

Cape Hatteras Internal Scoping Meeting Minutes

Wednesday November 17, 2004

1. Welcome and Introductions

Attendees:

Sandy Hamilton – WASO-EQD
Dana Otto – LBG
Mary Doll – CAHA
Marcia Lyons, Resource Management – CAHA
Larry Belli – CAHA
Charles Sellers, Chief of Maintenance – CAHA
Toni Duffiey, Interpretation – CAHA
Sherri Fields – NPS-SER
John Wescott – CAHA
Jamie Hammond – NPS-SER
Steve Harrison, Chief of resource management
John England
Mark Hargove
Jeff Cobb - CAHA
Michael Edwards – WASO-EQD
Kate Bennett – LBG
Lori Gutman - LBG

Welcome from Larry Belli, superintendent. Introductions were made around the room. Short background given by Larry Belli:

- This is the third or fourth attempt at this issue
- This is the one issue that affects how the park is viewed within the community
- Important issue
- From preservation and park mission, is one basic thing that has been historically authorized that has issues with park mission
- As development on beaches get more intense and natural beaches get cut down, ORVs in direct competition with wildlife – how do we deal with this?
- January 23 was in Washington, DC at that time only one request for rulemaking from Bluewater Network. It has taken since January to get this off the ground. Now a second request for a rule making that came in June. Legal request that proceeds a lawsuit to get ORV plan for CAHA.
- Needs to be a win-win situation if possible.

Logistical information provided by Jeff Cobb.

Sandy H. reviewed the agenda and what we hope to accomplish.

2. Review Meeting Purpose and Objectives

We will want to get down a good current description of the parks current ORV management. We will review DO-12 and talk about Neg Reg process and how these two processes run together. This is the first time we are running the two processes together. Will go through examples of doing purpose, need, objectives, etc...

3. Background

Steve H provided background on the park and the natural resources. The beaches used to be the roads 50 years ago, there were no paved roads till the 1950s and people drove on the beach. In the 50s, there was NC-12. In the 30s the dunes were built from the VA state line to Ocracoke, it was a CCC/WPA project. There were no natural dunes, if there were they were large dunes on the sound side. Dune line was built along the beach to try to stop the ocean, this effort was kept up to the 1970s, when NPS stopped. NCDOT still does this. In last 30 years, building on the beach has occurred (not like this before), a lot of problems the area and park have are related to the dunes. The dunes allowed paved roads. Bridge over Oragan inlet built in the 60s, there was just a ferry there before. Ease of transportation has changed things in terms of visitation and residences. When they built the dunes and maintained them, the beach narrow because erosion does not stop and there is no overwash on the island. In the end, you can't stop the ocean and storms (i.e. Isabel). Hurricanes created huge transformations in the landscape.

Summary of planning efforts provided in the binder. A lot of planning/research occurred in the 1970s because of Executive Order to require parks to designate routes for vehicles, and to consider the environmental effects. One report, after the 1978 planning process, suggest that the failure of the interim plan was a result of the process, not the product. Also had fewer visitors, listed species, back in the 1970s. A lot of research from this period of time. Impacts to the beach, sand, vegetation, species, etc.

Sandy H. some confusion on the planning synopsis. Is the Jan 6 analysis of the plan above it (yes) – in February there was an alternative plan – yes, it was by a different group. How did these plans differ from the ones the park proposed. Mary – we will provide you a copy of that. What were the significant differences between the plan they are operating under now and the interim plan? We will need to figure this out.

Steve – from what he has seen, the 78 plan was called an interim draft plan because the park was going to start the GMP process. The GMP has four objectives, including ORV, but does not really talk about it. EA for GMO has more information. Marcia – what is the 1984 ORV plan that I have. Steve, that was internal, don't know if it got sent to Washington. No plan has been approved. Larry Belli – we have a historical reference to ask (Bill Harris) lives in Kitty Hawk and was around for the planning process was superintendent in the late 1970s. There is also Tom Hartman, another past superintendent, that lives locally and was around during the 1984 plan. Sandy,

what happened with proposed regulations from 14 years ago?? No, they just lapsed, answer tried to track down but no one knows.

Another planning related item is the wilderness act, because it has to do with identifying wilderness areas where vehicles should not be used. Got a FOIA a few years ago about everything wilderness, and there were very few documents to be found on the subject. It does have an effect on this. Sandy – has anyone looked at the effect of the language of the enabling legislation is, passed before the wilderness act? Mary – had discussion on this, if the legislation was written before the wilderness act was written, the world wilderness does not fall within the act. Steve – within context of enabling legislation (regional office is working on CAHA administrative history), the NPS left the villages to provide services to visitors and the park would not have to be developed and could be left to passive recreation. Sandy – have looked up some administrative history and there was very little resource information to be found. Wilderness is a lower case w not upper case, not considered under wilderness act. Belli – park is not doing anything to determine if there are wilderness areas. Mary D – talked earlier about pursuing wilderness study but solicitor told them not to proceed till pending law suit was figured out.

30 years later, there are a lot more visitors with recent boom in SUV more vehicles, more listed species under ESA, more state listed species, less habitat with dunes stopping overwash and salt spray causing erosion and changing vegetation types (used to all be sand, now marsh grass and shrubs). Ecological transformation is significant, most important for shorebirds who like the beach areas (which are disappearing). More vehicles and wildlife trying to use less area. For research, recently have VA institute of marine science (VIMS) do bibliography of literature that would be applicable to Cape Hatteras as they looked at ORV use and impacts. Assessed the literature, to give us some sense of the relevancy of reports. Did visitor use study to look at visitor use of the seashore. Originally intended to be ORV, but this was broadened. There was an emphasis and bias toward ORV use. This is current information and believe it is good independent data. Just some more information to assist in the planning process, a tool to use. Research tended to be resource specific, though that all of this should be put together and have a beach ecosystem study. What does it mean for the beach community? This study is just being finished up by VIMS.

Park didn't have resource management division till 1995. Over last nine years have been increase level of monitoring and protection of species on beach, with emphasis on federally listed species. Park had done work before, but level of effort has increased since 1995. Still would consider it pretty minimal. Park is locally important bird area (designated this), there are birds using area all year round. Very significant in fall and spring – both nesting and wintering species found at park. Research suggests site loyalty. Have not had anyone out in the winter. Marcia – very minimal closures for nesting birds pre 1995. In 1995, started seeing more closures and people started to react. And USFWS said they were relocating more turtle nests, creating more closures for that species as well. Probably didn't do as much outreach

to explain this as should have occurred. Larry Belli – this seashore is different because it is in the middle of the country, have birds all season unlike north or south. In terms of trying to reconcile resource and ORV user, it makes it more difficult. Use for visitors has become more year round, January and February may be slow but pretty consistent all year round.

Steve, we are at northern limit of sea turtle nesting. Steve, greater diversity creates more complex situation for the park. Otto – are there a lot of birders, is it a known tourist industry? YES. Mary – this is the last remaining beach on the east cost that people can drive on at will. Have seen increase in visitors from NJ, PA, DE because they are coming down because there is open access and no permitting. Marcia – has been told that it is the only free for all left.

