

From: [Mike Murray](#)
To: [Burleigh, Matt](#)
Bcc: [Mike Murray](#)
Subject: Re: Beaches in front of Frisco and Hatteras Villages are still closed?
Date: 10/23/2006 02:46 PM

Dear Mr. Burleigh:

Thanks for asking the question. I've found the policy behind the long-standing winter closures in front of several of the villages, including Frisco-Hatteras, and its implementation over the years can be confusing. The draft 1978 interim ORV management plan identified only three types of closures: summer seasonal closures in front of the villages, resource closures to protect bird and turtle breeding areas, and safety closures for areas with narrow beach. However, it is also clear that some areas in front of villages, such as Frisco-Hatteras, have been consistently closed during the winter for many years whether or not it exactly fit the criteria for one of those types of closures. There may have been other reasons behind these closures; however, if there were, they are not clear. As a result, I have struggled with the issue of the winter closures, how to treat them, what to call them and on what criteria to base them pending the start of negotiated rulemaking.

I think the policy needs to be clarified; however, at this point I am planning to defer doing so to the negotiated rulemaking process. The winter closure policy has implications for various user groups and whatever I do unilaterally will undoubtedly be controversial. To do this issue and other related ORV access issues justice, I think we need to have an open discussion with opportunities for public input before I or the NPS simply change the policy. I have heard that the NPS unilaterally closed some of these areas without discussion in the past. To that I can only state that it is my intention to find solutions to these issues rather than exacerbate the conflict. I, and I'm sure other stakeholders, will ensure that this specific policy gets addressed during the negotiated rulemaking process in the months ahead. This does not necessarily mean we need to wait 2-3 years for the final rulemaking to be completed to address this. The Negotiated Rulemaking Feasibility Report recommended that the Committee through its charter be authorized to advise NPS on actions related to ongoing ORV use management issues during the negotiation process, in addition to developing the ORV regulation. If this occurs, we could likely make interim changes in the winter closure policy or other specific policies as soon as the Committee discusses the specific issue and provides a recommendation or some advice.

Please understand that deferring this issue to the negotiated rulemaking process should not be construed that I necessarily agree with the status quo or think it is the best approach. I know the policy is a very sensitive issue with opposing view points that deserve to be heard. I remind you that I have taken other meaningful steps to reopen some sections of beach to ORV access if/when I believed it to be appropriate. Meanwhile, I acknowledge that the current situation sometimes seems inconsistent with the stated rationale or criteria.

I would appreciate your patience and understanding as we try to work toward solutions. Thank you again for your inquiry.

Mike Murray
Superintendent

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To: <mike_murray@nps.gov>
cc:
Subject: Beaches in front of Frisco
and Hatteras Villages are still closed?

10/20/2006 09:44 PM AST

Why are beaches in front of Frisco and Hatteras Villages still closed?

You are not following policy but are simply continuing the mismanagement of the CHAC. Open these areas during the winter, as the current policy states.

If, God forbid, the negotiated rulemaking determines that these areas be should closed then so be it. But you are not helping the current situation by ignoring that the policy that states these areas should be OPENED during the winter.

The current policy, from the draft 1978 interim ORV management plan, says that these should be open during the winter. It is not policy to have them closed at this time.

Respectfully,

Matt Burleigh
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