



## Comparison

### Interim Plan, Consent Decree, and the National Park Service ORV Rule

<b>Issue</b>	<b>Interim Plan</b>	<b>Consent Decree</b>	<b>ORV Rule</b>	<b>Notes</b>
<b>Miles Permanently Closed</b> to ORV Access	<b>0 miles</b> Closed	<b>0 miles</b> Closed	<b>26 miles</b> Closed  Designated as "Vehicle Free Areas" (VFA)  These include traditionally popular seashore areas	<p>The National Park Service Rule describes areas as "ORV Routes" and "Vehicle Free Areas."</p> <p>This language implies that access is guaranteed at all times in the established the ORV Routes.</p> <p>However, even in designated ORV Routes, they are subject to immediate closure for nesting or breeding behavior.</p> <p>The term "ORV Route" is misleading and does not guarantee access to the area.</p>
<b>"Seasonal" Miles</b> <u>Open</u>	<b>17.9 miles</b> Sep 16– May 14	<b>17.9 miles</b> Sep 16– May 14	<b>13 miles</b> Nov 1– Mar 31	<p>See Note Above</p> <p>90 days of access eliminated (45 days Spring, 45 days Fall)</p>
<b>Year Round ORV Route</b>	<b>50.1 miles</b>	<b>50.1 miles</b>	<b>28 miles</b>	See Note Above
<b>Buffers</b> for unfledged piping plover  breeding/nesting piping plover	<b>600 feet</b>  based on observed behavior  46 meters (150 feet)	<b>1,000 meter</b> (3,280 feet)  Mandatory Buffer on all sides  50 meters (164 feet)	<b>1,000 meter</b> (3,280 feet)  Mandatory Buffer in the FEIS upon which the ORV Rule is based  75 meters (246 feet)	<p>We have consistently maintained that 1,000 meter buffers are not supported by peer reviewed science.</p> <p>1,000 meters far exceeds the minimal requirements of the ESA Recovery Plan</p> <p>In its ORV Rule, NPS says, "the buffer distances are intended to provide adequate protection ....and were developed after consideration of the best available science."</p> <p>Elsewhere in the rule NPS admits, "there is no requirement that all information used in a NEPA document be peer reviewed."</p>

<p><b>Non Endangered or Threatened Bird Buffers</b></p> <p>American Oystercatcher – breeding/nesting</p> <p>Wilson Plover – breeding/nesting</p> <p>Wilson Plover – unfledged chicks</p> <p>American Oystercatcher – unfledged chicks</p> <p>Least tern- breeding/nesting</p> <p>Least tern - unfledged chicks</p> <p>Other colonial waterbirds- breeding/nesting</p> <p>Other colonial waterbirds- unfledged chicks</p>	<p>Behavior based</p> <p>n/a</p> <p>n/a</p> <p>46-91 meters (150-298 feet)</p> <p>46-91 meters (150-298 feet)</p> <p>46-91 meters (150-298 feet)</p> <p>46-91 meters (150-298 feet)</p> <p>46-91 meters (150-298 feet)</p>	<p>150 meters (492 feet)</p> <p>n/a</p> <p>n/a</p> <p>200 meters (656 feet)</p> <p>100 meters (328 feet)</p> <p>200 meters (656 feet)</p> <p>200 meters (656 feet)</p> <p>200 meters (656 feet)</p>	<p>150 meters (492 feet)</p> <p>75 meters (246 feet)</p> <p>200 meters (656 feet)</p> <p>200 meters (656 feet)</p> <p>100 meters (328 feet)</p> <p>200 meters (656 feet)</p> <p>200 meters (656 feet)</p> <p>200 meters (656 feet)</p>	<p>Mandatory buffer distances on all sides.</p> <p>Access by pedestrians and ORV prohibited</p> <p>These are not Federally endangered or threatened species</p> <p>North Carolina Fish and Wildlife Resource Commission advised the NPS through the Draft Environmental Impact Statement comment process that the inclusion of these species on the state species of concern list was not intended to require the extensive access closures which have been promulgated</p> <p>Pre-nesting closures for these species begin Mid March. Closures remain in effect into August.</p> <p>Closures often make other technically open beaches inaccessible since no access corridor through the closure is provided.</p>
<p><b>Corridors</b></p>	<p>100-ft ORV corridor</p>	<p>No Corridors</p>	<p>No Corridors</p>	<p>Corridors are a vital tool in providing recreational access while effectively managing resources.</p>
<p><b>Night Driving</b></p>	<p>No Restrictions</p>	<p>Prohibited May 1 - Sept 15</p> <p>10:00 pm – 6:00 am</p>	<p>Prohibited May 1 - Sept 15</p> <p>9:00 pm – 7:00 am</p>	<p>Early morning and early evening are favorite times for many activities. No more beach fires after dark if you can't drive. No more fishing after dark if you can't drive. No more stargazing after dark if you can't drive.</p>
<p><b>ORV Fees</b></p>	<p>\$0</p>	<p>\$0</p>	<p>\$120 annual or \$50 weekly</p>	<p>No daily options available</p> <p>no online purchases</p>