
In Re:

Draft Economic Analysis and
Proposed Terrestrial Critical
Habitat - NWA Loggerhead Sea Turtle

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USFWS PUBLIC HEARING

Held at the Crystal Coast Civic Center

Morehead City, North Carolina

Thursday, August 8, 2013

6:56 P.M.

Volume

Pages 1 through 82

A P P E A R A N C E S

Hearing Officer:

Gerald A. Thornton

Staff Attorney

U.S. Department of the Interior

Office of the Field Solicitor

800 South Gay Street, Suite 800

Knoxville, Tennessee 37929

Also present:

Pete Benjamin

Ann Marie Lauritsen

Lorna Patrick

P R O C E E D I N G S

6:56 P.M.

1
2 Hearing Officer: Public hearing on the
3 proposed rule issued by the U.S. Fish and Wildlife
4 Service to designates terrestrial critical habitat for
5 the Northwest Atlantic population of Loggerhead sea
6 turtles; my name is Gerald Thornton. I am employed by
7 the Department of Interior as an attorney in the office
8 of Field Solicitor in Knoxville, Tennessee. The
9 solicitor's office is house counsel for the Department
10 of Interior, so we represent the Fish and Wildlife
11 Service, the National Park Service and other Interior
12 Department agencies. Tonight I'm just a hearing
13 officer. I haven't personally got a role in the
14 decisions that are to be made. Those decisions will be
15 made by personnel of the Fish and Wildlife Service some
16 of whom are with me here tonight at the podium and I'll
17 introduce them in a moment. We're here tonight to
18 receive your input as citizens into the decision-making
19 process of the Fish and Wildlife Service. We want to
20 hear your comments. We want to hear your questions.
21 We want to hear your positive and negative thoughts
22 about the proposed rule so that the Service can make a
23 well-informed decision. Before I get into it, I'd like
24 to introduce the Fish and Wildlife Service
25 representatives who are here and also any public

1 officials who may be in attendance. I know there are
2 some. The ones I'm aware of that have signed up to
3 speak are Mayor Ken Jones of Pine Knoll Shores. Mayor
4 Jones, are you here?

5 Mr. Jones: Yes.

6 Hearing Officer: Welcome, sir; and Mayor
7 Harry Simmons of Caswell Beach I know is here. And I
8 know there are some other mayors and elected officials.
9 If you would stand and be recognized and tell us your
10 name, I'd appreciate it; yes, sir, in the green?

11 Mr. Schools: Art Schools, Emerald
12 Isle.

13 Hearing Officer: Thank you.

14 Unknown female: (inaudible), Atlantic
15 Beach.

16 Unknown male: (inaudible), Atlantic
17 Beach.

18 Hearing Officer: All right.

19 Unknown female: Elaine (inaudible)

20 Mr. Smith: Bill Smith (inaudible)

21 Mr. Farrington: Jimmy Farrington,
22 Carteret County Commissioner.

23 Hearing Officer: Okay.

24 Mr. Cooper: Trace Cooper, Mayor of
25 Atlantic Beach.

1 Hearing Officer: Thank you; it's good to
2 have so many elected officials here representing your
3 citizens. The folks who are up here on the podium with
4 me, we work for the Fish and Wildlife Service, all have
5 a role in this rule-making process. To my right is
6 Pete Benjamin. The man out front, he's the field
7 supervisor for the U.S. Fish and Wildlife Service,
8 North Carolina Field Office in Raleigh, North Carolina.
9 On my far left is Ann Marie Lauritsen. She is a Fish
10 and Wildlife Service biologist with the Fish and
11 Wildlife Service, North Florida Ecological Services
12 Office in Jacksonville, Florida. To my immediate left
13 is Ms. Lorna Patrick, who is a Fish and Wildlife
14 Service Biologist with the Regional Office in Atlanta,
15 Georgia, with their Listing Program. As I said, these
16 folks will have a role in the decision-making process,
17 so they want to listen carefully to whatever you have
18 to say. Again, this hearing is to provide interested
19 parties the opportunity to participate in this
20 decision-making process. Your comments will be
21 considered in the Service's proposal to designate
22 critical habitat for the sea turtles. I would like to
23 emphasize that no decisions will be made tonight and
24 these officials will not and cannot make any statements
25 about how this proceeding will turn out. We're here to

1 listen and learn and your comments will be considered
2 and evaluated by the Fish and Wildlife Service staff
3 along with the written comments that are being sent in
4 before they reach a decision. After all the comments
5 have been evaluated, the staff of the Fish and Wildlife
6 Service will inform the Director of the Fish and
7 Wildlife Service regarding the proposed critical
8 habitat designation. The final decision by the
9 Director of the Fish and Wildlife Service will be
10 published in the Federal Register with a full
11 explanation of the decision and the response to all the
12 comments. As you probably know, there's a economic
13 analysis required prior to critical habitat
14 designation. The notice of this hearing announced the
15 availability of the services to grant economic analysis
16 on the effects of designated terrestrial critical
17 habitat for the Northwest Atlantic population of
18 Loggerhead sea turtles. Your comments are also welcome
19 on that draft economic analysis. The analysis is a
20 long document, so we're not providing copies of it to
21 everyone here, but we've handed out these little slips
22 that show where you can get a copy of it and it's
23 available online. There's probably two or three copies
24 of it out in the foyer that you can thumb through if
25 you really want to, but it's a real thick document at

1 this point. Okay, we were scheduled to start at 7:00,
2 but I started us a few minutes early because we have --
3 at this point we have 32 people signed up to speak. So
4 we'll be lucky if we can get out of here close to nine
5 o'clock or a little after. We'll stay after nine
6 o'clock if we need to to ensure that each person who
7 signed up gets a chance to speak. The Service will
8 maintain a written record of tonight's proceedings. To
9 ensure that that record is accurate, we have a court
10 reporter who is sitting over here, Ms. Diane Byrd. Now
11 if you want to receive a copy of the transcript
12 directly from the court reporter, you need to talk to
13 her boss which is Overby Court Reporting. We can give
14 you directions to that if you like. However, within a
15 couple of weeks after this hearing, the transcript of
16 this proceeding will be posted at regulations.gov and
17 on the Services' North Florida Ecological Services
18 Office website which again are listed on the little
19 piece of paper that most of you were given when you
20 came in. Okay, so that Ms. Byrd over here can hear
21 what people who are speaking have to say, please keep
22 your crowd noise down to a respectful level and please
23 mute your cell phone or turn them off. The way we're
24 going to proceed here is Ms. Lauritsen over here is
25 going to make a short presentation about the proposed

1 terrestrial critical habitat rule and some information
2 about the process. As soon as she's finished with her
3 presentation, we will go directly to public comments.
4 When everyone has had a chance to speak, we will
5 adjourn. Now a little point about your comments,
6 tonight we're taking oral comments, but the written
7 comments, we would encourage people to submit will be
8 considered equally, and if you have a lot to say, you
9 have a lot of data to talk about, please submit your
10 longer comments in written form. And again, the
11 address for doing that is on the little slip of paper,
12 regulations.gov. All of those comments will be posted
13 into the rule-making proceeding and anybody will be
14 able to see the public comments. The comments are a
15 necessary and important part of the process and your
16 comments will be considered before there is a decision
17 on the final rule. Okay, when you come up to speak,
18 there's a microphone. Right now it's over here because
19 Ms. Lauritsen is going to go down to use it, but when
20 she's done, she's going to move it over to this podium
21 here, so when your name is called and you come up to
22 speak, stand close to the microphone so you can be
23 heard. The microphone should be able to pick you up so
24 you don't need to shout, be loud; we'll be able to hear
25 you. Now here's the problem. So many people have

1 signed up, we have 32 or 33 people signed up, we're
2 going to ask you to limit your comments to three
3 minutes. We have an automatic timer that's sitting on
4 the podium that has green, yellow and red lights, and
5 when you start talking, we'll set it for three minutes
6 and the green light will be on until at least 45
7 seconds and then there will be a yellow light, and then
8 after three minutes it will turn red. We don't expect
9 you to stop dead in the middle of a sentence, so please
10 finish your sentence or paragraph and wrap up so that
11 you can pass the microphone on to the next person.

12 Please state your name clearly so that the court
13 reporter can hear it; spell it if necessary. If you're
14 representing an organization, please tell us who you
15 represent. And tell us where you're from. We don't
16 need your personal address, but let us know what town
17 or city or county you're from. This is a civil rule-
18 making proceeding under the Administrative Procedures
19 Act for the purpose of receiving information. And it
20 should be conducted at all times in a civil manner, so
21 we ask everyone be courteous and respectful to each
22 other and to the panelists. We have some people who
23 will speak tonight who undoubtedly have spoken a lot.
24 They're comfortable as public speakers. There may be
25 some people here who have trouble presenting

1 themselves, so please be courteous and kind to them if
2 they're having trouble. Again, I ask that the audience
3 refrain from making noises or boos and hisses or
4 applause or anything while people are speaking, because
5 that will interfere with the court reporter's ability
6 to hear what the speakers have to say. If you didn't
7 hear me before, mute your cell phones, which I need to
8 do myself. Also, this hearing is not for personal
9 attacks on persons or groups with a difference of
10 opinion. It's not a debate on the issues. Anyone who
11 signed up to make a comment tonight is free to do so in
12 a non-adversarial atmosphere. If I come to believe
13 that you're making personal attacks on people, I will
14 ask you to surrender the microphone to the next person.
15 This is your opportunity under the constitutional laws
16 of the United States to have input in the public
17 decision-making process. Again, we're not here to try
18 a lawsuit or have a debate. If you have questions, we
19 urge you to ask them, because the Fish and Wildlife
20 Service will have to answer the questions on the
21 record. Please limit your comments just to the subject
22 matter for this hearing, which is the proposed rule of
23 designating critical habitat for Loggerhead sea turtles
24 and draft economic analysis. If you choose to drift
25 off to another subject before the federal government

1 and Fish and Wildlife Service, I'll try to steer you
2 back on the point you were or ask you to surrender the
3 microphone, because we're here on only one subject
4 tonight. Are there any questions about the process
5 before we go further? Okay, it appears not. Ms.
6 Lauritsen will make her brief presentation and we will
7 move to your comments.

8 Ms. Lauritsen: Good evening; thank you
9 for coming tonight; can everyone hear me in the back?
10 Great; well, today I'm going to briefly discuss the
11 proposed rule for designating terrestrial Loggerhead
12 critical habitat for the Loggerhead sea turtle, so a
13 little bit of history of the Loggerhead listing.
14 Loggerheads were first listed in 1978 as a species
15 worldwide -- of a single species worldwide that was
16 listed as threatened. So they have been on prior to
17 then. I heard folks talking outside and they have been
18 listed for many years. However, in 2007 upon a five-
19 year review, which is required by the Endangered
20 Species Act, that biological review team found that or
21 recommended that the single population be split into
22 distinct populations. So that occurred in 2009 --
23 occurred in 2009 where it was recommended to identify
24 nine distinct populations. At that time on September
25 20, 2011, those NOAA Fisheries that has the

1 responsibility for sea turtles in the water and the
2 U.S. Fish and Wildlife Service whose responsibilities
3 are on the beach have issued a final rule changing the
4 single listing of the Loggerhead to the nine distinct
5 populations. Of the nine distinct populations, the one
6 that we're going to talk about tonight is listed in red
7 and is the Northwest Atlantic Ocean distinct population
8 for the Loggerhead. And that is listed as a threatened
9 species in the Endangered Species Act, so a little bit
10 about the Loggerhead. They have very complex life
11 stages and they start off, as you know, you have seen
12 them on your beaches, nesting. They lay a bunch of
13 eggs and within 65 days or so, they hatch out and then
14 at the bottom slide, and then they head to the water.
15 They head off about a mile or two into (inaudible) and
16 they are in that habitat for about 20 years and you can
17 see some of the migration of the Loggerhead on the top
18 slide. The nesting females come back to this section
19 of beaches, and I'll show you some of the areas shortly
20 where they nest. So within each of these environments,
21 they are subjected to different threats. What I'll be
22 focusing on is the terrestrial critical habitat. So
23 under the ESA, a critical habitat must be designated.
24 So when that relisting occurred along that same
25 process, we were required to designate critical habitat

1 to the maximum extent prudent. And this is done by
2 issuing a rule. So with this Act, within a year, we're
3 using a year, we assembled a team and looked at the
4 comprehensive data to try to figure out whether we ask
5 for the recovery of the species. So what is critical
6 habitat? So the term critical habitat, they are
7 specific areas within the geographic area occupied by
8 the species at the time it is listed on which physical
9 biological features essential to the conservation of
10 the species and which may require special protections.
11 It also can occur outside, but specifically we're going
12 to talk about the Loggerhead since our area only
13 includes the -- a critical habitat only includes where
14 they nest currently, so the geographic area. So then
15 this is the extent of the Northwest Atlantic Loggerhead
16 population's nesting range. They go all the way over
17 to Texas. Special management considerations; this is
18 an example of what we may consider when looking at
19 critical habitat. The top slide shows without special
20 management considerations and the bottom shows with
21 special management considerations. What is specific
22 for the Loggerhead is because the species is tied to
23 the beach, any special management considerations have
24 been in place for the species that have already been
25 listed and protections that have been in place since

1 1978. Physical and biological features; so in a pool,
2 we try to look at what the animals needs to shelter,
3 cover, reproduce, survive. So again when we're looking
4 at the terrestrial environment, all the Loggerhead uses
5 the beach for is the nest, so we specifically tie the
6 beach to that nesting. So we look at the nearest shore
7 access from the ocean to the beach for nesting females
8 and the sand that allows them to build their egg cavity
9 and also sand that allows successful incubation, and
10 then sufficient darkness for them to emerge and head
11 out to the water. So when we looked at the entire
12 geographic range and looking at the recovery for the
13 species, we had a selection process. So the first
14 thing is for nesting may be extra tidal or dry sandy
15 beach for their nesting. Secondly, we looked at areas
16 to support high density nesting and also areas to serve
17 as expansion beaches if that nesting beach were lost.
18 What's important is for the recovery of the species is
19 to look at geographic range and make sure that the
20 beaches are spatially distributed to support the
21 conservation and recovery of the species. So the thing
22 that the genetics of the Loggerhead shows that there is
23 a recovery unit. What I'll be discussing then is the
24 Northern recovery unit, which is the one that includes
25 Georgia, South Carolina and North Carolina. So when we

1 looked at the geographic range of that area, we took
2 each state and looked at the nesting densities in each
3 state to look at that selection criteria. Now one
4 question that I got was why did we do that. This
5 allows us when we look at the critical habitat required
6 by the Endangered Species Act, it allowed us to focus
7 our recovery efforts on the key area to eventually
8 bring Loggerheads off the list, because that's the goal
9 of putting a species on the Endangered Species Act is
10 to eventually take it off that list. So this is how
11 the numbers broke out for North Carolina. You can see
12 that it was more than 2.38 nests per kilometer. And
13 that represents this top 25th or high nesting beaches.
14 And then we also looked at the adjacent beaches that
15 were mentioned. So after looking at that, we proposed
16 1,190 kilometers which represents 739 miles in 90
17 units, eight of those are in North Carolina. Now this
18 represents ownership, 19 percent of federal ownership,
19 state 21 percent and private and local government 60
20 percent. These are the units that you've seen outside
21 on the maps. So upon looking at the biological needs,
22 what you have -- what we're doing now is also looking
23 at a draft economic analysis, so this is also required
24 by the ESA is beyond the need you take into
25 consideration the economic impact, the impact on

1 national security and other relevant information. So
2 there was a draft economic analysis prepared by an
3 independent consultant, IEC, and they contacted federal
4 and state agencies to gather information; looking at
5 previous -- the history of previous projects to try and
6 project what would happen in the future for this
7 project. We will incorporate public comments into the
8 final rules for this economic analysis. And this is
9 how the numbers for that broke down. What they found
10 was since the species is already listed and there is a
11 consultation process for projects that would impact the
12 Loggerhead, they looked at what that would be and then
13 looked at what would occur within the designated area.
14 What they found was an incremental effect due to
15 administrative costs for and by federal agencies and
16 you can see the numbers that total 150,000 throughout
17 the entire critical habitat range per year. Again, you
18 can see it split out, Fish and Wildlife Service, other
19 federal agencies and non-federal. These are areas
20 excluded or proposed excluded. There is that national
21 security and military and you have one in North
22 Carolina, Camp LeJeune, where once they have a
23 management plan that shows a benefit for Loggerheads
24 that we can propose to exclude Camp LeJeune. What
25 critical habitat does not do is it does not create a

1 wildlife refuge or preserve or park. Another line of
2 questions is will we be allowed access to the beach.
3 Yes, it does not include or restrict access to the
4 beach. Does it affect private landowners for not using
5 federal money? Critical habitat is tied to federal
6 projects, so it does not affect private landowners.
7 During the consultation process for instance, the beach
8 nourishment project, is a typical example. There is
9 already a consultation ongoing between the Corps in
10 that case and the Service to look at the impact on the
11 species since it's already listed. Within that
12 consultation, the -- we will determine whether the sand
13 placed will ever see modified critical habitat. And
14 then secondly, it does not create a new independent
15 review process. It is within that process for federal
16 agencies when they consult with the Fish and Wildlife
17 Service because the species is listed and with them not
18 looking at the critical habitat. So I mention section
19 -- consultation process; this occurs when federal money
20 is involved or federal permitting where you have an
21 ongoing look at what that project is doing and how that
22 would impact the species. What we found is for beach
23 nourishment project, the beach nourishment project has
24 been around and done since the 1980's. There's a
25 wealth of information on how to minimize that project

1 so that it minimizes impacts to the sea turtle. And
2 that has been in place for many years. Since sea
3 turtles and nesting turtles in this case are tied to
4 the beach, what we have been doing for sea turtles by
5 nourishment projects and minimizing those impacts also
6 would make sure that we don't adversely modify the
7 critical habitat. So that is key to our beach
8 nourishment project. So some examples of where this
9 has happened before, this shows other species that have
10 been living with designated critical habitat, you see
11 there's a lot of overlay with where the Loggerhead
12 critical habitat proposed rule is. This is an example
13 of one in your area which is the piping plover. The
14 highlighted project shows a project that occurred in
15 piping plover critical habitat and continued within the
16 time frame and it was not stopped. It did not restrict
17 that particular project from occurring. So what is the
18 time line for the Loggerhead critical habitat proposed
19 rule? So the first process was published on March 25,
20 2013 where we sent out for 60-day public comment on the
21 proposed rule, the Fish and Wildlife Service, for the
22 beaches, the terrestrial. On July 18, we published the
23 draft economic analysis and this was open for your
24 review as well as the proposed rule. On September 16,
25 that will closed. On the other part of it, we've had a

1 lot of questions about what about in water. And right
2 now there is a proposed rule by the NOAA Fisheries for
3 in water, so please feel free to look at that and
4 comment on that. That was on July 18, 2013. The
5 expectation is that both NOAA fisheries that are in
6 water and terrestrial will come together for a final
7 rule within a year.

8 Hearing Officer: Okay, Ms. Lauritsen; all
9 right, without further adieu, our first speaker will be
10 Mayor Ken Jones, Mayor of Pine Knoll Shores; Mayor
11 Jones?

12 Mayor Jones: Thank you; I appreciate
13 the opportunity to speak tonight. My name is Ken
14 Jones. I'm the Mayor of the Town of Pine Knoll Shores,
15 home to the North Carolina Aquarium at Pine Knoll
16 Shores. We're opposed to the specific management
17 consideration that we're hearing about tonight. We're
18 a fourteen year tree city USA. We're a bird sanctuary
19 and we're a turtle sanctuary. Our citizens volunteer
20 to identify and watch turtle nests around the clock.
21 Two months ago our Board of Commissioners unanimously
22 passed a resolution opposing these additional rules.
23 Taking care of our prestigious environment is in our
24 town's vision and mission statement. We're already
25 acting in the best interest of the environment and the

1 sea turtles. So on behalf of the citizens of Pine
2 Knoll Shores, I strongly request that these additional
3 restrictions not be implemented; thank you.

4 Hearing Officer: Thank you, Mayor Jones;
5 the next speaker is another mayor, although I think
6 he's not speaking as mayor tonight, Mayor Harry Simmons
7 of Caswell Beach.

8 Mayor Simmons: Right you are. I'm Harry
9 Simmons. I'm speaking tonight as the Executive
10 Director of the North Carolina Beach Inlet and Waterway
11 Association. This organization has been around since
12 1998 and has become a strong voice for coastal issues
13 in North Carolina since that time. As I said to you
14 last time when wearing a different hat, we all support
15 the conservation and recovery of the Loggerhead sea
16 turtle. However, we do not believe that the
17 designation of critical habitat, particularly in North
18 Carolina, supports this goal. And I will reiterate
19 Loggerhead nesting density data do not support
20 designation of critical habitat for any of North
21 Carolina's beaches based on 2012 data. North Carolina
22 had a Loggerhead sea turtle nest density of 3.25 based
23 on 2012 data. South Carolina, Georgia and Florida had
24 Loggerhead nest densities of 24.8, 24.0 and 120.0
25 respectively. We're not even in their league.

1 Loggerhead nesting in North Carolina represents a small
2 fraction, approximately 1 percent, of the nesting by
3 Loggerheads in the Northwest Atlantic Ocean Distinct
4 Population Segment. We also have concerns with the
5 U.S. Fish and Wildlife Service's failure to prepare an
6 environmental impact statement in connection with
7 designating a critical habitat, which we believe is a
8 violation of the National Environmental Policy Act. We
9 also have a great concern with the U.S. Fish and
10 Wildlife Service's failure to make a consistency
11 determination in connection with designating critical
12 habitat which is a violation of the Coastal Zone
13 Management Act. We already have measures in place as
14 you will hear about tonight and you heard from Mayor
15 Jones. We already have measures in place to ensure the
16 survival and recovery of the Loggerhead sea turtle.
17 The designation of critical habitat would adversely
18 impact the success of the programs; thank you for the
19 opportunity to speak.

20 Hearing Officer: Thank you, Mayor Simmons;
21 the next speaker is a county commissioner from Carteret
22 County, I believe, Jimmy Farrington.

