

Fire Island National Seashore Off Road Vehicle Management

National Park Service
U.S. Department of the Interior



You're invited!

The National Park Service (NPS) is announcing the next phase of Off-Road Vehicle (ORV) Management planning for Fire Island National Seashore. Release of this newsletter initiates the National Environmental Policy Act (NEPA) process. It begins a 36-day public scoping period (ending December 4, 2023) in which the NPS requests your feedback on preliminary alternatives that will be further refined in an Environmental Assessment. Your participation is vital to the success of our planning process. There are many ways to be involved, including attending an in-person or web-based public meeting and submitting electronic or written comments.

Public Meetings

Begins with a 20-minute presentation, followed by Q&A.

VIRTUAL MEETING

Tuesday, November 14

Starts at 6:30 p.m.

Access the website at:

https://parkplanning.nps.gov/FIIS_ORV

IN-PERSON MEETING

Wednesday, November 15

Registration and open house start at 6:00 p.m.

Presentation begins at 6:30 p.m.

Patchogue Ferry Terminal

150 West Avenue

Patchogue, New York 11772

Long Island

My team and I appreciate the long history of partnership between Fire Islanders and the National Park Service. We want to reassure all stakeholders that we value collaboration across the overlapping jurisdictions within Fire Island National Seashore.

During our recent public engagement periods, we shared preliminary ideas for updating the driving regulation, and asked for your input. We heard from the many different user groups on Fire Island, who expressed varying needs and desires related to driving on the island. As a result, the interdisciplinary team considered additional aspects of proposed alternatives that we are now sharing as part of NEPA public scoping. We realize that there may not be a one-size-fits-all solution for updating the regulations, but we hope aspects of our current proposed alternatives demonstrate how the team is trying to find a balance in fulfilling the park's mission of protecting park resources and visitor experience without disrupting access essential to thriving Fire Island communities.

Alexcy Romero, Superintendent

Background

The Seashore encompasses 19,580 acres of upland, tidal, and submerged lands along a 26-mile stretch of the 32-mile barrier island. It contains nearly 1,380 acres of federally designated wilderness, an extensive dune system, a century-old maritime forest, solitary beaches, and the Fire Island Lighthouse.

Interspersed among the federal lands within the Seashore are 17 residential communities that predate the Seashore's establishment. Without a developed road system and limited traffic, the communities have retained much of their original character. Vehicle use is managed through regulations within the boundary of the Seashore, and the communities on Fire Island are accessible mainly by passenger ferry or private boat.

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According to a winter 2022/23 count, there are 433 year-round residents living in 222 households on the Seashore. The resident population swells to over 15,000 in the summer. In addition, more than 2.2 million visitors come to the Seashore each year, either to one of the 17 communities or to sites and facilities managed by the Seashore (e.g., between 2010 and 2019, 432,000 people visited Seashore sites annually on average). The Seashore's primary visitor facilities on Fire Island are the Fire Island Lighthouse, Sailors Haven/ Sunken Forest, Talisman/ Barrett Beach, Watch Hill, and the Wilderness Visitor Center.

The Seashore's ORV driving regulations (36 Code of Federal Regulations [CFR] §7.20(a)) allow for driving access on NPS lands, which is managed through the Seashore's permitting system. The regulations were intended to protect the natural and cultural resources and visitor experience while allowing access to privately owned properties within the Seashore.



Purpose and Need

The purpose of this effort is to evaluate ORV use at the Seashore. The intent is to review the existing 1987 ORV regulations to accomplish multiple goals:

- allow appropriate and equitable vehicular access to supplement water-based transportation, which is the primary means of transport to Fire Island and the communities;
- protect Seashore resources and a safe visitor experience; and
- improve the administration of the ORV permitting program.

The Seashore needs to consider revisions to the existing driving regulations to address changes in development, access, technology, and use on Fire Island, and changes occurring as a result of the dynamic nature of the barrier island (e.g., the breach at Old Inlet caused by Hurricane Sandy in 2012). The updated regulations should provide future flexibility as conditions continue to change. Revisions are further needed to update and clarify the process for obtaining driving permits.

Proposed Action and Alternatives

The NPS shared a preliminary proposal in May 2022 and invited the public to comment. As a result of public comments, the NPS drafted action alternatives to analyze in an Environmental Assessment. The action alternatives should be considered a modification to the existing regulations.

