

OFF-ROAD VEHICLE ACTIVITY REPORT

CAPE COD NATIONAL SEASHORE

2021

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Executive Summary 3
Regulatory History 4
2021 ORV MANAGEMENT ACTIONS AND ACTIVITIES 8
 Regulatory and Policy Changes 8
 Number and Type of Permits Issued..... 8
 Seasonal and Weekly Permit Process 9
 Temporary ORV Corridor Closures..... 10
 Synopsis of 2021 ORV Corridor Openings and Closings 11
 Piping Plover Breeding Success 15
 Education and Safety 15
 Enforcement 16
 Improvements 17

Executive Summary

- In 2021 the ORV office returned to opening on April 10th for permit sales
- The corridor opened for driving on April 15th.
- 1877 Annual ORV & SCV permits were sold
- 1576 Weekly ORV & SCV permits were sold
- Revenue increased by 3.83%
- There was a total closure from June 18th - August 11th
- A storm Memorial Day weekend restricted available access and caused nest loss for piping plovers
- 113 pairs of plovers fledged 145 chicks
- Biological Opinion for the 2018 Shorebird Management Plan was signed by US Fish & Wildlife Service in 2021
- 19 violation notices were issued primarily for No ORV Permit
- A New air shack and compressor was installed in 2021

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). 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 (see map in Figure 1) 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 21st annual ORV monitoring report as required by the negotiated rule.

The negotiated rule set a limit of 3,400 ORV permits as the maximum amount to be sold annually. The rule specified that the 3,400 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 3,400 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 3,200 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.

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.

