

CAHA ORV Management Alternatives Narrative 11/05/08

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ALTERNATIVES

Regulations from the Council on Environmental Quality 40 CFR 1502.14(d) require that the alternatives analysis in an EIS must “include the alternative of no action.” The no action alternative “sets a baseline of existing impacts continued into the future against which to compare impacts of action alternatives” (NPS Director’s Order 12, Section 2.7). Alternative A and Alternative B are the two no-action alternatives that will be analyzed in this Draft EIS. Both no action alternatives are included for analysis because management during the planning process for the plan/EIS changed part-way through the planning process in May 2008.

ALTERNATIVE A: NO-ACTION ALTERNATIVE, CONTINUATION OF MANAGEMENT FROM THE INTERIM PROTECTED SPECIES MANAGEMENT STRATEGY

Under this no action alternative, management of off-road vehicle use and access at the Seashore would be a continuation of management based on the 2006 interim protected species management strategy/EA and the Superintendent’s Compendium 2006, as well as elements from the 1978 draft interim ORV management plan that were incorporated in Superintendent’s Order #7. These actions would include providing access throughout the Seashore, except in areas where temporary resource, safety or administrative closures are made. Under the no action alternative, the entire Seashore, would for purposes of the rulemaking process, be a designed route or area, subject to temporary closures. Alternative A is analyzed as a baseline for comparison with the other Alternatives in the Draft EIS following the requirements in 40CFR 1502.14(d).

ALTERNATIVE B: NO-ACTION ALTERNATIVE, CONTINUATION OF MANAGEMENT FROM THE CONSENT DECREE SIGNED APRIL 30, 2008

Under alternative B, management of off-road vehicle use and access at the Seashore would be a continuation of management under Alternative A, except where modified by specific species protection measures from the April 16, 2008 consent decree which are required until the ORV plan and final rule are completed. These management modifications include changes to the buffers provided to various species at the Seashore, as well as added restrictions related to night driving. Alternative B is analyzed as a baseline for comparison with the other Alternatives in the Draft EIS following the requirements in 40CFR 1502.14(d).

ALTERNATIVE C: SEASONAL MANAGEMENT

This alternative is designed to provide visitors to the Seashore with a degree of predictability regarding areas available for ORV use, as well as vehicle-free areas, based largely on the seasonal resource and visitor use characteristics of various areas in the park. This alternative would manage ORV use by identifying areas that historically do not support sensitive resources or that historically have lower visitor use. Most of these areas would be designated ORV routes areas year-round, with some areas closed to ORVs in the winter season to provide areas for an off-season vehicle-free experience. Areas of high resource sensitivity or high visitor use would be designated as ORV routes or areas based largely on seasonal resource sensitivity and visitor use patterns, and some areas historically having safety issues or high visitor use would be designated as vehicle free year-round. The establishment of ORV routes and use

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areas and vehicle-free areas based largely on seasonal resource requirements and year-round visitation patterns would provide the public and the Seashore with a structured management approach that clearly states what areas are available for ORV use and when they are open. The public would have clear direction as to what would be open seasonally or year-round, but it would require some effort on the public's part to be informed and to understand what areas are open and when use is permitted. Implementation would require an increase in park staff and resources for public education and enforcement, but would provide for efficient park operations with the identification of defined use areas.

Generally, most areas where there is a designated ORV route would be open to ORVs from October 15 to March 14, primarily due to concerns about resource protection and to minimize conflicts with high visitor use periods. Areas that would be seasonally designated vehicle-free would include "Resource Areas" and some village beaches. These seasonal vehicle-free areas would primarily occur during periods of high visitation and high resource sensitivity—the summer and shoulder season months. The spits and points would be closed from March 15 to October 14 to provide resource protection. Existing soundside access would be retained, with primitive parking facilities provided at the soundside ramps and access paths provided where designated boat launches presently occur. The Seashore would maintain posts and signage defining the location of the parking area and access paths on the soundside.

ORV routes and use areas under this alternative would still be subject to temporary resource closures established when protected species behavior warrants and/or if protected species habitat is established. Wintering area closures will be established based on an annual wintering habitat assessment conducted after the breeding season, while allowing an access corridor (pedestrian or pedestrian/ORV (common to all alternatives).

Designated ORV routes and areas would be established year-round in all areas not designated as vehicle-free and seasonally in areas with high visitation and/or sensitive resources. To ensure access to these areas, existing ramps would be improved and/or reconfigured to provide access to designated routes and areas, including the construction of a new Ramp 47. (Note: All action alternatives involve closing ramp 4, building new ramp 3, and building new ramp 32.5). In addition, the interdunal road network would be maintained at its current level of access in most places although an extension to the new Ramp 47 would be provided. Pull-outs or road widening would be provided where appropriate to provide safe ORV passage across ramps. Designated ORV routes and areas would be open to ORV use 24 hours a day from November 16 through April 30. From May 1 through November 15, all potential sea turtle nesting habitat (ocean intertidal zone, ocean backshore, and dunes) would be closed to non-essential ORV use from 7:00 p.m. to 7:00 a.m. This alternative also involves the addition of parking spaces at a few ramp locations.

Safety closures would be designated as conditions warrant and would be evaluated every two weeks by law enforcement for reopening. Safety closures would be applicable only to ORV access; pedestrian access would be maintained through all safety closures.

Alternative C would include a seashore-wide, carrying capacity element from March 15 through October 14 which would be based on a physical space requirement of one vehicle per 20 linear feet for Bodie and Hatteras Island Ranger Districts and one vehicle per 54 linear feet for the Ocracoke Island Ranger District. This carrying capacity would be implemented if increased visitation over the life of this plan resulted in overcrowding that could cause safety concerns. The allowable number of vehicles in each area

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subject to the carrying capacity would be determined by the space requirements and the beachfront length of the area.

Alternative C would involve a vehicle permit system, with no limits on numbers of permits issued. Permit fees would be determined based on cost recovery to implement the system. Only annual permits would be available under this alternative, but these would be valid 12 months from date of purchase so they could extend over the length of a season. To obtain the permit, ORV owners would be required to read the rules and regulations governing ORV use at the seashore and complete a written or online exam demonstrating their understanding of the rules and regulations governing ORV use at the seashore, beach driving safety, and resource closure requirements. Following completion of the exam, the owner would need to sign for their permit in acknowledgement that they understand the rules and that all drivers of the permitted vehicle will abide by the rules and regulations governing ORV use at the seashore. A violation of the rules and regulations by the owner or driver of the ORV could result in revocation of the vehicle permit, and the owner/permittee would not be allowed to obtain another permit for any vehicle for a specified period of time.

ALTERNATIVE D: INCREASED PREDICTABILITY AND SIMPLIFIED MANAGEMENT

This alternative is designed to provide visitors to the Seashore with the maximum amount of predictability regarding areas available for ORV use and vehicle-free areas for pedestrian use, which means applying restrictions to larger areas and for longer periods of time to avoid changes in approved use patterns over the course of the year. Under this alternative, ORV management would be achieved by identifying areas that historically do not support sensitive resources and areas of lower visitor use. These areas would be designated ORV routes year-round. Areas of historically high resource sensitivity or high visitor use would not be designated ORV routes or areas. The establishment of ORV routes and use areas and vehicle-free areas on a year-round basis (rather than seasonal) would provide the public and the Seashore with a simplified management approach that would reduce confusion about what areas are available for ORV use and when, and would reduce the need for staff resources on the beach. Because of the relative simplicity of the elements of this alternative, implementation would require a reduced level of park staff and resources and would maximize the efficiency of park operations.

Year-round vehicle-free areas would include the area in front of villages and lifeguarded beaches as well as designated "Resource Areas". These vehicle-free areas would provide for visitor safety during periods of high visitation, particularly in the summer months, and would also provide a vehicle free experience for visitors during the off-season. Soundside access would continue as currently provided under the no action alternatives. Vehicle-free areas would also be established year-round at Cape Point and the spits to provide a simplified approach to sensitive species management for Seashore operations, maximizing contiguous protected areas and eliminating seasonal changes in designated ORV use areas and the associated demands on enforcing those changes. Other uses would still be allowed in these vehicle-free areas outside of any identified resource closures.