23 Mr. Farrington: Good evening; I am Jimmy
24 Farrington. I'm a Carteret County Commissioner. I
25 represent Bogue Banks of Carteret County. I'm also on

1 the Carteret Beach Commission. I come to you tonight
2 against this proposal for several reasons. Some of
3 them have already been mentioned. I'm sure you've
4 heard a lot of those in all your meetings. The main
5 impact that I have thought about in this process is you
6 can buy a bucket of sea turtles or Loggerhead sea
7 turtles. And, of course, growing up here surfing and
8 fishing and doing all the things that we do in Carteret
9 County, I feel like we've been pitted against the sea
10 turtle. It's really disheartening to come and have to
11 speak. I'm not that good at speaking, but wanted to
12 just go over a couple of the great things that Carteret
13 County has been doing. Some of them have already been
14 mentioned. Our local towns do an outstanding job of
15 keeping our beaches clean. We've already heard about
16 the volunteers that represent or take care of the sea
17 turtles around the clock. And people in general, you
18 can see -- I can see locals, but the people that
19 actually come here on vacation, I mean, it's something
20 that they can learn in school is how important the sea
21 turtle is. So I don't understand how you could ever
22 disagree with loving a sea turtle. But when we bring
23 in these new layers of government, and I'm a brand new
24 commissioner, one of the reasons why I ran was just for
25 this very reason; it's a layer of government and I'm

1 not trying to sound negative, but we're already doing a
2 great job with volunteers. I mean, we're working
3 together with your groups and I think we do an
4 outstanding job in Carteret County. I'm proud of
5 Carteret County. I think that -- I wish you'd look at
6 this very closely and I do vote against it; thank you.

7 Hearing Officer: Thank you for your
8 comments, sir; the next speaker is Warren Judge, who I
9 understand is the Chairman of Dare County Board of
10 Commissioners; Mr. Judge?

11 Mr. Judge: Good evening; thank you
12 for allowing us this opportunity tonight; the first
13 thing I want to say is that the Dare County Board of
14 Commissioners and its 33,000 residents and its six
15 million visitors a year are the best environmentalists
16 I know. They take care of our environment. We
17 understand. We drink the water we swim in. We drink
18 the water we fish in. We fish in the water we drink
19 in, if that makes sense. I want you all to know that
20 we support the protection of Loggerhead turtles. And I
21 invite every town, city and county government that's
22 here tonight to stand with us, to stand with us in
23 unison opposing this designation of critical habitat.
24 On March 25th of this year, the Dare County Board of
25 Commissioners adopted a resolution, which I am sure you

1 have seen, and we will re-adopt. We ask that you all
2 stand with us. Our debate and discussion with U.S.
3 Fish and Wildlife should be one of constructive
4 direction towards a solution to the problem. All of us
5 need to be part of the problem, not part of the
6 solution. It's these outside special interest
7 organizations that threaten you all and go to the
8 Congress of the United States and threaten you all with
9 lawsuits and they're nothing but obstructionists and
10 practicing terroristic ways. We all need to stand
11 united against them. We need to figure out a way that
12 the turtle and man, woman and child can live together
13 on the beach. I heard the presentation about critical
14 habitat. You're not telling what you do with your
15 land. That's your private land. In Dare County, Dare
16 County itself has no beach. The beach belongs to the
17 National Park Service. On Pea Island it belongs to the
18 U.S. Fish and Wildlife. So we know the impact and the
19 effects. We had a drink. We advise everybody not to
20 drink the Kool-Aid that says there's nothing that will
21 restrict access. We live in a restricted access. We
22 don't go to the beaches we used to go to. We don't
23 swim and fish the beaches we used to swim in. We are
24 willing to do our part. We are willing to sit down at
25 the table and work it out, but we want to work it out

1 with you all. We want to work it out with you all and
2 not as a threat. Defenders, Southern Environmental Law
3 Center and all the other agencies that beat you guys
4 up; we need to become partners. You all need to
5 partner with the local governments, with the local
6 people. I can stand up and not be afraid of these
7 other entities. Again, I thank you for this
8 opportunity. Dare County supports this unequivocally
9 and opposition to this designation. I hope that you
10 will look favorably upon our comments we will be
11 submitting by your deadline. And one last word, we
12 live in a county that's been severely economically
13 impacted by a rule of the National Park. Don't do this
14 to us again. And that rule was predicated on the Park
15 economic analysis. Please have bona fide, good
16 economic analysis; thank you.

17 Hearing Officer: Thank you, sir; I just
18 got a good idea from this young lady and am going to
19 call two names now so that the second person will be
20 waiting, the next person that's speaking. Okay, so
21 next up is Greg -- Rudolph, maybe; Greg Rudolph; and
22 after Mr. Rudolph, Paul Woodard.

23 Mr. Rudolph: Thank you, Mr. Gregory; I
24 am from the Carteret County Shore Protection Officer.
25 We were one of the ones who asked for a public hearing,

1 so I thank you for that. With the limited time I want
2 to go macro -- micro. We believe that the critical
3 habitat designation for the Loggerhead is not
4 necessary. As you all mentioned, the Loggerhead has
5 been classified as threatened since 1978. Even after
6 the same population of analysis, it remains threatened,
7 so the status of the species has gone unchanged for 35
8 years and only now we're getting critical habitat.
9 That is not really based on science. There hasn't been
10 any kind of data to show why the critical habitat need
11 be proposed now and we know why it is being proposed
12 now. It's because the actions of the petitioners, the
13 Center for the Biological Diversity, Turtle Island
14 Restoration Network and Oceana have continued to engage
15 in legal action since 2007. It's abundantly clear what
16 type of attempt is going to be done here. You know, we
17 believe U.S. Fish and Wildlife Service when you tell us
18 that this will be a very benign overlay, but the -- I
19 mean, it's -- if you all are going to propose the
20 critical habitat designation, eventually you all are
21 going to have to justify and that's going to be
22 justifying with more rules, regulations and protection
23 measures. In order not to do that (inaudible) for the
24 (inaudible) again legal action to make sure that you
25 justify this critical habitat designation. Also too,

1 you also mentioned that you must designate critical
2 habitat when a new listing is done and the same
3 population assessment is (inaudible) listing. I will
4 tell you that (inaudible) where I'm at, and there's
5 plenty of clauses in the (inaudible) that will have a
6 (inaudible) not to designate a critical habitat. As a
7 matter of fact, there's 1,499 species that are neither
8 a threat nor a danger and only 661 have a critical
9 habitat, so surely you do not have to designate the
10 critical habitat. Generally, the rules, I think it has
11 been well stated that in the rule there are identified
12 12 threats that will necessitate some best management
13 considerations. They don't tell us what those special
14 management considerations are and obviously that's
15 going to cause a lot of concern and results legislate
16 now, regulate policy. I want to talk about the nesting
17 density, talk about the stuff from Harry Simmons.
18 Bogue Banks NC01 is in the study of habitat. It is
19 adjacent to the hot nesting area of Bear Island. Bear
20 Island is 4.4 miles long. The adjacent island is Bogue
21 Banks is 24 miles long. So really that seems like a
22 four-mile long primary nesting habitat getting placed
23 adjacent to a low density nesting habitat being
24 included in a designation six times as long as the --

25 Hearing Officer: You've run over your time

1 quite a bit. We appreciate your coming. Can you
2 submit the rest of your comments to the website?

3 Mr. Rudolph: I certainly will.

4 Hearing Officer: Okay, I would like to
5 call the next speaker who is Paul Woodard; and
6 following Mr. Woodard, Tiffany Woodard.

7 Mr. Woodard: I appreciate this
8 opportunity. My name is Paul Woodard. I'm a full-time
9 resident of Atlantic Beach. I've been a part-time
10 resident for 30 years. If I say anything negative
11 about anybody, it's going to be about Barbra Streisand.
12 Our way of life here, my first feeling, is under
13 attack. It's being waged by an environmental activist
14 group such as the Center for Biological Diversity,
15 Oceana Corporate -- Incorporated and the Turtle Island
16 Restoration Network. Two of these organizations are
17 based in San Francisco. They're supported by such
18 heavy hitters as Barbra Streisand, Nicholas Cage and
19 Ted Danson. Somewhere in (inaudible) between a million
20 dollars; these groups have filed a lawsuit which I have
21 in my hand and anyone can find if you get online and
22 it's against the National Marine and Fisheries Service
23 which creates critical habitats. Once again, I
24 encourage you to go online and read the lawsuit and
25 about each of these organizations that I mentioned.

1 They specifically name commercial fishing, beach
2 driving and beach renourishment for killing turtles.
3 Their plan, and it's specified on their website, is to
4 make these activities more and more difficult until all
5 of us are either out of business or just give up. Now
6 on the northern banks we have areas you can't even walk
7 on. There'll be no driving on the beach for trout
8 fishing in Atlantic Beach. No offense to what anyone
9 said, I've dealt with the federal government a long
10 time in this position and I know how regulations
11 backfire in your face. First listing, what happened is
12 the State of Hawaii when after Hurricane Iniki they
13 waited 15 years to renourish the beach simply because
14 the granular size of the sand did not match what was
15 there before. This will be devastating to the economy
16 of Carteret County. At the very least, Bogue Banks
17 should be exempted from this designation. Give two-
18 thirds of the Outer Banks to the turtles. But how
19 about letting the homosapiens have the other one third;
20 thank you for your time.

21 Hearing Officer: Thank you, sir; next is
22 Ms. Tiffany Woodard to be followed by Braxton Davis.

23 Ms. Woodard: Tiffany Woodard; I agree
24 with everything my husband just said. Evolution makes
25 turtles go to the brightest light which actually is a

1 home or a condo. It used be the beach or the moon.
2 It's going to be eventually where we can't turn on our
3 lights or have a beach path. It's going to be where
4 you can't drive on the beach. And if we continue to
5 make rules and regulations, you're not going to be able
6 to have a home with a light on the beach at night.
7 You're not going to be able to stroll on the beach at
8 night. You're going to be -- this is going to be
9 ridiculous. There's also magnetic interference where
10 people put cages around turtle nests. There's a lot of
11 things that kill turtles. There's marine pollutions.
12 There is oils. There is -- that are directly and
13 indirectly harmful to the turtles. There are so many
14 things that kill turtles, not just -- not just the
15 thing that they're talking about. There's so many
16 things that are causing the turtle's demise. It's not
17 just humans. Like my husband said, two-thirds of North
18 Carolina's beaches are for the turtles that are
19 actually sanctuaries. We're asking for one-third.
20 Land should be reserved for homosapiens and let it --
21 let one-third be reserved for us and let the rest be
22 for the turtles; thank you very much.

