

0008421



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

May 7, 2010

Michael B. Murray, Superintendent
Outer Banks Group
National Park Service
1401 National Park Drive
Manteo, North Carolina 27954-9451

SUBJECT: CD10-028 – Proposed Implementation of an Off-Road Vehicle Management Plan at the Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina (DCM#20100034)

Dear Mr. Murray:

We received your consistency determination on March 10, 2010 for the proposed implementation of Alternative "F" as the Off-Road Vehicle Management Plan (Plan) for the Cape Hatteras National Seashore (Seashore), Dare and Hyde Counties, North Carolina. Alternative "F" is detailed in the document "*Cape Hatteras national Seashore, Off Road Vehicle Management Plan/Environmental Impact Statement*" (March 2010). According to the submission, the National Park Service (NPS) proposes a variety of management measures and construction projects related to the management of off-road vehicle (ORV) usage at the Seashore. The NPS noted in its consistency submission that the NPS has not yet determined the exact location for the proposed improvements and is consequently not seeking consistency concurrence for these improvements at this time. Supplementary consistency reviews would be conducted for specific projects involving construction when final plans have been formulated. The Plan, when finalized, is intended to guide the management of ORV usage at the Seashore for the next 10 to 15 years.

North Carolina's coastal zone management program consists of, but is not limited to, the Coastal Area Management Act, the State's Dredge and Fill Law, Chapter 7 of Title 15A of the North Carolina Administrative Code, and the land use plan of the County and/or local municipality in which the proposed project is located. It is the objective of the Division of Coastal Management (DCM) to manage the State's coastal resources to ensure that proposed Federal activities would be compatible with safeguarding and perpetuating the biological, social, economic, and aesthetic values of the State's coastal waters.

To solicit public comments, DCM circulated a description of the proposed project to State agencies that would have a regulatory interest. No comments asserting that the proposed activity would be inconsistent with the State's coastal management program were received. Nevertheless, a comment

was received from the North Carolina Division of Marine Fisheries (NCDMF) expressing concern with the Hatteras Inlet Spit and North Ocracoke Spit areas being closed to ORV use. A copy of the responses received has been attached for reference.

DCM has reviewed the submitted information pursuant to the management objectives and enforceable policies of Subchapters 7H and 7M of Chapter 7 of Title 15A of the North Carolina Administrative Code and concurs, as conditioned below, that the proposed Federal activity is consistent, to the maximum extent practicable, with the relevant enforceable policies of North Carolina's coastal management program.

In order to be found consistent with North Carolina's coastal management, the NPS (Applicant) shall comply with the following condition of concurrence.

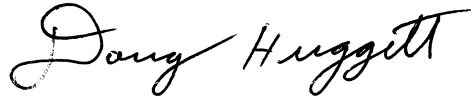
- In the event that impacts to waters of the U.S. are proposed, the Applicant, prior to initiating any land or water disturbing activities, shall obtain a Section 401 Water Quality Certification from the NC Division of Water Quality. The Applicant shall comply with the requirements of the Section 401 Water Quality Certification. A copy of the certification shall be forwarded to DCM.
- In the event that land disturbing activities (on a per-event-basis) exceed one acre; the Applicant, prior to initiating any land disturbing activities, shall obtain the approval of the NC Division of Land Resources of an erosion and sedimentation control plan. The Applicant shall comply with the requirements of the approved erosion and sedimentation control plan. A copy of the plan approval shall be forwarded to DCM.
- The Applicant, prior to initiating any land disturbing activities that will increase or otherwise modify impervious surface area, shall contact the NC Division of Water Quality to determine whether a Stormwater Permit would be required. If a stormwater permit is required, the Applicant shall obtain a Stormwater permit before implementing construction. The Applicant shall comply with the requirements of the stormwater permit. A copy of the stormwater permit shall be forwarded to DCM.
- The Applicant (prior to initiating any construction project contemplated in the Plan) shall submit (for the review and concurrence of DCM) final site plans for supplementary consistency review. Proposed construction activities must receive a consistency concurrence from DCM before they can be implemented.
- The Applicant shall adhere to any mitigation measures described in the consistency submission and the environmental assessment "*Cape Hatteras national Seashore, Off Road Vehicle Management Plan/Environmental Impact Statement*" (March 2010) to the extent that they do not conflict with any of the conditions of concurrence stated above.

This letter of concurrence is contingent on the Federal agency agreeing with the condition stated above. In the event that the Federal agency does not agree with the condition of concurrence, this letter effectively becomes a letter of State "*Objection*". Should the Federal agency not agree with the condition stated above, a letter of non-agreement should be sent to DCM. The procedures of 15 CFR 930.43 would then need to be followed.

To address the concerns of the NCDMF regarding the planned ORV closure at the Hatteras Inlet Spit and North Ocracoke Spit areas, DCM recommends that the NPS consult with NCDMF regarding possible seasonal and/or limited access opportunities since these areas are important for recreational and commercial fishing.

Should the proposed action be modified, a revised consistency determination could be necessary. This might take the form of either a supplemental consistency determination pursuant to 15 CFR 930.46, or a new consistency determination pursuant to 15 CFR 930.36. Likewise, if further project assessments reveal environmental effects not previously considered by the proposed development, a supplemental consistency certification may be required. If you have any questions, please contact Stephen Rynas at 252-808-2808. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

A handwritten signature in black ink that reads "Doug Huggett". The signature is written in a cursive, flowing style.

Doug Huggett
Manager, Major Permits and Consistency Unit

Cc: Frank Jennings, Division of Coastal Management
David Moye, Division of Coastal Management
Megan Carfioli, National Park Service



North Carolina Department of Environment and Natural Resources

Division of Marine Fisheries

Beverly Eaves Perdue
GovernorDr. Louis B. Daniel III
DirectorDee Freeman
Secretary

MEMORANDUM

TO: Stephen Rynas, DCM

THROUGH: Anne Deaton, Chief Habitat Section

FROM: Sara E. Winslow, Northern District Manager
Kevin Hart, Habitat Permit ReviewerSUBJECT: DCM #20100034 -Draft Cape Hatteras National Seashore Off-Road Vehicle Management
Plan/Environmental Impact Statement

DATE: April 23, 2010

The North Carolina Division of Marine Fisheries has reviewed the DEIS – Cape Hatteras National Seashore Off-Road Vehicle Management Plan and submits the following comments pursuant to General Statute 113-131.

