

Agenda
Alternatives Development Meeting
Cape Hatteras National Seashore
**Off-Road Vehicle Management Plan/
 Environmental Impact Statement**
October 18-19, 2007



-----Thursday, October 18 -----

1. Welcome and Introductions, Update on Reg-Neg Status (Park)
 Review Meeting Purpose and Objectives (EQD) 8:30 – 8:55 AM

2. Review Data Gaps and Data Needs (Berger) 8:55 – 9:40 AM

Follow-up on data available and data gaps identified at the internal scoping meeting; identify additional data gaps and needs (e.g., traffic counter information, GIS, viewscape analysis, dark skies analysis).

3. Identify “Sideboards” of Alternatives Development (EQD) 9:40 – 9:55 AM

Define “sideboards” of alternatives development, reviewing the existing regulatory framework and constraints affecting ORV management, including Executive Orders, 36 CFR §4.10, park enabling legislation, applicable NPS Management Policies and the ORV management plan purpose, need, and objectives.

HANDOUTS: (1) Regulatory Framework [EOs with key sections highlighted, 4.10, enabling legislation, relevant sections of mgmt policies]; (2) ORV management plan purpose, need, and objective statements.

---- **BREAK** ----

9:55 – 10:10 AM

4. Identify Challenges with Current ORV Management (Park) 10:10 – 10:30 AM

Define what is incomplete or not working between the IPSMS and Superintendent’s Order # 7.

5. Format for Break Out Sessions / Alternative Elements and
 Developing Scenarios (Berger) 10:30 – 11:00 AM

Initiate discussion with brief overview of format and goals for the breakout sessions. Review handouts with group, explaining organization of management measures according to initial cut of what would and would not be applicable at Cape Hatteras. Group will discuss management measures applicable to Seashore conditions, those not applicable (to be identified as “alternatives considered but rejected from further analysis” in the EIS), and why. Some of the applicable options may be used by the breakout groups to assist in alternatives scenarios development.

HANDOUTS: (1) Breakout Session Guidance Form.

READ-AHEADS: (1) NPS (including Cape Hatteras) ORV Management Measures; (2) ORV Management Measures in Other Non-NPS Jurisdictions; (3) Categorized List of Alternative Elements.

6. Discuss Adaptive Management (EQD/Group) 11:00 – 11:15 AM

Brief overview of adaptive management planning.[ppt.]. Preliminary identification of alternative elements where adaptive management may be applicable.



7. Define User Groups and Typical Areas of Current Use (Berger) 11:15 – 12:00 PM

Using poster-size maps of each island (Bodie, Hatteras, and Ocracoke), define typical user groups at the Seashore and highlight typical congregation areas for each user group and access points to these areas (e.g., popular fishing areas, “quiet” beaches). This discussion will highlight how visitors access the seashore, areas of high use, and types of use. Information may be used by the breakout groups to assist in alternatives scenarios development.

DISPLAYS: Large maps of each island.

---- LUNCH ----

12:00 – 1:00 PM

8. Breakout Session #1—Use Areas and Visitor Experience (Group) 1:00 – 2:30 PM

Breakout groups will convene for 30 minutes to define different scenarios that could be considered at Cape Hatteras. Each group will consider scenarios specific to one Ranger District—Bodie, Hatteras, and Ocracoke—that account for providing a variety of visitor experiences. Groups must factor in elements that include providing access (e.g., ADA compliance, access points, parking, alternative transportation) and consider safety (both pedestrian and ORV). Groups will present the draft scenarios they developed to the entire group for discussion.

- A. Group A—Bodie Ranger District
- B. Group B—Hatteras Ranger District
- C. Group C—Ocracoke Ranger District

READ-AHEADS: (1) Alternative transportation overview on use in similar environments, NPS policy on establishing alternative transportation. (2) Map showing access points—ramps, parking, boardwalks.

9. Breakout Session #2—ORV Management Elements (Group) 2:30 – 4:00 PM

Breakout groups will convene for 30 minutes to define different management elements that could be considered at Cape Hatteras based on planning objectives and input received through the public scoping process. Groups will present the draft scenarios they developed to the entire group for discussion.

- A. Group A—Enforcement (e.g., (1) could it be related to permits? how?; (2) could volunteers help? how?; (3) collection/documentation of resource/safety/use area closure violations)
- B. Group B—Outreach and Citizen Involvement (e.g., citizen science, citizen volunteer groups, information dissemination)
- C. Group C—Species Protection (e.g., resource-based closure areas, alternatives to IPSMS and what could be changed to work better, seasonal/night closures)

HANDOUTS: (1) Categorized List of Alternative Elements (provided under Agenda Item 5).

10. Permitting System Purpose (Group) 4:00 – 4:30 PM

Group discussion to define the purpose a permitting system would have (e.g., cost recovery, use data, regulate numbers, ensure knowledge of rules, aid enforcement).

ADJOURN

4:30 PM



-----Friday, October 19 -----

11. **Breakout Session #3**—ORV Management Elements (Group) 8:30 – 10:00 AM

Breakout groups will convene for 30 minutes to define different scenarios for a potential permitting system at Cape Hatteras. Groups will present the draft scenarios they developed to the entire group for discussion.

- A. Group A—Permitting System
- B. Group B—Carrying Capacity Indicators and Standards
- C. Group C—Species Protection, cont'd

HANDOUTS (READ-AHEADS): Carrying capacity overview.

----- **BREAK** -----

10:00 – 10:15 AM

12. Group Discussion (Group) 10:15 – 12:00 PM

Recap the scenarios described during the breakout sessions. Are there any other options for management that should be developed? Is there an obvious combination of options that would work together to provide a complete alternative for impacts analysis?

----- **LUNCH** -----

12:00 – 1:00 PM

13. Alternatives Considered but Not Carried Forward for Detailed Analysis (EQD/Berger) 1:00 – 2:00 PM

Discussion of alternative elements that cannot be carried forward for further analysis and defining specifically why they cannot be carried forward. Review alternatives not carried forward in Interim Protected Species Management.

READ-AHEADS: IPSMS/EA alternatives not carried forward.

14. Public Alternatives Development Workshops 2:00 – 2:45 PM

- A. Tentative schedule
- B. Meeting format

----- **BREAK** -----

2:45 – 3:00 PM

15. Meeting Review and Next Steps (EQD) 3:00 – 4:00 PM

Discussion of schedule through the end of the planning process and any process questions.

- Assignments
- Next meeting(s)

READ-AHEADS: NEPA-Reg-Neg integration sheet, project schedule

ADJOURN

4:00 PM



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Fort Raleigh National Historic Site Wright Brothers National Memorial

Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27954
252-473-2111



L34 (CAHA)

July 31, 2007

George E. B. Holding, United States Attorney
Eastern District of North Carolina
310 New Bern Avenue, Suite 800
Terry Sanford Federal Building & U.S. Courthouse
Raleigh, NC 27601

Dear Mr. Holding:

On July 17, 2007, U.S. District Court Judge Terrance W. Boyle issued a court order based on a beach driving traffic violation case (*United States v. Vasile Matei*, No. 2:07-M-1075-BO). The order stated that without authorizing regulations and an off-road vehicle (ORV) plan, ORV use at Cape Hatteras National Seashore (CAHA) is prohibited and it is a violation to operate an ORV on CAHA without prior authority from the Department of the Interior (DOI) or its designee. This letter summarizes steps the National Park Service (NPS) is taking to address the ORV requirements at CAHA.

BACKGROUND

Consisting of more than 30,000 acres distributed along 64 miles of shoreline, CAHA was officially authorized in 1937 as the nation's first national seashore. Federal land ownership extends from ocean to sound across three barrier islands—Ocracoke, Hatteras, and Bodie, with eight village enclaves excluded from the seashore boundaries.

Before 1954, local residents and visitors used the beaches for vehicle routes as there were few formal roads in this remote area. ORVs were used primarily for transportation, to facilitate commercial net fishing from the beach, and to access productive recreational fishing areas such as Cape Point or the inlets. North Carolina Highway 12 (NC-12) was paved in 1954 providing a formal transportation route. Completion of the Bonner Bridge across Oregon Inlet in 1963 and the introduction of the State Ferry system to Ocracoke Island facilitated visitor access to the islands and resulted in increased vehicle use on beaches for recreational purposes. In 2005 CAHA received more than 2.2 million visitors, a 12-fold increase in visitation over the past 50 years. Today ORVs are used to facilitate beach access for a wide variety of activities including commercial and recreational fishing, sightseeing, bird watching, swimming, and water sports.

Executive Order 11644, *Use of Off-Road Vehicles on the Public Lands* (1972), as amended by Executive Order 11989, *Off-Road Vehicles on Public Lands* (1977), defines off-road vehicles as “any motorized vehicle designed for or capable of cross-country travel on or immediately over...natural terrain.” The orders direct federal agencies to develop and issue regulations and administrative instructions to provide for designation of areas and trails where the use of ORVs may and may not be permitted. ORVs may be allowed only in locations where there will be no adverse impacts on the area’s natural, cultural, scenic, and esthetic values, and in consideration of recreational uses. The orders direct agencies to immediately close a designated ORV route whenever the use is causing or will cause unacceptable impacts to resources.

NPS issued two draft ORV management plans for CAHA in the 1970’s, following the issuance of the executive orders. Though never finalized, the draft plans identified ORV management concepts that have guided ORV management at CAHA since then. These concepts include:

- Consolidation and designation of beach access routes or “ramps”;
- Identification of permitted ORV travel area (or “corridor”) on the beach from the toe of the dune to the ocean;
- Speed limits, and license requirements for vehicles and operators;
- Protection of vegetation and sea turtle and bird nesting area;
- Designation of summer seasonal ORV closures in front of villages;
- Signage to notify users of the above.

In 1984 NPS issued a *General Management Plan / Environmental Assessment* (GMP) for CAHA. The GMP set forth the basic philosophy to guide management and use of the seashore. It stated that “selected beaches will continue to be open for ORV recreational driving and in conjunction with surf fishing;” however, it did not set forth an ORV management plan or regulation.

NPS has implemented the executive orders in 36 CFR § 4.10, which requires units of the National Park System allowing ORV use to designate use areas and routes by special regulation. CAHA submitted draft ORV regulations in 1973 and 1990 through the Southeast Regional Office (SERO) to the Washington Office; however, the regulations were never completed.

In 1999 and 2004, environmental organizations submitted petitions to DOI and NPS requesting rulemaking for CAHA. In 2004, CAHA’s superintendent issued Superintendent’s Order 07, *ORV Management*, to adopt portions of the 1978 draft interim ORV management plan as park guidance pending development of a long-term ORV management plan and regulation.

In response to the petitions for rulemaking, in 2005 NPS contracted for a feasibility assessment, the first step in a negotiated rulemaking process (AKA regulatory negotiation or RegNeg) to develop the CAHA ORV regulation. The assessment team interviewed fifty-five (55)

stakeholders who held a range of views on ORV management at CAHA, and began preparation of a feasibility report.

In May 2005, Defenders of Wildlife (Defenders) issued a notice of intent to sue (NOIS) the NPS arguing that it violated the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), the Migratory Bird Treaty Act (MBTA), the NPS Organic Act, and CAHA's enabling legislation (1937) by continuing to allow ORV use at CAHA without completing a plan and regulation and conducting the associated ESA and NEPA compliance.

NPS has identified a three-phased approach to address the executive orders and regulatory requirements. First, NPS would develop an interim strategy and environmental assessment to protect sensitive species and provide for recreational use until a long-term ORV management plan/environmental impact statement (EIS) and regulation can be completed. Second, NPS would begin the development of an ORV management plan/EIS. Third, NPS would use the negotiated rulemaking process to develop the ORV regulation.

RECENT AND CURRENT ACTIONS

I entered on duty as Superintendent of CAHA in December 2005. Since my arrival, we have taken the following steps to address ORV management issues:

1) Interim Protected Species Management Strategy: In January 2006, CAHA released the Interim Protected Species Management Strategy (Strategy) and environmental assessment (EA) for public review. The Strategy focuses on protection of wildlife and plant species that are specifically affected by recreational use within the Seashore and are federally or state listed as threatened, endangered, or species of special concern, or are of special concern to the Seashore. These include piping plover, American oystercatchers, colonial waterbirds, sea turtles, and seabeach amaranth. Although the Strategy is not an ORV management plan, much of it relates to ORV use.

On August 14, 2006, the U.S. Fish & Wildlife Service (USFWS), Raleigh Field Office, issued a biological opinion (BO) stating that implementation of the Strategy as proposed is not likely to jeopardize the continued existence of the piping plover and is not likely to destroy or adversely modify proposed critical habitat. On April 24, 2007, USFWS amended the biological opinion to incorporate annual performance measures proposed by NPS. The biological opinion satisfies the Section 7 consultation requirements of the Endangered Species Act. On July 13, 2007, NPS Regional Director Patricia Hooks signed a Finding of No Significant Impact (FONSI) (copy enclosed) to finalize the Strategy, including the annual performance measures.

The Strategy/EA and FONSI satisfy NEPA compliance requirements. The Strategy is an adaptive management plan that prescribes resource monitoring and resources protection measures (e.g., closures based on buffer distances) to be implemented or modified in response to actual observed conditions on the ground. The Strategy includes biological monitoring and management actions to protect breeding piping plovers, American oystercatchers, and colonial waterbirds during the pre-nesting, courtship and mating, nesting, and unfledged chick stages of

the breeding cycle. CAHA staff also survey for wintering piping plover, American oystercatcher, red knot and Wilson's plover; survey beaches daily from May 1 – September 15 to locate and protect sea turtle nests; and survey for and protect seabeach amaranth, a threatened plant.

Under the Strategy, prior to April 1 each year NPS closes to ORVs and pedestrians recent piping plover breeding habitats at the inlets and Cape Point. In these areas NPS uses carsonite markers to post a 100-foot-wide access corridor, where possible, to provide ORV and pedestrian access around the closures. NPS also uses carsonite markers to post a 150 foot ORV corridor outside of these areas. As the breeding season progresses, CAHA staff implement additional closures as needed to protect breeding, nesting, and foraging birds; chicks until they fledge; sea turtle nests until they hatch; and seabeach amaranth plants that are located outside of existing resource closures. When a resource protection closure is required, NPS considers finding an alternate ORV route or bypass around the closure, when feasible. In areas of reduced corridor width (i.e., narrower than 100 feet) NPS may post a 10 mph speed limit. Outside of the breeding season, ORV and pedestrian access is restricted year-round to a corridor 150 feet duneward of the ocean mean high tide.

NPS began implementation of the Strategy during the 2006 breeding season (April 1 - November 15, 2006). In 2006 the RM staff implemented 331 actions involving the installation, modification and removal of resource closures associated with protected species. These actions included 97 bird closures, closure modifications (expansions and reductions), and removals; and 84 sea turtle nest closures, 75 modifications in preparation for hatching, and 75 closure removals. Additionally, CAHA law enforcement (LE) staff provides enforcement support of the Strategy through periodic beach patrols to monitor compliance with closures and other regulations, and by responding to reports from RM staff of significant violations.

2) Public Information: To support implementation of the Strategy, NPS provides information on resource values, beach driving regulations, closures, and ORV access status to the public through a variety of measures including, but not limited to:

- ORV Vehicle Use information sheet (copy enclosed) is available at park visitor centers, ranger stations, Dare County welcome centers, on the CAHA website, and posted on bulletin boards at various ORV access ramps.
- Signs (both text and graphic) and labeled carsonite posts provide regulatory, safety and closure information at ORV access ramps, and along ORV use areas (“corridors”), and identify areas open or closed to ORV use.
- From April – October, CAHA issues a weekly Beach Access Report (example enclosed) that provides information on NPS resource protection measures and identifies areas open to ORV use, as well as areas closed to ORV use due to seasonal, safety or resource protection closures. These are sent to a large e-mail list of news media, public officials, stakeholder organizations, local businesses and individuals. The report is also posted on the CAHA website and on many stakeholder organization websites.
- From May-September, CAHA issues a weekly Resources Management report (example enclosed) to provide information about resource observations and to promote the protection and appreciation of CAHA's natural resources.

- A community liaison employee functions April – October to keep local stakeholders and businesses informed of ORV requirements and issues, access status, and resource closures.
- Park personnel, including law enforcement and management, attend meetings of various local organizations to provide information and updates on ORV management issues and requirements.

3) Law Enforcement (LE): CAHA LE staff actively patrol the beaches and enforce a variety of regulations (see Appendix 1) in support implementation of the Strategy. In 2006 CAHA had 17 commissioned law enforcement positions, with several of the positions being less than year-round or vacant for a part of the year due to retirements or transfers. CAHA expended \$1,383,176 in 2006 on LE staffing and related costs, which provided for 15.49 full-time equivalents (FTE) of LE personnel.

In 2006, CAHA LE staff documented 957 violations of park regulations (see Appendix 2) and RM staff documented 47 violations of bird-related resource closures and 23 violations of sea turtle-related closures for a total of 1,027 violations related to ORV use or human conduct in ORV use areas. While the number of violations is high, it is helpful to put the number in the context of visitation numbers. In 2003 Dr. Hans Vogelsong, East Carolina University, conducted a visitor use study that focused, in part, on ORV use at CAHA. Dr. Vogelsong estimated that approximately 10% (225,000) of CAHA visitors use ORVs. Many people consider Dr. Vogelsong's estimate to be conservative (or low). Based on the number of documented violations in 2006 and Vogelsong's estimate of the number of ORV visitors annually, it is estimated that less than one-half of one percent (0.46%) of ORV users (1027/225,000) committed violations in 2006; and 99.54% of ORV users (223,973/225,000) complied with posted regulations.

While these numbers are estimates, it supports our observations that the vast majority of ORV users are responsible individuals who comply with existing regulations. To further improve the level of compliance, CAHA must improve its existing education and enforcement efforts and focus those efforts more directly on the small minority of users who commit the violations.

4) Negotiated Rulemaking Feasibility Report: In April 2006 the negotiated rulemaking assessment team issued its findings and recommendations in the *Cape Hatteras National Seashore: Negotiated Rulemaking Feasibility Report*. The team recommended a variety and total of 28 stakeholder organizations be appointed to the negotiating committee. The team determined that "consensus-based negotiation to develop a management plan and proposed implementing regulations can be convened, can yield important benefits even if agreement is not reached, and has a modest chance of success."