23 Hearing Officer: Thank you; next is
24 Braxton Davis, who will be followed by Bradley Styron.

25 Mr. Davis: Good evening; my name is

1 Braxton Davis. I serve as the Director of the North
2 Carolina Fishing Coastal Management, which is housed in
3 the North Carolina Department of Environment and
4 Natural Resources. Our main headquarters for the
5 Fishing Coastal Management is here in Morehead City.
6 I'm here tonight to speak on behalf of Secretary John
7 Sbarro and express the significant concerns over the
8 proposed designation of critical habitat for the
9 Loggerhead sea turtles along North Carolina beaches.
10 We're submitting more detailed comments for the record,
11 but I appreciate the opportunity to be here tonight. I
12 want to first say that North Carolina is very proud of
13 our many investments in sea turtle programs. I wish I
14 could go over all of them here, but I don't have time.
15 I will emphasize the dedicated efforts of our local
16 volunteers, our beach communities, a number of
17 different state agencies which together offer exemplary
18 sea turtle education, monitoring, and recovery
19 programs; my mission in the North Carolina Coastal
20 Management Program which was created under the Coastal
21 Area Management Act back in 1974. Two years before
22 that, Congress passed the Federal Coastal Zone
23 Management Act, which encouraged states to establish
24 clear coastal policies to guide future investments and
25 agency decisions. An incentive for state participation

1 in the Coastal Area Management Act, Congress put in
2 there a strong provision, a state rights provision, in
3 the law whereby approved state programs are authorized
4 to review federal proposals for consistency with their
5 state coastal policies. Basically, Congress said that
6 states would serve as an important go-between for
7 federal activities that may impact our coastal
8 communities. Our state coastal programs have carried
9 out federal consistency reviews now for 35 years. We
10 consider this to be a very important part of our job
11 and an important responsibility for our coastal
12 communities as stakeholders for a wide variety of
13 coastal activities. We coordinate reviews by several
14 state agencies. We issue a public notice and gather
15 comments and then we work closely with federal agencies
16 to come up with an agreement on the best path forward.
17 We have the right to reject a proposed activity or
18 federal action and there are dispute resolution
19 mechanisms that are well established. In the past, the
20 Fish and Wildlife Service and other federal agencies
21 have submitted proposed critical habitat designations
22 for consistency reviews by ours and other state coastal
23 programs around the country. In fact, the proposed
24 listing of the Northwest Atlantic sub-population of
25 Loggerheads was submitted for review by our office.

1 Our comments were given a check for listing, but we
2 raised concerns over the impacts of any additional
3 management measures that might accompany that listing.
4 We ask that any proposals be submitted to us for any
5 consistency review. Despite all that, your agency has
6 declined to submit the proposed critical habitat
7 designations for review by the North Carolina Coastal
8 Management Program, so our state is left to engage only
9 through the public comment process. After reaching out
10 to my colleagues and all the affected Southeastern
11 states from North Carolina to Mississippi, I can say
12 that we unanimously request that you revisit your
13 position on this and submit the proposed rule through
14 the appropriate process which we believe is a part of
15 the federal law. On May 21st of this year, the
16 Secretary submitted a written comment letter to you in
17 response to your initial public comment period. I'll
18 just end my comments with (inaudible) what you asked
19 for; first, the federal consistency determination as I
20 just described; second, clarifying the potential range
21 for additional management measures; third, the
22 comprehensive economic impact analysis; fourth,
23 additional information on the day-to-day loss from the
24 designation from all these (inaudible) many more
25 questions that we have to work with you on through the

1 federal consistency process. The fifth request is for
2 a large scale interagency meeting at higher levels.
3 Get folks together and talk about a better program
4 solution. You all have been very receptive to that.
5 We appreciate that; thank you very much for being in
6 North Carolina and hearing our concerns. We look
7 forward to working with you.

8 Hearing Officer: Thank you, Mr. Davis; at
9 this time, let's hear our next speaker, Brandon Styron;
10 no Brandon Styron; okay, Captain Jim, James M. Willis,
11 III. After Captain Jim, we'll hear from Mel Hoard.

12 Mr. Willis: I've lived on Bogue Banks all
13 my life. We've never had any confrontation or conflict
14 with turtles until now. I submit to you that this so-
15 called conflict is completely 100 percent manufactured.
16 We're not having any problem. Our people aren't. It's
17 some folks who want to rule the roost and have
18 conflicts and they think that we're having conflicts
19 with turtles. And they want to partition us, I
20 suppose, like the Israelis and Arabs do in Palestine.
21 You know, they don't have a barrier. They want to have
22 a barrier between us and turtles and it's not there, so
23 they manufactured it. And we need to reveal it for
24 what it is and do away with it; thank you.

25 Hearing Officer: Mr. Mel Hoard.

1 Mr. Hoard: Yes, sir.

2 Hearing Officer: And after Mr. Hoard,
3 Johnny Martin is up.

4 Mr. Hoard: My name is Mel Hoard. I
5 live in Atlantic Beach, North Carolina. I've been
6 going to Atlantic Beach for the last 62 years. I'm a
7 former commercial fisherman. I'm a recreational
8 tournament fisherman now. I'm against this process.
9 If you go back to 19 -- well, 20 years almost now you
10 have NAFTA, which found out that was a disaster. Our
11 volunteers in Carteret County and down the Eastern
12 North Carolina coastline, they guide these turtles
13 through the water. They protect them. If they stop
14 doing that, the seagulls get them. In California the
15 sharks wait off the coast because they know when the
16 breeding season is for the seals and they take
17 (inaudible). Let us run our business; thank you very
18 much.

19 Hearing Officer: Johnny Martin and after
20 Mr. Martin, please Tom Thompson be ready.

21 Mr. Martin: Thank you for the
22 opportunity to speak; my name is Johnny Martin. I'm a
23 coastal engineer that works for Carteret County. I'm
24 speaking tonight against this ruling because I believe,
25 as other people have said, that we're already doing a

1 good job to protect Loggerhead turtles and this
2 additional restriction is not needed. I also believe
3 that the potential cost to the federal and state and
4 local regions has also been severely underestimated.
5 Just to give you an example, one project we just
6 recently completed this past Winter, the coastal
7 renourishment project, the amount of money that was
8 spent to protect turtles and we were glad to do that.
9 Between trolling it was \$154,000.00. Paying for an
10 observer was \$34,500.00. And roughly 33 percent of the
11 environmental documentation that was done for the
12 project was around \$43,000.00. You add that all
13 together and it's about \$232,000.00. They were going
14 through anyway. I believe that just saying critical
15 habitat will add, you know, 10 to 15 percent, more
16 coordination required for that process. That will be
17 about \$40,000.00, and that's just local interest paying
18 for the project. The bigger concern is what down the
19 road might come out of this, potentially the
20 restrictions to dredging and placement practices. As
21 you know, dredging, these costs have been going higher
22 and higher with increased competition for the dredge
23 sleeve and if you look at the fact that a conservative
24 estimate might be up to 10 percent of all production
25 rates and on each project would be \$10.00 a yard. This

1 is probably a conservative estimate, would be \$10
2 million and if we increase those costs by 5 or 10
3 percent, it might be about \$500,000.00 to \$1 million
4 itself. So that's just for a single project, and
5 there's lots of projects that are coming into the
6 region that you must talk about designating as critical
7 habitat. So therefore, before this becomes an
8 additional rule, I would ask that the economic impacts
9 of this rule on the federal, state and local interests
10 be visited; thank you.

11 Hearing Officer: Thank you, Mr. Martin;
12 the next speaker is Tom Thompson to be followed by
13 Beverly Jones.

14 Mr. Thompson: My name is Tom Thompson,
15 and I'm chairman of NC20 which is a 501(c)(4), a
16 nonprofit that represents the coastal counties. Our
17 primary concern is that the Loggerhead sea turtle was
18 listed as threatened, not endangered in 1978. Thirty-
19 five years later, the turtle is still in that
20 situation. It hasn't gotten any worse and yet there is
21 a proposal to designate critical habitat for this
22 species despite no changes in the Northwest Atlantic.
23 The proposed designation is not based on new data,
24 essentially driven by the suit of certain activists and
25 supported specifically by non-governmental

1 organizations. The -- articulated, for instance, the
2 sea turtle's habitat, which would necessitate specific
3 management considerations, touches the very fabric of
4 everyone who lives and visits on the coast.

5 Recreational beaches, beach driving, beach sand
6 placement activities, coastal development, artificial
7 lighting, dredging the (inaudible) sediments, fishing
8 activities, marina and dock, pier development, and
9 alternative offshore energy development are just some
10 of those threats that are listed as requiring special
11 management consideration. I might add you're in the
12 poorest region of the state and natural gas potential
13 off the coast of this state is quite high and these
14 regulations proposed have serious repercussions on that
15 industry. The regulations could include higher
16 planning, permitting, construction, monitoring cost
17 requirements, lighting ordinances and so on. We
18 support the existing conservation recovery of the
19 Loggerhead sea turtle. We support the vast amounts of
20 measures already in place by means of existing federal
21 and state requirements, volunteer networks, the state
22 sea turtle project administered by the North Carolina
23 Wildlife Resources Commission, rehabilitation services
24 provided by the North Carolina Aquariums, and research
25 conducted by the marine science clusters located in

1 Carteret County. The designation of critical habitat
2 is redundant, unnecessary and will result in a new wave
3 of burdensome, restrictive review, rules and
4 regulations. The proponents have absolutely no idea
5 what the dollar cost of what they're proposing to the
6 counties or the residents, nor do they exhibit any
7 concern. The estimates used in this proposal are
8 laughable. Secondly, they both address a problem that
9 does not have any significant evidence showing the need
10 for such drastic measures. The turtle population is
11 stable. It's been endangered, not threatened -- been
12 threatened, not endangered for a long time. It's not
13 diminished in that category. And I thank you for your
14 time, sir.

15 Hearing Officer: Next up is Beverly Jones
16 to be followed by Fred Fulcher.

17 Ms. Willis: Hi, I'm Kim Willis. I'm
18 Beverly's sister. She had to leave shortly. The
19 school system had to deal with something, so she asked
20 me to step in for her. I was going --

21 Hearing Officer: I'm sorry. Tell me your
22 name again.

23 Ms. Willis: Kim Willis.

24 Hearing Officer: Okay.

25 Ms. Willis: I've been in the county

1 for 45 years. I was on the school board. I'm very
2 active in the community and the county. And the
3 biggest thing that I see in danger in Carteret County
4 right now is the worker. And what you have proposed
5 will continue to endanger the worker. And
6 unfortunately, Carteret County is low in industry.
7 We're low in jobs and we do not need something that is
8 going to yet hamper people who are trying to make a
9 living in Carteret County. We in Carteret County are
10 very concerned about the environment. We take many
11 measures to protect the environment. But what we're
12 asking is for you to take measures to protect our
13 employment. We have a lot of people that graduated
14 here who cannot come back to the county because they
15 cannot make a living. We have a lot of people here who
16 are living below poverty because they cannot make a
17 living. We have many people here, workers, fishermen
18 who can no longer make a living as a commercial
19 fisherman. If you look at the school data, you'll see
20 that we have a very poor county. We get quite a bit of
21 free lunch. We get quite a bit of special education
22 programs because of our lack of income. We do take our
23 environment very seriously. We do take protecting it
24 very seriously. But we would like for you to take very
25 seriously the employment of Carteret County and allow

1 us to continue to keep our residents in Carteret County
2 that want to live here and let them have their jobs.
3 And this is something that needs to be looked at
4 because we do not have a lot of avenues to look at
5 other things. We cannot have a lot of industry in the
6 county because of the work quality and particular work
7 quality. We do take a lot of interest in that and we
8 do not need to have to continued habitats for turtles
9 which would endanger the tourists, the locals, of
10 course the fishermen. I thank you for your time and
11 attention to this matter.