Alternative F – Management Based on Advisory Committee Input is the National Park Service (NPS) Preferred Alternative. Many of the actions in this alternative were from the Negotiated Rulemaking Advisory Committee's input, which the Division served on. This alternative is designed to provide visitors to the Seashore with a wide variety of access opportunities for both off road vehicle (ORV) and pedestrian users. Alternative F would re-open some Species Management Areas (SMAs) to ORV use earlier and for a longer time, once shorebird breeding was concluded, than the other alternatives. Under this alternative, Hatteras Inlet Spit and North Ocracoke Spit would be non-ORV areas year-round, with interdunal roads that allow access to the general area, but not the shoreline. SMAs would be closed to ORV use from March 15 through July 31, except South Point and Cape Point would have initial ORV access corridors and Bodie Island Spit would have an initial pedestrian access corridor at the start of the breeding season, with increased species monitoring in these areas. These access corridors would close when breeding activity is observed. All village beach closures would vary under Alternative F with the northern beaches closed to ORV use from May 15 – September 15 and southern beaches closed from March 1 – November 30. Seasonal night-driving restrictions would be established from one hour after sunset until after turtle patrol (NPS) has checked the beaches in the morning, approximately one-half hour after sunrise. There are numerous elements that are common between all alternatives. Several of the elements - commercial fishing vehicles would be exempted from some ORV restrictions, when not in conflict with resource protection; ORV permits would be required, establish a carrying capacity, ORV routes and areas would be officially designated, etc.

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The Division supports the majority of Alternative F – Management Based on Advisory Committee Input – elements. However, this agency expresses concern with the Hatteras Inlet Spit and North Ocracoke Spit area being designated non-ORV areas year round. These areas are very important to the recreational and commercial fishing public and at least a seasonal access should be considered, while still maintaining protection of these areas utilized by the various listed and species of concern.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

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APR 7 2010
Morehead City DCM

Dee Freeman
Secretary

MEMORANDUM

March 11, 2010

TO: Claudia Jones
Division of Coastal Management - Elizabeth City
1367 US 17 South
Elizabeth City, NC 27909-7634

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

This document is being circulated for consistency review and comment by **April 9, 2010**. The National Park Service (NPS) is proposing to implement Alternative "F" in the attached DEIS as the Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore. The NPS has established the following webpage for this project: <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=32596>. Your responses will assist us in determining whether the proposed project would be consistent with the State's Coastal Management Program. If the proposed project does not conform to your requirements, please identify the measures that would be necessary to bring the proposed project into conformance. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808 or email me at stephen.rynas@ncdenr.gov.

REPLY:

No Comment.

This office supports the project as proposed.

Comments to this project are attached.

This office objects to the project as proposed.

Signed: M. Claudia Jones Date: 4/5/10

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

TO: Stephen Rynas, Federal Consistency Coordinator

FROM: M. Claudia Jones, Coastal Management Representative, NE District *mcj*

THROUGH: Frank A. Jennings, III, District Manager, NE District *FAS*

DATE: April 5, 2010

SUBJECT: DCM #20100034 Proposed Implementation of the National Park Service Off-Road Vehicle Management Plan for the Cape Hatteras Nations Seashore DEIS

Comments: The National Park Service (NPS) has submitted a draft environmental impact statement (DEIS) on the Cape Hatteras National Seashore Off-road Vehicle Management Plan. The plan evaluates the impacts six alternatives, including two no action alternatives. These comments are in response to Alternative F, the NPS preferred alternative.

Overall, I do not see any specific inconsistencies with this proposal and the State's Coastal Management Program. However, there are referenced access areas/ramps that are proposed to be created or enlarged that will need to be individually reviewed for Federal Consistency once more detailed information regarding location, size and any resource impacts are known.

Specific areas referred to in the DEIS include:

- Relocation of Ramp 2
- Pedestrian trail and new parking at Oregon Inlet Camp Ground
- Parking at Ramp 23 expanded
- New ramps with parking at 24 and 26
- New ramp with parking established at 32.5
- New Ramp 39 across from Haulover and new soundside parking at Kite Point
- NPS (or Dare County) to establish new parking at the old Buxton Coastguard Station site

DIVISION OF NATURAL RESOURCES PLANNING & CONSERVATION
Department of Environment and Natural Resources

April 8, 2010

MEMORANDUM

TO: Stephen Rynas, NC DCM Federal Consistency Coordinator

FROM: Linda Pearsall, Director

SUBJECT: DEIS B Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore County; Dare and Hyde counties

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Morehead City DCM

REFERENCE: DCM#20100034 Proposed Implementation of An Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore

The Natural Heritage Program supports the project as proposed; either Preferred Alternative D or Alternative F are acceptable to the Program. Alternative D is the Environmentally Preferred Alternative, which has a more simplified and fixed set of regulations that increase the predictability of areas for usage by the public. Alternative F is the National Park Service Preferred Alternative, which incorporates more seasonal and geographic flexibility to manage both the natural resources and the ORV/visitor usage of the seashore.

The DEIS indicates that both Alternatives D and F will have beach closures for ASpecies Management Areas@, which also includes protection for bird nesting areas as well as areas for protecting the Federally Threatened seabeach amaranth (*Amaranthus pumilus*). Additional regulations, such as regarding night driving, are proposed for the Federally Threatened loggerhead seaturtle (*Caretta caretta*) and several other seaturtles, which come ashore only at night to deposit eggs on the beaches in the summer; the turtle season is extended to November 15. Generally, these Species Management Areas will be closed starting on March 15. We endorse the establishment of these additional protection actions. Alternative F has more flexibility with the ending of the closures, depending on the lateness of the season for colonial nesting birds. Allowing NPS staff flexibility in this decision seems wise.

In summary, the DEIS addresses our concerns, and our Program supports the protection of significant resources that will result. Please do not hesitate to contact me at 919-715-8697 if you have questions or need further information.



