

From: [Mike Murray](#)
To: [Waanders, Jason](#); [Stevens, Mike](#); [Stevens, Paul](#); [Selleck, Philip](#); [Hamilton, Sandra](#); [Jon Anglin](#); [Doug Wetmore@nps.gov](#)
Cc: [Mike Anderson](#); [Jonathan Pierce](#)
Subject: draft reg
Date: 04/01/2010 04:09 PM
Attachments: [ORV Draft Rule v040110.mbm.docx](#)

All,

Attached is revised proposed rule text, with tables showing the designated routes, etc. I have reviewed it multiple times and have yet to review it anew without changing something, so it is time for you to help with editing. Several caveats:

- **Paul and Jon**, please review content carefully to ensure it captures our intended requirements and intended designated routes and soundside access points. See note in section (7)(i) regarding the applicability of all vehicle and equipment requirements to commercial fishermen. I seem to recall some RegNeg discussion about there being a legitimate exception for commercial fishermen to one of the equipment requirements, but I don't remember the specifics. Would that discussion have been that they don't necessarily need a 4WD vehicle? (If that is the case, then the fact that we are not "requiring" but are only "recommending" a 4WD vehicle for anyone should cover it.) In any case, please review the applicability of ALL vehicle and equipment requirement to see if there are any specific ones that legitimately need not apply to commercial fishermen.
- Someone adept with formatting needs to check the document carefully to ensure the correct numbering and lettering format occurs throughout the document. For example, I broke section 12, sub-section (ii) "Pedestrian Safety" into sub-sub-sections, but didn't know how to number them.
- Some of you may be seeing the ORV routes table (section 11) for the first time. Thanks to Phil and AJ North at DEWA, who assisted in creating the tables, which the park has now edited. I've eliminated a separate section in the initial draft of the tables for routes with **LIMITED ACCESS MARCH 15 to JULY 31** (of which there are only two: Cape Point and South Point). These two routes are, in essence, year-round routes that (along with all routes) are subject to the superintendent's closure provision (section 9) and also subject to the Species Management Areas provision (section 10). Seems like those two provisions adequately define how those two routes will be managed, likely resulting in limited access during the breeding season, without complicating it further by creating an extra category of routes with **LIMITED ACCESS MARCH 15 to JULY 31**. See what you think about this approach.
- In section 11, *Off-road routes and area*. I've also tried to preface the tables with the possibility that reference point names may change, etc. I don't know if the wording is good, or if the wording should be located in the reg (as shown) or in the preamble to the reg. Please consider both the wording and the location of the wording when you review this section.

I'll be on leave until April 12. **I would appreciate it if you all would review this and provide comments "to all" by COB on Wednesday, April 7, if possible.** Where possible (e.g., Sandy and Doug; Paul and Jon), please consolidate

your comments with your co-workers before submitting them. If anyone has any good ideas for simplifying or better organizing the text, please, please, please feel free to give it a shot. I'm not convinced we are anywhere near a final draft yet, but hope the group input will help make it much closer to final draft.

Sandy, I'll leave it up to you if you want to go ahead and consolidate the comments, update the draft, then distribute the new revised draft to the group and to TRG, or if you want to wait for me to get back so I can consolidate the comments. Also note that this is the section to be inserted into the edited version of the preamble that I sent you earlier with the notation to "Insert revised regulatory text here".



ORV Draft Rule v040110.mbm.docx

Thanks everybody!

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
(c) 252-216-5520
fax 252-473-2595

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▼ "Waanders, Jason" <JASON.WAANDERS@sol.doi.gov>

"Waanders, Jason"
<JASON.WAANDERS@sol.doi.gov>

03/31/2010 02:06 PM

To "Murray, Mike"
<Mike_Murray@nps.gov>,
"Doug_Wetmore@nps.gov"
<Doug_Wetmore@nps.gov>

cc "Stevens, Mike"
<Mike.Stevens@sol.doi.gov>, "Stevens,
Paul" <Paul_Stevens@nps.gov>,
"Selleck, Philip"
<Philip_Selleck@nps.gov>, "Hamilton,
Sandra" <Sandra_Hamilton@nps.gov>

