

Agenda
Internal Scoping Meeting
Cape Hatteras National Seashore
**Off-road Vehicle Management Plan/
 Environmental Impact Statement**
November 15-18, 2004



- **Monday, November 15** ----
- ORIENTATION** 7:00 – 7:30 PM
- Tuesday, November 16** -----
- SITE VISIT** 7:00 AM – 5:00 PM
- Wednesday, November 17** -----
1. Welcome and Introductions (Park) 8:15 – 8:30 AM
 2. Review Meeting Purpose and Objectives (EQD/Park) 8:30 – 8:45 AM
 - A. A process required by the National Environmental Policy Act (NEPA) and its implementing regulations, as well as the NPS Director's Order 12, "*Conservation Planning, Environmental Impact Analysis and Decision Making,*" (2.1 through 2.6)
 - B. An opportunity for the park and other key internal staff to confirm the purpose and need for taking action (*why are we doing this?*); identify issues and concerns (*problems to solve, opportunities to be taken*); and define objectives for taking action (*what does the park hope to accomplish for the action to be successful?*).
 - C. Begin to identify preliminary alternatives to be analyzed; data needs; and potential methods to assess the *context, duration and intensity* of impacts.
 - D. This internal scoping meeting, therefore, is designed to accomplish the above, as well as some "housekeeping" matters: *Schedule; Work Assignments; Coordination and Communication; Public Involvement.*

While the agenda is full, this will not be the only opportunity to meet and discuss the issues of concern. This is just the first step in the process.
 3. Background (Park) 8:45 – 10:00 AM
 - A. Management practices and research related to resource and ORV management at CAHA including the Interim Draft ORV Plan, GMP and RMP. Description of the NEPA baseline (aka no action alternative or continuation of current management (with EQD)).

---- **BREAK** ---- **10:00 – 10:15 AM**
 4. Application of DO-12 and Negotiated Rulemaking to This Action (EQD) 10:15 – 11:30 AM
 DO-12's Ten Step Process Overview

---- **LUNCH** ---- **11:30 – 12:30 PM**
 1. DO-12 Internal Scoping Process (EQD) 12:30-4:30 PM
 2. Review of Park Purpose and Significance (EQD/ Berger) 12:30-4:30 PM
 Review with the park its enabling legislation, purpose and significance, management objectives as defined by its Strategic Plan, GMP and any other programmatic park-wide plans or policies that relate to this issue.



3. Purpose of and Need for Action (EQD/ Berger)

4. Issues Related to the Action (EQD/ Berger)

5. Objectives for Taking Action (EQD/ Berger)

Given the Park Enabling Legislation, GMP mandates/direction, and issues what are the park's objectives relative to resource management and visitor experience. Remember, objectives are "what must be achieved to a large degree for the action to be considered a success." (DO 12)

Also, all alternatives selected for detailed analysis must meet ALL objectives to a large degree, AND resolve purpose and need for action.

6. Issues and Impact Topics (Berger)

Important changes have been made in the way NPS analyzes, describes and documents (formats) its NEPA analysis. It is a mandated process, so while creativity is encouraged, it is important to remain consistent in the process (See DO-12 Handbook, 4.5 (g)). Given the NEPA baseline of what is happening now, what are the issues? The group will prepare an ESF for the no-action alternative.

The facilitators will walk through an overview of the DO-12 impact analysis process, provide examples for discussion, and begin, as time allows, identifying with the group what criteria might be used to define the context, intensity and duration of impacts.

These are preliminary ideas and discussions ONLY at this time.

-----Thursday, November 18 -----

1. Review of Thursday's Discussions 8:30 – 9:00 AM

2. Brainstorm of Preliminary Alternatives (EQD/ Berger) 9:00 – 12:00 PM
 Given the park's objectives and issues, what alternative strategies or ways could be used to address purpose and need for action? Start with a "big picture" strategy and work through as much of the details, as time allows. Following brainstorming, we will go back to the objectives and see which alternatives should be discarded because they do not meet the objectives. These are preliminary alternatives, but at a minimum, they must meet the park's objectives to a large degree, while resolving purpose and need for action.

---- LUNCH ----

12:00 – 1:00 PM

3. Public Participation (Berger)

What does the park hope to accomplish through public participation on this project?
 What means/process might be used to involve the public?
 Who are the major interest groups?
 What public entities should be involved and how?

4. Roles and Responsibilities (EQD)

5. Administrative Record (EQD)

6. Next Steps (EQD)

- Points of contact
- Schedule – NEPA schedule and Reg-Neg integration
- Internal scoping report
- Next meeting(s)
 - Reg-Neg
 - NEPA

ADJOURN

5:00 PM

0019051

#3
CANA

**OFF-ROAD VEHICLE
MANAGEMENT PLAN**

**Cape Hatteras National
Seashore**



**Manteo, North Carolina
November 15 - 18, 2004**

~~122~~ 328
CAHA

CAHA Scoping Mtg. Displays

Enabling Legislation:

The enabling legislation of Cape Hatteras National Seashore, dated August 17, 1937 (50 Stat. 669), provides in part:

Sec. 4. Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed,

<http://www.nps.gov/caha/determin.htm>

General Management Plan – Appendix B

Enabling Legislation cont...

...the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area...

Park Purpose and Significance – CAHA

The authorizing legislation (Act of August 17, 1937) states the purpose of the national seashore and how it should be administered, protected, developed and appropriately used: ...said area shall be, and is hereby, established, dedicated, and set apart as a national seashore for the benefit and enjoyment of the people.

Significance Statement, cont...

Cape Hatteras National Seashore FY98 Strategic Plan

...Today the seashore provides unparalleled opportunities for millions to enjoy recreational pursuits in a unique natural seashore setting and to learn of the nation's unique maritime heritage.

Significance Statement

Cape Hatteras National Seashore FY98 Strategic Plan

This dynamic coastal barrier island system continually changes in response to natural forces of wind and wave. The islands are rich with maritime history of humankind's attempt to survive at the edge of the sea, and with accounts of dangerous storms, shipwrecks, and valiant rescue efforts.

General Management Plan Highlights

Even a small amount of vehicular or foot traffic destroys the dune-binding vegetation and erodes the dunes, creating an unacceptable change. Consequently, visitors will be prohibited from climbing or driving on the dunes except at designated crossings. The tolerance of certain wildlife habitats to visitor use is also low; therefore, use will be seasonally restricted to avoid disturbing the sea turtle and colonial waterbird nesting and hatching habitats.

Under normal circumstances, the beach/berm area is tolerant of visitor use, and recreational activities will be encouraged except during sea turtle nesting season when ORV use will be prohibited from nesting sites.

General Management Plan Highlights

Proposed park developments will not affect any of the species listed by [USFWS] and [NMFS]. Loggerhead sea turtles could be potentially affected by visitor activities [...]; however, the proposed continuation of the current cooperative management of ORV use and loggerhead nesting sites by [NPS] and [USFWS] will adequately minimize the threat...

General Management Plan Highlights

USFWS and NMFS “have identified 12 endangered or threatened species as well as two plant species under consideration for listing, which may occur in or near the national seashore. [...] Of the listed species, only the loggerhead sea turtle, which nests on the beaches, is potentially threatened by park-related activities, specifically ORV use. Buried clutches of eggs are subject to being inadvertently crushed by ORVs, and deep ORV tracks in the beach sand can create a barrier to loggerhead hatchlings attempting to enter the sea. [...] Turtle-nesting activities are monitored, and ORV use is temporarily restricted on beach segments containing nests, or the nests are relocated out of high ORV use areas and out of areas of tidal erosion.

General Management Plan Highlights

The [NPS] will review and update as necessary an existing action plan regulation ORV use in order to reduce visitor use conflicts and to protect dunes, vegetation, wildlife, and cultural resources. The action plan will designate ORV routes as well as sensitive resource areas periodically close to ORV use. In accordance with 36 CFR 4, the plan will continue to set safety regulation for ORV operation in the national seashore.

2000 Annual Performance Plan Goals

Threatened and Endangered Species

By September 30, 2002, 100% of identified park populations of threatened and endangered species have stable populations.

Target goal met – Loggerhead sea turtle population remains in stable condition. Law enforcement patrols helped identify and protect nests, monitor conditions and enforce resource protection regulations.

Visitor Satisfaction

By September 30, 2002, 80% of park visitors are satisfied with appropriate park facilities, services, and recreational opportunities.

Target goal not met: Visitor Survey revealed that 87% of visitors to the park were satisfied with their visit. This goal was not met, most likely due to the unexpected continued closure of the Cape Hatteras Lighthouse. Birding, fishing, and crabbing programs were offered along with snorkeling and boogie boarding to stimulate visitor’s recreational interests. Group administration contributed to visitor satisfaction by providing the guidance and support needed by operational divisions.

Resource Management Plan Highlights

The long-term strategy for Cape Hatteras National Seashore resource management as reflected in the Statement for Management is:

To manage Cape Hatteras National Seashore in ways that will support the natural processes of barrier island dynamics and the succession of native vegetation and wildlife and mitigate the impacts of human interference with these processes.

To integrate planning and management for Cape Hatteras National Seashore into regional planning and economic considerations.

Draft ORV Interim Management Plan

Zone 1(a): Ocean Beach – Seasonally Closed Areas

Zone 1 areas which by reason of seasonal heavy pedestrian, swimming, wildlife, or other use are deemed seasonally unsuitable for ORV use.

Areas shall be identified by signs at both ends of the area, and shall be indicated on maps available for viewing at the offices of the Superintendent and of each District Ranger.

Seasonal closure shall be May 15 through September 15 of each year, except that on Pea Island NWR, the Refuge Manager shall post such closures as necessary to implement USFWS regulations. (Note: ORV use is currently not permitted on Pea Island NWR.)

Seasonally closed areas shall consist of, but not be limited to following areas:

Bodie Island, milepost 0 to milepost 3

Beach areas fronting villages of Rodanthe, Waves, Salvo, and Avon

Northern boundary of Buxton to one mile south of Cape Hatteras Lighthouse

Beach fronting villages of Frisco and Hatteras, milepost 49 to 54

Ocracoke Island milepost 65 to 70

Draft ORV Interim Management Plan

Zone 1(b): Ocean Beach – Temporarily Closed Sections

Narrow beach sections of Zone 1 which have decreased in width to the point where average distance from existing tide to toe of dune or vegetation line is less than 100 feet, marked at each end by signs reading “Beach Temporarily Closed to Vehicle Traffic”, and shall be indicated on maps available for viewing at the offices of the Superintendent and of each District Ranger.

Bird Nesting Areas: Portions of high beach and inlet flats where significant bird nesting is occurring. These areas shall be temporarily closed to all visitor use and shall be marked by posts and “Bird Nesting Area” signs.

Sea Turtle nests: Locations on the beach where a sea turtle nest is discovered – the nest within 300 feet of tideline seaward of the nest shall be temporarily closed from dune to existing tide, to ORV use. Marked at both ends by posting “No ORV’s – Temporary Turtle Nest” signs. Period of closure shall begin on posting, 50 days after the turtle lays, and shall end 25 days later on official removal of signs.

Draft ORV Interim Management Plan

Zone 2 – Soundside

Marsh and fast land west and northwest of North Carolina State Highway 12 along established access routes.

Zone 3 – Buxton Woods – Open Ponds

No ORV use permitted (handwritten: actual management Plan NTE 30-day by permit).

Zone 4 – Dunes and Sand Plains

No ORV use permitted. Zone can be crossed on developed ORV roads, but cannot drive off the roads.

Draft ORV Interim Management Plan

Purpose:

To provide for procedures that will ensure the use of off-road vehicles within Cape Hatteras National Seashore will be controlled and directed so as to protect the resources of the National Seashore, to promote the safety of all users of this National Seashore, and to minimize conflicts among the various users of this National Seashore.

Draft ORV Interim Management Plan

Zone 1: Ocean Beach

Beach areas seaward of a line 20 ft east of southeast of the toe of the dunes or vegetation line or 150 ft west or northwest of the existing tide, whichever is less, or between marked posts and the existing tide. Open to ORV use except as limited by the management plan. Vehicle access is provided only at signed access routes or ramps.

#1453
CAHA

No Funding Alternative

Summary

Look for Alternate Funding Sources and Reallocation of Existing Resources

Zoning

- Resources
- Visitor Use
- Temporal Zoning

Resource Monitoring

- Volunteer Programs
- State and Other Org Help with Training
- Internships
- Selective use of Filter Fence
- No Intensive Monitoring per Recovery Plan (Plovers)

Access

- Limit Number of Ramps/ Routes
- Improve/Expand Interdunal Roads Around Closures
- Possible Soundside Routes

Education

- Increase /Expand Education (Consider No Fee Permits)
- Enlist Help of Private Business/Groups

Law Enforcement

- Larger Resource Closures

Improved/Expand Interdunal Road for Access Around Closed Areas

Reassess Ramp Location and Number Possible Soundside Corridors

Look at no Fee Permit System or Other Means to Increase Education

Enlist Help of Tackles Shops and Other Concessionaires to Issue Permits and Education Info

- Selective Use of Silt Fencing
- Adopt a Nest Program

Birds

- Larger Closures
- Zoning Concept so Limit Monitoring and Adjusting Closures
- Volunteer Program for Monitoring
- Internships/ SCAs??
- State/Other Org Help Train
- Reallocate Base Funded Resources
- “No Intensive” Monitoring Program from Recovery Plan
- Permanent Closures

No Money Alt.

Expand Size of Closures
Fixed Closures Around Prenesting Areas

Limit/Eliminate Night Driving

Turtles Incorporate Volunteer Program
Daily ATV Patrols
Relocation of Nests as Feasible
State Help in Training Vol. for Relocation of Nests

Look for Alt Funding Sources

Summary
Larger Resource Closures

Issue Statements Group 1

5th Bullet

Other protected species: Protected species such as those listed by the state of NC or protected under MBTA may be vulnerable to recreational uses

6th Bullet

Visitor use.... Could both positively and negatively affect visitor use and experience

7th Bullet

Economy of communities ~~within seashore~~... local and ~~regional~~ county economies.

Soundscapes

Rec activities could create more noise that adversely affects ~~imp~~....

Wetlands:

Recreational Activities...

Coastal Barrier Ecosystems

Natural processes... & other events might alter habitat resulting in conflicts between management of the area for protected species & recreation

Federally Listed T&E Species

Rec. Activities could adversely affect T&E species & their habitat. Conflicts between the listed species & recreational use could create direct or indirect losses to the species. & adversely affect the long term continuation of the species

Other sensitive species

Recreational activities could adversely affect other protected species

Visitor Use and Experience

Management of protected sp. could result in affects to ...

Economy... No changes!!

Local Commercial Fishing Activities

Management of protected sp. could adversely affect access...

Group 3

Sound – Remove “quiet and”

Wetlands—“ponds, shoreline, +

Coastal – natural Processes such as hurricanes, storm events and plant succession, may create, eliminate, or alter habitat resulting in conflicts between management of the area for protected species and management of the area for recreation.

Group 3

T&E

Conflicts between listed species and recreational use could create direct or indirect impacts to the species resulting in “take” as defined by ESA.

Other Protected Species

Protected species may be vulnerable to recreational uses.

Visitor Ok

Economy Economies

Local ok

Data Management

Educ'l Req

Communication via web, etc.

Park will compile

Visitor-- ranger observation

Clicker – vehicles spits/points

Reported on weekly basis

O- 3x/ week

H- ||

B- ||

Late AM early PM

Weekly repts. – pt of events & happenings in the District

Holiday aerals – clicker & photos

Mem, 4th, Labor Day

3yrs. Back – 0

No night use data

Annual visitation—for CAHA—on public use statistics website

Visitors Bureau has conversion info w/demo- on their website

Traffic counter system test—Jan '07

12 months? Test

U of ID—on their website

Annual GPRA surveys—forms are in park

Need to pull ORV comments from forms

Comment forms (CG, VC & on-line at park website & letters

Resource Data

Annual repts (BO) end of Jan.—maps turtle nests, false crawls ?, reloc nests, past annual repts

AMOY, T/E, CWB, SBAmaranth

-- need a list & will try to ID where it is—

Weekly resource management reports.

WS—predator—trip repts.
Usually 2/yr.

