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From: [David Joyner](#)
To: Mike_Murray@nps.gov
Cc: [Directors](#)
Subject:
Date: 09/19/2011 11:49 PM
Attachments: [NPS Access Comments.docx](#)

Mike, please find my comments attached & send thru the web

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Date: September 19, 2011

TO: Superintendent, Mike Murray
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, North Carolina 27954
<http://www.regulations.gov>.

Subject: This is our personal comment for public record on the proposed rule for "Special Regulations, Areas of National Park System, and Cape Hatteras National Seashore "
Regulation ID Number 1024- AD85

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Subject: ORV Proposed rule (RIN 1024-AD85)

Dear Superintendent Murray:

I (David) was a member of a Negotiated Rule Making Group formed by you of about thirty organizations that were "stakeholders" in the formulation of an ORV plan for Cape Hatteras. I feel like I wasted 3 years of my life and the good faith efforts put forth by the majority of the members as nothing the "Pro Access Groups" brought to the table is a part of this plan! One of the stipulations was that these members were to negotiate in good faith and refrain from lawsuits. Yet you allowed three of the thirty-some members who did file a law suit against NPS to remain seated as negotiating members, effectively killing any chance of a successful conclusion in the formulation of a plan. You as the NPS Federal Official are responsible for this failure!

We would like to make several comments about the proposed ORV set of rules and regulations that

has been developed over the past four years.

(c) (2) *ORV Permits:*

While we do not support permits or fees, if they are instituted by the superintendent, they should be limited to a minimal cost amount that could be easily affordable by the average citizen so as not to add an additional tax on an already overburdened middle class. Visitors to the Seashore should not have to consider the cost of a permit when budgeting for the family vacation. A costly permit that is difficult to obtain will also hinder the weekend visitor. The local economy on Hatteras Island has already been impacted by 3 years of living under the “consent decree” and should not have to suffer more from an additional fee. Any permit should be readily available on the internet. Having to appear in person to obtain a permit is a logistical nightmare for the NPS who could not possibly process the volume of visitors arriving on a sunny Saturday in mid-summer thus creating long lines, irate visitors and unintended closures.

(c) (7) Special use permits for transportation of mobility impaired individuals:

While we appreciate a permit being made available, it’s not practical or safe to require the driver to immediately remove the vehicle from the drop-off location. This presents a safety issue for the impaired person and their family. The driver must be allowed to keep the vehicle conveniently parked to allow a quick and orderly transport from the beach if the need should arise. In our particular situation I as the driver am the primary caregiver for my wife as well as my 92 year old father, so if I’m required to remove the vehicle this leaves no one to care for the impaired individuals which is the reason to allow the handicapped access in the first place. All American citizens should have equal access to all areas of the Cape Hatteras National Seashore Recreational Area, not just the areas NPS deems them access.

(c) (9) *ORV Routes*

While we do not agree with creating any “vehicle free areas”, (VFA’s) a new term being used and implemented within this Proposed Rule, none should be created and no areas should be closed unless the funds have been made available to pay for and create the necessary infrastructures and they are in place and usable. Parking areas must also be constructed to enable parking for all of the vehicles denied the right to park at favored areas. If this is not done then all areas should remain open until such time as funds are available and improvements are in place. Do not deny access while NPS waits funding that may never materialize in the present political climate we are all seeing on Capitol Hill these days.

VFA’s should not be permanently designated areas and only instituted when found necessary by the Superintendent, as evidenced by Hurricane Irene this is a ever changing Seashore and the Superintendent should have the power to adapt to a ever changing landscape.

(10) Superintendent’s closures:

VFA’s will require additional off beach parking for those who chose to be pedestrians within the VFA’s. If experience shows that VFA’s are not being regularly used by a justifiable number of pedestrians these VFA’s should be reopened for ORV use.

Seasonal Closures:

The dates in the proposed plan are unreasonable and have no historical data to substantiate. The dates for winter season should not be fixed by the *Rule* but rather be cooperatively determined

annually by the Superintendent, the NCDOT, Dare County officials and Hyde County officials.

(c) (12) Night Driving Restrictions. This is a restriction appears based to appease the “Environmentalists” rather than science and should not be included. During Reg/Neg NPS could not provide evidence that night driving restrictions were effective and no new science has surfaced since, so this is an unnecessary restriction on the American People. Never was there a reported incident of a turtle death, caused by a vehicle, until 2010 when night driving restrictions already in place.

In closing, it’s high time the Cape Hatteras National Seashore Recreational Area was returned to the American People for recreation and not a wildlife refuge.

David & Joyce Joyner