Subject RE: advice needed

0025863

U.S. Department of the Interior, Office of the Solicitor
1849 C Street, NW, Room 5319
Washington, DC 20240
(202) 208-7957
(202) 208-3877 (fax)
jason.waanders@sol.doi.gov

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-----Original Message-----

From: Murray, Mike
Sent: Wednesday, March 31, 2010 1:55 PM
To: Doug_Wetmore@nps.gov
Cc: Waanders, Jason; Stevens, Mike; Stevens, Paul; Selleck, Philip; Hamilton, Sandra
Subject: Re: advice needed

We have GPS coordinates for the start and end points of each beach segment. Need advice on how to include that in the draft regulation> If we use coordinates only (without a text description), it will be difficult for the public to understand the locations.

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
(c) 252-216-5520
fax 252-473-2595

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Doug
Wetmore/DENVER/NP
S

03/31/2010 01:16
PM

Mike Murray/CAHA/NPS@NPS

jason.waanders@sol.doi.gov,
mike.stevens@sol.doi.gov, Paul
Stevens/CAHA/NPS@NPS, Philip
Selleck/WASO/NPS@NPS, Sandra
Hamilton/DENVER/NPS@NPS

Subject
Re: advice needed(Document link:
Mike Murray)

Hi Mike.

Does park staff have GPS locations (lat/lon) for the existing features such as ramps and beaches? If so, they could be used in the language to at least provide documentation on the location of these features at the time of the rule. However, this probably wouldn't work for the "new" ramp locations, as I believe their exact locations on the ground have yet to be determined.

0025864

Doug Wetmore
Environmental Protection Specialist
National Park Service - Environmental Quality Division
P.O. Box 25287
Denver, CO 80225-0287
Office: (303) 987-6955
Cell: (303) 968-5214

Mike
Murray/CAHA/NPS

03/31/2010 10:33
AM

To
jason.waanders@sol.doi.gov, Sandra
Hamilton/DENVER/NPS@NPS, Philip
Selleck/WASO/NPS@NPS

cc
Doug Wetmore/DENVER/NPS@NPS,
mike.stevens@sol.doi.gov, Paul
Stevens/CAHA/NPS@NPS

Subject
advice needed

Jason, Sandy and Phil,

Park staff and I continue to struggle with coming up with clear and concise language to describe the ORV routes (i.e., the beach segments open to ORVs) in the proposed rule in a way that does not rely so heavily on using the current names of facilities (e.g., Coquina Beach) and ramp names (e.g., Ramp 4, Ramp 23, 27, etc.). Our efforts thus far have been tedious at best and have resulted in awkward descriptions (based on distance from "fixed landmarks," such as town or village boundaries, which will not change over time) that will not be easily understood by the public. See attached language, which I am not satisfied with (it needs to be simplified). In other words, we are bogged down in reviewing/editing the draft proposed rule because we haven't found an easy way to overcome the concern about the ORV route segments to current ramp names that could (and may likely) change in the future.

The issue that we are trying to avoid (but which may be leading us down the path of more complicated descriptive language) is that if we use the current ramp names in the regulation, which would be the easiest thing to do for all involved, it is highly likely that ramp name(s) and potentially the location of some ramps could change over time. If the regulatory description uses a place name that changes, would we need to change the regulation; and would the location identified in the regulation become obscure over time? This is not a hypothetical concern, as the CAHA special regulation on commercial fishing has already experienced such an issue. In 7.58(b)(6), "ramp 22" is used as a reference point for the sport fishing zone. "Ramp 22" is long gone, no longer exists, and at best only a few long-time staff sort of remember where it was. On the other hand, even though ramp 22 no longer exists and the reference may be confusing to people reading the regulation for the first time today, most people who need to know the regulation seem to understand where the sportfishing zone is. In other words, "ramp 22" is obscure but the approximate location of where it used to be has become the accepted location of the boundary of the sportfishing zone.

For the ORV rule, rather than try to come up with "geographic descriptions" that are independent of current facility and ramp names, some of which will likely change over the next 10-15 years (which is what we've been trying to accomplish, but had limited success), it would be much simpler to describe the beach segments by the existing landmarks, as we have done in the DEIS. Would it work to use some sort of qualifying language, such as "the current

(or 2010?) location of" ramp xx; so that in the future if the ramp name changes or the ramp is lost in a storm and relocated some place else, the actual location of the ORV route segment would still be based on where ramp xx was originally located when the regulation was established? Some version of such qualifying language in reference to the current ramp names would make the task of describing the ORV route segments much, much easier to finish and easier for the public to understand, as long as we do not risk losing sight of the intended ORV route segment boundaries if/when name or location of the ramp(s) change, which is inevitable. At this point, I'm just looking for an efficient way to resolve this, so we can move forward.

