

Cape Hatteras Access Preservation Alliance
P.O. Box 1355
Buxton, NC 27920

August 21, 2015

Mr. David Hallac
Superintendent, Cape Hatteras National Seashore
1401 National Park Drive
Manteo, North Carolina 27954

Subject: Proposed Changes to ORV Rule – Cape Hatteras National Seashore Recreational Area

Dear Superintendent Hallac:

Representatives of the Cape Hatteras Access Preservation Alliance (CHAPA) (Outer Banks Preservation Association, North Carolina Beach Buggy Association, Cape Hatteras Anglers Club and representatives of the Hatteras Island business community) have reviewed the preliminary alternatives regarding possible changes to the ORV rule which were published by the National Park Service (NPS) in the July 30, 2015 newsletter. In response to the NPS request for public input during the scoping process, we have prepared recommendations we believe will fulfill the requirements and intent of Paragraph C of the legislation passed last December which has led to this review. This document and attachments present these recommendations for your consideration.

“(1) Opening beaches at the National Seashore that are closed to night driving restrictions, by opening beach segments each morning on a rolling basis as daily management reviews are completed.”

Sunrise and sunset play important roles in the visitor experience at the seashore. NPS should implement procedures that will maximize the opportunities for visitors to engage in activities at these times of day without interfering with the protection of resources which is the objective of nighttime closures.

Sunrise and sunset activities during the summer months can occur at any beach location but are particularly important at locations which are favored by photographers attempting to capture images enhanced by lower light conditions, shadows, and colors; at locations favored by fishermen where schooling fish forage at first light and at dusk; and at locations favored by visitors who wish to avoid the mid-day heat and perhaps enjoy a beautiful sunrise or sunset or cookout on the beach. Historically, these locations have been Oregon Inlet, Cape Point, Hatteras Inlet, and South Point. CHAPA proposes changes to the ORV rule to enhance the visitor experience at sunrise and sunset as follows:

- Sunrise – key locations: Turtle patrols at the following locations should begin early enough in the morning to allow access as quickly after first light as possible with a goal to provide access no later than 6:00 am : Ramp 2 to 4, Ramp 43/44 to Cape Point, Ramp 49 east and west, and Ramp 72 south to inlet.

First light during May, June, July, August occurs well before 6:00 am. ORV access under the current rule does not begin until 7:00 am, eliminating the opportunity to participate in sunrise activities.

- Sunrise – Other locations: Continue to open ORV access at 7:00 am.
- Sunset – Delay closing of access at all locations from the current 9:00 pm until 10:00 pm. The 10:00 pm curfew will improve the visitor experience but continue to provide the additional resource protection benefits intended by closed nighttime ORV access.

To comply with the current rule, visitors must prepare dinners, fish earlier in the afternoon than they prefer, often still in the heat of the day. Sunset does not occur until 8:30 during the summer months, but beachgoers must end their dinner and campfires earlier than they prefer in order to be off the beach by 9:00 pm. Even with a 10:00 pm closing, many visitors will be disappointed they cannot participate in activities they have enjoyed in the past including stargazing, and fishing the tides.

“(2) Extending seasonal off-road vehicle routes for additional periods in the fall and spring if offroad vehicle use would not create resource management problems at the National Seashore.”

The current rule closes seasonal beaches to ORV access in front of villages on Hatteras Island and Ocracoke Island to ORV access on March 31 and reopens these beaches on November 1 each year. The current rule closes seasonal beaches to ORV access at locations which are not in front of villages (Bodie Island and Ocracoke Island) from March 15 until September 15 each year. The typical visitor experience during early and mid spring and early and mid fall are significantly and negatively impacted by the access closures in place at these times.

Visitor demographics are much different during April and October than during May through August. After the first of September, a more mature group of visitors come to Cape Hatteras when fewer young visitors are present and the beaches are less crowded. By October, swimming and sunbathing activities are not as common due to cooler water and air temperatures and shorter days, while other activities such as shelling, windsurfing, and fishing, on the other hand, are more common. These factors result in fewer visitors to the seashore in these months, but a higher concentration of visitors who use ORVs to access the beaches and who want to take advantage of beaches which are currently closed to ORV access until November 1.

CHAPA proposes the following changes to Seasonal dates for ORV access:

- Seasonal beaches in front of villages- These beaches should remain open in the spring until April 30 and reopen in the fall on October 1.