5) Superintendent's Order # 07 - ORV Management: In May 2006 CAHA updated Superintendent's Order # 07 (SO-7) (copy enclosed) to complement the Strategy until a long term ORV plan and regulation can be developed. SO-7 provides criteria for identification and marking of ORV use areas or "corridors," seasonal closures, and safety closures; and establishes speed limits, and emergency and safety closure notification procedures. Under the Strategy and SO-7, the amount of beach open to ORV use varies throughout the year, depending on current

resource and physiographic conditions. For example, during the winter season of 2006-07, of 64 miles of beach at CAHA approximately 14.5 miles (22.6%) were closed to vehicles (safety + resource resources) and 49.7 miles (77.4%) were open to ORV use. During peak summer season in mid-July 2006, beach access status was as follows:

- 15.0 miles (23.4%) seasonally closed to ORVs (e.g. in front of villages)
- 9.9 miles (15.4%) closed to ORVs for safety reasons (e.g., narrow beach)
- 4.8 miles (7.5%) closed to ORVs and pedestrians for resource protection
- 34.5 miles (53.7%) were open to ORV use

6) ORV Management Plan/EIS Notice of Intent (NOI): On December 11, 2006, NPS published an NOI (copy enclosed) to develop an ORV management plan and environmental impact statement, and to open the initial public scoping period. NPS then issued an informational newsletter (copy enclosed) about ORV management issues and the planning process, and conducted a series of public scoping meetings. The public scoping period ended March 16, 2007 and NPS received over 4,000 comments. Based on the public input, NPS will begin to develop conceptual alternatives for further analysis.

7) Negotiated Rulemaking NOI: On June 28, 2007, NPS published a NOI (copy enclosed) to establish a negotiated rulemaking committee to develop the ORV regulation for CAHA. The public comment period for the NOI closed on July 30, 2007. The NOI identified a broad cross-section of stakeholder organizations as proposed participants on the negotiating committee. The proposed participants have participated in two 2-day workshops in February and May 2007 to prepare them to function effectively once the committee is formally established. Another preparatory workshop is scheduled for October 2007. The negotiated rulemaking process is designed to be completed within a fixed time, running concurrently with the National Environmental Policy Act (NEPA) process used to develop the ORV management plan/EIS. We expect the committee to be established in the Fall of 2007. Then it is expected to take 18-24 months to complete the negotiation process.

ADDITIONAL ACTIONS: Subsequent to the court order (July 17, 2007), we have identified additional actions related to ORV management and resources protection at CAHA. These are as follows:

1) Enhanced Information/Education: CAHA is considering the following actions:

- Redesign signing at the ORV beach access ramps to clearly communicate applicable regulations and applicable penalties. A professional sign planner from the NPS Harpers Ferry Center is visiting CAHA the week of July 30, 2007 to develop a plan for new signs at ORV access points.
- Redesign the CAHA beach driving brochure to concisely communicate the regulations and potential penalties for violations.
- Improve the distribution of CAHA beach driving information to ensure a higher percentage of ORV users know the rules. In addition to NPS personnel, ranger stations, visitor centers and websites providing the information, we will also provide the information through a variety of non-NPS means including websites, welcome centers,

and businesses. The following organizations have committed to distributing printed and/or electronic CAHA beach driving information: Dare County, Hyde County, Outer Banks Chamber of Commerce, Outer Banks Visitors Bureau, North Carolina Beach Buggy Association, Outer Banks Preservation Association, Cape Hatteras Anglers Club, American Sportfishing Association, Ocracoke Civic and Business Association, NC Marine Fisheries Commission, Watersports Industry Association, United Four Wheel Drive Associations, The Nature Conservancy, Coalition of NPS Retirees, Hatteras Landing Homeowners Association, Ocracoke Preservation Society, Ocracoke Civic and Business Association, numerous Outer Banks property management realtors, and numerous Outer Banks tackle shops and small businesses.

- Use CAHA's new Beach Ambassador program, a volunteer program developed to distribute water safety information, to also distribute ORV and resource protection information on the beach and at special events.
- Establish a Park Watch program to encourage citizen reporting of illegal activities and unsafe conditions. Peer pressure and self-policing are keys to effective deterrence and improving compliance. Dare County has committed to providing the 24-hour dispatching support for this program.
- Increase NPS uniformed (non-LE) presence on beaches during summer holiday weekends, in addition to increased LE. This may include staffing temporary beach information stations at the entrances to the most popular area(s) such as Bodie Island Spit to provide the regulatory information to all ORV users accessing the beach.
- *The Outer Banks Angler*, which provides televised fishing programming for the local cable channel (Channel 12) will develop a 10-15 minute segment on CAHA beach driving rules and etiquette that will reach 50,000 homes and 250,000 people throughout the Outer Banks area. The preliminary plan is for the program to air every 1-2 hours on Hatteras Island and 3-4 times a day north of Oregon Inlet.

2) Enhanced Law Enforcement: Following the 2007 Memorial Day holiday weekend, CAHA requested additional NPS LE personnel from other parks and received two additional LE rangers during the week of the Fourth of July 2007. In the short term, we will continue to request additional LE personnel from other NPS units to supplement the CAHA LE staff on summer holiday weekends. The current 2008 NPS budget proposal being considered by Congress provides an additional \$282,000 for increased LE staffing for the Outer Banks Group. Positions may include permanent, subject-to-furlough, temporary or seasonal law enforcement personnel.

3) Address Safety Concerns at Popular ORV Use Locations: CAHA is considering the following actions:

- Lower the speed limit from 25 mph to 15 mph for vehicles on all CAHA beaches between May 15 and September 15 to coincide with the period of peak visitation and peak breeding season resource protection activities. Speed limit during the off-season would remain 25 mph.
- Require ORV users to deflate tires to 20 psi or less. Lower air pressure provides better traction in sand at lower speeds and reduces the tendency of inexperienced or uninformed drivers to speed to keep from getting stuck. Much of the rutting of the beach described in

the court order was caused by vehicles with inadequately deflated tires. (20 psi is currently a recommendation, not an enforceable requirement.)

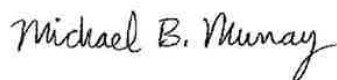
- Establish a policy, enforceable under 36 CFR § 1.5, that during periods of high and concentrated visitation, when additional ORV traffic may pose an increased and unacceptable risk to pedestrians and other beach users and may compromise resources protection measures, CAHA LE personnel may temporarily close those areas with the concentrated visitation to additional traffic. The additional traffic will be directed to less congested beach areas.
- Use the park plane to monitor holiday weekends use levels at popular sites and provide earlier detection of crowding and encroachments in resource protection areas, so that appropriate action to manage the situation is implemented.

4) Address Other Beach Related Enforcement Problems: Using its authority under 36 CFR § 1.5, CAHA is considering prohibiting all beach fires between the hours of 11:00 p.m. and 6:00 a.m. to reduce the number of bonfire-related law enforcement and resource protection problems.

SUMMARY

NPS has not met the long-standing requirements for an ORV management plan and special regulation at CAHA. During the past 18 months, under new leadership at CAHA, NPS has made tangible, substantive progress in addressing these concerns and has initiated the processes to develop an ORV plan and regulation. The measures summarized in this letter—the Interim Protected Species Management Strategy, existing policies and regulations, enhanced information and LE programs, and the additional measures described above—provide the guidance and controls necessary to manage ORV use at CAHA until the ORV management plan and regulation can be completed. Work on both the ORV plan and the special regulation has formally begun and is ongoing. We will provide your office with quarterly progress reports to keep you apprised of the status.

Respectfully yours,



Michael B. Murray
Superintendent

Enclosures

Appendix 1 – Applicable Regulations

The following federal regulations relating to ORVs and beach use are currently applicable on CAHA beaches and are enforced by CAHA law enforcement ranger staff:

36 CFR 1.5(f) Closures and Public Use Limits:

- Posted bird nesting areas are closed to all public use & entry.
- Posted turtle nesting areas are closed to all vehicles & pedestrians.
- Vehicles are prohibited during May through September in front of villages, park campgrounds, life guarded beaches, or other posted areas.
- Unauthorized vehicles and pedestrians are not permitted on the aircraft parking ramps or runways of Billy Mitchell airstrip (Frisco) or the Ocracoke airstrip.

36 CFR 4.2 State Law Applicable (Vehicles and Traffic Safety):

- Vehicles operated on park roads, parking areas, routes designated for off-road use, and all other areas of the park must meet all requirements including all vehicle equipment, licenses and registration, to operate legally on state highways where the vehicles is registered.
- Vehicle operators shall have a valid state driver's license.

36 CFR 4.10 Travel on Park Roads and Designated Routes:

- Operating on undesignated roads, parking areas and off road vehicle use areas.
- Vehicular access to beach or sound-side vehicle areas by other than marked and maintained vehicle access routes is prohibited.

36 CFR 4.14 (b) Open Container of Alcoholic Beverage:

- Carrying or storing a bottle, can or other receptacle containing an alcoholic beverage that is open or seal is broken.

36 CFR 4.21 Speed Limits:

- Maximum speed limit on CAHA beaches is 25 mph.

36 CFR 4.22 Unsafe Operation:

- Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent.

36 CFR 4.23 Operating Under the Influence of Alcohol or Drugs:

- DUI to a degree that renders the operator incapable of safe operation.
- Alcohol concentration in the operator's blood or breath exceeds 0.08.
- Refusal to take alcohol test (admissible in court).

36 CFR 2.13 Fires:

- Fire in undesignated area.

- Ground fires permitted only on the beach within Cape Hatteras and Cape Lookout National Seashores seaward of the ocean dune below the high tide mark, but in no case less than 100 feet from a vegetated area. No ground fires in posted bird or turtle nest areas.

36 CFR 2.3 Fishing:

- Adoption of non-conflicting state laws for fishing.
- Authorized rangers may check tackle, license, permits and catch.

36 CFR 2.10 Camping and Food Storage:

- Camping only permitted in designated campgrounds.

36 CFR 2.15 Pets:

- Failure to crate, cage, or restrain pet on 6 ft. leash.
- Failure to comply with pet excrement/disposal.

36 CFR 2.32 Interfering with Agency Function

- Interference.
- Lawful order.
- False Information.
- False Report.

36 CFR 2.34 Disorderly Conduct:

- Fighting, threatening, violent behavior.
- Offensive or abusive utterance, gesture, obscene act, etc.
- Unreasonable noise.
- Creation/maintains hazardous or offensive condition.

36 CFR 2.35 Alcoholic Beverages and Controlled Substances:

- Sale or gift of an alcoholic beverage to underage person.
- Possession by underage person (under 21).
- Open alcohol container after consuming alcohol.
- Possession and consumption of fortified wine, spirituous liquor, or mixed beverage.
- Bodie Island hunting blinds are closed areas for the consumption, and possession of alcohol.
- Unlawful delivery/sale of controlled substance.
- Unlawful possession of controlled substance/marijuana.

36 CFR 2.38 Explosives:

- Unauthorized use/possession of fireworks.

18 USC 13 Assimilative Crimes Act – North Carolina Laws Applicable:

- Possession of Drug Paraphernalia.
- Indecent Exposure.

Appendix 2 – 2006 Law Enforcement Statistics

In 2006 the following numbers and types of violations were documented by CAHA law enforcement staff related to ORV use or human activities in ORV use areas:

Selected Vehicle and Beach Use Violation Totals for 2006

Violation	Arrests	Citations	Warnings	(Sub-Total)
Driving in a Closed Area	0	36	52	(88)
Driving without a License	0	11	4	(15)
DUI	27	27	0	(54)
Open Container	1	49	27	(77)
Unsafe Operation	0	32	51	(83)
Disorderly Conduct	2	3	0	(5)
Unrestrained Pets	0	30	207	(237)
Entering a Resource Closure	0	10	17	(27)
Fireworks	0	11	54	(65)
Fires	0	3	13	(16)
Camping	0	71	83	(154)
Controlled Substances	11	15	0	(26)
Paraphernalia	0	12	0	(12)
Public Intoxication	1	3	0	(4)
Underage Possession of Alcohol	0	60	25	(85)
Weapons	0	5	4	(9)
TOTALS	42	378	537	(957)

Enclosures

Finding of No Significant Impact (FONSI) for Interim Protected Species Management Strategy

CAHA ORV Vehicle Use brochure

CAHA Weekly Beach Access Report

CAHA Weekly Resources Management Report

Superintendent's Order # 07, ORV Management (2006)

Notice of Intent to Develop an ORV Management Plan / Environmental Impact Statement

CAHA Off-Road Vehicle Management Plan newsletter

Notice of Intent to Establish a Negotiated Rulemaking Committee

1247

Alt
1st
Day materials

Agenda
Alternatives Development Meeting
Cape Hatteras National Seashore
**Off-Road Vehicle Management Plan/
 Environmental Impact Statement**
October 18-19, 2007



-----Thursday, October 18 -----

1. Welcome and Introductions, Update on Reg-Neg Status (Park)
Review Meeting Purpose and Objectives (EQD) 8:30 – 8:55 AM
2. Review Data Gaps and Data Needs (EQD/Berger/Park) LB to facilitate 8:55 – 9:40 AM

A. Follow-up on data available and data gaps identified at the internal scoping meeting
Need list of what we do have, e.g. combined bibliography from IPSMS, ISR, lit. in the admin record, GIS files we know exist, other, probably not as a handout (too lengthy) but as a file on the internal side of PEPC, with a couple copies in the room for reference if needed. Maybe posted as a file on the external side of PEPC? we need the Ref's cited from the IPSMS for the collab workshop anyway.? Let's discuss

B. Identify additional data gaps and needs (e.g., traffic counter information, GIS, viewscape analysis, dark skies analysis)

3. Identify "Sideboards" of Alternatives Development (EQD/Berger) EQD to facilitate 9:40 – 9:55 AM

Define "sideboards" of alternatives development, reviewing the existing regulatory framework and constraints affecting ORV management, including Executive Orders, 36 CFR §4.10, park enabling legislation, applicable NPS Management Policies and the ORV management plan purpose, need, and objectives.

HANDOUTS: (1) Regulatory Framework [copies of EO's with key sections highlighted, copy of 4.10, copy of enabling legislation, copy of relevant sections of mgmt policies]; (2) ORV management plan purpose, need, and objective statements.

---- BREAK ----

9:55 – 10:10 AM

4. Identify Challenges with Current ORV Management (what's incomplete or not working between the IPSMS and Superintendent's Order # 7); (Group) LB to facilitate (or should park?) 10:10 – 10:30 AM

5. Format for Break Out Sessions / Alternative Elements and Developing Scenarios 10:30 – 11:00
Initiate discussion with a brief overview of format and goals for the breakout sessions. Review handouts with group, explaining organization of management measures according to initial cut of what would and would not be applicable at Cape Hatteras. Group will discuss management measures applicable to Seashore conditions, those not applicable (to be identified as "alternatives considered but rejected from further analysis" in the EIS), and why. Some of the applicable options may be used by the breakout groups to assist in alternatives scenarios development. LB to Facilitate.

HANDOUTS (READ-AHEADS): (1) Cape Hatteras ORV Management Measures Applied at the Seashore to Date; (2) ORV Management Measures in Other NPS Units;(should the CALO IPSMS be included in these) (3) ORV Management



Measures in Other Local OBX Jurisdictions. (4) ORV Management Measures – Other Non-NPS Jurisdictions [LB developing Monday?]

HANDOUT: Categorized List of Alternative Elements [should the categories match the breakout groups? or in some way indicate which breakout groups cover which categories?]

5. Discuss Adaptive Management (EQD/Group) 11:00 – 11:15 AM

Brief overview of adaptive management planning.[ppt.] Preliminary identification of alternative elements where adaptive management may be applicable. [flip chart matrix with alts categories and criteria for AM SH bring]

6. Define User Groups and Typical Areas of Current Use (Group) **LB to facilitate** 11:15 – 12:00 PM

Using poster-size maps of each island (Bodie, Hatteras, and Ocracoke), define typical user groups at the Seashore and highlight typical congregation areas for each user group and access points to these areas (e.g., popular fishing areas, “quiet” beaches). This discussion will highlight how visitors access the seashore, areas of high use, and types of use. Information may be used by the breakout groups to assist in alternatives scenarios development.

DISPLAYS: Large maps of each island. [different colored dots to mark congregation areas for diff user gps? Dot with H for high use? Will the ramps and parking areas/boardwalks be on the maps?]

---- LUNCH ----

12:00 – 1:00 PM

7. Breakout Session #1—Permitting System (Group)

2:00 – 4:00 PM

Breakout groups will convene for 30 minutes to define different scenarios for a potential permitting system at Cape Hatteras. Groups will present the draft scenarios they developed to the entire group for discussion.

- A. Group A—Permitting System Operation (e.g., how could permits be issued? who could issue the permits?)
- B. Group B—Permitting System Purpose (e.g., cost recovery, use data, regulate numbers, ensure knowledge of rules, aid enforcement)
- C. Group C—Carrying Capacity Indicators and Standards

HANDOUTS (READ-AHEADS): Carrying capacity overview.

8. Breakout Session #2—Use Areas (Group)

4:00 – 4:30 PM

Breakout groups will convene for 30 minutes to define different scenarios that could be considered at Cape Hatteras. Groups will present the draft scenarios they developed to the entire group for discussion on Friday morning.

- A. Group A—Provide Access (e.g., ADA compliance, access points, parking, alternative transportation)
- B. Group B—Provide Potential for a Variety of Experience (e.g., solitude and/or wilderness experience, vehicle-free beaches, fishing areas)
- C. Group C—Provide Safety (e.g., pedestrian safety, ORV safety)

HANDOUTS (READ-AHEADS): (1) Alternative transportation overview on use in similar environments, NPS policy on establishing alternative transportation. (2) Map showing access points—ramps, parking, boardwalks.



ADJOURN

4:30 PM

-----Friday, October 19 -----

9. Continue Breakout Session #2, Group Discussion (Group)

8:30 – 10:15 AM

Groups will present the draft scenarios they developed to the entire group for discussion.



10. Breakout Session #3—Other Management Measures (Group) 10:15 – 12:15 PM

Breakout groups will convene for 30 minutes to define different scenarios that could be considered at Cape Hatteras. Groups will present the draft scenarios they developed to the entire group for discussion.

- A. Group A—Enforcement (e.g., (1) could it be related to permits? how?; (2) could volunteers help? how?; (3) collection/documentation of resource/safety/use area closure violations)
- B. Group B—Outreach and Citizen Involvement (e.g., citizen science, citizen volunteer groups, information dissemination)
- C. Group C—Species Protection (e.g., resource-based closure areas, alternatives to IPSMS and what could be changed to work better, seasonal/night closures)

---- LUNCH ----

12:15– 1:15 PM

11. Alternatives Considered but Not Carried Forward for Detailed Analysis (EQD/Berger)

1:15 – 2:15 PM

Discussion of alternative elements that cannot be carried forward for further analysis and defining specifically why they cannot be carried forward. Review alternatives not carried forward in Interim Protected Species Management.

HANDOUTS (READ-AHEADS): IPSMS/EA alternatives not carried forward.

12. Public Alternative Development Workshops

2:15 – 3:00 PM

- A. Tentative schedule
- B. Meeting format

---- BREAK -----

3:00 – 3:15 PM

13. Meeting Review and Next Steps (EQD)

3:15 – 4:30 PM

Summary of decisions from the last two days and of scenarios to take to the public for input. Adjustments to scenarios, if needed, before management review. Discussion of schedule through the end of the planning process and any process questions.

