

INTERIM STRATEGIC PLAN FOR PROTECTED SPECIES

CAPE HATTERAS NATIONAL SEASHORE

KILL DEVIL HILLS, NORTH CAROLINA

PUBLIC MEETING

OCTOBER 3, 2005

COURT REPORTER: T.K. TRAVIS

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1 COURT REPORTER'S NOTE: Public Meeting began  
2 Monday, October 3, 2005, at 7:10 p.m.

3 MR. PATRICK REED: Good evening. I'm Pat Reed.  
4 I'm the acting superintendent at the Outer Banks Group with  
5 the National Park Service. And I'd like to welcome you all  
6 here this evening. I'd like to thank you for taking time out  
7 of your busy schedules to be here and participate here in  
8 this discussion both in terms of giving us an opportunity to  
9 give you information on the planning process, and also an  
10 opportunity for us to listen to you in terms of things that  
11 are of interest and of concern to you, and also to answer  
12 specifically questions that you may have particularly in  
13 relationship to this planning process that's starting to  
14 unfold here. This is the first in a series of these  
15 informational meetings. There'll be three that are more like  
16 this that'll have more of formal program. And there are four  
17 others that we'll talk a little bit more detail about later,  
18 but there will be four others, too, that will be more of an  
19 open house format that people come in one on one and talk to  
20 us. This is not a formal scoping meeting. Those will come  
21 in the early part of November for the plan. This is -- it  
22 will be actually more of an opportunity for us to share

1 information with you and to listen to you. And so if you  
2 have comments or other things this evening too or -- or  
3 things that you'd like to share with us, we do have a -- we  
4 are going to record those. And we will consider those in  
5 this planning process. And we would also encourage, you  
6 know, everyone to participate in the upcoming sessions that -  
7 - that are the formal scoping. And we will have more  
8 information to give you at that time in terms of needs and  
9 purpose and objective of the planning process and other  
10 information specific to us developing alternatives to present  
11 and consider as we develop the plan.

12 With that, I would like to introduce -- at least a  
13 couple other of our staff members that are here will be  
14 available this evening too. I've, of course, introduced  
15 myself and in a minute I'll introduce our facilitator, too.  
16 But also seated here in the middle of the table here is Mark  
17 Hardgrove who is the deputy superintendent with the Outer  
18 Banks Group. Back behind me and if I could see her yet is  
19 Sherri Fields who's sitting -- running the computer right now  
20 or will be in a minute, she is our natural resource chief  
21 from our -- for our Southeast region and her -- she is --  
22 office is out of Atlanta, but she's been here specifically

1 working on this project for us for -- for several weeks here.

2 And in the back is Mary Doll, our management assistant and  
3 public information officer.

4 With that, I'd like to take this opportunity to  
5 introduce the facilitator for this evening who is the senior  
6 vice president of the Louis Berger Group in Washington, D.C.

7 And he's come down here to help lead us through the -- the  
8 this evening's process. And he'll share with you how we plan  
9 on running the meeting this evening. With that, it's a great  
10 pleasure to introduce to you Jess Commerford. Thank you.

11 MR. JESS COMMERFORD: I thank everyone for  
12 coming this evening. We've got one of those Murphy's Law  
13 kind of moments already. And if we set up fifty chairs, we  
14 get a hundred people. If we set up a couple hundred chairs,  
15 we get thirty or forty people. And so we're off to a good  
16 start here. I want to talk briefly about the format of the  
17 meeting this evening and to go through kind of the structure  
18 of how we want to take questions and comments this evening.  
19 As Pat said, this is more of an informal setting. There will  
20 be more formal meetings associated with the National  
21 Environmental Policy Act process associated with the plan  
22 later. But really, the intent or the goal for the meeting

1 this evening is to get questions from you all from a planning  
2 process itself and to give you an opportunity to identify  
3 some of the primary concerns that you'd like to see addressed  
4 in that process. There are two more of these informational  
5 meetings tomorrow night and Wednesday night. And then there  
6 are four open houses on Wednesday, Thursday and again, next  
7 Tuesday. And then there are scoping meetings, as I said,  
8 associated with the National Environmental Policy Act  
9 document that will be prepared in associated -- in  
10 association with this plan in early November. And the  
11 details of all that are available on the web site and you've  
12 got an address for that web site on the handout that you got  
13 when you came in tonight and get the details on the times and  
14 locations for that. Again, as I said, the goal this evening  
15 is to answer any questions that you have about the planning  
16 process, to get input on how this process can be -- best be  
17 used, to address any concerns or issues that you have related  
18 to that process or the potential outcomes of the process. We  
19 want this to be a fair and open meeting, of course. We want  
20 to give everybody a chance to speak. That's why we have a  
21 little structure associated with the meeting. And I'll touch  
22 on that in a moment.

1           As Pat said, we do have a reporter here this evening  
2 recording that, so that the NPS has an accurate record of the  
3 issues that were raised and of the questions this evening.  
4 And for that reason, if you don't mind, when you step to the  
5 mike to ask your question, if you could state your name in  
6 advance of that and speak into the microphone so he can  
7 capture all of that this evening, I would appreciate it.

8           We do have some time limits associated with this. We  
9 were planning on doing that at about two minutes, but given  
10 the size of the group here, we're going to extend that to  
11 four minutes tonight to give everybody a little more time. I  
12 know that may still seem a little restricted, but the reasons  
13 of having two other meetings this week, we want to be fairly  
14 consistent about that structure between all three in the  
15 event that we have more folks show up at the later meetings.

16       So the format this evening will be, we'd like to give you  
17 all an opportunity to step up and ask a question or state a  
18 primary concern that you have about the process. And again,  
19 we'll give you four minutes to do that. And then a response  
20 to your question, someone from the Park Service that will  
21 give you an answer which will be -- also be in the two to  
22 four minute time frame depending on the question. So if you

1 could step up and ask your question and get the response,  
2 that'll kind of be the structure that we have as we go  
3 through. Most of you were asked to check off whether or not  
4 you were interested in speaking when you came in and I've got  
5 those cards. As we get through it this evening, if anyone  
6 changes their mind or if somebody has already asked their  
7 same question or raised that issue and you feel like taking a  
8 pass at that point, just tell me as I call your name and  
9 we'll move on.

