

**From:** [Mike Murray](#)  
**To:** [Paul Stevens](#)  
**Cc:** [Bill A Reynolds](#); [Bill Caswell](#); [Brad Griest](#); [Cyndy Holda](#); [Darrell Echols](#); [Dave Rapp](#); [David Carter](#); [ed\\_fuller@nps.gov](#); [Jeff W Goad](#); [Jim Churchman](#); [John Kimmel](#); [Jon Anglin](#); [Kenny Ballance](#); [Lynne Belanich](#); [Mark Krebs](#); [Michael Trevino](#); [Pat Ludwick](#); [Paul Stevens](#); [Peter Zahrt](#); [Sean Reier](#); [Britta Muiznieks](#)  
**Subject:** Re: DEIS Issues  
**Date:** 06/01/2010 08:01 AM  
**Attachments:** [ORV DEIS.Proposed Changes in Selected Alt.060110.doc](#)

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Paul,

Two more issues for discussion have been added to the document and are as follows;

**ISSUE: Night Access after September 15.** FWS and environmental stakeholders want night driving restrictions continued until November 15 to protect hatchlings that emerge after September 15. Alternative F would allow NPS after September 15 to re-open to night driving “areas with no or a low density of turtle nests.” “Low density” is not defined.

**OBJECTIVES:** Clarify wording to address concerns and consider options for night access.

**IDEAS FOR DISCUSSION:**

- Revise alternative F language (“after September 15 NPS would re-open to night driving areas with no ~~or a low density of~~ turtle nests”). Night access to popular areas would be “luck of the draw” based on location of turtle nests; or
- Revise wording as above and consider options, such as “park and stay” for night access to Bodie Island Spit, Cape Point, and South Point if there are unhatched turtle nests blocking night access in the ORV corridor. In other words, after September 15, in areas with unhatched turtle nests, “park and stay” would be allowed (only) at Bodie Island Spit, Cape Point and South Point with the following terms and conditions:
  - Arrive before night driving restriction (time) goes into effect. Do not leave until designated morning re-opening time.
  - Life-or-death emergencies, call 9-1-1.
  - Must have self-contained portable toilet.
  - Violation of terms and conditions would result in minimum one-year revocation of ORV permit.
- Other ideas?

**ISSUE: Safety Closure Language.**

**OBJECTIVES:** Review/revise if appropriate/confirm final language on Safety Closures.

**IDEAS FOR DISCUSSION:**

- Leave language “as is” in alternative F; or
- Revise alternative F language as follows:

An ORV safety closure would be implemented in the event of a ~~clear and imminent~~ threat of significant bodily injury or death, and/or damage to personal property, including vehicles and their contents. Triggers that could justify a safety closure include, but are not limited to:

- Deep beach cuts that block the beach from dune to surf with no obvious way around.
- Obstacles, such as exposed stumps, shipwrecks, or debris, that cannot be safely

bypassed or that block the entire width of the beach and cannot be easily removed.

- Severe beach slope that puts vehicles in an unsafe gradient position and increases the chances of the loss of vehicular control.
- A high concentration of pedestrian users coupled with a narrow beach.
- (add) A narrow beach where there is insufficient width to safely exit the beach in the vehicle corridor during normal (non-storm) high tides.
- (add language about minimum beach width for village beaches, when open to ORVs during the off-season)

Triggers do not include:

- ~~A narrow beach by itself.~~
- ~~High tides that block access through portions of beaches occur periodically and predictably, and are an obvious, easily avoidable hazard.~~
- Hazards blocking only a portion of the beach, where safe passage is available around the hazard.

ORV safety closures would preclude ORV access, while pedestrian and commercial fishing access would be maintained through most safety closures.



ORV DEIS.Proposed Changes in Selected Alt.060110.doc

Thanks,

Mike Murray  
 Superintendent  
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 (c) 252-216-5520  
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▼ [Paul Stevens/CAHA/NPS](#)

**Paul Stevens/CAHA/NPS**

05/26/2010 04:48 PM

To Paul Stevens/CAHA/NPS@NPS

cc Bill A Reynolds/CAHA/NPS@NPS, Bill Caswell/CAHA/NPS@NPS, Brad Griest/GRSM/NPS@NPS, Cyndy Holda/CAHA/NPS@NPS, Darrell Echols/CAHA/NPS@NPS, Dave Rapp/CAHA/NPS@NPS, David Carter/CAHA/NPS@NPS, ed\_fuller@nps.gov, Jeff W Goad/CAHA/NPS@NPS, Jim Churchman/CAHA/NPS@NPS, John Kimmel/CAHA/NPS@NPS, Jon Anglin/CAHA/NPS@NPS, Kenny Ballance/CAHA/NPS@NPS, Lynne Belanich/CAHA/NPS@NPS, Mark Krebs/CAHA/NPS@NPS, Michael Trevino/CAHA/NPS@NPS, Mike Murray/CAHA/NPS@NPS, Pat Ludwick/CAHA/NPS@NPS, Peter Zahrt/CAHA/NPS@NPS, sean\_reier@nps.gov

Subject Re: DEIS Issues

0026559

Thanks to David Carter for catching another conflict, the pack test. Let's try Tuesday June 1, 2010 at 1:00 pm.