Dana – need to discuss the fact that all endangered species were designated after 1978 plan.

Chamber of Commerce has done studies on the economic impact of birders (office in Kill Devil). NC has diverse birding because of being in the middle and the two currents meeting off shore. Sandy – have initiated discussion with Bruce Peacock (at EQD) and doing some economic analysis of ORV use in the park and should also look at birders. Marcia – the local bird club does the bird walks for the park. The local bird club is seen as an ORV bird club. They are getting older and want to be able to drive to the spots. Don't know if this group is representing the parks mission by showing they need vehicle to do birding. Toni – when volunteers do walks, they are not allowed to use their vehicles, but in the winter they do their own program that has nothing to do with the park and they use vehicles. Not a park program but is advertised in the park, and also advertised in a local visitor guide (The Coast), starts in Buxton and they bird in the park. Belli – any group you think would be able to go to for environmental issues, they all want to drive on the beach too.

Jeff – Anglers club was one of the most active group to help ban PWC at park, but do not feel same way about ORVs. Belli- do we do any monitoring of ORV use? No, this has not been done. Steve – if there are tracks in the morning that someone has driving into a closure (violations) that is documented, but there is no systematic ORV count. There are no numbers on how much ORV use has increased, only antidotal. There are numbers for visitor use survey, but that was only one year, no data for comparison. Cannot give numbers on how use has increased over time. Dana – have you seen a change in visitor use survey of why people are coming to the park. Toni – have annual surveys for past 8 years, the surveys don't give an indication about use. The survey just done by Margaret Littlejohn has more information, but no comparison. The Outer Banks Visitor bureau (located on Roanoke Island) may be a good place to go, they do a survey every years – the top attraction they state is the open undeveloped beaches. Visitor trends are changing to a one time visitor as opposed to the person who comes to the same rental year after year. Survey is for all of Dare County, park is about half of the area considered. Should give data but if not, there is a state level FOIA.

Jim Perry is the beach ecosystem study, hope it will be finished in a month or two. Jim Ebert has been the COTR on that. Steve – NC State has done research on American Oyster Catcher. This is at CALO and CAHA. Not a listed species, but it is having a difficult time. Marcia – we know the chicks are getting run over by vehicles. There were tests at CALO to see if lights attract them and it turned out at night the adults and chicks went right to vehicle lights. Sandy – does park have a bird management plan (Keith Watson), Yes, there is a draft one for the park (avian conservation plan), the park is sending in comments. Comments need to go back before the document can be finalized. Plans are to finalize.

Mary – have not had a discussion of the soundside and resources there. Marcia – don't know of any other NS that allows soundside driving because of the fragility of soils and vegetation. There have been studies at CAHA in the 70s (Godfrey, Dr. Webster, Cape Cod). It has not been clear at CAHA for ORV driving. CAHA has designated trails to beach but to dead ends. With no designated parking, people have driving off and made their own trails. Because of increase in visitation and SUV traffic, and recreational activities, the single lane trails have turned into thoroughfares (this has occurred on its own, park has not managed this), has turned into two lanes with parking areas on side, vehicles have run over vegetation and made their own trails. Maintenance has not been able to keep up with the volume of use. If there is some kind of obstacle, ie water, will drive around and widen the pathway even more. Steve – in terms of the soundside shoreline, driving often only room for one vehicle, other vehicles will pass them by going through vegetation and the beach will widen, erosion will occur, etc. the erosion at Canadian hole had increased. Pilings that were put there are now out in the water. During storms, the soundside plants are shock absorbers, and the erosion from beach driving is hurting the park by removing this function. As it becomes more impacted it is less suitable for invertebrates that birds feed upon. Soundside is impacted by winds, and conditions change day to day changing the amount of beach available for driving, when cars can drive on these areas is not regulated. Endangered species on soundside include piping plover, many state listed species of birds.

USACE is doing research on soundside and beach side erosion. Found that even when there are no ORV, there is erosion on the soundside because of the dunes. There is a combination of impacts from the artificial berm and increase of vehicle use. Sandy – where do winds drive the sand? Both ways. Storm overwash is the significant movement of sand. Mary – when we do get storms that create beaches and new habitat from overwash, it creates wonderful habitat for the birds and this should be kept in mind when talking about the soundside. Larry – at some point in process should take trip to CALO, this is what CAHA used to look at. USACE has data on erosion for CAHA. Marcia – one of the best geologists is Stan Riggs at East Carolina University has studied this areas, just published shoreline changes study, park will get this study for us.

As a result of monitoring, have detailed information on breeding activity, nesting success – how many nest, eggs, hatched, etc. This recent data is available. At Bodie

Island, there is the bridge over to pea island and the inlet, the natural process is for Oregon inlet to move south. It used to do this till DOT built protection of the bridge. Didn't stop Bodie Island from moving south, just stopped channel from moving. Bodie Island spit (2001) needed to be dredged to keep the channel, park has given permits to do this. As Bodie Island moves, the tip of Bodie Island will be continued to be cut off to keep the channel open. The plant succession and dune formation on Bodie Island continues to move south (natural process), while natural processes at tip of spit are being stopped. Many birds use open sand flat at Bodie Island, which is decreasing in size as the two forces continue to operate. Corps has talked about 400 foot widener (not done yet) but if done would have a big squeeze play. This is unique to Bodie Island. Widener park of CEQ resolution to jetty issue. USACE has agreed to do mitigation. Talked with them to have a management plan for the impacts of maintaining the channel due to the location of the endangered species. Marcia – talked about making more low spots to collect water (foraging habitat), but were shy about talking about vegetation removal. Mitigation would be for wetland loss – as defined by park is the shoreline, corps does not necessarily agree to this definition. Want to maintain most areas for foraging and potentially some nesting habitat. This is a short term solution. In the long-term, will be considered in the EIS what the impacts are. ORV groups have touched on this by not allowing vehicles to drive on the area, successional rate would keep going. ORV feel that they could help maintain habitat. Biggest threat is NC-12, due to the berms created to protect the roadway. Marcia – the Bodie Island dynamic could potentially happen at any inlet, this needs to be looked at as a potential in all of these dynamic spots. Has DOT done any studies on the project impact from a coastal impact standpoint, how often do dunes repairs need to be made? Pretty much constantly. Activity has increased in past 2 or 3 years. Larry – DOT just brought together a panel of experts to see where most likely new inlet would be, Ocracoke was number 2 (myrtle beach #1).