12 Hearing Officer: Thank you, Ms. Willis;
13 Fred Fulcher to be followed by Robin Fields.

14 Mr. Fulcher: Thank you for permitting
15 us to speak tonight. I'm Fred Fulcher, F-U-L-C-H-E-R,
16 rhymes with the bird. I'm not sure if he's endangered
17 or not. I object to this classification of habitat.
18 I'm a Pine Knoll Shores resident, not an oceanfront
19 owner, but I too share a lot of concerns that have been
20 mentioned tonight and I won't go into those. I'm a
21 retired engineer and engineers do what is called hazard
22 analysis in which you determine what are consequences
23 for certain action taken and what could be the negative
24 effects. And so far tonight, you haven't really
25 presented to us any type of turtle hazard analysis

1 where we can determine what would be some of the
2 consequences on the public for the actions that you
3 propose here. We have concerns, or I have concerns
4 about impacts on jobs and employment as well for people
5 here. We have over 30,000 people that come in the
6 summer just to enjoy our beaches and we also enjoy the
7 revenue from that for the businesses. And also our
8 cities and towns and county enjoy that revenue as well.
9 So this helps us in the way we live. This proposal,
10 however, could also have other impacts; you know,
11 mentioned commercial fishing as well as the use of
12 beaches by the public and for clearly public use. You
13 could also impact the way people who live on the
14 oceanfront could use their property and their
15 waterfront properties. You just haven't brought these
16 things to light. And I think you should be more
17 clearly -- we realize there are lawsuits involved and
18 it's just pathetic that you have to use a lawsuit to
19 get a change, but I think that this community would
20 take the same action if your actions don't meet our
21 needs. We have a good representation from the county
22 representative. That organization has played a key
23 role in the development of all our waterfront
24 activities in Carteret County and I encourage you to
25 work with them and try to identify where the county

1 program does not meet your needs and then deal with
2 them accordingly, I think would be a better forum.
3 Again, I object to the purpose of this action and
4 encourage you to listen to the other comments as well;
5 thank you for your time.

6 Hearing Officer: Thank you, sir; next is
7 Robin Fields to be followed by Tom Roller.

8 Ms. Fields: Thank you for the
9 opportunity to speak tonight; my name is Robin Fields.
10 I'm a permanent resident of Carteret County. Many of
11 my concerns have already been expressed this evening.
12 I would like to add one thought that I consider to be
13 very important. If we take the Fish and Wildlife
14 Service at its word that the only federal agency which
15 must address the proposed critical habitat is the Army
16 Corps of Engineers, then we should recognize that the
17 Corps of Engineers already consults under the
18 Endangered Species Act with the Fish and Wildlife
19 Service whenever a dredging project or any other Corps
20 project is considered. So the designation, in my
21 opinion, of critical habitat here in North Carolina is
22 superfluous and wasteful. I am opposed to the
23 designation of this critical habitat and I hope that
24 the Fish and Wildlife Service and the Department of the
25 Interior will stand up to the money political pressures

1 from outside interests; thank you very much.

2 Hearing Officer: Thank you, Ms. Fields;
3 next is Tom Roller to be followed by Cirila Cothran;
4 Mr. Roller?

5 Mr. Roller: Thank you; my name is Tom
6 Roller. I'm a resident of Beaufort. I grew up in
7 Bogue Banks, Emerald Isle, and was an oceanfront
8 property owner for over 40 years there. And I want to
9 voice my support for this critical habitat listing,
10 because I would like to see then as the goal of the
11 U.S. Fish and Wildlife Service demonstrates be removed
12 from the threatened list, not remain on it for another
13 35 years because those of us here believe that the only
14 future impacts that they remain on the threatened list
15 for the Endangered Species Act, you know, we're fooling
16 ourselves. The reason I want to voice that support is
17 I don't believe that the State of North Carolina is
18 adequately protecting these turtles in all aspects.
19 First and foremost, if we go back to the 2011-2012
20 legislative session, House Bill 819, which was just
21 passed into law, effectively prohibits sea level rise
22 from being used as regulatory framework in coastal
23 planning, and I don't believe that that demonstrates
24 that North Carolina is taking long-term habitat threats
25 into consideration. Furthermore, as the U.S. Fish and

1 Wildlife Service as well as the North Carolina Wildlife
2 Resource Commission spends a lot of time and money to
3 save and protect these species, certain aspects of our
4 state government are trying to kill as many as
5 possible. If you look at the recent North Carolina
6 Division of Marine Fisheries (inaudible) permit,
7 they're trying to get over 200 turtles -- they're
8 asking for over 200 turtles to be killed in that
9 permit. It's commercial (inaudible) operation. These
10 are mostly juvenile developed turtles and that
11 represents a lot of (inaudible). So we need to protect
12 these. We need to protect this habitat if we want to
13 see these turtle species, Loggerheads in this case,
14 (inaudible) the sea; thank you.

15 Hearing Officer: Thank you, Mr. Roller;
16 Cirila Cothran to be followed by Art Schools.

17 Ms. Cothran: Okay, my name is Cirila
18 Cothran. You did pronounce that correctly. I am
19 President of the Carteret County Association of
20 Realtors and the Immediate Past President and
21 Governmental Affairs Committee Co-Chair of the
22 Swansboro Area Chamber of Commerce. I will be speaking
23 for both organizations tonight. On behalf of our 434
24 Realtor members and our 270 Chamber members, we are
25 expressing our opposition to the implementation of a

1 critical habitat designation for the Loggerhead sea
2 turtles for the proposed 96 miles of North Carolina
3 coastline, specifically the 24.2 miles encompassing all
4 of Bogue Banks. While we do all agree that protecting
5 the environment and our unique ecosystem here in
6 Carteret County is very important, we're concerned
7 about the consequences of implementing such a stringent
8 plan. The concerns that these two organizations have
9 are specific to protecting home ownership and private
10 property rights as well as a growth and sustainability
11 of our local economy and the success of our small
12 businesses. It is no secret that our area relies
13 extensively on tourism to sustain our economy.

14 Implementing any plan which would burden, restrict or
15 inhibit the use of our public beaches and/or waterways
16 would no doubt prove to be detrimental to our area.
17 These restrictions would have a potential negative
18 implication not only to our visitors but to our
19 residents and property owners as well. As part of the
20 proposed land limitations and restrictions that would
21 be placed on activities such as dredging, beach
22 nourishment, recreational beach use, building,
23 commercial and recreational fishing, among others,
24 could result in an increased tax burden for property
25 owners, possible long-term reduction in tax base and a

1 negative impact to the overall local economy since the
2 area being considered is currently occupied. Beaches
3 and inlets make a significant contribution to local,
4 state and national economies through tax burden and job
5 creation. Beach erosion also is a primary concern for
6 our coastal visitors. Preserving the beaches through
7 nourishment and other coastal land protection
8 activities ensures our visitors have a place for public
9 recreation, thereby benefitting our small businesses,
10 the tourism industry and maintaining the habitat for
11 the Loggerhead sea turtles. 2011 North Carolina
12 Department of Commerce data indicates that the domestic
13 tourism economic impact for Carteret County alone is
14 over \$278 million. Almost 3,000 jobs are directly
15 linked to travel and tourism and over 48 million in
16 travel and tourism related payroll is generated, and
17 state and local tax revenues for travel exceed \$30
18 million. The potential for damage to our beach economy
19 as a result of a critical habitat designation is
20 significant to say the least. Additionally,
21 (inaudible) does not support the designation of
22 critical habitat for the North Carolina beaches and
23 Bogue Banks in particular. Furthermore, there are
24 currently a number of proactive measures which have
25 already been mentioned here tonight as well. Our local

1 volunteers do a great job and they are very passionate
2 about their program. Should these new restrictions be
3 implemented, it is our understanding of the total
4 overall cost of administering these changes is still
5 unknown. The burden of running an unfunded program for
6 an undetermined amount of money could affect the
7 success and longevity of that program possibly proving
8 more of threat to the Loggerhead turtle. My final
9 thoughts; we got some information just today. There
10 are three counties in Florida, St. Johns, Volusia and
11 Indian River which have been able to successfully
12 mitigate similar concerns with maintaining turtle
13 habitats without going to the extreme of a critical
14 habitat designation through habitat conservation plans.
15 Again, both organizations are opposed to the
16 designation of critical habitat; thank you very much.

17 Hearing Officer: Next is Art Schools to be
18 followed by Norwood Jackson.

19 Mr. Schools: For those of you that
20 don't know my friend Cirila, she was talking very slow
21 tonight at the very beginning. My name is Art Schools.
22 I am the current mayor of Emerald Isle. I've been
23 mayor for the past 12 years. I served the county
24 tourism board for 11 years and six as chairman. I
25 served on the county (inaudible) for at least ten years

1 and a participant in Emerald Isle Sea Turtle Protection
2 Program 20 years. My wife is the longest serving
3 member of the Emerald Isle Turtle Protection Program
4 having been very active for over 20 years. As you can
5 see, both of us have cared our whole life about
6 Carteret County, especially Emerald Isle. I'm very
7 concerned about designating Bogue Banks as a critical
8 habitat area for Loggerhead turtles. All towns on
9 Bogue Banks are very sensitive to the protection of sea
10 turtles and have active programs to support that
11 statement. Certainly concern for the sea turtles is
12 considered and addressed for all sand and dredging
13 projects. Town staff and citizens (inaudible) in the
14 turtle protection program walk the beach every day.
15 They join us. They're looking for evidence of sea
16 turtle nests. When a nest is discovered, the area is
17 marked off and monitored until the nest hatches. Just
18 this week, two nests were hatched Loggerhead on Emerald
19 Isle, and the Emerald Isle Sea Turtle Protection
20 Program has had volunteers on the beach pretty much 24
21 hours a day making sure the turtles have safe passage
22 to the beach. (Inaudible) strongly affects the North
23 Carolina Aquarium at Pine Knoll Shores and later
24 release to the ocean. I do not understand the need for
25 Bogue Banks being designated a critical habitat area.

1 On the one hand, I've heard officials say that nothing
2 will change on Bogue Banks. If that is true, then
3 (inaudible) to be designated and more restrictions will
4 be placed on Bogue Banks communities than the
5 designation will surely damage the economy. The
6 economy for Bogue Banks is 100 percent tourism and sea
7 turtles is one of the factors that draw visitors to
8 Emerald Isle and all of Bogue Banks. As a mayor who
9 worries about all citizens, I know we have the right
10 balance between sea turtles protection and the interest
11 of many other groups such as driving on the beach
12 during the off-season, sand replacement and many other
13 activities. I ask that you not designate Bogue Banks a
14 critical habitat area; thank you.

15 Hearing Officer: Thank you; Norwood
16 Jackson to be followed by Brian Kramer.

17 Mr. Jackson: Thank you for letting me
18 come up here, especially after all these good speakers;
19 I had the opportunity of filling out the card that said
20 who you represent. I couldn't decide whether I
21 represented the company I work for, the Association of
22 Realtors, the Town of Atlantic Beach that I love or
23 myself, so I decided I'd represent all of them. And
24 I'm here -- you know, I've listened to all arguments
25 and I don't understand why we have to have a critical

1 habitat if we're already consulting with the Corps of
2 Engineers. And I've heard it all and I agree with
3 Robin and Cirila and all the different people. I'm
4 just afraid that what happened in Beaufort with the
5 National Park Service, changing the ferry system and
6 stuff, I'm afraid, as somebody earlier said, we're
7 going to drink the Kool-Aid. And we already are doing
8 everything. We've got volunteers, so I'm 100 percent
9 against this. But I did get a chance to talk to Pete
10 and he was very informative and very nice; thank you.