Any suggestions for adequate "qualifying language" that we could use to convey that the ORV route segments are designated based on the current location of the reference points used, and if those reference points (i.e., ramps) change in the future, the ORV route segment would still be located more or less where they were when the regulation was established? Is there a simple way to say that/do that, so we can move forward (and stop the tedious effort that has us bogged down at the moment)?

Your thoughts please.

[attachment "Route Descriptions.v033110.mbm.docx" deleted by Doug Wetmore/DENVER/NPS]

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
(c) 252-216-5520
fax 252-473-2595

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Draft rule text v04/01/10

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under D.C. Code 10-

137(2001) and D.C. Code 50-2201 (2001).

2. Amend § 7.58 by adding paragraph (c) to read as follows:

§ 7.58 Cape Hatteras National Seashore.

* * * * *

(c) Off-Road motor vehicle use

(1) Definitions. In addition to the definitions found in § 1.4 of this chapter, the following terms apply in this section:

ORV means a motor vehicle used off of park roads.

ORV corridor means the actual physical demarcation of the ORV route in the field. ORV corridors on the ocean beach are marked by posts seaward of the toe of dune or vegetation line to the high tide line (the seaward side of the corridor is not posted).

Species Management Area means an area of suitable habitat that has had concentrated and recurring use by multiple individuals and/or multiple species of protected shorebirds during the breeding season or nonbreeding season, or concentrations of seabeach amaranth specimens, in more than 1 (i.e., 2 or more) of the past 5 years and is managed to reduce or minimize human disturbance.

(2) Off-road permit system. A permit issued by the Superintendent is required to operate a vehicle off-road at Cape Hatteras National Seashore.

(i) Off-road driving is limited to routes and areas designated in this section.

Comment [PS1]: Proper format is without numbering for definitions

Comment [PS3]: Is there a reason to depart from 11644 definition?

Comment [mbm4]: There is no CFR definition of ORV, but there is one in the executive order. Is that assimilated by reference to the EO in 36 CFR 4.10b? If not, I think we need to define it here.

Comment [mbm6]: Not sure I fully understand or agree with Jason's comment although, in general, I like the idea of streamlining things. "Park road" is defined in 36 CFR 1.4, but "ORV route" is not. Nor is "ORV route" expressly defined in the EO. Since it is a term used in this reg and is defined in the DEIS, it makes sense to me to include its definition in the reg, especially if we are including "ORV corridor." I'd say keep both, or drop both, but not keep just one.

Comment [PS8]: Is this the only place ORV are used?

(ii) There is no limit ~~to~~ the number of permits that the Superintendent may issue.

(iii) Off-road permits are valid on the date of issuance.

~~(iv) Permits valid between September 16 and November 15 will include hours within which night driving will be allowed.~~

~~(3) Off-road permit requirements.~~

(iv) A permit applicant must complete an education program, pass a knowledge test, and acknowledge in writing an understanding of the rules governing off-road use at the park.

(v) Each permit holder must affix the permit to the vehicle authorized for off-road use in a manner and location specified by the Superintendent.

(34) *Vehicle and equipment requirements.* The following are required for operation under an off-road permit:

(i) The vehicle must be registered, licensed, and insured for highway use and must comply with state inspection regulations within the state, country, or province where the vehicle is registered. Four-wheel drive vehicles are recommended.

(ii) -The vehicle must have no more than two axles.

Comment [mbm10]: The DEIS, Table 8, p. 109, states "no more than 3 axles" but we believe it should be two.

(iii) Towed trailers must have no more than two axles.

(iv) The maximum combined length of a vehicle and trailer that may operate off-road is 30 feet, not including the additional length of a towed trailer.

Comment [mbm11]: The DEIS, Table 8, p. 109, states the 30 ft length limit "does not include the additional length of a towed trailer. It is hard to imagine a 30-ft long vehicle, so we believe this was intended as the combined length of vehicle and trailer.