ORV routes and use areas under this alternative would still be subject to temporary resource closures established when protected species behavior warrants and/or if habitat is established. Wintering area closures will be established based on an annual wintering habitat assessment conducted after the breeding season, while allowing an access corridor (pedestrian or pedestrian/ORV) (common to all alternatives).

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Designated ORV routes and use areas would be established year-round in all areas not designated vehicle-free. To ensure access to these areas, existing ramps could be improved and/or reconfigured to provide access to designated routes and use areas (Note: All action alternatives involve closing ramp 4, building new ramp 3, and building new ramp 32.5). Designated ORV routes and areas would be open to ORV use 24 hours a day from November 16 through April 30. From May 1 through November 15, all potential sea turtle nesting habitat (ocean intertidal zone, ocean backshore, and dunes) would be closed to non-essential ORV use from 7:00 p.m. to 7:00 a.m. to provide for sea turtle protection and allow enforcement to concentrate their resources during the daytime hours.

Safety closures would not be designated; ORV users would drive at their own risk, relying on their knowledge of beach driving to determine if an area is safe to access based on their assessment of current conditions.

Alternative D would not include a carrying capacity requirement, but would include parking restrictions that would limit vehicles to a one vehicle-deep configuration, so that areas would not become overcrowded such that a safety concern would occur.

Alternative D would involve a simple vehicle permit system, with no limit on the numbers of permits issued. Permit fees would be based on cost recovery to implement the system, but the fee should be lower than fees under alternatives C or E due to the decreased management costs under this alternative. Only annual (calendar year, as opposed to 12-month period) permits would be available under this alternative. To obtain the permit, ORV drivers would be required to read the rules and regulations governing ORV use at the seashore including beach driving safety and resource closure requirements. The owner would need to sign for their permit in acknowledgement that they understand the rules and that all drivers of the permitted vehicle will abide by the rules and regulations governing ORV use at the seashore. Special consideration would be paid to providing beach safety information due to the lack of safety closures under this alternative. A violation of the rules and regulations by the owner or driver of the ORV could result in revocation of the vehicle permit, and the owner/permittee would not be allowed to obtain another permit for any vehicle for a specified period of time.

ALTERNATIVE E: VARIABLE ACCESS AND MAXIMUM MANAGEMENT

This alternative is designed to provide use areas for all types of visitors to the Seashore with a wide variety of access for both ORV and pedestrian users, including the spits and points, but often with controls or restrictions in place to limit impacts on sensitive resources. This means that more areas may be open year-round to ORV users by providing pass-through ORV corridors at the spits and points and by improving interdunal road and ramp access, and more pedestrian access would be provided through substantial additions to parking capacity at various key locations that lend themselves well to walking on the beach. Vehicle-free areas would be provided during all seasons for non-ORV users to experience the park without the presence of vehicles. Like the other action alternatives, this alternative would manage ORV use by identifying areas that historically do not support sensitive resources and areas of lower visitor use. Several of these areas would be designated ORV use areas year-round. Areas of high resource sensitivity and high visitor use would be designated as ORV use areas or as open with restrictions based

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on seasonal resource and visitor use. In addition, the “Resource Areas” would be open to ORV use approximately six weeks more than under alternative C during the early fall (September to mid-October).

ORV pass-through routes would be designated to Bodie Island Spit, Cape Point and South Point. The pass-throughs would not allow pedestrians or pets, or stopping, parking, or disembarking passengers. Once through the pass-through, recreation would be allowed outside any resource closures. Both Bodie Island Spit and South Point would have “pedestrian only” areas at the end of the ORV access areas. These pass-throughs would be established to provide for an increased possibility of access during the pre-nesting and incubation periods only, and would be subject to resource closures. When unfledged chicks are present, the probability of being able to provide this access would decrease. Therefore, in addition to the pass-through corridors, the park would promote the use of water taxis as alternative transportation to the points and spits, subject to designated landing zones and resource closures.

