



# UNIVERSITY OF NORTH CAROLINA

## SEA GRANT COLLEGE

### NEWSLETTER

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105 1911 Building  
NCSU, Raleigh, N.C. 27650



#### ORV use:

## A question of resource management

It was a crowded, smoke-filled room.

At first glance one might have easily mistaken it for a town meeting in a scene from a John Huston western.

But the cast of characters was real and the setting spring, 1978, Nags Head, North Carolina. The topic of discussion: how should off-road recreational vehicles (ORVs) be managed within the boundaries of Cape Hatteras National Seashore? It was a question that was proving to be one of the most controversial issues the seashore had yet to face.

The crowd had come from miles away that stormy March evening to attend the fourth in a series of public workshops on the park service's planned revision of ORV use regulations. At the workshop, National Park Service representatives described the process by which a new management plan would be formulated. They asked the public to comment on a draft proposal they had prepared in January and make recommendations for improvement.

Reaction to the draft proposal was confusing and contradictory. Many rejected it outright as being incomplete and unacceptable. Others supported the park service's authority in knowing what was best for the seashore. But virtually everyone in the room

agreed that coming up with an equitable plan would not be easy. Ultimately it would require that a conscious decision be made as to which uses of the seashore had priority over others.

The National Park Service's decision to more closely regulate the use of off-road recreational vehicles within Cape Hatteras National Seashore and other park lands stems back to a 1972 executive order in which the park service was directed 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 users of those lands."

The executive order attempted to provide a framework from which a unified federal policy could be established. Specifically, it required that areas open to ORVs on public lands be located so as "to minimize damage to soil, watersheds, vegetation or other resources . . . to minimize harassment of wildlife or significant disruption of wildlife habitat" and "to minimize conflicts between off-road vehicle

(See "National Park," page 2)

# National Park Service struggles with the

(Continued from page 1)

use and other existing or proposed recreational uses of the same or neighboring public lands . . .”

In addition, the executive order required each land agency to monitor the effects of off-road vehicle use within its lands. If on the basis of these studies it was found that more stringent regulations were necessary, the agencies were given the authority to impose additional restrictions, provided the proper public input had been sought.

Nearly a year after the executive order was issued an initial management plan was adopted for the regulation of ORVs within Cape Hatteras National Seashore. The plan left approximately 49 miles of the 73½-mile-long seashore open to year-round ORV use, with another 21 miles open seasonally between Labor Day and Memorial Day. Drivers were required to use designated access ramps and could drive only along that section of the beach between the foot of the dunes and the ocean; dune driving was strictly prohibited.

In May, 1977 a second executive order was issued. This time the order directed agency heads to immediately close off areas to ORV use wherever it was determined that “the use of off-road vehicles will or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitats or cultural or historic resources of particular areas or trails of the public lands . . .”

**“Those regulations shall be directed at protecting resource values, preserving public health, safety and welfare, and minimizing user conflicts.”**

**—Executive Order 11644**

By this time, according to Park Superintendent Bill Harris, it was becoming increasingly obvious to authorities within the Cape Hatteras seashore that the existing management plan for ORV use was not stringent enough to meet the requirements set forth in both executive orders. While the park service could not document all its findings, Harris noted that reports of pedestrian-vehicle conflicts were increasing each year. In addition, rapid shoreline erosion, especially in the Coquina Beach and Cape Hatteras Lighthouse area, was constricting the beaches and forcing ORV users to drive along the dunes during high tide. And so the park service began work on a new management plan.

