


OFF-ROAD VEHICLE ACTIVITY REPORT

CAPE COD NATIONAL SEASHORE

2016

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Regulatory History

Since the creation of Cape Cod National Seashore in 1961, Off-Road Vehicle (ORV) operations have been strictly regulated. During the 1960's and 1970's, ORV trails and routes were extensive. Almost the entire outer beach from Long Point in Provincetown to Nauset Inlet in Eastham was available for ORV use. Additionally, an extensive system of inner routes and trails behind the primary dune (i.e., landward) existed in Provincetown and North Truro. In 1978, Eastham closed the route between Coast Guard Beach and Nauset Inlet because the Blizzard of '78 had destroyed the available ORV route. At approximately the same time, Wellfleet Town Meeting banned the use of ORV's on their beaches between June 15 and September 15. Then in the early 1980's Wellfleet closed the outer beach to ORV use year-round. As a result, the ORV route on the back beach was limited to the area from the Wellfleet-Truro town line north to Long Point in Provincetown.

In 1980, the Conservation Law Foundation (CLF) sued the Seashore for what the CLF believed were inadequate controls over ORV driving within the Seashore. The Seashore created a new ORV management plan that addressed a variety of concerns. The ORV Management Plan of 1981 closed all inner routes and trails to the public except for dune cottage residents or their caretakers, dune tour operations, and National Park Service patrols. The 1981 plan also limited the ORV route on the back beach from Hatches Harbor to the Wellfleet town line, and only allowed ORV operation on the beach from Head of the Meadow in Truro to the Wellfleet town line at night.

In 1984, the judge hearing the CLF suit in Boston ruled that the Seashore's 1981 plan was adequate and suggested the plan could be improved but did not require that the plan be changed. Following the judge's suggestion, the ORV Management Plan of 1985 was implemented. The 1985 plan permanently closed the portion of the ORV corridor between High Head in Truro and the Wellfleet town line. It further restricted the use of ORV's by creating a season for general operation between April 15 and November 15. ORV's could operate on the beach between November 16 and April 14 only for the purposes of accessing town shellfish beds, picking up flotsam and jetsam, or in the case of dune cottage residents or their caretakers for accessing their cottage. A limited access pass (LAP) was required for these uses and no travel was permitted within 2 hours of high tide.

In 1986, the Piping Plover (*Charadrius melodus*), a small beach-nesting shorebird, was federally listed as a threatened species. The Seashore was required by law to protect threatened and endangered species occurring within the park. The Seashore began to routinely close portions of the existing ORV corridor when Piping Plover chicks were present. As the plover population on the Seashore increased, the amount of ORV corridor decreased during June and July each year. In 1995, as little as 0.3 mi. of ORV corridor was available for several weeks.

The need for new regulation was motivated by a number of events including management issues related to the inflexibility of the existing rule to deal with changing conditions on the beach. To revise the regulation, in 1995, the Seashore entered into a negotiated rule-making process along with 22 agencies, organizations, and interest groups with long-term interests and involvement in ORV management at the Seashore. Members from the environmental, mobile sports fishing, and ORV communities along with representatives from the U.S. Fish and Wildlife Service, Massachusetts Division of Fisheries and Wildlife, and the six towns in which the Seashore's boundary lies, comprised the rule-making committee. These groups met over a period of three

months with the objective of reaching consensus on a new ORV management plan. In November 1995, the committee presented a proposed rule for ORV Management at Cape Cod National Seashore. The rule was published in the Federal Register for public comment and became codified into 36 CFR in 1998 (36 CFR 7.67).

The Committee agreed to a variety of mutual concerns (see Federal Register 63:9143-9148 for the complete final rule). ORV use remained limited to April 15 through November 15. The designated route was established, including the back beach from Hatches Harbor to High Head in Truro. The portion of beach from Exit 8 to High Head would be closed from April 1 to July 20. The area from Coast Guard Beach in Truro to Longnook Beach in Truro would be open for the purpose of night fishing, and the area from High Head to Head of the Meadow Beach, including the access at Head of the Meadow, would be open from July 1 through August 31 (Figure 1.1). Plover nesting and other resource or public safety issues could require that all or portions of the corridor be closed for indefinite periods of time. The amount of open ORV corridor is typically less in the beginning of the season than in August due to the terms of the negotiated rule. Up to 10.5 miles of ORV corridor could potentially be open in late July and August, depending on the availability of the High Head portion of the corridor, condition of beach cuts and would require all plover chicks on the South Beach fledged.

