

## CHAPTER 2: ALTERNATIVES

### 2.1 INTRODUCTION

This chapter describes alternatives for ORV management, consistent with the purpose of and need for action. Three alternatives are analyzed: the no-action alternative (alternative A) and two action alternatives (B and C). Elements of the alternatives are compared in table 2-1. Alternative B is the NPS proposed action and preferred alternative. This chapter also lists mitigation measures that would apply to the three alternatives. Other alternatives or alternative elements were identified during internal and public scoping but were dismissed from further consideration, as described in appendix C.

### 2.2 ALTERNATIVE A – NO ACTION

As stated in the NPS NEPA Handbook (NPS 2015b, sec. 4.3B), “the no-action alternative describes what would happen if current management were to continue into the future and an analysis of the no-action alternative should discuss how the current condition of affected resources would change if current management were to continue.” Therefore, under the no-action alternative, the ORV driving program would continue under current NPS practices. No changes in permit categories, permit caps, current seasonal driving windows, or definitions in the current regulations or vehicle types permitted would occur.

This alternative would maintain the current ORV management practices. The no-action alternative includes modifications to the 1987 regulations, such as variable seasonal driving windows for the permit categories, allowing limited driving by applicants on the waiting list when the Great South Bay is frozen, allowing all-wheel drive vehicles, and allowing limited driving exceptions through the Sunken Forest Preserve to access the eastern communities. Because current ORV management practices have essentially modified the 1987 regulations, the no-action alternative is not selectable. The change in conditions at the Seashore over the last 37 years has led the NPS to believe that some regulatory updates are necessary. Nonetheless, the no-action alternative is analyzed in this document in accordance with NEPA.

### 2.3 ALTERNATIVE B – PROPOSED ACTION

Alternative B would increase the permit caps for year-round residents and construction/business vehicles and modify other caps and restrictions. Alternative B would simplify the permitted driving schedule by reducing restrictions for year-round and part-time residents and simplifying the shoulder season restrictions related to weekday/weekend driving. However, driving by residents and construction/businesses would continue to be prohibited in the summer to maintain visitor experience and safety and to protect natural resources (including T&E species).

The NPS would remove the current definition of “alternative means of transportation,” shifting the focus to the seasonal availability of transportation methods on Fire Island. Although this current definition would be removed, water-based transportation would still be the primary form of access to Fire Island whenever and wherever feasible throughout the year. For circumstances that do not warrant vehicular travel, the primary means of access to Fire Island would remain ferries and other watercraft. Historically, this has been the method by which most island visitors and residents have reached the Seashore. The island is served by a number of licensed or franchised passenger ferries, whose schedules vary with seasonal demands for travel to the island. These ferries are expected to continue to provide a reasonable transportation alternative to the use of vehicles.

