

INTERIM PROTECTED SPECIES MANAGEMENT PLAN

RODANTHE COMMUNITY CENTER

RODANTHE, NORTH CAROLINA

NPS CAPE HATTERAS PUBLIC MEETINGS

FEBRUARY 10, 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 SHOW PRESENTATION

MR. MIKE MURRAY: Hi, I'm Mike Murray, the new superintendent of the Cape Hatteras National Seashore. I have a number of park staff with me here today. Warren Wrenn is our safety officer and Navy specialist extraordinaire. In the back of the room, Ron Clark is our acting chief resource management from the Cypress National Preserve. Mark Hardgove is the deputy superintendent. Mary Dole is chief of interpretation.

Thank you all for coming today. I want to thank the Rodanthe, Waves, Salvo Civic Association for use of the building and for arrangement of the refreshments, so, thank you. I appreciate it very much.

The purpose of today's meeting is to talk about the Interim Protected Species Management Strategy. I have a brief presentation. And then after that, we'll open it up to questions and comments.

Okay, the purpose of the meeting is to give you an update on the interim strategy; to explain the purpose of the Environmental Assessment and provide an update on the public comment process. I want to summarize the key points of preferred Alternative D. I want to provide an update on the status of related processes. And then we'll open up the floor for comments and questions.

What exactly is the Interim Protected Species Management Strategy? It's kind of the short-term plan to guide management practices for protection of species over the next three or four years while we're in the process of doing a long-term off-road vehicle management plan and regulation.

We released the Environmental Assessment and Interim Strategy out for public review on January 25, and copies were mailed out to an extensive mailing list. It's also available if you want to review it, if you don't have a copy, at public libraries here on the island and also at the visitor centers. It can be reviewed online at [parkplanning.nps.gov/caha](http://parkplanning.nps.gov/caha), which is the Park Service acronym for Cape Hatteras, CAHA. The public comment closes -- period closes on March 1. The comments can be submitted via the same website. We will -- I will show the website again later.

The purpose of the Environmental Assessment is to evaluate different options for species protection under this interim strategy. And it considers four alternatives. Alternative A is a continuation of the 2004 management practices. So, in sort of compliance jargon, it's considered the no-action alternative, and so no change from the 2004 practices.

Alternative B is the undisturbed area focus. And Alternative B is based closely on recommendations and protocols developed by U.S. Geological Survey, which has been hired by the Park Service to review the scientific literature and make recommendations based on the science about how to protect the species. Under the review process, this alternative was considered the environmentally preferred alternative, meaning it's the most protective of the environment.

Alternative C is the tailored management focus. It's sort of a combination of measures from Alternatives B

and D, but somewhere in the middle.

Alternative D is titled the Access/Research Component Focus. And this is what the Park Service has selected as the preferred alternative. And so, in this process, you can have the environmentally preferred alternative, which, again, focuses on protecting the environment, and yet the preferred alternative can be something different.

And so I'll spend most of my time talking about Alternative D, the preferred alternative. Out of Alternative B, C, D, D is the most flexible, least restrictive. It relies on increased observation, surveying, and other measures to allow for fewer, later, and shorter closures where possible. And it provides for the use of alternate routes and bypasses if and when a resource closure would shut off access to the spits and points.

Under Alternative D, we would survey for bird activity in breeding areas used in the past ten years. We've established pre-nesting closures in areas used for breeding in the last three years. This is generally the spits and the point. We would designate a 100-foot-wide ORV corridor in these recent breeding areas to provide access around the pre-nesting closures. This narrow corridor, the 100-foot corridor, would be posted above the wrack line where there is well-defined wrack line. It's not always well defined. The wrack line is sort of the organic material, seaweed, et cetera that washes up in high tide. And it ultimately provides a good food source for the birds. In areas where the corridor width is less than 100 feet, we would post a reduced speed limit.

As the season progresses and the bird activity changes, we would adjust the buffer zones based on parameters defined in the strategy. The buffer zones for piping plovers is pretty much consistent with the Recovery Plan guidance. Piping plovers are a threatened species. And so the Fish and Wildlife Service has jurisdiction over threatened and endangered species and have established a Recovery Plan for the piping plover. And it's guidance; it's not regulatory. But that's the information that we used to develop Alternative D. The buffer distances for other species, such as American oystercatcher, colonial waterbirds, would be less than that recommended as the most protective by USGS. In the protocols, USGS recommended larger buffer zones than we've selected to use for these other species. Again, we'd use alternate routes or bypasses around closures to maintain ORV access to spits and point, to the extent possible. And under this alternative, there is no escort service. And so these alternate routes and bypasses would be self-service. And people could drive through there whenever they wanted to unless there was a nighttime closure for some reason.

Alternative D also established parameters for reopening areas. One example is we would remove the pre-nesting closures if there is no bird activity seen by July the 15 or when an area has been abandoned for a two-week period, whichever comes later. And there's a variety of other parameters for reopening areas.

With regard to sea turtles, Alternative D would

follow the North Carolina Wildlife Resource Commission guidance. We'd survey daily for nests beginning in mid-May through the summer. We'd relocate nests subject to overwash. We'd use alternate routes or bypasses if a nest would close access. And in cases in which there's no alternate route or bypass feasible, as a last resort, we'd considered relocating nests to provide access if permitted by the Wildlife Resource Commission. We've submitted our plan to them for review and so we don't know if they're going to permit that or not.

USGS protocols recommended restricting or prohibition of nighttime driving based on light possibly affecting turtle crawls and hatchlings finding the water. This Alternative D would have no restriction on night driving. However, we would seek the funds to study the level of night driving and the effects of night driving and lighting -- artificial lighting on sea turtles here. And, again, this would use alternate routes or bypasses to the extent possible.

We have one threatened plant species here. It's called seabeach amaranth, SBA for short. There's no pre-season closures planned for seabeach amaranth. The plant would benefit from whatever existing bird closures there are. Any plant found outside of the existing closure, we would create a thirty-foot buffer zone around the plant. It's not expected to affect access. Before we would reopen the bird closures, we would use surveys for the plant before reopening so that we could put the small closures around the plant if any are present. We'd do a park-wide annual survey in August each year. And areas would be reopened by September 1 if no plants are found.

The idea of using less than the optimal buffer zone for some of these birds allow smaller, more flexible closures. And they would be contingent upon us achieving good compliance with the posted closures and restrictions. We would work on this by working on improving the information available to the public. We're developing a new information brochure. We're going to work with the community, with some real estate companies, to be sure as many people as possible got this information before they get out on the beach. We would have regular Park Service law enforcement presence on the beach in these key areas. In the past few years, the Park Service has not been fully staffed in terms of its law enforcement staff. Last year, the Park brought in law enforcement personnel from outside to help man the escort system. We do not plan to do that this year. We filled the vacant positions, so we have a few more staff than we've had in the past, but not significantly more.

We would continue targeted predator control near nest sites using humane trapping techniques. We would prohibit pets, kite-flying, ball and Frisbee tossing near nest sites. And we will provide dumpsters and porta-potties at the major access ramps to facilitate people bringing their trash off the beach and minimizing attracting predators out to the beach.

Now there are a number of related processes and documents that relate to both this plan and then the long-term plan. In January, we submitted a Biological Assessment,

or BA, to the Fish and Wildlife Service. And it basically extracts the information about Alternative D out of the EA, summarizes it and analyzes it. And it's the formal consultation between the Park Service and the Fish and Wildlife Service, so they can evaluate whether our plan will provide adequate protection for the threatened and endangered species. They will give us what's called a biological opinion; it will either be a jeopardy opinion -- meaning our plan is not adequate protection -- or no-jeopardy opinion, which is what we're hoping for. And so that's part of this process. The BA is available for your review. It's not a public comment document per se. It is a consultation document, but again, it should be consistent with Alternative D and the EA, which is open for public comment. The BA is posted on the [parkplanning.nps.gov/caha](http://parkplanning.nps.gov/caha) website.

Superintendent's Order 7 is a local park policy that sort of describes some of the ORV management practices. It was established in April of 2004. It simulated aspects of the 1978 interim ORV plan including defining corridor width. My understanding is it defines that we need to have a 100-foot-minimum corridor in order to keep it open for safety reasons. I'm not convinced that it's unsafe if it's less than 100 feet wide. In order to make Alternative D work for us from the ground, we're going to revise Superintendent's Order 7 so we have more flexibility. If there truly is a safety concern, there may be a safety closure, but it's not going to be based on an arbitrary number. Again, if you'll recall, we're talking about having a 100-foot corridor width in the pre-nesting areas. And so if, based on the tide or other issues, the corridor is only 90 feet wide, I don't want to close it just based on an arbitrary number.

Long-term ORV management plan, we will begin public scoping on that in the spring. I don't have any exact date, but I would assume in the next few months. And that will involve public meetings to get input on what you think the key issues and concerns might be that need to be addressed in the plan.

Negotiated rulemaking, the Park Service is in the process of waiting for the comments from our consulting firm, Consensus Building Institute. We'll evaluate the comments and make a decision about whether to proceed or not. If we do not proceed with negotiated rulemaking, I think the Park Service will need to step up and go through regular rulemaking, which is a public process, but it works a little differently. But we'll make that decision, I think, by the end of the month one way or the other.

