



National Park Service
U.S. Department of the Interior

Outer Banks Group:
· Cape Hatteras National
Seashore
· Fort Raleigh National
Historic Site
· Wright Brothers National
Memorial

1401 National Park Road
Manteo, NC 27954

252-473-2111 phone
252-473-2595 fax

National Park Service Beach Access Report for June 26, 2008

FOR IMMEDIATE RELEASE: June 26, 2008
CONTACT: 252-473-2111, ext. 148

***Bold, blue print = updated news.**

****Report resource protection area violations to:**

Dare Central Communications Center: 252-473-3444

Hyde County Dispatch: 252-928-3171

Ocracoke Sheriff Dept: 252-928-7301

News on the “water boundary” issue: We frequently hear the question – “Can I walk in the water around a full beach closure to access those stretches of beach that are open beyond the closure (with restricted access)?” According to the DOI Solicitor’s Office, from a legal point of view, the NPS jurisdictional boundary on the ocean shoreline, in most cases, is the mean low water mark. However, “on the ground” in the field, when it is NOT low tide, it is not clear how the public, (or the rangers who enforce the regulations for that matter) can determine the exact location of mean low tide at that precise time. For all practical purposes, unless otherwise posted*, passage by a resource closure is permitted if the closure is small enough in length for a person to see the opposite posted boundary (less than a half mile) and if one is able to walk at least knee deep in the low tide (surf) zone the entire distance and re-enter into an open area. Visitors must use their own discretion as to whether it is safe to walk this close to the pounding surf zone and if the distance passing through the closure in the surf zone is of short enough distance to the opposite closure boundary that they feel they can safely bypass the protected area of the beach. Rule of thumb: If you are on the shore, i.e., if your feet aren’t wet, within these closed areas, then you are violating the closure and are subject to the relevant penalties. Under NO circumstances are pets allowed through these areas. In addition, this is not recommended for small children.

**In some cases, there will be signs to prohibit any access past a given point. These areas will be signed accordingly with “Shoreline closed at all tides to pedestrians and ORVs.”*

On paragraph 22 of the Consent Decree, it states that “NPS retains discretion at all times to enforce more protective closures or take other measures, if considered necessary, consistent with its obligations under law and this Consent Decree.” Please understand that violations of these resource closures will result in more stringent interpretation of this admittedly difficult situation. NPS staff continues to work with the Solicitors and the U.S. Attorney’s Office to come to terms with this issue. It is safe to say “when in doubt, avoid entering these areas.” Entry into clearly marked, posted protection areas is a violation of the Consent Decree and park regulations and may result in court charges.

The mileages, distances and descriptions in this report are approximate and reflect the best information available at the time the report is prepared. The marked boundaries found in the field are the actual, legal

boundaries of the closed areas and supersede any information in this report. Park visitors MUST pay close attention to and comply with resource protection area boundaries as found in the field. All resource protection areas are clearly marked with carsonite posts, signs, string, wooden poles or other markers.

Google Earth maps are available at:
www.nps.gov/caha

Go to the park website and click on the “Off-Road Vehicle Information - More...” link in the top middle of the page, click on “Current ORV Access Information (Reports and Maps),” click on “Current Interactive Beach Access Map using Google Earth.” A free download of Google Earth is available for first time users or click on “(date) current beach access map” link for repeat users. The program allows you to zoom into any stretch of beach in the National Seashore to check the status of access and protection resource areas. The underlying Google Earth map imagery is dated (2004-2006) and may not always match the actual, current shoreline. The National Park Service color-coded line overlays are based on recent/current GPS readings and reflect actual shoreline locations and access status. In other words, the color coded lines (green, yellow, red) indicate the actual shoreline access status, even though in some cases it appears on the image that the line is located landward or seaward of the outdated base image of the shoreline. (See disclaimer on the maps) We are working with Google Earth to acquire more current base maps. The maps are updated periodically and the **date** of the most recent update is indicated on the link. The weekly Beach Access Report will continue to be issued on Thursdays.