Resource log—has closure incidents that

Summary in annual rep:
--dog off leash survey –2 summaries
--Beach fires—2 summaries

Migrating/wintering birds—I&M program

Non-breeding PPL info—spreadsheet goes to NCWRC—worksheets go to Sue Cameron & she summarizes

Int'l Shorebird Surveys during a migration—entered into ISS database (Manomot Central Repository for SB data)

Current or Updates to No-Action

LE: 17 Commissions—Target

Closures:
Seasonal—In front of villages (May15 -- Sept 15)
Safety→ Sept 16—May 14 –
Buxton
Frisco
Hatteras
S. of Avon

3 Reasons for Closures:
Safety
Seasonal
Resource

Administrative—CAHA Lighthouse

Safety—Ocarcoke—Bodie—Ramp 1→ 2

May – Sept (Mem)—Labor Day:
L.G. swim beach Ocarcoke
L.G. Swim beach Buxton (is in the Admin closure in front of lighthouse)

Bodie Island—swimbeach near ramp 2

Closure ramp 1-2 yr. round safety

.4 mi so. Ramp 2 seasonal Coquina Beach

No procedure (inconsistent) for handling beaches in front of camp gds. – frequent complaints that are not closed & wld get complaints if were

No references to other reasons for closures (such as providing an opportunity for natural beach (vehicle free) experience

Draft interim plan incl. 2 mi. admin closure

Per 78 plan only area permanently closed wld be .2 mi in front of lighthouse

Safety

Lower tire pressure

High tide may not be passable

ORV regs on website

Sup Order 7—hazards → safety

Closure and marking hazards

Speed limit – 25mph

Marked corridor

Brochures on rip current

Buxton Woods is closed to ORV use

Press releases I.D., safety closures

Inconsistent when safety closures applied

911 available for emergencies

Park newspaper has safety articles

Driving GPS promote safe driving behavior

Bulletin bds.

Park interp programs always begin w/safety message

Brochures to local tackle shop (site bulletin)

County does safety messages

Cooperative message on govt access

Channel w/ no towns & OBPA & Dare County

Ramp signs on ocean side say don't drive on dunes. no signs on soundside &

Results in driving & parking several car widths on veg where narrow strip of sand

Can avoid vegetation & still have access, increased use & shrinking area (erosion because of berm)

No permits/ fees

No overnight camping on beach outside of established campgds but may fish overnight

Prelim. Alt Development—Permitting

Permitting

Run by outside contractor for a % of fee

To some or all?:

Use local businesses to sell permits=buy-in

Fees \$\$

Need to determine carrying capacity→

Limit entry points to inc control (number of vehicles in certain area based on carrying capacity)

→ make collection site mobile so can chg w/resource closures

Carrying capacity

Just a baseline → Recreational (side by side, single file, vehicles not going deep)

→ Vehicles will not spread out, likely clump in one area

\$ Collected go toward:

Admin costs—act of fee collecting

Resource protection—continue resource closures

Year round permits—not seasonal

Some yearly passes

Some weekly passes

Coordinate w/ rental industry to determine # of weekly passes need.

Those coming to tournament need permit.

Resident vs. non resident

Flat fee—no reduction

Low-income sliding scale?

Issue—

How do you balance carrying capacity & resource protection.

No consistent % of seashore open to ORV

Permits for various islands a possibility. → More complex/ color coded

Create ORV zones and allow unlimited # of permits/

Details for better enforcement

Limited access

Training (see video) to get permit on-line in mobile station
Equipment requirements
Highly visible windshield sticker
Need econ /pilot study to see what will cover costs and what people will bear

For Multiple Entrance Points:

Can be accessed from any ramp
Police w/rangers
Community outreach to help self police.
Track # of permits to determine carrying capacity. Adaptive permit limit. At first would be unlimited but after that may need to limit based on experience.

W/entry points

Have no limit on permits but limits on #'s in certain portions of beaches

Sell:

At park
On-line

Limit # per household or street address—yearly only

Permits are revocable w/ violations inc resource violations

EZ Pass System at entrances, electronic sensors w/a pass will open gate→ could be a maintenance concern????

Lg capital investment.

Ferry & Hwy 12 entrance make free entrance points → give locals passes to reach homes. → Multiple jurisdictions could make this difficult.

In past has not worked.

Prelim. Alt Development—Zoning

Zones

1. PED only – (some/island yr round)
 2. Resource protection
 3. ORV Zone
 4. Safety Zone
 5. ~~Seasonal Closure Zone~~
Admin Zone
-
1. PED only
Ramp 1-2 (Year Round)
Camp Grounds: All (seasonal) Will host some PED-only
Lifeguard areas (Seasonal)
In front of all villages R38 (year round)
Lighthouse Beach R43 (Year round)
 2. Resource Management Zone

Recreation

- Where: --All vegetated areas e.g. dunes soundside... (year round)
- Bird & turtle breeding closures (seasonal)
 - Migratory & wintering bird closures (year round) + shoreline closures (year round/seasonal)
 - Ship wrecks (year round/seasonal)
3. ORV Zone
 - 100 (year round)—150 (seasonal) ORV corridor from waterline (up to)
 - Sound-side
 - Launches
 - Recreational –e.g. kite boarding

-
-
4. Safety Zone
 - Narrow, steep, soft sand areas (seasonal)
 - Cultural and other hazards (seasonal)
 - Eq. Buxton Jetty (year round)
 - Congested beaches (seasonal)
 5. Admin Zone
 - not needed?

% Alt

% by District

Greater percent closed in summer

Greater percent open in winter (guarantee more open beach in winter)

(For example—50 to 60 % in summer; 75% in winter)

Let stakeholders have input info where closures occur—for example, choose between open or closed spits vs. open beach in front of towns based on criteria

*Different user types occur by season (favor users by season)

Spring, fall, winter—fishing use

Summer—vacationers to the beach (multiple beach related uses) not as strict agenda as fishermen

Justify our percentages—

Requirements under ESA

Visitor opinions and current use/trends

% open dependent upon alternative access

Can you guarantee a % or manage to a maximum or minimum. Develop a range—for example 50-60 % during a particular season.

Be adaptive—develop criteria to manage to the % selected (and objectives)

Use available data to develop criteria.

For example—emphasize certain uses during certain seasons (pedestrian beach uses vs. vehicle-dependant fishing)

Criteria—

Where lifeguard would be imperiled by access (BO) →

Answer questions of how much protection should you provide non-listed species

Visitor uses

Criteria (cont.)

-- Safety

-- Other

-- Financial Feasibility (how much beach can you approximately manage with the funds you have --% determined upon this)

Need more data to identify criteria

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For All Alts:

Can we use other ORV plans at other NPS and other seashores to show precedence.
What has worked in other locations & jurisdictions.

Other Alts & Common to All

Common to all:

1. BiOp/ESA Compliance
2. Have to have funding
3. Need baseline info
4. D License Req/ VIA Reg (special use for accessibility)
 - Street Legal
 - 4-WD
5. Comm. Fishing Options
6. Emer. Ops.
(Pea Island not incl. in plan)
6. Routes to be designated in spec. reg.

Other:

--Closing beach to ORV driving at night

Public Beach Access

1. Access in Villages
2. Restricted areas w/guided tours

6/6 ORV Access

- Close summer
- Open winter

Phase Permits

Yr 1—Decal, 0 fee

Yr 2—Phase in fee

Lifelong permit

\$ For Pred. Control

Boat shuttles to certain areas

Resident Permit

Speed limit—committee

Accessibility (ADA)

DO-12's Ten Step Process

- | | |
|---|------------------------------------|
| 1. Identify Purpose, Need, and Objectives | 6. Describe Affected Environment |
| 2. Identify Issues | 7. Analyze Impacts of Alternatives |
| 3. Determine NEPA Pathway: CE, EA or EIS | 8. Revise Alternatives |
| 4. Create Alternatives; Public Scoping | 9. Document Analysis |
| 5. Bound Analysis | 10. Decision |

4

DO-12 EIS Requirements

- Internal and external scoping
- Minimum 60-day public review
- Comparative summaries of alternatives, impacts, degree to which alternatives meet need and objectives

5

DO-12 EIS Requirements

- Preferred alternative and environmentally preferred alternative identified in draft & final EIS
- Units must obtain clearance from the regional director before releasing an EIS for public review
- Impairment analysis for park resources and values

6

Purpose of NEPA Internal Scoping

- Purpose, Need and Objectives
- Preliminary Alternatives, if any
- Assignments
- Schedule

Negotiated Rulemaking

- Also known as neg-reg or reg-neg (regulatory negotiation)
- **Supplements** the notice-and-comment procedures of the Administrative Procedures Act with a negotiation process that takes place **before** an agency issues a proposed regulation

Negotiated Rulemaking

- Process
 - Neutral assessment and recommendation to agency
 - Agency determination → is reg neg in public interest?
 - Notice of Intent to establish a negotiated rulemaking committee
 - 30-day period for public comments and application for a seat on the committee

working w/ U.S. Inst. for Env. Dispute Resolution

Criteria for selecting seats:

are all interests represented / participating?
 are positions so polarized that dialogue will be difficult / impossible?
 are there representatives for blocks of interest?
 < 25, at least one from DPS
 no guarantees - participants can still sue, no special consideration by courts.

Negotiated Rulemaking

- Process
 - If agency establishes committee, must be under FACA
 - Committee meets publicly to reach a consensus on a proposed rule
 - Committee submits proposed rule or consensus on content of proposed rule, with an accompanying report, to the agency

not majority rule

10

For FWS, ORU use in Kellogg
 not open for discussion. But
 NPS manages visitor use at Pea
 Island. Current mgmt not consistent
 w/ MOU
 ↳ need to review agreement
 Kellogg came after Seashore (in 40's)
 Park opened in '53 (authorized
 in '37)

Negotiated Rulemaking

- Process
 - Agency should use the committee's proposed rule as the basis for its own proposed rule

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→ Doesn't always happen
 Agency still makes final decision

Concurrent NEPA with Neg Reg

- Use information obtained in both
- Process for informed decision-making

12

current ~~rep~~ NEPA analysis to be
 used by rulemaking, and rule-
 making alternatives to be analyzed
 through NEPA

Consensus-Based Management

(516 DM 1.3 D (5))

- Heads of Bureaus and Offices... Shall in furtherance of public participation practices, use consensus-based management and community-based NEPA training to the extent possible in all NEPA compliance activities¹³ (while ensuring these activities comply with FACA).

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Consensus-Based Management

(516 DM 1.3 D (5))

- Consensus-based management in the NEPA context is the inclusion of interested parties with an assurance for the participants that the results of their work will be given consideration by the decision maker in selecting a course of action. It is a logical outgrowth of public participation.

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Community-Based Training

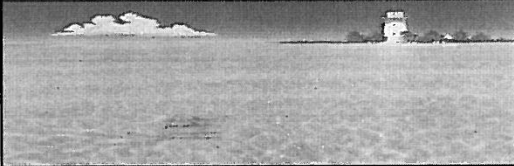
(516 DM 1.3 D (5))

- Community-based training in the NEPA context is the training of local participants with federal participants in the intricacies of the environmental planning and decision making effort as it relates to the local community(ies). It should de-mystify the process and inform participants how to become effectively involved.

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Step 1

Identify Purpose, Need, and Objectives



Internal Scoping

- Internal Scoping - Process involving NPS staff, other agencies, and other entities with subject matter expertise or with jurisdiction to help determine the purpose, need, and objectives for taking action, issues, impact topics, and potential range of alternatives...

17

Internal Scoping

(DO-12 Handbook 2.6(b), 3.3 (Categorical Exclusion))

- Most actions that trigger NEPA require:
 - Site familiarity/visit
 - Consideration of connected, cumulative or similar actions
 - Evidence of relevant agency and/or public contact
 - Completed Environmental Screening Form

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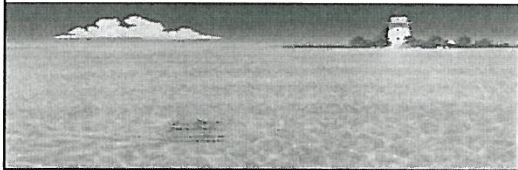
Internal Scoping, cont.

(DO-12 Handbook 2.6(b), 3.3 (Categorical Exclusion))

- NPS only exempts those actions from the internal scoping requirement that are listed as CEs in the DO-12 Handbook 3.3 or that do not have any potential for environmental impact.

19

Review of Enabling Legislation and Other Relevant Plans



Helps set constraints

Cape Hatteras NS Enabling Legislation

(Act of August 17, 1937 (50 Stat. 669))

- The purpose of the national seashore and how it should be administered, protected, developed, and appropriately used: ...“said area shall be, and is hereby, established, dedicated, and set apart as a national seashore for the benefit and enjoyment of the people.”

21

Cape Hatteras NS Enabling Legislation

(Act of August 17, 1937 (50 Stat. 669))

- Sec. 4. Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed,

<http://www.nps.gov/caha/determin.htm>
General Management Plan- Appendix B

Cape Hatteras NS Enabling Legislation

(Act of August 17, 1937 (50 Stat. 669))

- ...the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area."

<http://www.nps.gov/caha/determin.htm>
General Management Plan- Appendix B

- Physiographic conditions
= natural processes?
- Commercial fishing - permits,
Can go anywhere. Some got
permits so they could go
anywhere, but were not fishing.
Permits issued in 3 places

40's amendment allows heading.
ORVs use sand-side access to reach sound. All blinds are temporary.
guide take hunters to state waters

- 2 areas on Ocracoke that are locked, only commercial fishermen have key.
- 23-24 keys issued. Considering requiring Ocracoke address on driver's license for keys.
- 2 locations = boat storage, not fishing sites.
- K = locked storage
- M = sand side access road.
- Permits issued from 59 to 67 (ramps) done on ocean side in Jan-Mar
- should make distinction in commercial fishing based on equip. used
- state permit only required to sell fish, equip. used doesn't matter
- Catteras/Ocracoke = 150ft off shore band.
- Bodie = meets # neel boundary.

Significance Statement

(Cape Hatteras National Seashore FY98 Strategic Plan)

- "This dynamic coastal barrier island system continually changes in response to natural forces of wind and wave. The islands are rich with maritime history of humankind's attempt to survive at the edge of the sea, and with accounts of dangerous storms, shipwrecks, and valiant rescue efforts.

24

Some resource closures are from Dune to low tide → can't enter area.
others can drive around

Significance Statement, cont.
 (Cape Hatteras National Seashore FY98 Strategic Plan)

- Today the seashore provides unparalleled opportunities for millions to enjoy recreational pursuits in a unique natural seashore setting and to learn of the nation's unique maritime heritage."

25

Any more?

Nothing about natural resource sig.

check RMP

Updated MP done mid dec.

* Need to update Significance Statement. Nothing on nat. resources

Definitions

- Purpose -- general statement about what NPS must accomplish to consider the action a success
- Need -- a condition or a problem to address
- Objectives -- specific statements of purpose

26

Purpose in Taking Action
 DO-12 § 2.2 (A)-(B)

- Goals and objectives the NPS seeks to fulfill from taking the action
- General statement about what the NPS must accomplish to consider the action a success

27

Example Purpose

Amistad National Recreation Area—Personal Watercraft Use EA

The purpose of taking action at this time is to:

- Evaluate a range of alternatives and strategies for managing PWC use at ANRA in order to ensure the protection of park resources and values while offering recreational opportunities as provided for in the national recreation area’s enabling legislation, purpose, mission, and goals.

28

Example Purpose

Cape Cod National Seashore ORV Reg Neg EA

The purpose of the plan is to:

- Evaluate the proposed regulation for off-road vehicle use at Cape Cod National Seashore.

29

Example Purpose

Big Thicket National Preserve—Personal Watercraft Use EA

The purpose of the plan is to:

- Evaluate a range of alternatives and strategies for the management of PWC at BITH in order to ensure the protection of park resources and values while offering recreational opportunities as provided for in the national preserve’s enabling legislation, purpose, mission, and goals.

30

Need for Action

DO-12 Handbook 2.2

- Need asks “why take action?”
- It is a because statement.
 - NPS often elaborates upon need in an EA’s or EIS’s “background” or “planning issues” sections

31

Need Includes

- problems to be fixed
- conditions that need to change
- opportunities available
- plans to implement
- and more!

32

Need for Action

DO-12 Handbook 2.2

- If agencies define need too narrowly, then courts will strike them as decisions already made.



33

Example Need

Cape Cod National Seashore ORV Reg Neg EA

There is a need for action because ORV use and management of ORV use has led to years of controversy, litigation, and several different proposed regulations, and because Cape Cod has the opportunity to utilize the negotiated rulemaking process.

34

Example Need

Chickasaw National Recreation Area—Personal Watercraft Use EA

There is a need for action in order to ensure the protection of park resources and values while offering recreational opportunities as provided for in the national recreation area's enabling legislation, purpose, mission, and goals.

35

Objectives

- Objectives are defined as: those topics/ statements critical to considering the proposal successful.



