

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:07-CV-45-BO

DEFENDERS OF WILDLIFE and)
THE NATIONAL AUDUBON SOCIETY)
Plaintiffs,)

v.)

O R D E R

NATIONAL PARK SERVICE, et al.,)
Defendants,)

and)

DARE COUNTY, NORTH CAROLINA,)
HYDE COUNTY, NORTH CAROLINA,)
and THE CAPE HATTERAS ACCESS)
PRESERVATION ALLIANCE,)
Intervenor-Defendants.)

The defendant National Park Service is ordered to respond to the court's inquiry regarding the following issues, which are material facts in this case.

The response shall be in writing and filed with the court within seven days of the date of this order.

1. Does the proposed Consent Decree establish any control over access to beach driving at the existing ramps on Bodie Island, Hatteras Island, and Ocracoke Island?

2. Identify the description and location of the ramps as they now exist providing access on Cape Hatteras National Seashore from the paved road to the beach.

3. Is there now, and will there be under the proposed Consent Decree, a daily numerical count of the number of vehicles

that make entry to and have access to beach driving on Cape Hatteras National Seashore?

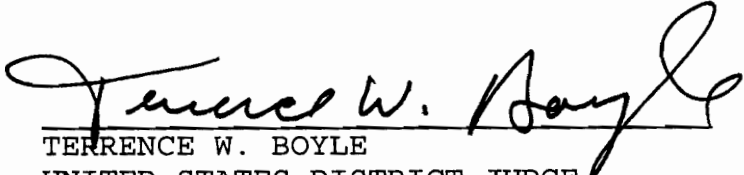
4. Is there any restriction or limitation on the type, size, weight, and characteristics of vehicles that will have access to beach driving under the proposed Consent Decree, other than the fact that they be registered for operation under state law?

5. Does the proposed Consent Decree require separate permitting and qualification of a driver and vehicle, including the collection of a processing fee before either that driver or vehicle are eligible for open driving on the Cape Hatteras National Seashore beach?

6. Does the perspective Consent Decree require safety screening and qualification of a driver in the operation of a motor vehicle on the National Seashore beach, and the certification that the vehicle is functional for beach driving use prior to allowing the driver and vehicle to operate on the National Seashore beach?

7. Does the proposed Consent Decree take into account public safety considerations for bathers and pedestrian beach traffic during periods of high use in the summer season?

This 18 day of April, 2008.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE