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CAHA

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Attachments: Table 3 - CAHA Alts Matrix 070708.doc; CAHA CH2 070708.doc; Table 2 - CAHA Use Areas 070708.doc

Hi Sandy,
 Hope all is well with you.
 Here is chapter 2 for your review. As in previous versions, highlights are used to indicate where more information or decisions are needed. I know you were also expecting other chapters. I am having some last corrections made to Chapter 1 today, and it should come shortly. Chapter 3 will take more effort, and I am in the process of reviewing it now.
 Please call me or Dana with any questions.
 Thanks!
 Nancy

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ALTERNATIVES

1

2 NEPA requires federal agencies to explore a range of reasonable alternatives that address the purpose of
3 and need for the action. The alternatives under consideration must include the “no action” alternative as
4 prescribed by 40 U.S. Code of Federal Regulations (CFR) 1502.14. Project alternatives may originate
5 from the proponent agency, local government officials, or members of the public at public meetings or
6 during the early stages of project development. Alternatives may also be developed in response to
7 comments from coordinating or cooperating agencies.

8 The alternatives analyzed in this document, in accordance with NEPA, are the result of internal scoping
9 and public scoping. These alternatives meet the management objectives of the Seashore, while also
10 meeting the overall purpose of and need for proposed action. Alternative elements that were considered
11 but were not technically or economically feasible, did not meet the purpose of and need for the project,
12 created unnecessary or excessive adverse impacts to resources, and/or conflicted with the overall
13 management of the Seashore or its resources were dismissed from further analysis.

14 The NPS explored and objectively evaluated six alternatives in this EIS, including:

- 15 • **Alternative A: No Action – Continuation of Management Under the Interim Protected**
16 **Species Management Strategy.** Under this no-action alternative, management of ORV use and
17 access at the Seashore would be a continuation of management based on the 2006 *Cape Hatteras*
18 *National Seashore Interim Protected Species Management Strategy/EA* and the Superintendent’s
19 Compendium 2006, as well as elements from the 1978 draft interim ORV management plan that
20 were incorporated in Superintendent’s Order #7.
- 21 • **Alternative B: No Action – Continuation of Terms of Consent Decree Signed April 30, 2008.**
22 Under alternative B, management of ORV use would follow the terms described under alternative
23 A, except as modified by the provisions of the Consent Decree. Modifications in the Consent
24 Decree include changes to the buffers for various species at the Seashore and added restrictions
25 related to night driving.
- 26 • **Alternative C: Seasonal Management.** Alternative C would provide visitors to the Seashore
27 with a degree of predictability regarding areas available for ORV use, as well as vehicle-free
28 areas, based largely on the seasonal resource and visitor use characteristics of various areas in the
29 Seashore.

- 1 • **Alternative D: Increased Predictability and Simplified Management.** Under alternative D,
 2 visitors to the Seashore would have the maximum amount of predictability regarding areas
 3 available for ORV use and vehicle-free areas for pedestrian use, which means restrictions would
 4 be applied to larger areas and for longer periods of time to avoid changes in approved use patterns
 5 over the course of a year.
- 6 • **Alternative E: Enhanced ORV Route Management.** Alternative E would provide use areas for
 7 all types of visitors to the Seashore, including ORV users, with the highest level of access
 8 resulting in more areas open to ORVs year-round, partially by providing pass-through ORV
 9 corridors in traditionally higher use pedestrian areas and by improving interduanl road and ramp
 10 access.
- 11 • **Alternative F: Negotiated Rulemaking Consensus.** To be inserted when available.

12 The range of alternatives includes two no-action alternatives. Alternative A represents the no-action under
 13 the interim strategy/EA. This management action was in place until April 30, 2008, when the Consent
 14 Decree was signed and modified the management action. Two no-action alternatives are analyzed to
 15 capture the full range of management actions that occurred and are currently occurring.

16 **ELEMENTS COMMON TO ALL ALTERNATIVES**

17 The following describes elements of the alternatives that are common to all alternatives, including the no-
 18 action alternatives.

19 **OPERATOR/VEHICLE REQUIREMENTS**

- 20 • **Vehicle Requirements.** All vehicles operating in area of the Seashore must:
- 21 ▪ Meet all requirements to operate legally on state highways where the vehicle is
 - 22 registered, including all vehicle equipment, licenses and registration.
 - 23 ▪ Have a valid vehicle registration, insurance, and license plate.
- 24 • **Operator Requirements.** Any person operating a vehicle in any area of the Seashore must:
- 25 ▪ Observe any law applicable to vehicle use on a paved road in the State of North Carolina.
 - 26 ▪ Hold a current driver's license (Superintendent's Compendium Section 4.2(a)).
 - 27 ▪ Use seatbelts.

- 1 • Operator and Passenger Requirements. Any person operating a vehicle and/or passenger in a
2 vehicle operating in any area of the Seashore must comply with the following:
- 3 ▪ Open containers of any type of alcoholic beverage are prohibited in vehicles.
- 4 ▪ ORV drivers and/or passengers are prohibited from sitting on the tailgate or roof or
5 hanging outside of moving vehicles. Those in truck beds must be seated on the floor with
6 the tailgate closed; children in truck beds must be accompanied by an adult.
- 7 • Right of Way Requirements.
- 8 ▪ Vehicle right-of-way is not defined by Seashore, and the standard driving rules must be
9 followed. On ramps, the vehicle exiting the Seashore has the right-of-way.

10 **NATIONAL PARK SERVICE REGULATIONS**

11 Title 36: Parks, Forests, and Public Properties of the U.S. Code of Federal Regulations is applicable in all
12 national parks, including Cape Hatteras National Seashore. The regulations summarized in appendix X
13 include those in Title 36 applicable to the operation of ORVs in the Seashore and those applicable to
14 individuals recreating at the Seashore. Of particular note are the provisions of 36 CFR 1.5, which state
15 that the superintendent may impose public use limits, or close all or a portion of a park area to all public
16 use or to a specific use or activity; designate areas for a specific use or activity; or impose conditions or
17 restrictions on a use or activity; and establish a permit, registration, or reservation system.

18 **SUPERINTENDENT'S COMPENDIUM 2006**

19 The provisions detailed in Superintendent's Compendium 2006 define Seashore-specific regulations
20 imposed under the discretionary authority of the Superintendent of the Outer Banks Group. These
21 provisions, as described below, are common to all alternatives.

22 **ENFORCEMENT**

23 Violations would be fined or a mandatory court appearance would be required as defined in the *Collateral*
24 *Schedule, Eastern District of North Carolina, National Park Service.*

25 **AREAS OF VEHICLE OPERATION**

26 Visitors accessing the Seashore by ORV must drive only on marked ORV routes, comply with posted
27 restrictions, and adhere to the following:

- 28 • Driving or parking on vegetation is prohibited.

- 1 • Driving on or between the dunes unless marked as an ORV route is prohibited.
- 2 • Operating a vehicle of any type within safety or resource closures is prohibited.
- 3 • Use only designated beach access ramps and soundside access roads to enter designated ORV
- 4 routes. Reckless driving, for example, cutting circles or defacing the beach, is prohibited.
- 5 • Observe pedestrian right-of-way.

6 **PERMITTED USES / COMMERCIAL FISHING**

7 Commercial fishing permit holders with ORVs would be allowed to enter safety closures, but not
 8 resource closures or the currently established administrative closures. Two designated commercial fishing
 9 areas exist on the soundside of Ocracoke Island where only commercial fishing is allowed.

10 **PROTECTED SPECIES MANAGEMENT**

- 11 • In general, because of the dynamic nature of the Seashore beaches and inlets, protected species
 12 management could change by location and time, and new sites (bars, islands) could require
 13 additional management, or management actions may become inapplicable for certain sites (e.g.,
 14 habitat changes with vegetation growth, new wash over areas).
- 15 • Areas with symbolic fencing (string between posts) would be closed to recreational access.
- 16 • Data collection using a geographic positioning system (GPS) and incorporating data into a
 17 geographic information system (GIS) would continue to document breeding and nest locations.
 18 The Seashore has submitted a request for funding to update the GIS and develop standardized
 19 protocols for collecting data for the GIS.
- 20 • Essential use vehicles could enter restricted areas subject to the guidelines in the Essential
 21 Vehicles section of the *U.S. Fish and Wildlife Service Piping Plover (Charadrius melodus),*
 22 *Atlantic Coast Population, Revised Recovery Plan* (USFWS 1996). Due to the soft sand
 23 conditions of the Seashore, essential vehicles would not be allowed to exceed 10 miles per hour.

24 **ACCESSIBILITY FOR THE DISABLED**

25 The Seashore would provide access to disabled visitors as follows:

- 26 • Beach access points and boardwalks compliant with the American with Disabilities Act (ADA)
- 27 requirements at the Frisco Boathouse and the Ocracoke Pony Pen.

- 1 • Beach access through the issuance of special use permits for areas in front of the villages to allow
2 ORVs to transport disabled visitors to the beach and then return the vehicle back to the street.
- 3 • Beach wheelchairs could be checked out at each Ranger District on a first come/first served basis.

4 **INFRASTRUCTURE**

- 5 • The Bodie Island, Hatteras Island, and Ocracoke Island Visitor Centers would be open daily
6 excluding Christmas.
- 7 • The park has four campgrounds at Oregon Inlet, Frisco, Cape Point, and Ocracoke. The
8 campgrounds would be open seasonally. Dates the campgrounds open or close would be subject
9 to change.
- 10 • Designated day use areas would be located at Frisco and Ocracoke.
- 11 • Fishing piers are located near Frisco and at Avon and Rodanthe on Cape Hatteras Island, and a
12 marina is located at Oregon Inlet on Bodie Island.

13 **EDUCATION AND OUTREACH**

14 Under all alternatives, the Seashore would continue to:

- 15 • Promote visitor safety in the Seashore's newspaper and Seashore site bulletins.
- 16 • Provide educational materials regarding trash disposal, endangered species, wildlife feeding,
17 fireworks, pets, and driving requirements at the visitor centers and at other NPS facilities at the
18 Seashore.
- 19 • Notify the public of species management closures through weekly resource and beach access
20 reports, press releases, email updates, and on the Seashore's website.
- 21 • Post signage at ORV access ramps and routes on the beach and soundside. Signs at ramps include
22 applicable ORV regulations.
- 23 • Post signage in the Seashore so beach closures and Seashore resource information is readily
24 available and presented in a clear manner to the public.
- 25 • Conduct educational programs during the bird and sea turtle hatching season, during which public
26 school students could learn about sea turtles by participating in post-hatching nest examinations.
- 27 • Provide information to the public about nesting birds and sea turtles and measures taken by the
28 Seashore to protect nests and hatchlings.

