve billion dollar economy. You are close. It's a
3 billion, but that's a big economy. We're one of four donor
4 counties in the state of North Carolina, meaning we send more
5 money to Raleigh than we get back in services. Our school
6 system suffers. 5,000 students, we only get about
7 \$1,000,000.00 in federal money from the Department of
8 Education, so we're quite a bit on our own down here, but
9 we're a resourceful lot. We're a tourism economy, plain and
10 simple. Whether you're a commercial fishermen, a charter
11 boat captain, a hotel owner or operator or realtor, a
12 restaurant, tour, a wait staff, a shop clerk, own a gift,
13 station or a tackle shop, you're in business because of one
14 thing and that is tourism. You have your economists. Don't
15 let them get lost in global economy of Dare County. Don't
16 let them get lost in that billion dollar economy, because we
17 have no big business in Dare County. We're a group of small
18 entrepreneurs that go to work every day, with the exception
19 of the lucky folks in the audience that are retired. They've
20 finished their careers. And maybe they moved here after
21 spending a lifetime vacationing here and retired here. But
22 many of the folk who spoke tonight are going to get up
23 tomorrow and they're going to go work their business. And so
24 while we've had a robust economy, we provide a lot of jobs.
25 And we build new schools and we support our children and our

1 elderly and we have a great economy. We all work very hard
2 every day.

3 Thirty-six day closure had a huge impact. I
4 don't know about John's particular employees, but the
5 employees that work for me, if I started sending them home
6 and cutting their hours, they would immediately have
7 significant problems in buying groceries and paying rent. So
8 I just ask Mr. Superintendent that you all consider all these
9 facts, consider the local character. Let's make sure that
10 the residents and the visitors to Hatteras and Dare County
11 are held in as much importance as the wildlife. Let's use
12 this opportunity to be a springboard to a future relationship
13 between the Park Service and the residents of Dare County,
14 that I know it had to pain you tonight as it pained me as you
15 sit and hear people with heavy hearts and angry minds and
16 attitudes towards the Park Service. Let's take this
17 opportunity, let's use this Interim Management Plan, not only
18 as a springboard to begin to build a good relationship
19 between the two of us, but to -- also to make the 2008 plan a
20 doable plan and a workable plan. Thank you.

21 MR. JESS COMMERFORD: Thank you. Commissioner,
22 thank you for your eloquent remarks. That would be a great
23 ending to the evening, but I do realize I would be remiss if
24 I didn't give Mr. Davis the last two and a half minutes of
25 Mr. Painter's time. And so we'll do that. And after that,

1 we'll close this session of the meeting and go to the Open
2 House for the balance of our time. Two and a half minutes,
3 sir.

4 MR. BOB DAVIS: Okay, we left with birds. I
5 think you folks need to survey these islands for a suitable
6 habitat for bird life and analyze that survey to see where a
7 conflict is or is going to be between traditional public use
8 and the bird habitat. And wherever you find that, I think
9 you should create a nearby habitat to accommodate those birds
10 so that we can co-exist with them. Give us access to the
11 water to fish, let the birds have a good place to procreate.

12 I'd like to talk a little bit about the
13 protection protocols. They have been roundly criticized
14 tonight. And I'm not going to change that. These protocols
15 are a combination of your past management practices, that is,
16 you manage people. You increase the size and duration of
17 closures. That's all also based upon what they think as Mom
18 Nature knows best. Mom Nature doesn't know best. Mom Nature
19 works with great big numbers and real long periods of time.
20 And that doesn't happen when man gets into the equation.
21 Time gets shorter. I think these protocols are excellent
22 sources for preserves and refuges in the other parts that are
23 not used for recreation. But they are invalid for a
24 recreation area. And if you intend to apply anything from
25 them in this area, you can just throw it in the trash can.

1 What we really need -- oh, in this protocol, they have a list
2 of studies that they want to perform. In order to do these
3 studies, they propose that you close portions of the park and
4 then run studies in them. Before you close one inch of this
5 park for that procedure, I suggest that you work with the
6 Department Interior and open up Pea Island refuge for public
7 recreation and run your studies up there. It's a more proper
8 place for running studies. You really need protocols from
9 this scientific group to provide some means of direction for
10 co-existence to aid in a new direction in park management
11 which is coming. A good way to create habitat on Pea Island
12 is to build that seventeen mile bridge, knock down the dunes
13 and let the overwash occur, you'll get tremendous
14 development. After all, we're trying to protect species of
15 animals here. We're not just trying to follow regulations,
16 the intended regulations of protected species. And we ought
17 to be doing stuff to do that. Incubation is the best way for
18 turtles in my opinion. And creation of good habitat that
19 does not interfere with the recreational needs of the public.
20 These recreational needs are going to increase with time.
21 We have a lot more people coming down here. And you need to
22 think about that when you're making the policies.

23 One last item, you need to develop a management
24 policy for heavy rains in this area that created swamp land
25 around the -- back at Cape Point. We need to get that water

1 out of there or correct for it, you've got to build your
2 roads higher and the access to the ramps higher and build the
3 general road higher or you provide to get rid of that water
4 down there, either drain it -- that's the simplest and
5 cheapest thing to do. You run afoul with state regulations
6 there. And you kind of work with them to do something about
7 that. The longer you leave that water to sit there, the more
8 the birds poop in it. The more they poop, the higher the
9 fecal coliform count goes. And that's one of the major
10 reasons that the state tells us they won't allow you to
11 discharge it because of the fecal coliform in there. If
12 that's really true and that's the main reason, what about our
13 kids that walk through that water behind the dunes. What
14 about the people that drive through it and it splashes up in
15 it, you've got a health hazard there. You need to get that
16 water out, whatever permit it takes to do it. That's about
17 it for the rest of mine. Thank you.

18 MR. JESS COMMERFORD: Thank you. That may have
19 been a bit inadvertent. Let it be shown that Mr. Davis was
20 in fact the last to speak, so he got his wish. With that,
21 we'll go ahead and wrap up the formal part of this evening.
22 I want to thank everyone again for taking the time out of
23 your personal schedules to be here. I personally appreciate
24 everyone's coming out and getting involved this evening. To
25 those of you who were here the first week in October, as I

1 said earlier, I really appreciate you coming back and
2 sticking with us. I thank everyone for the comments and I
3 appreciate everyone being respectful of everyone else who was
4 speaking this one. And with that, we'll wrap up this portion
5 of the meeting. And as I said, we will be here for a while
6 for the Open House. If there is anyone again, as I said
7 earlier, that wishes to be on the record but didn't really
8 wish to speak in front of the crowd, we do have one of the
9 reporters in the room over here and you can sit down with him
10 and give him your verbal comments. We'll take more comments
11 on the pads or you can fill out one of the forms that's over
12 here on the table. Thank you very much.

13 (The proceedings concluded at 9:00 P.M.)
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