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Summary of drive to Hatteras Inlet Piping Plover enclosure and Pole Road on 6/1/04

Attended by: Steve Harrison Chief of Resource Management, Sherri Field Chief of the Science and Resource Division S. E. Region, Buddy Foster of Hatteras Village, Steve Hissey Vice President OBPA and Larry Hardham President Cape Hatteras Anglers Club.

Items discussed:

1. At the initial meeting in the parking lot of the Graveyard of the Atlantic Museum, aerial photos of the area between Ramp 55 to Hatteras Inlet from February 2004 and September 2004 (two days after Isabel) were shown to all. It was pointed out that this post Isabel photo is useless since the overwash areas have filled in considerably from the sound side since the September photo was taken and water has not washed over these areas since the storm, leaving them dry as a bone. The sound side access roads were pointed out on the pre storm photo, as were the approximate sites of the new cable crossing road, the walking path and the site of the new Coast Guard road that NPS is pushing instead of re-opening Pole Road. Buddy pointed out that we used to be able to drive almost the entire length of the sound from the Coast Guard Station to the Inlet. Steve Harrison stated that NPS as well as State and others feel that the over-wash areas as well as a large area near the end of Pole Road to the Inlet, where many sand fans were created by Isabel, are excellent bird habitat. Buddy mentioned that he questioned the propriety of opening a road right next to the Coast Guard station with the Nation under a constant security threat of terrorism. He also questioned the wisdom of spending all this money (Mr. Belli has mentioned a possible cost of \$10,000.00 for the fence alone) when re-opening Pole Road would eliminate this cost and not destroy any more vegetation. It was noted that since 1978 there has been a reduction of beach access ramps and sound access roads of 40% and a reduction of over 7% in the number of parking spaces for beach access within the Park. To which Sherri stated that this reduction has not seemed to have affected the number of visitors coming here. We explained that only ocean front property owners have access to the beaches and all other visitors must either walk to the beach (since there are no public parking lots within the villages) and that there is little or no street parking on the roads that dead end at or parallel the oceanfront. Thus, any one not at the ocean front, or who can not walk to the beach, must rely on access via NPS land and ramps. The reduction has not seemed to have stopped visitors from coming, but it has forced concentrations of visitors to ORV areas. Steve Harrison stated that NPS had recently opened up the beach between ramp 49 and Frisco as though this was never before available to ORV driving. *Apparently he was not aware that this stretch of beach had been open to ORV use since before the 1978 ORV Plan and had been closed for 12 or so years due to erosion, but had still been listed as a "seasonally open" beach in all of the "In The Park" publications since this publication started several years ago. Steve apparently

thought we were talking about miles of beach access (which have been reduced by almost 50% since the Park was started) to ORVs and not points of access. Sherri asked if the Resource Protection Closures Reports were helpful to which Larry responded yes, but only after he had complained that the software format used in the first 5 or 6 reports produced an unintelligible report and only then did Manteo change the report format to Microsoft Word attachments.

2. We then drove down Pole Road until we got to the Oystercatcher enclosure whose boundary runs along the sound side of Pole Road. The Oystercatchers were never seen on the road but were seen well away from the road, as is their nest, between the road and the ORV Use Area stakes on both passes (going to and from the Inlet). Buddy observed that the Oystercatcher enclosure, by extending across Pole Road, is excessive since neither the nest nor the birds were anywhere near the road, and thus the enclosure could safely be moved toward the ocean and away from Pole Road without jeopardizing the nest. Going to the Inlet we saw two Oystercatchers in the enclosure on the beach side of the enclosure and on the return trip we saw three in this same area. Steve Harrison commented that two seemed to be doing a dance and that maybe the original pair had lost their egg or chick. These three birds were standing in the new Pedestrian Path which could cause the path to be closed. We did not walk the Pedestrian Path which runs between two Oystercatcher enclosures so we can not comment on what vegetation might have been destroyed in making it.

3. We went back down Pole Road to Ramp 55 where crossing over the ramp we found an ORV that had been leaving the beach stuck up to its running boards in the soft sand. Steve Hissey explained that the black color to the sand on the ocean side of Ramp 55 was from a truck that burned up its transmission and setting the truck on fire while trying to drive over the ramp.

4. While driving next to the ORV Use Area stake line, some 300 feet down the beach, from Ramp 55, Larry stopped his ORV (which we were all riding in) and asked Steve Harrison the following question. If a turtle laid a nest right here where we are stopped, at hatch time when the beach is closed off to the ocean, would you allow ORV traffic to drive behind the ORV stake line where there was grass growing? Harrison's response was maybe depending on the conditions. To which it was commented that maybe was not an answer. He never said that he would allow us to drive over grass to get around a nest. It was explained that if no ORV traffic were allowed around a nest at that location then for a period of at least two weeks (or four or six weeks if more nests were laid in similar areas and the timing was just right) no traffic could get to the inlet without Pole Road being open. This same kind of situation can also happen at all ORV Use Areas. Presumably this potential loss of access was not a factor in the decision to not re-open Pole Road.

5. At the first washover (largest one) we saw no birds except a Crow on the power line until we exited the truck and walked over to Pole Road where we saw one Dunlin at the sound water's edge and one Herring Gull flying out of the area. It was pointed out that the NPS press release of May 24, 2004, where some 21 species of birds were listed as having been seen using these overwash areas, Crows, Herring Gulls and Grackles were conveniently omitted (these three are known to feed on other bird eggs and chicks and do frequent these areas) which shows the bias that was used by whomever it was that did the observing. Here maps were drawn in the sand to show how with the ORV stake line and Pole Road as boundaries, a very nice bird habitat could be created between the two. It was pointed out that creating bird habitat has been done in this Park in the past and could be done again, which would be of benefit to all concerned. Also with the ORV stakes being up all year around, grass would grow on the land side, making sand areas unattractive to birds for nesting, and then NPS would want to move the ORV stakes towards the ocean to provide clear beach sand for the birds, thus forming a narrower

corridor and eventually ORV's would be run off the beach in all of the Inlet areas where the ORV Use Area is in place. There is a definite need to review the concept of creating habitat for birds as has been done successfully here at Cape Hatteras National Seashore in the past.