Related activities -- we know that we have some access issues and concerns about the closure of the Spur Road at Hatteras spit. We'll take and we'll look at that, trying to figure out if there is a way we can reopen that and what sort of permitting or compliance we need to go to and whether the old route is the optimal location. We've been having discussions. We've just had a field trip with CAMA, a representative, recently on that. I can't tell you exactly what we're going to do there, but we are working on it.

We're also looking at the flooding near Cape Point campground, which we know affects some of the ORV

access routes. That's another very complicated issue. You know, it sounds like what was done in the old days of cutting a rut in the beach and letting the water out probably lowered the water table, but there's environmental concerns about that. And we were stopped from doing that by the State. So we need to have a plan of how we manage and do that and can do, you know, water quality sampling and things like that. So we're working on that as well. And again, I can't tell you when that may happen.

A fancy word, errata, which is Latin for errors. There is clearly some errors in the Environmental Assessment, inconsistent language between different sections, those kinds of things. The Park Service will put out an errata sheet soon, I'm told. It's actually being coordinated outside the Park. And anything you see in there that you consider an error, either an inconsistency between a so and so and so or anything that you disagree with, please submit written comments through the comment period. And we'll look at those as comments and evaluate those and respond to those. We're getting a few of those every day, so it's not a practical thing for us to update errata sheets every day. The public comment period ends -- closes March 1. Comments may be submitted online at [parkplanning.nps.gov/caha](http://parkplanning.nps.gov/caha), Cape Hatteras.

I want to thank you all for coming. And again, thank you for the Rodanthe, Waves, Salvo Civic Association. And now I want to get ready and open it up for comment. We have the court reporter here today. He's going to record all the comments made. They'll be transcribed and submitted to the Park Service as comments. I'd like to also encourage you -- and, you know, it's your choice; anything that you tell us today, you're also welcome to submit written comments via the process I've already described. So I'm here to listen to you. And I want to give everybody here a chance to speak. And I want to have, you know, reasonable, orderly meeting management. I'm not here to debate or argue with you. And I don't want you to debate or argue with each other either. And so I'd ask you to direct your comments to me. Being the new superintendent, you know, I wasn't here for public scoping. I've read the transcripts of the comments for the public scoping meetings, so I have a feel for the comments, but I really want to hear what you have say. And, since we're being recorded, I would ask you to -- when you're called upon to speak, would you state really clearly. It helps figure out who said what in the transcripts. And then I would like to set a time limit so that we give everybody a chance. We'll have a five-minute time limit. And, if everybody who wants to speak has a chance to speak and we have time left over, we can certainly continue. And then after the formal comment period, the Park staff and I will wait around after the meeting if you want to talk to us informally. And then the last point I just want to say is that Travis will be here also if anyone doesn't feel comfortable speaking in front of a group, if you want to make comments, you can just meet with him directly after the meeting.

All right, so without further ado, I'm going to be quiet and I'm going to listen to you now. And, so, are

there any questions or comments? Sir?

MR. BOB DAVIS: Bob Davis, Buxton. I'd like to address some errata in the Biological Assessment.

MR. MIKE MURRAY: Okay.

MR. BOB DAVIS: Page 52, Table 11, colonial waterbirds: the sooty tern average should not be one, it should zero. The bottom line totals are only at three of the data points instead of all five. And you're missing data for the years 1994, '96, 2002, 2003. Page 31, Table 8, sea turtles: the total nests is listed as 481, but if you do the arithmetic, it's 491.

MR. MIKE MURRAY: Okay.

MR. BOB DAVIS: I guess you've had these things pointed out already. Page 51 starts with the problem; I can understand arithemtical errors, but when you get into errors of conclusions due to bias which is subjective science, it does create a lot of problems. I can come to you with this Figure 2 from page 7, it shows a plot of piping plover nesting --

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: -- in the Park.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And I can plot on here the amount of area of bird closures, and it'll look something like that. Now, if I have an agenda, I'm going to come to you and say, Look at this plot, that clearly says to me that the more enclosure area you have, the fewer birds you're going to have. Therefore, you've got to reduce your closures to allow the birds to come in.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: Now, in your experience, you know that's bad science. Not only that, it's just stupid to make such a suggestion. But that's a gross example of why it's subjective thinking taking that and jumping to conclusions.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: We see this type of conjecture throughout these two documents.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And so it -- I guess what I'm saying is beware of the advice that comes from people who have agendas. And you, as the new boss here, need a staff that you can rely upon for being objective and truthful or you're not going to be able to manage by using delegation. I understand that you like to delegate as much as you can.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: What that means is, if you've got people that you know are biased, then you'd have to discount their advice to you.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: That's a bad situation to be in because you've already run into a situation where you don't know what you're talking about, okay?

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: Okay, so their advice to you can lead you down to bad direction without you knowing it. So you've got to be careful of that. Getting to more positive



suggestions, you were asked about porta-potties in the last meeting. And I would suggest that you put one at Ramp 43. The reason for that is, that is daytime use area, you've got small parking there. And it's literally run a very successful program with the ranger program. We've got some moms and dads that come in from the cities, and the little kid has got to go to the bathroom and, if they can't find a seat, they don't know what to do about it.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And so a porta-potty would help them with the beach additive.

MR. MIKE MURRAY: Okay.

MR. BOB DAVIS: Okay, getting on to the more practical studies; we think you ought to institute a turtle nest temperature study at least four locations; in Ocracoke, on south beach in Hatteras -- and these are the east-west running beaches -- and the north beach at Hatteras, that is the north-south beach; and Pea Island, up on the north end. This is what's going to help you later on. We think you really need to institute a nature nest relocation program; remove all the turtle nests that are laid in areas of weather related loss. It's out in the area by the water.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: We think you need to select a safe beach area for the nest relocation problem; appropriate at least three locations -- Ocracoke, one of the best places for them; Hatteras Island beach south of Cape Point, one of the best places or two places even; and north. The reason I'm -- well, this may have to do with what your temperature studies tell you as to separation issues.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: But, more importantly, when you have some major storms come in through here, they may have hit the north-south beaches and not the east-west.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And so you've got to break these up as much as you can, but you've still got to decide a good place to put them.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: We think you ought to adopt the Fish and Wildlife, as to Pea Island, procedure for silk fencing around turtle nests. What we use is a very tight, key-hole configuration with a complete circle around the nest and cut it down to a narrow corridor out to the ocean. It provides better shielding from the any artificial lighting and minimizes ghost crab predation. Your current configuration you use in the Park, which is like an open v, doesn't do this for you.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: It doesn't shield light and it doesn't keep crabs out. We think you need to develop a trained volunteer staff, all manned by electronics available perhaps, by twenty-four hours, seven days a week, monitoring of these safe nest areas. This staff would be supervised by Bob White, a National Park professional. We think you ought to be begining negotiations with the Cape Hatteras Electric Co-op and Dare County Commissioners to restrict artificial

lighting intact on the beach of the National Park. This would include street lighting, illuminated signs, residential interior, exterior lighting. This is a light pollution you're talking about.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: We think you need to begin an incidental study for a turtle hatching laboratory. They need to explore the transfer of property, island personnel and technology to that facility. The current U.S. Fish and Wildlife policy of least restrictive management -- and I've got to explain this to some folks. You and I have both talked to -- what's her name --

UNIDENTIFIED PERSON: Louise?

MR. BOB DAVIS: No, the lady down there -- the lady biologist.

UNIDENTIFIED PERSON: Oh.

MR. MIKE MURRAY: Dr. Shaffer.

MR. BOB DAVIS: Shaffer, okay; you and I have both talked to Dr. Shaffer, and she's advised us that our chances of getting a hatchery up here because of the Fish and Wildlife are between slim and none. I don't agree with that conclusion. I think we can make a very strong case for having a hatchery up here. It's primarily based on this policy of least manipulative management. This doesn't work up here for our sea turtles. If you're going to think of sea turtles with survival of their species here in Cape Hatteras, we need to do something different, because we're losing forty to fifty to sixty to seventy percent of our nests to weather-related conditions.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: And I'm not sure that going to a better nesting system of relocating is going to solve all these problems. We still have a major loss. And especially, you've got rising sea level and increased storm activity. With that the future of our sea turtles is very bleak with your shown ability for natural management policy. And I think you don't want to close off that idea and maybe go a little further into it.

We really think you ought to locate suitable areas and create the bird habitat away from our recreational beaches. You can mechanically shape and exit and spray herbicide to get these things to work for you. You've got this dredge hole in that little salt pond.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: It used to be a bird nesting area.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: With some corrective work around -- on the dunes around there, you can again make that a good bird nesting area.

I'd like to see you increase your proposed corridors from 100 feet to 150 feet in those areas subject to ratification and the shoreline contour, such as the spits and Cape Point. The reason for this is it should alleviate your logistical problems of short staffing. We frequently get a storm event that occurs here. Your signs will end up out in the water because of the rapid change in shoreline.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: It takes a long time for your staff to get around to fixing that. Meanwhile, we have a problem with trying to use the beach. I think, if you make it 150, you've got a better shot at not having to get out there right away to fix it.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: This is provided you want to operate the park with the convenience of people using all the beach. Ordinately, you should allow ORV or pedestrian passage within the closures to avoid the salt water encroachment until signage can be reset without calling that a violation.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: Now I'm not talking about running all through the middle of it, just --

MR. MIKE MURRAY: Sure.