Key elements of all alternatives are summarized on the next page. The Attachment at the end of the newsletter presents details of the alternatives, including qualifications for some of the driving categories and specifics of the seasonal driving periods. Under all alternatives, the Superintendent maintains the ability to close the beach to driving for resource and safety concerns; this includes the annual seasonal beach closures for piping plovers. The Environmental Assessment will consider long-term climate change and sea level rise projections, and the related viability of driving access on Fire Island.

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SUMMARY OF KEY ELEMENTS OF THE THREE ALTERNATIVES

Alternative A: No-Action	The current ORV driving program would continue as specified in the regulations.
Alternative B: Proposed Action	<p>The main updates to 36 CFR §7.20(a) would be follows:</p> <ul style="list-style-type: none"> • Permit caps: The cap for year-round residential permits would increase to 200 (from 145 currently). The cap for construction/business vehicles would increase to 145 (from 80 currently). Applicants for both categories must demonstrate that they meet eligibility criteria. For public utilities and essential services, the current cap of 30 would be removed; eligibility for a permit would be based on demonstrated community need. Recreational permits would continue to be issued for vehicular access for recreational sport fishing and hunting activities. • Seasonal driving: Seasonal driving windows would be modified to allow all-day driving during the entire school year (with some exceptions) for residents, municipal employees, utilities, and essential services (see Attachment for details). The driving window for construction/business vehicles would end on the first Friday in May and restart on the Tuesday after Columbus/ Indigenous Peoples' Day. The driving window for recreational vehicles would be September 15 to January 31. • Part-time permits: There would be no change to the process for managing part-time resident permits and no new part-time driving permits would be issued, consistent with the Purpose and Need for the project. Part-time residents have adequate water-based transportation available. • Trip: A "trip" would be redefined as a trip through either the Seashore's west or east gate, compared to the current definition of a "trip on and off the island." • Vehicle types: Four-wheel drive and all-wheel drive vehicles would be permitted. • Driving on NPS lands: The regulations would be updated to allow certain existing practices, such as access to eastern communities through the west gate because of the breach at Old Inlet.
Alternative C: Alternative Action	<p>Most elements of alternative C would be identical to alternative B, except for the following:</p> <ul style="list-style-type: none"> • Permit caps: All eligible year-round residents and construction/business applicants would obtain a driving permit; permit caps would not be imposed/enforced by the NPS. However, the towns and villages would still have the ability to regulate permits. Strict qualification requirements would be the same as under alternative B. • Seasonal driving: It would differ from alternative B in the spring and fall shoulder seasons. Specifically, year-round and part-time residents, municipal employees, and essential services would only be allowed to drive on weekdays. Construction/business vehicles would be permitted to drive until the first Friday in May. Between the first Friday in May and the first Friday before Mother's Day in May, they would be allowed to drive on weekdays. The fall driving window for construction/business vehicles would be the same as under alternative B.

The NPS also considered and dismissed a fourth alternative that would have phased out permits for all types of driving categories (i.e., residents, construction/business, recreational). After some time (years to multiple decades), permits under these driving categories would no longer have been issued. The Superintendent would

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have retained the discretion to issue temporary permits for emergency and unusual weather-related situations during the driving season (i.e., seasons would have been maintained even after phase-out).

This fourth alternative was eventually dismissed because driving is a longstanding use that provides essential access to landowners and those that provide services that support life on the island when water-based transportation is not available. This water access is likely to remain feasible for the foreseeable future.

Analysis of Environmental Effects

The Environmental Assessment will analyze potential impacts of the three alternatives. The assessment will be informed in part by information and data that include:

- Laws and policies applicable to ORV driving.
- Published NPS reports, studies, scientific literature, and other documents (including reports from past efforts related to the ORV driving regulations).
- Information and documents prepared by the NPS for the proposed action.
- Comments from civic engagement activities in the spring and summer of 2022.
- Daily records of vehicle use at the Seashore's west gate from 2014 through 2021. These data were analyzed to understand seasonal and geographic driving patterns for the various permitted driving categories.
- Records on recreational driving entering the east gate from 1996 to 2021.



