

From: [Mike Murray](#)
To: [Mary Helen Goodloe-Murphy](#)
Bcc: [Cyndy Holda](#); [Paul Stevens](#)
Subject: Re: Essential vehicles
Date: 08/15/2011 11:29 AM

Hi Mary Helen,

How "essential vehicles" would be managed was described in the ORV plan/EIS; however, we did not specify those parameters in the special regulation, which applies to public ORV use, because administrative and emergency use is already authorized under the general authority of 36 CFR § 1.2 (d). See below.

Title 36: Parks, Forests, and Public Property
[PART 1—GENERAL PROVISIONS](#)

§ 1.2 Applicability and scope.

(d) The regulations contained in parts 2 through 5, part 7, and part 13 of this section shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resource management plans, or in emergency operations involving threats to life, property, or park resources.

You did not ask specifically about commercial fishing vehicles, which under the plan/EIS are not considered "essential" and are not covered under 36 CFR § 1.2 (d); but will be allowed to enter VFAs, except for resource closures and beaches that are being lifeguarded. As a result, the authorization for commercial fishing vehicles is explicitly stated in § (8)(i) of the proposed rule.

§ 7.58 Cape Hatteras National Seashore

(c) (8) *Commercial fishing vehicles*. The Superintendent may authorize a commercial fishing permit holder when actively engaged in authorized commercial fishing to operate a vehicle on a beach:

(i) Not designated for ORV use, provided the beach is not subject to a resource closure and is not lifeguarded; and

(ii) Beginning at 5 a.m. on days when night driving restrictions are in effect, to set or tend haul seine or gill nets, if the permit holder is carrying and able to present a fish-house receipt from the previous 30 days.

I hope this information is helpful.

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To Mike_Murray@nps.gov
cc

08/14/2011 10:07 AM

Subject Essential vehicles

Hi Mike –

The proposed ORV rule does not address emergency or “essential” vehicles. And from what I find, the FEIS only gives permission for essential vehicles to enter VFA under rules in the piping plover recovery plan or nighttime driving (turtles).

What about when beaches are seasonally closed (as in front of the villages) or when piping plovers are not present?

Am I missing something in the rule or FEIS?

Mary Helen Goodloe-Murphy
The Coastland Times