(v) - Vehicle tires must be U.S. Dept. of Transportation-listed or approved.

(vi) -The vehicle must contain a low-pressure tire gauge, shovel, jack, and jack stand.

~~(vii) Vehicle tire pressure must be adjusted to allow safe travel on the off-road surface.~~

Comment [mbm13]: This is covered later in section (4)(iv)

~~(45) *Vehicle inspection.*~~ Authorized persons may inspect the vehicle to determine whether it complies with the requirements of paragraphs (c)(4)(i) through (vi) of this section.

Comment [PS14]: What is the criteria for who gets inspected and who doesn't?

(56) *Motorcycles and all-terrain vehicles.* The operation of motorcycles and all-terrain vehicles off-road is prohibited, except that motorcycles are allowed on designated routes to Pamlico Sound.

(67) *Special use permits for off-road driving.* The Superintendent may issue a special use permit for off-road driving to authorize the following on a temporary basis:

(i) North Carolina Department of Transportation to use park beaches as a public way when necessary to by-pass sections of NC Highway 12 that are closed for repairs; Bypass sections of NC State Highway 12 when closed for repairs;

(ii) Fishing tournaments to have vehicular access in an area not designated for off-road use if tournament participants had been allowed ORV access to that area before January 1, 2009. Drive in an area not designated for off road use for a fishing tournament when that area was established for the tournament before January 1, 2009.

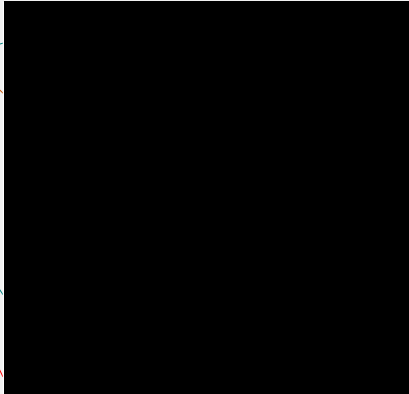
(iii) Vehicular Transport of mobility-impaired individuals via the shortest, most direct distance from between the nearest designated off-road route to join a gathering on a beach that is closed to off-road driving; the vehicle must return to the street after the transport.

(78) Authorized Commercial fishing vehicles. Use of vehicles off-road under terms of a commercial fishing permit commercial use authorization or commercial fishing permit issued by the Superintendent will be as follows:

(i) Vehicles operated off-road for authorized commercial activities, including commercial fishing, must meet the vehicle and equipment requirements listed under paragraphs (c)(4)(i) through (vi) of this section.

(ii) Commercial off-road vehicle operation will be regulated under the terms and conditions of the respective commercial permit. A separate ORV permit is not required.

Comment [dw15]: Jason had asked whether the EIS dealt with this issue. It is on page 111.



Comment [mbm19]: The issue of CUAs was not specifically addressed in the CUA. After checking with some other parks, we believe that not requiring CUAs to get an ORV permit (similar to how commercial fishing permits are handled) is the best approach.

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Comment [mbm20]: Paul or Jon, wasn't there some issue about there being a legitimate exception to one or some of the equipment requirements for commercial fishermen? I vaguely recall there is, but don't remember the specifics. Has it been resolved by not requiring a 4WD? or was it something else?

(iii) Vehicles authorized to operate off-road under a commercial use authorization are restricted to the designated ORV routes that are open for ORV use.

(iv) Vehicles authorized to operate under a commercial fishing permit issued by the Superintendent are allowed to drive on designated routes and, when actively engaged in authorized commercial fishing activities, on beaches not designated for ORV use, except in resource management closures and on lifeguarded beaches.

Comment [mbm21]: I know "issued by the Superintendent" seems superfluous, but we need to say it to distinguish the park commercial fishing permit from the State of NC commercial fishing permit

~~Vehicles are authorized to drive on the beach in designated off road routes and outside those areas, except in resource management closures and on lifeguarded beaches.~~

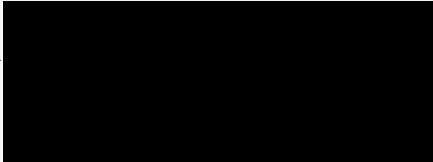
~~(vii) The Superintendent may adjust night-driving hours for commercial fishing vehicles specified on the permit to~~ begin up to 2 hours before off-road areas are open to the public, for those entering to actively engage in authorized commercial fishing activity and who are able to present fish house receipts for the previous 30 days.

