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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

McKIMMON CONFERENCE & TRAINING CENTER
N.C. STATE UNIVERSITY CAMPUS
1101 GORMAN STREET
RALEIGH, NORTH CAROLINA

APRIL 28, 2010

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U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE,
CAPE HATTERAS NATIONAL SEASHORE --

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1 COURT REPORTER'S NOTE: The public meeting of
2 the Draft Environmental Impact Statement/Off-Road Vehicle
3 Management Plan for Cape Hatteras National Seashore convened
4 at 6:00 p.m. at the McKimmon Conference & Training Center at
5 North Carolina State University, Raleigh, North Carolina.

6 MR. FRANK SKIDMORE: Good evening, ladies and
7 gentlemen. We're going to begin here in a moment.

8 SUPERINTENDENT MICHAEL B. MURRAY: Good evening, my
9 name's Mike Murray. I'm the Superintendent of Cape Hatteras
10 National Seashore. I want to welcome you tonight to this
11 public hearing on the Draft Off-Road Vehicle Management Plan,
12 and Environmental Impact Statement for the seashore. I want
13 to quickly review the project time line for developing a plan
14 and regulation. We're currently -- let me ask -- the people
15 in the back of the room, can you hear me, okay?

16 AUDIENCE: Yes.

17 SUPERINTENDENT MURRAY: All right, thank you. We're
18 in the public review period for the draft EIS. It ends on
19 May 11, 2010. This week we're conducting public hearings.
20 On Monday we were in Ocracoke, and Buxton, yesterday Kill
21 Devil Hills, obviously, tonight in Raleigh, and tomorrow
22 night we'll be in Hampton, Virginia.

23 Following the closure of the public comment period,
24 the National Park Service will review the comments, and begin
25 work on the Final Environmental Impact Statement, which will

1 include written responses to the comments. And that internal
2 work will be during the Spring and Summer of 2010. This Fall
3 we'll publish the proposed regulation, and then there'll be a
4 60-day public comment period on that. Afterwards, the Park
5 Service will review the comments, and then begin preparing
6 the final regulation. And if the final environment -- so,
7 it's kind of two parallel processes going on. The
8 Environmental Impact Statement for the ORV Plan, and then the
9 regulation that goes along with them. In the Fall, we will
10 also publish the Final Environmental Impact Statement, and
11 notice of availability. That's a Federal Register notice
12 that lets you, the public, know that the final EIS is
13 available and has been completed. Then there be a Record of
14 Decision, which is the Final Decision Document, and that's
15 scheduled to occur before December 31, 2010. And then the
16 final regulation will be published before April 1, 2011.
17 That's the project time line. How to comment on the Draft
18 Environmental Impact Statement, well, you can do so here
19 tonight, either orally or in writing. You can turn in
20 comments to us, you can do it online, from now through May
21 11, at the website posted there. The website's also given in
22 the newsletter you probably received at the check-in-desk.
23 The website, obviously, is (<http://parkplanning.nps.gov/caha>)
24 c-a-h-a is the four letter acronym for Cape Hatteras.
25 There's a place to comment if you go to that website, or you

1 can submit written comments by mail, or hand-delivered to me,
2 the Superintendent, Cape Hatteras National Seashore, 1401
3 National Park Drive, Manteo, North Carolina. Electronic
4 comments must be received by midnight on May 11, and again,
5 please refer to the newsletter for how to submit comments.
6 I'm now going to turn the meeting over to the facilitator for
7 the hearing, Frank Skidmore, Frank.

8 MR. SKIDMORE: Thank you, and good evening. As shown
9 up there -- I'll be going through the ground rules first.
10 Can everyone hear me? As shown up there in the first bullet,
11 the purpose of this hearing is to receive comments on the
12 DEIS, and we stress DEIS; it means it's a draft. That means
13 comments can be important; there're -- there're likely to be
14 many good ideas out there, so we are very anxious to receive
15 those ideas. My role as facilitator is to facilitate a fair
16 process that allows everyone who has signed up to be heard
17 and have their comments accurately recorded by the Court
18 Reporter, and understood by the National Park Service, as
19 well as everyone else. So, it's very important that we
20 maintain mutual respect and courtesy, so that comments can be
21 understood and heard. Please remain quiet as individuals are
22 delivering their comments. Whether you agree or disagree,
23 please let all of the points of view come across accurately.
24 Of course, we want to avoid any disruption. You must be
25 signed up to speak, and it's our intention that each person

1 that is signed up will speak once tonight. That's to allow
2 the maximum number of people to present their views. Please
3 keep your comments on point, so that they can be most
4 effective and be understood and incorporated and responded
5 to. Each speaker has been allotted three minutes for
6 the -- a maximum of three minutes for their comments. And to
7 ensure that you understand, as your time is moving to the
8 three minute point, we have a system where the time keeper
9 will hold up a yellow card with "There are 30 seconds
10 remaining," when you've used -- in other words, 2 minutes and
11 30 seconds, and then we'll hold up a red card when your
12 3-minute time period has elapsed. When you see the red card,
13 please close out your comment, if you have not already done
14 so. Yielding your time to someone else is not part of the
15 procedure. I would ask speakers to address the
16 Superintendent of the Park Service and refrain from
17 addressing the audience or asking for audience participation,
18 because, again, let's remember that what we're trying to do
19 is get these comments down accurately for the Court Reporter
20 to transcribe into writing, so they can be properly
21 addressed. If someone addresses your point before you get
22 there, you may decline to speak, or you may indicate, "I
23 agree with this individual," or "these individuals, and I'd
24 like my opinion to be recorded as theirs." That's all
25 perfectly acceptable. The point is that a written comment is

1 addressed in the same way as an oral comment tonight. If,
2 for some reason you have it cut off, your 3 minutes have
3 elapsed, and you still have points you wish to make, those
4 points can be delivered, and they'll be received and
5 addressed in the same way, as if they had been delivered
6 orally. One obvious thing, please turn your cell phones to
7 "Off," or to "Vibrate." We all forget to do that. And to
8 allow things to move more quickly, I will be indicating more
9 than one speaker at a time. I'll be indicating the next
10 three or four speakers. We have three chairs up here
11 reserved for individuals to allow them to queue. So, if
12 you're back in the middle of a row, you won't have to spend
13 our valuable time trying to make your way up here. So, what
14 I would hope is when I indicate one individual as the next
15 speaker, and the following people are next, if you are not
16 going to be able to get up here quickly, please come on up
17 and kind of position yourself so that you can move in quickly
18 for the next comment. Again, I'd like to thank you for
19 coming here and participating, and I know we'll get good
20 ideas.

21 So, with that -- let's start the process. The first
22 speaker, and please forgive me if I mispronounce any names,
23 but this is Darges or Darges, that will be followed by
24 Michael Gery, and Jim Lea. Oh, thank you. Please go right
25 there to the microphone, right there, sir. And if you have a

1 written comment, please bring it up here and lay it right
2 here on the desk.

3 MR. JIM DARGES: Good evening, my name is Jim Darges.
4 I am an NC State graduate with a degree in Zoology, so it's
5 probably not surprising that I like birds, mammals, reptiles,
6 and fish. The Draft EIS Proposals to me do not appear at all
7 to be in keeping with the spirit and the intended purpose of
8 the Cape Hatteras National Seashore and recreation area. The
9 enabling legislation foresaw a park that people could come to
10 and engage in a variety of seashore activities. Because of
11 the remoteness of the park, off-road vehicle use was
12 necessary, and still remains so to this day. Specifically
13 contained in some of these proposals are resource -- resource
14 management plans that are overreaching, overprotective, and
15 uneven. For example, predator control, vegetation
16 management, vast bird buffers; these are not consistent or
17 needed in a park where off-road vehicle use is needed to be
18 able to access the entire park. Additionally, I think that
19 the DEIS has underestimated the economic impact, not only to
20 the local economy, but statewide, possibly even further up
21 and down the eastern seaboard. In conclusion, I feel that
22 wildlife and park visitors can coexist, but this draft does
23 not seem to envision that. I strongly recommend that a
24 position paper published by the Coalition for Beach Access be
25 examined for alternatives that would allow us all to enjoy

1 the park and allow the resources to be properly managed.

2 Thank you.

3 MR. SKIDMORE: Thank you, Jim. Next is Michael Gery.

4 MR. MICHAEL GERY: Thank you. My name is Michael
5 Gery. I live on Roanoke Island in Dare County, and you all
6 need to know that there are plenty of people in Dare County
7 who support and respect the thoroughness and even handedness
8 of this entire process that you all are going through. I
9 want to conclude my remarks from last night, which I mainly
10 said that this plan should have been done 30 years ago, and
11 really represents the 30 year's worth of damage that needs to
12 be repaired at the park. So, during the next 10 to 15 years,
13 you need to analyze whether or not to repair all that damage
14 instead of maintaining the ecology as it is today. As it
15 stands today, the National Park Service basically has saved
16 paradise and put up a parking lot. Your own visitors'
17 activities survey showed that 80 percent more respondents
18 engaged in walking than driving on the beach. 55 percent
19 more were there to enjoy solitude than were there to drive or
20 do surf fishing. I support Alternative F. I believe that
21 you should add more pedestrian areas instead of keeping the
22 quiet kids in the playpen and letting the bullies run free,
23 and then giving them only 25 percent of the beach to walk on
24 without the intrusion of the vehicles. So, I respectfully
25 suggest that you add a pedestrian only area just north of

1 Ramp 43 and between Ramp 59 and Ramp 67 on Ocracoke. There's
2 no explained reason why you need a new ramp and a new ORV
3 area for two miles there, as well as the Ocracoke Daze area
4 should be open year round to pedestrians only. Otherwise,
5 the most visited beach in Ocracoke does not allow pedestrians
6 only. I believe that serious and responsible ORV drivers,
7 and there are many of them, have long resented the joy riding
8 cowboys that come down and drive wildly and raise hell on the
9 beach. It's past time they are charged for the privileges of
10 driving on the beach. Other National Seashores charge \$50.00
11 a week, or \$150.00 for a year. Consider it a parking fee.
12 Anywhere else we'd pay about \$7.00 a day. Putting it in
13 perspective, North Carolina charges \$15.00 one way to bring a
14 vehicle to Ocracoke, and private businesses charge \$75.00 to
15 carry a vehicle over to Cape Lookout National Seashore. The
16 DEIS proposes that the Park Services allow commercial
17 fishermen anywhere in the National Seashore, which is they've
18 long had that privilege, and that needs to be protected. But
19 if anyone can just show a recent receipt from a local fish
20 house to be considered a commercial fisherman, that rule is
21 open for widespread of use. You need to monitor, explain how
22 you're going to monitor, and enforce the rule that protects
23 the access for the commercial fishermen. Finally, the
24 failure to come up with a plan 30 years ago has cost us a lot
25 of money and heartache. So, I suggest that you, before

1 implementing a plan, show it to a new panel of legal
2 authorities, so that we don't find ourselves in court again.
3 Thanks.

