

INTERIM STRATEGIC PLAN FOR PROTECTED SPECIES

HATTERAS VILLAGE CIVIC CENTER

HATTERAS VILLAGE, NORTH CAROLINA

NPS CAPE HATTERAS PUBLIC MEETINGS

FEBRUARY 6, 2006

COURT REPORTER - T.K. TRAVIS

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- EXHIBIT [1] - PROVIDING COMMENTS ON THE INTERIM PROTECTED SPECIES MANAGEMENT STRATEGY/ENVIRONMENTAL ASSESSMENT
- EXHIBIT [2] - NPS UPDATE ON INTERIM PROTECTED SPECIES MANAGEMENT STRATEGY, FEBRUARY 2006, SLIDE PRESENTATION

MR. MIKE MURRAY: Good afternoon. Thank you all for coming. I'm Mike Murray, the new superintendent at Cape Hatteras National Seashore. And today's meeting is about the Interim Protected Species Management Plan. Before we get started, I want to thank the Hatteras Village Civic Association for letting us have the meeting here. They have been very generous and have prepared refreshments as well, so feel free to help yourself during the discussion.

What we're going to do is have a little bit of a presentation, open up the floor to questions and comments, and then, if we satisfy everybody's interest there, we can break into smaller groups and have the informal discussions. I do have a number of park staff with me here, so you may want to talk to them later. Over here is Ron Clark. He's our acting chief of resource management. He's been working on several projects. He's going to be looking at the Spur Road at Hatteras Spit and also the issue of the flooding there in the area of Cape Point and the campground and Buxton Woods area. And so we're trying to come up with a plan of how to deal with those issues. And Ron has been working on that.

Mary Dole, in the back of the room, is our new chief of interpretation. Many of you know Mary. She's been -- and she's available. She's going to be working on some of our informational material that we're going to use in conjunction with the new plan.

Nora Martinez, in the back of room, is our chief ranger. She is based in Manteo, but her job is to supervise all of the law enforcement and fee collection staff. And then she's also the coordinator for this summer's program. And so we have sort of an interdivisional team working together so that we ensure we have all the resources we need to implement this new plan this summer effectively. And Nora is in charge of coordinating that.

Bob Tripp is the park ranger pilot. He's at the moment also the acting Hatteras Island district ranger, as we go about the process of filling that job.

Warren Wrenn, who is helping me with the AV, he's the park safety officer and jack of all trades. He had a number of other positions and is very well known locally.

I'm not sure if we have any local officials in the room, anybody I should introduce. I don't see anybody I recognize. So, again, thank you all for coming.

What we're going to do is have a short presentation. And then we'll open up the floor to questions or comments. We do have a recorder here, so anything you say today will be considered a comment on the record. What I'd like to encourage you to do, though, is that -- the comment period is open for a number of -- three -- about three more weeks, and that you also submit written comments when you feel like you're ready.

I want to establish a couple of basic ground rules. One is we have a small crowd, we can keep this informal. I'd like to give everybody a chance to speak or ask your questions if you'd like. As long as the group feels like it's effective to have this group discussion and question and answers, we'll do that. If you want to save

your questions for afterwards when it's a little more informal, you're welcome to do that as well.

For the sake of the recording, when you do have a question or comment, I'd ask you to identify your name somewhat loudly and clearly. I think you can just speak from where you are, but, if you'd identify your name first, that will help with the recording.

Okay, so we'll begin. The next slide; so this is an update on the Interim Protected Species Management Strategy that's just been released. We're doing a series of public meetings this week. The meetings are not required by the process, but since I knew -- I felt like it was really important for me to hear what you had to say and also for you to see me and hear from me on this. And so we have a meeting this afternoon right here; Wednesday evening at the Ocracoke Civic Meeting at the community center; Thursday evening at Wright Brothers Memorial, and then Friday evening at Rodanthe Community Center; is the scheduled meetings for this.

The purpose of the meeting is multiple purposes. The first is to explain the Environmental Assessment or the purpose of the Environmental Assessment and Interim Strategy and provide an update on the public comment process. It's to describe key points of the Preferred Alternative D. It's to provide an update on the status of related processes and to hear any comments or questions that you may have.

As you probably heard in the previous meetings, the purpose of the Interim Strategy is to provide management guidance on how wildlife and plant species will be protected for the next three or four years while a long-term off-road vehicle management plan is developed. So that's still the purpose. That hasn't changed.

The Interim Strategy and Environmental Assessment -- the Environmental Assessment is just the kind of compliance document or report that describes the plan or the strategy. It was released for public review on January 25. Copies of the EA were mailed to a pretty extensive mailing list. I don't know if everybody was on that, but it was fairly extensive. We also have copies available at local libraries, park visitor centers, and it's also available online. And I'll repeat this website several times. But it's at parkplanning.NPS.gov/caha, C-A-H-A, which is just the Park Service acronym for Cape Hatteras. You may also comment by contacting the same website. The public comment period closes March 21 -- sorry, March 1 -- March 1. Yeah, be sure we get the date right, March 1.

Okay, the EA considers four different alternatives. It evaluates them, analyzes them, et cetera. Alternative A would be a continuation of the 2004 management practices. And in the plan or the strategy, it's considered the no-action alternative, meaning there's no change from that past action. Alternative B is the one that is most clearly similar to the USGS protocols, which were fairly protective or fairly restrictive, depending upon your point of view. It's been determined to be the environmentally preferred alternative, which means simply that, if the focus is solely on protecting the environment, it's the most protective. Alternative C is called the tailored management

focus. And it ends up being somewhere in the middle between Alternative B and Alternative D. Alternative D is the Park Service preferred alternative, the one that we're proposing to do. And it's called the access and research component focus. And so I'm going to focus my attention to discussing Alternative D with you since that's what we're proposing to do. But in this process, we've looked at these four alternatives and selected D as our preference.

Alternative D is the most flexible, least restrictive of the four alternatives. It relies on increased surveying or observation of the wildlife species and other measures to allow us to have fewer, later, shorter closures where possible. It provides for alternate routes or bypasses if or when a resource closure would shut off access to the key areas, such as the spits and the point.

Under Alternative D, we would observe or survey for bird activity in breeding areas used in the past ten years. We have that information available. We know where they tend to want to mate or nest, so we would check those areas regularly. We would establish pre-nesting closures in those breeding areas used within the last three years. And that's generally at the spits. In areas with pre-nesting closures, we would have a 100-foot designated off-road vehicle corridor along the shoreline to provide access around the closures. We would post the corridor above the wrack line. The wrack line is basically the organic debris that washes up on the beach -- it's seaweed, it's other items like that, where that's well defined. That's actually a very good food source for birds. And it's commonly protected in some other locations. And so it gives us a little bit of resource advantage to protect it, but it also lets us leave the area open, if we can, as well. Any place that we -- that the corridor is less than a 100 feet wide, we would have a reduced speed limit, both for safety reason and also to minimize disturbance, but having the reduced speed limit lets us keep it open.

Okay, as the season progresses, there might be adjustments in those buffer zones based on parameters defined in the interim strategy. For piping plovers, the buffer distances are fairly consistent with what is recommended in the recovery plan developed by Fish and Wildlife Service. The buffer distances for other bird species in Alternative D are less than those recommended as the most protected by USGS. If you recall reading -- seeing the USGS protocols for American oystercatchers, colonial waterbirds, some of the other species like that, they recommended larger buffer distances because those birds are more prone to being disturbed. They need a larger area before they're disturbed. In Alternative D, we would use a smaller buffer distance than the most protected one that's recommended. Part of that is based on the fact that we know that vehicles passing by some of these nesting areas provided their own kind of predictable route or track are less disturbing than pedestrians or pedestrians with dogs. So that enables us to take advantage of that knowledge, have a pass-through, let the vehicles get around it, maybe closer than the highly recommended buffer distance, so that we can keep access open. And again, we're

going to, to the extent that we can, use alternate routes or bypasses around closures to maintain ORV access to spits and the point to the extent possible. And we're not going to have an escort system. That was widely panned by most people as costly and not that effective. And so our goal is to have a bypass route that's self-service, that you can go around it on your own with manageable or minimal disturbance to birds.

Another thing Alternative D is going to do is it's going to establish parameters for re-opening areas. I think if we have reasons to close them, we should have criteria or reasons when they can be opened. For example -- this is just one of the re-opening criteria for pre-nesting closures -- if there's no bird activity seen by mid-July or the area has been abandoned for a two-week period with no birds present, we would re-open that area. And it says "whichever comes later." And there is a period in the spring until early summer when most of the nesting behavior would occur. And so -- but, if it has not occurred by July 15, then it's pretty safe to re-open it.

On sea turtles, what Alternative D does is follows the North Carolina Wildlife Resource Commission handbook guidance. Beginning mid-May, we would survey daily for nests and relocate nests that are subject to overwash. We would use alternate routes or bypasses if a nest would prevent access around the nest. As a last resort, we would relocate a nest to ensure we have access available. And that's contingent upon us being permitted by the Wildlife Resource Commission to do so. So they are reviewing the plan as part of the consultation process, but we've asked to be able to do that. The USGS protocols recommended restricting or prohibiting nighttime driving because of wide impacts on sea turtle nesting. We decided that there would be no restrictions on night driving. We're not particularly convinced. We know the impacts. We know there's theoretically some impacts, but that we would seek funds to study the level of use and the effects of night driving here and see if we can come up with some ways to mitigate it without prohibiting night driving.

The one threatened plant species is called seabeach amaranth or SBA for short. There would be no pre-season closures for seabeach amaranth. However, the plants would benefit from any existing bird closures. And before we re-open bird closures, we would do a survey to see if there are any of these plants there. And, if there were, we would just protect right around the plants as we re-open the area. If a plant is found outside the existing closure, we would create a thirty-foot buffer zone around the plant. And that's not really expected to affect access. We would remove all observed beach vitex, which is an invasive exotic plant that competes for the same habitat as seabeach amaranth. And again, I don't think this activity is going to affect access in any way. We would conduct a park-wide annual survey in August. And areas without any of these plants could be re-opened September 1 if no plants are found. If some plants are found, we'd have a little closure, buffer zone, around the plant and re-open everything else.