MR. BOB DAVIS: -- scooting around the inside to get away from the salt water.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: We've got to buy our trucks and that salt water just tears them apart.

We'd like you not to close off the access to the spits or Cape Point during periods of plover chick foraging. If you can't get a bypass all the way around, utilize silk fencing or use boards to prevent chicks from entering the ORV trail. At nighttime, you can drop those boards down and chicks run right into the forage, provided they don't have ORV traffic on the trail at night.

There's a lot of conjecture about the population of use on this beach by people. I think you ought to install vehicle counters at every ramp. And you insist on those countings, should be tables separating day and night activities.

MR. MIKE MURRAY: Uh-huh.

MR. BOB DAVIS: That gets away from all this discussion of the statistics and everything else we're in the middle of now.

MR. MIKE MURRAY: Okay.

MR. BOB DAVIS: That's pretty much it. Thank you.

MR. MIKE MURRAY: All right, anybody else. Mr. Eakes?

MR. BOB EAKES: Mike, I appreciate you being here. You have a calmness that we needed badly. Quite often for several years after coming to the meetings, I come here very red-faced and pretty upset with a feeling that I'm getting ready to roast somebody. I'm going to try not to do that.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: I do want to sort of object to not having allowed Hatteras Island a nighttime meeting. A lot of working people that just cannot take a day or an afternoon off --

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: -- to come here to an afternoon meeting. I think I'll get to the point. As I went down

through this book, I could only read about fifteen or twenty pages at a time and your blood pressure go out of sight. Needless to say, I have sensed the feeling that end result was predetermined and predestined long before Larry Billings's very descriptive protocols came back. What they -- what this group -- this resource management group want for these areas is the spits and points closed, so they put that in the department, and to me, they took the book and justified it. It offends me a little bit.

On page 17, there's a quote, it says, "ORV use is currently predominant activity, both because it is a recreational use and because it facilitates other uses such as fishing, swimming and sunbathing." As I go through the book, I look at page 122, Cohen -- who I don't know -- states, "The piping plover nest was on Cape Point for 2005." There was not a piping plover nest on Cape Point. That nest was well down on the South Beach.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: As of day thirty-four and a half, okay, with the plovers and the closures on Cape Point, the system regional director and the acting superintendent at the time said there were no nests on Cape Point.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: There never was a nest last year on Cape Point. I know that there were juveniles that ended up out there and how they got there is controversial. There never was a piping plover nest on Cape Point. And to have it here and to have so many people that should have reviewed this document --

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: -- and how critical and how important it is to document where the nests was to start with. It's just wrong. It does insult me. It does make me mad. I think that we should have looked very hard in the mid-1990s when we had more plovers and no closures. I think to sit here and, you know, in an era of ever-increasing closure sites, the policy that has said that, if we keep closing larger and larger areas, at some point in time, we should see a return with more than one nest. We're not seeing that. I'm -- I mean, I've been on this beach for thirty years. I well remember the mid-90s. It used to look like an African safari. That's where it -- we had plover nests. We had so many monitors -- I mean, I assume these were -- I don't know who they were with great big cameras on tripods walking up to the nest. And it was almost like, Oops, they flew off; let's go find another nest. And that has become at least to me the reason that we don't have plovers today. They are monitored absolutely to death. You walk up to them and we sit back and look at the monitors, and you'd look back and see the people that are inside your closures. Half the time, they're walking along, not paying attention to where they're going and, Oops, we flushed another plover. You read the monitor reports from last year for Cape Point, and the same thing is said over and over and over -- I'll get to it, hold on -- words like, weed down, there are piping ants -- they're giving warning signs. They're flushing. They're attacking. These are the monitors

and that's what's happening to the monitors. If the plovers are there and they've got a nest, then back off. I think also in the article, it says do it through a scope and leave them alone.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: If you're not going to arm the monitors to kill the predators, then they're not doing anything except the same thing that they accused the pedestrians and the ORVs of doing, and that's disturbing the birds.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: On page 125, Table 11, very well documented, there never was a reason to put another critical habitat enclosure --

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: -- on Cape Point. There's only one bird shown in October; zero birds documented in November, December, January and February. And yet that enclosure was installed and still lays there today.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: The visitor -- on page 152, the visitation table; out of 803 people who directly listed reasons they came here, only six came to watch the bird -- are bird watchers. 783 out of the 803 people plan to use an ORV. Page 180, black backed gulls are only here because the recreational fishermen's cut bait, quoted by line. And what really kills me is on page 186, a 3,000 foot nighttime closure around the piping plover nest is going to close any inlet into Cape Point, even close Cape Point campground where the nest was last year. It will close parts of Highway 12, have one on the north end of Ocracoke and I assume that we're going to move the ferry ground. It's a terrible amount of space, 3,000 feet that doesn't seem to give any leeway to you, the Superintendent.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: It should be taken out or changed. On page 215, Lyons reports, to flush your oystercatchers from 1,320 feet, which is 440 yards away. It's just wrong. I mean, I can't flush a turkey at 440 yards. I can't scope a deer, an osprey. I don't know if an oystercatcher can see 440 yards. I know, in my old age, I can't. I don't know where I would really go with this. I've read down through it. I know that there's a great deal of resentment from the both the visitors and the locals against the Park Service. Some of it came from a finding -- and misfinding would be a better word -- the thought process that, if we write tickets for violations in the closures or anything close, if we write dog tickets -- which became the number one ticket written in the last couple of years -- it will be documented that we have a problem. Well, I think that focus on enforcement as a tool is wrong. I think it should be through education --

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: -- and interpretation. It bothers me a little bit, because now -- I'm not going to say it like that, so. We need to be better friends today. Writing a person up for a little puppy off the leash when

it's out on the tip of Cape Point, it's not hurting anything -- it's just wrong. It doesn't show common sense to begin with. I question the 100-foot corridor. If you -- if we're butting that 100-foot-wide corridor up against a resource closure when we well could have used 150 or 200 feet and it's in a place where it doesn't have to be 100 feet. If it's not birds, there's no nest, then what we're doing is we're taking away the amount of space that kids can play, that a dog accidentally gets off a leash. And we're leaving it up to the discretion of a book rather than those doing the enforcement to write tickets for resource closures.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: And so to fix that 100 foot and set it in concrete might not be the smartest thing we could do. Now I don't necessarily believe that we have to give us 150 feet, even to have it any type of footage to make it work. It doesn't make it sense.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: Now I think we could have a closure that's an ORV closure and not have any type of pedestrian close -- closure and still achieve what it is that we want, and so -- a big deal, a kid is throwing a ball and it rolls up in the closure and he goes and tries to get it back. If there's not a reason for a violation, then it shouldn't make him feel like I'm thinking about constantine wire with razor blades stuck on top --

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: -- if the kid runs out there and a mine is going to blow his foot off or something, and that's the sense I've got right now.

MR. MIKE MURRAY: Okay.

MR. BOB EAKES: Thank you. And I'll give you some of this in my --

MR. MIKE MURRAY: Okay.

MR. BOB EAKES: -- e-mail.

MR. MIKE MURRAY: Thank you, Bob. Go ahead.

MR. JIM LUIZER: Thank you, sir. My question really is two parts. And so let me proceed with the first one.

MR. MIKE MURRAY: Okay.

MR. JIM LUIZER: The visitor use and experience section of the EA draws extensively upon studies completed by Dr. Paul Vogelsong developed in 2003. For example, page 4 of the Vogelsong study reports that the number of ORVs for the park average 252 at any given time. I repeat "at any given time." Similarly, on page 5, Vogelsong reports that an average ORV count of 252 ORVs using a bar, at one time. I repeat, "at one time." The above finding is cited in first sentence of page 157 of the EA, which itself reads as follows: "Table 18 indicates that an average of 251.8," -- 252 -- "ORVs were counted on the seashore beaches at any one time." Now all of sudden on page 10 of the Vogelsong study, Professor Vogelsong refers to the 252 average ORV count as a per day figure as opposed to an "at any given time" figure. This same change in language is reflected in the second sentence of page 157 of the EA report. For the record, it must be known that the average number of ORVs using the beach

at any given time is not algebraically equivalent to the average number of ORVs per day. Are you with me on that?

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: Okay, then I won't have to catch you up. Well, with that said, my question, first of all, boils down to this; doesn't this 252 figure refer to the average number of ORVs at any one time as stated on page 4.9 of the Vogelsong report and page 357 (sic), first sentence, of the EA report, or does it instead refer to the average number of ORVs per day? I assure you that I'm not parsing words for the sake of parsing words.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: Can you answer my question?

MR. MIKE MURRAY: I don't have the answer.

