

0030698

From: [Mike Murray](#)
To: [Priscilla Nalls](#)
Cc: mike.stevens@sol.doi.gov; jason.waanders@sol.doi.gov; [Cyndy Holda](#); [Gregory Robinson](#)
Subject: Fw: From NPS.gov: Handicap Access to cape point?
Date: 03/29/2011 09:22 AM

Priscilla,

We've been embroiled in a controversy for 5+ years over the management of off-road vehicles (ORVs) on Seashore beaches. In essence, the NPS has failed to comply for over 30 years with executive orders and an NPS regulation that requires us to designate ORV routes (i.e., limit ORV use) and minimize the impacts of ORVs on wildlife and wildlife habitat, minimizes user conflicts, and provides for the safety of all visitors. We were sued in late 2007 and have managed ORVs and protected bird and sea turtle nesting areas in accordance with a court order/consent decree since late April 2008. We have recently completed a long-term ORV management plan/EIS, and are in the process of preparing a special regulation, to comply with executive orders and NPS regulation regarding ORV on park lands and to replace the management measures implemented under the consent decree.

See below FYI, which is representative of some of the ORV user comments we receive. For several years, ORV advocates have been making the argument, among many arguments they make that NPS should provide as much ORV access to Seashore beaches as possible, that ORV access is needed to provide handicap accessible access to remote undeveloped beach locations at the Seashore. For example, Cape Point, the location being discussed in the message, is a popular surf fishing area that is approximately 1.5 miles from the nearest paved road and also very important shorebird nesting habitat. Access to the Point is currently limited to pedestrians due to resource protection closures implemented in accordance with the consent decree. DOI Solicitors Mike Stevens and Jason Waanders have been advising us on all issues related to ORV management (including the accessibility issue) and reviewed our response to Mr. Lamphier, which is consistent with our response to comments on the issue in the November 2010 final ORV management plan/EIS (FEIS).

We want to make you aware of the issue, in case we receive a formal complaint.

Mike Murray
Superintendent
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----- Forwarded by Mike Murray/CAHA/NPS on 03/29/2011 08:43 AM -----

**Cyndy
Holda/CAHA/NPS**

To "Mike Murray" <Mike_Murray@nps.gov>, "Darrell Echols" <Darrell_Echols@nps.gov>

0030699

03/26/2011 08:23 AM

cc

Subject Fw: Fw: From NPS.gov: Handicap Access to cape point?

We'll have to deal with this one on Tuesday. Just wanted U Both to be familiar with the name in case the congressmen calls on Monday

From: Dodie & Mark [mark2dodie@verizon.net]
Sent: 03/25/2011 09:54 PM EST
To: Cyndy Holda
Subject: Re: Fw: From NPS.gov: Handicap Access to cape point?

I understand everything you have stated. However, you have neglected to inform me how I am to access Cape point itself ? It is currently open to foot access which does not afford me access! With all due respect there are NO other areas such as Cape Point in the park much less on the East Coast ! It is the best area to fish in the park which I am sure you are also aware of ! In addition to this it is the easiest to fish for me due to the hard sand and flatness of the beach in this area! I want to know why people can walk there but I due to the inability to walk there cannot go there as well ? I feel I am being discriminated against for this reason, and being told to find somewhere else to fish because I am not able to walk that far! You are excluding a large part of the public from the most popular area of the seashore because of their inability to walk a mile or more to visit it ! How would you feel mam if you had to sit in your vehicle and watch people walk past you going to the place you want to go but cannot due to a physical disability which prohibits you from walking that far! I repeat there are no other areas in the park like Cape Point to fish or shell and you have made them off limits to folks like myself shame on you! I will be writing my congressman and also contacting the American With Disabilities people and informing them how you circumvent their laws for equal access and that directly denies me access to the very place folks are allowed to go if they are lucky enough to be able to walk a mile in the sand to get there! You all have become exactly what a park should not be and should be ashamed of what you allowed to happen to folks like myself who have to sit and watch as others go to where we once could but cannot now because we were disabled fighting for the very right you are denying me annd others! It is a slap in my face and to others who have laid it ALL on the line for freedoms such as going to a unique place to fish and recharge our mental batteries! You have insulted me mam with your politically correct response that took almost a week to get.

On 03/25/11, Cyndy_Holda@nps.gov wrote:Dear Mr. Lamphier,

The National Park Service (NPS) recognizes that visitors to the Seashore have different needs, and therefore provides a variety of uses, including both ORV and vehicle-free areas. This is in line with the applicable requirements and NPS policies. Under the Rehabilitation Act, 29 U.S.C. Â§ 791 et seq., which applies to federal agencies in lieu of the Americans with Disabilities Act of 1990 (ADA), the NPS is required to provide reasonable access to programs and services at the Seashore. âReasonableâ does not necessarily mean âtotalâ and must be viewed in the light of the

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entire program or activity, including its purpose (i.e., providing the visitor with a variety of experiences). Likewise, NPS must comply with legal requirements and best available science related to the protection of park resources, including the protected species of shorebirds and sea turtles that nest on the Seashore's beaches.

In this case, the current temporary off-road vehicle (ORV) access restriction to Cape Point complies with the court order/consent decree under which the NPS must operate until the long-term ORV management plan and special regulation are completed. Despite the temporary restriction, there are many other locations within the Seashore that are currently open to ORV access, including popular fishing spots. For more information about which locations are open and what restrictions are in effect, please see: <http://www.nps.gov/caha/planyourvisit/googleearthmap.htm>

I hope this information is helpful to you.

Cyndy M. Holda
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----- Forwarded by Beau Brehm/CAHA/NPS on 03/21/2011 11:16 AM -----

mark2dodie@verizon.net
on.net
To
03/20/2011 11:15 caha_information@nps.gov
PM cc

Subject
From NPS.gov: Handicap Access to
cape point?

Email submitted from: mark2dodie@verizon.net at /caha/contacts.htm

Mailing Address
Mark Lamphier
385 spotted tavern rd.

0030701

Fredericksburg, va. 22406

I want to know what handicapped provision you have in place for me to access Cape Point. I have a physical disability that prevents me from walking a mile to fish Cape Point! I understand healthy young folks are allowed to walk there what about me and folks with similiar health issues? Every other area of society is handicapped friendly with access and parking etc..What plan do you folks have so I can enjoy the area of the beach healty folks can? I spend seven months of the year in Buxton and want to access Cape Point to fish for Red Drum as you know if you expect to catch this species Cape Point is the place. I am excited to hear your plan as the season is upon us for fishing for the prized Red Drum! Your urgency is appreciated in this matter! Thank you for your prompt response, Mark