

Cape Hatteras Access Preservation Alliance
Outer Banks Preservation Association
P.O. Box 1355
Buxton, NC 27920

July 31, 2013

Mr. Barclay Tremble
Superintendent, Cape Hatteras National Seashore
1401 National Park Drive
Manteo, North Carolina 27954

Dear Mr. Tremble

The Cape Hatteras Access Preservation Alliance (CHAPA) submits the following comments to the *Cape Hatteras National Seashore Proposal to Facilitate Additional Public Beach Access – Environmental Assessment* published by the National Park Service (NPS) on June 26, 2013.

- CHAPA is a project of the Outer Banks Preservation Association (OBPA). OBPA's motto is "Preserve and Protect, Not Prohibit". Another familiar phrase associated with our organization is "Free and Open Beaches". Both of these phrases emphasize the importance we place on public access to the beaches at the Cape Hatteras National Seashore Recreational Area – pedestrian and off-road vehicle (ORV).
- Infrastructure improvements to facilitate beach access for pedestrians, the physically disabled, and ORVs are long overdue. The 29 projects described in the Environmental Assessment (EA) address these needs to varying degrees.
- Our and the public's ability to make meaningful recommendations or prioritizations of the projects is severely hampered by the lack of cost, timelines and usage estimates for each individual project, as well as the lack of estimates for annual available financial resources to apply to the projects. The public should be provided with that information and provided the ability to factor it into their comments about each individual project before the NPS makes any final decisions.
- We are pleased to see that the NPS has included components in 11 projects to improve access for visitors with disabilities in compliance with the Americans with Disabilities Act (ADA). Before construction begins, we believe it would be prudent for NPS to consult with the appropriate agencies to determine if these components as planned will be effective in achieving their goals. ADA-compliant boardwalks will facilitate the transportation of visitors with disabilities over the dunes, but it is unclear what facilities will be available at the terminus of each boardwalk to make its use feasible. Even with well constructed boardwalks, the physical exertion required to get on the beach will remain prohibitive for many. In reality, the most effective way for visitors with disabilities, the elderly and children to enjoy beach access at CHNSRA is via ORVs.
- Per our assessment,

- 19 of the projects are intended to benefit pedestrian access only;
 - 5 of the projects are intended to benefit both pedestrian and ORV access; and
 - 5 of the projects are intended to primarily benefit / manage ORV access.
- We disagree with the NPS's intention to fund all 29 projects with the ORV permit fees instituted by the ORV rule in February, 2012. ("Funding for the proposed action would come from ORV permit fees established under the ORVMP/EIS." EA p. 45). This proposal is flawed in several ways.
 - Projects intended only to benefit pedestrian access should be funded entirely through general funds and not through ORV permit fees. The need for these projects is not driven by ORVs but by the historical lack of sufficient facilities to accommodate the needs of pedestrians and visitors with disabilities at CHNSRA. Their prioritization and funding is a responsibility of the NPS regardless of what is done related to ORVs. The NPS should not use the ORV Management Plan as justification to pursue these projects. These projects should have been considered long ago and funded from the NPS's general or capital expenditures budget.
 - The ORVMP/EIS states that the "ORV permit fee would be based on cost recovery as described in *NPS Director's Order and Reference Manual 53*" (ORVMP/EIS Executive Summary, p. xxix) The *NPS Director's Order and Reference Manual 53* states that "Recoverable costs are those costs directly attributable to the use. Costs are recoverable when such costs would not have been incurred if the activity did not take place, or, are necessary, in the judgment of the NPS, for the safe completion of the special park use." (Chapter 10 page c10-3)
 - Consistent with this, NPS never represented during the planning process that it intended that all of the projects would be funded with ORV permit fees. For instance, the FEIS, p. C-198, stated that "The NPS anticipates that funding for construction of any access ramps, parking lots, roads or other infrastructure needs outlined in the alternatives will come from appropriated NPS programs such as Line Item Construction (major or costly construction activities) or Repair and Rehabilitation (improvements to existing infrastructure at moderate costs), or from the Park's Recreation Fees."
 - Unless it is the NPS's intention to reopen Vehicle Free Areas (VFAs) to ORV access, it is inappropriate for ORV fees to be used for projects at VFAs. These projects are needed whether there is an ORV plan or not. Projects that benefit both pedestrian and ORV access should be jointly funded by the ORV permit fee and the general fund / capital expenditures budget. For example, boardwalks leading from parking areas to the beach at ORV ramps should be funded from the general fund while ramp maintenance should be funded by the ORV fees. Projects that only benefit ORV access should be fully funded by ORV fees.
- Projects that provide access to areas of the beach that are closed to ORVs should not receive priority over projects that would serve ORV users. ("Facilities would be implemented based on funding, cost, and regulatory issues with the highest priority given to construction projects that provide access to areas of the beach that are closed to ORVs." EA, p. 45). The Record of Decision for the ORVMP stated that "To facilitate access to ORV routes, the selected action

will relocate ramp 2, add new ramp 25.5 approximately 2.5 miles south of ramp 23, add a new ramp at 32.5, relocate ramp 59 to 59.5, and add a new ramp 63 across from Scrag Cedar Road. New interdunal roads will facilitate access to locations that have either seasonal or year-round restrictions on ORV use.” ROD, p. 6. NPS repeatedly relied upon completing these improvements to justify its selection of Alternative F and in response to concerns expressed by CHAPA and others during the planning process. Prioritizing pedestrian-only projects over projects that would benefit ORV users is fundamentally inconsistent with the ORVMP/EIS.