The impact analysis will consider direct and indirect impacts, including topics such as the following:

- Public and visitor safety
- Socioeconomics, including effects on the communities
- Dune systems and plant communities (including significant natural plant communities)
- Wildlife (including beach invertebrates)
- Threatened and endangered species
- Sunken Forest
- Visitor use and experience
- Cultural resources
- NPS-managed sections of Burma Road.



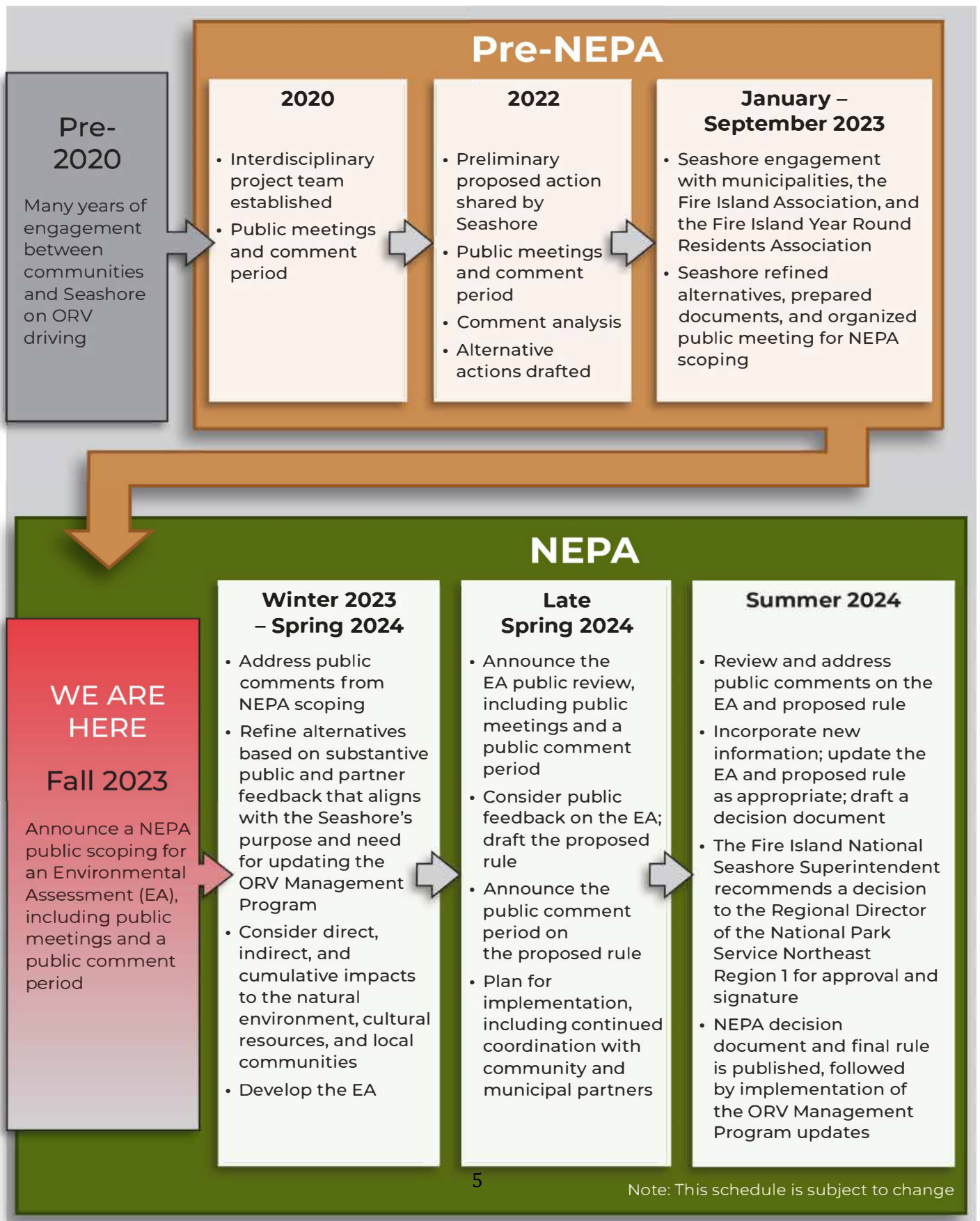
During the NEPA process, the NPS will consult with the US Fish and Wildlife Service, the National Marine Fisheries Service, and the New York State Historic Preservation Office regarding the effects of the proposed alternatives on the resources under their respective jurisdictions.