36

Objectives

- NPS must state objectives clearly since they define the appropriate range of alternatives.



37

Example Objectives

Glen Canyon National Recreation Area—Personal Watercraft Use EA

- Manage PWC emissions that enter the water in accordance with water quality protection policies and goals.
- Manage PWC activity so that exhaust emissions do not appreciably degrade ambient air quality.

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- Reduce the potential for PWC user accidents.
- Protect fish and wildlife and their habitats from PWC disturbances.

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- To allow the variety of viewpoints represented by different interests to help in designing the decision “up front” by getting representatives of interested parties involved in the decision from the beginning, and acknowledging (if not resolving) all issues and concerns.

40

Flawed Framing

NEED - Feral goats are destroying vegetation in the park

PURPOSE - Restore vegetation by killing goats

OBJECTIVE - Eradication

RANGE OF ALTERNATIVES?

41

Properly Defining Scope

NEED - Feral goats are destroying vegetation in the park

PURPOSE - Restore vegetation

OBJECTIVE – The return of understory vegetation density in a 200 acre section of the park to within the natural range of variability

RANGE OF ALTERNATIVES?

42

Properly Defining Scope

NEED - Feral goats are an exotic species, causing damage to vegetation and competing with native wildlife

PURPOSE - Parks are to re-establish natural function in human-disturbed systems, and eliminate exotic species if they can

OBJECTIVE - Remove goats using humane methods; minimize the effect on other wildlife and visitor experience; ensure safety of staff and the public.

RANGE OF ALTERNATIVES?

43

Flawed Framing

An example of a case where NPS was challenged in court:

NEED - No overnight experience available on the North Rim

PURPOSE - To provide the experience by building a lodge in the park on the North Rim

RANGE OF ALTERNATIVES?

44

Appropriate Framing

NEED - No overnight experience available on the North Rim

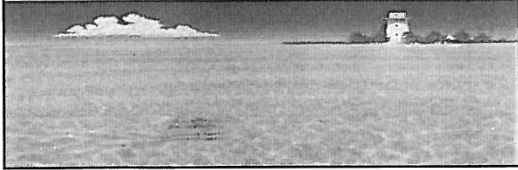
PURPOSE - Provide the experience

ALTERNATIVES - Lodge, cabins, in-town subsidy, nearby USFS campgrounds, etc.



Step 2
Internal Scoping

Identify Issues



Interdisciplinary Approach
(DO-12 Handbook 1.4(H); 40 C.F.R. §1502.6)

- NEPA is based on an interdisciplinary approach.
- Because NEPA analyses are scientific, objective, and high quality, they must be performed by individuals with credentials appropriate to the issues.

47

Interdisciplinary Approach
(NPOMA § 206)

- Because park staff may be limited, resource specialists may consist of one or two individuals.
- Resource specialists should consult with a number of sources, including other staff (e.g., maintenance, operations) and non-agency individuals as needed to make good NEPA-based decisions.

48

Issues

- Environmental, social, and economic problems or effects that may occur if the proposed action or alternatives (including no action) are implemented or continue to be implemented.
- Often describes concerns or “obstacles” to achieving a park objective.

49

Step 3

Determine NEPA Pathway

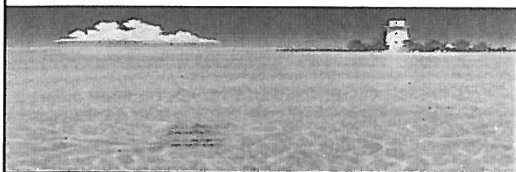
- Memo to file
- Categorical Exclusion for which no documentation is needed
- Categorical Exclusion for which a record is needed
- Environmental Assessment
- Environmental Impact Statement

50

**EIS*

Step 4

Create Alternatives & Public Scoping



Alternatives

Alternatives—NPS must create a full range of reasonable alternatives that meet the objectives of our action AND resolve purpose and need for taking action.

52

Alternatives

Alternatives must meet the objectives to a large degree, while resolving purpose and need for action.



53

Alternatives

Alternatives equal the “heart” of NEPA’s environmental planning process. They:

- Provide options for decision makers;
- Require a creative approach because they must alleviate impacts to several resources;

54

Alternatives, cont.

- Are based on environmental differences, rather than technical, logistic, or economic differences; and
- Must be reasonable.

55

Can recommend change to statute, but only do if it is clearly best alternative.

No Action Alternative

(DO-12 Handbook 2.7; CEQ's 40 Questions, 3)

- No action provides an accurate baseline to compare against action alternatives.
- To identify the baseline ask: What are the existing conditions?



Community Alternatives

(516 DM 4.10 D)

- In practicing consensus-based management during the development of an EIS, bureaus should give full consideration to any reasonable alternative(s) put forth by participating interested parties.
- ...no guarantee that a community's proposed alternative will be taken as the agency proposed action, bureaus must be able to show that a community's work is reflected in the evaluation of the proposed action and the final decision.

57

Should be considered if it is a reasonable alternative.

Don't have to request community alternatives, but can be submitted as comment on proposed alternative.
Do community training? Gear training to magnitude of project.
↳ contentious issue, may want to train community in NEPA
list and explain rationale for dismissed alternatives.

Community Alternatives
(516 DM 4.10 D)

- To be considered, the community's alternative must be fully consistent with NEPA, the CEQ Regulations, this Departmental Manual part, all applicable Departmental and bureau written policies and guidance.

58

Management policies are pretty clear on protecting resources
Not necessarily a community alternative if not everyone supports, but should still consider it
(consistency)
meets test of compliance w/
NEPA, CEQ Regs, etc.

Key = define purpose, need & objectives so that you solve your problem.

Reasonable alternative = something decision-maker can implement
alternatives should meet objectives.

Preliminary Alternatives
Cape Cod National Seashore ORV Reg Neg EA

Beach closures

- The outer beach would be open for ORV use between April 15 to November 15, from the opening routes (i.e. Race Point Ranger Station) to Hatches Harbor in the northern area of the beach. The route would also be open to the south of Race Point to High Head, including the North and South beach access routes at Race Point.

(continued on next slide)

59

Preliminary Alternatives
Cape Cod National Seashore ORV Reg Neg EA

- Also open would be the bypass route at Race Point Light, the access route at High Head, and additionally, for overnight fishing only (hours as posted) from Coast Guard Beach in Truro to Longnook Beach south of High Head. Exceptions include the off-road vehicle corridor from Exit 8 to High Head which shall be closed from April 1st - July 20th (or later if plovers are still nesting).

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Preliminary Alternatives

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Closures as affected by piping plovers

- During July and August, when much of the beach is closed to vehicle use for plover nesting, the vehicle corridor will be extended 1.55 miles to Head of the Meadow if nesting and beach conditions permit.

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Preliminary Alternatives

Cape Cod National Seashore ORV Reg Neg EA

Closures cont...

- All of the proposed ORV corridors, per this proposed regulation, will be closed if plover chicks hatch or are present on them, and will remain closed to all vehicle use until the birds fledge. Closures may also occur due to cuts from the tidal action or coastal storms for resource and visitor protection. This can occur on access routes as well depending on conditions.

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Cape Cod National Seashore ORV Reg Neg EA

Annual monitoring

- Annual monitoring of vehicle use and effects will be initiated, peer-reviewed, and available to the public in an annual report.

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Preliminary Alternatives

Chickasaw National Recreation Area—Personal Watercraft Use EA

Areas of Use/Location Restrictions

- Monitor for the presence of threatened or endangered species, and seasonally or permanently close sites as needed to protect such species.

Number Restrictions

- Monitor PWC numbers to determine establishment of a carrying capacity when and if impacts to air and water quality exceed a minor to moderate adverse effect.

64

Preliminary Alternatives

Big Thicket National Preserve—Personal Watercraft Use EA

Timing Restriction

- PWC use in approved areas would be limited to the period from three hours after sunrise to one hour before sunset in order to reduce conflicts with anglers, who generally use the river during the early morning hours, and to accommodate the main hours for PWC use on the river.

65

Preliminary Alternatives

Big Thicket National Preserve—Personal Watercraft Use EA

Increased User Education

- The National Park Service would attempt to educate PWC users about restrictions, safe operations, etc. Staff would provide such things as signs at launch sites or sensitive areas, brochures, training, and education during enforcement.

66

Step 5

Bound Analysis

- Need to create an analysis boundary for each resource.
- May need to create an analysis boundary for each resource based on each alternative.

67

Step 6

Describe Affected Environment

Affected Environment: Resources expected to experience environmental effects.



68

Only for ~~all~~ resources that will be affected by alternatives.

Step 7

Analyze Impacts of Alternatives

- Impact analysis predicts the degree to which the resource will be affected by each alternative.
- Includes considerations of context, intensity, duration, and timing.

69

Impacts Analysis

NPS must systematically analyze the impact of each alternative in terms of its context, duration, and intensity of effect on unit resources and values and, based on this analysis, determine the potential for impairment.

70

Impacts Analysis

Impact analysis must...

- Be written concisely, clearly, and directly,
- Emphasize real environmental issues,
- Provide reasonable alternatives that minimize adverse impacts,

71

Impacts Analysis, cont.

- Use accurate scientific analysis,
- Be scrutinized by other agencies and the public, and
- Include direct, indirect, and cumulative impacts that are both beneficial and adverse.

72

Impact Methodology

(DO-12 Handbook 4.5(G)(7)(a))

Methodology describes methods used to determine impact.

- Explain any assumptions.
- Define or explain how data will be interpreted.
- Describe thresholds used to measure context, duration and intensity of impacts.

73

Impact Methodology

(DO-12 Handbook 4.5(G)(5))

- For each resource, must quantify impacts as much as possible and interpret the impacts in terms of context, duration, and intensity.
- Thresholds help to establish the sideboards for understanding the severity and the magnitude of the impact.

74


Impact Thresholds Quantitative vs. Qualitative

- When quantitative information is available the percentage change can be used as an indicator.
- When regulatory or statutory standards are not applicable, standard definitions for degree of change relative to existing conditions are used.
- In the absence of quantitative data, best professional judgment prevails.

75

Impact Thresholds

- Negligible impacts
- Minor impacts
- Moderate impacts
- Major impacts
- Impairment



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Impact Thresholds

These thresholds come from...

- Other NPS planning documents,
- Existing standards (e.g. state water quality standards),
- Consultation with subject matter experts,
- Consultation with other agencies, and
- Scientists' best professional judgments

77

Issues and Impacts

Intensity of effect = Key to Impairment Findings

78

Impact Indicators

They let the reader understand ...

- the methodology used,
- the information used,
- the information missing, and
- the way NPS measured the intensity of the impact.

The measurement of impact must be accurate, scientifically credible, and understandable to a lay person.

79

Impact Verses Impairment

(2001 Management Policies 1.4.5)

Impairment: An impairment is an impact that would harm the integrity of park resources or values, including opportunities that otherwise would be present for the enjoyment of those resources or values.

- Impairment is a subset of major impacts. All impairments are major impacts but not all major impacts are impairments.

80

park operations, visitor enjoyment,
 socio-economic impacts cannot
 be impaired because they are
 not resources (natural/cultural)
 that park was set up to preserve.
 resource vs. value.
 ↳ wilderness
 appreciation of resource

Impairment Park Resources and Values

- Park resources and values include everything from soils to scenery.
- However, most important are those resources and values for which Congress created the park (purpose, significance).
- We can impact them, but we cannot impair them.

81

Impairment

(2001 Management Policies § 1.4.5)

- NPS makes an impairment finding in writing after completing an impact analysis.
- If the action would impair the resource, then NPS may not approve the action.

82

Example Impact Methodology

Species of Concern

- Personal observations of park staff, relevant literature, and best professional judgment were used to determine potential areas of concern and to assess impacts. Preserve staff provided information on species habitat and distribution within the preserve.

83

Example Impact Methodology, cont.

Species of Concern

- Based on the trends in PWC use anticipated by park staff and area PWC dealers, use is expected to stay at about the same levels as currently experienced in the study area over the next ten years. Overall, PWC use levels are low, with estimates of about 12 personal watercraft used in the study area on a busy weekend day.

84

Example Impact Threshold
Species of Concern

Negligible impacts

- No observable or measurable impacts to native species, their habitats, or the natural processes sustaining them. Impacts would be of short duration and well within natural fluctuations.

85

Example Impact Threshold
Species of Concern

Minor impacts

- Impacts are detectable, but not expected to be outside the natural range of variability and not expected to have any long-term effects on native species, their habitats, or the natural processes sustaining them.

86

Example Impact Threshold
Species of Concern

Moderate impacts

- Impacts on native species, their habitats, or the natural processes sustaining them are detectable, and could be outside the natural range of variability for short periods of time. Population numbers, population structure, genetic variability, and other demographic factors for species may have short-term changes, but would be expected to rebound to pre-impact numbers and remain stable and viable in the long-term.

87

Example Impact Threshold

Species of Concern

Major impacts

- Impacts on native species, their habitats, or the natural processes sustaining them are detectable, and expected to be outside the natural range of variability for long periods of time or be permanent. Population numbers, population structure, genetic variability, and other demographic factors for species may have large, short-term declines with long-term population numbers significantly depressed.

38

Example Impairment Threshold

Species of Concern

Impairment

- Some of the major impacts described above may be an impairment of park resources if their severity, duration, and timing results in the elimination of a native species, significant population declines in a native species, or precludes the park's ability to meet recovery objectives for listed species. In addition, these adverse, major impacts to park resources and values would:

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Example Impairment Threshold, cont.

Species of Concern

Impairment

- Contribute to deterioration of the park's wild life resources and values to the extent that the park's purpose could not be fulfilled as established in its enabling legislation;
- Affect resources key to the park's natural or cultural integrity or opportunities for enjoyment; or

40

Example Impairment Threshold, cont.
Species of Concern

Impairment

- Affect the resource whose conservation is identified as a goal in the park's general management plan or other park planning documents.

91

Step 8

Revise Alternatives

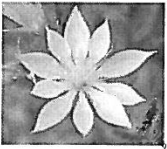
- During impact analysis, alternatives can be eliminated, added, or revised with additional mitigation to better meet objectives and resolve resource issues and concerns.

92

Step 9

Document Analysis

- Document released for internal review, comments, and changes
- Document released for public review




93

Step 10

Decision Document

- Record of Decision must be signed by Regional Director

published in Fed. Register



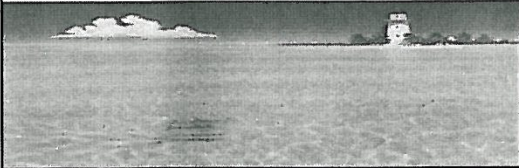
94

DO-12's Ten Step Process

1. Identify Purpose, Need, and Objectives	6. Describe Affected Environment
2. Identify Issues	7. Analyze Impacts of Alternatives
3. Determine NEPA Pathway: CE, EA or EIS	8. Revise Alternatives
4. Create Alternatives; Public Scoping	9. Document Analysis
5. Bound Analysis	10. Decision

95

GROUP DISCUSSION



Will EIS cover carrying capacity of beaches for ORVs? Could do.

What is the **purpose** of the CAHA ORV Management Plan?

97

Purpose in Taking Action
DO-12 § 2.2 (A)-(B)

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- General statement about what the NPS must accomplish to consider the action a success

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Example Purpose
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101

What is the **need** for the CAHA ORV Management Plan?

102

Need for Action

DO-12 Handbook 2.2

- Need asks “why take action?”
- It is a because statement.
 - NPS often elaborates upon need in an EA’s or EIS’s “background” or “planning issues” section.

163

Need Includes

- problems to be fixed
- conditions that need to change
- opportunities available
- plans to implement
- and more!

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Need for Action

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What is the **objectives** of the CAHA ORV Management Plan?

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Approach to Alternatives

114

Alternatives

- Alternatives equal the “heart” of NEPA’s environmental planning process.
- Alternatives:
 - Provide options for decision makers;
 - Require a creative approach because they must alleviate impacts to several resources;
 - Are based on environmental differences, rather than technical, logistic or economic differences; and
 - Must be reasonable.

115

Given the park’s objectives and issues, what alternative strategies could be used to address purpose and need for action?

116

Alternatives

Alternatives—NPS must create a full range of reasonable alternatives that meet the objectives of our action AND resolve purpose and need for taking action.

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(continued on next slide)

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Increased User Education

- The National Park Service would attempt to educate PWC users about restrictions, safe operations, etc. Staff would provide such things as signs at launch sites or sensitive areas, brochures, training, and education during enforcement.

129

Public Participation

Brainstorming

- What do you want to accomplish from public participation on the project?
- What means/process should be used to involve the public?
- Who are the major interest groups?
- What public entities should be involved?