- Assignments
- Next meeting(s)

*HANDOUTS (READ-AHEADS): NEPA-Reg-Neg integration sheet, project schedule
 HANDOUTS: descriptions of scenarios developed.*

ADJOURN

4:30 PM

Breakout #1: Internal Deliberative Draft NOT FOR DISTRIBUTION

Bodie Island

Option 1: Expanded Non-ORV Area at Ramp 1 and 2

- Close ramp #2, and create a new ramp at mile 2.5. The ½ mile between 2 and 2.5 would be added to the existing non-ORV area. This would be year round. Expand existing parking areas around ramps 1 and 2.

Option 2: Close Bodie Island Spit

- Close spits to ORV during summer months
- Establish boardwalk through marsh area for pedestrian and anglers
- Increase parking area

Option 3: Expand Pedestrian Areas

- Expand non-ORV area to Ramp 1 to MM 2.25
- Open non-ORV area from Ramp 4 to MM 3.75 (to establish ORV free area in front of campground)

Option 4: Entrance Station

- Staff year-round entrance station at ramp 4. Entrance station could establish a number of vehicles that could be there at one point and/or provide education. If the entrance is for capacity control, access from ramp 2 would need to be controlled. Entrance fee at ramp #4 year round, to pay for fee-collection staff.

Option 5: Speed Limit

- Reduce speed limit to 15 mph (parkwide??)

Option 6: Soundside Access

- Provide access to off-island inlet (existing road behind lighthouse is open to pedestrians, but could be opened for parking and vehicle traffic). Currently there is not much soundside access on Bodie Island.

Option 7: Increase ORV Areas Seasonally

- Open entire beach on Bodie Island to ORV during winter time.

Option 8: Larger Parking Lots, Bodie Island South

- Increase parking at ramp 23. Area north would be pedestrian access, south of ramp would be ORV access.
- Between ramps 23 and 27, add parking and a boardwalk – no ORV access ramp
- Add a bathhouse
- Increase parking at the Salvo campground and provide alternative transportation to the beach
- Ramp 23 to one mile north of 27, make non-ORV area year round. Not a high ORV use area, cottages are expanding. To implement you would expand the parking lot at ramp 23 and close the ramp.
- Establish non-ORV area from the tri-village area to N. of ramp 27

Breakout #1: Internal Deliberative Draft NOT FOR DISTRIBUTION

Option 9: Water Taxi

- Oregon Inlet: Build a parking lot and have a water taxi/shuttle down to the spit. Clarify – is this in addition to using a non-ORV area.

Option 10: Increased ORV Access with Resource Closures

- Increase ORV access in “fringe areas” when there are closures. For example, increase ORV access north of ramp 4 to some extent. This is more applicable to high use season when ORV use is high.

Hatteras Island

Option 1: Establish ORV and Non-ORV Use Zones

- Tri-village area south to mile north of Ramp 27 = non-ORV area
- Ramp 27 to ramp 34 = ORV zone; includes closing ramp 30 (Why?)
- Ramp 34 to ramp 43 = non-ORV zone (includes villages)
- Ramp 43 to Cape Point = ORV zone
- South of Cape Point not addressed
- Ramp 23 and 38 would be closed and parking expanded
- Expanded pedestrian areas close to villages
- Could make heavy use areas permit only, with capacity control. May allow for a greater range of uses.
- Where ORVs are allowed, require a permit, charge a fee for the permit, and establish a carrying capacity

Option 2: Shuttle System (considered but not carried forward)

- Expand day use area and create huge Salvo parking lot around ramp 23
- Large parking facility at 55 near current museum
- Every 10 minutes
- Free to public

Option 3: Interdunal Road

- Ramp 44 to Ramp 49 create an interdunal road (???)

Okracoke Island

Option 1: South Beach Alternative Transportation System

- No ORV use south of ramp 72. To provide access to South Beach, have a commercial operation running a tram from 72 to the beach or from the Silver Lake Harbor a boat taxi. Permits for ferry or tram system operator would need to address species protection.

**Breakout #1: Internal Deliberative Draft
NOT FOR DISTRIBUTION**

Option 2: Increase ORV Areas Seasonally

- June to August expand ORV access south of 59 (off-set crowding from resource closures elsewhere on the Island)

Option 3: ORV Access at Spits Only

- Leave the two spits open to ORV use and just have non-ORV areas in between.
 - Could increase number of ramps and have more closures, create a grid system to allow for resource closures in ORV areas
 - Allow ORVs to expand into non-ORV areas during bird closures at the spits

Option 4: Create New Non-ORV areas

- North end of the island on the soundside, create a new non-ORV swim beach

Option 5: Regulate Types of Vehicles on the Island

- Regulating the number of 4WD vehicles allowed on ferry system

Parkwide

Option 1: Consistent Approach for the Villages

- Establish/increase parking on the edge of all of the villages
- Year round closures to ORVs on the beach in front of villages

Option 2: Cell System

- Add more ramps where there is access to Hwy 12 to increase flexibility in establishing closures
- Strategic/limited use of bypass roads where NC-12 is not present

Option 3: Close Areas of Seashore to all Users for Resource Protection

ALTERNATIVE ELEMENTS FROM IPSMS/EA

LONG-TERM ORV MANAGEMENT PLAN

Some suggested alternatives or elements of alternatives received during public scoping or suggested during internal NPS scoping during the interim species management plan/EA were described in the EA as being carried forward for consideration as alternatives under the long-term ORV management plan/EIS planning process rather than being included as fully analyzed alternatives in the interim protected species management strategy/EA. These include:

- **Creating New Habitat.** The creation of new habitat outside of existing high use areas was not considered for this Strategy/EA due to the time constraints on the strategy. Creation of new habitat would be a longer-term process than the scope of this strategy.
- **Escort Program.** In 2005, a 0.1-mile “pass through only” section of the ORV corridor at Bodie Island spit was allowed to reduce disturbance to piping plovers foraging at ephemeral pools close to the original corridor boundary. The corridor was patrolled by seashore rangers during daylight hours only, and ORV use was allowed after dark without rangers present. Pedestrians were not allowed in the pass-through zone. At Cape Point, a resource closure was created around a complex of ephemeral pools to protect an American oystercatcher brood (the closure extended to approximately 50 feet from the edge of the pools). This closure was later used by a piping plover brood. At hatching, an additional 0.05 miles between the Cape Point closure and the nest site was temporarily closed to ORVs to allow the brood safe passage to Cape Point where it was believed the brood would forage. This was reopened when the brood established itself at Cape Point. Public access to the eastern side of Cape Point was restricted after the piping plover brood moved to the eastern side of the ephemeral pool area. At Hatteras Spit, ORV traffic was only permitted in the ORV corridor once per hour in convoys escorted by bird monitors, to reduce the risk of mortality to an American oystercatcher brood and to reduce disturbance to an incubating plover nest. ORVs were permitted to park at the tip of the spit, west of the escort corridor. The spit was closed to recreation at night. Once the piping plover eggs hatched, Hatteras Spit was closed to ORV traffic until the chicks fledged.

During internal and public scoping, an alternative to provide a revised escort program was originally proposed. Upon further analysis, this alternative was dismissed as a feasible alternative for the implementation of a protected species management strategy. Although some version of this alternative may be applicable to the long-term ORV management plan/EIS, it was determined that the available funding and staffing levels for the interim protected species management strategy/EA would not be sufficient to implement such an alternative at this time.

- **Closing Areas in Front of Villages for Longer Time Period.** This is not applicable to the Interim Protected Species Management Strategy/EA but would be considered under the long-term ORV management Plan/EIS.
- **Regulating Number of Vehicles on Beach.** This is not applicable to the Interim Protected Species Management Strategy/EA but would be considered under the long-term ORV management Plan/EIS.
- **Establishing Beach Shuttles.** This is not applicable to the Interim Protected Species Management Strategy/EA but would be considered under the long-term ORV management Plan/EIS.

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ROUND THE CLOCK ENFORCEMENT

The seashore has no source of funding to provide for round-the-clock enforcement in all areas at all times. This suggested level of enforcement is not the norm for any national seashore. The action alternatives provide for increased outreach and education to help improve voluntary compliance and for the seashore to hire the additional law enforcement rangers in its already approved staffing plan to provide for better enforcement than under alternative A.

GIVE PREFERRED STATUS TO HUMAN VISITORS

The NPS has a dual mission to protect park natural and cultural resources and to provide for visitor enjoyment. The courts have held that, in the case of conflict, resource conservation must be predominant (refer to "Guiding Laws, Regulations, and Policies" in the previous chapter). The seashore believes that it can both conserve seashore resources and provide for visitor enjoyment.

MOVE HATCHED CHICKS TO PEA ISLAND NATIONAL WILDLIFE REFUGE

This conflicts with NPS responsibilities under the Endangered Species Act, Migratory Bird Treaty Act, and NPS Organic Act [see discussion above] and the NPS management policies. This is not a feasible alternative as the chicks must remain with their parents until they fledge for foraging and protection. Shorebirds and their chicks are an important component of the unique flora and fauna of the seashore and removing them would not meet the objectives of the strategy/EA.

FENCE CHICKS AWAY FROM THE ORV CORRIDOR

Unfledged chicks of any species need access to the intertidal zone and moist substrate habitat for foraging. Fencing chicks away from these areas would essential prevent them from eating; therefore, this was not considered a reasonable alternative.

ALTERNATIVES RELATED TO SPECIES MANAGEMENT

CAPTIVE REARING OF PIPING PLOVERS AND TURTLES

Wildlife managers use captive breeding/rearing of threatened/ endangered species to provide an opportunity to restore populations where direct translocation may risk the persistence of the donor population (Gilpin and Soule 1986), as a last resort in cases (e.g., California condor) where most or all of the entire remaining wild population are brought to a captive breeding facility with the goal of avoiding extinction and breeding enough individuals for eventual reintroduction into the wild (Gilpin and Soule 1986). The Kemp's ridley sea turtle hatchery at Padre Island National Seashore is an example of a last resort captive rearing facility used to restore a population. None of the above situations applies to piping plover or nesting loggerhead, leatherback or green sea turtles at Cape Hatteras National Seashore.

NEST RELOCATION FOR BIRDS AND TURTLES

During the public scoping it was suggested to relocate nests to areas of the beach already closed to ORV use as well as relocating nests to compact areas to observe and control. In addition, it was suggested that the NPS relocate seabeach amaranth to Pea Island National Wildlife Refuge or other areas. These alternatives have been considered but are not carried forward as discussed below.

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Birds

Some species of birds, such as the burrowing owl, adapt well to nest relocation, whereas, others do not. Birds that do not relocate well typically are those that demonstrate higher levels of nest abandonment. Nest abandonment by piping plovers and American oystercatchers are documented sources of nest failure on Cape Hatteras. Therefore, relocating nests would likely result in increased nest abandonment and failure. In addition, it was also suggested to move nests into one area. Plovers and oystercatchers are solitary rather than colonial nesters (i.e., they nest away from others of their species.) Plovers sometimes nest near tern colonies to benefit from the aggressive behavior of terns protecting their colonies; however, they typically do not nest with other plovers. Since the purpose of the strategy is species protection, and moving nests would reduce these species' ability to reproduce, moving nests has been eliminated from further analysis.

Turtles

Individual Nest Relocation

Turtles do not face the same nest abandonment issues as those described for birds. Parental investment in the young ends with the laying and burying of eggs. However, the eggs, subsequent hatchlings, and overall species may face additional problems related to nest relocation. Studies indicate that the determination of the hatchling sex ratio depends on the temperature at which the eggs incubate. Changes in these temperatures due to moving eggs may result in changes to the sex ratio, having implications for the species as a whole. In addition, handling eggs can result in increased hatch failure. When relocating nests, there is always a risk of disrupting the membranes inside the egg, which can kill the embryo. Typically nest relocation is seen as part of an attempt to keep the species from going extinct, whereas, allowing for natural breeding and nesting is the ideal option whenever available. Currently in North Carolina, the state permits sea turtle nest relocations for research or when there is an imminent threat and potential loss of the nest due to erosion and/or frequent flooding, but not to accommodate recreational uses. Nests in some states may also be moved to avoid damage from contemporaneous beach nourishment or in highly developed urban areas (e.g., along some urban areas of Florida's Atlantic coast). Consequently routine relocation of all nests laid in areas open to ORV driving has been rejected from further analysis. However, relocation of an individual nest for which no alternative route or bypass would be available at hatching to continue vehicle access to a spit or Cape Point, if allowed by the State of North Carolina in the park's permit, is analyzed as an element of alternative D.

Turtle Hatcheries

Moving all nests or all relocated nests into one hatchery area is not fully analyzed as part of any alternative. Sea turtle nests may be moved to a guarded hatchery to provide needed protection from poaching in developing countries where participation in hatchery operations may be developed as an eco-tourism opportunity. Some county or privately owned beaches in Florida or Georgia may use hatcheries for sea turtle eggs in some circumstances, such as to allow beach nourishment. However, county responsibilities for endangered or threatened species differ from federal and particularly from NPS responsibilities for these protected species. As a federal agency, the NPS has responsibilities under the Endangered Species Act to protect the ecosystem as well as the species that depend on it. The purpose of the Endangered Species Act is to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved..." (Sec. 2(b)). Protecting the ecosystem is also necessary to meet the requirements of the NPS Organic Act, which mandates the NPS to conserve seashore wildlife (refer to "Guiding Laws, Regulations, and Policies" in the previous chapter).

These species are all currently listed pursuant to the Endangered Species Act. Any actions that would increase the likelihood of reduced productivity and species decline would frustrate the purpose of the Act.

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Seabeach Amaranth

The suggestion was made to move all the seabeach amaranth in the seashore to Pea Island National Wildlife Refuge. This is inconsistent with section 4.4.2.1 of the NPS *Management Policies 2001*, which says that NPS actions that remove plants and animals will be management to prevent them from interfering broadly with

- Natural habitats, natural abundances, and natural distributions of native species and natural processes;
- Rare, threatened, and endangered plant or animal species or their critical habitats;
- Scientific study, interpretation, environmental education, appreciation of wildlife, or other public benefits;
- Opportunities to restore depressed populations of native species; or
- Breeding or spawning grounds of native species.

In addition management action that would deliberately extirpate a native species such as seabeach amaranth which is uniquely adapted to the beach environment from the seashore is inconsistent with the seashore's enabling legislation and with the responsibilities of the NPS as stated in the Organic Act and the seashore's responsibilities under the Endangered Species Act to protect the ecosystems upon which endangered and threatened species depend.

NO SPECIES CLOSURES IN THE SUMMER

During the public meeting it was suggested that an alternative include no species closures in the summer. This action would result in the entire seashore populations of Endangered Species Act-listed species and Migratory Bird Treaty Act-protected species being subject to increased rates of disturbance and mortality. Breeding is essential for a species to perpetuate itself through time and typically occurs in spring and summer. For example, the piping plover breeding season begins in March and April and extends through August, when most of the newly hatched chicks have fledged. Loggerhead sea turtles mate during late March through early June, with nesting occurring throughout the summer. Similarly leatherback sea turtles nest from February through July; whereas the green sea turtle nests from June through November. Failure to adequately protect breeding individuals, nests, and young using measures such as closures would result in further species decline. In addition, any unauthorized harm, injury, or mortality of Endangered Species Act-protected species would result in a violation of federal law, potential fines, and other criminal charges. For the reasons identified above, this element has been considered but eliminated from further analysis.

OPEN CLOSED AREAS AFTER BREEDING SEASON IS OVER

It was also suggested that any closed areas should be reopened after the breeding season ends. Closed areas would likely be reopened after the breeding season if they do not provide important migrating and wintering habitat for seashore populations of protected species. Therefore some areas may be reopened but automatically opening all closed areas after breeding season is over would be inconsistent with the seashore's responsibility under various statutes, including its enabling legislation and the NPS Organic Act and the NPS *Management Policies 2001*, section 4.4.2.3.

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**NO PRENESTING CLOSURES FOR AMERICAN OYSTERCATCHERS AND
COLONIAL WATERBIRDS**

Prenesting closures are needed in areas previously used for nesting to allow the birds a chance to begin reproductive behavior. At this point in the breeding cycle, these birds are very susceptible to human disturbance, which may cause them to abandon those areas where they would be most likely to nest successfully.

DISCOURAGE NESTING

Allow activities that discourage nesting in low lying areas subject to overwash, including discontinuing the 150-foot corridor implemented in the inlet areas and south beach and discontinuing the practice of closing beaches less than 100-feet wide.

These areas are important for wildlife activities such as foraging. Activities that would discourage nesting would discourage other wildlife activities as well. Moreover some flooding can be tolerated by nesting species.

National Park Service
Department of the Interior
October 18 & 19, 2007



CARRYING CAPACITY

Definitions and Explanations of Carrying Capacity

1978 National Parks and Recreation Act

The 1978 National Parks and Recreation Act (Public Law 95-625) requires all park units to have a general management plan that addresses four items: (1) measures for the preservation of the area's resources, (2) type and intensity of development for public enjoyment, (3) visitor carrying capacity and implementation commitments, and (4) proposed boundary modifications with explanations as to as to why they are required.

To comply with this mandate, a process known as visitor experience and resource protection has been developed within the National Park Service. This process looks at carrying capacity as it relates to desired ecological and social conditions, not to the maximum number of people that can be accommodated in a particular area.

The concept of user capacity relates to the level of use (type and amount) that an area can withstand without having an unacceptable impact on the area's values. These values are not just limited to the cultural and natural resources, but include the quality of the visitor experience and other social factors.

Park Science VERP Database

User capacity, previously referred to as visitor capacity or carrying capacity, came to the forefront of public land planning in the 1970s. Concern over rising visitation in parks and the accompanying impacts on resources and visitor experiences led the National Park Service to focus increasing attention on user capacity. In 1992 the National Park Service began developing a visitor experience and resource protection (VERP) framework to address user capacities in the National Park System (Hof et al. 1994). The VERP framework has subsequently been applied in national parks across the country, including Acadia (Maine), Isle Royale (Michigan), Arches (Utah), Yosemite (California), and Haleakala (Hawaii).

Although many people think of user capacity as a maximum number of people (i.e., a limit) for a given area, the concept is much more complex. Research has shown that user capacity cannot be measured simply as a number of people because impacts to desired resource conditions and visitor experiences are often related to a variety of factors that include not only the number of people but also types of activities, where people go, what kind of impacts they leave behind, what type of resources are in the area, and the level of management presence. In an attempt to acknowledge these variables, the National Park Service defines user capacity as the types and levels of public use that can be

accommodated while sustaining the desired resource and social conditions that complement the purpose of the park.