4 MR. SKIDMORE: Thank you, Michael. Next is Jim Lea,
5 who'll be followed by Rusty Whiteheart, and Dick Heiser.

6 MR. JIM LEA: Good evening, Mr. Superintendent, my
7 name is Jim Lea. I'm a Buxton home owner, and a professor at
8 UNC Chapel Hill at the School of Medicine. I have to tell
9 you that I find the DEIS ORV Management Plan to be deeply
10 flawed, especially in its handling of bird and turtle
11 ecology, description of risk to wildlife posed by ORV's
12 pedestrians and pets; its dismissal of habitat management
13 strategies for preserving both recreation and conservation,
14 and its short-sighted treatment of the economic consequences
15 -- the action alternatives for the residents of the outer
16 banks and the entire State of North Carolina. On pages 281
17 and 284 the DEIS acknowledges that beach related tourism
18 drives the economy of the area, but none of the action
19 alternatives specifically provide for protecting that vital
20 element of residence life. Acknowledging only the businesses
21 on the islands may receive light to moderate damage, when
22 beach closures force recreational visitors to take their
23 money elsewhere. Nor, as one of our earlier speakers said,
24 does the analysis address the economic damage to the rest of
25 North Carolina. And the loss of revenue is generated by the

1 state's third ranked producer of tourism related taxes. As
2 tourism is directly diminished on the Bodie, Hatteras, and
3 Ocracoke Islands, as it will be if the DEIS goes forward as
4 written, the State's budgets for education, roads, and other
5 mandates, will go to the chopping block, or everyone's taxes
6 will go up, or both. And all North Carolinians would then be
7 able to say to their neighbors on the Outer Banks, now, I
8 really feel your pain. In addition, the documentation that
9 justifies it restricting public access to the seashore's
10 beaches reminds me of the best available science that for
11 thousands of years kept our ancestors believing the world was
12 flat. What's presented of scientific substance throughout is
13 often scattered observations, seasoned with the observer's
14 preferences instead of peer replicated, independent
15 experimental studies that real science should be made of.
16 Page 208 describes weather and tides as a significant risk
17 factor for the plovers. "A strong thunderstorm was noted on
18 the night before a Nest 2 on South Beach was discovered lost.
19 However, the loss was characterized as unknown because it
20 cannot be shown conclusively that weather was the cause. But
21 on the next page we read, "The impact of accretion had been
22 postulated to be greater on beaches with high human use
23 because of the presence of pets and trash." The relationship
24 between humans and predators is not characterized as unknown
25 because it cannot be shown conclusive. Whatever happened to

1 burden of proof? It's universally accepted grimace of
2 science, business, and most other goal oriented, organized
3 endeavors, but if you can't measure it, you can't manage it.
4 The DEIS I'm reading today is woefully short of accreditable
5 measurement and should not be a basis for any attempt at ORV
6 and beach use management. I'm submitting more extensive
7 comments in writing, but for now, thanks very much.

8 MR. SKIDMORE: Thank you Jim. Next is Rusty
9 Whiteheart, who'll be followed by Dick Heiser, and Tom Rose.

10 MR. RUSTY WHITEHEART: The first National Park I
11 visited was Yellowstone National Park, America's first
12 National Park. The north entrance to Yellowstone National
13 Park was a stone gate. Engraved on that gate is, "For the
14 Benefit and Enjoyment of the People." That's the vision of
15 the National Park Service. The vision of Teddy Roosevelt,
16 the principle of --

17 AUDIENCE: Can't hear.

18 MR. SKIDMORE: A little closer to the microphone.

19 MR. WHITEHEART: That's the principle the National
20 Park Service is founded on, and the vision of Teddy
21 Roosevelt. In reviewing this document, I see on the very
22 first page, "Approved access, increased population, polarity
23 in sport utility vehicles have resulted in a dramatic
24 increase in the vehicle use on seashore beaches. There's
25 been a decline in most beach nesting bird population on the

1 seashore since the 1990's." This statement implies a cause
2 and effect. Then on page 265 I read, "Although there --
3 there are some data from various sources about the number of
4 vehicles on the beach, none of the sources have the scope or
5 reliability to provide a robust estimate of vehicles on the
6 beach." First you say there's a dramatic increase of
7 vehicles on the beach, and then later on, you say you don't
8 have enough information to even make an estimate on how many
9 vehicles are on the beach, much less actual accounts of how
10 many users are on the beach. It goes on, on page 563 to say,
11 "Unfortunately, the data on visitation, and especially broken
12 down by different types of seashore visitors, are not
13 complete enough to provide reliable estimates of baseline
14 visitation." So, not only do we not know how many vehicles
15 are on the beach, we don't know where they're on the beach,
16 and you also don't know why 2.1 million visitors are in the
17 park. Yet, you can still say in the DEIS project that small
18 businesses will experience long-term negligible to moderate
19 adverse impacts. It would be one thing if we were talking
20 about a small park that was a single location. In this case,
21 we're talking about a park that's 90 miles long, crosses two
22 inlets and multiple villages. I bet a large percentage of
23 those 2.1 million people never cross the Bonner Bridge. And
24 a much, much -- very small percentage of them ever actually
25 make it to Hatteras, or Ocracoke, or the beaches in those

1 areas. The preferred alternative is not substantially
2 different from the current Consent Decree. Yet, you do not
3 have baseline data on visitation before the Consent Decree.
4 There's no way for the National Park Service to do a
5 realistic economic analysis of the impacts and the
6 implementation of preferred alternatives. And that's an
7 extreme disservice to the people of Hatteras and Ocracoke
8 Island. From the document, we know that shorebird species
9 has declined from 1996 to 2003. And you know it suggests
10 that ORV use is the cause, but what happened during that time
11 period? You have tropical storm Fran, Bertha, Bonnie, Floyd,
12 Isabelle, and then the US DEIS document that was used in the
13 science behind this states, "Accordingly, the tides or
14 weather may alter habitat enough to render it unsuitable for
15 nesting. This may lead to territory abandonment among
16 breeds." In summary, I'm opposed to Alternative F; I think
17 we can do more adaptive management to allow access to key
18 areas where visitors will be. Thank you.

19 MR. SKIDMORE: Thank you, Rusty. Dick Heiser will be
20 next, followed by Tom Rose, then I have a card that says,
21 Dr. Greysolynne, J. F. Hyman, I don't know if that's two
22 names or one?

23 MS. GREYSOLYNNE HYMAN: One.

24 MR. SKIDMORE: One, okay.

25 MR. GREYSOLYNNE HYMAN: Just long.

1 MR. DICK HEISER: How you doing, Mike? Okay, I'm
2 going to basically be brief, and you won't need that 30
3 second sign. Basically, I support the OBPA, the NCBBA, and
4 the Coalition for Beach Access, their stand regards DEIS.
5 The DEIS, as far as I can tell after reading is flawed. It
6 does not address the economics, which we have heard. It does
7 not address other areas, and some of the -- excuse me, some
8 areas, it does seem to over address. So, I look at it as a
9 slanted view of items. And I will address those items in
10 writing to you this coming week.

11 MR. SKIDMORE: Thank you, Dick. Next is Tom Rose.

12 MR. TOM ROSE: Thank you for allowing me to speak.
13 My name is Tom Rose, and I'm a native North Carolinian. For
14 over 60 years, I've had the privilege of visiting the
15 Hatteras Seashore, Nags Head areas. Then my father, my
16 grandfather retired at Hatteras, fishing, swimming, diving,
17 enjoying the wildlife, and worrying in my later years, now,
18 about the wildlife. In college, I studied something that was
19 very interesting. I learned that in North Carolina we had
20 islands of white pines. And in short term, our folks would
21 go out, climb up the loblolly pines, look for islands of
22 white pines and go cut them down for ships' masts. We don't
23 have those white pines anymore. There's a lot of wild stuff
24 that is lost now. So, I'm for maximum protection of those.
25 I guess, I've changed over the years. I was probably one of

1 those cowboys driving on the beach, many, many years ago --
2 40 years and 50 years ago, actually. And now, I would like
3 to see it all protected, because I've learned my lesson.
4 I've seen the wild things disappear. I've seen Hatteras
5 change, and I no longer feel very comfortable with exploiting
6 those resources. And I would urge you to take the maximum
7 protection for those resources. I will submit additional
8 comments through email. Thank you.

9 MR. SKIDMORE: Thank you, Tom. Next is Dr. Hyman.

10 DR. GEYSOLYNNE HYMAN: Thank you for getting my name
11 correct. That's not an easy thing to do. I'm a home owner
12 on Hatteras Island, and I'm here this evening to be a voice
13 for the voiceless. For the leatherback sea turtles, for the
14 loggerhead sea turtles, the green sea turtles, the piping
15 plovers, the American oystercatchers, and even those lowly
16 arthropods, the ghost crabs. I am also here as a voice for
17 our children and grandchildren, and their children and
18 grandchildren. Let us not deprive them of the excitement of
19 seeing a boil of baby sea turtles that have just hatched, and
20 are headed out to sea, or a spotting of fluffy young plover.
21 Let us teach by example. Let us teach the value of sharing
22 by sharing our beaches with wildlife. Surely, we can spare a
23 few limited areas. And for limited amounts of time, so that
24 the nest of young and endangered and threatened creatures
25 will be safe from harm. Recently, when the Park Service did

1 restrict access to areas where turtles and plovers were
2 nesting, the numbers of successful hatchings and fledgings
3 doubled. By our example, we can teach our own young respect
4 and reverence for life by letting them share the joy of all
5 life on earth. Therefore, I endorse Alternative D for the
6 protection of this all inspiring, but delicate environment,
7 as proposed by the National Park Service. Thank you.

8 MR. SKIDMORE: Thank you very much. The next speaker
9 is Robert Hyman, followed by Buster Towell, and Donna
10 Bullock.

11 MR. ROBERT HYMAN: I'm kind of short, so I'd better
12 adjust this microphone.

13 MR. SKIDMORE: Please do.

14 MR. ROBERT HYMAN: Thank you. Good evening. I would
15 like to address you today as a property owner on Hatteras
16 Island. I purchased my house seven years ago, with a view to
17 retirement after many years of purchasing weekly rentals,
18 because my family and I love the Outer Banks. I rented this
19 property to vacationers until last September, a few months
20 after I retired. I must tell you that I saw absolutely no
21 difference in my rental volume because of stricter beach
22 driving regulations. And I can show that on the books. What
23 I have seen is that the vast majority of vacationers at the
24 Outer Banks are families who have come here for the simple
25 pleasures of the National Seashore. They have come to enjoy

1 the waves, walk along the beach, enjoy the scenery and the
 2 wildlife, and play in the sand, as do I and my family. I
 3 have seen a marked increase of sea turtles and shorebirds
 4 during the period of stricter beach driving regulations. My
 5 family and I have enjoyed volunteering to help watch of sea
 6 turtle nests, and have helped to rescue distressed sea
 7 turtles. In fact, one of the volunteer activities was my
 8 son's at Enloe High School. Before he went off to Carolina
 9 to go to college, he, in fact, sat on some nests, and we sat
 10 there with him. I have come to plead with you to preserve
 11 the National Seashore as a National Seashore, as a place
 12 where I am glad to spend much of my retirement, in a place
 13 where natural wonders attract so many tourists that it has
 14 become a world destination. Therefore, I endorse Alternative
 15 D, as recommended by the National Park Service, for the
 16 protection of this wonderful, yet fragile environment.

17 MR. SKIDMORE: Thank you, Robert. Next is Buster
 18 Towell, followed by Donna Bullock, and John Yates.

19 MR. BUSTER TOWELL: Thank you. My name is Buster
 20 Towell; I'm 59 years old. I am a surf fisherman, and I am
 21 employed, and have been for 20 years, in the North Carolina
 22 Division of Water Quality as an Environmental Senior
 23 Specialist. I've told you I'm a surf fisherman, and, by God,
 24 that is my passion in life. I love the Outer Banks like
 25 everybody in this room. And what has been discussed by

1 several speakers tonight is the environmental implications
2 that this may have. I'm very concerned about that. I have
3 friends who retired from State Government who live in Avon
4 and on Ocracoke. I'm concerned that, excuse me, -- like a
5 kid who gets his hand slapped too many times reaching in the
6 cookie jar, at some point in time, that kid's going to learn
7 his lesson, and he's not going to do that anymore. People
8 who go and spend their money to help the tax dollars, which
9 actually, I would assume, help the Park Service, are going to
10 quit going there if certain -- I'm not going to say rights
11 because there are no rights -- but privileges are taken away.
12 With that said, we're going through a census now; we're
13 finishing up a census, and I see that the time lines will
14 jive up with this completing a census, and going and checking
15 to see how many people actually live or are permanent,
16 full-time residents on the banks, how many people really do
17 visit this facility every year. It would seem to me that
18 less people going across the bridge and coming across the two
19 ferries would mean less people visiting your park. Which has
20 got to be -- some big accountant, somewhere in Washington has
21 got to be saying, "Wait a minute, you're not serving this
22 public, you know, we're going to cut your funding." So, you
23 could shoot yourself in the foot, so to speak. So, I would
24 really appreciate a closer look at the economic aspect of
25 this. Thank you.