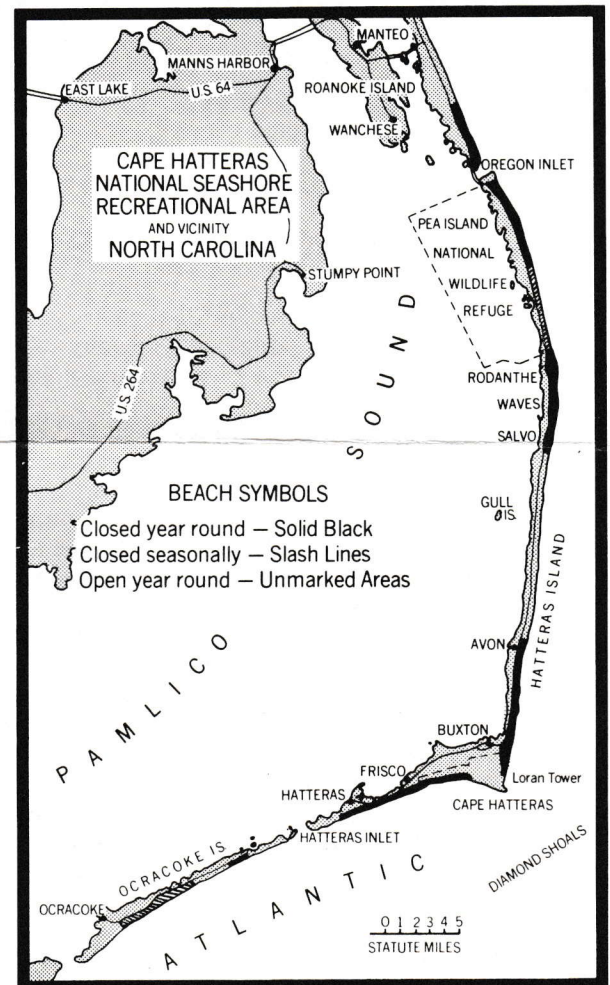
A press release was issued in July, 1977 asking for public comment on ORV use within the seashore. By autumn, the park had received 120 written responses, recommending everything from a complete ban on ORVs to unrestricted use.

Park officials then drafted a proposed management plan for the use of ORVs within the seashore.

The draft plan specified in segment-by-segment detail preferred management alternatives.

Citing problems with congestion, pedestrian-vehicle conflict, dune erosion and wildlife disturbance, the park service proposal called for the year-round closure of 27½ miles of beach. Only 25 miles would be left open to year-round ORV use, with the remaining 11 miles open between October 1 and April 30. In addition, the park service proposal included recommendations for the construction of new parking facilities, reduced speed limits, annual vehicle permits and a corridor system for keeping vehicles off the dunes.

According to Harris, the draft plan was based on “the responses we [the park service] had received, the executive orders and our knowledge of what was happening to the seashore.” He emphasized that it was in no way intended to serve as a final plan but as a point of reference around which the public could make its own recommendations.



The National Park Service's draft plan

# ORV question

No sooner had the ink dried on the pages of the proposal than the park service was hit with a barrage of criticism.

The most vocal opposition came from an organization known as the Outer Banks Preservation Association (OBPA), headed by Donn Mitchell of Nags Head. The OBPA has monitored federal actions on ORV use within the seashore since 1975, after successfully blocking the adoption of a proposal to close Pea Island National Wildlife Refuge to ORV use.

## The alternative plan

Members of the OBPA were so dissatisfied with the park service's ORV management proposal that they drafted their own alternative plan. Under the OBPA plan, only 4½ miles of beach would be closed year-round to ORV use. Another 26 miles would be closed seasonally, from Memorial Day to Labor Day, and the remaining 43 miles would be left open year-round.

Among the OBPA's biggest criticisms of the park service's draft plan was the lack of evidence supporting the park's recommendations. "They have no justification for their plan," asserts Mitchell. "The only reason they give is pedestrian conflicts. Nowhere do they cite environmental or ecological damage."

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**"How many people do you see sunning themselves on the beach in November?"**

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OBPA members question why the park service has recommended year-round closure in many areas when the busiest season, the season when pedestrian conflict is most likely to occur, is only during the summer months. "How many people do you see sunning themselves on the beach in November?" asks one member rhetorically. "They aren't there. From Labor Day on there are no pedestrian conflicts," Mitchell argues.

The park service has also been severely criticized for its failure to take into account the economic impact of increased ORV control under the draft plan. Park representatives admit that this was a serious oversight on their part. "Frankly," admits Pat Crossland, chief of interpretation at the seashore, "it never occurred to us." They have agreed, however, to conduct a complete economic analysis before any management plan is put into force.

Currently Cape Hatteras is the only national seashore which does not require a permit for ORV use. According to Mitchell, that, among other things, helps to make the Outer Banks one of the most attractive surf fishing spots in the East.



**Cape Point—damage from ORVs driven over vegetated areas.** (National Park Service photo)

Both Mitchell and other surf fishermen contend that increased restriction of ORV use will eliminate many of the trips made by fishermen to the Outer Banks, especially during the off-tourist season.