10 If anyone here is representing a group, an organized  
11 group, and you have written testimony or other materials that  
12 you would like entered into the record, we'd be happy to take  
13 that this evening, especially if you have prepared comments  
14 or something that may go beyond the time that we've been able  
15 to allocate. And -- and that's part of why we have the  
16 reporter here. So we're happy to take any additional  
17 information that you would like entered into the record and  
18 considered by Park Services as they go through the process.

19 I typically, as we get into this and we take the  
20 questions in a moment, give the opportunity for any elected  
21 officials to speak first. And so if we have that as I get to  
22 the point where we're calling up names, just let me know and



1 we'll go ahead and call those folks up first. And so with  
2 that, as Pat mentioned, there's a short presentation on the  
3 planning process itself and we'll spend a few minutes with  
4 him now to walk you through that, and then move on to the  
5 question and answer period, thanks.

6 MR. PATRICK REED: Thank you. When I was making  
7 introductions, I missed a very important person, someone who  
8 is new on our staff that I want to be sure to introduce to  
9 you tonight. And that's our new chief ranger, Norah  
10 Martinez. And she's just arrived not too long ago from the  
11 Grand Canyon. And she will be supervising. She's a -- will  
12 be an integral part of the management team here at the park  
13 and will be supervising our ranger activities here for all of  
14 the areas on the seashore and also Fort Raleigh and Wright  
15 Brothers.

16 Okay, I want to present some information to you now  
17 on a plan for interim management of protected species. The  
18 meeting purpose this evening is to explain the plans to  
19 develop an Interim Protected Species Management Strategy, why  
20 we're initiating this process, the purpose of the Interim  
21 Strategy, how this process relates to long term ORV  
22 management and how you can be involved and most importantly,

1 to listen to you.

2           Why is a strategy needed? The 2005 season was very  
3 costly. It was costly to local businesses and other local  
4 interests and also to the National Park Service. We can do  
5 better to protect critical species and provide recreational  
6 access and communicate with the public regarding our  
7 management practices.

8           What is an Interim Protected Species Strategy? It  
9 will guide the management practices for protection of species  
10 over the next three to four years until the long term ORV  
11 management plan and regulations are in place.

12           And what is an Interim Protected Species Management  
13 Strategy? To protect its species. And that's a very broad  
14 definition and it includes species that are listed as both  
15 threatened and endangered under The Endangered Species Act,  
16 threatened species of varying kinds, but are protected too  
17 under the Migratory Bird Treaty Act -- both birds such as the  
18 piping plover, sea turtles such as loggerheads, plants such  
19 as the Seabeach Amaranth. It is also includes species that  
20 are protected under -- under the state and other regulatory  
21 authorities.

22           What is an Interim Protected Species Management

1 Strategy? Describes management practices that will be used  
2 to insure protection of the species, while allowing for  
3 visitor use.

4 And what are the benefits of having an Interim  
5 Strategy? The Seashore will have an improved management  
6 strategy in place that, one, factors in public input which is  
7 the start of the process this evening; meets requirements  
8 under the Endangered Species Act, The Migratory Bird Treaty  
9 Act and other applicable laws; and sets forth plans for how  
10 the park will allow recreational use while protecting  
11 species.

12 Why is an Interim Strategy needed? The Seashore is  
13 required to consult with the U.S. Fish and Wildlife Service  
14 on actions that may affect, threaten and endanger species.  
15 And the Seashore cannot delay management actions until an ORV  
16 management plan is completed now scheduled for 2008.  
17 Obviously, we have to manage and continue to manage this  
18 species and recreational use in a balanced way between now  
19 and when a longer term ORV management plan is completed.

20 How does consultation work? Consultation with the  
21 U.S. Fish and Wildlife Service is important to ensure actions  
22 taken by the Seashore to not lead to adverse effects of

1 species. The NPS will provide a biological assessment on a  
2 proposed Interim Strategy and they will provide that to the  
3 U.S. Fish and Wildlife Service. If the U.S. Fish and  
4 Wildlife Service concurs that action is either not likely to  
5 adversely affect or concludes no jeopardy, then the Seashore  
6 will implement that strategy and will implement it through a  
7 superintendent's order.

8           Okay, what influences the contents of this Interim  
9 Strategy is that we'll be developing -- with your input and  
10 others. Certainly, public input is a major component of  
11 that. A whole variety of federal laws, which I've mentioned  
12 some of those with the various species related acts, also the  
13 enabling legislation that created this particular park unit,  
14 Organic Act that created the National Park Service. And  
15 there's a variety of federal laws that are applicable to  
16 this. Also, NPS policies, our management policies and how we  
17 manage species and also provide for visitor access. Science  
18 -- and -- good science, so we can make science-based  
19 decisions on. And practical knowledge; knowledge that our  
20 users of our resources have, our staff has from working on  
21 the Seashore for -- for a number of years, but to go out and  
22 get actual practical knowledge from people who are -- who are

1 accustomed to on a day to day basis interacting with this  
2 resource. All of that will go into the development of this  
3 Interim Strategy.

4 How will the NPS develop the Interim Management  
5 Strategy? Well, conduct initial informational and listening  
6 sessions such as tonight; utilize the NEPA process, The  
7 National Environmental Policy Act, to analyze a range of  
8 alternatives; and then develop a biological assessment on a  
9 proposed strategy; and then finally finalize the strategy for  
10 implementation in the Spring of 2006. This Interim Strategy,  
11 we need that -- we will have in place by the first of April  
12 of next year before we go into the nesting and breeding  
13 season for the birds.

14 Okay, how does the Interim Strategy and the longer  
15 range ORV management plans relate to each other? Well, the  
16 Interim Strategy is a seven month planning process that we're  
17 in now. It focuses on protected species management and will  
18 be considered during the ORV management plan development, but  
19 it may be changed based on information discussed during the  
20 development of the plan. This is an Interim Strategy.  
21 Eventually, the -- the more in-depth ORV management plan will  
22 take the place of this and will include other things that are

1 more comprehensive. The ORV plan and the regulations is a  
2 three year planning process. It will consider all aspects of  
3 ORV use on the Seashore, not just its relationship to the  
4 protected species management that we're working on in the  
5 Interim Strategy. That may be developed to be a negotiated  
6 rule-making with an advisory committee to develop the  
7 regulation along with public involvement; that's one option  
8 that's under consideration. There's already been interviews  
9 done and we'll be getting a feasibility or an assessment  
10 report from a third party consultant here in the near future  
11 and decisions will be made regarding whether we'll go forward  
12 and use negotiative rule-making as a one way to get to a  
13 formal regulation process for new regulations of ORV  
14 management.

