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From: [David Goodwin](#)
To: [Patrick Field](#)
Cc: [Mike Murray](#)
Subject: Recreational Use
Date: 02/13/2009 09:30 PM
Attachments: [Recreational Use.pdf](#)

I know Judy has sent you emails with this info attached, but I have condensed it all into a PDF file that may be easier to handle. This is a repeat of what she sent you.

David Goodwin

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Overview of Recreational Use maps.

Here is a quick overview of the maps and their purpose as well as the recreational activities identified on them. (A more comprehensive written document, regarding each recreational activity, can still being compiled.)

Purpose:

The purpose of the maps/overview is to demonstrate the desired recreational experiences and needs sought by the visiting public and the relevance of ORV accessibility. Each of these areas contains essential elements, such as physical attributes, and the obvious need for ORV accessibility in order for visitors to enjoy the sought-out experience.

Criteria

These criteria are vital for the desired visitor experiences which have been traditionally expected and are a part of what makes our Seashore uniquely attractive. (Desired visitor experience is not limited to those out of town visitors on whom our economy is almost completely dependent upon, but also includes the residents that reside within the boundaries of the Seashore, the most frequent visitors to the Seashore.)

Visitor experience will be significantly impaired if access is denied to the majority of those whose seek out these recreational opportunities. Impaired visitor experience results in less visitation which results in economic devastation to the eight villages located within the boundaries of the Seashore itself, along with broader reaching impacts to neighboring towns, local and state governments. Negotiated Rulemaking is a NEPA process which requires economic impact to be taken into consideration. The final plan must take into consideration economic, historical and logistical use in order to viable

The purpose of the Executive Order 11644 was to “...*establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands and to minimize conflicts among the various uses of those lands*”. It was not intended to be used to prevent the public from recreating on and enjoying the use of public lands.

It is imperative that ORV use be recognized for exactly what it is: A historical means of access to an area especially attractive for recreational opportunities. The use of an ORV is not considered a recreational activity in this Seashore. These recreational opportunities sought, allow the public to enjoy the Seashore’s resources and values. Denying access to the essential elements required for the recreational opportunities, many of those are outlined in the Enabling Legislation (1), denies the Seashore’s current visitors the opportunity to enjoy the park’s resources and values (2), it also certainly denies future generations the opportunity! This is inconsistent with the Park Services Management Policies. (3) The recreational activities outlined below are activities which do not cause harm or impairment to the parks resources or values, nor are there no “unacceptable impacts” (4) associated with them. All of these recreational activities are historical and traditional uses and meet the requirements outlined in the U.S.C. Code. (5)

Birdwatching/Wildlife Viewing

Birding opportunities abound within the Seashore; however viewing shorebirds can only take place at the shore, where the birds are present. A wide variety of shorebirds is preferable. The areas denoted are the maps have been identified with the assistance of the Cape Hatteras Bird Club, in particular Neal and Pat Moore and “*The North Carolina Birding Trail*” publication, which includes input from David Allen, NCWRC and Walker Golder from Audubon.

Fishing

Access to the shoreline is first and foremost when it comes to essential elements required in order to participate in this recreational opportunity. Second is the off-shore structure, current, etc. associated with that shoreline. Surf fishing opportunities abound, but offshore structure, etc. dictate where the best areas are for fishing especially when one is targeting specific types of fish. One must keep in mind that fish are migratory and do not necessarily remain in one location. Many visitors target only those fish that are edible, while many others fish solely for sport and practice catch and release. Large Red Drum, the most targeted game fish from the surf, has to be released by law. The majority of those who surf fish target both types of fish. No matter the preference, access to the key fishing areas is vital to the enjoyment of surf fishing. There are at least 9 surf fishing tournaments held within the Seashore each year and bring much needed business during the shoulder seasons.

The areas denoted on the map were identified by members of the Cape Hatteras Anglers Club, and with input from local fishing enthusiasts and tackle shop employees...

It should be noted that The Dare County Parks and Recreation Department also offers surf fishing camps during the summer to our youth and accesses ORV areas as well as piers. Without ORV access there would be no place for them to park in order to teach our children about fishing!

