



United States Department of the Interior



NATIONAL PARK SERVICE

Southeast Regional Office  
Atlanta Federal Center  
1924 Building  
100 Alabama St., S.W.  
Atlanta, Georgia 30303

Date: May 21, 2008

Memorandum

To: Superintendent, CAHA

From: Acting Regional Director, Southeast Region

Subject: Controlled Correspondence for Action

1. Your controlled correspondence tracking number is 370255. Date due in Regional Office: June 6, 2008.

- Please prepare a draft response for signature by the Director, National Park Service. Send via Lotus Notes to LaRoy Williams, SERO.
- Please prepare a draft response for signature by the Acting Regional Director. Send via Lotus Notes to LaRoy Williams, SERO.
- Please prepare a final response for signature by the Acting Regional Director.
- Please prepare a final response for signature by the Superintendent. Send a copy to LaRoy Williams, SERO, and to the Analyst noted on the WAPC Control Sheet (Leonard Stowe – include a copy of the control sheet – fax number (202) 371-1427).

**PLEASE NOTE:** On draft correspondence and file copies of the final correspondence, please use a reference line showing: author, park or office, typist's initials, date, and phone number. The WAPC office needs this information.

Example: Rwheelus: (SER-D):rw:1/31/08:404-562-3100



Controlled Correspondence Tasking Profile

Control Number: **370255**

Document Date: **05/14/08**

Received in Director's Office: **05/20/08**

Due Date: **06/13/08**

From: Bob Goodlatte  
House of Representatives  
Washington, DC 20515

**Subject Text: Representative writes on behalf of his constituents, who are outraged that the settlement between NPS and environmental groups over access to the Cape Hatteras National Seashore has caused restrictions on vehicle access to Bodie Island and South Ocracoke. Please explain whether the access restrictions can be further reviewed.**

Required Surnames: **OCL**

Action Office: **Southeast Region**

Signature Level: **Director**

**Task: Please send copy of DRAFT response to fax # 208-6514. Surname will be secured by the Office of the Assistant Director, Business Service.**

Contact: **Eric Sanders, 208-3581**

0021421

rx date/time

MAY-21-2008 (WED) 12:12

2022086514

P.003

May 21 2008 12:34PM National Park Service

2022086514

p.3

**BOB GOODLATTE**  
6TH DISTRICT, VIRGINIA

2240 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4608  
(202) 225-5431  
FAX (202) 225-9681  
www.house.gov/goodlatte

DEPUTY REPUBLICAN WHIP  
CHAIRMAN, HOUSE REPUBLICAN  
HIGH TECHNOLOGY WORKING GROUP  
CO-CHAIR,  
CONGRESSIONAL INTERNET CAUCUS



# Congress of the United States House of Representatives

May 14, 2008

370255  
COMMITTEE ON AGRICULTURE  
RANKING REPUBLICAN MEMBER

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON  
COURTS, THE INTERNET, AND  
INTELLECTUAL PROPERTY

SUBCOMMITTEE ON  
IMMIGRATION AND BORDER SECURITY  
REPUBLICAN POLICY COMMITTEE

The Honorable Dirk Kempthorne  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, N.W.  
Interior Building, Room 6151  
Washington, D.C. 20240

VIA FAX

Dear Secretary Kempthorne:

I write to you on behalf of constituents who have contacted me in the wake of a settlement reached between the National Park Service and environmental groups over access to the Cape Hatteras National Seashore.

My constituents previously contacted me as the settlement was being considered by U.S. District Judge Terrence Boyle. I contacted the National Park Service at that time in order to share my constituents' concerns based on their visiting the Outer Banks for decades. The Park Service replied in writing, a copy of which is attached. The settlement was reached shortly thereafter.

The constituents who have received the reply are now outraged that the settlement has resulted in lengthy restrictions on vehicle access to Bodie Island, Cape Point and South Ocracoke at the very height of the tourist season in North Carolina's Outer Banks. The constituents believe that the settlement is overkill because it relates to protecting birds that are only special interest species. They think the Park Service is devoting excessive staff resources to complying with the settlement. They also believe that the impact of closing the areas possibly through early September is going to dramatically harm businesses that rely heavily on visitation during the summer months.

I share my constituents concerns over shutting down access to portions of a national park that is among our country's most-visited sites for fishing and other ocean-related recreation. I request your attention to these concerns and a reply that explains whether the access restrictions can be further reviewed. Please address your response to my Roanoke Office at the address marked below.

Thank you for your attention to these concerns.