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▼ Paul Stevens/CAHA/NPS

**Paul  
Stevens/CAHA/NPS**

05/26/2010 04:07 PM

To Paul Stevens/CAHA/NPS@NPS  
cc Bill A Reynolds/CAHA/NPS@NPS, Bill Caswell/CAHA/NPS@NPS, Brad Griest/GRSM/NPS@NPS, Cyndy Holda/CAHA/NPS@NPS, Darrell Echols/CAHA/NPS@NPS, Dave Rapp/CAHA/NPS@NPS, David Carter/CAHA/NPS@NPS, ed\_fuller@nps.gov, Jeff W Goad/CAHA/NPS@NPS, Jim Churchman/CAHA/NPS@NPS, John Kimmel/CAHA/NPS@NPS, Jon Anglin/CAHA/NPS@NPS, Kenny Ballance/CAHA/NPS@NPS, Lynne Belanich/CAHA/NPS@NPS, Mark Krebs/CAHA/NPS@NPS, Michael Trevino/CAHA/NPS@NPS, Mike Murray/CAHA/NPS@NPS, Pat Ludwick/CAHA/NPS@NPS, Peter Zahrt/CAHA/NPS@NPS, sean\_reier@nps.gov

Subject Re: DEIS Issues 

I've got a conflict tomorrow at 1:00 pm. Let's try Tuesday June 1, 2010 at 10:00 am.

Thanks,

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▼ Paul Stevens/CAHA/NPS

**Paul  
Stevens/CAHA/NPS**

05/26/2010 01:04 PM

To Bill Caswell/CAHA/NPS@NPS, Brad Griest/GRSM/NPS@NPS, Dave Rapp/CAHA/NPS@NPS, David Carter/CAHA/NPS@NPS, ed\_fuller@nps.gov, Jeff W Goad/CAHA/NPS@NPS, Jon Anglin/CAHA/NPS@NPS, Kenny Ballance/CAHA/NPS@NPS, Lynne Belanich/CAHA/NPS@NPS, sean\_reier@nps.gov, Jim Churchman/CAHA/NPS@NPS, Mark Krebs/CAHA/NPS@NPS, Pat Ludwick/CAHA/NPS@NPS, Peter Zahrt/CAHA/NPS@NPS, Bill A Reynolds/CAHA/NPS@NPS, John Kimmel/CAHA/NPS@NPS, Michael Trevino/CAHA/NPS@NPS

cc Mike Murray/CAHA/NPS@NPS, Darrell Echols/CAHA/NPS@NPS, Cyndy Holda/CAHA/NPS@NPS

Subject DEIS Issues

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**Attached information is for internal discussion purposes only**

Rangers:

We need to have a conference call tomorrow at 1:00 pm to go over the DEIS Issues and the village closure issues. Need for Jon Anglin, David Carter, and Kenny Ballance to be on the call. Others are welcome.

The attached files are what we will be talking about. I condensed Mike Murray's comments from both emails into one. The first message and attachments is on the DEIS issues and "ideas for discussion" and the second message and attachments is on the village closure issue. Please read over these documents prior to the call so we will all be familiar with the issues and this will expedite the call.

Call in number: 1-866-667-0068 Passcode: 5225301#

Thanks,

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Paul,

Attached is a list of DEIS issues and possible changes ("ideas for discussion") for discussion during the June 10-11 meeting, along with a quick summary of DEIS comments from a number of agencies and organizations. Please review and get staff input on the issues and "ideas for discussion" that are of responsibility or interest to your division, so that you can represent staff input during the June 10-11.

Note: The issues list is not likely comprehensive. In talking with staff, please determine if there are any other ideas or possible changes that we should consider that would make the plan more effective or efficient to implement.

[attachment "ORV DEIS.Proposed Changes in Selected Alt.052410.docx" deleted by Mike Murray/CAHA/NPS] [attachment "Summary of Select Organizations' DEIS Comments.mbm 052410.doc" deleted by Mike Murray/CAHA/NPS]

Paul,

Prior to the June 10 DEIS meeting, please get staff input and be prepared to make a recommendation about management of the village beaches. Should the ORV closures of village beaches be seasonal or year-round? If seasonal, should we have consistent dates for all villages and what should the dates be? If we have seasonal dates, I'd like for us to have a beach width or other criteria for determining when a village beach should have a safety closure during the off-season (or a way to address the likely concerns about re-opening Frisco and Hatteras villages to ORVs after all these years, if that is what is proposed)?

The intent is to have a clear policy that drives future decisions, rather than leaving it up to stakeholder pressure to influence decisions. If you end up recommending seasonal, rather than year-round ORV restrictions on the village beaches, please consider the attached visitation and rental occupancy data in determining "the busy season". In other words, the dates for seasonal ORV restrictions should be based on levels of use, rather than tradition, and should be forward-thinking about future visitor interests (i.e., will future shoulder-season visitors want to rent expensive cottages in villages that are open to ORV use? hard to know, but needs to be considered since the plan could affect the types of visitors that come at certain times of year). Ideally, any revisions we make in the village beach policy should help simplify implementation by reducing the number of seasonal changes and/or making the dates of seasonal changes more consistent.

Caveat: We will need to consider the impact of whatever you recommend on the overall distribution of miles for ORV and pedestrian use. All the conservation groups have heavily criticized alternative F for its relative lack of year-round vehicle free areas. For example, if you end up recommending that all village beaches be vehicle-free for a short period of time, then we may need to re-designate other sections of beach to be vehicle free during the off-season in order to achieve a reasonable balance of user miles.

Feel free to discuss it with me before June 10 if there are any questions.

[attachment "CAHA PaidRentalGraph.2007-08.pdf" deleted by Mike

0026562

Murray/CAHA/NPS] [attachment "CAHA Visitation.2006-2009.ppt" deleted by Mike  
Murray/CAHA/NPS]

**Proposed Changes to Preferred Alternative.MBM.6/01/10**  
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**I. Objectives for Making Revisions in Preferred Alternative F**

- Be responsive to public comments
- Improve effectiveness of resource protection
- Ensure “reasonableness” of resource protection measures in order to improve public understanding and acceptance of the agency action
- Provide for diverse visitor experience opportunities and perceived “fairness” in the apportionment of ORV vs. vehicle free miles
- Simplify implementation for NPS and improve efficiency and effectiveness

**II. Issues, Objectives, and Ideas to Consider**

**ISSUE: There is not enough access and no assurance of adequate access during the breeding season.** (With the apparent expansion of CWB nesting, e.g., LETE’s scraping within the villages; there is no assurance under alternative F that any beach areas are not subject to closure for resource protection. Need some way to provide some level of access, even during the breeding season.)

**OBJECTIVE:** Compare alternative F with stakeholder suggestions and come up with best approach that is simple to understand and implement.

**IDEAS FOR DISCUSSION: (I realize that these ideas will create tension with NPS policy and conventional NPS thinking. However, we need to figure out a way to ensure some level of beach access is available during the breeding season. Several possible approaches are described below)**

- Make resource protection the priority in the SMAs. Elsewhere, identify a minimum number of beach miles outside of the villages (e.g., 1/4 for pedestrians, 1/4 for ORVs, and no more than 1/2 for full resource closures) that will remain open to pedestrian and/or ORV access with, if necessary, reduced resource protection measures for non-listed species (e.g., in such areas, could implement closures for non-listed species only after nests or chicks). For example, could define “miles” as follows:
  - Ramp 1 to Oregon Inlet: 5.7 miles total with minimum of at least 1.5 miles open to pedestrians and 1.5 miles open to ORVs, and not more than 2.8 miles completely closed for resource protection (chances are in this section more than 3.0 miles would remain open)
  - Ramp 23 to Ramp 34: 10.8 miles total with minimum of 2.7 miles open to pedestrians and 2.7 miles open to ORVs, and not more than 5.4 miles closed for resource protection
  - Ramp 38 to Buxton boundary: 3.7 miles total with minimum of 0.9 mile open to pedestrians and 0.9 mile open to ORVs, and not more than 1.75 miles completely closed for resource protection

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- Ramp 43 to Ramp 49: 6.2 miles total with minimum of 1.5 miles open to pedestrians and 1.5 miles open to ORVs and not more than 3.1 miles closed for resource protection
  - Ramp 55 to Hatteras Inlet: (currently) 2.4 miles total with minimum of 0.6 mile open to pedestrians and 0.6 mile open to ORVs, and not more than 1.2 miles completely closed for resource protection
  - N. Ocracoke to Ramp 68: 10 miles total with minimum of at least 2.5 miles open to pedestrians and 2.5 miles open to ORVs, and not more than 5 miles completely closed for resource protection
  - Ramp 68 to South Point: 6.2 miles total with minimum of at least 1.5 miles open to pedestrians and 1.5 miles open of ORVs, with not more than 3.1 miles completely closed for resource protection; **or (see next bullet) could develop more areas that “qualify” reduced protection**
- Establish new “day use” parking lots adjacent to each village, and expand existing day use area parking. Refine language as follows: When breeding activity involving non-listed species occurs within the villages or within ¼ mile of day use area parking lot, NPS will monitor the site but not install buffers until nest(s) occur. ~~When~~ If nesting or chicks occur within a village or in the immediate vicinity of paved roads, parking lots, campgrounds, buildings, and other facilities, ~~NPS retains the discretion to provide resource protections to the maximum extent possible while still allowing those sites to remain operational.”~~ NPS will provide the minimum resource protections necessary to prevent direct loss of nests or chicks.
  - **Any other ideas on how to ensure that some areas are open for access?**

**ISSUE: Beach miles are “unfairly” distributed (during the nonbreeding season).**

Designated Routes and Areas under Alternative F are complicated, difficult to understand and implement (too many overlays: seasonal vs. year-round; breeding vs. non-breeding; fixed vs. “floating”; different sets of dates for different locations, etc.). Some stakeholders want more flexibility; others want less.

**OBJECTIVE:** Simplify route designations to make them easier to understand and implement and to increase perception of “fairness.”

**IDEAS FOR DISCUSSION:**

- Try to align vehicle free areas with nonbreeding SMAs and eliminate “floating” areas
- Hybrid approach: combination of alternative D and F, with mostly year-round designations but with ORV corridor options at (at least) Cape Point and South Point. Use standard seasonal dates for most or all seasonally designated areas (similar to alternative C)
- Designate “flexible” ORV routes and vehicle free areas, based on available miles in certain sections of beach. Go for a 50/50 split (either of miles or of time) between vehicle free vs. ORV during the nonbreeding season. For example:



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- Ramp 1 to Oregon Inlet: 5.7 miles total. Designate 2.8 miles for ORV use.
- Rodanthe-Waves-Salvo: Vehicle free for six months; open to ORVs for six months (with beach width criteria for safety closures).
- Ramp 23 to Ramp 34: 10.8 miles total. Designate up 5.4 miles for ORV use.
- Avon: Vehicle free for six months; open to ORVs for six months (with beach width criteria for safety closures).
- Ramp 38 to Buxton boundary: 3.7 miles total. Designate 1.85 miles for ORV use.
- Buxton: Vehicle free for six months; open to ORVs for six months (with beach width criteria for safety closures).
- Lighthouse beach to Ramp 43: 1.4 miles total. Designate 0.7 for ORV use.
- Ramp 43 to Ramp 49: 6.2 miles total. Designate 3.1 for ORV use, including Cape Point. (Can use new interdunal route to by-pass vehicle free sections on South Beach.
- Ramp 49 to Frisco line (1.2 miles) & between Frisco and Hatteras villages (1.4 miles): Leave “as is” so that 1.2 miles is ORV and 1.4 miles is vehicle free.
- Frisco and Hatteras Villages: Vehicle free for six months; open to ORVs for six months (with beach width criteria for safety closures).
- Ramp 55 to Hatteras Inlet: (currently) 2.4 miles total. Designate 1.2 miles for ORV use. Allow ORV use of Pole Road, Spur Road and Cable Crossing spur.
- N. Ocracoke to Ramp 68: 10 miles total. Designate 5 miles for ORV use.
- Ramp 68 to South Point: 6.2 miles total. Designate 3.1 miles for ORV use.
- Other ideas?

**ISSUE: There is too much construction proposed.** (Comments included: Too many new ORV ramps and too many ORV access points proposed. Consider fewer new ramps, but more pedestrian access points. Provide more ORV access points (e.g., soundside access on Bodie Island). What if NPS doesn’t get funding to implement? What if new ramps attract CWB nesting?)

**OBJECTIVE:** Reduce the number of new ORV ramps and interdunal roads to that which is necessary to accomplish objectives of the DEIS. Provide multiple access opportunities for pedestrians.

**IDEAS FOR DISCUSSION:** (*I’ve asked Laura Pickens to prepare a map showing nesting history to help find locations for access points that are not as likely to be closed*):

- Interdunal road from Ramp 4 south to flats at north end of Bodie Island Spit
- Ramp 23 – Ramp 30: install only 1 (not 2) new ORV ramp; install a handful of small parking lots with pedestrian walkovers
- Ramp 30 – Ramp 34: eliminate new ramp; install several small 10-20 vehicle parking lots with pedestrians walkovers
- (New) Ramp 39 – include or not?

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- Interdunal road from Ramp 45 to Ramp 49: Have only one new ramp (e.g., 47)? Consider moving Ramp 49 east of the campground?
- Hatteras Spit: Don't re-route Pole Road south of overwash fans? Modify new interdunal road near False Point, based on ongoing erosion and current configuration of spit, to provide interior parking near end of spit?
- North End Ocracoke: eliminate new spur road; and/or
- Establish large (100 vehicle) "day use" beach parking lots at the following locations (could eventually provide lifeguard services at these sites if could figure out how to fund it):
  - Just south of Salvo
  - Just north and just south of Avon
  - Former Buxton Coast Guard Station
  - Expand parking at Frisco Day Use Area
  - Expand parking at Ramp 55

**ISSUE:** There are too many signs (they are unsightly, wording is too regulatory rather than educational, etc.)

**OBJECTIVES:** Reduce the overall number of resource closure signs used, while retaining effectiveness as a deterrent to closure violations. Use educational signs in lieu of regulatory signs where appropriate

**IDEAS FOR DISCUSSION:**

- Reduce signing for pre-nesting areas. Sign only usable habitat (e.g., at Cape Point, don't include the whole Dredge Pond area which makes the closure look HUGE). Use symbolic fencing only along either end of pre-nesting area (i.e., perpendicular to beach) and along dune line, then use red carsonite along the high tide line along with informational sign at either end of closure to explain if shoreline is closed and why.
- Edit sign language in DEIS: "...areas with symbolic fencing (string between posts) or with other closure signs would be closed to recreational access..."
- Increase spacing of signs or limit use of "Area Closed" placard to every other post.
- Reduce number of signs visible from NC 12.
- As part of a comprehensive resource education program (see later "ISSUE"), develop educational signs to use in lieu of regulatory signs where appropriate (e.g., at turtle nest closures).
- Other ideas?

**ISSUE: Periodic Review.**

**OBJECTIVES:** Review topics that are "subject to periodic review" and confirm best approach

**IDEAS FOR DISCUSSION:**

- Revise Periodic Review language to say: "where progress is not being made toward goals, PR and AM "may provide for increased appropriate restrictions..."

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- Is there anything related to ORV management or resource management that is listed as “subject to periodic review” that should be “fixed” instead:
  - Hours of allowable night driving
  - Night driving modifications (+/- 2 hours) for commercial fishermen
  - Carrying capacity
  - Location of designated SMAs

**ISSUE: Shorebird Prenesting Areas:** Perception is that the prenesting areas will end up being massive closures for an extended period of time, regardless of if birds actually show up and use the site or not (e.g., the overwash fans at Hatteras Inlet). This is perceived as a complete “lock out” of visitor use in a significant portion of the Seashore. Some comments that July 31 re-opening date is not late enough for BLSK.

**OBJECTIVE:** Ensure adequate nesting habitat is available for shorebirds at the start of the breeding season, while providing some level of flexibility and well managed visitor use until actual breeding activity prompts the need for implementation of the standard (ML2) buffers.