Horseback riding

Currently access to ORV areas is vital to equine interests, due to current park policy limiting horses to ORV areas. While recognizing that the local management policy may be modified to permit horses in non-ORV areas, the accessibility of the non-ORV areas is still critical for those trying access the beach via horseback. Not all local horse owners have trailers to transport their horses to other areas in which to ride and it is time consuming and more costly. Allowing horses in areas that are seasonally closed in front of the villages is dangerous for both the public and the horses, and will cause user conflicts. The largest equestrian user on Hatteras Island accesses the beach via trails in the woods near her house and has a very successful established riding business that provides a unique visitor experience, via horseback to hundreds of park visitors every year. She cannot relocate this business. Many of the horse owners volunteer their time and horses to our community by participating in school events, parades, girl scouts, therapeutic riding and working with disadvantaged students. The areas denoted on the maps were identified by Equine Adventures, local horse owners and equestrian interests from Hyde County, Mainland Dare County and Currituck County.

Shelling

Shelling/beachcombing is a huge attraction, especially for those who cannot partake in more strenuous physical activities. In 1965, the Scotch Bonnet, was named the state shell of North Carolina. Scotch Bonnet shells wash ashore in abundance on North Carolina's Outer Banks, because the Gulf Stream moves tropical waters close to the North Carolina coast. After storms, hundreds of Scotch Bonnets may be washed ashore on the Outer banks especially between Cape Hatteras and Cape Lookout due to the close proximity of the Gulf Stream to that section of the coast. They are rare elsewhere in the state. Seeking Scotch Bonnets, is an attraction which draws many shell enthusiasts to our Seashore, along with the wide variety of other shells to be found. Shell beds appear and disappear from week to week. ORV access is vital to seeking out shell beds, the points and spits as well as the South facing beach are prime shelling areas.

This info denoted on the maps were identified by Dewey Parr, native resident, business owner and local shell authority- www.outerbanksshells.com as well as information gathered from the North Carolina Shelling Club and from VisitNC.com.

Sea Glass collecting has emerged as the newest form of beachcombing and the North American Sea Glass Association (NASGA) has come into being due to the popularity of Sea Glass collecting. *By The Sea Jewelry* is owned by Linda Jereb who has lived in the Outer Banks for over 20 years. She was one of the founding members of NASGA. One of the current board members, Richard LaMotte, author of *Pure Sea Glass* has visited the Outer Banks numerous times, for book signings and has given lectures about Sea Glass at the NC Aquarium in Manteo.

NASGA also works closely with The American Shore & Beach Preservation Association and recognizes that the shores, beaches and other coastal resources of America provide important quality-of-life assets within the reach of the largest possible number of people in accordance with the ideals of a democratic nation. We pursue this mission by means of:

- Protecting and improving healthy and diverse recreational opportunities.
- Managing, protecting and enhancing environmental resources.
- Encouraging responsible and sustainable economic development.
- Preserving aesthetic values.
- Reducing damage from natural hazards and human activities.
- Mitigating human impacts to natural processes.

This Association is dedicated to preserving, protecting and enhancing the beaches, shores and other coastal resources of America.

Swimming

Where there is water, visitors want to swim. Areas in front of villages and campgrounds have a higher seasonal swimming use due to easy access by those renting Oceanside homes, motel rooms or campgrounds, not necessarily due to preference. Public parking is very limited and/or non existent for visitors who are not renting an Oceanside house. The maps highlight the most desirable and safest areas for swimming due to off-shore structure, water temperature and the presence of lifeguards. It should be noted that despite a lifeguarded beach designation on the map for the Village of Buxton, seldom in the past 8 years has there actually been a lifeguard on duty here. It is sporadic and one year the lifeguard quit mid-season and was never replaced. The areas denoted on the maps were identified by the NPS maps designating lifeguarded beaches and by Judy Swartwood based on her experience with the visiting public, listening the needs and desires of the Mothers like herself of young children and her own experiences in seeking safe areas for her son to swim...