The premise behind VERP, and almost all of the other user-capacity management approaches (e.g., limits of acceptable change [LAC], visitor impact management [VIM], and visitor activities management process [VAMP]), is that with any use comes some level of impact that must be accepted. Furthermore, the public land management agency is responsible for determining what level of impact is acceptable and what actions are needed to keep impacts within acceptable limits. As such, user capacity frameworks incorporate the following key elements:

1. Identifying desired resource and social conditions for each area (management zone) of the park
2. Setting resource and social indicators (specific, measurable variables that will be monitored) and standards (a management decision about the minimum acceptable conditions for the indicators) for each zone
3. Monitoring the indicators to measure success in achieving and maintaining the desired resource conditions and visitor experiences
4. Taking management action when resource or social conditions are “out of standard” or are deteriorating and likely to become “out of standard”

Indicators and standards for user capacity may be part of many different types of plans including general management plans, comprehensive conservation plans, resource management plans, river plans, wilderness plans, trail plans, and visitor use management plans.

VERP Handbook

Given the substantial demand for public use of the parks, some decline or change in resource condition and the quality of visitor experience is inevitable. But how much decline or change is appropriate or acceptable? This issue is often referred to as the limits of acceptable change (LAC) and is fundamental to addressing carrying capacity.

The intent of carrying capacity planning is to develop a compromise between the absolute protection of resources (in this case referring to the environmental conditions and the visitor experience) and the unrestricted access to resources for recreational use. The LAC process was designed to help define this compromise.

The fundamental challenge in visitor use management is not so much the resolution of resource protection and visitor use conflicts. Instead, the emphasis should be on defining complementary visitor experience opportunities and resource conditions, and then determining to what extent unrestricted recreational access can be accommodated. This logic allows managers to recognize that unrestricted access — a value held strongly by many recreationists — is a valid goal, but one which cannot always be accommodated in light of the equally valid goals of visitor experience diversity and resource protection.

The concept of carrying capacity is intended to safeguard the quality both of the park resources and the visitor experience. Park resources in this context encompass all of the biophysical, aesthetic, and cultural elements and features contained in a park.

As it applies to parks, visitor carrying capacity is defined as “the type and level of visitor use that can be accommodated while sustaining acceptable resource and social conditions that complement the purpose of a park.”

Under this definition carrying capacity is interpreted primarily as a prescription of resource and social conditions, and secondarily as a prescription for the appropriate numbers of people.

Inherent in the above definition are the understanding of the purpose of a park and the development of management prescriptions specifying appropriate resource and social conditions. Another basic assumption is that carrying capacity work is undertaken with the intent of managing visitor use. Visitor use management begins with a plan, but it continues as a cyclical process involving monitoring, evaluation, and taking action to make adjustments.

Regulatory Framework for Carrying Capacity

Director’s Order #2 – Park Planning

3.3.1.3. General management plans will contain the following decision-making elements: mission, mission goals, and management prescriptions (refer to the program standards for a detailed description of each element). The management prescriptions will meet all of the GMP legal requirements contained in the National Parks and Recreation Act of 1978 and will address the preservation of the park resources, the types and general intensities of development, visitor carrying capacities for all areas of the unit, and the indications of potential boundary modifications (the program standards for management prescriptions address these GMP legal requirements in detail).

Park Planning Program Sourcebook for General Management Planning – Section 8 (2005)

The Park Service currently defines user capacity as the types and levels of visitor and other public use that can be accommodated while sustaining the desired resource conditions and social conditions and visitor experiences that complement the purpose of the park... The premise behind almost all of the varying user capacity management approaches is that with any use on public lands comes some level of impact that must be accepted; therefore it is the responsibility of the public land management agency to decide what level of impact is acceptable and what actions are needed to keep impacts within acceptable limits.

More technical definitions and examples of indicators and standards are as follows:

Indicator: a specific, measurable physical, ecological, or social variable that can be measured to track changes in conditions caused by public use, so that progress toward attaining the desired conditions can be assessed.

Example: the waiting period (measured by number of minutes) required to see an attraction during peak use days (defined as Friday to Sunday, from 10am to 4pm, May through September).

Standard: the specific, quantifiable measure against which the indicator is considered, and which serves as the trigger point that defines when conditions become unacceptable for a zone or specific area.

Example: no more than 10% of visitors wait 10 or more minutes to see an attraction.

See attached guidance for further information on how to determine indicators and standards.

2006 NPS Management Policies

5.3.1.6 Visitor Carrying Capacity Superintendents will set, enforce, and monitor carrying capacities to limit public visitation to or use of cultural resources that would be subject to adverse effects from unrestricted levels of visitation or use. This will include (1) reviewing the park's purpose; (2) analyzing existing visitor use of and related impacts on the park's cultural resources and traditional resource users; (3) prescribing indicators and specific standards for acceptable and sustainable visitor use; and (4) identifying ways to address and monitor unacceptable impacts resulting from overuse. Studies to gather basic data and make recommendations on setting, enforcing, and monitoring carrying capacities for cultural resources will be conducted in collaboration with cultural resource specialists representing the appropriate disciplines.

8.2.1 Visitor Carrying Capacity Visitor carrying capacity is the type and level of visitor use that can be accommodated while sustaining the desired resource and visitor experience conditions in the park. By identifying and staying within carrying capacities, superintendents can manage park uses that may unacceptably impact the resources and values for which the parks were established. Superintendents will identify visitor carrying capacities for managing public use. Superintendents will also identify ways to monitor for and address unacceptable impacts on park resources and visitor experiences.

When making decisions about carrying capacity, superintendents must use the best available natural and social science and other information, and maintain a comprehensive administrative record relating to their decisions. The decision-making process should be based on desired resource conditions and visitor experiences for the area, quality indicators and standards that define the desired resource conditions and visitor experiences, and other factors that will lead to logical conclusions and the protection of park resources and values. The level of analysis necessary to make decisions about carrying capacities is commensurate with the potential impacts or consequences of the decisions. The greater the potential for significant impacts or consequences on park resources and values or the opportunities to enjoy them, the greater the level of study and analysis and civic engagement needed to support the decisions.

The planning process will determine the desired resource and visitor experience conditions that are the foundation for carrying capacity analysis and decision-making. If the time frame for making decisions is insufficient to allow the application of a carrying capacity planning process, superintendents must make decisions based on the best available science, public input, and other information. In either case, such planning must be accompanied by appropriate environmental impact analysis, in accordance with Director's Order #12.

As park use changes over time, superintendents must continue to decide if management actions are needed to keep use at sustainable levels and prevent unacceptable impacts. If indicators and standards have been prescribed for an impact, the acceptable level is the prescribed standard. If indicators and standards do not exist, the superintendent must determine how much impact is acceptable before management intervention is required.

If and when park uses reach a level at which they must be limited or curtailed, the preferred choice will be to continue uses that are encouraged under the criteria listed in section 8.2, and to limit or curtail those that least meet those criteria. The Service will consult with tourism organizations and other affected service providers in seeking ways to provide appropriate types and levels of visitor use while sustaining the desired resource and visitor experience conditions.

8.2.2.1 Management of Recreational Use Superintendents will develop and implement visitor use management plans and take action, as appropriate, to ensure that recreational uses and activities in the park are consistent with its authorizing legislation or proclamation and do not cause unacceptable impacts on park resources or values. Depending on local park needs and circumstances, these plans may be prepared (1) as coordinated, activity specific documents (such as a river use plan, a backcountry use plan, a wilderness management plan, an off-road vehicle use plan, a winter use plan); (2) as action-plan components of a resource management plan or general management plan; or (3) as a single integrated plan that addresses a broad spectrum of recreational activities. Regardless of their format or complexity, visitor use management plans will (1) contain specific, measurable management objectives related to the activity or activities being addressed; (2) be periodically reviewed and updated; and (3) be consistent with the carrying capacity decisions made in the general management plan.

The Service will seek consistency in recreation management policies and procedures on both a Service-wide and interagency basis to the extent practicable. However, because of differences in the enabling legislation and resources of individual parks, and differences in the missions of the Service and other federal agencies, an activity that is entirely appropriate when conducted in one location may be inappropriate when conducted in another. The Service will consider a park's purposes and the effects on park resources and visitors when determining the appropriateness of a specific recreational activity.

Superintendents will consider a wide range of techniques in managing recreational use to avoid adverse impacts on park resources and values or desired visitor experiences. Examples of appropriate techniques include visitor information and education programs, separation of conflicting uses by time or location, "hardening" sites, modifying maintenance practices, and permit and reservation systems. Superintendents may also use their discretionary authority to impose local restrictions, public use limits, and closures and designate areas for a specific use or activity (see 36 CFR 1.5). Any restriction of appropriate recreational uses will be limited to what is necessary to protect park resources and values, to promote visitor safety and enjoyment, or to meet park management needs. To the extent practicable, public use limits established by the Service will be based on the results of scientific research and other available support data. However, an activity will be restricted or prohibited when, in the judgment of the superintendent, its occurrence, continuation, or expansion would (1) violate the criteria listed in section 8.2, or (2) conflict with the findings of a carrying capacity analysis with no reasonable alternative that would avoid or satisfactorily mitigate the violation or conflict.

Recreational activities that are proposed as organized events or that involve commercialization, advertising, or publicity on the part of participants or organizers are defined as special events; these events are managed in accordance with the policies in section 8.6.2, regulations in 36 CFR 2.50, and criteria and procedures in Director's Order #53: Special Park Uses.

36 CFR 1.5

§ 1.5 Closures and public use limits.

(a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:

- (1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.
- (2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.
- (3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (a)(1) or (2) of this section.

(b) Except in emergency situations, a closure, designation, use or activity restriction or condition, or the termination or relaxation of such, which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park's natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, or is of a highly controversial nature, shall be published as rulemaking in the FEDERAL REGISTER.

(c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action. That determination shall set forth the reason(s) the restriction, condition, public use limit or closure authorized by paragraph (a) has been established, and an explanation of why less restrictive measures will not suffice, or in the case of a termination of a restriction, condition, public use limit or closure previously established under paragraph (a), a determination as to why the restriction is no longer necessary and a finding that the termination will not adversely impact park resources. This determination shall be available to the public upon request.

(d) To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with the criteria and procedures of § 1.6 of this chapter.

(e) Except in emergency situations, the public will be informed of closures, designations, and use or activity restrictions or conditions, visiting hours, public use limits, public use limit procedures, and the termination or relaxation of such, in accordance with § 1.7 of this chapter.

(f) Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited.

[48 FR 30275, June 30, 1983, as amended at 51 FR 29470, Aug. 18, 1986]

Definition of Indicators and Standards

VERP Handbook

Management zones are usually described in general, qualitative terms. Indicators and standards translate these qualitative descriptions into quantitative variables and measurements (e.g., "low volume trail use" is defined in zone 'x' as five encounters per day). While planners and managers may employ many different kinds of indicators and standards for different reasons, in the VERP framework indicators and standards are based on the original LAC methodology.

Indicators are defined as specific, measurable physical, ecological, or social variables that reflect the overall condition of a zone. Resource indicators measure visitor impacts on the biological,

physical, and/or cultural resources of a park; social indicators measure visitor impacts on the visitor experience.

Standards are defined as the *minimum* acceptable condition for each indicator variable. A standard does *not* define an intolerable condition. It is not a condition that managers should strive to achieve, unless intolerable conditions already exist.



United States Department of the Interior
NATIONAL PARK SERVICE
OUTER BANKS GROUP



Fort Raleigh National Historic Site Wright Brothers National Memorial
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, North Carolina 27954

AS6 (CAHA)

Superintendent's Order #07:
ORV Management

Approved:


Lawrence A. Belli, Superintendent
Outer Banks Group

Effective Date:

17 May 2004

Sunset Date: When revised or amended by the Superintendent.

INTRODUCTION:

Prior to Hurricane Isabel (September 18, 2003), the existing dune line physically established Off-Road Vehicle (ORV) driving areas between the ocean and the dune in most beach areas. Overwash during the storm, and resulting flattening of the dune, exposed areas of the park once protected by the dune from ORV use. Areas of special concern include sections of destroyed dune south of Ramp 4, south of Ramp 44 around Cape Point to "south beach", south of Ramp 55 and south of Ramp 70.

In developing a means to resolve ORV issues caused by this storm, Cape Hatteras National Seashore (CAHA) staff reviewed the 1984 *General Management Plan (GMP)* and then the 1978 "Draft" *Interim Management Plan: Off-Road Vehicle Use, Cape Hatteras National Seashore (IMP)*. In this review, staff found that the *GMP* specifically calls for off road vehicle zones and specifically says the CAHA should follow the *IMP* until an ORV Plan is completed. As the *GMP* and the *IMP* were both developed through the public review process, with only the permitting portions of the *IMP* being considered controversial, implementing the *IMP* with the exception of the permitting portions appears appropriate.

Interim Management Measures:

The *IMP* is an interim management measure, which will be used as park guidance until an ORV Management Plan is prepared, approved and implemented.

The *IMP* contains an "Ocean Beach Zone" in which ORV's would "... be permitted within 150 feet of the existing tideline...". As numerous other portions of the draft plan had been implemented, it was determined that implementing this 150 foot ORV Use Area would be an appropriate action.

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IN AMERICA** 

Protected Species Management:

Monitoring and protection of protected species, including resource closures are addressed separately in Superintendent's Order #8.

IDENTIFICATION AND MARKING OF ORV USE AREAS:

ORV Use Areas will be identified in certain sections of Cape Hatteras National Seashore (CAHA). The Use Areas are currently being set in response to beach and dune changes which result in the opening of sensitive habitat and to provide for more consistent identification of areas open to ORV use. Additional ORV Use Areas may be established, in the future, as additional storms alter dune lines, eliminating the dunes as a physical barrier to ORV use.

The ORV Use Areas will be similar in size and shape to the historical shoreline use patterns. Identification of ORV Use Areas will not impact the number of ramps open to allow ORV access to seashore beaches.

The ORV Use Areas will be marked by white reinforced composite posts placed 150 feet landward from the average, normal high tide line or, if existing, and less than 150 feet, at the vegetation or the toe of the remnant dune line. Beach areas landward of the post line, although not open to ORV use, will be open to pedestrian use. The location of the posts will be evaluated several times each year for proper distance placement in relation to changing shorelines.

To alleviate confusion regarding public access, if resource closures extend into ORV Use Areas, the posts marking the Use Area will be relocated to correspond to the resource closure. When the resource closure is removed, the posts marking the ORV Use Area will be moved back to their original position, or to the current Use Area line.

The 150-foot width will fluctuate over time due to the dynamic nature of beach and surf. There may be situations that, for various reasons, the beach is not safe for vehicles to use. This has happened in the past and the park will continue to post cautionary signs near access ramps when possible.

An access corridor will be established to provide access from the ORV Use Area along the beach to the northeast corner of the pond on Oregon Inlet Spit.

REFERENCES:

1978: November. Draft *Interim Management Plan: Off-Road Vehicle Use, Cape Hatteras National Seashore*.

1984: January *General Management Plan, Cape Hatteras National Seashore*.

Participant	Breakout #1	Breakout #2	Breakout #3
Mike Murray	B	float	A
Cyndy Holda	C	B	B
Steve Thompson	A	A	A
Thayer Broili	C	C	B
Meghan Carfioli	A	B	C
Britta Muiznieks	B	C	C
John Wescott	B	C	C
Mary Doll	A	B	A
Marcia Lyons	C	B	B
Norah Martinez	B	A	A
Kenny Ballance	C	A	A
Paul Stevens	A	B	B
John McCutcheon	B	A	A
Jon Anglin	A	C	C
Dana Otto	float	float	float
Lori Gutman	C	B	C
Doug Wetmore	A	C	C
Laurel Clayton	B	A	B
Sandy Hamilton	B	float	B

Breakout Group #1:

- Group A—Bodie Ranger District
- Group B—Hatteras Ranger District
- Group C—Ocracoke Ranger District

Breakout Group #2:

- Group A—Enforcement
- Group B—Outreach and Citizen Involvement
- Group C—Species Protection

Breakout Group #3:

- Group A—Permitting System
- Group B—Carrying Capacity Indicators and Standards
- Group C—Species Protection

**CAHA Alternatives Development IDT Meeting
Off-Road Vehicle Management Plan/EIS
October 18-19, 2007**

Draft Participant List (10.16.07)

PARK

Management:

Mike Murray
Cyndy Holda
Steve Thompson

Resources:

Thayer Broili
Meghan Carfioli
Britta Muiznieks
Abra Zobel (for data discussion, 1st morning)

Facilities:

John Wescott

Interpretation:

Mary Doll
Marcia Lyons

Law Enforcement:

Norah Martinez
Kenny Ballance
Paul Stevens
John McCutcheon
Jon Anglin

LOUIS BERGER

Dana Otto
Lori Gutman
Doug Wetmore

RTI

Laurel Clayton

EQD

Sandy Hamilton

**Breakout Groups—Alternatives Development Meeting
Cape Hatteras National Seashore – ORV Management Plan/EIS
October 18-19, 2007**

Breakout Group Topic: _____

Potential ORV management measures must:

1. Meet the ORV management plan purpose, need, and meet objectives to a large degree.
2. Comply with the regulatory framework (i.e., the Organic Act, NPS Management Policies, EOs, Seashore enabling legislation, etc.)
3. Be economically and technically feasible and show common sense (CEQ guidance)

Potential Alternative Elements (management measures):

Please consider and describe the alternative element as specifically as possible. (Attach another sheet if needed.)

how administer - Simple
 - online
 - local business
 - self pay machine / kiosk

- whole Beach

- Gather Demographics OMB
 5 Fiter / Mirror Hanger Anna / 100⁰⁰⁰
 Nags lead 9 week: 20⁰⁰⁰
 Video

What level of funding would be required for this alternative element (include increases in staffing needs as well as materials)? What divisions would require this funding (i.e., law enforcement, natural resources, interpretation)?

cost recovery

Service? Nisable
 Permit is lic No.
 Reviewed every three years

What are possible funding sources for this alternative element?

What are some of the risks of implementing this alternative element?

National Park Service
Department of the Interior
October 18 & 19, 2007



Cape Hatteras National Seashore

Off-Road Vehicle Management Plan
Regulatory Framework

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Executive Order 11644

Use of off-road vehicles on the public lands

Source:

The provisions of Executive Order 11644 of Feb. 8, 1972, appear at 37 FR 2877, 3 CFR, 1971-1975 Comp., p. 666, unless otherwise noted.

An estimated 5 million off-road recreational vehicles--motorcycles, minibikes, trial bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others--are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands--often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity--has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

Section 1. Purpose. It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Sec. 2. Definitions. As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

[Sec. 2 amended by Executive Order 11989 of May 24, 1977, 42 FR 26959, 3 CFR, 1977 Comp., p. 120]

Sec. 3. Zones of Use. (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

Sec. 4. Operating Conditions. Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

Sec. 5. Public Information. The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

Sec. 6. Enforcement. The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

Sec. 7. Consultation. Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Secretary of Energy and the Nuclear Regulatory Commission.

