1556
CAHA

Agenda

Internal Scoping Meeting—Follow-up

Cape Hatteras National Seashore
Off-road Vehicle Management Plan/
Environmental Impact Statement
November 7-9, 2006

-----Tuesday, November 7 -----

1. ***Welcome and Introductions/(Park)***
Review Meeting Purpose and Objectives (EQD/Park) ***8:00 – 8:30 AM***

2. ***Review of Draft 2004 ORV Internal Scoping Report and IPSMS (Berger)*** ***8:30 – 9:00 AM***

   A. Review Park Purpose and Significance

   B. Review Purpose of and Need for Action

   C. Review Issues Related to the Action

   D. Review Objectives for Taking Action

   E. Recap preliminary alternative concepts

3. ***Background/New Developments (Park)*** ***9:00 – 10:00 AM***

   A. Review management practices and research related to resource and ORV management at CAHA including the Interim Draft ORV Plan, GMP and RMP.

   B. Discuss changed circumstances in the park, results of Interim Protected Species Management Plan/EA and BO, data gathered during previous breeding/nesting season.

SITE VISIT ***10:00 AM – 4:30 PM***

-----Wednesday, November 8 -----

4. ***Review Tuesday's Site Visit and Follow-up Questions (Berger)*** ***8:00 – 8:30 AM***

5. ***Negotiated Rulemaking and Stakeholder Involvement***
(Neutral Facilitation Team/EQD) ***8:30 – 10:30 AM***

   A. Review negotiated rulemaking procedures, schedule, and process to date.

B. Discuss Joint Fact Finding (JFF) proposal to date.

C. Discuss concurrent schedule and integration of reg-neg and NEPA.

---- BREAK ----- **10:30 – 10:45 AM**

6. ***Confirm/Revise Purpose, Needs, Issues, Objectives (Berger)*** ***10:45 - 12:00 AM***

---- WORKING LUNCH ----- **12:00 AM – 12:45 PM**

7. ***Define No Action Alternative/Baseline Condition (Berger)*** ***12:45-2:15 PM***

---- BREAK ----- **2:15 – 2:30 PM**

8. Review/Revise Preliminary Alternative Concepts (EQD/Berger) 2:30 – 4:30 PM

ADJOURN **4:30 PM**

-----Thursday, November 9 -----

8. ***Review Wednesday's Discussions*** ***8:30 – 9:00 AM***

9. ***Public Participation (Berger)*** ***9:00 – 10:00 AM***
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?

---- BREAK ----- **10:00 – 10:15 AM**

10. ***Data Management (Berger/EQD)***

11. ***Roles and Responsibilities (EQD)***

12. ***Administrative Record (EQD)***

---- WORKING LUNCH ----- **11:45– 12:30 PM**

13. ***Next Steps (EQD)***
- ***Points of contact***
- ***Next meeting(s)***
  - ***Reg-Neg***
  - ***NEPA***
- ***Internal scoping report***

ADJOURN *2:00 P*

1553

Cape Hatteras National Seashore
Long-term ORV Management Plan/EIS
Internal Scoping—November 7-9, 2006
Draft Purpose, Need, and Objectives

PURPOSE

The purpose of this plan is to develop regulations and procedures that manage ORV use/access in the seashore to:

- Protect and preserve natural and cultural resources and natural processes;
- Provide a variety of appropriate visitor use experiences while minimizing conflicts among various users; and
- Promote the safety of all visitors.

NEED

An ORV management plan is needed to:

- Ensure that the park complies with Executive Orders 11644 and 11989 respecting ORV use, and with NPS laws, regulations (36 CFR 4.10), and policies to minimize impacts to park resources and values;
- Address the lack of an approved plan, which has led over time to inconsistent management of ORV use, user conflicts, and safety concerns;
- ORV use could damage natural and cultural resources.
- Provide for protected species management in relation to ORV use upon expiration of the IPSMS and BO.

OBJECTIVES

Management Methodology

- Identify criteria to designate ORV use areas and routes.
- Establish ORV management practices and procedures that have the ability to adapt in response to changes in the seashore's dynamic physical and biological environment.
- Establish a civic engagement component for ORV management.
- Establish procedures for prompt and efficient public notification of beach access status including any temporary ORV use restrictions for such things as ramp maintenance, resource and public safety closures, storm events, etc.
- Build stewardship through public awareness and understanding of NPS resource management and visitor use policies and responsibilities as they pertain to the seashore and ORV management.

Natural Physical Resources

- Minimize adverse impacts from ORV use to soils and topographic features, e.g., dunes, mud flats, etc.

Threatened, Endangered, & Other Protected Species

- For threatened, endangered, and other protected species (e.g., state-listed species) and their habitats, minimize adverse impacts related to ORV uses as required by laws and policies, such as the Endangered Species Act, the Migratory Bird Treaty Act, and NPS laws and management policies.

Vegetation

- Minimize adverse impacts to native plant species related to ORV use.

Other Wildlife and Wildlife Habitat

- Minimize adverse impacts to wildlife species and their habitat related to ORV use.

Cultural Resources

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

Visitor Experience

- Manage ORV use to allow for a variety of appropriate visitor use experiences.
- Minimize conflicts between ORV use and other uses.

Visitor Use

- Ensure ORV operators are informed about the rules and regulations regarding ORV use at the park.

Visitor Safety

- Ensure that ORV management promotes the safety of all visitors.

Park Operations

- Identify operational needs and costs to fully implement an ORV management plan.
- Identify potential sources of funding necessary to implement an ORV management plan.
- Provide consistent guidelines, according to site conditions, for ORV routes, ramps, and signage.

DELIBERATIVE, PRE-DECISIONAL, FOR DISCUSSION PURPOSES ONLY

-- NOT FOR PUBLIC RELEASE –

ACTION ALTERNATIVE TO BE IMPLEMENTED IPSMS/EA

1. Implementation of this action would replace Superintendent's Order 10: Monitoring and Protection of Species of Concern.
2. In general, because of the dynamic nature of the Cape Hatteras National Seashore beaches and inlets, the management may change by location and time, and new sites (bars, islands) may require additional management, or management actions may become inapplicable for certain sites due to changes in ground conditions (i.e., habitat changes with vegetation growth).
3. Areas with symbolic fencing (string between posts) are closed to recreational access.
4. Data collection includes documenting breeding and nest locations using a geographic positioning system (GPS) and incorporating data into a geographic information system. The data to be collected is provided in "Table 1: Summary—Species Observation."
5. Existing seashore regulations including:
   a. 36 CFR 2.15, Pets: pets must be crated, caged, restrained on a leash, or otherwise physically confined at all times in all areas of the park.
   b. 36 CFR 2.38, Explosives: all fireworks are prohibited in the seashore at all times.
   c. 36 CFR 3.6, Prohibited Operations: launching of non-commercial, recreational boats/vessels would only be permitted at designated sites.
   d. 36 CFR 4.10, Travel on Park Roads and Designated Routes: operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use.
6. Predator management would continue with the removal of red and gray fox, raccoons, cats, and other predators by U.S. Department of Agriculture trappers. Use of predator exclosures over piping plover and sea turtle nests would continue. In addition, an agreement is in place for the development of a Predator Control Plan/EA in cooperation with the U.S. Department of Agriculture. Thus, predator control would continue until a Predator Management Plan/EA can be drafted, published for public review, approved, and implemented.
7. On going studies which would continue at Cape Hatteras National Seashore:
   a. "Wintering Piping Plover Habitat Use Near Barrier Islands" conducted by Dr. James Fraser, VA Tech. The study will investigate effects to piping plovers from inlet maintenance activities, conducted by the U.S. Corps of Engineers, which have the potential to modify nesting, roosting and foraging habitats used by plovers at Cape Hatteras National Seashore.
   b. "Monitoring and Management of American Oystercatcher on Cape Hatteras National Seashore" conducted by Dr. Ted Simons and Shiloh Shulte, Cooperative Research Group,

North Carolina State University. The study will monitor plover nesting and chick success/survival and document unfledged chick behavior.

c. "The Effects of Off-Road Vehicles on the Nesting Activity of the Loggerhead Turtle" conducted by Lindsay Nester, University of Florida. The study will investigate possible differences between nest laying and nesting success of loggerhead sea turtles in areas that have ORV use and ORV-free nesting sites.

8. ORV access is managed according to Superintendent's Order 07. Unless otherwise posted, the maximum speed is 25 mph. Superintendent's Order 07 specifically provides for an "Ocean Beach Zone" in which ORVs would "…be permitted within 150 feet of the existing tideline…". Thus, unless otherwise stated, a 150-foot ORV corridor would be provided in all areas of the seashore outside of those areas specifically designated and/or being managed for species protection. Implementation of this action will result in the review and update of Superintendent's Order 7: ORV Management, as determined necessary.