15           What is the Interim Strategy Development Schedule;  
16 well, the 3rd through the 5th and also the other sessions  
17 that go on through Tuesday the 11th; the public information  
18 meeting that we're starting tonight and the open houses. In  
19 early November, as I mentioned, we will have the formal  
20 public scoping meetings. It will be a formal opportunity for  
21 the public to comment on the Interim Strategy. In early  
22 December, we will submit -- and the National Park Service

1 will submit a biological assessment to the U.S. Fish and  
2 Wildlife Service for their consideration. And December and  
3 into early January, 2006, there will be a public comment  
4 period on the environmental assessment. We will be doing  
5 both the plan, the interim plan, and the strategy and also  
6 parallel to that, we will be preparing an environmental  
7 assessment. And so there will be also an open comment  
8 period, public comment period on that environmental  
9 assessment. By mid-February, the Fish and Wildlife Service  
10 will provide us back with a biological opinion. And with  
11 that biological opinion and their comments that they have  
12 regarding what we are proposing, we will then implement an  
13 Interim Strategy in March of 2006 that will guide us through  
14 the next three to four years until a -- a longer range ORV  
15 management plan goes through the full planning process with a  
16 full environmental impact statement prepared.

17       Okay, how can you participate in this process? Well,  
18 share your ideas and that's, you know, what we certainly  
19 would hope to do this evening and throughout the process, and  
20 there will be many different avenues by which you can -- you  
21 can do that, both in open forums like this and through web  
22 sites and through written comments and other media;

1 participating in the NEPA scoping sessions that are -- that  
2 will be coming up, I'd say they will be their key to the  
3 process; that is the formal comment period here in early  
4 November when we have those meetings; learn about the species  
5 at risk and the link through the web sites and also some  
6 material we have here, too. There's a lot more information  
7 on the species so that you can become better aware and better  
8 informed about the species that are at risk. Also, you can  
9 link directly into laws and management policies and other  
10 things that guide the management to this species. And as I  
11 said, visit the web site. And this can also be linked to --  
12 through the Park Service's web site, nps.gov, slash, Cape  
13 Hatteras, CAHA. And we have this information. It's in your  
14 handouts, too, in terms of how you can assess that and link  
15 to -- to several other areas for information.

16           Okay, please keep in mind, we're in the initial  
17 stages of launching and the development of the strategy, so  
18 there are no specifics to share with you this evening at this  
19 time. We will have more information for you to respond to  
20 during the public scoping in just a few weeks here in early  
21 November.

22           Longer term ORV management will be handled via a



1 regulation development process and environmental impact  
2 statement. Opportunity for input into that process will be  
3 announced in the coming months. And if you put your thoughts  
4 into writing, it will ensure too that we have a copy of your  
5 comments for consideration and for the record, and so we will  
6 be recording verbal input that you have, too. But we  
7 certainly would encourage everyone to -- to put their  
8 comments in writing and to give them to us either, you know,  
9 by -- via the mail or web site; you will be able to comment  
10 directly on it maybe by the time we get to the formal scoping  
11 process and other media.

12           Okay, again, I'd like to thank you all for your time  
13 and your attention this evening to come here. At this time,  
14 I want to turn the program back over to Jess, so we can  
15 answer questions that you may have regarding the planning  
16 process or other things that you would like to share with us.

17       Thank you.

18           MR. JESS COMMERFORD: As I said, we came into  
19 this evening thinking we were going to limit the question to  
20 two minutes, but given the size of the crowd, I'd like to go  
21 ahead and extend that to four minutes. And so when I call  
22 your name, if you would be so gracious as to come up to the

1     mike and state your questions and I'll go through these. My  
2     co-worker Greg, down here at the end, has got a couple of  
3     cards. There's a yellow one and a red one. The yellow one  
4     is to give you a thirty second warning that you're at three  
5     and a half minutes to give you a little time to wrap or  
6     summarize your question. And then as I said, we'll go to Pat  
7     or someone else from Park Service to answer that question.  
8     And again, I apologize if that seems a little restricted, but  
9     in the event that we've got several people more that --  
10    several more people that show up tomorrow night and that's  
11    for the sake of consistency, we really need to kind of stick  
12    to that process. So with that, I'll go through and call off  
13    the names here. And I apologize in advance. It's always  
14    inevitable that I butcher somebody's name during the evening.  
15    And so I apologize in advance if I do that. Do we have any  
16    elected officials that wish to speak first -- and that if you  
17    could come up and state your name, please?

18                   MR. WARREN JUDGE: Thank you, Jess. I'm Warren  
19    Judge; I'm a member of the Dare County Board of  
20    Commissioners. I would like to thank you all for giving us  
21    this opportunity. I certainly thank everybody in the  
22    audience for coming. Pat, you'll be -- there's a letter in

1 draft tonight and tomorrow that will be coming to you under  
2 the chairman's signature. And I hope that -- I ask that you  
3 all do enter that into the permanent record of this  
4 presentation.

5           Very briefly, the board is quite unanimous in the  
6 comments that I make that we have a deep appreciation for the  
7 fragile environment that we have here in Dare County. We  
8 certainly understand that clean water both in the sounds and  
9 the beaches, safety, clean beaches, plentiful birds and water  
10 fowl and healthy and abundant fish are important to all of  
11 us. We respect the fact that you all have a tremendous  
12 responsibility in balancing Mother Nature and all the animals  
13 and man and woman's desire and use of this wonderful land  
14 that we all call home. So we just ask you in the letter --  
15 the essence of the letter that we feel strongly in protecting  
16 and advocating the rights of our citizenry and our visitors  
17 to have vehicular access on the beaches and the sound side  
18 and certainly working hand and hand with you. But I just  
19 wanted to make that comment and ask you to be on the lookout  
20 for that letter and please enter that into the record. Thank  
21 you.

22           MR. JESS COMMERFORD: Thank you, sir, John

1 Newbold. And after that will be Buster Nunemaker. Mr.  
2 Newbold, I see you have a notation here that you have three  
3 questions. If you'll go ahead and ask all three of those,  
4 then we'll answer them.

