

**Cape Hatteras National Seashore Negotiated Rulemaking**  
**Meeting 8<sup>1</sup> – November 14-15, 2008**  
**Kill Devil Hills, NC**  
***Meeting Summary***  
***Approved February 3, 2009***

**Summary of Consensus Agreements**

The Cape Hatteras National Seashore Negotiated Rulemaking Committee reached consensus on the following during the meeting:

1. Approved the Meeting 6 Summary, dated October 1, 2008 (15 November, pm).
2. Accepted in principle the conceptual framework for a beach access permit described in the *Permit/Pass/Fee Conceptual Framework* draft from the Permits/Passes/Fees Subcommittee, dated November 14, 2008, subject to the Subcommittee working out and recommending the details (15 November, pm).

**Welcome to All and Opening of the Meeting**

Mike Murray, Cape Hatteras National Seashore (CAHA) Superintendent and Committee member, opened the meeting in his capacity as the designated federal official (DFO) for the Cape Hatteras National Seashore Negotiated Rulemaking process. He welcomed everyone and gave an overview of the agenda.

**Sea Turtle Presentation**

Sandra MacPherson, National Sea Turtle Coordinator for USFWS, coordinates research efforts across the country, coordinates data collection and monitoring, and oversees sea turtle recovery efforts on U.S. nesting beaches. She presented information on turtles and beach driving. Her presentation can be seen at:

<http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=25083>

Michelle Baker, CAHA staff member, shared information about turtle and turtle management on CAHA. Resource managers at CAHA relocate 10-20% of turtle nests a year. In 2008, 22 nests were relocated (19.6%). Current management between May 1-September 15 includes a daily survey of turtles by staff technicians. If a nest containing eggs is found, the technician erects a small closure. Filter fencing is installed to mitigate the effect of lights on nestlings, and it is extended down to the water on Day 50. When relocating nests, resource managers follow NCMWRC guidelines. There was no statistical difference this year between success of relocated versus non-relocated nests because of the power of fall storms. Every year CAHA managers document incidents that count as take, including lighting and harassment (examples include turtles stuck in footprints or vehicle tracks, nests getting run over, and turtles ending up in parking lots). One management goal is to achieve at least a 1:1 nest to false crawl ratio. In 2008,

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<sup>1</sup> Meeting 7, scheduled for October 22-23, 2008, was cancelled.

CAHA attained this (112:103), but in 2007 it did not (82:114). False crawl numbers are difficult to capture accurately. These numbers are published in the CAHA annual report.

Committee discussion and questions included the following, with Ms. MacPherson's responses in italics.

- Concern about limited data available on turtle history on CAHA. *Turtle behavior is the same in different places, consequently the data on turtle behavior from other places applies at CAHA. For example, turtles do not come ashore if there is activity on the beach, hatchlings spend extra time on shore in tire ruts, and areas with lots of beach activity have fewer crawls and nests.*
- Management questions:
  - Could the use of white carsonite signs on CAHA cause false crawls?
  - Do turtles in hatcheries benefit from predator control and other support?
  - Is nest relocation beneficial in that it prevents predation and enables humans to escort hatchlings to the water?
  - Could ruts be managed so they lead to the ocean, say driving toward the ocean every X feet or yards? *Unknown.*
  - Could there be a fixed trigger for moving turtle nests, such as if X% of nests or more are lost in Y area, NPS will consider moving them? *There are USFWS guidelines on relocating nests, and it is up to NPS to make individual management decisions on CAHA.*
- The effect of light on turtles:
  - How are light ordinances established in villages? *Each municipality chooses whether to pass a light ordinance and, if so, what it will include.*
  - Do lighthouses influence turtle behavior? *Turtles focus on and move toward stable lights, not intermittent light (like lighthouses). Federal laws govern lighthouse light brightness and intervals, so that particular light source cannot be influenced for turtle management.*
  - Do lights in front of villages and homes influence turtles? *Any light source directly visible on the beach is likely to disorient sea turtles. There are many ways to manage lighting with products and through education.*
  - Are there ways to decrease vehicular headlights? *Unknown at this time. Some drivers install red filters, with as yet uncertain results.*
  - Would driving with only parking lights and then turning headlights off when parked and carrying flashlights help turtles? *Even that may have impact on turtles, as moving vehicles spook turtles, parked cars may act as barriers to reaching nesting habitat, and flashlights can distract turtles.*
- What counts as take? *Under the Endangered Species Act (ESA), "take" includes any activity to capture, collect, harass, harm, trap (etc.) a member of the species. Relocation of nests can be considered take, as can any activity that modifies behavior or shelter.*
- Volusia County, FL pictured in the slide presentation may not be an apt comparison for CAHA.
- Are management zones in Volusia County, FL effective? *Yes, most nests are laid by the dunes inside the conservation zones.*

