

**ORV ROUTES AND AREAS
PRINCIPLES AND CRITERIA**
Working Draft Document September 4, 2008

Submitted by: Frank Folb, David Goodwin & Jim Keene

I. Framework

A. The ORV Management Plan shall establish ORV Routes and Areas, Pedestrian Areas, and Resource Areas, per Executive Order 11644.

B. Pedestrian areas have existed in the past and can be incorporated as a part of a multi use of areas with ORV access. Pedestrian areas can be areas of resource protection as presently used in Pea Island Refuge.

II. ORV Routes and Areas

A. There will be routes and areas of the Seashore that are designated in the Plan for ORV use where appropriate on Bodie Island, Hatteras Island, and Ocracoke Island.

B. Each ORV route and area shall have at least one designated beach dune crossing ramp. The ramp shall be the only area for entering the beach in an ORV. The number of ramps should be no fewer than currently exist and ramps can interconnect. More ramps should be considered to allow better access for ORV use when temporary safety or temporary resource closure exist.

C. Ramps/routes accessing both the oceanfront and the soundside beaches have always been essential to access within this seashore. All routes should be two (2) lanes (for operator and pedestrian safety) and well maintained for use by emergency vehicles as necessary.

D. Access routes are an essential component of this seashore as defined in founding documents, legislation, etc. It is imperative that these access routes remain and are maintained not only to provide access to fishing, surfing, birding, swimming, etc, but must also be maintained to provide continuing safe access for the disabled and infirm.

E. Each beach dune crossing ramp should be designed with universal access principles, and should provide parking, directional/educational/rules signage, and a pedestrian walkover. At the discretion of the NPS, ramps may also have restroom facilities, water, fish cleaning facilities and an air pump, but at least one ramp on Bodie Island, Hatteras Island, and Ocracoke Island shall have these facilities.

F. Sound-side ramps/routes will have varying levels of development. Some ramps on the sound shall remain undeveloped, with only the ORV route leading to the sound with sufficient area at the terminus for vehicle turn-around.

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G. ORV Routes and Areas will have minimum impact as outlined on soil, watershed, vegetation or other resources, including wildlife. Conflicts between ORV use and other existing recreation will also be minimized.

III. Pedestrian Areas Principles

A. There will be few or no year-round pedestrian only areas (no ORV route) on Bodie Island, Hatteras Island, and Ocracoke Island due to lack of use and few to no existing conflicts.

B. Pedestrian areas include all ORV and resource closures except when restricted by nesting activity

C. Village fronts will have seasonal closures from May 15 to Sept. 15 due to high density use. (Seasonal dates as agreed by full committee.)

D. There is currently no specific requirement from either Federal law or NPS Management Policy that states that there must be areas set aside only for pedestrian use.

E. Areas are already available for pedestrian use only: Trails near the Cape Hatteras Lighthouse, areas between Highway 12 and the sound, areas near Bodie Island lighthouse, etc.

F. It is recommended that NPS post signage at the end of any pedestrian walkover to advise that there are ORVs operating in that area. Additionally, signage should be posted on existing speed limit signage indicating that there are pedestrians, children, etc. in the area. This is for both pedestrian and vehicle safety.

G. Pea Island National Wildlife Refuge must also be considered a pedestrian-only area when designating non-ORV areas.

IV. Resource Areas Principles

A. There is currently one Refuge area consuming 18 percent of the 73 mile seashore total from Bodie Island to Ocracoke Inlet; no additional year-round resource areas on the seashore edges are needed. Present wintering closures for resource reasons should be abolished as ORV use enhances bird habitat. ORV use of these areas should be encouraged during the winter months to assist in the minimization of vegetation.

B. Spring resource closures for pre-nesting will be no greater than current winter closures until birds nest and only then will increased closures be instituted.

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V. General Principles for ORV Routes and Areas, Resource Areas, and Pedestrian Areas

A. All ORV routes and areas, pedestrian areas, and resource areas are subject to closures as specified by proven and accepted protocols and/or ESA requirements.

B. All ORV routes and areas, pedestrian areas, and resource areas are open to essential vehicles.

C. On an annual basis, based on on-the-ground conditions, NPS will not adjust the boundaries of ORV routes and areas, pedestrian areas, and resource areas, so long as NPS complies with all the principles and criteria above. In making the adjustments, NPS may reduce the size of the pedestrian areas and resource areas on Bodie Island, Hatteras Island, and Ocracoke Island temporarily for safety or nesting ESA birds and turtles until safety reasons are no longer needed or birds fledge or turtle eggs hatch.

