

0074552

**From:** [CapeHatteras Anglers Club](#)  
**Reply To:** [CapeHatteras Anglers Club](#)  
**To:** [Cape Hatteras Anglers Club](#)  
**Bcc:** [Mike Murray](#)  
**Subject:** NPS Workbook  
**Date:** 01/24/2008 10:56 AM  
**Attachments:** [2008 CAHA Public Alternative Workbook Word Version 010708.doc](#)  
[2008 Guidelines for NPS Workbook Completion 1-17-08.pdf](#)  
[2008 Negotiated Rulemaking 3rd Workshop Notes.pdf](#)

---

Dear CHAC Members

As you know, the Negotiated Rulemaking Committee officially met in early January. The goal of this Committee is to develop recommended alternatives for an ORV Plan for Cape Hatteras National Seashore. The NPS has pledged to use these recommended alternatives as the preferred alternative in the formulation of the ORV Plan; however, if the Committee cannot reach consensus on specific areas of a Plan, NPS will develop their own preferred alternative.

These NPS preferred alternatives will come from ideas submitted from the “Workbook” which is attached or available on line at <http://parkplanning.nps.gov/document.cfm> or by requesting a “Workbook” from NPS at 252-473-2111 extension 148.

Attached is a guide that has been developed to help those interested in free and open access to our Seashore complete this “Workbook”. The Workbook is long, but there will be many completed by those who want to limit access so your thoughts are very important.

The due date for submission has been extended to February 15, 2008.

Larry Hardham, President

Negotiated Rulemaking/NPS Workbook  
January 19, 2008

**Thanks** for your support on the critical issues at Cape Hatteras National Seashore Recreation Area. You are supporting all persons who desire free access to our National Park System.....

**Guidelines for completing this Workbook**

- ➡ Don't show anger. Angry responses give the reader a reason to discard your comment.
- ➡ Write your comment legibly. It must be read to be effective.
- ➡ Make your comment clearly and simply. Long comments can be made at the end of each section.
- ➡ This workbook will contribute to compromises. Some things will change. Our task is to minimize the changes so there are no losers.
- ➡ NPS representatives said at recent meetings the most important thing is your comments. Formulate your own comments based on the guidelines and personal experiences.
- ➡ If a rating of effective is dependent upon clarification, answer **not** effective.

## ORV Management: Section 1

### Section 1A Questions: “Designation of ORV Routes”

- Existing ramps, interdunal roads, do **not** handle the volume of visitors Beach corridors are not adequate under normal conditions and are even more restrictive with the extreme changes of normal weather. Additional interdunal roads are needed to allow passage around areas closed for resource protection & safety.
- Yes, we do need more access ramps between ramps 23-34. Near the Frisco pier. Reopen existing ramps i.e.: 45 at the Cape Hatteras Campground

### Section 1B Questions: “Passive Recreation”

- The premise **may be effective**. NPS personnel that do enter the closures need to be readily identifiable to the naked eye. Visitors may better understand that the area is open to only properly uniformed (brightly colored vests) and easily identified NPS Personnel.
- Passive recreation areas should be for life guarded beaches only.
- Boundary flexibility into otherwise closed areas is a **good idea** when possible, but not into life guarded beaches in the summer season.
- Defined areas for ORV access have existed for many years and they have been closed with little or no explanation by NPS. All ORV areas are open to pedestrians
- **Very effective** for NPS recordkeeping and simple understanding by the public in all seasons.

### Section 1C Questions: “Village Beach front Management”

- Important for all beach users to maintain this **status quo**.
- Decreasing the closure time frame would be **detrimental** to the visitor’s experience.

3

- Expansion of the villages seasonal closure is **not warranted** or needed based on rental occupancy or visitor data. Numbers decrease sharply after Labor Day to Memorial Day.
- These beaches are **not private and do not belong to the property owners...** Closed beaches in front of the villages are to accommodate non ORV visitors during the ‘season....Memorial Day to Labor Day.
- Extending the ‘passive areas’ would **not** allow passage over many ramps in the Park which is not acceptable.
- These beaches should continue to be open in the “off season”.
- No Brainer ! The number of spaces should be expanded to accommodate the increased number of users of the Park and insure the safety of visitors that are now forced to park alongside Highway 12.

