

U.S. DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

CAPE HATTERAS NATIONAL SEASHORE PUBLIC MEETING ON OFF-ROAD  
VEHICLE MANAGEMENT PLAN/DRAFT ENVIRONMENTAL IMPACT STATEMENT

WRIGHT BROTHERS NATIONAL MEMORIAL  
FIRST FLIGHT CENTENNIAL PAVILION  
1000 CROATAN HWY, M.P. 7 1/2  
KILL DEVIL HILLS, NORTH CAROLINA

APRIL 27, 2010

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U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, CAPE  
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1 COURT REPORTER'S NOTE: The April 27, 2010, Kill  
2 Devil Hills Public Meeting on Off-Road Vehicle Management  
3 Plan/Draft Environmental Impact Statement commenced at 6:00  
4 p.m. at the Wright Brothers National Memorial First Flight  
5 Centennial Pavilion, Kill Devil Hills, North Carolina.

6 SUPERINTENDENT MICHAEL B. MURRAY: Good evening,  
7 ladies and gentlemen. Welcome to Wright Brothers National  
8 Memorial for this Public Hearing on the Cape Hatteras  
9 National Seashore Draft Off-Road Vehicle Management Plan and  
10 Environmental Impact Statement. I want to review briefly the  
11 project time line so you kind of know where we are in the  
12 process. We are in the public review period for the Draft  
13 Environmental Impact Statement or DEIS. It ends on May 11.  
14 This week we're holding Public Hearings. Tonight, we're in  
15 Kill Devil Hills, obviously. Tomorrow is Raleigh and on  
16 Thursday night, we'll be in Hampton, Virginia. Specific  
17 information about those Hearings is in the newsletter that  
18 you received at the front desk. Once the Public Comment  
19 Period is closed, the Park Service will be reviewing the  
20 public comments and start working on preparing the Final  
21 Environmental Impact Statement, which will include written  
22 responses to comments. That will occur during the spring and  
23 summer of this year. At some point this fall, we'll publish  
24 a Proposed Regulation. There'll be a 60-day Public Comment  
25 Period for that. When the -- and then, associated with the

1 Proposed Regulation after the Public Comment Period closes,  
2 the Park Service will review those comments, and then begin  
3 work on preparing the Final Regulation. The -- late fall,  
4 we'll publish the Final Environmental Impact Statement and  
5 Notice of Availability, which is a *Federal Register* notice,  
6 officially announcing the availability of the Final EIS.  
7 That will be in fall, 2010. And a Record of Decision for the  
8 EIS, which is the final decision document, will be issued  
9 before December 31, 2010, and then the final regulation will  
10 be published before April 1, 2011. There are several ways  
11 you can comment on the Draft Environmental Impact Statement.  
12 You can do so in person at this hearing, both oral or in  
13 writing. You can submit comments on-line, between -- you  
14 know, through May 11 at the website up on the screen. It's  
15 <http://parkplanning.nps.gov/caha>. There's specific  
16 instructions in the newsletter on how to comment on-line, or  
17 you can do so in writing by mail, or hand-delivery to me,  
18 Mike Murray, Superintendent, Cape Hatteras National Seashore,  
19 1401 National Park Drive, Manteo, North Carolina. Comments  
20 must be received by midnight, Mountain time, on May 11.  
21 That's when the website will stop accepting comments. And  
22 again, please refer to the newsletter on how -- for complete  
23 instructions on submitting comments. Now, I'll turn it over  
24 to Frank Skidmore, who's the facilitator for this Hearing.  
25 Frank.

1           MR. SKIDMORE: Thank you very much. I am the  
2 facilitator, and tonight our job is to get comments in on the  
3 DEIS and, of course, that period for comments ends on May 11.  
4 Now, my simple job can be to let you know there's a lot of  
5 information out there. This is a draft. I'm facilitating a  
6 process to allow everybody to get their comments in clearly,  
7 so that the court reporter can understand them, transcribe  
8 them, and make those available, so they can be used in coming  
9 to a final document and Record of Decision. Now, a part of  
10 that process is making sure everyone has an equal  
11 opportunity, a fair opportunity to present their comments and  
12 that they're well understood. Mutual respect and courtesy is  
13 -- is a part of that. Remaining quiet while someone is  
14 giving their comments, so that the comment is clearly  
15 captured. Of course, no disruptions within the meeting place  
16 while this is going on. Specific ground rules. We're  
17 calling people up as they have signed in, so you must be  
18 signed in to speak. Please keep your comments on point,  
19 realizing that this is to address the DEIS, and a lot of  
20 information you may know can be very helpful. Each speaker  
21 is allotted the maximum of up to three minutes. And to  
22 advise you that your time is drawing near to a conclusion, at  
23 the 2-minute and 30-second point, the timekeeper will hold up  
24 a yellow card, saying, "30 seconds left." Then at the  
25 conclusion of three minutes, the timekeeper will hold up a

1 red card, saying, "Your time has expired." Now, I ask you to  
2 try to promptly conclude your comments when you see that red  
3 card. We do not want yielding to another person. Each  
4 person needs to sign up. And when you come to present your  
5 comments, identify yourself, and if you're representing an  
6 organization, it'd be very helpful for us to know what  
7 organization you're representing, speaking for. Again, the  
8 comments are being addressed to the National Park Service and  
9 the Superintendent, so please refrain from addressing the  
10 audience. This is to help to document the process. If  
11 someone addresses your talking point before you get up there,  
12 it's perfectly acceptable to merely stand up and say, "My  
13 point has been addressed by so-and-so, and I agree or so on,"  
14 and sit down, and your comment will be recorded as agreeing  
15 with that particular comment. We're giving oral comments  
16 tonight, but you can also deliver written comments up here  
17 when you're through, and you may have some amount of material  
18 left when you finish your three minutes, and you can deliver  
19 that. And that becomes a part of the full comment. And oral  
20 comments and written comments are handled in exactly the same  
21 manner. In fact, the oral comments are transcribed and  
22 become a written comment. So, at the end of your three  
23 minutes, please don't think that's all I can comment on. You  
24 can continue to comment through writing, or through the  
25 website. And those are handled in an equal manner. Please

1 turn your cell phones off, or to the vibrate. The last thing  
2 I will say here, is that we have three seats reserved up here  
3 for individuals, so that if you are stuck back in the middle  
4 of a row, and would like to come up and position yourself. I  
5 will be calling out the names of several people, so that  
6 everyone knows that they're next, or they're third in line or  
7 fourth in line, so that you can prepare yourself to come up.  
8 And it would be advantageous if you would position yourself  
9 here in one of these three seats, so that as soon as one  
10 individual is through, we can very quickly move to the next  
11 person and our time is best -- best maximized that way. So,  
12 with that, I'd just like to say, thank -- thank you very much  
13 for coming out and participating. Again, there's a lot of  
14 knowledge out there, and my job is to help you translate that  
15 into a comment that can be used. Okay, the first commenter  
16 is Shannon Scarberry, who will be followed by Carol Dawson,  
17 Michael Gery, and William Harrill. Yes. Please go up there  
18 to the microphone right there. And again, you're delivering  
19 your comments to the Superintendent.

20 MS. SHANNON SCARBERRY: Good evening. My name is  
21 Shannon Scarberry, and I am a freshman at Manteo High School.  
22 I strongly disagree with the closure of Cape Hatteras  
23 National Seashore due to birds and turtles. Most bird and  
24 turtle nest failures are predominantly due to non-human  
25 events, such as weather, nest abandonment, and predation.

1 According to the DEIS, only three percent of bird nests  
2 failures are due to human interference, as compared to 54  
3 percent due to mammalian predation. Also, according to the  
4 National Park Service, off-road vehicles would cause long-  
5 term major impacts to sea turtles. However, they found that  
6 nesting females have not been killed, and nest loss and  
7 hatchling disorientation have not occurred frequently. In  
8 closing, I would like to say that, as an aspiring vet, these  
9 beaches have strongly impacted my opinion of animals, and it  
10 has inspired me to work towards helping them. I feel that  
11 closing our beaches would be doing a huge injustice to the  
12 current and future generations that can and will learn from  
13 them. These generations are the ones that will preserve and  
14 protect our beaches and the animals that live there. Thank  
15 you.

16 MR. SKIDMORE: Thank you, Shannon. Next is Carol  
17 Dawson.

18 MS. CAROL DAWSON: I'm here to finish what I didn't  
19 get my three minutes -- didn't allow me to finish last night  
20 in Buxton. I read in the paper today that Mr. Murray said  
21 that we look forward to hearing your comments. I'm not so  
22 sure he's feeling that way after Buxton's meeting last night.  
23 But, I'm representing myself, an American citizen, whose  
24 civil liberties have been completely stripped away by the  
25 National Park Service. I wish that this issue was about

1 birds and their eggs. But we all know that it's not. You  
2 want to privatize our beach, like you've done in many areas  
3 of the country. The plover birds have more common sense than  
4 the NPS, because they don't choose to breed on a beach. But  
5 you murder animals by the hundreds to protect them. I read  
6 the Consent Decree Status Meeting's minutes from the meeting  
7 Mike Murray attended on March 19 this year. It stated that  
8 Derb Carter of the Southern Environmental Law Group believes  
9 he has blocked the congressional legislation to overturn this  
10 Consent Decree. I don't believe this is the case, and if  
11 what we are hearing from the Senators is true, we will have  
12 enough votes to pass S1557, and have this asinine act of  
13 terrorism by the National Park Service and the Southern  
14 Environmental Law Group reversed. Last night, I called you  
15 the Yogi Bear police. Well, truth be told, Yogi Bear would  
16 probably be trapped and killed by you, because that's what  
17 you do to animals that harm bird eggs. Oh, you knew that it  
18 would take an action by a legislative body to reverse a  
19 congressional law. The Audubon Society and you, have found a  
20 weak, ill-advised minded group that acted like they'd been  
21 bullied by third graders on a playground, and to sign this  
22 Consent Decree. Judge Boyle needed them to sign it because,  
23 thank Heaven, judges don't turn -- overturn congressional  
24 laws. Why are the people and the economy of the Outer Banks  
25 being punished because of your stupidity? Nine pairs of



1 breeding plover birds, the same number within a few, if --  
2 over the last 20 years, regardless of what beaches you close  
3 or animals you kill. Wow, that's a great reason to destroy  
4 the economy of an island. You said last night in Buxton,  
5 that you wanted us to give you constructive criticism, and  
6 choose a plan from the over 800 page document you produced,  
7 that probably cost the taxpayers hundreds of thousands of  
8 dollars. Well, I have a plan. It's a good plan. I invite  
9 you to go back to the coastlines of Kansas where you belong.  
10 The National Park Service is nothing but an organization of  
11 land-stealing, murdering, lying eggheads. We want you off  
12 our island. You're not wanted or welcome here. And please  
13 take the Southern Environmental Law Group and Derb Carter  
14 with you. See you in Raleigh tomorrow.