- CAHA's false crawl numbers have met identified goals in some years. *False crawls are one indication of success. Managers must also consider hatchling vigor and other measures.*
- How can CAHA reduce the number of lost nests? *By focusing on lighting and predator management.*
- If storms/overwash and predators cause most of nest loss, why focus on night and beach driving, which is a relatively small and unknown factor in nest loss? *We work to correct the influence of human behavior on turtles, something we have more influence over than natural events like storms.*
- How are the conflicting needs of different ESA species managed in the same place? *ESA section 7 review requires looking at competing interests.*
- Is there a way to test hatchling vigor? *Yes. Could hatchling vigor at hatcheries/corrals be compared with vigor on the beach?*
- What are the options for managing turtle success in the soon-to-be-released USFWS recovery plan? *Regarding beach driving, there are few changes in the new recovery plan. The three recovery actions are: no nighttime driving, not increasing levels of beach driving, and managing nests in places with daytime driving activities. Local staff and resources determine management actions.*
- Is there a role for volunteers in helping to manage turtles on CAHA? *Mike Murray responded - yes, and NPS is working to create a volunteer program.*
- What are the key barriers to successful turtle nesting on CAHA? *Generally in this region barriers include females getting deterred from coming up on the beach by movement on the beach, hatchlings being disoriented by vehicle ruts, etc.*

Committee members requested additional data on:

- Hatch rates from relocated nests and those left in place.
- False crawl rates on beaches with and without ORVs.
- Hatchling vigor, including a definition, and the different speeds hatchlings move down the beach.
- Whether vehicles on CAHA are killing turtles and, if so, the scale of the problem (Mike Murray noted that incidents considered take are published in the annual report and on-site evidence often gives an incomplete picture of what happened, rendering it impossible to determine if there was take and the precise cause.)

The Natural Resources Subcommittee will discuss data requests and turtle-related issues.

### **NPS ORV Management Alternatives**

Mike Murray presented an overview of the NEPA Draft Environmental Impact Statement (DEIS) ORV management alternatives developed by NPS to meet NEPA requirements and help the Park to meet its many legal and regulatory requirements. NPS staff worked to develop a full range of reasonable alternatives for consideration during the evaluation, including two "no action" alternatives (representing the interim strategy and the consent decree) and three "action" alternatives for the DEIS. The action alternatives were developed building on internal NPS and public scoping, as well as on the workbooks submitted by members of the public, and previous Committee and Subcommittee

discussions. NPS currently is working on the impact analysis of the alternatives, considering impacts on wildlife, geographic features, visitor experience, socioeconomic indicators, and NPS staffing requirements. The ORV DEIS alternatives documents can be found at:

<http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=25051>

The alternatives were shared with the Committee to provide information to the Committee to consider in developing its management alternative. NPS hopes the Committee will develop a consensus alternative that will become a fourth action alternative to be evaluated in the DEIS. When the Committee reaches preliminary consensus, a preliminary NEPA impact analysis will be prepared and shared with the Committee. Based on that analysis, the Committee will be able to adjust the preliminary consensus option before making its final recommendation.

The NPS DEIS will be released for public comment in fall 2009. The Record of Decision must be final by the end of 2010, and the final rule promulgated by April 1, 2011.

Committee members asked the following questions and made the following comments about the alternatives. Mike Murray's responses are in italics.