MR. JIM LUIZER: Let me assume that the answer to that question is as Professor Vogelsong initially stated on page 4 and then repeated again on page 7 or 9 -- I forget offhand -- and so I'm assuming that this number refers to the average number of ORVs found on the beach at any one time --

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: -- not per day.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: Okay, the second sentence -- here's what I -- the switch that I talked about earlier on. The second sentence on page 157 of the EA reads as follows: "On an annual basis, this daily figure" -- now all of sudden, it's a daily figure -- a per-day figure -- "indicates that approximately ten percent of the total seashore visitation or roughly 91,907 ORVs frequent the seashore beaches." I'm going to pay attention to those two numbers, ten percent and 91,907, because they're wrong. That whole statement -- that whole sentence is not correct and it should be stricken from the EA report. How I arrived at that conclusion -- well, the above-noted 91,907 figure was calculated when multiplying 251.8, which is the average number of ORVs at any one time, by 365, the number of days of the year. For the record, it must be known that it does not make any sense algebraically to multiply something other than a daily figure by the number of days. It's like multiplying apples and oranges, inches by feet. I have no idea what the numbers you get mean. They are without any meaningful interpretation. They're devoid, in fact, might be a better way to say, of interpretation. Finally, not only does this 91,900 figure need to be stricken from the report, but also the ten percent figure that I referred to a little earlier which is itself based on this same algebraically meaningless calculation should also be stricken. I bring this matter to your attention because the problem that I'm noting doesn't only appear on page 157 of the EA report; these numbers, in particular the ten percent figure, are cited on --

MS. VIRGINIA LUIZER: At least six.

MR. JIM LUIZER: -- at least six separate occasions throughout the report in very -- in a variety of different sections of this report.

MS. VIRGINIA LUIZER: And there's some impacts and conclusions drawn from them.

MR. JIM LUIZER: Additionally conclusions are

drawn --

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: -- from this algebraically meaningless number. This surely deserves to be looked into. And it surely does need to be on the record. Thank you very much.

MR. MIKE MURRAY: Thank you, Jim. Next?

MR. TED HAMILTON: Yeah, I'm Ted Hamilton. Going back to what Bob was talking about, this corridor width, I sent you a couple of questions and I was hoping you would be able to address them. One is how was that width chose? What rationale was behind that, or do you know?

MR. MIKE MURRAY: A good question; originally, the alternatives proposed 150-foot corridor width. And during the pre-nesting period, some of the alternatives had closures on the sound side and 150-foot width on the ocean shoreline. One of the suggestions we got was from Biological Research Associates. And this was not exactly their suggestion, but they proposed that we consider a 200-foot corridor width. And then we got into restrictive closures, have a minimum of 100 foot left. And so the 100-foot width sort of came from those two different concepts. One was that -- a trade-off, so that we could have the soundside open during these pre-nesting closures and then the idea of having a reduced width corridor during some of the nest closures, to have a different alternative, we came up with 100 feet. The number is relatively arbitrary. It's, you know, relatively less than what was being proposed, but the trade-off was to keep the soundside access open during pre-nesting. And the second point about it was to post the corridor above the wrack line in which none of the other alternatives offer. And so the feeling was that, if we post it above the wrack line with the 100 feet, it would be adequate to ensure access. And so that's the reason behind it. Certainly, it's subject to debate.

MR. TED HAMILTON: The second thing is the justification for closing, in which it looked like permanently, that portion of South Beach that's just south and west of the point, commonly referred to as the hook. The way I read Alternative D --

MR. MIKE MURRAY: Uh-huh.

MR. TED HAMILTON: -- that is closed off all the time, no access is to be allowed through here.

MR. MIKE MURRAY: The map appears to show that, and -- but, in most places in the text, it talks about the 100-foot corridor, so we've submitted that as an errata. The map is in error.

MR. TED HAMILTON: Okay.

MR. MIKE MURRAY: The map for Alternative D pre-nesting closures should show that 100-foot corridor along the shoreline. And, so as soon as that's released, then that will be available. We'll announce that information.

MR. TED HAMILTON: Okay --

MR. MIKE MURRAY: And that's during the pre-nesting period?

MR. TED HAMILTON: Yes.

MR. MIKE MURRAY: Yeah.



MR. TED HAMILTON: That's what I'm talking about. The other two things relate to the use of the word "suitable" in a couple of places, like, We're going to put in suitable wintering habitat resting closures, suitable regulations for turtle lighting. I mean that's kind of an overhead, but that's sort of what we've been living with --

MR. MIKE MURRAY: Uh-huh.

MR. TED HAMILTON: -- for a while is somebody arbitrarily decides what's suitable without, you know, any or very little input --

MR. MIKE MURRAY: Uh-huh.

MR. TED HAMILTON: -- from the community. And I had a question regarding that wintering habitat or nesting which was set aside by a court order --

MR. MIKE MURRAY: Uh-huh.

MR. TED HAMILTON: -- that said, A, it wasn't properly justified, but it looks to me like what's there is virtually what Fish and Wildlife wanted in the first place except for this 100-foot corridor --

MR. MIKE MURRAY: Yeah, there is --

MR. TED HAMILTON: -- around it and so, see how that plays with the corridor.

MR. MIKE MURRAY: There is no critical winter habitat. The court overturned that.

MR. TED HAMILTON: Right.

MR. MIKE MURRAY: Under both the Endangered Species Act and Park Service policies, we have some responsibility to protect wildlife. And so my understanding of critical habitat -- and I'm not an expert on it -- is that's protecting the habitat versus protecting the wildlife. And so, based on our observations of wintering birds, the attempt is to give them some area in the interior habitat of the spits and the point where they can rest in -- I'm trying to think of -- what's the other term -- anyway, where they can rest and be undisturbed if they want to be. The way it's designed is that we would still keep the shoreline open. Now I reflect back on recommendations submitted by Biological Research Associates on behalf of OBPA, and their recommendation was consistent with what we're doing. They recommended the interior habitat be closed for wintering birds.

MR. TED HAMILTON: Okay.

MR. MIKE MURRAY: And so, you know, it's debatable, the size of what we've shown on the map, I think.

MR. TED HAMILTON: Okay, and the last thing is when do you expect Fish and Wildlife's response to the Biological Assessment?

MR. MIKE MURRAY: Technically, I believe they have ninety days. We submitted it to them in January. I'm trying to do the math in my head; January, February --

MR. TED HAMILTON: It could be --

MR. MIKE MURRAY: -- it could be close to April.

MR. TED HAMILTON: Oh, okay, all right, thank you.

MR. MIKE MURRAY: You submitted a question to me before about the turtle friendly lighting?

MR. TED HAMILTON: Yeah, that just went along

with the word "suitable" --

MR. MIKE MURRAY: Yeah.

MR. TED HAMILTON: -- in other words, it's just open-ended. In other words, somebody -- and I saw, you know, on your presentation that was going to be some sort of a study, and I would presume some sort of an input.

MR. MIKE MURRAY: Right, the way it's worded in Alternative D in the matrix, I forget what page it is --

MR. TED HAMILTON: It's 87, "Enact turtle friendly lighting regulations for all the seashore structures."

MR. MIKE MURRAY: Yeah, I think that's not worded well. It's -- probably standards would be better. And when we say "all seashore structures," we mean Park Service facilities. We're not talking about making a regulation that would apply to anybody else. And so it's more --

MR. TED HAMILTON: Okay.

MR. MIKE MURRAY: -- self-policing. And quite frankly, I don't know what turtle friendly lighting is, so that's why we need to find out what it --

MR. TED HAMILTON: Right.

MR. MIKE MURRAY: -- it is. Okay, thank you. Anybody else?

MS. BARBARA ACKLEY: Back on this South Beach problem --

MR. MIKE MURRAY: Yes.

MS. BARBARA ACKLEY: -- on 122, and maybe I come to a totally different conclusion than what's been expressed, but it says the -- "There's no evidence of nesting at South Beach from 2000 to 2005." Now regardless of where you put that one plover nest, to me it was neither at the point nor on the South Beach. It was up at the federal pool, but it's very little evidence that they ever wandered into either the South Beach or the point area. At any rate, just like the Ocracoke -- north Ocracoke map that shows nesting for plovers, there were no nests there between '96 and '05.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: Then over on 123, it says, "And except at South Beach where nest survival was 100 percent in all years but one." I don't know where that comes from. And it was basically, "The survival varied greatly, with predation, disturbance of nest, egg and chick loss from the" -- I forget why. I am here now, saying it was predators, the storms, other things that caused the problems. If you look back on the map -- the last map in the book which shows that closure we're talking about -- you suggested a 100-foot corridor; even if you put that nest on the south side of the point, I really question the need for all that closure all the way down the beach that far.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: I also wonder if any of those statistics from the early years that did show the plovers on the South Beach -- is it possible that those plovers were around that salt pond, in which as you can see on the map is very --

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: -- close to South Beach. And I wonder if you might consider creating or restoring habitat for those birds that like that area around that salt pond?

MR. MIKE MURRAY: Is that a question?

MS. BARBARA ACKLEY: Uh-huh.

MR. MIKE MURRAY: I think in the long term, it is a good question to consider to look at opportunities for habitat restoration in areas where birds traditionally nested that may be off the beach.

MS. BARBARA ACKLEY: Well --

MR. MIKE MURRAY: And in this interim plan, which again is designed for several years --

MS. BARBARA ACKLEY: Yeah, but --

MR. MIKE MURRAY: -- with the --

MS. BARBARA ACKLEY: Yeah, we need to move on this. Look how close that pond is to the beach.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: It wouldn't take much to make that a very interesting place for plovers. And since we have so much controversy about the point, perhaps mitigation is the way to go.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: And it just doesn't seem to me that it would take much effort to clear a space around that pool and encourage the plovers to land there. And certainly, they would choose that place, especially if there are ORVs out on the point and South Beach.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: It's just an obvious choice. And so I really wish you would consider that.