15 MR. SKIDMORE: Michael Gery is next, followed by  
16 William Harrill, and Dean Johnson.

17 MR. MICHAEL GERY: My name is Michael Gery. I live  
18 on Roanoke Island. And I want to congratulate the National  
19 Park Service Cape Hatteras group for assembling a  
20 comprehensive impact statement to manage the motorized  
21 vehicles of Cape Hatteras National Seashore. This cautious,  
22 even-handed, thorough approach you maintained throughout this  
23 process should give you the respect that you've earned. I'd  
24 like to make one general comment about the impact statement  
25 and six short specific ones. My general comment is that an

1 official plan to manage off-road vehicles on this park is 30  
2 years overdue. The DEIS as published does not analyze the  
3 damage that 30 years of neglect caused to the natural  
4 environment on these beaches. The Park Service, ignoring its  
5 legal obligation, allowed motorized vehicles free reign in  
6 the National Seashore during a time when the number of four-  
7 wheel drive SUVs alone, not including pick-up trucks,  
8 increased in the U.S. by more than 2,600 percent. If a  
9 management plan is adopted here to spend the next 10 to 15  
10 years, the Park Service should continually analyze whether it  
11 is repairing the damage that has been done here, not just to  
12 maintain the current status of the natural environment. The  
13 current state is that the National Park Service here has  
14 saved paradise and put up a parking lot. My specific  
15 comments supplement your administrative history. As soon as  
16 the plan is implemented, the Park Service should analyze why  
17 it did not implement one when it was supposed to. The Park  
18 Service published an admirable history last year, like this  
19 DEIS failed to explain why it neglected to publish an  
20 official ORV management plan 30 years ago. If you understand  
21 why that process failed, what the obstruction was during that  
22 time, you may prevent it from happening again, and prevent  
23 the wasting of money, heartache, natural resources, taxpayer  
24 dollars that went into finally coming up with one now. Two.  
25 Respect pedestrians. The DEIS cited that 2003 visitor

1 activities survey, which found that more than 80 percent of  
2 the respondents, engaged in walking and driving -- and then  
3 driving on the beach. And 55 percent more were they are to,  
4 "Enjoy solitude" than were there to drive on the beach, or do  
5 surf fishing. Yet the rule making process allotted only 1 of  
6 29 seats to a stakeholder group that prefers walking and  
7 solitude on the beach. The Park Service Preferred  
8 Alternative based on that process, preserves less than 25  
9 percent of the managed Seashore, where pedestrians can enjoy  
10 the natural beauty of it without the intrusion, noise and  
11 sight of motorized vehicles. It's like putting the quiet  
12 kids in the playpen, and letting the bullies run free. I  
13 have some specific requests for where you should expand the  
14 pedestrian-only areas. My time is running short. I also  
15 respectfully ask that the natural beach be maintained for the  
16 natural ecology to develop so that birds and other wildlife  
17 can be there when we -- when we want to see them for the rest  
18 of the year.

19 MR. SKIDMORE: Sir, your time has expired.

20 MR. GERY: Thank you.

21 MR. SKIDMORE: The next speaker is William Harrill,  
22 followed by Dean Johnson and Dave Dawson.

23 MR. WILLIAM HARRILL: All right. Back to reality.  
24 My name is William Harrill. I'm an avid surfer and fisherman  
25 from Virginia Beach. I have been vacationing here for many

1 years and coming to surf as well. I want to talk a little  
2 bit about the socio-economic impact of the DEIS. You guys  
3 use a lot of wording like, "potential," "probability," and  
4 "should." I think that needs to be more specific. But,  
5 moreover, I just wanted to say that I'm a consumer, and if  
6 I'm not here to surf or fish in areas that I can't get to due  
7 to a 1,000 meter buffer, I'm not going to come here. I'm  
8 going to choose to vacation somewhere else. So, I'd like to  
9 see that not to happen. And I'd like to see now, that a lot  
10 of the people that I've met over the past few days who are  
11 small business owners not lose what they've worked so hard to  
12 acquire. Thank you.

13 MR. SKIDMORE: Thank you, William. Next is Dean  
14 Johnson, followed by Dave Dawson, and John Newbold.

15 MR. DEAN JOHNSON: I'd like to reiterate what William  
16 just said. My name's Dean Johnson, and I'm a vendor. My  
17 company is Holiday Ice. And we do a significant amount of  
18 business from Ocracoke Island, all the way up to Corolla.  
19 I'm here to speak, like William, on the socio-economic  
20 section of the DEIS. And I'll quote, "Small business would  
21 experience long-term negligible to moderate adverse impacts.  
22 The extra efforts to increase ORV access and pedestrian  
23 access should increase the probability that the impacts are  
24 on the low rather than high end of the range." Now, I not  
25 only disagree with this statement, but my sales records

1 indicate that, since the implementation of beach closures,  
2 the opposite is true. Because of time concerns, I'll give  
3 one example. I had my receptionist pull some numbers for one  
4 of my customers this morning, to see how his sales were  
5 affected by the closure, and then re-opening of South Point  
6 last year. Weekend sales numbers for three weekends, prior  
7 to the re-opening, he sold 208 units. Two weekends prior, he  
8 sold 172 units. One weekend prior, he sold 139 units. The  
9 weekend of the re-opening of South Point, this customer sold  
10 389 units. During the closure, the customer averaged 173  
11 units sold. With South Point open, this customer sold 389  
12 units. So, with over a 100 percent increase in sales,  
13 directly corresponding with the re-admittance of ORVs to  
14 South Point, my sales numbers prove that the beach closures  
15 have a huge negative impact to the economic welfare of local  
16 business. I'm glad for this opportunity to prevent the -- to  
17 present this real evidence, that is in direct contradiction  
18 with the stated beliefs of Alternative F's written statement  
19 on socio-economic impact.

20 MR. SKIDMORE: Thank you. Next is Dave Dawson,  
21 followed by John Newbold, and Ernestine Westervelt.

22 MR. DAVE DAWSON: Dave Dawson. I have the Cape  
23 Hatteras Motel and Inn in Buxton. The -- the inlet areas and  
24 Cape Point are what set us apart from just being another  
25 ordinary beach. These areas cannot be reached by foot,

1 unless you're in a hell of a shape. The over-wash and the  
2 tidal pools that these wide areas provide, give a safe place  
3 for the kids to play. So, you don't have to worry about the  
4 ocean sucking them out to sea. One of my guests last fall  
5 had never seen Cape Point and he got a ride out there. And  
6 he commented, "It was like standing in the middle of a  
7 National Geographic magazine, where the waves crashed  
8 together from the Labrador currents meeting the currents from  
9 the Gulf Stream." This made me think, "I wonder what would  
10 happen if Old Faithful were shut down?" Then I wondered,  
11 "Well, why isn't it?" Because this problem started out west.  
12 This problem started in the '70s when three-wheel and four-  
13 wheel All Terrain Vehicles became popular, and Nixon's order  
14 wasn't directed at Cape Hatteras National Seashore. It was  
15 directed at all the Parks. And Cape Hatteras dealt with it  
16 right away. Nipped it in the bud. They outlawed three-  
17 wheelers and said the four-wheelers had to be licensed for  
18 the highway. In other words, inspection, licensed driver, et  
19 cetera. So, therefore, there was no problem. And is no  
20 problem. The vehicles are not hurting the beach. About this  
21 time, the Sierra Club stuck their nose in it, and also tried  
22 to outlaw vehicles at Cape Hatteras. They said they were  
23 causing erosion. But then the beach at Cape Point accreted  
24 about a mile and a quarter, and that kind of threw the  
25 erosion argument out the window. And I just don't

1 understand, if this was a mandate for all the Parks, why is  
 2 Cape Hatteras being punished, and not Yellowstone and  
 3 Yosemite? A federal judge can uphold Nixon's order and make  
 4 the Park Service develop a plan, but he cannot order them to  
 5 close vast sections of the seashore to the public. What  
 6 motivates these radical environmental groups? Why are they  
 7 so self-serving? Why do they only want parks accessed by  
 8 people who have the ability to back-pack in? In my opinion,  
 9 it's because their jobs depend on it. If they are in a paid  
 10 position, raising money in the organization, or maybe an  
 11 attorney representing the organization, it seems to me,  
 12 without some sort of conflict, they don't have a job. I  
 13 wonder how much their donors, and even their own Board of  
 14 Directors, really know about what the folks representing them  
 15 are up to? And I'd just like to close by asking -- we -- we  
 16 have no leadership from the State. They've had two years to  
 17 do something, so I'd ask the Outer Banks Chamber of Commerce  
 18 to file a lawsuit on the public's behalf. Thank you.

19 MR. SKIDMORE: John Newbold, followed by Ernestine  
 20 Westervelt and Gary Gross.

21 MR. JOHN NEWBOLD: John Newbold. Nowhere in the off-  
 22 road plan is there any real mention of cultural or historic  
 23 values of the people who settled here, work here and call  
 24 this their home. Completely missing and required by Park  
 25 protocol is any sort of economic impact study. The plan was

1 already and will continue to cause great financial chaos.  
2 Judge Boyle's plan has already done grave financial damage to  
3 the businesses and families who live here, and, of course,  
4 NPS's favoring is even more damaging. You are attempting to  
5 turn a National Park into a bird sanctuary. Our  
6 understanding was that the off-road plan was to be developed  
7 by a carefully screened, select group of some 30 parties who  
8 are to be the co-authors in the formulation of a plan. NPS  
9 told all parties that participation in the group required a  
10 spirit of negotiation which would eliminate lawsuits and  
11 develop a plan by consensus, and that members of the group  
12 who did not work in that spirit would be excused and  
13 replaced. Shortly after formulation of the group, three of  
14 the parties joined in a lawsuit, requesting park closure to  
15 ORVs until a plan was developed. When NPS failed to replace  
16 these three parties, and allowed them to continue to  
17 participate, there was no hope for any consensus, and the  
18 three parties put up roadblock after roadblock on the table,  
19 to de-rail any hope. Yet the group spent over two years  
20 working on a plan they could never develop. This failure was  
21 the result of the National Park Service's refusal to enforce  
22 it's own rule on participation. Facing a lawsuit, NPS did  
23 nothing to defend itself in court. And this set the stage  
24 for the three parties and a very biased judge to come up with  
25 a temporary ORV plan, until a final draft could be written.



1 Park users either had to accept the plan or face full  
2 closure, and the plan was filled with closures that were not  
3 science-based, contained penalties that were imposed in  
4 violating closures. The Consent Decree handed down by Judge  
5 Boyle was heavy-handed and did nothing really to change bird  
6 populations by your own National Park figures. The act of  
7 refusing to defend themselves in court, turned management of  
8 the Park over to three parties, who still appear to be  
9 calling all the shots. It is obvious to me and to others  
10 that it should be -- that the National Park Service has  
11 little interest in doing anything except the wishes of the  
12 three parties who are anti-ORV usage. NPS bird counts are  
13 flawed, at best. And extensive closures for birds that are  
14 not endangered is not necessary. If, indeed, you lay any  
15 claim to the dredge islands, then you should count the birds  
16 that live there. NPS has no right to place stakes in the  
17 water around the Oregon Inlet pond. The basis here is the  
18 fact that you feel you could do this 100 feet from the shore  
19 areas, but the pond area is east of the bridge and considered  
20 ocean rather than sound. The State of North Carolina  
21 stipulates that waters east of the bridge follow their ocean  
22 rule and laws reflect this. They should be removed now and  
23 are a clear hindrance to navigation. NPS Rangers and Marine  
24 Fisheries Officers have issued warnings and tickets to  
25 anglers who are in possession of flounder and striped bass

1 that met sound limits but were in violation of ocean limits.