Watersports

Water: without it, there are no water sports! Again, access to the shoreline is the essential element needed. Access to the areas of shoreline that provide the best recreational opportunities for watersports is critical. The watersports most enjoyed by visitors to our Seashore include kayaking, kite boarding, paddle boarding, skim boarding, surfing and windsurfing. Each of these activities are dependent on shoreline access and have varying requirements based on wind direction, open water, water depths, consistent wave action, curved shoreline. Shoreline access is especially vital in seeking these areas that are primarily dependent on off-shore wind direction and speed. Watersports competitions also draw large numbers of out of town visitors. These areas denoted on the maps were identified by the local experts representing the Watersports Industry, Trip Foreman and Matt Nuzzo

CRITERIA

(1) The Cape Hatteras National Seashore Enabling legislation The Cape Hatteras National Seashore Enabling legislation(1. (Aug. 17, 1937, ch. 687, Sec. 4, 50 Stat. 670; June 29,1940, ch. 459, Sec. 1, 54 Stat. 702; Mar. 6, 1946, ch. 50, 60 Stat. 32.) emphasizes recreational opportunities for visitors to the Seashore, **“except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area . . .”**

(2) (from NPS Management policies) “1.4.6 What Constitutes Park Resources and Values” “The “park resources and values” that are subject to the No-impairment standard include:

- * the park’s scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural sound scapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- * appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- * the park’s role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- * any additional attributes encompassed by the specific values and purposes for which the park was established”

Enjoyment of Park Resources and Values: “The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The enjoyment that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States and includes enjoyment both by people who visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment and inspiration. Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the **Organic Act. 1.4.5 (1.)**”

(3) Management Policies 2006 Enjoyment of Park Resources and Values “The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The enjoyment that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States and includes enjoyment both by people who visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment and inspiration. Congress, recognizing that

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(4) **“1.4.7.1 Unacceptable Impacts:**

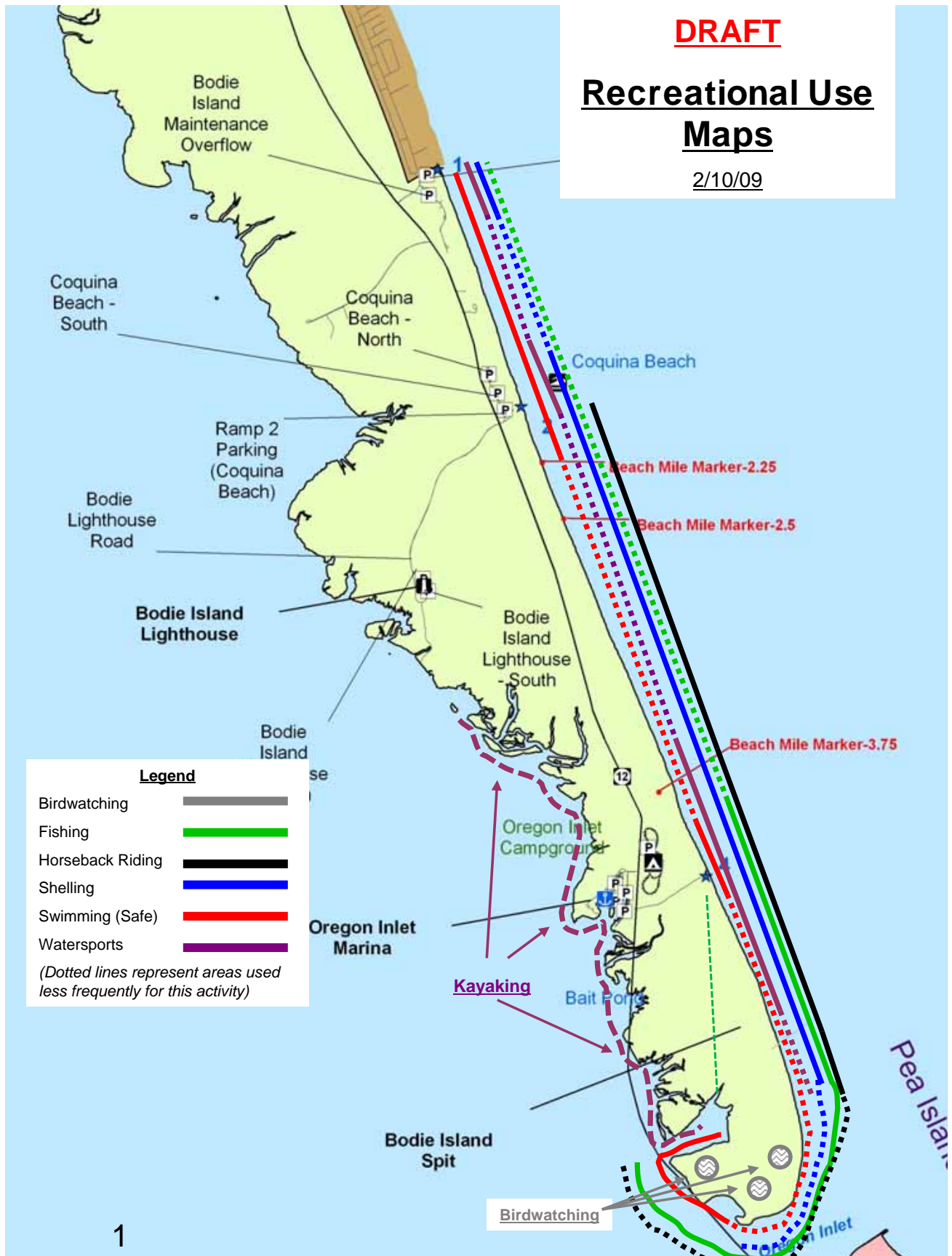
- * be inconsistent with a park’s purposes or values, or
- * impede the attainment of a park’s desired future conditions for natural and cultural resources as identified through the park’s planning process, or
- * create an unsafe or unhealthful environment for visitors or employees, or
- * diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or
- * unreasonably interfere with:
 1. park programs or activities, or
 2. an appropriate use, or
 3. the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park.
 4. NPS concessioner or contractor operations or services.”