[Sec. 7 amended by Executive Order 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

Sec. 8. Monitoring of Effects and Review. (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

Sec. 9. Special Protection of the Public Lands. (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.

[Sec. 9 added by Executive Order 11989 of May 24, 1977, 42 FR 26959, 3 CFR, 1977 Comp., p. 120]

Executive Order 11989

Off-Road Vehicles on Public Lands

By virtue of the authority vested in me by the Constitution and the statutes of the United States of America, and as President of the United States of America, in order to clarify agency authority to define zones of use of off-road vehicles on public lands, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Executive Order 116444 of February 8, 1972, is hereby amended as follows:

Section 1. Clause (B) of Section 2(3) of Executive Order No. 11644, setting forth an exclusion from the definition of off-road vehicles, is amended to read "(B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and".

Sec. 2. Add the following new Section to Executive order No. 11644:

"Sec. 9. *Special Protection of the Public Lands.* (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or rails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until

such times as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

"(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order."

May 24, 1977

CFR 36 Section 4.10

§ 4.10 Travel on park roads and designated routes.

- (a) 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.
- (b) Routes and areas designated for off-road motor vehicle use shall be promulgated as special regulations. The designation of routes and areas shall comply with §1.5 of this chapter and E.O. 11644 (37 FR 2887). Routes and areas may be designated only in national recreation areas, national seashores, national lakeshores and national preserves.
- (c) The following are prohibited:
 - (1) Operating a motor vehicle not equipped with pneumatic tires, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on a route designated for these vehicles by the superintendent.
 - (2) Operating a motor vehicle in a manner that causes unreasonable damage to the surface of a park road or route.
 - (3) Operating a motor vehicle on a route or area designated for off-road motor vehicle use, from 1/2 hour after sunset to 1/2 hour before sunrise, without activated headlights and taillights that meet the requirements of State law for operation on a State highway.

Cape Hatteras National Seashore Enabling Legislation

Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area .

(Aug. 17, 1937, ch. 687, Sec. 4, 50 Stat. 670; June 29, 1940, ch. 459, Sec. 1, 54 Stat. 702; Mar. 6, 1946, ch. 50, 60 Stat. 32.)

Cape Lookout National Seashore Purpose and Significance

National park system units are established by Congress to fulfill specified purposes. A park's purpose is the fundamental building block for its decisions to conserve resources while providing for the "enjoyment of future generations."

As stated in the seashore's FY2000 Strategic Plan, the purpose and significance of Cape Lookout National Seashore is:

Purpose

The purpose of Cape Lookout National Seashore is to conserve and preserve for public use and enjoyment the outstanding natural, cultural, and recreational values of a dynamic coastal barrier island environment for future generations. The national seashore serves as both a refuge for wildlife and a pleasuring ground for the public, including the developed visitor amenities.

Significance

Cape Lookout National Seashore is nationally recognized as an outstanding example of a dynamic natural coastal barrier island system. The seashore is designated as a unit of the Carolinian-South Atlantic Biosphere Reserve, United Nations Educational, Scientific and Cultural Organizations (UNESCO) and Man and the Biosphere Reserve Program. The park contains cultural resources rich in the maritime history of humankind's attempt to survive at the edge of the sea. Cape Lookout National Seashore contains critical habitat for endangered and threatened species and other unique wildlife including the legislatively protected wild horses of Shackleford Banks. The park also represents a conscious change/control in the human use/development of the island.

The seashore's enabling legislation (Act of March 10, 1966 (16 USCS Section 459)) also states this purpose and significance as: "In order to preserve for public use and enjoyment an area in the State of North Carolina possessing outstanding natural and recreational values, there is hereby authorized to be established the Cape Lookout National Seashore."

NPS 2006 Management Policies

8.2.3.1 Motorized Off-road Vehicle Use

Off -road motor vehicle use in national park units is governed by Executive Order 11644 (Use of Off -road Vehicles on Public Lands, as amended by Executive Order 11989), which defines off -road vehicles as “any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain” (except any registered motorboat or any vehicle used for emergency purposes). Unless otherwise provided by statute, any time there is a proposal to allow a motor vehicle meeting this description to be used in a park, the provisions of the executive order must be applied.

In accordance with 36 CFR 4.10(b), routes and areas may be designated only in national recreation areas, national seashores, national lakeshores, and national preserves, and only by special regulation. In accordance with the executive order, they may be allowed only in locations where there will be no adverse impacts on the area’s natural, cultural, scenic, and esthetic values, and in consideration of other existing or proposed recreational uses. The criteria for new uses, appropriate uses, and unacceptable impacts listed in sections 8.1 and 8.2 must also be applied to determine whether off -road vehicle use may be allowed.

As required by the executive order and the Organic Act, superintendents must immediately close a designated off -road vehicle route whenever the use is causing or will cause unacceptable impacts on the soil, vegetation, wildlife, wildlife habitat, or cultural and historic resources. NPS administrative off -road motor vehicle use will be limited to what is necessary to manage the public use of designated off -road vehicle routes and areas; to conduct emergency operations; and to accomplish essential maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

(See Park Management 1.4; Minimum Requirement 6.3.5. Also see 36 CFR 4.10)

Guidance on Alternative Transportation

NPS Management Policies 2006

9.2 Road System

The location, type, and design of transportation systems and their components (e.g., roads, bridges, trails, and parking areas), and the use of alternative transportation systems, all strongly influence the quality of the visitor experience. These systems also affect, to a great degree, how and where park resources will be impacted. For these reasons, management decisions regarding transportation facilities require a full, interdisciplinary consideration of alternatives and a full understanding of their consequences. Traditional practices of building wider roads and larger parking areas to accommodate more motor vehicles are not necessarily the answer. The Service must find transportation solutions that will preserve the natural and cultural resources in its care while providing a high-quality visitor experience...

Depending on a park unit's size, location, resources, and level of use, the Service will, where appropriate, emphasize and encourage alternative transportation systems, which may include a mix of buses, trains, ferries, trams, and—preferably—nonmotorized modes of access to and moving within parks. In general, the preferred modes of transportation will be those that contribute to maximum visitor enjoyment of, and minimum adverse impacts on, park resources and values. Before a decision is made to design, construct, expand, or upgrade access to or within a park, nonconstruction alternatives—such as distributing visitors to alternative locations—must be fully explored. If nonconstruction alternatives will not achieve satisfactory results, then a development solution should consider whether the project:

- is appropriate and necessary to meet park management needs or to provide for visitor use and enjoyment;
- is designed with extreme care and sensitivity to the landscape through which it passes;
- will not cause unacceptable impacts on natural and cultural resources and will minimize or mitigate those impacts that cannot be avoided;
- will reduce traffic congestion, noise, air pollution, and adverse effects on park resources and values;
- will not cause use in the areas it serves to exceed the areas' visitor carrying capacities;
- will incorporate the principles of energy conservation and sustainability;
- is able to demonstrate financial and operational sustainability;
- will incorporate universal design principles to provide for accessibility for all people, including those with disabilities;
- will take maximum advantage of interpretive opportunities and scenic values;
- will not violate federal, state, or local air pollution control plans or regulations;
- is based on a comprehensive and multidisciplinary approach that is fully consistent with the park's general management plan and asset management plan;

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- will enhance the visitor experience by offering new or improved interpretive or recreational opportunities, by simplifying travel within the park, or by making it easier or safer to see park features.

All transportation systems may be considered conceptually. Before advancing beyond the conceptual stage, appropriate approvals must be obtained from the Director.

9.2.4 Parking Areas

Parking areas and overlooks will be located to not unacceptably intrude, by sight, sound, or other impact, on park resources or values. When parking areas are deemed necessary, they will be limited to the smallest size appropriate, and they will be designed to harmoniously accommodate motor vehicles and other appropriate users. When large parking areas are needed, appropriate plantings and other design elements will be used to reduce negative visual and environmental impacts. When overflow parking is provided to meet peak visitation, it should be in areas that have been stabilized or are otherwise capable of withstanding the temporary impacts of parking without causing unacceptable impacts on park resources. Permanent parking areas will not normally be sized for the peak use day, but rather for the use anticipated on the average weekend day during the peak season of use.

NPS Transportation Planning Guidebook (1999)

The Transportation Planning Guidebook addresses alternative transportation in a number of ways, including guidelines for Visitor Transportation Systems (VTS). A VTS should be considered after other traffic and transportation demand techniques have been considered or implemented and should function as part of an overall park transportation system and take advantage of linkages and connections to external transportation services and facilities.

The following criteria judge whether a VTS is an appropriate service. The system must:

- Reduce traffic congestion, noise, air pollution, and their adverse effects on park resources and values;
- Be a cost-effective alternative to the construction of additional roads, parking areas, and support facilities;
- Enhance the visitor experience with new or improved interpretive or recreational opportunities, simplify travel within the park, or make it easier to see park features; and
- Conserve energy.

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NPS Alternative Transportation Planning Program Checklist for Evaluating Alternatives
(from <http://www.nps.gov/transportation/alt/plosky/Checklist/sec3frame.html>)

In order to decide how to proceed, the alternatives identified in the previous step must be evaluated, to determine which is the best option.

1. Confirm evaluation criteria.

Evaluation criteria in this category may include:

- Cost effectiveness
- Mobility improvements
- Operating efficiency
- Environmental and cultural benefits and impacts
- Financial feasibility
- Consistency with existing plans, programs, policies, and guidelines
- Public acceptability

2. Develop funding strategies and cost estimates including preliminary financial plans.

The financial viability of each of the identified alternatives must be established. Consider the following:

Non-recurring costs

- Start-up capital
- Planning, design, and implementation

Recurring costs

- Operations & maintenance
- Vehicle replacement costs
- Supporting infrastructure costs
- Administrative costs
- Liability & insurance costs
- Utility costs

Funding strategies - Once costs are established, funding sources must be identified that will support the project. Typical funds that support alternative transportation projects are as follows:

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Internal Funding Sources

- Federal Lands Highway Program - Category III, Alternative Transportation Program
- Line Item Construction Program
- Park Base
- Fee Demonstration Program
- Other Appropriated Funds

External Funding Sources

- Transportation Enhancements
- Public Lands Discretionary
- National Scenic Byways
- Recreational Trails Program
- Congestion Mitigation & Air Quality Improvement Program
- State Transportation Funds
- Local & Private Funds
- Partnerships

3. *Evaluate alternatives against criteria and funding plans.*

The criteria used to evaluate alternatives are tied directly to the goals and objectives of the project. While evaluating alternatives it is critical to gain consensus from participants. Use a process to compare alternatives such as Choosing by Advantages, a Technical Findings Matrix, Evaluation Matrix, Planning Balance Sheet or Trade Off Analysis.

4. *Continue public outreach.*

The public outreach process should be continued. Feedback from the public helps identify which alternatives are likely to be better supported by the broader community.

5. *Produce draft EIS (DEIS), if required.*

If an EIS is required of the project, a draft EIS (DEIS) should be produced at this point.

If you have completed the five steps above, you are ready to choose the preferred alternative.

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Examples of Alternative Transportation

Cape Cod National Seashore and Surrounding Vicinity, Massachusetts

- Offers “The Breeze” bus service, which serves various locales surrounding the seashore
 - From any point along the route, you may wave to a Breeze driver to pick you up.
 - All Breeze vehicles have bicycle racks.
 - Multiple ride discount passes are available.
- The “Flex” transit bus
 - Servicing multiple locales in the area, a person can wave the driver to stop at any safe place along its route to drop you off.
 - Flagging is not allowed along Rt. 6 for safety concerns.
 - Going off route: People may make reservations at least two hours ahead of time, and the Flex bus will take you to your destination within $\frac{3}{4}$ of a mile of its main route.
 - Bicycles can be loaded for free.
 - Many Park & Ride parking lots in the area.
- Shining Sea Bikeway
 - 3.3 miles of bicycle trail that travels along the seashore.
 - Very useful to avoid seasonal traffic.
 - Boasts the incredible scenic value of the trail.
- Cape Cod Alternative Transportation Systems Long Range Planning Study
 - Two long-range planning components that that Alternative Transportation Systems (ATS) address managing beach access and the ability to move visitors around using alternative fuel vehicles.
 - Beaches are becoming increasingly overcrowded, visitors are disturbing sensitive dunes and flora instead of entering beaches at designated areas. It is recommended that CACO consider using technology to limit the number of drop-offs at the beach, should it become infeasible to use Park Rangers for this duty.
 - The second recommendation is to learn from its electric-tram experience—to determine what went wrong and why problems occurred, and to lay the necessary groundwork for redeploying electric vehicles in the future, this time successfully. The intent would be to run these trams for interpretive tours at selected sites only in modified duty. As knowledge is gained and confidence restored in their reliability, eventually they could be brought back into more active service.

Cumberland Island National Seashore, Georgia

Cumberland Island National Seashore is currently in the process of developing a Transportation Management Plan that addresses how to transport people around the island to better experience the natural and cultural resources. Currently, bicycle and foot traffic are the only forms of transportation on the island.

Preliminary alternatives for this plan look at various modes of transportation (for purposes of a guided tour or a shuttle) such as electric vehicles, gas or alternative fuel van, minibus, larger shuttle, or large SUV. Public comment on this plan opposed to the use of gasoline powered vehicles outweighing those in favor by 13:1. Support for electric vehicles was given almost as often as people expressed their opposition to gasoline powered vehicles. Additional suggestions received during public scoping regarding alternative transportation were the use of alternative fuel, hybrid (gasoline and electric) vehicles, providing handicapped accessibility, use of solar power, or use of camper buses similar to

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those used at Denali National Park. Other transportation alternatives mentioned were horse/horse and buggy tours, bicycles, segways, sky lifts, a tram with open cars, electric carts, pedal-powered carts, slow-bottomed kayaks, limited flights to the north end, rickshaws, pedicabs, a farm tractor pulling a trolley with benches, bicycle drawn carriages, and covered, yet open air, jitneys/trams (CUIS 2007).

Gulf Island National Seashore, Florida/Mississippi

The seashore offers ferry service to West Ship Island. The ferry doubles as an interpretation tool and a mode of transportation.

Point Reyes National Seashore, California

In 1998, to relieve congestion and eliminate a two-hour waiting period, Point Reyes National Seashore contracted a large, 40-passenger bus to provide transportation from Drakes Beach to the Headlands. The 1998-1999 lighthouse shuttle bus experiments proved successful, parking lot congestion was relieved and visitors were provided with a comfortable and quick trip to the Headlands. The success of the lighthouse shuttle bus prompted the National Park Service to continue this service (PORE).

References

Cape Cod National Seashore (CACO). *Alternative Transportation Systems Long Range Planning Study; Final Report*. May 2003.

Cumberland Island National Seashore (CUIS). *Final Public Scoping Report: Summary of Public Scoping Comments for Transportation Management Plan and Environmental Assessment*. April 2007.

Point Reyes National Seashore (PORE). Taken from the PORE website. Can be accessed at: <http://www.nps.gov/pore/planyourvisit/shuttle.htm>. Accessed on 10/12/07.

*Cape Hatteras National Seashore
ORV Management Plan/EIS
Purpose, Need, and Objectives*

The purpose and need for action and objectives were developed by the IDT during internal scoping, and reviewed, adjusted as needed, and confirmed following public scoping. Alternatives must resolve the purpose and need for action and meet the objectives to a large degree.

PURPOSE AND NEED FOR ACTION

PURPOSE OF ACTION

“Purpose” is an overarching statement of what the plan must do to be considered a success.

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.
- Promote the safety of all visitors.

NEED FOR ACTION

Need is an overarching statement of why action is required.

An ORV management plan is needed to:

- Bring the Seashore in compliance with Executive Orders 11644 and 11989 respecting ORV use, and with NPS laws, regulations (36 CFR 4.10), and policies to minimize impacts to Seashore 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.
- Provide for protected species management in relation to ORV use upon expiration of the *Cape Hatteras National Seashore Interim Protected Species Management Strategy/EA* (NPS 2006a) and associated *Biological Opinion and Amendment* (USFWS 2006 and 2007).



Objectives in Taking Action

Objectives are “what must be achieved to a large degree for the action to be considered a success” (NPS Director’s Order 12 and Handbook: Conservation Planning, Environmental Impact Analysis, and Decision Making). Objectives must be grounded in the park’s enabling legislation, purpose, significance, and mission goals and must be compatible with direction and guidance provided by the park’s general management plan, strategic plan, and/or other management guidance.

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, AND 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 habitats 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 that ORV operators are informed about the rules and regulations regarding ORV use at the Seashore.

VISITOR SAFETY

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

SEASHORE 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.