D. The NPS will have adequate time to properly disseminate any closure changes as public information before temporarily closing any ORV route.

E. Recognizing that NPS is required to study areas within their jurisdiction for possible inclusion as a "Wilderness Area", the limitations on area size and other requirements for designation generally prevent areas of the seashore from inclusion as a "Wilderness Study". The existence of Pea Island NWR within the seashore precludes any additional requirements.

VI. Application of Principles and Criteria

1. See attached document (Routes & Areas 8-1-08) distributed for comment July 22 to the attendees of an informal subcommittee meeting (Frank Folb, David Goodwin, Sidney Maddock, Bernie Gould and Jim Keene) and distributed again 8-8-08 to the full subcommittee.

CONCLUSION

All ORV routes are subject to closure to protect nesting endangered/threatened birds, sea turtles and seabeach amaranth, but will be done with the knowledge that Cape Hatteras National Seashore Recreational Area by enabling legislation is a Recreational Area. Bird species of concern will be given protection equivalent to that provided by the state of North Carolina. Birds that do not meet the criteria of the ESA for special protection as endangered/threatened species will be protected as established in recommended government peer-reviewed scientific standards and those in use in other recreational areas and not by any opinions and speculations currently in use.

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The NPS shall have the authority to initiate rulemaking efforts in the future to modify any designated routes and areas in the event there are major changes in habitat or landscape due to hurricanes, nor'easters, or other natural events. One possible procedure for this evaluation process would be a standing advisory committee of diverse interests that periodically evaluates the existing ORV regulation. This evaluation should be performed at least on an annual basis.

While NPS should work with Dare County and state and federal agencies to create convenient beach access locations with parking in the entire recreational area, to create an ORV prohibited area year-round in villages is essentially privatizing the beaches in front of the beach front houses in those villages. When the villages were laid out there was no thought given to visitation of the beach fronts by any means other than by vehicle and no parking areas were established. The ORV community understands and agrees that during the summer months when children visitation is the greatest that these areas need to be closed for public safety, but history shows that conflict in off-season months has been less than minimal and almost none.

This proposal integrates the recreational, cultural and economic values the seashore has provided for over half a century.

- 1) The islanders were promised this access when the seashore was established.
- 2) This year the beach was designated as one of the Top Ten beaches to visit in the nation and the reason it fits this description has been its free and open access to the seashore for ORV users as well as pedestrian users. To cut the seashore up and eliminate ORV use in major areas because NPS policy states that it does not meet the diverse use of NPS parks is unsuitable.
- 3) For this area to continue to be a cultural and economic success, subdivision of uses should not be attempted. NPS policy or EO does not specify total and complete division of uses.
- 4) While we will always protect the wildlife and fauna/flora of the seashore, the ORV community as well as the environment sector realizes that the dunes along most of the beaches that protect our roads and villages makes those areas unsuitable for resource use success.
- 5) The areas that may have some potential as resource areas are also the heart of the visitor expectations to the islands. These areas must be shared, year round, with the ORV users as they are in fact the furthest areas from the road and parking areas. The areas also are prone to dynamic changes and over wash that do not reduce the recreational useage but reduces their production of any wildlife.

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6) Throughout this ORV process we have been bound by restrictions on thinking outside of the box. We have not been allowed to think outside of the box. To suggest that money and effort now spent within this Recreational Seashore would not be better spent in helping the wildlife recover by better use of the surrounding uninhabited dredge islands in the sound and establishing more and bigger ones cannot be considered. To expound on the idea that to make use of NPS and environmental group assets in less used areas and near-by island where visitation is much lower and dunes do not hamper resource development must be brought to the committee for consideration.

7) It is and has been our position, that had the NPS funded and maintained a full complement of law enforcement rangers with instructions concerning full, proper and equitable enforcement of the standing laws, rules and regulations few problems would exist within the seashore. It is our recommendation the NPS and the local staff allot the necessary funds to staff sufficient LE rangers to maintain a 24/7 patrol with a continuous beach presence (expanded on holidays and days of known high visitation.)

8) Throughout this process we have tried to detail a plan that satisfies the requirements of Executive Order 11644, Section 3, and believe that we have done so with our first document submitted on 6/30/08. From the expansive restrictions demanded by the environmental side it can only be seen as the first attempt in what is a desire by a few to eliminate ORV use in this and other NPS facilities.

In the event the subcommittee members disagree with the specific route and no-route areas listed in the attachment, we hope they will come to the subcommittee meeting with a specific counter-proposal that addresses these concerns.