TABLE 2-1. COMPARISON OF ELEMENTS OF THE THREE ALTERNATIVES

Element	Alternative A – No Action	Alternative B – Proposed Action	Alternative C – Alternative Action
<b>Year-round Residents</b>			
Permit cap	145 (1 permit/household)	200 – for qualified applicants (1 permit/household)	No cap – for qualified applicants (1 permit/household)
	<p><i>Qualifications:</i> Per the regulations, persons who are legally domiciled on the island and who, in addition, physically reside in their fixed and permanent homes on the island continuously, except for brief and occasional absences, for 12 months of the year.</p> <p>Currently, there is no formal definition of brief and occasional absences. The NPS relies on information, such as gate records, to determine whether the use patterns (or length and frequency of absences) are consistent with year-round residency.</p>	<p><i>Qualifications:</i> Persons who are legally domiciled on the island and who, in addition, physically reside in their fixed and permanent homes on the island continuously, typically 7 days per week, for 12 months of the year except for brief and occasional absences.</p> <p>Brief and occasional absences are defined as being absent from one's Fire Island residence for no more than a total number of 60 days during the permitted driving period each year, with no more than 30 consecutive days at any one time. The NPS would consider exception requests for irregular extended absences.</p>	
Round trips/day	2	2	2
Seasonal driving	<ul style="list-style-type: none"> <li>▪ Driving permitted until the first Friday in May.</li> <li>▪ From first Saturday in May to Friday before Memorial Day:                             <ul style="list-style-type: none"> <li>– Driving permitted on weekdays</li> <li>– Driving permitted on weekends before 9:00 a.m. and after 6:00 p.m.</li> </ul> </li> <li>▪ From Saturday before Memorial Day to last day of Suffolk County public schools in June:                             <ul style="list-style-type: none"> <li>– Driving permitted on weekdays before 9:00 a.m. and after 6:00 p.m.</li> <li>– No driving on weekends.</li> <li>– On Memorial Day, driving permitted after 6:00 p.m.</li> </ul> </li> <li>▪ From Tuesday after Labor Day to the following Friday:                             <ul style="list-style-type: none"> <li>– Driving permitted before 9:00 a.m. and after 6:00 p.m.</li> <li>– No driving on first weekend after Labor Day.</li> </ul> </li> <li>▪ From Monday one week after Labor Day to Sunday before Columbus/Indigenous Peoples' Day:                             <ul style="list-style-type: none"> <li>– Driving permitted on weekdays.</li> <li>– Driving permitted on weekends before 9:00 a.m. and after 6:00 p.m.</li> </ul> </li> <li>▪ No driving on Columbus/Indigenous Peoples' Day.</li> <li>▪ Driving permitted after 12:00 a.m. on Tuesday after Columbus/Indigenous Peoples' Day.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Driving permitted until Friday at 11:59 p.m. before Memorial Day.</li> <li>▪ No driving Saturday or Sunday during Memorial Day weekend.</li> <li>▪ From 6:00 p.m. on Memorial Day until the last day of Suffolk County public schools or the last Friday in June (whichever comes first) at 11:59 p.m.:                             <ul style="list-style-type: none"> <li>– Driving permitted on weekdays.</li> <li>– Driving permitted before 9:00 a.m. and after 6:00 p.m. on weekends.</li> </ul> </li> <li>▪ Driving not permitted from the last day of Suffolk County public schools or the last Friday in June (whichever is earlier) at 11:59 p.m. until 6:00 p.m. on Labor Day.</li> <li>▪ From 6:00 p.m. on Labor Day until 9:00 a.m. on Columbus/Indigenous Peoples' Day:                             <ul style="list-style-type: none"> <li>– Driving permitted on weekdays.</li> <li>– Driving permitted on weekends and on Columbus/Indigenous Peoples' Day before 9:00 a.m. and after 6:00 p.m.</li> </ul> </li> <li>▪ Driving permitted after 6:00 p.m. on Columbus/Indigenous Peoples' Day.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Driving permitted until the Friday (until 11:59 p.m.) before Mother's Day.</li> <li>▪ No driving on Mother's Day weekend.</li> <li>▪ From 12:00 a.m. on Tuesday after Mother's Day until the last day of Suffolk County public schools or the last Friday in June (whichever comes first) at 11:59 p.m.:                             <ul style="list-style-type: none"> <li>– Driving permitted on weekdays.</li> <li>– No driving permitted on weekends or on Memorial Day</li> </ul> </li> <li>▪ Driving not permitted from the last day of Suffolk County public schools or the last Friday in June (whichever is earlier) at 11:59 p.m. until 11:59 p.m. on Labor Day.</li> <li>▪ From 12:00 a.m. on the Tuesday after Labor Day until 11:59 p.m. on the Friday before Columbus/Indigenous Peoples' Day:                             <ul style="list-style-type: none"> <li>– Driving is permitted on weekdays.</li> <li>– No driving on weekends.</li> </ul> </li> <li>▪ Driving permitted after 12:00 a.m. on Tuesday after Columbus/Indigenous Peoples' Day.</li> </ul>
<b>Part-time Residents</b>			
Permit cap	100	50	50
Round trips/day	2	2	2
Seasonal driving	(same as for Year-round Residents)		