1 MR. SKIDMORE: Thank you, Buster. Next is Donna
2 Bullock, followed by John Yates, and Jack Shea.

3 MS. DONNA BULLOCK: Good evening. My name is Donna
4 Bullock. Thanks.

5 COURT REPORTER NOTE: Microphone is adjusted.

6 MS. BULLOCK: I am a property owner on Hatteras
7 Island, Hatteras village. And I would like to say that I do
8 agree with speaker number one. He had some very well spoken
9 comments. And also the DEIS, I totally disagree with the
10 economic impact of this area. I have seen a large drop in
11 visitors, and business in this area. I personally know a lot
12 of the business owners in this area. And I think to close
13 off the beaches to ORV's would be really detrimental to their
14 way of life. And just because I have a four by four, does
15 not mean I'm a wild cowboy, because I am not. And we think
16 that we should have the right to access the areas that
17 are -- there're not accessible, you know, by foot. Also, my
18 family enjoys it, and we have two children and several
19 grandchildren, and it's a lot easier to throw them in the
20 truck and go with our fishing rods and toys, and have a nice
21 spot on the beach. So, I would suggest and beg you to re-
22 evaluate the economics and the fairness of closing these
23 beaches. Thank you.

24 MR. SKIDMORE: Thank you, Donna. Next, is John
25 Yates, followed by Jack Shea, and David Joyner.

1 MR. JOHN YATES: Good evening. Good evening
2 Mr. Murray, thank you for allowing me to speak. I've been a
3 resident of North Carolina since 1965. And since 1965, I
4 have used the Outer Banks of North Carolina. I have been a
5 steward of the beaches, I've been a steward of the wildlife.
6 I have protected birds; if I saw a bird in jeopardy, I've
7 taken my time to stop what I was doing to rescue that bird,
8 or to rescue that -- I've never driven over a turtle nest,
9 never left trash on the beach. I've always picked up the
10 trash of others. That being said, my kids grew up on
11 Hatteras Island. I carried them back and forth. I lived in
12 eastern North Carolina for years. Now, I want my grandkids
13 to be able to visit that island. The last few years since
14 the Consent Decree, it has been heart breaking to go across
15 Oregon Inlet Bridge and see nobody at Oregon Inlet on the
16 spit, no families. Used to, that was families with little
17 children enjoying the beach. Now, there's nobody there in
18 the summer. That's -- that's heart breaking. I go to the
19 seashore now, probably, 10, 8 to 10, 15 times a year, okay.
20 And I've had open heart surgery, so I can't walk to the
21 beach. I can't walk for miles, and I'm not -- I'm 65 years
22 old. I was in the court the day that Judge Boyle ruled, made
23 the ruling that he did to force you people to change from the
24 management plan that you already had worked on hard to
25 establish; the plan which you had worked hard to establish,

1 which is Alternative A, was a workable plan. That plan
2 helped the environment and it allowed for continued use of
3 the beach. What we've seen since that court ruling, though,
4 has been closing of the beaches, not sharing of the beaches.
5 What we've seen is if a bird nest sets up at Ramp 43, and
6 another one sets up at Ramp 45 or 55, we shut down the whole
7 beach. The area from Salvo all the way to Hatteras village,
8 it's shut down basically, in the summer. That's miles --
9 that's miles and miles of beach, and yet, when you go back to
10 look at the map, those areas are shut down for two to three
11 birds, or two to three nests. Yes, there's an area to share.
12 I've never seen a puffer plover pay taxes. I'm a tax-paying
13 American citizen. The constitution guarantees me the right
14 to use those beaches. I think there's an alternative here
15 for all of us to share the beaches and to be able to have
16 access. Thank you very much.

17 MR. SKIDMORE: Thank you, John. Next is Jack Shea,
18 who'll be followed by David Joyner, and Judy Latham.

19 MR. JACK SHEA: Good evening, Superintendent. My
20 name is Jack Shea. I'm a Dare County Commissioner. There
21 are many aspects of the DEIS that I find objectionable.
22 However, tonight I would like to focus your attention on the
23 extreme buffers given to piping plover unfledged chicks as
24 outlined on pages 121 to 124 of the DEIS. Alternative F
25 requires a minimum -- 1000 meter buffer in all directions.

1 This represents a linear distance of 2000 meters, or 6500 and
2 61 feet, or expressed in miles, is 1.24 miles. This gigantic
3 buffer is equivalent to the following; 40 olympic size
4 swimming pools; 18 professional football fields, 6 nemesis
5 class aircraft carriers. What if these extreme closures were
6 imposed on our decision makers of Washington DC, instead of
7 the people of Cape Hatteras National Seashore Recreational
8 area. For example, a nest of unfledged piping plover chicks
9 in the middle of the National Mall, surrounded by the
10 Smithsonian buildings would shut down the entire area. The
11 closure would extend all the way from the Grant Memorial on
12 the west lawn of the US Capital, all the way to the
13 Washington Monument. Furthermore, anyone standing in the
14 middle of Pennsylvania Avenue, in front of the White House,
15 is closer to the oval office than a family can get to a
16 piping plover nest while on the beaches of Cape Hatteras
17 National Seashore Recreational area. Here we see that non-
18 endangered bird get's a larger protector buffer than the
19 President of the United States. These comparisons to
20 geography in Washington DC are important because the National
21 Park Service and the Department of the Interior need to
22 understand precisely what would happen if these regulations
23 were imposed in their recreational area, in their backyard.
24 More consistent with the species recovering plan would be a
25 protective buffer of 200 meters. This would still provide a

1 quarantine area of one-quarter mile, or 8 olympic size
2 swimming pools. The purpose of protective buffers is to
3 facilitate recovery of species. This can be accomplished
4 with 200 meter buffers, that have proven to be effective
5 elsewhere, including other federal lands. The bottom line,
6 there is no justification for 1000 meter buffers in the DEIS.
7 This should be changed in Alternative F, in favor of more
8 practical and effective 200 meter buffers. Thank you for
9 considering my comments.

10 MR. SKIDMORE: Thank you, very much, sir. Next is
11 David Joyner, who will be followed by Judy Latham, and Scott
12 King.

13 MR. DAVID JOYNER: Good evening. My name is David
14 Joyner. I'm Vice-President of the North Carolina Beach Buggy
15 Association. I've been coming to the Cape Hatteras National
16 Seashore recreational area with my family since 1960. After
17 years of standing on concrete, going up and down chimneys, my
18 knees are weak, and I can no longer walk great distances.
19 Cape Hatteras National Seashore Recreational area belongs to
20 all citizens, of this United States. It is not just for the
21 young and fit, but for everyone, including those with limited
22 mobility. For every mile of beach set aside for permanent
23 resource closures and pedestrian only areas, you are denying
24 access to hundreds of people with disabilities. Not just
25 folks like me, but the young men and women who are fighting

1 our wars, and coming home with missing limbs. Those with
2 disabilities cannot make it though the soft sand between
3 parking lots and the ocean. Families with small children
4 cannot carry everything a family needs for a day at the beach
5 on their backs. Including vehicle corridors through seasonal
6 resource closures to allow access to open areas that would
7 otherwise be inaccessible because everyone could not walk to
8 them. We need our vehicles to access areas for recreation,
9 and the vehicle needs to stay with us on the beach in the
10 event of a medical emergency, or of a sudden storm. A
11 special use permit to allow a handicapped person to be
12 transported to the beach, and then the vehicle having to be
13 moved, is unacceptable. When you write this final driving
14 plan for the park, please remember it is about access; not
15 denial to a treasure known as the Cape Hatteras Seashore
16 Recreational area. Please do not keep me and others from
17 having the joy of being by the ocean. Thank you.

18 MR. SKIDMORE: Thank you very much. Next is Judy
19 Latham, who will be followed by Scott King, and Vickie King.

20 MS. JUDY LATHAM: I'm Judy Latham, an ordinary
21 private citizen, a widow of modest means, and I live here in
22 Wake County. My one acre organic garden is backyard wildlife
23 habitat number 27392. I maintain five bird feeders, two
24 fountains and a bird bath. I am also a very poor, but
25 enthusiastic, surf fisher-woman. I'm not strong enough to

1 cast very far, but that doesn't mean I don't enjoying trying
 2 just as much as anybody else. I've loved the Outer Banks
 3 since my first visit in 1970. My husband proposed to me in
 4 the shadow of the Ocracoke Light House. And we watched the
 5 first sunrise of the new millennium from the beach in Buxton.
 6 When he died suddenly, it was there I fled to for my first
 7 Christmas without him. I can't afford to buy an ocean front
 8 cottage; I can't even afford to rent one without sharing.
 9 But I can afford to own a four-wheel drive vehicle, which has
 10 transported me and my bad foot out to paradise from time to
 11 time. My fear with any of the DEIS alternatives is that
 12 those opportunities will diminish, or disappear entirely. I
 13 cannot support any one of the six. It is my belief the
 14 buffers, even in Alternative F, are excessive and have no
 15 scientific basis. The economic data is vague and
 16 geographically irrelevant. Also, in my opinion, TCP
 17 consideration has gotten short shift. The scenario I see
 18 playing out is that extensive closures will pressure some
 19 service businesses to fail, so that when the beaches do
 20 occasionally open for visitors, the remaining services will
 21 be inadequate and/or priced for the wealthy only, and that
 22 leaves me out. During the current global financial crises,
 23 American citizens need National Parks for low cost recreation
 24 more than ever. I am bitterly disappointed that my
 25 government has defended itself and me so passively. The only

1 upside, I suppose, some would say is that there's full
2 employment among environmental lawyers. I submit that I am
3 the truly threatened species at Cape Hatteras, not the
4 plovers. I strongly urge a compromise plan for the Proaxis
5 Coalition Position Statement. And I'll make additional
6 specific comments electronically. Thank you.

7 MR. SKIDMORE: Thank you, very much. Next is Scott
8 King, followed by Vickie King, and then Jeffery Carroll.

9 MR. SCOTT KING: My name is Scott King. I live in
10 Durham, North Carolina. I present these comments on the DEIS
11 Cape Hatteras National Seashore conclusion in the public
12 record. I disagree with Alternative F proposal to place a
13 1000 meter in all direction buffer zone about an unplaced
14 piping plover chick group. This large of an area is
15 unprecedented and is inconsistent with other national
16 seashores. There is no peer reviewed scientific study to
17 substantiate the need for such a large buffer at the Cape
18 Hatteras National Seashore. A 200-meter buffer zone that
19 moves with the chick group is more appropriate. Furthermore,
20 I do not support any of the draft alternatives offered by the
21 National Park Service. I do support the Coalition for Beach
22 Access's ORV and Management Environmental Impact position
23 statement as a reasonable alternative. Thank you for
24 consideration of my comments.

25 MR. SKIDMORE: Thank you, sir. Vickie King is next,

1 followed by Jeffery Carroll and Stuart McRae.

2 MS. VICKIE KING: Good evening. My name is Vickie
3 King. I live in Durham, North Carolina. For the record, I
4 do not support any of the alternatives offered by the
5 National Park Service. Humans and birds have successfully
6 coexisted on this seashore for many years with minimal
7 intervention. With more rational and/or scientific
8 approaches, I believe there is a better way to manage
9 wildlife and ORV access. I fully support the Coalition for
10 Beach Access's ORV Management Environmental Impact position
11 statement. I will also make further comments via the
12 appropriate channels. Thank you for this opportunity.

13 MR. SKIDMORE: Thank you very much. Next is Jeffery
14 Carroll, who will be followed by Stuart McRae, and Chris
15 Canfield.

16 MR. JEFFERY CARROLL: I would like to decline my
17 time, but I do agree with several of the people that have
18 spoken. Thank you.