9. Essential use vehicles will enter restricted areas subject to the guidelines in the Essential Vehicles section of the Piping Plover Revised Recovery Plan (USFWS 1996a). Essential use vehicles will not exceed 10 mph.

10. The weekly frequencies provided for species observations are minimums. If a need is established for more frequent observations than the minimum stated, and staff is available, the seashore may conduct observations more frequently on a case-by-case basis.

11. Staff used for field observations, education and outreach will be trained by qualified NPS staff and will meet the following minimum qualifications:

a. Completion of an instruction course conducted by a qualified staff biologist. Training will occur at the beginning of the season (March/April) and again in May/June. Training includes:

i. Job description/expectations
ii. Personal safety
iii. Professional behavior
iv. NPS and seashore rules, regulations, policies
v. Geographic locations orientation
vi. Awareness of the community and their role in it
vii. Cape Hatteras National Seashore personnel and job descriptions
viii. ATV/beach driving
ix. Protected species surveying and management
    1. Identification
    2. Behavior
    3. Needs
    4. Closures
x. Completion of observation forms, etc.
xi. Overview of existing seashore activities and studies
xii. Equipment care and upkeep
xiii. Outreach and education

b. Returning staff may not need the full training.

12. Temporary/seasonal staff will be hired using the following procedure:

a. Temporary/seasonal staff will be hired and trained by April 1 to begin bird species management, education, and/or outreach activities.

b. Any additional temporary/seasonal staff will be hired and trained by May 15 to conduct turtle management, education, and/or outreach activities, following the guidelines in the North Carolina Wildlife Resources Commission Handbook for Sea Turtle Volunteers in North Carolina (2002). These may be the same individuals hired for bird management (see item 10 above).

c. A list of needed positions will be identified for resource management volunteers, Student Conservation Association interns, seasonal employees, and interns including skilled and unskilled labor to provide manual labor (erecting closures and signs) and bird identification and behavior observations.

d. Job descriptions will be created with specific needs and standards for all skilled and unskilled positions including approximately how many hours will be needed.

e. A standard for hiring Student Conservation Association interns, seasonal employees, interns, and volunteers will be developed, including expectations and requirements for in-house training to occur at established times.

f. Recruiting will begin in October of the preceding year.

g. A list will be maintained of trained local volunteers and those interested in becoming trained to fill volunteer positions.

h. Set times for training and set start dates for temporary/seasonal staff will be established.

i. All the training information will be available for transmittal to all new staff during training. This will provide consistent information to everyone and managers will be assured that Student Conservation Association interns, seasonal employees, interns, and volunteers received consistent information.

13. Programming of staff time may be adjusted following the first season of the strategy implementation.

14. In FY 2006 and beyond, there will be an increase of three permanent law enforcement positions over that in FY 2005. It is planned that law enforcement staff activities will be directed to appropriate protected species projects. However, enforcement staff will be reallocated in the event that other emergency or enforcement situations must be attended to during high visitation periods. It is the responsibility of the Superintendent and law enforcement managers to direct their resources where most needed depending on circumstances. If, and as this occurs, law enforcement staff may not be able to dedicate as much time to species protection.

15. The seashore will continue to provide information about endangered species at the visitor centers. Articles will be provided in the seashore's summer and winter newspaper and on the website. In addition, the public will be notified of closures that would temporarily limit ORV traffic via a press release to local and regional newspapers and direct contact with local tackle shops and ORV organizations contacted when closures are established or reopened. Additional efforts will include:

a. The seashore will enforce proper trash disposal and anti-wildlife feeding regulations to reduce the attraction of predators to the area.

b. Annual reports regarding the previous bird breeding season will be published on the seashore website and an initial posting plan for the upcoming season will be drafted that provides pre-nesting closures.

c. A variety of educational and outreach materials will be developed regarding the impacts of trash-disposal, wildlife feeding, fireworks, and pets on sensitive seashore species.

Local volunteer and community organizations will be enlisted to distribute these materials.

d. Interpretive signage will be developed for certain species.

FEDERALLY-LISTED SPECIES

The park will follow management actions identified during consultation with U.S. Fish and Wildlife Service and as described in the Biological Opinion. These are summarized in Table 2.

NON-LISTED SPECIES (FEDERAL)

No pre-nesting areas will be established specifically for American oystercatchers (AMOY) or colonial waterbirds (CWB). Appropriate buffers will be established when these species are actually present and have established territories or nests. Many, but not all, of the AMOY and CWB nesting areas occur within the PIPL pre-nesting areas. Outside of the spits and Cape Point, the non-listed species usually nest near the toe of the dune, which often is outside of or near the edge of the ORV corridor. As the park observes nesting behavior in these locations, the width of the ORV corridor will be reduced (i.e., narrow it toward the high tide line) to increase the buffer around the birds. The existing prohibition of pets outside the ORV corridor at the spits and Cape Point will continue.

The park will standardize the proposed buffer distances for AMOY and CWB to 150 feet for nests. The park will create a buffer of at least 150 feet horizontally on either side of the nest or colony, while maintaining a narrow public access corridor above the high tide line (i.e., the corridor could be less than 150 feet from the nest, but disturbance would be minimized by keeping traffic as far away from the nests as possible for at least 150 feet either side of the nest).

The park will standardize the proposed buffer distance around non-listed (federal) chicks to 300 feet for all species. The park will provide an alternate route or by-pass around non-listed (federal) chicks. If neither can be provided and the closure would preclude all access to an area such as a spit or Cape Point that is otherwise open, the park will create a narrow "pass through" corridor with conservation measures (e.g., reduced speed limit, possibly night time closures, etc.) to minimize or avoid unintentional take of chicks. (Note: With PIPL, the park will provide an alternate route or by-pass if possible, or close access if it is not.)

TABLE 1: SUMMARY—SPECIES OBSERVATION

Activity	Access/Research Component Focus
Piping plover (PIPL), American oystercatcher (AMOY), colonial waterbird (CWB), Wilson's plover (WIPL), and red knot (REKN)[1]	
Survey Time and Frequency PRE-Nesting Closure Areas	PIPL : March 15 - survey recent breeding areas 1/wk. April 1 – June 15 -survey recent breeding areas 3/wk and potential new habitat 2/wk. AMOY: March 15 - survey recent breeding areas 2/wk. CWB: May 1 - July 15 – survey recent breeding areas 2/wk.
Survey Time and Frequency Life Stages	Courtship/Mating: If/when species observed exhibiting territorial or courtship behavior during 2 consecutive surveys in historic habitat, observe 3/wk. If scrapes or eggs observed, survey 3/wk. Survey potential new habitat 2/wk.
	Nesting: PIPL: Observe nest from a distance 1/day. Approach nests 1/wk to observe and record data. AMOY and CWB: Observe nests at least 3/wk.
	Unfledged Chicks: PIPL: During first week, observe continually during daylight hours. After the first week, if the closure is reduced, keep continuous observation. If the closure is enlarged, observe once daily. AMOY: Observe once daily. CWB: Observe broods at 1-2 day intervals and record data. WIPL: Observe broods incidental to PIPL monitoring. All Species: When broods are mobile, provide more frequent observation and enforcement presence. All observations end when all chicks have fledged.
	Non breeding/wintering: PIPL: Monitor for fall and spring migrating or wintering plovers on a regular cycle, 5/wk, for 11 months (July-May) (USFWS BO). AMOY, CWB, WIPL, and REKN: Winter/Non-breeding habitat not surveyed.
Data Collected	PIPL: Use GPS to document breeding areas and nest locations. Record locations where territorial/courtship behavior occurs. Record presence and abundance of birds. AMOY/CWB: Use GPS to document nest and/or colony locations. Record presence and abundance of pre-nesting birds.
Sea Turtles	
Survey Time and Frequency	May 1 - September 15 Conduct daily morning surveys for crawls and nests by ATV and some ORV on all beaches prior to onset of heavy public ORV use. Daily surveys for nests end September 15; nest observations stop when all nests have hatched. Once light filter fence erected, nests monitored daily for signs of hatchling emergence.

[1] Red knot occurs at the seashore only during migration.