Next -- okay, part of the theory here is, if we

have good cooperation and compliance with these restrictions, then we can have smaller, more flexible closures. And so in order to do that, we need to do some things and work with the community to improve the level of cooperative compliance. First, we're going to work on improving signing and our information brochure. And then we're going to ask for help to widely distribute that to the extent possible. We'd like to get this information to virtually everybody that wants to drive out on the beach before they actually get out there. And so once we have this ready, we're going to work the tackle shops, motels, businesses. We can provide these to the real estate companies so that they can put a copy of this in every rental information packet. And my experience has been that, when people understand the reason for the restrictions, generally they'll cooperate and comply with them. And, again, that compliance is really important to let us have the smaller, more flexible closures.

We're -- we'll also have regular law enforcement patrols out on the beach. We'll have a few more staff than we have in recent years, but we will not be bringing in any special law enforcement team such as occurred last year. So it will be Norma -- sorry, Nora and her regular staff with other key positions filled for the first time in a few years, but no extra law enforcement.

We'll continue targeted predator control near nest sites. The Park Service has had a contract with USDA in the past to do predator control. I'm going to ensure that we are only authorizing humane trapping techniques. And we do have funds this year to develop a predator management plan which will give us a little bit more of a comprehensive look, so we will have a strategy behind what we're doing. It's not just repeated, repeated, repeated trapping. So that predator control plan will be a public process, and you'll have an opportunity to hear about and comment on that.

One of the issues I found interesting is that the biologists seem to have been concerned about trash on the beach attracting predators such as gulls. And then also the need for people -- visitors or people using the beach to relieve themselves going into closures may account for some of the violations of closures that, you know, are a concern. And so what we want to do is try to help people to have an option. And so what we're planning to do is to provide dumpsters and porta-potties at the major access ramps to the -- I'd say to the key spits and points. And, you know, you have to balance funding versus, you know, how many are enough. So we may not hit the mark perfectly, but we're going to do that at the major access points and ask for your feedback and cooperation to let us know how you think that's working.

Okay, let's look briefly at the status of related documents and processes. As part of our formal consultation with Fish and Wildlife Service, we developed a Biological Assessment. It's basically an extraction, a summary of Alternative D out of this interim strategy that we sent to the Fish and Wildlife Service for their review. And they ultimately render what's called a biological opinion as to whether the interim strategy is sufficient to prevent

jeopardy to the threatened or endangered species. And so this -- we sent them this BA or Biological Assessment. They're given ninety days to respond, I believe. And we're waiting to hear back from them on that.

To make this plan work, we need to revise Superintendent's Order 7. That's a local policy -- and it was, I think, developed in April of 2004 -- that adapted parts of the 1978 interim ORV plan. It established some of the corridor width requirements, seasonal opening enclosures and those kinds of things. With the way it reads right now, if the corridor width is less than 100 feet wide, then the ranger staff close it as a safety closure. And so that's not going to work well with this plan. And the reality is I think it can be less wide than 100 feet and still be safe. And so we're going to revise it, try to come up with some very practical, functional wording that meshes well with the plan so that we have these options of alternate routes, drive-thrus, bypasses and, if we needed it, a reduced corridor width.

Negotiated Rulemaking: the comment period recently closed on the initial proposed list of participants. Most of you are aware there's been a lawsuit against the National Park Service in general about off-road vehicle use at a number of different parks. In this lawsuit, they proposed the stipulation to leave Cape Hatteras out of the lawsuit as long as the National Park Conservation Association, or NPCA, had a seat at the table. And that prompted a reaction from many of the stakeholder groups. And NPCA has decided on their own to withdraw from the negotiated rulemaking since they felt like they had become an obstacle to it moving forward.

So the comment period is closed. Consensus Building Institute, the so-called third party neutrals, is evaluating the comments. They're going to consult the Park Service. The Park Service is going to talk to them and make a decision, Is it feasible to move forward. And, if we move forward, who should the participants be. And so I anticipate by the end of this month -- and I'm not, you know, picking a firm date -- but probably by the end of the month, we will have made the decision that we want to move forward with negotiated rulemaking or not. And we will be preparing to publish in the Federal Register a notice indicating who the proposed participants are. And so all comments that have been received to date will influence what the next -- next list looks like and will influence whether we think it's feasible. I'm not foreshadowing any decision. My own point of view is I prefer to do negotiated rulemaking. I think it's a more effective process. But I haven't seen the comments yet, so we'll have to evaluate that.

Okay, a couple of other related activities. You know, I'm fairly new. I'm just finishing my second month on the job. My feeling is that, in the long run, there's some things we can look at and view that will give us more options to balance protecting nest sites with access. So some of the things we need to work on now, one is we want to take a look at the Hatteras Spit spur road, see if we can re-open that or re-open some sort of an access point on that side since it

certainly helps give us more flexibility during nesting season. Ron Clark, who is with us only for a few more weeks, is taking a look at that. And he can tell you more about it later, you know, in the informal part of the meeting if you want. I can't make any solid guarantee when it will re-open. The goal is to re-open it when we can, but we have to go through a planning process to do that.

Also, recognize the need to do something with the Cape Point flooding or Buxton Woods flooding, the flooding there sort of between the campground and the point. It's creating problems in the campground. It's creating problems on some of the access routes. And it's a complicated issue. Ron is working on that one as well. We think the Park Service basically needs to come up with a plan or strategy and work with the State to get -- to figure out what sort of water release or water quality monitoring combination would be acceptable. And so, anyway, that one I am aware that we need to address. And we are working on it, but it is -- that one is a little complicated, I think, at this point.

A fancy word for errors is errata. The Park Service has recognized a number of errors in the text of the EA. Place -- and these are mostly inconsistencies where we'll say something three times this way and then, one time, it's said that way. And it may be confusing or inconsistent. And so we're in the process of issuing or putting together a list called -- and we put out a list of errata -- I guess that's the way you pronounce it, errors -- an error sheet. An example of this and which I'll mention is, you know, the language in the matrix, Alternative D for Cape Point, it talks about how the -- it doesn't specify Cape Point, but it talks about having the 100-foot-wide corridor during the pre-nesting period. And, in most places, that's all it says. And so it would imply that South Beach would have the 100 foot corridor. Well, on the map, it looks like it's closed down to the water for Alternative D. And so something is in error there. I've asked that be corrected, so that people can comment fairly on what the proposal is. The proposal is to have 100-foot corridor along that area during the pre-nesting season. And then, you know, we recognize that's frequently a heavily used nesting area. It may change later, but, at least initially, we want to try to do that. So this list of errors will come out soon. We'll announce that. It will be posted on the website. In the meantime, I would ask you, if you see things like this as you read through the document, please submit comments on it via the website or however you are submitting your comments so that those potential errors can be called to our attention.

Being new here, I guess my experience has been this plan is very complicated. There's a lot of detail in there. And as we revised certain pieces of it since I've been involved, it frequently had affected wording in six other locations and we didn't always correct it, so there are some mistakes.

Okay, public comment period, it closes March 1. I encourage you all to look at it closely, comment on it. Comments may be submitted online at parkplanning.nps.gov/caha

for Cape Hatteras. And if we -- we have a handout over here which hopefully most of you received. When we first announced the availability of the EA on the website, we did get some feedback that people were having difficulty accessing it. And quite frankly, some of our own staff had trouble accessing it, too. So we sent out updated instructions. So we do have a handout if you have trouble reviewing the document or submitting comments. And then, also, feel free to call us at Park headquarters if we can talk you through it on the phone.

So that is all I have in terms of a presentation. I want to thank you all for coming. I'm happy to open the floor for questions and comments. If I could remind you that -- to state your name first for the record. And then we'll play it by ear. I'm not inclined to put a time limit on people's remarks since we have a small audience in time. Yes, sir.

MR. JIM LUIZER: Jim Luizer, L-U-I-Z-E-R; there are several aspects of this report that I'm thinking about commenting upon. And there's an awful lot of research undertaken on behalf of the Park Service recorded here as well. I believe I heard you state -- if not, I apologize. But I believe I heard you state that research conducted on behalf of the Park Service is subject to peer review. I know I've heard numerous of your predecessors make that statement. I'd like to know --

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: -- does this peer review of this research exist in written form? If so, who are the authors and what are their credentials? And can copies of said peer review be made available to us?

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: I would very much like to have this information because it could be very useful to have, needless to say, before commenting upon the research found to support it. I would very much appreciate that.

MR. MIKE MURRAY: Sure; I don't know the answer exactly. That's a very good question. My understanding is the peer review is done of research. And in an Environmental Assessment like this, there's a lot of references to research. And so any of those research documents would have been peer reviewed. The USGS protocols, my understanding, those would have been peer reviewed, et cetera.

MR. JIM LUIZER: I guess --

MR. MIKE MURRAY: And so --

MR. JIM LUIZER: I guess my basic question boils down to --

MR. MIKE MURRAY: Yeah.

MR. JIM LUIZER: -- a misinterpretation that you and I perhaps have about the meaning of the words "peer review."

MR. MIKE MURRAY: Yes.

MR. JIM LUIZER: As a retired academician, when I conducted research, it was published in a journal.

MR. MIKE MURRAY: Yes.

MR. JIM LUIZER: It was available for anyone to read.

MR. MIKE MURRAY: Right.

MR. JIM LUIZER: Persons who read this research were free to comment upon it, criticize it, anything they wanted to say. Those comments and criticisms were sent to the editor of the journal. The editor of the journal then decided after review of the comments whether or not to publish them in the journal at issue. It was a matter of record and all done in writing and all people -- and all eyes could see. I see no value to the peer review when it's undisclosed to the public's eye.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: And I'm just wondering about the validity of any peer review which is not disclosed --

MR. MIKE MURRAY: Sure.

MR. JIM LUIZER: -- to the public's view.

MR. MIKE MURRAY: Okay, let me see if Ron -- Ron, do you have anything you can add to that? I don't know the answer to it. The research pieces are peer reviewed. The plan itself is not peer reviewed. It's public reviewed. And it incorporates bits and pieces of the research. But, for example, the Vogelsong study you may have heard of, or any of these academically researched bird studies, would have been peer reviewed.

MR. JIM LUIZER: I was going to -- if you don't mind?

MR. MIKE MURRAY: Sure; no, go ahead.