2 MR. SKIDMORE: Sir, your -- your time has expired.

3 MR. NEWBOLD: You can't have two sets of conflicting  
4 rules. Thank you.

5 MR. SKIDMORE: Ernestine Westervelt, followed by Gary  
6 Gross and Mike Johnson.

7 MS. ERNESTINE WESTERVELT: I'm Ernestine Westervelt,  
8 and I am a full-time resident and small business owner on  
9 Ocracoke. I would like to refer to the socio-economic  
10 impacts of the presentation on page 561, and I would like to  
11 read a paragraph. "The total impact, the -- of the proposed  
12 alternatives, would depend in part on the response of the  
13 affected individuals and businesses to changes brought about  
14 by the proposed rule. To the extent that local businesses  
15 can provide alternative products and services, they may be  
16 able to reduce the impact on their profits. In addition, the  
17 effect of the alternatives would depend on the willingness  
18 and ability of individuals to visit substitute sites for  
19 recreation, and of businesses to adapt to the available  
20 opportunities and changes in visitor use patterns, under  
21 which alternative is selected. If individuals visit other  
22 sites outside the Seashore, then these regions would  
23 experience an increase in business, while the businesses in  
24 the ROI would experience a decrease." And, I find that this  
25 cavalier and dismissive treatment of human beings and their

1 livelihood in such an important aspect of this proposal, is  
2 absolutely appalling. Thank you.

3 MR. SKIDMORE: Gary Gross, followed by Mike Johnson,  
4 and Paul Tine.

5 MR. GARY GROSS: My name is Gary Gross. In other  
6 Hearings, I've addressed key items outlined in the DEIS.  
7 Tonight, I would like to start at the very beginning. I  
8 respectfully submit that there is something flawed about the  
9 document before we even open it and try to study its 810  
10 pages. The flaw that I'm referring to is the cover of the  
11 DEIS. The photos selected by the Park Service for the cover  
12 distorts the true visitor experience. The cover mistakenly  
13 creates the impression that the Cape Hatteras National  
14 Seashore recreational area is only for fishing. It also  
15 creates the false impression that the Seashore is only for  
16 men. This distortion creates an incorrect stereotype that  
17 the special interest groups love to exploit, saying that this  
18 whole thing is about a bunch of guys in trucks, who just want  
19 to go fishing. Nothing could be further from the truth.  
20 While both commercial and recreational fishing play a vital  
21 role in the Seashore, it is only one of many activities in  
22 the area. Others include surfing, kite-boarding, other water  
23 sports, swimming, sunbathing, shell collecting, horseback  
24 riding, bird watching, walking, and the list goes on and on  
25 of other family recreation. Understanding this recreational

1 diversity is fundamental to appreciating the need everyone  
2 has for access. The Seashore is well-known as a wholesome  
3 family-oriented destination. Accordingly, our visitors  
4 represent a broad cross-section of humanity. On any given  
5 day, you will see, not just men, but women and families with  
6 children enjoying recreation together. Another distortion on  
7 the cover involves the photo showing all those vehicles  
8 crammed into one portion of the seashore. This is not  
9 representative of the visitor experience, and it sends a  
10 false statement that this issue is about ORV access. It is  
11 not. This issue is about beach access for everyone,  
12 including the special needs of the many disabled and  
13 chronically ill visitors to our seashore. Unfortunately, the  
14 cover sets the scene for other distortions that are contained  
15 in the document itself. The DEIS does not reflect the  
16 diversity that is the true visitor experience for people of  
17 all ages, races, and cultures, who depend upon the promises  
18 in the enabling legislation. Thank you.

19 MR. SKIDMORE: Thank you, Gary. Next is Mike  
20 Johnson, followed by Paul Tine, and Alice Ahern-Kerekes.

21 MR. MIKE JOHNSON: Thank you. Mike Johnson, Dare  
22 County Commissioner. Mike, I want to -- I agree with every  
23 point to the DEIS I've heard so far made. And I'm going to  
24 speak to one point, and that is protection for non-endangered  
25 birds. I would like to speak tonight about the unwarranted

1 protection that the Draft Environmental Impact Statement  
 2 gives to non-endangered birds. The DEIS, as it is now  
 3 written, in pages 121 to 127, requires huge closures for  
 4 birds that are not endangered, and not even threatened.  
 5 These include gigantic 300-meter buffers for American  
 6 oystercatchers, least terns and colonial waterbirds. Again,  
 7 species that are not endangered. The non-endangered birds  
 8 are protected. These non-endangered birds are protected in  
 9 Cape Hatteras National Seashore recreational area only  
 10 because they appear on a North Carolina list of Species of  
 11 Concern. The purpose of this North Carolina listing is only  
 12 to designate certain birds for future monitoring and tracking  
 13 on a statewide level. The purpose was never to force federal  
 14 agencies such as the National Park Service to adopt this  
 15 state list, and impose restrictions as if these birds were  
 16 endangered. The North Carolina list of concern should not be  
 17 used against us in the Cape Hatteras National Seashore  
 18 recreational area. This is a major issue for our residents  
 19 and visitors because it was these non-endangered birds that  
 20 closed down Oregon Inlet, Cape Point, and other areas from  
 21 March through late August of last year. Instead, we  
 22 recommend a more reasonable and yet effective 30-meter buffer  
 23 for non-endangered birds, and these non-listed birds should  
 24 be given -- should not be given pre-nesting closures. Also,  
 25 on the subject of non-threatened and non-endangered birds, I

1 have a concern that all birds in the same ecosystem should be  
2 counted. This is the only way to accurately determine the  
3 real number of birds in an area. For example, in determining  
4 the number of birds in the Cape Hatteras National Seashore  
5 recreational area, it is crucial to consider the many birds  
6 that are thriving on nearby bridge and Spoil Islands, such as  
7 Core June Island. While only 500 yards away from the shores  
8 of Hatteras Village, Core June Island is home to many birds  
9 that they enjoy a habitat free of predators. However, the  
10 Park Service does not include the birds on these islands,  
11 even though they really are a part of the same ecosystem as  
12 Cape Hatteras National recreational area. I believe the DEIS  
13 should be changed now, before it becomes written in stone.  
14 Do not give the maximum level of protection to non-endangered  
15 and non-threatened species, and count the birds that are just  
16 a stone's throw away from the Seashore. Thank you.

17 MR. SKIDMORE: Paul Tine, followed by Alice Ahern-  
18 Kerekes and Jack Shea.

19 MR. PAUL TINE: My name is Paul Tine, and I'm the  
20 Chairman of the Outer Banks Chamber of Commerce, and am  
21 representing the interest of its 1,000 plus members in  
22 Currituck, Dare and Hyde Counties. First, a clarification.  
23 The Draft Environmental Impact Statement is identified as  
24 being about off-road vehicle management, but restrictions on  
25 beach access do and will continue to affect a large number of

1 pedestrians. In February, the National Park Service released  
2 a report titled, "2009 Off-Road Vehicle Law Enforcement  
3 Management Actions and Activities." Although the title  
4 suggests that the contents are only about ORV violations, the  
5 report includes contact to pedestrians. In fact, most  
6 warnings and citations issued in 2009 were to pedestrians,  
7 not ORV users. Of the 98 contacts reported, including both  
8 citations and written warnings for entering resource  
9 closures, only 15 were ORV issues. A total of 60 citations  
10 were written in 2009 -- 42 of these were issued to  
11 pedestrians. This is not just about off-road vehicles. It  
12 is an access issue and should be stated as such. Secondly,  
13 my organization would like to comment on the economic impacts  
14 of the preferred alternative, Alternative F. We would like  
15 to make it clear that this alternative will create wide-  
16 reaching negative economic impacts to the area. This  
17 economic concern is not addressed in the economic impact  
18 portion of the DEIS, however. This section provides little  
19 information about indirect impacts, and direct impacts are  
20 dismissed or minimized by saying that the businesses will  
21 adapt, or simply that impacts are not -- are unknown. It is  
22 important to point out that Alternative F is even more  
23 restrictive than the scenario set out in the Consent Decree,  
24 that currently governs access. The negative economic impacts  
25 of the Decree are known, so to say that added restrictions

1 would have negligible to moderate impact is indefensible.  
 2 The Consent Decree went into effect during the national  
 3 economic downturn, and the first year was exacerbated by high  
 4 gas prices. So, most businesses in our area suffered from  
 5 these combined external forces. However, commerce on  
 6 Hatteras Island has dropped disproportionately from the rest  
 7 of the Outer Banks over the past two years, and we believe it  
 8 is directly related to the restrictions on beach access. I  
 9 would like to mention just one of the available pieces of  
 10 data not mentioned in the DEIS report, that gives credence to  
 11 this assertion. In September of '09, Dare County as a whole  
 12 experienced an unemployment rate of 6.8 percent, one of the  
 13 lowest in the state. But when the North Carolina Division of  
 14 Labor and Marketing broke down employment down to zip codes,  
 15 it showed Hatteras Village -- Hatteras Island villages had  
 16 much higher unemployment, at 12.8 percent. While further  
 17 broken down to the village level, Salvo was at 28 percent,  
 18 Buxton at 16.5 percent, and Rodanthe was at 12.4. The Outer  
 19 Banks Chamber of Commerce respectfully requests the economic  
 20 analysis presented in the current report not be certified, as  
 21 it does not meet the guidelines of the Regulatory Flexibility  
 22 Act. We further ask that Alternative A be used as a basis to  
 23 the permanent management plan, as its economic impacts can be  
 24 measured upon past experience. Thank you.

25 MR. SKIDMORE: Next is Alice Ahern-Kerekes, followed



1 by Jack Shea and Raymond Sturza.

2 MS. AHERN-KEREKES: Yes, my name is Alice Ahern-  
3 Kerekes. I've been a resident here for four years. My  
4 points have been addressed by the gentleman sitting right  
5 there (points to prior speaker). Thank you for your time,  
6 and thank you for having this opportunity to speak.

7 MR. SKIDMORE: Thank you, Alice. Next is Jack Shea.

8 MR. JACK SHEA: Good evening. My name is Jack Shea.  
9 The beaches of Cape Hatteras National Seashore recreational  
10 area should be open and accessible to the people. Access to  
11 our public lands is a fundamental right that was promised in  
12 the enabling legislation that created America's first  
13 national seashore. However, this access to our public lands  
14 is severely restricted in Alternative F of the DEIS. I'm  
15 here tonight to ask the National Park Service to seriously  
16 consider the role of corridors as a practical means to give  
17 us access to our public lands, in a way that does not hurt  
18 wildlife. Corridors need only to be small paths around a  
19 resource closure, to provide access to an area that would  
20 otherwise be blocked. In some cases, these corridors can go  
21 through or around closures. In many places, a corridor can  
22 easily be established below the high tide line. Since  
23 unfledged chicks are not found in this area, it is a perfect  
24 solution to providing access in a way that does not  
25 negatively affect wildlife. As outlined in DEIS pages, xii

1 through xvii, and on page 468, corridors are only allowed in  
2 Management Level 2 portions of species management areas.  
3 Even these limited corridors are subject to resource or  
4 safety closures at any time. Corridors are effective tools  
5 for access and should be established throughout the entire  
6 seashore, including highly restrictive Management Level 1  
7 portions of the species management area. Please remember in  
8 preparing your Final Environmental Impact Statement that  
9 corridors provide valuable access to federal lands, without  
10 impairment or damage to protected resources. Corridors are a  
11 practical way to enhance the visitor experience and open up  
12 popular areas like Oregon Inlet and Cape Point. Corridors  
13 are a common-sense solution that represents a win-win  
14 situation for wildlife and for We, the People. Thank you for  
15 your consideration of my comments.