MR. MIKE MURRAY: Okay. Ma'am?

MS. CARLA BOUCHER: Hi, my name is Carla Boucher. I'm going to give you a card afterwards so you can spell it. I'm an attorney with United Four-Wheel Drive Association. And we have thousands of members that utilize access to Cape Hatteras. I wanted to follow up on a question that was asked. and I really appreciate your response to how the 100-foot corridor was chosen --

MR. MIKE MURRAY: Uh-huh.

MS. CARLA BOUCHER: -- in contrast to the 150. And I just wanted to note that even the environmentally preferred alternative lists 150 feet, which, I think, was characterized as probably the most conservative and protective of the environment at the Seashore. Also, with that decrease in corridor, I was comparing in some instances when the corridor was decreased from 150 to 100 foot, we're losing a third of the width of the access --

MR. MIKE MURRAY: Uh-huh.

MS. CARLA BOUCHER: -- yet what we're gaining in the protected area is only one-fifth. And so if you do -- pardon the phrase -- a cost/benefit analysis where you say, What are we getting for protection versus what are we giving up, it doesn't seem like that's equitable or could maybe be better thought-out statistically for the give and take so that it's better.

MR. MIKE MURRAY: Uh-huh.

MS. CARLA BOUCHER: And finally on the corridor issue, I didn't find anywhere in the EA any discussion of how the Park Service would manage the increase in concentrated use by narrowing that corridor from 150 to 100 and -- unless we're thinking that we might say, Well, we definitely have to plan for that because if you have 252 vehicles there at any given time and there's 252 vehicles -- and this is a poor example, but bear with me for discussion --

MR. MIKE MURRAY: Uh-huh.

MS. CARLA BOUCHER: -- sake -- if those vehicles have to be smushed into 100 feet versus 150 feet, there is logically going to be some additional impact that we need to plan for, or we will have problems in the interim --

MR. MIKE MURRAY: Uh-huh.

MS. CARLA BOUCHER: -- while this plan is in effect. My next comment has to do with -- I won't say comments no one else has because I think everybody else gets the point but me. But I saw that the red knot and the Wilson's plover was added. And that was something that was not discussed during the scoping phase during this --

MR. MIKE MURRAY: Uh-huh.

MS. CARLA BOUCHER: -- during the public meetings. And I'm wondering if the justification or rationale for that is within the EA and I missed it, but I could not find any records that those are a North Carolina species of special concern or indicative of being a managed species or how those two species came to be discussed in the EA.

MR. MIKE MURRAY: Uh-huh, you have several good questions there. I'm trying to find the right spot here in the EA. Under Alternative B, you mentioned that it has 150-foot corridor width; that's in areas away from the spits and the point. Alternative B would close the spits and points to -- year round to ORV use.

MS. CARLA BOUCHER: Oh, okay, thank you; I missed that.

MR. MIKE MURRAY: Your question about red knots and Wilson's plovers, I believe there was feedback during the scoping comments that those should be considered and included. And I'm not an expert on the birds. I believe -- I'm trying to find those here. Those are both identified in the U.S. Shorebird Conservation Plan as species of high concern that's developed by Fish and Wildlife. I believe the most current version was in 2002. It was done by regional parts of the country; it would be 2002 U.S. Shorebird Conservation Plan for the Southeast and Caribbean.

MS. CARLA BOUCHER: Thank you.

MR. MIKE MURRAY: Sure.

MS. CARLA BOUCHER: And I have one more comment. I thought I noticed at the beginning of your presentation and, at the risk of putting words into your mouth or the slide show -- I didn't capture it exactly -- I thought there was something on there about the most permissive of the four alternatives was Alternatives D, the preferred alternative?

MR. MIKE MURRAY: Yeah.

MS. CARLA BOUCHER: Well, that sounds to me a little misleading. I'm not sure what "most permissive" meant

because what I read is that access availability is greatest under Alternative A. And so I wasn't sure what to make of the statement that D is most permissive, because it is not most permissive in contrast to A in either the distance or the time period for the closures, unless I misunderstood what was on --

MR. MIKE MURRAY: Now, I mean you may have caught a good point. Alternative D uses smaller buffer distances for the non-threatened species than Alternative B and C do. And so compared with them -- I think, if you look at the map for Alternative A, which is the no-action alternative, it certainly would appear that Alternative A uses smaller closures. And I'm not that familiar with Alternative A since that was in the past -- a couple of years ago. And so I guess -- you know, I may have mischaracterized that, but certainly, compared to Alternative B and C, Alternative D is more flexible and uses smaller buffer distances.

MS. CARLA BOUCHER: And my point, finally, in bringing that up --

MR. MIKE MURRAY: Uh-huh.

MS. CARLA BOUCHER: -- is not just to pick on the Park Service --

MR. MIKE MURRAY: Yeah.

MS. CARLA BOUCHER: -- but to say that through recent case law and then with the relationship of the communities, it appears historically that all agencies, not just the Park Service, give lip service to the no-action alternative. But it is a -- an outright requirement that it be given its due diligence and its time of consideration --

MR. MIKE MURRAY: Uh-huh.

MS. CARLA BOUCHER: -- before the agency. And so that just might have seemed to me to aggravate that sense that the no-action alternative really -- you know, the agencies nationally don't spend any time with it, and so therefore it really stands no chance of consideration. And I would like the Park Service to avoid that pitfall.

MR. MIKE MURRAY: Uh-huh, okay.

MS. CARLA BOUCHER: Thank you.

MR. MIKE MURRAY: Thanks, anybody else? Let's take people who haven't spoken yet.

MS. PAT WESTON: I'm not trying to beat a dead horse, but the meeting time and the location --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: -- has been inconvenient for people in the Buxton area, working people. Buxton, Frisco are probably, I'd say, the most residents in that area, Hatteras Island. And so I just wanted to mention that. I think we would have had a lot more people in attendance.

UNIDENTIFIED PERSON: You didn't give your name.

MS. PAT WESTON: Oh, I'm sorry, Pat Weston in Avon. Much data is provided in a lot of areas regarding, you know, plovers and what-have-you for 2004. However, it appears that we have left out, whether it was intentional or not, reporting of the numbers and instances of so-called predator trapping in 2004. And it makes me wonder if it's just another example of a report that only tells the public

what they want us to know even though the report could have and should have easily disclosed the exorbitant number of so-called predators that were trapped in 2004 --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON -- most of which -- or many of which were inhumanely trapped.

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: I think that should be completely disclosed. There is lots of information on other species reporting for 2004, but that's -- unless I completely misread something, that's been totally --

MR. MIKE MURRAY: Do you know what page that is?

MS. PAT WESTON: 17 in the Biological Assessment.

MR. MIKE MURRAY: Oh, okay.

MS. PAT WESTON: Sorry, and I'm probably not talking about the right document. Anyway, I will put that in a memo to you.

MR. MIKE MURRAY: Okay.

MS. PAT WESTON: Let me see; intermittent draining of the campgrounds and ponds, the -- you know, the brackish ponds -- as needed during times of storms, hurricanes, nor'easters and, you know, when we have lots of rain to drain excess amounts of water and/or saltwater from those brackish ponds, campground. And it's another thing to go back and cut the drains, because it's also the Park Service's responsibility to maintain habitat. And so what about the snakes, frogs, raccoons, all of those creatures that is their natural habitat when you have all the flooding in the campground and all that. There were -- I don't know if you saw them, there were masses of dead snakes and frogs and -- and even the water allowed to stand there over the years through some sort of study to see what effect salt water had on -- you know, standing salt water has killed a lot of the trees that were used --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: -- for -- you know, for resting and nesting and this, that and --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: -- the other of other birds, you know, in the area -- bird species. And so they're having less and less places to --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: -- to nest and rest. The National Park Service was not stopped -- to my knowledge, the National Park Service was not stopped from opening drains by Water Quality; not. I spoke with Water Quality. I called Water Quality. Water Quality doesn't prohibit cutting drains. As they remember, it has been done in the past --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: -- to drain excess amounts of water. All Water Quality says is it is in violation of the stats -- state statutes for pollution of coastal waters. It only means that it would be noted and posted for the required time. It would be tested and --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: -- reopened. He said that the

Park Service chose not to do it because it was a black mark against them. Well, I'd rather have a black mark and have the drains cut than have the habitat for other creatures and the campground -- I mean that can't be good for the campground to have it flooded like that --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: -- and it doesn't take anything but a backhoe cutting a ditch to drain excess water. It's been done in the past. All of sudden, it's been stopped to the detriment, I think. If you take a look at the maps over time, it appears that there is more beach erosion and accretion where ORV use has been limited or disallowed. I agree that we should restore -- we would ask you to restore the bird nesting areas, plowing under vegetation in flat areas like they used to do. It was nothing to see where the flat areas had been -- come onto 43 in the flat areas back to the salt pond and it had been cultivated. And the vegetation -- not seabeach amaranth, but the vegetation -- had been plowed under --

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: -- thereby widening their areas. Let me see; at the moment, just as an example, the Ramp 30 beach access is closed to the north and south. And it's obvious there's plenty of beach to use. It's closed to posting because of narrow beach access. Hopefully, the National Park Service will adopt a more common-sense attitude with regard to temporary narrow beach closures, posting signs advising that the beach may be impassable at times around the high tide. The last thing I have to say is that the map shown of the proposed bird closures are scary and exorbitant, at least inordinately large. And I should hope that we will have corridors. We will have access from the point to the south beach. It's been that way for years. We never had any problems and we had birds. We had more birds with more open beach than we have with less open beach and having less birds. Go figure.