North Carolina Department of Environment and Natural Resources

Division of Coastal Management

James H. Gregson
Director

Dee Freeman
Secretary

Beverly Eaves Perdue
Governor

C. 10.03.12.01

MEMORANDUM

March 11, 2010

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TO: Maria Dunn
Division of Inland Fisheries, Habitat Conservation Program
NC Wildlife Resources Commission
943 Washington Square Mall
Washington, NC 27889-1638

APR 22 2010

Morehead City DCM

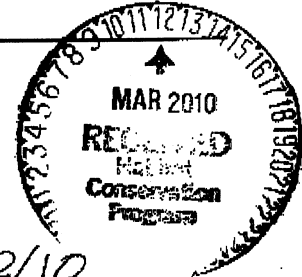
FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

This document is being circulated for consistency review and comment by April 9, 2010. The National Park Service (NPS) is proposing to implement Alternative "F" in the attached DEIS as the Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore. The NPS has established the following webpage for this project: <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=32596>. Your responses will assist us in determining whether the proposed project would be consistent with the State's Coastal Management Program. If the proposed project does not conform to your requirements, please identify the measures that would be necessary to bring the proposed project into conformance. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808 or email me at stephen.rynas@ncdenr.gov.

- REPLY:**
- No Comment.
 - This office supports the project as proposed.
 - Comments to this project are attached.
 - This office objects to the project as proposed.



Signed: [Signature] Date: 4/22/10

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



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APR 22 2010

Morehead City DCM

North Carolina Wildlife Resources Commission

Gordon S. Myers, Executive Director

MEMORANDUM

TO: Stephen Rynas, Federal Consistency Coordinator
 Division of Coastal Management
 North Carolina Department of Environment and Natural Resources

FROM: David R. Cox, Technical Guidance Supervisor
 Habitat Conservation Program *David R. Cox*

DATE: April 22, 2010

SUBJECT: Federal Consistency Review for the Draft Environmental Impact Statement (DEIS) for the proposed Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore, Dare and Hyde counties, North Carolina (DCM#20100034)

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) reviewed the consistency determination with regard to impacts on fish and wildlife resources. Our comments are provided in accordance with provisions of the Coastal Area Management Act (G.S. 113A-100 through 113A-128), as amended, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The NCWRC reviewed the DEIS and the preferred alternative F in consultation with our non-game biologists. We have substantial comments on the DEIS but do not find alternative F inconsistent with NCWRC policies and guidelines.

We appreciate the opportunity to comment on this project. If you have questions or need further information please contact me at (919) 528-9886.

cc: Kevin Hart, NCDMF
 Maria Dunn, NCWRC



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

James H. Gregson
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

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APR 5 2010
Morehead City DCM

MEMORANDUM

March 11, 2010

TO: Vivian Christy (401 Water Quality)
 DWQ - 401 Water Quality Certification (Washington)
 NCDENR - Division of Water Quality
 943 Washington Square Mall
 Washington, NC 27889-1638

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

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DWQ WARD

This document is being circulated for **consistency** review and comment by **April 9, 2010**. The National Park Service (NPS) is proposing to implement Alternative "F" in the attached DEIS as the Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore. The NPS has established the following webpage for this project: <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=32596>. Your responses will assist us in determining whether the proposed project would be consistent with the State's Coastal Management Program. If the proposed project does not conform to your requirements, please identify the measures that would be necessary to bring the proposed project into conformance. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808 or email me at stephen.rynas@ncdenr.gov.

- REPLY:**
- No Comment.
 - This office supports the project as proposed.
 - Comments to this project are attached.
 - This office objects to the project as proposed.

Signed: Paul J. Shill Date: March 30, 2010

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:
 Stephen Rynas, Federal Consistency Coordinator
 NC Division of Coastal Management
 400 Commerce Avenue
 Morehead City, NC 28557-3421



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North Carolina Department of Environment and Natural Resources
Division of Water Quality

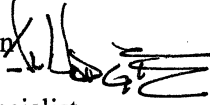
Beverly Eaves Perdue
Governor


Coleen H. Sullins
Director

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APR 5 2010
Morehead City DCM
Dee Freeman
Secretary

MEMO

To: Stephen Rynas, AICP; Federal Consistency Coordinator

Through: Al Hodge, Supervisor Surface Water Protection 

From: Roberto L. Scheller, Senior Environmental Specialist 

Subject: **Consistency Review for Alternative "F" Off-Road Vehicle Management Plan for Cape Hatteras National Seashore, Dare and Hyde Counties**

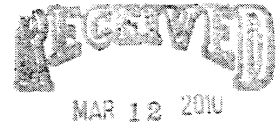
Date: March 30, 2010

Review of the subject project found that the proposed project would not have any anticipated impacts directly on wetlands or surface waters. Should this change during the implementation of the proposed project this Office should be contacted immediately. If you should have any questions or require additional information you may e-mail me at roberto.scheller@ncdenr.gov or contact me by phone at 252-948-3940.

North Carolina Division of Water Quality
943 Washington Square Mall
Washington, NC 27889
Phone: 252-946-6481 \ FAX: 252-946-9215
Internet: www.ncwaterquality.org

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One
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North Carolina Department of Environment and Natural Resources
Division of Coastal Management

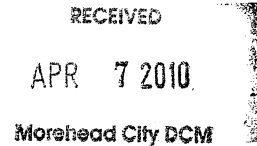
Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM

March 11, 2010



TO: Jim Mead
DWR - Water Projects Section
NCDENR - Division of Water Resources
1611 Mail Service Center
Raleigh, NC 27699-1611

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

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- REPLY:**
- No Comment.
 - This office supports the project as proposed.
 - Comments to this project are attached.
 - This office objects to the project as proposed.

Signed: Jim Mead Date: 4/5/10

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

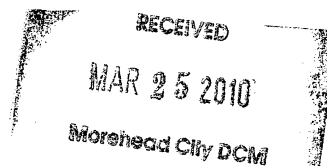
Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM

March 11, 2010



TO: Steve Trowell
Division of Coastal Management - Washington
943 Washington Square Mall
Washington, NC 27889-1638

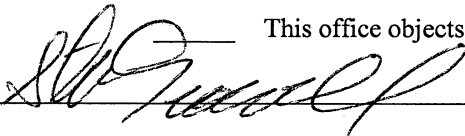
FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

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LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

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REPLY: _____ No Comment.
 This office supports the project as proposed.
 _____ Comments to this project are attached.
 _____ This office objects to the project as proposed.