16 MR. SKIDMORE: Thank you, Jack. Next is Raymond  
17 Sturza, followed by Matt Walker and Matt Pruett.

18 MR. RAYMOND STURZA: Good evening. My name is Ray  
19 Sturza, and I'm the Mayor of Kill Devil Hills. I'm here  
20 tonight to lend my voice to the rising tide of Americans of  
21 all walks of life, who have grown weary of our federal  
22 government's ever expanding role in our lives. The topic  
23 tonight is access to the recreational beaches of the Cape  
24 Hatteras National Seashore, and whether or not it will be a  
25 place where the people of the nation enjoy the Seashore as it

1 was meant to be. Or, whether it will be set aside as a  
2 preserve for the benefit of birds and fish, with only minimal  
3 human interaction. A draft of alternative levels of  
4 protection for wildlife, combined with correlated levels of  
5 accommodation for people has been prepared for comment. I've  
6 read through this document, and attempted to address each of  
7 those in -- in a manner that was relevant to the document,  
8 but I soon decided to abandon that approach, eliminate the  
9 jargon, and say to you tonight, very simply, "Reverse this  
10 document and let the people, once again, enjoy their  
11 beaches." Yes, it seems reasonable to have a permit system,  
12 and a set of minimum standards that all should abide by in  
13 the course of enjoying the beaches. And yes, it seems  
14 reasonable to protect shore birds and animal life that use  
15 these beaches as their habitat. I tend to believe that  
16 minimal closures are more than sufficient to ensure these  
17 kind and resilient creatures can survive on our national  
18 seashore. I also tend to believe that over-extended closures  
19 breed discontent and distrust, and lead to the perception  
20 that our federal regulatory agencies are not accountable to  
21 the very people they take an oath to serve. For several  
22 decades, people, shore birds and turtles co-existed in quiet  
23 harmony on the Cape Hatteras National Seashore. It was not  
24 until third-parties intervened that the very notion of  
25 discord raised its ugly head. Those who make a living

1 perpetuating discord have succeeded where people and birds  
2 lived together quite well and knew of no conflict. And so, I  
3 close with these simple words: let our people once again  
4 enjoy their beaches. Write that formula into your document  
5 in whatever manner you wish, but you will find success in  
6 those words that everyone can understand, and in a way  
7 everyone will choose to follow. Thank you, Mr. Murray.

8 MR. SKIDMORE: Thank you, Mayor. Next is Matt  
9 Walker, followed by Matt Pruett, and Ron Saunders.

10 MR. MATT WALKER: Hello. My name is Matt Walker.  
11 I'm a resident of Kill Devil Hills, also the senior editor  
12 for Surfing Magazine, and a co-Chair for the Outer Banks Surf  
13 Rider -- the Surf Rider Foundation Outer Banks Chapter. Surf  
14 Rider is a environmental and access group for wave riders,  
15 with 50,000 members nationwide, and more than a 100 here  
16 locally. And, as far as the Impact Statement is concerned,  
17 it's our position that Alternative C is the most desirable  
18 from a surfing standpoint, specifically. We'd also like to  
19 encourage you, moving forward, when you are assessing this  
20 information, to not discount surfers as a user group, since  
21 aboard here in some of these meetings that nine-time world  
22 champion, Kelly Slater, has called it his neck of his  
23 pipeline, as far as his formative years are concerned. He's  
24 groomed countless surfers growing up. For his competitors,  
25 more importantly and from a lifestyle prospective, Cape

1 Hatteras stands as the dominant, most enjoyable surfing spot  
2 on the whole east coast, and one of the few that is  
3 recognized around the world. So, we cannot -- you can't  
4 overemphasize exactly how important really, that surfing is  
5 to the Outer Banks, like the Outer Banks is to surfers around  
6 the world. I just want to encourage you to keep that in mind  
7 moving forward. And also moving forward, we'd like to ask  
8 that you, whatever solution you come to, to study the  
9 results, so in that hopes that, moving forward, and remove  
10 some restrictions so you can maximize the number of people  
11 enjoying the beaches. Those are the people who're going to  
12 protect it down the road from -- from all the issues that are  
13 coming our way. Thank you very much.

14 MR. SKIDMORE: Thank you, Matt. Next is Matt Pruett,  
15 followed by Ron Saunders and Buster Nunemaker.

16 MR. MATT PRUETT: Hello. I'm here to merely echo  
17 Matt Walker's statements. My name is Matt Pruett. I'm a  
18 former resident who recently returned here in September,  
19 after spending 8-1/2 years down in Florida as the editor of  
20 *Eastern Surf Magazine*. I am now the editor-at-large for  
21 *Eastern Surf Magazine*, as well as an assignment writer for  
22 *Surflife.com*, and *Surfing Magazine*. The sandbars of the  
23 Outer Banks completely, 100 percent, dictate my life. And I  
24 can speak for the larger east coast surf community that you'd  
25 be hard-pressed to find any surfer on this coast who isn't

1 enchanted one way or another by Outer Banks, and what it has  
2 come to represent, and, from a historical prospective in our  
3 sub-culture, as well as a major contributor to a multi-  
4 billion dollar industry. I just want to kind of throw out a  
5 few numbers right now. As of now, the Outer Banks has the  
6 largest factory on the east coast, is a home to six  
7 professional surfers, two professional surf journalists, an  
8 advertising sales manager, a surf forecaster, six sales reps,  
9 three full-time surf photographers, three full-time surf  
10 filmmakers, 25 shop owners, hundreds of employees, and  
11 myself. From a personal perspective, I would -- I basically  
12 recently turned down a position on the west coast that would  
13 basically be the surf industry equivalent of tenure, so that  
14 I could maintain a semblance of my career here on the Outer  
15 Banks. I wouldn't be able to do that if this place didn't  
16 hold so much enchantment, and so much relevance for  
17 competitions, going on 40 years for the Eastern Surfing  
18 Association Eastern Championships. I recently just came from  
19 Buxton on Sunday and Surfing America, which is the National  
20 Governing Body for the sport in this country, just held their  
21 Prime Series, which filters surfers onto the U.S. team. I  
22 basically implore you to consider surfers as a heavily-  
23 impacted user group, from an economic perspective and  
24 historical perspective, and Article C is what we really want.  
25 Thank you.

1 MR. SKIDMORE: Thank you, Matt. Next speaker is Ron  
2 Saunders, followed by Buster Nunemaker and Robert Edwards.

3 MR. RON SAUNDERS: Good evening, Mr. Murray. I first  
4 came here in the '60s, and I've been here off and on ever  
5 since.

6 MAN ATTENDEE: Speak into the mike.

7 MR. SAUNDERS: Okay. I'm sorry. I first came here  
8 in the '60s, and been off and on ever since. Part-time  
9 resident of Virginia Beach, and Kill Devil Hills. This --  
10 the beach has changed from time to time, but I have to tell  
11 you, that it -- to me -- it basically looks the same as it  
12 did back in the '60s; it looks that way today. The same  
13 wildlife, I see, was there back in the '60s, it's still there  
14 today. I think there's a lot of exaggeration that has gone  
15 on, as to the impact of ORV, pedestrians, other users.  
16 Certainly, there needs to be some regulation, but I think  
17 it's been blown way out of proportion at this point, the  
18 recommendations. I think you need to step back, take a look,  
19 and be a little more reasonable in the assessment. Wildlife,  
20 from my experience, can adapt, and it will evolve just as we  
21 are being pressed to do, as partner/users of the seashore. I  
22 -- the size and the extent of the protection areas to me,  
23 seem way out of proportion, since the first time I ever saw  
24 one. And I think that that needs to be stepped back -- take  
25 a step back and look at that and re-evaluate. It appears to

1 be a tool for punishment, as much as it does for the  
2 practical protection of the species. I have to add this. I  
3 think it's a travesty that the Audubon Society and Defenders  
4 of Wildlife have been allowed to portray the ORV users and  
5 possibly pedestrians and other active groups as the enemies  
6 of wildlife. I take it as a personal slam to me, and I'll  
7 guarantee you that the majority of people that use that beach  
8 take it as a slam, personally, against them. And I think the  
9 Audubon and Defenders of Wildlife and their attorneys should  
10 realize this, and be made aware of it. The -- I'm not sure I  
11 understand the ORV corridor situation during an SMA, down at  
12 Bodie Island Spit, where it said that a pedestrian corridor  
13 be maintained, but no ORV. So, that's something that -- I --  
14 I just may not have read it right, but needs to be clarified.  
15 Thank you.

16 MR. SKIDMORE: Thank you, Ron. Next is Buster  
17 Nunemaker, followed by Robert Edwards and Hood Richardson.

18 MR. C.P. "BUSTER" NUNEMAKER: My name is Buster  
19 Nunemaker, and I am a native of the Outer Banks for 61 years.  
20 I would like to add the comments of John P. Newbold and my  
21 friend, Gary Gross, reflected as my comments.

22 MR. SKIDMORE: Thank you, Buster. Next is Robert  
23 Edwards, followed by Hood Richardson, and Jim Keene.

24 MR. ROBERT McLELLEN EDWARDS: Hi. I'm Robert  
25 Edwards. I've lived out here for several years and I want to



1 say that I'm a surfer and a fisher, and so I agree with  
2 William, who's was up in the beginning, both of the Matts,  
3 and I have no additional comments.

4 MR. SKIDMORE: Thank you, Robert. Hood Richardson.

5 MR. HOOD RICHARDSON: My name is Hood Richardson.  
6 I'm a Beaufort County Commissioner. I was the lead Beaufort  
7 County Commissioner in the OLF lawsuit. That was a NEPA  
8 issue, also. The federal government only wanted 30,000 acres  
9 of prime farmland and to put those farmers out of business.  
10 That's what it was about. The purpose of NEPA is actually to  
11 protect the public from ham-fisted solutions to problems. It  
12 is there for the public's protection, not to be abused by the  
13 agencies. The National Park Service has to prove, under  
14 NEPA, that what they want to do to solve their problem is  
15 reasonable. That is a requirement of NEPA. The various  
16 government groups failed in the past several years, both  
17 environmental and government, to act in a reasonable way to  
18 accomplish what they needed to accomplish. So, now they are  
19 trying to use their imperial authority to force people not to  
20 use the beaches at all. It's from one extreme to the other.  
21 I urge the decision-makers to form a policy that promotes  
22 beach access. I endorse the no-action alternative, but  
23 knowing that some action is forthcoming, I like the  
24 recommendation from the Coalition for Beach Access. They  
25 provide for a reasonable environmental protection, while

1 allowing the use of the beaches by the public. Thank you.