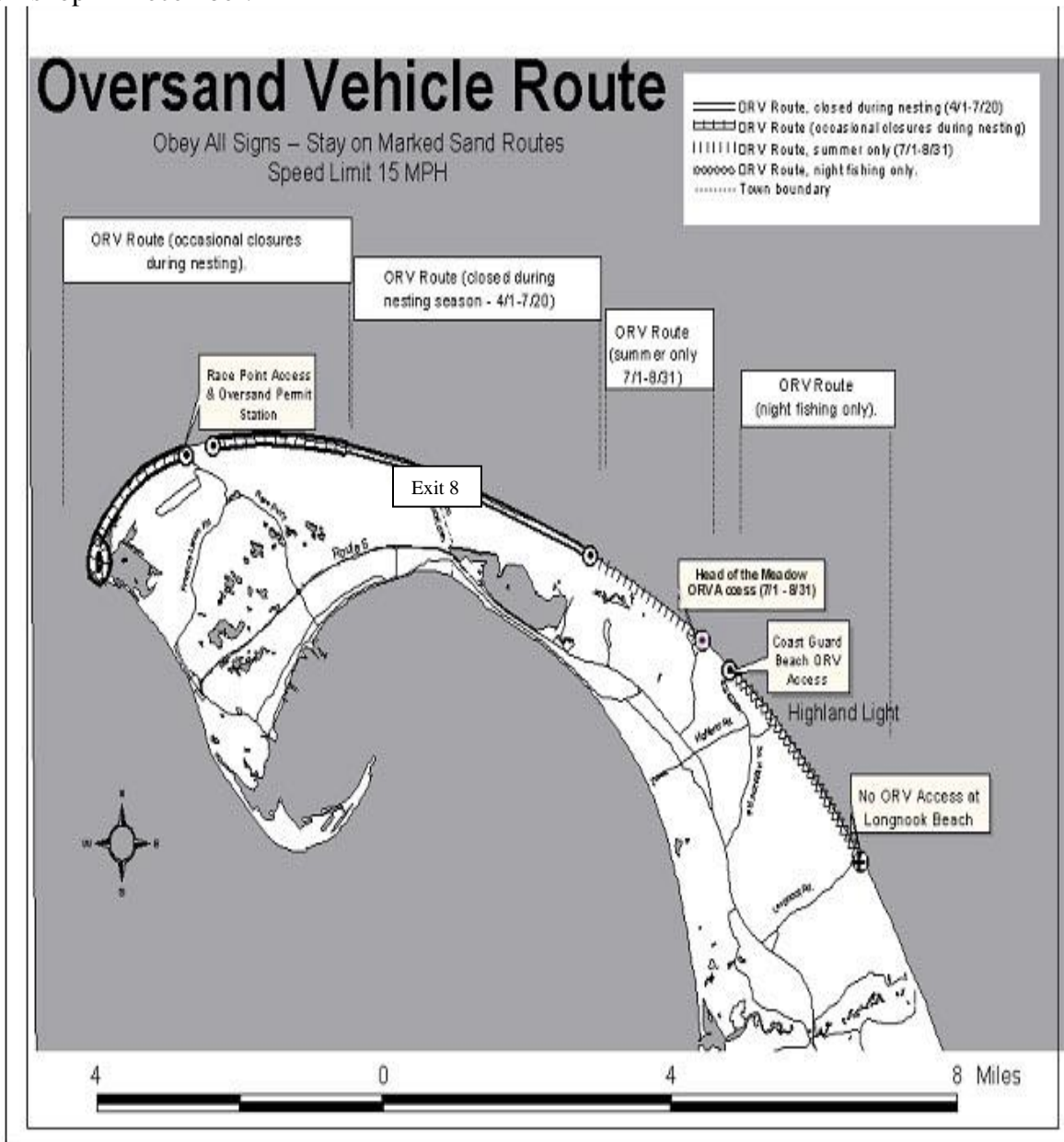


Figure 1. Map of the current oversand vehicle routes defined by the negotiated rule, Cape Cod National Seashore.

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. 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.

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.

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.

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.

During the spring and summer 2017 season the weather was generally cooler, with more rainy days than the previous year. High Head and Head of the Meadow ORV access roads remained closed for the entire season. There was a total closure of the corridor from July 20th through July 24th. From May 26th until August 9th there was less than a half mile of corridor open.

The 2018 season had fairly good weather. Head of the Meadow and Coast Guard Beach night fishing accesses remained closed for the entire season due to beach conditions. There was a total closure of the corridor from June 26th through June 30th.

The 2019 season saw the longest period of total closure since the Negotiated Rule went into effect in 1998. The corridor entered near closure on June 16th. Daytime use of the ORV corridor closed on June 28th and the entire corridor was closed from July 5th – August 4th.

In 2020 the COVID-19 pandemic caused the opening of the corridor to be delayed. The corridor and permit office opened for the season on June 3rd. Due to the delayed opening many piping plover broods had nested which, in combination with beach conditions, resulted in SCV's not being allowed on the corridor until late summer. The corridor entered near closure on June 19th and the entire corridor was closed from July 4th- July 29th.

In 2021 the oversand operation returned to business as usual with permit sales opening on April 10th and the corridor opening on April 15th. A nor'easter Memorial Day weekend resulted in many piping plover nests to be lost and elongated the breeding season. The entire corridor was closed from June 18th – August 11th.

2021 ORV MANAGEMENT ACTIONS AND ACTIVITIES

Regulatory and Policy Changes

Safety measures implemented in 2020 including continuing mail-in renewals for annual permit holders continued in 2021. Social distancing guidelines were put in place to allow for the safety of staff and visitors at the ORV Permit Office.

In June of 2021 the US Fish & Wildlife service signed off on the biological opinion related to the 2018 Shorebird Management Plan. This will allow the park to explore using flexible management with up to 5 pairs of piping plovers parkwide, and now includes the ORV corridor as a potential location for implementation.

Parking restrictions implemented in 2018 for SUV's utilizing parking at Province Lands Visitor Center while the SCV Areas were closed remained in effect.

The finalization of the 2018 Shorebird Management Plan continues the management of Hatches Harbor spit as critical habitat for Piping Plovers. The spit was symbolically fenced as potential nesting habitat from April 1 to June 30. Three pair of plovers had nests in the area and Hatches Harbor opened to vehicles on August 25th.

