



United States Department of the Interior



IN REPLY REFER TO:
A36

NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., SW.
Atlanta, Georgia 30303

The Honorable Richard Burr
U.S. Senate
217 Russell Senate Office Building
Washington, DC 20510

AUG 11 2011

Dear Senator Burr:

Thank you for your correspondence of August 1, 2011, on behalf of constituent Bob Davis, regarding costs of material and labor for installing resource protection closures at Cape Hatteras National Seashore (the Seashore). We are pleased to respond to your inquiry.

As 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 National Park Service (NPS) implemented these executive orders in 36 C.F.R. § 4.10, which provides that routes and areas designated for ORV use shall be promulgated as special regulations. However, the NPS has not previously designated ORV routes at the Seashore, but is currently in the process of doing so. The NPS issued a Record of Decision (ROD) for the ORV management plan/final environmental impact statement on December 20, 2010. On July 6, 2011, the NPS published in the Federal Register a proposed rule (special regulation) that would implement portions of the plan that designate ORV routes and establish ORV use restrictions and requirements. The proposed rule is open for public comment until September 6, 2011.

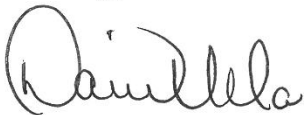
As the result of litigation, since April 2008 the Seashore has been operating under a court order/consent decree that provides for the management of protected wildlife and plant species until the ORV management plan and special regulation are completed. Among other things, the consent decree requires closure of specified areas of the Seashore to vehicles and pedestrians during the breeding season to protect nesting shorebirds and sea turtles. The only feasible method of marking and enforcing the required closures is through the use of signage, as staffing these closures 24 hours a day is not possible from both a logistic and economic standpoint. Visitation to the Seashore is near its peak during parts of the breeding season, so clearly marking the resource closures is critical to their effectiveness.

To post the resource closures as required under the consent decree, the Seashore staff installs "symbolic fencing" composed of closure signs on wooden posts connected by string. Because the materials have an average life span of 3-5 years, not all items are purchased on an annual basis. In fiscal year 2011, the Seashore has expended approximately \$4,978.02 on fencing materials. The number and placement of signs in 2011 is reasonably consistent with the signage used in prior years under the consent decree. Each wooden post has a sign attached when it is installed and there has been no difference in the distance between signs that were installed this year compared to previous years.

The installation of symbolic fencing to protect bird and sea turtle nesting areas is one of many resource management duties performed by the biological technicians during the course of a day and over the course of the breeding season. It is not possible to accurately isolate or estimate personnel costs specifically for fencing duties; however, compared to the many other resources management duties performed by the staff, such as monitoring almost 70 miles of beach or conducting wildlife surveys and observations, the installation of signs and fencing occupies a relatively small portion of their assigned duty time.

We hope this information is helpful as you address Mr. Davis' correspondence. We appreciate your continued interest in the management of Cape Hatteras National Seashore. All interested parties are encouraged to remain involved in this issue in order to make implementation of the ORV plan and special regulation as successful as possible. If you have additional questions, please contact Superintendent Mike Murray at (252) 473-2111, extension 148.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Vela".

David Vela
Regional Director
Southeast Region