Section 1D Questions: “Village Specific Beach Management”

- Year ‘round closures and expansion of passive recreation areas are **not** acceptable. The expansion of parking is a good idea for all the reasons mentioned above.

Section 1E Questions: “Consistent Management for Campground and Life guarded Beaches.”

- Life guarded beaches should be passive recreation areas. Campground beaches should **not**. ORV “pass through” is a viable option at campground beaches allowing use by all visitors and campers.

Section 1F Questions: “Case by Case Management, Campground and Life guarded Beaches.”

- Ramp 1 should be open all year. Ramp 2 should be closed only when the life guarded beach is open. All life guarded beaches should be opened to ORV’s during the off seasons when life guards are not present. The status quo is **not** acceptable.

4

Section 1G Questions: “Cell System.”

- Additional access is definitely effective.

Section 1H Questions: “Improve ORV Routes and Amenities”

- Any and all improvements would be appreciated by all visitors especially at Ramp 43-44, 49 and 72 where drainage and over wash are common.

Section 1I Questions: “Access Alternatives to ORV Use”

- All efforts to accommodate visitors with additional beach access through ramps, parking, and boardwalks **are overdue and are needed**. Access by alternate means, i.e. beach shuttles, water shuttles are **impractical due to weather and water conditions surrounding the spits. Shuttles are a liability nightmare.**

Section 1J Questions: “Access for Commercial Fishing”

- Status quo is working and is **very acceptable**.
- Revision of the closure ‘rules’ for the commercial fishermen are **not** a viable option.

**Education and Outreach: Section 2**

Section 2A Questions: “ORV Management and Related Resource Protection”

- Status Quo questions are **definitely effective and currently work well**
- Hire, Expand, Improve, Partner **may be effective** but impractical as NPS has neither the manpower nor resources to implement the programs. Improve signage.

Section 2B-C Questions: “Education Outreach, Locals and Other interested Groups”

- Solicit, work with and develop ORV education and resource materials are **definitely effective**.

5

- Other approaches encouraging or asking ORV groups to conduct educational programs and most of this type of question **may not be effective**.
- No seabeach amaranth was observed in the park in 2007.
- The local population (small numbers) and monetary constraints make many of these programs unlikely to succeed i.e.: roving interpreters, community cleanups, adopt a beach
- User education and web based education locally **may be effective** if NPS has the manpower or resources to implement the program.
- Permits, and all that may be attached to them, including education of the public, are **not considered effective**, as NPS has neither the manpower nor resources to implement or enforce them.
- Permits are not required at Cape Hatteras and any discussion is a part of REG-NEG (Negotiated Rulemaking).

Comments page: The number of visits you have made to this Park should be recorded in the workbook. Some workbook questions are difficult to understand and complete unless you are a resident or long-time visitor.

### ORV Permits: Section 3

#### Section 3A Questions: "Law Enforcement"

- The status quo is definitely effective. More dumpsters, signs regarding feeding wildlife are needed in the Park.
- Nighttime patrols may be effective especially in **peak use areas** during the peak season. NPS has budget shortfalls in the area of Law Enforcement despite the visitor numbers increasing.
- A 10 mph speed limit is **not** enforceable...the same as the 25mph limit. There are not enough Enforcement Personnel.
- Improving access to beach driving requirements would improve the knowledge base of visitors.

6

- Educational component for enforcement is **not** practical or funded.
- Standardization of, additional signage and the addition of enforcement officers are **definitely** needed.
- Fines.... make the fines substantial. Add speeding, failure to remove pet feces, littering to the list. At almost any public area in America.... pets are kept on a leash for the public's safety. Pet owners know this!!! Why should CHNSRA be different? PUBLIC SAFETY! Enforce existing rules and regulations.
- Limiting the number of vehicles, prohibiting the use of alcohol, prohibiting fires closing beaches at night is management by padlock. More enforcement is needed to enforce existing rules and regulations.
- Permits are not required at Cape Hatteras.

Comments page: There are sufficient rules and regulations for this Park. The ability to enforce them is severely lacking due to the **lack of funding for Enforcement, and full funding for Resource management, does not allow NPS to properly manage any programs new or old.**

#### **ORV Permits: Section 4**

##### Section 4A-B Questions: "Establishing Permits and their Requirements"

- Question A 1 is definitely effective to maintain the status quo. NPS has neither the budget nor the staff to implement any type of permits without restricting access to the max. Comments support NO Permits.
- **If any type of system is instituted...** It would need to be based on low admin costs, high on operator education, and be easily obtained. Education would be a key approach to protect species, laws and to promote safe driving techniques.
- Videos **may** be effective while a 'drivers test' is **ineffective** due to the high cost of administration, locations, resource allocation, and the overall inconvenience to Park visitors.