"It's simply not worth it for someone to drive all the way from New Jersey or Ohio to go surf fishing and to be restricted to Cape Point and the south side of Hatteras Village. They just won't come," Mitchell explains.

John Blizzard, manager of the Dare County Tourist Bureau, Inc., is concerned about what this loss might mean to the economy of the Outer Banks. "Surf fishermen do not bring in a major percent of the tourist dollar," Blizzard observes, "but they do bring in an amount that is sufficient enough to be an important element to the tourist trade."

The OBPA has gone so far as to estimate the amount of money brought into the area's economy by off-road vehicle users during 1977. Using National Park Service traffic surveys and Dare County Tourist Bureau estimates for average daily expenditures by recreational visitors, it claims that more than \$13 million was brought into the area by ORV users alone.

Many people view the figure skeptically, however. For one thing John Blizzard admits that the \$65 figure that the computation is based on is his "personal opinion" of what the typical surf fisherman might spend in a day. "I don't think that there are any realistic economic impact figures available,"



**Damage to dune vegetation from pedestrian walkers** (Dare County Tourist Bureau photo/R. Couch)

notes Blizzard. "Any figures that are used are speculative only."

Hank Boswell, executive vice president of the Outer Banks Chamber of Commerce, agrees that the figure is "not easily supported." He himself has serious doubts about the economic effect of increased ORV control. "I doubt that the [park service] proposal will have any great economic impact," states Boswell. "For one thing the visitors who use ORVs go primarily to three areas and these areas are going to be left open anyway under the National Park Service proposal."

Boswell also points out that increased control may actually have a positive economic effect by drawing those visitors to the seashore who now avoid it because of its relatively liberal ORV policy.

#### **User groups react**

Criticism has also come from various user groups. According to many surf fishermen, mobility is essential to the sport. They depend on four-wheel drive vehicles to follow the fish as they migrate up and down the shoreline, and to lug all their equipment across the dunes and onto the beaches. In addition, the fishermen argue that the best months for surf fishing are during the fall and spring—months when few pedestrians linger on the beaches.

As a result many sports fishermen see the park service's proposal to completely close portions of the

beach as a direct threat to their use of the park, a use they claim they have a right to under the philosophy on which Cape Hatteras National Seashore was founded.

Even commercial fishermen, who use ORVs for beach seining operations, have raised eyebrows over the park service's draft plan. Although legislation creating Cape Hatteras National Seashore clearly protects the rights of local residents to earn a livelihood by fishing from the park's beaches, many commercial net fishermen have serious doubts about what will happen to their rights in the future as more and more restrictions are placed on ORV use in the park and along the entire coast.

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**"I just don't think the resource can support the effects of ORVs."**

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Harris emphasizes that the park service is not trying to eliminate any one user group from the park. "We aren't restricting fishing, we're restricting the use of ORVs." Harris explains that the park service is attempting to come up with a management plan that will allow for as much public access as possible, while maintaining both the environmental and aesthetic integrity of the seashore.

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**"You have to draw the line somewhere . . . No matter where you draw that line, you're going to have someone standing on the other side of it."**

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One possible solution, he believes, is to provide additional parking facilities. Under the park service's draft plan five new roadside parking sites with 240 spaces would be constructed. The parking sites, Harris contends, will make access by walking practical for both the surf fisherman and the sightseer.

Park officials admit that coming up with a completely equitable management plan may not be possible. "You have to draw the line somewhere," observes Crossland. "And no matter where you draw that line, you're going to have someone standing on the other side of it."

Just who will be left standing on that other side and when?

Harris does not deny that the day will come when ORVs are completely barred from the national seashore. "I don't think the resource can support the effects of ORVs," he asserts. "I remember when people would walk to the beach to fish, where ORVs were the exception rather than the rule . . . Today you have hundreds of vehicles on the beach."

When that day will be, Harris maintains, depends upon the kind of plan that is developed now. He concludes, "I think if we develop a good management plan now, we can push the time into the future when ORVs won't be allowed."

# Deciding how, what, when, where

The control of off-road recreational vehicles is becoming a fact of life in the U.S. today. From the deserts of California, to the mountain regions of Colorado and the sandy beaches of Cape Cod, federal and state resource agencies are beginning to limit how, what, when and where ORVs can be used on public lands.