- 1 • Post information about protected species at all ORV ramp bulletin boards.
- 2 • Publish annual protected species reports regarding the previous breeding season on the Seashore
- 3 website.

4 **NO-ACTION ALTERNATIVES**

5 The “no action” alternatives were developed for two reasons. A no-action alternative may be a viable

6 choice in the range of reasonable alternatives, and the no-action alternatives set a baseline of existing

7 impacts continued into the future against which to compare the impacts of action alternatives. The range

8 of alternatives includes two no-action alternatives. Alternative A represents continuing management as

9 described in the *Interim Protected Species Management Strategy/EA*. This management was challenged

10 in court and subsequently modified by the Consent Decree that was signed on April 30, 2008. Alternative

11 B represents continuing management as described in the Consent Decree. Two no-action alternatives are

12 analyzed to capture the full range of management actions that occurred and are currently occurring.

13 Tables 2 and 3 compare the actions that would be taken under each alternative.

14 **ALTERNATIVE A: NO ACTION – CONTINUATION OF MANAGEMENT UNDER THE INTERIM**

15 **PROTECTED SPECIES MANAGEMENT STRATEGY**

16 Regulations from CEQ 40 CFR 1502.14(d) require that the alternatives analysis in an EIS must “include

17 the alternative of no action.” The no action alternative “sets a baseline of existing impacts continued into

18 the future against which to compare impacts of action alternatives” (NPS Director’s Order 12, Section

19 2.7). Under this no-action alternative, management of ORV use and access at the Seashore would be a

20 continuation of management based on the 2006 *Interim Protected Species Management Strategy/EA* and

21 Superintendent’s Compendium 2006, as well as elements from the 1978 draft interim ORV management

22 plan that were incorporated in Superintendent’s Order #7. These actions would include providing access

23 throughout the Seashore, except in areas of temporary resource, safety, or administrative closures. Under

24 the no-action alternative, the entire Seashore would be a designed route or area, subject to temporary

25 closures. Designated routes and areas under alternative A are shown in figure X.

26 **ALTERNATIVE B: NO ACTION – CONTINUATION OF TERMS OF CONSENT DECREE SIGNED**

27 **APRIL 30, 2008**

28 A consent decree was signed on April 30, 2008, in U.S. District Court, whereby the parties involved in

29 the lawsuit to regulate beach driving along Cape Hatteras National Seashore agreed to a settlement of the

1 case. Terms of the Consent Decree required the NPS to complete an ORV Management Plan for the
2 Seashore by December 31, 2010, complete and promulgate the final Special Regulation by April 11,
3 2011, and provide details of specific species protection measures to take place until the plan was
4 completed. Under alternative B, management of ORV use and access at the Seashore would be a
5 continuation of management based on the terms of the Consent Decree. Under the Consent Decree,
6 management of ORV use would follow the terms described under alternative A, except as modified by the
7 provisions of the Consent Decree. Modifications in the Consent Decree include changes to the buffers for
8 various species at the Seashore and added restrictions related to night driving. If there is a conflict
9 between the interim strategy/EA and the measures described in the Consent Decree, the Consent Decree
10 would prevail. Designated routes and areas under alternative B are shown in figure X.

11 **ACTION ALTERNATIVES**

12 The action alternatives would establish areas that allow ORV use and vehicle-free areas where ORV use
13 is prohibited. Although ORV use areas are specifically identified, these areas do not prohibit other uses,
14 in effect making ORV use areas multi-use recreation areas.

15 **ELEMENTS COMMON TO ALL ACTION ALTERNATIVES**

16 The action alternatives, alternatives C, D, E, and F provide a range of reasonable alternatives. The
17 following describes elements of the management actions common to all the action alternatives.

18 **Education and Outreach**

- 19 • Distribute educational information at local real estate rental agencies and hotels/motels.
- 20 • Improve signage in the Seashore so beach closures and Seashore resource information is readily
21 available and presented in a clear manner to the public.
- 22 • Work with local organizations and businesses to ensure wider distribution of ORV and resource
23 protection information.
- 24 • Encourage the Visitors Bureau and local tackle shops to link their websites to the Seashore's
25 website to ensure different segments of the visiting public have up-to-date information on beach
26 closures and, if an ORV permitting system is developed, ORV permitting information.
- 27 • Develop a user-friendly ORV educational program (e.g., video, DVD, or on-line) that could be
28 self-administered at a variety of outlets such as tackle shops, welcome centers, and NPS offices.

- 1 • Implement more educational programs in local schools and expand the Junior Ranger program to
2 include more web-based options to interest youth in Seashore resources and stewardship.

3 **Vehicle Requirements**

- 4 • Four-wheel drive required
5 • Vehicle tires may not be inflated more than 20 psi while driving on beach.

6 **Equipment Requirements**

- 7 • Vehicles must be equipped with a jack, jack support, shovel, and low pressure tire gauge.

8 **Accessibility for the Disabled**

- 9 • Retrofit existing boardwalks with accessible ramps to allow for more opportunities for disabled
10 persons to access or view the beach.

11 **Right-of-way Rules**

- 12 • We need a statement about vehicle right-of-way on the beach (i.e., vehicles on ocean side vs.
13 dune side, etc).Statement requested 7/2/08.

14 **ADAPTIVE MANAGEMENT APPROACHES INCLUDED IN THE ALTERNATIVES**

15 The Department of the Interior requires that its agencies “use adaptive management to fully comply” with
16 CEQ guidance that requires “a monitoring and enforcement program to be adopted...where applicable,
17 for any mitigation” (516 DM 1.3 D (7); 40 CFR 1505.2). Adaptive management is based on the
18 assumption that current resources and scientific knowledge are limited. Nevertheless, adaptive
19 management attempts to apply available resources and knowledge and adjusts management techniques as
20 new information becomes available (NPS n.d.:71).

21 Adaptive management incorporates scientific experimental methods into the management process while
22 providing flexibility to adjust to changes in the natural environment. It is based on a continuing, iterative
23 process of:

- 24 • applying management actions,
25 • monitoring consequences,
26 • evaluating monitoring results against plan objectives,

- 1 • adjusting management, and
- 2 • using feedback to make future management decisions (appendix XX).

3 All action alternatives incorporate adaptive management techniques designed to aid in meeting plan
4 objectives. Each action alternative includes a specific management action and a period of monitoring to
5 evaluate the success of the action. Integrating these issues into decision-making for future actions would
6 allow the park to change timing, intensity, or type of management actions to better meet the goals of the
7 plan.

8 The monitoring and adaptive management plan (appendix XX) describes the potential changes in ORV
9 management strategies that could occur as a result of monitoring activities findings. Under this plan, key
10 monitoring data that could influence management actions are those related to visitor experience and
11 species protection. Based on impacts to these areas, ORV management actions would be adjusted based
12 on the alternative selected and additional or new management would be incorporated into plan
13 implementation.

14 **DISCUSSION OF ACTION ALTERNATIVES**

15 **ALTERNATIVE C: SEASONAL MANAGEMENT**

16 This alternative would provide visitors to the Seashore with a degree of predictability regarding areas
17 available for ORV use, as well as vehicle-free areas, based largely on the seasonal resource and visitor
18 use characteristics of various areas in the Seashore. In this alternative, ORV use would be managed by
19 identifying areas that (1) historically do not support sensitive resources, or (2) historically have lower
20 visitor use. These areas would be designated as ORV use areas year-round. Areas of high resource
21 sensitivity or high visitor use would be designated as ORV routes or areas based largely on seasonal
22 resource sensitivity and visitor use patterns. Areas historically having safety issues would be designated
23 as year-round closures for safety reasons if the beach is less than 100 feet wide. Establishing ORV routes
24 and use areas and vehicle-free areas based largely on seasonal resource requirements would provide the
25 public and the Seashore with a structured management approach that clearly states which areas are
26 available for ORV use and when the areas are open. The public would have clear direction about areas
27 that would be open seasonally, but it would require the public to remain informed about closures.
28 Implementation would require an increase in park staff and resources for public education and
29 enforcement, but the identification of defined use areas would provide for more efficient park operations.

1 Table 2 describes the proposed seasonal and year-round use areas under alternative C. Generally, most
2 areas would be open to ORVs from October 1 to March 31, primarily to protect certain areas during the
3 breeding season and minimize conflicts during high visitor use periods. Areas that would be seasonally
4 designated vehicle-free would include the area in front of villages, campgrounds, and lifeguarded
5 beaches. These seasonal vehicle-free areas would occur during periods of high visitation—the summer
6 months. The spits and points would be open seasonally to provide resource protection. The soundside
7 would be established as a vehicle-free area to protect sensitive vegetation. Parking would be available at
8 the existing soundside ramps and access paths would be at designated boat launches. The Seashore would
9 maintain posts defining the locations of the parking area and access paths on the soundside.

10 ORV routes and use areas under this alternative would be subject to temporary resource closures
11 established when protected species behavior warrants additional protection or if protected species habitat
12 is established.

13 Designated ORV routes and areas would be established year-round in all areas not designated as vehicle-
14 free and seasonally in areas with high visitation and/or sensitive resources. To ensure access to these
15 areas, existing ramps would be improved or reconfigured to provide access to designated routes and areas.
16 The interdunal road network would be maintained at its current level of access. Designated ORV routes
17 and areas would be open from 6:00 AM to 10:00 PM year-round protect sea turtles at night (when
18 artificial light sources can impact the turtles) and allow law enforcement to concentrate their resources
19 during the daytime hours.

20 Law enforcement would designate safety closures as conditions warrant and would evaluate closures for
21 reopening at least every two weeks.

22 Alternative C would include a seashore-wide, year-round carrying capacity element based on a physical
23 space requirement of one vehicle per 20 linear feet for Bodie and Hatteras Island Ranger Districts and one
24 vehicle per 30 linear feet for the Ocracoke Island Ranger District. This carrying capacity would be
25 implemented if increased visitation over the life of the plan resulted in overcrowding that could cause
26 safety concerns. The allowable number of vehicles in each area subject to the carrying capacity would be
27 determined by the space requirements and the beachfront length of the area.