19 MR. SKIDMORE: Stuart McRae, and he'll be followed by
20 Chris Canfield.

21 MR. STUART MCRAE: Hello, Mr. Superintendent. I'm
22 Stuart McRae. I live in Cary, North Carolina, and I've lived
23 in North Carolina for most of my life. I was born here, I'm
24 a nature lover, and a very bad fisherman. I have visited
25 Cape Hatteras National Seashore for over 25 years for family

1 vacations, fishing and just for the solitude that the
 2 environment provides there. I have a number of concerns with
 3 the recommended ORV management plan. Stricter protection
 4 needs to be in line for the potential species benefit. I
 5 believe protection and use must be balanced and the current
 6 recommendation is out of balance. North Carolina is on the
 7 southern end of the plover nesting area and since 1992,
 8 according to US Fishing and Wildlife Service data, North
 9 Carolina has accounted for only an average of 3.3 of the east
 10 coast breeding pairs. The breeding pairs at Cape Hatteras
 11 have only averaged .6 of the total east coast population --
 12 .6 -- so, physically, nothing we do here is going to have a
 13 major impact on the plover population on the east coast. I
 14 believe our conservation tax dollars are much better spent in
 15 other areas for conservation. No data shows that stricter
 16 ORV and pedestrian closures will have a significant impact on
 17 the plovers' breeding or turtle nesting. The plover nesting
 18 population declined significantly during '97 to 2001. This
 19 decline matched, almost directly, with a dramatic increase in
 20 Dare County Building permits. The US Fishing and Wildlife
 21 Service documents show the human population increase has a
 22 very negative effect on plover nesting. If you look at the
 23 curves for that data, they match exactly. So, what has
 24 happened? The population stayed relative constant until
 25 2007, when it started increasing again. That matched up

1 exactly with the dramatic increase of predator control in
 2 Cape Hatteras National Seashores. On an average, before
 3 2006, there was an average of 50 predators per year got
 4 exterminated. In 2007 there was a significant increase of
 5 304, 382 in 2008, and 464 in 2009. This seems to me has a
 6 much better impact on the plover breeding, than any ORV
 7 track. The park visitation in the '92 to 2010 time frame has
 8 stayed relatively constant; there is no data that suggested
 9 ORV use has increased or decreased in that time frame. So,
 10 there's no data there. The current Consent Decree has not
 11 shown any results, and it's not shown -- no statistically
 12 significant results. The nesting was up 30 percent year to
 13 year in 2008, and it was down 30 percent year to year, I'm
 14 sorry. Up 30 percent in 2008. Down 30 percent year to year
 15 in 2009. That's a wash in my mind. The areas -- specific
 16 areas that I will provide more comments on are of the need
 17 for pass-throughs for pedestrians and ORVs for closure areas,
 18 limit any closures to May 15 to September 15; that is
 19 sufficient around the turtle breeding or nesting, and not to
 20 limit night access from 7:00 A.M. to 7:00 P.M. The current
 21 till 10:00 P.M. and 24 hours with a permit after that, as is
 22 the current, is enough protection and is more in line with
 23 the protection on other beaches of North Carolina. Thank you
 24 very much.

25 MR. SKIDMORE: Thank you, Stuart. Next is Chris

1 Canfield, who will be followed by Mike Berry, and Nancy
2 Johnson.

3 MR CHRIS CANFIELD: I'm Chris Canfield, and I'm the
4 Director of Audubon North Carolina. And I'm proud to
5 represent the more than 10,000 members and nine chapters that
6 we have across the state, who have deep commitment to
7 conservation of natural resources in local communities of
8 North Carolina. We've had some voices heard tonight willing
9 to stand up for natural resources, and I appreciate them.
10 But I, also, want to speak about some of the voices you won't
11 hear in these hearings. They are people who care deeply
12 about how our natural treasures like Cape Hatteras are
13 managed. But there are people, who, because of the air of
14 intimidation and the range of misinformation created by some
15 segments of the local Outer Banks population, are fearful of
16 speaking out. I can't blame them. My staff and I have been
17 subject to unspeakable slurs and threats to our safety, as
18 have park staff. So have others who tried to speak out for
19 responsible natural resource protection. It is part of our
20 job, sadly, but it is probably asking too much of a volunteer
21 to face that kind of intimidation. So, I do hope you will
22 listen to these quieter voices, through written or web
23 comments. And, like your leaders know, these public hearing
24 comments are but a selective slice of views. Among those
25 other views are certainly people who don't believe vehicles

1 should be on the beach at all. That has not, nor has it ever
2 been Audubon's position. But I do get criticism from
3 constituents, who are appalled we support the kinds of
4 vehicle uses we do, and we do support multiple uses on the
5 beach. I also know that the issues of insiders versus
6 outsiders having say in how the parks are managed has been
7 with the Park Service since its inception. >From my view,
8 there is no such thing as an outsider when speaking of the
9 way land's put into the National Trust for all to enjoy are
10 managed. So, please, weigh all comments you receive with
11 that in mind. And, similarly, I know that this has been
12 portrayed at times as pitting fisherman and women against
13 bird lovers. That does not have to be the model that we
14 face. Audubon has a long history of managing on the southern
15 coast sanctuaries for birds and turtles that, also, do allow
16 for various kinds of recreation. And a case in point is an
17 email I received today from someone I don't even know. But
18 the woman is a fisher woman and said the following, "Hi, I
19 like to fish on one of the islands we manage and notice that
20 the birds have already began to lay their eggs on the north
21 end of the island. You have to really be careful and watch
22 out for them when you walk. I know those areas get roped off
23 usually when the birds began laying eggs. Just wanted to let
24 ya'll know. The area gets a lot of traffic now that the
25 warmer weather is here." We thanked her for her email and

1 her concern, and we let her know that indeed our staff had
2 roped off that area. We believe that once responsible plans
3 are put in place, that kind of mutually respectful and
4 cooperative relationship with all users of the seashore can
5 come into being, and we do look forward to that day. Thank
6 you.

7 MR. SKIDMORE: Thank you, Chris. Next, is Mike
8 Berry, followed by Nancy Johnson, and Bernie McCants.

9 MR. MIKE BERRY: Good evening. My name is Mike
10 Berry. I'm a resident of Chapel Hill, North Carolina. I am
11 a retired manager and a scientist of US CPA. I served on the
12 faculty at the University of North Carolina, taught at Duke
13 University, teaching environmental management science and
14 policy for over 20 years. I want to say right now that I
15 agree in totality with Professor Jim Lea, speaker number
16 three's, comments with regards to science. I'll say more
17 about that later. Mike, I want to address Alternative F,
18 the comments, particularly to your preferred strategy. As I
19 read Alternative F from a policy point of view, it reads not
20 primarily as an ORV management plan, but more like an
21 access -- a public access restriction plan. As I read it, it
22 looks as if we're using a 35-year-old Executive Order to
23 change public policy. To convert and transform Cape Hatteras
24 National Seashore Recreational area into a national bird and
25 turtle use area. That's how it comes across as I read it,

1 professional point of view. I don't know if that's the
 2 intention or not, but nowhere in the enabling legislation of
 3 a park that was set aside 70 years ago for the enjoyment of
 4 American -- hard working American citizens, is there any
 5 indication that the legislation permits or intends that
 6 pedestrians and vehicle access be denied for a major part of
 7 the year, especially the vacation season, when people want to
 8 take their families out there. When I read Alternative F, I
 9 find that it strengthens and codifies the denial of access
 10 provisions in the Consent Decree, which were imposed on us on
 11 April 30, 2008, without public review and public input. Of
 12 the majority of regulatory negotiation committee stake
 13 holders, 19 out of 24 did not in any way recommend a transfer
 14 of those restricting provisions into any final OR plan.
 15 Somehow, in the DEIS it says that -- that the REG-NEG
 16 recommended that. It was surely not the recommendation of
 17 hundreds of citizens who -- who looked -- who made comments
 18 throughout that process. Nowhere in the DAIS does it mention
 19 that the amount of time that these areas will be closed under
 20 Alternative F. You gave good indication of that in your
 21 testimony with Judge Boyle, a couple of weeks back. For
 22 example, 130 days lost at Cape Point, 80 days at South Point.
 23 I'll conclude my remarks; I ask you to pay very close
 24 attention to the 15 comments that I put in my recent summary,
 25 especially comments 14 and 15, that have to do with science

1 and conflict of interest.

2 MR. SKIDMORE: Thank you, sir. Next up, Nancy
3 Johnson, followed by Bernie McCants, and Chris Nowak.

4 MS. NANCY JOHNSON: Hi, my name is Nancy Johnson.
5 I'm a resident of North Carolina and a property owner on
6 Hatteras Island. I oppose the DEIS Alternative F on all
7 accounts, and support the position statement of the Coalition
8 for Beach Access. The impact of the unrealistic buffers and
9 beach closures effects Cape Hatteras in a myriad of ways.
10 The one close to my heart is the loss of access to disabled
11 people. The Cape Hatteras National Seashore was created with
12 a series of ramps to allow four-wheel drive access to the
13 beach, while preserving the dune line. As a result, there
14 are few parking spaces. For over two million visitors, Dare
15 County reports 149 spaces, 25 of these are handicap, of those
16 25, 10 are at Coquine Beach, which is not even on Hatteras
17 Island. Of the 15 on Hatteras Island, I challenge you to
18 show me one that has wheel chair access. My elderly parents
19 fall into this category. They are also property owners in
20 Avon, and I'm speaking for them, too. My father is an
21 amputee and has trouble negotiating hard packed sand, let
22 alone the soft dune sand. The only way for them to fish and
23 enjoy the beach they love is by four-wheel drive. Without
24 this beach -- without this, the beaches are 100 percent off
25 limits to them. My family and I have visited and owned

1 property on Hatteras Island for over 35 years. We have
2 always been good stewards of the seashore. On more than one
3 occasion, it's been us calling the Park Service to tell them
4 where there were unmarked nests. By adopting Alternative F,
5 you will effectively disenfranchise a large segment of the
6 population. I am asking you to consider the human lives
7 here, not just the animal lives. We have coexisted for many
8 years so far, and we can continue to do so. Thank you.

9 MR. SKIDMORE: Thank you very much. Next, is Bernie
10 McCants, who will be followed by Chris Nowak, and William
11 Berryhill.

12 MR. BERNIE MCCANTS: My name is Bernie McCants. I'm
13 from Raleigh, North Carolina. I am a North Carolinian, and I
14 climbed Hatteras Lighthouse the first time in 1961. I'm a
15 responsible pedestrian and OR angler, shell picker, bird
16 watcher of Cape Hatteras --

17 MR. SKIDMORE: Sir, could you adjust the microphone
18 up a little bit better.

19 MR. MCCANTS: Excuse me, can you hear me now?

20 MR. SKIDMORE: Okay.

21 MR. MCCANTS: I spend three or four weeks each year
22 on the seashore from Oregon Inlet to Ocracoke Inlet. The
23 Organic Act is also used as justification of restricting
24 human usage within the parks as it pertains to conserving the
25 scenery, the natural and historic objects, and the wildlife

1 herein. However, also contained in that Organic Act is the
 2 following: "To provide for the enjoyment of the same in such
 3 manner and by such means as will leave them unimpaired for
 4 the enjoyment of future generations." The Consent Decree, as
 5 in the National Park Service preferred Alternative F, will
 6 leave the seashore impaired for me, my son, future
 7 generations of McCants, and lifeline of visitors for the
 8 fundamental purpose for which the seashore was created, which
 9 was recreation. Unfortunately, other than the provisions
 10 dealing with vehicle characteristics, and visitor education,
 11 I find that the recommendations in the alternatives,
 12 especially, in Alternative F, subjugate public recreational
 13 opportunities at the seashore to overly restrictive measures
 14 reported to protect certain species. With over 36 years
 15 involved in clinical research, the data provided by National
 16 Park Service and other sources are clear that predation and
 17 weather events are the primary determinants in the survival
 18 of the birds and turtles, but, most importantly, their
 19 offspring. Ever expanding closures have not, and they are
 20 not likely to change this. Thereby, Cape Lookout National
 21 Seashore has less draconian access restrictions and flexible
 22 adaptive management policies in place. The results have
 23 been equal, with better fledgling rates and turtle merges,
 24 while keeping much more the beach and sound unimpaired from
 25 visiting public. In short, I support the majority of the

1 recommendations that have been provided by the Coalition of
2 Beach Access, including vegetation management removal at the
3 spits in Cape Point and proof habitat plovers and Colonial
4 nesting birds; remove from the public use adjacent to the
5 beaches, and for better evidence of space management of the
6 turtle nesting sites. I do fully support expanding closures
7 during hatching and fledgling periods when wildlife is at
8 real increased risk from negative human -- their actions.
9 Given the time constraints, I will provide specific comments
10 in writing. That's all my time; I thank you for yours.