By October 1, village beaches have historically been used much less frequently by visitors crossing over the dunes and much more frequently by visitors using ORVs. The smaller crowds and more mature visitor base minimize any conflict between pedestrians and ORV users by this time. These dates coincide with the dates which have been used

for years by the town of Nags Head to regulate ORV access on its beaches without conflict.

- Seasonal beaches not in front of villages- These beaches should remain open in the spring until at least March 31 but preferably until April 30 which is the date proposed by CHAPA for beaches in front of villages. The March 31 date should be chosen only if NPS determines that colonial water bird and American Oystercatcher nesting activity during April is sufficient to warrant full closures of these routes and areas. These beaches should reopen to ORV access on September 1, or no later than the weekend immediately following Labor Day. By then, bird nesting activities are completed for the year and swimming and sunbathing activities by visitors not using ORVs are concentrated within the villages. The visitor base begins shifting to those who want to participate in the fall fishing season and wind surfers who enjoy the challenges of the strong northeasterly winds that begin to arrive in the early fall.

“(3) Modifying the size and location of vehicle free areas.”

CHAPA believes that Vehicle Free Areas (VFAs) as instituted within the seashore severely limits the visitor experience and should be re-evaluated to insure these beaches are effectively used to enhance visitor access. Many of these areas are under-utilized almost to the point of not being used at all. An examination of aerial photos taken on July 31, 2012 (first year of the ORV rule), on Memorial Day 2015 and on July 4, 2015 reveals the stark difference in visitor utilization of ORV areas and VFAs. These photographs clearly show that even at the height of tourist season, VFAs are not used to any significant extent. Visitor use of these VFAs is almost non-existent during the fall, winter and spring. (Photos will be provided by CHAPA upon request.)

CHAPA proposes that 6.5 miles currently designated as Vehicle Free Areas be re-designated as Seasonal ORV areas, that 1.0 miles currently designated as Vehicle Free Areas be re-designated as Year Round ORV areas, and that .5 miles currently designated as Seasonal ORV areas be re-designated as Year Round ORV areas.

The net effect of these proposals will be to reduce Vehicle Free areas from 25.25 miles to 17.75 miles, to increase Seasonal ORV areas from 12.6 miles to 18.6 miles, and to increase Year Round ORV areas from 25.15 miles to 26.65 miles.

These proposals are intended to improve the visitor experience to the seashore without impairing resource protection. The proposed 1.5 miles of additional year round access has specifically been identified for locations that are not typically used by nesting birds. Likewise, the areas proposed for seasonal access were not proposed for year round access in recognition of their importance during the nesting season.

Specific recommendations by location are described below and recapped on the attached spreadsheet:

- Ramp 1 – South: Change 800 meter (.5 miles) VFA to Seasonal access

This area abuts the South Nags head beach which is seasonally open to ORVs. This access would provide added convenience for visitors who stay on Nags Head / Kitty Hawk / Kill Devil Hills during the fall and winter months.

- Ramp 2 – South: Change 800 meter (.5 miles) VFA to Year Round ORV access

This change will help alleviate ORV crowding at Ramp 4 and will obviate the need for building a new ramp south of the existing Ramp.

Ramp 2 is located at the southern end of the parking lot. Reopening ramp 2 will also facilitate “park and ride” which many visitors use as a means to take family groups into the ORV areas.

This proposal assumes Ramp 4 will remain open thereby providing a north and south egress to the year round ORV area. When construction of the new Oregon Inlet Bridge occurs, NPS may be required to make additional changes to the configuration or replacement of Ramp 4 to insure adequate access.

- Ramp 4 – South at Spit: Change 1,200 meter (.75 miles) VFA to Seasonal Access

This is an extremely popular location for the fall visitors that come to fish at Cape Hatteras. This change will allow access to the spit after the summer nesting season has completed.

- Ramp 23 – North: Change 800 meter (.5 miles) Seasonal Access to Year Round Access

This change will provide more convenient summer ORV access to visitors staying in Rodanthe/Waves/Salvo area. The area is seldom used now and its closure contributes to crowding at Ramps 25 and 27.