MR. JIM LUIZER: I was going to bring the stuff that was there to date, but you brought it up, the Vogelsong study. I'm a retired college professor.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: I hold a bachelor's degree, a master's degree, and a Ph.D. from Lehigh University. I taught statistics my entire life.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: I taught econometrics, mathematical economics, advanced quantitative methods et cetera at the graduate level --

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: -- my entire life. I stated that specifically to let you know that, as a statistician, I think it's fair to say I know what I'm talking about. There are many, many, many serious problems with the whole Vogelsong study.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: In fact, the reason that I brought up the question of the peer review is I can't imagine any half-competent statistician who peer reviewed this quote "research" --

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: -- can pass a favorable judgment upon it.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: I'll give you one specific example to let you know exactly what I'm talking about. And then I'll sit down, if you'll bear with me.

MR. MIKE MURRAY: Okay.

MR. JIM LUIZER: Vogelsong estimates that, on

any given day at any point in time during the year -- those are almost his exact words -- 251.8 vehicles can be found on the park's beaches. He continues, "This number is probably accurate plus or minus twenty percent." That is the extent of his statement with -- regarding his estimate of the number of ORVs found on the beaches on any given day; at any one time during the year.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: In order to issue a statement such as that, three pieces of information are necessary from a scientific statistical point of view. One, the average, which Vogel song reports as 251.8. Two, the standard deviation in which I believe he reports as something like 258.8, somewhere around there. And third, the size of the sample, which is very curious to me as a statistician, Vogel song does not report anywhere in his study referring to this particular aspect of the study.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: To a statistician, reporting the size of the sample on which the very estimate is based is like a reflex action.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: You don't think about it, you just do it. That's how it's done. It's not done here. Now the fact that it wasn't done makes it impossible to lend any credibility or any scientific meaning to the words that I just reported to you found in the Vogel song study.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: Those numbers mean absolutely nothing from a purely scientific statistical point of view. And so my big point is this, I find these words and many, many others published here -- and, you know, the things that are put on paper, they take on a character of respectability, I guess, that perhaps they don't deserve --

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: -- such respectability. And what concerns me is that, when this stuff finds itself in print and people start thinking about this as fact or as scientific evidence when in fact it's a far cry from either, I have to move from the specifics, my criticism of Vogel song's study, to the generals and say how much of the other research in this study is based on sound scientific methods and methodology.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: And so that's what I'm talking about peer review. This study, the Vogel song study in particular, as well as many J.M. Baskin studies were bought and paid for by the National Park Service.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: And I'll tell you right now, if you want to buy and pay me, I'll give you what you want. But if I'm writing for a research journal and my professional reputation is on the line, that's a different story.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: And so I'd like to see who in fact it was who reviewed these articles. I'd like to see it in writing. I'd like to be able -- I will comment upon it,

but I'd like to see what they had to say first --

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: -- so that I can give a more informed statement.

MR. MIKE MURRAY: Sure.

MR. JIM LUIZER: And if you don't have any peer reviewers and you want to put a name behind anything they say in writing, you can hire me.

MR. MIKE MURRAY: Okay, well, I thank you for your comment. Anybody else? Any other questions, comments? Mr. Goodwin.

MR. DAVID GOODWIN: I'm David Goodwin. Mr. Murray, I just wanted to take the opportunity on behalf of everyone here to thank you for coming and doing the explanation. It's going to help us out a lot because it's pretty -- well, the work that's in here, it's going to take a lot of work to go through it.

MR. MIKE MURRAY: Uh-huh.

MR. DAVID GOODWIN: But I think it bears saying that we appreciate you taking the effort to come out and meet with everybody in as timely fashion as you can. And it would help us all in understanding it better.

MR. MIKE MURRAY: Thank you. Anyone else?

MR. BOB DAVIS: If you-all don't care, I'm going to go.

UNIDENTIFIED PERSON: Go ahead, Bob.

MR. MIKE MURRAY: Yeah, I mean, if this format is not working for you.

MR. BOB DAVIS: This is fine.

MR. MIKE MURRAY: Okay, we can continue with this or we can break up into small informal groups, but please, sir, go ahead.

MR. BOB DAVIS: Bob Davis, Buxton; I think my -- in going through this very quickly, especially the Biological Assessment, which is the plan that you're really thinking of doing --

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: -- and extracting from. In fact, there's more information in your data of the Biological Assessment than there was in the book -- the EA.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And sometimes the work of the devil is in the details, but there's no reason to go into them here. I think the villagers would appreciate your assurance that the National Park Service will not obstruct the refilling of island breaches from storms. This is the most economical and quickest way to restore Route 12 access throughout the village. That question or request arises because of some statements in here where you intend to allow natural, biological and natural forces to occur and only evaluate them from the sense of resource management. That is, will this new area that is being created by the storm be suitable for piping plover habitat or --

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: -- feeding. And we folks here need to know if we're going to be allowed to repair Route 12 in a timely manner and not have to be told by National Park

Service, You can't do it because we see a piping plover.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: The alternatives that you offered before are, You can go ahead and build a bridge; we'll give you a permit for it if you come to us first.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: Or you can operate a ferry service. Those things are not viable down here.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: We've got to be able to fill that thing in quickly. So somewhere along the line, you need to assure villagers what you intend to do or at least tell them what you intend to do for sure, because if the answer is, We're not going to let you do, then that's a real problem.

MR. MIKE MURRAY: Okay.

MR. BOB DAVIS: Think about that. Just as a point of reference, thank you for sending all these books out. It lets us know a lot about your thinking. We look at this and the first thing we do is laugh. This book weighs as much as all the piping plovers that nested here in the year 2004 and 2005. So, if you're going to manage it by weight, I think you're going to -- you've got a good start. If you go to the internet and make a copy of this, because you're basically dealing with one-side printing, it weighs a lot more. In fact, it's equal to thirteen pairs of plovers, which is what nested here in 1987, which is considered to be a good year.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And as I just -- I couldn't let that go by without making a comment on that.

MR. MIKE MURRAY: Good.

MR. BOB DAVIS: In these programs, there are a lot of studies that are designed to go on about false crawls for turtles. There have been a lot of studies that have been done here, a lot of data generated about false crawls. And the thrust that seems to be -- we want to find out if people use is contributing to false crawls and then decide what to do about them. I think the most important thing you can do in the way of a study is determine exactly what is the significance of false crawls. Is it a requirement for the survival of that species? If we don't know that false crawls do anything about survival about the species, then why bother spending any money on checking up on what's causing false crawls. It may well be -- and some of the data that our people are looking at. That was made available to us. It may well be that false crawls are just a typical consideration that the turtle knows when looking for a nest. You can see evidence to indicate that. A minor exception, the land at Cape Point, there seems to be some weird stuff going on there about false crawls.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: We don't know if it's because of the ORV activity or because the turtle comes up and looks around and says, Uh-uh, I don't think this is the place for me to lay an egg. I'm going to go somewhere else.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: When you first go through this book and the Biological Assessment, and I haven't read everything in this -- I've kind of speed read it and that sort of thing -- we folks are filled with a sense of frustration from your resource management people that they can't operate this park as a wildlife refuge. They've got to put up with people interfering with the refuge operation. I say that because, when you look at the data and the conclusions that are drawn, the summaries all through here are replete with biased distortions. There's really some bad science contained in these books. And if your staff has indicated to you that's not true and you're buying what they're telling you, then we really need to sit down for some lengthy discussions between you and those of us like Jim Luizer and Larry Hardham and myself to show you where the errors are in here --

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: -- or some direction. It's not just bad science, it's bad management. If you as a manager has somebody come to you and say, Here's the program we want to put in effect for piping plovers. And the result of that program is that fifty percent of the eggs that hatch or young fledglings are going to be killed, but don't you worry because we've got a permit to do this. Nobody's ass is going to be on the line because of this. What would you tell that guy? I'm glad to hear that we don't worry about it. Or would you say, Fifty percent of a loss in piping plover is not allowed. I won't have it done on my watch. That's the program that the resource staff has put forth to you to run the turtles. They know that what they intend to do is what they've done in the past, which leads to a fifty percent loss in turtles. That's unconscionable. We can see it very easily. And as they're trying to hide behind some flim-flam of mathematics, we need to nail them on it. We think there's things that can be done to get around that.

MR. MIKE MURRAY: Tell me.

MS. BARBARA ACKLEY: We've told you, we've had hearings --

MR. BOB DAVIS: We haven't told --

MS. BARBARA ACKLEY: They said --

MR. BOB DAVIS: -- Mike.

MR. MIKE MURRAY: You haven't told me.

MS. BARBARA ACKLEY: Okay.

MR. BOB DAVIS: He needs to hear from all of us.

MS. BARBARA ACKLEY: Okay.

MR. MIKE MURRAY: And either you can do it in your comments or you can tell me a little bit now or --

MR. BOB DAVIS: We can -- we can go into more depth. I hate to waste all the valuable time here for these people --

MR. MIKE MURRAY: Yeah.

MR. BOB DAVIS: -- to listen to all the things that we need to do about the turtle program. There's a lot of basic things as it is. You can't adopt a laissez faire attitude about nature. If mankind is the cause for species getting into trouble, then mankind needs to do something about it. And the only approach we have seen in this park is

one where you do nothing to manage the source, you manage people. You exclude people from the resource. It's the only tool they use. If you can get away from that, you can look back at this park as being number one where it originally was. Maybe even think about putting the original name back together. In 1940, this was designated the Cape Hatteras National Seashore Recreational Area. The Park Service -- this was done by Congress. The Park Service knocked the recreational area out of it. And gradually as time has gone on, the attitude that this is, first of all, a recreational area has gotten lost. They've gone more towards the wildlife refuge operation. Congress first came down in '37 and looked at this place --

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: -- and they were giving -- very unhappy with the utilization of the seashores. They wanted to create something for the public, for prosperity. They looked at these beaches, and they said, Man, this is great for swimming and fishing and boating. We ought to preserve these beaches the way they are for that. They looked on the other side, they saw the woods, the old Maritime Forest, what was left of it, them. They could see what was cut down. They -- it's being rebuilt. The shrubs, the animals out in there, the flora and fauna, We're going to protect this as a primitive wilderness as long as we can. We're not going to build any condominiums or houses or anything in this area. We'll let the villagers take care of the guests and the visitors. So we'll have the wilderness back in here and we're going to use this as a recreational area on these beaches. Now, since then, you've had environmental acts come along -- come and gradually weazled their way into it. But if you think of it and manage this as a recreational area and accommodate wildlife instead of a wildlife area accommodating people, it's a different viewpoint.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And I think you ought to be considering the destruction of wildlife habitat. We have an area around the salt pond there that at one time there was good for piping plovers and bird to nest around. The attitude of letting them go wild; and now it's all grassy there and nothing wants to go in there except the wintering Horn Rods and other birds. There's plenty of opportunity here that allows wildlife and recreation to co-exist. But not the culmination of the past policies which is in these books here, which is essentially closing everything down.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And maybe letting us have a little 100-foot corridor. That's the wrong direction to go. But I'm going to stop now. I could keep going forever.