- Additional Comments for Specific Projects – 19 pedestrian only projects – (1,2,6,7,9,11,12,13,14,15,16,17,18,22,23,24,26,28,29) -
 - 1 – The proximity of this project to the parking facilities already available at Coquina Beach should be considered. This project has the potential to add to traffic congestion in the area due to additional intersections. Perhaps visitor access should be provided via a trail or boardwalk from the Coquina Parking area to avoid additional intersections on the highway.
 - 16 – Access to the proposed parking lot should be via park service road at the old light house site from the south and not through the residential area on the north. This would have the added advantage of providing overflow parking for the new light house site should it be needed.
 - Other Pedestrian Only (2,6,7,9,11,12,13,14,15,17,18,22,23,24,26,28,29) - Appear to generally accomplish the NPS objectives.
- Additional Comments for Specific Projects – 5 pedestrian and ORV projects – (4,5,8,10,19)
 - 4 – Ramp 2 should be maintained instead of replaced by a ramp .5 miles further south. Ramp 2 is at the southernmost boundary of the existing Coquina Beach parking area. The large Coquina Beach parking area should be capable of serving both pedestrian and ORV uses without conflicts and without the sizable financial investment that would be required to add a new ramp so close to the one that has existed since the inception of the Seashore. Additional parking could be added at the north end of the Coquina Parking area if needed.
 - 5 – The proposed foot trail through the wetland is highly questionable. It appears to be a trail to nowhere that will not be used.
 - 19 – The NPS should reconsider the possibility of opening the drainage systems that were successfully used for decades in this area. In addition to the road flooding issue, many acres of historical old growth forest including live oaks, pines and junipers were killed by the expansion of the wetlands which occurred when prior practices were stopped. Much of the area is now an eyesore infested with water moccasins, various varmints and insects.
 - Other Pedestrian and ORV projects (8,10) – Appear to generally accomplish the NPS objectives.
- Additional Comments for Specific Projects – 5 ORV projects (3, 20,21,25,27)
 - 3 - Traffic to the ORV Permit Office will be substantially curtailed if NPS provides ways for permits to be purchased on-line. Most users will welcome the opportunity to not

have to stand in line or be constrained by the permit office operating hours. NPS has already indicated plans to consider and implement alternative permitting procedures. The problem project 3 attempts to address will become inconsequential in the future.

- 20 – The interdunal road will allow ORV users to move between Ramp 44 and ramp 48 without having to drive miles to get back on highway 12 and down to Ramp 49. This is an important project.
- 21 – The potential benefits of this project are hard to see. While it is a heavily used ramp, particularly since the ORV plan has closed so many areas previously open to ORVs, it is also one of the widest available. The parking area on the paved road (where the project is planned) is some distance from the beach making it ineffective for pedestrian use.
- Other ORV projects (25, 27) – Appear to generally accomplish the NPS objectives.

We offer these comments with the sincere hope the NPS will view them constructively in the process. We are advocates for all who value access to CHNSRA. Without them, none of these projects would be necessary, nor would the need for the Recreational Area. We have offered in the past to meet with the NPS on important issues such as these. While these offers have been ignored in the past, we continue to make them now in the hopes that we can add value to the process.

Sincerely,

John Couch
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CHAPA is a project of the Outer Banks Preservation Association (OBPA). The following organizations are members of the alliance.

- North Carolina Beach Buggy Association (NCBBA)
- Cape Hatteras Anglers Club
- Dare County Board of Commissioners
- Hyde County Board of Commissioners
- American Sportfishing Association (ASA)
- United Mobile Access Preservation Alliance (UMAP)
- United Four Wheel Drive Associations
- Watersports Industry Association, Inc.
- Recreational Fishing Alliance
- Outer Banks Chamber of Commerce
- Dare County Tourism Board
- Ocracoke Civic and Business Association
- Hatteras Village Civic Association
- Avon Property Owners Association
- Assateague Mobile Sportsfishermen Association
- New Jersey Beach Buggy Association
- Long Island Beach Buggy Association
- Rhode Island Mobile Sportsfishermen
- Davis Island Fishing Federation
- Massachusetts Beach Buggy Association
- Virginia Coastal Access Now
- Virginia Beach Anglers Club
- Tidewater Anglers Club
- Delaware Mobil Surf Fishermen
- Farragut Striper Club
- Association of Surf Angling Clubs
- CCA of North Carolina