- Ramp 23 – South: Change 2,250 (1.4 miles) VFA to Seasonal Access

This is an extremely popular location for the fall visitors that come to fish at Cape Hatteras. This change will allow access to this section of beach after the summer tourists have departed and nesting season has completed.

- Ramp 34 – North: Change 3,100 meter (1.95 miles) VFA to Seasonal Access

This is an extremely popular location for the fall visitors that come to fish at Cape Hatteras. This change will allow access to this section of beach after the summer tourists have departed and nesting season has completed.

- Buxton – Ramp 43 – North: Change 1,000 meters (.6 miles) VFA to Seasonal Access

This change will help alleviate the crowded conditions that occur on Ramps 43 and 44 during the summer as resource closures occur. This is an extremely popular location for summer and fall visitors that come to fish at Cape Hatteras and which cannot be easily accessed without ORV.

The area currently used as the lifeguard protected swimming beach will remain VFA and not be affected by this change.

- Ramp 45 E - 1.2 miles - The revised rule should include a provision to allow the superintendent to temporarily designate an ORV corridor beginning at Ramp 45 and extending through this VFA to Cape Point at times when access to Cape Point via the east beach from ramp 44 is impossible.

While infrequent and unpredictable, access via the east beach is closed periodically due to the effects of weather events such as nor'easters, temporary (or possibly permanent) erosion problems, and turtle nesting. The superintendent should have the authority to adaptively manage access through the VFA on a temporary basis to ensure access to the Point is not prevented. The temporary ORV corridor would be subject to the same resource management guidelines used to establish buffers and corridors in seasonal and year round ORV routes.

- Ramp 45 – West: Change 2,050 meter (1.30 miles) VFA to Seasonal Access

This is an extremely popular location for the fall visitors that come to fish at Cape Hatteras. This change will allow access to this section of beach after the summer tourists have departed and nesting season has completed. The proposal to change this area to Seasonal Access rather than to Year Round Access recognizes that the area is on the fringe of high density nesting activity which may spill over. Seasonal designation will ease the difficulties of managing the resources while still allowing visitor access during the fall fishing season.

The area to the East of Ramp 45 (1,950 meters, 1.2 miles) should remain VFA in recognition of the high density nesting and wintering activity that occurs here.

- Ramp 45 – West (continued): Change 800 meters (.5 miles) at western boundary from VFA to Year Round Access

This change will increase the size of the year round access area east of Ramp 49 by .5 miles. Ramp 49 is one of the most popular ORV destinations during the summer for visitors who do not have direct ocean access at their rental homes or motels. It is frequently overcrowded. The additional access proposed will help alleviate the overcrowding which occurs here. The area proposed is also removed from the high density nesting area further to the east, reducing the likelihood of temporary resource protection closures.

(4) ORV Permits-

The scoping documents suggested the NPS will consider modifications to the manner in which permits are issued. Alternatives proposed for consideration include:

CHAPA supports any action which provides visitors with a user-friendly experience and with choices which may enhance their visit at the Seashore. Annual permits should be issued for 12 months following the date of issue rather than at the end of the current calendar year. Also, a

10 day permit would be valuable to many visitors. Other terms, such as three day or two week permits should be evaluated by NPS to determine if they would add value to the visitor experience.

CHAPA believes NPS should enhance the on-line purchase option to allow visitors to print receipts or documents that will allow them to proceed directly to the beach upon arrival rather than requiring them to wait until the next morning to pick up the windshield sticker or tag at the NPS office.

CHAPA also believes NPS should explore options to sell permits at local businesses to simplify the process for visitors who arrive after hours and who may not have purchased the permit on-line.

(5) Additional Infrastructure Projects-

The scoping document requested comments regarding the need for infrastructure projects beyond those identified and approved in earlier actions.

CHAPA believes the access projects which have been approved, and in some cases already started, bring value to seashore visitors. We also believe the priorities which were established in the spring of 2015 are appropriate and should be implemented as shown on the revised schedule published at that time. In previous communications, we have suggested that access could be improved in some locations by simply providing temporary ORV corridors behind dunes to allow vehicles and pedestrians to bypass nesting areas that would otherwise be closed to access. We recognize that due to geography/vegetation/etc. temporary bypasses may not be feasible in all locations. However, we believe some locations are prime candidates for consideration of temporary bypasses.