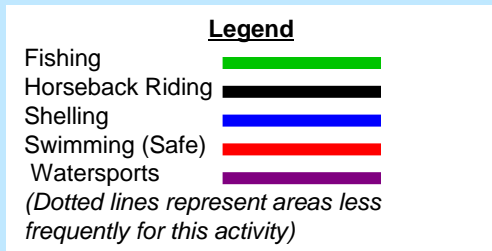
(5) **U.S.C. Code**

16 U.S.C. Section 1a-1 states, “The authorization of activities shall be conducted in the light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.”

DRAFT**Recreational Use
Maps**







2/10/09










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Legend

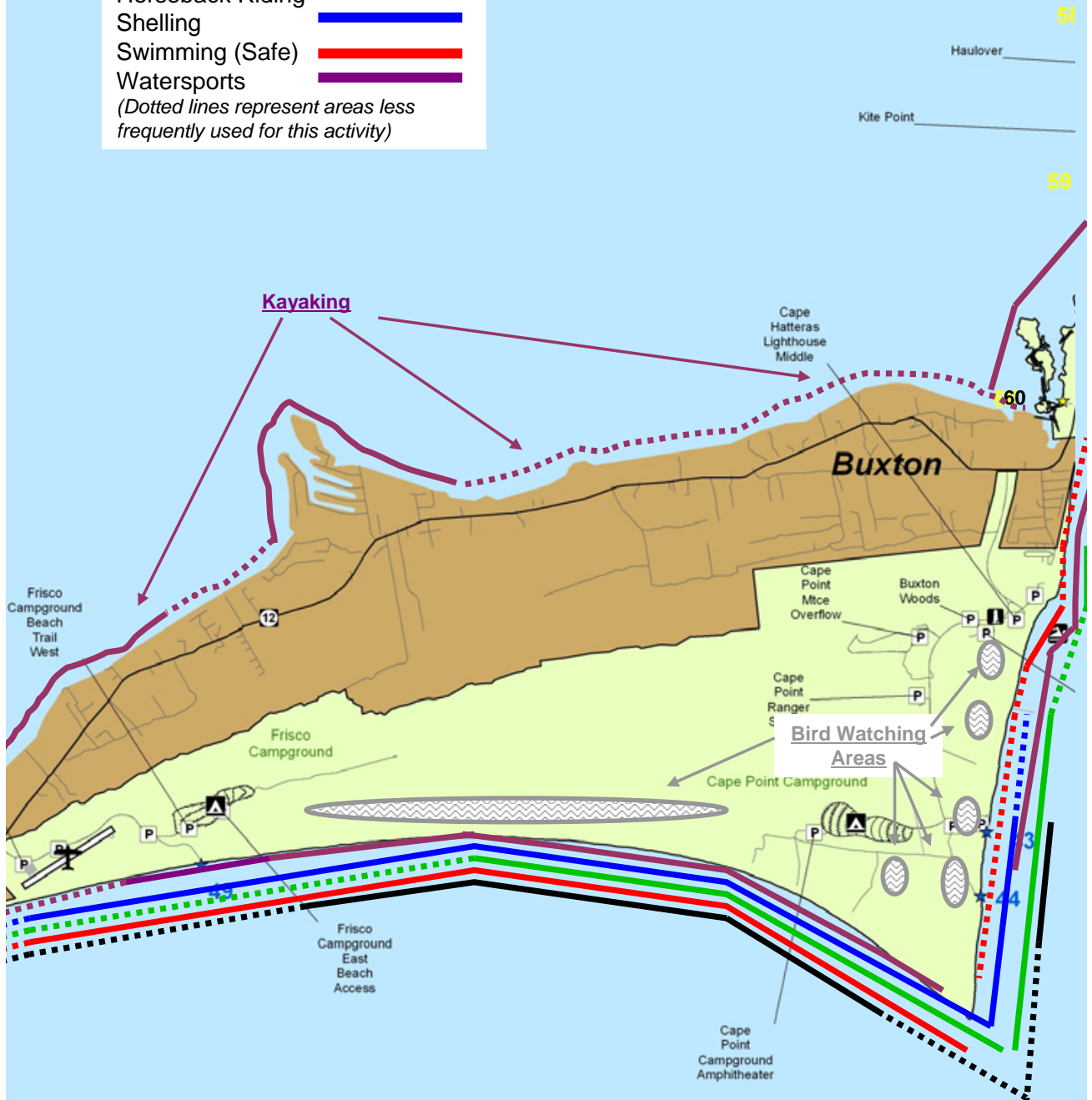
- Birdwatching 
 - Fishing 
 - Horseback Riding 
 - Shelling 
 - Swimming (Safe) 
 - Watersports 
- (Dotted lines represent areas less frequently used for this activity)*