Very truly yours,

Bob Goodlatte  
Member of Congress

RWG:pl

2 SOUTH MAIN STREET  
SUITE A, FIRST FLOOR  
HARRISONBURG, VA 22801-3707  
(540) 432-3397  
FAX (540) 432-6553

316 MAIN STREET  
SUITE 300  
LYNCHBURG, VA 24504-1008  
(434) 845-8308  
FAX (434) 645-8245

10 FRANKLIN ROAD, S.E.  
SUITE 500  
ROANOKE, VA 24011-2121  
(540) 867-2672  
FAX (540) 457-2675

RECEIVED  
2008 MAY 16 AM 11:20  
OFFICE OF THE  
EXECUTIVE SECRETARY  
7 COURT SQUARE  
SUITE 200  
WASHINGTON, VA 22640-3357  
(540) 885-3561  
FAX (540) 885-3920

PRINTED ON RECYCLED PAPER

002

CONG BOB GOODLATTE

05-15-08 10:39 FAX 540 837 2675



United States Department of the Interior



NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., S.W.
Atlanta, Georgia 30303

IN REPLY REFER TO:
SER-D

APR 24 2008

The Honorable Bob Goodlatte
House of Representatives
10 Franklin Road, S.E.
Suite 540
Roanoke, VA 24011-2121

Dear Mr. Goodlatte:

Thank you for your comments regarding management of off-road vehicles (ORV) at Cape Hatteras National Seashore (Seashore). The ORV use at the Seashore is a long-standing and emotionally-charged issue for both ORV enthusiasts and environmental supporters, and ORV use has increased significantly in recent years.

As background, ORV use on Outer Banks beaches predates the 1937 authorization of the Seashore. Prior to paving NC Highway 12 in 1954, island residents and visitors routinely used the beaches and interdunal areas for transportation corridors. The ORV's are currently used to access the beaches for many forms of recreational activities. With the completion of the Bonner Bridge across Oregon Inlet in 1963, access to Hatteras Island became much easier which resulted in increased vehicle use of Seashore beaches.

Executive Order 11644 (1972), amended by Executive Order 11989 (1977), required certain Federal agencies permitting ORV use on agency lands to publish regulations designating specific trails and areas for this use. Title 36 of the Code of Federal Regulations Section 4.10 requires units of the National Park System allowing ORV use to designate use areas and routes by special regulation. Despite several efforts since the late 1970's, NPS has yet to develop an ORV management plan and regulations to provide the necessary structure to effectively manage ORV use at the Seashore. Despite the diligent efforts of many park staff to implement an Interim Strategy the past 2 years and the progress that has been made in improving resource protection, the NPS still does not meet the long-standing legal requirements.

On October 18, 2007, three Plaintiffs (Southern Environmental Law Center, Defenders of Wildlife, and the Audubon Society) filed a complaint alleging inadequacies in the NPS Interim Strategy and requested the Court to order NPS to vacate or rescind the current management policy and restrict ORV use at Cape Hatteras pending completion of the



May 21 2008 12:34PM National Park Service

2022086514

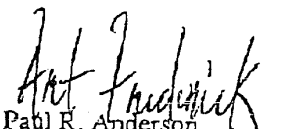
p. 5

ORV management plan and regulation. U.S. District Court Judge Terrence Boyle is handling the case and has previously indicated that without an ORV plan and regulation, ORV use at the Seashore is unauthorized and therefore prohibited. The closures requested by the Plaintiffs are based directly on the recommendations of U.S. Geological Survey (USGS) scientists, considered the scientific research agency within the Department of the Interior, who were hired by NPS early in 2005 and asked to develop management recommendations for species protection at the Seashore. The Plaintiffs recently asked the Court to impose a complete year-round ban on ORV use at six key sites (Bodie Island Spit, Cape Point, South Beach, Hatteras Spit, North Ocracoke, and South Ocracoke) and full closures to ORV use at other shorebird breeding sites away from the six key sites.

Park Management is currently working to try to resolve the legal issues in the best interest of the Government, park resources, park visitors, and the local communities. As of today's date, there is no predicted outcome. Judge Boyle will rule on the issue on April 30, 2008. It is likely, however, in the short term that there will be some significant changes to ORV management practices at the Seashore. Whatever happens, development of a long-term ORV management plan and regulation will continue with the negotiated rulemaking process that is currently underway.

We appreciate your interest in America's first national seashore. More information about the planning process can be obtained at the Cape Hatteras National Seashore Off-Road Vehicle Negotiated Rulemaking and Management Plan project website at: <http://parkplanning.nps.gov/calha>. If you wish to receive electronic information regarding the Off-Road Vehicle issue, please contact Cyndy Holda at 252-473-2111, ext. 148, or send an email to [cyndy\\_holda@nps.gov](mailto:cyndy_holda@nps.gov) and request to be added to the mailing list.

Sincerely,

  
 Paul R. Anderson  
 Acting Regional Director  
 Southeast Region