Element	Alternative A – No Action	Alternative B – Proposed Action	Alternative C – Alternative Action
<b>Municipal Employees</b>			
Permit cap	5 permits per village or community except on the basis of documented community need.	<ul style="list-style-type: none"> <li>This category would be renamed "Community Employees."</li> <li>5 permits per village or community on the basis of documented community need. Up to 2 of these 5 permits per village or community may be issued to employees who are not year-round residents. All other municipal employees must be year-round residents.</li> </ul>	
Round trips/day	2	2	2
Seasonal driving	(same as for year-round and part-time residents)		
<b>Public Utilities</b>			
Permit cap	30 (combined cap for public utilities and essential services; each permit is eligible for a fleet of vehicles based on demonstrated need)	<ul style="list-style-type: none"> <li>No cap on permits.</li> <li>Category to be separated from essential services.</li> <li>Eligibility based on demonstrated community need from the utility providers.</li> <li>Eligible for fleet permits.</li> </ul>	
Round trips/day	1	1	1
Seasonal driving	<ul style="list-style-type: none"> <li>Driving to the last day of Suffolk County public schools: Same as for year-round residents.</li> <li>From the last Day of Suffolk County public schools to Friday before Labor Day (i.e., summer):                             <ul style="list-style-type: none"> <li>– Driving permitted before 9:00 a.m. and after 6:00 p.m. on weekdays.</li> <li>– No driving on weekends and federal holidays.</li> </ul> </li> <li>From Tuesday after Labor Day to Sunday before Columbus/Indigenous Peoples' Day: Same as for year-round residents except:                             <ul style="list-style-type: none"> <li>– Driving permitted before 9:00 a.m. and after 6:00 p.m. on the weekend after Labor Day.</li> <li>– Driving permitted after 12:00 a.m. on Tuesday after Columbus/Indigenous Peoples' Day.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>From Columbus/Indigenous Peoples' Day to last day of Suffolk County public schools or the last Friday in June (whichever is earlier): Same as for year-round residents.</li> <li>From the last day of Suffolk County public schools or the last Friday in June (whichever is earlier) to Friday before Labor Day: 24 hours/day access for demonstrated need.</li> </ul>	
<b>Essential Services</b>			
Permit cap	30 (combined cap for public utilities and essential services – each permit is eligible for a fleet of vehicles based on demonstrated need)	<ul style="list-style-type: none"> <li>Category to be separated from public utilities.</li> <li>No cap on permits.</li> <li>Not eligible for fleet permits but eligible for two permits per business owner.</li> <li>Eligibility based on demonstrated need requested by the communities.</li> <li>Municipal solid waste carters remain in essential services; construction debris carters to be assigned to the construction/business permit category.</li> <li>The superintendent may consider temporarily including services that are typically eligible for construction/business permits (e.g., construction debris carting; plumbers and electricians) as essential in the event of a public health crisis or an emergency with imminent threat to public safety or natural resources.</li> </ul>	
Round trips/day	1	2	2
Seasonal driving	(same as for public utilities)	<ul style="list-style-type: none"> <li>From Columbus/Indigenous Peoples' Day to last day of Suffolk County public schools or the last Friday in June (whichever is earlier): Same as for year-round residents.</li> <li>From the last day of Suffolk County public schools or the last Friday in June (whichever is earlier) to Friday before Labor Day, driving permitted on weekday nights before 9:00 a.m. and after 6:00 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>From Columbus/Indigenous Peoples' Day to last day of Suffolk County public schools or the last Friday in June (whichever is earlier): Same as for year-round residents.</li> </ul>