The negotiated rule also addressed NPS responsibilities for monitoring the use and condition of the oversand routes for the purpose of reviewing the effects on natural, cultural and aesthetic resources of vehicles in designated corridors. The rule further stated that information gathered from this process would be used as the basis for an annual report to the Secretary of the Interior and the public describing the results of the monitoring conducted. This document represents the 17th annual ORV monitoring report as required by the negotiated rule.

The negotiated rule set a limit of 3400 ORV permits as the maximum amount to be sold annually. The rule specified that the 3400 permits were to be a combination of both annual oversand and self-contained vehicle (SCV) permits. In 1998, the first year that the negotiated rule was implemented, the cap was reached in the first week of September. Many people who traditionally came to Cape Cod in September and October to fish were unable to purchase a permit. In order to allow a more equitable distribution of permits throughout the season in 1999, the Seashore converted 200 of the 3400 permits available into rotating weekly permits based on the rationale that some of the people who purchase annual permits actually use the permit for 7 days or less. No more than 200 weekly permits were active at any one time so as not to exceed the 3400 permit cap from 1999 until 2004. From 1999 until 2004, the 3200 annual permits sold out on progressively earlier dates each year and there has been a corresponding increase in the number of weekly permits sold during the summer months. Annual permits went on sale on April 10 each year and sold out in late July 1999, early July 2000, late June 2001, May 24, 2002, April 26, 2003, and April 19, 2004.