5 MR. JOHN NEWBOLD: I'm John Newbold. I live  
6 in Nags Head. I've got a couple of questions. It's obvious  
7 to me that the National Park Service is now adding other  
8 species hereto and not provided for. Protecting species  
9 protocols don't call for the closures that have been made and  
10 obviously intended to be a part of the plan. And then  
11 they'll transfer over to the ORV management plan when it's  
12 drafted. These protocols have been around for years. But  
13 now the protocol here before affords endangered species or  
14 the protocol that we have given endangered species has now  
15 been afforded to add species that are now endangered; why?  
16 It appears to me that you are stacking the deck prior to the  
17 negotiated rule-making process. Question is this -- in a  
18 recent lawsuit, it was ruled that the closed areas on the  
19 coral banks here were not for habitat. Who determines  
20 closure for the park? U.S. Fish and Wildlife gives  
21 protocols, for instance, from two hundred to one thousand  
22 meters around the point of the nest. Yet Resource Management

1 at Cape Hatteras National Seashore has over the past five or  
2 six years gone to the extreme closing large areas where birds  
3 are not -- are spotted. Perhaps in the spring, certainly,  
4 but not nesting. And these areas are closed year around,  
5 why? Thank you.

6 MR. JESS COMMERFORD: Thank you. Pat?

7 MR. PATRICK REED: Okay, the first question is  
8 regarding animals that are not endangered and why. There's a  
9 variety of different protections that an animal doesn't have  
10 to be endangered under the Endangered Species Act to receive  
11 protection. They can also be listed as threatened or they  
12 can be listed under the Migratory Bird Treaty Act or they can  
13 be animals that are protected through state laws and  
14 regulations, the animals and/or plants. And so it is a  
15 broader perspective. And that's really why, too, the Interim  
16 Strategy here, we've talked and returned to protected  
17 species. And that's a broader definition than endangered  
18 species. It does include endangered species, but also  
19 includes species that are threatened or protected in some  
20 other way or through some other law, either federal or state.  
21 And we have that -- an obligation to exercise management  
22 actions to protect that species. But at the same time, do it

1 in such a way that it will allow recreational access, too, to  
2 the extent possible and still meet our obligations under  
3 those laws.

4 As far as the closures and other things, you know,  
5 that we have been managing in regards to recovery plans and  
6 particularly associated with the piping plover, there is a  
7 federal recovery plan that's a guideline. The park here also  
8 not long ago incorporated portion of the draft, 1978 ORV  
9 management plan under the superintendent's order, but it was  
10 only partial. The plan was never completely approved. And  
11 so we're definitely in need of this long range ORV management  
12 plan to guide us consistently -- our decision-making process  
13 in terms of the scale. The measures and other things under  
14 the recovery plan that are guidelines as far as the distances  
15 around nets and when these closures or other things may be  
16 put in the place during the nesting, breeding seasons for the  
17 -- for birds, there are guidelines. And we try to implement  
18 those within the context, too, of adjusting them where we can  
19 with adapting management strategies where we can increase  
20 monitoring or other actions where we can allow greater access  
21 than the maximum, because usually these recovery plans give a  
22 range of the distances of -- for protection of the same

1 species during different periods of their life cycle. And so  
2 we have been adapting those from the recovery plan. In the  
3 case, I know this summer too, we also did apply a number of  
4 adaptive management strategies and other such things as  
5 escort services and other things to be able to get people in  
6 some of these areas even in compliance with that. But we  
7 desperately need an ORV management plan, one that's a formal  
8 plan that involves the total input from the citizens here in  
9 the local area and also every other group that -- nationally  
10 that has an interest in what we do here in terms of our  
11 management actions. And this is -- you know, we are starting  
12 really tonight with that process of taking a step forward in  
13 developing the Interim Strategy with public input and then  
14 moving forward to this longer term ORV management plan that  
15 will be done with full compliance with the environmental  
16 impact studies and the input of the citizens here. So when  
17 we get to a final plan here, particularly in terms of  
18 culmination in 2008 with the ORV management plan, we will  
19 have a plan that will be consistently applied throughout the  
20 Seashore areas here. And we'll balance the need for both our  
21 communities here and the recreational users and our visitors  
22 along with our commitments that we have under law to protect

1 various species whether they be endangered, threatened or  
2 somehow listed in some other format. But that's certainly  
3 our intent. And we did -- this process here that we're  
4 starting here anew this evening will get to that point of  
5 having a management plan that was developed with full  
6 participation by the public and also will apply the best  
7 sciences available and look for a balance and how can we  
8 provide both of these things, both protection of species and  
9 also access -- recreational access to our beaches here that  
10 traditionally have been exercised for years and years here at  
11 the park which we certainly want to continue, too, in terms  
12 of having recreational access to the national seashore. So  
13 we do have commitments under the law and so we'll try to --  
14 you know, we will have to accommodate those, too. But this  
15 planning process and your participation will make sure that  
16 we come up with something that considers input from everybody  
17 in the decision-making process.

18 MR. JESS COMMERFORD: Buster Nunemaker and Jim  
19 Keene after that.

20 MR. C.P. BUSTER NUNEMAKER: My name is C.P.  
21 "Buster" Nunemaker. And I live at 2600 Pilot Lane in Nags  
22 Head and these are my personal comments to you. I was born



1 and raised and have lived in Dare County all my life. When I  
2 was a young boy, my grandfather used to lease and hunt  
3 property now under Park Service control named "The Flats."  
4 And it went from the South side all the way to the Goose Wing  
5 Club and he had twenty duck blinds in this area.

6           The issue that we are here tonight to give our  
7 opinions on is whether nesting birds, piping plovers and  
8 others, should allow the Park Service to close miles of  
9 public beach or whether a different approach might be taken  
10 to accommodate both the birds and the public. I personally  
11 think that these birds have been used to further what the  
12 Park Service has wanted to do for years. And it is my  
13 opinion that your sole purpose is to keep the public from  
14 using the National Seashore beaches. I further believe that  
15 if the public does not voice their opinion loudly, you will  
16 close our beaches, thus affecting our local businesses and  
17 economy along with our citizens. I will ask you to change  
18 your approach. I will also tell you that the public will  
19 react strongly to any proposal that does not represent our  
20 best interest, especially our local economy. You have used  
21 the piping plovers to further your agenda long enough. And  
22 you have manipulated this issue to serve as both your agenda

1 and to eliminate the public and to distort and misrepresent  
2 the truth on this issue. If God wanted these birds to be on  
3 earth, then they wouldn't be endangered now. And I think  
4 that the public is becoming an endangered species in Dare  
5 County because of your handling of this specific issue. And  
6 I think the economy is the basic thing that I'm trying to  
7 stress to you. The public needs to be able to co-exist on  
8 our National Park Service beaches. And we all need to co-  
9 exist in this -- in this environment that we have.