Element	Alternative A – No Action	Alternative B – Proposed Action	Alternative C – Alternative Action
<b>Construction/Business</b>			
Permit cap	80	145	No cap
		<ul style="list-style-type: none"> <li>Eligibility for a construction/business permit would require proof of work for an extended period of the year (“year-round-work”), consisting of at least 6 months of work total within the construction/business driving season, with up to 3 months from the previous year’s driving season allowed to be used to meet this definition.</li> <li>One-year permits only; the 30-day-per-job permit option currently in the regulations would be eliminated.</li> <li>One permit and one vehicle per construction/business owner and address.</li> <li>Construction debris removal would be included under the construction/business permit category (i.e., it would not be permitted under the essential services permit category).</li> <li>Includes electricians and plumbers.</li> </ul>	
Round trips/day	1		2
Seasonal driving	<ul style="list-style-type: none"> <li>Driving permitted until Friday before Mother’s Day.</li> <li>From the day after Mother’s Day to Friday of the week before Memorial Day:                             <ul style="list-style-type: none"> <li>No weekend driving is permitted.</li> <li>Weekday driving is permitted only when alternative transportation (i.e., adequate ferry service) is not available.</li> </ul> </li> <li>Driving permitted from the Tuesday after Columbus/Indigenous Peoples’ Day.</li> </ul>	<ul style="list-style-type: none"> <li>Driving permitted until 11:59 p.m. on the first Friday in May.</li> <li>Driving permitted from 12:00 a.m. on the Tuesday after Columbus/Indigenous Peoples’ Day.</li> </ul>	<ul style="list-style-type: none"> <li>Driving permitted until 11:59 p.m. on the first Friday in May.</li> <li>Driving also permitted from 12:00 a.m. on the first Monday after the first Friday in May to 11:59 p.m. on Friday before Mother’s Day.</li> <li>Driving permitted after 12:00 a.m. on the Tuesday after Columbus/Indigenous Peoples’ Day.</li> </ul>
<b>Recreational Vehicles</b>			
Permit cap	5,000 one-way trips per year through the east gate.	Qualified applicants receive a recreational driving permit for entry at the east gate only. Recreational permits would continue to be issued only for the purpose of vehicular access for recreational sportfishing and hunting activities.	
Round trips/day	2		1
Seasonal driving	<ul style="list-style-type: none"> <li>September 15 – December 31, and</li> <li>April 1–June 13</li> </ul>		September 15 – January 31
<b>Other Categories</b>			
Temporary Permits	There is no temporary permit category in the current regulations. For situations where the restrictions for authorized travel (36 CFR 7.20(a)(10)(ii)) would create a severe hardship, the superintendent may authorize trips or travel at other hours, in addition to travel and hours listed under the various categories above.	<ul style="list-style-type: none"> <li>Set up as a new permit category.</li> <li>No cap; the number of exceptions would be under the superintendent’s discretion. This new temporary category would not be used to allow anyone access for personal convenience, but rather for emergency and unusual circumstances that involve life, safety, resource damage, recent or imminent severe damage to infrastructure, etc.</li> <li>The current practice of temporary permits when Great South Bay is frozen (“ice-over permits”) would be eliminated; this need would be accommodated by changes in caps for various permit categories listed above.</li> </ul>	
Official Use	No cap, but the NPS issues a permit. This category applies to nonemergency federal, state, county, town, and village employees, who have some jurisdiction on the island and need to drive for official business.		
School Bus	No cap and no permit required. There are several 4-wheel drive school buses transporting students to the Woodhull School (kindergarten to grade six) in Cornielle Estates and to secondary schools on the mainland.		
Emergency Services	The current regulations do not require a permit for law enforcement vehicles and firefighting apparatus.	<ul style="list-style-type: none"> <li>No cap, and a permit unlikely to be required. To be identified in the regulations as a new category (for police, firefighting apparatus, and ambulances).</li> <li>Practices for driving by these vehicles (access, seasonal driving, etc.) to remain unchanged from current conditions.</li> </ul>	

### 2.3.1 Trip

The current regulations define a “trip” as a vehicle travelling from the mainland to Fire Island. A trip would be redefined as a vehicle passing through either the Seashore’s west or east gate. This revision would allow for better enforcement of the daily trip limits at the gates since the NPS has no means of monitoring travel over bridges from the mainland. It would also reduce the amount of back-and-forth driving between the parking lot at Field 5 (i.e., the easternmost parking lot in the Robert Moses State Park) and the Seashore via the west gate.