28 Alternative C would involve a vehicle permit system, with no limits on numbers of permits issued. Permit
29 fees would be determined based on cost recovery to implement the system. To obtain the permit, ORV
30 owners would be required to read the rules and regulations governing ORV use at the seashore and
31 complete a written or on-line exam demonstrating their understanding of the rules and regulations
32 governing ORV use at the seashore, beach driving safety, and resource closure requirements. After

1 completing the exam, the owner would be required to sign for the permit in acknowledgement that the
2 signer understands the rules and that all drivers of the permitted vehicle will abide by the rules and
3 regulations governing ORV use at the seashore. A violation of the rules and regulations by the owner or
4 driver of the ORV could result in revocation of the vehicle permit, and the owner/permittee would not be
5 allowed to obtain another permit for any ORV for a specified period of time. Designated routes and areas
6 under alternative C are shown in figure X.

7 **ALTERNATIVE D: INCREASED PREDICTABILITY AND SIMPLIFIED MANAGEMENT**

8 This alternative would provide visitors to the seashore with the maximum amount of predictability
9 regarding areas available for ORV use and vehicle-free areas for pedestrian use, which means restrictions
10 would be applied to larger areas and for longer periods of time to avoid changes in approved use patterns
11 over the course of the year. Under this alternative, ORV management would be achieved by identifying
12 areas that historically do not support sensitive resources and areas of lower visitor use. These areas would
13 be designated as ORV use areas year-round. Areas of historically high resource sensitivity or high visitor
14 use would not be designated ORV routes or areas. Establishing ORV routes and use areas and vehicle-
15 free areas on a year-round basis (rather seasonally) would be a simplified management approach that
16 would reduce confusion about which areas are available for ORV use during a specified time, and would
17 reduce the need for staff resources on the beach. Because of the relative simplicity of the elements of this
18 alternative, implementation would require a reduced level of park staff and resources and would maximize
19 the efficiency of park operations.

20 Table 2 describes the proposed year-round use areas under alternative D. Year-round vehicle-free areas
21 would include the area in front of villages, campgrounds, and lifeguarded beaches. Frisco Campground
22 would be an exception because closing this area would close off a larger area of the beach than necessary
23 based on the existing ramp system.

24 Vehicle-free areas would enhance visitor safety during periods of high visitation, particularly in the
25 summer months, and would also provide a vehicle-free experience for visitors during the off-season. The
26 soundside would be established as a vehicle-free area to protect sensitive vegetation. Parking would be
27 available at the existing soundside ramps and access paths would be at designated boat launches. Vehicle-
28 free areas would be established year-round at Cape Point and the spits to provide a simplified approach to
29 sensitive species management for Seashore operations, maximizing contiguous protected areas and
30 eliminating seasonal changes in designated ORV use areas and the associated demands on enforcing those
31 changes. Other uses would continue to be allowed in these vehicle-free areas outside of identified
32 resource closures.

1 ORV routes and use areas under this alternative would be subject to temporary resource closures
2 established when warranted by protected species behavior or if habitat is established.

3 Designated ORV routes and use areas would be established year-round in all areas not designated vehicle-
4 free. To ensure access to these areas, existing ramps could be improved or reconfigured to allow access to
5 designated routes and use areas, although the number of ramps would not change from current conditions.
6 Designated ORV routes and use areas would be open 6:00 AM to 10:00 PM year-round protect sea turtles
7 (when artificial light sources can impact the turtles) and allow enforcement to concentrate their resources
8 during the daytime hours.

9 Safety closures would not be designated; ORV users would drive at their own risk, including areas with a
10 history of safety issues due to narrow beach width. Drivers would rely on their knowledge of beach
11 driving to determine if an area is safe to access based on their assessment of current conditions and would
12 enter these traditionally closed areas at their own risk.

13 Alternative D would not include a carrying capacity requirement, but would include parking restrictions
14 that would limit vehicles to a one-vehicle-deep configuration, so that areas would not become
15 overcrowded such that a safety concern would occur.

16 Alternative D would involve a simple vehicle permit system, with no fees and no limits on the numbers of
17 permits issued. To obtain the permit, ORV drivers would be required to read the rules and regulations
18 governing ORV use at the seashore including beach driving safety and resource closure requirements. The
19 owner would be required to sign for the permit in acknowledgement that the signer understands the rules
20 and that all drivers of the permitted vehicle will abide by the rules and regulations governing ORV use at
21 the seashore. Special consideration would be placed on providing information about beach safety and
22 personal responsibility for safety due to the lack of safety closures under this alternative. A violation of
23 the rules and regulations by the owner or driver of the ORV could result in revocation of the vehicle
24 permit, and the owner/permittee would not be allowed to obtain another permit for any vehicle for a
25 specified period of time. Designated routes and areas under alternative D are shown in figure X.

26 **ALTERNATIVE E: ENHANCED ORV ROUTE MANAGEMENT**

27 This alternative would provide use areas for all types of visitors to the Seashore, including ORV users,
28 with the highest level of access. More areas may be open year-round to ORV users because ORV
29 corridors would be established through traditionally higher pedestrian use areas and interdunal road and
30 ramp access would be improved. Vehicle-free areas would be designated for non-ORV users to
31 experience the park without the presence of vehicles. Like the other action alternatives, this alternative

1 would manage ORV use by identifying areas that historically do not support sensitive resources and areas
2 of lower visitor use. These areas would be designated as ORV use areas year-round. Areas of high
3 resource sensitivity or high visitor use would be designated as ORV use areas based on seasonal resource
4 and visitor use patterns; however, ORV corridors would be designated through a number of these areas as
5 conditions permit. Establishing seasonal ORV routes, use areas, and vehicle-free areas, and designating
6 ORV corridors for passing through some of these areas would provide ORV users access to a greater
7 number of areas within the Seashore. However, this alternative would afford the least amount of
8 predictability regarding areas available for ORV use and vehicle-free areas. Implementation would
9 perhaps be difficult to relay to the public and would require a greater number of park staff and resources
10 than the other alternatives.

11 Table 2 describes proposed seasonal and year-round use areas under alternative E. Seasonally designated
12 vehicle-free areas would include the areas in front of villages, campgrounds (with an ORV corridor), and
13 lifeguarded beaches. The ORV open season would be defined as October 1 to March 31, to allow an
14 additional month of non-ORV use in March when visitation can be high; therefore, the seasonal vehicle-
15 free areas would occur in periods of high visitation during the spring and summer months. The soundside
16 would be established as a vehicle-free area to protect sensitive vegetation. Parking would be available at
17 the existing soundside ramps and access paths provided would be at designated boat launches. The
18 Seashore would maintain posts defining the location of the parking area and access paths. ORV corridors
19 would be designated at Cape Point and the spits year-round; however, access would not be guaranteed
20 because resource activity and capacity numbers would define access at any given time.

21 ORV routes and use areas under this alternative would be subject to temporary resource closures
22 established when warranted by protected species behavior or if habitat is established. ORV corridors
23 would be established around areas of high resource sensitivity (dependent on resource activity in the area)
24 via the interdunal road system, through improvements or reconfigurations of the existing ramp system, or
25 by establishing a beach driving corridor. Existing ramps would be improved or reconfigured to provide
26 access to designated routes and areas. Designated ORV routes and areas would be open 24 hours a day
27 from November 1 through April 30; designated ORV routes and areas would be open by permit only from
28 10:00 PM to 6:00 AM from September 15 to October 31 and night driving would not be allowed from
29 May 1 to September 15, to protect sea turtles at night and allow enforcement to concentrate their
30 resources during the daytime hours. Beach camping would be permitted in designated areas and a permit
31 would be required.

32 Law enforcement would designate safety closures as conditions warrant and would evaluate closures for
33 reopening at least every two weeks..

1 Alternative E would include a carrying capacity requirement for certain heavily used areas based on a
2 physical space requirement of one vehicle per 20 linear feet for Bodie and Hatteras Island Ranger
3 Districts and one vehicle per 30 linear feet for the Ocracoke Island Ranger District. Areas of high ORV
4 use (Hatteras Inlet Spit, Cape Point, and Bodie Island Spit) would be managed via the implementation of
5 a defined carrying capacity during high-use weekends, such as major summer holidays. This carrying
6 capacity would be implemented in other areas if increased visitation over the life of the plan resulted in
7 overcrowding in other areas that could cause safety concerns. In all cases, the allowable number of
8 vehicles in each area would be determined by the space requirements and the beachfront length of the
9 area.

10 Alternative E would involve a vehicle permit system, with no limits on numbers of permits issued. Permit
11 fees would be determined based on cost recovery to implement the system. To obtain the permit, ORV
12 owners would be required to read the rules and regulations governing ORV use at the seashore and
13 complete a written or on-line exam demonstrating understanding of the rules and regulations governing
14 ORV use at the seashore, beach driving safety, and resource closure requirements. After completing the
15 exam, the owner would be required to sign for the permit in acknowledgement that the signer understands
16 the rules and that all drivers of the permitted vehicle will abide by the rules and regulations governing
17 ORV use at the seashore. A violation of the rules and regulations by the owner or driver of the ORV
18 could result in revocation of the vehicle permit and the owner/permittee would not be allowed to obtain
19 another permit for any vehicle for a specified period of time. Designated routes and areas under
20 alternative E are shown in figure X.

21 **ALTERNATIVE F: NEGOTIATED RULEMAKING CONSENSUS**

22 To be inserted when available.

23 **HOW ALTERNATIVES MEET OBJECTIVES**

24 As stated in the "Purpose of and Need for Action" chapter, all action alternatives selected for analysis
25 must meet all objectives to a large degree. The action alternatives must also address the stated purpose of
26 taking action and resolve the need for action; therefore, the alternatives were individually assessed in light
27 of how well they would meet the objectives for this plan and environmental impact statement, which are
28 stated in chapter 1. Alternatives that did not meet the objectives were not analyzed further (see the
29 "Alternatives Eliminated from Further Consideration" section in this chapter).

- 1 Table 4 compares how each of the alternatives described in this chapter would meet the plan objectives.
- 2 “Chapter 4: Environmental Consequences” describes the effects of each alternative on each impact topic.
- 3 These impacts are summarized in table 5.