11 MR. SKIDMORE: Thank you, Bernie. Next, is Chris
12 Nowak, followed by William Berryhill, and Alan Burrus. If at
13 any time you can't hear back there, and it's important
14 everyone hear, please, raise your hand and I'll try to adjust
15 the microphone up here.

16 MR. CHRIS NOWAK: Thank you. My name is Chris Nowak
17 and I'm here to voice my opposition to the draft, the DEIS as
18 it exists today. I strongly disagree with the current state
19 of the resource management of Cape Hatteras National Seashore
20 Recreation area based on the Consent Decree. It seems to me
21 as I read this 800-plus page document, the options are given
22 only built upon that faulty foundation. Initially, it is
23 important for all to know that the DEIS is clearly not just
24 an Off-Road Vehicle Plan, as is so often reported. It is an
25 access plan; it is important for any beachgoer. I have but

1 three main points I would like to touch on in my very limited
2 time. Point number one, where is the human balance? The
3 buffers, the closures, as we talked about tonight, are huge
4 and unwarranted. For example, an un-endangered piping plover
5 nest causes a 1000-meter closure in all directions. This is
6 over 700 acres for a single nest. More successful the birds,
7 the more area is allocated completely to them. What happens
8 if this is actually successful? The human beach user needs
9 also to be considered in this process. Should a single nest
10 shut down an entire beach for everyone? The science doesn't
11 directly support the need. Furthermore, on these closures
12 the options seem to define that they will fail. Why else
13 would such large enclosures be created, and then further
14 measures also be taken. For example, page 136 defines no
15 pets, even leashed, are allowed in any public areas -- the
16 beaches, camp grounds, sound front, foot trails, or any park
17 maintained roads -- at least March 15 through July 31. Point
18 number two, of the six plans outlined, which one is
19 advantageous for fishermen, surfers, and other beach users?
20 It is clearly identified which is the environmental plan,
21 Option D. And, also, the PNPS prefers Option F, but one
22 major important option is missing; that is the one for the
23 people who want to access their beach. Sadly, I did not find
24 it in these 3 -- 800 pages. Point three, most of the options
25 defined take evermore extreme measures to protect birds and

1 turtles from humans. But the NPS reports, however, humans
 2 are consistently at the bottom of the list of problems for
 3 these animals. Predators and storms are the primary issues.
 4 Why is there no focus on updated predator control. There is
 5 only a cursory mentioned on page 124. The existing policies
 6 maybe reviewed in the future. To look at an example, an
 7 American oystercatcher nest failure statistics from the
 8 National Park Service indicate a million predation causes 50
 9 percent, or 54 percent, of nest failures; storms and Lunar
 10 Tides, 29 percent; nest abandonment, 6 percent; avian
 11 predation, 5 percent; ghost crab predation, 3 percent.
 12 Finally, human interference, 3 percent total nest failures.
 13 Shouldn't the focus be on the 97 percent, and not the 3
 14 percent. In summation, I encourage the creators of this
 15 documentation to take another look at the present situation
 16 and better fulfill the stated mission. That is to balance
 17 the conservation of the resource with providing the
 18 recreational uses for which the park was created.

19 MR. SKIDMORE: Thank you very much. The next speaker
 20 is William Berryhill, followed by Alan Burrus, and Warren
 21 Judge.

22 MR. BERRYHILL: Mr. Superintendent, it's my pleasure
 23 to be here tonight. I'm a Raleigh native. Until recently, I
 24 was the Chief US Marshall for the Eastern District of North
 25 Carolina, which covered 44 counties, including Dare. And

1 during that time, I spent over 40 years as a surf fisherman
2 on the Outer Banks. So, I've been in law enforcement and a
3 surf fisherman. And let me just say that I've observed that
4 there are very few rangers that I see on the beaches
5 enforcing existing Park Services regulations. We do see
6 them, we just don't see them often enough, or in enough
7 quantity to do the job of protecting the resource. I would
8 urge that, rather than a huge new DEIS, that we go back to
9 hiring more rangers to enforce existing laws, to protect not
10 only the ecology, but the fisherman and the public in
11 general. I shall be submitting additional comments to you
12 before May 11, but I did want to offer that observation as a
13 former law enforcement officer. Thank you, sir.

14 MR. SKIDMORE: Thank you, sir. Alan Burrus is next,
15 followed by Warren Judge, and Jeff Hales.

16 MR. ALAN BURRUS: Good afternoon. How is everybody;
17 I hope they're doing well. Under the Endangered Species Act,
18 all endangered species must be protected, however, there is
19 no requirement in the ESA to give non-endangered species the
20 same level of protection. I believe the National Park
21 Service should re-evaluate its position in giving birds that
22 are designated only as a North Carolina species of concern,
23 the same protection as those truly endangered. This re-
24 evaluation throughout all portions of DEIS is consistent with
25 management practices in other Federal parks. The purpose of

1 individual states, such as North Carolina, establishing a
 2 list of species of concern, is to earmark certain species for
 3 special statement monitoring and tracking. The management
 4 buffers described in DEIS page 121 to 127, should be modified
 5 to allow pre-nest enclosures for only endangered or
 6 threatened species. This would result in establishing
 7 pre-nest enclosures exclusively for the piping plovers, the
 8 only threatened bird species that is in the park.
 9 Additionally, monitoring and tracking birds for the purpose
 10 of determining resource of liability, all birds in the same
 11 ecosystem of the seashore should be counted. When conducting
 12 a sea -- when conducting a bird census of the National
 13 Seashore Recreational area, it is imperative to count the
 14 birds on the nearby dredge islands, the spoil islands, that
 15 are located just yards away and within site of the seashore.
 16 These birds are all part of the same ecosystem and should be
 17 included. I, of course, believe that people and nature can
 18 live in harmony. But one of the concerns is on Hatteras
 19 Inlet, and what you're looking at on page 12, of the
 20 Alternative F, when you look at that and realize that -- that
 21 what you're trying to do is admirable. but if you're going to
 22 close long spread places for Colonial waterbirds and birds of
 23 interest for the North Carolina State, you still aren't going
 24 to be able to get there, even though you're proposing to put
 25 an area in there for parking and walking and doing those type

1 of things. I think they should be protected; I don't have
 2 any problem with that, and I know, by mandate, you are
 3 supposed to protect them. But not at the same rate that
 4 you're protecting other birds that are endangered. Also, I
 5 have spoken before and will continue to speak for the fact
 6 that the dredging operations that are going on for the
 7 Ocracoke Inlet Ferry should -- that sand should be being
 8 pumped up on the eastern side; it would not only give
 9 protection to the shoreline, but it would allow the birds to
 10 have more dredge islands in which -- which they prefer, and
 11 it gives them a lot more protection. Not only from us, as
 12 people that you're looking at, but for the main ground that
 13 they can colonize and be protected from the sea gull, which
 14 is their main predator. Thank you. And you guys have a good
 15 afternoon.

16 MR. SKIDMORE: Thank you, Alan. Warren Judge.

17 MR. WARREN JUDGE: Good evening, Mr. Superintendent,
 18 I'm Warren Judge. I'm Chairman of the Dare County Board of
 19 Commissioners, representing over 30,000 people who live in
 20 Dare County, and over six million people who visit Dare
 21 County every year. Mr. Superintendent, you and the local men
 22 and women of the National Park Services should not bear the
 23 burdens of the past 30 years. The people who constantly
 24 speak to this point are not aware that three plans have been
 25 developed. Two of them -- all three of them by local Park

1 Service and the people of Dare County, and those that had
2 input. Two of them have sat and collected dust in the desk
3 of Washington DC. The third plan was in effect and doing
4 well, until its life was cut short by a Consent Decree in
5 April of 2008. National Park statistics show that the 2007
6 management plan has had greater results than the Consent
7 Decree. And this is a plan that has United States Fishing
8 and Wildlife sign off and input, replaced by a plan that has
9 no signs and only numbers pulled out of the air by the whims
10 of special interest groups. Again, denying special interest
11 groups talk and sound bites, characterizing the whole of the
12 users of the Cape Hatteras National Seashore by the acts of a
13 few. I hear the word bullies; the only bullies we're aware
14 of are those that want all people denied access and removed
15 from the island. And I hear the word "cowboys." Mr.
16 Superintendent, arrest any cowboys you find. We do not
17 tolerate that. The Dare County Sheriff's Department arrests
18 drunk drivers, reckless drivers and speeders. We expect the
19 same thing from the National Park Service. We support you in
20 that, and we stand ready to assist you, if asked. I would
21 like to join with President Obama in his call for the young
22 people in this country to get out of the house and to
23 experience the National Parks and Seashores. Please, let's
24 make sure that our young people who get out of the house will
25 be able to access The Cape Hatteras National Seashore. We

1 want to preserve this treasure for generations to come. We
 2 need to make sure they can access the treasure. There are a
 3 very limited number of public accesses in the seashore, many
 4 miles apart, and just over 700 parking spaces. A vacationer
 5 who owns, can afford to own, or can afford to rent an ocean
 6 front house, has direct access to the seashore. All other
 7 residents and visitors must rely on the method of access that
 8 was designed by the National Park Service, and that is to
 9 drive on the beach, to drive to the beach. The old, the
 10 sick, the handicapped, moms and dads with young children,
 11 have no other means of access. These punitive closures and
 12 lack of corridors, make inaccessible the sections of the
 13 seashore that people use. Please address both of these
 14 issues in your FEIS. Tonight, Judy Latham spoke directly to
 15 the point. This is America's beach; the people that need to
 16 get access are the people -- are the everyday people in this
 17 country. Please work on this, address the Americans with
 18 Disabilities Act in compliance by the Federal Government.
 19 Make sure that you hold standards, the same that local
 20 government and private business are held to. Thank you.

21 MR. SKIDMORE: The next speaker is Jeff Hales,
 22 followed by Bobby Outten, and Nancy Sentar.

23 MR. JEFF HALES: Mike, I'd like to thank you for
 24 taking the time to do this and to listen to us. My name is
 25 Jeff Hales, and I am from Durham, North Carolina. I am a

1 native North Carolinian. I am a building contractor, I'm a
2 licensed Coast Guard Captain. I'm a member of the Outer
3 Banks Preservation Association, and a member of the North
4 Carolina Beach Buggy Association. And I am an
5 environmentalist, as all of these people are. It's in our
6 best interest to look after the wildlife on the National
7 Seashore. I am not a terrorist of lawyers. "I am not a
8 cowboy, I'm not a killer of baby birds," and I'm quoting,
9 "and turtles. I'm not a bully with a four-wheel drive." I'm
10 simply a man who loves the Outer Banks. My first visit there
11 was in 1958, and I've been there ever since. I'm here to ask
12 you, Mike, to consider rethinking the National Parks Service
13 Plan and come up with a common sense plan with the coalition.
14 Don't let legal blackmail influence your decision, please.
15 Remember the people you have met while at Cape Hatteras.
16 You, of all people, know the organizations that prefer beach
17 access do everything in their power to be good stewards of
18 our beloved North Carolina Outer Banks. Remember the
19 sportsmen and women who have helped the National Park
20 Services keep the beaches of Cape Hatteras National Seashore
21 clean and protected wildlife for the 30 years before you were
22 made defendants, and not the managers of the most beautiful
23 coastal area in this country. Thank you for your time.