### 2.3.2 Main Changes for Permit Categories

**Year-round residents.** The current cap of 145 permits would be increased to 200 permits under alternative B. This increase considered the current estimate of year-round resident households (222), the applicants on the peak waiting list over the last few years, ice-over permits issued, the updated definition of a trip, and uncertainties and needs for the foreseeable future. The proposed increase also considers that part-time residents would phase out over time, off-setting the overall increase. Alternative B would define “year-round residents” as persons who are legally domiciled on the island and who, in addition, physically reside in their fixed and permanent homes on the island continuously, typically 7 days per week, for 12 months of the year except for brief and occasional absences. Brief and occasional absences are defined as being absent from one's Fire Island residence for no more than a total number of 60 days during the permitted driving period each year, with no more than 30 consecutive days at any one time. The NPS would consider exception requests for irregular extended absences. Permits would continue to be subject to review for eligibility.

Applicants must meet qualification criteria to receive a permit, which includes providing documentation that the applicant has lived full-time on the island the entire prior year. Only one year-round resident permit would be issued per household and permittees would be allowed two round trips per day. The seasonal driving window would end on the last day of Suffolk County public schools in June or the last Friday in June (whichever comes first), and restart at 6:00 p.m. on Labor Day.

**Part-time residents.** The current definition of the part-time resident driving permit category would not change (i.e., persons who held part-time permits prior to January 1, 1978), consistent with the project’s purpose and need. However, the cap would be reduced to 50 permits, which allows all residents who may be eligible for this type of permit to obtain them. Currently, only 36 permits are issued, and the category is phasing out. The seasonal driving window would be the same as for year-round residents.

**Public utilities.** This category would be separated from essential services; the current cap of 30 permits (combined for both categories) would be removed. Permits would be issued based on a demonstrated need from the utility providers, such as when the work cannot be supported by waterborne transportation. “Telephone service” would be redefined as “telecommunication services.” The seasonal driving window would be the same as for residents except in July and August when public utilities would have access 24 hours per day, provided they had a demonstrated need. Utilities would remain eligible for fleet permits.

**Essential services.** This category would be separated from utilities. Permits would be issued based on demonstrated community need. There would not be a set number of permits. Examples of essential services would be municipal solid waste carters, bottled gas and heating fuel supply, and septic pump-out services. Construction debris carters would become part of the construction/business category, as they are in the current regulations. The seasonal driving window would be the same as for residents, except during July and August, when access would be permitted on weekday nights (6:00 p.m. to 9:00 a.m.), remaining the same as current conditions.

Essential services would not be eligible for fleet permits, but they would be eligible for two permits per business. Demonstrated need would not be defined in the regulations, but would be specified in the permit

application and, as practical, the NPS would verify that the work is essential to the communities being served (such as by requiring a letter demonstrating need from the respective homeowner association of those communities that includes an explanation of why water-based transportation is not adequate). This demonstrated need requirement could be adjusted over time, given the dynamic nature of this category, and would be developed and revisited in coordination with the Fire Island communities and municipalities. The NPS would consider an exception and allow for an additional permit per business for serving the east end of the Seashore during periods of restricted driving (with demonstrated need). Having no cap on the number of permits provides the NPS with the flexibility to issue permits if other essential services are needed in the future.

**Construction/business.** The current permit cap of 80 permits would increase to 145 permits. The increase in the cap accounts for all permits issued currently, applicants on the peak waiting list over the last few years, ice-over permits issued currently, an estimated 8% reduction in the number of trips on a given day by construction/business permittees based on the redefinition of a “trip”, and uncertainties and needs for the foreseeable future. The increase also considers the shift of construction debris carting from essential services to solely being performed by the construction/business category.