~~(iii) Vehicles operated off road for commercial fishing must meet the vehicle and equipment requirements listed under paragraphs (e)(4)i through vi of this section.~~

~~(89) *Revocation of permit.* An off-road permit, ~~or~~ special use permit, or commercial use authorization may be revoked for violation of applicable park regulations or terms and conditions of the respective permit.~~

~~(94) *Off road routes and areas.* ORVs may be operated only in the following routes and areas and only in accordance with the following restrictions. Maps that show these designated routes and areas for ORV use within the park may be obtained from the park superintendent.~~

~~(11) *Superintendent's closures.* The Superintendent may temporarily limit, restrict, or terminate access to the areas designated for off-road use after taking into consideration public~~



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health and safety, natural and cultural resource protection, and other management activities and objectives. Violation of such a closure is prohibited.

(102) *Species Management Areas*. The Superintendent shall designate Species Management Areas in the park compendium. Species Management Areas shall be reevaluated and re-designated at a minimum every 5 years, or after major hurricanes, storms or significant beach erosion, as part of the periodic review process. Once a designated Species Management Area is closed to off-road use as a pre-nesting area or as a result of observed shorebird breeding activity, it shall remain closed to off-road use until August 1, two weeks after breeding activity has ceased, or two weeks after all chicks in the area have fledged, whichever is later.

Comment [PS23]: The compendium must be reviewed annually

Here is where the tables would be inserted in lieu of most of the following text:

(11iii) Off-road routes and areas. ORVs may be operated only in the following routes and areas and only in accordance with the following restrictions. Maps that show these designated routes and areas for ORV use within the park may be obtained from the park superintendent. Year round off road routes. The textual descriptions that follow are approximate in nature. Reference point names such as ramp number could change, but the approximate location of the route would remain the same. The precise location of designated off-road routes and ORV access ramps will be determined by GPS coordinates or other appropriate techniques. Maps that show these designated routes and areas for ORV use will be updated annually and made available to the public in accordance with § 1.7 of this chapter.

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Comment [mbm24]: We still need to develop alternative location identifiers to use along with (or in lieu of) "ramp" number.

Comment [PS25]: Add introductory sentence

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BODIE ISLAND - ORV PERMITTED AREAS	
<u>YEAR ROUND</u>	<u>1. 0.5 miles south of Coquina Beach to 0.2 miles south of ramp 4, with at least one but not more than two ORV</u>

	<u>access ramps</u>
SEASONAL <u>August 1 to March 14</u>	1. <u>0.2 miles south of ramp 4 to Oregon Inlet, with a spur route to within 30 meters of the northeast corner of the "bait pond"</u>
HATTERAS ISLAND - ORV PERMITTED AREAS	
YEAR ROUND	<p>1. <u>Ramp 23 to ramp 27, with at least three but not more than four ORV access ramps</u></p> <p>2. <u>Ramp 30 to ramp 32.5, with two ORV access ramps</u></p> <p>3. <u>At least five but not more than six routes from NC Highway 12 to Pamlico Sound between the villages of Salvo and Avon</u></p> <p>4. <u>Ramp 38 to 1.7 miles south of ramp 38, with at least one but not more than two ORV access ramps</u></p> <p>5. <u>At least three but not more than four ORV access routes from NC Highway 12 to Pamlico Sound between the villages of Avon and Buxton</u></p> <p>6. <u>0.4 miles north of ramp 43 to Cape Point to 0.2 miles west of "the hook," with two ORV access ramps</u></p> <p>7. <u>Interdunal route from intersection with Lighthouse Road (i.e., ramp 44) to ramp 49, with at least two but not more than three spur routes from the interdunal route to the ORV route below</u></p> <p>8. <u>Ramp 47 to ramp 49</u></p> <p>9. <u>One route from Museum Drive to Pamlico Sound near Coast Guard Station Hatteras Inlet</u></p> <p>10. <u>Pole Road from Museum Drive to Spur Road, with two spur routes to Pamlico Sound, the sound shoreline between Cable Crossing to Spur Road, and at least three but not more than four spur routes to the ORV route below</u></p> <p>11. <u>Ramp 55 to 1.8 miles south of ramp 55, with one ORV access ramp</u></p>
SEASONAL <u>September 16 to May 14</u>	<p>1. <u>Beach in front of Rodanthe-Waves-Salvo to ramp 23, with one ORV access ramp</u></p> <p>2. <u>Ramp 34 to ramp 38 (Avon), with two ORV access ramps</u></p>
<u>August 1 to March 14</u>	<p>1. <u>Ramp 32.5 to ramp 34, with two ORV access ramps</u></p> <p>2. <u>Cape Point 0.2 miles west of the "hook" to ramp 47</u></p>