2 MR. SKIDMORE: Thank you. Jim Keene will be followed  
3 by John Tershalk, and Walker Golder.

4 MR. JIM KEENE: My name is Jim Keene. I'm a resident  
5 of Nags Head, President of the North Carolina Beach Buggy  
6 Association. I've maintained and held a seat through  
7 negotiated rule making until the excruciating end. I spoke  
8 before, and we will submit a full written comment prior to  
9 May 11 deadline. However, something happened last night that  
10 I just had to come to you and speak again tonight. Since at  
11 least 1995, and I'm quite sure, earlier, we have requested  
12 that the NPS pursue a vigorous program of vegetation removal  
13 at Bodie Island Spit, Cape Point, and other piping plover  
14 nesting areas within Cape Hatteras National Seashore  
15 recreational area. Through four superintendents, and as many  
16 or more interim superintendents, this has fallen on deaf  
17 ears. The National Park Service, after all, knows more than  
18 these rag-tag locals here seem to know. In 1995, however,  
19 the often-quoted study by Collazo and others, which was the  
20 final report to the National Park Service Cape Hatteras and  
21 Cape Lookout Seashores, with reference to piping plovers, it  
22 states, "We make the following recommendation to help enhance  
23 the population of Cape Hatteras and Cape Lookout. Continue  
24 vegetation removal at Cape Point along the south shore of the  
25 brackish pound. Growth of vegetation and other piping plover

1 foraging and nesting areas of Cape Hatteras should be  
2 monitored. Additional areas may need to be maintained.  
3 Preservation of interior wet and mud flats on Cape Hatteras  
4 is critical. Otherwise, piping plover may only find suitable  
5 foraging habitat along the ocean inter-tidal zone, where  
6 human disturbance is a problem." You should pay attention to  
7 the studies that the National Park Service sponsors and pays  
8 for. The Resource Management Field Summary for April 15  
9 through the 21st reports the existence of two nests, and the  
10 imminent nesting of two more pairs in this exact area  
11 described by Collazo in 1995. These nests reported to have  
12 four eggs each were not in danger of human disturbance, since  
13 this whole vast area had been closed to all visits by humans.  
14 Had vegetation removal been maintained as recommended in  
15 1995, these plovers would have found suitable vegetation and  
16 areas cleared of vegetation. And still they were found,  
17 nesting near the inter-tidal zone. I await a truthful  
18 resource management field summary schedule for this Thursday.  
19 The reason I await this report is my curiosity and what has  
20 become of these nests last night, when we experienced a full  
21 moon tide, accompanied by 20 to 25 mile per hour, south,  
22 southwest winds. The report I received this morning, which  
23 has since been confirmed, stated that the area was totally  
24 awash and under water. I truly hope that these nests  
25 miraculously survived, but if they didn't, the National Park

1 Service, the writers in the Consent Decree must share the  
2 blame, and in fact, some day should face criminal charges, as  
3 would any visitor who caused the destruction of a nest. The  
4 DEIS makes no provision for addressing vegetation management,  
5 and therefore, continues to put the nesting plover in danger,  
6 while pushing our visitors away. We recommend the aggressive  
7 vegetation management to expand in known plover nesting areas  
8 that will assist in directing the nesting pairs away from the  
9 inter-tidal zone, and away from the human visitors to Cape  
10 Hatteras.

11 MR. SKIDMORE: The next speaker is John -- and I may  
12 be destroying this -- Terschall or Terschalk?

13 MAN ATTENDEE: Terschalk.

14 MR. SKIDMORE: Terschalk, followed by Walker Golder  
15 and Geoff Gisler or Gisler. It's John Terschalk.

16 MR. JOHN TERSCHALK: Hello. My name's John Terschalk  
17 and I spent some time up in Alaska working at Denali National  
18 Park. And the one thing that I really -- stuck in my mind  
19 was when the park rangers told us that all laws that are put  
20 in for the civilians or the tourists, are the same laws that  
21 they have to obey. And I'd like to remind the Park Service  
22 that they will have to do the same. And that means driving  
23 through these areas. I'm an environmentalist. I'm also a  
24 hunter and a fisherman. And, everybody here that hunts and  
25 fishes, we have money given out of our tax dollars that we

1 have for the species to improve. Yet, this winter was one of  
2 the coldest winters we've had down here in the longest time,  
3 and the turtles were in trouble. The animals were in  
4 trouble. I have yet to hear of any of the animal rights  
5 activists that came down here to help these species. Yet,  
6 our locals did. And I'd like to have you think that when  
7 these areas are gone into and tore up, maybe they're not the  
8 locals. They're not the people that are doing this. And I  
9 don't understand why there's no reward asking for information  
10 on who's doing this. Thank you.

11 MR. SKIDMORE: Thank you, John. Next is Walker  
12 Golder, then Geoff Gisler, and Max Dutton.

13 MR. WALKER GOLDER: Thank you for this opportunity to  
14 speak at this hearing. My name is Walker Golder. I am a  
15 lifelong resident of the coast of North Carolina and I am  
16 Deputy State Director of Audubon North Carolina. I'm an avid  
17 angler, surfer, and wind-surfer and have travelled to Cape  
18 Hatteras National Seashore regularly since the 1970s, to  
19 engage in these recreational pursuits, as well as for the  
20 pure enjoyment of the beach, the birds, the landscape, and  
21 everything that makes Cape Hatteras National Seashore so  
22 special. And, I drive my vehicle on the beach where it's  
23 legal to do so. The people of the United States trust the  
24 National Park Service to protect the natural treasures of  
25 this country. You are the stewards of the iconic places of

1 the United States. The Cape Hatteras National Seashore is  
 2 one of those places. It is right up there with the  
 3 Everglades, Great Smokey Mountains, Yosemite, Yellowstone,  
 4 Grand Canyon and so many more. And, we trust the National  
 5 Park Service to protect these national treasures, and the  
 6 resources therein, in a manner that will leave them  
 7 unimpaired for future generations. Alternative F falls short  
 8 of that standard. It falls short of science and the  
 9 recommendation from the country's leading experts. It falls  
 10 short of the recommendations in the Endangered Species  
 11 Recovery Plans. We urge you to implement natural resource  
 12 protection based on the best available science. Within that,  
 13 there can be responsible off-road vehicle use on Cape  
 14 Hatteras National Seashore. And natural resources can be  
 15 protected. People can enjoy the beach and natural resources  
 16 can not only recover, but thrive. This decision before you  
 17 will be one of the most important decisions in the history of  
 18 this seashore. It will be important not only for birds,  
 19 turtles and other natural resources, but it will be important  
 20 to uphold the integrity of the National Seashore, and the  
 21 National Park Service. Thank you for holding these public  
 22 hearings to address this important issue.

23 MR. SKIDMORE: Thank you, Walker. Next is Geoff  
 24 Gisler.

25 MR. GEOFF GISLER: Gisler.

1           MR. SKIDMORE:  Gisler.  Followed by Max Dutton and  
2 Julie Youngman.

3           MR. GISLER:  My name is Geoff Gisler and I'm an  
4 attorney with the Souther Environmental Law Center and I want  
5 to first, thank you for holding these hearings and giving us  
6 an opportunity to put in our comments.  We would like to --  
7 we support Alternative D, the environmentally preferred  
8 alternative, recognizing in some instances, it should be  
9 enhanced to provide additional pedestrian access to ensure  
10 that the places that make Cape Hatteras special are still  
11 accessible.  We think as this plan goes forward there are two  
12 things that it must do.  First, it has to put a priority on  
13 the protection of natural resources.  The purpose of the Park  
14 Service -- what the -- the Park Service's obligation is to  
15 ensure that the resources at the Seashore are maintained for  
16 future generations, and we have clear directions how to do  
17 that from the Park Services' own scientists, and from the  
18 Department of Interior's own scientists.  And we -- we'll  
19 look to make sure that this plan puts those recommendations  
20 into practice.  In addition to providing these -- these  
21 protections for species that breed, migrate through, and  
22 winter in a seashore, the plan must also provide a way of  
23 measuring the success of the plan, not only if it's  
24 successful in ways that the plan could be altered in that  
25 way, but also if unsuccessful, in ways in which protections

1 can be enhanced to provide the -- so that -- so that species  
2 can reach the levels and the populations that they should,  
3 and that they are capable of reaching on the seashore. And  
4 with that, I'll conclude my comments. And, thank you for  
5 your time.

6 MR. SKIDMORE: Thank you, Geoff. Next is Max Dutton,  
7 following by Julie Youngman, and Lisa Marley.

8 MR. MAX DUTTON: Good evening. My name is Max  
9 Dutton. I'm a resident of Nags Head, and also I sit on the  
10 Board of the Dare County Commissioners. In looking at the  
11 Draft Environmental Impact Statement that will govern the  
12 future of Cape Hatteras National Seashore recreation area, it  
13 is important that we first look back and learn from the past,  
14 before we -- before we charge ahead, and repeat critical  
15 errors. There are lessons to be learned from the past that  
16 can help guide the National Park Service now in making  
17 modifications that are desperately needed in preferred  
18 Alternative F. First and foremost, we must acknowledge a  
19 fundamental principle that the health and welfare of humans  
20 comes first. And I'd like you to think about that for a  
21 minute. We are the ones divinely entrusted with the  
22 responsibility to do the right thing, and live in harmony  
23 with nature. It is a fact that, for generations, the  
24 residents and visitors of the Outer Banks have been  
25 outstanding stewards in wildlife. When the special interest



1 groups filed their lawsuit against the Park Service, they  
2 were trying to fix something that was not broken. Their  
3 mistake in judgment led to a Consent Decree that has caused  
4 enormous harm to an entire community as you have heard this  
5 evening. What they refuse to admit is that the Consent  
6 Decree not only hurt people, but the threatened species did  
7 not -- did better under the previous interim plan.  
8 Unfortunately, that plan has been written off by the National  
9 Park Service in the DEIS, as a no-action alternative. One of  
10 the principles of the interim plan was that the Park  
11 Superintendent should have the flexibility to manage buffers  
12 and resources based upon actual conditions in the field,  
13 rather than the extremist demands of special interest groups.  
14 I would ask that you please modify Alternative F to give  
15 flexibility for corridors, especially in the restrictive  
16 Management Level 1 areas. I also ask that you please modify  
17 Alternative F to give flexibility to the Park Superintendent  
18 to establish practical buffers based upon transparent, peer  
19 viewed science. Remember, the Consent Decree was prepared  
20 behind closed doors -- and it was prepared behind closed  
21 doors by the special interest group -- they're the ones who  
22 established the 1,000 meter buffer, with no scientific  
23 justification. Please take those 1,000 meter buffers out of  
24 the Alternative F, before it's too late. Please do not -- do  
25 not make the same mistake twice. Thank you.