Signed:  Date: 3/22/10

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources
 Division of Coastal Management
 James H. Gregson
 Director

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MAR 16 2010

Morehead City DCM

Beverly Eaves Perdue
 Governor

Dee Freeman
 Secretary

MEMORANDUM

March 11, 2010

TO:

County of Hyde
 PO Box 95
 Swan Quarter, NC 27885-0095

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

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REPLY:

- No Comment.
 This office supports the project as proposed.
 Comments to this project are attached.
 This office objects to the project as proposed.

Signed: Jerry Anderson

Date: 3-12-2010

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
 NC Division of Coastal Management
 400 Commerce Avenue
 Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources

Division of Coastal Management

James H. Gregson

Director

Beverly Eaves Perdue
GovernorDee Freeman
Secretary**MEMORANDUM**

March 11, 2010

TO: John Fear
Coastal Reserve Program - Beaufort
101 Pivers Island Road
Beaufort, NC 28516-9701

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

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REPLY:

- No Comment.
- This office supports the project as proposed.
- Comments to this project are attached.
- This office objects to the project as proposed.

Signed: _____

John Fear

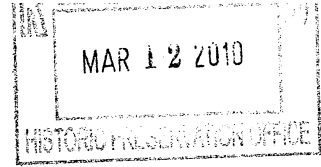
Date: _____

3/18/10

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources

Division of Coastal Management

James H. Gregson
Director

Dee Freeman
Secretary

Beverly Eaves Perdue
Governor

MEMORANDUM

March 11, 2010

ER 10-0173
3/17/10
NC Terrestrial LEA
A (NC meets consistency requirements
RWH lff
3-29-10
S - NAE
RQS 4.5.10

TO: Renee Gledhill-Early
State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

Due 3/29/10

This document is being circulated for **consistency** review and comment by **April 9, 2010**. The National Park Service (NPS) is proposing to implement Alternative "F" in the attached DEIS as the Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore. The NPS has established the following webpage for this project: <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=32596>. Your responses will assist us in determining whether the proposed project would be consistent with the State's Coastal Management Program. If the proposed project does not conform to your requirements, please identify the measures that would be necessary to bring the proposed project into conformance. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808 or email me at stephen.rynas@ncdenr.gov.

- REPLY:**
- K No Comment.
 - This office supports the project as proposed.
 - Comments to this project are attached.
 - This office objects to the project as proposed.

Signed: Renee Gledhill-Early Date: 4.6.10

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421

APR 14 2010

Morehead City DCM



North Carolina Department of Environment and Natural Resources

Division of Coastal Management

James H. Gregson

Director

Dee Freeman
SecretaryBeverly Eaves Perdue
Governor**MEMORANDUM**

March 11, 2010

TO: Pat McClain
NCDENR - Division of Land Resources
943 Washington Square Mall
Washington, NC 27889-1638

FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

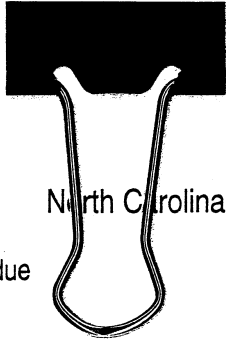
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REPLY: No Comment. This office supports the project as proposed. Comments to this project are attached. This office objects to the project as proposed.Signed: *John Reed*Date: 4/12/2010

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

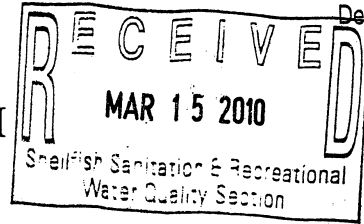
Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM

March 11, 2010



TO: Patti Fowler
Shellfish Sanitation and Recreational Water Quality Section
NC DENR - Division of Environmental Health
PO Box 769
Morehead City, NC 28557-0769

RECEIVED

MAR 18 2010

Morehead City DCM

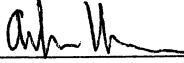
FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

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- REPLY:**
- No Comment.
 - This office supports the project as proposed.
 - Comments to this project are attached.
 - This office objects to the project as proposed.

Signed:  for Patti Fowler Date: 3/17/10

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:
Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421





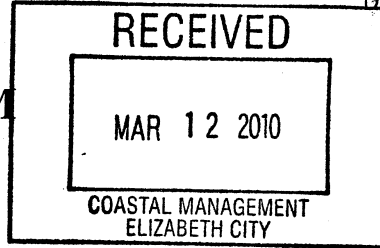
North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

RECEIVED
APR 22 2010
Morehead City

Dee Freeman
Secretary



MEMORANDUM

March 11, 2010

TO: Charlan Owens
Division of Coastal Management - Elizabeth City
1367 US 17 South
Elizabeth City, NC 27909-7634

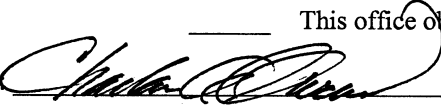
FROM: Stephen Rynas, AICP; Federal Consistency Coordinator

SUBJECT: Proposed Implementation of an Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore (DCM#20100034)

LOCATION: Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina

This document is being circulated for **consistency** review and comment by **April 9, 2010**. The National Park Service (NPS) is proposing to implement Alternative "F" in the attached DEIS as the Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore. The NPS has established the following webpage for this project: <http://parkplanning.nps.gov/document.cfm?parkID=358&projectId=10641&documentID=32596>. Your responses will assist us in determining whether the proposed project would be consistent with the State's Coastal Management Program. If the proposed project does not conform to your requirements, please identify the measures that would be necessary to bring the proposed project into conformance. If you have any additional questions regarding the proposed project you may contact me at 252-808-2808 or email me at stephen.rynas@ncdenr.gov.

- REPLY:**
- No Comment.
 - This office supports the project as proposed.
 - Comments to this project are attached.
 - This office objects to the project as proposed.

Signed:  Date: 4-20-10

CORRECTIONS: Please identify any corrections, additions, or deletions that should be made in terms of contact information.

RETURN COMPLETED FORM TO:

Stephen Rynas, Federal Consistency Coordinator
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM

TO: Stephen Rynas, AICP, DCM Federal Consistency Coordinator

FROM: Charlan Owens, AICP, NE DCM District Planner

SUBJECT: Federal Consistency Review request submitted by the National Park Service (NPS) for the Cape Hatteras National Seashore Off Road Vehicle (ORV) Management Plan Draft Environmental Impact Statement (DEIS) implementing Alternative "F" as the Off-Road Vehicle Management Plan for the Cape Hatteras National Seashore, located in Dare County and Hyde County.