10 And I have a little hostility in my voice because  
11 I've been dealing with this as long as my grandfather was  
12 alive. The Park Service came in and took what he had for  
13 like twenty years. He had put his life into that and his  
14 health failed after that. And so if I sound a little angry,  
15 I am, because I have dealt with the Park Service from the  
16 youngest age of six until this point over this issue.

17 MR. JESS COMMERFORD: Thank you.

18 MR. PATRICK REED: Well, I can assure that we're  
19 interested in the local economy and the businesses in the --  
20 you know, all up and down the Outer Banks here and in them  
21 being successful. And we've been in the -- ever since the  
22 National Park Service has been here, we have been providing

1 services for access to the beaches for recreational related  
2 use. And we certainly intend to continue doing that and to  
3 the maximum extent possible. There are laws that require  
4 protection of certain species. And with that, we're looking  
5 for -- really looking for new ways or looking for ways to  
6 look at how that we can better balance the protection of the  
7 species which we're required by law to protect and at the --  
8 and provide for this access too that's important to our  
9 visitors and is also very important to the local economy  
10 here. And we're very conscious of the fact that the local  
11 economy is, you know, very interested and dependent on  
12 tourism as a major economic activity and we want to continue  
13 that and the programming in which we will continue for the  
14 visitors and others and our ability to help work locally with  
15 the communities to market the resources here. And we  
16 certainly will continue that. What we need to do among other  
17 things is to do even a better job in the future, do a better  
18 job in communicating with the communities here and working  
19 hand and hand so we can achieve both of those things. And I  
20 agree with -- certainly with that. And we have a lot of work  
21 that we need to do here in developing a good, strong  
22 community relations here and working hand in hand so that the

1 communities are in fact successful. And we're part of that  
2 industry here, too, on the Outer Banks. But at the same  
3 time, we are required by law to provide protection for the  
4 species. It's -- it's I think -- the challenge for us and  
5 also you as the public in helping us in developing the plan  
6 here is to find a reasonable balance in terms of how we can  
7 meet those obligations and also provide for use that people  
8 are traditionally accustomed in terms of recreating here on  
9 the Outer Banks and that will contribute to a strong and  
10 viable economy out here in -- throughout this whole area  
11 here, so. We hear you. I hear you in regards to --  
12 particularly the interest regarding the local economy and  
13 that's very important to us. And -- and that's going to  
14 certainly have to be a significant portion of -- part of this  
15 plan as it's developed and in terms of how we can protect  
16 those interests and at the same time protect the species that  
17 need to be protected that's required by law.

18 MR. JESS COMMERFORD: Mr. Keene?

19 MR. JIM KEENE: My name is Jim Keene. I'm a  
20 citizen of Nags Head, North Carolina. I don't want to talk  
21 specifics about the bird, because that's -- I feel that's  
22 coming forward as we're talking about the planning process.

1 The words I keep hearing are Migratory Bird Act. And that, I  
2 think, has been taken beyond where it should be applied.  
3 I've visited your offices. I've visited Fort Raleigh. I've  
4 visited here. I've see the sparrows. I see the crows. I  
5 see all the other birds who are listed as migratory species  
6 that are not getting the treatment that you're putting into  
7 such birds as skimmers, terns and sea gulls on the National  
8 Seashore. We want to see some consistent reliable process.  
9 And we want to see consistent reliable enforcement wherever  
10 it might be within the seashore. I've -- as we go forward in  
11 the program, the words "factor in public input." And we  
12 would like to know and see what that really entails. Yes,  
13 you're factoring in public input, you're talking to us and  
14 listening to us. What factor and how that will actually  
15 apply to the planning process is what we need to know.  
16 You're not going to devote tons of hours, you're not going to  
17 devote monies to our organizations. If our factoring in  
18 means we're just getting lip service, we're just getting  
19 listened to. And I want to know where that's going.

20 Again, with migratory birds, turtles, seabeach  
21 amaranth, whatever else may appear on the Seashore, it takes,  
22 to the best of my knowledge and what I've experienced over

1 the twenty years that I've been here, it takes the signature  
2 from a superintendent to close an area. You just need a  
3 complaint from some member of the research organization, the  
4 superintendent can close. And that's the way perhaps it  
5 should be. But when we ask for reopening, it takes  
6 consultation of Fish and Wildlife. It takes consultation of  
7 whomever. If one person can close it, one person should be  
8 able to open it. And when it's time to reopen, it should be  
9 reopened.

10 March implementation, I certainly hope that can  
11 happen. I hate to think we're going back into another season  
12 like we've just had. Unfortunately, I realize it's a  
13 bureaucratic situation. And if March happens, I'd be very  
14 much surprised. But we'll do everything we can to assist to  
15 get it to March and feel free to call on us. When I say us,  
16 I'm speaking tonight on behalf of the North Carolina Beach  
17 Club Association as well as myself.

18 I guess the main thing -- two things that bother me  
19 is to if you continue to close the areas, are you prepared to  
20 give up parking lots to take all these beach buggies and park  
21 them beside the highway. I don't think you are. And so stop  
22 shutting out areas where these people can go. And the

1 last thing I have to say and it's something I said over all  
2 the years, the cheapest, easiest way to manage this park is  
3 to put a lock and key on it. But we all know that that's not  
4 what this park is designed for. So if you would please  
5 answer, I'd appreciate it. And we look forward to working  
6 with you on this program.

7 MR. JESS COMMERFORD: I appreciate it, Pat.

8 MR. PATRICK REED: One, I agree with you, Jim,  
9 to that, you know, this park wasn't established to put a lock  
10 on it and keep people out of it. It was established for --  
11 to provide access for visitor use and enjoyment and also the  
12 -- for us to meet our legal obligations that we have, too.  
13 In terms of the consulting or discussions that we're having  
14 both with the public and we're looking for ideas too from the  
15 public, both with comments, too. But we'll be looking -- as  
16 we go into the public scoping session, we'll be looking for  
17 more detailed ideas, too, of ways that we can -- particularly  
18 when it comes to this point of the practical knowledge, there  
19 would be some ways that we can achieve both access and  
20 protection of the species. And -- well, a lot of the ideas,  
21 some of which have been used, you know, the best ideas come  
22 from the people who are most familiar with the resources.