DRIVER AND VEHICLE AND EQUIPMENT REQUIREMENTS--National Park Service Units			
Park	Driver Requirements	Vehicle Requirements	Equipment Requirements
Cape Hatteras National Seashore (based on the IPSMS/EA and 1978 Interim Plan)	Current driver's license	Valid vehicle registration, insurance 4-wheel drive vehicles only Must lower tire pressure to 20 psi or less Any law applicable to vehicle use on a paved road in the State of North Carolina also applies to ORV use, including the use of seatbelts	Recommended: <ul style="list-style-type: none"> shovel tire pressure gauge spare tire jack and jack support (at least 12" x 12" of non-bending steel, 5/8" plywood, or 2" hardwood), tow rope (at least 18' long with a load strength of 5,000 lbs or more) fire extinguisher, flashlight, and first aid kit
Cape Lookout National Seashore (based on the IPSMP/EA and 2007 Superintendents Compendium)	Current driver's license, must meet all requirements under North Carolina traffic law for driving on highways	Valid state inspection sticker Recommended: <ul style="list-style-type: none"> 4-wheel drive vehicles Lower tire pressure to 15-20 psi 	Recommended: <ul style="list-style-type: none"> shovel tire pressure gauge spare tire air pump jack with base support board extra boards for traction tow rope fire extinguisher, first aid kit, and water
Assateague Island National Seashore	All drivers must possess a valid state driver's license	4-Wheel Drive: Max. vehicle length = 26 feet Max. vehicle width = 8 feet Min. vehicle ground clearance = 7 inches Gross vehicle weight rating may not exceed = 10,000 pounds Max. number of wheels per axel = 2 Max. number of axles = 2 2-Wheel Drive (in addition to above): Min. width of tire tread contact on sand = 8 inches each wheel (tires with regular snow/mud grip tread not acceptable) Superintendent may issue a single trip permit for a vehicle of greater weight or length when such use is not inconsistent with the purposes of the regulations All vehicles must bear valid state license plates, be properly insured and be registered to operate on public highways	Required Equipment: Over sand vehicle operators in designated zone must carry and be able to display upon request: <ul style="list-style-type: none"> A shovel with a blade at least 6" square and a handle at least 18" long. A vehicle jack sufficient to lift one wheel clear of the sand. A jack support that is at least 12" x 12" of non-bending steel, 5/8" plywood or 1½" hardwood. A tire gauge with a minimum reading of 15 pounds or less. A tow rope or tow strap, chain or cable with a minimum pulling strength of 6,000 pounds and at least 10 feet long. <ul style="list-style-type: none"> ½" minimum diameter for nylon or Dacron ropes ¾" minimum diameter for all other ropes ¼" minimum diameter for carbon steel cable 5/16" minimum diameter for chain links
Big Cypress National Preserve	Valid state operator's license or learner's permit and accompanied by a licensed driver 18 years or older	ATV 3 and 4 wheelers: <ul style="list-style-type: none"> Front tires minimum of 7 inch tread face, rear tires minimum 9 inch tread face Working white headlight Working red tail light Muffler Vin number Proof of title (State law requirement) Street Legal 4X4 Requirements: Tires with a minimum 9 inch tread face, working white headlights, working red tail lights, VIN number, muffler, weight, registration/insurance Vehicle requirements differ for airboats and swamp buggies Wheeled vehicles must have three or more tires	During dry periods, spark arrestor that meets Standard 5100-1a of the Forest Service may be required From one-half hour after sunset to one-half hour before sunrise, vehicles must display at least one forward-facing white headlight and one red lighted taillight

DRIVER AND VEHICLE AND EQUIPMENT REQUIREMENTS–National Park Service Units																																			
Park	Driver Requirements	Vehicle Requirements	Equipment Requirements																																
Cape Cod National Seashore	<p>Valid state operator's license View an educational orientation program each season Abide by all Seashore and off-road regulations Drivers responsible for filling all ruts or holes if vehicle gets stuck in sand and must remove all debris used to extricate the vehicle</p>	<p>Valid state registration, inspection sticker, insurance</p> <ul style="list-style-type: none"> Tires: All 5 tires, including the spare tire, must meet or exceed the standards outlined below. These standards are minimum acceptable tire standards. <table border="1"> <thead> <tr> <th>Rim Diameter</th> <th>Width</th> <th>Profile</th> <th>Example</th> </tr> </thead> <tbody> <tr> <td>19"</td> <td>265</td> <td>50 or ></td> <td>P265 / 50 R19</td> </tr> <tr> <td>18"</td> <td>255</td> <td>55 or ></td> <td>P255 / 55 R18</td> </tr> <tr> <td>17"</td> <td>245</td> <td>60 or ></td> <td>P245 / 60 R17</td> </tr> <tr> <td>16"</td> <td>235</td> <td>65 or ></td> <td>P235 / 65 R16</td> </tr> <tr> <td>15"</td> <td>225</td> <td>70 or ></td> <td>P225 / 70 R15</td> </tr> <tr> <td>14"</td> <td>195</td> <td>70 or ></td> <td>P195 / 70 R14</td> </tr> <tr> <td>13"</td> <td>185</td> <td>70 or ></td> <td>P185 / 70 R13</td> </tr> </tbody> </table> <p>12 psi tire pressure is recommended and beginning tire pressure should not exceed 15 p.s.i. Rental vehicles are prohibited</p>	Rim Diameter	Width	Profile	Example	19"	265	50 or >	P265 / 50 R19	18"	255	55 or >	P255 / 55 R18	17"	245	60 or >	P245 / 60 R17	16"	235	65 or >	P235 / 65 R16	15"	225	70 or >	P225 / 70 R15	14"	195	70 or >	P195 / 70 R14	13"	185	70 or >	P185 / 70 R13	<p>4-wheel/all wheel or self-contained recreational vehicles must have tires, including spare tire, meeting standards stated in park's oversand brochure Vehicles will be inspected for required accessory equipment:</p> <ul style="list-style-type: none"> Shovel: Heavy-duty shovel equal to a military folding shovel Towing Device: Any of the following which are at least 14 feet long: Tow Strap: 1 1/2"; Rope: 3/4"; Chain 5/16"; Cable 1/4" Jack: Standard size (e.g., vehicle manufacturer's jack) Jack Support Board: Wood: 10" x 12" x 1 1/2" or Plywood: 10" x 12" x 3/4" Tire Pressure Gauge: Must register to 5 psi or lower Self contained vehicles and pick-up truck campers must also have a fire extinguisher and permanently mounted holding tanks. Spare Tire: Must meet tire standards outlined below. <p>RV and pick-up truck campers must also have a fire extinguisher and permanently mounted holding tanks.</p>
Rim Diameter	Width	Profile	Example																																
19"	265	50 or >	P265 / 50 R19																																
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Fire Island National Seashore	<p>Valid permit or other authorization for operation on the island, issued by the local government agency within whose jurisdiction the travel is to be performed Watch a 5-minute driving orientation video to be advised of the "rules of the road" and other safety and resource protection information</p>	<p>Capable of four-wheel drive operation Rated gross vehicle weight not in excess of 10,000 pound Conform to all applicable state laws regarding licensing, registration, inspection, insurance, and required equipment</p>	<p>None stated in regulation, website says vehicles must be properly equipped</p>																																
Padre Island National Seashore	<p>Valid operator's license or learner's permit with an adult who has a valid operator's license</p>	<p>Valid license plates and valid state vehicle inspection certificate Operable horn, windshield wiper or wipers, brake lights, and a rearview mirror Beaches are considered by the State of Texas to be Texas public highways. The State of Texas requires all vehicles operating on public highways to meet state licensing, inspection and insurance requirements, as well as all other requirements for motor vehicles operating on state highways. ATV, dune buggies, sand rails and golf carts are non-highway vehicles.</p>	<p>Recommended: Drinking water, extra gasoline, tools to dig yourself out if you get stuck (shovel with a long handle, a car jack, a tow rope or chin, and a few wooden planks or carpet), a bucket, cellular phone</p>																																

OPERATING REQUIREMENTS–National Park Service Units				
Park	Rights-of-Way	Speed Limit	Areas of Operation	Route Designation
Cape Hatteras National Seashore (based on the IPSMS/EA and 1978 Interim Plan)	Pedestrians have right-of-way.	25 mph, except in areas of reduced ORV corridor width (i.e. narrower than 100 feet), then 10 mph (IPSMS FONSI p. 10).	Between April 1 and August 31 each year, a 100-foot-wide ORV corridor designated, where possible, above the mean high tide line in piping plover breeding areas. During other times of the year ORV and pedestrian access restricted to a corridor 150 feet duneward of the ocean mean high tide. Sea Turtle Areas: Outside of recent bird breeding areas, ORV use restricted to a corridor 150 feet duneward of the mean high tide line and seaward of the toe of the dunes or vegetation line, whichever is less. A 30-foot by 30-foot buffer zone of signed, stringed fencing is placed around each nest in any place where recreation occurs. When a nest is approximately 50 days old, where possible, ORV traffic routed around the nest on the duneward side, maintaining a buffer of 50 feet where possible, but no less than 30 feet. If the filter fence closure for hatchlings will 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 will be made to identify a bypass route on the duneward side of the nest.	Drive only on marked ORV routes and comply with posted restrictions. Do not drive on or between the dunes unless marked as an ORV route. Driving or parking on vegetation is prohibited. Under the IPSMS/EA, an approximately 100-foot corridor is designated above the mean high tide line in piping plover breeding areas used within the past three years, corridor is adjusted as necessary to allow vehicle passage. In areas with sea turtles, outside of recent bird breeding areas, ORV used will be restricted to a corridor of 150 feet duneward of the mean high tide line and seaward of the toe of the dunes of the vegetation line, whichever is less.
Cape Lookout National Seashore (based on the IPSMP/EA and 2007 Superintendents Compendium)	All vehicles operated on park road, parking areas, and routes designated for off-road use must meet North Carolina traffic laws at all times, whether in motion or parked, as if operating on North Carolina highways.	25 mph on the beach and designated routes. Speed limited reduces to 15 mph upon approaching within 100 feet of any person, vehicle, campsite, other structure or while traveling within a lease area or while carrying passengers in a mode of conveyance towed behind the motor vehicle specifically designed for carrying passengers while being towed.	The Seashore has specifically designated routes/areas open to ORV and OHV use including the ocean side beach of North Core Banks (NCB) and South Core Banks (SCB) from the primary dune line to the waterline, marked routes and crossover routes or "ramps", the interior "back" route, and designated parking areas. Locations marked by the National Park Service as bird nesting areas are closed to all recreational use, including the entry of any unauthorized vehicle, person, or pet. Sections of beach marked by the National Park Service as turtle nesting areas are closed to all unauthorized vehicular entry.	Until an ORV Plan is completed, and special regulations are promulgated for ORV Routes, ORV Routes will be designated under 36 CFR 1.5.
Assateague Island National Seashore	When two vehicles approach from opposite directions in same track, both operators shall reduce speed and operator with the ocean on right shall pull out of the track and allow other vehicle to pass. ORVs shall be operated only in established tracks on designated portions of the park area and no such vehicles shall be operated on any portion of a dune except at posted crossings nor shall such vehicles be driven so as to cut circles or otherwise needlessly deface the sand.	25 mph except when within 100 feet of any person not in a motor vehicle, then 15 mph.	Oversand vehicle travel permitted south of Assateague State Park, daily throughout the year at any time, on a designated oversand route bayward of the primary dune and on designated portions of a beach seaward of the primary dune. Some geographical areas where vehicle travel is prohibited are designated. During an emergency, the Superintendent may close the park, or suspend for such period as s/he shall deem advisable, any or all of the regulations in the interest of public safety.	Oversand vehicles shall not be parked as to interfere with the flow of traffic on designated routes. Vehicles may not park overnight seaward of the primary dune unless one member of the party is actively engaged in fishing at all times. Towed travel trailers used as self-contained vehicles may not be parked on a beach seaward of the primary dunes.

OPERATING REQUIREMENTS—National Park Service Units				
Park	Rights-of-Way	Speed Limit	Areas of Operation	Route Designation
Big Cypress National Preserve	Vehicles must use designated access points and follow trail designations in each zone.	15 mph	Geographic restrictions designate areas where ORV allowed to operate (area south and west of Loop Road and north of Tamiami Trail). Exceptions in areas closed to ORV use for reasonable access by legal residents or to provide access by authorized oil and gas companies.	Superintendent may temporarily or permanently close or restrict the use of any areas and routes by the posting of appropriate signs, or marking on a map, which shall be available for public inspection. Factors considered in closing areas include other visitor uses, safety, wildlife management, noise, erosion, geography, vegetation, resource protection, and other management considerations.
Cape Cod National Seashore	When two vehicles meet on the beach, vehicle with water on the right has right-of-way.	15 mph unless otherwise posted and 5 mph through self-contained camping areas and posted shorebird nesting areas.	The Off-Road Corridor includes the beach route from Race Point Lighthouse in Provincetown to Head of the Meadow Beach in Truro. Coast Guard Beach to Longnook Beach in Truro is open for night fishing only. See designated off-road routes and definitions on the maps and diagrams. Travel may be restricted at the discretion of park rangers because of changing beach conditions and shorebird nesting activity.	All ORV traffic is limited to the backshore area of the beach, a marked corridor defined by a 10 foot offset from the spring high tide line to the berm crest at the normal high tide line. Foreshore and foredune areas are off limits EXCEPT travel in the foreshore area when passing a beach cut that has eliminated the legal off-road vehicle corridor. Driving through inner dune routes, posted shorebird nesting areas and lifeguard-protected beaches is prohibited. The ORV corridor is open from April 15 to November 15. Portions may be closed to driving because of changing beach conditions and/or shorebird nesting activity.
Fire Island National Seashore	When two vehicles approach, both operators shall reduce speed and operator with the water to left shall yield right of way by turning out of the track to the right.	20 mph and 5 mph when approaching or passing within 100 feet of any person not in a motor vehicle or when passing through or over any dune crossings.	With a Sportman's Vehicle Permit, may drive on the beach along the Atlantic Ocean on the south shore of Fire Island, west of the Wilderness Visitor Center and east of Long Cove, between the water's edge and 20 feet seaward of the beach grass. Vehicles may not cross dunes, damage vegetation, or enter the designated wilderness area. Permits may be used between September 15 and December 31. However, the beach may be closed to driving at any time due to high water or other adverse conditions on the beach.	In providing for access to the island, there shall be maximum reliance on those means of transportation other than private motor vehicles and which have the minimum feasible impact on seashore lands, which include a waterborne conveyance licensed for hire.
Padre Island National Seashore	When two vehicles meet, operator of vehicle in southbound traffic shall yield right-of-way by turning out of the track to right.	25 mph where driving is permitted on the beach.	Legislation details specific routes to be used for ORV operation. Boundaries are marked by geographic locations and the channel. 4.5 miles are closed to vehicles (Malaquite Beach), 6 miles are open to both two-wheel and four-wheel drive vehicles, and 55 miles are open only to four-wheel drive vehicles.	Not explicitly stated. Suggested that vehicles keep in tracks of those who have been there before and it is prohibited from driving into areas of vegetation.

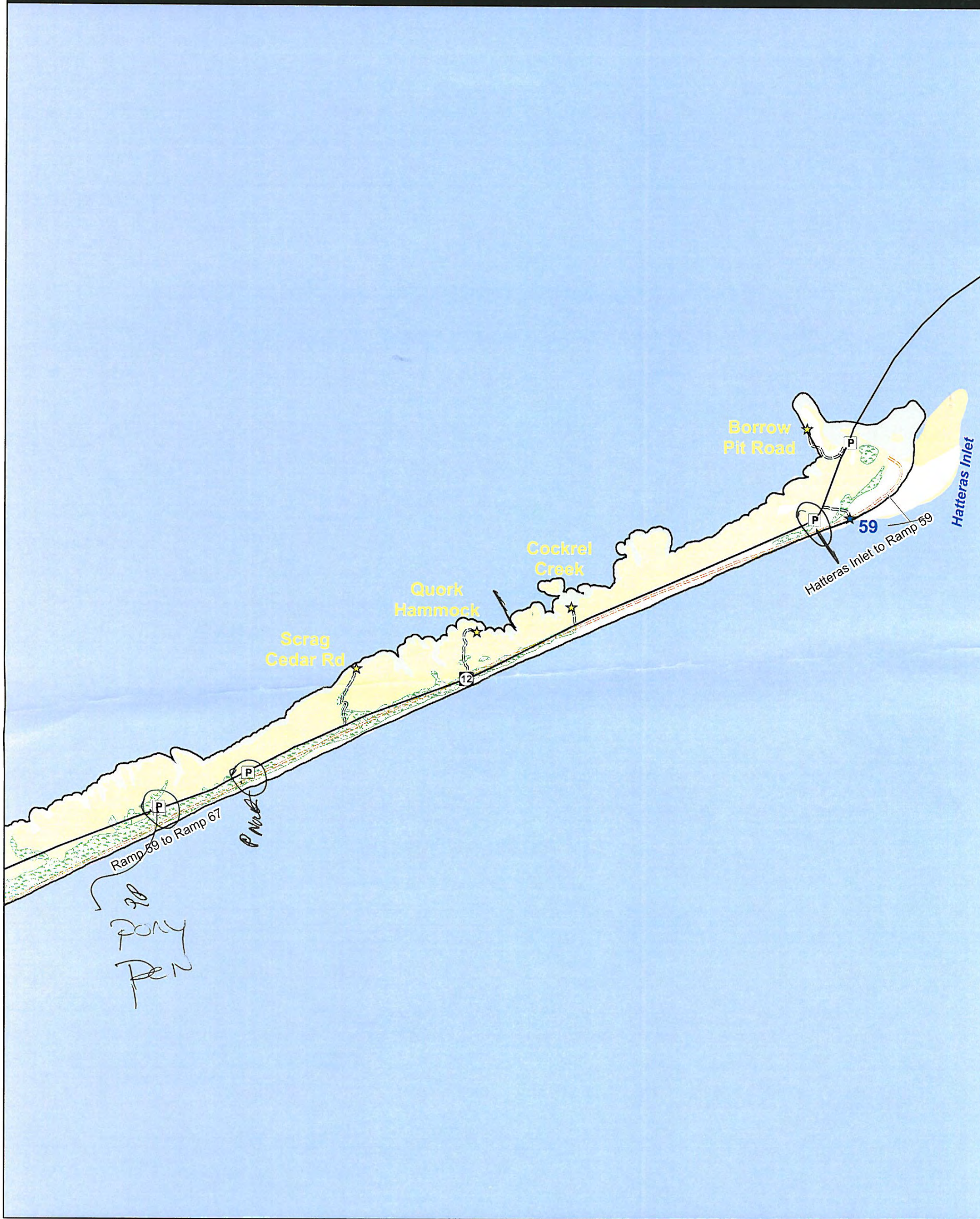
ENFORCEMENT AND OTHER REQUIREMENTS–National Park Service Units				
Park	Prohibited Vehicle Operations ¹	Permits (Yes/No)	Permit Details (If Applicable)	Penalty for Violations
Cape Hatteras National Seashore (based on the IPSMS/EA and 1978 Interim Plan)	Do not drive on or between the dunes unless marked as an ORV route. Driving or parking on vegetation is prohibited. Use only designated beach access ramps and sound-side access roads to enter designated ORV routes. Reckless driving, i.e. cutting circles or defacing the beach, prohibited. Avoid driving or parking on the wrack line.	No	Not applicable	Yes
Cape Lookout National Seashore (based on the IPSMP/EA and 2007 Superintendents Compendium)	The following actions are prohibited: <ul style="list-style-type: none"> ▪ Driving over dunes, vegetation, sand flats, and soundside of the island. ▪ Loading or unloading vehicles(s) from or onto a concession dock, or within a concession assigned area, except for concession operations, except for NPS authorized operations. ▪ Driving a vehicle in a manner that needlessly ruts the sand. ▪ Operating a motorcycle, tracked motor vehicle or any motor vehicle with less than 3 wheels anywhere on the Seashore. ▪ Failing to fill to the original level any hole caused by excavating a vehicle from the sand. ▪ Camping from a vehicle (i.e. in a tent) or in a recreational vehicle while the vehicle is parked on or next to the backroad, except in marked designated sites. ▪ Blocking the beach or any designated route by any means (such as with a vehicle, camping gear, fishing equipment, etc.) in such a manner that prevents safe, legal flow of vehicular traffic, at all tides, is prohibited. In particular, at least 20 feet of beach between the primary dune line and ocean must be left open to vehicular traffic. 	No	Not applicable	Yes

¹ See Areas of Operation under Operating Requirements Table also.