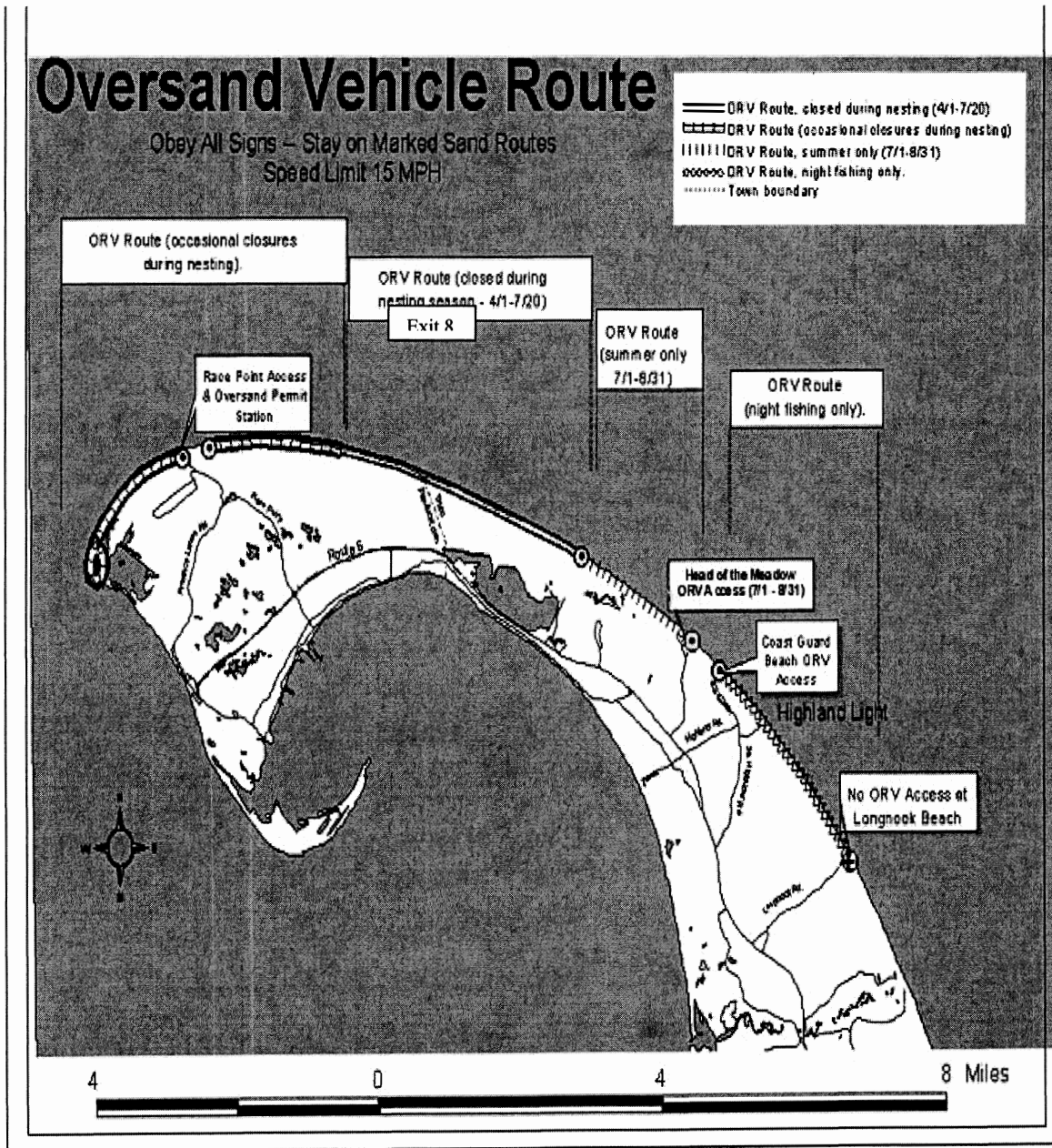


Figure 1.1 Map of the current oversand vehicle routes defined by the negotiated rule, Cape Cod National Seashore.

In 2006 the sales process continued to run smoothly. Seasonal permits were available throughout the season and there were adequate weekly permits available each day. The ORV corridor, in 2006, was completely closed for daytime recreational use for the first time, and there was a near to total closure from June 11 – July 12. The Seashore began efforts to explore possible options, which would allow for adaptive management alternatives. The Seashore hosted an informational public meeting on the ORV closures on July 18, 2006. The Cape Cod National Seashore Advisory Commission hosted an ORV and Piping Plover Public Meeting and Workshop in December.

In 2007 the Seashore completed an Environmental Assessment (EA) to improve ORV access while maintaining piping plover protection. The Selected Alternative from the EA provided three management options to improve access to the ORV Corridor if there was a near (<0.5 miles) or total daytime ORV corridor closure. On June 22, the three ORV accesses near Race Point Beach closed and 0.5 miles of corridor was opened at the High Head access, which was one of the options made available from the 2007 ORV EA. High Head remained open until July 13, when a total daytime closure occurred. Hatches Harbor was closed from May 28 through July 27, due to a plover nest that was established six feet from the Pole Line Road, and then due to protection of unfledged plover chicks. In 2007 the entire ORV corridor reopened on August 29.

In 2008 a portion of the ORV corridor remained open during the bird nesting season. This was the first time this had happened since 2005 and was directly attributed to the 2007 ORV EA.

From 2009 to 2012 additional changes were made to provide increased resource protection on the ORV corridor. The ORV management regulations have remained unchanged during these years.

In 2013, there was a total closure of the ORV corridor due to the government shutdown from October 1, 2013 through October 17, 2013. High tides and on shore winds also forced a two day closure on November 3-4, 2013.

During 2014 the ORV route was closed two times for extreme spring high tides on April 19th, and again on April 25 – May 1. Tropical storm Arthur forced a total closure from July 4-8, one of the busiest weekends of the summer. In the fall, a nor'easter closed the corridor for two days on November 2nd and 3rd.

The summer of 2015 was one of the warmest summers in recent memory. Beach days were abundant, and visitors were rewarded with sunny days throughout the summer on the ORV corridor. A strong coastal storm caused a near total closure of the corridor on Oct. 1, 2015. However a very small area at the Crossover Road and Hatches Harbor remained open for fishermen.

Great beach weather continued for the summer of 2016. The Cape received little rain over the entire summer. There were no total closures on the corridor during the 2016 season due to storms or high tide events. Portions of Race Point north remained impassable, due to cuts in the beach that have been there for several years.

2016 ORV MANAGEMENT ACTIONS AND ACTIVITIES

Regulatory and Policy Changes

After a meeting with U. S. Fish & Wildlife in 2012, it was determined that all of the Hatches Harbor spit would be symbolically fenced as potential nesting habitat from April 1 through June 30. This closure went into effect in 2012 and remained in effect through 2016. On July 31, 2016 Hatches Harbor spit reopened, following the fledging of 2 piping plover chicks. This was the first successful piping plover nest at Hatches Harbor spit in the five years of this April – June closure.