Date: April 20, 2010

Consistency Determination: The request is consistent with/not in conflict with the Dare County 1994 Land Use Plan, approved April 30, 1999 and the Hyde County 1992 Land Use Plan.

Overview: The Cape Hatteras National Seashore (Seashore) consists of more than 30,000 acres distributed along 62 miles of shoreline. Federal ownership in the seashore extends from ocean to sound across three (3) barrier islands-Ocracoke, Hatteras, and Bodie. Hatteras and Bodie Islands are located in Dare County and Ocracoke Island is located in Hyde County. In Dare County, the U. S. Coast Guard Property and seven (7) village enclaves (Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, and Hatteras) are excluded from the Seashore boundaries. On Ocracoke Island, Ocracoke village is outside of the Seashore boundaries. The 5,990 acre Pea Island National Wildlife Refuge, located at the northern end of Hatteras Island, is part of the Seashore, but is administered for refuge purposes by the U. S. Fish and Wildlife Service (USFWS).

Due to low topography, nearly the entire Seashore is located within the 100-year floodplain and is subject to inundation during severe storm events. Remaining areas within the 500-year (Shaded X) zone include the Navy Tower Site on Bodie Island and a large area near Buxton, with AE zones in areas not directly adjacent to the ocean or sound. Additionally, land along the ocean beach and adjacent to some areas of the sound are in floodzone "VE", which have hazards associated with storm waves. The Seashore is also subject to high water table conditions. The high water table and location within flood plain and high wave action areas make the Seashore subject to drainage and flooding problems that often result from storm events.

Dynamic environmental processes within the Seashore provide a variety of important habitats. The majority of undeveloped acreage within the Seashore consists of tidal wetlands. Areas of non-tidal wetlands are located primarily on Hatteras Island near the village of Buxton and

Buxton Woods Coastal Reserve. Marshes, tidal flats, and riparian areas provide habitats that support the federally listed piping plover; sea turtles; and one (1) listed plant species, the seabeach amaranth; as well as North Carolina Wildlife Resources Commission (NCWRC) listed species of special concern which include colonial waterbirds (least terns, common terns, and black skimmers), American oystercatcher, and Wilson's plover; and the gull-billed tern that is listed by the NCWRC as threatened.

Prehistoric and historic cultural resources are also found at the Seashore. As of 2007, the Seashore contains thirty-six (36) historic structures and (28) archaeological sites. Ongoing research by the Underwater Archaeology Branch of the NC Office of State Archaeology has also cataloged sixty-three (63) historic shipwreck remains on the beaches of the Seashore as of January 2008. There are also five (5) cultural landscapes within the Seashore: the Bodie Island Light Station, Little Kinnakeet Life Saving Station, Cape Hatteras Light Station, Hatteras Weather Bureau Station, and Ocracoke Light Station. The Hatteras Weather Bureau Station and Ocracoke Light Station are listed on the National Register. The Bodie Island Light Station, Bodie Island Lifesaving/Coast Guard Station, and Cape Hatteras Light Station are listed in the National Register as historic districts.

The economy of the area is largely driven by tourism, mainly during the summer months, and the Seashore is a primary attraction. The Seashore is a popular recreation destination with more than 2.1 million visitors in 2008. Recreational activities include beach recreation (sunbathing, swimming, shell collecting, etc.), fishing (surf and boat), hiking, hunting, motorized boating, non-motorized boating (sailing, kayaking, canoeing), nature study, photography, ORV use (beach driving), shellfishing, sightseeing, watersports (surfing, windsurfing, kiteboarding, etc.), and wildlife viewing. Improvements for public access are included throughout the Seashore on Bodie and Hatteras islands in Dare County, and Ocracoke Island in Hyde County. Improvements in Dare County include twelve (12) oceanside vehicle access ramps, three (3) ocean fishing piers, two (2) bathhouses, one (1) marina, a boat ramp, three (3) campgrounds, thirteen (13) soundside access points, two (2) day use areas, and two (2) visitor centers. Improvements on Ocracoke Island include five (5) oceanside vehicle access ramps, one (1) bathhouse, one (1) marina, a boat ramp, one (1) campground, a pony pen, five (5) soundside access points, two (2) soundside commercial fishing access points, (1) day use area, and one (1) visitor center. Information stations, parking lots totaling approximately 1,000 spaces, and nature trails are found throughout the Seashore.

Seashore visitors often use off-road vehicles (ORVs) for traveling to and from swimming, fishing, and surfing areas and for pleasure driving. Some popular beach sites, particularly those near inlets and Cape Point, are a distance from established parking areas. Visitors who come for surf fishing and picnicking are accustomed to using large amounts of recreational equipment that cannot be practically hauled over these distances without motorized access. Commercial fishermen with large amounts of fishing gear also use ORVs to access the Seashore. As a result, ORVs are considered to be the primary and most practical form of access for many areas of the Seashore. Currently ORV users are allowed to drive on the beach seaward of the primary dune line, with 10 meter backshore areas seaward of the primary dune line protected seasonally. Designated vehicle access ramps are used to access the beach from NC Highway 12, which runs behind the primary dune.

Improved access to the Seashore, increased population, and the popularity of 4-wheel drive Sport Utility Vehicles (SUVs)/ORVs has resulted in a dramatic increase in vehicle use on Seashore beaches. There has also been a decline in most beach nesting bird populations on the Seashore since the 1990s. ORV use at the Seashore has historically been managed since the 1970s through draft or proposed plans, though none were ever finalized or published. NPS issued an Interim Protected Species Management Strategy (Interim Strategy) in 2006 to provide resource protection guidance until the long-term ORV management plan and regulation could be completed. Following a Finding of No Significant Impact (FONSI) for the Interim Strategy in July of 2007, a lawsuit was filed by the Defenders of Wildlife and the National Audubon Society, represented by the Southern Environmental Law Center, claiming the Interim Strategy violated the Endangered Species Act (ESA) and other laws, failed to protect species at the Seashore, and failed to comply with requirements for ORV use. The lawsuit resulted in a consent decree with court ordered deadlines for completion of an ORV management plan/Environmental Impact Statement (EIS) and special regulation.