The park is operating under a Consent Decree signed by U.S. District Court Judge Terrence W. Boyle on April 30, 2008. The Consent Decree adopts the NPS Interim Strategy, with a number of modifications including a prohibition on night driving on Seashore beaches between the hours of 10:00 p.m. and 6 a.m. from May 1 through November 15. Between those dates, the public is expected to remove ORVs from the beach by 10:00 p.m. and may not enter the beach with vehicles until 6 a.m.; however, between September 16 and November 15, NPS may issue permits to authorize night driving between the hours of 10:00 p.m. and 6:00 a.m. The night driving permitting process will be developed and available by September 16. No fee or limit on the number of 2008 night driving permits is anticipated.

The Consent Decree states that if NPS observes prenesting and/or breeding behavior of colonial waterbirds, piping plovers, or American oystercatchers, NPS shall establish the appropriate buffer within 8 daylight hours. Upon discovery of an active nest or chicks that are outside an existing closure, protective measures shall be taken immediately to close the area and establish the buffers described above, and the related fencing around the site shall be installed as soon as NPS staff can reasonably be mobilized, but always within 6 daylight hours. As a result of these required buffer distances and the time frames within which NPS must install them, beach access status can change quickly.

On National Seashore beaches pets must be physically restrained at all times on a leash no greater than 6 feet.

Bodie Island (Coquina Beach to Oregon Inlet)

There are approximately 5.6 miles of ocean shoreline from Ramp 1 to Oregon Inlet. Approximately **3.9** miles are open to pedestrian access. **There is no pedestrian access along the ocean shoreline from 0.1 mile south of Ramp 4 to Oregon Inlet.** Approximately **2.5** miles are open to ORV access in Bodie Island and approximately **1.4** of a mile is closed to all access for RESOURCE PROTECTION areas.

Ramp 1 - Ramp 2 (Coquina Beach Area) - 1.4 miles

The beach is open for pedestrian access but no ORV access. Annual seasonal closures went into effect on May 15, 2008 and extend from Ramp 1 to 0.1 of a mile south of Ramp 2.

Ramp 2 - Ramp 4 to Bodie Island Spit – 4.2 miles

The beach is open for ORV and pedestrian access along the ocean shoreline for 2.3 miles north of Ramp 4 and 0.1 of a mile south of Ramp 4. There is no through access to Oregon Inlet.

- A RESOURCE protection (prenesting) area was established at Bodie Island Spit the week of March 24, 2008. It includes interior areas of the spit and the “pond” shoreline. Access to pond from the northeast side is closed as part of the RESOURCE protection area. The full beach closure of the small strip of soundside beach that runs parallel to the Herbert C. Bonner Bridge was REMOVED to permit access for pedestrians via boat on the shoreline. The original pre-nesting closure boundaries were re-established in this area when it was determined that American Oystercatchers did not successfully nest in the expanded closure. **There is limited access for boat landing only in this area.**
- A RESOURCE protection (prenesting) area was established on Green Island during the week of April 7th. The island is closed to landing of any craft.
- A RESOURCE protection area was established 0.2 of a mile south of Ramp 4 and extends for 0.25 of a mile for American Oystercatchers. This is a full beach closure that restricts access to Bodie Island Spit.
- A RESOURCE protection area was established 0.9 of a mile south of Ramp 4 (within an existing closure) for a nesting least tern colony. This is a full beach shoreline closure.
- A RESOURCE protection area was established 1.3 miles south of Ramp 4 and extends for 0.25 of a mile. This is a full beach closure (within a closure) for American Oystercatchers.
- ****On Sunday, June 22 there was a deliberate violation of this closure and as a result of an intentional entry violation the buffer of the three closures at Bodie Island Spit were modified on June 23, 2008. As a result, there is now a continuous closure along this shoreline beginning 0.1 mile south of Ramp 4 and extending to Oregon Inlet.**

Hatteras Island (South Boundary of PINWR south to Hatteras Inlet)

Hatteras Island has a total distance of 42.8 miles of ocean shoreline. Approximately 35.3 miles of ocean shoreline are open to pedestrian access though some areas (approximately 3.1 miles total) that are “open,” are not readily accessible by pedestrians. Approximately 15 miles open for ORV access on Hatteras Island. In addition, to the annual seasonal ORV closures, ORV use is restricted by 6.3 miles of SAFETY closures and 7.4 miles of RESOURCE PROTECTION closures. Approximately 7.4 miles is closed to all access for RESOURCE PROTECTION areas. **At Cape Point, there is no ORV or pedestrian access 0.2 of a mile south of Ramp 43.**

Villages of Rodanthe, Waves, and Salvo: (north of Ramp 23 for 3 miles to Pea Island NWR boundary)

The annual seasonal village ORV closures went into effect May 15, 2008 and the beaches in front of Rodanthe, Waves, and Salvo are open to pedestrian but not for ORV access.