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The NEPA Process for this Project





How to Comment

The NPS is seeking substantive comments on the proposed alternatives.

Please provide comments in one of the following ways:

1	Submit comments electronically at the link: https://parkplanning.nps.gov/FIIS_ORV (<i>preferred method</i>)
2	Submit written comments at the in-person public meeting on November 15, 2023.
3	Submit written comments in person to the NPS headquarter in Patchogue, NY, or by mail to: Off Road Vehicle Management Plan Superintendent Alexcy Romero Fire Island National Seashore 120 Laurel Street Patchogue, New York 11772

This public comment period ends on **December 4, 2023** (last day).

Notes: Comments will not be accepted by fax, e-mail, or any other way than those specified above. Please also note that your entire comment – including personal identifying information such as your address, phone number, and e-mail address – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments submitted by individuals or organizations on behalf of other individuals or organizations will not be accepted.

PROJECT WEBSITE

For more information on this project or to submit public comments, please visit the Project Website at

https://parkplanning.nps.gov/FIIS_ORV



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COMMUNITIES AND NPS-MANAGED LANDS ON FIRE ISLAND NATIONAL SEASHORE

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Attachment. Comparison of Key Elements of the three Alternatives – by Driving Category

Element	Alternative A: No Action	Alternative B: Proposed Action	Alternative C: Alternative Action
Year-round Residents			
Permit cap	145 (1 permit/household)	200 – for qualified applicants (1 permit/household)	No cap – for qualified applicants (1 permit/household)
	<p><i>Qualifications:</i> Per the regulations, person(s) who are legally domiciled on the island and who, in addition, physically reside in their fixed and permanent homes on the island continuously, except for brief and occasional absences, for 12 months of the year.</p> <p>Currently, there is no formal definition of brief and occasional absences. The NPS relies on information, such as gate records, to determine if the use patterns (or length and frequency of absences) are consistent with year-round residency.</p>	<p><i>Qualifications:</i> Person(s) who are legally domiciled on the island and who, in addition, physically reside in their fixed and permanent homes on the island continuously, 7 days per week, for 12 months of the year except for brief and occasional absences.</p> <p>Brief and occasional absences are defined as being absent from one's Fire Island residence for no more than a total number of 60 days during the permitted driving period each year, with no more than 14 consecutive days at any one time.</p>	
Round trips/day	2	2	2
Seasonal Driving	<ul style="list-style-type: none"> ▪ <i>Spring:</i> Weekday and weekend driving permitted until the first Friday in May. ▪ <i>Spring shoulder season (May and June):</i> <ul style="list-style-type: none"> – First Saturday in May to Friday before Memorial Day: Weekday driving permitted; weekends only before 9:00 a.m. and after 6:00 p.m. – Saturday before Memorial Day to last day of Suffolk County public schools in June: Weekday driving only before 9:00 a.m. and after 6:00 p.m.; no weekend driving. No driving on Memorial Day before 6:00 p.m. 	<ul style="list-style-type: none"> ▪ <i>Spring:</i> <ul style="list-style-type: none"> – Weekday and weekend driving permitted until the last day of Suffolk County public schools in June (until 11:59 p.m.), – except for Memorial Day weekend: No driving between Saturday 12:00 a.m. and Monday 11:59 p.m. ▪ <i>Fall (restart):</i> Tuesday after Labor Day (from 12:00 a.m.). 	<ul style="list-style-type: none"> ▪ <i>Spring:</i> Weekday and weekend driving permitted until the Friday before Mother's Day (until 11:59 p.m.). ▪ <i>Spring shoulder season (May and June)</i> <ul style="list-style-type: none"> – Driving on weekdays only: Saturday (12:00 a.m.) before Mother's Day to last day of Suffolk County public schools in June (until 11:59 p.m.). – Memorial Day: No driving.