Two other things – Beach Nourishment Guidelines, these are finalized and are in Washington for review. Have identified different zones. For the highway zone, need to work with DOT to allow them to maintain the road and working with them to get the road off of the island. Other areas are the villages, spits where there is no development. In the areas of no development there are opportunities to let natural processes to occur, the north end of Ocracoke is another area where this could occur. Few opportunities right now, more if highway gets off the island which would ensure safer more reliable transportation. Sandy – any timetable or plan for this? Steve – there are individual plans and a comprehensive plan going on. DOT is already looking at a bridge from Avon to Buxton, possible area of future inlet. Looking at 14 mile bridge. Larry – looking to have preliminary study on high speed ferry to Ocracoke, park has started a transportation study for Ocracoke, scheduled to be done by the end of next year, have a transportation expert right now and are working with both the state and the county. Not ORV related. Sandy – will changes with highway open up opportunities for ORV changes. Larry – do not see anything happening in the immediate future. As we develop ORV plan, there has to be some process that looks at the changing scene due to the dynamic nature. Rules need to be designed so we can adjust to a changing area. Rules should be such so that if the highway does go

away, the plan can be adapted for the area. Need a system that can change with storms, politics, all of the areas dynamics.

Protocols are being developed for monitoring and protection of species (protected at federal and state levels), the focus is on species that use ocean beach and spits to come up with some standards based on laws and recovery plans for federally listed species for protection. A lot of this is putting closures up around habitats or nest to prevent or minimize disturbance. Mary – Protocols when they are finalized could change how species are managed, thus effecting ORV use. Steve – have been trying to separate ORV management from resource management. One way to do this was to differentiate between the color of the posts to mark areas off. They are related and impact each other, but each have their own decision process. The protocols became more important to have consistent guidance for particular species and protection of those species. Sets rules out for everyone to know. Sandy – do the protocols look at habitat protection as well as protecting known nests. Larry – yes looks at everything. Regulations require park to have ORV routes, when these were established park had not previously consulted with USFWS about ORV and now are consulting with them which has led to the development of the protocols. A third party, probably USGS, will be developing the protocols.

Note: Larry mentioned that we are not talking about interim plan to build on it – we are starting new. Just want to talk about it to see where we are starting from. There is a copy of the plan in the notebooks.

Want to identify what management is occurring now that are not in the plan. Sandy reviewed the purpose of the plan. Zone 1 discussion implementing 150 feet landward of the average high tide line or to toe of dune or vegetation line, which ever is less.

Marcia – plans says that we will close areas with less than 100 feet, this is not occurring. Jon – if this happened about 80% of the beach would close. Mary – This will change in the next month, Larry will be talking with rangers.

Mark – permits are in plan and are not being implemented now.

Mary – probably aspects of soundside access that are not being implemented. Zone 2 – says they have to be on designated trails, right now they are making/widening their own trails. They have made some and the park has let them keep them. There are trails but they are not managed with limits. Marcia – some of the maps show designated parking areas, but park does not have these creating a free for all. Designated trails lead to the sound, but trails along the sound have not been designated. Mary – don't think we have ever formally designated sound side access, but the access points are maintained (de facto designation). Jon – have had informal access for many years. Jeff, used to have north and south districts, the north district ranger did two things: 1. developed an informal ORV management plan 2. detailed study of soundside access, identified by mile markers and consulted with the local to get comment on what should or should not be done. There is a list of people who

were consulted with. Jeff can get copies of this study. No ORV signs on soundside. Ranger staff put mile markers out on soundside at the access points to assist in responding to emergencies and identifying locations (just on Hattaras). Sandy – issues, don't have a process/definition of designation for trails. Occasionally, John Wesscott gets calls asking for trails to be trimmed.

Steve – Zone 1(b) Bird Nesting Areas – focus was on nesting and didn't include habitat, so this has changed a little bit, now is for nesting and habitat. Sea Turtle Nests – still protecting but not being done in the specific way stated in the guidelines, instead are following USFWS recovery plans. Also does not include managing for amaranth, which is now occurring, have been closing areas prior to germination where they would be expected to be found (not done this year). This year, if found could request closure if it is not already protected. Broader closures were requested this year and denied. There is no set policy for this. Marcia – with birds it is breeding and non breeding use to take in migration and wintering. Mary – change of approval process, went from resource staff decision to a superintendent level decision. Right now all closures are approved by the superintendent. Steve – pro active closures were not approved, reactive closures were approved. Example, in piping plover recovery plan, areas should be posted by April 1, before the birds arrive, that was not done this year – this year waited for birds to arrive, and observed breeding behavior, got closure.

Mary – believes that Larry adopted plan for Oceanside only, not for sound or Buxton woods. Sandy – if plan is not being used, we need to describe what the management is. Zone 3 – no ORV use is actual management, plan says that 30 a day allowed by permit. Zone 4 – Only on designed trails, with permits as stated in plan. Currently, allowed on mark trails (ie pole road, inter-duneal road that connect ramp 44 to 45, series of inter-duneal roads around the cape, Ocracoke ramp 72, cape point, Hatteras Inlet) with no permits required.

Definition of existing tide – have been using term average high tide line because it can vary so greatly. Mary – Zone 1, Larry has administratively closed 3/10th of a mile at the lighthouse. Between ramp 2 and ramp 1, kept closed because too narrow. Dana Otto – Speed limit stated as 25, but has been posted as 15 mph around villages (happened a month ago). 1978 plan plus stated changes describes what we are doing.

Clarification – No Action for NEPA is to continue current management – not to not do any action.

4. Application of Do-12 and Negotiated Rulemaking to this Action

Sandy H. provided an overview of DO-12. See Appendix XX, Internal Scoping Meeting Presentation, for detailed information on the DO-12 process. Steps 1-4 will be covered during these meetings.

Pea Island – Sandy, would not expect this plan to cover Pea Island. Steve – may want to consider this, could be a big flaw in the plan. Sandy – have closed Pea Island on compatibility. Michael – wildlife is first and foremost, they have a strong case in keeping it closed. It is a decision they have made consistently with new refuge manager.

Discussion on the role Pea Island will play in this decision. Will need to research when the areas were established and what role this will play.

5. DO-12 Internal Scoping Process

Sandy provided review of DO-12, see slide presentation in appendix.

6. Review of Park Purpose and Significance

Sandy provided a review of the park purpose and significance. This included a review of the park's enabling legislation. See slide show presentation in the Appendix.

Sandy asked if there is anything else from the enabling legislation that is guiding what can happen at CAHA – there were no additional guidelines presented. Sandy asked if there was insight into what was meant by physiographic conditions. She assumed allowing natural processes to happen. Marcia mentioned commercial fishing access and their ability to access areas that other users that cannot and can even access those areas that are closed because they are too narrow. Dana, is there a definition for commercial fisherman? Steve Ryan: Needs to be resident of outer bank and show ID of what village they live in and generally a commercial fishing permit issued by the state. They do not have to be doing a certain type of fishing. Marcia – some don't even fish, they just want to be able to access the beach areas. Steve R: now that beach is open, issuing less permits this year.