**IDEAS FOR DISCUSSION:**

- In pre-nesting areas, allow pedestrian shoreline access below the high tide line, until breeding activity is observed, and then implement standard buffers to provide a full beach closure where it is actually needed.
- To reduce signage, mark the perpendicular ends of the prenesting areas with symbolic fencing and the high tide line with red carsonite, then post signs at either end of the prenesting area to indicate whether 1) shoreline access is permitted seaward of the red carsonite until breeding activity is observed (“share the beach”); or 2) shoreline access is closed (“yield the beach”).
- Consider adding language that: “portions of prenesting areas with BLSK present will be left in place until August 15, or until after all breeding activity has ceased, whichever is later”

**ISSUE: Shorebird Buffer distances:** Proposed buffer distances seem unreasonable, inflexible, and unsupported by peer reviewed science. Specifically noted are: 1000 m buffer for PIPL chicks; 300 m buffers for AMOY and CWB activity/nests/chicks.

**OBJECTIVE:** Ensure adequate, consistent, biologically defensible buffers that will provide effective resource protection, while allowing for reasonable access and flexibility when appropriate.

**IDEAS FOR DISCUSSION:**

- For PIPL chicks, retain 1000 m ORV buffer but also allow a 300 m (or 200 m?) buffer for pedestrians during daylight hours. Pursue an adaptive management study to determine if it would be appropriate to reduce the ORV buffer after a certain period of time (e.g., two weeks) once the chicks have settled into a foraging area.
- Eliminate ML1 buffers and use ML2 buffers and monitoring at all locations.

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**ISSUE: Buffers for AMOY/WIPL and CWB.** Should they allow vehicles to pass along the outside edge of nesting habitat, provided that the buffer is adequate to prevent human disturbance, should they be absolute buffers regardless of natural barriers?

**OBJECTIVE:** Confirm wording. Simplify if possible. Be reasonable, so that if a natural barrier separates the site from the ORV route and disturbance is unlikely, we do not impose unreasonable closures.

**IDEAS FOR DISCUSSION:**

- (stakeholder suggestion) “If breeding activity is observed inside an existing closure at a distance under 75 meters from the closure boundary, the closure will be expanded to ensure a 75-meter buffer” Delete: ~~Prior to hatching, vehicles may pass along the outside edge of nesting habitat, provided that buffers adequate to prevent human disturbance are maintained;~~ or
- Revise wording to make it clear that a smaller buffer may be used at locations if, in the judgment of NPS resource management personnel, natural barriers, such as dunes or vegetation, provide sufficient screening to minimize the risk of disturbance

**ISSUE: Breeding season ORV corridors at Cape Point and South Point.**

**OBJECTIVE:** Compare alternative F corridors with proposal submitted by stakeholders and confirm best approach

**IDEAS FOR DISCUSSION:**

- Exclude ORV corridors at Cape Point and South Point from the SMA; then have all SMAs exclude ORVs
- Limit corridor width to 100 ft (or 50 m as in alternative F)?
- Cape Point: Have corridor no more than 100 ft wide immediately above the high tide line
- South Point: Have corridor no more than 100 ft wide that is at least 300 ft from the high tide line

**ISSUE: Breeding and Nonbreeding Shorebird SMA descriptions are complicated and confusing.**

**OBJECTIVE:** Simplify language for ease of understanding, complying, and implementing.

**IDEAS FOR DISCUSSION:**

- Align vehicle free areas with (more of) the nonbreeding shorebird areas, rather than have separate overlay. In other words, try to come up with a hybrid of alternatives D (with no seasonal ORV areas) and F (with ORV corridors at Cape Point and South Point)
- Nonbreeding shorebird SMAs: Install by July 15 if location does not have a breeding season closure. Simplify description (delete “Points and Spits” and “Ocean Shoreline Areas” descriptions and re-evaluate every 3 years (instead of every 5)
- Any other ideas?

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**ISSUE: Desired Future Conditions (DFC) for colonial waterbirds (CWB):** Perceived as too low by environmental groups, since it is based on historically low nest results since 2007. DFC did not consider longer term data including years with higher numbers of nests (only considered data from 2007 forward).

**OBJECTIVE: Re-visit the DFC for CWB.** If possible, come up with a more ambitious DFC based on longer term data, provided the DFC is realistic.

**IDEAS FOR DISCUSSION: (*I've asked Tim Pinion to look at these*):**

- Reconsider an earlier draft DFC that was based on the longer term data (# nests in the park as an average % of the # of nests in the state for same species); or
- Consider a DFC based on incremental restoration of number of nests to a target based on the long term data.

**ISSUE: Nonbreeding surveys (concern about SECN protocol)** Concern is that protocol as designed does not adequately determine or document the difference on shorebird utilization of areas closed to ORV use vs. open to ORV use.

**OBJECTIVE:** Compare Alternative F with stakeholder suggestion(s) and decide upon best approach

**IDEAS FOR DISCUSSION:**

- Delete reference to “SECN protocol”. Should survey and compare beach areas that are fully open to ORVs with areas that are closed to ORVs. Suggest survey methods used at ASIS (Forgues 2010) or CALO (Tarr 2009). Add GPS locations for banded birds so that information can be provided to researchers.
- Delete CWB from nonbreeding surveys as they are not dependent upon Seashore land for foraging.
- Follow ISS protocol.

**ISSUE: Perception of high loss of sea turtle nests:** ORV groups and NCWRC have concerns about high loss of sea turtle nests in locations that are predictably subject to frequent overwash.

