

Beach Vehicle Ban Delayed

WAVES — Threatened with protests, the U. S. Bureau of Fisheries and Wildlife has delayed at least until next year plans to ban vehicles from beaches in the Pea Island National Wildlife Refuge during the summer.

Refuge Manager F. M. (John) Williamson said Friday an environmental assessment will be prepared on the proposal, designed to keep vehicles from disturbing nesting shore birds and sea turtles on the 13 1/2-mile long Outer Banks beach.

Williamson had recommended that the area be closed from June 15 to September 30 this year and from May 15 to September 30 in the future.

The North Carolina Marine Fisheries Commission urged further study of the proposal and officials of the North Carolina Beach Buggy Association, an organization of several hundred members, indicated they might oppose the ban unless there was a clear threat to wildlife.

Williamson said he still has authority

to close specific nesting areas. Vehicles are allowed only within 150 feet of the ocean or, where the water is close to the shore, within 150 feet of the beach dunes.

Traffic often scares birds from their nests, Williamson said, causing the eggs to ruin where has been outright destruction of some nests, he added.

"I feel like the refuge was set aside to protect wildlife," he said. "That's what it should be used for."

Raleigh News & Observer Shore Bird, Turtle Protection Supported June 15

To the Editor: I am at a loss to understand the reasoning behind the delay urged by the N. C. Marine Fisheries Commission in banning vehicles from beaches in the Pea Island Wildlife Refuge during the summer. The three month ban for protecting nesting shore birds and sea turtles in an area designated to do just that seems entirely reasonable to me.

Also, the idea that the manager of a National Seashore Refuge (not state, but

federal) could be intimidated by the "threat of a protest" (N&O, Saturday, June 26th) is unbelievable. If the refuge manager's authority in an area that belongs not to the region, but to the state, but to the whole country is so weak and his resolve to carry out measures he considers in the best interests of area wildlife is so shaky, then he either needs to be replaced or his authority should be made clear and strengthened.

That refuge was not created for the convenience of people who use the beaches as dog buggy drag strips. Neither was the N. C. Marine Fisheries Commission created to abort the purpose of the Wildlife Refuge.

DORIS COMART

Chapel Hill

SENN, VILLARD & SENN
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HOWARD D. MARSH, JR.
VICE PRESIDENT
ASSOCIATE IN RISK MANAGEMENT

WD

July 8, 1975

Mr. Richardson Preyer
324 W. Market Street
Greensboro, NC 27401

Dear Mr. Preyer:

I would like to pass along an editorial from a July 8th Greensboro Daily News that you might have read.

I am in agreement with this article and think that there should be a vehicle ban at the Pea Island Refuge during the summer nesting season.

This is a beautiful stretch of beach that we are fortunate to have within our state.

I would endorse a vehicle ban from June through September 30. I think in the fall and winter the beach ought to be open for vehicles belonging to fishermen.

I would also like to state my opinion that we should have a 200 mile limit for fishermen of foreign countries off the coast of our country. I do not see the necessity for allowing Russian ships and boats to come as close as they can to our country and destroy the small fish and literally take everything from the ocean that they can drag up.

Very truly yours,

Howard D. Marsh, Jr.
Howard D. Marsh, Jr.

HDM/kh

Wrong kind of wildlife

Pea Island on North Carolina's Outer Banks is the main winter refuge for wild ducks and geese along what is known as the Atlantic Flyway. In summer it harbors nesting shore birds and sea turtles. For some years the U.S. Bureau of Fisheries and Wildlife had been threatening to close Pea Island's beaches, and this year had tentatively approved a ban on vehicles from June 15 to September 30.

But now the bureau has backed off and delayed imposing the ban until at least next year. Federal officials bowed to the request of the state Marine Fisheries Commission that the proposal be given further study. The federal bureau also was under pressure from the state Beach Buggy Association, an organization of several hundred members who are owners of, or dealers in, beach buggies and similar "recreational vehicles."

Pea Island consists mostly of sand, dune grass, and a few scrubby trees. Years ago the federal government bought it as a refuge for wildlife. The object was the preservation of certain species of wildlife, rather than the promotion of outdoor recreation for people.

Yet in the last few years, tourists and vacationers have descended on the island in droves. Two years ago Jeff Standberry and Edward Flaherty, the writers of a syndicated column on the syndicated, visited the Cape Hatteras National Seashore on Easter Sunday. They said they saw automobiles, jeeps, beach buggies and motorcycles all over the place.

