

## Public Scoping Meetings Schedule & Locations

Scoping is the first step to involve the public in the environmental impact analysis process. Scoping includes holding meetings and providing opportunities for the public to comment so that their concerns are identified early and the analysis is focused on important issues. Because the plan/EIS will analyze many complex ecological and social issues, your participation is encouraged and needed.

The meetings will consist of an open house session, followed by a brief presentation, and an opportunity to provide public comment for the record in a public hearing style.

### Buxton, North Carolina

Monday February 26, 2007 2:00 pm to 6:00 pm

Fessenden Center – Located on Route 12, on the right side as you enter Buxton Village.

2:00 pm to 3:00 pm Open House

3:00 pm to 3:15 pm NPS Presentation

3:15 pm to 5:15 pm Public Comment

5:15 pm to 6:00 pm Open House

### Kill Devil Hills, North Carolina

Tuesday February 27, 2007 6:00 pm to 9:00 pm

Wright Brothers National Memorial First Flight Centennial Pavilion, 8 ½ Milepost Hwy. 158, Kill Devil Hills, NC.

6:00 pm to 7:00 pm Open House

7:00 pm to 7:15 pm NPS Presentation

7:15 pm Public Comment

Open house will resume after public comment as time allows.

### Raleigh, North Carolina

Wednesday February 28, 2007 6:00 pm to 9:00 pm

McKimmon Center (North Carolina State Campus)

1101 Gorman Street, Raleigh, NC 27695

Agenda will be the same as February 27, 2007.

### Washington, DC

Thursday March 1, 2007 6:00 pm to 9:00 pm

American Geophysical Union Building

2000 Florida Avenue, NW, Suite 400, Washington, DC 20009-1231

Agenda will be the same as February 27, 2007.

Updates on the Planning Process will be provided at  
<http://parkplanning.nps.gov/caha>



National Park Service  
U.S. Department of the Interior  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27952

## Cape Hatteras National Seashore North Carolina

National Park Service  
U.S. Department of the Interior



# Cape Hatteras National Seashore Off-Road Vehicle Management Plan

Public Meeting on the Off-Road Vehicle Management Plan/  
Environmental Impact Statement | February 2007

## You're Invited!

Because of your interest in Cape Hatteras National Seashore, we are requesting your input in developing the Off-Road Vehicle Management Plan/Environmental Impact Statement (EIS). Your participation is vital to our planning process.

### Background on ORV Driving at Cape Hatteras National Seashore

Off-road vehicle (ORV) management has become an issue of concern for National Park Service (NPS) units in recent years, as shown by the development of management plans and regulations for Cape Cod National Seashore, Fire Island National Seashore, Assateague Island National Seashore, Padre Island National Seashore, and Big Cypress National Preserve. ORV use at Cape Hatteras National Seashore began primarily for transportation with local residents and visitors using the beaches for vehicular transportation purposes because there were few formal roads in this remote area. Since the main purpose of beach driving was transportation, and not recreation, the number of ORVs on the beach was much less than it is today. The paving of NC-12, completion of the Bonner Bridge, and the introduction of the State of North Carolina Ferry system to Ocracoke Island facilitated visitor access to the islands and resulted in increased vehicle use on beaches for recreational purposes and for commercial netting of fish. Presently at the Seashore, ORVs are used for commercial and recreational fishing, sightseeing, travel to and from swimming and surfing areas, and pleasure driving.

The Seashore recognizes the importance of ORV use to Seashore users as well as the value others place upon seashore resources that must be protected. The ORV management plan/EIS will identify criteria to designate ORV use areas and routes and establish ORV management practices and procedures that have the ability to adapt in response to changes in the Seashore's dynamic physical and biological environment.

### Your Participation Will Help Shape This Plan

There are a number of ways to be involved:

- Attend a public scoping meeting
- Submit comments electronically to: <http://parkplanning.nps.gov/caha>
- Submit written comments by mail to:  
Superintendent  
RE: Off Road Vehicle Management Plan/EIS  
Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27952

- Please comment on-line or provide written comments by mail. Faxed comments will not be accepted.

Please be sure to include your full name and e-mail address, if available, with the comments so we may add you to our mailing list for information on the planning process. In order for your comments to be the most useful in developing the draft plan/EIS, please submit comments by March 16, 2007.

Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.



## Purpose of and Need for Action

The purpose of this plan/EIS is to develop regulations and procedures that manage ORV use/access in the seashore to protect and preserve natural and cultural resources and natural processes, provide a variety of appropriate visitor use experiences while minimizing conflicts among various users, and promote the safety of all visitors.

An ORV management plan is needed for the following reasons:

- The seashore must comply with Executive Orders 11644 and 11989 respecting ORV use, and with NPS laws, regulations (36 CFR 4.10), and policies to minimize impacts to park resources and values.
- To address the lack of an approved plan, which has led over time to inconsistent management of ORV use, user conflicts, and safety concerns.
- ORV use could damage natural and cultural resources.
- To provide for protected species management in relation to ORV and other uses to replace the Cape Hatteras National Seashore Interim Protected Species Management Strategy/EA and associated Biological Opinion.

## Objectives:

Objectives are what must be achieved to a large degree for the action to be considered a success. All alternatives selected for detailed analysis must meet project objectives to a large degree, and resolve the purpose and need for action. Objectives must be grounded in overall NPS laws and regulations, NPS policies, the park's enabling legislation, purpose, significance, and mission goals and must be compatible with direction and guidance provided by the park's general management plan, strategic plan, and/or other management guidance. The following draft objectives are related to developing an ORV management plan at Cape Hatteras National Seashore.

## MANAGEMENT METHODOLOGY

- Identify criteria to designate ORV use areas and routes.
- Establish ORV management practices and procedures that have the ability to adapt in response to changes in the seashore's dynamic physical and biological environment.
- Establish a civic engagement component for ORV management.
- Establish procedures for prompt and efficient public notification of beach access status including any temporary ORV use restrictions for such things as ramp maintenance, resource and public safety closures, storm events, etc.
- Build stewardship through public awareness and understanding of NPS resource management and visitor use policies and responsibilities as they pertain to the seashore and ORV management.

## NATURAL PHYSICAL RESOURCES

- Minimize adverse impacts from ORV use to soils and topographic features, e.g., dunes, mud flats, etc.

## THREATENED, ENDANGERED, AND OTHER PROTECTED SPECIES

- For threatened, endangered, and other protected species (e.g., state-listed species) and their habitats, minimize adverse impacts related to ORV uses as required by laws and policies, such as the Endangered Species Act, the Migratory Bird Treaty Act, and NPS laws and management policies.

## VEGETATION

- Minimize adverse impacts to native plant species related to ORV use.

## OTHER WILDLIFE AND WILDLIFE HABITAT

- Minimize adverse impacts to wildlife species and their habitats related to ORV use.

## CULTURAL RESOURCES

- Protect cultural resources such as shipwrecks, archeological sites, and cultural landscapes from adverse impacts related to ORV use.

## VISITOR EXPERIENCE

- Manage ORV use to allow for a variety of appropriate visitor use experiences.
- Minimize conflicts between ORV use and other uses.

## VISITOR USE

- Ensure that ORV operators are informed about the rules and regulations regarding ORV use at the park.

## VISITOR SAFETY

- Ensure that ORV management promotes the safety of all visitors.

## PARK OPERATIONS

- Identify operational needs and costs to fully implement an ORV management plan.

## Negotiated Rulemaking:

Concurrent with the NEPA process, the Seashore is proposing to conduct a negotiated rulemaking to develop a proposed rule for ORV management at the Seashore. The Negotiated Rulemaking Act of 1990 (5 USC 561-570) establishes a statutory framework for agency use of negotiated rulemaking to reach a consensus with stakeholders on a proposed regulation, in this case, a regulation regarding off-road vehicle use at the Seashore. Negotiated rulemaking brings together representatives of the agency and various affected parties to negotiate the content of a consensus agreement that will help shape a proposed rule with the help of an impartial alternative dispute resolution professional.

The next step in the Negotiating Rulemaking process is publication of a Notice of Intent to Establish a Negotiating Rulemaking committee in the Federal Register. Once the Notice of Intent has been published, the public will be able to comment on the proposed establishment and makeup of the Committee. The NEPA process would be conducted concurrently with the Negotiated Rulemaking and the consensus of the committee would be evaluated in the Draft EIS as part of the NEPA process. Updates on the Negotiated Rulemaking process can be found at <http://parkplanning.nps.gov/caha>.