130

Communication and Coordination

- Administrative record
- Follow-up with points of contact
- Protocol for contacts
- Review of assignments
- Coordination with other units
- Other...

131

Administrative Record

- The contractors, park, and EQD will each keep one version of the administrative record.
 - Used for FOIA requests or for litigation.
 - Must use administrative record template created on Microsoft Access.
 - Must remain consistent with guidance provided.

132

Suggested Protocol for Contacts

- The park contact will work directly with the EQD project leader assigned to the project and vice-versa.
- Project leader assigns and monitors work with contractor. For larger issues (scope, direction, \$) the contractor must go through project leader.
- The park contact is responsible for coordinating park staff, data collection, assignments, and reviews.

133

Project Schedule

- Review draft project schedule.
 - Milestones
 - Assignments

134

Review of Assignments

- Getting data and information discussed during the scoping meeting to the contractor
 - who will provide it
 - how they will provide it
 - when they will provide it
- Contractor will produce and distribute for review the Internal Scoping Report.
- Scoping Report may refine the schedule.
- Next meeting(s)

135

The End!

Calendar No. 1247

75TH CONGRESS
1ST SESSION

H. R. 7022

[Report No. 1196]

IN THE SENATE OF THE UNITED STATES

JULY 22 (calendar day, AUGUST 3), 1937

Read twice and referred to the Committee on Public Lands and Surveys

AUGUST 9 (calendar day, AUGUST 13), 1937

Reported by Mr. ADAMS, without amendment

AN ACT

To provide for the establishment of the Cape Hatteras National Seashore in the State of North Carolina, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title to all the lands, except those within the limits of established villages, within boundaries to be designated by the Secretary of the Interior within the area of approximately one hundred square miles on the islands of Chicamacomico, Ocracoke, Bodie, Roanoke, and Collington, and the waters and the lands beneath the waters adjacent thereto shall have been vested in the United States, said area shall be, and is hereby, established, dedicated, and set apart as a national seashore for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore: *Provided,* That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donations

SEC. 2. The Secretary of the Interior is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property, within the boundaries of said national seashore as determined and fixed hereunder and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States under any donated funds by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said national seashore as may be necessary for the completion thereof.

SEC. 3. The administration, protection, and development of the aforesaid national seashore shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other Purposes", as amended: *Provided* That except as hereinafter provided nothing herein shall be construed to divest the jurisdiction of other agencies of the Government now exercised over Federal owned lands within the area of the said

Cape Hatteras National Seashore: *Provided further*, That the provisions of the Act of June 10, 1920, known as the "Federal Water Power Act", shall not apply to this national seashore: And *provided further*, That the legal residents of villages referred to in section 1 of this Act shall have the right to earn a livelihood by fishing within the boundaries to be designated by the Secretary of the Interior, subject to such rules and regulations as the said Secretary may deem necessary in order to protect the area for recreational use as provided for in this Act.

SEC. 4. Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area: *Provided*, That the Secretary of the Interior may, in his discretion, accept for administration, protection, and development by the National Park Service a minimum of ten thousand acres within the area described in section 1 of this Act, including the existing Cape Hatteras State Park, and, in addition, any other portions of the area described in section 1 hereof if the State of North Carolina shall agree that if all the lands described in section 1 of this Act shall not have been conveyed to the United States within ten years from the passage of this Act, the establishment of the aforesaid national seashore may, in the discretion of the said Secretary, be abandoned, and that, in the event of such abandonment, the said State will accept a reconveyance of title to all lands conveyed by it to the United States for said national seashore. The lands donated to the United States for the purposes of this Act by parties other than said State shall revert in the event of the aforesaid abandonment to the donors, or their heirs, or other persons entitled thereto by law.

In the event of said abandonment, the Secretary of the Interior shall execute any suitable quitclaim deeds, or other writings entitled to record in the proper counties of North Carolina stating the fact of abandonment, whereupon title shall revert to those entitled thereto by law and no further conveyance or proof of reversion of title shall be required.

SEC. 5. Notwithstanding any other provisions of this Act, lands and waters now or hereafter included in any migratory bird refuge under the jurisdiction of the Secretary of Agriculture, within the boundaries of the national seashore as designated by the Secretary of the Interior under section 1 hereof, shall continue as such refuge under the jurisdiction of the Secretary of Agriculture for the protection of migratory birds, but such lands and waters shall be a part of the aforesaid national seashore and shall be administered by the National Park Service for recreational uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretaries of the Interior and Agriculture may jointly approve. The proviso to section 1 of this Act shall not limit the power of the Secretary of Agriculture to acquire lands for any migratory bird refuge by purchase with any funds made available therefor by applicable law.

Passed the House of Representatives August 2, 1937.

Attest: SOUTH TRIMBLE,

Clerk.

OFF-ROAD VEHICLE
RULEMAKINGTIMELINE
TASK SCHEDULE

CAPE HATTERAS NATIONAL SEASHORE

5.					Internal Scoping Meetings to establish preliminary purpose, need, objectives, issues and alternatives.	Nov. 2004		Contractor, EQD SERO, CAHA
6.	Stakeholder interview process Neutral begins (step ends with only those who would be on the FACA.	Mar. 2005		Neutral	Drafting Internal Scoping Report	Jan. 2005		Contractor
7.	Draft Assessment Report Out for review.	Apr. 2005		Neutral				
8.	Issue Final Assessment Report	May 2005		Neutral, CAHA				
9.	Assume decision is to proceed with Reg-Neg. Submit Notice of Intent to conduct a negotiated rulemaking and establish a negotiated rulemaking committee. 30 day public comment period on use of reg-neg process and proposed committee membership	May 2005			Draft Internal Scoping Report out for Internal Review.	Feb. 2005		Contractor IDT
10.		June 2005		CAHA, SERO	Submit Fed. Reg. Notice of Intent (NOI) for NEPA Process - acknowledges that a situation assessment is under way and, if it determines that Reg-Neg is in the public interest, NEPA and RegNeg will proceed as integrated processes.	Aug. 2005		CAHA, SERO
11.	NPS reviews comments, makes final determination whether to conduct reg-neg, and if so, final composition of committee to be recommended to DOI NOI to establish FACA published in FED. Register. 15-day notice for first FACA meeting.	Oct. 2005		CAHA, SERO	NOI to prepare an EIS published in the Federal Register	Nov. 2005		CAHA, SERO
12.	FACA Established and reviews overview of internal scoping report for Purpose, Need, and Info Gap Analysis. **	Dec. 2005		FACA	NPS sends draft internal scoping report to FACA.**	Dec. 2005		EQD
13.	Begin FACA meetings	Jan. 2006		FACA	Internal scoping report issued and discussed with FACA.	Jan. 2006		Contractor, EQD

0019118

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Cape Hatteras National Seashore ORV Accident Statistics, 2000 - 2004

Incident Number	Date	In	Charged	Accident	Fatality	Other Resource		Alcohol	Factor	Arrest:	Type			Residence	State	Comments
						Injury	Damage				Vehicle	Sex	Age			
Okracoke																
CAHA0300002060	6/14/03	21	Yes	Yes	1	0	No	Yes	Yes	Yes	Jeep Wrangl	M	20	Beaufort	NC	
CAHA0100002043	7/14/01	31	Yes	Yes	0	0	No	No	No	No	Chev PU	F	25	Okracoke	NC	
CAHA0200000013	6/23/02	40	Yes	Yes	0	2	No	Yes	Yes	Yes	uzu Troop	M	21	Hatteras	NC	
CAHA0400002092	8/10/04	34	Yes	Yes	0	0	Yes	No	No	No	oyota SU	F	14	Chevy Chase	MD	
Bodie Island																
CAHA0000000052	4/16/00	01	No	No	0	0	No	No	No	No	Jeep	M	22	Youngstown	OH	Submerged Vehicle
CAHA0000000191	7/1/00	24	No	Yes	0	0	No	No	No	No	onda Acco	M	?	Ararat	VA	
CAHA0000000219	7/12/00	75	No	No	0	0	No	No	No	No	Grand Am	M	?	Manteo	NC	Not ORV-related
CAHA0000000273	8/9/00	51	No	Yes	0	0	No	No	No	No	Nissan PU	M	28	?	VA	
CAHA0000000277	8/16/00	35	Yes	Yes	0	0	No	No	Yes	uzu Troop	M	38	Newport News	VA	DUI but not factor.	
CAHA0100000441	10/13/01	02	No	Yes	0	0	No	No	No	No	Toyota PU	M	?	?	VA	
CAHA0200000042	4/28/02	35	No	Yes	0	0	No	No	No	No	Jeep	M	26	Unknown	VA	Submerged-Too Fast
CAHA0200000249	10/6/02	84	No	Yes	0	0	No	No	No	No	Dodge PU	M	43	Aulander	NC	Backing
CAHA0200000254	11/2/02	93	No	Yes	?	?	No	?	No	No	Bronco	?	?	?	?	Stolen ORV wrecked
CAHA0300000025	3/29/03	53	No	No	0	0	No	No	No	No	Ford F150	F	?	Moyock	VA	Submerged Vehicle
CAHA0300000099	7/7/03	83	No	Yes	0	0	No	No	No	No	ord Contoi	M	37	?	?	Not ORV-related
CAHA0300000150	6/25/03	42	No	No	0	0	No	No	No	No	oyota SU	M	35	?	MD	Submerged Vehicle
CAHA0300000275	8/22/03	84	No	No	0	0	No	No	No	No	ord Range	M	16	Hampton	VA	Submerged Vehicle
CAHA0300000280	8/30/03	54	Yes	Yes	0	1	Yes	No	Yes	Yes	ep Wrangl	M	20	Yorktown	VA	
CAHA0300000291	8/30/03	12	Yes	No	0	0	No	Yes	No	No	ep Wrangl	M	24	Charlottesville	VA	Submerged Vehicle
CAHA0300000280	9/1/03	81	No	No	0	0	No	No	No	No	ep Cherok	M	23	?	NC	Submerged Vehicle
CAHA0300000308	9/14/03	50	Yes	No	0	0	No	No	No	No	ep Cherok	M	18	?	VA	Submerged Vehicle
CAHA0300000323	10/28/03	30	No	No	0	0	No	No	No	No	Chev S-10	M	48	?	NC	Submerged Vehicle
CAHA0300000339	12/1/03	00	No	No	0	0	No	No	No	No	Ford F350	M	32	Orange	VA	Submerged Vehicle
CAHA0400000057	2/13/04	90	No	No	0	0	No	No	No	No	Ford F150	M	22	Ocala	FL	Submerged Vehicle
CAHA0400000089	2/28/04	30	No	No	0	0	No	No	No	No	issan Xterr	M	28	?	SC	Submerged Vehicle
CAHA0400000147	5/23/04	33	Yes	Yes	2	1	No	No	No	No	Jeep	M	22	Newport News	VA	
CAHA0400000325	7/7/04	43	No	Yes	0	0	No	No	No	No	ep Cherok	M	35	?	VA	
CAHA0400000089	9/4/04	81	No	No	0	0	No	No	No	No	Ford F150	M	47	Newport News	VA	Submerged Vehicle
CAHA0?00001122	?	?	?	Yes	0	1	?	?	?	?	?	?	?	?	?	Report not located
CAHA0?00002186	?	?	?	Yes	?	?	?	?	?	?	?	?	?	?	?	Report not located
CAHA0400000471	11/7/04	30	Yes	Yes	0	0	No	No	No	No	oyota Tund	M	31	?	AL	Unsafe Operation

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Hatteras Island														
CAHA00000002039				Yes	0	0								
CAHA00000002052				Yes	0	0								
CAHA01000001290				Yes	?	?								Report Not Located
CAHA0100000131	8/4/01	43	No	Yes	0	0	No	?	No	?	?	?	?	Incomplete Record
CAHA01000001315	8/3/01	13	No	Yes	0	0	No	No	No	?	?	?	?	Incomplete Record
CAHA0200000100	1/12/02	00	No	Yes	0	0	No	No	No	ep Chero	M	26	Virginia Beach	VA Hit and Run
CAHA0200000103	3/3/02	00	No	Yes	0	0	No	No	No	ep Chero	M	26	?	NC Backing
CAHA0200000117	5/5/02	91	No	Yes	0	1	No	No	No	uzu Troop	M	29	?	NC Wave-cut Bench
CAHA0200000130	6/30/02	20	No	Yes	0	0	No	No	No	yota Tund	M	55	Frisco	NC Interdunal road
CAHA0200000130	7/2/02	30	No	Yes	0	?	No	?	No	Chev Blaze	M	<17	?	NC Driver Not Identified
CAHA0300000152	7/4/03	41	No	Yes	0	0	No	?	No	Ford F250	M	?	?	NC Not ORV-Related
CAHA0300000131	6/2/03	83	Yes	Yes	0	0	No	Yes	Yes	odge Intrep	M	27	Dare County	NC Not ORV-Related
Not Located	2000 - 2001	ig	Yes	Yes	1	0	Y	?	?	yota Tund	M	22	Winston Salem	NC
Not Located	?	?	No	No	1	0	No	?	No	ATV	M	?	Buxton	NC Brain Damage
										SUV	M	?	?	NC Submerged-Drowned

Cape Hatteras

National Seashore

National Park Service
U.S. Department of the Interior

OFF-ROAD DRIVING



The beaches of Cape Hatteras National Seashore are attracting more visitors every year. One form of recreation that is increasing in popularity is beach driving. Driving on the dunes, however, has disastrous effects, leaving the dunes bare to the winds and leading to eventual dune destruction. Off-road vehicle users can help ensure that this fragile ecosystem remains healthy and strong with attractive stretches of beach available for beach driving following the regulations and guidelines listed below.

Off-Road Driving Regulations*

Avoid Damaging Vegetation:

- Enter and leave the beach only at designated numbered ramps.
- Drive only on that portion of the beach which lies between the foot of the dunes and the ocean.
- Do not drive on or between the dunes, except on marked ORV routes.
- Drive only on marked ORV routes west of NC Highway 12 (soundside).

Drive Safely:

- The speed limit is 25 mph on all beaches. Proceed with due caution and have consideration for other beach users. Seat belts are required for all front seat occupants and recommended for rear seat passengers.
- Drive slowly and detour around people lying, standing or walking on the beach. Watch for fishing lines.
- Avoid overloading your vehicle with people. Do not allow your passengers to sit on the tailgate or rooftop, or otherwise stand or hang outside your vehicle.
- No open containers of alcoholic beverages allowed in

- If you carry it in, carry it OUT. Dispose of trash properly, including fish parts and dead fish. Help keep the beach clean.
- Fish caught and not used should be returned to the water alive.











Observe Vehicle Licensing Requirements:

- All vehicles, including ATV's, **must** have a current state-of-origin registration and valid license plate.
- The operator **must** have a current driver's license.