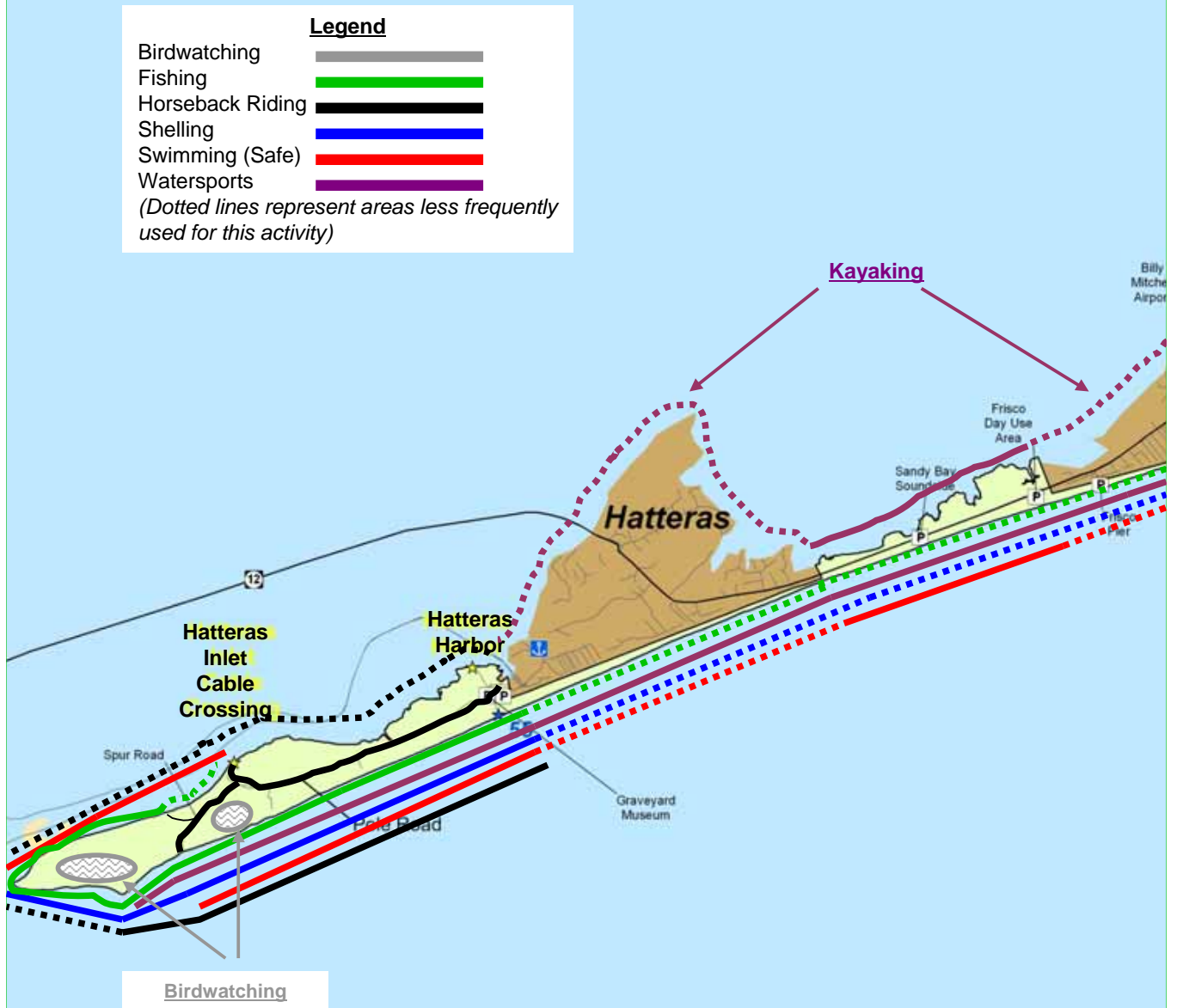








Legend

Birdwatching	
Fishing	
Horseback Riding	
Shelling	
Swimming (Safe)	