The variety of access possible under alternative E based on the establishment of ORV routes and use areas, seasonal vehicle-free areas, designation of pass-through ORV corridors, and the promotion of water taxi service to the points and spits, would provide the public with ORV and pedestrian access to a greater number of areas within the Seashore. However, this alternative would afford the least amount of predictability regarding areas available for use and would require a great amount of oversight and management. Implementation would perhaps be difficult for the public to understand and would require a greater number of park staff and resources than the other alternatives.

Areas that would be seasonally designated vehicle-free would include the areas in front of villages, and “Resource Areas” would have seasonal restrictions on open use. The ORV open season in front of the villages would be defined as November 1 to March 31 and from September 1 through March 14 in “Resource Areas”, with some lower-level ORV access to Bodie Island spit, Cape Point and South Point from March 15 through August 31. Soundside ramps to designated boat launch areas and Pole Road access to Cable Crossing and Spur Road would remain open. The remaining soundside ramps would be closed to ORV use and small parking areas would be constructed to provide pedestrian access to the water. Signage/posts would be installed at the parking areas and boat launch areas to prevent damage to vegetation and other soundside resources.

ORV routes and use areas under this alternative would still be subject to temporary resource closures established when protected species behavior warrants and/or if habitat is established. Wintering area closures will be established based on an annual wintering habitat assessment conducted after the breeding season, while allowing an access corridor (pedestrian or pedestrian/ORV) (common to all alternatives).

To provide increased access routes, this alternative involves extending the existing interdunal road west of ramp 45 all the way to ramp 49 and constructing a new ramp 47. Designated ORV routes and areas would be open to ORV use 24 hours a day from November 16 through April 30. From May 1 through September 15, all potential sea turtle nesting habitat (ocean intertidal zone, ocean backshore, and dunes) would be closed to non-essential ORV use from 10:00 p.m. to 6:00 a.m. to provide for sea turtle protection and allow enforcement to concentrate their resources during the daytime hours. From September 16 through November 15, ORV routes and areas with no or a low density of turtle nests remaining (as determined by NPS) will be open between 10:00 pm and 6:00 am subject to the terms and conditions of a required permit. This alternative also involves the addition of parking spaces at several ramp locations.

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Safety closures could be designated as conditions warrant but would be evaluated every two weeks by law enforcement for reopening. For village beaches that are open to ORV use during the winter season, the village beaches must be at least 30 m (100 ft) wide from the toe of the dune seaward to mean high tide line in order to be open to ORV use.

Alternative E would include a carrying capacity requirement for all areas based on a physical space requirement of one vehicle per 20 linear feet for Bodie and Hatteras Island Ranger Districts and one vehicle per 30 linear feet for the Ocracoke Island Ranger District. A defined carrying capacity would be implemented during peak use periods, such as major summer holidays and weekends, but could be implemented any time that overcrowding could cause safety concerns. The allowable number of vehicles in each area would be determined by the space requirements and the beachfront length of the area.

Alternative E would involve a vehicle permit system, with no limits on numbers of permits issued. Permit fees would be determined based on cost recovery to implement the system. Expected permit fees would be higher under this alternative due to the intense level of management required for implementation. Both annual and short-term permits would be available under this alternative. To obtain the permit, ORV owners would be required to read the rules and regulations governing ORV use at the seashore and complete a written or online exam demonstrating their understanding of the rules and regulations governing ORV use at the seashore, beach driving safety, and resource closure requirements. Following completion of the exam, the owner would need to sign for their permit in acknowledgement that they understand the rules and that all drivers of the permitted vehicle will abide by the rules and regulations governing ORV use at the seashore. A violation of the rules and regulations by the owner or driver of the ORV could result in revocation of the vehicle permit and the owner/permittee would not be allowed to obtain another permit for any vehicle for a specified period of time.