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	<p><u>with two seasonal spur routes from the interdunal route between ramp 44 and ramp 49</u></p> <p>Note: The Superintendent will periodically designate 1.5 miles of ocean shoreline between ramp 23 and ramp 34 and 1.5 miles between ramp 45 and 49 as closed to ORV use for non-breeding shore birds.</p> <p><u>3. Pole Road south of Spur Road to two dead-end, interdunal spur routes located northeast and southwest of the end of Pole Road</u></p>
<u>December 1 to the Last Day of February</u>	<p><u>1. Beach in front of Frisco village, with access from adjacent ORV route</u></p> <p><u>2. Beach in front of Hatteras Village to ramp 55, with access from adjacent ORV route</u></p>

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<u>OCRACOKE ISLAND - ORV PERMITTED AREAS</u>	
<u>YEAR ROUND</u>	<p><u>1. 0.25 mile northeast of ramp 59 to 0.25 southwest of ramp 59, with one ORV access ramp</u></p> <p><u>2. Interdunal spur road from ramp 59 north for 0.3 mile</u></p> <p><u>3. Ramp 62 to ramp 64, with two ORV access ramps</u></p> <p><u>4. Three routes from NC Highway 12 to Pamlico Sound located north of the Pony Pens</u></p> <p><u>5. 0.75 mile northeast of ramp 67 to 0.5 mile northeast of ramp 68, with one ORV access ramp</u></p> <p><u>6. One route from NC Highway 12 to Pamlico Sound located near Ocracoke Campground</u></p> <p><u>7. 0.5 miles northeast of ramp 70 to Ocracoke inlet, with two ORV access ramps</u></p> <p><u>8. One route from ramp 72 to a pedestrian trail to Pamlico Sound</u></p>

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<p><u>SEASONAL</u> <u>August 1 to March 14</u></p>	<p>1. <u>One seasonal route 0.6 mile south of ramp 72 from the beach route to a pedestrian trail to Pamlico Sound</u></p> <p>2. <u>One seasonal route at the north end of South Point spit from the beach route to Pamlico Sound</u></p> <p><u>Note: The Superintendent will periodically designate 1.0 miles of ocean shoreline between ramp 72 and Ocracoke Inlet as closed to ORV use for non-breeding shore birds, with an upper beach route to by-pass the 1.0 mile area.</u></p>
<p><u>November 1 to March 31</u></p>	<p>1. <u>0.5 mile northeast to 0.5 mile southwest of ramp 68 (Ocracoke Campground area), with access from adjacent ORV routes and one seasonal ORV access ramp</u></p> <p>2. <u>1.2 miles to 0.5 mile northeast of ramp 70 (Ocracoke Day Use Area), with access from adjacent ORV routes</u></p>
<p><u>November 1 to March 14</u></p>	<p>1. <u>0.5 miles southwest of ramp 68 to 1.2 miles northeast of ramp 70, with access from adjacent ORV routes</u></p>

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(A) ~~Bodie Island (north to south) from 0.5 mile south of Coquina Beach to 0.2 mile south of Ramp 4, including beach in front of Oregon Inlet Campground.~~

Comment [dw26]: Note: DEIS and tables did not capitalize "ramp".

(B) ~~Hatteras Island (north to south):~~

~~(1) Ramp 23 to Ramp 27. There will be 1.5 miles of "floating" non-ORV area for nonbreeding shorebirds, located either here or between Ramps 30 and 34.~~

~~(2) Ramp 30 to Ramp 32.5. There will be 1.5 miles of "floating" non-ORV area for nonbreeding shorebirds, located either here, in the above segment, or between Ramps 32.5 and 34.~~

Comment [dw28]: Note: deletion of "new" has been accepted in this document. Once new terminology is developed, ensure that all new ramps are addressed.

