

0019857



## United States Department of the Interior

### NATIONAL PARK SERVICE

Fort Raleigh National Historic Site Wright Brothers National Memorial

Cape Hatteras National Seashore

1401 National Park Drive

Manteo, NC 27954

252-473-2111



IN REPLY REFER TO:

A3615 (CAHA)

June 4, 2007

Jim Lyons  
PO Box 698  
Buxton, NC 27920

Dear Mr. Lyons:

I apologize for the delay in responding to your inquiry of April 3, 2007, requesting information on various historical and current ORV management practices in the park. I will respond to your questions in order.

***Does the Park believe Mrs. Luizer's document to be accurate?***

It is unclear. Some portions appear to be accurate (e.g., sections quoting press releases in recent years) whereas the rationale for closures which were in place prior to 2004 is less clear. There is a lack of documentation as to why the areas were originally closed or kept closed. In talking with a variety of staff, most say the explanation given to them was that these areas were closed due to "narrow beach." In my 12/20/06 response to Mr. and Mrs. Luizer, I stated the following:

"Since receiving your messages, I have reviewed the material you sent as well as the 1978 draft interim ORV management plan and Superintendent's Order # 7, visited the respective locations on several occasions, spoken with a number of park staff who have been involved with closure decisions and implementation of those decisions related to the area between Ramp 49 and Ramp 55 over the years, and spoken with several different stakeholders for their perspective.

There is consensus that the basis for maintaining the closure over the years has been due to a "narrow beach." It is also clear that prior to 2004 the park did NOT follow any specific beach width parameters, such as those identified in the draft interim 1978 plan, for justifying the need for safety closures "due to a narrow beach" at these locations. The concept of using the specific beach width parameters identified in the 1978 draft interim plan was initiated and formalized by Superintendent Belli in Superintendent's Order # 7 in May 2004. That change in policy, which adopted other aspects of the draft interim 1978 as well, was a point of contention for many stakeholders and has been in dispute ever since.

As you know, we are in the beginning stages of the Negotiated Rulemaking process. My plan is to maintain the current policy for now and defer further review of this issue to the negotiated rulemaking committee. With this in mind, the existing safety closure south of Ramp 49 to just north of Ramp 55 will remain in effect. Please understand that I am applying the same rationale of deferment to all requests that I have received to either expand or reduce the current off-season winter closures in front of Frisco-Hatteras and/or Buxton. Thank you again for your time and interest in this issue."



***How much beach was open for ORV use in the Park during the 2006-07 shoulder season?***

The Ranger staff has determined that there are approximately 64.7 miles total of ocean beach shoreline in the park. The ocean beach shoreline open for ORV use in the park during the 2006-07 shoulder season (September 16-December 2006) was as follows:

As of September 16, 2006, park records indicated approximately 42.9 miles (66%) open for ORV travel. This mileage fluctuated during the shoulder season as safety and resource closures changed. By December 2006, approximately 38.8 miles (60%) of ocean side beach shoreline remained open for ORV travel.

***How much beach was closed for vehicle use 2006-07 shoulder season?***

The ocean side beach shoreline area closed for ORV use in the park during the 2006-07 shoulder season: As of September 16, 2006, approximately 21.8 miles (34%) closed for ORV travel. This mileage fluctuated during the shoulder season as safety and resource closures changed. By December 2006, approximately 25.9 miles (40%) of ocean side beach shoreline remained closed to ORV travel.

***How much of the closed vehicle beach during the 2006-07 shoulder season was closed for narrow, generally unsafe driving conditions?***

The amount of ocean beach shoreline closed to vehicles during the 2006-07 shoulder season (September 16-December 2006) due to narrow, generally unsafe driving conditions (i.e., safety closures) began at approximately 21.8 miles (34%). This mileage fluctuated during the shoulder season as safety closures changed. By December 2006, approximately 22.4 miles (35%) of ocean side beach shoreline remained closed to ORV travel due to safety closures.

***What beaches were closed to ORV use during the time that SO #7, May 2004 was enacted?***

It is my understanding at the time SO #7 was established in May 2004, ocean side closures in effect were predominately seasonal closures in front of the villages of Rodanthe, Salvo, Waves, Buxton, Hatteras, and Frisco. Other closures may have included resource, safety, and lifeguarded areas. We do not have mileage numbers for these closures as this information was not maintained at the time.

***Is the Park using the 1978 Interim Draft Plan in current management of ORVs in the Park?***

Currently the park is using the SO #7 (May 2006) for ORV management which identifies interim management measures as park guidance only until a long term ORV management plan and regulation are established. While we are not using the 1978 draft interim plan directly as guidance, it is clear that some, but not all, of the concepts identified in SO #7 originated in the 1978 draft.

I hope this information addresses your questions. Thank you for your continued interest in the Seashore.

Sincerely,

*Michael B. Murray*

Michael B. Murray  
Superintendent