TABLE 1: SUMMARY—SPECIES OBSERVATION

Activity	Access/Research Component Focus
Data Collected	Follow NCWRC Handbook record: Turtle species Nest vs. false crawl Location If eggs present If nest needs to be relocated and, if so, where Necessary protective measures for nest and/or hatchlings Information regarding any post hatching nest excavation and analysis All nests examined after hatching to determine productivity rates. Nests excavated at a minimum of 72 hours after hatching event. In cases where hatching events or dates were unknown, nest cavities unearthed 80-90 days after the lay date.
Other	Staff avoid driving over wrack line during surveys.
Seabeach Amaranth	
Survey Time and Frequency	April 1 During bird and turtle surveys, note any seedlings or plants and record location. April 15 All potential habitat identified and defined as historic and extant populations within the past 10 years. August Annual survey of potential habitat (some bird closure areas may not be surveyed due to potential to disturb nesting birds). April – September Prior to opening any species closure or identifying alternate ORV corridors, survey for seedling/plants. Observations would cease when all plants are dead.
Data Collected	Record location of all individual plants or plant clusters using a GPS and note if the plant is located in an area open or closed to recreational use.
Essential Vehicle Use (EVU)	
Bird Surveys	PIPL: During bird surveys, NPS vehicles will remain outside of established resources closures.

TABLE 2: SUMMARY—SPECIES MANAGEMENT

Activity	Access/Research Component Focus
Piping plover (PIPL), American oystercatcher (AMOY), colonial waterbirds (CWB), Wilson's plover (WIPL), and red knot	
Closures/ Buffers	Pre-Nesting: AMOY: March 15 Closures are activated if a territory is established or a nest located. PIPL: April 1- August 31 Close recent breeding areas by posting symbolic fencing. CWB: May 1

TABLE 2: SUMMARY—SPECIES MANAGEMENT

Activity	Access/Research Component Focus
	Closures are activated if a territory is established or a nest located. All species: Closures removed if no bird activity seen by Jul 15 or when area has been abandoned for a 2 week period, whichever comes later. Pedestrian corridor would be maintained outside of symbolically fenced area. A 100-ft wide ORV and pedestrian corridor would be designated. Outside of ORV corridor, pedestrian access to breeding areas would be prohibited beyond the symbolic fencing. Corridor would be delineated with posts placed up to 100 feet above the high tide line. In areas of reduced corridor width (i.e., narrower than 100 feet), a reduced speed limit of 10 mph would be posted.
	Courtship/Mating: PIPL: If courtship and/or copulations observed outside of existing closures on two consecutive survey days, post and symbolically fence the area of activity and associated suitable habitat. Ensure a 150 foot buffer for territorial or courting plovers observed outside of initial closures. All closures would be removed if no territorial/mating/nesting activity has been by July 15th or when areas have been abandoned for two weeks. If/when additional closures are created around courtship/mating areas, adjust the ORV corridor whenever possible to allow vehicle passage. Allow management to be responsive to individual bird behavior when determining adequacy of closure size. AMOY/CWB: If territorial or courting birds observed outside of existing closures, based on bird behavior and suitable habitat, buffers expanded to accommodate the birds. Provide ORV/pedestrian corridor above the high tide line.
	Nesting: PIPL: Establish 150 foot buffer/closure around PIPL nests occurring outside existing closures. Expand closures using flexible increments dependent on observed bird behavior. If/when recreation closures are created around nests, adjust ORV corridor whenever possible to allow vehicle passage. Reduce width of ORV corridor if necessary. In areas in which the buffer zone would eliminate the ORV corridor, identify alternate ORV routes if available or provide a bypass (see bypass criteria) if possible. AMOY/CWB: Establish a buffer of at least 150 feet on either side of nest or colony based on observed bird behavior, while maintaining ORV/pedestrian corridor. If the buffer and the corridor overlap each other, then staff will reduce corridor width to the minimum necessary to allow access to minimize disturbance. Minimum width corridors for AMOY and CWB would be approached as a research opportunity to gather data useful for the long-term ORV management plan to test for distance at which vehicle disturbance to nesting AMOY and CWB occurs. All species: Allow observations to be responsive to individuality in bird behavior when determining adequate size of closure zones around nests. If nest is lost, buffers remain in place 2-3 weeks after nest is lost to determine if pair will renest, if no other species nesting in area.
	Adult Foraging: PIPL: For adults foraging outside of a closure on two consecutive surveys, expand buffer to include foraging site. CWB, AMOY, and WIPL: No additional buffers/closures.
	Unfledged Chicks: PIPL: Establish a minimum 600 ft buffer on either side of brood based on observation of bird behavior and terrain conditions at site. Based on observed behavior, buffer area may require expansion to 3000 ft if initially established smaller. Based on observed behavior (i.e., mobility of the brood) and the capability to continually observe mobility and behavior, buffer zone can be reduced after the first week to no less than 300 ft, but may require expansion up to 3000 ft. Buffer moves with chicks. Close bypass route at night if

TABLE 2: SUMMARY—SPECIES MANAGEMENT

Activity	Access/Research Component Focus
	buffer zone, is less than 600 ft. If/when recreation closures are created around broods, adjust the ORV corridor whenever possible to allow vehicle passage). Reduce ORV corridor if necessary. In areas in which the buffer zone would eliminate the ORV corridor identify alternate ORV routes if available. If there are no alternate ORV routes, then if possible establish a bypass (see bypass criteria). Close beach to recreation access down to the waterline, if necessary to allow chicks access to foraging areas. AMOY/CWB: 300 ft buffer zone when unfledged chicks present. Adjust buffer zone as needed if/when chicks are mobile. Provide alternate ORV/pedestrian access route or by-pass. If none available, maintain pass-through corridor with conservation measures to minimize disturbance. CWB: Conduct study on effectiveness of using of shade shelters as deterrence for predators. For all species: Allow observations to be responsive to individuality in bird behavior when determining adequate size of closure zones around broods. Reopen 100-ft wide ORV corridor in recent or current nesting areas after chicks fledge. Areas outside of corridor, including the upper beach and wrack line remain available for protected species use. Re-establish 150 ft ORV corridor after August 31.
Non Breeding/ Wintering Closures	PIPL: Suitable interior habitats at spits and at Cape Point closed year-round to all recreational users to provide for resting and foraging for all species. For example at present, such suitable habitats include ephemeral ponds and moist flats at Cape Point, Hatteras Spit, Ocracoke, and Bodie Island spit. Actual locations of suitable foraging and resting habitat may change periodically due to natural processes.
Sea Turtles	
Nest Closures/ Buffers	Establish a buffer approximately 8 x 8 ft with symbolic fencing and signage around nest. Approximately 55 days into incubation, closures expanded to the surf line. The width of the closure based on the type and level of use in the area of the beach where the nest was laid: a. vehicle-free areas with little or no pedestrian traffic – 75 ft wide; b. villages or other areas with high levels of day use –150 ft wide; c. areas with ORV traffic –350 ft wide. Opposite the surf line on the upper end of the closure, the closed area expanded to a minimum 50 ft duneward from the nest. Traffic detours behind the nest area clearly marked with signs and reflective arrows. Where present within closure, vehicle tracks manually smoothed with rakes or a steel mat attached to an ATV, so as not to impede hatchlings attempting to reach the surf. Use light filtering fence behind nests nearing hatch dates to block light pollution from the villages and vehicles operating on the beach after dark. Large signs would be posted to notify drivers that the established closures included the surf line at all tides. Interpretive signs would warn how ORV traffic can harm eggs and hatchlings. Traffic detours behind the nest area would be clearly marked with signs and reflective arrows.
Nest Relocation	When a nest is found, staff assess need for nest relocation and follow relocation guidance identified in the NCWRC handbook. Nests located within 1 mile of a fishing pier will be relocated. If it is determined the nest would not be relocated, it would be immediately protected with a symbolic fence measuring approximately 8 x 8 ft and signage.