Number and Type of Permits Issued

The summer of 2016 was sunny and warm almost every day. There were no significant weather events during the 2016 summer season. Total permit sales revenue increased by 7.19%, when compared to 2015 sales. Revenue increased by \$26,750.00 over 2015 revenue. The seasonal ORV permits increased from 1,443 during the 2015 season to 1,607 in 2016, an increase of 11.63%. The weekly ORV permits were up from 2,590 in 2015 to 2,654 in 2016, an increase of 2.47%. Seasonal Self-Contained Vehicle (SCV) and weekly SCV sales remained about the same when comparing 2016 to 2015 sales. The seasonal SCV permits decreased by three to 95 sold, and the weekly SCV permits decreased by six to 56 sold.

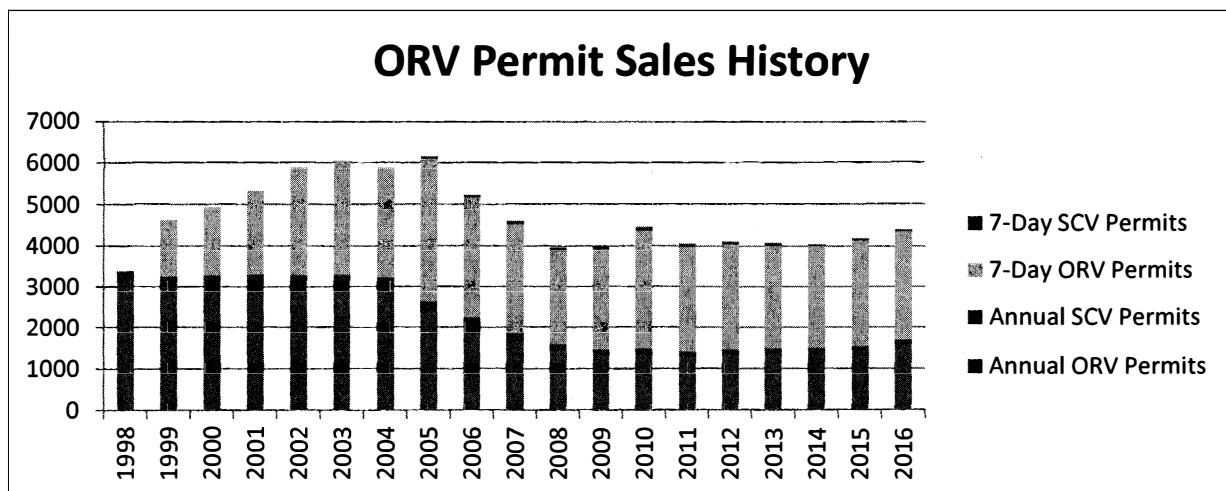


Figure 1.2 Bar graph of recent history of permit issuance in the ORV program.

Seasonal Permit Process

In 2016, 1,699 seasonal permits were issued out of the 3,000 seasonal permits that were available. Of the 1,699 seasonal permits sold, 1,607 were issued to seasonal ORV operators and 92 were issued to seasonal SCV operators. In addition to the seasonal permits, there were 2,654 ORV weekly permits issued and 56 SCV weekly permits issued in 2016, bringing the total number of permits issued in 2016 to 4,409. This was the most total permits sold since 2010.

Seasonal permits went on sale Sunday, April 10, 2016. Permit sales went very smoothly again, as was the case since changes were made to the permit sales process in 2005. Seasonal permits have not sold out since 2004, when all 3,200 available seasonal permits sold out in 10 days.

YEAR	Seasonal ORV Permits	Seasonal SCV Permits	Total Seasonal Permits	Weekly ORV Permits	Weekly SCV Permits	Total Permits Sold
1999	3006	259	3265	*N/A	*N/A	3400
2000	3003	285	3288	1649	*N/A	4937
2001	2990	314	3304	2026	*N/A	5330
2002	2957	335	3292	2592	*N/A	5884
2003	2951	349	3300	2739	*N/A	6039
2004	2881	353	3234	2644	*N/A	5878
2005	2361	280	2641	3463	60	6164
2006	2021	221	2242	2936	49	5227
2007	1697	171	1868	2659	89	4616
2008	1457	141	1598	2294	65	3957
2009	1342	133	1473	2437	86	3998
2010	1355	137	1492	2873	104	4469
2011	1293	115	1408	2576	81	4065
2012	1347	113	1460	2577	75	4112
2013	1397	95	1492	2514	76	4082
2014	1414	88	1502	2495	52	4049
2015	1443	95	1538	2590	61	4189
2016	1607	92	1699	2654	56	4409

Figure 1.3 Permit Sales History

* weekly permits not sold

Weekly Permit Process

Prior to the 2016 beach driving season, a decision was made to eliminate the weekly advance sales option for ORV users. We had not reached our limit on weekly permit sales in many years, and weekly permits were readily available for purchase all season long. This negated the need for the advance sales system for weekly permits.