Ramp 23 - Ramp 27: (4.3 miles)

Currently, there is no through access for ORVs between Ramp 23 and Ramp 27 due to resource closures.

- A RESOURCE protection area was established 1.7 miles south of Ramp 23 and 1.9 miles north of Ramp 27 and extends for 350 meters. This is a full beach closure for American Oystercatchers and a least tern colony. On May 26 there was a deliberate violation of this closure and as a result of an intentional entry violation (campfire/violation notice issued), the buffer was modified on May 27, 2008. **This closure was expanded by 70 meters to the south to ensure that least tern chicks have a 200 meter buffer.**

- A RESOURCE protection area was REMOVED on June 3, 2008 that had been established 10 meters north of Ramp 27 for a least tern colony that moved into an adjacent closure. This removal opens approximately 1 mile of ORV and pedestrian access north of Ramp 27.
- A RESOURCE protection area was expanded to 200 meters 0.9 of a mile north of Ramp 27 when a small least tern colony with chicks was discovered. There are five additional nests yet to hatch and this is a full beach closure. **This closure was expanded by 40 meters to the north to ensure that least tern chicks have a 200 meter buffer.**
- A RESOURCE protection area was established 1 mile north of Ramp 27 with a 100 meter buffer. This is a full beach closure for American Oystercatchers.

Ramp 27 - Ramp 30: (2.2 miles)

The beach is open for ORV and pedestrian access along the ocean shoreline for 0.1 of mile south of Ramp 27 and 0.6 mile north of Ramp 30. Currently there is no through access for ORVs between the ramps due to resource closures. Colonial waterbirds, least terns, are scraping and established nesting colonies in the resource protection areas described below. The protection areas and associated buffers for colonial waterbirds essentially leave 0.5 of a mile open to both ORV and pedestrian access between Ramp 27 and Ramp 30.

- A RESOURCE protection area begins immediately south of Ramp 27 and extends for 0.5 of a mile. This is a full beach closure for American Oystercatchers and a nesting least tern colony. The closure was expanded 0.1 of a mile to the north for nesting least terns. The modification closes the pedestrian boardwalk from the Hwy. 12 parking lot. Pedestrians can access the beach via Ramp 27.
- A RESOURCE protection area begins 0.2 mile south of Ramp 27 and extends for 0.25 of a mile. This is a full beach closure for a least tern colony. This closure was combined for a total length of 0.7 of a mile with the closure listed above.
- A RESOURCE protection area begins 0.6 mile south of Ramp 27. This is a full beach closure for American Oystercatchers and a least tern colony. **The closure was expanded 75 meters to the north to ensure that American Oystercatcher chicks have a 200 meter buffer.**
- A RESOURCE protection area begins 0.6 mile north of Ramp 30 and extends for 0.25 of a mile. This is a full beach closure for American Oystercatchers.
- A RESOURCE protection area begins 0.5 mile north of Ramp 30 and extends for 0.25 of a mile. This is a full beach closure for American Oystercatchers.

Ramp 30 - Ramp 34: (4.3 miles)

The beach is open for ORV and pedestrian access 3.6 miles south of Ramp 30. Ramp 34 is closed to ORV access. The boardwalk from the parking lot to the beach is closed to pedestrian access, however, pedestrians can access the ocean shoreline by walking along the side Ramp 34 and around the closure boundary to reach the ocean and walk south from Ramp 34. Currently there is no through access for ORVs between the ramps due to a resource closure.

- A RESOURCE protection area was REMOVED that began 2.4 miles south of Ramp 30 or 1.7 miles north of Ramp 34.
- A RESOURCE protection area begins 3.6 miles south of Ramp 30 was expanded to 200 meters. This is a full beach closure for nesting American Oystercatchers.
- A RESOURCE protection area begins immediately north of Ramp 34 and was expanded on June 9 and again on June 13 for nesting least tern colony. This is a full beach closure for nesting least tern colonies. There is no ORV access north of Ramp 34.