- Ramp 44 S – temporary bypass

A good example of where a temporary bypass is feasible occurs from time to time between ramp 44 and Cape Point. In documents we previously submitted (during the Modification to Wildlife Buffers Comment process) we described how a simple extension of a previously created bypass could easily have prevented a multi-week closure to Cape Point in 2013.

- Ramp 45 – temporary corridor

Under item (3) above, CHAPA proposed the recognition of Ramp 45 as the starting point for a potential temporary ORV corridor under certain conditions. Any infrastructure modifications to support this recommendation should be added to the list of prioritized projects.

- Soundside Access – Bodie Island

No sound side access, pedestrian or ORV, is available on Bodie Island. Several locations are present that could easily accommodate such access. CHAPA proposes that a project be added to provide soundside access on Bodie Island.

- Soundside Access – Ocracoke Island

Soundside access on Ocracoke Island is inadequate. Projects should be added to enhance high-use access points and add additional strategically located soundside ramps.

- Two Way Ramps – Oceanside and Soundside

All ramps within the seashore should be built to accommodate two-way traffic to improve safety.

We urge NPS to look for of low-cost, high-value, quickly implemented “infrastructure” projects such as the ones described above.

CHAPA believes the proposals made in this document are consistent with the language and intent of the legislation. We believe these proposals will not impair resource protection efforts. We believe these proposals can be implemented with minimal impact to NPS resources. And most importantly, we believe these proposals will significantly improve the visitor experience through greater access as intended by Congress.

We are available to discuss these proposals at your convenience.

Respectfully submitted,

David M. Scarborough, Treasurer
Outer Banks Preservation Association
Cape Hatteras Access Preservation Alliance

This letter and attachments are fully endorsed by:

The Outer Banks Preservation Association (OBPA)
The North Carolina Beach Buggy Association (NCBBA)
The Cape Hatteras Anglers Club (CHAC)

Attachment

cc: The Honorable Richard Burr
United States Senate
Washington, DC 20510

The Honorable Thom Tillis
United States Senate
Washington, DC 20510

The Honorable Walter B. Jones
House of Representatives
Washington, DC 20515

Mr. Pete Benjamin
Field Supervisor, U.S. Fish and Wildlife Service
P.O. Box 33726
Raleigh, NC 27636

Mr. Gordon Myers
Executive Director, North Carolina Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701

Mr. Warren Judge
Dare County Commissioner
PO Box 1000
Manteo NC 27954

CHAPA Proposed Changes to Routes and Areas

8/21/2015

Current Routes and Areas		
Current	meters	miles

Proposed Routes and Areas		
Proposed	meters	miles

Bodie Island

Ramp 1 S	VFA	800	0.50		Seasonal	800	0.50
Ramp 1 S (continued)	VFA	800	0.50	no change	VFA	800	0.50
Ramp 2 S	VFA	800	0.50		Year Round	800	0.50
Ramp 4 N	Year Round	3,200	2.00	no change	Year Round	3,200	2.00
Ramp 4 S	Year Round	250	0.20	no change	Year Round	250	0.20
(4 S continued)	Seasonal	1,800	1.10	no change	Seasonal	1,800	1.10
(4 S continued)	VFA	1,200	0.75		Seasonal	1,200	0.75