- Please include Pea Island data and data on areas open but not accessible to ORVs in presentation and/or pie charts. *The ORV management plan does not apply to Pea Island NWR, so the mileages shown as being affected by the various NPS ORV management alternatives do not include the Refuge miles. NPS will revise the slides to clarify that Refuge miles are not included in the pie charts and to identify the miles under the Consent Decree that were theoretically "open," but were sandwiched between two resource closures with no practical way to get to the "open" area. (Note: The relatively inaccessible miles had been included under "Seasonal Closed to ORV" in the Alternative B mileage pie chart on Slide 25.)*
- What does a full-time biological employee cost? *Estimated cost is \$35-50K/year, including benefits, etc. [Note: the actual cost, confirmed after the meeting, is \$45,000 - \$55,000/year for a permanent full-time bio-tech position.] Implementing some of these alternatives effectively would require more three-season or year-round staff on CAHA. NPS does not currently have the funding to support the 12.0-15.0 FTE staff estimated for the action alternatives.*
- Should the Committee focus on staffing and resources? *No, please focus on developing a consensus alternative.*
- What levels of enforcement staffing would these alternatives require? *NPS is developing this information, and will share it in the DEIS if not before.*
- What are the light red lines on the land side of other colored lines on the alternatives maps? *Safety closures.*
- For Alternative C, would ORV routes be designated then closed seasonally? *Yes, or ORV routes would be designated on a seasonal basis. In other words, in Alternative C a seasonal area would be designated as non-ORV during the seasonal dates that NPS has identified for when sensitive resources are present or there is high density pedestrian use. The designation as an off-season ORV route*

*or area would contain the off-season dates and the location would be designated as an ORV route or trail within those dates. The NPS ORV Routes & Areas Table 11/05/08 has seasonal dates for each area that would have a seasonal designation.*

- *Are there provisions for adaptive management in the alternatives? Yes, although the details need to be developed. NPS wants to do periodic review to the extent possible.*
- *Do these alternatives consider the predicted population increase in NC of 25% in the next decade? They consider the need for multiple access options and many other factors, but not that particular statistical prediction.*
- *Would revenue from ORV permits pay for all CAHA staffing needs? Revenue from permits, depending on their kind and form, can only be used to administer an ORV plan.*
- *Do the pie charts guarantee X% as the maximum ORV closures? Year-round ORV routes are unlikely to have conflicts. Pie charts represent designated areas, but overlay closures are always possible.*
- *If there are permits and a seasonal carrying capacity is set, could you pay for a permit then not be allowed onto the beach? There would not be a guarantee that every permittee can get to every part of the beach all the time. However, it is likely that limits would be reached only for a few hours on a few holidays.*
- *Is NPS considering opening the north end of Ocracoke (i.e., the narrow beach that has been a safety closure for many years)? It is possible that area could be opened, based on the safety closure procedures described in each alternative.*

Committee members gave feedback to NPS on the three alternatives in small groups. The facilitators summarized the small group feedback in a presentation to the Committee and the public. The presentation is available at

<http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=25083>

### **Broad Principles Based on NPS DEIS Action Alternatives**

Committee members sought conditional consensus on the broad, cross-cutting features and principles common to the three NPS DEIS Action Alternatives (C, D, E), with final consensus dependent on acceptable details for each item. The Committee did not reach consensus on those features or principles due to the following concerns.

General:

- Need to have written, broadly worded descriptions of each principle.
- Need more details on each principle.
- Need criteria and periodic review.

Principle-specific concerns (listed under a simple description of each common principal), included the following:

1. *Designation of ORV routes/areas in accordance with the Executive Orders: no disagreements.*

2. *Identification of one set of desired future conditions of the resource:*
  - a. Linkage to other trade-offs.
3. *Two levels of species management:*
  - a. Need clarity on the SM1 and SM2 management details.
  - b. Need qualification -- when appropriate, when needed, if carrying capacity dictates.
4. *Year-round vehicle-free areas for a low-density visitor experience of the natural beach environment:*
  - a. Follow specific criteria in NPS policies.
  - b. Many Committee members could not accept this at this time.
5. *Night driving restrictions during sea turtle nesting:*
  - a. No data on night driving being more destructive to turtles than pedestrians, and there is high value to some to fishing and watersports enthusiasts to be on the beach at night, dusk and dawn to, and a small potential benefit to turtles was not seen as worth the loss to humans.
  - b. Need details on times of day, dates locations.
6. *Special use permit required for ORV driving with educational requirement and permit fee subject to cost recovery:*
  - a. Require pedestrian education and/or pedestrian permit.
7. *Addressing overcrowding:* no disagreements.
8. *Identification of new access points and parking areas:* no disagreements.
9. *Exclusion of commercial fishermen from recreational ORV restrictions via special use permit when not in conflict with resource protection.*
  - a. Use “exemption” rather than “exclusion.”
  - b. Commercial fishermen should be exempt from any nighttime closures.