24 MR. SKIDMORE: Next is Bobby Outten, followed by
25 Nancy Senter, and Tracey Filomena.

1 MR. BOBBY OUTTEN: Good evening. It seems intuitive
2 that restrictions on access have economic consequences, yet
3 when we look at the DEIS, it has little economic analysis,
4 and it addresses the issue by saying that, in effect, the
5 economic impact is negligible, and that the communities will
6 adapt to the negligible impact. We ask and we insist that
7 you look closer at the economic impacts on the ground, on
8 Hatteras Island. Using broad economic data for all of Dare
9 County masks the direct and significant impact the closures
10 have had to the villages. Alternative F, in our view, is
11 more restricted than the current Consent Decree.
12 Intuitively, again, you would think that that would have more
13 significant impact. We have a history with the Consent
14 Decree, so, let's look at a few of the impacts that it has
15 caused economically on Hatteras Island. We recognize that
16 the statistics that we have have taken place during a down
17 economic recession. We, also, recognize that at the
18 beginning stages of the Consent Decree there was some oil or
19 gas price issues. But the villages on Hatteras Island have
20 been hit, disproportionally greater than the Northern Outer
21 Banks. During the 2004 fall fishing season, for example, the
22 Dare County unemployment rate was about 6.8 percent. On the
23 other hand, the village of Salvo was at like 28 percent,
24 Buxton is 16 and a half percent, and Rodanthe, 12.4 percent.
25 What's the difference in theses two areas; the difference is

1 the Consent Decree. Those things were in effect during those
 2 times on the southern beaches; they were not in effect, and
 3 did not impact the northern beaches. You heard last night
 4 from an ice supplier; he gave you statistics that his ice
 5 sales on Hatteras Island changed by nearly a 100 percent
 6 between the date closures came into effect and the date that
 7 the beaches were reopened. Again, a significant impact. In
 8 Dare County Food Stamp allocations on Hatteras Island, if you
 9 look county wide, they're up around 59 percent. On Hatteras
 10 Island, they're up 81.6 percent. The county north of Oregon
 11 Inlet, they're only up 56.6 percent. Again, a very
 12 significant negative impact on Hatteras Island. If you go to
 13 the island and look at the local community and talk to the
 14 people down there, the Cape Hatteras United Methodist Church
 15 men's assistance fund, in 2008 they spent about \$56,000. By
 16 October of 2009, in that year, they had used their whole
 17 \$56,000 allotment. In Hyde County, Ocracoke has about 50
 18 percent of the tax base, and they have only about 10 percent
 19 of the people. The average weekly -- the average wage in
 20 Hyde County is about \$22,000, again, about a hundred dollars
 21 more than the poverty level. Small economic impacts on
 22 Ocracoke have significant economic impacts throughout the
 23 county. These are but a few of the impacts that you'll see.
 24 You need to go to the island; you need to talk to the
 25 businesses; you need to talk to the shop owners; and you'll

1 find there are, in fact, significant impacts that need to be
2 addressed in the DEIS. Thank you.

3 MR. SKIDMORE: Thank you, Bobby. Next is Nancy
4 Senter, followed by Tracey Filomena, and Karen Wheless.

5 MS. NANCY SENTER: Hello, my name is Nancy Senter,
6 and I live in Cary, and we have a small seasonal home in the
7 village of Avon. So, we go to the beach as often as we can,
8 mostly every other weekend. My family, my children, we very
9 much enjoy the Outer Banks. We're a steward of the beach.
10 It hurts my heart when we go over Oregon Inlet Bridge and
11 it's empty, the beaches are empty because the special
12 interest groups have denied access to families to the beach.
13 I have two grandchildren who are very much enjoying the beach
14 right now, and I would hate -- I think it would be a travesty
15 if they could only experience the beach through looking at
16 pictures in a book because they can't have access any more.
17 So, please, I'm in very much support of the people who have
18 spoke before; they've said more than I could ever say, to
19 keep the beaches open. Keep them accessible to families and
20 people. Thank you.

21 MR. SKIDMORE: Thank you, Nancy. Next, is Tracey
22 Filomena.

23 MS. TRACEY FILOMENA: My name is Tracey Filomena.
24 I'm a resident of Cary. I was born in Carteret County.

25 MR. SKIDMORE: If you could move the microphone up a

1 little bit; there you go.

2 MS. FILOMENA: I was born in Carteret County; I've
3 grown up around the beach. My mother, who just spoke, owns a
4 house in Avon. I speak on behalf of my three-year-old and my
5 five-year-old. Every day after I pick them up from
6 preschool, "Mommy can we go to the beach house?" "No, 'cause
7 we're four and half hours away from Cape Hatteras." Every
8 time we get a chance to go to the beach, we're there.
9 "Mommy, can we go fishing, can we take our cars and trucks
10 out, can we build sand castles, can we do these things?"
11 Sure, we can do that, 'cause we can take all of our shovels,
12 and our buckets and stuff with us to the sand, to the ocean,
13 for them to put their feet in the water. "Mommy, can we take
14 a walk on the beach?" Sure, we've walked on the beach and
15 they get exhausted, and I have to carry them all the way back
16 to the truck. On occasions, when we don't walk with the
17 kids, we can walk a lot further. We've made some really cool
18 discoveries that we would not ever be able to take our kids
19 to. We've discovered a shipwreck. We would not, otherwise,
20 be able to take our children, my children, my mother's
21 grandchildren to see these awesome things that the beach
22 unfolds whenever storms roll in, when the sand moves and
23 shifts. It's nice for them to say, "Mommy, look how the
24 beach has changed." You can't access that if we can't drive
25 out on the beach. It's too much for me to take my three-

1 year-old, and my five-year-old, one on each hip, with shovels
2 and buckets. It's just impossible. I speak on behalf of my
3 three-year-old and five-year-old; they like the beach. We
4 don't go to any other beach, because it's too much to go. I
5 don't like Topsail, I don't like Wrightsville; they're
6 awesome beaches; I can't get my kids there. They don't have
7 fun there; we go to Hatteras. And they're like, "Mommy, I
8 like the beach house." I speak on behalf of them. Please
9 keep our beaches open.

10 MR. SKIDMORE: Thank you, Tracey. Next, is Karen
11 Wheless, followed by Reid Miller, and Gary Gross.

12 MS. KAREN WHELESS: My name is Karen Wheless. I live
13 in the Louisburg, North Carolina area, and I stand in support
14 of the HR718. As a life line -- life-long North Carolina
15 resident and a current property owner in Avon, North
16 Carolina, I have enjoyed and hope to enjoy, and continue to
17 enjoy, the treasured National Seashore Recreation area, Cape
18 Hatteras, North Carolina, along with other Americans, and the
19 general public here today. For years to come, we hope to be
20 able to enjoy these beaches. That's why I'm making these
21 public comments. I make these comments on behalf of my
22 husband, who first introduced me to the Outer Banks prior to
23 being married to him 13 years ago. I'm a life-long North
24 Carolina resident, but before that, I would go to Ocean
25 Drive. It was called Ocean Drive back then, and, you know, I

1 would go to these other beaches, and he just had to take me
 2 to Hatteras. And I didn't understand what he meant, I mean,
 3 it was almost like a religion. The first time that I ever
 4 went there, and I'm kind of getting choked up here, but the
 5 people that go to that beach, they actually take better care
 6 of the beach than any other place I've ever been. They live
 7 for that little slice of heaven that they find there. I
 8 don't know if I can talk about this any more, but things are
 9 really out of hand. This whole situation is out of hand, and
 10 I think common sense will tell you that this recreation area
 11 of Cape Hatteras can be managed for the people and the
 12 wildlife. I live on a 55-acre farm in the Louisburg area.
 13 And some of the comments that I've heard made here earlier
 14 today, the name calling of people, it's just uncharacteristic
 15 of the people that love that beach. You know, the economy of
 16 the people that live there -- this breaks my heart. It's --
 17 it's tough living there. They live there because they love
 18 it, and this has really effected their life, you know, their
 19 livelihoods. Even back before I went to the beach for the
 20 first time, I remembered my father going to the beach, in the
 21 '50s and '60s. We were never able to go there at the time,
 22 but he would go with his fishing buddies, who had a single
 23 engine plane, and they would land on the beach, and they
 24 would fish on the beach. And I know things have to change,
 25 you can't land planes on a beach anymore, but let's just use

1 some common sense here. That is all I ask. In summary,
2 wildlife and visitors can co-exist, and I stand in support of
3 HR718. Thank you.

4 MR. SKIDMORE: Thank you, Karen. Next is Reid Miller
5 followed by Gary Gross, and Joe Powell.

6 MR. REID MILLER: Mr. Murray, I'm Reid Miller from
7 Cary, North Carolina. I started coming to the beach in 1962.
8 We started camping at Buxton with a tarp. I've been there 50
9 years; I now have a tent. I can't afford a house, much like
10 most of the people, or a lot of people that go down here.
11 They come because they can afford \$20.00 a night to camp out,
12 and they have an SUV that they can drive on the beach, and
13 can take their children out to enjoy the -- the out of doors.
14 And, you know, this is what a last refuge is -- this is one
15 of the last places you can go with your family, and have an
16 inexpensive vacation. Our family of my six children and my
17 wife are stewards of the beach. And I brought them up to
18 respect the beach. And, yeah, I don't disagree that there
19 should be some training for folks that are coming down here.
20 We don't need "Ya-whos" driving up and down the beach. We
21 need to teach people about the beach and how to use it
22 properly. I think the buffers are way out of hand, you know,
23 killing all the predators for the birds. Allowing no pets on
24 the beach just doesn't make any sense to me. I do agree with
25 Jim Lea, the Professor from North Carolina, and Judy Latham,

1 the bird lady, and the gentleman from Dare County. Thank
2 you, very much.

3 MR. SKIDMORE: Thank you, Reid. Gary Gross, followed
4 by Joe Powell, and Leon Walsh.

5 MR. GARY GROSS: My name is Gary Gross. Tonight I
6 would like to set the record straight about something said
7 yesterday at the Kill Devil Hills hearing -- the ghost of the
8 core of really understanding the route scenarios that are
9 designated in the DEIS. An SCLC spokesperson said, and I
10 quote, "The preferred alternative from the way we counted it,
11 looks like it preserves 52 miles of the seashore's 68 total
12 miles as accessible to ORVs, at least some portion of the
13 year. That leaves only 16 miles that are accessible only to
14 pedestrians. That doesn't strike us as fair." Now, listen
15 to this part. "We would like to see equal access for
16 pedestrian users of the beach, as well as ORV users." Now,
17 this is a very clever shell game. It's like at a carnival,
18 where the fast talker gets the audience all twisted up and
19 confused, so you can't follow the action. Let's slow it
20 down; let's look at the facts. According to the Park Service
21 chart on DEIS, page 101, 29 miles are classified as open year
22 round to ORVs. That means it's designated as an ORV route,
23 with theoretical access, not guaranteed access. It can be
24 shut down at a moment's notice for any breeding or nesting
25 behavior. Last year, for example, during the important July

1 4th weekend, only 21 miles were actually open; not 29, and
2 certainly not 52. And those open areas did not include
3 access to Oregon Inlet and Cape Point and other key areas,
4 where children can safely play, that may have been
5 technically open, but with no way to get there. Think of it
6 as this way; it's like saying Yellowstone Park is open, but
7 failing to mention that the area around Old Faithful is
8 closed. A visitor to that park would return home with a very
9 bad experience. Also, on July 4, compared to the 21 miles of
10 ORV access, there were actually 26 miles of pedestrian only
11 access, plus 6 miles of limited pedestrian access. This
12 proves that there is not the imbalance between ORV and
13 pedestrian access the SCLC would have you believe. And, in
14 Alternative D, the one they prefer, get this: there would be
15 27 miles open for ORV and 40 miles for pedestrian only. Is
16 this the equal access they talked about last night? No,
17 it's all part of the shell game that I am confident that the
18 Park Service and the public will have the wisdom to discern.
19 Thank you.