TABLE 2: SUMMARY—SPECIES MANAGEMENT

Activity	Access/Research Component Focus
	If a nest is threatened by a storm event, NPS will consult NCWRC to determine appropriate action.
Light Management	Establish turtle friendly lighting standards for all seashore structures. Encourage concessionaires to install turtle friendly lighting.
Research	Support research efforts looking at the sex ratios of turtles.
Seabeach Amaranth (SBA)	
Buffers	April 15 – November 30 If a plant/seedling is found outside of an existing closure, the seashore would erect symbolic fencing with signage creating a 30 sq ft buffer around the plant. If plants are located next to each other, the area would be expanded to create one enclosure protecting several plants. If a SBA is found during the survey prior to reopening a bird closure to ORV and/or pedestrian use, the seashore will protect the SBA as described above and reopen the areas of the bird closure where no plants exist. Areas reopened if no plants are present by September 1. Where plants occur, the closed areas would be reopened after the plants have died.
General	
Predator Control	Late May – mid-July PIPL: Nests surveyed to count eggs and look for predator tracks. Predator exclosures erected when nest found with eggs. Trappers would target red and gray fox, raccoons, cats and other predators for removal. AMOY/CWB: Nests surveyed to count eggs and look for predator tracks. Turtle: Nests surveyed to count eggs and look for predator tracks. Predator exclosures placed over nests if predator tracks or nest predation is evident. SBA: No predator management.
Conservation Measures	**PIPL** • Observe abundance and distribution of known wintering piping plover through specific winter surveys. • Identify how young and adult piping plovers utilize nesting and feeding habitat (breeding, migration, and winter seasons) through observation and data collection on the frequency of feeding and distances traveled from nests to foraging areas. • Determine survival rates of young in nest, post-fledge, immature, and adult birds. • Provide observation data to the U.S. Fish and Wildlife Service so that the information may be combined with data from other monitoring efforts to determine the significance of Cape Hatteras breeding or wintering population segments to the state, region (middle Atlantic coast), or Atlantic coast wide population changes and trends. • Document the levels of ORV, pedestrian traffic, and leashed and unleashed pets in piping plover habitat. • Observe piping plover breeding activities at nesting sites to identify factors that may be limiting abundance of nesting piping plovers and/or productivity. Funds would be sought to provide for intensive research studies and surveys would be developed and implemented to address the following: • Identify factors limiting the quantity and quality of habitat or its use by piping plovers at specific wintering sites. Collect information which characterizes wintering piping plover foraging and roosting habitat and determine level of site fidelity by birds.

TABLE 2: SUMMARY—SPECIES MANAGEMENT

Activity	Access/Research Component Focus
	• Identify factors which limit the size and distribution of breeding and non-breeding populations. • Survey to determine the responses of piping plovers to recreational disturbances (pedestrians, dogs, ORVs, etc.) both day and night and document flushing distances caused by the disturbance. **Sea Turtles:** • Establish surveys and monitoring regimes for recording levels of nighttime driving on the beach. The surveys and monitoring will provide information to determine the level of visitor use and possible impacts to sea turtles and shorebirds. Monitor and record the number of ORVs on Cape Hatteras National Seashore beach during sea turtle nesting season to determine if night time driving prohibitions may be warranted in the long-term ORV Management Plan. • Support ongoing research efforts to determine the sex ratio of turtles at Cape Hatteras National Seashore and the influences of temperature to sex determinations of hatchlings. • Compare Cape Hatteras National Seashore sea turtle sex ratios to Pea Island National Wildlife Refuge (ongoing study by USFWS) and/or to nearby dredged islands, including beach temperatures and compaction of sand which influence sex determination. Recent studies by South Carolina Department of Natural Resources show that cool beaches like those in North and South Carolina are more likely to produce male sea turtles while warmer beaches like those in Florida produce more females, since sex is determined by the temperature at which eggs are incubated. Thus, for populations that are threatened or endangered like those species occurring at Cape Hatteras National Seashore, it is of critical importance to know the male and female production in order to be able to model and understand long-term population recovery prospects. • Assess the number of nesting females and their reproductive success so that the current contribution of Cape Hatteras National Seashore to regional population dynamics can be better understood, since Cape Hatteras National Seashore is at or near the northern limit of the breeding range for all three species of sea turtle that nest there. • Analyze the backlog of data collected by Cape Hatteras National Seashore on occurrences and locations of false crawls by all species of sea turtles. Funds would be sought to provide for intensive research studies and surveys would be developed and implemented to address the following issues relative sea turtles: • Survey additional observations of plovers or other shorebirds being attracted to lights from night driving. • Monitor and document the proportion of closure violations that occur by pedestrians and ORVs between sundown and sunrise on Cape Hatteras National Seashore beaches. • Survey how much ORV and pedestrian traffic occurs in turtle nesting habitat at Cape Hatteras National Seashore, and how does this differ between day and night. • Determine the effect of recreation on detectability of turtle crawls through monitoring during nesting season by all species of sea turtles. • Survey and collect data on the impact of ghost crabs on emerging hatchlings at Cape Hatteras National Seashore. Compare and investigate the density of effects in ORV use areas to sites which are ORV–free areas. Determine if there is a change in ghost crab demographics caused by ORV driving. • Monitor and determine impacts (if any) of filter (silt) fencing on sea turtle hatchlings. Previous monitoring at the seashore has indicated that hatchlings get caught in the fibers or material of fencing. Additionally, determine if the presence or particular placement of the cloth cause potential problems with predators by eliminating escape routes. **Seabeach Amaranth** • Document population sizes of seabeach amaranth in areas where beach nourishment and or beach stabilization has occurred,

TABLE 2: SUMMARY—SPECIES MANAGEMENT

Activity	Access/Research Component Focus
	compared to sites which have not been impacted. Funds would be sought to provide for intensive research studies and surveys would be developed and implemented to address the following issues relative to seabeach amaranth: • Conduct surveys to determine the effects of off-season pedestrian and ORV traffic on seabeach amaranth seeds. • Identify factors limiting seed and seedling success by conducting survivorship studies on seedlings found or planted on Cape Hatteras National Seashore beaches. Such work could identify the most critical phase of the species life-history and limiting factors. This could be complemented with studies that examine natural seed storage, viability, and long distance transport. • Establish a long-term amaranth population monitoring program to determine and assess effects of both natural and human disturbances to the species at Cape Hatteras National Seashore. Additional measures include: Conduct pilot study on vegetation management techniques to enhance shorebird nesting habitat. Conduct pilot study on techniques to enhance CWB nesting habitat. Conduct pilot study on effectiveness of chick fence in CWB colonies. Conduct pilot study on the use of shade shelters in CWB colonies.
Costs	$676,971

[1] Management, Observations, and Protection Protocols for Colonial Nesting Waterbirds at Cape Hatteras National Seashore, North Carolina, p. 13.

TABLE 3: SUMMARY—RECREATION AND OTHER SEASHORE MANAGEMENT

Activity	Access/Research Component Focus
ORV	
Pre-Nesting Closures	Between identified pre-nesting closures dates (see table 1), designate an ORV corridor up to 100 ft. wide along oceanside and soundside shoreline in recent breeding areas. Delineate corridor with posts placed up to 100 feet above the high tide line. In areas with a reduced corridor width due to species management actions, maintain the corridor with a posted speed limit of 10 mph.
ORV Corridors and Access	April 01 –August 31 PIPL: Designate approximately 100-ft wide ORV corridor above mean high tide line in breeding areas used within past three years. Delineate corridor with posts placed up to 100 feet above the high tide line. In areas of reduced corridor width (i.e., less than 100 feet), post traffic signs and 10 mph speed limit. Adjust the ORV corridor whenever possible to allow vehicle passage. If an ORV corridor is not feasible for safety reasons or insufficient area, identify alternate ORV route if possible. If there is no alternate route available, seashore staff would consider establishing a bypass route (see bypass criteria in table 3). Seashore staff would allow observations to be responsive to individuality in bird behavior when determining adequate size of closure zones. If alternative route or bypass is not feasible, initiate an ORV closure. AMOY/CWB: Provide ORV/pedestrian corridor above the high tide line, alternate ORV route or by-pass. If none available, maintain access corridor with conservation measures to minimize disturbance. Sea Turtles: May 1 –September 15 Outside of recent bird breeding areas, ORV use would be restricted to a corridor 150 ft duneward of the mean high tide line and seaward of the toe of the dunes or vegetation line, whichever is less. An 8 x 8 ft buffer zone of signed, stringed fencing would be placed around each nest in any place where recreation occurs. When nest is approximately 50 days old, here possible, ORV traffic would be routed around the nest on the duneward side, maintaining a minimum buffer of 50 ft. If a hatchling corridor would block access to spits and Cape Point, identify an alternate route (e.g., existing interdunal road, NC-12). If an alternate route is not available, an attempt would be made to identify a bypass route[2] on the duneward side of the nest.
Night Driving	No restrictions. The seashore would seek funds to study level and impacts of night driving at seashore. Information obtained would be used to develop management techniques for consideration in the long term ORV management planning process. The seashore would provide periodic night time patrols to observe and enforce compliance with regulations and closures.
Pedestrian	
Pedestrian Access outside of Bird Closures	Pedestrians allowed 24 hour access to all seashore beaches outside of existing resource closures. All Species: Pedestrians allowed 24 hour access to all seashore beaches outside of existing resource closures.
Pedestrian Access in Turtle and Seabeach Amaranth Closures	Pedestrians allowed 24 hour access to all seashore beaches outside of existing resource closures.
Other Recreation	

[2] See bypass criteria.