The submitted Cape Hatteras National Seashore Off-Road Vehicle Management Plan Draft Environmental Impact Statement (DEIS) evaluates the impacts of a range of alternatives for regulations and procedures to manage ORV use and access at the Seashore to protect and preserve natural and cultural resources and natural processes, to provide a variety of visitor use experiences while minimizing conflicts among various users, and to promote safety of all visitors. The DEIS evaluates the impacts of two (2) no-action alternatives (A and B) and four (4) action alternatives (C, D, E, and F).

- Alternative A: No Action – Continuation of Management under the Interim Protected Species Management Strategy
- Alternative B: No Action – Continuation of Management under Terms of the Consent Decree
- Alternative C: Seasonal Management
- Alternative D: Increased Predictability and Simplified Management (Environmentally Preferred Alternative)
- Alternative E: Variable Access and Maximum Management
- Alternative F: Management Based on Advisory Committee Input

The DEIS analyzes impacts of these alternatives in detail for floodplains, wetlands, federally listed threatened or endangered species, state-listed and special status species, wildlife and wildlife habitat, visitor use and experience, soundscapes, socioeconomics, and Seashore operations. The alternative selected for implementation will become the ORV management plan and will form the basis of special regulation, guiding the management and control of ORVs at the Seashore for the next 10 to 15 years. Alternative F is the NPS Preferred Alternative.

Alternative F was created through input by the Negotiated Rulemaking Advisory Committee and is designed to provide visitors to the Seashore with a wide variety of access opportunities for both ORV and pedestrian use. Under this alternative, approximately 16 miles of ocean

shoreline that is currently open to ORV use under the Interim Species Management Strategy and the consent decree would be designated as closed to ORVs, 23 miles would be designated for seasonal ORV use, and 29 miles would be designated as year round routes. Hatteras Inlet Spit and North Ocracoke Spit would be non-ORV areas year-round, with interdunal roads that allow access to the general area, but not the shoreline. Species Management Areas (SMAs) would be closed to ORV use from March 15 through July 31; except South Point and Cape Point would have initial ORV access corridors and Bodie Island Spit would have an initial pedestrian access corridor at the start of the breeding season. These access corridor(s) would close when breeding activity is observed. Village beach closures would vary, with the northern beaches closed to ORV use from May 15 through September 15 and southern beaches closed from March 1 through November 30. Seasonal and night-driving restrictions would be established one hour after sunset until after a turtle patrol has checked the beaches in the morning, which is approximately one-half hour after sunrise. "Vehicle Carrying Capacity" would be established, setting a "peak use limit" for all areas based on the linear feet of beachfront and physical space requirements. NPS would also consider applications for commercial use authorization to offer beach shuttle services. Specific to accessibility for the disabled, special permits would be issued for areas in front of the villages to allow ORVs to transport disabled visitors to the beach and then return the vehicle back to the street; and ADA compliant beach access points and boardwalks would be available at Coquina Beach, the Frisco Bathhouse, the Ocracoke Pony Pen, and the Ocracoke Day Use Area.

Implementation of alternative F would result in the construction or replacement of nine (9) ORV access ramps, twelve (12) new or expanded parking lots, relocation or extension of four (4) interdunal roads, and the establishment of two (2) pedestrian trails. Proposed oceanside improvements in Dare County include relocation of Ramp 2 approximately .5 mile south of Coquina Beach; installation of a pedestrian trail to the inlet connecting to a new parking area near the campground just south of Ramp 4; newly established Ramp 24, Ramp 26, and Ramp 32.5 and associated parking; expanded parking at Ramp 38 south of Avon village; installation of a new Ramp 39 across from Haulover; establishment of a new parking area at the old Coast Guard Station site near Buxton village; installation of a new Ramp 47 along with an interdunal road extending west of new Ramp 47 to Ramp 49; installation of new Ramp 48 near the Frisco Campground; and installation of a new interdunal road extending southwest and northeast of the south end of Pole Road to provide parking for pedestrian access to False Point and Hatteras Inlet. If the Bonner Bridge construction closes Ramp 4, a new Ramp 3 would be constructed north of the Oregon Inlet campground and day-use parking would be provided. Soundside improvements in Dare County would include the establishment of parking at Kite Point and rerouting of Pole Road to the sound. Proposed improvements on Ocracoke Island include installation of a new interdunal road parallel to the beach extending from Ramp 59 for .2 mile northeast toward the inlet with parking at the terminus; newly established Ramp 62 and Ramp 64, with new parking to be installed at Ramp 64; expansion of parking at the pony pen; and installation of a new road and parking lot with a pedestrian trail to the sound .65 mile south of Ramp 72.

Anticipated impacts: under Alternative F are expected to include the following:

Construction within the Seashore has the potential to impact the floodplain. Some of the parking areas would be within the "VE" zone, others would be within the "AE" zone, and all of the parking lots would be within the 100-year floodplain. New or expanded parking, however,

would be located outside of coastal high hazard areas subject to flooding when possible. Construction or expansion of ten (10) of the twelve (12) proposed parking lots would result in the placement of hardened surface within the floodplain, and would have a limited effect on the ability of the floodplain to convey floodwaters from storm surge. Ramps and parking areas would be constructed using environmentally sensitive standards to minimize stormwater runoff.

Impairment of wildlife habitat is not anticipated, since sufficient population numbers and functional habitat would remain to maintain sustainable populations of invertebrates and other bird species in the Seashore.

New access ramps and parking lots would be located exclusively in upland areas, avoiding direct impacts to wetlands, although heavy use of the roads could result in inadvertent wetland damage if vehicles were to leave the road surface. Proposed pedestrian trail and interdunal road extensions would not require any formal surfacing or removal of vegetation and would avoid wetland areas. Protective signage would be installed along all soundside access points to reduce the potential for wetland area impacts.

Historic and cultural resources are not in immediate danger of damage from ORV users and are not anticipated to be impacted. There should be no cultural landscape viewshed impacts, since oceanside ORV use areas are close to a mile from the Cape Hatteras Lighthouse Station and ORV use does not occur in areas surrounding other historic structures. None of the archaeological remains associated with structures are in immediate danger of damage from ORV users.