**OBJECTIVE:** Refine nest relocation criteria to allow nest relocation in situations that are likely to result in nest loss due to overwash (not talking about major storm events, but regular storm or lunar high tides).

**IDEAS FOR DISCUSSION:**

- Use GIS to identify areas with history of nest loss due to overwash. Conduct 5-year adaptive management study to compare results of proactive relocation of 50% of nests in those areas vs. non-relocation of 50% of nests in those locations, then analyze/document results and re-evaluate the policy after five years; or
- If I understand Michelle correctly, she and Matthew Godfrey have already agreed to, and we are implementing, a more proactive nest relocation policy in certain locations that are known to be subjected to frequent overwash. If that is the case and we are comfortable with that approach, then maybe all we need to do in the FEIS is describe the current

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approach in more detail than currently is in the DEIS so it is more obvious what we are doing. As it stands now, the DEIS (Chapter 2, Table 10, p. 125) describes the above approach in brief terms but then it says that relocation will follow the policy identified in the NCWRC handbook, which is “relocation as a last resort”.)

**ISSUE: Other sea turtle issues.** It is perceived that NPS focuses on the number of sea turtle nests, rather than hatch and emergence rates as its measure of “success”. Expanded buffer for sea turtle nests during their hatch window seem larger than needed and unreasonably restrictive on recreational access. The filter fencing policy is perceived as ineffective and may put nests in jeopardy during overwash periods. “No pedestrians” in the intertidal zone below the nests seems unreasonable. (We say we are following the NCWRC handbook, but it says nothing about the various sizes of the expanded buffers or the filter fencing. These measures were in the Interim Strategy, perhaps because of similar measures mentioned in the USGS protocols, but the context is one of most of the park being open to ORV use in the fall and there being no night driving restriction. Do we think such measures reasonable and effective, really necessary if ORV use is limited to designated routes and there is some sort of night driving restriction in the fall, and do we really need to continue implementing these measures for the next 15 years?)

**OBJECTIVES:** Take reasonable steps to improve hatch and emergence success. Reconsider and retain-or-revise the turtle management measures that do not originate in the NCWRC handbook. Ensure measures selected for FEIS are reasonable to implement, understand, and enforce.

**IDEAS FOR DISCUSSION:**

- Would a reduced expansion size, or standardized buffer regardless of use zone, be appropriate given that ORV would be restricted to fewer locations and at night?
- Aggressively pursue a nest watch program, or better define situations in which a nest watch would be applied vs. situations in which it would be less likely to occur.
- Consider key-hole fencing (like PINWR) for nests that are actively being watched.
- Once a nest reaches its hatch window and the buffer expansion is implemented, allow pedestrian access during daylight hours in the intertidal zone seaward of the nest; and sign site accordingly (to prevent pedestrians from walking up into the “U-shaped” closure.
- Develop educational signs for turtle closures.
- Consider alternatives, if any, for reducing nest loss and improving hatch and emergence rates. Would it be reasonable to identify a target hatch or emergence rate (e.g., 60%)?

**ISSUE: Use of volunteers for turtle management activities**

**OBJECTIVE:** Compare alternative F with stakeholder suggestions and decide upon best approach

**IDEAS FOR DISCUSSION:**

- Use volunteers to conduct daily patrols



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- Have two phased approach: FINDER patrol to look for signs of a nest, then mark it; PROTECTORS – evaluate found nest sites to determine if relocation is needed (then implement relocation, if needed)
- Do NOT use volunteers to conduct turtle patrols (may have conflict of interest)
- Use volunteers for nest watch program
- Need a volunteer coordinator position to develop program and manage volunteers

**ISSUE: Hours of night driving restrictions:** FWS and others recommend that we go with fixed hours, rather than “hour after sunset, ½ hours after sunrise or after turtle patrols are completed” language which is harder to understand and enforce. Others are concerned that the hours are overly restrictive given the history of good false crawl-to-nest ratios during most years at CAHA.

**OBJECTIVE:** Simplify. Come up with fixed hours for night driving restrictions that are perceived as protective for turtle protection, allows time for NPS turtle patrols of designated ORV areas during the primary nesting period, and is not unreasonably restrictive for recreational access at other times. Provide complementary protection measures for hatchlings in the fall (such as light filter fencing, etc.), but have criteria for allowing night driving in areas without unhatched turtle nests after September 15.

**IDEAS FOR DISCUSSION:**

- Use the existing data on first nest/last nest laid at CAHA, plus the data on sunrise/sunset times during that same period, to come up with fixed hours that provide effective resource protection during the expected nesting period (mid-May to early September) and some protection but reasonable recreational use before and after that period. For example, it would not make sense to me to say that night driving is restricted all season long from 7 p.m. to 7 a.m. based only on the fact that those hours approximate sunset/sunrise on September 30 when some nests may hatch. The hours should effectively cover the primary nesting period and have complementary measures for dealing with potential lighting effects during the fall hatching season.
- Limit modification of night driving hours (+/- 2 hrs) for commercial fishermen to morning hours only (i.e., do not modify in evening, only in the morning)
- Hybrid approach?

**ISSUE: Village closure dates:** Dates are different for northern and southern villages. Difficult to communicate, understand and enforce. Concerns about the possibility of allowing ORV use in locations such as Frisco and Hatteras that have been closed to ORVs for many years.