Two areas on soundside identified for commercial use only. Soundside access road that is closed and issue a key to commercial fisherman to issue to fish for livelihood. That area is not under a permit, but under a key system (Kenny). In past just required to fill out a form, but this year would like to make sure there is an Ocracoke address. Right now there are about 24 keys. That is an area to keep boats, it is not where they fish. Boats are moored on the shore. History – back in 40s and 50s, many local residents would have fishing camps, men would go down in spring and come back in the winter. At least 7 or 8 camps down there (area of K). Ramp M is soundside access to fish, no permit is required. These are the only formally designated commercial fisherman area. Along ocean side, a commercial fishing permit can be issued, around January, February, and March use dory on beach to cast nets. Let the net sit for a while and then the truck pulls it in. Activity has started in Hatteras, but no heavy. Marcia – it does not specify the technique, while the current practice is dying out, a new practice might come along that would have high demand. Jon – need to make a distinction of what is commercial fishing based on equipment (state

makes a designation for commercial fishing). Dana, to clarify, if there is commercial fishing at CAHA, the fisherman needs CAHA. The state also requires that they have a permit and are registered by the state. The state defines commercial fishing by equipment. Jon – can cast net all you want for commercial use, if you want to sell it to a bait shop, need a state permit to sell the product, but don't need the permit to fish. On the soundside, Hatteras and Ocracoke boundary is 150 feet off shore, on Bodie the boundary is in metes and bounds. Resource closures down to water, commercial fisherman cannot go in that area, can only use closures because of beach width. Steve – make sure to note amendments, like on in the 40s that deals with hunting.

Hunting use soundside accesses for ORV use.

Sandy also reviewed the park significance statement from FY98 Strategic Plan, which is in the process of being revised. Mention resources, history, and recreation. Are there more we need to consider? Are there other significant statements that deal with natural resources? Suggested looking at Resource Management Plan. Steve – don't think RMP display captures the significance. Toni – January first step in interpretative planning process and will work on creating theme statements for the park, something might come out of the January workshop that is a little more definitive. RMP very process oriented statements. RMP – 9 statements that it strives for, natural resources is part of this. This does not get into the level of detail for a normal significance statement.

Getting strategic plan in mid-December, right now no plans to update significance statement. Sandy – would help planning process overall if documents were consistent with each other. Jon – lacking mention of unique flora and fauna, as mentioned in the enabling legislation. Sandy – Could say “The seashore has unique flora and fauna, including threatened and endangered species, such as ...” Larry Belli – can also talk about the unique location of the seashore and that they have things here that they don't have other places. Sandy – work up a sentence and we will add into the internal scoping report.

Sandy provided the definition for purpose, need, and objectives. This included examples of these statements, as well as flawed framing. See PowerPoint presentation.

Question: Can alternatives be against the law?

Sandy: They can be but you never know what kind of law change/policy waver you will get when you ask for one, don't recommend it.

Discussion on the community alternative. Question as to what if much of the community supports it, but not everyone. Fairly new standards, but if the alternative meets the standard, might want to consider evaluating. If there are groups in the community that don't buy into it, not a “community alternative” but you could still analyze it. Community turns in alternative for review, if it meets tests analyze, if not turn it back over. Like neg reg but pulls in beyond the community. Larry Belli –

what is the definition of community – Sandy will provide definition of community to the group tomorrow. Sandy – can get alternatives from outside during the comment process. If alternatives are reasonable, should be analyzed. Dana, other alternatives will be in the document but it will be justified on why these alternatives will not move forwards. Jamie – today we are setting the basis for how the alternatives will be developed. Community based NEPA training, gear amount toward magnitude of the project, this project may want a lot.

What about other side of coin – community does not want ORV use at all. Sandy – will go through all alternatives and either evaluate it or dismiss with reason.

7. Purpose and Need for Action

Need to define purpose of the CAHA ORV management plan – what is the broad goal, what are we trying to achieve, what do we need to accomplish to consider it a success?

The Purpose the plan is to manage ORVs use/access and effects to:

- To protect and preserve natural and cultural resources and natural processes
- Provide opportunity for multiple visitor uses and minimize conflicts between various users (i.e. walking on undisturbed beaches, wildlife observation, nature photography, experiencing solitude, primitive wilderness experience, natural quiet, shelling, art work, night sky, sunbathing, exercising, meditation, surfing, swimming, fishing, sailing, boating, beach driving, etc) Details to be used for objectives
- Establish consistent ORV management practices/procedures.
- Comply with two executive orders and CFR (can be moved to need)

Note: Ethnographic study being completed by regional office, should be done by next month. Also have an older historical study. Need to look into traditional uses, there is a very specific definition. Need to look at who are the people who were using it (i.e. were they coming from Delaware). We have examples of traditional use that are more appropriate than ORV use (Steve).

Discussion on changing purpose statement to:

The purpose of the Plan is to:

- Ensure the protection of park resources and values as provided for in the national seashore's enabling legislation, purpose, mission, and goals
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Marcia – would like to see recreational opportunities flipped.

Sandy – maybe this needs to be split up

Note: group decided to use first purpose developed, this will be revisited on Thursday's session.

There is a need for action because the ORV use and inconsistent management of ORV use has led to years of controversy and several different proposed plans and regulations. Increased use of ORVs has resulted in more conflicts between user groups
Natural and cultural resources are damaged by ORV use.
Compliance with regulations, laws, Eos
Consistent education for the public and park staff to reduce confusion.

Marcia – do we need to include those people that ignore the barriers – this item was discussed and it was determined to fall under an objective. Jon – no matter what you do there will be an element that will violate.

What is lacking for public education – not a consistent program on how to educate people on how to responsibly use ORVs in the park.

Revised need statement:

There is a need for action because:

- Lack on an approved plan has led over time to inconsistent management of ORV use – The public does not know what to expect and park staff do not have specific guidance for ORV management.
- The park needs to comply with laws, EOs, regulations, and NPS and park plans and policies to minimize impacts to natural and cultural resources
- Increased ORV use has resulted in conflicts between park users
- Natural and cultural resources can be damaged by ORV use

8. Objectives for Taking Action

- Establish consistent ORV management practices and procedures
- Enhance public awareness and understanding of NPS resource management policies and responsibilities, as they pertain to the national seashore and ORV use
- Balance visitor recreational use and park resource preservation as recognized under the park's enabling legislation
- Provide a variety of visitor use experiences, including primitive wilderness experience, and minimize conflicts between motorized and non-motorized uses.
- Provide the ability to adjust ORV management smoothly in response to changes in the seashore's dynamic physical and biological environment.
- Protect threatened and endangered and other sensitive species and their habitat from adverse impacts related to ORV use (split flora and fauna).
- Protect wildlife species and their habitat from adverse impacts related to ORV use (i.e. colonial waterbirds, migratory birds, ghost crabs)
- Protect native coastal communities(ocean and soundside)

- Protect native vegetative species from impacts related to ORV use on non-designated trails (i.e. ORVs on soundside losing vegetation)
- Protect the dunes and other topographical features from impacts related to ORV use in non-designated areas.
- Protect historical resources such as shipwrecks and archeological sites
- Identifying if there are areas appropriate for beach driving, and if so, where? (find language in EO)
- Identify criteria that would identify areas appropriate and not-appropriate for ORV use
- Establish management/operations thresholds.

Note:

Cultural Landscapes – considered but not carried forward, all of the cultural landscapes and historic districts are in villages.