1 MR. SKIDMORE: Thank you, Max. Julie Youngman, to be  
2 followed by Lisa Marley and Allen Burrus.

3 MS. JULIE YOUNGMAN: Good evening. I'm Julie  
4 Youngman. I'm from Southern Environmental Law Center. I'm  
5 glad to be here tonight and to have the opportunity, both to  
6 speak, but also to hear everybody else's views. I'm also  
7 really glad to have the opportunity to work with the National  
8 Park Service on coming up with the best plan that works for  
9 the most people in the best way possible. If there's one  
10 thing I can convey tonight, I hope that it's that we as a  
11 group and the groups that we represent are not against  
12 access. We are for balanced, well-thought access -- well-  
13 thought-out access that treats this beautiful beach as what  
14 it is, a part of the National Park System. I've been coming  
15 to the Outer Banks my entire life, and Cape Hatteras in  
16 particular holds a special place in my heart, and it's  
17 because it is such a wonderful, beautiful, well-preserved  
18 place. It's not been subject to the development of the  
19 beaches of my home state in Virginia, or further south in  
20 South Carolina. It's just a wonderful place. And I want to  
21 keep coming here and have it be what it is today. We support  
22 Alternative D, the environmentally preferred alternative. It  
23 provides increased simplicity and predictability for all  
24 users. It has lots of good protections for wildlife. We  
25 would like to see improved access for pedestrians. The --

1 another speaker tonight made the point that the DEIS and the  
2 studies that are reported in their report that a large  
3 majority of the visitors to the seashore are there for  
4 pedestrian uses, and not primarily to drive. They're there  
5 for shell hunting and surfing and swimming and picnicking  
6 with their families and those sort of things. Unfortunately,  
7 the -- the preferred alternative, from the way we counted it,  
8 it looks like it preserves 52 miles of the seashore's 68  
9 total miles as accessible to ORVs, at least some portion of  
10 the year. And that only leaves 16 miles that are accessible  
11 only to pedestrians. And that doesn't strike us as fair. We  
12 would like to see equal access for pedestrian users of the  
13 beach, as well as ORV users. So, if we can't have  
14 Alternative D, we would like to see the following three  
15 things in any plan. And that would be the one that I just  
16 spoke about, the equal access for all visitors. We'd like to  
17 see science-based natural resource protections. And what Mr.  
18 Gisler spoke about, the clear goals for wildlife recovery.  
19 If I can just say, as the mother of young children, I feel  
20 strongly about having a safe place for families with little  
21 children to come to the beach and not worry about their  
22 safety, and be able to let them run free. I also feel  
23 strongly about my children's children having -- and my  
24 children's children's children and future generations --  
25 having Cape Hatteras to still enjoy, in line with the Park

1 Service's mission. Thank you.

2 MR. SKIDMORE: Thank you, Julie. Lisa Marley,  
3 followed by Allen Burrus and Bobby Outten.

4 MS. LISA MARLEY: Hi. I'm Lisa Marley. I'm a Kill  
5 Devil Hills' resident. My two comments have been addressed  
6 by the first speaker, and then the second comment, by  
7 Commissioner Mike Johnson. But I'm going to speak, just a  
8 little bit on those. On page iii, one of your objectives is,  
9 "Provide protection for threatened, endangered and other  
10 protected species and their habitats." I do not agree that  
11 the DEIS adequately takes into account the non-human factors  
12 that account for the majority of species and habitat  
13 destruction. For example, with regard to turtles, on page  
14 220 of the DEIS states, "The majority of turtle nest losses  
15 at the Seashore from 1999 to 2007 were weather-related,  
16 particularly due to hurricanes and other storms. During this  
17 time, six hurricanes caused impacts to nests, and in 2003,  
18 Hurricane Isabelle destroyed 52 of the 87 nests." The report  
19 on the same page states that foxes destroyed up to nine nests  
20 per year, and ghost crab predation was reported up to 26  
21 nests per year. Given the harsh weather, predation  
22 conditions on the CHNS, would it not be better to relocate  
23 the turtle nests to a more hospitable location as is done  
24 when major storms are bearing down? Why is relocation not an  
25 alternative? Why do we humans encourage the wildlife to

1 engage in behavior that can be destructive to them? And why  
2 not encourage them to locate their nests in a safer habitat?  
3 My second comment pertains to page 266, which states that,  
4 "... the Pea Island National Wildlife Refuge ... is managed  
5 separately and under a different regulatory framework by the  
6 Fish and Wildlife Service..." My question is. Why is land  
7 adjacent to the Cape Hatteras National Seashore not  
8 considered part of the same ecosystem? The wildlife do not  
9 recognize those boundaries. All activity for the wildlife  
10 documented in this study should include the activity in the  
11 neighboring areas, including Pea Island, in order to obtain  
12 an accurate picture of the activity, it may be that the birds  
13 prefer other areas such as Pea Island, for certain reasons.  
14 And it's important that we understand why birds choose those  
15 places. They may be superior nesting grounds due to fewer  
16 predators and more protection from storms and other factors.  
17 Those factors should be studied and taken into account. I  
18 believe that these animals have honed their instincts over  
19 many millennia, and if the birds find some areas  
20 inhospitable, they will eventually relocate to a more  
21 hospitable breeding ground in order to ensure the survival of  
22 their species. And they -- they may be doing just that. It  
23 is important that we not look at Cape Hatteras National  
24 Seashore in a vacuum. Those neighboring areas may offer  
25 clues as to how and why these birds have been adapting to

1 weather and predators. Thank you.

2 MR. SKIDMORE: Thank you, Lisa. Allen Burrus.

3 MR. ALLEN BURRUS: Good afternoon. How are ya'll  
4 this afternoon? You doing okay? I don't know who you were,  
5 but I like you. I liked your talk. You stole some of what I  
6 had written right here. I believe the endangered sea turtles  
7 would benefit from management practices now in use at other  
8 federal seashores, that are more productive in efforts to  
9 achieve nesting -- nesting success. This includes relocating  
10 nests to more desirable locations, as is done in other states  
11 in federally-controlled areas. The true measure of a turtle  
12 management success is not the number of the nests in a given  
13 area, but the number that successfully hatch. The Cape  
14 Hatteras National Seashore recreational area's on the  
15 northern-most fringe of the turtle nesting locations for the  
16 southeast. In this area, weather represents the greatest  
17 threat to sea turtles, i.e. this winter, when so many of them  
18 had a lot of problems with -- with the cold water that moved  
19 in very quickly. And, again, I allude to the fact that it  
20 was the local fishermen and the local residents that -- that  
21 saved many of those. Lou Browning was very instrumental --  
22 and he spoke at the one of the earlier meetings -- in saving  
23 quite a few of those. The Loggerhead Recovery Plan  
24 recognizes that historic relocations of the sea turtle nests  
25 to higher beach elevations or other hatcheries was a regular,

1 regulatory-recommended Conservation Management activity  
 2 throughout the southeast U.S. That's 2009, second revision,  
 3 page 52. Meanwhile, the North Carolina Wildlife Resources  
 4 Commission, which does -- sounds like they know a lot about  
 5 turtles -- sea turtle program currently recommends relocation  
 6 only as a last resort. And I was being a smart-ass when I  
 7 said they knew a lot about turtles. The National Park  
 8 Service, in page 125 of the DEIS, reflects upon the approach  
 9 used by the North Carolina Wildlife Resources Commission.  
 10 This contradicts the U.S. Fish and Wildlife Service's  
 11 practice of relocating nests on Pea Island Refuge, which  
 12 sandwiched between the -- the Park, but also is facing the  
 13 northern-most areas where the high rollers come in and  
 14 probably most of the damages that are done to our nests  
 15 located on the north end. By not supporting nest relocation,  
 16 the Cape Hatteras National Seashore recreation area has lost  
 17 over 40 percent of the nests laid in the last 11 years.  
 18 Meanwhile, South Carolina relocated 40 percent of the nests -  
 19 - its nests here in 2009, resulting in incredible low lost  
 20 nest rate of only 7.7, making a strong case for the  
 21 relocation of nests. Turtle management practices outlined on  
 22 DEIS, pages 125, 392, and 396, should be modified to allow  
 23 nest relocation as a tool for the species recovery. Another  
 24 issue -- it's over? Okay, I'll let it go. I'll see you  
 25 tomorrow, though.

1           MR. SKIDMORE: Thank you, Allen. Next is Bobby  
2 Outten, followed by Joe Monroe, and Regina Cecil.

3           MR. BOBBY OUTTEN: Good evening, and thank you again  
4 for having us here in Kill Devil Hills. Over the evening  
5 tonight, and over the last couple of days where we've had  
6 these public hearings, you've heard just about everyone  
7 speak, no matter which side of the issue they spoke on,  
8 professing to say we're in this to create as much access as  
9 we can. We're in this to create the balance between resource  
10 protection and access, which sort of begs the question,  
11 because that's what the issue has been about all along.  
12 You've heard many of us talk about corridors. You've heard  
13 about excessive turtle closures. You've heard us talk about  
14 excessive protection for non-threatened or endangered  
15 species. And you've heard from some about the economic harm  
16 that these closures will cause on Hatteras Island. What we,  
17 in Dare County, would like to see is an adaptive management  
18 plan. A plan that adaptively manages not only the habitat,  
19 but the wildlife in those areas as well. We'd like for you  
20 in the Park Service to have discretion and authority and a  
21 way to do things that can maximize access, while you do what  
22 you're required to do to protect the species that you're  
23 required to protect. We're not looking for a simple plan or  
24 an easy plan. We're looking for a correct plan. And we're  
25 looking for a plan that will balance those things. With the



1 information that you've heard, using adaptive management  
 2 techniques, again, not only with the vegetation, but with the  
 3 wildlife, we believe that you can achieve those goals. We  
 4 believe that you can create more access than what's now  
 5 allowed in Alternative F, and we believe, also, that you can  
 6 protect the species that you're required to protect. Don't  
 7 fall in the trap of going easy. Don't fall in the trap of  
 8 going simple. Follow the peer reviewed science and do what  
 9 we have to do, but create the access that we all crave, no  
 10 matter which side of the issue we're on. Thank you.

11 MR. SKIDMORE: Thank you, Bobby. Next is Joe Monroe,  
 12 and he'll be followed by Regina Cecil and Larry Hardham.

13 MR. JOE MONROE: Hello. My name is Joe Monroe. Most  
 14 of us know that the beach was given to us as a recreational  
 15 area. We also know that you're taking our beach away under  
 16 false pretenses. Three. I've been driving legally on that  
 17 beach for 47 years. There's probably isn't many people here  
 18 that has done that. I haven't ran over one plover yet,  
 19 although I heard that the Park Service ran over a bunch of  
 20 them in one year and killed them. That's appalling. This is  
 21 a wonderful place, because the locals has taken care of it.  
 22 Not the federal government. But, I have a retail business  
 23 here, and my income has dropped dramatically, as well as most  
 24 of us, except for the people that -- in the government.  
 25 Okay. I want my beach back. This management plan. When I

1 first saw it, I snickered. I thought it was a joke. The  
2 management plan should look like this (holds up sheet of  
3 paper). Open our beaches. We can take care of them. We  
4 always have. Thank you.

5 MR. SKIDMORE: Thank you, Joe. Now, Regina Cecil.

6 MS. REGINA CECIL: Hi. My name's Regina Cecil. I'm  
7 here as a mother, as a teacher, with great conviction as I  
8 stand before you. I have no numbers to present to you, sir,  
9 because we are people. I don't think we need numbers to tell  
10 us that we are more important than birds and turtles. It is  
11 my job to teach my children to respect people. And, if we  
12 adopt this plan, and as when we were sitting around the table  
13 with my two children, they said, "Mom, what is happening?  
14 Why are birds more important than people?" And I can't give  
15 them an answer. I just ask that you consider people, your  
16 neighbors. We are not numbers. We're faces with lives. We  
17 need jobs. We need work. We need a way to take care of our  
18 families. Thank you.