TABLE 4. ANALYSIS OF HOW THE ALTERNATIVES MEET OBJECTIVES

Objectives	Alternative A: No Action – Continuation of Management Under the Interim Protected Species Management Strategy	Alternative B: No Action – Continuation of Terms of Consent Decree Signed April 30, 2008	Alternative C: Seasonal Management	Alternative D: Increased Predictability and Simplified Management	Alternative E: Enhanced ORV Route Management	Alternative F: Negotiated Rulemaking Consensus
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 impacts from ORV use to soils and topographic features, for example, dunes, ocean beach, wetlands, tidal flats, and other features.						
Threatened, Endangered, and Other Protected Species						

Provide protection for threatened, endangered, and other protected species (e.g., state-listed species) and their habitats, and minimize impacts related to ORV and other uses as required by laws and policies, such as the Endangered Species Act, the MBTA, and NPS laws and management policies.									
Vegetation									
Minimize impacts to native plant species related to ORV use									
Other Wildlife and Wildlife Habitat									
Minimize 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 impacts related to ORV use.									
Visitor Use and Experience									
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.									
Park Operations									
Identify operational needs and costs to fully implement an ORV management plan.									
Identify potential sources of funding necessary to implement an ORV management plan.									

Provide consistent guidelines, according to site conditions, for ORV routes, ramps, and signage.						
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1 **ALTERNATIVE ELEMENTS CONSIDERED BUT DISMISSED FROM FURTHER**
2 **CONSIDERATION**

3 **USE AREAS, ORV MANAGEMENT, AND VISITOR USE**

4 **Consider Pea Island National Wildlife Refuge When Considering Use Areas**

5 Many commenters suggested that Pea Island National Wildlife Refuge should be considered when
6 developing this plan/EIS. Suggestions included considering Pea Island as a vehicle-free area, and
7 conversely, as a potential area where ORVs could be used where there is not a resource conflict.

8 Commenters felt that Pea Island National Wildlife Refuge should be considered as part of the baseline for
9 analysis, and should be considered when providing appropriate visitor use. Although the 5,880-acre Pea
10 Island National Wildlife Refuge is located at the northern end of Hatteras Island, and is part of the
11 Seashore, the refuge is administered by the USFWS. Because it is not administered by the Seashore, the
12 Seashore cannot direct the visitor uses at Pea Island National Wildlife Refuge. USFWS is responsible for
13 making decisions about ORV and pedestrian access. Currently, the USFWS has determined that ORV use
14 would not be appropriate or compatible with the mission of the refuge.

15 **Require Other Jurisdictions Change Their Infrastructures and Regulations**

16 Commenters suggested elements that would involve jurisdictions outside the NPS, including:

- 17
- 18 • Provide NPS parking and beach access points through Dare County villages.
 - 19 • Lower the speed limit on NC-12 between villages to 45 miles per hour during peak use times to
20 reduce the danger from vehicles with “aired-down” tires.
 - 21 • Limit the use of bright lighting in oceanfront houses.
 - 22 • Create a sound ordinance.
 - 23 • Create guidelines for oceanfront structures, such as setbacks from the high tide mark and
24 rebuilding guidelines, to address damage to existing oceanfront structures.

24 These suggestions would require action by the county, villages, or state. Lowering the speed limit and
25 removing the helmet law would require a change in current state regulations. The county would be
26 responsible for changing building codes or adding more parking and access points. Creating a sound
27 ordinance or occupancy restrictions for rental homes would require action of the individual villages or the
28 county. The NPS does not have the authority to require these jurisdictions to undertake such action.

1 However, the NPS has worked with the communities within the Seashore on many issues, including those
2 related to ORV management, and under all alternatives would continue to work cooperatively towards
3 actions such as turtle friendly lighting and education. Although the NPS cannot require Dare County to
4 provide more parking or beach access, some of the alternatives evaluated in this plan/EIS address
5 additional parking areas. Creating a sound ordinance within the Seashore may be feasible. Would like
6 Sandy's opinion.

7 **Provide All-Terrain Vehicle Access and Remove the Helmet Requirement**

8 Commenters suggested that all-terrain vehicles (ATVs) should be allowed on the beach and that ATV
9 users should not be required to use helmets. The NPS only allows "street-legal" vehicles on the beach
10 under the North Carolina Motor Vehicle Code, which does not include ATVs. Alternatives in this
11 plan/EIS do not include changing the requirement for "street legal" vehicles. The Seashore considers
12 ATV use at the Seashore to be incompatible with visitor use and resource protection goals and objectives
13 due to the damage they could cause. Further, "street-legal" vehicles are used for transportation, but the
14 majority of ATVs are used for purely recreational purposes and do not serve a transportation function.
15 Since ATVs would not be permitted, the issue of requiring helmets is not applicable.

16 **Issue Permits to Users Instead of Vehicles**

17 For the alternatives that include a permit system, permits would be issued to the vehicle, not the person. A
18 vehicle permit can be displayed on the vehicle, where it would be easily visible by law enforcement.
19 Verifying that people have permits would require substantially more effort by law enforcement, who
20 would have to stop each visitor and ask to see the permit. Therefore, to assist in enforcing the permit
21 system, permits are issued to vehicles under all alternatives.

22 **Use a Different Term for "Requirement" in Law Enforcement Text**

23 Commenters suggested using the words "courtesy," "guidelines," or "rule" instead of "requirements."
24 Where the word "requirements" is used in an alternative, it implies a level of regulatory enforcement
25 authority. In these areas, changing the word to "guidelines" or "courtesy" would not imply enforcement
26 capability; therefore, this suggestion was not carried forward in the alternatives.

27 **Provide Round-the-Clock Enforcement**

28 Commenters suggested that round-the-clock enforcement would ensure resource protection. The Seashore
29 has no source of funding for round-the-clock enforcement in all areas at all times. This suggested level of
30 enforcement is not the norm for any national seashore. The action alternatives provide for increased

1 outreach and education to help improve voluntary compliance, but round-the-clock enforcement would
2 not be feasible and was therefore not included in any alternatives.

3 **Give Preferred Status to Human Visitors**

4 Commenters suggested that the NPS should give preferred status to human visitors, and not include
5 restrictions on human use to benefit various natural resources. The NPS has a dual mission to protect park
6 natural and cultural resources and to provide for visitor enjoyment. The courts have held that in the case
7 of conflict resource conservation must be predominant (refer to “Guiding Laws, Regulations, and
8 Policies” in chapter 1). The Seashore believes that it can both conserve Seashore resources and provide
9 for visitor enjoyment.

10 **Species Protection**

11 ***Implement an Escort Program***

12 During development of the *Interim Protected Species Management Strategy/EA*, some alternative
13 elements were considered but not carried forward because they would be reevaluated in this plan/EIS.
14 One of these elements was the implementation of an escort program, whereby vehicles would be escorted
15 around resource closures by Seashore staff.

16 This program would be similar to the situation in 2005, where at Hatteras Spit, ORV traffic was permitted
17 only in the ORV corridor once per hour in convoys escorted by bird monitors, to reduce the risk of
18 mortality to an American oystercatcher brood and to reduce disturbance to an incubating plover nest.
19 ORVs were permitted to park at the tip of the spit, west of the escort corridor. The spit was closed to
20 recreation at night. Once the piping plover eggs hatched, Hatteras Spit was closed to ORV traffic until the
21 chicks fledged.

22 This type of escort system was considered for the this plan/EIS, but, as stated in the *Interim Protected*
23 *Species Management Strategy/EA*, the escort system would be extremely labor intensive to initiate and
24 providing the staffing levels necessary to adequately implement and escort program would likely not be
25 feasible. This was demonstrated during the 2005 season when the Seashore had to transfer personnel from
26 other NPS units to implement the escort system. Due to the intensive staffing required for this effort, it
27 was determined that this element would not meet the plan/EIS objectives related to Seashore operations
28 objectives.

29 ***Move Hatched Chicks to Pea Island National Wildlife Refuge or Other Area***

30 Commenters suggested moving hatched bird chicks from the beach to other areas where they would be
31 protected. This conflicts with NPS responsibilities under the *Endangered Species Act, Migratory Bird*

1 *Treaty Act, NPS Organic Act* (as described in the “Turtle Hatcheries” section below), and the NPS
2 *Management Policies 2006*. Further, moving chicks is not feasible because chicks must remain with their
3 parents until they fledge for foraging and protection. Removing chicks would not meet the plan/EIS
4 objective of minimizing adverse impacts to threatened, endangered, and other protected species.

5 ***Provide Captive Rearing of Piping Plovers and Turtles***

6 Commenters suggested rearing endangered species in captivity. Wildlife managers use captive
7 breeding/rearing of threatened or endangered species to: (1) provide an opportunity to restore populations
8 where direct translocation may risk the persistence of the donor population; or (2) as a last resort in cases
9 where most or all of the entire remaining wild population are brought to a captive breeding facility with
10 the goal of avoiding extinction and breeding enough individuals for eventual reintroduction into the wild
11 (e.g., California condor) (Gilpin and Soule 1986). The Kemp’s ridley sea turtle hatchery at Padre Island
12 National Seashore is an example of a last-resort captive rearing facility used to restore a population. None
13 of these situations applies to piping plover or nesting loggerhead, leatherback, or green sea turtles at Cape
14 Hatteras National Seashore, so this suggestion was not included in any of the alternatives.

15 ***Relocate Bird and Turtle Nests***

16 Commenters suggested that the Seashore relocate bird or turtle nests to areas of the beach already closed
17 to ORV use or relocate nests to smaller, more compact areas to facilitate management. These alternatives
18 have been considered but are not carried forward as discussed below.

19 **Birds**

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

1 **Turtles**

2 **Individual Nest Relocation.** Turtles do not face the same nest abandonment issues as those described for
3 birds. Parental investment in the young ends with the laying and burying of eggs. However, the eggs,
4 subsequent hatchlings, and overall species may face additional problems related to nest relocation.
5 Studies indicate that the determination of the hatchling sex ratio depends on the temperature at which the
6 eggs incubate. Changes in these temperatures due to moving eggs may result in changes to the sex ratio,
7 having implications for the species as a whole. In addition, handling eggs can result in increased hatch
8 failure. When relocating nests, there is always a risk of disrupting the membranes inside the egg, which
9 can kill the embryo. Typically nest relocation is seen as part of an attempt to keep the species from going
10 extinct, whereas allowing for natural breeding and nesting is the ideal option whenever available.
11 Currently in North Carolina, the state permits sea turtle nest relocations for research or when there is an
12 imminent threat and potential loss of the nest due to erosion or frequent flooding, but not to accommodate
13 recreational uses. Nests in some states may be moved to avoid damage from beach nourishment or in
14 highly developed urban areas (e.g., along some urban areas of Florida's Atlantic coast). Consequently,
15 routine relocation of all nests to allow for recreational access is not considered in this plan/EIS. However,
16 the NPS would continue its current practice of coordinating with the State of North Carolina to consider
17 relocating an individual facing inundation or other adverse factors.