Ramp 34 - Ramp 38: (beaches in front of Avon = 4.0 miles)

The beach is open for ORV access 0.4 of a mile south of Ramp 34. The annual seasonal village closures went into effect on May 15, 2008. The beach is open for 4.0 miles for pedestrian access from Ramp 34 to Ramp 38. There is no ORV access.

Ramp 38 - Ramp 43: (6.0 miles)

The beach is open to ORV access for 2.0 miles south of Ramp 38. Currently there is no through access for ORVs between Ramp 38 and Ramp 43. Pedestrian access is open for 6.0 miles between Ramp 38 and Ramp 43. .

- A SAFETY closure is 3.6 miles long, beginning 2.0 miles south of Ramp 38 to 0.4 of a mile north of Ramp 43, was adjusted on May 14. This section is open to pedestrian access, but not ORV access.
- A RESOURCE protection area begins 0.3 of a mile north of the village of Buxton and extends for 0.8 of a mile. This is a full beach closure for American Oystercatchers. This section is within a SAFETY CLOSURE which is not open to ORV access and pedestrian access is restricted through the 0.8 mile closure. This closure was expanded on May 26 when American oystercatcher chicks hatched and moved south to forage.
- On May 16, 2008, a deliberate act of vandalism damaged 1,500 feet of fence protecting an American Oystercatcher nest resulted in a 50 meter expansion of the buffer to the south as is ordered by the Consent Decree. This closure expansion is located in a pedestrian only area and does not affect ORV users.

Ramp 43 - Ramp 44: (0.3 of a mile)

The beach is open for ORV and pedestrian access from Ramp 43 to Ramp 44 and north of Ramp 43 for 0.4 of a mile. Ramp 44 is closed.

- A RESOURCE protection area was REMOVED on June 4, 2008 that had been established for American Oystercatchers between Ramp 43 and 44. No bird breeding activity had been observed in two weeks inside this resource closure.
- A RESOURCE protection area was REMOVED on June 10, 2008 that had been established for American Oystercatchers north of Ramp 43. No bird breeding activity had been observed in two weeks inside this resource closure.
- **The 1,000 meter ORV buffer for Cape Point was expanded when piping plover chicks moved to the northernmost area of the small Salt Pond. There is no ORV and no pedestrian access 0.2 of a mile south of Ramp 43.**

Ramp 44 - Ramp 45 (Cape Point): (2.4 miles)

Ramp 44 is closed. There is no ORV and pedestrian access south of Ramp 44.

- A RESOURCE protection (prenesting) area was established the week of March 24, 2008. It included interior areas of Cape Point and a complete shoreline closure that started approximately 0.25 miles south/west of Cape Point and ends approximately 0.3 east of Ramp 45. The total closure distance is approximately 1.0 mile in length. Due to the hatching of three piping plover chicks at Cape Point, a 1,000 meter ORV buffer has been established around the chicks, as prescribed by the Consent Decree. A RESOURCE protection area was established between Ramp 44 and the Salt Pond Bypass Road. This is a 150' buffer for foraging piping plover.
- A RESOURCE protection area was established 0.1 mile south of Ramp 44 for American Oystercatchers. There has been bird breeding behavior observed in this closure as recently as June 3, 2008.
- The RESOURCE protection area was established 0.6 of a mile south of Ramp 44 for a breeding least tern colony. This colony was disturbed by a storm/overwash on May 11 resulting in the lost of 6 nests and the colony has since relocated further west. This protection area has been modified and moved back from the shoreline 35 meters.

Ramp 45 to Ramp 49 (South Beach): (3.4 miles)

Ramp 45 is closed. Salt Pond Road is closed due to a RESOURCE protection area. Currently there is no through access for ORVs or pedestrians between the ramps due to resource closures. There is ORV and pedestrian access from Ramp 49 east for approximately 1.6 miles.