The Committee and Subcommittees will work on these topics as appropriate.

### **Permits/Passes/Fees Proposal**

#### ***Consensus Agreement in Principle (15 November PM)***

The Committee, after discussion, unanimously accepted the conceptual framework of a beach access permit as described in the *Permit/Pass/Fee Conceptual Framework* draft from the Permits/Passes/Fees Subcommittee, dated November 14, 2008, subject to the details being worked out and recommended by the Subcommittee.

#### ***Suggestions and Related Concerns:***

- Language must be simple and easy to understand.
- Clarify the fee is for using a vehicle on the beach or to park in a developed parking lot with facilities, and identify which parking lots would be included.
- Clarify rangers will not stop individuals on the beach only to check permits.
- Consider options for exempting lifelong residents of Hatteras Island from the fee, possibly by including domicile as a criterion.

- Clarify that this is not intended to prevent people from parking along the roadside in legal parking areas.
- Clarify who holds the permit (vehicle, driver, etc.).
- Work out how America the Beautiful Passes fit into this system. *Mike Murray indicated if the permit is issued under FLREA, the America the Beautiful Pass would be acceptable in place of the fee.*
- Consider implications of including “cost recovery” as a mandate. If costs are very high, this might cause fees to be too high.
- Require clear signage in those designated beach access parking lots included.
- Refine the educational requirements and the system for delivering information.
- How would enforcement work? *Mike Murray indicated CAHA could hire fee collection staff to check parked cars for compliance, and law enforcement staff could issue citation or a ticket.*

### **Safety Closure Proposal**

The Vehicle Characteristics and Operations Subcommittee recommended the Committee include a safety closure designation for any Committee alternative (as not all the NPS DEIS Action Alternatives do). The Subcommittee refined the description of safety closures developed for the Committee by NPS this summer and presented it to the Committee for consideration. The Committee tested consensus on the safety closure proposal using four different approaches to minimum beach width in front of villages in the off-season:

Language changes tested for all four approaches to minimum beach width:

- replace “winter” or “winter closures” with “off-season”
- replace “markation” with “demarcation
- define “narrow beach”

Minimum off-season beach widths in front of villages to trigger a safety closure tested for consensus:

- 40’ minimum beach width
- 50’ minimum beach width
- 60’ minimum beach width
- NPS discretion, rather than a minimum width in feet

The Committee did not reach consensus on a minimum beach width or safety closures generally during the discussion.

### ***Suggestions and Related Concerns:***

- Clarify what constitutes a clear and imminent threat.
- Concern that the 40’ minimum beach width to trigger safety closures in front of villages in the off-season would be insufficient to ensure pedestrian safety.

- Clarify what constitutes a narrow beach. *Mike Murray indicated a narrow beach is one that is consistently not passable at high tide, and not a reason for a safety closure by itself.*
- Need to resolve the minimum beach width of villages (when open to driving) that could trigger a safety closure.
- These particular beach widths seem to be arbitrarily selected.
- NPS should err on the conservative side in populated areas and select wide beach widths for pedestrian safety; human safety should be the primary concern.

### **Socio-Economic Study Effort Brief Update**

Carol Mansfield gave an update on the socio-economic study effort. RTI will begin specific analysis of the DEIS alternatives. The RTI team also is working on non-contact counting, a business survey, and a visitor intercept study. The non-contact counting, based on a pilot done in October, will begin in December and last for one year. Each ramp has a counter, and RTI is working out how to use ramp counter data effectively. RTI will develop tailored business survey questions connected to the DEIS alternatives. RTI is calling realty companies and hopes to have data collected within a few weeks. RTI will now finish writing visitor-intercept questions based on the DEIS alternatives, initiate the approval process, and consult with those who have done random sampling on beaches to develop a pilot test. NPS staff will know when RTI staff will be in the Park collecting data, and RTI staff will be clearly identified and transparent about their work. RTI has collected visitation data for a season and has begun to look for differences in visitation before and after the consent decree. All this data will be incorporated into the analysis of the alternatives in the DEIS. Data collection will continue after the DEIS is published, and if data gathered afterward publication of the DEIS results in different conclusions, it will be released in a supplemental report.