20 MR. SKIDMORE: Thank you, Gary. Next is Joe Powell
21 followed by Leon Walsh, and Christina Ballance Hicks.

22 MR. JOE POWELL: Hello, can you hear me? Hello, my
23 name is Joe Powell and I'm from Raleigh, and the fine State
24 of North Carolina. And we have been connected to the Outer
25 Banks and Ocracoke ever since our family has -- since the

1 very early 1900s. The colony here of Raleigh is not based on
2 Umstead Park; Umstead Park is here. If they have some change
3 in Umstead Park, I don't think I would even become aware of
4 it. However, the economy in Ocracoke is based on the water,
5 it's based on access to the beaches. And in comparison
6 there, I think, that the businesses and all there are just
7 dependent on people coming down there, because they enjoy the
8 beaches and they want to get out to the water. My dad, he
9 was 91, we just lost him a few years ago. We have two houses
10 at Ocracoke and our extended families, that's cousins and
11 everything, we own about 16 houses on Ocracoke, and we are
12 not in the real estate business. And so, we enjoy doing it
13 as a family, and my dad was 91 when we lost him a few years
14 ago, and he was handicapped. He was not an alzheimer's
15 patient in any regard, and he wanted to go down to Ocracoke.
16 And I've got three brothers -- he said, "I want to go down to
17 Ocracoke." So, we went down there and we got in our trucks,
18 went down there, and stayed at the house, and we rode out on
19 the beach. "I'd like to go down to South Point." He knew
20 the beach like the back of his hand, and that's what he
21 wanted to do. Handicapped people -- got a good friend, got a
22 15-year-old cheerleading daughter, was in a one car accident.
23 She was in -- she's in Christopher Reeve's shape. She can
24 access Ocracoke -- four-wheel drive vehicle -- go out there,
25 and carry all of her equipment. Experience, live the

1 experience, not just hear about it. Small children, if you
 2 have a wife and the wife needs a break, "Hey, that's okay,
 3 hun, I'll just take all the stuff, put it in there. Diapers,
 4 play pen, the whole nine yards, let's go out to the beach."
 5 Just drive the four-wheel drive vehicle up there, nothing
 6 about cowboying; let's sit out and just have a family time.
 7 Have the experience, not just talk about it. I'm from a
 8 fishing family; going out there, swimming, sandcastles, the
 9 whole experience, cooking out on the beach, all the
 10 sunscreens, the toys, the tents, not to mention the water
 11 that you've got to take out there to drink every -- every so
 12 often. Let's think about parking over there on the road and
 13 carrying all those supplies over there. Fishers, coolers,
 14 buried plenty of fish in the sand. When I was a little kid
 15 in the '60s, we didn't have four-wheel drives then, forgot
 16 where I buried them. The financial -- the financial impact
 17 to the -- for revenue loss to the islands down there is going
 18 to be -- it's just going to get started. Your trips from the
 19 guys, and I could have gone to the other beaches, but no,
 20 where was Ocracoke, where is Ocracoke? Oh, it's a great
 21 place -- take people there, oh, they love it. Drive down
 22 there and five or six people -- sorry. (TIME WAS UP.)

23 MR. SKIDMORE: Next, is Leon Walsh, followed by
 24 Christina Ballance Hicks, and Chris Ballance.

25 MR. LEON WALSH: Thank you, Mike. Excuse me for

1 reading. My name is Leon Walsh. By training and profession,
2 I'm an environmental engineer and a research scientist. I'm
3 a North Carolina native, a frequent visitor to the Cape
4 Hatteras Seashore, and I believe in responsible management of
5 the Cape Hatteras Seashore Park -- I believe in responsible
6 management. I would encourage you guys, the Park Service, to
7 develop real and flexible management plans for the park's
8 many users and resources. As published, each of the DEIS
9 options, one through six, automatically restricts the ability
10 of the Park Service professionals to manage the operations of
11 the Cape Hatteras Park for the benefit of all users and
12 resources. I believe the DEIS includes minimum standoff
13 buffers, such as pages 121 to 127, 210, 468 and others, for
14 various species, and users that are arbitrary, and have
15 little scientific basis in peer reviews, scientific
16 literature. Reference to earlier comments from Mike Berry,
17 Judy Latham, very nice. From this standpoint, I cannot
18 personally support any of the six options for management
19 published in the DEIS, as I believe that any automatic
20 minimum buffers, minimum boundaries, et cetera, restricts
21 real management, based on the needs of the park users and
22 resources that are fluid. I request NPS professional park
23 managers to consider my comments and develop real management
24 plans, without arbitrary minimum standoff buffers for area
25 closures. Please put together a plan that returns the

1 management of Cape Hatteras Seashore to you, the professional
2 managers. Thank you, and I'll provide some additional
3 comments in writing. In the last few seconds I have left --
4 how much?

5 MS. RUDI BYRON, TIME KEEPER: A minute.

6 MR. LEON WALSH: I want to tell you a story about my
7 dad. When he was 72, he called me, using a pay phone from
8 what was then the Coast Guard Station at the south side of
9 Oregon Inlet. He was broken down in his car with his dog,
10 out on the south point of Oregon Inlet. Now, that is years
11 ago, and I tell you this, just as a sample of how people can
12 use this park if they have access. He hitchhiked to Manteo,
13 bought parts, went back, repaired his car, and caught three
14 bluefish that weighed over 12 pounds. Now, that's an old
15 timer for you. When he was 79 years old, he suffered colon
16 cancer. We built a PVC pipe frame seat, put it in the truck,
17 and took him to the beach in warm weather, because he
18 couldn't go in cold weather. He loved to watch the sunset at
19 Oregon Inlet, and that's the only way we could get him out
20 there. He could only stay out of the truck for a few minutes
21 at a time. He could stay out, watch it, get back in the
22 truck. And if you can bring us to that, we would appreciate
23 it. Thank you.

24 MR. SKIDMORE: Thank you very much. Christina
25 Ballance Hicks, followed by Chris Ballance, and Kyle Parker.

1 MS. CHRISTINA BALLANCE HICKS: Good evening. My name
2 is Christina Ballance Hicks. I am a native of Hatteras
3 village, and I have lived there all of my life, until I came
4 to Raleigh to pursue a college education in Veterinary
5 Medicine. After I graduate on May 15 of this year, I hope to
6 return home to Hatteras village to work, and to live. My
7 family roots run deep on the Outer Banks, tracing back to the
8 early 1800s, including light keepers and fishermen. Life in
9 my village, both recreational and business, revolves around
10 the seashore. The inability to access the seashore would
11 have significant socioeconomic impact on both my village, and
12 life within my village. The National Park Service states in
13 the DEIS on page 136, of the prohibition of pets in the Cape
14 Hatteras National Seashore during bird breeding seasons,
15 including in front of the villages. I disagree with this.
16 The Cape Hatteras National Seashore, also, includes beaches,
17 campgrounds, sound front, foot trails, park maintained roads,
18 and the lighthouse. A leash law is already in effect that
19 requires pets on the seashore to be on a leash, six-foot long
20 or less, thus minimizing the effects of these pets on
21 breeding birds. And bringing the responsibility of keeping
22 pets away from the nesting areas, are on the owners of the
23 pets, as well as our law enforcement. On pages 121 through
24 127, the DEIS states information about the buffer zones, or
25 closures of the seashore, due to breeding, nesting, and

1 unfledged chicks of birds that are endangered, as well as
 2 birds that are not endangered. I disagree with the size of
 3 these buffer areas. National Park Services could
 4 successfully manage these areas with smaller buffer zones,
 5 and ORV pass-through only corridors, as other National
 6 Seashore Parks have done in other areas along the east coast.
 7 These areas have documented more recent -- more resident
 8 birds than we do, and have fewer closures than we currently
 9 have. On page 210, the National Park Service DEIS states,
 10 "That even with the resource closures in place, protected
 11 species are still at risk from pedestrians and ORVs." I
 12 disagree with this statement as well. With an increase in
 13 visitor information, education, and signage, ORV violations
 14 continue to decrease. It is documented that no piping plover
 15 deaths have ever been attributed to visitor ORVs, but only to
 16 National Park Service vehicles. Pedestrian violations are
 17 much more significant than ORV violations. On pages 1
 18 through 830, nowhere is it clearly addressed that the
 19 overwhelming majority of negative impacts will be felt by
 20 families, businesses, and the livelihood in the seashore
 21 villages. Please take into consideration the lives of the
 22 locals when deciding the fates of our beaches. Thank you
 23 very much.

24 MR. SKIDMORE: Thank you Christina. Next is Chris
 25 Ballance, followed by Kyle Parker, and Derb Carter.

1 MS. CHRIS BALLANCE: Good evening. My name is Chris
2 Ballance and I live in Hatteras Village.

3 MR. SKIDMORE: Could you adjust the microphone?
4 Thank you.

5 MS. BALLANCE: My name is Chris Ballance and I live
6 in Hatteras Village. I'm strongly opposed to the closures
7 proposed on pages 97 through 101 of the DEIS. My family has
8 enjoyed the Hatteras Point for generations for such
9 activities as fishing, both recreational and commercial,
10 surfing, horseback riding, picnics, et cetera.
11 Traditionally, many families, would load up their children,
12 take them to the Hatteras Point, where they would swim, fish,
13 crab, spend the whole day in a great environment. A lot of
14 family values were taught and learned at Hatteras Inlet. My
15 husband and many others of his generation learned to drive on
16 the flats that were once there. Hatteras Inlet has always
17 been a place where families could go and enjoy a day at the
18 beach. There's no reason that people, birds and turtles
19 can't both enjoy the traditional uses of this area, as they
20 have for generations. I'm, also, strongly opposed to the
21 restrictions proposed on page 136 of the DEIS, as to the
22 animals on the beach. My husband and I walk our dogs every
23 day to the beach. No dog on a leash is going to disturb any
24 nesting bird or turtle. We own a business at Hatteras, and
25 much of our income comes from summer rentals. Now, about 30

1 percent of the cottage rentals on the water are dog-friendly.
2 This, of course, means that many vacationers come with their
3 pets to enjoy the beach, and with the existing leash laws,
4 this is not a problem. There is a large shipwreck that is
5 along our walk on the beach that changes daily. Sometimes,
6 it's almost completely uncovered, and it's quite large, and
7 other days, all you can see are the rusty iron spikes
8 sticking out of the sand. It's amazing and wonderful to
9 watch what nature does to our beach, and this late 1800s
10 shipwreck. This is part of our heritage and historical use
11 of the beach with our children and grandchildren, and our
12 pets, too. It's essential that this be maintained for its
13 traditional use now and for further generations. Thank you.

14 MR. SKIDMORE: Thank you very much. Next is Kyle
15 Parker, followed by Derb Carter, and Geoff Gisler.

16 MR. KYLE PARKER: Good evening. My name is Kyle
17 Parker. I'm a Raleigh, North Carolina native. I wanted to
18 go on record to say that I'm opposed to Alternative F. I
19 decided that I'm going to submit my detailed comments in
20 writing, but I wanted to take the opportunity to support
21 Professor Lea and the Commission of Judges.

22 MR. SKIDMORE: Thank you very much. Next is Derb
23 Carter, followed by Geoff Gisler, and Russ MacIntyre.

24 MR. DERB CARTER: I'm Derb Carter with the Southern
25 Environmental Law Center in Chapel Hill. We represent the

1 National Audubon Society and Defenders of Wildlife. I've
2 been going to Cape Hatteras National Seashore for 35 years to
3 fish, to bird, and to enjoy the beaches. I became involved
4 pretty directly in this to attempt to halt the precipitous
5 decline in breeding birds on the seashore -- 86 percent over
6 a very short period of time. We filed a lawsuit based on the
7 fact that the National Park Service had not met its
8 obligation to have an ORV management plan, and went to
9 Federal Court along with Dare and Hyde County, the ORV
10 groups, and the National Park Service, to represent it, to
11 propose a temporary plan, until we can get a final plan in
12 place. That plan's been in place for two years. During that
13 period of time, we can report that all breeding birds on the
14 seashore that were targeted have increased. We've had a
15 record sea turtle nesting year, and -- and National Seashore
16 vegetation has increased during that period of time. What I
17 want to talk to tonight about is the alternatives that are
18 presented in the draft DEIS. Alternative F would allow ORV
19 use, either seasonal or year round, on 52 of the 68 miles of
20 National Seashore. This is twice the mileage of where ORV
21 use is allowed of the other five National Seashores on the
22 Atlantic Coast that have ORV plans. 16 miles would be set
23 aside for use as pedestrian areas only. In other words,
24 areas that the vast majority of the visitors who go to the
25 National Seashore could enjoy free of vehicles and free of

1 ORV use. Alternative D will allow ORV use, either seasonal
 2 or year round, on 40 miles of the National Seashore. And
 3 this is identified in the Draft DEIS as the Environmentally
 4 Preferred Alternative. It's the only alternative in the DEIS
 5 that's offered to us that we can support. It's the only
 6 alternative in the DEIS that the National Park Services has
 7 identified as meeting its obligations to protect wildlife.
 8 However, we believe it can be more flexible in allowing more
 9 pedestrian use and more access. The final point I want to
 10 make is the lack of a no-action alternative. A true
 11 no-action alternative, under the legal requirements that are
 12 applicable to the National Seashores, driving is prohibited,
 13 unless it's allowed by a special regulation. We believe a
 14 true no-action alternative would look at no driving on the
 15 seashore, and that would be the proper environmental
 16 baseline. Thank you very much, and we'll be submitting
 17 detailed written comments.

