



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:

L1415 (CAHA)

September 28, 2009

John B. Couch, President

OBPA

P.O. Box 1335

Buxton, NC 27920

Dear Mr. Couch:

This responds to your letter regarding the continued closure to off-road vehicles (ORVs) of Cape Hatteras National Seashore beaches in front of Frisco and Hatteras Villages and south of Ramp #1. As you know, the Seashore does not have an approved ORV management plan or special regulation, as required by the Executive Orders and 36 CFR § 4.10(b). As part of the development of an approved plan and regulation, the “village beach” policies, as well as other ORV management practices, clearly need to be re-visited and formalized.

There is wide disagreement about whether or not those beaches should be open to any ORV use or not and, if allowed, under what conditions and timing. Just as you and others advocate for ORV use on all village beaches, there are people who advocate for some or all of these areas to be vehicle-free. The matter was referred to the Negotiated Rulemaking Committee and neither the village sub-committee, the integration group or the full committee were able to make a consensus recommendation on how ORV use should be managed on the village beaches. The lack of consensus reflects the controversial nature of the issue.

With regard to your question about whether a deal has been struck between the NPS and private property owners to keep these beaches closed to ORVs over the years, neither I nor long-time staff whom I have consulted are aware of any such deal, formal or implied, and it is not a factor in our decision-making. It is our intent to consider all the input on the issue and make a thoughtful decision about the long-term policy. Despite several of the beaches remaining closed to ORVs during the winter to ORVs for many years, those beaches are, in fact, open to the public (pedestrians) and many other miles of beach are open to ORVs. As of September 21, of 68.0 miles of beach, 44.6 miles (66%) are open to ORVs and pedestrians, 18.9 miles (28%) are open to pedestrians only, 3.0 miles (4%) have “limited access” for pedestrians (i.e., areas sandwiched between turtle nest closures), and 1.5 miles (2%) are fully closed to protect park resources.

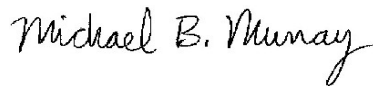
One of the issues that will be addressed in the ORV plan/draft environmental impact statement (DEIS), to the extent practical, is the notable lack of public beach access parking within the unincorporated portions of Dare County on Hatteras Island (i.e., within the villages). NPS

cannot remedy the lack of public parking outside of our jurisdiction; however, the DEIS will include alternatives for improving parking on Seashore property outside the villages.

After consulting with the Office of the Solicitor, my decision is to not change anything about the village beach policy or its implementation this year, and to use the NEPA and rulemaking processes to make the final decision. I believe this approach is reasonable under the circumstances, avoids implementing a controversial new decision just before the upcoming public comment period on the ORV plan/draft environmental impact statement (DEIS), and gives all involved another opportunity for input. When the draft plan/EIS comes out for public comment (expected to be later this fall), it will have a range of options (including different approaches, dates, etc.) for managing ORV use in the village areas. After the public comment, NPS will be better able to make an informed decision in the final EIS and Record of Decision, and will thereafter have a long-term policy for managing the respective village beaches. Once the new policy is determined through the NEPA and regulatory processes, NPS will consistently implement it as written.

In closing, I appreciate your continued interest and participation in the ORV management issue at Cape Hatteras National Seashore.

Sincerely,

A handwritten signature in cursive script that reads "Michael B. Murray".

Michael B. Murray
Superintendent

cc:

Larry Hardham, President, Cape Hatteras Anglers Club

Jim Keene, President, North Carolina Beach Buggy Association

Bill Mandulak, Chairman, Coastal Conservation Association of North Carolina