- Mirror Hangers are **effective** because assigning them to a particular vehicle is **not**. Peer pressure is effective ....permits are not.
- Assigning a permit to an operator **will not work!** Current rules and regulations being enforced would preclude many of the issues facing the Park right now.

#### Section 4C Questions: "Permit Distribution"

- NPS office distribution and kiosks are **not effective**. The number of visitors, arriving at all hours would require a heavily manned 24 hour operation at multiple locations which is not feasible due to funding and staffing constraints. Factor in lines of traffic, wait times, .....add in all the other frustration factors and you have a chaotic and potentially dangerous situation.
- Permits, if required, must be available through numerous decentralized locations and the internet **may be effective**. Internet based would be the **best alternative** to maximize availability and minimize administrative cost. It would also allow for collection of demographic information.

#### Section 4D Questions: "Permit Fees and Types"

- Annual permits **may be effective** if guaranteed at NO cost. NO permit fee is the preferred system. If a cost is assessed for the permit--- short duration cost must be considered.
- Permits for congested areas are **not acceptable or effective**. The number of visitors, arriving at all hours would require a heavily manned 24 hour operation which is not feasible due to funding and staffing constraints. Factor in lines of traffic, wait times, add in all the other frustration factors and you have a chaotic and potentially dangerous situation.
- Base permit fees based on 'cost recovery' would require disclosure of the costs and may be effective based on the delivery of this information.



8

- Adjusting permit fees every 5 years is appropriate.

#### Section 4E Questions: “Permit Quantity”

- Unlimited permits for Park wide access is the **most effective** plan.
- Limiting the quantity **of** permits is **not acceptable** in any format including restricting the number of permits allowed in certain areas.

#### Section 4F Questions: “Other Permit Options”

- Education components for beach driving, resource awareness are effective requirements for obtaining a permit online or in person.
- Revocation is a part of this process and very effective.
- Color coded permits are not effective and would lead to multiple permitting and costs, confusion for the visitor and would be an enforcement nightmare.
- Periodic review may be effective if the original intent of the permit is not abrogated. It should include public comment and documented public feedback. An advisory committee would be appropriate.

#### Other ORV Management Issues: Section 5

##### Section 5A-B Questions: “Carrying Capacity-Sanitation and Waste Management”

- With the exception of #1 these questions are **not** appropriate, not necessary, or the premise in #4 is wrong.
- Heavy use areas vary with the time of day, season and weather. Family groups cluster in tight groups many time with vehicles parked as to shield the group from gusty wind. Carrying capacity is inappropriate and is neither practical nor enforceable due to the lack of funding for staff. More law enforcement visibility is needed at heavy use areas at all time to preclude problems from occurring.

**Species Protection: Section 6****Section 6A Questions: “Protection Areas, Closures, Buffers”**

- 1- 8 Establishing closures and buffers most often is not effective though some may be. Closures should only be for endangered species and removed when the species are no longer present. ‘Recent breeding areas’ have no definition. Closure statements must also have removal statements. Compliance with ESA requirements must be met but expansions must also include reductions. Pre-nesting closures for colonial waterbirds are not required as they are non-endangered. Closures only when a nest is located not in anticipation of nesting.
- No seabeach amaranth was sighted in 2007 but closures are appropriate if found.
- Not effective to close additional resource areas during breeding season for ORV. Repeated studies show pedestrians cause more disturbance than ORV.
- 13 definitely effective.
- 14-16 not effective. The protocols were written by a former Superintendent which called for the most restrictions with no regard for visitors or economics of the area. Option A: These closures for non endangered species are excessive in size and are not a requirement by any law or NPS wide directive.
- Adaptive Management may be effective.
- 18-30 are not effective. Excessive closures in size and frequency beyond dictated law is unjustified and limit the visitors enjoyment of the Park. Pre nesting closures are not effective as birds may nest anywhere and are unaware of closed areas designated by NPS. Non ESA protected species do not require excessive closures Protect nest and chicks not birds exhibiting territorial or courting behavior. The task of NPS is to follow the guidelines of the ESA not re-write the ESA.