MR. MIKE MURRAY: Okay, I don't know if I am supposed to respond. I do want to respond to a couple of things. One is the way I view this plan is it is the interim plan. I agree there is some long-term things we can look at here in terms of habitat restoration, alternate access points and those kinds of things to increase their flexibility so that we can make it work on the ground more effectively than maybe it has in the past. And, anyway, at this point, just

me being new and this interim plan being -- coming out so quickly, I just want to remind people that we do have those opportunities to look at things in the long run, but in the interim plan, we weren't able to evaluate those yet. But I do think that's the opportunity to make this work in the long run is to look at those things. Anybody else?

MS. VIRGINIA LUIZER: I just have a couple of real quick questions and comments. My name is Virginia Luizer, L-U-I -- you've got the spelling. First off, you mentioned about when you got the committee -- it would go with the reg neg committee and you got the committee -- it would be published in the Federal Register. A lot of people probably are not familiar of where you can find that on the internet, et cetera. I'd like to recommend that you -- strongly recommend that you put a press release out when you do that giving them the links so that they know where to go. In fact, I'm not even sure I know where to go to the Federal Register to look it up.

MR. MIKE MURRAY: Okay.

MS. VIRGINIA LUIZER: Secondly, with respect to the 100-foot corridor -- I know somebody else asked the question -- originally I thought it was supposed to be 150. I was looking at the plan and it said that the corridor -- the 150-foot corridor did not impact user passages as was implemented in 2004. Are you with me? In fact, that's not a true statement because what's been our experience with 2004 is that the park has not -- the Park Service has not been able to adjust that due to the change in the conditions on a timely basis.

MR. MIKE MURRAY: Okay.

MS. VIRGINIA LUIZER: And now -- the result was, on several occasions, we had no access to the inlet unless we wanted to drive in standing water. And you want to move it further now to 100-foot corridor, which is even more narrow, are you going to be able to maintain that 100-foot corridor? What's going to be different?

MR. MIKE MURRAY: The reason Alternative C uses 150-foot corridor -- if I could, maybe let me answer your question by contrasting C with D.

MS. VIRGINIA LUIZER: That's fine.

MR. MIKE MURRAY: Alternative C proposed you keeping the 150-foot corridor, but only on the ocean side. And so, in Alternative D, we proposed the narrower corridor, but to include it on the sound side in the pre-season nesting period as a tradeoff, to be honest. And the goal is to mark it above the high tide line. And so 100 feet above the high tide line would be that 100-foot corridor. If we modify Superintendent's Order 7, then -- let's say localized conditions mean that you'll have a 100-feet there -- we could still allow people to get through there if provided. It's safe from a common-sense point of view. And so I don't know if I'm answering your question or not.

MS. VIRGINIA LUIZER: So is there a plan then? It sounds like once 100 foot is set, it's set. You're not going to be moving it and adjusting for conditions?

MR. MIKE MURRAY: No, it --

MS. VIRGINIA LUIZER: Does it mean at a 100 feet

or --

MR. MIKE MURRAY: The way it's worded is up to 100 feet above the high tide. We would make adjustments as necessary. If less than a 100 feet and we can keep it open, we will.

MS. VIRGINIA LUIZER: Do you have any idea if you're going to be able to make the adjustments as necessary, because the experience has been over the last two years that --

MR. MIKE MURRAY: I -- you know, I'm not exactly sure how it worked the last two years. The intention is to have it more reasonable and flexible. We'll have some additional staff monitoring conditions so that we can be more responsive to changing conditions. Under the existing Superintendent's Order 7, the superintendent has to approve every change. Since we haven't rewritten it yet, I can't tell you what the new one is going to say, but we need to make it more responsive so that it works on the ground a little better.

MS. VIRGINIA LUIZER: So then you perceive that changes in either staffing level, or the way the staffing level has been, it just allows you to operate -- it will allow you to adjust the corridor when there's a change in conditions?

MR. MIKE MURRAY: I would like to think so. But if -- you know, the big burden is on us to have the staff, train the staff in the new procedures so that they all have similar reasonable expectations or understanding of what the plan says and what the policy says. And so it's our intention to do a fair amount of staff training as part of this.

MS. VIRGINIA LUIZER: Does Provision D -- I didn't see it in there; does D have the provision for wintering area -- a proposed bird's wintering area?

MR. MIKE MURRAY: Yes, it does. Wintering in migratory area; there's a section in the matrix. In general terms, it's only interior habitats, not the shoreline habitat at any of the spits or points. And there's actually maps at the very back that would --

MS. VIRGINIA LUIZER: Yeah --

MR. MIKE MURRAY: -- show that.

MS. VIRGINIA LUIZER: -- I didn't see any wintering provisions.

MR. MIKE MURRAY: Okay.

MS. VIRGINIA LUIZER: That's why I asked the question, so I'll have to go back and read that.

MR. MIKE MURRAY: You may be correct in that. I believe what it says is the Alternative D for wintering would be the same as A.

MS. VIRGINIA LUIZER: Okay, then maybe I read over it.

MR. MIKE MURRAY: Yeah.

MS. VIRGINIA LUIZER: The point of pre-nesting, but yet, you said three years -- pre-nesting sites would be based on three years' activities?

MR. MIKE MURRAY: Yes.

MS. VIRGINIA LUIZER: Now, is that for all birds

or just the piping plovers?

MR. MIKE MURRAY: All birds.

MS. VIRGINIA LUIZER: Okay, then that explains that. And I believe you did say just now -- earlier that the south side where it shows it being closed down to the beach, you intend to leave a corridor on that south side?

MR. MIKE MURRAY: That's what we intended to say in the plan.

MS. VIRGINIA LUIZER: Okay.

MR. MIKE MURRAY: Yeah.

MS. VIRGINIA LUIZER: That's why I wanted to make sure that I got that right.

MR. MIKE MURRAY: So I've reported that as an error. And, you know, we have a central office putting out the error list. And probably like any single item in the plan, it's subject to debate, I guess. I mean, I think we could pick any item in there. So the intention in the plan was to put it out as the corridor is open there and then see what kind of feedback we get on that.

MS. VIRGINIA LUIZER: And then finally what I heard you tell Bob is consideration for recommendation of a scoping session with respect to trying to maintain the habitat, that it is higher up, more viable, safe as the result of federal protectivity, that is something that is not feasible in the short-term plan?

MR. MIKE MURRAY: That's what I've been told. It's clearly not addressed in the short-term plan, but to me, it looks like an obvious opportunity to look at in the long run.

MS. VIRGINIA LUIZER: So it's just the short timing that makes that?

MR. MIKE MURRAY: I think that's correct, yeah.

MS. VIRGINIA LUIZER: If at all possible, future meetings in the middle of the weekday, even though it is wintertime, especially with only five days' notice. I mean we're retired. I'm retired, so it didn't matter to me. But I know there's a lot of people that work who would have loved to have been here.

MR. MIKE MURRAY: Okay.

MS. VIRGINIA LUIZER: Now maybe they'll be up -- maybe they'll make the trip up to Rodanthe, I don't know, but -- or over to Ocracoke, but --

MR. MIKE MURRAY: I appreciate that kind of feedback. We're trying some different times and locations. And some may work better than others.

MS. VIRGINIA LUIZER: Thank you.

MR. MIKE MURRAY: Thank you; anybody?

MR. LEON SCARBOROUGH: What about the problems with Hatteras and that corridor? Hatteras Inlet, Saturday the stake was in the water. Today they are up on the bank. Down in that area, it changes three or four times during the winter. One time, it would be -- the rift would be to the pond that separates the two lines to the shoreline.

UNIDENTIFIED PERSON: I can't hear what he's saying. Could you speak up, please.

MR. LEON SCARBOROUGH: Yes, ma'am. You have a pond down there between the dunes and the rift and between.

Saturday, there was probably -- the stakes the Park has there was in the ocean. Today, I was down there, they are up on the bank. There would be times this winter when the pond would be part of the rift. It does it every winter during our southeasters or southwesters. We've lost a lot of beach down in that area in the last two weeks.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: Well, then it would be about -- it would go beyond 100 feet or it might be 200 feet from the stake. Will those stakes be moved as the beach builds or will they be left and allowed for it to change again and shorten the distance between the stakes and the high-water mark? Another question, what consists of the high-water mark? Is it the noon tide, the main high tide or just the normal high tide? It's unique there on that beach.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: See, we do not have a rise and fall of the tide in the sound area --

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: -- like they do other areas. I live right on the sound and have that privilege and I have now for seventy years. And we do not have that rise and fall. We do have it on the ocean as a normal tide, but then we have our moon tide, which is -- could be like it has been with having the moon tide this last week, it was to the dunes.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: It was to Hatteras Inlet. You couldn't get to Hatteras Inlet right at high tide. And so they could say, Well, at high tide -- that's at high tide, so we're going to have our stakes 100 foot from this area.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: And the -- half of the time, we wouldn't be able to get down to the inlet. Right -- my main traveling area is from 55 to Hatteras Inlet. And I'm there just about every day fishing.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: And that is one thing. Now the -- well, we've always called it the back road. Now it's known as Pole Road or Spur Road or whatever it is; getting down to -- down that road, they've shut down to the area going across the washout. When that road was put there, it was just as flat as this highway out here.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: The water went over it. And it ebb and flowed right over it.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: And when it would do that, it was packed and would be more accessible for vehicles. It was mostly two-wheel drive then. Are they planning on doing something about that washover so that we can continue to go right on down like we were before Isabelle or is it going -- will we have to go around that area? And, if so, would we make it where we can go around it closer to the washover and come back in on -- closer to the other side of the washover and have more back road than we have now?