Number and Type of Permits Issued

Permit sales in 2021 re-opened on time with Covid-19 precautions being kept in place. A rainy summer combined with a Memorial Day weekend storm, which caused many piping plover pairs to renest, resulted in the longest total closure to date. Despite the length of the closure, total permit sales revenue increased by 3.83% when compared to 2020 sales (refer to Figure 2). Revenue increased by \$13,550.00 over 2020 revenue. The seasonal ORV and SCV permits increased from 1,521 during the 2020 season to 1,877 in 2021, an increase of 786 permits or 23.4%. The weekly ORV permits were down from 2,362 in 2020 to 1,576 in 2021, a decrease of 749 permits or 33.3%. There were 74 seasonal SCV, and 43 weekly SCV permits sold in 2021. Seasonal Self-Contained Vehicle (SCV) and weekly SCV sales were less than 2020 sales, with a decrease of 6.2% in annual sales and a decrease of 19% in weekly sales.

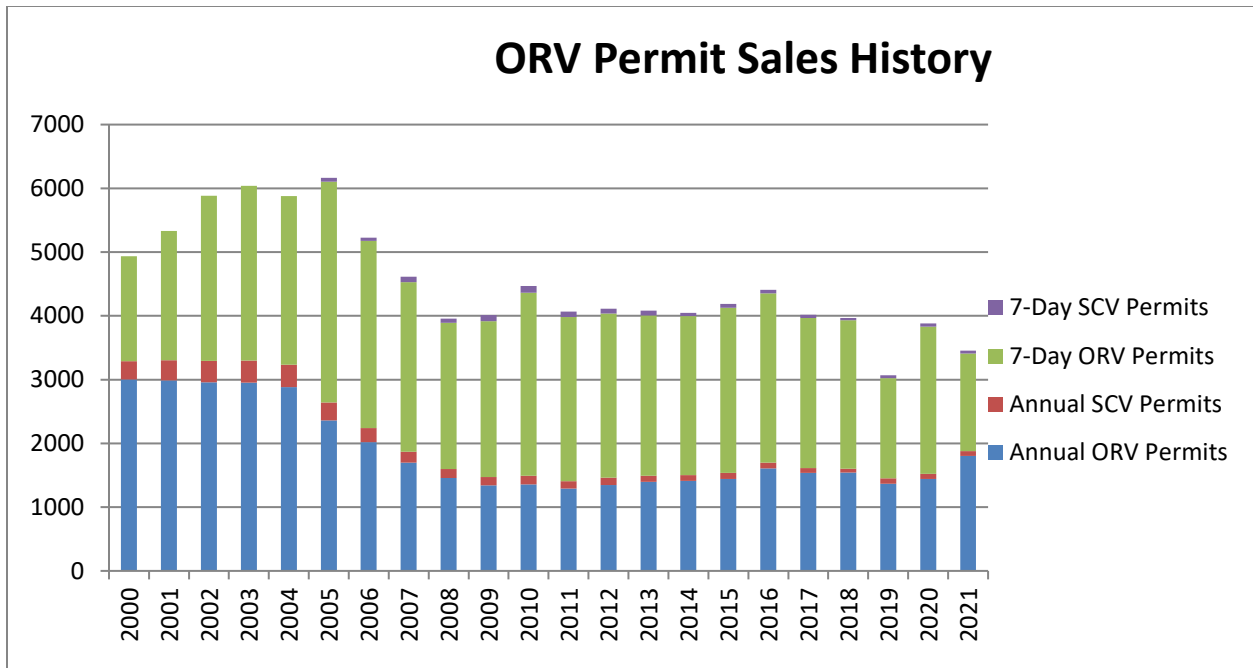


Figure 2. Bar graph of recent history of permit issuance in the ORV program.