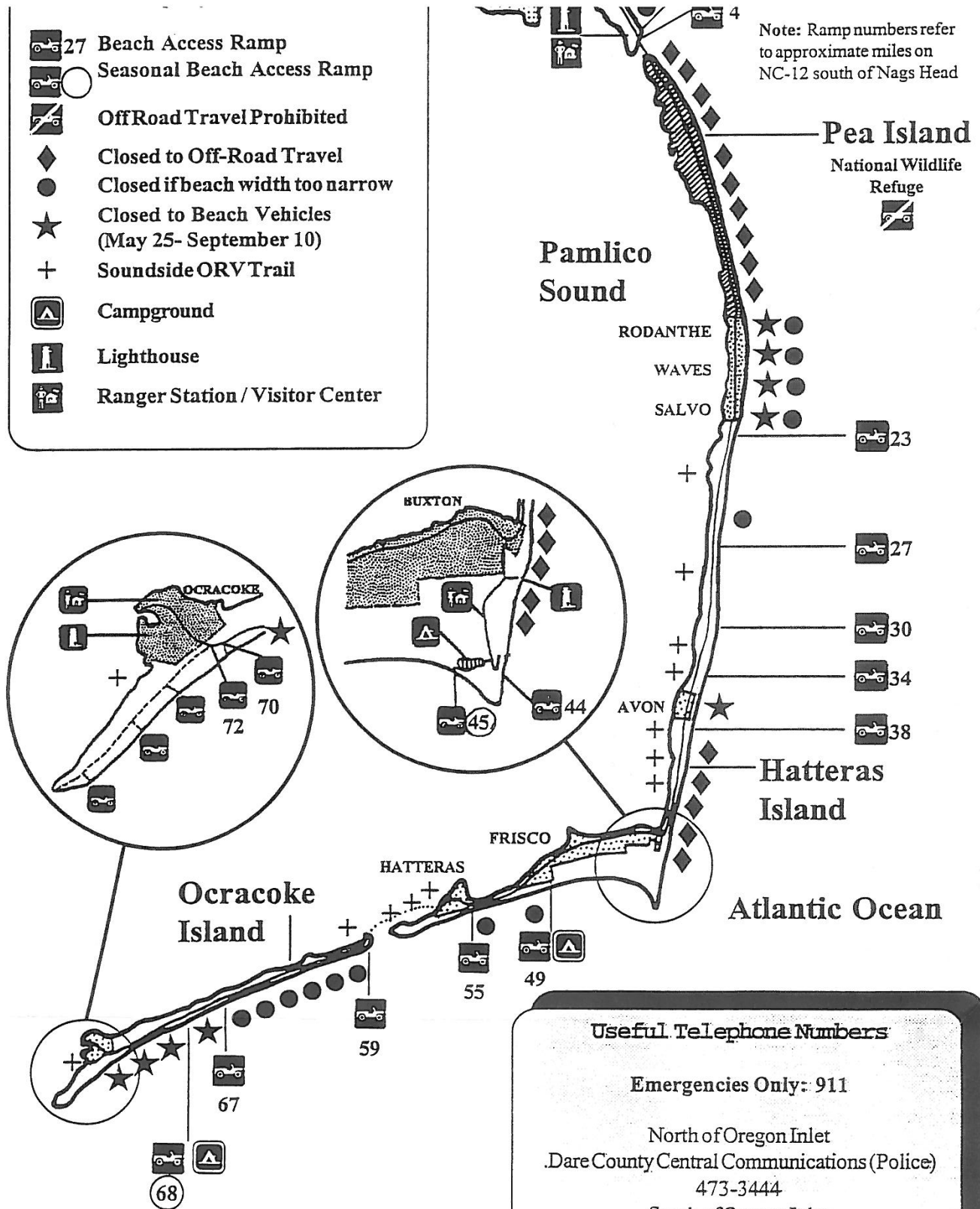
* All regulations listed above are National Park Service regulations and carry a maximum **fine of \$500 and/or six (6) months imprisonment for violations.**

Guidelines for Beach Driving

- Check weather forecast and tide tables before starting your trip. Ask a ranger about current, constantly-changing beach conditions.
- Carry the following equipment: shovel, tire pressure gauge, first-aid kit, spare tire, tow rope (at least 14 feet long with a load strength of 20,000 pounds), litter bag, fire extinguisher, flashlight, and bumper jack (with sturdy board to support jack).
- **Two-wheel-drive vehicles are not recommended** for beach driving due to lack of adequate tire traction.
- Rangers are here to assist you, but they are not permitted to pull or tow other vehicles. Commercial towing services are limited and costly.
- Lower pressure in all tires to a recommended 20-25 pounds; the softer the sand, the lower the pressure needed for better flotation. Reinflate tires to normal pressure as soon as possible after leaving the beach. Low tire pressure can affect

-  27 Beach Access Ramp
-  Seasonal Beach Access Ramp
-  Off Road Travel Prohibited
-  Closed to Off-Road Travel
-  Closed if beach width too narrow
-  Closed to Beach Vehicles
(May 25- September 10)
-  Soundside ORV Trail
-  Campground
-  Lighthouse
-  Ranger Station / Visitor Center

Note: Ramp numbers refer to approximate miles on NC-12 south of Nags Head



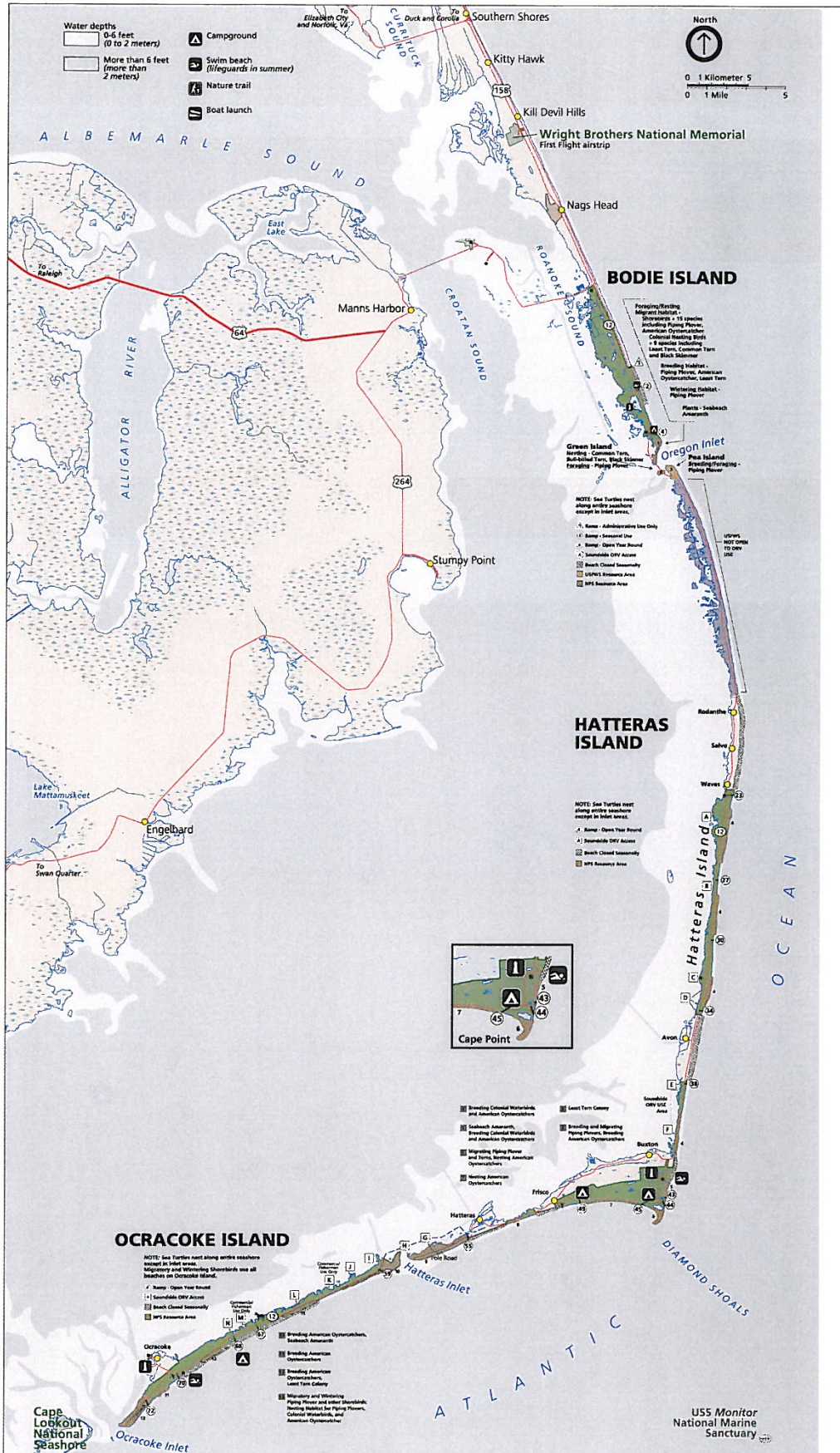
Useful Telephone Numbers

Emergencies Only: 911

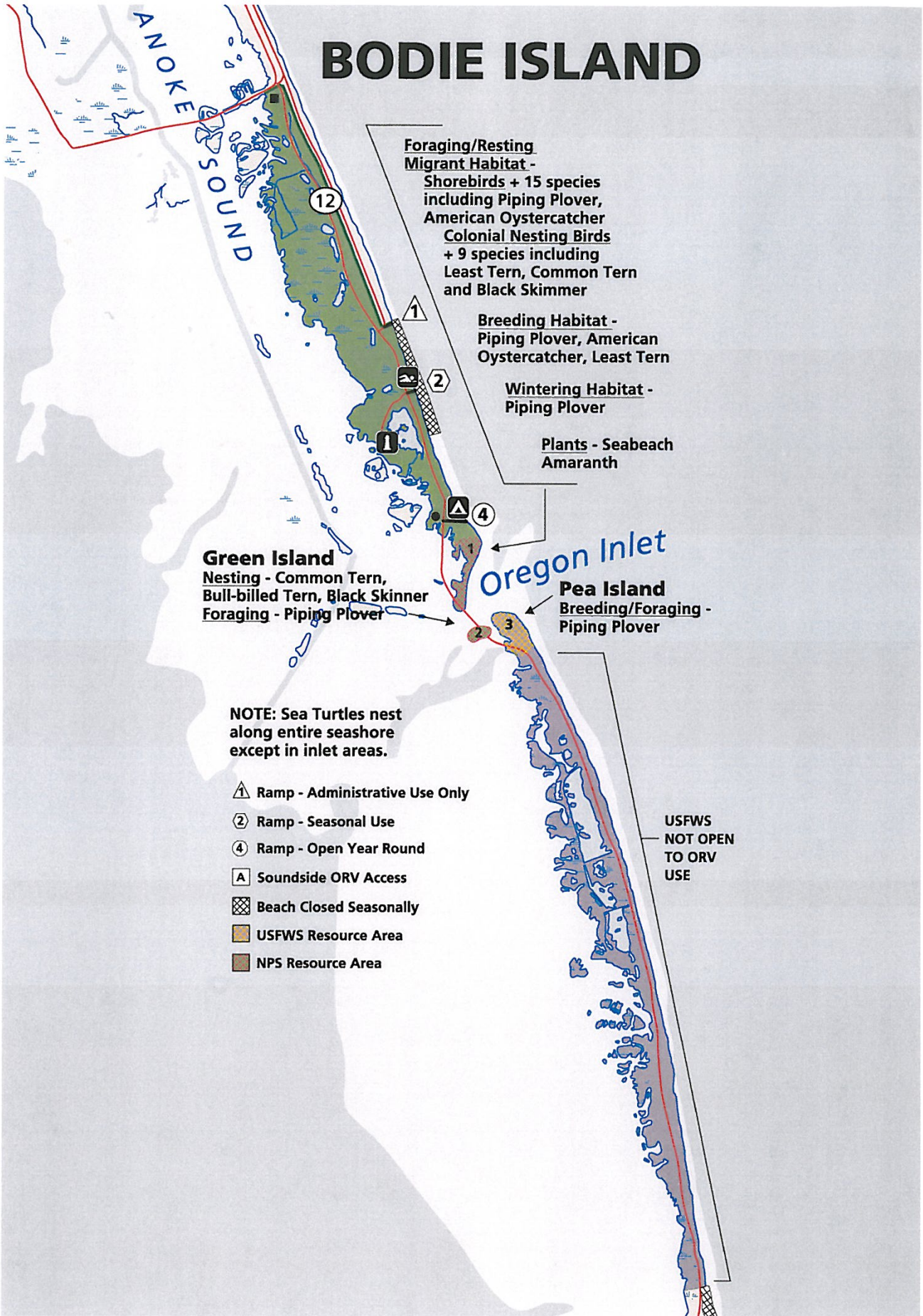
North of Oregon Inlet
Dare County Central Communications (Police)
473-3444

South of Oregon Inlet
Dare County Sheriff Dispatch: 995-6111

	Visitor Centers	Ranger Stations
Bodie Island	441-5711	441-7425
Hatteras Island	995-4474	995-5041
Ocracoke Island	928-4531	928-5111