MR. MIKE MURRAY: Is that all of your questions,

sir?

MR. LEON SCARBOROUGH: No, I have one more.
Turtle relocating --

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: -- if they can be
relocated for the tides, why can't they be relocated when
they interfere with ORV movement? Why can't they be taken to
the wildlife reserve, which is what it's for, the Pea Island
--

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: -- and put down where
there are no vehicle traffic at all.

MR. MIKE MURRAY: Uh-huh, okay, there were some
good questions there. I think I got them all. Let me try to
answer them. The stakes in the water -- under this plan, I
think we have to recognize the reality out on the ground and
not leave stakes in a fixed place if they're no longer
working. The way it's defined is there would be some
corridor width above the main high tide, recognizing that in
a moon tide or storm tide of some sort, there may not be any
beach to drive on. But if it's routinely no beach to drive
on, then the stakes are in the wrong place. We need to
recognize that winter beach is different than summer beach --
there's some erosion; there's some buildup, et cetera -- and
make adjustments. And then on the other hand, it's got to
be, you know, realistic to implement by the staff. They're
not going to be out there every day based on today's high
tide changing something. And so I guess what I would say is
I'd want to make it work on the ground. And if we have a
narrow area, make reasonable adjustments so that it works.

MR. LEON SCARBOROUGH: You see, in the past,
they've had them where you've had wide beach areas to the
dune line.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: And it might -- we might
have seventy-five feet or so of beach. We might have fifty
feet of beach. But they took it from -- I don't know where
they got their high-water line.

MR. MIKE MURRAY: Yeah.

MR. LEON SCARBOROUGH: That would not be the
normal high tide.

MR. MIKE MURRAY: Yeah, I think the -- what I
was trying to find here. I think the way it's worded is the
main high tide -- which I know is always subject to
interpretation. The goal would be is that we pick a
reasonably high tide and not, you know, the lowest high tide
of the year. Pick one that's reasonable, average, and it may
not be the highest storm tide of the year, but have a
workable corridor there that people can normally get in and
out. And, if it's not working, make adjustments so that it
does work.

All right, you did ask a couple of other
questions. The term I keep hearing is the Spur Road or you
mentioned Pole Road. But -- yeah, I guess the way I
understand it, it's the road that used to cross over to the
sound side until Isabelle overwashed it. There is a
restoration project by the corps of engineers there.

MR. JIM LUIZER: Pole Road goes all the way out to the -- all the way to the inlet.

MR. MIKE MURRAY: Okay.

MS. VIRGINIA LUIZER: Pole Road is the old road

--

MR. MIKE MURRAY: Okay.

MS. VIRGINIA LUIZER: -- starting at 55 going all the way down. And Spur Road is the last one that goes south.

MR. MIKE MURRAY: Okay, so your comment was about the Pole Road?

MR. LEON SCARBOROUGH: Yes, sir.

MR. MIKE MURRAY: Okay, I guess I was thinking -- I was picturing the Spur Road, so, please, repeat your question.

MR. LEON SCARBOROUGH: The Pole Road, it starts at Ramp 55 --

MR. MIKE MURRAY: Okay.

MR. LEON SCARBOROUGH: -- and zigzags all the way to the inlet. You have the flats area which was a washover during Isabelle. There was two of them.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: Well, you have gone so far down and stopped and then back over to the beach --

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: -- and go quite a way down before we can go back up. My question is are they going to take and fix it so it's like it was pre-Isabelle, in which you had just one road? You didn't have no other -- some of them call it Ramp 55A. Some of them have Ramp 55B.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: And some other interpretations going on down there. But is it going to be fixed like it was pre-Isabelle?

MR. MIKE MURRAY: I don't know. I don't know enough about it. But if some -- if you would be available to talk to Ron when we get to the informal part of the meeting, he's looking at that and trying to come up with a plan.

MR. LEON SCARBOROUGH: The ORV traffic down there on that 100-foot corridor can lead into some problems during the summertime. You can take one big beach party and take up the whole corridor.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: And then you come up to them and with -- trying to get through the inlet, and, I'm sorry, you're not going through.

MR. MIKE MURRAY: Uh-huh.

MR. LEON SCARBOROUGH: I've run into that. It's a mess, I'll say. If you get a bunch of drunk teenagers down there on that beach having a party and you go in the front and go fishing, they're not going to let you through.

MR. MIKE MURRAY: Okay.

MR. LEON SCARBOROUGH: And you've either got to go find a space or go home.

MR. MIKE MURRAY: All right, thank you for the comments. Sir?

MR. RANDY COLLINS: My name is Randy Collins.

I'm a resident of Hatteras Village and a business owner. There's one -- I intend -- I've made my point and tried to be an active citizen since I've moved down here permanently. And I've made all these meetings. I'm very happy to see that you're at least willing to address and give some kind of answers, because at many of them I've been the statements were made without the questions being answered. I know personally last fall -- there's one question I want to ask -- and I'll try to stay away from being lengthy about it -- is no one has addressed to me, at least at any of the meetings in which I've been to all of them, and I've asked the former -- and this has nothing to do with you. I hope to -- we look forward to getting some answers. But, you know, we've talked about the birds. We've talked about the 100-foot access. We've talked about all this stuff, but as it was brought up earlier about the recreational area --

MR. MIKE MURRAY: Uh-huh.

MR. RANDY COLLINS: Okay, nobody has addressed the economic impact, no one. The National Park Service team, from what I gathered, I was -- the former superintendent, I just don't understand him. It has nothing to do with you. But I stood right up within twenty foot and I got looked at. And I try not -- and I went back to my teaching -- I'm a retired educator -- like, is there an answer here. And there was no answer. No consideration for the economic impact. If this becomes a National Wildlife Reserve, in which it's been going to, and I've been coming down here for twenty-some years, anti-people, you're not going to have anybody here anyhow, so you can just take over the whole park, you know, and drive people around in your truck and say, Well, here's where the piping plover might be and so forth and so on. And it's really ridiculous. And land prices are going to go to Hell.

MR. MIKE MURRAY: Uh-huh.

MR. RANDY COLLINS: And there's not going to be anybody here, so it's going to be all natives. But this place is going more towards that. There's not going to be anything. Businesses are going to close up -- the tackle shops -- if you can't have people drive on the beach. Now -- so I'd like to see an answer to the economic impact. You don't have to give it today.

MR. MIKE MURRAY: Uh-huh.

MR. RANDY COLLINS: But I'd just like -- I'd like to hear it for the first time.

MR. MIKE MURRAY: If I could respond to that. I don't know that I have all the answers.

MR. RANDY COLLINS: Well, I know --

MR. MIKE MURRAY: But there is an effort in this document to look at the economic impact. And it's, you know, always going to be debatable, Is it looked at adequately. In terms of the Park Service's mission, our mission is twofold. One is to protect the wildlife and the natural and cultural resources in the National Park units in such a way that they can be enjoyed by current and future generations. So recreation is half of our mission. What we have to do is figure out, when we have sort of conflicts like this where the birds want to nest at the best fishing spots, is what --

it seems to me, we need to figure out ways to sort of manage it for both purposes. So that's my goal here in the long run. In the short term, this interim plan is focused on the species. But in the long run, the long-term ORV plan, I think, can look more broadly at, Do we have enough access points? Whether we look in that plan or some other plan, Do we have some habitat restoration options that will improve our flexibility in the future? And so I think in the long run, we have that opportunity. I recognize and, you know, believe any local businessman that tells me, there is an economic impact. The Seashore is dependent on the local communities to provide services to visitors, accommodations, food, services, gasoline, those kinds of things. And likewise, we know that having the Seashore here is a -- an attraction to tourism that helps drive the local economy. And so, the way I look at it, we're in this together. You know, we do have to be very considerate of those impacts.

MR. RANDY COLLINS: Okay, so I just have one other question.

MR. MIKE MURRAY: Sure.

MR. RANDY COLLINS: Randy Collins again -- I don't know if you need my name -- but talking about that, in recent years, they've closed, and I understand part of the reason, in front of the villages, okay?

MR. MIKE MURRAY: Yeah.

MR. RANDY COLLINS: And you talked about earlier, you mentioned -- correct me if I'm wrong -- that you're going to think about putting dumpsters down at 55 and the other ramps; that's just -- that's part of the problem, but not just because I drive out on the beach. I am not the most cleanliest (sic) person in the world, but I can tell you, I don't see a lot of trash of the people who fish here that drive. But I walk the beach in front of my house right down to the dunes -- and I try to every day I can. I get sick and tired calling -- I've got the National Park Service number right on here. I called at least twenty times this past year where I've walked upon fifteen, twenty, thirty, forty beer cans from these people that are staying in the villages; they don't give a damn about riding on the beach. And they drag all their crap across the beach and leave all their crap there. And I'm walking along trying to pick up a couple of shells or enjoy myself by living down here.

MR. MIKE MURRAY: Uh-huh.

MR. RANDY COLLINS: And I walk back three or four or five hours later and nothing has been done. I'm thinking, what else do you have to do. I know there's a lot to do. But it seems an awful lot of money was spent escorting us down to the inlet that we didn't have enough sense to drive down there ourselves; hundreds of thousands of dollars over a couple of birds. And I know this might sound ridiculous, and I don't mean to sound offensive. But I'm a smart enough person to know that, throughout the history of time way before man, we have this thing called natural selection. There's a lot of things these birds and all go to because it's more naturally suitable for their needs. It doesn't have a thing to do with man.

MR. MIKE MURRAY: Uh-huh.

MR. RANDY COLLINS: And so you-all think about moving these eggs. If you go up there -- I hear they're successful up in Cape Cod. Look what happened, they closed the whole beach down. Move the three pairs of birds on the fifty-seven miles of beach down there, move them up there, move the turtles. Get them to start using the beaches up at Pea Island. They took them to Pea Island years ago. And so -- you know, are you going to put trash dumpsters at the end of the -- for the visitors that don't usually drive on the beach. But as far as I'm concerned, those are the major culprits leaving a lot of trash on the damn beach.

MR. MIKE MURRAY: Uh-huh.

MR. RANDY COLLINS: And they just expect somebody else to pick it up. And I can only report on Hatteras Village. God knows what happens up in Avon.