ENFORCEMENT AND OTHER REQUIREMENTS--National Park Service Units				
Park	Prohibited Vehicle Operations ¹	Permits (Yes/No)	Permit Details (If Applicable)	Penalty for Violations
Assateague Island National Seashore	<p>No permit issued for vehicles not equipped to travel over sand and that do not conform to applicable state laws having to do with licensing, registering, inspecting, and insuring of such vehicles.</p> <p>Passengers shall not ride in any position outside of a moving oversand vehicle and such vehicles shall not be used to tow a person on any recreational device over the sand or in the air or water.</p>	Yes \$70 annual	<p>No vehicle, other than authorized emergency vehicles, shall operate on the beach or designated oversand route except under an oversand vehicle permit issued by Superintendent.</p> <p>All vehicles using the oversand vehicle zone must display a valid oversand vehicle Permit.</p> <p>Oversand vehicle permits are issued for individual vehicles in the name of the registered owner. Sale or transfer of the vehicle voids the permit. A replacement permit may be issued for the new vehicle only if enough of the original permit, to include serial numbers and month sticker, is returned for exchange. Permits destroyed in a vehicle accident may be replaced only if an official accident report is brought in for documentation. A receipt for purchase is not sufficient for permit replacement.</p> <p>The permit must be permanently affixed to the driver's side of the front bumper. The permit may be affixed to a Plexiglas or metal plate that is permanently bolted to the vehicle's left-front bumper or front license plate in such a way that it is not readily removable. All previous permits must be removed or covered completely by the new permit. Cleaning and drying the area on the front bumper before applying the permit is recommended for best adherence. Due to poor adhesion on textured plastic bumpers, a plate permanently bolted to bumper is recommended. Lost permits are not refundable or replaceable!</p>	Yes

ENFORCEMENT AND OTHER REQUIREMENTS–National Park Service Units				
Park	Prohibited Vehicle Operations ¹	Permits (Yes/No)	Permit Details (If Applicable)	Penalty for Violations
Big Cypress National Preserve	<p>Vehicles shall not be operated in a manner causing, or likely to cause, significant damage to or disturbance of soil, wildlife habitat, improvements, cultural, or vegetative resources.</p> <p>Cutting, grading, filling, or ditching to establish new trails or to improve old trails is prohibited, except under written permit where necessary in the exploration for, extraction, or removal of oil and gas.</p> <p>Any device used to push aside, shear off, or otherwise damage vegetation is prohibited. Tire chains, bar grips, and other devices affixed to tires are prohibited.</p> <p>Areas closed to motorized use include:</p> <ul style="list-style-type: none"> ▪ A one-mile wide buffer zone parallel to U.S. Highway 41 (Tamiami Trail) is closed to ORV use except on designated trails to cross the zone from designated access points. ▪ Zone 4 Cape Sable Seaside Sparrow Protection Area. ▪ Loop Unit, Deep Lake Unit, Copeland Prairie areas, Zone 1, Addition Lands and all prairies. ▪ The preserve is closed to ORV use between the hours of 10 p.m. and 5 a.m. ▪ 11-mile road and the Florida National Scenic Trail are closed to motorized travel, vehicles may cross at designated points. ▪ Any zone may close temporarily due to environmental and emergency conditions. This is especially true of Zone 4, which may be closed due to hydrologic conditions. ▪ An annual 60-day seasonal closure to all ORV use throughout the preserve, has generally been starting in June, but the dates may vary. 	Yes \$50 annual	<p>Following permits are required:</p> <ul style="list-style-type: none"> inspection permit (free upon vehicle meeting specifications) ORV operator's license (free after taking orientation course) ORV permit on vehicle (\$50, must be renewed annually) backcountry use permit (free) <p>Note: owners of private property within preserve boundaries are issued a free special use permit that allows reasonable access to and from their property.</p> <p>[The BICY Final Recreational ORV Mgmt Plan Supplemental EIS had a limit of 2,000 permits annually, but this information does not appear on the Park's website.]</p>	A person convicted of violating a provision of the regulations within the preserve can be punished by a fine or imprisonment, or both as provided by law, and can be adjudged to pay all costs of the proceedings (36 CFR 1.3) ORV operators who do not comply with preserve rules or permit requirements can also have their permits suspended or revoked, can be required to pay restitution for injury caused to the resources, can be subject to seizure of their vehicle and other property used during the offense, and can be banned from applying for an ORV permit for a specified period.
Cape Cod National Seashore	<p>Riding on fenders, tailgate, roof, or any exterior portion of a vehicle not designed to carry passengers prohibited.</p> <p>Parking permitted only on legal off-road vehicle corridor.</p> <p>Parking overnight is restricted to registered self-contained vehicles camping in designated camping areas.</p>	Yes \$150 annual \$ 50 7-day permit for ORV \$225 annual self-contained vehicle \$ 75 7-day self-contained vehicle	<p>Maximum of 150 permits per day</p> <p>400 7-day permits active at any one time (200 of the 400 are available through the Advanced Sale System)</p> <p>3,000 annual permits available</p>	Yes

ENFORCEMENT AND OTHER REQUIREMENTS—National Park Service Units				
Park	Prohibited Vehicle Operations ¹	Permits (Yes/No)	Permit Details (If Applicable)	Penalty for Violations
Fire Island National Seashore	See areas of operation, Operating Requirements Table.	<p>Yes—not required for vehicles operated by a duly constituted law enforcement agency having jurisdiction within the Seashore.</p> <p>Permits include a permit fee and application fee as follows:</p> <p>Recreational driving \$50 (includes permit and application fee)</p> <p>Resident (year-round or part-time) \$95 permit fee, \$50 initial application fee and \$10 renewal</p> <p>Contractor/Business \$750 annual, \$300 monthly, \$75 weekly permit fee; \$50 application fee</p> <p>Essential Service \$750 per vehicle permit fee; \$50 per company application fee</p> <p>Public Utility \$750 per vehicle permit fee; \$50 per company application fee</p> <p>Municipal Employees \$95 permit fee, \$50 application fee with \$10 renewal fee</p> <p>Not transferable to another motor vehicle or new owner. Permits may contain limitations or conditions as Superintendent deems necessary for resource protection, public safety, or visitor enjoyment including restrictions on locations where vehicles can travel, time, dates, or frequency of travel.</p>	<p>The following may apply for a permit:</p> <ul style="list-style-type: none"> year-round residents persons who held part-time permits prior to January 1, 1978 those providing services essential to public facilities and the occupancy of island residents those who desire motor vehicle access to the Seashore to engage in fishing or hunting owners of estates in real property on the island who demonstrate a need for temporary access holders of reserved rights of use and occupancy <p>Criteria for consideration of a permit are provided. No permits issued for the convenience of travel. Limits provided on the number of permits allowed for various use types.</p> <p>A limited number of permits are issues in each category and driving times are restricted by category (Final Consensus Agreement of the Negotiated Rulemaking Committee suggests limits to number of permits, and driving restrictions for each permit type.)</p>	Superintendent may suspend or revoke permit of a motor vehicle for violations and a fine may occur.
Padre Island National Seashore	No ground effect or aircushion vehicles (hovercraft); vehicles propelled by wind (sail cars); towing of persons behind vehicle in any way; and riding on any position outside the vehicle allowed.	No	Not applicable	Yes

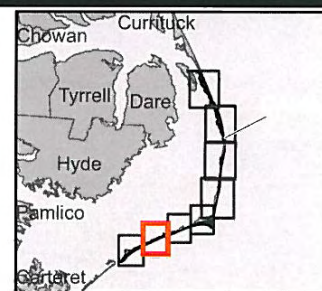
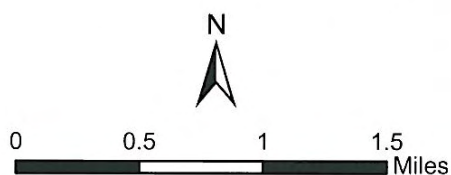


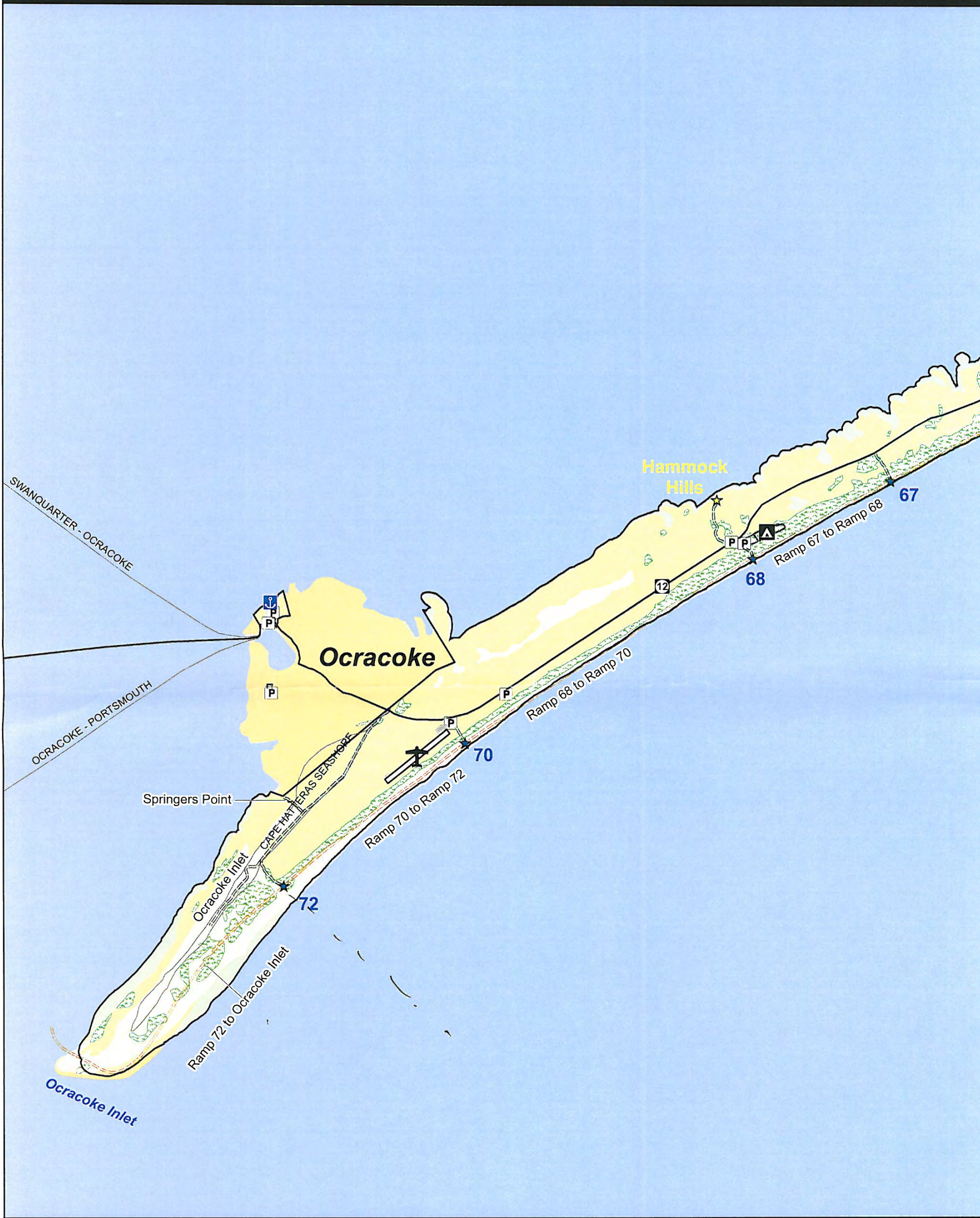
Legend

- Park Boundary
- Airports
- Interstate
- US Hwy
- State Hwy
- Other
- Dunes**
- Barren Sand
- Dune Grassland
- Boat Ramps
- Campgrounds
- Parking Lots
- Hunting Blinds
- Boardwalk Permits
- ORV Ramps**
- Seaside Ramps
- Soundside Ramps
- Beach
- Interdunal
- Sea
- Sound

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Ocracoke Island-1



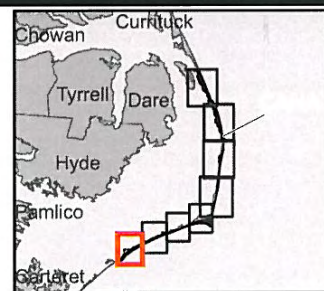
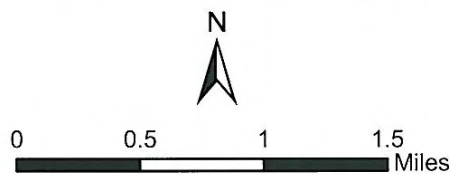


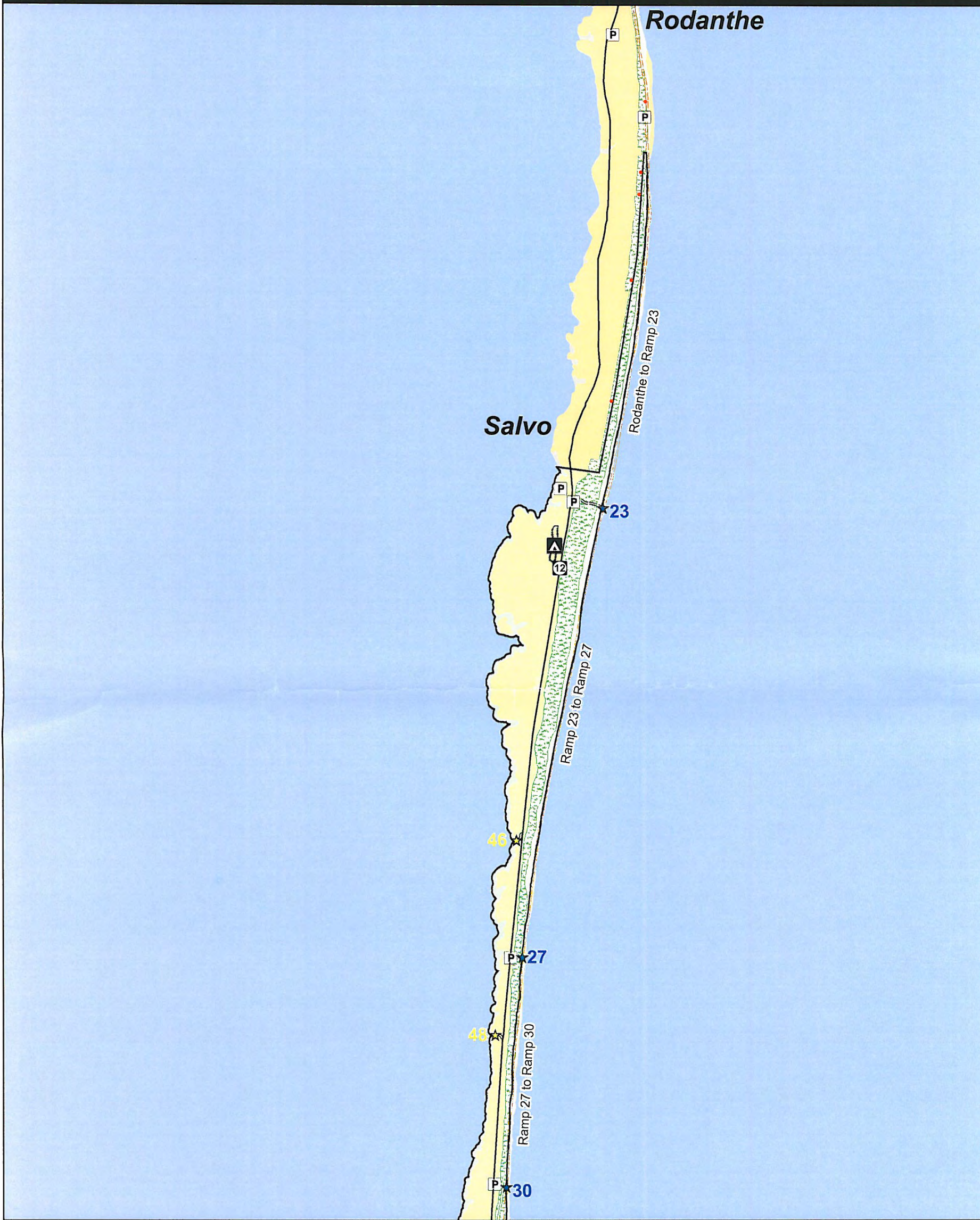
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- Park Boundary
- Airports
- Interstate
- US Hwy
- State Hwy
- Other
- Dunes**
- Barren Sand
- Dune Grassland
- Boat Ramps
- Campgrounds
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- Hunting Blinds
- Seaside Ramps
- Soundside Ramps
- Beach
- Interdunal
- Sea
- Sound
- Boardwalk Permits

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Ocracoke Island-2



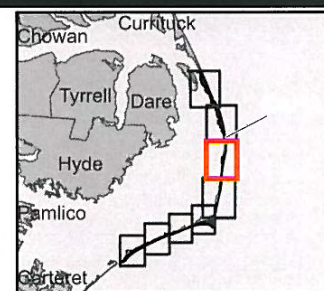
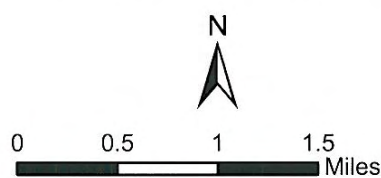


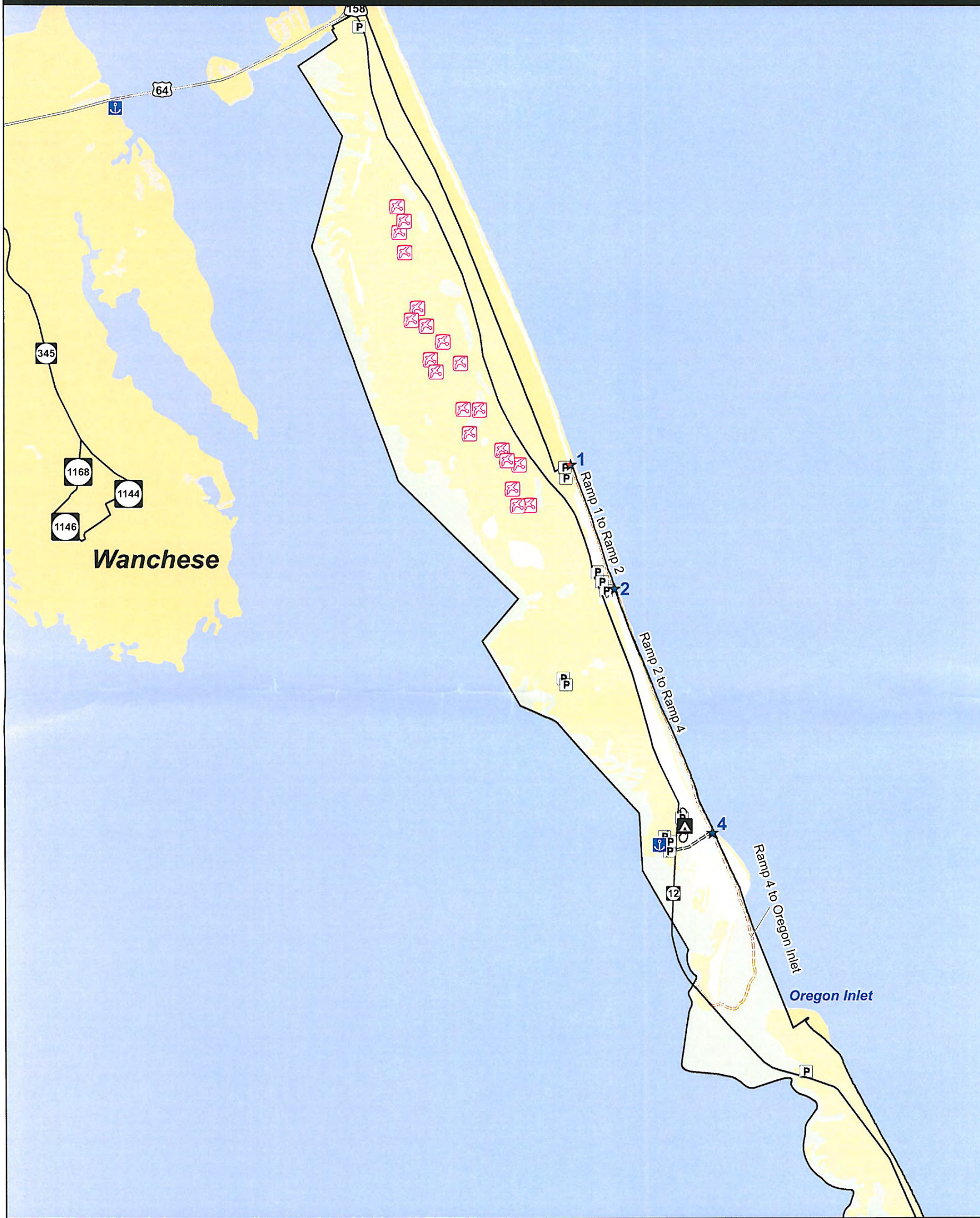
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- | | | |
|----------------|-------------------|------------|
| Park Boundary | Airports | Interstate |
| Dunes | Boardwalk Permits | US Hwy |
| Barren Sand | ORV Ramps | State Hwy |
| Dune Grassland | Seaside Ramps | Other |
| Boat Ramps | Soundside Ramps | |
| Campgrounds | Beach | |
| Parking Lots | Interdunal | |
| Hunting Blinds | Sea | |
| | Sound | |