18 **Turtle Hatcheries.** Moving all nests or all relocated nests into one hatchery area is not fully analyzed as
19 part of any alternative. Sea turtle nests may be moved to a guarded hatchery to provide needed protection
20 from poaching in developing countries where participation in hatchery operations may be used as an eco-
21 tourism opportunity. Some county or privately owned beaches in Florida or Georgia may use hatcheries
22 for sea turtle eggs in some circumstances, such as to allow beach nourishment. However, county
23 responsibilities for endangered or threatened species differ from federal and particularly from NPS
24 responsibilities for these protected species. As a federal agency, the NPS has responsibilities under the
25 *Endangered Species Act* to protect the ecosystem as well as the species that depend on it. The purpose of
26 the *Endangered Species Act* is to "provide a means whereby the ecosystems upon which endangered
27 species and threatened species depend may be conserved..." (Sec. 2(b)). Protecting the ecosystem is also
28 necessary to meet the requirements of the *NPS Organic Act*, which mandates the NPS to conserve
29 Seashore wildlife (refer to "Guiding Laws, Regulations, and Policies" in chapter 1).

30 Loggerhead, leatherback, and green sea turtles are all currently listed pursuant to the *Endangered Species*
31 *Act*. Any actions that would increase the likelihood of reduced productivity and species decline would not
32 be consistent with the purpose of the Act. Therefore, use of hatcheries was not considered in this
33 plan/EIS.

1 **Open Closed Areas After Breeding Season Is Over**

2 Commenters suggested that any closed areas should be reopened after the breeding season ends. Closed
3 areas would likely be reopened after the breeding season if the areas do not provide important migrating
4 and wintering habitat for Seashore populations of protected species. Therefore, some areas may be
5 reopened, but automatically opening all closed areas after the breeding season would be inconsistent with
6 the Seashore's responsibility under various statutes, including its enabling legislation, the *NPS Organic*
7 *Act*, and the *NPS Management Policies 2006*, section 4.4.2.3. The alternatives in the plan/EIS do
8 consider various ways to address resource-based closures, but the alternatives do not allow for automatic
9 opening after the breeding season is over if species are still present.

10 **Create New Habitat**

11 Commenters suggested various ways that habitat could be created to provide alternative areas for bird
12 species at the Seashore. Some of these suggestions included letting ORVs drive on the vegetation to
13 create habitat or physically creating habitat using dredge material in the sound or by other means. These
14 suggestions were considered by the Seashore but are not carried forward in this plan/EIS for the following
15 reasons:

- 16 • **Allowing visitors in ORVs to create habitat by driving over vegetated areas.** Studies on
17 habitat creation have been considered by the NPS, and the Seashore recognizes that this could be
18 a feasible management measure for species. However, such creation of habitat would need to
19 occur in a controlled manner and would only be carried out by professionals trained in such
20 projects. Therefore, allowing visitors in ORVs to create habitat was not considered in this
21 plan/EIS.
- 22 • **Creation of habitat through physical alteration or the creation of dredge islands.** The NPS
23 considered creating habitat through various methods. Based on the experience of staff at the
24 North Carolina Wildlife Resources Commission, habitat creation projects tend to be short-lived
25 and labor intensive. Based on experience with hand pulling, herbicides, fires, and bulldozing, it
26 was found that most of these techniques are effective for only one season before the vegetation
27 returns. Covering areas with new dredge material has been shown to last longer, with vegetation
28 returning after four to seven years (Cameron 2007). Although the NPS recognizes that creation
29 of habitat may be viable, at this time more research needed to determine the most effective
30 method for this process. If this method is employed, it would occur outside the scope of the
31 plan/EIS and therefore was not included in the alternatives.

1 **Fence Chicks Away from the ORV Corridor**

2 Commenters suggested using fencing to keep chicks away from the ORV corridors. Unfledged chicks of
3 any species need access to the intertidal zone and moist substrate habitat for foraging. Fencing chicks
4 away from these areas would essentially prevent them from eating; therefore, this was not considered a
5 reasonable alternative.

6 **Do Not Provide Protection to the Seabeach Amaranth**

7 Commenters suggested not providing protection to the seabeach amaranth because it is a farmed plant.
8 However, the seabeach amaranth is protected as a federally listed threatened plant species. Under the
9 *Endangered Species Act*, federal agencies are required to use their authorities in furtherance of the
10 purposes of the *Endangered Species Act* by carrying out programs for the conservation of endangered and
11 threatened species and to ensure that any agency action authorized, funded, or carried out by the agency is
12 not likely to jeopardize the continued existence of any endangered species or threatened species or result
13 in the destruction or adverse modification of designated critical habitat. Further, *NPS Management*
14 *Policies 2006* state that, “The Service will survey for, protect, and strive to recover all species native to
15 national park system units that are listed under the Endangered Species Act” (NPS 2006: 45). Not
16 providing protection to a federally listed threatened species would be out of compliance with the
17 *Endangered Species Act* and contrary to the *NPS Management Policies 2006*, and was therefore not
18 included in the alternatives of this plan/EIS.

19 **Give Special Consideration Only to Flora and Fauna Listed as Threatened and Endangered**

20 Commenters suggested that only those species listed as threatened or endangered under the federal
21 *Endangered Species Act* should be considered in this plan. As stated above, the NPS has legal
22 responsibilities under the *Endangered Species Act* and its own policies to protect threatened and
23 endangered species. Further, a number of laws, regulations, and policies, in addition to the *Endangered*
24 *Species Act*, guide species management at the Seashore, including the *NPS Organic Act*, the *Migratory*
25 *Bird Treaty Act*, NPS regulations and policies, Executive Order 13186: *Responsibilities of Federal*
26 *Agencies to Protect Migratory Birds*, and others (see chapter 1). The combination of laws, regulations,
27 and policies included in this section of the plan/EIS create the framework in which the alternatives are
28 developed, which includes the need to manage species that are considered to be of special concern, such
29 as state-listed species, or those addressed by the *Migratory Bird Treaty Act*. Because of these
30 responsibilities, only considering flora and fauna listed as federally threatened or endangered was not
31 included in the plan/EIS alternatives.

1 **Other Issues**

2 ***Rebuild the Dunes***

3 One commenter suggested the NPS rebuild the dunes in front of NC-12. While the NPS had engaged in
4 addressing dune rebuilding in the past, such as around Ramp 1 and 2 to protect NPS structures, this
5 activity is beyond the scope of this plan/EIS and could be addressed later in the *General Management*
6 *Plan* process that the Seashore will undertake in the future.

7 ***Prohibit Gill Net Fishing***

8 Some commenters asked that the Seashore prohibit gill net fishing. Fishing activities, both commercial
9 and recreational, at the Seashore are regulated by the State of North Carolina through the issuance of a
10 Recreational Commercial Gear License. This license specifies the type of gear that commercial fishermen
11 are allowed to use, which includes the use of gill nets that conform to requirements for mesh size,
12 yardage, and marking (NCMF 2007). The Seashore has the authority to manage where commercial
13 fishing occurs, but the manner in which it occurs is regulated by the State of North Carolina. Since the
14 use of gill nets for commercial fishing is outside the jurisdiction of the NPS, it was not included as an
15 element of the ORV plan/EIS.

16 ***Provide an Area for Off-leash Dogs***

17 Commenters suggested that dogs be allowed off-leash at the Seashore, either seasonally, in certain areas
18 of the Seashore under voice control, or through the creation of a dog training area. Currently, pets at the
19 Seashore are regulated under 36 CFR 2.13, which prohibits pet owners from “failing to crate, cage,
20 restrain on a leash which shall not exceed six feet in length, or otherwise physically confine a pet at all
21 times.” Creation of off-leash areas would not be consistent with 36 CFR 2.13 and would require
22 promulgation of a special regulation allowing off-leash dog use, which is outside the scope of the ORV
23 plan/EIS. Therefore, this element was not carried forward in any alternative.

24 **CONSISTENCY WITH THE PURPOSES OF THE NATIONAL ENVIRONMENTAL**
25 **POLICY ACT**

26 Section to be completed after second draft comments

27 The National Environmental Policy Act requires an analysis of how each alternative meets or achieves the
28 purposes of the act, as stated in Section 101(b). Each alternative analyzed in a NEPA document must be
29 assessed as to how it meets the following purposes:

- 1 (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding
2 generations;
- 3 (2) assure for all Americans safe, healthful, productive, and esthetically and culturally
4 pleasing surroundings;
- 5 (3) attain the widest range of beneficial uses of the environment without degradation, risk of
6 health or safety, or other undesirable and unintended consequences;
- 7 (4) preserve important historic, cultural, and natural aspects of our national heritage and
8 maintain, wherever possible, an environment that supports diversity and variety of
9 individual choice;
- 10 (5) achieve a balance between population and resource use that will permit high standards of
11 living and a wide sharing of life's amenities; and
- 12 (6) enhance the quality of renewable resources and approach the maximum attainable
13 recycling of depletable resources.

14 CEQ has promulgated regulations for federal agencies' implementation of NEPA (40 CFR Parts 1500–
15 1508). Section 1500.2 states that federal agencies shall, to the fullest extent possible, interpret and
16 administer the policies, regulations, and public laws of the United States in accordance with the policies
17 set forth in the act [sections 101(b) and 102(1)]; therefore, other acts and NPS policies are referenced as
18 applicable in the following discussion.