Designation of ORV areas would help minimize conflicts, and implementation of a permit system would provide additional education and the ability to increase compliance with ORV use regulations. ORV users, however, would experience adverse impacts, as the designation of non-ORV areas and the establishment of SMAs would preclude ORV use, either seasonally or year round, from some areas of the Seashore that are popular visitor use areas. Non-ORV users would experience benefits, through the establishment of year-round non-ORV areas and seasonal ORV closures and new pedestrian trails. Pedestrian based activities would be allowed outside of any resource closed areas. Additional access to soundside areas would be provided.

Commercial fishermen using ORVs would be less impacted than recreational ORV users. Commercial fishermen would have access to the Seashore beaches except during full resource closures for breeding and at lifeguard beaches, so they would not be affected by longer seasonal closures. Commercial fishermen would not be required to obtain an ORV permit and would continue to be managed by the commercial fishing special use permit.

Specific to socioeconomic impacts, the seashore village areas are expected to experience impacts to specific businesses that cater to ORV users, since less access by ORVs to the beach is proposed. Variation in the nesting patterns and subsequent beach area closures make the socioeconomic impacts difficult to forecast. Impacts would be low when beach closures are minimal and high if beach closures are widespread and long lasting.

See ATTACHMENT for policy statements that may be applicable to this request.

cc: John Thayer, AICP, Manager, CAMA Local Planning and Access Programs

1367 US 17 South, Elizabeth City, NC 27909
Phone: 252-264-3901 \ FAX: 252-264-3723 ; Internet: www.nccoastalmanagement.net

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One
North Carolina
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ATTACHMENT

Policy Review:

The Cape Hatteras National Seashore is located within Dare County and Hyde County.

The Dare County 1994 LUP and the Hyde County 1992 LUP are the applicable LUPs for this review. While not the most recent LUPs state certified by the Coastal Resources Commission (CRC), the Dare County 1994 LUP and the Hyde County 1992 LUP are the most recent LUPs federally approved by the Office of Oceans & Resource Management (OCRM) and are to be used in determining federal consistency.

A general review of policy statements in the most recent state certified Dare County 2003 LUP and Hyde County 2008 LUP indicates no apparent conflict with the request. As indicated in the Hyde County 2008 LUP (Policy 42, Page 193), Hyde County does not oppose the use of off-road vehicles. While Dare County provides specific policy concerning four-wheel drive access to the beaches (Dare 2003 LUP, Policy #40, Page 73) and does not support efforts to prohibit beach driving, the County prefers to review proposals to impose additional driving restrictions on a case-by-case basis with support or opposition to depend on potential impacts to the local tourist economy.

As of April 20, 2010, the following policies from the Dare County 1994 LUP are applicable to this request:

The Dare County 1994 Land Use Plan Land Classification Map identifies the Cape Hatteras National Seashore as "Conservation". The following LUP policies may be applicable to this request:

Topographic Conditions and/or Proximity to Surface Water Bodies:

Policy 2.1.1 (b), Page 50:

"Dare County supports, as minimum standards, the administration and enforcement of all applicable floodplain management regulations, and the national flood insurance program."

Coastal Wetlands:

Policy 2.1.2 (a), Page 52:

"Dare County advocates the use of existing state and federal regulatory programs as adequate measures for protecting and preserving coastal wetland areas of environmental concern."

ATTACHMENT

Estuarine Waters:

Policy 2.1.2 (b), Page 53:

“Estuarine Shoreline development should continue to be managed to protect and preserve the natural resources of the Estuarine Waters. In addition, development located in Estuarine Waters shall be water-dependent, related to developed on the Estuarine Shoreline, or an accessory use to a structure located on the Estuarine Shoreline.”

Public Trust Areas:

Policy 2.1.2 (c-1), Page 54:

“Dare County supports the preservation and protection of the public’s right to access and use of the Public Trust Areas and Waters.”

Estuarine Shorelines:

Policy 2.1.2 (d-1), Page 55:

“Estuarine shoreline development should continue to be managed to protect and preserve the natural resources along the estuarine shoreline.”

Ocean Hazard Areas:

Policy 2.1.2 (e), Page 57:

“Oceanfront shoreline development should continue to be managed to protect and preserve the natural resources along the oceanfront.”

Freshwater Swamps and Marshes:

Policy 2.1.2 (h-1), Page 60:

“Dare County supports the Coastal Resources Commission’s policy to mitigate losses of coastal resources for those projects shown to be in the public interest as defined by the standards in 15NCAC7M.0700 et. seq. and only after all other means of avoiding or minimizing such losses have been exhausted.”

ATTACHMENT

(Implementation Strategy)

1. In instances when improvements to publicly-owned or managed facilities conflict with freshwater wetland protection programs, an alternatives analysis should be conducted in an effort to avoid wetland loss or alteration... However, should the analysis determine that there is no practicable alternative, a mitigation permit proposal shall be implemented. Mitigation activities and improvements designed as compensation for wetland loss occurring in Dare County shall be located, whenever possible, in Dare County and in proximity to the loss.”)

Policy 2.1.2 (h-2), Page 61:

“Dare County supports the U. S. Army Corps of Engineers Nationwide Permit Program.”

Cultural, Historical, and Archaeologically Significant Lands and Structures:

Policy 2.1.3 (a), Page 62:

“The Dare County Board of Commissioners supports the protection of structures, lands, and artifacts that have been identified by the NC Department of Cultural Resources Division of Archives and History as archaeologically or historically significant. On a case by case basis, individual protection/management strategies should be implemented to ensure archaeological and/or historical resources are not destroyed.”

Stormwater Management:

Policy 2.1.5 (b), Page 65:

“Stormwater runoff should be managed to the greatest possible degree to protect the quality of water in all water bodies surrounding Dare County.”

Fisheries Resources:

Policy 2.2.4-a, Page 72:

“The continued productivity of commercial and recreational fisheries shall be fostered through restoration and protection of the unique coastal ecosystems upon which they depend.”

ATTACHMENT

Policy 2.2.4-d, Page 73:

"State and Federal agencies with the authority to manage fisheries resources should be the responsible parties for the resolution of conflicts involving fisheries resources in Dare County. However, Dare County reserves the right to review, comment, advocate or oppose any proposed regulations or programs that may affect the fisheries resources or management."

Shoreline Resources:

Policy 2.2.5 (a), Page 74:

"Efforts to properly balance and control the use of off-road vehicles along the County's beaches, dune areas, and Estuarine Shorelines shall continue to receive support from County government."