11 Hearing Officer: Thank you, sir; Brian
12 Kramer to be followed by Zack Taylor.

13 Mr. Kramer: Good evening; my name is
14 Brian Kramer. I'm the Town Manager of Pine Knoll
15 Shores and we're opposed to the designation. My
16 comments will be focused on the experience we recently
17 had in a small renourishment project. If this
18 designation is made, we must conduct special management
19 practices to protect the Loggerhead. In your own
20 words, you say we approved the primary request and the
21 impact to habitat thus necessitating special management
22 protection in the 12 categories. One of those is
23 renourishment. We had small project and my message is
24 existing regulations were costly and they worked. The
25 project is driven by environmental considerations in

1 general and protection of the sea turtles in
2 particular. Turtles dictated when the project took
3 place. Turtles dictated how the dredges had to move
4 through the site. Turtles dictated our financial risk
5 and turtles ultimately affected our cost of how much
6 sand we put on the beach. We renourished half of our
7 4.5 miles and had to accomplish the following due to
8 the existing regulation. We needed the U.S. Army Corps
9 of Engineers to get us the permit in accordance with
10 the Clean Water Act and the (inaudible) Act. We had to
11 get a non-competitive lease agreement. We had to get a
12 need for an environmental assessment. We had to get a
13 biological assessment. We had to get a essential fish
14 habitat documentation. We needed a permit from CAMA.
15 We needed a water quality certification from the
16 Division of Water Quality. We had to conduct a
17 consistency determination and obtain approval from the
18 State Historic Office. And we had to coordinate for
19 permits with Fish and Wildlife and Marine Fisheries.
20 Prior to the project, we published an environmental
21 contact protocol for the project, which included
22 procedures for when we took turtles to include having
23 to have a third-party biologist whose primary job was
24 to ride on the dredge boats the entire time and
25 observe. We had to have procedures -- we had

1 procedures for the accidental harm, not only to turtles
2 but manatees, sole fish, sturgeon and whales,
3 procedures for policing the sea with any threatened or
4 endangered species and trolling operation procedures
5 and procedures for counting turtles on the beach. That
6 was all in the protocol. We paid our engineers
7 \$42,000.00 for environmentalists assessments and
8 permitting. This is one-third of our total expense for
9 engineers. We paid a trawler \$3,350.00 per day to
10 spread a net in front of the dredge to scoop up turtles
11 before they were injured. This cost \$54,000.00. The
12 third-party biologist cost us \$12,000.00. The good
13 news is everything I just described worked. We didn't
14 see a turtle, let alone hurt one. What's the big deal
15 in this? If we had harmed a turtle, we would have had
16 to stop work and pay our dredger \$215,000.00 a day.
17 During the bidding process, the federal government was
18 three months late giving us a quota for the turtle
19 state which caused us to receive only one bid when we
20 thought we'd get four. We asked the one bidder what
21 was the driving factor. He said the market. We paid
22 \$12.00 per cubic yard for sand, a project two weeks
23 prior in Virginia paid \$7.00 per cubic yard. It cost
24 us millions of dollars for hundreds of thousands of
25 yards of cubic sand. We'll never know because we

1 received one bid. So very quickly, in 2011 -- we
2 haven't had a renourishment project in four years. In
3 2011 we had no turtle nests. In 2012 we had no turtle
4 nests. In 2013, four months after renourishment, we
5 have eight nests being watched right now with the
6 possibility of new nests coming in the next month;
7 thank you.

8 Hearing Officer: Zack Taylor to be
9 followed by Mark Mansfield.

10 Mr. Taylor: My name is Zack Taylor.
11 I'm from New Bern, North Carolina. And I agree with
12 Captain Jim and everything that he said, first of all.
13 And I really object to the idea of West Coast lawsuits
14 affecting East Coast habitat rules. I don't believe
15 it's right and maybe we can't change the law, but to
16 have an organization in the West Coast have a somewhat
17 friendly agreement or lawsuit with the Fish and
18 Wildlife Service that would affect something 3,000
19 miles away just doesn't seem right to me. The cost
20 analysis that I saw on the board of \$150,000.00 seemed
21 to be just a cost -- additional cost for the government
22 to monitor this program, but not the millions of
23 dollars that it would cost the County of Carteret in
24 lost tourism. Last week one of my neighbors spent time
25 on Atlantic Beach looking after turtle nests. A group

1 of kids came down to look after them and I'm afraid if
2 the federal government gets involved with monitoring
3 the turtles, will these kids be so afraid of the
4 government that they will not come down and participate
5 voluntarily.

6 Hearing Officer: Thank you; Mark Mansfield
7 to followed by Charles Jones.

8 Mr. Mansfield: My name is Mark
9 Mansfield. I am a lifelong resident here in Carteret
10 County, and I watched the presentation, and I have a
11 couple of questions. The first thing is after hearing
12 Ms. Cothran speaking and Mr. -- and Brian speak,
13 (inaudible) stand by that \$150,000.00 figure. That's
14 going to be the cost of the economic impact. To me
15 from what I'm hearing, it seems way over significantly
16 \$150,000.00. And you also talked about your study.
17 You talked about the different groups and businesses
18 involved. I have a private business here in the county
19 and I didn't hear anything talked about the private
20 sector. I'm here as a citizen and I object to the
21 federal takeover of Bogue Banks. I don't think it's
22 right. Right now there are 56 miles of national
23 seashore already in our county and the 24 remaining
24 left you're proposing to take over. I don't think
25 that's a good idea. You talked about the piper plovers

1 North of us and great things it's done, but I think if
2 you talk with the citizens of Dare County and the
3 citizens around the Ocracoke area, they do not agree
4 with you. I don't think there's anybody here that's
5 opposed to protecting the Loggerhead turtle. I think
6 we would also manage the plans that are conservative
7 and don't involve government takeovers, that we can all
8 embrace the volunteer organizations that deal with the
9 Loggerhead sea turtle already, from the State Park to
10 North Carolina Aquariums and it's a town's --
11 management plans we support. Federal takeovers we
12 don't. And I hope you will take this back. I really
13 -- I do plan on reading your economic analysis. I
14 didn't hear anything on where that economic analysis
15 should come from. The government doesn't produce
16 economic benefits. The private sector actually we give
17 you the money for you to help us. And that's what
18 we're asking you to help us, not hurt us; thank you.

19 Hearing Officer: Charles Jones to be
20 followed by Charles Vincent.

21 Mr. Jones: Thank you; good evening; I am
22 going to try to speak as fast as I can. My name is
23 Charles Jones, and I live in a little community down in
24 East Carteret County known as Tusk. I do not own
25 property on the oceanfront, on Bogue Banks or on any

1 barrier island in North Carolina. Let me give you a
2 little background on myself. Before I retired from the
3 State of North Carolina, I worked for the North
4 Carolina Commission of Coastal Management for almost 30
5 years. For most of my career, I held mid-level and
6 senior leadership positions for that agency, including
7 the Assistant Director responsible for (inaudible)
8 enforcement in the State's federal consistency program.
9 I also was the Director for the division responsible
10 for the overall operations. With that as a background,
11 I take great issue that the Fish and Wildlife Service
12 is not providing a consistency determination for this
13 proposed designation. I understand that the Fish and
14 Wildlife Service does not believe this critical habitat
15 designation constitutes an action or activity. So
16 consistency, I certainly find that an incredible
17 position to take. It's obvious that the states,
18 including North Carolina, feel very strongly that this
19 action is subject to federal consistency as do I. The
20 Secretary of the Department of Environmental and
21 Natural Resources has already provided the Service
22 (inaudible) along with the legal justification for the
23 Service to undertake such a consistency determination.
24 I support this and the other points made in this
25 letter. First of all, it appears that based on current

1 data, North Carolina has a much lower sea turtle nest
2 density than the other states. It would appear that
3 this factor alone indicates that North Carolina beaches
4 should not be elevated to the critical habitat status.
5 Another reason for non-designation is acknowledging
6 that the State of North Carolina already has a very
7 good track record in protection of sea turtle habitat.
8 Certain rules that they have already in place require
9 mandatory setback from oceanfront structures based upon
10 long-term erosion rates, significant sediment standards
11 which ensure that only beach quality material is used
12 for beach erosion and that is compatible with the
13 native beaches it is being placed on. And there's --
14 the state has one of the toughest prohibitions on
15 oceanfront parking that exists in the United States. I
16 think I'm going to have to skip. Let's see. Lastly,
17 it appears that the Fish and Wildlife Service does not
18 know what additional regulatory and financial
19 requirements this designation will bring to the
20 affected localities. This alone should be enough of a
21 reason not to move forward. Combine that with the lack
22 of significant nesting, the fact that the state has an
23 established track record of protection of the sea
24 turtle habitat and local governments role of providing
25 financial and other support, the designation of

1 critical habitat in the State of North Carolina should
2 be eliminated; thank you.

3 Hearing Officer: Next we have Charles
4 Vincent to be followed by Richard Taft.

5 Mr. Vincent: I'm Charles Vincent of
6 Emerald Isle, and I represent Bogue Banks Beach
7 Preservation Association. Our association not only
8 opposes critical habitat designation, but we feel that
9 it will actually be detrimental to the turtles on Bogue
10 Banks for such a designation. You've heard of the
11 volunteers that we have that help all these turtles.
12 In fact, within the last 24 hours, I witnessed 32 small
13 turtles going to the ocean, 30 of which would not have
14 made it probably had it not been for the volunteers.
15 There was a nest that was open that had actually
16 hatched three days ago and afterwards volunteers went
17 and dug down and they pulled out 30 and I saw them all
18 go into the water. Our municipalities back these
19 organizations very much. Beach nourishment is critical
20 to turtle habitat. Since 2002 Bogue Banks has
21 nourished and made available larger and better beaches.
22 Prior to that time, prior to the nourishment, on Bogue
23 Banks we averaged 24 turtle nests per year. Since we
24 increased the beach, consequently increasing the size
25 of the nesting area, we have averaged 34 per year. I

1 think it's rather obvious that beach nourishment helps
2 the turtles. I would ask one further question. What
3 action or restriction placed on Bogue Banks by this new
4 designation would help or further protect the turtle
5 population? I thank you.

6 Hearing Officer: Next is Richard Taft to
7 be followed by Todd Roessler.

8 Mr. Taft: Good evening; thank you
9 for allowing me to speak; I'm Richard Taft. I'm a
10 private citizen landowner and President of the Beacons
11 Reach Single Family Homeowners Association and I
12 represent 104 families with homes here in Pine Knoll
13 Shores at Beacons Reach. And I talked to a number of
14 our homeowners about this and we all -- they asked me
15 to speak and oppose this designation of a critical
16 access along our beaches. It's not because we don't
17 love turtles. You've heard speaker after speaker after
18 speaker talk about the passion we have here for trying
19 to save the turtles and increase the population. We
20 have the same goal you do. We're trying to move them
21 from endangered to a viable species, but you're going
22 about it the wrong way. You've got the group from
23 California through the legal system trying to force us
24 to do something we don't want to do. And as I heard
25 one engineer say here tonight, I'm going to be brief,

1 he said have you done your hazard analysis study and
2 seen what the unintended consequences might be if you
3 pass this law and put it in place. And I can tell you
4 one of them is going to be you're going to lose the
5 passion of the people that we have for the turtles here
6 in Carteret County. You lose that passion, I don't
7 care what kind of critical habitat designation you've
8 got, if the people are gone, you're going to lose your
9 greatest resource to try to save the turtles and that
10 would be a detriment for the turtles; thank you.