### **Committee Business**

*Videotaping* – In response to a Dare County request in August to videotape Committee meetings for viewing by the public unable to attend, and based on consideration of Committee discussion at the September meeting, NPS issued a special permit to Dare County to videotape the November meeting. The video can be seen at: <http://www.darenc.com/Announce/NRC.htm>. Videotaping of future Committee meetings will be based on conduct of Committee members and the public at previously videotaped meetings and will require a separate special permit.

*Proposed Agenda Items for December Meetings* – A Committee member suggested that work done by the Vehicle Characteristics and Operations Subcommittee on vehicle characteristics and operations be discussed early at the December Committee meeting.

*Meeting 6 Summary* – The Committee approved the Meeting 6 draft summary dated October 1, 2008 with one addition to Ted Hamilton's public comment.

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*Meeting Dates* – Upcoming Committee meetings are scheduled for December 11-12, January 6-7, January 21-22, and February 3 (if needed).

### **Public Comments (November 14-15)**

James McCoy expressed concern that decisions being made jeopardize local communities without sufficient data as justification.

Ted Hamilton stated that the scientific information being presented to the Committee is insufficient to base Committee decisions on, and information in the turtle presentation did not justify nighttime driving restrictions without pedestrian restrictions. Managers should focus on storms and predation, which cause 40% of turtle loss. He noted that the pie charts in NPS's presentation on the DEIS action alternatives did not show Pea Island pedestrian areas and the importance of the closed areas.

Rick Setzer said he substantially reduced his visits to the Outer Banks this year due to beach closures, noted that beach closure information on the web is a significant deterrent, described the unique history and population of the area, and said local communities and businesses are at risk during the decision-making period.

James Giles described the unique atmosphere and community in the Outer Banks, said he looks forward to bringing his grandchildren onto the beach to fish and that driving onto the beach becomes more important to him as he gets older. He said some management options seem like a step backward.

Pat Gleason stated that because of restrictions on beach access, he and his friends have come to the Outer Banks once this year instead of the usual three times. He said that fishermen have been very attentive to avoiding wildlife and closed areas and that he gets great joy from fishing on the beach and hopes to share that with his grandson.

Barbara Ackley gave numbers and causes of turtle loss on CAHA and stated that data gathered elsewhere should not be used for management decisions on CAHA. She said current management measures go against Park objectives and because ghost crabs cause turtle hatchling death and ORVs reduce ghost crab populations ORVs should be allowed on beaches near turtle nests. She suggested relocating turtle nests from hazardous areas and removing vegetation for better bird habitat. She said towns create much more light at night than beach driving.

Fred Westervelt said that the ORV beach access program must result from the best possible information and data, and that inadequate data in the planning process will lead to mediocre results.

Kim Mosher said that the economic impact of beach closures is affecting the cultural existence of the local community and businesses.

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Michael Gery said he appreciates quiet enjoyment of beach resources (seashells, sand, birds) and that there should be places on CAHA to enjoy the beach year-round without vehicles, except as needed for enforcement or for access by people who are disabled.

John Newbold recommended that the Park consider the economic and community impact of an ORV plan and noted that it is better to move and save turtle nests even though it would change turtle gender if the alternative is nest destruction.

Michael Barry expressed appreciation for the transparency of videotaping and identified concerns about science presentations that do not include references or indicate uncertainty levels. He also noted that the ORV management plan must be flexible and adaptable.

Wayne Blessing expressed concern that Park management is focused primarily on species protection rather than working to find a middle road where wildlife is protected without drastic reduction in beach access for humans.

Michael O'Brien said there are laws in place to prevent irresponsible driving, and that the beaches will remain free and open to all of God's creatures.