Hatteras Island

Rodanthe Pier N	VFA	2,575	1.60	no change	VFA	2,575	1.60
Rodanthe Pier S	Seasonal	5,150	3.20	no change	Seasonal	5,150	3.20
Ramp 23 N	Seasonal	800	0.50		Year Round	800	0.50
Ramp 23 S	VFA	2,250	1.40		Seasonal	2,250	1.40
Ramp 25 N	Year Round	1,300	0.80	no change	Year Round	1,300	0.80
Ramp 25 S	Year Round	3,250	2.00	no change	Year Round	3,250	2.00
Ramp 27 S	VFA	3,500	2.20	no change	VFA	3,500	2.20
Ramp 30 S	Year Round	3,700	2.30	no change	Year Round	3,700	2.30
Ramp 34 N	VFA	3,100	1.95		Seasonal	3,100	1.95
Ramp 34 S	Seasonal	6,400	4.00	no change	Seasonal	6,400	4.00
Ramp 38 S	Year Round	2,500	1.60	no change	Year Round	2,500	1.60
Buxton	VFA	5,600	3.50	no change	VFA	5,600	3.50
Buxton (continued)	VFA	1,000	0.60		Seasonal	1,000	0.60
Ramp 43 N	Year Round	650	0.40	no change	Year Round	650	0.40
Ramp 43 S	Year Round	500	0.30	no change	Year Round	500	0.30
Ramp 44 S	Year Round	1,950	1.20	no change	Year Round	1,950	1.20
Ramp 45 E	VFA	1,950	1.20	no change	VFA	1,950	1.20
Ramp 45 W	VFA	2,050	1.30		Seasonal	2,050	1.30
	VFA	800	0.50		Year Round	800	0.50
Ramp 49 E	Year Round	2,450	1.50	no change	Year Round	2,450	1.50
Ramp 49 W	Year Round	1,950	1.20	no change	Year Round	1,950	1.20
Frisco Pier E	Seasonal	1,100	0.70	no change	Seasonal	1,100	0.70
Frisco Pier W	Seasonal	700	0.40	no change	Seasonal	700	0.40
Sandy Bay	VFA	2,400	1.50	no change	VFA	2,400	1.50
Ramp 55 E	Seasonal	3,550	2.20	no change	Seasonal	3,550	2.20
Ramp 55 W	Year Round	2,600	1.60	no change	Year Round	2,600	1.60
Bone Rd W	VFA	1,200	0.75	no change	VFA	1,200	0.75

Ocracoke Island

Ramp 59 E	VFA	1,600	1.00	no change	VFA	1,600	1.00
Ramp 59 W	Year Round	6,700	4.15	no change	Year Round	6,700	4.15
	VFA	4,050	2.50	no change	VFA	4,050	2.50
	Year Round	2,750	1.70	no change	Year Round	2,750	1.70
Campground E	Seasonal	800	0.50	no change	Seasonal	800	0.50
Campground W	VFA	3,550	2.20	no change	VFA	3,550	2.20
Ramp 72 E	Year Round	3,700	2.30	no change	Year Round	3,700	2.30
Ramp 72 W	Year Round	3,050	1.90	no change	Year Round	3,050	1.90
South Point	VFA	1,300	0.80	no change	VFA	1,300	0.80
Total		101,325	63.00			101,325	63.00

Current	meters	miles
VFA	40,525	25.25
Seasonal	20,300	12.60
Year Round	40,500	25.15
Total	101,325	63.00

Proposed	meters	miles
VFA	28,525	17.75
Seasonal	29,900	18.60
Year Round	42,900	26.65
Total	101,325	63.00

Impact of Proposed Changes					
VFA		Seasonal		Year Round	
meters	miles	meters	miles	meters	miles

(800.00)	(0.50)	800.00	0.50	-	-
(800.00)	(0.50)	-	-	800.00	0.50
-	-	-	-	-	-
-	-	-	-	-	-
(1,200.00)	(0.75)	1,200.00	0.75	-	-
-	-	-	-	-	-
-	-	(800.00)	(0.50)	800.00	0.50
(2,250.00)	(1.40)	2,250.00	1.40	-	-
-	-	-	-	-	-
-	-	-	-	-	-
(3,100.00)	(1.95)	3,100.00	1.95	-	-
-	-	-	-	-	-
-	-	-	-	-	-
(1,000.00)	(0.60)	1,000.00	0.60	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
(2,050.00)	(1.30)	2,050.00	1.30	-	-
(800.00)	(0.50)	-	-	800.00	0.50
-	-	-	-	-	-
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-	-	-	-	-	-
(12,000.00)	(7.50)	9,600.00	6.00	2,400.00	1.50

Provides .5 miles of seasonal access at south end of Nags Head.

Eliminates need for new ramp south of 2 and north of 4

Opens Bodie Island Spit seasonally after bird nesting.

Provides .5 miles of year round ORV access and 1.4 miles of seasonal access. Does not interfere with bird and turtle nesting or summertime pedestrian VFA experience but provides access during prime fall fishing season.

Opens 34 north seasonally.

Adds Seasonal ORV access north of 43 by .4 miles.

Reopens ramp 45 west seasonally after bird and turtle nesting.

Change	meters	miles
VFA	(12,000.00)	(7.50)
Seasonal	9,600.00	6.00
Year Round	2,400.00	1.50
Total	-	-