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Element	Alternative A: No Action	Alternative B: Proposed Action	Alternative C: Alternative Action
	<ul style="list-style-type: none">▪ <i>Fall shoulder season (September and October):</i><ul style="list-style-type: none">– Week after Labor Day: Weekday driving only before 9:00 a.m. and after 6:00 p.m. No weekend driving.– Subsequent week (i.e., six days after Labor Day) through Sunday before Columbus/ Indigenous Peoples’ Day: Weekday driving permitted; weekend driving only before 9:00 a.m. and after 6:00 p.m. No driving on Columbus / Indigenous Peoples’ Day.▪ <i>Fall (restart for all days of the week):</i> Weekday and weekend driving permitted starting the Tuesday after Columbus / Indigenous Peoples’ Day.		<ul style="list-style-type: none">▪ <i>Fall shoulder season (September and October):</i> Driving on weekdays only; Tuesday after Labor Day (from 12:00 a.m.) to Friday before Columbus / Indigenous Peoples’ Day weekend (until 11:59 p.m.).▪ <i>Fall (restart for all days of the week):</i> Tuesday after Columbus / Indigenous Peoples’ Day (12:00 a.m.).
Part-time Residents			
Permit cap	100	50	50
		Fewer than 40 permits are currently issued, and no new part-time resident permits would be issued once the existing permits are surrendered to allow for non-essential access to be phased out over time. This is consistent with the Purpose and Need, as stated above.	
Round trips/day	2	2	2
Seasonal Driving	(same as for Year-round Residents)		
Municipal Employees			
Permit cap	5 permits per village or community except on the basis of documented community need		
Round trips/day	2	2	2
Seasonal Driving	(Same as for year-round and part-time residents)		

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Element	Alternative A: No Action	Alternative B: Proposed Action	Alternative C: Alternative Action
Public Utilities			
Permit cap	30 (combined cap for public utilities and essential services; each permit is eligible for a fleet of vehicles based on demonstrated need)	<ul style="list-style-type: none"> ▪ No cap on permits ▪ Category to be separated from essential services ▪ Eligibility based on demonstrated community need from the utility providers ▪ Eligible for fleet permits 	
Round trips/day	1	1	1
Seasonal Driving	<ul style="list-style-type: none"> ▪ <i>Spring</i>: Weekday and weekend driving is permitted until the first Friday in May ▪ <i>Spring shoulder season (May and June) and Summer</i>: <ul style="list-style-type: none"> – First Saturday in May to Friday before Memorial Day: Weekday driving is permitted; weekend driving (Saturday and Sunday) only before 9:00 a.m. and after 6:00 p.m. – Saturday before Memorial Day to end of week after Labor Day: Weekday driving only before 9:00 a.m. and after 6:00 p.m.; no driving on weekends and federal holidays. ▪ <i>Fall shoulder season (September and October)</i>: <ul style="list-style-type: none"> – Week after Labor Day through Sunday before Columbus / Indigenous Peoples' Day: Weekday driving permitted; weekend driving only before 9:00 a.m. and after 6:00 p.m. No driving on Columbus / Indigenous Peoples' Day. ▪ <i>Fall (restart for all days of the week)</i>: Weekday and weekend driving permitted starting the Tuesday after Columbus / Indigenous Peoples' Day 		<ul style="list-style-type: none"> ▪ <i>Spring and fall shoulder seasons, and offseason (after Columbus / Indigenous Peoples' Day)</i>: Same as for year-round residents under alternative B. ▪ <i>Summer</i>: 24 hours/day access for demonstrated need.

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Element	Alternative A: No Action	Alternative B: Proposed Action	Alternative C: Alternative Action
Essential Services			
Permit cap	30 (<u>combined</u> cap for public utilities and essential services – each permit is eligible for a fleet of vehicles based on demonstrated need)	<ul style="list-style-type: none"> ▪ Category to be separated from public utilities ▪ No cap on permits (to provide flexibility if other services are needed in the future) ▪ Not eligible for fleet permits but eligible for two permits per business owner ▪ Eligibility based on demonstrated need from the communities ▪ Municipal solid waste carters remain in essential services; construction debris carters to be assigned to the construction/business driving category 	
Round trips/day	1	2	2
Seasonal Driving	(same as for public utilities)	<ul style="list-style-type: none"> ▪ <i>Spring and fall shoulder seasons, and offseason (after Columbus / Indigenous Peoples' Day):</i> Same as for year-round residents under alternative B. 	<ul style="list-style-type: none"> ▪ <i>Spring and fall shoulder seasons, and offseason:</i> Same as for year-round residents under alternative C.
		<ul style="list-style-type: none"> ▪ <i>Summer:</i> Weekday nights (6:00 p.m. to 9:00 a.m.) – same as current conditions. 	