~~(3) Ramp 38 to approximately 1.7 miles south of Ramp 38.~~

~~(4) From 0.4 mile north of Ramp 43 to 0.2 mile south of Ramp 44.~~

Comment [seh29]: Numbers (4) and (5) could be combined into one route "From 0.4 mile north of Ramp 43 to 0.2 mile south of Ramp 44. They were two separate segments with different treatment in some of the other alts in the DEIS, but are both routes under alt F. If combined, then renumber the rest.

~~(5) From 0.2 mile south of Ramp 44 to Cape Point to approximately 0.2 mile west of the hook.~~

~~(6) Interdunal route from Ramp 45 to Ramp 49.~~

~~(7) Ramp 47 to Ramp 49, including beach in front of Frisco Campground. There would be 1.5 miles of "floating" nonbreeding shorebird area between Ramps 45 and 49.~~

~~(8) Ramp 49 to East Frisco boundary.~~

~~(9) Ramp 55 along ocean beach to 0.2 mile southwest of Bone Road.~~

~~(10) Pole Road from NC 12 past Cable Crossing access to Spur Road.~~

~~(11) Cable Crossing along sound shoreline to Spur Road.~~

~~(12) Spur Road along sound shoreline to Hatteras Inlet.~~

~~(C) Ocracoke Island (north to south):~~

~~(1) From 0.25 mile northeast of Ramp 59 to 0.25 mile southwest of Ramp 59.~~

~~(2) Interdunal route from Ramp 59 to 0.3 mile north of Ramp 59.~~

~~(3) Ramp 62 to Ramp 64 at 1.0 mile northeast of Pony Pen.~~

~~(4) From 0.75 mile northeast of Ramp 67 to 0.5 mile northeast of Ramp 68.~~

~~(5) From 0.5 mile northeast of Ramp 70 to 0.5 mile southwest of Ramp 72.~~

~~(6) From 0.5 mile southwest of Ramp 72 to inlet. There would be 1.0 mile of "floating" ocean shoreline area for nonbreeding shorebirds with an ORV corridor on the upper beach during nonbreeding season.~~

~~(iv) Seasonal off road routes. Vehicles may be used on the following routes only during the following dates:~~

~~(A) Bodie Island (north to south) from 0.2 mile south of Ramp 4 to the inlet open to ORVs August 1 to March 14.~~

Comment [mbm30]: May need to clarify the term "Bone Road". It is not on Map 5 for alternative F.

~~(B) Hatteras Island (north to south)~~

~~(1) Rodanthe Waves Salvo to Ramp 23, including Tri Village beaches: open to ORVs from September 16 to May 14.~~

Comment [seh31]: Is this from northern boundary of Rodanthe to Southern Boundary of Salvo? Do we need to be specific? MPS yes.

~~(2) Ramp 32.5 to Ramp 34: open to ORVs from August 1 to March 14. There would be 1.5 miles of "floating" non-ORV area for nonbreeding shorebirds, located either between Ramps 23 and 27 or between Ramps 30 and 34.~~

~~(3) Ramp 34 to Ramp 38, which includes Avon Village: open to ORVs from September 16 to May 14.~~

~~(4) Cape Point 0.2 mile west of the hook to Ramp 45: open to ORVs from August 1 to March 14.~~

~~(5) Ramp 45 to Ramp 47: open to ORVs from August 1 to March 14. An interdunal ORV route is established between Ramps 45 and 49. There would be 1.5 miles of "floating" nonbreeding shorebird area, located between Ramps 45 and 49.~~

~~(6) Frisco Village Beach (east village boundary to west boundary): open to ORVs from December 1 to February 28/29.~~

Comment [seh32]: The text description of alt F in the DEIS says February 28/29, the DEIS routes and areas table says Feb 28. We will fix one and should be consistent here, unless there's a reason not to be.