Wildlife Resources:

Policy 2.2.6, Page 74:

"Dare County supports the maintenance of several preserve areas for wildlife habitat and access by the public to these areas for managed wildlife harvesting and observation."

Tourism:

Policy 2.3.9-b, Page 87:

"Dare County supports the concept of combining natural resources and tourism to promote the area's ecological values, also known as 'eco-tourism'."

Shoreline Access:

Policy 2.3.10, Page 89:

"Dare County supports North Carolina's shoreline access policies as stated in 15NCAC7H, Section .300. Dare County recognizes shoreline access to both ocean and estuarine shorelines as a key component in the local tourist economy."

ATTACHMENT

Bikeways/Walkways/Greenways:

Policy 2.3.13, Page 92:

"Dare County supports the development of sidewalks, bike paths, greenways, and walking/jogging trails to provide a safe setting for these types of outdoor recreation in unincorporated Dare County."

As of April 20, 2010, the following policies from the Hyde County 1992 LUP are applicable to this request:

The Hyde County 1992 Land Use Plan Land Classification Map identifies the Cape Hatteras National Seashore on Ocracoke Island, but does not provide a land use classification. As indicated on Page V-1, the "Conservation" classification includes the following areas of environmental concern: Coastal Wetlands, Section 404 Wetlands, Estuarine Shoreline, and Estuarine and Public Trust Waters. The following LUP policies may be applicable to this request:

Physical Limitations

Policy (d), Page IV-4

"...Within 404 wetlands, the only development will be docks, piers, pilings, and pedestrian walkways as allowed by this plan."

Flood Hazard Areas

Policy (a), Page IV-4

"Hyde County will continue to coordinate all development within flood hazard areas with the Hyde County Inspections Department, North Carolina Division of Coastal Management, FEMA, and the U. S. Corps of Engineers."

Stormwater Runoff

Policy (a), Page IV-7

"Hyde County recognizes the value of water quality maintenance to the protection of fragile areas and to the provision of clean water for recreational purposes. The county will support existing state regulations relating to stormwater runoff resulting from development..."

ATTACHMENT

404 Wetlands

Policy, Page IV-7

“Hyde County recognizes the value of water quality maintenance to the protection of fragile areas and to the provision of clean water for recreational purposes. The county will support existing state regulations relating to stormwater runoff resulting from development...”

Ocean Hazard AECs

Policy, Page IV-11

“All ocean hazard AECs are located on the ocean side of Ocracoke Island, which is under federal control as part of the Cape Hatteras National Seashore. State and federal agencies are requested to comply with specific use standards for ocean shoreline erosion control activities as specified in 15A NCAC 7H.0308 dated March 1, 1990.”

Estuarine Shorelines

Policy (a), Page IV-11

“Setback: The top priority of Ocracoke is for the 75 foot estuarine shoreline AEC to be maintained in its natural state. No clear cutting of vegetation, or filling or draining of wetlands, shall occur within the estuarine shoreline AEC. Land uses associated with water dependent activities that are consistent with this section shall be allowed in the estuarine shoreline AEC. The following are considered water dependent activities:

- ...6) Recreational and commercial fishing and aquaculture which are consistent with all federal and state regulations.
- 7) Publicly-owned regulatory signage.”

Coastal Wetlands

Policy, Pages IV-12 and IV-13

“A top priority of Ocracoke is to preserve coastal wetlands. These wetlands are important to the maintenance of the water quality of the estuarine waters and afford protective habitat and nursery areas in the life cycles of fish, crabs and shellfish. They also provide an important habitat for many different shorebirds. Another priority of Ocracoke is to allow use of coastal wetlands which require water access and which are consistent with other policy statements in this section. Any proposed land uses in coastal wetlands must demonstrate that the proposed project requires water access

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and that there is no alternative location with less impact on wetlands. Only the following development shall be allowed in coastal wetlands:

...g) All signs, except publicly-owned regulatory signs, shall be prohibited in coastal wetlands.”

Estuarine Waters and Public Trust Areas

Policy, Pages IV-12 and IV-13

“...Hyde County desires to prevent further deterioration of estuarine water quality and loss of public trust uses in Ocracoke. A second concern is to restore degraded water quality and lost uses of public trust areas. Hyde County desires to allow uses of estuarine waters and public trust areas in Ocracoke that provide public benefits to Ocracoke Village, and which satisfy the riparian access needs of private property owners. Only the following uses shall be allowed in estuarine water and public trust areas; all other uses shall be prohibited:

...c) Boat ramps as allowed by the policies of this plan

...f) Recreational and commercial fishing and aquaculture which are consistent with all federal and state regulations

g) Publicly-owned regulatory signage.”

Recreational Resources

Policy (a), Page IV-14

“All lands classified as coastal wetlands, 404 wetlands, estuarine waters, and public trust areas are considered valuable passive recreation areas...Except as otherwise provided for in these policy statements, these areas will be protected in their natural state, and development will not be allowed except for public shoreline access including dune crossovers structures and boardwalks in ocean hazard areas...”

Policy (b), Page IV-14

“The National Park Service provides an extremely important recreational resource to Ocracoke and the nation. The National Seashore is vital to the economy of Ocracoke. There exists a high degree of interdependence between Ocracoke and the Park Service with a high degree of cooperation. In keeping with this spirit of cooperation, Hyde County adopts the following policies in regard to the Cape Hatteras National Seashore:

...2. Pump Out Facility at NPS Marina: A sewage pump out facility for boats is needed at the National Park Service marina.

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...5. Hyde County requests that the National Park Service not issue any commercial leases or permits for retail sales and food concessions on National Park Service property.”

Off-Road Vehicles

Policy, Page IV-16

“Outside of the Cape Hatteras National Seashore, Hyde County supports the responsible use of off-road vehicles on Ocracoke Island.”

Estuarine Access

Policy (a), Page IV-19

“The National Park Service boat ramp provides adequate boating access for the public. To prevent more traffic congestion and the destruction of natural resources, no new commercial boat ramps shall be constructed in Ocracoke. Private boat ramps for individual residents should comply with all state and federal regulations and the policies contained in this plan.”

Policy (c), Page IV-19

“Pedestrian access which is consistent with the policies contained in this plan will be supported.”