11 Hearing Officer: Todd Roessler to be
12 followed by Betty Johnson.

13 Mr. Roessler: Good evening; my name is
14 Todd Roessler. I'm an attorney with Patrick Townsend
15 in Raleigh, North Carolina. I'm here on behalf of
16 Carteret County, New Hanover County, Caswell Beach, Oak
17 Island and Holden Beach. I think it just goes to show
18 the level of concern we've heard tonight and also the
19 fact that these communities have already retained an
20 attorney this early in the process. We believe that
21 the overall designation is flawed. What I want to talk
22 to you tonight is about North Carolina. Fish and
23 Wildlife Service essentially made a judgment call in
24 designating critical habitat. You all chose the top 25
25 percent in the number of states as far as nesting and

1 designated those and then looked adjacent barrier
2 islands as well. What we're asking is that you move
3 that line about 100 miles South and not designate any
4 beaches in North Carolina. We believe this is
5 supported by a critical habitat designation. That
6 designation focusing on occupied habitat looks at
7 physical and biological features that are essential to
8 the conservation of the species and that which may
9 require special management for protection and
10 protective measures. We believe that North Carolina
11 beaches do not fall into under this statutory
12 definition. First, looking at nesting density in the
13 number of nests in North Carolina compared to other
14 states, we believe that that number is not essential to
15 conservation of the species. You've heard some of the
16 density numbers in North Carolina and basically we have
17 about 1,000 Loggerhead nests a year. Compared to the
18 DBS, that's 1 percent. Compared to the Northern
19 population, that's approximately 13 percent. Even if
20 all those nests were male, resulted in male hatchlings,
21 that number compared to the overall population is not
22 significant and would not be essential to the
23 conservation of the species. Couple that with the
24 existing measures that North Carolina has in place,
25 that also supports that these designations are not

1 essential to the conservation of the species. Looking
2 at the second part of that definition which may require
3 special management considerations, I think the Fish and
4 Wildlife Services recognize that special management
5 considerations are not and will not be required. Now
6 that conflicts with what's in the proposed rule. They
7 looked at the draft economic analysis. You all have
8 essentially said that there will be no differences in
9 Section 7 consultations. It is obviously -- you know,
10 you're saying that there will be no special management
11 considerations that will take place as a result of this
12 designation. And finally I would like to add that we
13 believe that the Florida environmental impact statement
14 under the National Environment Policy Act and the
15 consistency determination of the Coastal Zone
16 Management Act must be in place before the final
17 designation; thank you for your time.

18 Hearing Officer: Okay, Betty Johnson.

19 Ms. Johnson: I decided to post my
20 comments online.

21 Hearing Officer: Okay, thank you, Ms.
22 Johnson; Trace Cooper; A.B. Cooper to be followed by
23 James Forman.

24 Mr. Cooper: Good evening; my name is
25 Trace Cooper. I'm the Mayor of Atlantic Beach, North

1 Carolina and Vice Chairman of Carteret/Atlantic Beach
2 Commission. We appreciate you taking the time to come
3 down and listen to us in response to our request to
4 have these hearings. Atlantic Beach is a turtle
5 sanctuary. They are -- residents are volunteers you've
6 heard about tonight that look after turtles on beaches
7 and our visitors leave Atlantic Beach knowing more or
8 caring more about turtles than they did when they
9 arrived, thanks to these volunteers and to the aquarium
10 at Pine Knoll Shores. In short, in Atlantic Beach we
11 love sea turtles. I tell you, I hate the idea of this
12 critical habitat designation. My day job is that of a
13 lawyer and I certainly understand that litigation and
14 all the things, the outcomes, that defy common sense.
15 I understand the Service is under constant threat of
16 litigation, litigation from different non-governmental
17 organizations. I know that this critical habitat comes
18 from these lawsuits. While this designation may clear
19 up one problem, namely your lawsuit, it's going to
20 create a lot more for those of us who have to live near
21 and subject to this designation. As you have heard
22 numerous times, we're doing a great job of taking care
23 of turtles already. Our nesting density is increasing
24 after each nourishment happens and after these other
25 things. I think it shows that there are solutions to

1 this problem other than a critical habitat designation.
2 And this may be the lawyer in me, but looking at the
3 process, I think you have failed to do all your
4 homework. As was mentioned earlier, you haven't
5 prepared an EIS, which we believe is in violation of
6 (inaudible). You failed to make a consistency
7 determination which we believe gives you a violation of
8 the Coastal Zone Management Act and your economic
9 impact document is just wrong. It's misguided and,
10 quite frankly, it is irrelevant to almost everyone in
11 this room. In your presentation you noted that in
12 North Carolina the impact I believe was an additional
13 \$26,000,00 in the administrative budget. The people
14 that I represent care a lot less about their
15 administration budget than they do about their own
16 household budgets. And this will correct that. One of
17 the primary threats listed in your document is
18 recreational beach use. Well, recreational beach use
19 is what the Town of Atlantic Beach is all about.
20 That's what we've always been about and that's why
21 folks come to see us. I'm not saying we shouldn't
22 protect wildlife. What I'm saying today is we need to
23 do it in a common sense way, a balanced approach that
24 will allow room for human beings to enjoy the beaches
25 as well. In closing, I just want to note that should

1 this go through, this effort by the U.S. Fish and
2 Wildlife Service to designate a critical habitat as a
3 solution to a legal problem, this reminds me that when
4 it comes to federal government, common sense is
5 actually the endangered species; thank you.

6 Hearing Officer: James Forman to be
7 followed by Russell Overman.

8 Mr. Forman: When I speak of Bogue
9 Banks, I speak for the section of beach from Beaufort
10 and I've been a resident of Pine Knoll Shores. I've
11 lived here since 1997. I speak as a private citizen
12 even though I'm a professional civil engineer and have
13 been instrumental in many of these projects, these
14 commercial projects, in North and South Carolina,
15 including ones on Bogue Banks. I've been involved with
16 environmental studies, developing environmental
17 documents, biological studies and appropriation;
18 permitting state, federal, for many projects in coastal
19 developments and actions. When I speak of Bogue
20 Banks, I speak of the section of beach from Beaufort to
21 Bogue Inlet to (inaudible). (Inaudible) developed part
22 of Carteret County and the rest is pristine beach.
23 People of Carteret County figured out many years ago
24 that beaches, pristine ocean and estuary environment
25 are a tremendous economic resource. People from all

1 over the world come here for uncrowded beaches, off-
2 shore and in-shore fishing, diving, surfing and just
3 sitting on the beach watching their kids play in the
4 sand. We're surrounded by a unique pristine ocean
5 environment and we have made a substantial investment,
6 monetary investment to protect it. People who realize
7 that (inaudible) resources are very practical in
8 maintaining it. We have no big water -- watersheds
9 that don't -- stormwater runoff or wastewater in our
10 estuary. It is the most pristine place I've ever been.
11 Plus you have investment (inaudible) beaches, our clean
12 sandy beaches, and Rudi can tell you the exact amount,
13 but it's significant. And basically the unlimited
14 power granted by the federal bureaucracy and in cahoots
15 with these faceless environmental groups, (inaudible)
16 to protect the turtles; I remind you if you don't
17 listen to anything else anybody says here today, if it
18 wasn't for beach nurture, there'd be no turtle habitat
19 here. There'd be no turtle habitat on Bogue Banks.
20 There'd be no (inaudible). There'd be no (inaudible)
21 use or secondary use. Before the beach erosion, we had
22 a low tide beach and there weren't any cliffs on our
23 shore. My business in the government environmental
24 (inaudible) another resource. They should be held
25 accountable. If that involves legal action, so be it.

1 Bureaucracy answers to nobody. The environmental
2 groups that you are in cahoots with, they answer --
3 there's no accountability. They need to be held
4 accountable for their actions in real dollars. Your
5 economic analysis is -- I'm sorry. If you -- you know
6 as much as I do when you do an environmental
7 (inaudible), you have to look at the no action
8 alternative. You haven't looked at the no action
9 alternative. You've heard about the no action
10 alternative here tonight; thank you.

11 Hearing Officer: Russell Overman to be
12 followed by Larry Baldwin.

13 Mr. Overman: Hello, my name is Russell
14 Overman, the County Manager for Carteret County. I
15 thank you for the opportunity to speak before you
16 tonight. First, let me state that we in Carteret
17 County support the conservation and recovery of
18 Loggerhead sea turtles as evidenced by the vast amount
19 of protective measures already in place, existing state
20 and federal requirements, volunteer efforts, rehab
21 services provided by the N.C. Aquariums including the
22 one here at Pine Knoll Shores, along with other
23 protective efforts. We do not believe the designation
24 of critical habitat along Bogue Banks in Carteret
25 County will advance or improve the conservation of the

1 Loggerhead sea turtle. Of the 740 miles of shoreline
2 proposed to be designated as critical habitat, 96 of
3 those miles are in North Carolina with 24.2 miles
4 encompassing all of Bogue Banks in Carteret County.
5 Loggerhead nesting density data does not support a
6 designation of critical habitat for any of North
7 Carolina's beaches, particularly those on Bogue Banks.
8 Based on the 2012 data, the nest density in North
9 Carolina was 3.25 nests per mile and only 1.6 nests per
10 mile here on Bogue Banks. These numbers are far below
11 the densities in other states, thus we would make the
12 argument that even if critical habitat designation is
13 warranted, we do not believe it is warranted in North
14 Carolina and certainly not along Bogue Banks. The U.S.
15 Fish and Wildlife Services recognizes the final
16 determination regarding any special management
17 considerations will be made at a time of individual
18 consultations or specific projects, but states
19 designation will have little economic impact. We're
20 very concerned about this because the history
21 surrounding the listing of the Loggerhead turtle as
22 well as many other species and the designation of
23 critical habitat are likely to add significant costs to
24 already costly projects. We feel these will be
25 significant economic impacts on the national, state and

1 local economies. We have a domestic tourism economic
2 impact of \$278 million annually here in Carteret County
3 with more than 2,960 jobs that are directly
4 attributable to travel and tourism which generate a
5 payroll of more than \$48 million. Because of these
6 numbers, we are very concerned that speculative costs
7 associated with this designation will not be minor and
8 will have a direct negative impact on our tourism
9 economy. We think there are already adequate measures
10 in place to ensure the survival and recovery of the
11 Loggerhead sea turtle and the designation would
12 negatively impact programs which already have a
13 positive impact on the Loggerhead turtle here in
14 Carteret County. Therefore we ask that you not
15 designate any critical habitat for the Loggerhead sea
16 turtle along Bogue Banks in Carteret County or anywhere
17 within the State of North Carolina; thank you.