Seasonal and Weekly Permit Process

During the 2021 season, 1,877 seasonal permits were issued out of the 3,000 seasonal permits that were available. Of the 1,877 seasonal permits sold, 1,803 were issued to seasonal ORV operators and 74 were issued to seasonal SCV operators. In addition to the seasonal permits, there were 1,533 ORV weekly permits issued and 43 SCV weekly permits issued in 2021, bringing the total number of permits issued in 2021 to 3,453. Overall permit sales were down in 2021 due to a sharp decrease in weekly ORV permit sales, however, annual permit sales rose to a level not seen since 2006 (see Figure 3).

Permit sales began on Saturday, April 10, 2021. 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
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
2017	1538	76	1614	2351	50	4015
2018	1544	57	1601	2333	32	3966
2019	1369	85	1454	1569	44	3067
2020	1443	78	1521	2309	53	3883
2021	1803	74	1877	1533	43	3453

Figure 3 Permit Sales History *Weekly permits not sold

Temporary ORV Corridor Closures

There was a total closure of the ORV corridor from June 18th – August 11th, due to several piping plover broods that were within 0.2 miles of all ORV access routes.

Head of the Meadow ORV access road remained closed for the entire season due to beach and access conditions. Race Point North remained closed for .5 miles approximately halfway between the access and the crossover for much of the season due to narrow beach. On the Race Point South portion of the corridor, a large beach cut south of exit 8 restricted travel to High Head.