Applicants must be able to provide proof of year-round work to be considered for a permit. There would be a limit of one vehicle per qualifying construction/business owner and address, and two trips per day through the gate per permitted vehicle. The seasonal driving window for construction/businesses would end on the first Friday in May and restart on the Tuesday after Columbus/Indigenous Peoples’ Day. For proof of year-round work, an applicant would have to show at least six months of work total within the driving season for this category. Up to three months of work conducted earlier in the previous driving season would count toward this six-month minimum at the time of application for a permit.

**Municipal employees.** This category would be renamed “community employees” but would otherwise be maintained. It would continue to be capped with up to five permits per community. Requirements to qualify would remain similar to current conditions (i.e., year-round resident of a Fire Island community and full-time employee of the community). In addition, the need for a permit must be demonstrated, including that official use vehicles would not be able to satisfy this need. As is currently the case, requests for community employee permits would have to come from the community, rather than from the person to whom the permit would be issued. The driving window for municipal permittees would be the same as for residents under alternative B. Two of the five permits would be available for full-time staff that live off-island.

**Recreational vehicles.** All qualified applicants would receive a recreational driving permit. There would not be a set number of annual permits or trips. However, the superintendent has the ability to close the beach to recreational driving for the protection of resources and the safety of the public. One round trip per day per vehicle would be permitted (a change from currently two round trips per day). The seasonal driving window would be September 15 to January 31. The end date aligns with hunting and fishing seasons and does not conflict with beach closures for the protection of piping plovers (see figure D-17 in appendix D). Recreational permits would continue to be issued only for the purpose of vehicular access for recreational sportfishing and hunting activities.

**Official use (nonemergency).** This category applies to nonemergency federal, state, county, town, and village employees (including NPS staff and building inspectors) who have some jurisdiction on the island and need to drive for official business. This category is not capped now and is permitted differently than other categories. Vehicles are marked as “official” (e.g., on the license plate), and the NPS issues paper permits to track numbers.

**Emergency services.** This would be a new category recognizing the use of police, firefighting, and ambulance vehicles and other types of emergency vehicles under existing laws. As defined in 36 CFR 1.4,

an authorized emergency vehicle is a vehicle in official use for emergency purposes by a federal agency or an emergency vehicle as defined by state law. The New York State Vehicle and Traffic Law, Article 1, Title 1, Section 101 defines authorized emergency vehicles as every ambulance, police vehicle, firefighting vehicle, civil emergency vehicle, emergency ambulance service vehicle, environmental response vehicle, sanitation patrol vehicle, hazardous materials vehicle, and ordnance disposal vehicle of the armed services of the United States. In nonemergency situations, these vehicles must still adhere to applicable driving restrictions on the Seashore for resource protection under existing federal laws and regulations such as the Endangered Species Act (ESA), Wilderness Act, and specific Seashore closures as authorized by the superintendent.

**Temporary permits.** This would be a new category and would include temporary permits issued for emergency and unusual circumstances that involve safety, resource damage, and severe damage to infrastructure. As will all other permit categories, activities that *can* be accomplished by water *should* be accomplished by water. There would be no cap, and the number of exceptions would be under the superintendent's discretion. Currently (i.e., alternative A), for situations where the restrictions for authorized travel (36 CFR 7.20(a)(10)(ii)) would create a severe hardship, the superintendent may authorize additional trips or travel at hours outside the permitted driving window. The NPS would outline the conditions under which a temporary permit would be issued. This includes emergency conditions for medical exceptions, and utility and infrastructure-related service needs after major storms. The current practice of issuing temporary ice-over permits would be eliminated; this need would be accommodated by changes in the caps for the various permit categories. This category could not be used to allow anyone access for personal convenience and is not intended for use by seasonal residents.

### 2.3.3 Permitting Sequence

The towns of Islip and Brookhaven govern the Fire Island communities and issue driving permits separate from the NPS permits. Drivers must have both a permit (or other appropriate authorization) from the NPS and the respective town (or both towns if applicable for applicants) to drive on Fire Island. Under the current process, Islip verifies and provides a permit before the NPS issues a permit. Brookhaven waits until after the NPS verifies qualifications to issue a permit. Stakeholders have expressed a desire for more clarity, transparency, and better ways for the communities and the NPS to cooperate. Under alternative B, the NPS would continue to coordinate with towns to verify year-round residency, but would not issue a permit for driving unless the respective town (or both towns) issues a permit first. The NPS would still independently review and decide whether to issue each driving permit for access to NPS-managed lands. This process also enables the municipalities to establish permit caps below any caps set by the NPS.

