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## OBPA Updates

### Summary of May 21 Meeting w/NPS

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Summary of meeting held at NPS headquarters on May 21, 2004.

Attended by: Supt. Larry Belli, Asst. Supt. Mark Hardgrove, Acting Chief of Enforcement John Anglin, Management Asst. Mary Doll representing the NPS and John Couch, Pres. OBPA, Larry Hardham, Pres. CHAC, Jim Keene, Pres. NCBBA. Absent but invited was Bob Sebrell owner of Tradewinds Tackle Shop in Ocracoke.

Items discussed:

1. Mr. Belli stated that after the invitations to the March 12, 2004 meeting had been made, that they were advised by NPS attorneys that the meeting could not be an "input" meeting due to requirements of the Federal Advisory Commission Act (FACA) as the invitations had indicated. When an uninvited representative of the press showed up, he became concerned that the meeting may be viewed as a FACA violation and this was why in his introductory remarks said that the meeting would be of an informational nature. Mr. Belli then apologized to us for the confusion and the concern that had been created over how the upcoming ORV Management Plan for the Seashore would be developed.
2. The next item discussed was how the ORV Plan would be developed. It was stated that the method of development, but not the plan, would be the same as that used for developing the Cape Cod and Fire Island Plans. These two plans were developed by a panel of "stake holders" who reached a consensus (not majority vote) on the plans content and wording. The panel would start from scratch with no plan being introduced by the NPS thus "Everything from Whalebone Junction to Ocracoke would be on the table." One of the panel members would be from the NPS and may include other government agencies, representatives from local, county and state governments as well as user groups and environmental groups. The members of this panel would be selected by outside contracted professionals. All meetings of the panel would be public meetings which could be attended by the public and public comment would be an option to the facilitator who would also be an outside contracted professional. It was requested that NPS issue a press release to more accurately describe the process. NPS said that as soon as they could legally (satisfy FACA requirements) do so they would. Again, there would be no NPS generated plan put on the table as a starting point as was the case back in 1978. Between now and the new ORV plan being finished, which may take several years, the 1978 Interim Plan would be used as the basis for running the Park except for the sections referring to permits. Mary Doll and Jeff Cobb are being assigned the task of getting all of this organized. Who the NPS representative on the panel would be did not come up. It was not known whether the final two research projects regarding the Sea Beach Amaranth plant or the Ghost Crab study had been completed (Steve Harrison, Chief of Resource Management is in charge of these). Even after asking twice, it was still not real clear what influence NPS Regional and National offices would have on the plan other than final

approval. It must be stated that because of the nature of the development process it would create a real fire storm of public opinion if the developed by consensus of this panel (which includes NPS) was not approved by both NPS Regional and National offices.

3. It appears that the drainage ditch at the Point will not be opened, even after a flooding event in that area, but a series of weirs will be used to dissipate excessive water, no time frame for this was revealed. The NPS had been heavily criticized for opening drainage ditches after Isabel without a permit since doing so had violated State clean water laws.

4. Extending ORV use of the beach further south of the current open beach at Ramp 38 (below Avon) past the Canadian Hole area was discussed. Seasonal closing opposite Canadian Hole would have to be a part of this concept. NPS said that they would review this and look at the Interim Plan to see how this area was handled in that plan.

5. Lack of beach access for residents and visitors to Hatteras Village was reviewed and NPS said that they have placed marl rocks at one point along Rt. 12 on the sound side to help and that a walk over was planned for this area, but no other plans seem to be in place. It was pointed out that the Park has some 67 fewer parking spaces than in 1978 despite a significant increase in visitors. NPS response is that the County needs to do what has been done in Nags Head and Kill Devil Hills to provide parking and access.

6. Mr. Belli asked to be provided with specifics of the economic loss anticipated as a result of their handling of Pole Road.

7. NPS was told, in no uncertain terms, that the current plans for Pole Road were not acceptable and that it needs to be restored to pre its Isabel configuration and condition.

8. Creating bird habitat by plowing under plant growth like what was done at the Point a number of years ago was suggested but was not received well due to the costs associated with such a project.

9. Opening up the "One Way Road" (abandoned stretch of old Hwy. 12) south of Avon on the ocean side which was covered with sand by Isabel was suggested and NPS said that they would look at this situation. Keeping this area closed has denied beach access to many who do not own an ORV.

10. Concern over a turtle nest being laid at or behind the 150 foot ORV Use Area stakes was expressed especially when there is grass behind the stakes but no solution was provided by NPS. This is potentially a real problem at all three of these corridor areas (Oregon, Hatteras and Ocracoke Inlets) as passage along the ORV Use Area would be blocked for approx. two weeks when the nest is expected to hatch.

11. Concern was voiced that since the ORV Use Area signs are to be up year around, that grass is likely to grow behind this line making it unsuitable as bird habitat and that in the future NPS will want to either eliminate or narrow the ORV Use Area which will be unacceptable. NPS choose not to respond to this potential situation.

12. It was also noted that NPS has placed bird closures right up to the 150 foot ORV Use Area line where no nesting had taken place leaving not room to expand them when nesting occurred. In the past the initial bird closures were smaller than this year almost as if the birds were being invited to nest close to the 150 foot line so the closures could be expanded into the ORV zone. This has happened at all three inlet areas. NPS again choose not to respond to this except to say that they are making an effort to put closures up only when birds are present.

13. When asked about the progress of a written plan for reopening closed beaches as we had been promised some 18 months ago, we were told that NPS would be using the Interim Plan to deal with this issue. There is a written plan for closing beaches to ORV use but nothing for reopening them.

14. It was revealed that DOT has yet to ask permission to plug the hole at the north end of the "Dennis" dune north of Buxton which was created by Isabel and took out a portion of the south bound lane of Hwy. 12.

15. NPS apologized for the early closures in front of the villages of Frisco, Avon, Rodanthe, Waves and Salvo and stated that seasonal closure dates of the 1978 Interim Plan of May 15th to Sept. 15th would be used until the new ORV Plan is adopted.

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1950-1951

The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land in question.

On or about the date of the above mentioned survey, the land was owned by the United States of America.

The land was then conveyed to the State of California by the United States of America.