Temporary ORV Corridor Closures

During 2016, beach access on Race Point North was restricted due to a narrow backshore beginning approximately 0.5 miles north of the access. Through traffic from the Race Point North access to the crossover road was not possible this year due to the narrow backshore conditions. On the Race Point South portion of the corridor, a large beach cut just south of exit 8 restricted travels to High Head. A second beach cut approximately one mile north of High Head limited vehicle traffic toward exit 8 from High Head.

The Head of the Meadow ORV access did not open this season due to the narrow beach conditions in the area of the access. However, some of the corridor was open from the High Head access towards Head of the Meadow access.

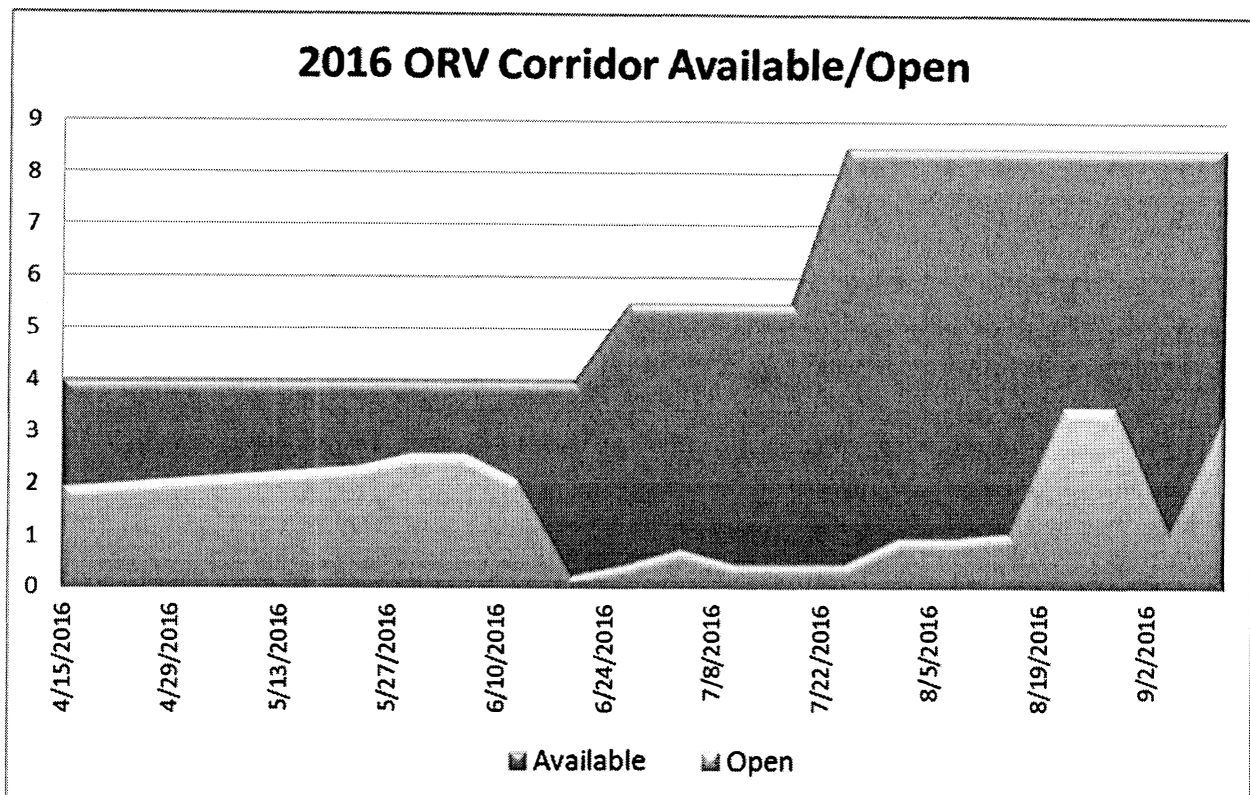


Figure 1.4 Chart showing available and open ORV corridor for the 2016 season

Synopsis of 2016 ORV Corridor Openings and Closings

Coast Guard Night Fishing not included

Race Point North (RPN) includes the area from RPN Access to Hatches Harbor

April 15 – May 5	1.95 mi open	RPN – Open (.45 mi) RPS – Open (1.5 mi) SCV Area RPN – Open SCV Area RPS – Closed Pole Line – Open Hatches Harbor – Closed
May 6 – May 11	.45 mi open	RPN – Open (.45 mi) RPS – Open Closed SCV Areas Closed Pole Line – Open Hatches Harbor – Closed