MR. MIKE MURRAY: Uh-huh.

MS. PAT WESTON: Thank you.

MR. MIKE MURRAY: Thank you. Anybody else who hasn't spoken yet? Let's start with you, ma'am.

MS. CLAIR SOPER: Well --

MR. MIKE MURRAY: If you -- also, let me remind everybody to state your name.

MS. CLAIR SOPER: My name is Clair Soper, and I am a visitor here. And I just would like to say how much I am enjoying Cape Hatteras, and in particular the parks. The state parks in North Carolina are amazing. Pea Island is fantastic. I've enjoyed the cabin at Nags Head Woods. Now all of this is basically south of the Manteo turnoff. North of the Manteo turnoff, there are more shopping malls and highways for which your country is famous. I, however, am maybe one of the six percent of the people who come here for open spaces. And it seems to me that you are at a crossroads. And you have to ask yourself how you're going to live in the next 100 years here. You might not be here in 100 years because of the storms. You might wash away totally. But assuming that Hatteras does survive, are you

going to become more shopping malls, more subdivisions, more four-lane highways, or are you going to do your best to create more natural environment?

Now I pulled into my place, which is just north of the Manteo turnoff, a week ago. I went out to the beach thinking, This is going to be wonderful, the sunset. I saw ruts in the beach. Now I'm going to confess right now, I'm Canadian. And it's illegal to drive on our beaches. And I hadn't realized that you are driving on the beaches. I find it astounding. I could not believe that anybody would go out and disturb the sand even if the tide comes back over it. I can't understand why. I went for my first beach ride today. I understand there are people who want to go fish, fine. If you can't carry your fishing rods and all your gear and coolers and stuff, I understand that. Why can you not just put a road out to the beach, have a parking area, service it and that is as far as your cars go. Your off-road vehicles -- this is the beginning of the real number. These are -- how old are they, ten years old? Pretty soon, everybody will own off-the-road vehicles. If you don't stop the driving on the beaches now, it will get way worse because the more -- when I came to Hatteras for the first time 35 years ago, there was no development here. It was an absolute, pristine desert basically. It was wonderful. Now I am experiencing Myrtle Beach and Coney Island up north. Now if that's what you want because that's how you think you make your money, go ahead. But I believe that, as we have more people in this world, more people will be looking for pristine, beautiful, unspoiled places of nature. And that this is what your National and State Park Service does. There are incredible places. I went up to Mattamuskeet yesterday. I can't even imagine. Somebody sooner or later in this country is going to say, Can I put a hotdog stand halfway across the lake? You may talk about just off-road vehicles. They are a part of pollution. They not only pollute because of the sound of the motors and the smell of the exhaust and the ruts and all the garbage that comes and oil leaks, but when I go and take a picture of your beautiful beach, there's the pollution of an off-road vehicle. I don't want to see that. So I realize that I'm talking to you, sir. And I am saying you are doing a fabulous job with these parks. And that this is the best thing -- I have been in the United States now for six weeks, and this is the only thing here that would ever bring me back. It has been a true, joyous, religious, almost holy experience being in these places. It is not like that in the mall. I do not wish to drive your highways. I do not wish your shopping malls. I want for open spaces. And for this, I thank you. Even in Myrtle Beach, there were two or three perfect little places, but they are being gobbled up. And you are going to see this being totally destroyed -- it's an exponential curve. It's started, and you can stop it basically at Manteo and leave it clean down here and let Coney Island happen up there, or you can say, The hell with it, we don't really need it. And so that's -- it's a big, big question. Are you willing to give up a few of your delights and rights? You remember what happened with guns, too. Don't forget I come from the country where we don't



carry guns and we don't die by guns. You-all carry guns and you die by guns. And so maybe just standing back a bit and doing things a little bit more naturally. And so I've enjoyed it; just maybe I come back, maybe I don't. But I'm very glad to have heard all of this. And I wish you well.

MR. MIKE MURRAY: I'll need it, thank you.

MS. CLAIR SOPER: Thank you.

MR. MIKE MURRAY: Sidney?

MR. SIDNEY MADDOCK: Sidney Maddock, Audubon North Carolina, Buxton, North Carolina; quickly, several serious concerns; first, funding availability: the plan calls for a rather significant increase in the funding. And if that funding does not come through, it will effect monitoring efforts and other parts of the plan? What happens if it does not come through? Is the plan an alternative that will address proper management of the species?

Second, predator control: the plan specifically addresses red and gray fox. In the past, contrary to what the plan has said, the Park has addressed other species besides red and gray fox. Predator control is an integral part of each nesting bird management. And there should be a comprehensive effort that involves humane predator control and enforcement.

As you suggest, there should be smaller and smaller buffers, buffers that are actually inconsistent with the recommendations of experts in the field. It's absolutely essential that you have compliance with those buffers. There's continuing problems with entries in closed areas, both by pedestrians and vehicles. And if we're going to go to smaller buffers, there has to be full compliance.

Recreational conflicts: under the ORV orders that we govern, the plan effort assigned by Nixon and amended by Carter, you're required to address conflicts between different forms of recreation. This plan does not do that. It explicitly does not do that.

Biological impacts: as I said last night, there are some improvements such as the use of a full-time symbolic fencing going up on April 1 for piping plover for breeding purposes. But so that the record is clear, overall the plan is inadequate, inconsistent with the known biology of each nesting bird's species and standard management practices as well as the legal requirements that govern the Park Service's behavior. The Park has chosen -- knowingly chosen to not follow the recommendations of experts in the field of bird management. The plan admits that their proposed action is likely to adversely affect piping plover, sea turtles and seabeach amaranth. It's extraordinary with a proposed action in a National Seashore with knowingly -- with knowingly having action that will -- is, in their own words, "likely to adversely affect these species." The plan clearly does not adequately effect roosting and feeding habitat for migrating and wintering birds. We know what has been done in the past is not sufficient. The declining numbers of each nesting birds should be no question as to that. I hope the Park Service will revise the proposed action so we will advance the conservation of the species. Thank you.

MR. MIKE MURRAY: Thank you, Sidney. One thing

I forgot to mention in the presentation is the Park has funding to do a comprehensive predator management plan. And so we will be working on that this year. Anybody else want to speak? Let me give everybody a chance to speak once --

MR. JIM LUIZER: Okay.

MR. MIKE MURRAY: -- first. Anybody else who has not spoken? You, sir.

MR. JOHN FURMAN: My name is John Furman. I read through the plan and I came away with a couple of pluses and minuses as to the parts that I had a chance to go through. I heard reference in the plan to Pea Island, some financial, and some other places that are not directed by the Park. And, if they're not in the Park, they're not under the management plan and then they're somewhere in the middle. Is there a startling successful rate of bird management in some of these places -- and turtle management -- in terms of nesting and fledglings flying away and doing those sort of things?

MR. MIKE MURRAY: That's good a question. I don't --

MR. JOHN FURMAN: Because what we're reading in the report is the decline.

MR. MIKE MURRAY: Uh-huh.

MR. JOHN FURMAN: We spent, I'm going to guess, a couple hundred thousand dollars studying for fifteen years or so piping plover to fledge, what, a half dozen birds. I mean, my numbers may be little bit off, but even 100 percent off is a dozen. And I'm just wondering, if that's the case and they don't like to be out here and how we treat it and how we drive on it and so forth, if there is other places that that's prohibited, there should be astounding differences in population and success, I would think. Or perhaps they just don't like it here for nesting and doing some of things that they do better in other places, because they do survive, I guess; in the Midwest and other places, they're doing well. And there's good places for nesting and everything seems to be okay. And so it's just struck me -- and I know your plan and your purpose has to be based on a national park, but potentially you have other places within or near it; what is the comparison? You know, are some of these other places doing any or that much better? And are we -- by causing the place to be a park, then, by our normal definition, we want people to come a park and use it -- are we then basically contradicting ourselves in terms; can we do other things or are better places better suited for this, just because of what is there and do the birds even prefer that. And now, the turtles I might understand. But again, this is the farthest northern extension of their range. And I think a lot of things could be done for the turtle management, more proactive things -- moving nests, taking care of them before other bad things happen -- that's doable.

MR. MIKE MURRAY: Uh-huh.

MR. JOHN FURMAN: I think it's -- you know, one of things we found out how some of these things work. They seem to have a way of working out with the turtles, too. And we hatch more of them and we help them into the sea. We smooth out areas. And more of that, I think, can be done and

so forth. And so I think that was the one thing that struck me with the report that it was honestly based upon the park, but was it too narrow in that sense; is there that much better success out of the park? And unless we have that kind of comparison, are we fighting a battle that we're just not going to win really? You know, what are we going to get up to; fledgling 24 birds? And again, I'm sure -- and I've heard from the Audubon Society, Oh, that's great. But it cost us \$300,000. And I just don't know if that's where we need to go with that.