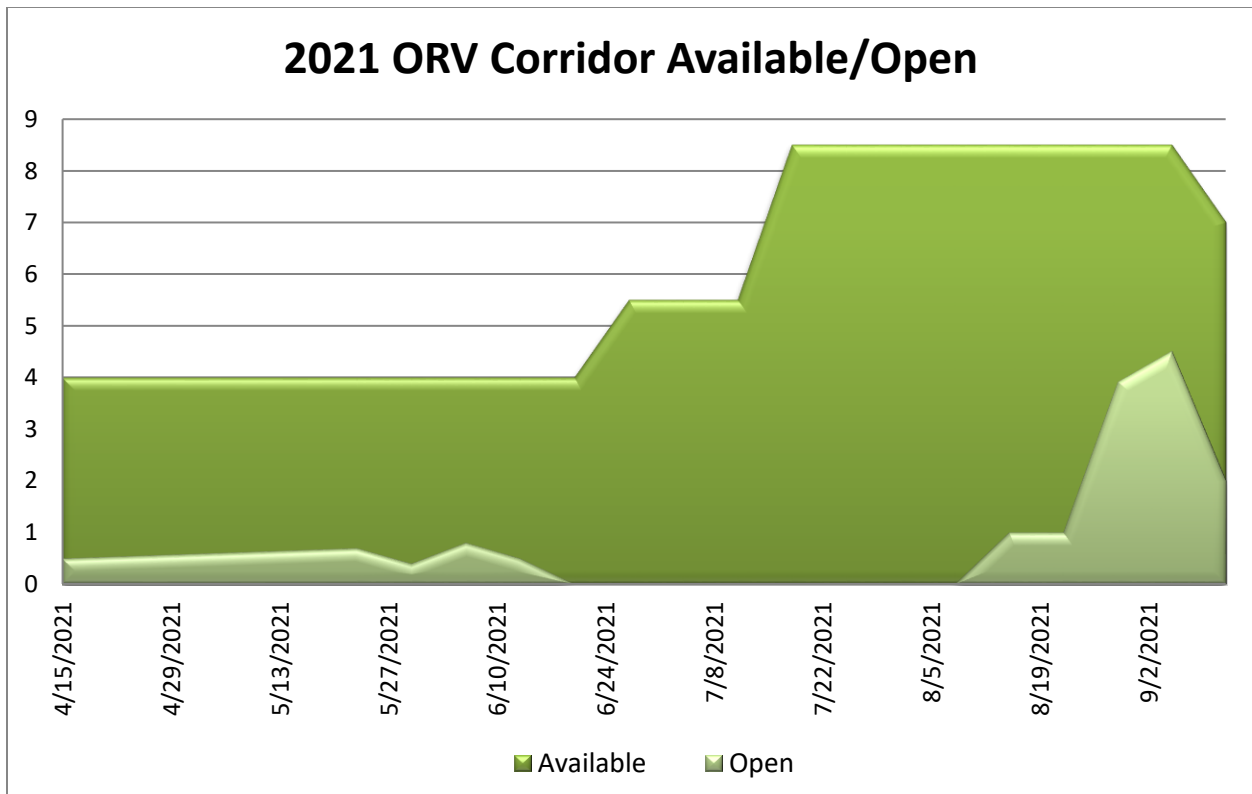


Figure 4. Chart showing available and open ORV corridor for the 2021 season
See Figure 1 for dates sections of the corridor are available to be opened per regulation.

Synopsis of 2021 ORV Corridor Openings and Closings

Coast Guard Night Fishing not included

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

Dates	Status	Description
April 15	0.5 mi open	RPN - Open 0.4 miles
		RPS - Open 0.1 miles
		SCV Areas Closed
April 16 - 17	Total Closure	Closed Due to High Surf Conditions
April 18	0.5 mi open	RPN - Open 0.4 miles
		RPS - Open 0.1 miles
		SCV Areas Closed
April 19 - May 14	0.7 mi open	RPN - Open 0.6 miles
		RPS - Open 0.1 miles
		SCV Areas Closed
May 15 - 28	0.7 mi open	RPN - Open .6 miles
		RPS - Open 0.1 miles
		SCV Areas RPN - Closed
		SCV Area RPS - Closed
		Pole Line - Open
		Hatches Harbor - Closed
May 29 - June 5	0.4 mi open	RPN - Closed
		RPS - Closed
		SCV Areas RPN - Closed
		SCV Area RPS - Closed
		Pole Line - Open 0.4 miles
		Hatches Harbor - Closed
June 6 - June 11	0.8 mi open	RPN - Open 0.8 miles
		RPS - Closed
		SCV Area RPN - Closed
		SCV Area RPS - Closed
		Pole Line - Open
		Hatches Harbor - Closed
June 12 - June 15	0.5 mi open	RPN - Closed
		RPS - Closed

		SCV Area RPN - Closed
		SCV Area RPS - Closed
		Pole Line - Open 0.5 miles
		Hatches Harbor - Closed
June 16 - June 17	0.3 mi open	RPN - Closed
		RPS - Closed
		SCV Area RPN - Closed
		SCV Area RPS - Closed
		Pole Line - Open 0.3 miles
		Hatches Harbor - Closed
June 18 - August 11	Total Closure	All access points Closed
		SCV Areas Closed
August 12 - August 22	1.0 mi open	RPN - Closed
		RPS - Closed
		SCV Area RPN - Closed
		SCV Area RPS - Closed
		Pole Line - Closed
		Hatches Harbor - Closed
		High Head - Open 1 mile
August 23 - August 24	2.0 mi open	RPN - Open 0.2 miles
		RPS - Open 0.8 miles
		SCV Area RPN - Open
		SCV Area RPS - Open
		Pole Line - Closed
		Hatches Harbor - Closed
		High Head - Open 1 mile
August 25 - August 26	2.9 mi open	RPN - Open 0.8 miles
		RPS - Open 1.1 miles
		SCV Area RPN - Open
		SCV Area RPS - Open
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Open 1 mile
August 27 - August 28	3.4 mi open	RPN - Open 1.3 miles
		RPS - Open 1.1 miles