Watersports	

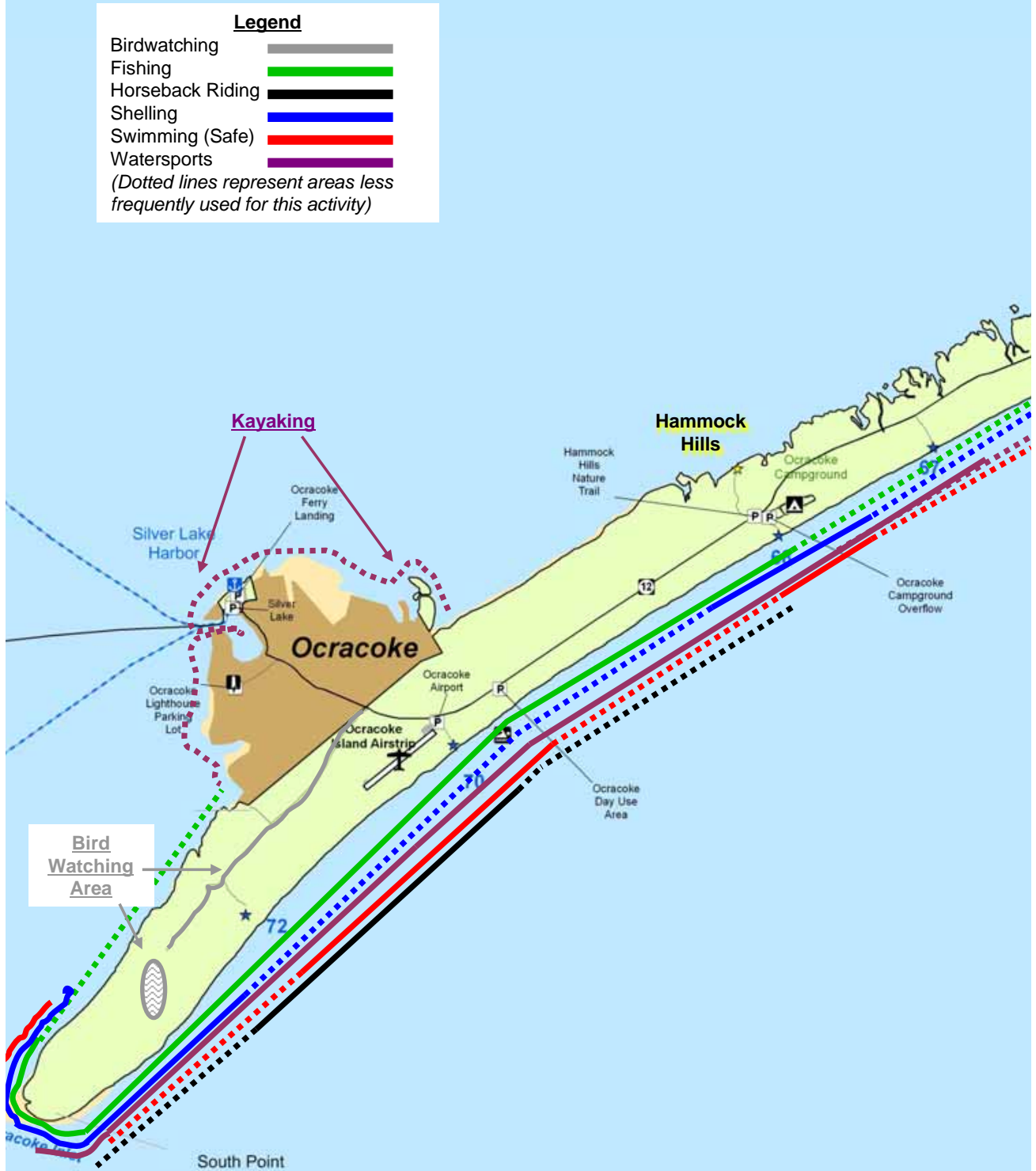
(Dotted lines represent areas less frequently used for this activity)





