

From: [Cyndy Holda](mailto:Cyndy_Holda)
To: ecblanks@gmail.com
Bcc: [Mike Murray](mailto:Mike_Murray)
Subject: Fw: NPS.gov: Frisco and Hatteras beach driving
Date: 10/12/2010 09:54 AM

Mr. Blanks,

Thank you for your comments. While the consent decree was not explicit regarding how the village beaches should be managed, the underlying legal situation was made clear in a July 2007 U.S District Court order issued about a Cape Hatteras ORV case (*U.S. v. Vasile Matei*). **The order stated, "Operating a motor vehicle is prohibited except where the Park Service has specifically designated that ORV use is permitted. Thus, where the Park Service fails to create a plan for ORV use, ORV (use) is prohibited."**

In other words, our current situation is that absent an approved ORV management plan and special regulation, which are required by Executive Orders and NPS regulations in order to designate routes and authorize ORV use at the Seashore, ORV use is not legally authorized. Under the circumstances, it would not be prudent to open an area to ORV use that has generally been closed to ORVs for many years, even if the reasons why those areas have been closed are unclear. We are nearing the end of a four-year planning process to complete an ORV management plan and special regulation for the Seashore, which will meet the requirements needed to authorize ORV use in some locations at the Seashore. If you are interested in learning more about the issue, there is a large volume of information available at: <http://parkplanning.nps.gov/projectHome.cfm?projectID=10641>

I hope this additional information is helpful to your understanding of the situation at hand.

▼ [Cyndy Holda/CAHA/NPS](#)

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----- Forwarded by Cyndy Holda/CAHA/NPS on 10/08/2010 08:24 AM -----

ecblanks@gmail.com

10/07/2010 11:53 AM

To Cyndy_Holda@nps.gov
 cc Steve_D_Thompson@nps.gov,
 Denise_Heinrich@nps.gov
 Subject Re: NPS.gov: Frisco and Hatteras beach driving

Cyndy, thank you for your prompt reply. When I get down there I will assess our situation and determine whether we can get by with accessing adjacent beaches, or if we need to pursue the permit. I do find it interesting where you say "The reason(s) for the long-standing ORV closures are unclear and there is wide disagreement about whether or not those beaches should be open to any ORV use or not". In my interpretation, if the Consent Decree is the current governing document on access management, and there is no specific language differentiating the management Frisco and Hatteras from the other villages, I would think it would be a simple as just opening the beach when the seasonal closures lift, or closing it and having a clear reason. In other words, if there is non-clarity on the reasons in the "legislation", then who makes the executive call to keep these beaches closed? I certainly hope it isn't the home owners. I'll save you from my opinions on the Consent Decree (how a back room deal can be struck between 2 special interest groups(ORV'er's and environmentalists) affecting all citizens is beyond me), I'm sure you've heard them all, but if it currently, legally makes the rules then I certainly don't like ambiguous management of any areas/situations not covered in it.

Best Regards,
Earl Blanks

On Oct 7, 2010 11:32am, Cyndy_Holda@nps.gov wrote:

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> Dear Mr. Blanks,
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> Thank you for your recent email message. The beaches in front of Frisco
>
> and Hatteras Village have generally been closed to off-road vehicles (ORVs)
>
> during the off-season for many years, with limited exception (when these
>
> areas were briefly opened to off-season ORV use over five years ago). The
>
> reason(s) for the long-standing ORV closures are unclear and there is wide
>
> disagreement about whether or not those beaches should be open to any ORV
>
> use or not; and, if ORV were to be allowed, under what conditions and
>
> timing. As you may be aware, 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 a plan and regulation,
>
> the "village beach" policy is being evaluated and will be formalized, so
>
> that there is a clear, consistent policy in the future.

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> In the meantime, if you are visiting the area this fall, there are many
>
> areas open to ORV use where you can drive onto the beach and engage in
>
> recreational activities. See our park website for the details on the
>
> National Seashore @ www.nps.gov/caha. If you are staying in Frisco or
>
> Hatteras Village adjacent to a beach that is not open to ORV use, it is
>
> possible to obtain a "special use permit" from the Park Service that would
>
> enable you to temporarily use your ORV to transport mobility impaired
>
> individuals onto the beach adjacent to where you are staying to join a
>
> gathering in that area. The special use permit does not authorize
>
> unlimited ORV use in these areas, so there are some restrictions that
>
> apply. If you are interested in pursuing the permit, please contact our
>
> Special Park Uses Coordinator Steve Thompson at 252-473-2111 ext. 121.
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>
> I hope that this information is helpful to you and that you enjoy your
>
> visit. If you would like, I would be happy to add your email address to
>
> the general park mailing list for current news. Please respond and request
>
> that I do so. We distribute information on a weekly basis regarding park
>
> news for all three units that comprised the Outer Banks Group of national
>
> parks; Cape Hatteras National Seashore, Fort Raleigh National Historic
>
> Site and Wright Brothers National Memorial.
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> Cyndy M. Holda
>
> Public Affairs Specialist
>
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