- A RESOURCE protection area (prenesting area) was established the week of March 24, 2008. It included upper beach areas that encompass the dunes and extends towards the ocean. On April 21, a modification (150 foot shoreline section) of this prenesting area was installed for American Oystercatchers. This is a full beach closure.
- A RESOURCE protection area begins 0.15 of a mile west of Ramp 45 and extends for 150 meters for American Oystercatchers and a least tern colony. This is located in front of Ramp 45 which closes Ramp 45 and the interdunal road. This is a full beach closure.
- A RESOURCE protection area begins 0.50 mile west of Ramp 45 and extends for 0.25 of a mile along the shoreline. This is a full beach closure for American Oystercatchers.
- A RESOURCE protection area begins 1.0 mile west of Ramp 45 and extends for 0.25 of a mile along the shoreline. This is a full beach closure for American Oystercatchers.
- A RESOURCE protection area was established 1.9 miles East of Ramp 49 and extends for 150 meters. This is a full beach closure for a least tern colony and a pair of American Oystercatchers.
- A RESOURCE protection area was established 1.6 miles East of Ramp 49 and extends for 200 meters. This is a full beach closure for a least tern colony and a pair of American Oystercatchers.
- On May 11, 2008, a deliberate act of vandalism to twelve “Area Closed” signs and several carsonite markers resulted in a 50 meter expansion of the buffer on the easternmost resource protection area as is directed by the Consent Decree.

Ramp 49 - Ramp 55: (5.9 miles; includes Sandy Bay soundside parking area)

The beach is open to ORV for 1.2 miles west of Ramp 49 and 0.1 of a mile east of Ramp 55 (in front of Frisco and Hatteras Villages). Currently, there is no through ORV access between Ramp 49 and Ramp 55 but pedestrian access is open from Ramp 49 to Ramp 55.

- The beach in front of Frisco Village to Hatteras Village is open to pedestrian access, but not ORV access for 4.7 miles.
- A RESOURCE protection area begins on the west side of NC Hwy. 12, 200 meters south of the Sandy Bay parking lot and extends for 0.25 of a mile for American Oystercatchers. This closure was modified and expanded on June 10 to protect American Oystercatcher chicks foraging to the south of the original closure.

Ramp 55 - Hatteras Inlet: (2.7 miles)

ORV and pedestrian access is open along the ocean shoreline from Ramp 55 west for 1.2 miles to just south/west of the Isabel overwash area where a RESOURCE protection area begins for American Oystercatchers. The Pole Road is open from Ramp 55 west to the Isabel overwash areas, where traffic is routed onto the beach due to a RESOURCE protection area. South of the overwash areas, the Pole Road and the ocean shoreline is closed to Hatteras Inlet.

- A RESOURCE protection (prenesting) area was established at the Isabel overwash area from the sound shoreline to the ocean dune during the week of March 24, 2008. Ocean shoreline access is open past this area.
- A RESOURCE protection areas was established 1.2 miles south/west of Ramp 55 and just south of the Isabel overwash area for nesting American Oystercatchers. This is a full beach closure and precludes access to Hatteras Inlet on both the Pole Road and the ocean shoreline.
- A RESOURCE protection (prenesting) area was established the week of March 24, 2008 south of the southern exit of Pole Road. The area includes upper beach and interior areas south of Pole Road and a full ocean beach closure beginning approximately 0.1 mile south/west of the southern exit of Pole Road. The full beach closure is approximately 0.8 miles long and continues south/west around the tip of Hatteras Inlet, which encompasses the “Rip.” The Consent Decree states that the pre-nesting areas “shall not be reduced to accommodate an ORV corridor, including in the event of naturally occurring erosion or accretion of the area, except in emergency situations. As a result of

the erosion occurring at the “Rip,” this area will not be opened until the later of July 15, 2008 or two weeks after the last chick within the area has fledged.

- A RESOURCE protection area for foraging piping plovers was REMOVED on the sound shoreline on June 11, 2008. This foraging closure had been established on April 9 approximately 0.1 mile southwest of where the Spur Road exits onto the sound shoreline. This allows for a 0.22 mile corridor of shoreline access for boaters on the soundside. Currently, there is no access to the “Rip.”

