

From: [Cyndy Holda](#)
To:
Bcc: [Mike Murray](#)
Subject: Fw: Proposed Approach to Safety Closures & Hunt Club/Access Response
Date: 08/01/2008 02:35 PM
Attachments: [ORV Safety Closures.NPS DRAFT.073008.pdf](#)

Dear Reg Neg Committee Members,

Attached (see bottom of page) is a draft proposed approach to ORV safety closures and reopening criteria prepared by NPS, as requested at the June meeting.

Below as also requested at the June meeting is a description of NPS's contractual obligations to the Hunt Club affecting access.

Best,

Ona

Mike Murray writes that:

We have checked on the special use permit with the Off Island Gun Club. The permit allows the Club to have vehicular access on a short section of a gravel NPS administrative road from the Bodie Island Light parking lot to the club's dock on the sound shoreline. Access to the road is blocked by a locked gate; however, the area is well used as a hiking trail by the public for pedestrian access to the sound. People park at the south end of the lighthouse parking area near the gate. From there it is only a few hundred yards to the sound. I take my kids there regularly and see the kinds of uses that currently occur there.

If the road were opened to the public for vehicular access, it would no longer be a "trail" nor would it be an ORV route (since a "road" is inherently not "off-road"). NPS staff and I have a number of concerns about opening the road to all vehicles. NPS concerns include:

- The road is part of a designated trail system (NC Mountains-to-the-Sea Trail). NPS would likely have to withdraw the trail segment from the system if we were to start using the route more as a road than as a trail.
- The "road" is only one lane wide and crosses an old culvert that is only one lane wide. It is in a marshy area and unlikely to ever be widened, which is one reason why it is used as a "trail" and not as a "road."

- There is limited parking at the soundside terminus of the road.
- Currently, people park at the south end of the lighthouse parking near the gate that blocks vehicular access to the road. I routinely see half dozen or more vehicles parked there. From the gate to the sound shoreline is only a few hundred yards.
- The area is popular with pedestrians. It is pretty well known locally as a good place for families to go, especially families with small kids since it is just a short easy walk to the water on a compacted surface (it is easier to walk to the water here that it is on a sandy beach), which is suitable for strollers (and wheelchairs).
- The culvert is a great place to take kids crabbing (easy access and lots of "action"). Much of the crabbing occurs from the road where it crosses the culvert, which would no longer be viable if the route were open to traffic.
- The low energy sound shoreline is a good place to take kids fishing. I always see a number of people fishing there, and often it is a more diverse group of people than I typically see on the beaches.
- In other words, this site has a rather unique and diverse clientele, who seem to learn about it by word of mouth as being a good place to crab or fish with easy pedestrian access.
- Pros of opening the road to traffic: If the gate were open to traffic, then the vehicles that currently park outside the gate could drive the few hundred yards down to the sound where there is limited parking. Additional or different people who are not currently willing or able to walk or who cannot be pushed in a stroller or wheelchair for a few hundred yards would be able to access the site.
- Cons: If the road were open to traffic, some people would benefit by easier access, but it would be at the expense of the many people who enjoy the site "as is." In addition to the traffic on the one-lane road negating the pleasant pedestrian experiences now available, there would likely be parking congestion at the terminus and difficulties of vehicles trying to pass each other on a narrow, one-lane road.



- DRV Safety Closures.NPS DRAFT.073008.pdf

IIIA. ORV SAFETY CLOSURE

PURPOSE: Ensuring the safety of the driving public when natural conditions within CAHA or in a specific area present a clear and imminent threat of (a) significant bodily injury or death to the driving public or other CAHA users or (b) significant damage to personal property, primarily vehicles and their contents.

SCOPE: May be applied within any routes, trails, and areas designated for ORV driving.

TRIGGERS FOR CLOSURE: Conditions listed below may trigger a ORV Safety Closure in the event of a clear and imminent threat of significant bodily injury or death; and/or damage to personal property, primarily vehicles and their contents. Examples of hazards that could justify a closure include, but are not limited to:

- deep beach cuts which block the beach from dune to surf with no obvious way around;
- obstacles, such as exposed stumps, shipwrecks, or debris that cannot be safely by-passed or that block the entire width of the beach and cannot be easily removed;
- severe beach slope that puts vehicles in an unsafe gradient position that increases the chances of the loss of vehicular control.

Triggers do not include:

- a narrow beach, by itself;
- tides which block access through portions of beaches occur periodically and predictably and are an obvious, easily avoidable hazard;
- hazards blocking only a portion of the beach, where safe passage is available around the hazard.

(If beaches are open to ORV use in front of the villages during the winter...)

SAFETY CLOSURES IN FRONT OF VILLAGES DURING THE WINTER: In addition to ORV safety closure triggers listed above, additional conditions listed below may trigger an ORV safety closure in front of villages during the winter when seasonal closures are removed:

- When a minimum 60 ft (18 m) width of beach is not present between the mean high tide line and the toe of the dune. This will allow for pedestrian safety and the free movement of two-way traffic.

When seasonal closures are removed in front of villages during the winter, an automatic 10 mph speed limit will be implemented, unless otherwise posted. This will assist in providing for visitor safety on narrow beach areas in front of villages where pedestrian activity occurs.

CAHA PERSONNEL ACTION: Providing for the public safety is the responsibility of all CAHA employees. The following is expected of CAHA personnel.

- Law enforcement (LE) rangers should have the authority to enact closures consistent with the triggers noted above.
- Non-emergency service staff, when encountering safety hazards, should establish initial safety precautions and contact the LE ranger staff to evaluate the situation and establish any necessary ORV Safety Closures.
- Where hazards block only a portion of the beach, staff will mark and post the hazard to direct ORV traffic safely around the hazard.

MONITORING: ORV Safety Closures shall be monitored on a weekly basis.

MARKATION: ORV Safety Closures shall be clearly marked by carsonite posts and signs indicating the area is closed to ORV use.

ORV SAFETY CLOSURE NOTIFICATION AND CONTINUANCE: Any employee initiating an emergency ORV safety closure will notify their supervisor immediately. The Superintendent and Division Chief will be notified as soon as possible of any such emergency ORV safety closure. As soon as possible after the initial closure has been established, but no later than one week, the employee will complete a "Closure Request Form" and submit the form for final approval through the chain of command. Such form should include the coordinates of the closure, the specific reasons for the closure, the dates of action, and the employee taking action. Completion of a "Closure Request Form" will only be required when a complete beach closure is established and does not apply to any modification of the ORV corridor width that does not preclude access. As long as the area is closed, the form shall be regularly updated to include a brief description of the condition of the area based on the weekly monitoring.

TRIGGERS FOR RE-OPENING: Sufficient diminishment, reduction or elimination of the conditions and hazards described under *TRIGGERS FOR CLOSURE* would constitute the trigger for re-opening a closure. ORV safety closures are intended to be in effect only as long as visitor safety or personal property is clearly and imminently threatened.

STAKEHOLDER INPUT: The Park shall establish and maintain a standing ORV committee with representatives from various sections/geographies of the Park representing diverse interests to provide advice to the Park on policy related to safety closures and openings.