1 But we are looking , you know, looking for ways that we can  
2 adapt and to make changes in the way we do things and do  
3 things differently so that we can achieve both of those goals  
4 and provide, you know, a greater degree of access for the  
5 public, too. We are talking with and discussing through, not  
6 only with Fish and Wildlife and the general public here, but  
7 virtually everybody that has an input and interest in what  
8 we're doing. And the Fish and Wildlife Service, we do speak  
9 with. And we also -- you know, we speak with environmental  
10 groups. We speak with the ORV users groups. We speak with  
11 anybody associated that, you know, has a right and has a say.  
12 And that's really everybody in the audience -- and the  
13 citizens here have a right to request how they would that --  
14 that's how they would like to see this area managed. And we  
15 take those comments and that input very seriously and  
16 actually look to see ways that we can fold into what we're  
17 doing in our management practices and what we come up with  
18 for the next year. We also do not want another season next  
19 season, like that that we had this year either. It's costly  
20 for us. It's costly for our neighbors and our communities  
21 here. It was not the best way, you know, to manage most  
22 efficiently and effectively the resources that we had. And



1 we want to come up with those. And this planning process  
2 will give us this -- these guidelines and implementation  
3 plans that will allow us to be more consistent, too, in terms  
4 of up and down the seashore regarding application of how we  
5 manage to protect the species from turtles to least terns,  
6 the piping plover and others. But we are going to take your  
7 comments and the input, too, and special ideas that you have  
8 and we will give those serious consideration to see where  
9 they may be able to be adopted. We've done some different  
10 things this year in some adapting management strategies to be  
11 able to allow access where in the past the areas were pretty  
12 much closed just based upon the other guidelines. But we're  
13 looking for ways to be able to be a little bit creative, too,  
14 in terms of how we can accommodate that. And also, like I  
15 said, meet our legal obligations because we do have  
16 responsibilities under these various rules and regulations  
17 and laws. And so we want to provide for that level of use  
18 and access so that this is an actual seashore, it's a  
19 recreational area. People need to be able to get to the  
20 resource to the maximum extent -- you know, to the extent  
21 possible. Thank you.

22 MR. JESS COMMERFORD: David Masters, had you as

1 a maybe. Are you a firm yes, now?

2 MR. DAVID MASTERS: Oh, yeah.

3 MR. JESS COMMERFORD: Okay.

4 MR. DAVID MASTERS: Good evening, I'm Dave  
5 Masters. I live in Nags Head, North Carolina. Just a couple  
6 of almost administrative details. In the little handout that  
7 was given out tonight, step seven says it's a completion of  
8 the biological opinion by the U.S. Fish and Wildlife Service.

9 But nowhere in the preceding stuff does it say they were  
10 ever involved. Is it your intent not to involve them until  
11 the report is finished and then submit something to do that  
12 they say they can't live with. It seems like maybe we might  
13 have the horse before the wagon. Do you understand what I'm  
14 saying?

15 MR. PATRICK REED: Yeah.

16 MR. DAVID MASTERS: That's step seven in this  
17 little handout. If they have -- well, my point, I'll make it  
18 one more time. If they have things that are guides and rules  
19 that you have to abide by, you -- everybody, including us,  
20 should know of it to begin with. That's why you're just  
21 going to be spinning your wheels. If you go through it and  
22 everybody agrees to it, and you turn it over then -- I don't

1 think they're represented here tonight, are they?

2 MR. PATRICK REED: The Fish and Wildlife?

3 MR. DAVID MASTERS: Yeah.

4 MR. PATRICK REED: Not tonight to my knowledge.

5 MR. DAVID MASTERS: But you see what I'm saying,  
6 then you turn it over to them and they say, no, this can't  
7 be, so we go without and start over, then we're going to be  
8 June, July, August, September and then they're going to get  
9 the blame. And we -- then we're going to lose all of our  
10 money.

11 The other thing -- and I'm not aware of who sets what  
12 rules around eggs, be it Plovers, be it turtles. I mean, is  
13 there a guideline that says you need sixteen hundred feet or  
14 four hundred feet or two hundred feet or three feet? And if  
15 those are guidelines, how do they get modified? Do they get  
16 modified by the Park Service? Do they get modified by Fish &  
17 Wildlife or is it done -- how is it -- and this is what the  
18 public is concerned about. How can in one area, you do two  
19 hundred feet and then another area, you do two thousand feet  
20 to protect the same thing. And so I think maybe you need a  
21 public relation campaign to explain why you're closing, not  
22 where -- not only where, but why are you closing as much as

1 you are or as little as you are? I don't speak very well,  
2 but I do understand what I'm trying to say.

3 MR. JESS COMMERFORD: You did fine.

4 MR. DAVID MASTERS: I hope you all did. Thank  
5 you very much.

6 MR. JESS COMMERFORD: Thank you, sir.

7 MR. PATRICK REED: Let's see, let's start with  
8 Fish and Wildlife Service and our discussions with them. And  
9 we've been talking with them on a -- some days -- in some  
10 weeks, almost on an every other day basis, at least having  
11 discussions. The formal consultation is different than  
12 probably than the ongoing dialogue in which we've had for  
13 some time with the Fish and Wildlife Service. What this  
14 Interim Strategy will allow us to do is to achieve what is  
15 referred to as formal consultation with the Fish and Wildlife  
16 Service. With your input, the public's input and the other  
17 various stakeholders and interest groups, protocols from the  
18 scientists and others, and also, you know, balancing that  
19 with the various policies and regulations of the Service,  
20 we'll come up with a strategic plan and do an environmental  
21 assessment or, excuse me, a biological assessment on that --  
22 and where we'll go to the Fish and Wildlife Service. And it

1    won't be the first time that -- you know, that they -- that  
2    we've talked with them.  So we have a pretty good idea, you  
3    know, in terms of -- there -- there are recovery plans that  
4    are specific to species like the Piping Plover that have been  
5    prepared by the Fish and Wildlife Service.  As far as the  
6    turtles, the Fish and Wildlife Service has adopted and uses  
7    the state standards for turtle recovery plans, for threatened  
8    and endangered turtle species.  And that's what we utilize  
9    here also.  There is a variety sometimes of different  
10   specific applications because the system we work in is so  
11   dynamic.  The beach changes so much.  Sometimes you have  
12   sharp drop offs and embankments.  And other times, you have  
13   wide, flat open, ephemeral ponds and salt -- sand flats.  And  
14   so the -- one rule to fit all sometimes doesn't really  
15   necessarily apply to every particular case that -- that you  
16   might have.  And that's why these are guidelines and they  
17   have to be tampered with -- also the amount of monitoring and  
18   other things that we can do.  If we can provide additional  
19   monitoring for the species through biotechnicians and  
20   volunteers and others and things that allow this to get -- to  
21   allow closer access to some of the species.  It depends upon  
22   whether they're in a nesting situation.  Or it's different if