- Identify potential sources of funding necessary to implement an ORV management plan.

- Provide consistent guidelines, according to site conditions, for ORV routes, ramps, and signage.

## Issues Related to ORV Use at Cape Hatteras National Seashore

The following highlights several of the issues identified early on in the planning process:

- Visitor Use and Experience: Management and use of ORVs could result in user conflicts and adverse and/or beneficial changes to visitor use and experience.
- Economy of Communities within the Seashore: Management and use of ORVs could affect the local economy and have a subsequent effect on the regional economy.
- Local Commercial Fishing Activities: Management and use of ORVs could affect access for commercial fishing.
- Federally Listed Threatened and Endangered Species: Management and use of ORVs at the Seashore could impact federally threatened or endangered species and their habitat, on the beach and soundside of the Seashore. Conflicts between the listed species and ORV use could create direct or indirect losses to the species.
- Other Sensitive Species: Management and use of ORVs at the Seashore may impact habitat for the American oyster catcher and other locally sensitive species, as well as species listed by the State of North Carolina, that may be vulnerable to such use.
- Vegetation: Management and use of ORVs may impact the vegetation of the Seashore either directly by running over vegetation, or indirectly by accidental introduction of non-native species.
- Park Operations: Management and use of ORVs may impact park operations by requiring additional staffing and funds.
- Geological Resources: Management and use of ORVs could be impacted by the Seashore geology, such as the hazards to ORV users created from beach escarpments.
- Air Quality: Management and use of ORVs may result in impacts to air quality from idling engines.
- Soundscapes: Management and use of ORVs could impact park soundscapes as vehicular noise, as well as the recreational uses associated with it may introduce an element to the soundscape that is incompatible with other recreational uses.
- Water Resources: Management and use of ORV has the potential to impact water quality, marine and estuarine resources, and wetlands as ORV use occurs in these environments.
- Coastal Barrier Ecosystem: Management and use of ORVs may be impacted by natural processes such as hurricanes and other storm events that change the landscape of the Seashore and the area available for ORV use. Over time, high levels of ORV use could have a cumulative effect on ecosystem processes.
- Cultural Resources: Management and use of ORVs may impact cultural resources by providing access to these resources (i.e. shipwrecks).

## Preliminary Alternative Concepts or Elements:

Based on internal scoping, the Seashore has developed preliminary alternative concepts and elements for ORV management. These concepts and elements are not necessarily mutually exclusive and each could be accomplished by applying different management prescriptions. Further detail on these concepts and elements, as well as possible management prescriptions, will be provided in the internal scoping report. When completed, it will be available at: <http://parkplanning.nps.gov/caha>.

The alternative concepts and elements listed below are preliminary and were created to start the discussion of possible alternatives for ORV management at the Seashore. No decision has been made as to the alternatives to be analyzed in the plan/EIS. The input received at public scoping and the proposed negotiated rulemaking process will be used to help develop these concepts, identify issues with these concepts, and to identify additional concepts.

- Zoning System: Under this concept, an alternative could be developed that designates various areas of the Seashore for different types of uses determined appropriate for that area. Preliminary concepts for zones include a resource management zone, safety zone, motorized recreational use zone, and nonmotorized recreational use zone.
- Access Based on Percentages System: Under this concept, an alternative could be developed designating a certain percentage of beaches that would always be open to ORV use. The specific areas where ORV use would be permitted could change based on seashore conditions, but the percentage of the seashore open for ORV driving would remain constant.
- No Additional Funding: A concept could be developed that assumed that the Seashore would need to implement an ORV management plan without additional funding. Possible management prescriptions to accomplish this could include components of the three concepts described above and would have a greater focus on resource monitoring, education, and controlling access.



*ORV use is one of the many recreational uses occurring at Cape Hatteras National Seashore.*

Other elements that could be considered for the ORV management plan/EIS include: vehicle safety requirements such as maintaining a certain tire pressure or carrying certain equipment; night driving restrictions; permitting; designated ORV routes; specified corridor widths; speed limits; and increased education and outreach. The Seashore needs your help in developing additional concepts and in helping identify issues that may be related to these concepts.