Dana- need to split up objectives, one for T&E, one for other wildlife such as shorebirds.

Belli – enabling legislation is heavily focused on recreation and it could make an implication that these types of uses need to continue – just because ORVs are not mentioned explicitly does not mean the case cannot be made that they should be allowed.

Include in description text: (i.e. walking on undisturbed beaches, wildlife observation, nature photography, experiencing solitude, primitive wilderness experience, natural quiet, shelling, art work, night sky, sunbathing, exercising, meditation, surfing (kite and wind), swimming, fishing, sailing, boating, beach driving, etc)

Need to look into primitive wilderness – was used for other seashore's, what does it mean in the seashore setting? Marcia – thinks including primitive says a lot, we need to offer people and the resources.

FIIS has Wilderness area (capital W). Work needed down the line to determine what “primitive wilderness” entails.

Jamie – if we are talking about uses and uses appropriate for certain areas, we are getting into the area of the GMP and need to be careful.

Sandy – will take a look at RMP to mold into viable objectives.

9. Issues and Impact Topics

Postponed till Thursday.

Thursday November 18, 2004

1. Review of Wednesday's Discussion

Started with a discussion of the revised purpose. The purpose was revised to use language from the Executive Order. Park agreed that while language might raise flags, it is what was said in the order and should be used. The new purpose will be:

The purpose of the plan is to establish policies and provide for procedures that control and direct ORV use and access in the park to:

- Protect and preserve natural and cultural resources and natural processes
- Provide a variety of visitor use experiences and minimize conflicts among various users.

A discussion of revised need occurred. It was suggested that the bullet regarding the Eos be moved to the top since it is required and creates a hierarchy. The new need statement is:

An ORV management plan is needed because:

- The park must comply with EOs 11644 and 11989 respecting ORV use, and with NPS laws and regulations (36 CFR 4.10), and policies to minimize impacts to park resources and values.
- Lack of an approved plan has led over time to inconsistent management of ORV use – the public does not know what to expect and park staff does not have specific guidance for ORV management
- Increased ORV use has resulted in conflicts between park uses
- ORV use can damage natural and cultural resources

Maybe a third EO, park is looking into this. CFR says routes and areas, EOs say trails. Carters order talks about monitoring the effect to an area and make adjustments. Sandy – this is something that should be common to all the action alternatives. In addition to orders, should state regulations, 36 CFR 4.10. Sheri – want to make sure we account for where things should and should not be permitted, as stated in the EO. This was agreed to and added to the need. Discussion of the language in the EO occurred to determine what language should be added to the need statement.

There was a discussion on the objective statements developed yesterday. These new objectives were grouped by topic. Some of the ones from yesterday were combined. The first category is Management Methodology. Mary suggested for the second one to add routes to the end. Discussion of establishing criteria vs. use areas occurred. It was determined that criteria would adapt to the dynamic systems. Jeff asked if the criteria would be able to adjust as science changed, and it was stated that yes, this would be written into the alternatives. Management Methodology objectives are:

- Identify criteria to determine appropriate ORV use areas and routes.
- Establish a consistent ORV management practices and procedures that include the ability to adjust ORV management in response to changes in the seashore's dynamic physical and biological environment.

Visitor use and experience objectives.

- Increase opportunities for public awareness and understanding of NPS resource management policies and responsibilities, as they pertain to the national seashore and ORV use.
- Manage ORV use to allow for a variety of visitor use experiences, including the ability to enjoy the undisturbed sights and sounds of the natural system.
- Minimize conflicts between ORV and other uses.
- Provide for ORV use for activities where consistent with park resource preservation as recognized under the park's enabling legislation.

Natural Physical Resource Objectives

- Minimize adverse impacts from ORV use to soils and topographical features.

Wildlife and Wildlife Habitat

- Protect wildlife species and their habitat from adverse impacts related to ORV use (e.g. colonial waterbirds, migratory birds, coastal invertebrates, etc).

Vegetation

- Protect native plant species from adverse impacts related to ORV use.

Threatened, Endangered, and Species of Special Concern

- Protect threatened, endangered, and species of special concern and their habitat from adverse impacts related to ORV use.

Coastal Barrier Ecosystem

Discussion on this objective. Is this covered in other objectives? How do we measure this? Sheri – see the point, but hate to lose the ecosystem overview, can we include it somewhere else. Discussion on how to measure. Very long-term it will be obvious, how do you measure in the short-term. Will this concern be addressed? Steve, Marcia agree that they are more comfortable with it in there. Will think about how to measure this.

- Protect the structure and function of the coastal barrier ecosystem from adverse impacts from ORV use.

Cultural Resources

- Protect cultural resources such as shipwrecks, archeological sites, and cultural landscapes from impacts related to ORV use.

Visitor Safety

- Ensure that ORV regulations and management practices promote the safety of all visitors (EO 11989 Sec 1)

Park Operations and Maintenance

Need to have an enforcement objective. The staffing level will be effected no matter what management occurs. There are examples that can be used. Lift a few from PWC and other projects and put a few choices in the draft report for an objective related to enforcement. Objective for maintenance:

- Provide consistent design standards, according to site conditions and use designation criteria, for potentially designated ORV routes, ramps, and signage.
- Identify standards of maintenance, according to site conditions, for potentially designated ORV routes, ramps, and signage.
- Identify operational needs (e.g. required monitoring) and costs to fully implement an ORV management plan.

Soundscapes

Discussion on if an objective for soundscapes is needed. Looking into visitors enjoying natural sounds. If it is or is not an objective, this will be looked at as an impact topic. Marcia, thinks soundscapes, night sky, etc are important issues that are lost in the park. Discussion on the objectives, vs. issues and impacts. Areas can be assessed without being objectives. Sandy, think we are ok without soundscapes and night sky as being separate objectives, these will be assessed.

Need an objective for education – will be placed later:

- Ensure ORV operators are educated to minimize impacts to park resources and other park visitors and operate safely. (Include this under park operations).

Sheri – do we need an objective to talk about not interrupting the natural processes?
Others felt this was covered in other areas, mainly by establishing criteria.

2. Issues and Impact Topics

Dana led a discussion of the issues and impact topics – see completed ESF form. Want to determine what resources areas would be impacted by the implementation of an ORV management plan. We will go though each resource area and determine the potential for impact.