### 2.3.4 Driving Areas

The existing regulations designate routes for vehicle travel on NPS jurisdictional areas broadly under 36 CFR 7.20(a)(2): (1) along the Atlantic Ocean between the water's edge and 20 feet seaward of the American beach grass (*Ammophila breviligulata*) line (i.e., vehicle travel is not permitted if the water is higher than this 20-foot line); (2) along Burma Road within the Lighthouse tract; (3) along Burma Road, extending intermittently the length of the island for limited travel by public utilities and emergency vehicles; and (4) across posted dune crossings from the beach to Burma Road or to pathways within the island.

The revised regulations under alternative B would be more specific and identify the areas where driving may be permitted on the Seashore, depending on conditions. The NPS may choose to not permit, or greatly limit permitted access to these areas, using the compendium (NPS 2023b) if unforeseen impacts or environmental changes (such as erosion) were to occur.



The following are areas where a permit would be required to drive on NPS lands (see figure 1-1 for orientation):

- Burma Road at the Lighthouse tract
- All Atlantic Ocean beaches between the Kismet dune cut and Smith Point
- Interstitial land tracts between several western communities
- Sunken Forest/Sailors Haven
- Talisman/Barrett Beach
- Watch Hill

The revised regulations would also specify the areas where driving would *not* be permitted on NPS lands, except for public utilities with an active right-of-way permit:

- All bayside beaches
- Atlantic Ocean beach in Lighthouse tract (i.e., between the Robert Moses State Park and the Kismet dune cut)
- Fire Island Lighthouse driveway (except for vehicles with a “Disabled” placard)
- Kismet Pond Road (road between the Old Kismet Fire House and the Great South Bay)
- Carrington tract interior (between Cherry Grove and Fire Island Pines)
- Talisman/Barrett Beach interior.
- All designated wilderness areas
- William Floyd Estate

### **2.3.5 Access Points to Communities and Areas of the Seashore**

The narrow dimensions of the Seashore have resulted in breaches of the barrier island in the past, most recently in 2012 at Old Inlet following Superstorm Sandy. Although the breach is now closed, it is likely that overwashes and breaches will continue to occur during extreme storms in the future, especially considering the projected rise in sea level. The revised regulations would accommodate driving conditions with and without a breach. For example, the NPS would weigh distance to access points, stability of driving routes, and the potential for resource damage when permitting access. Depending on the destination, preference could be given to either the west gate or the east gate as access points for permit applicants. The dividing zone could again be the Sunken Forest/Sailors Haven tract.

### **2.3.6 Enforcement and Monitoring**

The current regulations (36 CFR 7.20(a)(12)) specify that failure to comply with the conditions of any permit issued will constitute a violation of these regulations. The NPS intends to maintain and exercise the superintendent’s authority and discretion to suspend/revoke permits when violations occur. The NPS would provide additional driver education via the web, video, class, or other means regarding the responsibilities of driving on the Seashore to protect natural resources and resident and visitor safety.

## **2.4 ALTERNATIVE C – ALTERNATIVE ACTION**

Alternative C would remove the current permit caps for year-round residents and construction/businesses. Compared to alternative B, it would also have different driving restrictions during the spring and fall shoulder seasons for residents, municipal employees, essential services, and construction/business



vehicles as summarized below and in table 2-1. Other elements of alternative C would be identical to alternative B.