1 they're -- if we have fledglings that are on the ground, they  
2 could be run over. Or if we're in a period where we have  
3 migrating birds that are just using some of the areas to  
4 roost in and rebuild their strength so they can continue to  
5 fly south. And so the actual type of the life cycle that  
6 we're in with the different species will vary somewhat, too,  
7 in terms of the level of protection that's required under  
8 these recovery plans. What we want to get to with the --  
9 with our management plans here is that we have consistent  
10 application with those that is consistent and involves, like  
11 I say, it comes from the input of not -- yourself, but also  
12 the Fish and Wildlife and others. They will give us a  
13 biological opinion on this assessment that we send them. By  
14 the first of December, we will be submitting the Fish and  
15 Wildlife Service a -- a biological assessment on this Interim  
16 Strategy here. And they've got about 90 days to respond on  
17 this biological opinion. And they will have some comments  
18 regarding, you know, what our proposals are and will also --  
19 most likely it gives us an allowable take for species, which  
20 is -- take is something that is defined a little bit  
21 differently depending upon the species. And given some  
22 cases, it can be actually a bird or somebody else --

1 something else being killed or run over or close to that  
2 type. Or in the case of endangered species, under -- if  
3 they're covered under The Endangered Species Act, it can also  
4 apply in terms of harassing the species and other things that  
5 would break up their normal cycle. But we will give an  
6 allowance out of this biological opinion from the Fish and  
7 Wildlife Service that basically says if we do everything that  
8 we said we were going to do that you approved here and  
9 exercise that in a reasonable fashion, then we still have  
10 losses of the species within a certain limit that they will  
11 allow us, then we could -- then we will be allowed a certain  
12 take associated with that. Right now, until we achieve that  
13 consultation, we don't have any take authorized by us until  
14 we finish this -- this formal consultation with Fish and  
15 Wildlife, so that's why it's important for us to go into --  
16 go in and get this initial part of this done. And, you know,  
17 it's also resulted in us having to be more cautious in terms  
18 of not having any takes authorized at all. That we needed to  
19 be more cautious -- more on the cautious side on how we  
20 implemented the closure and other things. Once we get an  
21 opinion and we get specific guidelines that are approved by  
22 Fish and Wildlife Service specifically, that'll allow us a

1 greater flexibility in terms of how we apply those laws and  
2 regulations. Yes, sir?

3 UNIDENTIFIED PERSON: (Inaudible)

4 MR. PATRICK REED: Along it's a -- probably more  
5 of a realization. The Endangered Species Act hasn't changed  
6 significantly. There are proposals for changes associated  
7 now and with some of the other laws, the Migratory Bird  
8 Treaty Act is even much older than the Endangered Species  
9 Act. Like I said, we have not been in full compliance with  
10 these acts in the past. Also, it's -- you know, really with  
11 the adoption and implementation of the Draft '78 Management  
12 Plan, you know, it just became more apparent and visible to  
13 us in terms of the fact that, you know, we hadn't done a  
14 plan. We should have done one probably over twenty years  
15 ago. We should've by regulation in the seventies. And so  
16 that brings us to where we are at today to get a formal  
17 approved plan. But I don't know if that answers completely  
18 your question there. But it's just become more visible in  
19 the last couple of years that we were not in compliance with  
20 the executive orders and the laws associated with having an  
21 approved ORV management plan. And that's probably why it's  
22 been getting a bit -- you know, more cautious treatment over



1 the last couple of years than maybe it was in the past. But  
2 we do need -- and we are required by law to comply with this,  
3 and so, you know, we are going forward right now with that  
4 formal compliance. The plan in 1978 that was drafted was one  
5 of the first attempts to move forward with that. It never  
6 went through the process for whatever reason. But there's  
7 nothing we can do about that now other than start anew with  
8 the planning process.

9 MR. JESS COMMERFORD: Kearns Lowman.

10 MR. KEARNS LOWMAN: I'm Kearns Lowman. And I'm  
11 a resident of Colington. I own a small business in Kitty  
12 Hawk. And my question is long term closures of beach tend to  
13 -- seem to promote the growth of vegetation. The longer the  
14 RVs are kept out, the vegetation grows. Your handout on  
15 piping plovers says that these birds prefer sparsely  
16 vegetated open areas that are slightly raised in elevation.  
17 Do the bird closures not seem to destroy the bird's habitat  
18 by allowing the vegetation to grow?

19 MR. PATRICK REED: I'm going to ask our resource  
20 management specialist here, Sherri Fields, to respond to  
21 that. She can probably do the best job.

22 MS. SHERRI FIELDS: Good evening. As far as the

1 closures, they do in fact -- in some cases, you might see  
2 vegetation come in those areas. But typically the overwash  
3 and that type of thing that you get in a dynamic system like  
4 this will keep those areas open for the birds to nest on.  
5 And so it -- and I think the other thing to just clarify that  
6 the closures that you typically see here are due to the fact  
7 that it's really unique for North Carolina to have not only  
8 the breeding population of these birds, but also migrating  
9 and wintering population of these birds as well.

10 UNIDENTIFIED PERSON: (Inaudible)

11 COURT REPORTER: I'm sorry, can you please step  
12 to the mike. Can I get you --

13 UNIDENTIFIED PERSON: If I may --

14 COURT REPORTER: -- to step to the mike?

15 UNIDENTIFIED PERSON: If I may --

16 MR. JESS COMMERFORD: I've got one person that's  
17 signed up with a question, so if you don't mind, let's go to  
18 that. And then I'll give an opportunity for folks that  
19 haven't had a chance to come on up. If you'll bear with me  
20 one second; Mike Johnson is also a maybe. Do you wish to?