~~(7) Hatteras Village Beach (east boundary to Ramp 55): open to ORVs from December 1 to February 28/29.~~

~~(C) Ocracoke Island (north to south)~~

~~(1) From 0.5 mile northeast of Ramp 68 to 0.5 mile southwest of Ramp 68 (Ocracoke Campground Area): open to ORVs from November 1 to March 31.~~

~~(2) From 0.5 mile southwest of Ramp 68 to 1.2 miles northeast of Ramp 70 open to ORVs from November 1 to March 14.~~

~~(3) From 1.2 miles northeast of Ramp 70 to 0.5 mile northeast of Ramp 70 (includes Oeracoke Day Use Area) open to ORVs from November 1 to March 31.~~

~~(v) Soundside ORV Access~~

~~(Add list of designated soundside access points here)~~

(124) Rules for Vehicle Operation. Drivers must comply with Part 4 of this title and with the following requirements:

(i) Access: Visitors accessing the Seashore by ORV must use only designated beach access ramps and soundside access routes to enter designated ORV routes and areas.

(ii) Pedestrian safety.

(x) Vehicles must yield to pedestrians on all off-road routes.

(xx) When approaching or passing a pedestrian on the beach, vehicles shall move to the landward side to yield the wider portion of the beach corridor to the pedestrian.

(xxx) Vehicles must slow to 5 mph or the slowest possible speed to maintain traction without exceeding the overall speed limit when traveling within 100 feet or less of pedestrians at any location on the beach at any time of year.

(iii) Beach parking. Parking within routes is allowed in any configuration, as long as parked vehicles do not obstruct two-way traffic.

(iv) Tire pressure. When driving on designated routes, tire pressure must be lowered sufficiently to maintain adequate traction within the posted speed limit.

(v) Speed limit. The speed limit for off-road driving is 15 mph (unless otherwise posted

(vi) Hours of Operation

ORV – HOURS of OPERATION

Comment [mbm33]: Do we need to itemize the soundside access points some place, similar to what we've done with the oceanside routes?

Comment [mbm34]: Need to either list the designated soundside ORV areas, or establish the Superintendent's authority to identify those routes in the compendium, if that is possible.

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Comment [mbm37]: Use sub-sections. Not sure what the numbering or lettering should be.

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Comment [PS38]: This seems to leave out commercial fishermen, who can drive outside designated routes

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November 16 – April 30: All Designated Routes

May 1 – November 15

Designated Routes in Sea Turtle Nesting Habitat
(Ocean Intertidal Zone, Ocean Backshore, Dunes)

September 16- November 15

Designated Routes in Sea Turtle Nesting Habitat

24 Hours/Day

1 Hour after Sunrise to 1 Hour after Sunset

24 Hours/Day on routes with no or low density of unhatched sea turtle nests remaining - as determined by the Park Superintendent)

~~Hours of allowable ORV operation on beach. From November 16 to April 30 designated ORV routes are open to ORV use 24 hours a day. From May 1 to November 15 routes are open to ORV use 24 hours per day except designated ORV routes in potential sea turtle nesting habitat (ocean intertidal zone, ocean backshore, and dunes), which are closed to all ORV use except essential vehicles from 1 hour after sunset until the turtle patrol has checked the beach in the morning (by approximately one half hour after sunrise). From September 16 to November 15 ORV routes with no or low density of turtle nests remaining reopen for night driving, subject to terms and conditions of an ORV permit. The Superintendent is authorized to establish the hours of night driving prohibition in the Superintendent's Compendium. Hours of allowable ORV use will be re-evaluated, at a minimum, every five years. The Superintendent is authorized to modify the established hours of night driving by +/- two hours for permitted commercial fishermen who are actively engaged in authorized commercial fishing activity and can produce fish house receipts from the past 30 days.~~

~~(135) Vehicle carrying capacity. The SSuperintendent willmay periodically evaluate, at a minimum every five years, and revise-vehicle carrying capacity for areas designated for off-road use and may revise the carrying capacity limits after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives~~

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Comment [seh39]: We just defined them above as 1 hour after sunset until the turtle patrol has checked the beach in the morning, so why would we then list them in the compendium. Seems like it should be one or the other.

Comment [seh40]: Per the alternatives elements for Alt F under Commercial Fishing Vehicles. Do we need to include in the regulations the condition from Alt F that the modification of hours is for "commercial fishermen who are actively engaged in authorized commercial fishing activity and can produce fish house receipts from the past 30 days."



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