6. While standing at the overwash area we discussed how Pole Road could be easily opened to here, avoiding the Oystercatcher nest and even bending towards the ocean a bit at the overwash site to stay clear of the sound and any birds that may be feeding in that area. It was pointed out several times that research has shown time and again that birds are more disturbed by pedestrians than by vehicles.

7. We then drove to the new ORV cross over road which meets up with Pole Road and then down Cable Crossing road to the sound. This newly created road, which is some 25 feet wide and approximately 500 feet long, destroyed dense underbrush and established trees for over half of its length. It was pointed out that this did not need to have happened if Pole Road had just been re-opened and that far more of the resource had been destroyed in opening this new road than if NPS had just re-opened Pole Road. Steve Hissey stated that locals are now referring to this new road as the "Bone Road" because it is felt that NPS just threw us a bone instead of re-opening Pole Road. Upon reaching Pole Road we were able to look down Pole Road to the west where the roadbed looked to be in great shape and to the east where we could see only one fairly large pothole.

8. At the sound we were surprised to find only 200 yards of drivable sound front beach. Larry stated that he had been told by NPS that it was to be open for driving for 1/10 of a mile in one direction and 3/10s of a mile in the other. Here Buddy noted that families used to have access to four access roads to the sound for safe swimming and wading for non swimmers and children (due to the lack of strong current and wave action found in the ocean), but now under this new NPS plan, would loose 25% of their access. Steve Hissey noted that it would be almost impossible for either a commercial fisherman or a recreational boater to pull a boat along the beach and navigate down Cable Crossing Road to launch a boat. He also reminded Steve Harrison that commercial fishermen were guaranteed access to earn their living when the Park was opened.

9. Returning to Pole Road we stopped and walked over a pile of sand and trees to look east down the old roadbed. Here, Buddy offered to do half of the work of bulldozing Pole Road back to its original state and estimated that it would take three days to do the job. How in the world the NPS would have to spend \$150,000.00 to do this job was asked, and Steve Harrison said that NPS maintenance people had come up with this figure. Buddy said that his investment in fuel and labor would be in the neighborhood of \$1,800.00 to redo half of the road. Buddy stated that all NPS has to do is re-open Pole Road, keep the 150 foot ORV Use Area and every one will be happy. *This will be absolutely true if some of the area between the two is used to create bird habitat. Steve Hissey was asked how much of his business was to customers who fished the Inlet and sound beaches area and he responded that he had been in business as a tackle shop owner for 26 years until Isabel washed out his store and he estimated that 75% of his customers fished Hatteras Inlet and sound side. He further stated that the economy of Hatteras Village would take a hard hit if Pole Road is not reopened. It was noted here that EMT response time to an incident at the Inlet could double unless Pole Road is re-opened due to the very soft sand on the open beach. Steve Hissey wondered if this had been considered when Pole Road was left unopened, and would this lack of concern to the visiting public expose NPS to legal liability. Also mentioned here was the fact that Conrad Worth's letter of October 27, 1952, to the people of the Outer Banks as well as the intent of Congress when this Park was opened, was for it to be a recreational area and in fact it was named the Cape Hatteras National Seashore Recreational Area.

10. We then went out to the beach and continued down towards Hatteras Inlet. We

passed a large bird enclosure where Terns and Skimmers were seen. It was pointed out that in past years the initial enclosures were just where the birds were, now with the ORV Use Area, even the initial enclosures are much larger and extended out to the ORV stakes and are not just where the birds congregated. This policy has, in effect, invited the birds to nest closer to the ORV line and when their chicks hatch the enclosures are being extended into the ORV Use Area, making it less than the original 150 foot width. This reduction in the ORV Use Area seems to have been intentional. Steve Harrison did not deny that this is what has happened. It was also mentioned that NPS always has had the money to put up bird enclosures, but uses lack of money when it comes time to take them down. In the past, enclosures have stayed up long after the birds have left, and offers by ORV user groups to help remove enclosures have fallen on deaf ears. The disparity in the size of closures this year seems extreme in that most are under 600 feet, but two are for an entire mile (South Beach, near Cape Point put up 4/18/04 and North of Buxton put up 4/23/04) which seems nothing more than a desire to deny use of the beach to the general public and ORV users. When asked if the NPS had a written agreement with U S Fish and Wildlife regarding the Piping Plover recovery plan that would allow them to reduce the 1000 meter area around a nest Steve Harrison said that it was being worked on. This lack of a written agreement had been brought to the attention of the NPS two years ago regarding a Plover nest at Oregon Inlet which threatened to close all of the north side of Oregon Inlet just before July 4th weekend. He said that they have just not been able to get to it, and that because we have multiple inlets here the Park, they could not just alter one written for another Park. When asked whom had observed the Great Lakes Piping Plover here during the winter of 2003 (Referred to in Press Release #154 of May 17, 2004) Steve Harrison said he did not know who had seen this bird. *On May 21st this same question had been asked of Larry Belli, Mark Hardgrove, John Anglin and Mary Doll and none of them knew who had seen it either. It seems very strange that no one in the Park knows who saw this very rare bird yet repeatedly refers to this sighting.

Anything above with an "" has been added as an editorial comment at this writing.

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