TABLE 3: SUMMARY—RECREATION AND OTHER SEASHORE MANAGEMENT

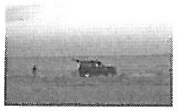
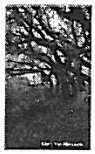
Activity	Access/Research Component Focus
Boat Access	36 CFR 3.6 prohibits launching non-commercial, recreational boats/vessels except at designated launch sites. Permits may be issued for commercial fishing to allow ORV access and/or boat launching in pedestrian only areas as well as in ORV areas, but not in areas closed for resource protection or ORV safety closures. Along shoreline where resource closures occur, erect signs around the perimeter of closures to alert boaters of closure.
Pets	36 CFR 2.15 Pets: pets must be crated, caged, restrained on a leash, or otherwise physically confined at all times in all areas of the seashore. Pets prohibited, even if on leash, from the landward side of the white posts delineating the ORV corridor at the spits (Bodie, Hatteras, Ocracoke) and Cape Point. Pets prohibited within symbolic fencing around any bird closure area.
Other	Kite flying and ball and Frisbee tossing prohibited within or above all bird closures. 36 CFR 2.38 Explosives: all fireworks are prohibited in the seashore at all times.
Seashore Management	
Additional Compliance	--
Essential Vehicle Use	Essential vehicles allowed in closures subject to guidelines in Essential Vehicles section of Piping Plover Recovery Plan, Appendix G (USFWS 1996a). Essential vehicles would be accompanied by trained staff whenever possible. If this is not possible, observations by ORV should not be conducted at that time. In the event of an emergency, the protection of human life takes precedence over all other management activities. To the extent practicable, emergency response vehicle operators would consult with trained resources management staff regarding protected species before driving into or through resource closures; however, prior consultation may not always be practical. Essential vehicles would avoid driving within in turtle nest closures.
Essential Vehicles: Speed	Not to exceed 10 mph, whenever possible.
Outreach and Compliance	
	General: Provide information about endangered species at the visitor centers. Enforce proper trash disposal (pack in/pack out) and anti-wildlife feeding regulations throughout the seashore, including proper disposal of fishing bait and filleted fish carcasses. Provide education and outreach materials regarding the impacts of trash-disposal, wildlife-feeding, fireworks, and pets on sensitive seashore species. Solicit from interested parties means to convey information about the species management program. Notify the public of species management closures that would temporarily limit ORV traffic. Send a press release to local and regional newspapers and contact local tackle shops and ORV organizations when species closures established or reopened. Provide periodic patrols to observe and enforce compliance with PIPL closures Sea Turtles:

TABLE 3: SUMMARY—RECREATION AND OTHER SEASHORE MANAGEMENT

Activity	Access/Research Component Focus
	Conduct educational programs during the sea turtle hatching season where public school students could learn about sea turtles by participating in post-hatching nest examinations. Provide information to the public about nesting sea turtles and measures taken by the seashore to protect nests and hatchlings. Seabeach Amaranth: Post information about seabeach amaranth at all ORV ramp bulletin boards. Notify public of resource closures and openings.

Cape Hatteras National Seashore

ORV Management Plan and Environmental Impact Statement

Purpose and Objectives of Meeting

- Review Decisions from 2004 Internal Scoping Process and the IPSMS/EA
- Discuss New Developments in the Park
- Provide Brief Overview of DO-12 and Negotiated Rulemaking—Discuss Concurrent Processes
- Develop Project Purpose, Need, Objectives, and Issue Statements
- Revise Schedule; Determine Work Assignments; Coordination and Communication; Plan for Public Involvement; Discuss Data Management

2

Review Draft 2004 ORV Internal Scoping and IPSMS/EA

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."

4

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

5

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

6

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.

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

7

Significance Statement
(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."

8

Purpose and Need for Taking Action—ORV and IPSMS

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

10

Purpose Statement—2004 Draft

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

- Protect and preserve natural and cultural resources and natural processes;
- Provide a variety of appropriate visitor use experiences while minimizing conflicts among various users; and
- Promote the safety of all visitors

11

Purpose Statement—IPSMS/EA

The purpose of taking action is to evaluate and implement strategies to protect sensitive species and provide for recreational use as directed in the enabling legislation, NPS management policies, and other laws and mandates, until a long-term ORV management plan/EIS is developed.

12

Need for Taking Action

DO-12 § 2.2 (A)-(B)

- 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

13

Need for Taking Action—2004 Draft

An ORV management plan is needed because:

- The seashore must comply with Executive Orders 11644 and 11989 respecting ORV use, and with NPS laws, regulations (36 CFR 4.10), and policies to minimize impacts to park resources and values;
- The lack of an approved plan has led over time to inconsistent management of ORV use;
- Increased ORV use has resulted in conflicts between seashore uses; and
- ORV use could damage natural and cultural resources.

14

Need for Taking Action—IPSMS/EA

An IPSMP would meet the following needs until the long-term ORV management plan/EIS is completed:

- The need for a clear and consistent set of management strategies. The lack of an approved strategy over time has led to inconsistent management of protected species and has created confusion for both the public and the seashore staff.
- The need for a management strategy on which to consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.
- The need for a management strategy that complies with the Endangered Species Act, the Migratory Bird Treaty Act, NPS management policies, and park enabling legislation, and that avoids adverse affects to protected species.
- The need to immediately address public concerns about species management and recreational use.

15

Objectives

- Objectives are defined as what must be accomplished to consider the proposal a success.
- NPS must state objectives clearly since they define the appropriate range of alternatives.

16

Objectives—Management Methodology

2004 Draft:

- Identify criteria to designate ORV use areas and routes.
- Establish ORV management practices and procedures that have the ability to adapt in response to changes in the seashore's dynamic physical and biological environment.
- Establish a civic engagement component for ORV management.
- Establish procedures for prompt and efficient public notification of temporary ORV use restrictions for such things as ramp maintenance, resource and public safety closures, storm events, etc.

IPSMS/EA:

- Establish an ongoing and meaningful dialogue with the multiple public groups interested in and affected by protected species management to ensure development of an implemental strategy/EA.
- Establish adaptive interim management practices and procedures that allow for responding to changes in the seashore's dynamic physical and biological environment.
- Establish procedures for prompt and efficient public notification of protected species management actions and the reasons for these actions.

17

Objectives—Natural Physical Resources

2004 Draft:

- Minimize adverse impacts from ORV use to soils and topographic features, e.g., dunes, etc.

IPSMS/EA:

- None.

18

Objectives—Wildlife and Wildlife Habitat

2004 Draft:

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

IPSMS/EA:

- None.

19

Objectives—Vegetation

2004 Draft:

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

IPSMS/EA:

- None.

20

Objectives—Threatened, Endangered, & Other Protected Species

2004 Draft:

- Provide threatened, endangered, and sensitive species and their habitats protection from adverse impacts related to ORV use.

IPSMS/EA:

- For threatened, endangered, and other protected species (e.g., state-listed species) and their habitats, provide protection from adverse impacts related to recreational uses as required by laws and policies, such as the Migratory Bird Treaty Act, the Endangered Species Act, and NPS management policies.
- Cooperate with the USFWS to ensure that NPS management actions comply with the requirements of the Endangered Species Act.

21

Objectives—Cultural Resources

2004 Draft:

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

IPSMS/EA:

- None.

22

Objectives—Visitor Use and Experience

2004 Draft:

- Manage ORV use to allow for a variety of appropriate visitor use experiences.

- Minimize conflicts between ORV use and other uses.

23

Objectives—Visitor Use and Experience

IPSMS/EA:

- Provide for continued recreational use and access consistent with required management of protected species.

- Increase opportunities for public awareness and understanding of NPS resource management and visitor use policies and responsibilities as they pertain to the seashore and protected species management.

24

Objectives—Visitor Safety

2004 Draft:

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

IPSMS/EA:

- None.

25

Objectives—Park Management and Operations

2004 Draft:

- Provide consistent design standards, according to site conditions, for ORV routes, ramps, and signage.
- Identify standards of maintenance, according to site conditions, for ORV routes, ramps, and signage.
- Identify operational needs and costs to fully implement an ORV management plan.
- Ensure ORV operators are educated about the rules and regulations regarding ORV use at the park.
- Ensure that the ORV plan will be cost-effective and feasible in operational implementation.

IPSMS/EA:

- Provide for effective protected species management while maintaining other seashore operations.

26

Issues

- What issues does the park face now?
- What resources could be affected?
- What are the existing conditions/activities occurring in the park today related to management of ORV?