"All this commotion," they wrote, "is perfectly legal, mind you, along the entire stretch of the beach, including the 10-mile stretch designated as the Pea Island Wildlife Refuge. As long as a licensed vehicle doesn't roam over the sand dunes, it is free to sully the landscape, shatter the serenity and turn swimmers and sunbathers into harassed pedestrians."

In the case of Pea Island, it's the wildlife the visiting vehicles harass. Refuge Manager R. M. Williamson had recommended the area be closed to vehicles for three and a half months this year and in the future for four and a half months — from May 15 to September 30. His goal: to protect nesting birds from the elements. The result is bird eggs spoil. Furthermore, beach motorists have destroyed some nests as well as the eggs of birds and turtles. They also have killed some of the creatures themselves.

Evidently it's the position of the state Marine Fisheries Commission and the Beach Buggy Association that outdoor recreation for people takes precedence over wildlife preservation. The trouble with that policy is that when it's delayed in action, it's too late for the wildlife. They say that they are going to come in again.

It is a case of the wildlife being pushed out of the refuge. Mr. Williamson says, "I don't like the idea of a refuge that is protected by a fence. That's what it should be used for." He says that the refuge should be used for the study of birds and other wildlife, except that it is not to be used for the use of the public and the service.

Quotable Quote (by Henry Thoreau in "Walden"): "The mass of men lead lives of quiet desperation. What is called civilization is only a more refined form of the same. From the desperate city you go into the desperate country, and have to console your soul with the bewitchery of suburbs and meadows. A stereotyped but unconsoling despair is concealed even under what are called the games and amusements of mankind. There is no play in them, for this comes after work. But it is characteristic of wisdom not to do desperate things."

Pea Island National Wildlife Refuge
P. O. Box 606
Hatteras, North Carolina 27954

May 30, 1974

Mr. W. Carlyle Blakeney, Jr.
National Audubon Society
P. O. Box 23191
Atlanta, Georgia 30328

Dear Mr. Blakeney:

We received your letter of May 24, 1974 concerning the problem of off-road vehicles on Pea Island National Wildlife Refuge; and very much appreciate your concern. We too have had numerous complaints and hope to get this problem solved in the near future.

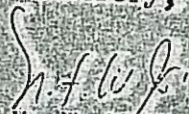
Bird species nesting on the beach in past years included royal tern (only a very few), common tern, gull-billed tern, black skimmer, oystercatcher and least tern, most numerous. These birds have had some success, but very little.

The Atlantic loggerhead and possibly the ridley sea turtles nest on the refuge beaches. In some years we have driven the turtles to a safe place for hatching but as you know, this is impossible for the birds.

In 1972, we posted a large area on the beach, about 2 miles, for protection of the nesting birds, primarily least tern. We believe the signs attract people and might cause them to enter the area. However, we have a couple of small areas that we plan to post again this year and see if we can protect the nesting least terns.

We talked to Mrs. Gladys Fish concerning this problem, and she stated that she believed both the refuge and Audubon Society signs should be put up around posted areas. Could you provide us with 25 to 50 Audubon signs that we could use? If so, we would be most appreciative.

Sincerely,



W. F. Williamson, Jr.

cc: Bureau Sport Fisheries & Wildlife
Atlanta, Georgia

Spindrift

Box 335, Hags Head
North Carolina 27959

14 April 1974

Mr. R. F. Williamson
505 Ananias Dare Street
Wanteo, North Carolina

Dear Mr. Williamson:

For what it is worth and as a resident of Hags Head and as one most interested in the Pea Island Wildlife Refuge, I would like to support the proposal to close the Refuge beach to vehicles during the summer months.

To protect the nesting sites is most important and, it seems to me, part of the job of the Fish and Wildlife Service. What is a refuge for if not to protect the wildlife?

By all means the beach should be closed. This time the birds and the turtles come first!

Sincerely yours,

B. M. Turner
(Mrs. Warren H. Turner, Jr.)

O.S. I like to fish too!

Pea Island National Wildlife Refuge
P. O. Box 606
Hatteras, North Carolina 27954

April 25, 1975

Mrs. Warren H. Turner, Jr.
P. O. Box 385
Hags Head, N. C. 27959

Dear Mrs. Turner:

I appreciate your letter of April 14, 1975, supporting our proposed closure of the refuge beaches for wildlife during their nesting season.