Russ MacIntyre said that driving makes it easier to get to the water as he gets older, and that he is a responsible beach user who, though he cannot afford beachfront property, enjoys spending time on the beach with his family. He said drivers have not received adequate education about birds and turtles except through the night permit and he would be open to education, and requested key issues be resolved.

Scott MacIntyre said that closing beaches to ORVs greatly reduces the ability of fishermen to get their gear onto the beach to fish and that vehicles provide a safe place for children to sleep while they are out at night fishing with their families. He said he and others are happy to volunteer for NPS in any way to be on the beach.

Jeanette Straight expressed concern at the possibility of CAHA campgrounds becoming a bullpen area for RVs and potentially taking business away from local campgrounds. She noted that private campgrounds provide greywater and septic services.

Committee members thanked members of the public for their comments and for participating in the process. One member noted that the Subcommittee proposal that addresses bullpen areas for self-contained vehicles would not include all RVs and that more details will be forthcoming.

#### **Attachments**

- A. Attendance
- B. Action Items
- C. Materials Distributed to the Committee

**Attachment A: Attendance**

<b>REG NEG COMMITTEE MEMBERS</b>						
<b>Last Name</b>	<b>First Name</b>	<b>Seat</b>	<b>Organization</b>	<b>Principal or Alternate</b>	<b>Nov 14</b>	<b>Nov 15</b>
Allen	David	State Govt	NC Wildlife Res. Comm	P	AM & PM	AM & PM
Alley	John	User Groups/Open Access	Outer Banks Preservation Assoc	P	AM & PM	
Ballance	Gene	County Govt	Hyde County, NC	A	AM & PM	AM & PM
Benjamin	Pete	Federal Govt	USFWS, Raleigh Field Office	P	AM & PM	AM & PM
Boucher	Carla	User Groups/ORV Use	United Four Wheel Drive Assoc	P	AM & PM	AM & PM
Bounds	Ronald	User Groups/Rec Fishing	United Mobile Sportfishermen	A	AM & PM	AM & PM
Cahoon	Renee	Tourism, Visitation & Business	Outer Banks Visitor Bureau	A	AM & PM	AM & PM
Cameron	Susan	State Govt	NC Wildlife Res. Comm	A	AM & PM	AM & PM
Couch	John	User Groups/Open Access	Outer Banks Preservation Assoc	A	AM & PM	AM & PM
Davis	Robert	User Groups/Rec Fishing	Cape Hatteras Anglers Club	A	AM & PM	AM
Duke	C.A.	Civic & Homeowner Assoc	Rodanthe-Waves-Salvo Cvc Assoc	P	AM & PM	AM & PM
Eakes	Bob	User Groups/Rec Fishing	American Sportfishing Assoc	P	AM & PM	AM & PM
Esham	David Scott	County Govt	Hyde County, NC	P	AM & PM	AM & PM
Folb	Frank	Civic & Homeowner Assoc	Avon Property Owners Assoc	P	AM & PM	AM & PM
Forman	Trip	Other User Group	Watersports Industry Association	P	AM & PM	AM & PM
Foster	William	Commercial Fishermen	NC Fisheries Association	A	AM & PM	AM & PM
Golder	Walker	Enviro. & Nat. Res. Cons. (S/R)	Audubon North Carolina	P	AM & PM	AM & PM
Goodwin	David	Tourism, Visitation & Business	Cape Hatteras Business Allies	A	AM & PM	AM & PM
Gould	Burnham	Other User Group	Cape Hatteras Recreation Alliance	A	AM & PM	AM
Hagedon	Sam	Tourism, Visitation & Business	Outer Banks Chamber of Comm	A	AM & PM	AM & PM
Hardham	Larry	User Groups/Rec Fishing	Cape Hatteras Anglers Club	P	AM & PM	AM & PM
Jarvis	Destry	Enviro. & Nat. Res. Cons. (N)	Ntrl Rsrc Defense Cncl & The Wilderness Soc	P	AM & PM	AM & PM
Joyner	David	User Groups/ORV	NC Beach Buggy	A	AM & PM	AM & PM