What I did find in the book was -- it was very educational. It was very interesting. It was interesting reading in terms what does affect the birds and some of the details of that was very thorough. And I think a lot of people would take the fencing more to heart if they understood the reason. So I think the biggest problem, even for people who understand it a great deal -- I'm with the Beach Buggy Association. I've been down here for thirty years in terms of, you know, being a member. There were some of the things in the report I had never really comprehended on my own. But yet, I don't -- yet, I'm not sure how much money is being put into the education part, but I think it should be put in there, because then you'll have more people understanding and more people wanting to obey or agree with it, I hope. Now, accounting for the people on the beach with four-wheel drives who have no real interest except for going as fast as they can and doing circles and drinking and doing all the things that, you know, not a lot of us other people want to do, I -- have you handled people going through prohibited areas and taking down fencing and doing all the things that they shouldn't do? I don't know, maybe more enforcement. You know, that's the same problem they have in major cities with other crimes problems in terms of how they control people. And that's just the difference here because they have the freedom to do it. And so what I really think is the education process is really important.

I really wonder about the evaluation process. Are we going -- I can see with the turtles where we're going to make some headway or we could make some headway and it's more manageable. With the piping plover, I'm not really that convinced after all the effort and money and closures and this and that and the other thing, what are we going to gain? I mean this bird isn't dropping dead or falling off the face of the earth, it's just not doing so well in this area. And it may be partly due to his choice just in terms it ain't a good place anymore. It has to do with the fact that we have a park.

I guess that probably covers most of the things I was talking about here. Like I said, I have questions about night observations and what type of lights are better and several things that have been brought by other people --

MR. MIKE MURRAY: Uh-huh.

MR. JOHN FURMAN: -- and so I think that's out here. In the report, though, there was one thing; 2004 was listed as a sort of a lost year with all types of woes in it. And there was no explanation given as to why that was. Is there a reason?

MR. MIKE MURRAY: I don't know. I don't know if any of our Park staff knows.

MR. JOHN FURMAN: Anyone? It just kept referring to 2004 woes and 2004 problems. And there was data missing from 2004. Does anyone know why that was the case, because it wasn't stated?

MS. MARY DOLE: I -- Mary Dole. I'll have to look at the contacts for the consensus.

MR. JOHN FURMAN: Where -- there is a few places where it interpreted 2004. And -- at any rate, it wasn't explained; just that it was a woeful year.

MR. MIKE MURRAY: Okay.

MR. JOHN FURMAN: And I don't know why. Thank you.

MR. MIKE MURRAY: Thank you, sir. Anybody else who has not spoken yet that would like to speak? Okay, going once, going twice? We have time for people to speak again with Jim first.

MR. JIM LUIZER: Okay.

MR. MIKE MURRAY: If I could, let's say three minutes this time.

MR. JIM LUIZER: Yeah, I won't take as long as last time.

MR. MIKE MURRAY: Okay.

MR. JIM LUIZER: Just give me an opportunity. Bob Davis mentioned earlier that he felt that in many respects the EA report was biased and it had a hidden agenda. I think it has a very legitimate point. Let me give you a brief example. If you have the report with you, you might want to turn to page 151. Page 151, the very first sentence reads as follows: "Visitation at Cape Hatteras National Seashore has grown steadily over the years, increasing from 264,500 visitors in 1955 to approximately 2.2 million in 2004." While that is on basically Park Service data, I submit to you, sir, that a more accurate statement, one consistent with our own data would be as follows: Visitation at Cape Hatteras National Seashore has grown over the years, increasing from 264,500 visitors in 1955 to a peak of over 2.9 million visitors in 2002. Subsequent to this peak, however, visitation has declined, decreasing to 2.66 million in 2003 and 2.2 million, a further decline, in 2004. The 2004 figure represents the twenty-five percent decline for the peak levels reported in 2002. Alternatively, due to the number of visitors in 2004 has not been this low since 1992. Don't these numbers suggest that National Park Service policies in recent years may have had an adverse impact upon park visitation? And don't you find it a bit disingenuous that the authors of this report -- for lack of a better way to describe it, I apologize -- cover up and ignore the facts to which I referred as does the first sentence of the paragraph that I -- from the page that I quoted to begin with? What do you think? Am I being fair about this?

MR. MIKE MURRAY: I think you gave a more accurate description.

MR. JIM LUIZER: Thank you, sir.

MR. MIKE MURRAY: I will say it's been a trend throughout the Park system in recent years, a decline in

visitation. And so I don't think that's specifically Cape Hatteras.

MR. JIM LUIZER: Okay, and my second point -- and just bear with me and then I'll sit down. During May 2001, May 2002, Dr. Vogel song conducted a survey of visitors to the Cape Hatteras National Seashore. Table 3, page 11, of Dr. Vogel song's study reports that 1,681 visitor interviews were conducted. With respect to the visitors' interviews, Dr. Vogel song states on page 11, "In order to account for variations in seasonal and weekday visitors, the sampling schedule was developed and adhered to which was designed to provide representation of all types of visitors regardless of when and where they visited the park during the study period." Table 3 -- I'm no longer quoting. Table 3 of Dr. Vogel song's report also indicates that 1,146 of the 1,681 visitors in the survey responded that they spent at least some time beach driving at the Cape Hatteras National Seashore. Now let me just do some quick arithmetic for you; 1,146 is 68 percent, approximately, of 1,681. In fact, this figure is cited in the last sentence of the first paragraph of the EA report on page 157. And so I'm not making these numbers up.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: Now what I don't understand is this, and here's where the bias comes into the picture, you know; I take it to mean that Dr. Vogel song is telling us or at least estimating for us that 68 percent -- in his facts, that 68 percent of all persons interviewed in the survey reported spending at least some time beach driving at Cape Hatteras National Seashore. I just take that to mean that 68 percent of all visitors to the Cape Hatteras National Seashore spend some time beach driving. Can there be any other interpretation? Okay, it seems to me that the words speak for themselves.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: Can there be any other interpretation?

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: I take it you don't want to respond.

MR. MIKE MURRAY: No, I -- based on what you've said, I have to agree with that. I don't know the facts --

MR. JIM LUIZER: I got you.

MR. MIKE MURRAY: -- so I can't --

MR. JIM LUIZER: I got you. I'll give those to you later. Now here's where it really gets interesting. Why then -- why then is the number 10 percent cited in the second sentence of the first paragraph of page 157 and the number 68 percent is cited in the last sentence of that paragraph, and both numbers before were claimed to estimate the same thing? Now this is an interesting aspect of Dr. Vogel song's study, to say to least. I mean, he's still including -- he gives us two aspects of the same things. I guess we get to pick whichever one we want. But, in any event, the one that was picked by the authors in this report was the 10 percent one. I just have to ask, why didn't they pick the 68 percent one, which is obviously correct, as I'm sure you will agree with

me, through time, if not presently. And that 10 percent one, you got -- we talked about that one a little bit before. There's a real problem with that one. The 68 percent number is the accurate number. He didn't like that number, he liked 10 percent better, so bandied that number about on six -- at least six different occasions in this report. And that's the kind of thing that I think Bob gave us that -- if not, that's the kind of thing that I think --

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: -- that leads people to suspect -- to suspect that, you know, maybe there's a hidden agenda behind this EA report where it's -- maybe there was a hidden agenda in the minds of the people who ordered it. I think we really need to take a very close look at these numbers. And if you need any help or more information, I'd be more than happy to speak with you at length if required.

MR. MIKE MURRAY: Uh-huh.

MR. JIM LUIZER: But I think you really need to take a look at these numbers so that you can decide for yourself whether or not what's going on here is really on the up and up. Thank you very much.

MR. MIKE MURRAY: Thank you. Mr. Eakes?

MR. BOB EAKES: I'm Bob Eakes, again. The EA might use the zones for management. It's terribly important to know where the plover nest was, that it was below southwest -- west of the Webb Creek divide; I mean, it was well -- it was at the western end of the South Beach zone. And so, you know, we're deciding what to do with these zones based on nests, so it's important.

I have sat out there, as many in this room have, and I've got two thought processes that I want to share with you. One is I have watched the monitors; I have watched rangers; I have watched bird watchers; most often that these three groups of people, as they come and go to a closed area, the vehicles are tightest to the closure side. The rest of us, the fishermen and so forth, we're over on the top of the beach. We're over on the high-tide line. We're going there and we come back, and we don't care about over there. I've watched the speeds of these three groups driving there, and that's where your most problems lie, if you want to know the truth I know --

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: -- is right up tight against the nest. I think that as we go through that, at least two of those monitors and enforce it, you can well educate or document. I also think bird watchers -- and I'm not picking on anybody, don't get me wrong -- I've watched the speeds that these people drive at. And it's reckless when we're thinking about a chick. I also think that the monitors, the people that are around in the zones, there is no room for trainees. This is something that -- this is way too critical and serious to all of us. And these people should be trained professionals. I mean, they should not be there. And that's it. It's not volunteers. It's not a college trainee. If somebody is going to walk up and flush a plover and I'm going to be blamed for it, then I want that person to be professional.

