

**From:** [Mike Murray](#)  
**To:** [Matt Walker](#)  
**Subject:** Re: latest park service plan  
**Date:** 11/19/2010 02:16 PM

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Matt,

The ORV proposed rule (i.e., regulation), which will be open to public comment, will designate the location of the ORV routes (i.e., where ORV use is allowed) as described in the preferred alternative in the FEIS. By NPS regulation, ORVs are allowed only on designated ORV routes that have been spelled out in a park-specific regulation (a requirement that has never been met at Cape Hatteras, which is why we must do it now). In essence, the rule is needed to officially designate the ORV routes and make the various ORV requirements (speed limits, permits, etc.) enforceable as a federal regulation.

In general terms, under the preferred alternative pedestrians will be able to go anywhere in the Seashore, subject to temporary localized resource closures during the breeding season. As shown on the Alternative F maps, this includes the areas with GREEN lines (color code for designated year-round ORV routes), RED line (color code for designated seasonal ORV routes), or no color-coded line (not an ORV route). For example, see Map 4 for Alternative F (p. 194 of the FEIS), assuming no resource closures are currently in effect, one could drive in to Cape Point from Ramp 43 or 44 on the ORV route shown by the GREEN line, then walk, surf, kite board, fish, etc. in the "vehicle free area" west of the Cape Point ORV route. The area without a color-coded line along the South Beach (i.e., between the two GREEN lines east and west of the area without a color-coded line) would be open to recreational use, but not to vehicle use, except of course when temporary breeding season resource closures are in effect.

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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▼ [Matt Walker <r.matt.walker@gmail.com>](mailto:r.matt.walker@gmail.com)

**Matt Walker**  
**<r.matt.walker@gmail.com>**

To: Mike\_Murray@nps.gov  
cc

11/19/2010 09:54 AM

Subject: Re: latest park service plan

0030313

definitely  
so the ORV public comment won't deal with where they can go -- only  
permitting, numbers, logistics etc. correct?

one more question: looking at the plan, there's red and green lines  
for ORV, but nothing about pedestrian access  
is it safe to assume that in places where there's just a black line  
that you're free to walk in?

thanks again, mike  
matt

On Nov 19, 2010, at 8:38 AM, Mike\_Murray@nps.gov wrote:

> Hi Matt,  
>  
> The recently released final ORV management plan/environmental impact  
> statement (FEIS) revised the March 2010 draft plan/EIS (DEIS) as  
> needed,  
> based on public and agency comments on the DEIS. There is no public  
> comment  
> period on the FEIS, as it is the "final plan". There is a 30-day  
> waiting  
> period after the U.S. EPA Federal Register Notice on the FEIS is  
> published  
> (today) before the NPS can issue a Record of Decision (ROD). The ROD  
> serves  
> to document Park Service's approval of the FEIS and the selection of  
> the  
> alternative that will be implemented. Typically, the selected  
> alternative  
> in the ROD is the preferred alternative of the FEIS. The ROD will  
> be much  
> shorter than the FEIS. After the ROD is published, NPS will publish a  
> proposed ORV rule (i.e., regulation) to implement the portion of the  
> plan  
> related to the designation of ORV routes and ORV requirements such  
> as speed  
> limit, vehicle characteristics, and permits. There will be a 60-day  
> public  
> comment period on the proposed rule, then NPS will analyze those  
> comments  
> and publish the final rule, thus completing the process of preparing a  
> plan/EIS and a related regulation.  
>  
> I hope this helps explain the process.  
>  
> 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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>  
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>  
> Matt Walker  
> <r.matt.walker@gm  
> ail.com>  
> To  
> mike\_murray@nps.gov  
> 11/18/2010 03:21  
> cc  
> PM  
>