May 12	1.75 mi open	RPN – Open (.45 mi) RPS – Open (1.3 mi) SCV Areas Closed Pole Line – Open Hatches Harbor – Closed
May 13 - 14	1.85 mi open	RPN – Open (.55 mi) RPS – Open (1.3 mi) SCV Area RPN Open SCV Area RPS Closed Hatches Harbor – Closed
May 15 – May 25	2.35 mi open	RPN - Open (.55 mi) RPS – Open (1.8 mi) SCV Area RPN Open SCV Area RPS Closed Hatches Harbor – Closed
May 26	2.6 mi open	RPN – Open (.80 mi) RPS – Open (1.8 mi) SCV Areas RPN & RPS Open Hatches Harbor – Closed
May 27 – June 1	2.6 mi open	RPN – Open (.80 mi) RPS – Open (1.8 mi) SCV Areas RPN & RPS Open Hatches Harbor – Closed
June 2 – June 9	2.6 mi open	RPN – Open (.80 mi) RPS – Open (1.8 mi) SCV Area RPN Open SCV Area RPS Closed Hatches Harbor – Closed

June 10 – June 12	2.6 mi open	RPN – Open (.80 mi) RPS – Open (1.8 mi) SCV Area RPN Open SCV Area RPS Closed Hatches Harbor – Closed
June 13 – June 14	2.1 mi open	RPN – Open (.30 mi) RPS – Open (1.8 mi) SCV Areas RPN & RPS Closed Hatches Harbor – Closed
June 15 – June 17	.50 mi open	RPN – Open (.20 mi) RPS – Closed SCV Areas RPN & RPS Closed Hatches Harbor – Closed High Head – Open (.30 mi)
June 18 – June 24	.30 mi open	RPN – Closed RPS – Closed SCV Areas RPN & RPS – Closed Hatches Harbor – Closed High Head – Open (.30 mi)
June 25 – June 28	.50 mi open	RPN – Open (.20 mi) RPS – Closed SCV Areas RPN & RPS – Closed Hatches Harbor – Closed High Head – Open (.30 mi)
June 29 – June 30	.50 mi open	RPN – Open (.20 mi) RPS – Closed SCV Areas RPN & RPS – Closed Hatches Harbor – Closed High Head Open (.30 mi)

July 1 – July 7	.80 mi open	RPN – Open (.50 mi) RPS – Closed SCV Areas RPN & RPS – Closed Hatches Harbor – Closed High Head Open (.30 mi) Head of the Meadow - Closed
July 8 – July 30	.50 mi open	RPN – Open (.50 mi) RPS – Closed SCV Areas RPN & RPS – Closed Hatches Harbor – Closed High Head – Closed Head of the Meadow - Closed
July 31 – August 8	1.0 mi open	RPN – Open (1.0 mi) RPS – Closed SCV Areas RPN & RPS – Closed Hatches Harbor – Open High Head – Closed Head of the Meadow - Closed
August 9 – August 13	1.1 mi open	RPN – Open (1.1 mi) RPS – Closed SCV Area RPN Open SCV Area RPS Closed Hatches Harbor – Open High Head – Closed Head of the Meadow – Closed
August 14 – August 19	3.4 mi open	RPN – Open (1.1 mi) RPS – Open (1.8 mi) SCV Areas RPN & RPS Open Hatches Harbor – Open High Head – Open (.50 mi) Head of the Meadow - Closed

August 20 – August 31	3.5 mi open	RPN – Open (1.2 mi) RPS – Open (1.8 mi) SCV Areas RPN & RPS Open Hatches Harbor – Open High Head – Open (.50 mi) Head of the Meadow – Closed
September 1	3.4 mi open	RPN – Open (1.0 mi) RPS – Open (1.8 mi) SCV Areas RPN & RPS Open Hatches Harbor – Open High Head – Open (.40 mi)
September 2 -3	3.4 mi open	RPN – Open (1.2mi) RPS – Open (1.8 mi) SCV Area RPN Open SCV Area RPS Closed Hatches Harbor – Open High Head – Open (.40 mi)
Sept. 4	3.8 mi open	RPN – Open (2.0 mi) RPS – Open (1.8 mi) SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Closed
Sept. 5 – Sept 6	1.2 mi open	RPN – Open (2.0 mi) RPS – Closed SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Closed