Section C, ESF

1. Geology – yes, issues beach escarpments
2. Geohazards – No
3. Air Quality – Data needed to determine, Yes, Needs to be looked at – cars are kept idling
4. Soundscapes – yes, engine noise
5. Water quality or quantity – data needed to determine, it has never been quantified. Total emersion of vehicles.
6. Streamflow Characteristics – No – management practices make streams, might tie into water quality. Are there actually streams in park? No, they have sheet flow – include under marine and estuary
7. Marine or esturine resources – Yes,
8. Floodplains or Wetlands – have crossing though wetlands, by NPS definition, beaches are included as wetlands.
9. Land use - the villages

10. Rare or unusual veg – Have maritime forests, upper beach strand plant community, most of dune habitat is man made – May want to be data determined. May want to look into have some of these are classified. Data needed
11. Species of Special concern – Yes, plover, turtles
12. Unique ecosystems – No
13. unique or important wildlife or wildlife habitat – yes, special bird areas
14. unique or important fish habitat – data needed
15. Non native species – Yes, have species in buxton woods that believe was brought in on truck, Yes, but data needed to determine
16. Recreation resources – Yes
17. Visitor Experience, Aesthetic Resources – Yes
18. Cultural Resources – Yes, data to determine, ethonographic issue
19. Socioeconomic – Yes
20. Minority and low income populations – Yes, data needed, are fisherman included in low income, local sustence fishing
21. Energy Resources - No
22. Other agency or tribal land use plans or policies – Yes, USFWS, DOT, USACE
23. Resource, include energy, conservation potential – Yes, data needed to determine, could include the discussion of gasoline.
24. Urban quality, gateway communities – Not sure that there are formal designations, No but need more data to see if they are designated.
25. Long-term management of resources or land/resource productivity - Yes, goes back to ecosystem question.
26. Other important environmental resources (geothermal, paleontological) – might include coastal barrier ecosystem, natural process, etc. Yes.

Section D, ESF

Need to consider what we are doing now and what we could be doing.

- A. Material adverse effects on public health or safety? Data needed to determine, need to know what we are going to do first.
- B. Adverse effects to unique characteristics? Yes,
- C. Controversial environmental effects? Yes
- D. Uncertain and potentially significant environmental effects or unique or unknown environmental risk? Yes
- E. Precedent for future action? Yes
- F. Cumulatively significant environmental effects? Yes
- G. Adverse effect for listed or eligible NRHP properties? Data needed
- H. Adverse effect on T&E? Yes
- I. Yes
- J. Yes
- K. Yes
- L. Data needed to determine
- M. No
- N. More data needed, starting to see some at hatteras Inlet, Marcia will get species

O. Data needed to determine

P. No – but will require consistency letter for CZMA. Need permits from the state to move sea turtle nests but that is not included – but data needed to determine

Q. Yes

R. Yes

S. Data needed to determine

These questions will be used to determine the NEPA pathway (from list of significance criteria from NPS and CEQ regs).

Other issues:

Marine Mammal Protection Act – have a lot of stranding of marine mammals that have the potential of being run over. Southern end of harbor seal, and other seal, range, they haul themselves on the beach to rest and blend in with the sand. Under marine resources. Make sure to include under statues, will also include migratory bird act, ESA, etc.

Accessibility – aging populations, needing more access (visitor use, could be part of 6, 16, or 17). This will include ADA accessibility. ADA has been held not to apply to Wilderness. Have had letters saying they want to access beaches and drive to them.

Traffic and Transportation – if removed ORV use, where would the cars go. Currently with an area with surfers where parking along road has caused lowering of speed limit (Steve Ryan). Issues such as will parking lots be required, will people be backing up into the villages. Belli – need to look at the economic impacts on the surrounding communities. Marcia – if sections of the beach are closed to traffic, need to look and see if enough parking is provided. Data needed to determine. ????? Do we need to provide alternative transportation systems to the beach?

3. Cumulative Impacts

Past, present, or future actions (not necessarily on park lands) that are reasonably foreseeable that will cause a cumulative effect an ORV management plan would have:

- Continual maintenance of Hwy 12 and berm maintenance
- Oregon Inlet dredging
- Outer Banks Task Force Long-term Management Plan for Hwy 12
- Beach nourishment
- Ferry Terminal – Ocracoke
- Berm maintenance for private property in front of villages (authorized by NPS done by villages)
- Replacing Oregon Inlet Bridge
- Change in use of CALO – indirect effect if prohibited at CAHA will go elsewhere
- Nags Head Permit System to get on the beach off season
- Kitty Hawk, Duck, and Southern Shores prohibit ORV
- Kill Devil Hills allow off season ORV use

- High speed ferry development, moving it to the southern end of Ocracoke, NCDOT transportation studies
- Comprehensive Interpretive Plan
- T/E Recovery Plans
- Pea Island Service Agreements
- County Land Use Development Plan for Dare and Hyde County
- Species Protocols
- Commercial Services Plan
- GMP Revision
- Avian Conservation Plan
- Resource Management Plan
- Fire Management Plan
- Predator Management Plan (not funded yet)
- Administrative use of ORV – Interp programs that go into closed off areas, patrols, resource management (may be part of direct impacts, part of an alternative)
- Research Permits
- Wilderness Suitability – pending lawsuit
- Remand of Critical Habitat designation for Piping Plover
- Special Use Permits (weddings, fishing tournaments, surfing contests, etc), will be addressed in commercial services plan – there is a plan for weddings.
- Cape Point Water Management Plan
- Hurricane Recovery Plan
- Oil Spill Recovery Plan
- Marine Mammal Salvaging Efforts – National Marine Fisheries (could be under administrative ORV use)

Notes: Horses can go the same place where ORVs can go. Might be impact on park management to develop a separate plan for horse use.

Emergency Services at Pea Island, don't have access where they need access to get over to the beach (needs to be addressed)

4. Consultation and Coordination with other Agencies

Are there other agencies that the park feels should be invited to be a cooperating agency on the EIS. Sandy explained the cooperating agency relationship, either have jurisdiction by law or special expertise. Difference between people you consult with or if they are a cooperating agency. Cooperating agencies review internal draft document, contribute parts, etc.

Larry – need to give USFWS the opportunity because of Pea Island refuge management. Also suggested Dare County being a cooperating agency. Suggested that they could be part of the Neg Reg process instead. Sandy – one area where they might have expertise is socioeconomic resources. Could be Pea Island Refuge or Ecological Services division, two separate we need to differ between cooperating and coordinating.

Suggested NC Department of Natural Resources – NC Wildlife Resource Commission, Marine Fisheries Program - all state laws that pertain to fish and wildlife pertain on park land. They would be involved in enforcement – concurrent jurisdiction. All T&E permits gotten from here.

Dare County – decided that they should be involved in the Neg Reg process.

Cooperating Agency

- USFWS – PINWR
- NC Department of Natural Resources (wildlife and marine patrol, species management)
 - Wildlife Resources
 - Marine Resources

Agency Coordination/Consultation

- USFWS – ES
- NC Department of Natural Resources
 - Division of Coastal Management – CZMA Determination
 - Heritage
 - Marine Control – part of law enforcement consultation
- NMFS
- SHPO – Section 106
- NCDOT
- Coast Guard – would respond to ocean rescues
- North Carolina Highway Patrol – has jurisdiction on the beaches
- Dare and Hyde County

Would a government partners meeting be required for the project? Do we need their input before going out for public scoping. Jamie – a meeting like that would bring up other parameters to include, want to get this out earlier. Marcia – sounds like it might be advantageous. Dana – need to know the boundaries that other agencies will set on them.

Decided on individual contact with different groups to let them know about the project and get input.

