



United States Department of the Interior



NATIONAL PARK SERVICE  
Southeast Regional Office  
Atlanta Federal Center  
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100 Alabama St., SW.  
Atlanta, Georgia 30303

IN REPLY REFER TO:  
SER-RD

JUN 18 2010

The Honorable Bob Goodlatte  
Member of Congress  
10 Franklin Road, S.E., Suite 540  
Roanoke, Virginia 24011-2121

Dear Mr. Goodlatte:

Thank you for your letter of May 26, 2010, to National Park Service Congressional Liaison Elaine Hackett regarding off-road vehicle (ORV) management at Cape Hatteras National Seashore. I have been asked to respond on behalf of the National Park Service (NPS).

To provide some background, Executive Order 11644 (1972), amended by Executive Order 11989 (1977), requires federal agencies permitting ORV use on federal lands to publish regulations designating specific trails and areas for this use. The NPS implemented these executive orders in 36 C.F.R. § 4.10, which provides that routes and areas designated for off-road vehicle use shall be promulgated as special regulations. ORVs have operated on the Seashore's beaches since before the park was established in 1953, but the required regulations have never been issued. At the same time, since establishment of the Seashore, ORV use has increased and populations of native shorebird species have declined. The Seashore is home to important habitats created by the Seashore's dynamic environmental processes, including habitat for several federally listed species including the piping plover, three species of sea turtles, and seabeach amaranth. These habitats are also home to numerous other protected species, such as the American oystercatcher, black skimmer, Wilson's plover and several species of tern, as well as other wildlife. NPS is required to conserve and protect all of these species, as well as the other resources and values of the Seashore.

In January 2006, NPS released an Interim Protected Species Management Strategy/EA (Interim Strategy) to provide guidance for protected species management until an ORV management plan and special regulation could be developed. In October 2007, Defenders of Wildlife, National Audubon Society, and Southern Environmental Law Center filed a complaint to challenge the interim strategy. Dare and Hyde Counties and a coalition of ORV and fishing groups intervened. As a result of the settlement of the litigation agreed to by all involved parties, the Seashore is under court order/consent decree to implement prescribed measures to protect shorebird and sea turtle nesting activities pending completion of an ORV management plan/EIS by December 31, 2010, and a final regulation for ORV use by April 1, 2011.

In March 2010, NPS published a draft Off-Road Vehicle Management Plan/Draft Environmental Impact Statement (DEIS) for a 60-day public review. The public comment period closed May 11, 2010. The purpose of the plan is to develop regulations and procedures that carefully manage ORV use/access in the Seashore to protect and preserve natural and cultural resources and natural processes, provide a variety of visitor use experiences, while minimizing conflicts among various users, and promote the safety of all visitors.

NPS received more than 15,000 comments on the DEIS and is in the process of reviewing them. A final environmental impact statement (FEIS), which will contain NPS responses to substantive public comments received on the DEIS, is expected to be released this fall. A final rule is expected by April 1, 2011.

We share your constituent's concern for ensuring that appropriate recreational access to the Seashore be provided. We also understand the concerns of many other interested parties that NPS must comply with the applicable laws, regulations and policies regarding resource protection to preserve the resources unimpaired for the enjoyment of future generations. If you have further questions, please contact Superintendent Mike Murray at (252) 473-2111, extension 148. We greatly appreciate hearing from you and look forward to your continued support of the National Park Service.

Sincerely,

  
For David Vela  
Regional Director  
Southeast Region