19 MR. SKIDMORE: Thank you, Regina. Larry Hardham, to  
20 be followed by Warren Judge, and Jim Harris.

21 MR. LARRY HARDHAM: I'd like to address night driving  
22 issues on page 369 of the DEIS Alternative F says, "May 1 to  
23 November 15, designated ORV routes and potential sea turtle  
24 nesting habitat (ocean intertidal zone, ocean backshore and  
25 dunes) would be closed and non-essential ORV use one hour

1 after sunset until turtle patrol has checked the beach in the  
2 morning, at approximately a half-hour after sunrise." Last  
3 night, David Scarborough commented that there was no need for  
4 night driving restrictions, as it does not meet the  
5 requirements of a major adverse impact as defined on page 369  
6 of the DEIS. All you need to do is to look at the history  
7 here, recorded in the annual sea turtle reports, and you'll  
8 find the following: "From 2000 through 2003, four years,  
9 with night driving and wood -- two by two wooden stakes at  
10 closures, the false crawl ratio was 0.75 to 1. 2004 and  
11 2005, was white Carsonite stakes at closures, the false crawl  
12 and nest ratio jumped to 1.62 to 1." Neither National Park  
13 Service, the U.S. Fish and Wildlife, or North Carolina  
14 Wildlife Resource Commission flinched at this dramatic  
15 increase. Only I showed this problem to you, Mike, and you  
16 made the change. 2006 and 2007, you started using brown  
17 Carsonite stakes and closures, while night driving was still  
18 allowed and the false crawl and nest ratio dropped to 0.98 to  
19 1, without the unexplained 24 false crawls in the hook bird  
20 closure at Cape Point. In 2008 and 2009, with brown  
21 Carsonite stakes and no night driving because of the Consent  
22 Decree, the false crawl ratio was 0.95 to 1. That's the  
23 lowest false crawl ratio to nest, in the last 10 years, has  
24 been with night driving, and wooden stakes. It's clear that  
25 the Cape Hatteras National Seashore recreational area false

1 crawls have increased by the use of Carsonite stakes and not  
2 reduced by a ban on night driving. I repeat. Not reduced by  
3 a ban on night driving. It's also worth noting that the  
4 false crawl ratio in front of villages on Hatteras Island in  
5 the last 10 years as been 0.67 to 1. U.S. Fish and Wildlife  
6 false crawl expected ratio on undeveloped islands is 1 to 1.  
7 Please use science from here at Cape Hatteras and not from  
8 Florida.

9 MR. SKIDMORE: Thank you, Larry. Warren Judge, to be  
10 followed by Jim Harris and S. E. Schawang.

11 MR. WARREN JUDGE: Thank you and good evening. Mike,  
12 once again, we're hearing from -- we're hearing the faces and  
13 the stories of the people of the Outer Banks, those who live  
14 here and those who visit here. And I'm so proud that they  
15 have come out and shared their -- their personal wishes and  
16 desires with you on how to adjust your plan. You heard from  
17 Audubon that your number one priority is the protection of  
18 species. Two weeks ago, we heard from our President that the  
19 young people of this nation need to get out. They need to  
20 get out and explore the treasures and experience the National  
21 Parks. I'm so proud of our young lady, Sharon, the student  
22 who spoke here tonight, and our first speaker. Maybe that's  
23 what the President had in mind when he asked the young people  
24 to get involved. The Dare County Board of Commissioners  
25 strongly supports open and accessible beaches for the Cape

1 Hatteras National Seashore recreational area. We believe in  
2 open access for everyone, consistent with the enabling  
3 legislation that created America's first National Seashore.  
4 Our residents and visitors have been faithful stewards of  
5 wildlife. We support -- Dare County supports resource  
6 protection for shore birds and sea turtles. We believe in  
7 this country and this nation that puts men and women in  
8 space, and puts them on space stations and transplants organs  
9 in bodies and makes artificial limbs that allow people to  
10 complete -- to compete athletically and in Olympics -- that  
11 we ought to be able to figure this out and all share the  
12 beach. The Southern Environmental Law Center talks about  
13 pedestrian access. Almost everything we do in the Cape  
14 Hatteras National Seashore is pedestrian. You don't drive  
15 your car along the surf and cast your rod. You cast your  
16 line into the ocean. The way this park developed, you access  
17 the beach by vehicle. Gary Gross talked about access for the  
18 disabled and handicapped. This is very important. Very  
19 important. Paul Tine gave you figures from the State of  
20 North Carolina. They've got to be right. They're not  
21 scientists. They've got to be right. And this is the  
22 argument that we have made. You cannot blame the 28 percent  
23 unemployment in Salvo and Rodanthe on the economy and for the  
24 whole of Dare County at 6 percent. Please poll Hatteras  
25 Island. Now do not use aggregate figures of Dare County to

1 base Alternative F. And one more point. We have not talked  
2 about it in the three meetings we've had so far. Villages.  
3 There are -- there are two villages that have been given four  
4 more months -- four more months of closure -- seasonal  
5 closure. We don't know why. We're hoping it's a  
6 typographical error. We're hoping that it's a mistake in  
7 Alternative F. We do not understand why 146 oceanfront homes  
8 are protected four months longer from anybody being able to  
9 get in front of them. There's very little access. That  
10 section of beach, Frisco and Hatteras Village, may have the  
11 least amount of access in the entire Seashore. Please look  
12 at that in Alternative F. That's a problem. Thank you.

13 MR. SKIDMORE: Thank you, Warren. Next is Jim  
14 Harris, followed by S. E. Schawang and Jefferson Ray.

15 MR. JIM HARRIS: Jim Harris from Southern Shores.  
16 I've got to correct some things from last night. Chris  
17 Canfield said that he felt sorry for the NPS folks on  
18 Hatteras Island, from the problem he caused by a lawsuit. He  
19 also said that ORV users could walk out in front of the  
20 school, carrying signs but could not walk on the beach  
21 carrying gear. There's a big difference, carrying a sign on  
22 the side of the road, and carrying 40 or 50 pounds of tackle  
23 in soft sand. I've got a thing taken from DEIS, page 88.  
24 "Create habitat through physical alteration or the creation  
25 of dredge islands." The NPS considered creating habitat

1 through various methods, based on the experience of the staff  
2 at North Carolina Wildlife Resources. Habitat creation  
3 projects can be short-lived and labor intensive. Duh? Based  
4 on the experience with hand pulling, herbicides, fires and  
5 bull dozers, it was found that most of these techniques are  
6 effective for only a short period of time. Duh? The  
7 creation of new habitat for birds will destroy habitat for  
8 predators. Your argument to do nothing actually encourages  
9 predation. Which is the -- which is your prime object to  
10 protect? Birds or predators? As long as vegetation is  
11 allowed to grow unfettered, on the interiors of the points  
12 and spits, predators will be able to get close to the feeding  
13 baby birds. Clearing these areas will give the birds a  
14 better chance of fledging.

15 MR. SKIDMORE: Thank you, Jim. S. E. Schawang,  
16 followed by Jefferson Ray and Ryan White.

17 MS. SANDRA E. SCHAWANG: Hello. I'm Sandra Schawang,  
18 and I'm here as a resident and as -- as an employee of an  
19 Outer Banks business. And, I would support what Ernestine  
20 from Ocracoke said about, it does affect businesses. And the  
21 Holiday Ice person said it does affect the businesses, and  
22 the ability of businesses that have been here for a long  
23 time, from prospering. I'd also like to say, to echo also,  
24 the person who said that this title is very misleading and  
25 could be misleading to other people who might speak out in

1 support, if they understood. But it affects a lot more than  
2 just vehicles on the beach. It affects people walking on the  
3 beach, and all the other activities on the beach, which is  
4 very detrimental to the way of life on the beach. I think  
5 everybody here has made very important statements, and I'll  
6 stop now. Thank you.

7 MR. SKIDMORE: Thank you very much. Next is  
8 Jefferson Ray. Then it'll be Ryan White and Doug Barker.

9 MR. JEFFERSON RAY: Hello. My name is Jefferson Ray.  
10 I live in Currituck County. I work for the Elizabeth City  
11 School System, with students with disabilities. I have two  
12 children, seven and nine years old. And my hobbies are  
13 surfing, and throwing my kids into the ocean. I support  
14 Alternative C, although much like the young -- I appreciate  
15 the young lady from Manteo's comments regarding the failure  
16 to look at actual science when you're drafting -- when you're  
17 drafting your statement and making decisions and policy,  
18 especially the fact that predation and storms are responsible  
19 for the vast majority of disruptions and fatalities. I also  
20 agree with the Dare County Commissioner that I do not know,  
21 about oystercatchers as a species of concern. And it's  
22 ridiculous that oystercatchers receive the amount of  
23 protection that they get, when, if you look at any other  
24 national seashore in the United States, there are no other  
25 species of concern that receive that level of protection.



1 And I support Alternative C and I'm finished. Thank you.

2 MR. SKIDMORE: Thank you, Jefferson. Ryan White.

3 MR. RYAN WHITE: Ryan White. Hatteras Island  
4 resident and business owner. The right to life, liberty and  
5 the pursuit of happiness. Three inalienable rights granted  
6 to we, the people of the United States of America by God.  
7 Mr. Murray, you nor the Park Service or anybody else has the  
8 right to close our beaches in any way, shape or form. Thank  
9 you very much.

10 MR. SKIDMORE: Thank you. The next speaker is Doug  
11 Barker, followed by Bill Foster and Steve Pauls.

12 MR. DOUG BARKER: Hello. I'm Doug Barker. I -- I'm  
13 for open beach access and the only thing I really wanted to  
14 state was from the 19 -- with the late 1930s legislation that  
15 Congress had established for the Cape Hatteras National  
16 Seashore recreational area, is I -- I just beg of you to  
17 please let that not be another broken government promise for  
18 us all. Thank you.

19 MR. SKIDMORE: Thank you, Doug. Next is Bill Foster.

20 MR. BILL FOSTER: Good evening, Mike. Bill Foster  
21 from Hatteras. My last experience in this building was  
22 during Reg-Neg, and I don't have very many happy memories,  
23 because we did essentially nothing to negotiate during that  
24 time. And so, I was kind of discouraged when I left there.  
25 But this is a different day, and under the requirements for

1 the DEIS, the agency's required to consider all reasonable  
2 alternatives. And so, I take great joy in having an  
3 opportunity to present a more reasonable alternative than  
4 anything that's listed in the DEIS. And feel like in the  
5 next two weeks before the end of comment period, that I, with  
6 any help I've received from anybody else, can write something  
7 that's more reasonable. The goal for my reason -- for a  
8 reasonable alternative, I believe, should offer both the  
9 maximum access for the people, as well as provide the maximum  
10 quality habitat for the natural resources associated with the  
11 beach in Cape Hatteras National Seashore. I don't think  
12 those two things are mutually exclusive. Both in Reg-Neg and  
13 in the DEIS, the two things people and the -- what has been  
14 called the resource -- are treated as if they couldn't occur  
15 at the same time. And I don't believe that's the case. One  
16 of the ideas that has come up has been to modify habitat to  
17 remove vegetation. And I'd like to put it in a little bit  
18 different terms. We all know -- I think everyone will agree  
19 -- that the islands that are just out in the sound, the spoil  
20 islands, are far better habitat than anything that's found  
21 within Cape Hatteras National Seashore, in terms of the  
22 number of birds that nest on those islands. And so it seems  
23 reasonable that, if the Park Service wants more birds in the  
24 park, then all we have to do is create an island within the  
25 park. If we create islands within the park that have

1 dimensions -- two dimensions instead of stretched out down  
2 the beach, there's ample opportunity for the resource and  
3 provide -- if we provide corridors by them, then we have  
4 access for the people. I believe it's a goal that will not  
5 only -- we can accomplish, will be more reasonable than  
6 anything in the DEIS. Thank you.