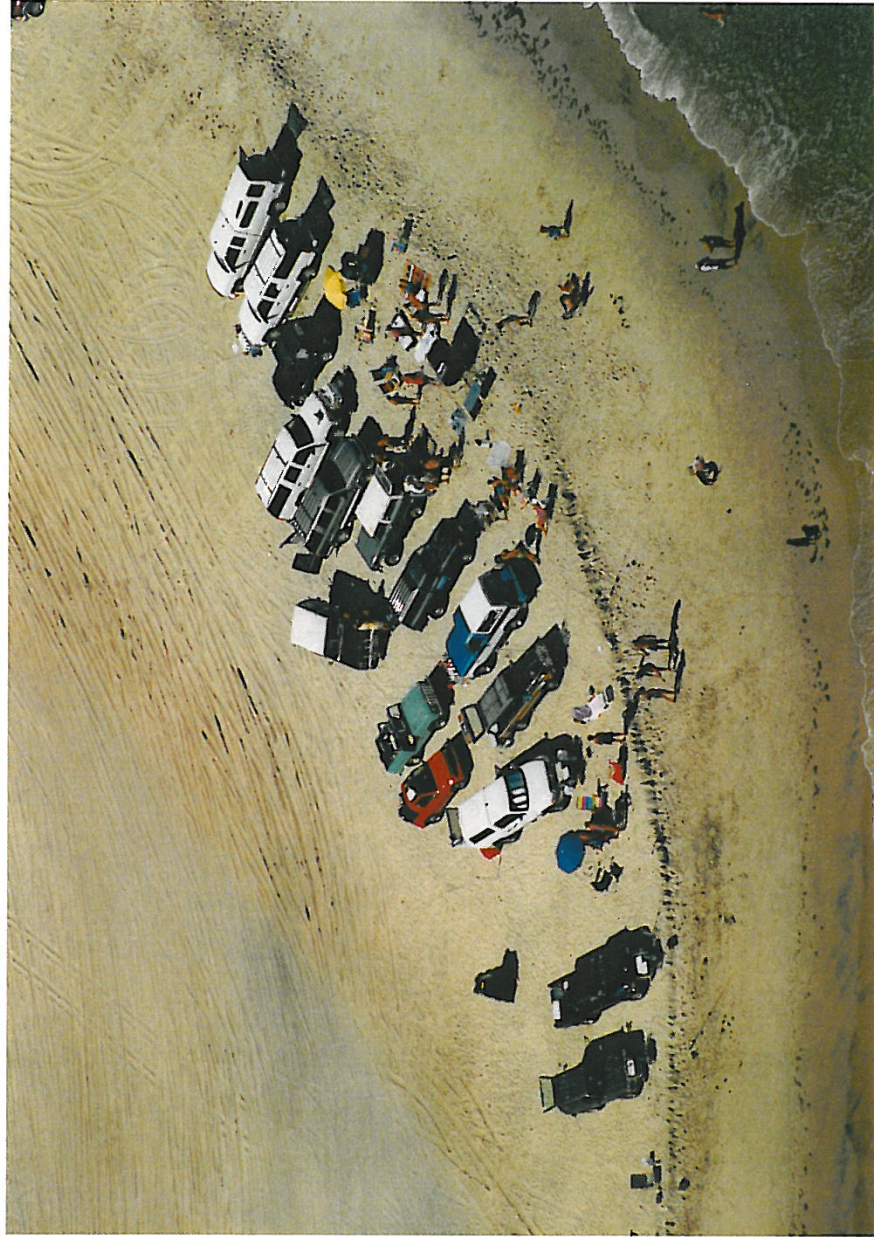
BODIE ISLAND



**Bodie Island Spit
July 1st, 2001**



Bodie Island Spit July 1st, 2001



0019126

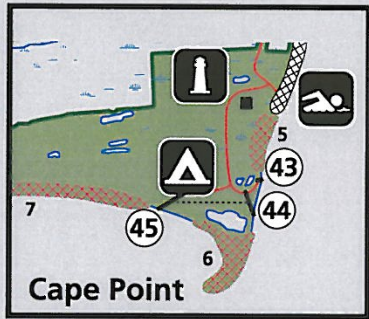
Bodie Island Spit, 2002



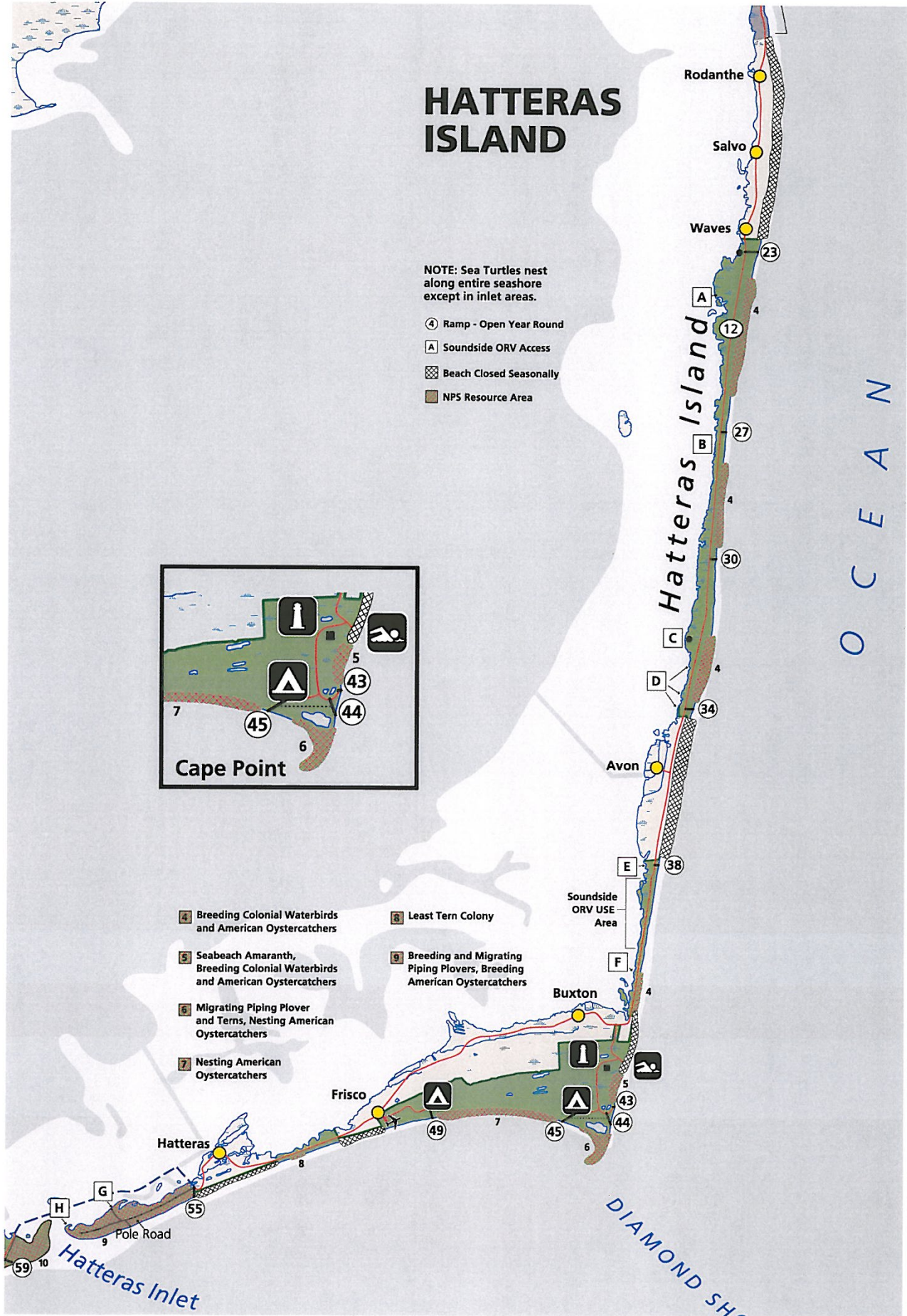
HATTERAS ISLAND

NOTE: Sea Turtles nest along entire seashore except in inlet areas.

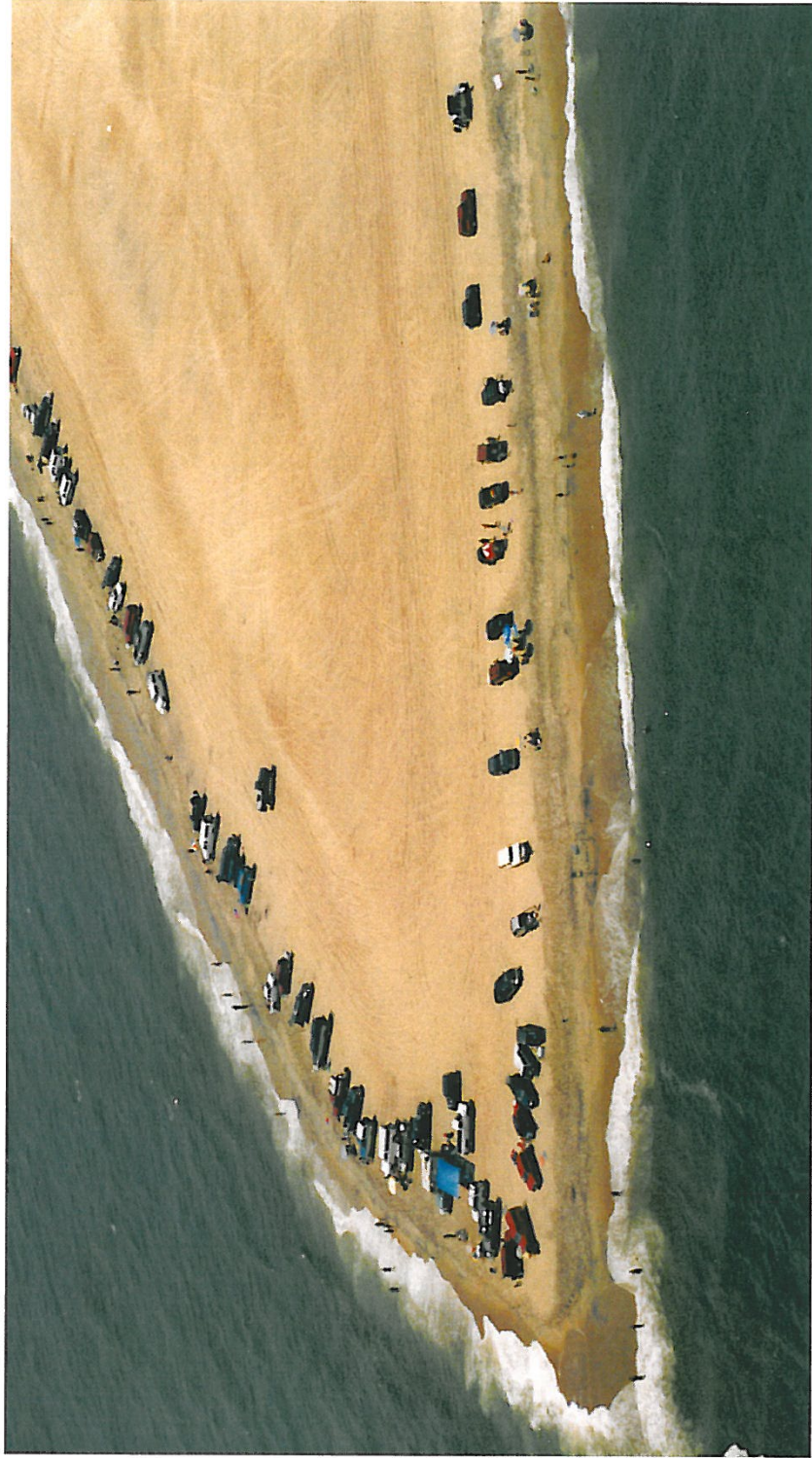
- ④ Ramp - Open Year Round
- Ⓐ Soundside ORV Access
- ⊞ Beach Closed Seasonally
- NPS Resource Area



- ④ Breeding Colonial Waterbirds and American Oystercatchers
- ⑤ Seabeach Amaranth, Breeding Colonial Waterbirds and American Oystercatchers
- ⑥ Migrating Piping Plover and Terns, Nesting American Oystercatchers
- ⑦ Nesting American Oystercatchers
- ⑧ Least Tern Colony
- ⑨ Breeding and Migrating Piping Plovers, Breeding American Oystercatchers



**Cape Point, Hatteras Island
July 1st, 2001**



Hatteras Island Beaches
July 1st, 2001



Cape Point, Hatteras Island, 2002



0019131

**Cape Point Ramps 43, 44, 45,
September 24, 2003**

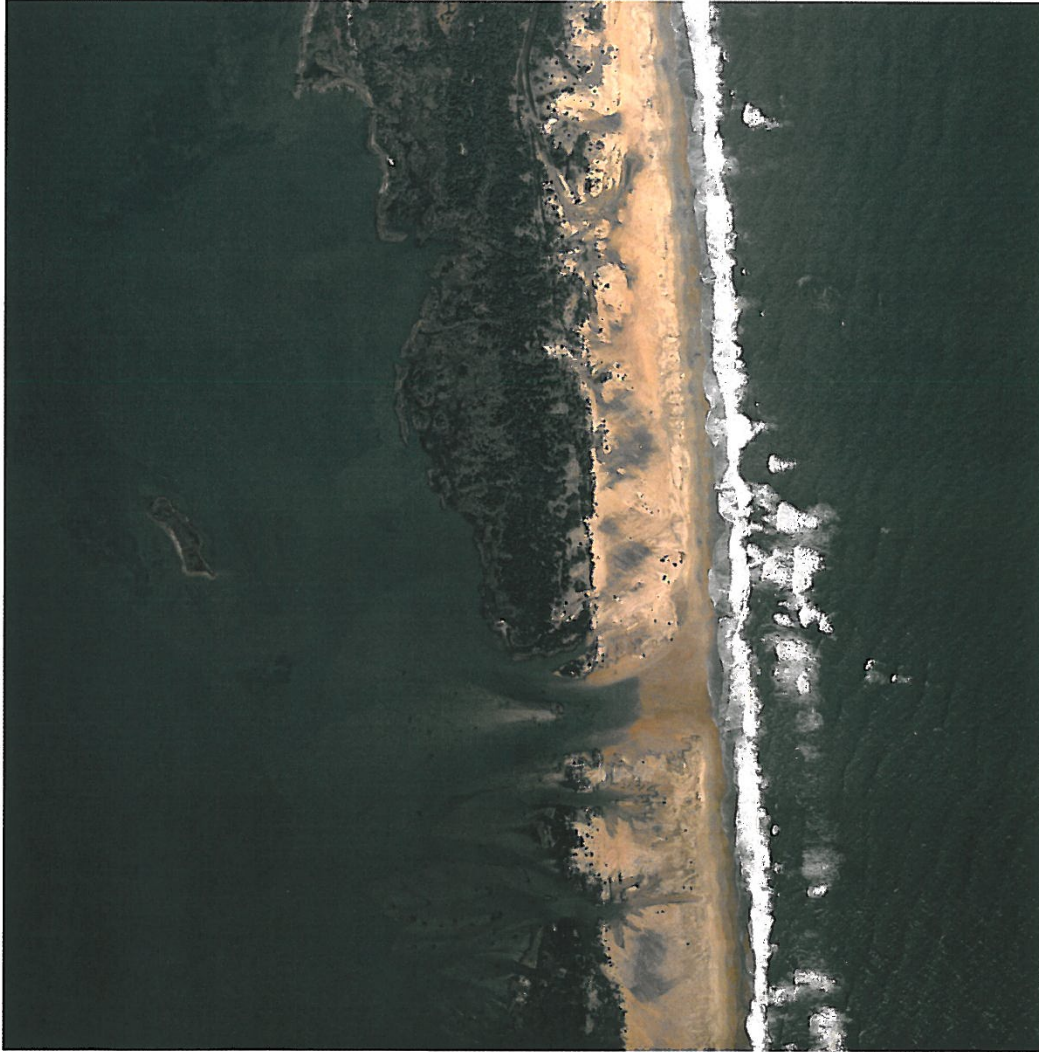


Hatteras Island Spit, 2002



0019133

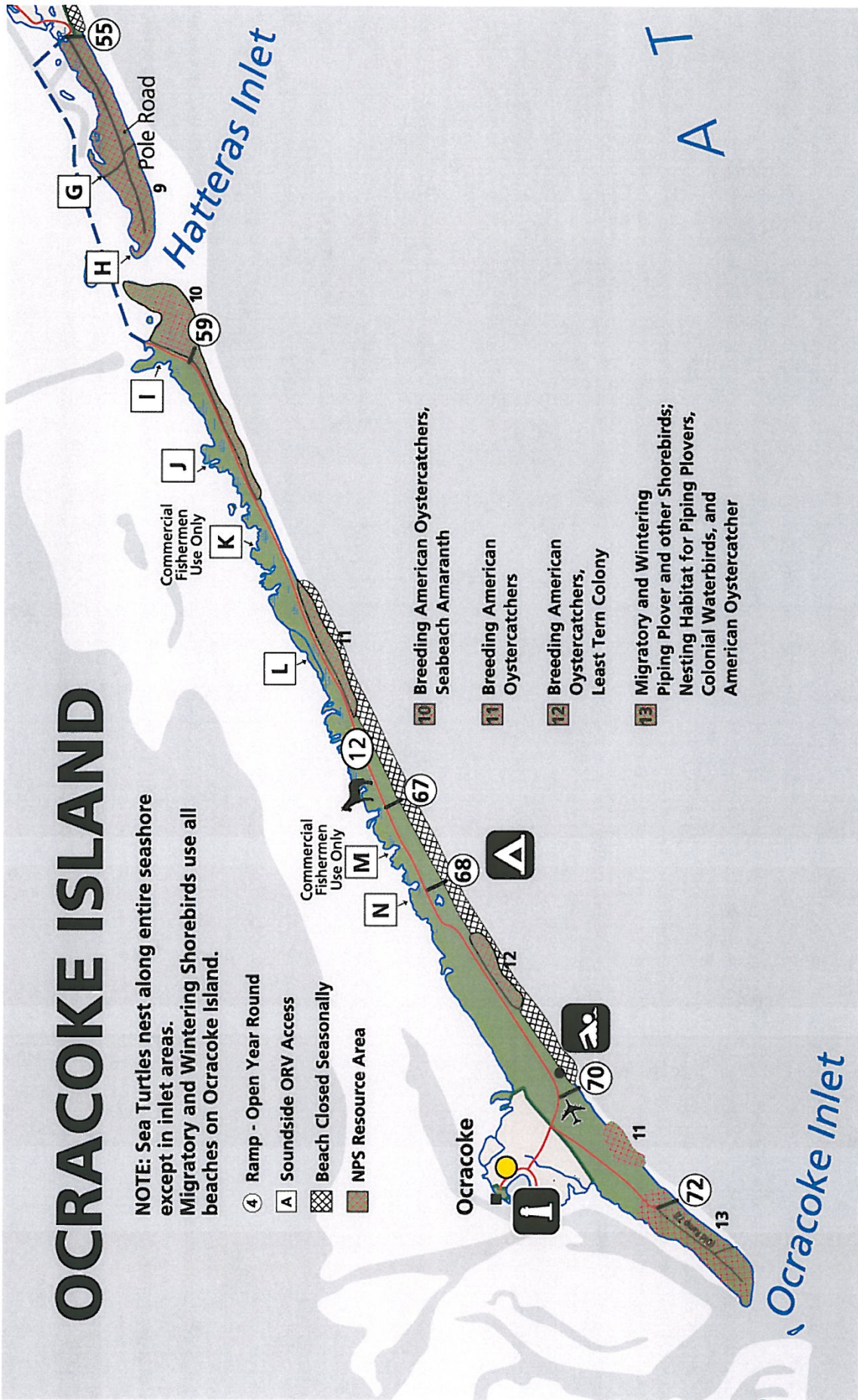
Pole Road Breach, Hatteras Island, September 24, 2003



OCRACOKE ISLAND

NOTE: Sea Turtles nest along entire seashore except in inlet areas. Migratory and Wintering Shorebirds use all beaches on Ocracoke Island.

- ④ Ramp - Open Year Round
- A Soundside ORV Access
- ⊞ Beach Closed Seasonally
- NPS Resource Area



A T

Ocracoke Inlet

0019135

Ocracoke Island, NC-12
September 24, 2003



0019136

**Ocracoke Island, Ramp 72
September 24, 2003**



GUEST COLUMN

The service is missing from the Park Service at the national seashore

By NATALIE PERRY

(Editor's Note: Natalie Perry is a member of the board of the Outer Banks Preservation Association, a group that endorses free and open access to the beaches of the Cape Hatteras National Seashore. This is a transcript of remarks that she was asked to make at a meeting between community groups and staff representatives from the office of the Secretary of the Department of the Interior and the director of the National Park Service in Washington, D.C.)

In the 1950s when the Cape Hatteras National Seashore was established, many local people had mixed feelings about it. They were told by the organizers of the seashore that this park would be an excellent opportunity for the island's people. The Park Service would develop the park and promote it to the people of the United States. The park would create the need for an economy that would benefit our community. The park would be the destination, but the community would become the support structure.

We were urged to build motels, restaurants, shops and cottages for the tourists. We were being given the chance to change our lifestyles. Our local men would not have to leave to work in the Norfolk shipyards, become sailors in the United States Navy, or rely on the water as commercial fishermen. They could work with their families and stay close to home. Over the years the economy has grown to what you see here today. Our local people enjoy the benefits of the park



Park Service naturalist Clay Gifford talks with youngsters on the spiral staircase at the Cape Hatteras Lighthouse in this 1963 photo. Some folks think park rangers were kinder and gentler in those days.

and the tourism the park brought to us.