Sept. 7 – Sept. 29	3.4 mi open	RPN – Open (2.0 mi) RPS – Open (1.8 mi) SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Open (.40 mi)
Sept. 30 – October 7	1.6 mi open	RPN – Open (1.2 mi) RPS – Closed SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Open (.40 mi)
Oct. 8 – Oct. 9	2.0 mi open	RPN – Open (1.6 mi) RPS – Closed SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Open (.40 mi)
Oct. 10 – Oct. 14	2.6 mi open	RPN – Open (2.2mi) RPS – Closed SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Open (.40 mi)
Oct. 15 – Oct. 23	1.9 mi open	RPN – Open (1.5 mi) RPS – Closed SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Open (.40 mi)

Oct. 24 – Oct. 28	2.9 mi open	RPN – Open (1.5 mi) RPS – Open (1.0 mi) SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Open (.40 mi)
Oct. 29 – November 15	1.6 mi open	RPN – Open (1.2 mi) RPS – Closed SCV Area RPN – Open SCV Area RPS – Closed Hatches Harbor – Open High Head – Open (.40 mi)

Piping Plover Breeding Success

In 2016, Cape Cod National Seashore staff documented a total of 66 nesting pairs of piping plovers. There were 124 documented plover chicks that fledged in 2016. This was compared to 64 fledged plover chicks from 73 nesting pairs in 2015. The productivity rate for piping plovers at the National Seashore in 2016 was 1.88. In the north district of the National Seashore there were 37 nesting pairs of piping plovers and 82 plover chicks fledged. The productivity rate in the north district was 2.22. (For more detailed information reference *Monitoring and Management of Piping Plovers and Colonial Waterbirds at Cape Cod National Seashore 2016*)

Education and Safety

In 2016 a Facebook page and other forms of social media continued to enhance the communication of ORV information to the public. The Facebook page was well received among the user group and many users provided positive comments about the efforts to be proactive with providing information.

Recent NPS web analytics have shown that fifty percent of visitors that used the Cape Cod National Seashore social media sites did so to access ORV information. Social Media has proven to be an important tool in visitor interactions. We will continue to utilize social media avenues to educate and update ORV users on current beach issues, conditions, and restrictions.

All hills and areas identified with limited visibility along the ORV corridor were posted with safety related advisory signs. New mirrors were installed on both the Pole Line Rd access as well as the Race Point South access. There was a continued effort to educate ORV users in the “Low and Slow” (low tire pressure and slow vehicle speed) concept. All access areas were posted with informational signs. The information/regulation brochure, the handouts, signs and information posted at the ORV Permit Station all emphasized that ORV users follow the “low and slow” advice.

ORV information and regulations were posted on the bulletin boards at the oversand permit building and at the Race Point air-up lot. Both bulletin boards were updated throughout the season and displayed current ORV route information. Plover information, seal information, and ORV special activity or event information was also posted.

An actual delineator post with signage was placed in the lobby of the ORV permit office throughout the 2016 season. While visitors were obtaining their permit, they were informed about the closures on the upper beach and were shown the actual post with signage that delineated this closure. During the 2016 season, delineator posts were placed in closer intervals and more signs were added to re-inforce the importance of protecting the foredune. This proved to be very successful in gaining compliance with keeping ORV drivers off the upper beach, which is not part of the ORV driving corridor.

Permitted users were once again a significant and important ally in the education and enforcement efforts of the ORV program. Their continued diligence in noting and reporting non-permitted vehicles, illegal driving behavior, and resource related concerns, and other aspects of resource and visitor protection, was an extremely valuable and important part of the ORV program. Many of the seasoned ORV users also help educate and instruct newer users on ORV operations. Without this voluntary partnership, the ORV program would not be as successful.

Enforcement

Numerous ORV contacts were made on a daily basis to help inform and educate the ORV users about National Seashore regulations and appropriate use of the ORV corridor. Enforcement actions continued to be one tool of a multi-pronged approach in this education effort. There were a total of 20 violation notices issued to ORV visitors in 2016, down from 26 issued during the 2015 season.

During 2016 there were 13 violation notices issued for failure to possess an ORV permit, this was a decrease from 16 in 2015. This means only seven violation notices were issued to the 4,409 ORV users that purchased a permit. Warning notices decreased from 21 in 2015 to 20 in 2016. The two charts below show citations and written warnings issued to visitors on the ORV corridor in 2016.