21 MR. MIKE JOHNSON: I'm Mike Johnson. I'm a Dare  
22 County Commissioner. Warren is always at the other ones and

1 he does the county commissioner part. But, Pat, I don't know  
2 who you made mad to get sent into this, but let's -- I'll ask  
3 -- I'm going to go down a trail that's going to sound like  
4 it's unrelated in which you'll find that it is. Many years  
5 ago the U.S. Fish and Wildlife took away the ability to  
6 harvest northern migratory Canada geese in this region in  
7 which for years and years, it was a -- particularly the  
8 Mattamuskeet area, it was a reason for existence of Hyde  
9 County. It was the goose hunting capital of the world. And  
10 this area was as popular as well. Well, they took it away.  
11 And I asked last year in a public hearing much as this, Will  
12 they ever restore it and the state's office said, No, they  
13 will not restore it. And I said, "Why?" Well, there's a  
14 remnant of northern migratory Canada geese that still come to  
15 North Carolina and that may be rebuilt. And I said, "Well,  
16 that's good." Well, he said, "But there's a problem, we  
17 don't know whether they're migrating from New York or from  
18 Canada." And I said, "Well, are you taking any samples?"  
19 And he said, "No." And I said, "Well, why not let the  
20 hunters take the samples?" And he said, "That's a great  
21 idea." And that's the North Carolina Wildlife Commission.  
22 Well, the Fish and Wildlife didn't want to do that. They

1 just absolutely did not agree with it. But our wildlife  
2 commissioners took such a firm stand that the Fish and  
3 Wildlife did agree to do it. And this year, we're going to  
4 be able to harvest five hundred geese in North Carolina  
5 again, which is a good thing. And if they say, too, they're  
6 all northern migratory Canadas, we'll be glad to stop. But  
7 what I'm going to say to you, Pat and Mark, is you are  
8 citizens of this community and when the Fish and Wildlife  
9 comes down with a suggestion or answer, use your good sense  
10 to have -- advocate for us and don't just say well, Fish and  
11 Wildlife said, because I'm in the conservation business and I  
12 deal with them a lot. And lots of times I found out that  
13 maybe there is some gray area in their decision and there's a  
14 workable situation. And many times, they give in and we try  
15 it. Sometimes I'm right; as typical in most things, most of  
16 the time I'm not. But the -- they are willing to give. And  
17 I was noticing in the protocol of how decisions were made, we  
18 ask to consult to Fish and Wildlife. And I would just hate  
19 to see all the people I know that are going to work hard and  
20 that you'll see in the next few weeks to keep access alive,  
21 that their desire to have trumped just by what Fish and  
22 Wildlife says, because -- bless their heart, they do a great

1 job, but they don't know everything. You know, they don't  
2 live inside these bird bodies and turtle bodies. And there's  
3 some gray area there. And I would hope that the Park Service  
4 would advocate for us -- more than what it appears on the  
5 outside that you've just shut us out. And I know you don't  
6 and I know your situation. And I feel for you, but just work  
7 for us. Thank you.

8 MR. PATRICK REED: I'd just like to add to and  
9 like I said, we had the continuing discussions with the U.S.  
10 Fish and Wildlife Service and we will ask for, of course, a  
11 biological opinion that's required by law from the Fish and  
12 Wildlife Service, but we do take into consideration what they  
13 tell us, but the people who -- the person and the people who  
14 are responsible for it, this is a National Park Service  
15 decision. And we weigh and balance other things in, too. We  
16 have to stay in compliance with the law, but we do take into  
17 the consideration the other rule and the other laws that  
18 apply too in terms of our native legislation and need to  
19 provide visitor access and use and enjoyment. We are the  
20 responsible party in this particular phase. And as acting  
21 superintendent, I'm responsible for making those decisions  
22 for the park here in that relationship. And I don't want to

1 deflect that responsibility to any other groups or  
2 individuals. We do take opinions from Fish and Wildlife  
3 Service, but the decision and the responsibility as an agency  
4 is the responsibility of the National Park Service and it  
5 rests with us.

6 MR. JESS COMMERFORD: That's all the folks that  
7 I had signed up, but we advertised we'd be here until 9:00.  
8 And so if there is anyone who hasn't had a chance to speak or  
9 ask a question that would like to do so now, raise your hand.

10 UNIDENTIFIED PERSON: Can I ask for a second  
11 time?

12 MR. JESS COMMERFORD: I'd prefer not to. But  
13 I'll tell you what, and again, I just want to be consistent  
14 on this through the evening, but we can go ahead close up  
15 formally this evening and then if you want to ask the  
16 question informally, you know, everybody is here for a  
17 minute. And I think everyone is happy to stay around and  
18 entertain that question, if you don't mind.

19 And so with that, I think we'll go ahead and close.  
20 Again, it's been said a couple of times, but it bears  
21 repeating, this is the first in many meetings and many  
22 opportunities. And I, having done this on behalf of Park

1 Service at several different parks on different issues, have  
2 seen this process influence the way these plans get developed  
3 and influence the decisions that get made. And so I strongly  
4 encourage you to stay active in that process and stay  
5 engaged. And again, we very much appreciate everyone taking  
6 your time out to come and appreciate -- and as I said, there  
7 are two other meetings this week. And the informal workshops  
8 where there's definitely more of an opportunity for dialogue  
9 with us and resource specialists and that sort of thing, to  
10 have a more informal conversation about these issues. And so  
11 I encourage you to participate as we move forward. And  
12 again, I thank everyone for showing up tonight. And with  
13 that, we'll conclude the formal part of the meeting. Take  
14 care.

15 UNIDENTIFIED PERSON: Can I ask a question?  
16 Will this be a recorded part of it? Is this not a part of  
17 public record that we object to statements that was made by  
18 one of your resource people? This gentleman over here says  
19 step to the podium and now you're telling us we can't do  
20 that.

21 UNIDENTIFIED PERSON: (inaudible)

22 MR. JESS COMMERFORD: And the other point I

1 would make, too, and that's -- not to put Sherri on the spot,  
2 there are a lot of other resource specialists or experts  
3 that are participating in this process and we don't have them  
4 all here tonight. So we may not have that absolute expert on  
5 one resource area or another. So there are other -- if you  
6 submit that comment or you have, you know, some reaction to  
7 something that was said, again, I would strongly encourage  
8 you to submit that question or submit that comment and we'll  
9 get it addressed as the plan moves forward. But if you'd  
10 like some clarification on that, here in a moment, we'd be  
11 happy to do that. Thanks.

12 UNIDENTIFIED PERSON: Are we finished?

13 MR. JESS COMMERFORD: I'm sorry.

14 UNIDENTIFIED PERSON: Are we finished?

15 MR. JESS COMMERFORD: Yes.

16 (The proceedings concluded at 8:10 P.M.)  
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