- 19 • Alternative A: No Action – Continuation of Management Under the Interim Protected Species
20 Management Strategy
- 21 • Alternative B: No Action – Continuation of Terms of Consent Decree Signed April 30, 2008
- 22 • Alternative C: Seasonal Management
- 23 • Alternative D: Increased Predictability and Simplified Management
- 24 • Alternative E: Enhanced ORV Route Management
- 25 • Alternative F: Negotiated Rulemaking Consensus

26 **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

27 TBD

28 **NATIONAL PARK SERVICE PREFERRED ALTERNATIVE**

29 TBD

TABLE 2. OFF-ROAD VEHICLE USE AREAS - DRAFT

Oceanside Location	Mileage	Alternatives A & B: No Action	Alternative C: Seasonal Management	Alternative D: Increased Predictability and Simplified Management	Alternative E: Enhanced ORV Route Management
ORV Use Areas (X = No ORV use permitted, YR = ORV permitted Year Round) All ORV use areas subject to temporary resource closures					
Ramp 1 to Coquina Beach	1.0	OPEN YR (currently safety closure)	OPEN April 1 – September 30 (Should this be open to ORV only during the summer months?)	OPEN YR	OPEN October 1 – March 31
Coquina Beach	0.2	X	OPEN October 1 – March 31	X	OPEN October 1 – March 31 (+)
Coquina Beach (Ramp 2) to Oregon Inlet Campground	2.1	OPEN YR	OPEN YR	OPEN YR	OPEN YR
Oregon Inlet Campground	0.3	OPEN YR	OPEN October 1 – March 31	X	OPEN When campground closed (*)
Ramp 4 to end of Bodlie Island Spit	2.4	OPEN YR	OPEN October 1 – March 31	X	OPEN YR subject to carrying capacity requirements
Rodanthe – Waves – Salvo village beaches	5.0	OPEN September 16 – May 14	OPEN October 1 – March 31	X	OPEN October 15 – April 15
Southern boundary of Salvo village to Ramp 27	4.6	OPEN YR	OPEN YR	OPEN YR	OPEN YR

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(V)

TABLE 2. OFF-ROAD VEHICLE USE AREAS - DRAFT

	Alternatives A & B: No Action	Alternative C: Seasonal Management	Alternative D: Increased Predictability and Simplified Management	Alternative E: Enhanced ORV Route Management
Oceanside Location	Mileage	ORV Use Areas (X = No ORV use permitted, YR = ORV permitted Year Round) All ORV use areas subject to temporary resource closures		
Ramp 27 – Ramp 30	2.2	OPEN October 1 – March 31 (Close 2-mile section?)	X	OPEN YR
Ramp 30 – Avon village boundary	4.7	OPEN YR	OPEN YR	OPEN YR
Avon village beach	3.5	OPEN September 16 – May 14	X	OPEN October 1 – March 31 (†)
Ramp 38 to Haulover	1.6	OPEN YR	OPEN YR	OPEN YR
Haulover to Buxton line	2.1	OPEN YR (current 3.8-mile safety closure from 1.8 miles south of Ramp 38 to 0.4 mile north of Ramp 43)	X Close a 1-mile section from April 1 to Sept.30?	OPEN YR
Buxton village beach	0.6	OPEN September 16 – May 14 (current safety closure)	X	OPEN October 1 – March 31 (†)

TABLE 2. OFF-ROAD VEHICLE USE AREAS - DRAFT

		Alternatives A & B: No Action	Alternative C: Seasonal Management	Alternative D: Increased Predictability and Simplified Management	Alternative E: Enhanced ORV Route Management
Oceanside Location	Mileage	ORV Use Areas (X = No ORV use permitted, YR = ORV permitted Year Round) All ORV use areas subject to temporary resource closures			
Buxton to Lighthouse Beach	0.3	X (current administrative closure)	OPEN October 1 – March 31 (†)	X	X
Lighthouse Beach	0.4	X (current administrative closure)	OPEN October 1 – March 31 (†)	X	OPEN October 1 – March 31 (†)
Lighthouse Beach to Loran Rd (1/2 mi north of Ramp 43)	0.7	X (current administrative closure)	X	OPEN YR	OPEN October 1 – March 31 (*)
Loran Rd. to Ramp 43	0.3	OPEN September 16 – May 14	OPEN YR	OPEN YR	OPEN October 1 – March 31 (*)
Ramp 43 – Ramp 44	0.4	OPEN YR	OPEN YR	OPEN YR	OPEN YR subject to carrying capacity requirements
Ramp 44 – Ramp 45 (Including Cape Point)	2.0	OPEN YR	OPEN October 1 – March 31	X	OPEN YR subject to carrying capacity requirements

NOTE: Entire Cape Point area and boundaries of these reaches need to be determined.

TABLE 2. OFF-ROAD VEHICLE USE AREAS - DRAFT

	Alternatives A & B: No Action	Alternative C: Seasonal Management	Alternative D: Increased Predictability and Simplified Management	Alternative E: Enhanced ORV Route Management
Oceanside Location	ORV Use Areas (X = No ORV use permitted, YR = ORV permitted Year Round) All ORV use areas subject to temporary resource closures			
Mileage				
Ramp 45 to 1.5 miles west	OPEN YR	OPEN October 1 – March 31	X	OPEN YR
1.5 miles west of Ramp 45 to Frisco Campground	OPEN YR	OPEN YR	OPEN YR	OPEN YR
Frisco Campground	OPEN YR	OPEN October 1 – March 31	OPEN YR	OPEN when campground is closed (*)
Frisco Campground (Ramp 49) to Frisco Village Line	OPEN YR	OPEN YR	OPEN YR	X
Frisco village beach	OPEN September 16 – May 14 (current safety closure)	OPEN October 1 – March 31 (†)	X	OPEN October 1 – March 31 (†)
Frisco Day Use Area to Hatteras Village line	OPEN YR (current safety closure)	OPEN October 1 – March 31 (†)	OPEN YR	OPEN October 1 – March 31 (*)
Hatteras Village Beach	OPEN September 16 – May 14	OPEN October 1 – March 31 (†)	X	OPEN October 1 – March 31 (†)

TABLE 2. OFF-ROAD VEHICLE USE AREAS - DRAFT

Oceanside Location	Mileage	Alternatives A & B: No Action	Alternative C: Seasonal Management	Alternative D: Increased Predictability and Simplified Management	Alternative E: Enhanced ORV Route Management
Ramp 55 along ocean beach to southern ext of Pole Road	2.2	OPEN YR	OPEN YR	OPEN YR	OPEN YR
Southern exit of Pole Road to Hatteras Inlet along ocean shoreline	0.9	OPEN YR	OPEN October 1 – March 31	X	OPEN YR subject to carrying capacity requirements
Pole Road from NC-12 to Spur Road	2.3	OPEN YR	OPEN YR except for ½ mile around Goose Creek Road only open October 1 – March 31	OPEN YR	OPEN YR
Spur Road to Hatteras Inlet (soundside)	0.4	OPEN YR	OPEN YR	X	OPEN YR subject to carrying capacity requirements
Terminus of Spur Road at Sound to end of Hatteras Inlet Spit (soundside)	0.8	OPEN YR	OPEN October 1 – March 31	X	OPEN YR subject to carrying capacity requirements
North Ocracoke Spit to Ramp 59	0.7	OPEN YR	OPEN October 1 – March 31	X	OPEN YR Subject to carrying capacity requirements
Ramp 59 to NC-12 MP 64	0.3	OPEN YR	OPEN YR	OPEN YR	OPEN YR subject to carrying capacity requirement

TABLE 2. OFF-ROAD VEHICLE USE AREAS - DRAFT

		Alternatives A & B: No Action	Alternative C: Seasonal Management	Alternative D: Increased Predictability and Simplified Management	Alternative E: Enhanced ORV Route Management
Oceanside Location	Mileage	ORV Use Areas (X = No ORV use permitted, YR = ORV permitted Year Round) All ORV use areas subject to temporary resource closures			
NC-12 MP 64 to Pony Pens Area	5.5	OPEN YR (current safety closure)	X	OPEN YR	X
Pony Pens Area to Ramp 67	2.0	OPEN YR	OPEN YR	OPEN YR	OPEN YR
Ramp 67 to Ocracoke Campground	0.8	OPEN September 16 – May 14	OPEN October 1 – March 31 (except for ¼ mile south of Ramp 67 is OPEN YR)	OPEN YR	OPEN October 1 – March 31 (except for ¼ mile south of Ramp 67 is OPEN YR) (*)
Ocracoke Campground	0.3	OPEN September 16 – May 14	OPEN October 1 – March 31	X	OPEN when campground is closed
Ocracoke Campground (Ramp 68) to Ocracoke Beach	1.6	OPEN September 16 – May 14	OPEN YR	OPEN YR	X
Ocracoke Beach/Ocracoke Day Use Area	1.0	OPEN September 16 – May 14	OPEN October 1 – March 31	X	X
Ocracoke Beach (Ramp 70) – Ramp 72	1.8	OPEN YR	OPEN YR	OPEN YR	OPEN YR
Ramp 72 to north end of South Point Ocracoke	0.6	OPEN YR	OPEN YR	X	OPEN YR

TABLE 2. OFF-ROAD VEHICLE USE AREAS - DRAFT

		Alternatives A & B: No Action	Alternative C: Seasonal Management	Alternative D: Increased Predictability and Simplified Management	Alternative E: Enhanced ORV Route Management
Oceanside Location	Mileage	ORV Use Areas (X = No ORV use permitted, YR = ORV permitted Year Round) All ORV use areas subject to temporary resource closures			
South Point Ocracoke	1.5	OPEN YR	OPEN October 1 – March 31	X	OPEN YR Subject to carrying capacity requirements

(*) under alternative E - ORV pass-through corridors provided during seasonal closure periods
 (†) open to ORV if beach is ≥ 100 feet wide
 Alternatives C & E: Village beaches must be ≥100 feet (30m) wide to be open to ORV

Approximate Mileage Summary	A & B	C	D	E
Year round VFA		TBD	TBD	TBD
Seasonal VFA		TBD	TBD	TBD
Year round open to all		TBD	TBD	TBD
Total		TBD	TBD	TBD

^a 4.5 miles of ORV corridors exist within the seasonal VFA for ALT-E

^b Includes mileage currently closed for safety reasons

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TABLE 3. ALTERNATIVE ELEMENTS MATRIX