**OBJECTIVE:** Simplify dates and base them on visitation and occupancy data, and provide for pedestrian safety on narrow village beaches during the off-season (if the decision is to allow ORV use in the off-season).

**IDEAS FOR DISCUSSION:** (*I've asked Paul Stevens and staff to look at this*):

- Close all village beaches to ORVs year-round; or

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- If we decide to stick with seasonal ORV closures, use the same dates for northern and southern villages and establish criteria (e.g., minimum beach width) for deciding whether to re-open narrow village beaches to ORV use in the off-season.
- Make all villages vehicle free for six months; open to ORVs for six months (with beach width criteria for safety closures during the off-season).

**ISSUE: ORV permits.** Concerns include ease of obtaining one and cost. Current alternative F proposal (with test requirement) may trigger 60-90 day Paperwork Reduction Act review by OMB.

**OBJECTIVE:** Simplify, but ensure there is an effective education component.

**IDEAS FOR DISCUSSION:**

- Eliminate test requirement.
- Develop a good 8-10 minute video for ORV users that can be watched on-line or in-person, before individual signs for permit. Content could include general resource education information that is appropriate for pedestrians, along with specific ORV requirements. See next ISSUE.
- Require video be watched at NPS permit offices to ensure it is watched.

**ISSUE: Pet restrictions:** Are stated inconsistently in different sections of the DEIS and are overly complicated to communicate, understand, and enforce(e.g., no pets in Breeding Shorebirds SMAs during the breeding season and in NonBreeding Shorebird SMAs during the nonbreeding season, but allowed in other locations except as specified). Multi-layered restrictions with different times, locations, etc. are perceived as confusing and overly restrictive.

**OBJECTIVE:** Simplify pet restrictions for ease of education and enforcement.

**IDEAS FOR DISCUSSION:** (in lieu of complicated alternative F measures)

- Pets are required to be on a leash of not more than 6 feet at all times in any area open to the public and there is a “zero tolerance” enforcement policy for pets off leash during the breeding season and for pets chasing or harassing wildlife; **or**
- Pets prohibited in SMAs year-round (assuming ORV corridors at Cape Point and South Point are “excluded” from the respective SMAs)
- Allow “assistance animals” and not just guide dogs (comment about such animals being needed by some visitors)

**ISSUE: Beach fires:** FWS has expressed concerns about allowing any beach fires during the turtle nesting season. Recreational groups have expressed concerns that the fire restrictions proposed in F is overly restrictive and takes away from visitor experience opportunities.

**OBJECTIVE:** Simplify. Have a reasonable beach fire policy that considers resource protection as well as visitor experience interests, and is easy to understand and enforce.

**IDEAS FOR DISCUSSION:**



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- Stick with alternative F (during the turtle season, beach fires allowed only in front of the villages and primary day use areas); or
- Allow fires anywhere, but reduce hours for beach fires to end at 11:00 p.m. and emphasize education in the free fire permit; or
- Prohibit beach fires during the turtle nesting season; or
- Other idea?

**ISSUE: Resource education for pedestrians:** Is not mandatory, yet pedestrians are responsible for the majority of resource closures intrusions. NPS approach to signing and information is highly regulatory and would be better received if it were more of an educational approach that invites public support and involvement.

**OBJECTIVES:** Develop a sustainable, highly visible and effective resource education program for all beach users, including pedestrians. Come up with a friendly educational approach that encourages visitors to “share the beach” with (or “yield the beach” to) wildlife during critical life cycle stages.

**IDEAS FOR DISCUSSION:**

- Develop a good 8-10 minute video that can be watched on-line, in-person, or on DVD in rental homes. Content could be similar to the ORV video, except ORV video might be longer to cover specific ORV requirements.
- Establish a full time education outreach coordinator position to develop programs and volunteer opportunities that help develop stakeholder participation and buy-in with resource protection programs.
- Develop educational signs to replace regulatory signs for turtle nests and to complement regulatory signs in bird nesting areas.
- Come up with simple wording to convey the key messages (e.g., “share the beach with wildlife” for areas with activity restrictions; “yield the beach to wildlife” for areas that are temporarily closed).
- Have a “beach badge” program to identify pedestrians who have completed the resource education program (or require completion of a program for night use of the beach during turtle season)

**ISSUE: Carrying capacity** (some think it is too high; some think Cape Point should not have a higher carrying capacity than elsewhere; some think there should be a carrying capacity for pedestrians if there is one for ORVs)

**OBJECTIVE:** Compare alternative F carrying capacity with stakeholder suggestion and confirm best approach

**IDEAS FOR DISCUSSION:**

- Carrying capacity (alternative F: 260 vehicles/mile, except 400 within a 1 mile area centered on Cape Point)
- Lower carrying capacity everywhere?

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- Cape Point: 260 vehicles/mile?
- Carrying capacity for pedestrians?