27

2004 Draft ISR Preliminary Alternatives

Alternatives

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

29

Alternatives

- CEQ has defined reasonable alternatives as those that are economically and technically feasible, and that show evidence of common sense (Q2a). Alternatives that could not be implemented if they were chosen, or that do not resolve the need for action and fulfill the stated purpose in taking action to a large degree, should be eliminated as unreasonable before impact analysis begins.

30

Alternatives

- Unreasonable alternatives may be those that are unreasonably expensive; that cannot be implemented for technical or logistic reasons; that do not meet park mandates; that are inconsistent with carefully considered, up-to-date park statements of purpose and significance or management objectives;….

31

Alternatives

- …conflict with the enabling legislation, NPS Management Policies, or the Organic Act; or that have severe environmental impacts.

32

2004 Draft ISR Prelim Alts

- During the 2004 internal scoping meeting, a series of components were brainstormed that could be used in the development of action alternatives for the ORV management plan. Based on the organization of existing ORV regulations for similar park units, these components were organized into three general categories: Operator and Vehicle Requirements, Operating Requirements, and Enforcement and Other Requirements.

33

2004 Draft ISR Prelim Alts

Operator and Vehicle Requirements

- Components that address operator and vehicle requirements were divided into the following subcategories: Operator Requirements, Vehicle Requirements, and Equipment Requirements.

Operator Requirements

- Require ORV operators at Cape Hatteras National Seashore to have a valid driver's license and registration.
- Require ORV users to complete an education/training course.

Vehicle Requirements

- Require the use of only four-wheel drive vehicles.
- Require ORVs to maintain less than a defined maximum tire pressure (psi).

34

2004 Draft ISR Prelim Alts (2)

Operating Requirements

- Components that address operating requirements were divided into the following subcategories: Rights-of-Way, Speed Limits, Areas of Operation, and Route Designations.

Rights-of-Way

- Develop a system to determine which ORV yields the right-of way when there is only room for one ORV to pass.

Speed Limits

- Institute and enforce a lower speed limit of 10 miles per hour (this will not be possible unless the speed limit change is adopted within the rulemaking itself; that is, the speed limit will be whatever the state speed limit is, unless specifically changed by a rulemaking (see 36 CFR 4.2)).

35

2004 Draft ISR Prelim Alts (3)

Operating Requirements (cont'd)

Areas of Operation

- Define a percentage of the seashore to remain open to ORV use.
- Open the entire seashore to ORV use.
- Open a portion (i.e., 70%, 20%) of the seashore to allow for a consistent level of access.
- Determine certain geographical areas to remain open to ORV use.
- Maintain the current level of ORV access at the seashore, providing additional access if possible.
- Maintain access to inter-dunal trails/roads during high tides and when there are narrow beaches, including adding new access behind dune lines when needed. Could include establishing an inter-dunal road between Salvo and Avon, where there are narrow beaches.

36

2004 Draft ISR Prelim Alts (4)

Operating Requirements (cont'd)

Areas of Operation

- Only close beach to ORV use for safety reasons if it is not wide enough for a vehicle to get through instead of the current regulation that permits for closures if the beach is less than 100 feet wide.
- Develop clear and consistent guidelines for when and where to allow ORV use. Guidelines could be based on any one or a combination of the following:
  - Closures should be determined by field staff and be based on established criteria that are flexible to respond to spontaneous events, such as storm events.
  - Zones of ORV closure can be areas that are permanently closed or closed based on established criteria.

37

2004 Draft ISR Prelim Alts (5)

Operating Requirements (cont'd)

Areas of Operation

- Monitor to allow for adaptive management.
- Close some areas of the seashore permanently for resource protection. Develop criteria to identify these areas and include areas with high populations of birds such as Ocracoke spit, south of Cape Point spit, Bodie Island spit, and other areas.
- Create a policy to immediately close off areas of new bird habitat created by storms and hurricanes to allow birds to find and use them as new habitat.

38

2004 Draft ISR Prelim Alts (6)

Operating Requirements (cont'd)

Areas of Operation

- Create a policy for natural resource based closures, such as closures due to nesting sea turtles.
- Consider alternative methods for managing listed species at the seashore in addition to the current method of closing off resource areas to ORV use.
- Permanently designate some areas of the seashore for non-motorized use and enjoyment.

39

2004 Draft ISR Prelim Alts (7)

Operating Requirements (cont'd)

Route Designations

- Maintain ramp access by reopening or establishing all historic ramps. Ramp access alternatives could also include extending Ramp 72 to Ocracoke spit as a two-lane access.
- Reestablish the Pole Road as a two-lane road open to ORV use and extend the road to Hatteras Inlet so that ORVs can take boats down to that area.
- Establish an alternative route behind the dune line at Ramp 4 to provide access to Oregon Inlet spit.

40

2004 Draft ISR Prelim Alts (8)

Operating Requirements (cont'd)

Route Designations

- 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.
- Only allow ORV access for administrative use such as law enforcement, maintenance, and resource management.
- Close some areas permanently to ORVs and establish parking areas next to the paved road and boardwalks over the dunes for access to these areas

41

2004 Draft ISR Prelim Alts (9)

Enforcement and Other Requirements

- Components that address enforcement and other requirements were divided into the following subcategories: Prohibited Vehicle Operations, Permit Requirements, and Penalty for Violations.

Prohibited Vehicle Operations

- Create restrictions for night ORV driving during breeding and nesting seasons.
- Increase enforcement activities to deter prohibited activities such as dune busting and ORV use in closed breeding/germinating areas.
- Address prohibited ORV vehicle operations though increased enforcement of regulations related to ORVs. Increased enforcement could include creating a community policing program to regulate ORV use or hiring more NPS rangers to enforce existing regulations related to ORV use such as keeping vehicles out of closures and the continued enforcement of drunk driving regulations.

42

2004 Draft ISR Prelim Alts (10)

Enforcement and Other Requirements (cont'd)

Permit Requirements

- Create a permitting system for ORV use at Cape Hatteras National Seashore, which could include:
- Input from the ORV community and other interested parties in the development of a seashore ORV permitting system
- Providing education to ORV users in order to obtain a permit. This education could include information on the NPS mission and values so that ORV users have a context for NPS management decisions and education on the need for ORV management and the resources to be protected at the seashore. It could also include clear instruction on rules and regulations, courteous operation, safety, etc.
- Requiring ORVs to carry certain equipment in the vehicle and use fees for resource protection and enforcement.

43

2004 Draft ISR Prelim Alts (11)

Enforcement and Other Requirements (cont'd)

Penalty for Violations

- Consistently apply stricter enforcement standards in conjunction with higher collateral forfeitures.

44

2004 Draft ISR Prelim Alts (12)

Visitor Safety

- Develop a plan that reduces visitor conflicts through one or any combination of the following:
  - Once ORV management regulations are established, provide staff education for these regulations to allow for consistent enforcement and interactions with the public.
  - Develop an outreach program to national groups, such as ORV and other recreational user groups and groups with natural resource missions, to ensure understanding of the NPS mission.
  - Create Friends of Cape Hatteras National Seashore group to support the seashore's ORV management efforts as part of the greater resource protection mission of the seashore.

45

2004 Draft ISR Prelim Alts (13)

Education/Visitor Interpretation

- Provide conditions reports for ramps, trails, etc. to assist ORV users in determining what conditions are and promoting safe operations.
- Create partnerships with ORV user groups to assist the NPS in carrying out ORV and other beach oriented projects at the seashore.
- Provide educational opportunities for ORV users by hosting special events for the ORV community.

46

2004 Draft ISR Prelim Alts (14)

Natural and Cultural Resources

- Ensure resource protection through an ORV plan by:
  - Create a user fee to pay for the management of ORVs. This would include enforcement, monitoring, and maintenance of closures.
  - Conduct scientific studies that address data gaps where information is needed to document resource impacts of ORV and base any regulations on these studies.
  - Make species recovery a priority in the plan so that species recovery is facilitated and the plan is not just maintaining the current status of the species.

47

Background/New Developments

Negotiated Rulemaking and Stakeholder Involvement

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

50

Purpose, Need, and Objectives Update

Draft Purpose Statement

The purpose of this plan is to develop regulations and procedures that manage ORV use/access in the seashore to:

- Protect and preserve natural and cultural resources and natural processes; and
- Provide a variety of appropriate visitor use experiences while minimizing conflicts among various users.
- Promote the safety of all visitors.