MR. MIKE MURRAY: Uh-huh, at the moment --

MR. RANDY COLLINS: Thank you.

MR. MIKE MURRAY: Thank you; at the moment, we don't have a plan to put dumpsters in these locations.

MR. RANDY COLLINS: But you can fine them. I mean --

MR. MIKE MURRAY: Well, certainly --

MR. RANDY COLLINS: -- you fine me \$500 --

MR. MIKE MURRAY: Yeah, right.

MR. RANDY COLLINS: -- for riding on the park -- on the part of the beach I'm not supposed to be on.

MR. MIKE MURRAY: Uh-huh.

MR. RANDY COLLINS: I'm going to think twice before I drive there again. I've got news for you.

MR. MIKE MURRAY: Uh-huh.

MR. RANDY COLLINS: But, you know, I come along and I pick it up or leave it down and somebody else comes and pick it up. You know, fine these people. If they don't have any respect for the beach, personally, I don't want those kind of people down here anyway. Let people come that have a respect for using the beach.

MR. MIKE MURRAY: Uh-huh, okay, thank you. David.

MR. DAVID GOODWIN: Mike, you've mentioned several times today this is an interim plan. The new long-term plan will be addressed during -- in some way during the ORV management plan upcoming. Can -- that seems to be talking of apples and oranges to me. I don't understand how the ORV management plan is going to result in full-time species protection plan. Can you elaborate on that?

MR. MIKE MURRAY: Yeah, that's a good question. I've been struggling with that myself. The -- excuse me; the interim species -- protected species management strategy is focused on it from the wildlife and the plant side of it. And so it's really looking at buffer zones and those kinds of things. And it inevitably has some impact on ORV use and access in those areas where there's nesting.

When we do the long-term ORV management plan, that's going to be focused on ORV issues. But that could even include corridor width, speed limits, you know, whatever -- if we do it as a group through negotiator rulemaking, whatever the group thinks should be looked at. What I want

to do is leave it open-minded that if, for example, this 100-foot corridor in the pre-nesting areas, as far as I'm concerned, the reg neg committee (sic) could look at that and recommend an adjustment in it if it's not working correctly. If they do, then parts of this we'd have to go back and revisit with Fish and Wildlife Service to be sure they would consider that a no-jeopardy opinion. So ultimately the off-road vehicle management plan and regulation will probably need to do formal consultation on that. And it could define things about the ORV corridor or access routes that inevitably do affect how the species are handled. And so I kind of see them as related, but they are different.

MR. DAVID GOODWIN: Okay, is it safe to assume that -- assuming the reg neg (sic) goes forward, that the service -- the Park Service will be in their current depot? Or will the plan will be addressing the species protection as well?

MR. MIKE MURRAY: Whatever happens in the ORV regulation and the ORV management plan, part of the analysis will have to look at are there any impacts -- negative impacts or benefits to the species. And I think this will -- the interim plan will serve as some guidance. But I don't want to have our hands tied --

MR. DAVID GOODWIN: Right.

MR. MIKE MURRAY: -- particularly on the -- like with things like the width. But we're not going to go back and focus on and revisit the species protection measures. It's just that it's inevitable that, as we think in the long run about ORV management and how to define those regulations, some of that could change portions of what's in this interim plan. I don't know if that's clear or not. I feel like I'm talking in a circle, but is that clear?

MR. DAVID GOODWIN: Yeah, kind of, sort of. I was trying to find out a way to figure out, okay, the ORV reg neg over here, the species management plan over here, in which it has been alluded to for quite a while now, obviously this is an interim plan, okay.

MR. MIKE MURRAY: Yeah.

MR. DAVID GOODWIN: What will constitute the permanent species management plan and how would we arrive at that or would the Park arrive at that?

MR. MIKE MURRAY: Well, I guess -- let me speak hypothetically if I could; depending on what the ORV management plan says, it could be very -- the species protection stuff could be very similar to what is in here or some of it could be different.

MR. DAVID GOODWIN: Yeah.

MR. MIKE MURRAY: If it's significantly different, then we'd probably have to go back and revisit this issue with Fish and Wildlife if the plan is different. What I don't want to do is say we're -- that the long-term ORV management plan is totally bound by anything in here.

MR. DAVID GOODWIN: Sure.

MR. MIKE MURRAY: I'd rather keep it open-minded.

MR. DAVID GOODWIN: That helps.

MS. VIRGINIA LUIZER: Are you saying everything

is on the table including that document?

MR. MIKE MURRAY: To an extent, and, you know, that's a negotiation process. But I think it's better to have it subject to negotiation. And so it's hard for me to say, but this will -- nothing in here will change. But once the long-term ORV plan is completed, some of this may need to change. Larry?

MR. LARRY HARDHAM: You asked us to make corrections on the Biological Assessment as we come across it. I find on a couple of occasions where the language says one thing or it draws a conclusion which is correct, but yet it's misleading. As an example, there's one case that says that nest management increased from 2000 to 2002. It's a very clear statement. When you look at the chart, what increased was the percentage of nests that were abandoned. In other words, in 2000, three of six nests were abandoned, but in 2002, two of three were abandoned. And so the percentage of nests abandoned increased as the statement --

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: -- says, but yet the number of nests that were abandoned decreased --

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: -- from three to two. Now that's a thirty-three percent change whereas the statement is referencing to a difference between fifty percent and sixty-seven percent which is only a seventeen percent change. There's an agenda here. There's an undertone of saying, Well, things are deteriorating, but there's another side to that. You know, the number of nests really went -- that were abandoned went down. This is a good sign.

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: So the negative has been brought out here. The implication is this is all the result of ORV activity. And it -- even though the statement is correct, it doesn't tell the whole picture. And it's not really an error, but it's a tone that's set in here.

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: It's -- I don't know. It seems to state an agenda. My other point, is that an error?

MR. MIKE MURRAY: Well, I don't know if it is or not, to be honest. I -- those are valid points to comment on.

MR. LARRY HARDHAM: Is there clarification that should be made, maybe?

MR. MIKE MURRAY: No, I don't think so. That's a fair point. Whenever I read through documents like this, I tend to catch some of those myself and see where -- what the data says indicates one thing and what the words say may interpret it a little differently.

MR. LARRY HARDHAM: The summary of that data seems to say only half of the picture.

MR. MIKE MURRAY: Yeah, well, please comment on that. All right, sir.

MR. LARRY HARDHAM: Another point, if I may, you were talking about corridors, and I think that there are areas of the Seashore that corridors have protected -- or in the long run will destroy habitat, because they are left open

year round and vegetation tends to grow behind them --

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: -- and destroy the effectiveness for the bird nesting there.

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: A prime example of that is on South Beach or other areas from 55 down to the inlet --

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: -- where the beach -- the cleared beach area is vastly wider than the corridor. And you can look -- you can drive down to the end of Pole Road and see grass growing in lines where ORV traffic just happened to be going over the sand. And ultimately, you're effectively destroying the habitat by allowing this to occur. And I'd like to see you re-evaluate the corridor system in areas like that.

MR. MIKE MURRAY: Uh-huh, I've heard that point of view before. I'm starting to see the validity in it. This particular plan doesn't really get at that. I think, if you look at it from the point of view of ORV corridor, then we can certainly look at in the long-term plan and consider those benefits or impacts. But in the long run, I think, to be successful in balancing recreation and resource protection here, we do need to look at -- for those opportunities to restore, maintain habitat that's not -- you know, implement --

MR. LARRY HARDHAM: You can open that area --

MR. MIKE MURRAY: Yeah.

MR. LARRY HARDHAM: -- on the South Beach behind the campgrounds to ORV use, when it's not being used in pre-nesting, to effectively -- like right now --

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: -- how effectively we maintain habitat for the birds.

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: Close it up like it has been for the last few years, in the long term it's going to destroy the habitat.

MR. MIKE MURRAY: Uh-huh.

MR. LARRY HARDHAM: And that seems the opposite of the goal, but --

MR. MIKE MURRAY: I'm willing to consider those things, I don't really know the history.

MR. LARRY HARDHAM: Okay.

MR. MIKE MURRAY: But it's not covered in the interim strategy, but I'm willing to consider those. Jim?

MR. JIM LYONS: Jim Lyons; I don't know anybody who opposes having ORVs on the beaches, myself included, but I do know a number of people that feel that they want to be in some areas that don't have ORV use. They call me about it all the time. And my concern is that, when I read this species management plan, that I see that it's being managed for the resource and ORV. It does not take into account other people's ideas and feelings about how they want to recreate on the beach. There's other ways to do recreation with those accesses other than these ORVs recreating on the beach. I don't want to wait and see while all the people

that are concerned are having to wait until a reg neg (sic) goes through, if it goes through, to have an ORV management plan to manage other areas of the beach other than just for ORV. And so when I read that plan -- I looked at all four plans, but, you know, I really am glad that the Park is looking for alternative ways to find areas for ORV to get to these hard-to-reach places because I like to go to them, too. But I think that the Park is missing out on other people's views. And this is almost like a little mini-ORV plan in addition to a resource plan. And I'm concerned about that.

MR. MIKE MURRAY: Okay, thank you. And if I could just comment on that. I realize there are different points of view. The interim plan really focuses on the key nesting areas. So it's really the six spits, Cape Point, South Beach and those six areas where there's a lot of nesting. It's incomplete in terms of looking at the full spectrum of off-road vehicle use throughout the Seashore. And in the long run, the long-term plan and negotiated rulemaking could and should look at those issues. In the short term, what I'd like to do in the revision of Superintendent's Order 7 is try to consider those. And so that Superintendent's Order 7 gives us the flexibility to make this plan work and answers a few questions that seem to be out there in terms of, you know, a variety of areas. And at this point, I don't know what we're going to do with it exactly. What I want to do is have some sort of opportunity for people to comment and submit suggestions on what we should look at in the short term. Sir?

MR. NEIL MOORE: Neil Moore; and the address is Buxton. And Jim has made a very fine point. The Park standards, and it's very clear, the courts have decided, for the most part you can do both in habitat and resource protection. It's probably number one is all the federal regulations and the -- in which we agreed with them -- everybody here agreed with them, the rights and privileges of that little old lady in a sanitarium in a wheelchair in Colorado are just as great as they are for people who come here. East Carolina University has determined a few years back that only about eleven percent -- no more than fifteen percent of the people who come to this park drive the beach. The economic impacts were assessed a few years ago. The occupancy rate for the motels, hotels and so forth were the greatest they had ever been since the '80s. And, if you pick the number of facilities, the beach places, and you apply that at the occupancy rate, then the availability of resources, undoubtedly it has to be a whole lot of people that have been here and not drive the beach.