18 Hearing Officer: Next is Larry Baldwin to
19 be followed by Brent Fulcher.

20 Mr. Baldwin: Thank you; again, my name
21 is Larry Baldwin. I'm representing my personal
22 viewpoints tonight, but I also in context as a member
23 of the Carteret County Beach Commission which several
24 members have talked to tonight which is responsible for
25 the health and renourishment of our beaches here in

1 Carteret County; also as a member of the Coastal
2 Resources Commission which is in flux right now because
3 of recent legislation which is responsible for the
4 Coastal Area Management Act which is a joint venture
5 with the Federal Coastal Management Act; also for NC20
6 which is responsible for the whole health environment
7 and concerns of the 20 North Carolina counties and
8 lastly of the scientists of natural resources, soil
9 scientists and conservation. I appreciate the
10 opportunity to speak to you tonight. I've sat in your
11 position before in public hearings and you have my
12 empathy. But considering my involvement with these
13 agencies, I mentioned before and that the critical
14 habitat designation that is in state controlled lands,
15 state controlled waters out for 300 miles. I found it
16 an affront to me personally being a member of these
17 different agencies and groups to learn about this
18 through third parties and I say after, I emphasize
19 after, it was already notified in the federal
20 regulations. It is almost a comedy of errors here that
21 we're having a public hearing after the rule is passed
22 in the Federal Register. I also find it somewhat of an
23 affront especially considering the outstanding efforts
24 and costs to local, county and state but most
25 importantly North Carolina to the volunteer groups that

1 protect and enhance the turtle populations within our
2 control. There's a term called best available science
3 that's being used and I see it a lot in political
4 science or also in policy called best available
5 science. I find it interesting that the best available
6 science was totally subverted by the U.S. Fish and
7 Wildlife Service solely not by a lawsuit, but by the
8 intent of a lawsuit. I find that an affront. To me
9 it's also very questionable the areas that have been
10 designated as critical habitat as I'm seeing the
11 national seashores totally ignored, but yet you went
12 for populated areas. I implore you to use at least the
13 best available science and not litigation to make rule
14 and regulation pertaining to natural resources. And
15 also with regards to the science -- I see the yellow
16 light -- there was a recent article in February
17 regarding the red fox on actual accreditation of
18 turtles, February 13th examination of Masonboro Island,
19 which was where you had your public hearing in
20 Wilmington last night, that the U.S. Fish and Wildlife
21 Service gave \$15,000.00 to kill the red fox, you know,
22 for accreditation purposes. I find that interesting,
23 you know, because Masonboro Island is totally
24 uninhabited. I hope homosapiens are not included on
25 the list. Lastly, I strongly implore the federal

1 government to work under this consistency act which I
2 think was also totally subverted, to work with the
3 local and state groups that are out there. I think we
4 will curb the turtle population by not doing that. And
5 lastly, I would conclude by saying let's have a balance
6 of all the sciences and resources and impacts and let's
7 not use political science and agendas to manage our
8 natural resources; thank you.

9 Hearing Officer: Thank you, Mr. Baldwin;
10 Brent Fulcher and next is Kenneth Humphrey.

11 Mr. Fulcher: Thank you for the
12 opportunity to let me speak; my name is Brent Fulcher.
13 What you're looking at is an endangered species. I'm a
14 North Carolina forest official. I'm against this
15 critical habitat area. Furthermore, I would like you
16 all to accept this as a formal request for the U.S.
17 Fish and Wildlife to do a current stock assessment on
18 the sea turtles. The reason for that is this. North
19 Carolina wildlife data says in 2004 there were 333
20 Loggerhead nests in the State of North Carolina. For
21 2012, it was 1,069 Loggerhead nests in the State of
22 North Carolina. That's an increase of 736 more nests
23 over that time frame, 320 percent increase in nests.
24 South Carolina data, the Department of Natural
25 Resources website, 2004, same time frame, 345

1 gentlemen, thank you for this opportunity; my name is
2 Kenneth W. Humphrey. I was born in Morehead City.
3 From 1979 until 1998, I had a second home in Crossroads
4 in Beacons Reach. I was once president of the
5 Crossroads Homeowners Association for a couple of
6 years. My father was a commercial fisherman here back
7 in the '30's, and I used to spend nights out on Bogue
8 Sound with a net. So ingrained in me is this heritage.
9 When a fisherman stands up and speaks, I know where
10 he's coming from. Percy (inaudible), a lawyer said one
11 time, justice is that which is only asserted and
12 plausibly maintained. We might turn that around for a
13 moment in this case which I see the people's case and
14 I'll say this against the federal government, that
15 truth is that which is boldly asserted and plausibly
16 maintained. I think this. I do feel -- I came in here
17 as a neutral person. I am very much an
18 environmentalist. I'm an offshore fisherman. I am
19 very turtle friendly. But these people have done their
20 homework and they've educated me tonight. I would
21 suggest to the federal government, I would like to see
22 the science. I would like to see the science as to why
23 there should be or must be this critical designation.
24 When I was in -- when I had my home there in Beacons
25 Reach, I saw these people, kids, adults, senior

1 citizens, and their concerns for the turtles and it was
2 amazing. So all I can say is this, taking emotion out
3 of it, frankly, if there was a jury here tonight,
4 gentlemen, if there was a jury and they said will the
5 jury please consult and give us a verdict, I'm not
6 going to suggest what the verdict might be. I have a
7 feeling I know, okay? I am very much a person who
8 probably alone in this room, I am a proponent of
9 government in so many ways. But in this issue right
10 here, it looks like to me the federal government has
11 put the horse before the cart. These people are making
12 what they call best efforts and they seem to have the
13 proof of their efforts. I think it behooves the
14 federal government to come out clearly in newsprint or
15 however they want to do it and make this case because
16 once done -- I'll tell you, this is a tourist
17 community. We are a tourist economy. We have people
18 who are dedicated to these turtles. Once done, it's a
19 dangerous precedent. I just say the government needs
20 to go back and show us the science; thank you.

21 Hearing Officer: Scott Eckholdt.

22 Mr. Eckholdt: Scott Eckholdt; I'm from
23 Atlantic Beach, and I've been a resident for the second
24 time in Carteret County for about the last year and a
25 half. I came here tonight wanting to be informed by

1 yourselves and also the folks here that are impacted by
2 this. We're all impacted by this. And I kind of came
3 up with just a few thoughts as I was sitting here and I
4 wrote it down. I said the purpose and responsibility
5 of government is to protect those that cannot protect
6 themselves. As you have heard tonight, our local
7 volunteer groups, our local government and our state
8 government are already protecting these turtles. So
9 why do we need your assistance? Can your organization
10 study and research what we're already doing prior to
11 making unnecessary regulations; thank you.

12 Hearing Officer: Thank you, Mr. Eckholdt;
13 I'll call again. There's a Bradley Styron who signed
14 up. Is he here? Okay, and Ms. Johnson says she is
15 going to submit her comments in writing. Is there
16 another person at this late hour who would like to rise
17 and say their peace?

18 Unknown Female: I have one question.
19 When are you going to answer the question?

20 Hearing Officer: The question was when are
21 we going to answer the questions. We're going to
22 answer your questions in writing in our response when
23 there is a final decision. We don't know what the
24 final decision is going to be. It may be to designate
25 a critical habitat or it may not be to designate a

1 critical habitat or it may be to change the proposed
2 designation in some way. And when that is published in
3 the Federal Register, there will be a full explanation
4 by the Service and its reasons for doing what it's
5 decided to do and there will be response to all of your
6 comments, written comments and oral comments here
7 tonight. Now we won't respond to each of you by name.
8 What the Service does, because they get thousands of
9 comments on a proposal like this, is they go through
10 the comments and they sort out, like we had a lot of
11 people tonight that said basically the economic
12 analysis is bogus, so there'll be a response to the
13 allegations about the strengths and weaknesses of the
14 economic analysis. All right, so the comments will be
15 grouped into categories like that so it will be
16 responsive to each criticism or each comment or
17 question, even though the same question or comment
18 might have been made by 1,000 people. So that's how it
19 will be done and it will all be published and it will
20 be very public.

21 Unknown Female: After the fact?

22 Hearing Officer: Well, the explanation of
23 the decision will be made when there's a decision. We
24 don't know what the decisions are going to be yet. So
25 when the decision is made, it will be explained at that

1 time. All right, if there's nobody else who wants to
2 come in or raise a question -- here's a hand; ma'am?

3 Ms. Holz: Thank you; my name is
4 Paxon Holz. I didn't sign up because I didn't intend
5 to speak. But I would like to share some thoughts with
6 you. After my father, William Britton McLean, came
7 back from his European vacation in North Africa and
8 Italy during World War II, he bought timber on Bogue
9 Banks and later persuaded the owner of what became
10 Emerald Isle to sell Emerald Isle to him. Problem was,
11 he didn't have any money, so he took in partners, his
12 brother-in-law, his best friend, the mayor of the
13 little town he was from and three bankers and they
14 bought the 12 miles which became Emerald Isle for
15 \$350,000.00. And the thing is, from that day till
16 this, we've never been out of debt. And that's God's
17 truth. I know what my father would do in this
18 situation. He would go to those people in these three
19 environmental groups who have won this lawsuit, who
20 have got you folks over a barrel and he would invite
21 them to Bogue Banks to see what a great job these
22 turtle protectors are doing. He might offer them a
23 chipped beef glass full of bourbon. But he would show
24 them the truth, that there are huge efforts at all
25 levels existing to protect the turtles. And another

1 thing he would tell you is the people in this area will
2 not be coward. We will fight and we will put our money
3 into lawyers, God bless them, and we will do everything
4 we can to protect not only our environment, but our
5 livings. And that is what is being threatened. We
6 have protected, will continue to protect the turtles,
7 but we will protect our way of life as well; thank you.

8 Hearing Officer: Yes, sir?

9 Mr. Humphrey: Her father would probably
10 offer Scotch, because he would give me \$10.00 sometimes
11 and ask me, Ken, go down and get me a flask of
12 McNaughton Scotch.

13 Hearing Officer: Sounds good, I'll drink
14 to that. All right, is there anyone else that has
15 something to say? I see another hand in the back.
16 Come on up. Tell us your name and we're glad to hear
17 from you.

18 Mr. Blaze: My name is Kenneth Blaze.
19 I'm a resident of Cape Carteret, Carteret County, North
20 Carolina, and I think I represent all the young boys
21 and girls in Carteret County when I say that this
22 critical habitat will, one, ruin the economy; two, ruin
23 our future because you see this critical habitat will,
24 one, cut off dredging which will endanger the state
25 port. When you endanger that state port being shut

1 down, that will shut down Cherry Point because Cherry
2 Point was built there because it's a location of a
3 state port. You shut down Cherry Point, you basically
4 cut off our entire lifeblood because that's where most
5 of our tourism comes from. And that's all I have to
6 say, sir. Just don't pass this critical habitat. It
7 will ruin Carteret County and the State of North
8 Carolina.

9 Hearing Officer: Anyone else; okay, it's
10 almost nine o'clock and I want to thank all of you for
11 your comments and your questions. I'd like to remind
12 you that the record for this proceeding will remain
13 open for more written comments until September 16,
14 2013. So if you think of something else you want to
15 add to the record or a question you want to ask, please
16 submit it in writing. Again, the information of how to
17 do that is on these slips of paper, and we have more of
18 them if you didn't get one on the way in here. So
19 again, I'd like to thank you for your time and your
20 participation and especially I'd like to thank you for
21 your kindness and courtesy to each other. I thought it
22 was a great public hearing and you should be very proud
23 of yourselves, so thank you and have a good evening.

24 (The proceedings were concluded at 8:59 P.M.)
25

NORTH CAROLINA

WAKE COUNTY

C E R T I F I C A T E

I, Diane Byrd, Notary/Reporter, do hereby certify that this USFWS Public Hearing was taken by me and transcribed under my direction and that the eighty-two pages which constitute this public hearing are a true and accurate transcript.

I certify that I am not counsel for, or employed by either party in this action, nor am I interested in the outcome of this action.

IN WITNESS THEREOF, I have hereunto set my hand this 14th day of September, 2013.

Diane Byrd

Notary Public

Certificate No.: 19933130099

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