Section 6B Questions: “Establish ORV Routes, Passive Recreation Areas”

- 1-6 not effective.. Management by padlock is unacceptable. This is not a Wilderness area....its a Recreational Area established for public use.
- 7-8 may be effective but needs clarification
- Any expansion of ORV use during time of closures is effective.
- Protect the area 10 meters.....not any effective use of NPS monies since the dune line will change with tides or storms.

Section 6C Questions: “Options for Spits, Cape Point and the South Beach”

- 1-7 not effective as these are the areas most visited in the entire Seashore. Large closures will promote the growth of vegetation that destroys the habitat favored by many species of birds. Closure of this type reflect poorly on the NPS and appears to be padlock management. The distance to the spits from parking is excessive and would negate any pedestrian use by visitors.

Section 6D Questions: “Management Tools: Sea Turtles”

- All of these questions are not effective with the exception of #3 which may be effective. Comments are that the False Turtle crawls at Cape Hatteras are under the acceptable ratio of 1:1 and are appropriate comments for several of the questions. Lighting standards are not applicable here as there are no known NPS structures where lighting reaches the beach. Adopting Turtle nest may be effective if they are relocated to safe areas above the ‘forces of the ocean’ where observation and management would be cost effective and ensure successful hatches.

Comments page: Historical data over a 10 year period will prove that current policies are a dismal failure. For the period 2000-2006 46.1% of nests were lost which include those that hatched less than 20% of the eggs. Predation is primarily from ghost crabs and only Back Bay National Wildlife Refuge has solved the problem by ‘caging’ the nests.

11

**Bodie Island: Section 7**Section 7A Questions: “Ramp1-4”

- 1-4 are not effective for a variety of reasons. (1) Ramp 1 to Coquina Beach closed for life guarded beach only in season. (2) A great expense with little or no value to all users. (3) Reduce closure equal the area closed @Bodie Island spit. (4) Additional ramp not required.
- Expanding parking at Ramp 2 to the North is needed for expanded numbers of visitors and access to the bath house.

Section 7B Questions: “Ramp 4 to Bodie Island Spit”

- Open access Ramp 4 to Oregon Inlet year ‘round. Spit closure all or part year is **not** acceptable. Interdunal road from 4 to the tidal flats would be effective. Boardwalk not effective as distance is excessive. Restoration of habitat lost due to excessive closures should be done ASAP to benefit breeding birds.
- Expanded parking at Ramp 4

Section 7C Questions: “Expand Pedestrian Access”

- Neither is effective as this area is under utilized.

Section 7 D Questions: “Expand ORV Routes in winter”

- An ORV corridor from Ramp 1 to Oregon Inlet would maximize the use of this area when the bathhouse is closed.

Section 7E Questions: “Expand ORV Routes in winter”

- 1-4 (1) Cost prohibitive, safety issues could arise by stopping them on Highway 12 for processing through an Entrance or Fee Collection site. Enforcement presence is needed for better capacity control.

12

Section 7F Questions: “Provide Sound side Access”

- All of these ideas may be or definitely will be effective.

Section 7G Questions: “Provide ORV Access Seasonally”

- Avon, Frisco, Salvo maintain the status quo
- Open Bodie Island during the winter.

Section 7H Questions: “Provide Parking lots in the Tri-Village and Passive Recreation”

- Increased parking may be effective if done seasonally
- Pedestrian access only on these ramps is not effective.
- Providing restrooms/bathhouse facilities at 27 may be effective in dispersing the crowding at Oregon Inlet.
- Ramp 23 closure is **not effective**. ORV users from Rodanthe, Waves and Salvo use this area heavily. Closure would cause other areas of crowding during peak usage. Opening Ramp 20 in Rodanthe seasonally and possibly year ‘round would ease crowding and offer Medical personnel additional access in this area.

Section 7I Questions: “Alternate Transportation”

- Alternate Transportation may be effective. A major commitment would be necessary to accommodate large numbers of people, their families, pets, fishing equipment, shelter, food, water etc.
- Commercial water taxi/shuttle would have limited feasibility due to weather and capacity considerations.

Section 7J Questions: “\Increase ORV Access when Closures Occur”

- This may be an effective approach but firstly: Maintain closures in accordance with ESA and discontinue the reservation system for the birds that might come. The ‘build it and they will come’ approach is absurd. Most visitors

13

respect the closures. Enforcement visibility at closures will insure that all will respect the closures.