		SCV Area RPN - Open
		SCV Area RPS - Open
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Open 1 mile
August 29	3.9 mi open	RPN - Open 1.3 miles
		RPS - Open 1.6 miles
		SCV Area RPN - Open
		SCV Area RPS - Open
		Pole Line -Open
		Hatches Harbor - Open
		High Head - Open 1 mile
August 30 - September 6	4.5 mi open	RPN - Open 1.3 miles
		RPS - Open 2.2 miles
		SCV Area RPN - Open
		SCV Area RPS - Open
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Open 1 mile
September 7 - September 9	3.6 mi open	RPN - Open 1.3 miles
		RPS - Open 2.2 miles
		SCV Area RPN -Open
		SCV Area RPS - Open
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Open 0.2 miles
September 10	Total Closure	Corridor Closed due to High Surf Conditions
September 11	1.2 mi open	RPN - Open 1.2 miles
		RPS - Closed
		SCV Area RPN - Open
		SCV Area RPS - Closed
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Closed
September 12	2 mi open	RPN - Open 1.3 miles

		RPS - Open 0.7 miles
		SCV Area RPN - Open
		SCV Area RPS - Open
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Closed
September 13 - September 25	3.7 mi open	RPN - Open 1.3 miles
		RPS - Open 2.2 miles
		SCV Area RPN - Open
		SCV Area RPS - Open
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Open 0.2 miles
September 26 - October 25	4.4 mi open	RPN - Open 2 miles
		RPS - Open 2.2 miles
		SCV Area RPN - Open
		SCV Area RPS - Open
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Open 0.2 miles
October 26 - October 30	Total Closure	Corridor Closed due to High Surf Conditions
October 31 - November 2	2.0 mi open	RPN - Open 2 miles
		RPS - Closed
		SCV Area RPN - Closed
		SCV Area RPS - Closed
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Closed
November 3 - November 15	3.8 mi open	RPN - Open 2 miles
		RPS - Open 2 miles
		SCV Area RPN - Closed
		SCV Area RPS - Closed
		Pole Line - Open
		Hatches Harbor - Open
		High Head - Closed

November 16 -	Corridor Closed, Limited Access Pass goes into effect.
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Piping Plover Breeding Success

In 2021, Cape Cod National Seashore staff documented a total of 113 nesting pairs of piping plovers. There were 145 documented plover chicks that fledged in 2021. This was compared to 171 fledged plover chicks that fledged from 92 nesting pairs in 2020. The productivity rate for piping plovers at the National Seashore in 2021 was 1.28 chicks fledged per pair. In the north district of the National Seashore there were 74 nesting pairs of piping plovers and 100 plover chicks fledged. The piping plover productivity rate in the north district was 1.35 chicks fledged per pair during the 2021 breeding season. The national seashore falls within the New England Recovery Unit of the Atlantic Coast Piping Plover Recovery Plan, which has a recovery goal of 625 breeding pairs (maintained for five years) and a five-year average productivity goal of 1.5 chicks fledged per pair. (For more detailed information reference *Monitoring and Management of Piping Plovers and Colonial Waterbirds at Cape Cod National Seashore 2021*)

Education and Safety

In 2021 the practice of handing out rack cards continued to aid in educating visitors about shorebird management in the seashore. This card was handed out with every issued ORV permit as well as at beach entry stations.

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. Shorebird, seal, and shark information as well as ORV special activity or event information was also posted.

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 daily 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 19 violation notices issued to ORV visitors in 2021, fewer than the 24 issued during the 2020 season (Figure 5). Many of these violations occurred on the Pole Line Road access, where additional signage at the entrance continues to discourage visitors from entering. Out of the total 19 violation notices issued, 12 were for failure to possess an ORV permit, which was a slight decrease from 2020. This means 7 of the violation notices were issued to the 3,453 ORV users that purchased a permit.

Warning notices remained steady with 43 in 2021 compared to 46 in 2020. Figure 6 shows citations and written warnings issued to visitors on the ORV corridor in 2021.