And last, but not least, I doubt that you have another piping plover environment that is so predator heavy as this environment is. One of the things that predators do not do is, if there is people, they do not come out and get themselves shown. They're not going to show themselves. If they do, in most environments, they'll get their tails shot off, okay, or trapped or killed. If you remove all the people and especially if you're pre-nesting, what happens is those foxes and coons and opossums have free rein through the nesting area.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: It doesn't make sense. One last time -- I've said it before -- in an ever-increasing amount of acreage of closure of this Seashore, the gain is the exact opposite of what one would expect. The gains are plummeting down to two nests last year. Something is broken in the thought process that is completely not together. And I have my own feelings, but it is not addressed here. There should be goals. There should be a time line. There should be achievable goals that are out there in five years, ten years and fifteen years. If we don't have five nests in five years and we've got zero nests, are we not going to readdress it and say, This is wrong. I mean this 350-page Bible doesn't give any room at all to even indicate that it might be a misguided concept.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: Thank you. Please find out where the nest in the South Beach was because it is critical to the management at Cape Point.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: There were no nests at Cape Point last year. And it's being managed right now today as if it was -- if it had a nest on the tip of it and it did not.

MR. MIKE MURRAY: Uh-huh.

MR. BOB EAKES: Thank you.

MR. MIKE MURRAY: Yeah, thank you. Sir?

MR. JOHN FURMAN: I looked on the federal website for your jobs in North Carolina, and the biological monitors of the beach are being advertised right now for \$28,400 for a part-time job working 1,039 hours. Now that's probably a lot more money than some people in this area make for a full-time job for a full year. And if we're getting college people or other people who are going to train for two weeks in April to do this, "serious job," we're still spending an awful lot of money for perhaps inadequately trained people. And plus they're here for six months and they don't live here; they may or may not take it seriously, depending on how much they like or don't like birds. Some people are of that opinion. And so I think, you know, there are flaws. And, if you don't look at some of these flaws and you just also have to look at what we're paying for some of the activities, again, I have to question -- just like the gentleman just said -- are we in the right direction here compared to how much money we're spending. We're getting nine monitors here. And they're all going to make \$28,000. That's almost \$270,000. That's a lot of money. And if we're

going to get four birds out of it, you know, and we're not sure -- I -- again, I just wonder where does the logic come in where we use some common sense and say, we're really -- well, it's working or it ain't working. And if it ain't working and we can't fix it, then it has nothing to, you know, to do with, you know, the activities and so forth down -- this just may not be the right place for piping plovers. Look at places where they do multiply really well, you know, what's different. Now why do they go there? I mean maybe we just need to put up road signs down in the resting areas and say here, go 100 miles further. But I mean that's -- you know, we'd get as much out of that as we get out of what we're doing right now --

MR. MIKE MURRAY: Uh-huh.

MR. JOHN FURMAN: -- realistically, so.

MR. MIKE MURRAY: Anybody else?

MS. VIRGINIA LUIZER: Just one quick thing; page -- I was looking at the economic impact analysis, page 255, the final column, 2004-2005, there is an arithmetic error. It's only a million, but it should be two million -- 262 million, not 263. Now, there are other things in this section of the report that I was looking at. And to be quite honest, there's no way I can talk about it here. But the point or question I have is, there is no way to make the corrections in a way that I send one e-mail with one line, correct this and one this, because everything in there is interrelated.

MR. MIKE MURRAY: Uh-huh.

MR. VIRGINIA LUIZER: And basically my issues have to do with not looking at rates of growth, not looking at inflation directed data, et cetera, which changes the view quite a bit. You did say that you wanted us to send our errata comments as a comment on the planning page, using that. Now that's going to take out the formatting. And besides, it's going to be way too long for that. If we have something that is this -- and which I assume is appropriate for the errata -- if I'm doing a -- looking at how the economic impact was done, that is appropriate?

MR. MIKE MURRAY: You can send -- if it's a formatting problem, send it to me and we'll forward it.

MS. VIRGINIA LUIZER: Okay, I just don't want to load your mailbox up.

MR. MIKE MURRAY: Okay.

MS. VIRGINIA LUIZER: And like I said, it's going to be -- I'm not going to be ready with it for a while, but if I have something like that, it's better to send it to your mailbox or by mail, I assume?

MR. MIKE MURRAY: Any comments I'm receiving, we're forwarding to kind of a central clearing house --

MS. VIRGINIA LUIZER: Okay.

MR. MIKE MURRAY: -- to compile them all.

MS. VIRGINIA LUIZER: Uh-huh.

MR. MIKE MURRAY: And then they will -- it -- particularly if it's a formatting issue, they will scan it into the --

MS. VIRGINIA LUIZER: Uh-huh.

MR. MIKE MURRAY: -- the website. Okay, ma'am?



MS. BARBARA ACKLEY: One more on the economic impact on our area; on that 255, which is the increase or decrease in lodging revenues in Dare County, are you aware that the revenues for Avon, Buxton and Hatteras have declined since 2002, 2003?

MR. MIKE MURRAY: I'm not aware of that.

MS. BARBARA ACKLEY: They have. And the cost of housing has gone up dramatically --

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: -- which means the cost of rentals have gone up dramatically, but yet they haven't received those revenues. And I think that's all I need to point out there.

This is a really small, little question. On 46, it talks about essential vehicle use where it says "All essential vehicles will travel with the aid of a trained observer. Essential vehicles are those emergency, law enforcement and seashore vehicles necessary to provide for the safety of recreationists." I'm concerned about those emergency vehicles. They have to have a trained observer. They have to abide by these closures. Say, if the emergency is at the point, and -- which often it is -- and you have this 100-foot corridor and you have people and trucks and things, are they allowed even to go into buffer zones?

MR. MIKE MURRAY: If it's a life safety issue, we would do whatever is appropriate. Park Service policy is that life safety takes precedence over --

MS. BARBARA ACKLEY: Well, maybe so, but that's --

MR. MIKE MURRAY: -- all over activities.

MS. BARBARA ACKLEY: -- not what it says here.

MR. MIKE MURRAY: What page is that?

MS. BARBARA ACKLEY: Forty-six.

MR. MIKE MURRAY: Well, this set of requirements is sort of the standard advice of the Recovery Plan for use of essential vehicles in piping plover terrain. And we want that advice -- those recommendations to apply to our vehicles.

MS. BARBARA ACKLEY: I understand your vehicles --

MR. MIKE MURRAY: Yeah.

MS. BARBARA ACKLEY: -- but the five mile per hour, I assume that's not for emergency vehicles.

MR. MIKE MURRAY: Right.

MS. BARBARA ACKLEY: But it's all there. And our experience is that -- many times, that weird laws are picked up from somewhere and applied here.

MR. MIKE MURRAY: Yeah, well, that -- and I'm not a specialist on North Carolina traffic code. But typically, emergency vehicles are exempt from some of the normal traffic control --

MS. BARBARA ACKLEY: Then it --

MR. MIKE MURRAY: -- requirements.

MS. BARBARA ACKLEY: Then it shouldn't be there.

MR. MIKE MURRAY: Uh-huh.

MS. BARBARA ACKLEY: It shouldn't be named emergency vehicles.

MR. MIKE MURRAY: Okay, please submit that as a comment -- or we have it recorded here.

MS. BARBARA ACKLEY: Barbara Ackley, I don't know if I gave my name before.

MR. MIKE MURRAY: Well, it's about time to wrap it up. I want to give anyone a last chance to make a comment. Ma'am?

MS. CLAIR SOPER: 2004, I think, was a woeful year because you had terrible hurricanes. Is it true that you-all don't remember that. That Isabelle.

MS. BARBARA ACKLEY: But --

MS. CLAIR SOPER: Excuse me.

UNIDENTIFIED PERSON: 2003 was a woeful year.

MS. BARBARA ACKLEY: It was in the middle of September which is a shoulder year -- shoulder time of the year and these -- the fiscal year.

MS. CLAIR SOPER: Oh, no, no, no, but we were talking before about why was 2004 a woeful year. And if it was Isabel, how could you-all --

UNIDENTIFIED PERSON: That was 2003.

MS. CLAIR SOPER: Was it 2003?

UNIDENTIFIED PERSON: Yes.

MS. CLAIR SOPER: Okay --

MR. MIKE MURRAY: Okay.

MS. CLAIR SOPER: -- that's correct. Thank God you haven't forgotten.

MR. MIKE MURRAY: Anyone --

UNIDENTIFIED PERSON: You have.

MR. MIKE MURRAY: Mark? I don't know if Warren wants to. I do want to acknowledge that Warren Judge of the Dare County Board of Commissioners is here today. Warren, we're getting ready to wrap it up is there anything you want to say anything.

MR. WARREN JUDGE: I'm fine, thank you, Mike. My comments were directed. I don't want to be repetitious. I just look forward to possibly a new era. Hopefully, a new era of cooperation between all of us. And I'm anxious to see how this season will go with both the visitors and the residents and the animals all getting together. And hopefully, with your leadership, that we will feel better about each other and things at the end of the season and we'll look forward to heading into the future with a good relationship here in Dare County.

MR. MIKE MURRAY: Okay, thank you. Again, thank you all for coming. I guess actually we have two more minutes if anybody else -- okay, the staff will stick around if you want to talk to us individually.

(The proceedings concluded at 3:59 P.M.)

