

**From:** [Thayer Broili](#)  
**To:** [Mike Murray](#)  
**Cc:** [Paul Stevens](#)  
**Subject:** Re: Fw: Exempt Vehicles Language  
**Date:** 10/27/2008 08:30 AM


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Nothing to add.

Thayer Broili  
Chief of Resource Management  
Cape Hatteras National Seashore  
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▼ [Mike Murray/CAHA/NPS](#)

**Mike  
Murray/CAHA/NPS**

10/24/2008 03:48 PM

To Paul Stevens/CAHA/NPS@NPS  
cc Thayer Broili/CAHA/NPS@NPS  
Subject Re: Fw: Exempt Vehicles Language 

([Thayer](#), Read below. Anything to add?)

Paul,

I'm not familiar with the Cape Cod incident, but something sounds odd about it. When I was there it was very rare to have PIPL chicks on an interdunal road, except near Race Point. When it occurred there, the route was closed. If it happened inside a resource closure, I question why a Maintenance vehicle was even in there at all. If it happened outside a resource closure, then I'm not sure that any amount of training could have prevented it and would wonder why NPS Maintenance should be expected to be trained unless the same training requirement also applied to all recreational ORVs (if the area was, in fact, open to all vehicles at the time). (ORV users are trained to stay out of posted resource protection areas. They are NOT and cannot possibly be trained to detect/observe (from a moving vehicle) PIPL chicks that are outside of a resource closure.

In general, I believe that our RM staff are well trained and can reasonably be allowed to drive within non-ORV areas including resource closures under our current procedures. I would not want any NPS Maintenance to be driving in a resource closure, unless a monitor is present or unless they are responding to a life-saving emergency (like an emergency vehicle), so can live with a training requirement for them or (preferably) a qualifier that they cannot drive in a resource closure "unless there is an urgent need and an NPS monitor is present".

I can support the emergency vehicle exception, but think there is significant risk of having nests or chicks run over if emergency responders are given carte blanche without any responsibility. Would prefer is says something like the language from the Interim Strategy:

**Essential vehicles are allowed in non-ORV areas, and within resource closures subject to guidelines in Essential Vehicles section of Appendix G of the U.S. Fish and Wildlife Service Piping Plover (*Charadrius melodus*), Atlantic Coast Population, Revised Recovery Plan (USFWS 1996a, as cited in the strategy/EA).**

**In the event of an emergency, the protection of human life takes precedence over all other management activities. To the extent practicable, emergency response vehicle operators will consult with trained resources management staff regarding protected species before driving into or through resource closures; however, prior consultation may not always be practical.**

**Essential vehicles will avoid driving within turtle nest closures.**

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▼ [Paul Stevens/CAHA/NPS](#)

**Paul  
Stevens/CAHA/NPS**

To Mike Murray/CAHA/NPS@NPS

cc

10/24/2008 01:24 PM

Subject Fw: Exempt Vehicles Language

Mike,

This was brought up by Patrick Pequitte. He has a problem with resource/maintenance folks not being trained on driving in closed areas where birds are nesting/foraging because of a maintenance employee at CACO that ran over a chick this past summer on an inter-dunal road.

Paul K. Stevens

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----- Forwarded by Paul Stevens/CAHA/NPS on 10/24/2008 02:22 PM -----

**Ona Ferguson**  
<oferguson@cbuilding.org>

To "Paul\_Stevens@nps.gov"  
<Paul\_Stevens@nps.gov>

10/24/2008 02:05 PM

cc

Subject Exempt Vehicles Language

Paul,

You and I agreed to rework the language on exempt vehicles, making explicit the difference between safety/law enforcement and other exempt vehicles. Right now the document states the following. I changed it based on our conversation earlier this week:

EXEMPT VEHICLES: Vehicles that may be exempted from these regulations are divided into two groups. Tier 1 Vehicles, emergency vehicles used for EMS, rescue, or fire, are exempt from these vehicle characteristics and operations regulations. Tier 2 Vehicles, other vehicles used by NPS or with NPS permission, excluding Tier 1 vehicles as identified above, must be trained and authorized to drive on the beach by NPS prior to operating in any way beyond normal public use.

Please consider how this could be improved or tightened so it will be acceptable to NPS. Feel free to confer with other NPS staff to get it to where it needs to be.

Thanks much,

Ona