However, the beginning of the park's establishment also was the beginning of the problems with the local people. The government enjoyed the donation of much land by the Phipps family, but it needed more to complete the park. This land

was taken from the local people, and an insulting amount of money was paid for it — even for the time. This initial land grab started a tolerate/hate relationship with the park.

To help bring people to the national seashore, the Park Service promoted the lifestyle of the Outer

Bankers in its marketing campaign through the years. The historic Cape Hatteras Lighthouse was always prominently displayed and the bravery of the surfmen of the U.S. Lifesaving Service and their rescues were common themes. The popular fishing spots and miles of pristine beaches to drive to

these spots were promoted. The park was selling and continues to sell the history of this island's people, while at the same time stealing their descendants' lands and impacting them with an ever changing set of rules and regulations concerning the use of those lands that were taken.

The promotion campaign worked, and in the 1950s, people began to travel here. The tourism industry started to grow, and our island grew with it. The first tourists here remember the park as a natural wonderland where the fishing was awesome and the park personnel were there to help them. The park rangers were men who were as interested in the recreational activities as the visitors were. A park ranger would stop and see what you were catching, talk about the weather, teach you something about the place. Over the years, the park ranger has turned into a cop patrolling the beaches with the attitude that if you are on the beach, you are probably only there to tear it up or cause them problems. Instead of looking to help you with something, they are looking to see if you are doing something wrong.

While we realize that the increase in visitors to the park over the years has had an impact on the role of the park ranger and created the need for law enforcement to protect users and the beaches, we do not understand why the rangers' attitudes have changed to the point where people hate to see a ranger coming. It didn't use to be that way. Perhaps there needs to be a branch of the park that represents the recreational users. Not resources, or history, or cops,

but rangers who care about the people using the park and want to make their stay here the best it can be, not the worst.

A few years ago a writer was sent here to gather stories and impressions from the local people about their attitudes about the national seashore. She expected to have a book of happy stories telling how the park is so wonderful and we don't know what we would have done without it. Instead she told me she has never been cussed out by so many elderly people in one place before.

Simply, the people no longer trust this Park Service. The constant changing of rules on the beach, the complete disregard for the local people's opinion about the lighthouse move, the outright theft of people's little pieces of history, the attitudes of the law enforcement officers even off of the beaches, and the incredible shrinking public access to our public lands have all served to create pain and frustration for the people of this island.

These days it is not just the local people who are being trodden upon by the bull-headed management of this park. It is the park's own visitors as well. I have heard people say that they save up an entire year to come to this park for their precious vacation time. They deal with tedious jobs, heavy commuting traffic, and all those stresses of the real world by dreaming of their getaway time here on Cape Hatteras. But lately, when they have gotten here they have found their favorite fishing holes roped off to them. Their long anticipated days of clamming and crabbing locked away from them. They are harassed by rangers while sunbathing or shelling or birdwatching.

In August during Hurricane Alex, tourists were even put in danger by the heavy-handed use of Park Service power. The storm was misjudged by the National Weather Service, and instead of a small tropical wind storm we got a full

fledged 110-mph hurricane. The people in the Park Service campgrounds were not evacuated. The storm hit directly on us, and many people were caught unprepared. The people staying at the Park Service's Frisco Campground, a much loved camping spot, got the biggest surprise. When their cars and campers begin to tip over under the heavy winds, many sought shelter in the wooden bathroom structures in the campground. During the height of the storm, Park Service rangers threw out the frightened campers and locked the doors to the bathhouses. Everyone — including women, children, and elderly people — was sent out to the wind and driving rain to deal with it the best they could. They pleaded with the rangers to let them back in and were treated rudely and told to leave the park if they did not like it.

Word to lock the bathhouses came from very high up and people were told they had to leave because the toilets would not work. Leave and go where? The whole island was flooding at that time. The scared people huddled against the outside of the bathhouses or risked their lives getting back to their cars to wait out the storm.

This is just the latest example of how the Park Service no longer cares for the people of this country.

Are we happy the park is here? Yes, otherwise we would look like Myrtle Beach or Ocean City. However, we deserve park officials who listen to us, and we deserve to have power to affect what happens here in this park. We are the ones in constant touch with the tourists who visit here. We are the ones who hear their complaints and are the sounding board for their frustrations. It is our businesses that are impacted when the Park Service makes changes to the experience the tourists have here. After all, it is our local community that was told to take care of this park's visitor needs. It is our land that was taken from us.

Now, 50 years later, we are told it is none of our business what happens here. We are just supposed to sit back and take what is tossed at us. I don't think that is what the people who developed the park intended. And we locals of this island do not intend to sit and take the mishandling of our tourists and our people any longer.

The service has left the Park Service. What does it take to get it back?

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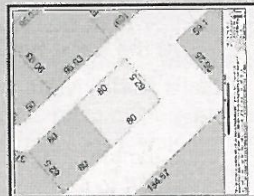
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National Park Service
U.S. Department of Interior

In The Park



Fall, Winter, Spring 2004-2005 • Issue 2



Free

Featuring



Fort Raleigh
National
Historic Site,
Page 6



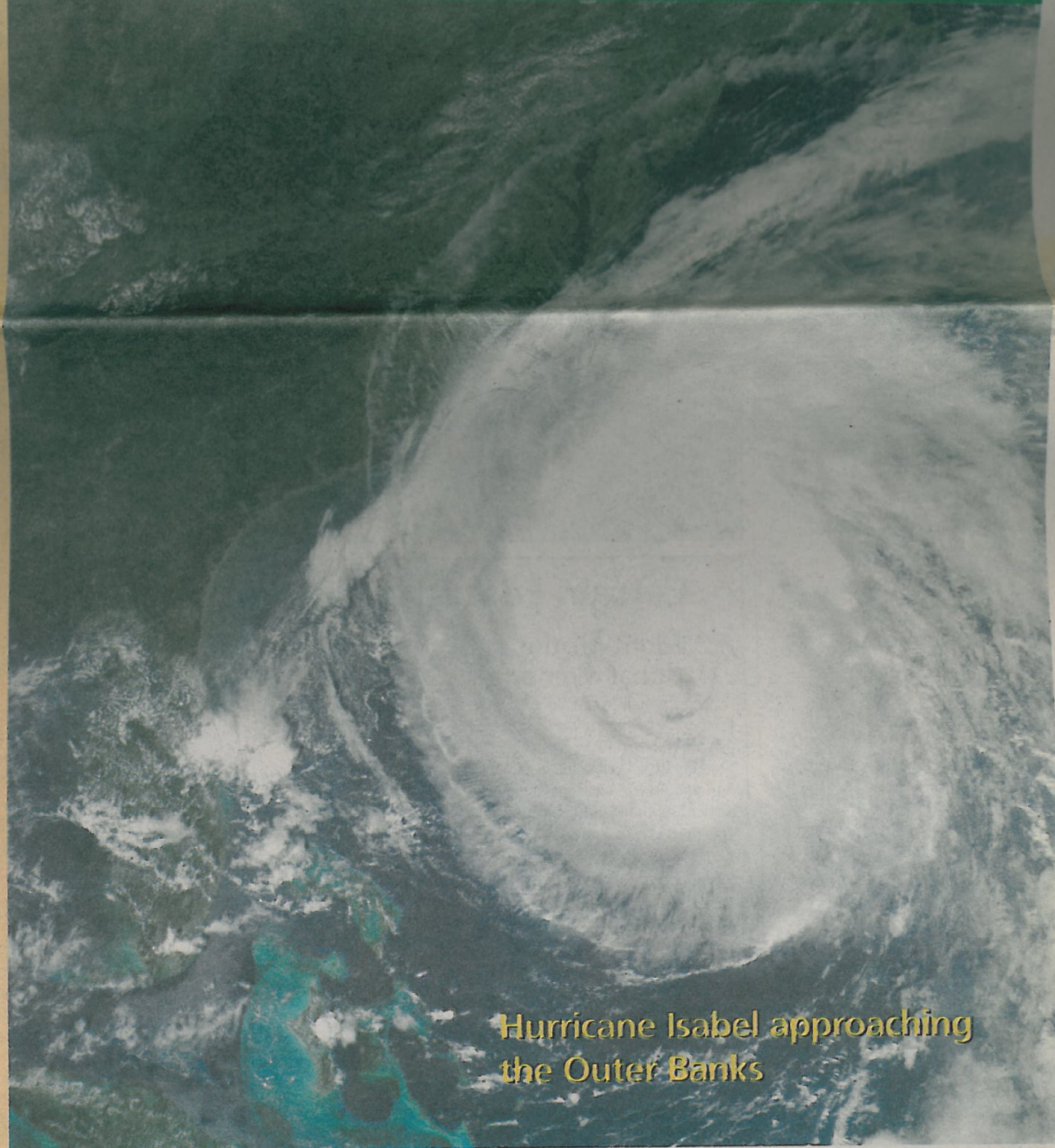
Wright Brothers
National Memorial,
Page 7



Cape Hatteras
National Seashore,
Pages 11-13

Plus information about:

- First Flight Centennial Celebration, Pages 8 & 9
- Hurricane Isabel, Page 10
- Eastern National's Bookstore, Page 16




Hurricane Isabel approaching the Outer Banks


Preserve & Protect


www.nps.gov/caha

You Can Help Protect the Endangered Sea Turtles


Cape Hatteras National Seashore was established to provide recreation and rest for visitors – of both the human and wildlife variety. The endangered and threatened nesting sea turtle deserves special attention and protection from us human visitors. Finding a balance between our activities and the protection of these magnificent creatures and other wildlife can be difficult at times, but there are many ways human visitors can help reach this balance.


 At the end of a day on the beach, make sure you remove all your belongings. Sea turtles may get caught and entangled in items left on the beach, such as tent-like shade structures, beach furniture and volleyball nets with anchor ties.

 If you dig a hole to China in the sand, fill it up before you leave. Large, deep holes left on the beach can be a danger not only to the unwary sea turtle crawling ashore to nest, but also to individuals walking the beach, especially at night. The high tide can't be counted on to fill in most of these cavernous holes.

 Keep as much artificial lighting (headlights, campfires, flashlights) off the beach at night as possible, since it can keep adult sea turtles from nesting. Emerging hatchlings can be disoriented by

artificial light as they attempt to steer towards the natural light reflection from the ocean. Campfires (not bonfires) are permitted in the Seashore if placed low on the beach, but never build them near a posted turtle nest site. (Also, don't burn trash, cans or bottles as pieces from these items can break and cut your foot or a sea turtle's flipper.) Fireworks are specifically prohibited on the National Seashore.


 Steer clear of posted turtle nest enclosures. All known sea turtle nest sites are posted for their protection. As hatching dates approach, closures must be enlarged to safeguard the young. Areas are reopened after hatching is completed.

 Obey the Seashore's leash law for dogs. Pets attracted to nesting sites can seriously harm eggs and hatchlings.

Marine Mammal Sea Turtle Str

It's likely that if you spend time on the beaches here, you'll eventually come upon a dead or stranded sea turtle or marine mammal (dolphin, porpoise, whale, or seal). Your natural instinct, especially if the animal is still alive, is to somehow aid its rescue. But it is very important to know what form that rescue should take, and equally important to definitely know what not to do.

 First things first: Never touch a stranded animal – for several reasons: It's actually illegal to touch, feed, take anything or cause a change in an animal's behavior by your actions. Violations can carry heavy fines and penalties. Also, it's dangerous to do so. A stranded, frightened turtle or mammal will defend itself from threat, and at that point, you'll be the threat.

 Call the appropriate people who can rescue a live animal or dispose of a dead one. There are several sources:

- For stranded or dead sea turtles or marine mammals within Cape Hatteras National Seashore, call a ranger at (252) 473-2111 or (252) 995-6968, or tell a ranger at visitor center.

- The Marine Mammal Stranding Network in Beaufort, NC, at (252) 728-8762.

- For stranded or dead sea turtles outside the National



The threatened Piping Plover uses Cape Hatteras National Seashore year-round. Banded birds from the Great Lakes as well as the Atlantic population have been sighted here in the winter months. However, the breeding population is in serious decline. (photo © 2003 Sidney Maddock)

National Park Service
U.S. Department of Interior

Good Question!



In the Park

www.nps.gov/caha

We want your visit to the Seashore to be safe and enjoyable. By following these guidelines, we can all protect and maintain this spectacular area.

Am I Allowed To Drive On the Beach?

Many miles of the Cape Hatteras National Seashore are open to beach driving. A four-wheel-drive vehicle is a must, due to the soft sand.

Other important information:

- Your vehicle, including ATVs and dirt bikes, must be street legal to operate within the park.

- The driver must possess a valid driver's license.

- All regulations that apply on the streets and highways of the state also apply on the beach.

- The maximum speed limit is 25 m.p.h.

- Driving or parking on the dunes and/or vegetation is strictly prohibited. You should access the beach only by designated ramps.

- Please observe all signs, and do not drive in areas where you see a "No Vehicles" sign posted. These areas are used to protect natural resources such as turtle and bird nests, developing dunes and vegetation.

- Beach areas in front of the dunes of Rodanthe, Avon, Buxton, Frisco and Hatteras, are closed to vehicles from May through September to ensure the safety of the beachgoers in these heavy use areas.

Can I Fish At the Seashore?

In a word, yes. But be aware that fishing within Cape Hatteras National Seashore is regulated by state law. Regulations regarding size limits, bag limits of fish per day, seasons and

licensing requirements are set by the North Carolina Division of Marine Fisheries, which may be contacted at (800) 682-2632. Limit sheets are available through the Marine Fisheries or at all Outer Banks tackle shops.

except at Ocracoke, where you may make reservations by calling (800) 365-2267. Camping on the beach overnight, whether in a tent or in your vehicle, is not permitted.

Is It Okay To Have a Beer On the Beach?

Some alcoholic beverages are permitted in the Seashore, but consider the following:

- The laws of North Carolina do not permit spirituous liquors — distilled liquors, whiskey, vodka, etc. — or fortified wines to be consumed in public. Ask where you buy your wine if you are unsure what's fortified and what's not.

- The legal drinking age in North Carolina is 21.

- Open containers of alcohol are not permitted within any motor vehicle, including vehicles on the beach.

Please be sure to put all your cans and bottles in the trash so you're not creating a hazard.

Where Can We Camp?

Camping on the National Seashore is permitted only in designated campgrounds at Oregon Inlet, Cape Point, Frisco and Ocracoke. Availability is on a first-come, first-served basis



What About Handicapped Beach Access?

Handicapped beach access permits are available from Cape Hatteras National Seashore Head-quarters by calling (252) 473-2111.

Beach capable wheelchairs are available on a first-come, first-served basis at the park Visitor Centers.

May We Shoot Off Fireworks?

No. Fireworks are not allowed in any National Park Service area. This includes the beaches in front of the villages.

What About Launching My Personal Watercraft?

The trailering, launching or landing of personal watercraft of any kind is not allowed within the boundaries of Cape Hatteras National Seashore.

How About a Beach Campfire?

Fires are permitted on the park's beaches, and you do not need a permit. The fires must, however, be at least 100 feet from any grasses or dunes and below the high tide line.

What If My Pet Comes On Vacation Too?

Your pets are welcome at Cape Hatteras National Seashore. Do keep them leashed and under your control at all times. Pets are not allowed on designated swim beaches or in buildings. Please, for your pet's sake, do not leave them unattended. And, for other visitors' sake, clean up after your pet.

And If My Pet Is a Horse?...

Horses may be ridden anywhere vehicles are permitted to drive. Please clean up after your horse.

May I Hunt For Hidden Treasure With My Metal Detector?