Ocracoke Island

The Ocracoke Island District has a total distance of 18.3 miles of ocean shoreline. Approximately 14.9 miles are open to pedestrian access, though some areas (approximately 1.3 miles) that are “open,” such as the southern end of South Point, are not readily accessible by pedestrians. Approximately 6.1 miles are open to ORV access on Ocracoke Island. ORV use is restricted by a 4.8 mile SAFETY closure. Approximately 3.4 miles is closed to all access for RESOURCE PROTECTION areas.

Ramp 59 - Ramp 67: (7.8 miles; includes North Ocracoke Spit)

There is no through ORV shoreline access between these two ramps. Pedestrian access is open from Ramp 59 to Ramp 67, 6.4 miles in length.

- A RESOURCE protection (prenesting) area was established at North Ocracoke Spit the week of March 24, 2008. It includes interior areas of the spit and the ocean shoreline. An ocean/inlet shoreline access corridor is currently being maintained (weather dependent) above the high tide line for ORV and pedestrian access from Ramp 59 north for 0.9 miles toward North Ocracoke Spit. There is no ORV or pedestrian access in the RESOURCE protection area.
- A RESOURCE protection area was established on June 5, 2008 0.4 of a mile north of Ramp 59 for American Oystercatchers. Approximately 450 meters of shoreline is closed to ORV and pedestrian access. There is 0.4 of a mile of beach that is restricted access (pedestrians only) north of this closure which adjoins a prenesting closure area at the tip of the north end of Ocracoke Island. There is no pedestrian access within the prenesting closure area.
- A RESOURCE protection area 0.9 of a mile south of Ramp 59 was REMOVED on June 19, 2008. This closure had been a full beach closure for American Oystercatchers and there has been no activity observed. Removal of this closure opens pedestrian access south of Ramp 59 to Ramp 67, which is 6.4 miles in length.
- A RESOURCE protection area was REMOVED on June 3, 2008 that had previously been established 4.5 miles south of Ramp 59 and 3.1 miles north of Ramp 67 for American Oystercatchers. There is ORV access north of 67 for 1.4 miles.
- A SAFETY closure is 4.8 miles long, and begins 1.0 miles south of Ramp 59 to 1.4 miles north of Ramp 67, was adjusted on May 14. This section is open to pedestrian access but not to ORV access.
- A RESOURCE protection area was REMOVED on the dredge spoil piles on North Ocracoke. There has been no American Oystercatcher activity.

Ramp 67 - Ramp 70 (includes Ramp 68): (3.8 miles; includes Ramp 68)

There is no through ORV shoreline access between these two ramps. Pedestrian access is open. The annual seasonal beach closure in front of the Ocracoke Campground and Day Use area went into effect on May 15, 2008. The beach from 0.6 of a mile south of Ramp 67 to Ramp 68 is closed to ORV access for 0.9 of a mile.

- A RESOURCE protection area was REMOVED on June 3, 2008 that had been established 0.3 of a mile south of Ramp 68 for American Oystercatchers.
- The RESOURCE protection area 0.8 of a mile south of Ramp 68 was removed.
- A RESOURCE protection area begins 1.4 mile northeast of Ramp 70 and extends for 0.4 of a mile for American Oystercatchers and chicks. This is a full beach closure.

Ramp 70 - Ramp 72 (1.8 miles) and Ramp 72 to South Ocracoke Spit (4.4 miles):

The beach is open to ORV and pedestrian access from Ramp 70 south along ocean shoreline, for approximately 0.2 of a mile south of Ramp 72. There is no through access to South Point.

- A RESOURCE protection (prenesting) area was established the week of March 24, 2008 that encompasses interior and soundside areas of the spit. There is ocean shoreline access for 2.6 miles from Ramp 72 south. On the soundside shoreline, 1.3 miles of shoreline is closed to ORV and pedestrian access.
- A RESOURCE protection area was established 0.2 mile south of Ramp 72. This is a full beach closure that extends for approximately 1.3 miles and precludes overland access to South Point. This full beach closure along the ocean shoreline is for foraging piping plovers, piping plover chicks, and a least tern colony.

Temporary resource protection areas are necessary to protect threatened and endangered species and species of concern including Piping Plovers, American Oystercatchers, Colonial Waterbirds (Terns and Skimmers), and sea turtles. Posted areas are closed to vehicles, pedestrians and pets.

-NPS-