

BUREAU: U.S. Fish and Wildlife Service (FWS)

MEMBERS: Sen. Richard Burr (R – NC) and Sen. Kay Hagan (D – NC)

ISSUE: Management of Off-Road Vehicle Use on Cape Hatteras National Seashore – Dare County, NC

Key Points:

- The FWS has been providing technical assistance to the National Park Service (NPS) and has concluded formal consultation under the Endangered Species Act regarding plans by NPS to promulgate regulations for use of off-road vehicles (ORV) at Cape Hatteras National Seashore (Seashore).
- On November 15, 2010, NPS release their Final Environmental Impact Statement (FEIS) for the proposed ORV management plan.
- Also on November 15, FWS issued a non-jeopardy/no adverse modification biological opinion to NPS regarding the effects of their plan on federally listed species.
- The biological opinion determined that while implementation of the preferred alternative may result in some adverse impacts and incidental take of piping plovers and sea turtles, overall the plan should enable populations of these species to increase at the Seashore toward the desired future conditions described by the NPS. It is the view of the FWS that the plan proposed by NPS represents a sound science-based approach to protected species management at the Seashore.
- The Terms and Conditions contained in the Incidental Take Statement are designed primarily to improve monitoring and reporting associated with implementation of the proposed plan with the intent of providing better data to inform management.
- Decisions regarding how ORV use and other activities should be managed at the Seashore rest with the NPS. The FWS is acting in an advisory capacity to the NPS.

Background:

- The Seashore provides important habitat for several species protected under the Endangered Species Act, including breeding and non-breeding piping plovers, three species of nesting sea turtles, and sea beach amaranth.
- For many years up to 2005, populations of these species and other species of beach nesting birds were declining at the Seashore. In 2006, the NPS began implementation of improved species management measures (the Interim Strategy) that included increased restrictions on beach driving. Beginning in 2008, management at the Seashore as been conducted under a Consent Decree entered into by the parties to litigation brought by environmental organizations.
- Since implementation of the Interim Strategy and Consent Decree, populations of listed and at-risk species have stabilized or increased. It is anticipated that these trends will continue under the preferred alternative described in the Final EIS.

Current Status:

- The FWS and NPS have concluded consultation regarding the preferred alternative described in the Final EIS. The NPS must now move forward with promulgation of a proposed and final rule. The FWS will continue to provide any needed assistance to the NPS, and will assist as needed with implementation of the final rule.

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