**Residents, municipal employees, and essential services.** Year-round residents who applied and met established criteria would receive a permit if they first received a permit from the towns of Islip or Brookhaven; there would not be a set number of total permits for this permit category. Seasonal driving for year-round and part-time residents, municipal employees, and essential services would be allowed only on weekdays (and not on weekends) in the shoulder seasons from the Saturday (12:00 a.m.) before Mother’s Day to the last day of school or the last Friday in June (whichever is earlier) (11:59 p.m.), and between the day after Labor Day (12:00 a.m.) to the Friday (11:59 p.m.) before Columbus Day/Indigenous Peoples’ Day weekend. The regulations could include language to limit exceptions.

**Construction/business.** Permits would be issued to all qualified construction/business applicants that could demonstrate the required amount of work on the island in the coming year. There would not be a set number of total permits for this category. Construction/business vehicles would be allowed to drive later into the spring shoulder season as compared to alternative B. Specifically, driving would be permitted until the first Friday in May; from the first Friday in May to the first Friday before Mother’s Day, weekday only would be permitted. No construction/business driving would be permitted after the first Friday before Mother’s Day until the Tuesday (12:00 a.m.) after Columbus/Indigenous Peoples’ Day (same as alternative B).

## 2.5 MITIGATION MEASURES

Table 2-2 summarizes measures considered in the analysis of alternatives to protect Seashore resources.

**TABLE 2-2. RESOURCE MITIGATION MEASURES**

Issue	Mitigation Measures
Dune systems and plant communities (including T&E plants and significant natural communities)	<ul style="list-style-type: none"> <li>▪ Continue to enforce 36 CFR 7.20(2) of the regulations on NPS lands that requires vehicles to stay at least 20 feet from beach grass or the toe of the dunes to protect the underground rhizomes (commonly referred to as the “rhizome rule”). That includes closure of the beach if it is too narrow for vehicles to pass.</li> <li>▪ Use symbolic fencing at dune cuts and locations if the rhizome rule is repeatedly violated, and at areas of concern or at risk for increased dune erosion.</li> <li>▪ Monitor dune cuts and other high-traffic areas for signs of native vegetation disturbance and revegetate disturbed areas, using native species.</li> <li>▪ Expand the permitted driver education program for recreational drivers to other permit categories (as feasible with available staff and funding).</li> </ul>
Wildlife (including beach invertebrates and T&E species)	<ul style="list-style-type: none"> <li>▪ Continue to implement beach closures to avoid adverse impacts to nesting piping plovers and other special-status species.</li> <li>▪ Employ techniques to reduce impacts on wildlife, including an expanded permitted driver education program, restrictions on driving in areas with sensitive resources, and NPS ranger patrols.</li> </ul>
Sunken Forest and Sunken Forest Preserve	<ul style="list-style-type: none"> <li>▪ Continue to restrict access to Burma Road as needed to protect the toe of the secondary dune and associated plant communities if threatened by driving, such as when vehicles leave the road to avoid water-filled potholes splash salty water onto plants when they driving through the puddles.</li> </ul>

Issue	Mitigation Measures
Visitor use, experience, and safety	<ul style="list-style-type: none"> <li>▪ Continue to communicate information on the purpose and need of management activities and any associated temporary area closures.</li> <li>▪ Continue to coordinate with towns and villages on safety.</li> </ul>
NPS-managed sections of Burma Road and dune cuts	<ul style="list-style-type: none"> <li>▪ Continue to inspect and assess Burma Road on NPS-managed lands to identify potholes, erosion, and violations by drivers.</li> <li>▪ Continue to repair potholes to reduce the potential for road widening caused by drivers avoiding wet areas.</li> <li>▪ Continue to manage sensitive areas of the road by placing barriers to pull-offs (e.g., split-rail fencing) as needed.</li> <li>▪ Close Burma Road on NPS lands, if needed, during adverse conditions.</li> </ul>
Socioeconomic resources	<ul style="list-style-type: none"> <li>▪ Continue enforcing driving rules and coordinate with towns and villages.</li> <li>▪ Towns and villages could curtail driving and development in communities by limiting the number of vehicles and construction/business permits they allocate.</li> <li>▪ NPS could phase in implementation so residents and businesses with existing permits have time to adapt to the changing ORV access regime.</li> </ul>