<u>Legend</u>	
Birdwatching	
Fishing	
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Swimming (Safe)	
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<i>(Dotted lines represent areas less frequently used for this activity)</i>	







KITE SURF STANDUP STYLE
REALWATERSPORTS.COM

Cape Hatteras Kiteboarding Rules

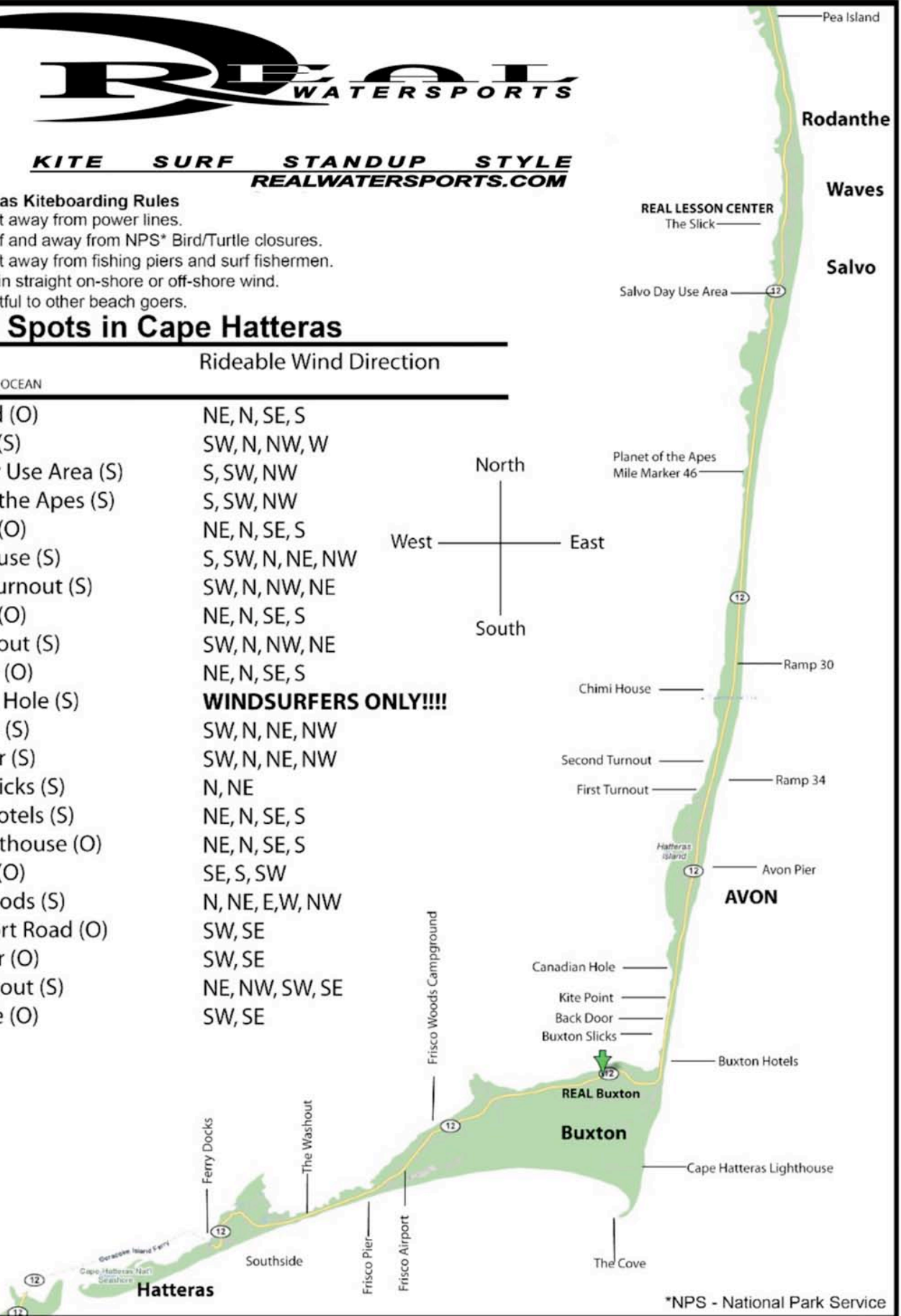
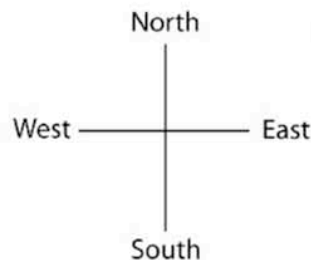
- Stay 150 ft away from power lines.
- Stay out of and away from NPS* Bird/Turtle closures.
- Stay 300 ft away from fishing piers and surf fishermen.
- Don't kite in straight on-shore or off-shore wind.
- Be respectful to other beach goers.