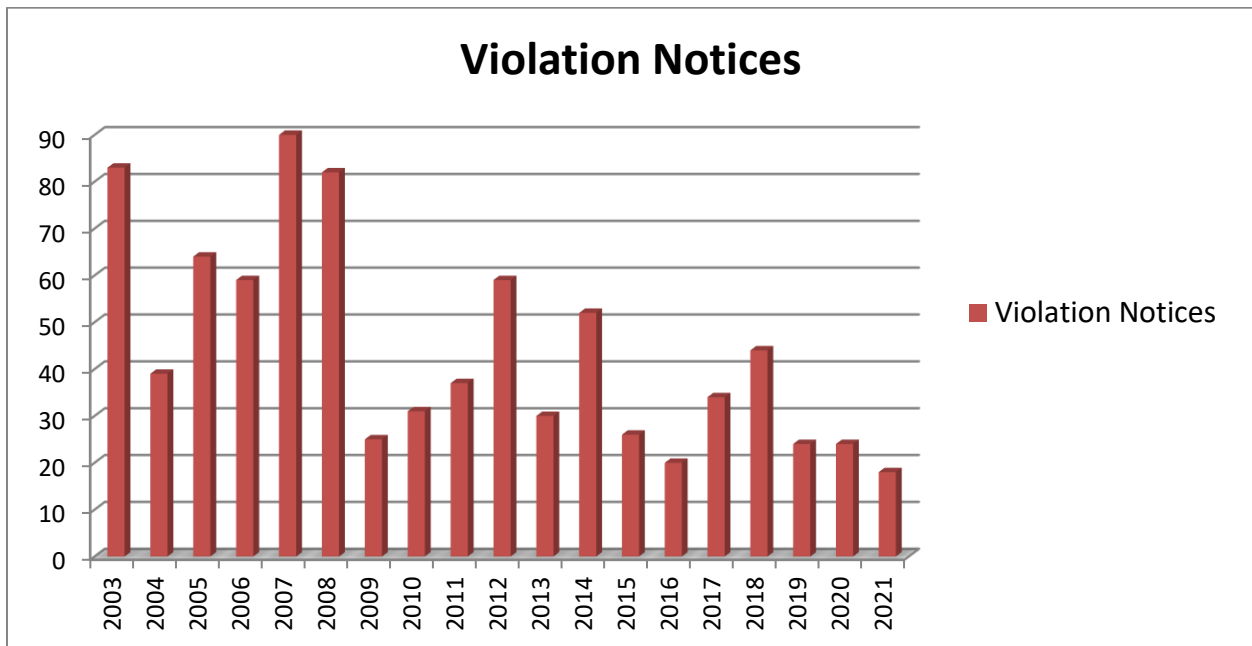


Figure 5. Violation Notices on the ORV Corridor

2021 Violation Notices		2021 Written Warnings	
Failure to Possess ORV Permit	12	Failure to Possess ORV Permit	6
Driving Outside Designated Area	1	Driving outside Designated Area	15
Violation of Terms of Permit	1	Violation Terms of Permit	3
Camping	1	Pet Off Leash/Closed Area	14
Disorderly Conduct	2	Fishing without License	3
Pets Off Leash/ Closed Area	2	Closure/ Drone Use	1
		Riding on Exterior of Vehicle	1
TOTAL	19	TOTAL	43

Figure 6. Violation Notices and Warnings Issued on the ORV Corridor in 2021*

*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

In the Spring of 2021, the Air Shack was replaced with a new shed. A new compressor replaced an older one that will be kept for spare parts. New air lines were run with an additional line installed making a total of 5 air-up stations.

Mail-in renewal applications continued for annual permit holders. This allowed for staff and permit holders to have less face-to-face contact, as well as reduced the time people needed to spend in line waiting for permits. The process continues to be well received and will extend in 2022.

Two small beach clean ups were held in the spring and fall. Several truckloads of trash were removed from the beach. In addition, beach grass was planted and snow fencing installed just off the Pole Line Rd in an effort to redirect blowing sand during the winter months. A total of 41 volunteers worked for approximately 123 hours during the two project days.