In making these decisions, resource managers are also beginning to realize how much more must be learned about the impacts of ORV use—both environmentally and socially. Mere subjective observation is no longer sufficient.

University of Massachusetts researchers studying the beaches on Cape Cod have established that vehicular traffic disturbs the drift line of accreting beaches where new dunes form. But how do these activities affect shorelines that are already narrowing

from the actions of wind and wave, such as along much of coastal North Carolina? Are ORVs more damaging to dunes and dune vegetation than the trampling of human feet?

And what about the impact of beach traffic on the organisms which inhabit the intertidal zone? How do ORVs affect beach creatures such as the coquina clam, ghost crab and mole crab?

Biologists know that unless protected, seasonal nesting sites can be destroyed by vehicles driving through bird colonies. On most public lands effort is made to mark these areas and route traffic around them. But how does beach traffic affect bird life during the rest of the year?

There is also the human aspect of ORV use. The impact of seeing an ORV on a stretch of sandy beach affects each person differently. For some it may be an ugly reminder of man's technological encroachment on natural areas. To others, it's a thrilling sight. How do these reactions in turn affect the recreational experience? Are there ways to predict them? And, more importantly, are there ways to manage the resource so as to minimize user conflict?

Scientists Doug Wellman and Greg Buhyoft of Virginia Polytechnic Institute are currently studying the impacts and potentials for conflict among ORV and non-ORV users at Cape Hatteras National Seashore. Through a series of questionnaires randomly administered to seashore visitors during the summer and fall, they hope to find out such things as who are the major user groups of Cape Hatteras National Seashore, how these users define a good recreational experience and what are the kinds of conflicts that exist between users. In addition, the researchers will ask respondents to evaluate various management schemes for ORV use to see how they might affect the recreational experience.

Finding the answers to all these questions won't happen overnight. Many new questions will be raised as more and more information is uncovered. But ultimately these questions and their answers will shape the management of ORV use both at Cape Hatteras National Seashore and throughout the country.

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## The process of turning a plan into law

There are numerous steps the park service's ORV management plan must go through before it becomes law.

Although park officials had originally hoped to have a new management policy in force this summer, it now appears that a policy will not be ready before late fall.

Currently the staff at the park's headquarters is reviewing and tabulating comments received during public workshops held throughout the state in February and March. Based on many of these recommendations, another draft management plan will be prepared. As with the previous plan, the draft will be open to public comment for a minimum of 30 days.

At the end of this period, regulations for the enforcement of the plan will be drafted by the park service and submitted to the *Federal Register* as a "proposed rulemaking." The proposed rules will again be open to public comment for another 30 days.

If, at any point in this process, major objections or recommendations for improvement are made, the park service may decide to revise the plan and hold additional public hearings.

If no major comments or objections are raised, the regulations will again be published in the *Federal Register*, this time as a final ruling. Thirty days later the regulations become effective.

## Looking ahead:

**Marine Recreation Exposition**—Memorial Day weekend (May 27 and 28) at the Marine Resources Center on Roanoke Island next to the Manteo airport. A weekend-long exposition and demonstration of the various marine recreational activities available along the Outer Banks. Local businesses will be on hand to provide displays and information on such activities as camping, saltwater trolling, bait rigging, on-shore and off-shore boating, jet skiing, wind surfing, hang gliding and scuba diving. The Coast Guard will host demonstrations on boating and water safety. Inside the center, visitors will have a chance to learn techniques for cleaning, filleting and cooking fish. For shell collectors and beachcombers, there will be displays by local artists of crafts made from material found along the beach.

To cap off the activities on Saturday there will be a chicken and fish fry and an evening of bluegrass and country western music. The exposition is being jointly sponsored by the Outer Banks Chamber of Commerce, the Dare County Tourist Bureau, the Marine Resources Center and UNC Sea Grant. For more information on the exposition or details on how to reserve display space, contact Sea Grant marine advisory agent Dennis Regan at the Marine Resources Center, Manteo, N.C. 27954, telephone: (919)473-3937.

**Sanitary practice in seafood production**—May 22-25, 1978, Omni Hotel, Norfolk, Virginia. A workshop for seafood processors on current sanitary practices, techniques and standards. Sponsored by Virginia Sea Grant and the National Fisheries Institute, Inc.

University of North Carolina  
Sea Grant College Program  
105 1911 Building  
North Carolina State University  
Raleigh, N.C. 27650

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