

From: [Sandra Hamilton](#)
To: [Sarah Bransom](#)
Subject: Fw: Revised No action
Date: 09/23/2005 04:14 PM

Sandy Hamilton
National Park Service - Environmental Quality Division
Academy Place
P.O. Box 25287
Denver CO 80225
PH: (303) 969-2068
FAX: (303) 987-6782

----- Forwarded by Sandra Hamilton/DENVER/NPS on 09/23/2005 04:14 PM -----

"Otto, Dana" <dotto@louisberger.com>

To: <Sandra_Hamilton@nps.gov>
cc: <Michael_B_Edwards@nps.gov>
Subject: Revised No action

09/23/2005 11:58 AM AST

The no action, as revised by Mary in the ISR, follows:

No Action Alternative

Regulations from the Council on Environmental Quality 40 CFR 1502.14(d) require that the alternatives analysis in an EIS must "include the alternative of no action." The no action alternative "sets a baseline of existing impact continued into the future against which to compare impacts of action alternatives" (NPS Director's Order 12, Section 2.7). Under the no action alternative, ORV use at Cape Hatteras would continue as currently managed. Current management is based primarily on the 1978 *Draft Interim ORV Management Plan*.

Current ORV management at the seashore includes the following elements, some of which deviate from the 1978 plan:

§ Beach areas seaward of a line 20 feet east or southeast of the toe of the dunes or vegetation line or 150 feet west or northwest of the existing tide, whichever is less, or between marked posts and existing tide are open to ORV use except as limited below. Beach width is measured using the average high tide line.

§ Vehicle access is provided only at signed access routes or ramps.

§ Those narrow beach sections which have decreased in width to the point where the distance from average high tide line to the toe of dune or vegetation line

is less than 100 feet.

§ Soundside access is allowed only on designated and marked trails.

§ The park establishes areas closed to ORVs on the beach to protect nesting migratory/protected shorebirds birds and their habitat. Size of closure varies per species and breeding behavior, and is based on protection guidance per species. Full beach closures are only made when breeding behavior warrants. This can vary per species.

§ The park establishes areas closed to ORVs on the beach to protect sea turtle nests. Size of closure varies for nest laid and impending egg hatch. Full beach closures may be made for impending hatch, depending on location of the nest.

§ The park established areas closed to ORVs on the beach to protect seabeach amaranth, a federally listed species.

§ All closures due to presence of sensitive, threatened or endangered species are approved or denied by the Superintendent.

§ A permanent administrative closure for ORV use has been made for 0.3 mile at the Old Cape Hatteras Lighthouse site.

§ No ORV use is allowed in Buxton Woods.

§ The speed limit for ORV use is 25 mph, except in front of the villages where it is 15 mph.

§ Beaches in front of villages are closed to ORVs from May 15 through September 15.

§ The following areas area closed seasonally from May 15 through September 15 each year: Bodie Island, milepost 0 to milepost 3; northern boundary of Buxton to one mile south of the Cape Hatteras Lighthouse; beach fronting the villages of Rodanthe, Waves, Salvo, Avon, Frisco, and Hatteras; milepost 49 to milepost 54; and milepost 65 to milepost 70.

In addition to these use restrictions, current management of ORVs includes permits for commercial fishing, which allow access to areas that are closed to recreational ORV use. Commercial fisherman can access areas that are closed due to safety reasons, but not those closed for resource protection. To be considered a commercial fisherman, one must be provide proof of residency in specific villages of the Outer Banks, and have a commercial fishing permit issued by the state. In 2004, approximately 50 permits for commercial fishing were issued at Cape Hatteras. There are two areas on Ocracoke Island on the soundside designated for commercial use only. One of these areas, open only to commercial fisherman to fish for livelihood, is under a key system. Residents who qualify fill out a form and receive a key to access the area, which is used mainly for boat storage. Approximately 24 keys have been issued.

Dana Otto, AICP

The Louis Berger Group, Inc.

2300 N Street, NW

Washington, DC 20037

202.912.0200 office

202.550.4595 cell

202.293.0787 fax

dotto@louisberger.com

www.louisberger.com

This message, including any attachments hereto, may contain privileged and/or confidential information and is intended solely for the attention and use of the intended addressee(s). If you are not the intended addressee, you may neither use, copy, nor deliver to anyone this message or any of its attachments. In such case, you should immediately destroy this message and its attachments and kindly notify the sender by reply mail. Unless made by a person with actual authority conferred by The Louis Berger Group, Inc., (LBG) the information and statements herein do not constitute a binding commitment or warranty by LBG. LBG assumes no responsibility for any misperceptions, errors or misunderstandings. You are urged to verify any information that is confusing and report any errors/concerns to us in writing.