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Subject: Routes & Areas Subcommittee
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Attachments: [Routes-Areas Call Notes_080815_d1.doc](#)
[Routes-Areas Call Notes_080728_d3.doc](#)

All,

Attached is the draft summary and action item list from the call today. As you will see, I put in August 20 as the deadline for circulating any questions about the seashore chunks. Please let me know if anything is missing or incorrectly stated. I included the Subcommittee's agreement on confidentiality in the action item document. Please let everyone know immediately if the language does not accurately reflect that agreement.

Also attached is a revised summary from the July 28th call incorporating the final comment I received. The only change from the previous draft is changing Buxton to Frisco in bullet #7 under open issues, so the bullet now reads Ramp 49 to the Frisco line.

I will be away next week, and not checking email regularly. I also expect spotty cell phone availability if at all.

Robert

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BRIEF SUMMARY

Routes and Areas Subcommittee
July 28, 2008 Conference Call

Participants: Ona Ferguson, Robert Fisher, Frank Folb, David Goodwin, Burnie Gould, Destry Jarvis, Jim Keene, Sidney Maddock, Mike Murray

Next Steps:

1. Two subgroups will develop proposals:
 - Frank Folb, Dave Goodwin, Jim Keene (Jim will coordinate)
 - Burnie Gould, Destry Jarvis, Sidney Maddock (Sidney will coordinate)
2. Sunday August 10th – distribute draft proposals to subcommittee.
3. Friday August 15th at 11AM – conference call to review draft proposals.

Informal Meeting:

Frank Folb, David Goodwin, Burnie Gould, Jim Keene, and Sidney Maddock met last week to discuss routes and areas. They agreed to disagree on six areas: Oregon Inlet, Ramp 27-30, Ramp 44-49, Hatteras Inlet, Ocracoke – North end, Ocracoke – south end.

Audubon proposed a new road behind the dunes between ramps 45 and 49 to provide flexible ORV access to Cape Point, no ORVs on the beach between ramps 45 and 49, and ORVs allowed southwest of ramp 49 to the Frisco line. The proposal was deferred for further consideration. Audubon's support for a route designation assumes that adequate resource management standards (developed by the Natural Resources Subcommittee or NPS) also will exist so that birds and turtles are properly protected.

The meeting was useful for understanding positions. However, there is skepticism about the ability to get beyond current views. Some participants expressed the desire to receive counterproposals, for proposals to be recognized, and to look for trade-offs.

Discussion:

Mike Murray informed the subcommittee that NPS was considering the following concepts, among others, for draft alternatives:

- Area-by-area review to determine locations suitable for ORVs, popular for pedestrians, or predicted resource conflicts.
- Non-ORV/pedestrian only areas on a year-round basis to meet the diverse user mandate in the Executive Orders and other NPS policies and for each user group to have the opportunity to experience what they prefer. There still would be overlays of resource, safety, and seasonal closures.
- Minimum mileage or % open to ORVs in peak season, and similarly a minimum mileage or % closed for pedestrian experience in off-season. For instance, during peak resource closures and visitation times - pedestrian access to key areas of at least one-quarter to one-third and 25-35 miles open to ORVs, with more area open to ORVs during fall and winter.

- Instead of designating between point A and B, designating an area X miles long between point A and point B based on habitat. This approach ties the Park to those points of access because infrastructure (ramps/roads) cannot easily be changed, although there will be more flexibility once new infrastructure is established.

Discussion topics included: framing visitor-use and resource decisions based on the Organic Act and Executive Orders; designating routes and areas that are open to ORVs for them to be open subject to overlays, with those designated opened and closed areas comprising the management plan for ORVs; establishing pedestrian only areas; facilitating ORVs by existing or additional ramps with adequate facilities; acknowledging in the special regulation that CAHA is a dynamic system; identifying adaptive management planning and process in the special regulation to give NPS the ability to make adjustments based on geomorphologic and dramatic changes (e.g. new breach and inlet formed, storm events); using the consent decree; and specifying percentages or miles open to pedestrians only or ORVs.

Open Issues:

- Ramp 4 to Oregon Inlet – follow protocol, or 300' from high tide line open to ORVs and pedestrians fluctuating as high tide line changes
- Lighthouse Beach to Ramp 43, area North of Haulover south of Buxton hotels - pedestrian only
- Ramp 38 to Buxton line - pedestrian only
- Ramps 43-45, ORV route conditioned on Ramp 45 to 1/10th of a mile east of Ramp 49 open to pedestrians and commercial fishing
- Ramp 38 to the Buxton line
- Southern Groin to Ramp 43
- Ramp 49 to the Frisco line
- Beach between Frisco and Hatteras

BRIEF SUMMARY

Routes and Areas Subcommittee
August 15, 2008 Conference Call

Participants: Robert Fisher, Frank Folb, David Goodwin, Burnie Gould, Destry Jarvis, Jim Keene, Sidney Maddock, Paul Stevens

Next Steps:

1. Two subgroups will develop draft principles for (a) designating ORV routes and areas and pedestrian only areas, and (b) criteria for determining ORV routes and areas, pedestrian only areas, resource areas and stakeholder (or user) needs:
 - Frank Folb, David Goodwin, Jim Keene (Jim will coordinate)
 - Burnie Gould, Destry Jarvis, Sidney Maddock (Sidney will coordinate)
2. Distribute questions or suggestions about the seashore chunks (see below) to the Subcommittee by [August 20th] otherwise the two subgroups will use the seashore chunks agreed to on the call (see below)
3. Sunday August 24th – distribute draft principles and criteria to subcommittee.
4. Friday August 29th at 9AM – conference call to review draft principles and criteria.

Confidentiality Agreement:

To promote frank and open exchange of ideas and discussion, documents and proposals prepared by Committee members for Subcommittee consideration or meetings shall be confidential unless and until presented to the full Committee at a Reg Neg meeting. Confidential information shall not be disclosed to anyone who is not on the Committee.

Committee members may discuss ideas with non-Committee members. In doing so, Committee members will not attribute statements to others involved in the negotiated rulemaking or seek to present or represent the views or position of other Committee members.

Principles:

The Subcommittee agreed to the following principles:

1. NPS needs an ORV management plan, the ORV management plan must designate the routes and areas open and closed to ORVs, and the ORV management plan must be legally sufficient.
2. Designated ORV routes and areas and pedestrian only areas are subject to closure for resources and safety as needed.
3. The Park needs a mechanism to make adjustments for conditions on the ground (i.e., storm events, etc.), and the adjustment mechanism must be legally sufficient.
4. View the seashore region-by-region (see “Chunks” below), rather than by inches and miles of beach.

Seashore Chunks:

Ramp 1 → Oregon Inlet

Oregon Inlet → South Avon

South Avon → North Buxton

North Buxton → North Frisco

North Frisco → Hatteras Inlet

Ocracoke Island