

Cape Hatteras beach drivers won't get ticket, for now

By **CATHERINE KOZAK**, The Virginian-Pilot
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Operators of off-road vehicles in Cape Hatteras National Seashore - at least for now - won't be ticketed for simply driving on the beach, despite a judge's order that declared the activity subject to a fine and/or prison.

With summer visitation at full tilt, U.S. District Judge Terrence Boyle's surprise order saying off-road vehicle use in the park was prohibited sent recreational beach drivers, Dare County officials and the National Park Service into overdrive.

Park Superintendent Mike Murray said Thursday the agency is working on a response to summarize current management controls and safety measures, as well as inform the judge of progress developing a long-term off-road vehicle management plan and a regulation authorizing beach driving.

"What we're hoping to accomplish is to provide information and clearly demonstrate our commitment to completing the plan and the regulation," Murray said.

Part of the response will address whether an off-road vehicle driver driving responsibly can be punished under Boyle's ruling. Executive orders were issued some 30 years ago requiring applicable national parks to develop off-road management plans. But for unclear reasons even park officials can't explain, Cape Hatteras has never established an ORV plan, or the necessary regulation.

Among the fears of some is that an injunction could be requested by another party to immediately close the beaches. If that happens, Murray said, the park would comply but wouldn't stop working on the management plan.

Driving on Hatteras and Ocracoke island beaches is a tradition as old as the motor vehicle. As the Outer Banks has grown, the popular activity has become entwined with the recreational fishing industry, tourism and the economy.

The prospect of banned off-road traffic in the seashore is worrisome to more than just off-road vehicle advocates.

"I think three-quarters of the businesses on Hatteras Island would be severely affected," said Allen Burrus, vice chairman of the Dare County Board of Commissioners.

Burrus said the county has been in contact with Park Service officials.

"We want to do everything we need to do to keep the beaches open."

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