7 MR. SKIDMORE: Thank you, Bill. Next is Steve Pauls,  
8 followed by Sue Kelly, and Byron Shaw.

9 MR. STEVE PAULS: Good evening. Thanks for giving me  
10 the opportunity to speak tonight. My name is Steve Pauls.  
11 I'm a local businessman. I own the Pit Surf Shop in Kill  
12 Devil Hills. We've been here for 15 years. Originally, the  
13 issue of access south of the bridge, and brought to our  
14 attention when Pea Island access was threatened by the 17-  
15 mile bridge, many years ago. As surfers at the time, we were  
16 concerned 'cause we weren't going to have a place to surf in  
17 one of our favorite spots. We put the call out to our  
18 customers that we want some response from them. And the  
19 response was overwhelming. What surprised us and what really  
20 brought this issue to our attention from all the beaches, was  
21 that the response was not just from surfers, and it was not  
22 just from Outer Banks surfers. It was people from all walks  
23 of life that heard the message just from our one little  
24 store. They wrote so many e-mails to the Department of  
25 Transportation that those guys did more than Warren Judge.

1 They wanted us to -- to stop doing it. The Outer Banks,  
2 having lived here for almost 20 years, in my opinion, is  
3 every man's beach. It's every person's beach. It's your  
4 every kid's beach. It's a place you can come, if you're the  
5 average American. You don't have to be rich to come here.  
6 You can get on our beaches without a pass, without having a  
7 ton of money, without a boat. That's why people come here.  
8 The message that's being sent to you that, unequivocally,  
9 with a doubt, what your average person wants who lives here,  
10 who visits here, is an access to the beaches, as much as is  
11 possible. They want to exist with nature, not stand and look  
12 outside into there. Now, I've been coming to these meetings  
13 now for, as long as they've been made available. Anytime  
14 there's access, I make it a point to come. And the  
15 observation I can give to you is this. Is that every time  
16 the message is overwhelmingly in that favor, and the only  
17 dissent to restricted access are the folks in special  
18 interests groups who are paid to be here, or are employed by  
19 those constituencies. It's a rare time that someone stands  
20 up and says, "You know what? I think less access would be a  
21 good idea." And I live here, and I'm just saying that  
22 because you almost never hear that. So, I implore you, if at  
23 all possible, to listen to the people who are speaking in  
24 this situation, not folks who have lots of money to throw  
25 around. Not folks that could influence judges and politics.

1 Listen to the folks that are standing here in front of you,  
2 because the everyday person is speaking, and they're giving  
3 you a loud and clear message.

4 MR. SKIDMORE: Thank you. Sue Kelly.

5 MS. SUE KELLY: My name is Sue Kelly. I'm a resident  
6 of Kill Devil Hills. And I'm one of those people who's here  
7 because that gentleman thinks there aren't very many of us  
8 here. I believe that there's a lot more people in this  
9 county and in this area, who support what the National Park  
10 Service is trying to do, to allow people access but also to  
11 protect the environment. I am a volunteer for NEST -- the  
12 Network for Endangered Sea Turtles -- and I just want to  
13 mention to you, only 1 out of 1,000 sea turtles, loggerheads,  
14 particularly, others as well, who hatch will grow to  
15 adulthood. And only 1 in 10,000 of those sea turtles will  
16 live to old age and die a natural death. Now they have lots  
17 of predators. And certainly many of them are ones we have no  
18 control over. But we need to do whatever we can do to take  
19 care and protect the nature and the beauty that we have been  
20 given the privilege to live in and to enjoy. I also want to  
21 say that I'm a volunteer at the National Park Service. I  
22 volunteer at the Bodie Island Lighthouse. And I'm here as an  
23 individual. But I know that the people who come to the Bodie  
24 Island light, particularly like being there because it, of  
25 all our lighthouses, looks so much like it used to here,

1       whereas the other communities have changed. Not necessarily  
2       for the worse, but they have changed. Bodie Island is  
3       surrounded largely by the nature that surrounded it when it  
4       was built in 1872. I think there're two issues that never  
5       get mentioned during this discussion, and it is that things  
6       have changed. I'm a four-wheeler. The first year that Ford  
7       made the Explorer, I bought one. I've been up and down these  
8       beaches, all over the place. And I love it. But that was a  
9       time, back then, when there weren't so many people with off-  
10      road vehicles. Now there are thousands and thousands and  
11      thousands, and that's a change. That's a change from the way  
12      things were 20 years ago. The other change that we have is  
13      that there's not as much beach as there used to be. The  
14      beach is simply not as wide. We know we have places all  
15      along this area, where the beach is getting very, very  
16      narrow. That has a tremendous impact. I've never heard  
17      anybody mention those two issues in relation to what we are  
18      here talking about. I really regret that some people found  
19      it necessary to ridicule those of us who believe in nature  
20      and support the Park Service's attempts to protect nature and  
21      give us the rights that we need as well to be on the beach.  
22      Thank you.

23               MR. SKIDMORE: Thank you, Sue. Next is Byron Shaw.

24               MR. BYRON SHAW: Good evening. My name is Byron  
25      Shaw. When I say I'm a native of these Outer Banks, my

1 lineage goes all the way back, at least as far as Captain O.  
2 C. Ward, surfer number six, at the Bodie Lifesaving Station,  
3 who helped broadcast to the world that Orville and Wilbur  
4 Wright achieved flight for the first time in human history.  
5 I do not feel that the socio-economic study contained in the  
6 DEIS adequately addresses the ill effects on the villages of  
7 Cape Hatteras National Seashore. The dynamics of the  
8 northern incorporated towns differ greatly from the villages  
9 south of Oregon Inlet. The Hatteras and Ocracoke businesses'  
10 owners, they've lost upwards of 40 percent in revenue, and  
11 that's a fact. Furthermore, I do not feel the mere two  
12 paragraphs in the 800 plus page DEIS fairly represents our  
13 culture and heritage of beach access. I also feel that the  
14 dredge spoil islands provide an ideal habitat, free of  
15 predation and should be included in the assessment of the  
16 bird population on these seashores. Ultimately, I agree with  
17 the position statement prepared by the Coalition for Beach  
18 Access. Thank you for your time.

19 MR. SKIDMORE: Thank you, Byron. We've reached the  
20 end of everyone who had previously signed up. We have a  
21 little time left. We've had one request by an individual who  
22 would like to offer a second statement. Since we have a  
23 little time left, we're going to grant that, but we will  
24 offer that opportunity to anyone else who would like to do  
25 that. Larry Hardham.

1           MR. LARRY HARDHAM: Thank you. I -- I did notice in  
2 the rules that there didn't seem to be a prohibition about  
3 speaking twice, and I so I figured I'd take a shot. Several  
4 things real quick. Permanent closures in the DEIS do nothing  
5 but increase the vegetation growth and actually destroy the  
6 habitat. This has been addressed several times, and I -- I  
7 just can't help but re-emphasize that. It's happened at  
8 Oregon Inlet. It's happening now at Cape Point and on South  
9 Beach. Permanent closures I just don't think should be a  
10 part at all of the plan that's going to last the next 10 or  
11 15 years. Things change here. To have an area between two  
12 ramps close permanently, I think would be served a lot better  
13 to have it at a floating closure, which was the concept that  
14 we introduced at Reg-Neg, as a floating closure to replace  
15 permanent closures, not to supplement them. Secondly, the  
16 permits used to be based -- an ORV permit has been based on a  
17 cost-recovery system. And it blows my mind that the Park  
18 Service spent \$20.05 to send this document out, when it could  
19 have been sent in a well-advertised postal service method of,  
20 "If it fits, it ships for \$10.70." If this is the philosophy  
21 that's going to be used for cost-recovery on pricing permits,  
22 you've got a real problem. The lady from NEST, I thank you  
23 for volunteering with turtles. I volunteered at Pea Island  
24 for 15 years. Your point about narrow beaches is just  
25 another reason to relocate because narrow beaches allow for



1 more nests to be over-washed and washed away. If we consider  
2 the nested hatch under 10 percent of their eggs, in addition  
3 to those that have been lost completely with a zero percent  
4 hatch, this Park has shamefully lost nearly 46 percent of the  
5 nests laid in this seashore in the last 10 years. That, to  
6 me, spells nothing more than a take. And I think it's  
7 unconscionable that the DEIS pursues the same plans that have  
8 allowed for this shameful loss of nests. Thank you.

9 MR. SKIDMORE: Thank you, Larry. I have another  
10 person who has not yet spoken. Megan Shaw.

11 MS. MEGAN SHAW: Thank you to the National Park  
12 Service for giving us all the opportunity to express how we  
13 feel. I'm going to echo a lot of the comments that I've  
14 heard here, and the comments that I hear every day when I  
15 talk to folks in the Cape Hatteras National Seashore. First  
16 of all, the locals were here this winter to help with the  
17 turtles, the cold storm events, with the beach clean-ups. We  
18 really worked to protect our resource. And I do not feel the  
19 socio-economic study in the DEIS adequately addressed the  
20 ill-effects from the villages of Cape Hatteras National  
21 Seashore. The dynamics of northern beach incorporated towns  
22 such as Southern Shores and Kill Devil Hills, that varies  
23 greatly from Ocracoke Village, or Salvo or Rodanthe.  
24 Hatteras and Ocracoke business owners have lost upwards of 40  
25 percent of revenue. It's a fact. They tell me that every

1 day. And I believe them. Furthermore, I do not feel the two  
2 paragraphs in the 800 plus page DEIS fairly represent a  
3 culture and heritage of beach access. It's about more than  
4 ORV. It's about human access, pedestrian access. I feel the  
5 dredge spoil islands provide an ideal habitat, free of  
6 predation and should be included in the assessment of the  
7 bird population on the seashore. Those islands are full of  
8 birds. Nobody can get to them. They can't get the foxes,  
9 any kind of predation, so they should have been included in  
10 the assessment of the population for birds. So, ultimately,  
11 I agree with the position statement prepared by the Coalition  
12 for Beach Access. Thanks again for your time.

13 MR. SKIDMORE: Thank you, Megan. We have one more  
14 individual.

15 MS. ERNESTINE WESTERVELT: I was a speaker earlier on  
16 and one of the things, I was a tad bit nervous, needless to  
17 say. But one of the things that I neglected to say was that,  
18 when I read the paragraph from this, page 561 --

19 MR. SKIDMORE: Could I ask you to say your name,  
20 please?

21 MS. WESTERVELT: Excuse me. Ernestine Westervelt.  
22 When I read the paragraph regarding the -- paragraph three,  
23 regarding impact of this proposal on the socio-economic thing  
24 is, I forgot to put in my interpretation of it, which was  
25 that according to this paragraph, it is perfectly acceptable

1 for businesses on the Outer Banks, Hatteras County, Ocracoke,  
2 which is part of Hyde County, to go bankrupt, as long as the  
3 tourists and the businesses go someplace else and spend their  
4 money, and these other people make a profit. And I think  
5 that is just -- it's just dreadful -- to put Outer Banks  
6 people and businesses in such a low regard. And I thank you  
7 again.

8 MR. SKIDMORE: Thank you very much. That, I believe,  
9 concludes our list of speakers for tonight. I would like to  
10 thank the speakers for good comments. They were on point and  
11 stayed within their time, and I would like to thank the  
12 audience for their courtesy. I thank you. It's made my job  
13 as a facilitator much easier. Thank you.

14 SUPERINTENDENT MURRAY: I want to thank you all for  
15 coming tonight. The hearing is hereby adjourned. Thank you.

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\*\*\*\*\*THE HEARING CONCLUDED AT 7:52 P.M.\*\*\*\*\*

STATE OF NORTH CAROLINA               )  
  )  
COUNTY OF PITT                             )

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