As far as turtles, there has been a lot of rhetoric. There's probably no more than a dozen turtles to crawl on the entire beach from the point at Cape Hatteras until Oregon Inlet this past year. I only know of one instance where a short-time closure affected the access to the beach. There was about one day, maybe two days, and they built right around it. I have a question. Does it take a CAMA permit, by the way, to bulldoze a path through the dune in order to make access or revise an access? I don't know. But I will put that to you. Is that a Park Service objective

or perspective decision or does it require somebody else's procedures?

MR. MIKE MURRAY: I can answer that now or --

MR. NEIL MOORE: Would you, please?

MR. MIKE MURRAY: I'd say it depends. What we've done is we've sent a consistency determination to the State with regards to CAMA to identify the pieces of this plan that we think trigger their jurisdiction. There is some bypass criteria in here that we describe the circumstances and the type of impacts that may occur if we did a bypass. You know, I can't speak about what was done in the past, but in the future, either we need to get a blanket permission to implement this plan and the bypass criteria, or CAMA may tell us something different and want us to apply each time we do it.

MR. NEIL MOORE: And so it's not a Park Service option --

MR. MIKE MURRAY: Yeah, typically --

MR. NEIL MOORE: -- to determine that?

MR. MIKE MURRAY: Right; it -- certain laws -- the way the laws apply to federal agencies, federal laws apply to us, certain federal laws delegate -- delegate the authority to the State such as The Clean Water Act, Coastal Zone Management Act. And in those cases, however the State defines implementation does relate or does affect how the Park Service does things. And so I -- you know, I'm coming from a similar coastal park. And the State handled it a little differently there, but we had to consult and get a permit on these types of issues ourselves.

MR. NEIL MOORE: I would note an observation that in the case of -- Larry had a question and made a valid point, but nine cases, it's hardly a universe big enough to make that fee determination of pluses and minuses of those two-thirds versus a third.

I'll make one more observation. When it comes to turtles and the survival of the turtles, it's not one out of every two. It's ordinarily one out of a thousand. About one percent of the turtles, one out of a hundred, would never be expected to mature. And it generally returns to the same beach where it was born or where it was hatched. And so the survival of the turtles that are put in the ocean here, and they are monitored very closely during nesting season by the volunteers, one out of 100 or somewhere between 100 and 1,000 are the only ones that makes it back, so. If we're going to make these statements, please, let's get them right.

MR. MIKE MURRAY: Thank you; sir?

MR. JIM LUIZER: Yeah, I think everybody has made an excellent point that people should have the opportunity to come to this seashore and be able to walk on the beach without being bothered by ORVs. People indeed should have a way to do that. It would be too easy for me to say there's Pea Island for that sort of thing. No, I think right here people ought to have the right to do that. I think they're thinking, well, it's a state park. The only thing I have to say is that we observe some reasonableness when making a decision. Reasonableness pertains to proportionality. And here are the numbers. Yet, your

organization has forty members, while the OBPA has how many members, 3,000 in excess. Those are the numbers I'm talking about. Proportionality -- you can do the arithmetic. I can see giving up that much of beach for all the pedestrians to go directly to the beach or for ORV access. That's proportional, that's fair. When the numbers change, we can make changes. But in the meantime, let's not close down to the beach to all ORV access because of a total of forty people don't like to see ORVs and don't like walking through the tire ruts or don't like the idea of seeing a Rottweiler on the beach.

MR. MIKE MURRAY: Thank you.

MR. JIM LUIZER: That's all I have to say.

MS. BELINDA WILLIS: I have to say something about that, I'm sorry.

MR. MIKE MURRAY: Hang on.

MS. BELINDA WILLIS: My name is Belinda Willis

--

MR. MIKE MURRAY: Hang on.

UNIDENTIFIED PERSON: Belinda, wait --

MR. MIKE MURRAY: Wait --

MS. BELINDA WILLIS: -- I've lived here for thirty-five years.

MR. MIKE MURRAY: Wait.

UNIDENTIFIED PERSON: Give him time to respond.

MR. MIKE MURRAY: I'll give you a moment here in a second. You know, I understand the points being made. Some of these are actually more appropriate to the long-term ORV management plan with regard to those kinds of issues. But let's continue the discussion, ma'am, please.

MS. BELINDA WILLIS: I want to say that Jim is not a minority here. I've lived here for thirty-five years. My husband has lived here for a lifetime through generations. When I moved here, there was one four-wheel drive versus all the two-wheel drives. Now there's one two-wheel drive versus four-wheel drivers. I don't see why -- there are people that moved here that moved here because we had a National Park and they loved the National. We enforced the driving on the beach, but yet -- you know, I feel like we should all be able to look at the consensus. Jim is not the minority. He might be the one that only speaks out a lot, but he is not a minority. And so, I just wanted to say that.

MR. MIKE MURRAY: Okay, thank you.

MS. BELINDA WILLIS: A lot of people feel very strongly about the same issues here.

MR. JIM LYONS: East Carolina University determined that we were ninety percent correct, that only ten percent drive the beach. Now it's quite likely that ten percent of those people include all the, you know, off-road Carolina Beach Buggy Association or whatever term you want to put to it. Still the number of accesses to the beach is very limited compared to the number of people who visit this park each year. And there is no doubt of that.

MR. MIKE MURRAY: Okay, if you will, I would like to be sure that I recognize people to speak so we can give everybody a chance. Pat, I don't think you've spoken yet. We've have to give other people a chance to speak again

in a moment. Pat?

MS. PAT MOORE: My name is Pat Moore. I live in Frisco. And I am an obsessed birder. And I'm going to talk a little bit about the birds. I'm not able to -- I'm nervous. I'm very nervous, but this is something I just have to do. Neil and I moved here in 1991. And soon after that, somebody remarked to me that, one of these days, fishing would fall. That birds might help the economy of the Outer Banks. In October, there was a meeting to explain the new concept of the North Carolina Birdie Trail. And this trail is based on something that was established and detected in 1995. And since then, thirty states have picked up on it and they have found out that, yes, indeed birders visit and birders spend money. And North Carolina is working on it. The first step is the coast. And eventually, the birdie trail will be worked on for the entire state.

In October, seventy-five invitations were mailed out to the various businesses. About three showed up at the explanation for the birdie trail. A birdie trail will be economically beneficial. You have to bear in mind that's the reason bird watchers will come here is for those very birds that have been under discussion today. They are unusual birds. They are easy to find on our beaches. And indeed, birders will need four-wheel drives and want to have access to the beaches. But, if those birds disappear, the birdie trail will not be as beneficial. And those of you who run businesses here and sell food, gasoline, whatever, birders will come here. They will buy things. It might be a little, but it will help. And I just had to say something about it. I hope that in the future, if there's another organized meeting to explain the birdie trail, that more people will show up. Thank you.

MR. MIKE MURRAY: Thank you. We have about fifteen minutes. I'd like to give everybody else a chance to speak who has not spoken yet. Ma'am?

MS. BARBARA ACKLEY: I'm Barbara Ackley from Buxton. I'm very depressed --

MS. PAT MOORE: Barbara, I can't understand you.

MS. BARBARA ACKLEY: I'm very depressed for a number of reasons, but -- besides the facts of these volumes. I found that three couples that we're very friendly with have their homes up for sale. They say they're at a lower price than they should be because they want to get rid of them. They are moving from the area. They're doing it because they're like us, they moved here to use the beach. And they're not able to use the beach like they used to.

I leafed through this proposal. More importantly, I looked at the Biological Assessment. I find a great deal, if not absolute misinformation, at least a lot of supposition and maybe this would happen. And it really stretches the line to find out -- to say why ORVs are a problem. The studies are not directed towards research of what to do to improve the birds. The studies -- for instance, one study calls for or dispenses with ORV use. It is an ORV plan. It has -- the Biological Assessment allows no public input. The public input only goes on this plan. The Biological Assessment, I assume, if the Fish and Wildlife

approves it, stands until it's changed. This is very scary.

There are -- for instance, I just looked at one chart and did my own figuring. And the conclusions were wrong. It was about a number of nesting birds on the Seashore each year -- several years. There were a few nests especially at the beginning starting with '88. It says that the number of nests have declined since '88. They have not. They have increased. There are two -- actually, they declined to a matter of a few nests. But if you take out the one year that was thirty and you take out the one year that was over 1,000, most years were in the 200 to 300 range. And when you figure the average of those, which is the typical, statistical way to analyze something, there are quite a few more, like the difference between, I think it was, 320 and 370 nests more now than there was throughout the year. There are things like that really upset me when I see how it's written. How they're running people off the beach, if there's any kind of vandalism. And I'm going to stop by asking a question.

MR. MIKE MURRAY: Sure.

MS. BARBARA ACKLEY: When I look at these diagrams of the large pre-nesting areas and a 100-foot corridor, is it assumed that between the wrack line and the stake, there will be trucks allowed to park and use the beach? Or is this just a corridor to get through?

MR. MIKE MURRAY: There's places to park and be allowed to use the beach.

MS. BARBARA ACKLEY: A very small area.

MR. MIKE MURRAY: Yeah.

MS. BARBARA ACKLEY: It also says that they're discouraging crossing the wrack line with vehicles. And I assume you mean pedestrians. I don't know how you can be in that corridor with passing vehicles and not go on the wrack line and not damage, and certainly if you have people back and forth to the truck and around behind the truck and to the shore. People come here primarily -- and this is a closure now we're talking about from the 1st of April to October.

MR. MIKE MURRAY: I'm not sure what you mean. The pre-nesting closure?

MS. BARBARA ACKLEY: Well, all closures at these spits.

MR. MIKE MURRAY: There's a progression during the nesting season that things could evolve and change. There is the general commitment to have the 100-foot corridor whenever possible during that time period or find an alternate route around it or bypass. I don't -- the interior areas that I set aside for pre-nesting closures, such as by April 1, those would be in existence -- if you remember --

MS. BARBARA ACKLEY: Apparently, it's the end of July.