Management Activity	Alternative A—No Action, Continuation of Management under IPSMS	Alternative B – No Action, Continuation of Management Under Consent Decree	Alternative C	Alternative D	Alternative E
ORV Access	<p>General Visitors accessing the Seashore by ORV must use only designated beach access ramps and soundside access roads to enter designated ORV routes.</p>	Same as alternative A	Same as alternative A	Same as alternative A	Same as alternative A
	<p>Oceanside Ramps ORV access points are provided via 18 oceanside ramps located off NC-12. Ramps are numbered and identified on the Seashore's ORV route map as official vehicle access routes. Seashore staff maintain ramps and signage.</p>	Same as alternative A	<p>Oceanside Ramps [determine need for reconfiguration and variations on maintenance requirements]</p>	<p>Oceanside Ramps [determine need for reconfiguration and variations on maintenance requirements]</p>	<p>Oceanside Ramps [determine need for reconfiguration and variations on maintenance requirements]</p>
	<p>Soundside Ramps ORV access points are provided via 17 soundside ramps located off NC-12. Seashore staff maintain ramps and signage.</p>	Same as alternative A	<p>Soundside Ramps Existing soundside ramps would remain open. Signage/posts would be installed at the primitive parking areas and boat launch areas to prevent damage to vegetation and other soundside resources.</p>	<p>Soundside Ramps Soundside ramps to designated boat launch areas would remain open. The remaining soundside ramps would be closed to ORV use and small parking areas would be constructed to provide pedestrian access to the water. Signage/posts would be installed at the parking areas and boat launch areas to prevent damage to vegetation and other soundside resources.</p>	<p>Soundside Ramps Same as Alternative C but soundside ramps would be improved and possibly widened to accommodate two lanes to the parking area. Signage/posts would be installed at the primitive parking areas and boat launch areas to prevent damage to vegetation and other soundside resources. Access would be extended at Kite Point to provide a drop-off location at the shoreline. Vehicles would be required to return to ramp area after drop-off.</p>
	<p>Interdunal Roads One lane, interdunal routes have been designated as follows: <i>Bodie Island Ranger District</i> ▪ None.</p>	Same as alternative A	<p>Interdunal Roads Same as alternative A, except: ▪ Existing interdunal roads would be maintained as needed to provide access to ORV areas. If there is not enough area to provide two lanes, a pull-off would be created. [determine need for reconfiguration and variations on maintenance requirements]</p>	<p>Interdunal Roads Same as alternative A. [determine need for reconfiguration and variations on maintenance requirements]</p>	<p>Interdunal Roads Same as alternative C, except will examine additional connections or road segments needed to provide better or through access [determine need for reconfiguration and variations on maintenance requirements] <i>Bodie Island Ranger District</i> ▪ Consider interdunal ORV or pedestrian route from Ramp 4 to Bodie Island Spit.</p>

TABLE 3. ALTERNATIVE ELEMENTS MATRIX

Management Activity	Alternative A—No Action, Continuation of Management under IPSMS	Alternative B – No Action, Continuation of Management Under Consent Decree	Alternative C	Alternative D	Alternative E
	<p><i>Hatteras Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ Cape Point between Ramp 44 to Ramp 45 ▪ Hatteras Inlet from Ramp 55 to the inlet (includes Pole Road and Spur Road). <p><i>Ocracoke Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ None. 	<p>Same as alternative A</p> <p>Same as alternative A</p>	<p><i>Hatteras Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ Hatteras Inlet from Ramp 55 to the inlet (includes Pole Road and Spur Road). <p>Same as alternative A</p>	<p><i>Hatteras Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ Hatteras Inlet from Ramp 55 to the inlet (includes Pole Road and Spur Road). <p>Same as alternative A</p>	<p><i>Hatteras Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ Open the access through campground to Ramp 45 from September 15 – May 15. ▪ Establish new interdunal road from Ramp 45 to, or near, Ramp 49, with beach connector routes as appropriate. ▪ Hatteras Inlet from Ramp 55 to the inlet (includes Pole Road and Spur Road); restore Pole Road to 2 lanes. <p>Same as alternative A</p>
Hours of Allowable ORV Operation on Beach	All areas of the seashore open 24 hours a day year round.	All beaches open to ORV use from 6:00 a.m. to 10:00 p.m. year round, closed from 10:00p.m. – 6:00 a.m. May 1 – November 15. Permit required for ORV use from 10:00 p.m. – 6:00 a.m. September 16 – November 15.	Designated ORV routes and areas open to ORV use from 6:00 a.m. to 10:00 p.m. year round, closed from 10:00p.m. – 6:00 a.m. May 1 – September 14.	Designated ORV routes and areas open to ORV use from 6:00 a.m. to 10:00 p.m. year round, closed from 10:00 p.m. – 6:00 a.m.	November 1 through April 30: Designated ORV routes and areas open to ORV use 24 hours a day. May 1 - October 31: Designated ORV routes and areas open to everyone from 6:00 a.m. to 10:00 p.m. and open from 10:00 p.m. to 6:00 a.m. by permit only.
ORV Routes	<p>Visitors accessing the Seashore by ORV must drive only on marked ORV routes and comply with posted restrictions.</p> <p>ORV beach routes are a designated area seaward of a line 20 feet east or southeast of the toe of the dunes or vegetation line or 150 feet west or northwest of the existing tide, whichever is less, or between marked posts and existing tide.</p>	<p>Same as alternative A.</p> <p>Same as alternative A.</p>	<p>Same as alternative A.</p> <p>ORV beach routes would be a designated area from 10 meters (30 feet) from the toe of the dune to the existing tide line in areas open to ORV use, provided there is sufficient beach width to allow an ORV corridor of at least 20 meters (30 feet) above the mean high tide line.</p>	<p>Same as alternative A.</p> <p>Same as alternative C.</p>	<p>Same as alternative A.</p> <p>Same as alternative C.</p>
Beach Parking	Parking within routes is allowed in any configuration.	Same as alternative A.	Same as alternative A.	Parking within ORV routes is allowed, but only one vehicle deep. Stacking of vehicles in more than one row would be prohibited.	Same as alternative A.
ORV Use Areas	All areas of the Seashore are open to ORV access. Refer to Use Areas Table.	Same as alternative A.	ORV access would be prohibited in all areas of the Seashore except where routes and areas are specifically designated. Refer to Use Areas Table.	Same as alternative C.	Same as alternative C

TABLE 3. ALTERNATIVE ELEMENTS MATRIX

Management Activity		Alternative A—No Action, Continuation of Management under IPSMS	Alternative B – No Action, Continuation of Management Under Consent Decree	Alternative C	Alternative D	Alternative E
ORV Safety Closures		<p>ORV safety closures established as needed to address safety conditions such as debris on the beach or narrow beaches. Narrow beaches are reopened as the beach widens. Safety closures applicable only to ORV access; pedestrian access is maintained.</p> <p>Existing ORV safety closures include:</p> <ul style="list-style-type: none"> ▪ Ramp 1 to Ramp 2 ▪ 1.8 miles south of Ramp 38 to 0.4 mile north of Ramp 43. ▪ Buxton to Lighthouse Beach ▪ Northern boundary of Frisco to Hatteras Village ▪ September 16 – May 14: Hatteras Village ▪ 1.5 miles north of Ramp 67 to 1 mile south of Ramp 59 	Same as alternative A.	<p>ORV safety closures established as needed to address safety conditions such as debris on the beach or narrow beaches. Safety closures would be applicable only to ORV access; pedestrian access would be maintained through all safety closures.</p> <p>ORV safety closures would be reopened when/if conditions improve as determined by bi-weekly monitoring by Seashore law enforcement. Park staff to establish minimum beach width that would warrant safety closure.</p> <p>Village beaches that are at least 30m (100 feet) wide from the toe of the dune to mean high tide line would be open to ORV use during the winter season.</p>	ORV safety closures would not be established. ORV drivers would need to determine conditions and safety and would drive at own risk.	Same as alternative C.
Administrative ORV Closures		<p>Beach in front of Cape Hatteras Lighthouse closed to ORV access.</p> <p>Buxton Woods closed to ORV access.</p>	Same as alternative A.	No administrative closures would be established.	Same as alternative C.	Same as alternative C.
Scheduled Resource Closures	Year-Round Closures	Suitable interior habitats closed to all access year round at Bodie Island Spit, Cape Point, Hatteras Spit, north end of Ocracoke Island, Ocracoke Inlet Spit to provide for resting and foraging of piping plover. Examples of suitable habitats include ephemeral ponds and moist flats at Cape Point, Hatteras Spit, Ocracoke, and Bodie Island Spit. Actual locations of suitable foraging and resting habitat may change due to natural processes.	Same as alternative A	Same as alternative A, plus soundside shoreline and ½ inlet at Bodie Island Spit, Hatteras Spit, and north and south Ocracoke closed to ORV use during winter. Pedestrian access maintained in these areas during winter.	Same as alternative C	Same as alternative A, but evaluate annually and close areas for wintering habitat based on historical data and current conditions.
	Pre-nesting Closures	Pre-nesting closures established per the Interim Protected Species Management Strategy. ORV and pedestrian corridors provided per the IPSMS.	<p>Pre-nesting closures provided per the requirements of the Consent Decree.</p> <p>No ORV corridors provided around pre-nesting closures.</p>	Same as alternative B.	Same as alternative B.	Same as alternative A.

TABLE 3. ALTERNATIVE ELEMENTS MATRIX

Management Activity	Alternative A—No Action, Continuation of Management under IPSMS	Alternative B – No Action, Continuation of Management Under Consent Decree	Alternative C	Alternative D	Alternative E
Temporary (“as needed”) Resource Closures	<p>Temporary (“as needed”) resource closures are established in accordance with the <i>Interim Protected Species Management Strategy/Environmental Assessment</i> and associated <i>Biological Opinion</i>.</p> <p>ORV and pedestrian corridors are provided, as appropriate around any resource related closure according to the <i>Interim Strategy</i> and <i>Biological Opinion</i> (see Table 1. Resource Related ORV Access Restrictions and Closures at Cape Hatteras National Seashore).</p>	<p>All resource closure requirements from alternative A would remain in effect unless modified by the resource closure requirements under this alternative.</p> <p>Temporary resource closures would be established as necessary if protected species behavior warrants and/or if habitat is established.</p> <p>Limited ORV corridors provided as appropriate around temporary resources closures per the terms of the Consent Decree.</p>	<p>Temporary resource closures would be established as necessary outside of existing vehicle free areas if protected species (piping plover, American oystercatcher, colonial waterbirds, Wilson’s plover, sea turtles, and seabeach amaranth) behavior warrants and/or if habitat is established.</p> <p>ORV and pedestrian corridors are provided, as appropriate around any resource related closure according to TBD.</p>	<p>Same as alternative C except: ORV and pedestrian corridors are provided, as appropriate around any resource related closure according to TBD</p>	<p>Same as alternative C except: ORV and pedestrian corridors are provided, as appropriate around any resource related closure according to TBD</p>
Resource Protection Buffers	ORV buffers are established for observed breeding behavior. Refer to buffer distance table for specific information on buffer distances.				
Permit Requirements	No permits required.	Permit required for ORV use from 10:00 p.m. – 6:00 a.m. September 16 – November 15.	Vehicle permit required.	Vehicle permit required.	Vehicle permit required.
Permit Distribution	n/a	To follow Seashore guidelines to be developed	Available at various locations	Available at various locations	Available at various locations
Permit Issuance Requirements	n/a	Night driving permit application process has an educational component and the permit contains restriction on light use.	ORV owners must read the rules and regulations governing ORV use at the seashore and complete a written or online exam. The owner would sign for their permit in acknowledgement that they understand the rules and that all drivers will abide by the rules and regulations governing ORV use at the seashore, including beach driving safety, and resource closure requirements	ORV owners must sign for the permit in acknowledgement that they understand the rules and that all drivers will abide by the rules and regulations governing ORV use at the seashore, including beach driving safety, and resource closure requirements	Same as alternative C.
Permit number limits	n/a	No limit on night driving permits	No limit	Same as alternative C.	Same as alternative C.
Permit types	n/a	To follow Seashore guidelines to be developed	Annual and short-term permits available.	Annual permits would be available.	Same as alternative C.
Permit fees	n/a	None	Fees subject to cost recovery	None	Same as alternative C.
Permit form	n/a	To follow Seashore guidelines to be developed	Permit affixed to vehicle in a manner approved by the NPS.	Same as alternative C.	Same as alternative C.