Comments page: The Bodie Island district has the highest concentration of visitors per square mile in the entire Park. 2 Enforcement Officers are assigned to cover these 27 + miles of beach in the peak season. We don't need additional rules, permits, carrying capacity limits.....we need more enforcement of existing rules and regulations.

Keeping the spit closed has allowed brush and grasses to cover large areas formerly considered prime habitat for shorebirds. Due to mismanagement they are now forced into areas occupied by humans as similarly as the alligators of the Everglades, the bears in Yellowstone and the elk in Glacier National Parks among others. Restoration of this sand spit will help restore the bird population.

### **Hatteras Island: Section 8**

#### **Section 8A Questions: "Establish ORV Use and Passive Recreation Areas"**

- 1. Should be ramp 23 to ramp 34 to be effective
- **2. Not Effective.** This beach should have a pass through behind the life guard station.
- **3. Maintain the status quo** and expand the ORV area from the groins at the old lighthouse to a mile south of ramp 49.
- **4. Not effective.** A ramp should be added south of Frisco Pier and north of Hatteras Village.
- Status quo is the **most effective.**
- 8,9,10. Leaving this ramp open and increasing parking will be the **most effective** way to utilize this. Closing this ramp would **not be effective** as you cannot walk from the highway to the beach south of ramp 23.
- 13. Year 'round and seasonal passive recreation areas in the tri villages are **not effective.** These are not private beaches for the homeowners.

- 11. An ORV corridor to bypass closures would be **very effective**.
- **13. Not effective.** There is no off season use of this beach except by fishermen. Maintain September 15 to May 15 opening.
- 14. Very effective
- 15. The current ORV and the pass through in front of the Frisco Campground is **most effective**
- 16-21 **not effective.** To bypass the runway through a ½ mile of cactus and snakes is not good. There is only a small part of the beach in front of the cottages. Sound side access is very important to hunters, clammers, scallopers and for others. Closure of the Spur Road would padlock this portion of the Park to all users but would increase the breeding of feral cats and raccoons.

Section 8B Questions: “Establish Interdunal Road”

- This **may be** effective to minimize beach traffic and would provide access around closures.
- **May be effective** if kept open year ‘round.
- This interdunal road would provide access, less conflicts, and with pullouts or parking would provide prime bird watching areas.

Section 8C Questions: “Provide Sound side Access”

- Not effective. Expand the parking but have 2 lane accesses to eliminate crowding and conflict.
- Maintain access at ramps 57 and 60.....definitely effective.
- Not effective ....Determine the reason for access and create parking to accommodate the needs of the visitor. Open more access points

15

- 4-5 not effective. The little Kinnakeet Ramp was a premier fishing location before it was closed for no reason. No fencing on the shoulders

Section 8D Questions: “Provide Alternate Transportation”

- Neither of these is effective. Weather, water conditions and other factors of cost make this impractical.

Comments page: Additional ramps are needed in the Buxton Motel area, south of Canadian Hole and north of Hatteras Village. All spur and interdunal road should be 2 lane with pull-offs. More sound side access is needed in the Tri-Village areas and near Avon.

**Ocracoke: Section 9**

Section 9A Questions: “Increase ORV Areas Seasonally”

- Questions 1 & 2 **may be** effective and comments should reflect that Ramp 59 is a safety closure and not a seasonal closure as the maps show. Passive recreation areas should only be for life guarded beaches. Dividing the beaches in the Park for single use will result in an escalation of law enforcement issues and conflict resolution.

- 

Section 9B Questions: “Provide Sound side Access and Parking”

- Question B1 is not effective. Add parking for and open all old sound side trails to include an interconnecting road where possible.
- Question B 2 & 3 are definitely effective

Section 9C Questions: “Provide Alternate Routes/Alternate Transportation”

- Questions 1 & 2 are definitely effective
- Questions 3 & 4 are not effective. Effectiveness of these services is minimal due to weather constraints and the cost of insurance for the conveyances.



16

Section 9D Questions: “Establish Passive Recreation Areas”

- Questions in D are all not effective. Passive recreation areas should be for life guarded beaches only. Single use beaches will not work.

Section 9E Questions: “Establish ORV Use Areas”

1-3 Definitely effective.