<b>REG NEG COMMITTEE MEMBERS</b>						
<b>Last Name</b>	<b>First Name</b>	<b>Seat</b>	<b>Organization</b>	<b>Principal or Alternate</b>	<b>Nov 14</b>	<b>Nov 15</b>
		Use	Assoc			
Judge	Warren	County Govt	Dare County	P	AM & PM	AM & PM
Kayota	Steven	Civic & Homeowner Assoc	Hatteras Island Homeowners Coalition	P	AM & PM	AM & PM
Keene	Jim	User Groups/ORV Use	NC Beach Buggy Assoc	P	AM & PM	AM & PM
Leggat	Scott	Tourism, Visitation & Business	Outer Banks Chamber of Comm	P	AM & PM	
Lyons	Jim	Other User Group	Cape Hatteras Recreation Alliance	P	AM & PM	AM & PM
Maddock	Sidney	Enviro. & Nat. Res. Cons. (S/R)	National Audubon Society	A	AM & PM	AM & PM
Mathis	Wayne	State Govt	NC Marine Fisheries Commission	P	AM & PM	AM & PM
Moore	Raymond Neal	Other User Group	Cape Hatteras Bird Club	A	AM & PM	AM & PM
Murray	Michael	Federal Govt	Cape Hatteras National Seashore	P	AM & PM	AM & PM
Paquette	Patrick	User Groups/Rec Fishing	Recreational Fishing Alliance	P	AM & PM	AM & PM
Rabon	David	Federal Govt	USFWS, Raleigh Field Office	A	AM	
Rettie	Dwight	Enviro. & Nat. Res. Cons. (N)	Coalition of NPS Retirees	A	AM & PM	AM & PM
Rylander	Jason	Enviro. & Nat. Res. Cons.(N)	Defenders of Wildlife	P	AM & PM	AM & PM
Swartwood	Judy	Tourism, Visitation & Business	Cape Hatteras Business Allies	P	AM & PM	AM & PM
Wells	Jeffrey	Civic & Homeowner Assoc	Hatteras Landing Homeowners Assoc	P	AM & PM	AM & PM
Weston	Pat	Civic & Homeowner Assoc	Grtr Kinnakeet Shores Homeowners Inc	A	AM & PM	AM & PM
Winslow	Sara	State Govt	NC Marine Fisheries Comm	A	AM & PM	AM & PM
Wrenn	Lee	County Govt	Dare County	A	AM & PM	AM & PM

<b>AGENCY AND OTHER STAFF</b>				
<b>Last Name</b>	<b>First Name</b>	<b>Organization</b>	<b>Nov 14</b>	<b>Nov 15</b>
Ferguson	Ona	CBI	AM & PM	AM & PM
Field	Pat	CBI	AM & PM	AM & PM
Fisher	Robert	Fisher Collaborative Services	AM & PM	AM & PM
Hamilton	Sandra	NPS	AM & PM	AM & PM
Holda	Cyndy	NPS	AM & PM	AM & PM
Mansfield	Carol	Contractor	AM	

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Silvyn	Jeff	Institute for Environmental Conflict Resolution	AM & PM	AM & PM
Waanders	Jason	Office of the Solicitor	AM & PM	AM & PM

<b>MEMBERS OF THE PUBLIC</b>				
<b>Last Name</b>	<b>First Name</b>	<b>Organization</b>	<b>Made Public Comment?</b>	<b>Date(s) Present</b>
Ackley	Barbara	self	Y Y	Nov 14 & 15
Alderman	Rob	self		Nov 15
Balfe	Jay	self		Nov 14
Barsalou	Maurice	OBPA		Nov 14 & 15
Barton	Doug	self		Nov 15
Berry	Michael	self	N Y	Nov 14 & 15
Blessing	Wayne	self	Y	Nov 15
Buxton	Steve	self		Nov 14
Caldwell	Neil	self		Nov 14
Clare	Karen	NCWRC		Nov 14
Dallas	Russ	self		Nov 14
Davis	Laura	NCBBA		Nov 14
De Treville	Chris	self		Nov 14 & 15
Dreher	Woody	self		Nov 15
Ebert	Jim	self		Nov 14 & 15
Gery	Michael	self	Y	Nov 14
Giles	James	self	Y	Nov 14
Gleason	Pat	self	Y	Nov 14
Godfrey	Matthew	NCWRC		Nov 14
Goodloe-Murphy	Milt	Coastland Times		Nov 14
Green	Bob	self		Nov 14
Guerreri	Christian	self		Nov 14
Hamilton	Ted	self	Y Y	Nov 14 & 15
MacIntyre	Russ	self	Y	Nov 15
MacIntyre	Scott	self	Y	Nov 15
McCabe	Keith	self		Nov 14
McCabe	Kevin	self		Nov 14
McCoy	James	self	Y	Nov 14
McCullough	Martha	self		Nov 14
Moore	Greg	self		Nov 14
Moore	Pat	self		Nov 14 & 15
Mosher	Kim	self	Y	Nov 14
Mowers	Carol	NCBBA		Nov 14 & 15
Newbold	John	self	Y	Nov 14
O'Brien	Michael	self	Y	Nov 15
Oates	Tracey	NCBBA		Nov 14
Pitt	Alan	NCBBA		Nov 14 & 15
Rigsbee	Ruddy	OPBAA, NCBB, CHAC		Nov 15
Scarborough	David	self		Nov 14
Setzer	Rick	self	Y	Nov 14