Riding Spots in Cape Hatteras

Location Rideable Wind Direction

S = SOUND, O = OCEAN

Pea Island (O)	NE, N, SE, S
The Slick (S)	SW, N, NW, W
Salvo Day Use Area (S)	S, SW, NW
Planet of the Apes (S)	S, SW, NW
Ramp 30 (O)	NE, N, SE, S
Chimi House (S)	S, SW, N, NE, NW
Second Turnout (S)	SW, N, NW, NE
Ramp 34 (O)	NE, N, SE, S
First Turnout (S)	SW, N, NW, NE
Avon Pier (O)	NE, N, SE, S
Canadian Hole (S)	WINDSURFERS ONLY!!!!
Kite Point (S)	SW, N, NE, NW
Back Door (S)	SW, N, NE, NW
Buxton Slicks (S)	N, NE
Buxton Hotels (S)	NE, N, SE, S
C. H. Lighthouse (O)	NE, N, SE, S
The Cove (O)	SE, S, SW
Frisco Woods (S)	N, NE, E, W, NW
The Airport Road (O)	SW, SE
Frisco Pier (O)	SW, SE
The Washout (S)	NE, NW, SW, SE
Southside (O)	SW, SE



*NPS - National Park Service



Surfing Spots in Cape Hatteras

Location	Off-Shore Wind Direction
Ranger Station	SW, W, NW
S-Turns	SW, W, NW
Mirlo Beach	SW, W, NW
Ramp 23	SW, W, NW
Ramp 27	SW, W, NW
Ramp 30	SW, W, NW
Ramp 34	SW, W, NW
Avon Pier	SW, W, NW
Askins Creek	SW, W, NW
Old Road	SW, W, NW
Buxton Hotels	SW, W, NW
Cape Hatteras Lighthouse	SW, W, NW
Baby Beach	SW, W, NW
Joe P Beach	SW, W, NW
The Point	SW, W, NW
The Cove	NW, N
Frisco Airport Rd.	W, NW, N, NE
Frisco Pier	W, NW, N, NE

* requires 4x4 vehicle or an extended walk