**ISSUE: Terminology**

**OBJECTIVE:** Fine-tune definitions to address commenter concerns

**IDEAS FOR DISCUSSION:**

- SMAs: add “roosting/resting” to definition
- Breeding Shorebird SMAs: delete “concentration of” from definition (since AMOY nest individually, it sounds like there would be no SMAs for AMOY nest sites)
- Commercial fishing (*define as*): commercial fishing methods that involve the use of haul seine or gill nets; the term does not include guides for recreational fishing activity or an individual selling low numbers of fish that are caught by a fishing rod

**ISSUE: Additional staffing needed to implement plan effectively**

**OBJECTIVE:** Consider additional needs that have been identified by Superintendent during 2009 and 2010 implementation of the consent decree

**IDEAS FOR DISCUSSION:**

- Management level position (GS-13?) to serve as “beach program manager” and provide inter-divisional coordination (in lieu of Superintendent) for beach management decisions
- Science and Adaptive Management Coordinator (GS-11 or 12?) to develop, coordinate, implement, and manage an ongoing research, habitat modeling, and adaptive management program related to protected species that utilize beach and beach-related habitat. There is an obvious need for continued research (i.e., a research plan) as a follow-on to the EIS. How should we address it?
- Resource education ranger (GS-9) to develop and implement ongoing resource education program for all beach users including pedestrians and ORV users. Includes development of educational material, programs, and signs.
- Public affairs assistant (9-month STF GS-7?) to handle “routine” phone calls and information requests related to beach access and coordinate distribution of information
- Potential funding: Could fund some of these positions with ORV permit fees revenues

**ISSUE: Handicap Accessibility.** Use of ORVs to provide “equal access” to areas accessible by pedestrians. Restrictions on pets

**OBJECTIVES:** Provide reasonable access and ensure the plan is in compliance with ADA or other legal requirements

**IDEAS FOR DISCUSSION:**

- Inadequate number of handicap accessible boardwalks (four is not enough) and beach wheel chairs
- SUP concerns: not reasonable for handicap driver to return vehicle to road (may not always have a fully capable driver)

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- Other ideas?

**ISSUE: Night Access after September 15.** FWS and environmental stakeholders want night driving restrictions continued until November 15 to protect hatchlings that emerge after September 15. Alternative F would allow NPS after September 15 to re-open to night driving “areas with no or a low density of turtle nests.” “Low density” is not defined.

**OBJECTIVES:** Clarify wording to address concerns and consider options for night access.

**IDEAS FOR DISCUSSION:**

- Revise alternative F language (“after September 15 NPS would re-open to night driving areas with no ~~or a low density~~ of turtle nests”). Night access to popular areas would be “luck of the draw” based on location of turtle nests; or
- Revise wording as above and consider options, such as “park and stay” for night access to Bodie Island Spit, Cape Point, and South Point if there are unhatched turtle nests blocking night access in the ORV corridor. In other words, after September 15, in areas with unhatched turtle nests, “park and stay” would be allowed (only) at Bodie Island Spit, Cape Point and South Point with the following terms and conditions:
  - Arrive before night driving restriction (time) goes into effect. Do not leave until designated morning re-opening time.
  - Life-or-death emergencies, call 9-1-1.
  - Must have self-contained portable toilet.
  - Violation of terms and conditions would result in minimum one-year revocation of ORV permit.
- Other ideas?

**ISSUE: Safety Closure Language.**

**OBJECTIVES:** Review/revise if appropriate/confirm final language on Safety Closures.

**IDEAS FOR DISCUSSION:**

- Leave language “as is” in alternative F; or
- Revise alternative F language as follows:

An ORV safety closure would be implemented in the event of a ~~clear and imminent~~ threat of significant bodily injury or death, and/or damage to personal property, including vehicles and their contents. Triggers that could justify a safety closure include, but are not limited to:

- Deep beach cuts that block the beach from dune to surf with no obvious way around.
- Obstacles, such as exposed stumps, shipwrecks, or debris, that cannot be safely bypassed or that block the entire width of the beach and cannot be easily removed.
- Severe beach slope that puts vehicles in an unsafe gradient position and increases the chances of the loss of vehicular control.
- A high concentration of pedestrian users coupled with a narrow beach.
- (add) A narrow beach where there is insufficient width to safely exit the beach in the vehicle corridor during normal (non-storm) high tides.

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- (add language about minimum beach width for village beaches, when open to ORVs during the off-season)

Triggers do not include:

- ~~A narrow beach by itself.~~
- ~~High tides that block access through portions of beaches occur periodically and predictably, and are an obvious, easily avoidable hazard.~~
- Hazards blocking only a portion of the beach, where safe passage is available around the hazard.

ORV safety closures would preclude ORV access, while pedestrian and commercial fishing access would be maintained through most safety closures.

**OTHER ISSUES (for later discussion with EOD, Solicitors, etc.)**

**Socio-economic analysis:** Much criticism of the findings. Are we comfortable with its thoroughness and validity? Should we consider other indicators (unemployment rate on Hatteras, etc.)? Should we consider the economic after-effects of ORV restrictions at other places (ASIS, CACO, etc.), or the study by Industrial Economics, Inc. for USFWS: *An Economic Analysis of Piping Plover Recovery Activities on the Atlantic Coast*?

**What is the true “No Action” alternative?** SELC argues it should be “no ORV use”. CHAPA argues it should be pre-interim strategy (i.e., 2004) management. Any legal concerns about these comments?

**Alternative Transportation Study.** Seems like a good suggestion. Let’s add it to the list of additional plans that NPS will seek funding for.

**Wilderness Suitability Study.** Our plan is to address that in the upcoming GMP. Any concerns about deferring it until then?

**Adaptive Management Initiatives.** There is obviously an ongoing need for continued research (i.e., a research plan) as a follow-on to the EIS. How should we address it?

**Traditional Cultural Property issue.**

**Handicap Accessibility issue.** What are the applicable statutes (is it ADA or something else) and are we comfortable that the plan is in compliance with same?

**Be sure “deliberate violation” buffer expansion is not part of “selected alternative”.**