2/3/09

<b>MEMBERS OF THE PUBLIC</b>				
<b>Last Name</b>	<b>First Name</b>	<b>Organization</b>	<b>Made Public Comment?</b>	<b>Date(s) Present</b>
Straight	Jeanette	self	Y	Nov 15
Swartz	Dolores	self		Nov 14
Swartz	Neil	self		Nov 14
Sybert	David	self		Nov 14
Tila	Jim	self		Nov 14
Wash	Rhonda	self		Nov 14
Westervelt	Ernestine	Ocracoke		Nov 14
Westervelt	Fred	self	Y	Nov 14

**Attachment B: Cape Hatteras National Seashore Negotiated Rulemaking  
Meeting 8 – November 14-15, 2008\***  
*Draft Summary of Action Items*

<b>Task</b>	<b>From</b>	<b>To</b>	<b>Deadline</b>
Distribute Action Item list from Meeting 8.	CBI	Committee	Done
Provide slides summarizing November 14 small group work.	CBI	Committee	November 21, 2008
Let Mike Murray know of any factual errors in the action alternatives.	Committee	DFO	December 1, 2008
Develop and distribute draft agenda for next meeting.	Agenda Planning Subcommittee	Committee	December 4, 2008
Prepare and distribute draft Meeting 8 summary.	CBI	Committee	December 8, 2008
Continue subcommittee work.	Subcommittees	Committee	December 11, 2008
Review draft Meeting 8 summary and submit comments.	Committee	CBI	December 11, 2008
Respond to ethics question about Committee membership.	NPS	Committee	December 11, 2008
Provide turtle studies or information.	FWS	Committee	December 11, 2008
NPS policy on management of NC state species of concern.	NPS	Committee	December 11, 2008
How do socio-economic study results factor into decision-making?	NPS	Committee	December 11, 2008
Determine compatible uses regarding providing public parking on Pea Island National Wildlife Refuge, if public can use administrative parking lot, and parking space plans in comprehensive conservation plan, if any.	FWS to FWS Refuge	Committee	December 11, 2008

\*Action items not completed from previous meetings are carried forward into the most current action item list.

**Attachment C: Cape Hatteras National Seashore Negotiated Rulemaking  
Meeting 8 – November 14-15, 2008  
*Materials Distributed***

1. Draft Final Agenda, dated November 11, 2008
2. Draft Meeting 6 Summary, dated October 1, 2008
3. Small Group and Subcommittee Discussion Topics, draft
4. NPS ORV Management Alternatives, Presentation Slides dated November 14, 2008
5. FWS Beach Driving and Sea Turtle Presentation Slides, undated
6. Summary of Committee Feedback on NPS Alternatives, Presentation Slides dated November 14, 2008
7. Permit/Pass/Fee Conceptual Framework draft from the Permit/Pass/Fee Subcommittee, dated November 14, 2008
8. Working Document on Safety Closures from the Vehicle Characteristics and Operations Subcommittee, dated November 15, 2008
9. Ground Rules for the Public
10. Written Public Comment from Barbara Ackley
11. Written Public Comment from Alan Pitt, dated November 14-15, 2008
12. Written Public Comment from Kim Mosher