As of yet, the proposal to close the beach has not been published in the Federal Register, but when it is published, I would appreciate your support in the form of a letter to The Director, U. S. Fish & Wildlife; Washington, D. C. 20240. Also, any support from your friends would be greatly appreciated.

Thanks again.

Sincerely,

N. F. Williamson, Jr.
Refuge Manager

Los Angeles Times Syndicate
Los Angeles, California

Page Four...OUR ENVIRONMENT...May 5-6...federal lands.

An excellent highway parallels the beach the entire length of the Cape Hatteras National Seashore, with frequent roadside parking areas from which one can easily walk to the ocean and then in either direction to his heart's content.

Fishermen may not be as successful on foot as they are in jeeps equipped with two-way radios, but that seems a modest price to pay for preventing the transformation of beaches into freeways and parking lots.

The NPS tried several years ago to restrict Hatteras beach traffic (but retreated under local pressure). During the summer, it bars automobiles from a few small beach areas popular with swimmers.

Something more is obviously needed. A motorist in a national park is not permitted to leave the highway to drive across a meadow because he sees a promising trout stream.

Clearly, our remaining undeveloped seashore is as precious a resource as our national parks and should be reclassified and treated accordingly.

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Los Angeles, California

Page Three...OUR ENVIRONMENT...May 5-6...Pea Island.

The NPS has indicated concern about the increasing volume of cars on Hatteras beaches but has not said whether it will go along this time with the FWS.

Kit Wing, chief of the NPS' Division of Park Operations, defends his agency's past policy on off-road vehicles. "In creating national seashores, Congress defined outdoor recreation as the dominant and primary resource management objective (as opposed to national parks where preservation is given equal importance). So, ultimately, we bow to the needs of recreationists rather than preservationists."

Wing also contends the heavy Hatteras traffic is purely a holiday phenomenon. But this will not be the case if tacky development continues to spread at an alarming rate throughout the Outer Banks, and protective coastal legislation is gutted or killed in the North Carolina State Legislature's current session.

Local citizens' concern has helped national seashore areas like Fire Island, N.Y., Cape Cod, Mass., and Pt. Reyes, Calif., to institute much tougher restrictions on beach traffic than Hatteras has. In contrast, local influence on the Outer Banks has contributed to the imposition of an aesthetically and environmentally unpalatable policy on federal lands.

(MORE)

Los Angeles Times Syndicate
Los Angeles, California

Page Two...OUR ENVIRONMENT...May 5-6...Wildlife Refuge.

As long as a licensed vehicle doesn't roam over the actual dunes, it is free to sully the landscape, shatter the serenity and it turns swimmers and sunbathers into harassed pedestrians.

Dr. Orin Pilkey, a Duke University geology professor, warns that heavy traffic on the beach's flat area could contribute to erosion by impeding the creation of new sand dunes which form largely from seaweed washed up on shore.

Park Service rangers report having found nests and eggs of sea birds and turtles, as well as the creatures themselves, crushed in tire tracks along the ocean's edge. John Williamson, who manages Pea Island for the Fish and Wildlife Service (FWS), says that terns and skimmers, birds which traditionally nest in the sand along the tidewater mark, have not reproduced in the refuge during the past three years.

"Under the law, the refuge was set aside for wildlife, so if we don't close it now, we are not doing our job," he says. Williamson has asked his superiors to declare Pea Island's beach off-limits to all vehicles and his request has been favorably received.

The same proposal, however, was advanced by the FWS three years ago, only to be blocked by the National Park Service (NPS) which manages the entire Hatteras seashore and shares jurisdiction over Pea Island.

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LOS ANGELES TIMES SYNDICATE

Times Mirror Square / Los Angeles, California 90053

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Editor	_____
Manager	_____
Asst. Mgr.	_____
M. man	_____
Clerk	_____

OUR ENVIRONMENT by Jeff Stansbury and Edward Flattau

RELEASE DATE: Saturday, May 5, 1973, or
Sunday, May 6, 1973

BANKRUPTING THE OUTER BANKS

by Jeff Stansbury and Edward Flattau

HATTERAS, N.C.--For those concerned about our remaining unspoiled beaches disappearing in an avalanche of commercial and residential development, the Cape Hatteras National Seashore has always been a great comfort.