5. Alternatives

Broke into various groups to determine possible alternative components.

Group 1: NCBBA

- Open entire seashore (desired)
- Access to 70% of the seashore (desired reality)
- Emergency Services at Pea Island, don't have access where they need access to get over to the beach (needs to be addressed)

- If there are permits (at the table) have to become a member of the group
 - Dune busting
 - Keep vehicles out of breeding/germination area, think too much of beach is closed down.
 - Permits with required equipment
 - Family values/disturbing the peace/booze – no rule breakers
-
- Special ORV Events for ORV Community
 - ORV Community input for park ORV management policies
 - Education (getting and giving) – wider implementation of existing programs
 - Maintain current access, especially Bodie island spit, provide additional access if possible
 - Maintain access to inter dunal trails/roads during high tides and narrow beaches, add new access behind dune lines to points – only open when needed
 - Provide conditions report for ramps, trails, etc to determine what conditions are
 - More rangers for enforcement, community policing
 - Partner with NPS for ORV/Beach oriented projects

Group 2: OBPA

- Provide what we always had and the traditional uses of the outbanks, have been disturbed by the NPS actions and closure of the beaches, there were guaranteed to us.
- Open park year round from Nags Head to Ocracoke to ORV use, ramp access
- Re turtle nests: enclosure around nest, put people out to monitor when ready to hatch and escort to ocean or dig up eggs, incubate then release
- Re Bird Nesting: Corridor for driving through habitat
- Instead of <100 ft, implement, “if vehicle can get through it is wide enough”
- Reopen or establish all historic ramps including Pea Island
- Extend Pole Road to Hatteras Inlet and reestablish as 2 lane – can pull boats down, asking for what has been taken away
- Extend Ramp 72 to Ocracoke spit as 2 lane
- Alternative route behind dune line at rampe 4 to provide access to Oregon Inlet spit – access all season all the time
- Establish interdunal road between Salvo and Avon when beaches are narrow
- Hire more rangers to enforce (e.g. drunk driving)
- Reopen one lane road on Hatteras Island, vital area for beach access
- Acquire all land from Virginia line to Ramp 1 and open beach to ORV traffic year round
- Limiting ORV traffic on beaches will negatively impact the lively hood of the OBX residents. Community will not be able to survive.

Group 3: NPS

Voice of reason, representing multiple user groups

- Clear and consistent guidelines
 - Closures – how to measure

- Decision –making in field based on established criteria – needs to be flexibility to respond to spontaneous events
- Zones of closure
 - Permanently vs. based on criteria, some areas would be closed permanently closed some would be criteria based.
- Resource Protection
 - User Fee- Proper cost allocation – need resources implementation plan, managing ORVs does require more resources, because of this we want user fee, people responsible for impacts pay for impacts
 - Scientific Studies – ORV management becomes a cycle, while managing ORV use, staff resources are allocated toward that and not toward studies which show impacts of various recreation activities, focus on inventory monitoring to have data to support regulations
 - Plan must facilitate species recovery – Can't be just to keep baseline, want to be proactive, Species and resource protection is #1 priority
- Reduce Visitor Conflicts – park has many user groups
 - Public education – eliminate the “us vs them” mentality
 - Respect for NPS mission, values – want public to understand this and why it is important
 - Staff education and rapport – staff is also driving on the beach need to also pay attention to guidelines
 - Outreach to National groups to ensure NPS mission
 - Create Friends group
 - Provide wide range of visitor pursuits – carry them all out, not one at the expense of others.

Group 4: Bluewater Network

- Promulgate a rule to manage ORV-use at CAHA
- Only allow vehicular access on paved roads, include administrative vehicles to ensure the preservation of the unique flora and fauna or the physiographic conditions prevailing in the area as stated in the enabling legislation.

Group 5: Local Audubon Society

- Dogs banned April 15 to October 15 for birding
- Some areas permanently closed for resource protection, high population of birds on all areas, areas to be closed could include Southpoint area, south of cape point spit, Oregon inlet, and other areas.
- New areas opened by storm/hurricane immediately closed to allow bird to find/use them
- More staff, better enforcement and monitoring
- More research on effects on birds and turtles
- Special opportunities for birding groups
- Permits by uses (fees for resource protection and enforcement)
- Go in closures, 5 year revocation of permit
- 10 mph speed limit
- night driving restricted in highly populated bird areas

- monitoring/adaptive management
- education program
- close turtle areas

Group Discussion:

Minimize conflicts between user groups, way to do this..

- Use Zones
 - Passive recreation areas
 - Active recreation areas
 - Breeding areas
 - Nesting areas
- Limit the time that ORVs are allowed (only two days a week, only five days a week, etc). There would always have to be some areas that are closed. Closed one day but opened the other, still tire tracks and evidence of ORVs. Is there a way to sweep tracks off of the beach? Beach sweeping would require park to know where nest and such were. Would also be labor intensive and costly.
- Drive closer to the water, tire tracks would not be up so far. There is a county regulation on the northern beaches where you can't park your vehicle down by the water – Most people at CAHA up on the hill because there are some soft spots on beaches hard to tell, can't drive too close to the water. Marcia – at spits or cape it could work to put a corridor. Not sure from biological stand point where the best areas would be, low or high. Paul – Moving up, if you get too close to toe of the dunes, the dunes will start caving down.
- Offer more parking lots so there is more opportunity to walk over. Existing parking lots are full during the busy season. The majority of the existing ones are on four wheel drive beaches.
- Add additional boardwalks with new parking lots
- Have facilities that can be removed season after season (ie roll up boardwalks). Provide more pedestrian access
- Visitor education – have a lot of first time users who don't understand the rules of the “road”, need beach driving education for etiquette, especially for first time users – when they come to get permit. Can also educate through radio and television programs. Put in the visitor bureau magazine. Put information up on website, expand existing information.
- Outreach to schools, groups, retirement communities, etc. , can also have interpretive rangers within the park to go out and provide information and talk to the users. Already have done a TV piece about safe beach driving, want to get this on DVD and distribute to beach rentals (out of town people). Use resources such as NC aquarium. Most bang for your buck, have the people doing the education out in the field while working.
- Have tow truck drivers provide education on safe beach driving.
- Bulletin boards, post information throughout the park.

Change timeframe that beach is open (currently open 24 hours a day) – one of the state recreation areas closed areas, but it was rescinded.

Not going to allow nighttime driving during sea turtle nesting/hatching season (five months out of the year). Provides a resource base for closing beach to driving at night.

Two permits – self-contained vehicles and regular recreational permits. For night driving permits can only go to certain places.

Drum fishing????

At night, need to use designated taxis with special lights, tires, knowledge, etc.