18 MR. SKIDMORE: Thank you Derb. Next is Geoff,
 19 followed by Russ MacIntyre, and Phillip Anderson.

20 MR. GEOFF GISLER: Geoff Gisler with the Southern
 21 Environmental Law Center. I just want to follow up on the
 22 comments last night, make a few viewpoints. This is often
 23 depicted as a birds versus people sort of decision, and what
 24 we found, and what I think has been clear over the last two
 25 years, is that we can have both by protecting birds and sea

1 turtles during their critical times in their life cycles,
 2 when they're breeding, when they're nesting, when they're
 3 migrating through into their other breeding or migrating
 4 roosting route. By protecting the birds during those
 5 sensitive times, we can increase their populations on the
 6 seashore and have the seashore provide that function it was
 7 designed to hold in promoting our natural resources. We can
 8 also have many, many, miles of beach open to access both
 9 pedestrians and ORV users. Earlier, it was mentioned that
 10 during the 4th of July last year, only 20 miles, or
 11 approximately, was opened to ORV use. Much of the remaining
 12 of the seashore was opened to pedestrians in front of -- in
 13 front of villages not closed because of resources. So, what
 14 we see is there's 68 miles of beach, there's plenty for
 15 resources and people. What's also clear is that, under the
 16 law, if there is a conflict between the resources and the
 17 people, the Park Services must side on the side of the
 18 resources; that the Organic Act and the enabling legislation
 19 of the seashore, the regulations that are in place to guide
 20 ORV use, demand -- and National Park Services demand that if
 21 there is a conflict between recreational use and Natural
 22 Resource Protection, that the Park Service must side on the
 23 -- with the Natural Resource Protection. We also know that
 24 at the seashore, there is evidence that even responsible ORV
 25 use can harm wildlife. Researchers at this institution from

1 NC State that have studied wildlife and breeding behavior on
2 the seashore, have documented that fledgling success is much
3 lower with partial beach enclosures than it is with full
4 beach closures. We know that birds are more likely to fledge
5 if there's a full beach closure, because even responsible ORV
6 use can disturb their feeding, can disturb nesting, and can
7 disturb their development, in that fragile time period. What
8 this plan must do is provide a legally defensible basis for
9 the future of management of the seashore. And, as Mr. Carter
10 just mentioned, Alternative D is the only one that the DEIS
11 identifies as fully meeting these obligations to protect
12 Natural Resources on the seashore, and must serve as the
13 starting point for developing a plan to manage the seashore
14 over the next 10 or 15 years on the DEIS. Thank you.

15 MR. SKIDMORE: Thank you, Geoff. Next is Russ
16 MacIntyre, followed by Phillip Anderson, and Melissa
17 Schwartz.

18 MR. RUSS MACINTYRE: My name is Russ MacIntyre. I'd
19 like to thank Superintendent Murray for allowing me this
20 opportunity to speak. Mine is a personal note, I'm here
21 representing my family and my friends that like to fish, and
22 I'm a fisherman. I live in Rocky Mount, North Carolina, but
23 I've been visiting the Outer Banks since 1956. So, I've had
24 the opportunity to see that area change and, also, the
25 restrictions to be able to go actually to the beach. I can't

1 afford an ocean-front cottage, so, for me, it's been a
 2 four-wheel drive truck to take us out to the beach. That's
 3 been a big part of our life, not only on weekends, but our
 4 summer vacation. See, restricted now -- and initially, I
 5 felt kind of guilty when the Consent Decree was first enacted
 6 'cause I thought I was killing all these birds and turtles.
 7 I looked at all the data, and I looked at all the
 8 information. I lost my guilt. I see no proof that I, as a
 9 responsible fisherman, have been killing animals. I just
 10 don't -- I don't see it, you can't convince me of it. Others
 11 have shown that the data probably is not correct, but I just
 12 read last night the DEIS and saw where the predatory animals
 13 are responsible for a lot of the death of the birds. And I
 14 now understand that the Park Service has been killing these
 15 animals, and I don't think that's right. So, I haven't seen
 16 the proof where I'm harming in what I do. I clean up after
 17 others, I try to maintain calm, and if somebody's being a
 18 cowboy or whatever, I sometimes stand up, and stand up and
 19 try to slow them down. Because it's part of my
 20 responsibility of taking care of the beach. So, I'm opposed
 21 to any further restrictions; I think, we've already had
 22 plenty of restrictions. There was mention of the father that
 23 went out to South Inlet. There used to be a ramp there.
 24 There's no longer a ramp there; there's been no new ramps
 25 added; they've just taken away ramps. So, I'm opposed to any

1 further restrictions, and I do not see the evidence presented
2 that we are harmful. Thank you very much.

3 MR. SKIDMORE: Thank you, Russ. Next is Phillip
4 Anderson, and Phillip will be followed by Melissa Schwartz,
5 and Joel Idol.

6 MR. PHILLIP ANDERSON: Good evening. Thank you for
7 allowing me to have my piece said. Mr. Murray, this is the
8 third time I've talked before you. I'd make the comment
9 that --

10 MR. SKIDMORE: Could you -- you need to get closer to
11 the microphone, please sir.

12 MR. ANDERSON: Sorry, about that. I certainly hope
13 that this time my notes are recognized. In the previous
14 meetings I've been to, 90 percent of the folks in these
15 meetings have said, "I want pro access to the beach, I want
16 to be out there, and I want to be responsible, and everything
17 the Park Service since then has been towards the bird side."
18 We're big on the preferred to protect, not prohibit. Going
19 back through this plan here, number F is way worse than the
20 Consent Decree is right now. And that is very prohibitive,
21 and it was not supposed to be part of a precedent-setting
22 lawsuit. It was supposed to be just for the Consent Decree;
23 was not supposed to apply to the park plan. On 486, the
24 inflexible bird closures, 1000-meter enclosure for the
25 plovers, I think is excessive. You are allowed by law to

1 have 200 to 1000-meter enclosures. In the past, the Park
2 Service has been able to sit out there and say, "We're going
3 to put a 600-meter enclosure around here. We're going to set
4 out the fish and wildlife, and we're going to figure out
5 where we can have good access to the birds, or good access to
6 the beach, protection for the birds, and allow everyone to
7 strike a balance." And that's how it was in 2007; they had
8 the best bird year in 15 years, and we had really good access
9 out there. I don't have a whole lot of things out here to go
10 along with the statements, but on page 136, the pet
11 provisions -- no pets in any part of the public areas of the
12 park between March 15, or -- yeah, March 15 and July 31.
13 That's, I think, unacceptable. People come here from all
14 over the country. They're not going to come from Iowa, drive
15 out here to pay money to climb that lighthouse, and then
16 realize that I can't leave my dog in the parking lot at the
17 lighthouse, while I climb this track. Because four and half
18 miles away there might be a plover nest. That road is cut
19 through a maritime forrest, miles away from where the birds
20 are. Are you going to ban anybody from walking down the Cape
21 Hatteras Lighthouse road with their dog? I don't think that
22 is very acceptable. That's about all I've got to say. I'm
23 going to have a much more coherent and concise written
24 statement for you. My name is Phillip Anderson. I live here
25 in Raleigh, North Carolina. I use Cape Hatteras National

1 Seashore almost every weekend, and these are things I believe
2 in. Thank you.

3 MR. SKIDMORE: Thank you, Phillip. Next is Melissa
4 Schwartz, to be followed by Joel Idol.

5 MS. MELISSA SCHWARTZ: Good evening. My name is
6 Melissa Schwartz, and I can tell you I'm a relative newcomer
7 to North Carolina, and I moved here nine years ago from
8 California. And I can tell you what an amazing resource the
9 Cape Hatteras Seashore is. I mean, I came here, saw the
10 lighthouse for the very first time, had an opportunity to
11 touch the lighthouse, and had an opportunity to experience
12 the serenity, and the amazing beaches that this coast has.
13 And I will be completely honest. I am not as educated as
14 probably I should have, but I would think that just common
15 sense and education, that being to help people and animals
16 cohabitate together on the beach, makes more sense to me than
17 prohibiting any sort of access. I have friends that live on
18 the coast, who are trying to make their livelihood. I know
19 that the tourism season over the summer is the majority of
20 where their money comes from. And, if the beaches are
21 closed, you're going to be putting a lot of people out of
22 business, and a lot of people are going to be having to leave
23 the island, because they're not going to have revenue to be
24 able to support their life. You know, I look at where I came
25 from, in San Diego, where we would have the sea lions that

1 would come up on Children's Beach, and people knew -- just
2 give them a wide berth. I would think that the people here
3 in North Carolina and the visitors to North Carolina would
4 know, if they see a turtle, give it a berth. You know, if
5 they see a bird and they see eggs, give it its space. Makes
6 common sense to me. But then, again, I'm not a native, I'm
7 new to here, but I would say, please, don't close the beaches
8 because it such an amazing, amazing resource to this state.
9 Thank you.

10 MR. SKIDMORE: Thank you, Melissa. Joel.

11 MR. JOEL IDOL: Yeah, I wasn't prepared to speak
12 tonight, but I felt like I had to. My name is Joel Idol. I
13 grew up on a Carolina tobacco farm. I have a degree in
14 forestry. I'm an environment specialist with the North
15 Carolina Department of Environmental Natural Resources. I
16 care about the environment and I care about our natural
17 resources. I'm sure everybody here does, or nobody would be
18 here.

19 MR. SKIDMORE: Sir, could you address the
20 Superintendent?

21 MR. JOEL IDOL: Nobody would be here -- in their each
22 and own individual special way. But that's not the question.
23 Access -- access is the question. And I have a lot to weigh
24 in on this subject, both biologically, ecologically,
25 economic, emotional. Cape Hatteras National Seashore has

1 been an integral part of my life for 35 years and my family,
 2 many years, or longer than that. For what is too much to put
 3 into words here, but what I would like to do is, I'd like to
 4 ask everyone here to consider in a different light, the
 5 ramifications of what you're thinking about and what you're
 6 proposing. I have a few questions -- how many people in this
 7 room have walked to Hatteras Point? How many people in this
 8 room have walked to South Point Ocracoke? How many people in
 9 this room have walked the Pole Road to Hatteras Inlet?
 10 Consider it -- now, consider carrying your lunch, your water,
 11 your fishing gear; you don't fish, fine. Imagine carrying a
 12 backpack full of seashells out; imagine carrying your
 13 telephoto lens, your tripod, and your camera out and back.
 14 Just consider it, and that's on a good day, you're young and
 15 hip. No, seriously, you consider now, you have family, you
 16 have children, you have elderly, you have sick and ill. My
 17 mom has MS; she can't even walk through the house, but she
 18 still goes to the seashore every year. Just imagine yourself
 19 there, then, and if they don't go, you don't go. What's fair
 20 for one is fair for all. It's going to effect everybody the
 21 same way. Everybody needs to think about that. That's all I
 22 have to say.

23 MR. SKIDMORE: Thank you very much. That concludes
 24 the list and the cards I have. Have I lost any cards -- have
 25 we lost any cards? Has everyone that submitted a card to

1 speak had their chance to speak? Well, I thank you for your
2 cooperation, for good comments that observed the time limits
3 and the rules.

4 SUPERINTENDENT MURRAY: On behalf of the National
5 Park Service, I want to thank you all for coming tonight.
6 The hearing is hereby adjourned.

7
8 ***** THE HEARING CONCLUDED AT 8:04 P.M. *****
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