52

Draft Need for Action

An ORV management plan is needed because:

- The seashore must comply with Executive Orders 11644 and 11989 respecting ORV use, and with NPS laws, regulations (36 CFR 4.10), and policies to minimize impacts to park resources and values;
- The lack of an approved plan has led over time to inconsistent management of ORV use, user conflicts, and safety concerns; and
- ORV use could damage natural and cultural resources.
- Provide for protected species management in relation to ORV use upon expiration of the IPSMS and BO.

53

Objectives—Management Methodology

- Identify criteria to designate ORV use areas and routes.
- Establish ORV management practices and procedures that have the ability to adapt in response to changes in the seashore's dynamic physical and biological environment.
- Establish a civic engagement component for ORV management.
- Establish procedures for prompt and efficient public notification of beach access status including any temporary ORV use restrictions for such things as ramp maintenance, resource and public safety closures, storm events, etc.
- Build stewardship through public awareness and understanding of NPS resource management and visitor use policies and responsibilities as they pertain to the seashore and ORV management.

54

Objective—Natural Physical Resources

- Minimize adverse impacts from ORV use to soils and topographic features, e.g., dunes, mud flats, etc.

55

Objective—Threatened, Endangered, & Other Protected Species

- For threatened, endangered, and other protected species (e.g., state-listed species) and their habitats, minimize adverse impacts related to ORV uses as required by laws and policies, such as the Endangered Species Act, the Migratory Bird Treaty Act, and NPS laws and management policies.

56

Objective—Vegetation

- Minimize adverse impacts to native plant species related to ORV use.

OBJECTIVE—Other Wildlife and Wildlife Habitat

- Minimize adverse impacts to wildlife species and their habitat related to ORV use

57

Objective—Cultural Resources

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

58

Objectives—Visitor Use and Experience

- Manage ORV use to allow for a variety of appropriate visitor use experiences.
- Minimize conflicts between ORV use and other uses.

Visitor Use

- Ensure ORV operators are informed about the rules and regulations regarding ORV use at the park.

59

Objectives—Visitor Safety

- Ensure that ORV management promotes the safety of all visitors.

60

Objectives—Park Operations

- Identify operational needs and costs to fully implement an ORV management plan.
- Identify potential sources of funding necessary to implement an ORV management plan.
- Provide consistent guidelines, according to site conditions, for ORV routes, ramps, and signage.

61

Issues (1)

2004 Internal Scoping Meeting

- Geologic Resources
  - The use of ORVs at the seashore maybe hazardous in areas with beach escarpments.
- Air Quality
  - Cape Hatteras National Seashore is located in an area classified by the U.S. Environmental Protection Agency as in attainment for all six criteria pollutants. Despite being in compliance, the driving and idling of ORVs on the seashore could create localized increases in air pollution potentially degrading the visitor experience.
- Soundscapes
  - The use of ORVs at the seashore could create noise emissions that could impact local residents, seashore visitors, wildlife, and wildlife habitats through altering the natural quiet and natural soundscape of the seashore.

62

Issues (2)

2004 Internal Scoping Meeting

- Water Resources
  - ORV accidents can involve total submersion of the vehicle in the ocean and the oil/gas and other materials in the vehicle could potentially have an adverse impact on water quality.
  - The use of ORVs at the seashore creates ditching, which results in flow channels that direct sediment and other contaminants toward the seashore's marine or estuarine resources.
  - ORV crossings occur in wetland areas. Vehicle use at these crossings could damage vegetation and impact wetland habitats.

63

Issues (3)

2004 Internal Scoping Meeting

- Wildlife and Wildlife Habitat
  - Documentation has shown that ORV use in the seashore can cause damage to colonial waterbirds and their habitat through direct conflict with the species or their habitats.
  - ORV use along the seashore disrupts and/or causes a loss of habitat in these areas. Habitat loss due to operation of ORVs could also occur indirectly as a result of the noise and disturbance from this activity.
  - Management of protected species at the seashore could result in adverse and beneficial impacts on other species using the same habitats.

64

Issues (4)

2004 Internal Scoping Meeting

- Coastal Barrier Ecosystem
  - ORV use at CAHA may affect ecosystem processes and the dynamic nature of the coastal barrier ecosystem, such as increasing erosion and slowing down natural succession.
- Unique or Important Fish Habitat
  - ORVs may impact unique or important fish habitat if driving is allowed in wetland areas or other areas of the seashore where this habitat occurs.

65

Issues (5)

2004 Internal Scoping Meeting

- Rare, Unique, Threatened, Or Endangered Species
  - Unregulated or illegal ORV use at the seashore could impact federally threatened or endangered species and their habitat, on the beach and soundside of the seashore. Conflicts between the listed species and ORVs could create direct losses to the species through contact with the vehicles or indirect losses through loss of habitat due to noise and disturbance.
- Locally Sensitive Species
  - Habitat for the American oystercatcher and other locally sensitive species, may be vulnerable to the operation of ORVs. Extirpation of such species from the seashore could occur due to conflicts with ORVs or habitat loss that is a result of ORV use.

66

Issues (6)

2004 Internal Scoping Meeting

- Vegetation
  - Off-road vehicle use at Cape Hatteras National Seashore could impact rare or unusual vegetation by running over such vegetation and/or causing soil compaction.
  - ORV use could increase the potential for establishment of non-native plants as non-native species can be brought into the seashore on vehicles.
- Land Use
  - ORV operations could impact adjacent land uses by contributing to the erosion of berms that protect adjacent communities from storm events.

67

Issues (7)

2004 Internal Scoping Meeting

- Visitor Use and Experience
  - Management of ORV could result in adverse and beneficial changes to visitor use and experience.
  - Off-road vehicle use at the seashore may impact opportunities for other visitors such as enjoying a quiet beach atmosphere or observing the wildlife.
  - Off-road vehicle use at the seashore influences the aesthetics of the area. Visual signs of ORV use are present along the shoreline and may impact the viewshed and aesthetics at Cape Hatteras National Seashore.

68

Issues (8)

2004 Internal Scoping Meeting

- Cultural/Historic Resources
  - The presence of ORVs may affect the cultural and historic resources of the seashore from indirect conflict between resources and ORVs (e.g., ORVs unknowingly running over cultural resources) or directly by providing unauthorized and unrestricted access to these resources.

69

Issues (9)

2004 Internal Scoping Meeting

- Socioeconomic Resources
  - Management or regulation of ORV use at the seashore could impact the local economy by restricting ORV use and reducing the demand for goods and services from ORV users in these communities.
  - Limits placed on ORV use at the seashore may also limit the activities of local sustenance fishermen. Disrupting the ability of sustenance fishermen to conduct their activities could have negative impacts on them.
  - Limits placed on ORV use at the seashore may also limit the activities of local commercial fishermen. Disrupting the ability of commercial fishermen to conduct their activities could have negative impacts on them.

70

Issues (10)

2004 Internal Scoping Meeting

- Park Management and Operations
  - The implementation of an ORV management plan without consistent design and maintenance guidelines could have negative impacts to seashore operations and maintenance by…
  - Operational needs related to implementation of an ORV management plan (e.g., required monitoring, enforcement, etc.) that require direct NPS staff oversight of or involvement in management activities would require an increased commitment of limited NPS resources (staff, money, time, and equipment).
  - An ORV management plan would consider the plans and policies of the other federal and state entities operating within the seashore.

71

No Action Alternative/Baseline Condition

Revise
Preliminary Alternatives

Public Participation

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?

75

Data Management

Communication and Coordination

- Administrative record
- Follow-up with points of contact
- Protocol for contacts
- Review of assignments
- Coordination with other units (CALO)
- Other…

77

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.

78

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.

79

Project Schedule

- Review draft project schedule.
  - Milestones
  - Assignments

80

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)

81

The End!

