

From: [Paul Stevens](#)
To: [Mike Murray](#)
Cc: [Norah Martinez](#)
Subject: Re: Fw: Safety Closures--Confidential
Date: 05/05/2008 12:07 PM
Signed by: CN=Paul Stevens/OU=CAHA/O=NPS
Attachments: [Draft Safety Closures.doc](#)

I agree we need specific criteria for all of the safety closures, especially in front of the villages. The area around Rodanthe Pier and the Buxton village boundary south to the groins comes to mind. At high tide, there is not enough room for vehicles and pedestrians at these areas. Another problem in these areas is above the high tide line is private property. We no longer have any land. We are claiming jurisdiction for the tidal area between high and low tide basing that decision on state law which says this is public land. I'm not sure what the width should be, but I believe we should base it on the width of beach between the mean high tide line and the tow of the dune.

We might need to get the county involved with some type of ordinance in the areas where we do not have any land.

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▼ [Mike Murray](#)

**Mike
Murray**

To: Paul Stevens/CAHA/NPS@NPS
cc: Norah Martinez/CAHA/NPS@NPS
Subject: Fw: Safety Closures--Confidential

05/02/2008
11:38 AM
EST

Paul,

Please review and make edits or suggestions, so we can provide the information to the RegNeg Committee. I am reasonably comfortable with what the draft shows, think it works okay at most locations, except I wonder if we should specify a minimum beach width for winter ORV use in front of the villages. Rationale, there is likely to be more pedestrian use in front of the villages, so even though a narrow village beach may be "safe" for ORVs because of an absence of physical hazards, it may not be "safe" for pedestrians put in close proximity to ORVs. (Another way to deal with this could be to have a lower speed limit, 10 mph, for ORVs using village beaches in the off-season. Otherwise, I am concerned that as worded without a specific width for

village beaches, we will continually get badgered to open or close sections of beach in front of the village during the off-season, based on a judgment call. Think of the beach in front of Hatteras Village. I'd rather have clear, objective criteria, such as a width to base that decision on.

Your thoughts?

Mike Murray
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----- Forwarded by Mike Murray/CAHA/NPS on 05/02/2008 11:30 AM -----

Robert Fisher
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To "Mike_Murray@nps.gov" <Mike_Murray@nps.gov>
cc Pat Field <pfield@cbuilding.org>

05/02/2008 11:19 AM

Subject Safety Closures--Confidential

Confidential Mediator Communication

Mike -

Attached is the draft safety closure material from the tentative agreements document we prepared. We thought you could use this to prepare a response to the request yesterday to propose a safety closure definition. Please let us know if we can assist in any way.

Robert and Pat

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This e-mail and any attachments are confidential. If you have received this communication in error, please immediately notify us at rcf@fisherics.com, and destroy the original message and attachments. Thank you.



Draft Safety Closures.doc

DRAFT

FOR DISCUSSION PURPOSES ONLY

IIIA. ORV SAFETY CLOSURE

PURPOSE: Ensuring the safety of the driving public when natural conditions within CAHA or in a specific area present a clear and imminent threat of (a) significant bodily injury or death to the driving public or other CAHA users or (b) significant damage to personal property, primarily vehicles and their contents.

SCOPE: May be applied within any routes, trails, and areas designated for ORV driving.

TRIGGERS FOR CLOSURE: Conditions listed below may trigger a ORV Safety Closure in the event of a clear and imminent threat of significant:

- bodily injury or death; and/or
- damage to personal property, primarily vehicles and their contents,

Examples of hazards that could justify a closure include, but are not limited to:

- deep beach cuts which block the beach from dune to surf with no obvious way around;
- obstacles, such as exposed stumps or debris that block the entire width of the beach and cannot be removed with out assistance or heavy equipment

Triggers do not include:

- a narrow beach, by itself;
- tides which block access through portions of beaches occur periodically and predictably and are an obvious, easily avoidable hazard;
- hazards blocking only a portion of the beach, where safe passage is available around the hazard.

Sufficient diminishment, reduction or elimination of the above conditions and hazards would constitute the trigger for opening a closure. ORV safety closures are intended to be operational only as long as driving safety or personal property is clearly and imminently threatened.

[*TRIGGERS FOR REOPENING:* TBD?]

CAHA PERSONNEL ACTION: Providing for the public safety is the responsibility of all CAHA employees. The following is expected of CAHA personnel.

- Law enforcement (LE) rangers should have the authority to enact closures consistent with the triggers noted above.
- Non-emergency service staff, when encountering safety hazards, should establish initial safety precautions and contact the LE ranger staff to evaluate the situation and establish any necessary ORV Safety Closures.
- Where hazards block only a portion of the beach, staff will mark and post the hazard to direct ORV traffic safely around the hazard.

DRAFT

FOR DISCUSSION PURPOSES ONLY

MONITORING: ORV Safety Closures shall be monitored on a weekly basis.

MARKATION: ORV Safety Closures shall be clearly marked by _____.

ORV SAFETY CLOSURE NOTIFICATION AND CONTINUANCE: Any employee initiating an emergency ORV safety closure will notify their supervisor immediately. The Superintendent and Division Chief will be notified as soon as possible of any such emergency ORV safety closure. As soon as possible after the initial closure has been established, but no later than one week, the employee will complete a “Closure Request Form” and submit the form for final approval through the chain of command. Such form should include the coordinates of the closure, the specific reasons for the closure, the dates of action, and the employee taking action. Completion of a “Closure Request Form” will only be required when a complete beach closure is established and does not apply to any modification of the ORV corridor width that does not preclude access. As long as the area is closed, the form shall be regularly updated to include a brief description of the condition of the area based on the weekly monitoring.

STAKEHOLDER INPUT: The Park shall establish and maintain a standing ORV committee with representatives from various sections/geographies of the Park representing diverse interests to provide advice to the Park on closures and openings.