TABLE 3. ALTERNATIVE ELEMENTS MATRIX

Management Activity	Alternative A—No Action, Continuation of Management under IPSMS	Alternative B – No Action, Continuation of Management Under Consent Decree	Alternative C	Alternative D	Alternative E
Permit Revocation	n/a	To follow Seashore guidelines to be developed	A permit may be revoked for falsification of permit application; possession of a permit intended for another vehicle; major or gross violation of travel outside designated routes or areas or within closures; major violation of hunting or fishing regulations; intentional dumping of sewage or hazardous waste; any felony violations; driving while Under the Influence; alcohol violations; possession of a controlled substance, repeat offenders of three or more petty violations within the permit year; any other major violation that would constitute the improper use of the off-road vehicle use areas or the conditions of the permit, including a major violation of any park regulation.	Same as alternative C.	Same as alternative C.
Vehicle Carrying Capacity Determination	Vehicle carrying capacity would not be determined.	Same as alternative A.	<p>Carrying capacity would be established for overcrowded areas (to be determined based on safety concerns) based on their linear feet of beachfront and the following physical space requirements:</p> <p><i>Bodie Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ 260 vehicles/mile (20 feet per vehicle) <p><i>Hatteras Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ 260 vehicles/mile (20 feet per vehicle) <p><i>Ocracoke Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ 100 vehicles/mile (54 feet per vehicle) <p>Exceptions to carrying capacity limits provided for events operating under a special use permit.</p>	n/a	<p>Carrying capacity would be established for overcrowded areas (see "areas of implementation" below) based on their linear feet of beachfront and the following physical space requirements:</p> <p><i>Bodie Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ 260 vehicles/mile (20 feet/vehicle) <p><i>Hatteras Island Ranger District (except Cape Point)</i></p> <ul style="list-style-type: none"> ▪ 260 vehicles/mile (20 feet/vehicle) <p><i>Ocracoke Island Ranger District</i></p> <ul style="list-style-type: none"> ▪ 175 vehicles/mile (30 feet /vehicle) <p>Cape Point</p> <ul style="list-style-type: none"> • TBD based on delineation of Cape Point area and determination of a "safe" vehicle density based on above delineation and beach depth. <p>Exceptions to carrying capacity limits provided for events operating under a special use permit.</p>
Seasonal Element related to Carrying Capacity	n/a	n/a	Year round enforcement, if implementation becomes necessary due to increased visitation and overcrowding.	n/a	Only applicable Memorial Day weekend, 4 th of July, Labor Day weekend, or other holiday deemed high use. but may be implemented year-round as need arises.

TABLE 3. ALTERNATIVE ELEMENTS MATRIX

Management Activity	Alternative A—No Action, Continuation of Management under IPSMS	Alternative B – No Action, Continuation of Management Under Consent Decree	Alternative C	Alternative D	Alternative E
Periodic Review of Carrying Capacity	n/a	n/a	Visitation, crowding, and safety monitored periodically to determine if implementation of carrying capacity is warranted. Once implemented, carrying capacity limits would be reviewed every 2 years.	n/a	Every 2 years.
Areas of Implementation	n/a	n/a	Would apply to all areas in the seashore. Carrying capacity requirements only implemented if increased visitation results in unsafe overcrowding.	n/a	<ul style="list-style-type: none"> ▪ Bodie Island Spit from Ramp 4 ▪ Cape Point (Ramp 44 to Ramp 45) ▪ Hatteras Island Spit from Pole Road <p><i>Other areas could be added if unsafe overcrowding occurs</i></p>
Vehicle Requirements	<p>All vehicles operating in area of the Seashore must:</p> <ul style="list-style-type: none"> ▪ Have a valid vehicle registration, insurance, and license plate. <p>Vehicles must be street legal. ATVs prohibited from beach driving.</p> <p>Recommend "air down" of tires prior to driving on beach.</p>	Same as alternative A.	<p>Same as alternative A plus:</p> <ul style="list-style-type: none"> • All vehicles must contain a tire gauge, shovel, jack stand, jack, and towrope. Spare tire recommended. • Vehicle tires may not be inflated more than 20 psi while driving on beach. 	Same as alternative C.	Same as alternative C.
Speed Limits	<p>25 mph (unless otherwise posted) on park beaches for public and private vehicles.</p> <p>Speed limit in front of villages during off season (September 16 – May 14) on park beaches posted at 10 mph.</p> <p>Emergency vehicles exempt when responding to a call.</p>	Same as alternative A.	<p>15 mph (unless otherwise posted) on park beaches for public and private vehicles.</p> <p>10 mph speed limit in front of villages</p> <p>Emergency vehicles exempt when responding to a call.</p>	<p>15 mph</p> <p>Emergency vehicles exempt when responding to a call.</p>	Same as alternative C.
Parking	<p>Parking is currently provided in 64 park-maintained park lots throughout the Seashore, totaling approximately 1,000 spaces.</p>	Same as alternative A.	<p>Determine locations of new parking areas to be proposed as part of this alternative.</p> <p>Any new parking areas to be located near Vehicle Free Areas and located away from eroding areas or potential inlet areas. New parking areas will implement design standards to reduce stormwater runoff.</p>	<p>Determine locations of new parking areas to be proposed as part of this alternative.</p> <p>Expand parking at Cape Point campground potentially closing half of Cape Point Campground to allow for more parking.</p> <p>Expand parking at Kite Point and at edge of villages.</p> <p>New parking areas will implement design standards to reduce stormwater runoff.</p>	<p>Determine locations of new parking areas to be proposed as part of this alternative. .</p> <p>Any new parking areas to be located near Vehicle Free Areas and located away from eroding areas or future inlet areas. New parking areas will implement design standards to reduce stormwater runoff.</p> <p>Add parking at edge of villages</p>

TABLE 3. ALTERNATIVE ELEMENTS MATRIX

Management Activity	Alternative A—No Action, Continuation of Management under IPSMS	Alternative B – No Action, Continuation of Management Under Consent Decree	Alternative C	Alternative D	Alternative E
Alternative Transportation	Alternative transportation is not provided at the Seashore.	Same as alternative A.	Park to allow concessioners to operate water taxi and/or beach shuttle to facilitate access to areas blocked by beach closures. Specific locations to be determined (Hatteras Spit – marinas near ferry terminal and Silver Lake-South Point)	Same as alternative A.	Park to allow concessioners to operate water taxi and/or beach shuttle to facilitate access to areas blocked by beach closures. Specific locations to be determined (Hatteras Spit – marinas near ferry terminal and Silver Lake-South Point)
Waste Collection	RV dump stations located near Oregon Inlet, Cape Point, and Ocracoke Campgrounds. Available when campgrounds are open. Small dumpsters provided at each ramp and maintained by private contractor.	Same as alternative A.	Same as alternative A.	Same as alternative A, but remove all dumpsters and implement a “pack-in/pack-out” policy.	Same as alternative A, plus provide trash bags at visitor centers for pack-in/pack-out.
Restroom Facilities	Existing porta-potties located throughout the seashore.	Same as alternative A.	TBD (Sandy to check with DSC on vault toilet standards)	TBD (Sandy to check with DSC on vault toilet standards)	TBD (Sandy to check with DSC on vault toilet standards)
Pets	Per 36 CFR 2.15, pets prohibited in resource closures, lifeguarded beach areas, the access boardwalks to the swim areas and Ocracoke Lighthouse, and bath facilities in the immediate areas. . Pets shall be physically confined to the occupant’s house or outside wire cage/pen. Pets shall be restrained on a maximum 6-foot leash or a leash attached to a run line when outside the residence.	Same as alternative A but pets prohibited within resource buffers.	Same as alternative A, but pets prohibited on the beach at the Spits and Cape Point/South Beach from April 1 – October	Same as alternative A.	Same as alternative A except pets prohibited in pedestrian bypasses adjacent to resource closures.
Beach Fires	Permitted per 36 CFR 2.13.	Same as alternative A.	Prohibited 10:00 PM – 6:00 AM.	Same as alternative A.	Permit required for any beach fires. Beach fires prohibited 12:00 AM – 6:00 AM.
Beach Camping / Overnight ORV use	Prohibited per Superintendent’s Compendium Section 2.10(a). ORVs allowed on beach overnight only if someone associated with the vehicle is actively fishing. ORVs allowed on all areas of the seashore 24 hours a day, year round.	Prohibited per Superintendent’s Compendium Section 2.10(a). Vehicles allowed on beach at night from November 16 through April 30. Permit required for ORV use from 10:00 p.m. – 6:00 a.m. September 16 – November 15. ORVs allowed on beach overnight only if someone associated with the vehicle is actively fishing.	Prohibited per Superintendent’s Compendium Section 2.10(a). Vehicles only allowed on beach at night from September 15 through April 30 from 10:00p.m. – 6:00 a.m. ORVs allowed on beach overnight (September 15 through April 30) only if someone associated with the vehicle is actively fishing.	Prohibited per Superintendent’s Compendium Section 2.10(a). Vehicles prohibited on beaches after 10:00 p.m. year round.	Prohibited per Superintendent’s Compendium Section 2.10(a). Vehicle allowed on beach at night from November 1 through April 30 and allowed after 10:00 from May 1 through October 31 by permit only. ORVs allowed on beach overnight only if someone associated with the vehicle is actively fishing.
Kites and Kiteboarding	Kite flying, kite boards, and ball and Frisbee tossing prohibited within or above all bird closures (per the Interim Protected Species Management Strategy)	Same as alternative A, but kite flying also prohibited in resource buffer areas.	Same as alternative A, plus kiteboards are prohibited at lifeguarded beaches.	Same as alternative C.	Same as alternative C.

TABLE 3. ALTERNATIVE ELEMENTS MATRIX

Management Activity	Alternative A—No Action, Continuation of Management under IPSMS	Alternative B – No Action, Continuation of Management Under Consent Decree	Alternative C	Alternative D	Alternative E
Staffing					
Materials					