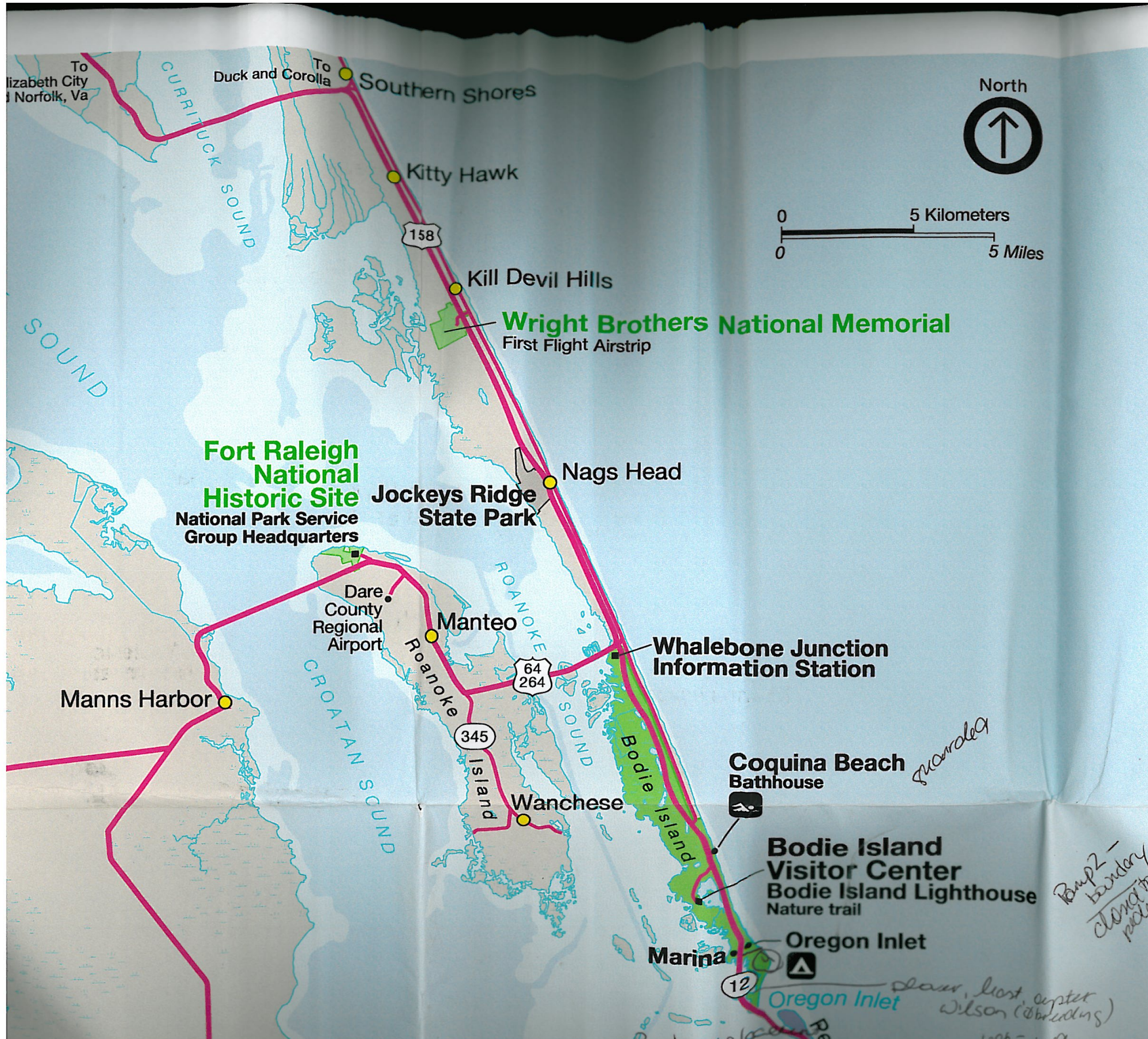
No. Because of the vast wealth of historic artifacts within National Parks, metal detectors are prohibited in all areas, including beaches and campgrounds. In fact, all items found on the beach, with the exception of shells and drift wood, are protected by law and may not be removed from the beach. Please do not disturb any shipwrecks that may wash up or be uncovered by the ocean.

What If I Find Shipwrecks Or Other Treasures On the Beach?

All items found on the beach, with the exception of shells and driftwood, are protected under the law and may not be removed from the beach. Please do not disturb any shipwrecks that may wash up or be uncovered by the ocean.

Are Groups Welcome?

Groups are welcome at the Seashore! If you have more than 25 people in your group and plan to gather within the Park, you will need to obtain a special use permit. For more information on permits, please call the Park staff at (252) 473-2111.



Roanoke

Bump 2 - boundary along to politicians

Marina, Hatteras

3/10 Lighthouse

clear, best oyster Wilson (abradings)



State survey - Great terns
Maric her

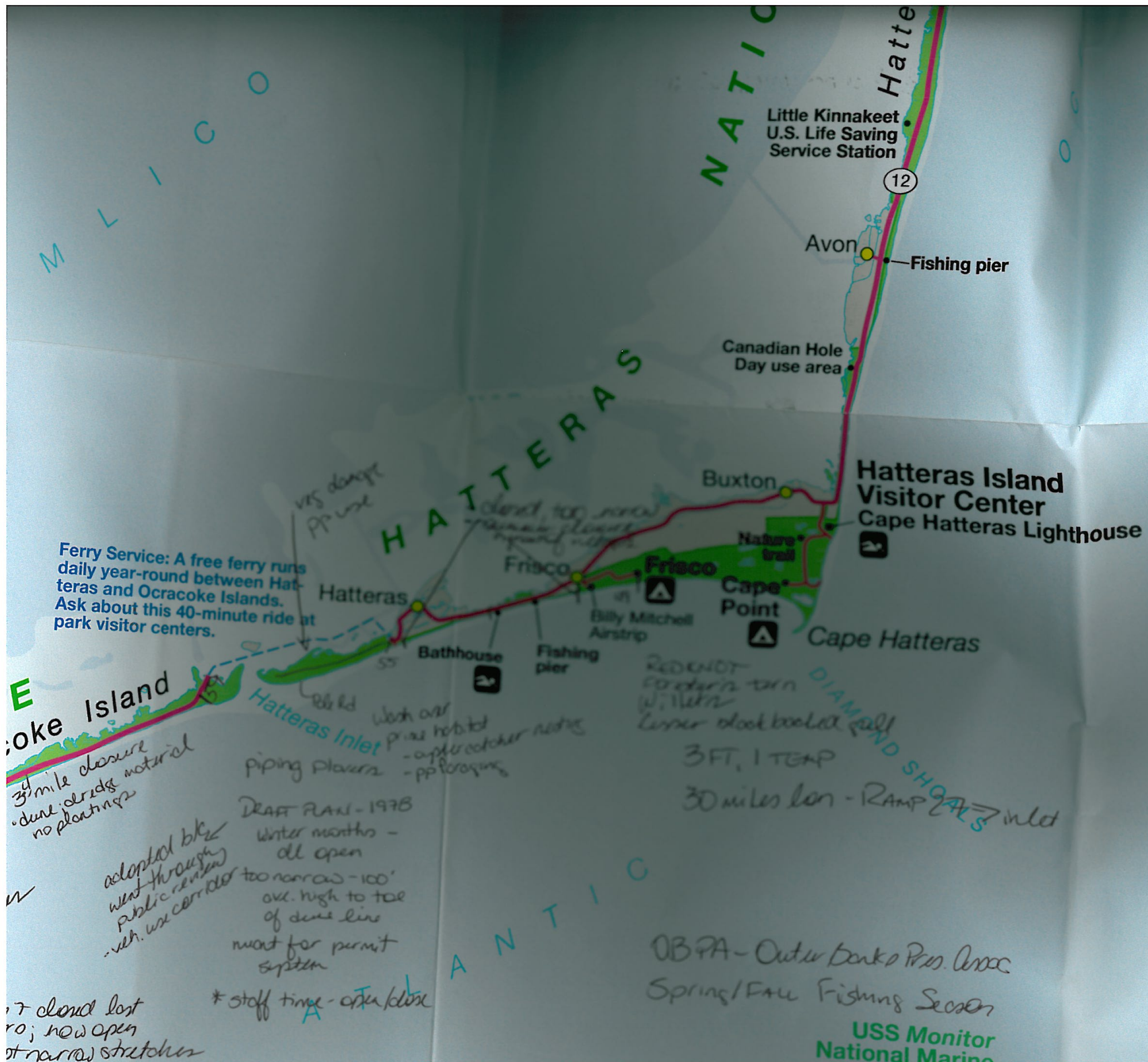
Predator control - USDA traps for red fox (Badix
1 yr cats)

Visitor use survey *

ramps-engineered (wooden cribs, marl)

1/3 budget to maintenance

800-900k resource right



Ferry Service: A free ferry runs daily year-round between Hatteras and Ocracoke Islands. Ask about this 40-minute ride at park visitor centers.

3/4 mile closure
dense dredge material
no planting

adapted bike
west through
public center
veh. use corridor

DRIFT RAIN - 1978
winter months -
all open
too narrow - 100'
ox. high to toe
of dense line
most for permit
system

* staff time - open/close

7 cloud lost
ro; now open
at narrow stretches

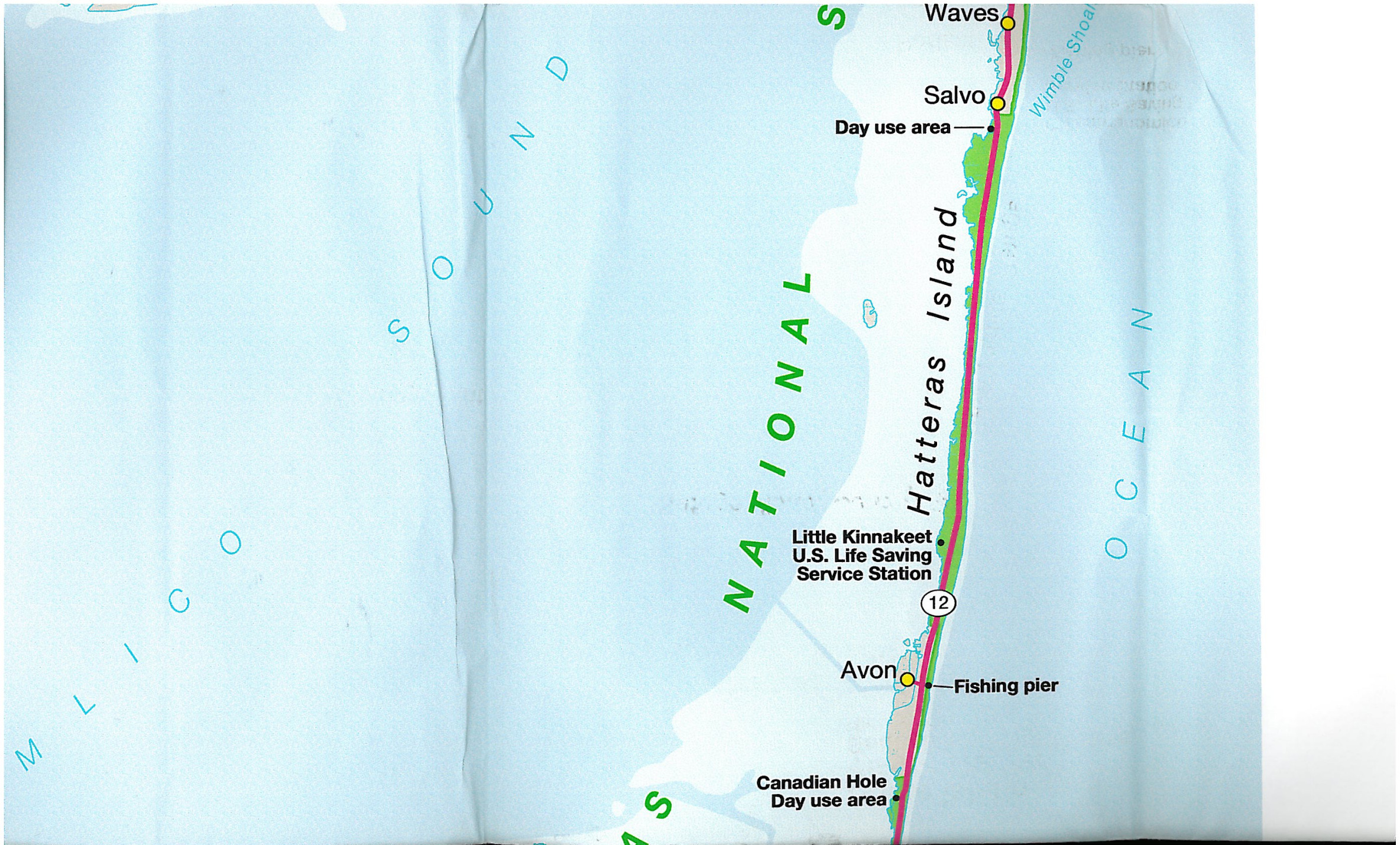
vis damage
pp use
closed 100' narrow
dense dredge material
no planting

REDUNDANT
condition - 100'
W. 100'
Lower block boated
3 FT, 1 TEMP
30 miles lon - RAMP 245' inlet

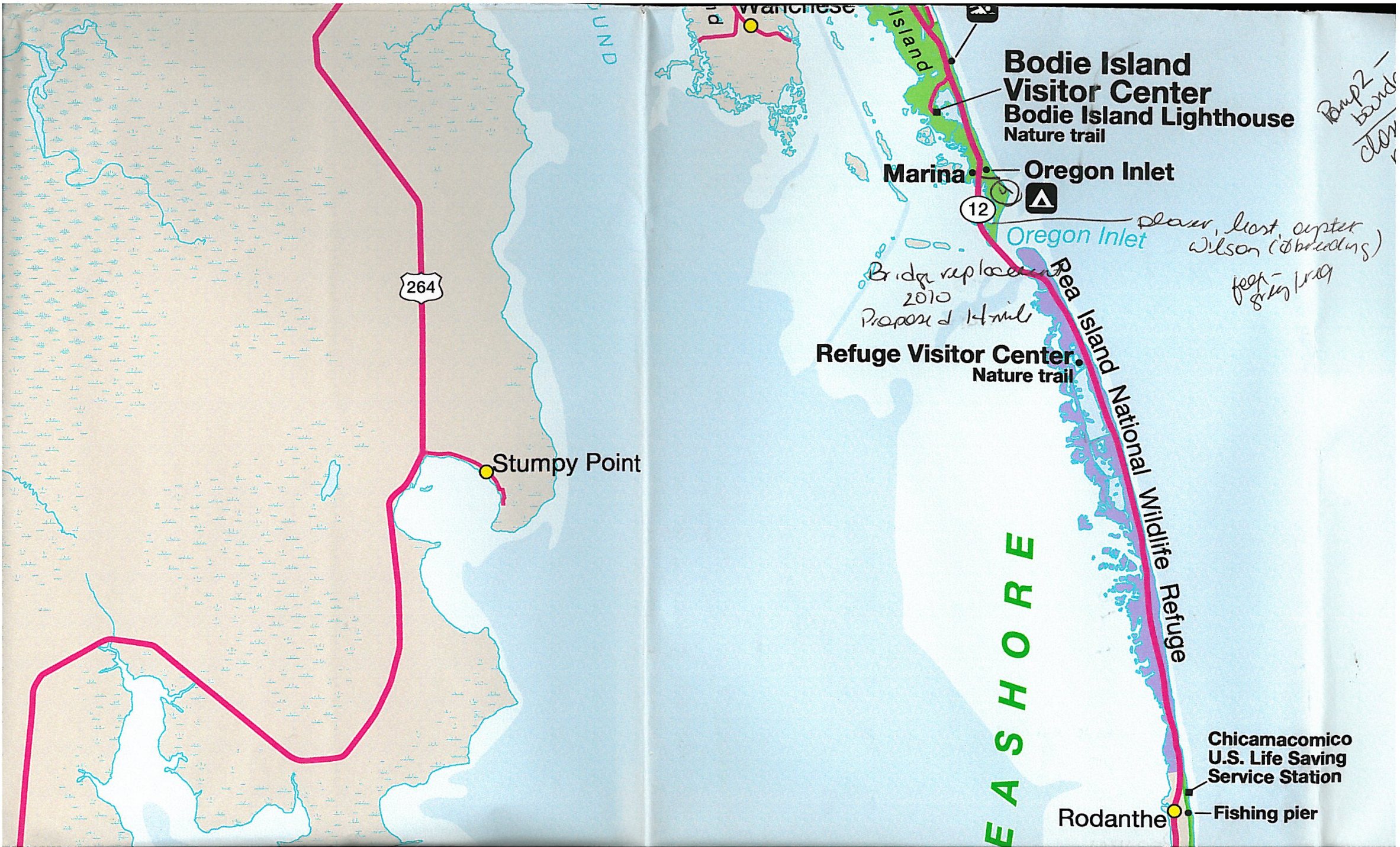
OBPA - Outer Banks Pres. Assoc
Spring/Fall Fishing Season

USS Monitor
National Marine

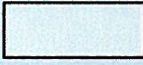
0019145




0019146




Water depths

 0-6 feet
(0 to 2 meters)

 More than 6 feet
(more than 2 meters)

 Campground

 Swim beach
(lifeguards in summer)

ALBEMARLE S



To
Raleigh

East
Lake

64

Alligator River

0019148



264

Stumpy Point

Refuge Visitor Center
Nature trail

*Bridge replacement
2010
Proposed Island*

Marina Oregon

12

Bodie Visitor Center
Bodie Nature Trail

EAST SHORE