



Justification for Emergency Processing to Meet a Court-Ordered Deadline **National Park Service Social Science Program**

The National Park Service is requesting emergency processing of an ICR for surveys of local businesses and recreational visitors at Cape Hatteras National Seashore (CAHA).

Emergency processing is needed because use of normal clearance procedures is reasonably likely to cause NPS to miss a court-ordered deadline to finalize an off-road vehicle (ORV) management plan and special regulation for CAHA. (See attached consent decree, page 3, “Final ORV Management Plan and Special Regulation.”) The Regulatory Flexibility Act of 1980 and the National Environmental Policy Act require NPS to evaluate the impacts of proposed management alternatives on small businesses and on the socioeconomic environment of the park. The proposed surveys will provide data for these impact assessments. The surveys have been requested by the Negotiated Rulemaking Committee that is working with CAHA to develop a consensus alternative for ORV management at the Seashore.

Critical Milestones and Court-ordered Deadlines

The following milestones are critical for meeting the court-ordered deadlines:

- Spring 2009: Draft EIS with management alternatives finalized for internal NPS review.
- Fall 2009: Draft EIS released to public along with benefit-cost analysis for the proposed rule.
- Fall 2009–Spring 2010: Public comment on draft EIS.
- Spring 2010: Final EIS and benefit-cost analysis for final rule released.
- December 30, 2010: Planning process completed (court-ordered deadline).
- April 1, 2011: Final rule promulgated (court-ordered deadline).

Survey Information Needed to Meet Court-ordered Deadlines

Visitor intercept survey: To meet the court-ordered deadlines for a final management plan and special regulation, surveys of visitors to CAHA must be conducted from Summer 2009 through Spring 2010. (Use patterns at the Seashore vary seasonally, so all four seasons must be covered.) If approved by May 8, 2009, NPS could begin the visitor survey when the high tourist season starts in late May. If data collected over the summer provides information that changes the economic analysis drastically, then a supplemental draft EIS could be issued in Fall 2009. Data from the full 12 months of surveying will be available for the final EIS and the benefit-cost analysis of the final rule in Spring 2010. The Negotiated Rulemaking Committee has requested a new visitor survey as a way to provide applicable data to inform the socioeconomic impact assessment.

The visitor survey will provide information about the geographic distribution of visitors across areas of the park that will be affected differently by the action alternatives in the EIS. Information also will be collected on visitor and trip characteristics under the baseline No-Action Alternative (current conditions in 2009) and how visitors think the proposed alternatives will affect current and future trips to CAHA.

Business survey: The business-owner survey must be completed in Spring 2009 so that the NPS will be able to use the findings in the draft EIS that will be reviewed over the summer and

released to the public in Fall 2009. This survey will provide information about the size of local businesses for the Regulatory Flexibility Analysis, information for the baseline No-Action Alternative (conditions during 2007 and 2008), and how small business owners think that the proposed action alternatives will affect their operations. Community representatives on the Negotiated Rulemaking Committee feel that businesses have been excluded from the decision-making process and have requested a business survey as part of the economic impact analysis. The NPS believes that inclusion of data from the business survey in the draft EIS to be released in Fall 2009 is important for public acceptance of the document.

Why Previous Research Cannot Be Used

Two previous visitor surveys were conducted at CAHA on ORV use. Vogelsong (2003) interviewed visitors to the Seashore and asked general questions about current trips and some specific questions about ORV use. Neal (2005) surveyed visitors staying at selected lodging facilities, as well as local residents. In May 2008, the NPS completed a peer review of these surveys by a panel of five university experts. The panel concluded that the findings from the surveys could not be extrapolated beyond the original samples and did not provide a sound scientific basis for evaluating the socioeconomic impacts of action alternatives being considered in the draft EIS.

Why Surveys Were Not Proposed Earlier

To design the surveys, the NPS needed the No-Action Baseline Alternative and the various action alternatives to be defined. On October 29, 2008 DOI officials approved the NPS alternatives in the draft EIS for release to the Negotiated Rulemaking Committee.

After approval of the NPS alternatives by DOI, NPS was able to complete draft survey instruments and a supporting statement. Questions in the surveys that deal with future management options are designed to cover the most important features of the proposed alternatives and to reflect the ongoing discussions of the Negotiated Rulemaking Committee in January and February 2009. Primary areas of agreement and disagreement among stakeholders on the Committee must be addressed in the questions if data from the surveys are to inform the selection of a preferred alternative in the final EIS.

Minimizing Burden

NPS has taken several steps to minimize the burden of the proposed surveys on the public. The business survey is based on similar ones conducted with recreational businesses at other parks. A version of the survey was tested with 8 real estate companies that rent houses near CAHA. This instrument included many of the same questions as the proposed business survey, but asked for more detailed information on occupancy rates. Five of the 8 companies, representing over 80% of the houses for rent, responded, and they all said that the information was not hard to compile.

The visitor survey is limited to 5 to 7 minutes based on the advice of RTI International's survey specialists. RTI conducted a pilot test in Fall 2008 of protocols for counting vehicles and visitors on the beach that has been used to develop an intercept sampling protocol. The questions in the visitor survey are based on similar surveys used in national parks, including CAHA.

Prepared by: Dr. James Gramann, NPS Visiting Chief Social Scientist, 202-513-7189, jgramann@tamu.edu