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Element	Alternative A: No Action	Alternative B: Proposed Action	Alternative C: Alternative Action
Construction/Business			
Permit cap	80	145	No cap
		<ul style="list-style-type: none"> ▪ Eligibility for a construction/business permit would require proof-of-work for an extended period of the year ("year-round-work"), consisting of at least 6 months of work total within the construction/business driving season, with up to 3 months from the previous year's driving season allowed to be used to meet this definition. ▪ One-year permits only; the 30-day-per-job permit option currently in the regulations would be eliminated. ▪ One permit and one vehicle per construction/business owner and address. ▪ Construction debris removal would be included under the construction/business driving category (i.e., it would not be permitted under the essential services driving category). 	
Round trips/day	1 trip to the island on and off the island	1 trip through the Seashore gate (west gate or east gate)	
Seasonal Driving	<ul style="list-style-type: none"> ▪ <i>Spring (end of all days of the week):</i> Friday before Mother's Day. ▪ <i>Shoulder season (May):</i> <ul style="list-style-type: none"> – Day after Mother's Day to Friday of week before Memorial Day: No weekend driving is authorized. – Weekday driving is allowed only when adequate ferry service is not available. ▪ <i>Fall (restart for all days of the week):</i> Tuesday after Columbus / Indigenous Peoples' Day. 	<ul style="list-style-type: none"> ▪ <i>Spring (end of all days of the week):</i> First Friday in May (until 11:59 p.m.). ▪ <i>Fall (restart of all days of the week):</i> Day after Columbus / Indigenous Peoples' Day (from 12:00 a.m.). 	<ul style="list-style-type: none"> ▪ <i>Spring (end of all days of the week):</i> First Friday in May (until 11:59 p.m.). ▪ <i>Spring shoulder season (May):</i> Weekdays only; Monday after the first Friday in May (from 12:00 a.m.) until Friday before Mother's Day (until 11:59 p.m.). ▪ <i>Fall (restart of all days of the week):</i> Day after Columbus / Indigenous Peoples' Day (from 12:00 a.m.).

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Element	Alternative A: No Action	Alternative B: Proposed Action	Alternative C: Alternative Action
Recreational Vehicles			
Permit cap	5,000 one-way trips per year through the east gate.	Qualified applicants receive a recreational driving permit (for entry at the east gate only). Recreational permits would continue to be issued only for the purpose of vehicular access for recreational sport fishing and hunting activities.	
	Superintendent has ability to close beach to recreational driving for the protection of resources and the safety of the public at any time.		
Round trips/day	2	1	1
Seasonal Driving	<ul style="list-style-type: none">September 15 – December 31, andApril 1 – June 13 (It is noted that the 5,000-trip limit is typically reached by December 31 and there are substantial restrictions from mid-March through August because of piping plover nesting.)	September 15 – January 31	
Other Categories			
Temporary Permits	There is no temporary permit category in the current regulation. For situations where the restrictions for authorized travel (36 CFR 7.20(a)(10)(ii)) would create a severe hardship, the Superintendent may authorize additional trips or travel at other hours.	<ul style="list-style-type: none">Set up as a new driving category.No cap; the number of exceptions would be under the Superintendent's discretion. This new temporary category would not be used to allow anyone access for personal convenience, but rather for emergency and unusual circumstances that involve life, safety, resource damages, recent or imminent severe damage to property and infrastructure, etc.The current practice of temporary ice-over permits would be eliminated; this need would be accommodated by changes in caps for various permit categories.	
Official Vehicles	No cap, but the Seashore issues a permit. This category applies to non-emergency state, county, town, and village employees, who have some jurisdiction on the island and need to drive for official business.		
School Bus	No permit required. There are several 4-wheel drive school buses transporting students to the Woodhull School (kindergarten to grade six) in Cornielle Estates and to secondary schools on the mainland.		
Police, Firefighting, Ambulance	The current regulations do not require a permit for law enforcement vehicles and firefighting apparatus.	<ul style="list-style-type: none">Designated as a new category. Applies to police, firefighting, and ambulance vehicles for emergency situations. No cap; there will be no driving restrictions if vehicles are used strictly for responding to verifiable emergency situations (lights/sirens).A permit would likely not be required.	