No beach fires, campfires leave remnants on the beach

Visitor Safety ideas

- Education
- Lower Speed Limit
- In summer, separate users – designated lanes to allow areas for those walking/sunbathing and those driving
- Have groups of vehicles stacked three deep on beach – might need to limit the number of vehicles in popular places where there are a lot of people there.
- Ban alcohol, a lot of summertime violations involve alcohol (open containers, drunk driving, etc). throughout the entire park
- Designate pedestrian only areas, because of high density of vehicles, cannot just lie on beach
- Raise driving age for a permit to help reduce accident rates
- Drivers Education programs in high school
- Park drivers license (through permit) to drive on the beach

Close off areas with historical resources, such as shipwrecks. Many exposed cultural features get washed out, either need to move and bury or leave in place. Have had people trying to haul pieces of a shipwreck away. This can also be an education issue – the value of shipwrecks to the park as a resource. Some people don't realize that they are in a national seashore. Archeological sites – how to protect these? Don't know if there are any on the beach to begin with and if they were found would document them and then cover them up or salvage. Soundside there has been some things unearthed with erosion. Need to do additional surveys for archeological sites. If there are resources found, areas should be closed.

Reducing the amount of areas open to ORVs will protect the natural and cultural resources.

Human remains have been found on the beach, picked up and returned to the park. Not necessarily an ORV use issue.

Strategy for identifying criteria (may need to do some more work on this and may get to his later):

- Resources at risk

6. Public Involvement

Dana discussed public participation related to the ORV management plan. Quick brainstorming session to prepare for public involvement. Not just meeting, could also include newsletters, website, and other ways to get information out.

What needs to be accomplished:

- buy-in
- substantive/valuable input – this is planning and want input to come up with a better plan and the park is sincere about that. NPS mind is not made up.
- Minimize conflicts through dissemination of information and discussion, get people talking
- NEPA is a primary opportunity for individuals to come forward, provide a voice for individuals
- e.

Neg reg would get results of public scoping, two processes would work together, try to get results of public scoping to Neg Reg before they need to do their job. Discussion on Neg Reg, who is on the committee and the meetings. Subcommittee meetings not necessarily open to the public. Participation under NEPA allows those not involved in the Neg Reg process to get their views out to the park service.

Ways to comment

- open house/flip charts
- comment sheets
- court reporters
- public forum testimony
- email
- mail back/postcards
- internet

Ways to get the public involved and keep the public informed – Dana explained some of the various ways the public can be involved – the park had the following suggestions:

- Open house with information stations, with park staff around to answer questions. Many opportunities to comments include flip charts, have them write it down, have a court reporter
- Have meetings at multiple locations, Norfolk, Tidewater, Ashville, Greenville, Raleigh, Washington, DC all the islands, need to consider time of year the meetings occur
- National park, there is national ownership, they have opportunities to comment, one way is to have public comment period published in organization newsletters, plan ahead
- Can submit comments through PEPC (Planning, Environment, Planning Comment System)

- e. Using local TV station and powerpoints to keep everyone up to date
- f. Keep consistent message
- g. Newsletter – to be used for this project, continual throughout the process to keep people informed.
- h. Public Participation Plan – probably a good idea for this project to outline what approach the park will take – milestones, responsibilities, schedule, meeting details, newsletter details

Major interest groups – Park already has a mailing list established for this project and will provide. Mary will provide. Also had a public meeting about current beach research, and as a result have established an email address for people to write to for addresses for the database.

Preferred meeting style is open house. Would expect large turn out for the meeting, locally in the 100s, less attendance as they move further away from the park. If you have multiple meetings, some attendees would overlap, but would also get different people. High schools, community centers, pavillion would be large enough to handle the crowd. Timing, should be an evening meeting not in the summer. May be opportunity to have meetings during different times in the process. Weekends are not ideal – weekday nights work the best.

Put notice of intent in papers in the areas you know you get a lot of visitors from so that they know this is going on. Jeff and Mary drafted a communications plan, but it has not been finished, she will forward what has been accomplished.

7. Roles and Responsibilities

8. Administrative Record

EQD will keep one, park will keep one, and contractor keeps one, at end they are all merged together. Important to keep good record because courts refer to this when a project is challenged. EQD has an access database to use. Often lost court cases because the admin record was lacking. Try to track the decision making process through the admin record – scientific information, literature, data, etc used to back up analysis all in admin record.

Some things go into admin record that are not FOIAable, solicitor opinions, drafts, etc – you can tag something as confidential in the admin record. The solicitors office will pull things that should not be released. Mary, park staff should go through her with FOIA requests so park has a record of the information being given out. Record of who is asking for what. Steve Ryan – can we get a summary of the types of FOIA requests being made? Might want to do this for the internal communication loop.

There is an instruction manual on website on how to use admin record data base (on EQD site) Sandy can email this out with the database. There is a DO on the admin record and what should be in it – it has not been finalized. Good guidance document as to what should be include in the administrative record. It is in the Inside NPS website.

9. Next Steps

Suggested protocol for contacts

Jeff Cobb is the park contact, Sandy is the EQD lead for the project. The Park contact with work directly with the EDQ lead. EQD works with the contractor for larger issues. The park contact is responsible for coordinating park staff, data collection, assignments, and reviews. Jamie Hamond is the regional contact for ORV planning.

Project Schedule – provided in the notebook - on schedule with the NEPA side, behind a little on the Neg Reg side.

How long does the park need to review the internal scoping report once they get it (on schedule to receive in January) – turn around within four weeks, if tuned in late January. Second version in March, comment back by April, final out by May.

Might want to think about having a technical committee to review biological information on needs of some of the bird species in terms of disturbance. Can use protocols that will be designed by April 1.

The one thing that is still hanging is to get documents that the park has to EQD, who will get it to the contractor. Draft of VIMS report, to be sent to Sandy. Late December to know what documents the park has or does not have. OBPA informal survey of beach users. Are there any issues with contacting the Outer Banks visitors bureau? Mary – let us know ahead of time so that they can give them a call and let them know the call is coming. Berger will put together a list of people we need to contact and why an let the park determine who should contact these organizations.

Next meeting, Neg Reg side for interviews with potential neutrals.

Going to have bi-weekly progress report calls, start in two weeks. Day of the week = Tuesday 9:30 Eastern starting November 30th. Agendas the day before.

CAHA 152

Flip Charts – Meeting Notes

- 150' or to toe of duneline or veg line if less (may change)
- If less than 100', closure (but maybe within next month)
- permits
- Soundside access are making own or widening trails – are trails but are not managed with limits
- Are not designated parking are “designated” to the sound but not along it (not formally but some maintenance and allow use pre-park)
- Hatteras District- Mile markers to allow id of locations to find visitors needing assistance
- Birds: plan focus on sign. Nesting- now nesting and habit- now breeding, migration and wintering use
- Sea turtles: specifics are different
- Amaranth not in plan but are managing to protect it with closure of areas with existing plants – 2004
- 2003 closed areas where expected to germinate
- No policy established
- Change in approval process- no longer delegated
- Closures must be approved individually and proactive closures not approved, reactive closures are approved
 - E.g. piping plover recovery plan is proactive
- Existing tideline changes to average high tide
- Administrative closure .3mi old CH light site
- 15mph posted in front of all villages (plan says all 25mph)
- Current mgt: are not managing visitor use – need to review agreement