Last Easter Sunday, however, if one had sought the sanctuary of that 70-mile-long ribbon of sand which comprises part of the Outer Banks, he would have been greatly distressed.

Yearning to bask in the brilliant spring sun and listen to the surf break against the uncrowded stretches of beach, he would have soon heard a humming sound in the distance. In a few minutes, he would have felt he was in the middle of a California freeway rather than a national seashore. Automobiles, jeeps and even motorcycles, driven by fishermen and joy riders, would have raced past him.

All this commotion is perfectly legal, mind you, along the entire length of the beach, including a 12-mile stretch designated as the Pea Island National Wildlife Refuge.

-more-

- 1. Act
- 2. Rec
- 3. Info
- 4. File
- 5. Dis

Regional Director, Atlanta, Georgia

May 17, 1973

Refuge Manager, Pea Island

News Release

The attached news release is self explanatory. Mr. Plattau called me at home about 10:30 p.m. on April 25. He had previously called Superintendent Garbo, Cape Hatteras National Seashore, but was referred to me for my comments on the traffic.

M. F. Williamson, Jr.

Enclosure

"Accident Free in '73"

W46-40

March 27, 1973

To: Director, Southeast Region

From: Superintendent, Capeatteras

Subject: Off Road Vehicles - Report and Recommendation of
Pea Island National Wildlife Refuge, Manager

Enclosed is a copy of Pea Island Refuge Manager M. F. Williamson, Jr.'s report and recommendations for control of off road vehicles. Mr. Williamson conferred with us while drafting this report since the problems are mutual and we are working on proposed solutions for the Seashore. We concur with Mr. Williamson's recommendations and under separate cover are forwarding a draft of proposed special regulations for Capeatteras National Seashore which follows the same basic framework.

ROBERT D. BARBER

Robert D. Barber

Enclosure

cc: M. F. Williamson, Jr.

APPENDIX B

Letters and News Articles Concerning the Proposed Action

1. Robert D. Barbee, Superintendent, Cape Hatteras National Seashore, March 27, 1973.
2. Jeff Stansbury and Edward Flattau, Los Angeles Times Syndicate Times Mirror Square, Los Angeles, California 90053, news release, May 5-6, 1973.
3. Mrs. Warren H. Turner, Jr., P. O. Box 385, Nags Head, North Carolina 27959, April 14, 1974.
4. W. Carlyle Blakeney, Jr., National Audubon Society, P. O. Box 28191, Atlanta, Georgia 30328, May 24, 1974 (copy of Pea Island National Wildlife Refuge Manager Williamson's May 30, 1974 reply to Blakeney's letter).
5. Doris Cowart, Chapel Hill, North Carolina, June 30, 1975 (exact date not known) letter to the Editor of the Raleigh News and Observer with article entitled "Pea Island - Beach Vehicle Ban Delayed," June 28, 1975.
6. Howard D. Marsh, Jr., Senn, Willard and Senn, 1846 Banking Street, Greensboro, North Carolina 27408, July 8, 1975 with July 8, 1975 editorial from the Greensboro Daily News.
7. William A. Butler, Washington Counsel, Environmental Defense Fund, 1525 18th Street, N. W., Washington, D. C. 20035, July 15, 1975.
8. Mr. and Mrs. Donald Teague, 1208 Manzanita Drive, Santa Paula, California 93060, August 16, 1975 (copy of Acting Associate Director Nightingale's September 9, 1975 reply to the Teague's letter).
9. News Article - The Coastland Times, February 12, 1976.
10. News Article - The Virginia Pilot, February 13, 1976.
11. News Article - The Virginia Pilot, February 14, 1976.
12. Special Bulletin - Official Publication of North Carolina Beach Buggy Association with Resolution of North Carolina Wildlife Federation, News Article from The Virginia Pilot, and suggested letter format.

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

Sec. 4. Operating Conditions. Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

Sec. 5. Public Information. The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

Sec. 6. Enforcement. The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

Sec. 7. Consultation. Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

Sec. 8. Monitoring of Effects and Review. (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

THE WHITE HOUSE,
February 8, 1972.

[FR Doc. 72-2031 Filed 2-8-72; 12:29 pm]

FEDERAL REGISTER, VOL. 37, NO. 27—WEDNESDAY

EXECUTIVE ORDER 11644

Use of Off Road Vehicles on the Public Lands

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others—are used in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order 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.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—