CAHA 1553
Internal Scoping Flip Charts
11/06

Purpose of Plan is to manage ORV effects, use, access and to

- Protect and preserve national and cultural resources and natural processes
- Provide variety of visitor use experiences and minimize conflicts between visitor uses
- Establish consistent ORV mgmt practices and procedures (move to objectives)

Need: An ORV Management Plan is needed because:

- Lack of an approved plan has led over time to inconsistent management of ORV use – the public does not know what to expect and the park staff does not have specific guidance for ORV Management.
- The park needs to comply with E.O.s 11644 and 11989 requiring issuance of regulations to designate zones of ORV use according to specific criteria, and with NPS regulations, park plans, and policies to minimize impacts to park resources.
- Increased ORV use has resulted in conflicts between park users
- ORV use can damage natural and cultural resources

There is a need for action because:

- 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 do not have specific guidance for ORV management
- The park needs to comply with laws, EO's, regulations, and NPS 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

Soils- beach escarpments (hazards)
Air- cars kept idling
Water- total immersion of vehicles
Estuarine Stream Flow- ditching creates flow channels
Wetlands- crossings
Rare/unusual veg- maritime forests
Fish habitat- sound side
Minority/low income- sustenance fishing
Other agencies- FWS plans, DOT
Resources/Conservation- Gasoline use
Long Term mgmt of resources- dynamic coastal ecosystem
Permits from other agencies- consistency with CZMA
Marine Mammal Protection Act- live strandings run over by ORVs (Marine Resources)
Recreation Resources- ADA compliance
Provide sufficient parking under different ORV management scenarios

Emergency services- access to beach

Management Methodology
- Establish consistent ORV mgmt. practices and procedures that include the ability to adjust ORV mgmt in response to changes in the Seashores dynamic physical and biological conditions
- Identify criteria to designate appropriate ORV use areas

Visitor Use and Experience
- Enhance public awareness and understanding of NPS resource mgmt. policies and responsibilities, as they pertain to the NS and ORV use
- Manage ORV use to allow for a variety of VU Experiences, incl. the ability to enjoy the undisturbed sights and sounds of the National System.
- Minimize conflict between ORV and other uses

Natural Physical Resources
- Protect dunes and other topographical features from impacts related to ORV use in areas not designated by the park for ORV use.
- Minimize soil compactions and erosion resulting from ORV use

Wildlife and Wildlife Habitat
- Protect wildlife Sp. And their habitat from adverse impacts related to 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 promoted the safety of all visitors.

Vegetation
- Protect native plant species from impacts related to ORV use on non-designated trails

Threatened, Endangered, and Species of Special Concern
- Protect threatened, endangered, and other sensitive species and their habitat from adverse impacts related to ORV use.

Adaptive Management Procedures:
By March:
- Park reviews historical nesting areas and changes to Seashore resulting from coastal storms)
- Define in ob and background
    - Dynamics (shore) to determine proposed closure for upcoming breeding season of symbolically fenced areas.
- Create closure maps to notify tackle shops and post on web. Requires one ft seasonal-march-oct and re-establish phone line
- Establish designated park areas where maps and narrative will be posted (requires staff)
- If possible 2 weeks ahead notify public of ~~closures and locations~~
- Criteria for closures

  - Presence of suitable PP nesting habitat: ID'ed by qualified biologist
  - Review of historical nesting areas (10yr) and changes to Seashore resulting from coastal dynamics and changes in veg
- Pets:
  - April 1-Aug 31- prohibit pets at designated closures. Pets allowed on (6ft) leash elsewhere.
  - Remainder of yr allowed throughout park on leash

<table>
<tr><td rowspan="2"></td><td colspan="2">Years 1-3</td><td colspan="2">Years 3+</td></tr>
<tr><td colspan="2">Interim Strategy for Prot. Species (Section 7 AND NEPA/106)</td><td rowspan="2">ORV Man. Plan E.O. + 7 +NEPA + 106, etc. BA/BOpinion Special Reg.</td><td>Final Man. Plan for Protected Species</td></tr>
<tr><td rowspan="3">Actions: Species</td><td colspan="2">All that are covered by USGS Rec. and others (Fed listed + others- MB)</td><td>Revised/Amended BA/FONSI</td></tr>
<tr><td>ORVs
Kites
Pred.
Lights</td><td>BA
FONSI-
Kites,
Pred,
Lights,
Inv. S,
Beach</td><td colspan="2"></td></tr>
</table>

Group #1

Purpose

- The purpose of taking action at this time is to protect sensitive species, until a long term ORV management plan is developed, while providing for a pp. rec use…..

Need

- There is a need for a clear and consistent set of mgmt strat. Lack of an approved plan over time……. Has created confusion for both the public and park staff
- There is a need for a MP on which to consult w/ FWS under Section 7 of the ESA
- There is a need for a MP which complies with the ESA, MBTA, NPS MP, park enabling legislation, and avoids adverse……..
- There is a need to immediately address……

Group #2

Purpose:

The purpose of taking action at this time is to establish…

Objectives

- Management Methodology:
  - 2nd bullet- establish an on going and Meaningful dialog… T +E, and Species of Special Concerns: ….. to human disturbance as required by law and policies
  - 2nd bullet- change "requirements" to law
- Visitor Use and Experience
  - New/Add 2nd Bullet
    - Provide public access through adaptive management techniques and application of management practices

Need

- 2nd bullet- there is a need for additional data to evaluate the effects of different mgmt activities on protected species for use in crafting the long-term ORV mgmt plan.

Group #3

Objectives

- New category "Civic Engagement"
  - Move bullet 3 under Mgmt Methodology and Public Engagement
  - Add/Change bullet 4 to read: Engage the public in a meaningful dialog during the development of the interim plan"
- T and E Category
  - Change bullet 2 to read: Cooperate with the FWS to ensure that NPS actions comply with the ESA
- Wildlife
  - Shorebirds

Need

- 3rd bullet
  - There is a need for additional data collection on the affects of the implanted interim plan on protected species that may be considered in the development of the long-term ORV plan.

Purpose: the purpose of taking action at this time is to eval. A range of strategies for manageing protected sp., implement the interim plans eval. It's effectiveness for the long-term ORV mgmt plan until such plan can be developed while providing for appropriate rec'l use and protection of resources as directed by the park's enabling legislation, NPS mgmt policies and other laws and mandates.

Mgmt Methodologies

- Establish interim mgmt practices and procedures that have the ability to adapt in response to changes in the Seashore dynamic physical biological envt.
- Establish an ongoing dialogue with the multiple public interested in and affected by protected species mgmt.
- Establish procedures for prompt and efficient public notification of protected sp. Mgmt actions including the reasons for these actions.
- Engage the public in a meaningful dialogue to ensure development of a implementable plan

Wildlife and Wildlife Habitat

- Avoid the direct and indirect adverse effects of human disturbance on native wildlife species and their habitats (e.g. colonial waterbird migratory shore birds sp)

TE and SSC

- Provide TES Species and their habitats protection from adverse impacts related to human disturbance
- Cooperate with the FWS to ensure that NPS actions comply with both the written req. and spirit of the ESA (mgmt pol. 4.4.2.3)

VU and Exp

- Incr. Opportunities for public awareness and understanding of NPS resource mgmt and visitor use policies and responsibilities as they pertain to the Seashore and protected sp. Management

Park Ops

- Provide for a protected sp. Management plan while maintaining other park ops

- By March 1, determine presense of suitable PP nesting habitat as determined by a qualified biologist. Suitable PP nesting habitat includes a review of historical nesting areas (10yrs) and changes to the seashore resulting from coastal dynamics and veg changes. (Insert suitable hab def. exec sum recovery plan)
- Between March 15 and March 30 symbolically fenced areas will be established.

Nesting

- When a nest is found ensure a minimum 50m radius-expanding the initial symb. Fencing if nec. To provide the 50m buffer. Expansion would be necessary if the 50m radius is inadequate to protect incubating adults and unfledged chicks from harm or disturbance

AMOY

- CWB0 See NCWRC Guidelines?
- Begin monitoring potential nest sites by March 15
    - Historic sites (10yr)
    - Review changes in seashore for potential areas
    - Monitored by trained park staff and volunteers
    - Potential nest site- every other day
- When to post? Eggs is in nest
- Size of closure? Buffer area? (Spit area inc. Point 300' radius) Allow for less (100') if monitoring of individual birds indicated acceptable.
- If cuts into ORV corridor, then NPS will provide escort prog. Depending on
    - Complete night closure, when unfledged chicks

    - Closure and escort prog. Moves as chicks move
- Staff, Volunteer Training
    - Staff, V on by March 1
- If nesting on
    - Non-spit areas, use 300' closure
    - If 300' closure extends into ORV corridor, close corridor
    - Imminent hatching, closure to the H2O until fledging closure moves as chicks move.
- Essential vehicles- allowed access to restricted areas within the guidelines in the PP revised recovery plan App. G p 106. Drivers need training on how to travel through RM areas w/o adversely affecting species, No night driving except in life or death situations from imminent hatch until fledging.
- Predators
    - Feb/Mar- trap in areas that have in present and/or previous yr evidence mammalian predator use of the area
    - Increase enforcement and education of existing regulations regarding carry out of all trash inc. fish parts, dead things and feeding of wildlife
- Pets- not pets S. of whale bone junction including in vehicles
- Recreation- prohibit all flying objects inc. but not limited to kites, balls, Frisbees and fireworks
- Public Notification- same day notification through same means as PP. Also post "warning" signs of possible imminent closure in area.