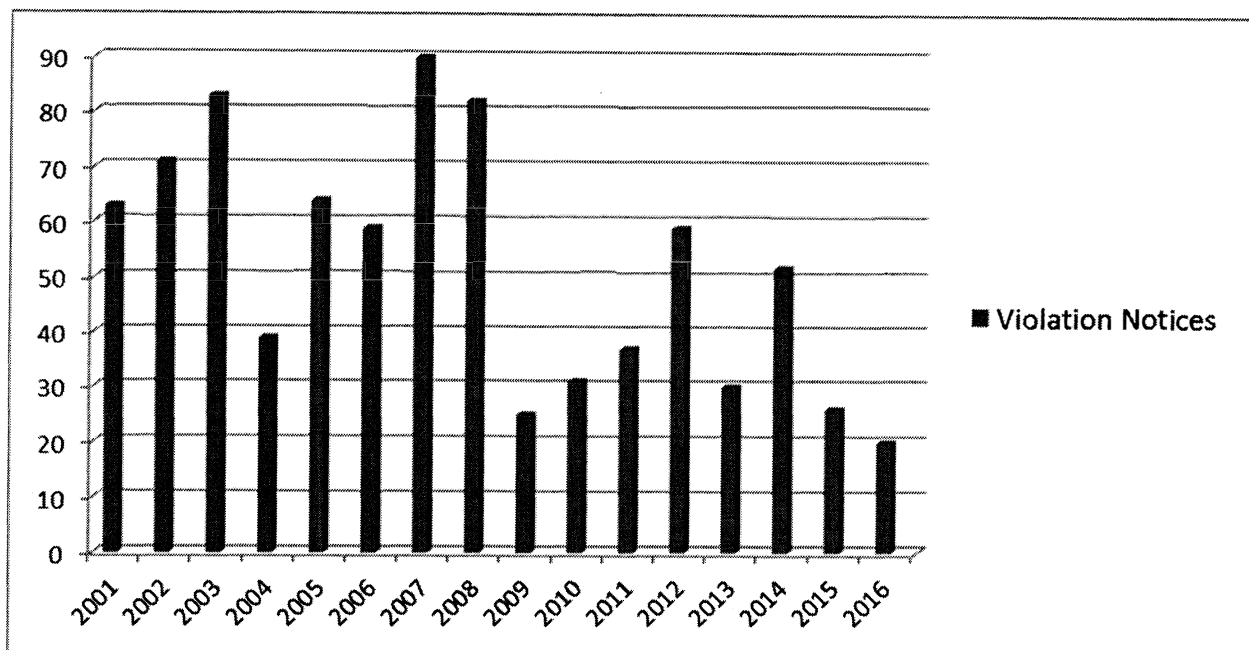


Figure 1.5 Violation Notices on the ORV Corridor

2016 Violation Notices		2016 Written Warnings	
Failure to Possess ORV Permit	13	Failure to Possess ORV Permit	4
Violation Terms of Permit	1	Permit Violation	1
Open Container	1	Pet Off Leash	1
Vandalism of Government Property	1	Failure to Deflate Tires	1
Driving Off Route	1	Unsafe Operations	1
Controlled Substance	2	Speed	1
Pet Off Leash	1	Open Container	1
TOTAL	20	TOTAL	10

Figure 1.6 Violation Notices and Warnings Issued on the ORV Corridor in 2016*

***ORV permit holders or persons entering the corridor in a vehicle without a permit are included in statistics. Violations issued to pedestrians not associated with the oversand operation were mostly culled out of these statistics.**

Improvements

During the Massachusetts Beach Buggy Association (MBBA) sponsored spring beach conservation project, areas of the beach that were closed due to symbolic fencing were made available to be cleaned, as long as no shorebirds were nearby. An impassible section of the Pole Line Road was improved and able to be opened following the manual movement of sand. Sand was also removed from stairs between the Race Point Beach parking lot and the Race Point Ranger Station. During the MBBA fall cleanup several areas that were closed due to beach conditions were made accessible for the cleanup. Volunteers were also able to clean up debris

on the upper beaches, since the symbolic fencing for shorebird nesting was down. Snow fencing was added to the Poleline Road access in an effort to limit erosion in an area that has become impassible over the last two winters. Many truckloads of trash were removed from the beach on these project days. Approximately 127 members volunteered approximately 382 hours during these two project days.