MR. MIKE MURRAY: Yeah, July 15th.

MS. BARBARA ACKLEY: This is a very heavy used area.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: Plus all of the people, for instance, on the way to the point from just above -- around 44 to just below 43, because that's blocked off for the

summer, is a very small beach. This may not -- may -- sometimes is, sometimes isn't, upon which these people come here in the summer for vacations because the men or whoever can fish, the families can play in the water on the beach or whatever. It's a multi-use purpose here.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: That's why they like certain areas.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: The same thing happens down 55 way to the shoreline. One more moment and I'll be done. The -- I'm -- I question the statement, "greater incidences of ORV violations in closures." And one thing -- how they got to this. For instance, we were down -- we were nearly into the Hatteras Inlet and we noticed driving by the -- whatever you call that --

UNIDENTIFIED PERSON: The rip.

MS. BARBARA ACKLEY: The rip; down by the rip, the signs were out in the water.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: This was a time at the end of the summer, before winter. There were no birds involved. They were here for several days. It appeared to everybody that this was a perfectly ridiculous thing.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: We both went through it --

MR. MIKE MURRAY: Sure.

MS. BARBARA ACKLEY: -- and fished on the other side. It didn't make sense.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: And we were down by the -- through the water, actually, to get through it. They didn't go on the beach at all. We saw the resource person go down on the beach, looking around, and come running back and get in her truck as fast as she could. I just assumed she didn't like what she saw. Now, did she count all those vehicles that were across there? Did she count tracks? Did she count them in half for coming back? I mean how is this -- I mean how many -- how did you arrive at these statistics?

MR. MIKE MURRAY: Good question; what time of year was that one, the one that you just mentioned?

MR. BARBARA ACKLEY: This was end of the summer, early fall --

UNIDENTIFIED PERSON: Early fall.

MS. BARBARA ACKLEY: It seems I remember the condition existed --

UNIDENTIFIED PERSON: The fall -- it existed all year.

MS. BARBARA ACKLEY: -- for quite a while. And I daresay it's existing now. I don't know why there's an enclosure down there now.

UNIDENTIFIED PERSON: Well, the tide -- you've got now --

UNIDENTIFIED PERSON: It was during the end of summer --

MR. MIKE MURRAY: Yeah, under the new plan in the off-season, there would be an open corridor along the

shoreline, ocean side and sound side. During the nesting season, we'd have 100-foot corridor above the main high tide line. My understanding of the way the numbers of encroachments or violations has been documented has been from the park staff looking at tracks through the fence lines and those kinds of things. I think incidents of actually contacting someone in enclosures is relatively small versus the tracks. What's the date of that? Is it referred to in there? And I'm not necessarily convinced -- well, perhaps. There's also definitions of how essential vehicles -- Park Service vehicles go in an enclosure. There's fairly strict definitions in the plan of when they could do that and what their policies and rules are. They would have to go very slow, et cetera, et cetera. Quite frankly, I don't know how good the data is. This is the data we have to work with. And the new plan would be an effort to expand the pipelines of information being collected and doing it in a systematic way and training each of the staff how to do it. And so you make a good point to question the data. And I don't have an answer for it. I know sometimes when -- and this happened at my last park when you start looking at safety concerns. Once we started looking for things, we've tried to document more than we did before we started looking at it. So that's kind of artifact, the data collection that, over time, you can really see what the average really is. It may not be an increase as you well know incidentally -- previously occurred. And so the way to mitigate that, though -- the way I have to try to respond to that is through education and information. You know, I'm not saying the data or the number of violations is accurate. I just don't know. But, in a plan like this, to counter that information -- to counter that perception that there's a problem, we can do that reasonably through education, as many people know. Yes, sir.

MR. BOB DAVIS: I'm Bob Davis again. I wanted to comment on the deal of observation about turtle survival. You mentioned that one in a thousand hatchlings come back as an adult. I hope that's true. One of the reasons why it's so important is not to lose fifty percent of our eggs or young hatchlings before they get in the water.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: The other comment is you're talking about nest relocation for ORV use when you can't get a bypass or alternate route --

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: -- will that permit from NC be in place or are you going to pull out and give permission to move that --

MR. MIKE MURRAY: We don't --

MR. BOB DAVIS: -- at the time?

MR. MIKE MURRAY: We don't know yet.

MR. BOB DAVIS: Because you've got a time period of twelve hours --

MR. MIKE MURRAY: Right.

MR. BOB DAVIS: -- and to get a response from North Carolina Wildlife --

MR. MIKE MURRAY: We've put it in the plan. We have sent to them. In essence, we're asking for blanket

permission, but it remains to be seen what permission they give us, if any.

MR. BOB DAVIS: You need blanket permission if you're going to do this.

MR. MIKE MURRAY: Yes, that makes sense. Let's see. We've got a few more minutes. And then we're happy to stick around on an informal level if people want to talk to us. Mr. Couch hasn't spoken yet.

MR. JOHN COUCH: My name is John Couch. I want to thank you again, Mike, for having these meetings here. It's very, very beneficial to the community. And I sense a lot of fear about the unknown. Where we are today is because of the Park Service predecessors didn't do their jobs for whatever reasons. The fact remains is that here we have an interim bird strategy plan that threatens our fear of our businesses. How do we plan to pay our mortgages, our businesses or take care of our employees with the promise that we have? Pole Road, I'll remind you, about a dozen organizations, the county government supported putting Pole Road back to its original pre-Isabelle condition. I've heard a lot of top support for that. And that was a cultural/traditional access that was there for about sixty years. I'm not quite that old, but five years away from it. But here we are out there and these plans are pounding us. I think it's just a fear of what we don't know. And I kind of remind everybody here, too, that, you know, this is not us against them or anything like that. We're all in this together. It's all access. Pedestrian, ORV access, it's not different, it's the same thing. It's the public's right to access these land areas. There are plenty of places down here for individuals that want to walk unobtrusively without ORVs. I'll remind people that, if you go to the lighthouse, all you've got to do is walk left all the way to Cape Point without being obstructed. You've got Pea Island. You've got twelve miles there you can walk unobtrusively. You can do that on the shoreline all the way down here. You can walk at Ramp 49 all the way down here to Ramp 59. It might not be convenient, but Cape Hatteras is not convenient. And maybe that's why we have ORVs. And ORVs are associated with tourism. They are associated with how we make our living and how we conduct our livelihood, and so kind of keep that in mind. But it -- you've got to admit that, you know, this is not, like I said, an organization against organization. It's, you know -- there's a place that we can meet in the middle. While everybody -- you know, everybody can -- you know, if we can get through this process, I think that it'll work. But people just need to think about the fellow person there. You know, we are all striving for the same thing, and that is an access -- a reasonable access. And, you know, the birds, they have got a right to be protected out there, but people are afraid they're going to take away the ORV access. That's what they're afraid of. And once we can address that and satisfy people's fears, I think we'll be okay. And again, thank you and thank the staff for coming out. And you're a breath of fresh air from the other superintendents that we've had.

And one more comment I'd like to make is I'd

hate to see the next hurricane that comes through here and it does all this -- in the name of the bird habitat. And it doesn't take into consideration of what access was here before. And that's what happened the last time. And the Pole Road -- you know, now we've got great bird habitat. Now we're going to get new habitat -- get access that you didn't have before to reach the goal. And so let's try to keep that in mind, that, you know, there is a system that works here and you can't deviate from it too far that the resource can be protected and it hurts business because we've got eight villages in the Park here and that is not going to change, so we've got to get along and we've got to come up -- to our senses.

MR. MIKE MURRAY: Thank you. If I may conclude the meeting. We're happy to hear any informal comments afterwards. Let me also invite any of you, if you wanted to say something for the record and you did not feel comfortable doing it in front of everybody else, the court reporter will stay around for a little while and you can speak to him individually or if you wanted to speak informal with me or any of the staff. Please, I know this is an important issue to you -- in some ways, I'm sorry to be meeting you on this issue at this point in time. It's very difficult and challenging. But, in the long run, I agree with John, I think we can work this out and come up with a functional plan that meets multiple interests. And I am a little afraid about the summer myself. I'd like to see this plan work effectively and do everything I think it will do. That remains to be seen. So I encourage you to look at closely, nit-pick at it, submit comments. They will be considered. You have one more chance to improve it if we can before, you know, it's signed off on and we start to implement it. Sir?

UNIDENTIFIED PERSON: Is it possible to get our own copy of the plan for review?

MR. MIKE MURRAY: If you don't have a copy, I think we have a limited supply. They're available in libraries. We can get your name and address and try to provide one to you, but we have a very limited supply of printed copies. Okay, thank you very much and we'll stick around.

(The proceedings concluded at 4:05 P.M.)

MS. CAROL LOUISE ANDERSON: I'm Carol Louise Anderson, a lifelong resident of Buxton, North Carolina. I grew up appreciating the environment around me, the birds, nature, as well as Buxton point. My father is probably one of the first anglers down there with Randy Janette. And I've got pictures of him with a Model-T Ford that we drove on the beach. And last summer when the beach was closed to all vehicular traffic for that month, it just did my heart great damage because that's the beach I go to every day seeing as I'm a homemaker and can go to the beach. And I think we should compromise and there should always be access to the beach. And I'm a lot like, with everyone else, I've watched the -- us close for the birds and then the tide wash across and the signs all wash away, and no one come to pick them up and them float around and us not be allowed in there and then

nothing is there but tide. But I think the anglers need to also be educated this summer because, as far as I see, they destroy all those reeves that are breeding around there. And that's a bigger issue to me than the birds. And we should all come together and compromise. But don't ever close the point because it's the best part of Hatteras Island.

MS. VIRGINIA LUIZER: My name is Virginia Luizer, L-U-I-Z-E-R. I make this statement -- the statement was made earlier this afternoon including or implying that there is very little beach for pedestrian access. I recognize this meeting is for protected species plan, but I feel incumbent upon me to set the facts straight for those who read this. Quite frankly, off-season pedestrian-only access accounts for forty percent of Hatteras Island. That's excluding narrow beach closures. In season with the seasonal closures, pedestrian-only access exceeds fifty percent of Hatteras Island. That is, in point of fact, pedestrians have nearly as much access as ORV drivers. Thank you.

(PROCEEDINGS CONCLUDED AT 4:05 P.M.)