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Hatteras Island-1



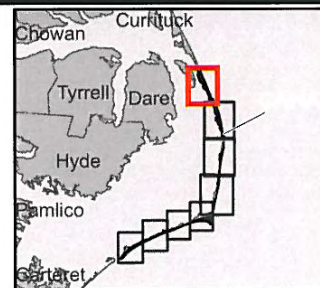
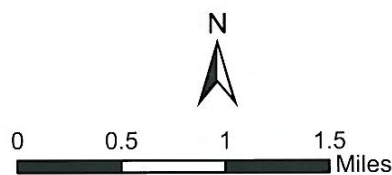


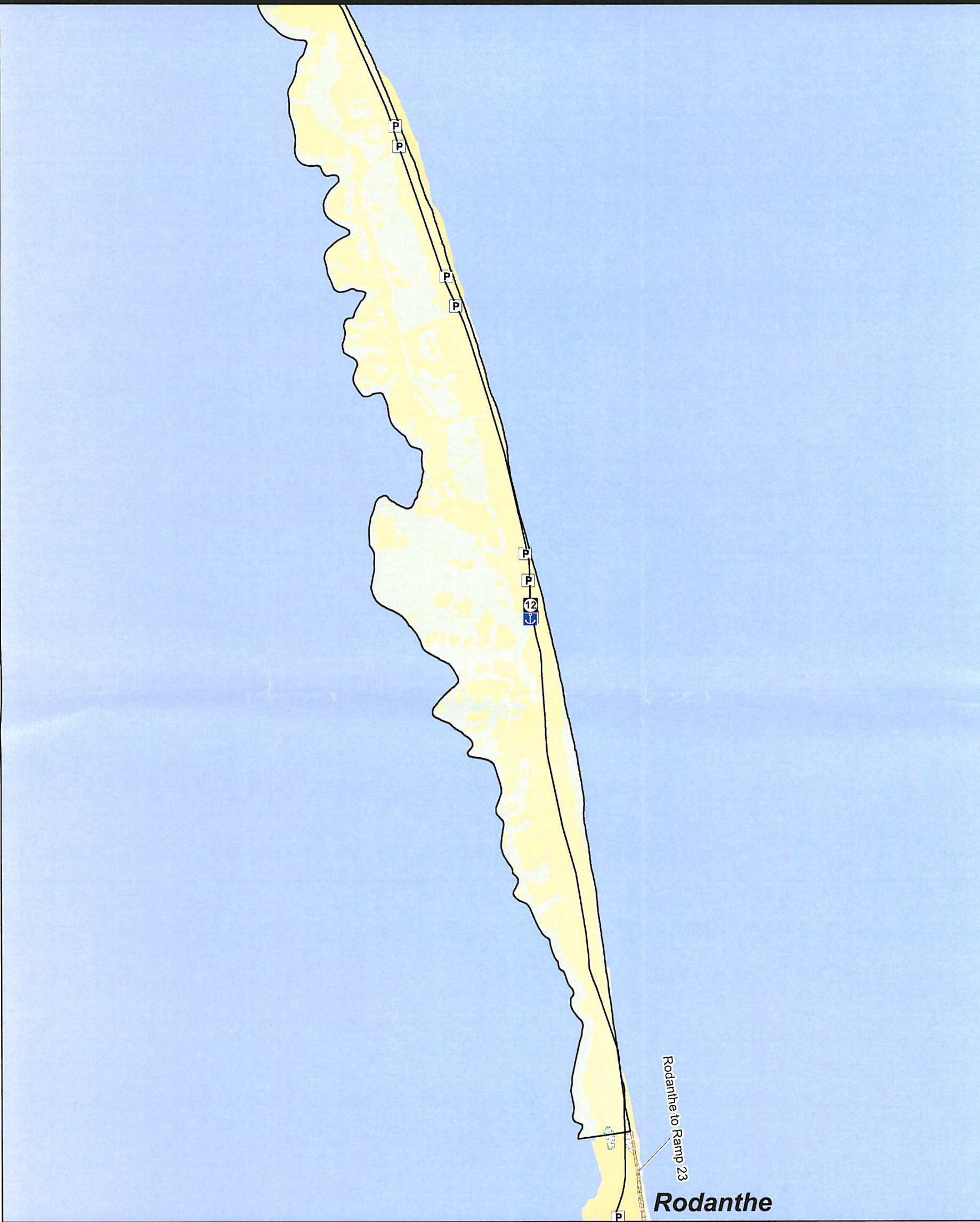
Legend

- Park Boundary
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Bodie Island-1



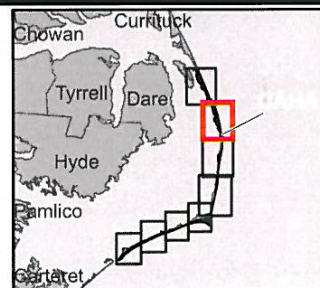
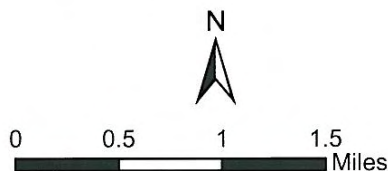


Legend

Produced By: NPS and The Louis Berger Group, Inc., October 2007

- Park Boundary
- Airports
- Interstate
- Dunes
 - Barren Sand
 - Dune Grassland
- Boat Ramps
- Seaside Ramps
- Soundside Ramps
- Campgrounds
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- ORV Ramps
- US Hwy
- State Hwy
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- Interdunal
- Sea
- Sound

Bodie Island-2



CAMA #2908
part 1 of 5

**Concepts/Alternatives for ORV Management at Cape Hatteras
From public and internal scoping
For consideration at the Alternatives Development Meeting
October 18-19, 2007**

ALTERNATIVES

The following bulletized list highlights alternative elements proposed by the public during the public scoping process. This list is intended to provide ideas for brainstorming. The elements provided may be applicable to more than one subject heading (i.e., ORV Access and Alternate Routes). Elements considered by the groups must be within the regulatory framework under which the Seashore operates as well as meet the plan's purpose, needs, and objectives. If an element does not meet these requirements, the group should define why and that element will be moved to "Alternatives Considered but not Carried Forward for Analysis".

Use Areas

Separate Uses

- Create vehicle only and pedestrian only areas.
 - Establish "beach conservation" zones.
 - Establish areas for beach shuttle and pedestrian use only.
 - Make Ocracoke pedestrian use only.
 - Identify areas in the park where views are natural (i.e. ocean, sound, beach, dunes, veg (not piers, houses, or other man-made objects; consider these for pedestrian only areas for those seeking a natural, non-vehicle experience.
 - Establish criteria for size of pedestrian only areas, providing for some short hikes (3 miles round trip) and some long hikes (8 - 10 miles round trip).
- Only allow surf fishermen to use ORVs on the beach.
- Make ORV uses multi-use areas to allow for swimming, fishing, etc.
- Designate areas for ORV use, away from critical nesting areas.
- Rotate use areas.
- Prohibit ORV use next to dwellings.

Improve Pedestrian Access Options

- Provide more pedestrian facilities including pedestrian ramps and trash receptacles/improve pedestrian walkways, and add other pedestrian related amenities.
- Identify where additional public parking and/or pedestrian walkways are needed and evaluate options for providing it.
- For seasonal or year-round ORV closures in front of villages consider developing parking and pedestrian access so park beaches are not "private beaches" (should be county/state CAMA involvement to provide access).

ORV Access

- Provide additional access.

- Reduce size of resource closures.
- Restore Pole Road.
- Re-open the three sound side roads that existed on the Pole Road prior to Hurricane Isabel.
- Restore historic ORV routes (specifically sound side).
- Remove closures in a more timely manner.
- Maintain existing level of ORV access.
- Allow ORV use, but limit for resource protection.
- Eliminate ORV access to the Seashore.
- Assess potential for ORV use in front of villages.
- Change ramp system.
 - Open ramps that have been closed to public access (provides additional access as well).
 - Provide fewer ramps.
 - Establish ramps (some) with parking areas that provide pedestrian walk-overs with a pedestrian only area in one direction (applies under Separate Uses as well).
- Eliminate ORV corridors.
- Change ORV corridor width.
- Consider the ADA requirements. ORV access may be necessary for disabled citizens.

Alternate Routes

- Use of alternate routes during nesting.
- High tide alternate routes.
 - Establish interdunal paths to provide access to Cape Point during high tides and/or resource closures.

Alternative Transportation

- Implement a shuttle system during times of temporary resource protection closures or ecofriendly shuttles on the beach.
- Include the possibility of using alternative transportation such as electric and/or non-polluting shuttles.

Enforcement

Increase enforcement

- Employ more rangers to enforce the law.
- Fund law enforcement through permitting and other fees.
- Increase the presence of NPS personnel to deter would-be offenders.
- Following the 2007 Memorial Day holiday weekend, CAHA requested additional NPS LE personnel from other parks and received two additional LE rangers during the week of the Fourth of July 2007. In the short term, we will continue to request additional LE personnel from other NPS units to supplement the CAHA LE staff on summer holiday weekends. The current 2008 NPS budget proposal being considered by Congress provides an additional \$282,000 for increased LE staffing for the Outer Banks Group. Positions may include permanent, subject-to-

furlough, temporary or seasonal law enforcement personnel. (M. Murray, ltr to G.E.B. Holding, US Atty, July 31, 2007)

Address other beach related enforcement problems

- Using its authority under 36 CFR § 1.5, consider prohibiting all beach fires between the hours of 11:00 p.m. and 6:00 a.m. to reduce the number of bonfire-related law enforcement and resource protection problems. (M. Murray, ltr to G.E.B. Holding, US Atty, July 31, 2007)
- Establish stricter consequences for law breakers.
- Enforce leash laws.
- Prohibit pets on beach during nesting season except at designated areas away from resource closures (e.g., adjacent to campgrounds or villages).
- Establish right-of-way rules, and stay in track unless have to yield right of way to oncoming vehicle.
- Do not allow the use of fireworks at the Seashore.

Address safety concerns at popular ORV use locations (M. Murray, ltr to G.E.B. Holding, US Atty, July 31, 2007)

- Require ORV users to deflate tires to 20 psi or less. Lower air pressure provides better traction in sand at lower speeds and reduces the tendency of inexperienced or uninformed drivers to speed to keep from getting stuck. Much of the rutting of the beach described in the court order was caused by vehicles with inadequately deflated tires. (20 psi is currently a recommendation, not an enforceable requirement.)
- Establish a policy, enforceable under 36 CFR § 1.5, that during periods of high and concentrated visitation, when additional ORV traffic may pose an increased and unacceptable risk to pedestrians and other beach users and may compromise resources protection measures, CAHA LE personnel may temporarily close those areas with the concentrated visitation to additional traffic. The additional traffic will be directed to less congested beach areas.
- Use the park plane to monitor holiday weekends use levels at popular sites and provide earlier detection of crowding and encroachments in resource protection areas, so that appropriate action to manage the situation is implemented.

Speed Limits

- Lower the speed limit from 25 mph to 15 mph for vehicles on all CAHA beaches between May 15 and September 15 to coincide with the period of peak visitation and peak breeding season resource protection activities. Speed limit during the off-season would remain 25 mph. (addresses safety concerns above) (M. Murray, ltr to G.E.B. Holding, US Atty, July 31, 2007)
- Increase/decrease parkwide speed limit.
- Lower speed limit in certain areas (i.e., within 100 feet of pedestrian, closures, or other vehicles).

Equipment Requirements

- Define types of vehicles allowed on the seashore.
- Establish requirements for what must be carried in ORV.
- Fill in holes created getting a vehicle out of the sand.

Night Driving Restrictions

- Do not restrict nighttime ORV use
- Establish nighttime restrictions to protect wildlife.
 - Restrict ORV use during turtle nesting season.
- Establish nighttime restrictions to make enforcement easier.
- Establish nighttime restrictions to protect dark skies.
- Establish nighttime restrictions in some areas, but not others.
- Establish nighttime during some seasons, but not others.
- Restrict beach fires (bonfires).

Outreach and Citizen Involvement

- Educate the public more effectively at the visitor centers, tackle shops, local television, and in parking areas. Educate visitors on responsible beach use.
- Increase the amount of communication and outreach between the park and public and create a hotline for visitors to report violations.
- Involve the community including use of volunteers from the area, take advantage of opportunities for citizen science to involve the public with professional scientists to collect meaningful, useful data that can be applied to management issues.
- Increase/change use of signage

Enhanced Information/Education (M. Murray, ltr to G.E.B. Holding, US Atty, July 31, 2007)

- Redesign signing at the ORV beach access ramps to clearly communicate applicable regulations and applicable penalties. A professional sign planner from the NPS Harpers Ferry Center is visiting CAHA the week of July 30, 2007 to develop a plan for new signs at ORV access points.
- Redesign the CAHA beach driving brochure to concisely communicate the regulations and potential penalties for violations.
- Improve the distribution of CAHA beach driving information to ensure a higher percentage of ORV users know the rules. In addition to NPS personnel, ranger stations, visitor centers and websites providing the information, we will also provide the information through a variety of non-NPS means including websites, welcome centers, and businesses. The following organizations have committed to distributing printed and/or electronic CAHA beach driving information: Dare County, Hyde County, Outer Banks Chamber of Commerce, Outer Banks Visitors Bureau, North Carolina Beach Buggy Association, Outer Banks Preservation Association, Cape Hatteras Anglers Club, American Sportfishing Association, Ocracoke Civic and Business Association, NC Marine Fisheries Commission, Watersports Industry Association, United Four Wheel Drive Associations, The Nature Conservancy, Coalition of NPS Retirees, Hatteras Landing Homeowners Association, Ocracoke Preservation Society, Ocracoke Civic and Business Association, numerous Outer Banks property management realtors, and numerous Outer Banks tackle shops and small businesses.
- Use CAHA's new Beach Ambassador program, a volunteer program developed to distribute water safety information, to also distribute ORV and resource protection information on the beach and at special events.
- Establish a Park Watch program to encourage citizen reporting of illegal activities and unsafe conditions. Peer pressure and self-policing are keys to effective deterrence and improving compliance. Dare County has committed to providing the 24-hour dispatching support for this program.

- Increase NPS uniformed (non-LE) presence on beaches during summer holiday weekends, in addition to increased LE. This may include staffing temporary beach information stations at the entrances to the most popular area(s) such as Bodie Island Spit to provide the regulatory information to all ORV users accessing the beach.
- The Outer Banks Angler, which provides televised fishing programming for the local cable channel (Channel 12) will develop a 10-15 minute segment on CAHA beach driving rules and etiquette that will reach 50,000 homes and 250,000 people throughout the Outer Banks area. The preliminary plan is for the program to air every 1-2 hours on Hatteras Island and 3-4 times a day north of Oregon Inlet.

Species Protection

Seasonal Restrictions

- Seasonal closures based on wildlife breeding seasons or recreation and visitor use patterns.
- No seasonal restrictions. Restrictions should be implemented all year round.

Adaptive Management

- Give the Superintendent the authority to make decisions for the park within the long-term plan to address changes in conditions.
- Establish a citizens advisory committee to advise on any future changes to the plan.
- Provide in 1 or more alternatives an adaptive management and monitoring plan and analyze the effects of implementing management actions that could be triggered under the plan, so they could be implemented without additional planning/compliance.

Wildlife Protection

- Focus on protecting wildlife and wildlife habitats through the practices of: fencing, identification of nesting, establishment of conservation zones, and a species monitoring system. Incorporate elements besides ORV impacts such as predation and natural processes.
- Address threats to threatened and endangered species such as predation and food sources for predators.
- Create wildlife habitat.
- Create sanctuaries for essential breeding grounds.

Recreation Management

- Set requirements for restrictions on kites (including kite boards) and balloons, trash removal.

Permitting System

- Allow permitting at the seashore. Proponents suggested that permits could prevent overcrowding, control access and fund enforcement, species monitoring, general maintenance, and education programs.
 - Provide varying permit lengths (weekly, monthly, annual, biannual).
 - Provide varying permit lengths for type of user (local vs. visitor—i.e., local would be allowed a biannual, visitors allowed annual only).

- Provide different pricing structures (locals vs. visitors).
 - Provide for possible revocation of permits for violating rules.
 - Provide limited / unlimited number of permits.
- Provide data on numbers, demographics, and seasonality of use through permits.
- Vary permit according to park use areas.
 - Limits on # of permits for holiday weekends at Bodie Island Spit or other high use areas.
 - Provide free or lower cost permits for underused areas (if there are any underused areas).
- Provide day / night permits.
 - Limit number or area of night permits.
- Provide limited quantity of permits / unlimited quantity of permits.
- Provide permit application/distribution system (use park VC, local shops).
- Establish license requirements for drivers, equipment requirements, vehicle requirements that must be met to obtain a permit.
- Require permits for some seasons, not for others.
- Guarantee the use of permit money and cap increases to the rate of inflation.
- Require participation in education program prior to obtaining permit.