

0075313

From: [Ona Ferguson](mailto:Ona.Ferguson@nps.gov)
To: cahoonr@embarqmail.com; derbc@selcnc.org; jkeene@franklineq.com; Topatneal@aol.com; [Paul Stevens@nps.gov](mailto:Paul.Stevens@nps.gov)
Cc: [Pat Field](mailto:Pat.Field@nps.gov); [Cyndy Holda](mailto:Cyndy.Holda@nps.gov); [Robert Fisher](mailto:Robert.Fisher@nps.gov); [Mike Murray@nps.gov](mailto:Mike.Murray@nps.gov)
Subject: Vehicle Characteristics subcommittee
Date: 09/04/2008 12:47 PM
Attachments: [080904_Veh_Char_Operations.pdf](#)

Vehicle Characteristics and Operations Subcommittee,

Yesterday, at Paul's request, I forwarded the message I sent you all to Mike Murray. Below for your information is Mike's feedback on (a) the structure that might work for ongoing stakeholder input on ORV management, and (b) the camping issue.

In a few minutes I will be sending out the document you all have developed, attached, to be circulated to the Committee. I have changed headers, footers added an intro the other subcommittees are using on their working documents. I have also put several notes into the document as a result of Mike Murray's comments which cite a need for more deliberation on these topics or more work on how they are recorded/transmitted/addressed.

Thank you very much for all your work with this subcommittee over the past month and a half, and see you on Monday.

Ona

On 9/4/08 10:21 am, "Mike_Murray@nps.gov" <Mike_Murray@nps.gov> wrote:

> Ona,
>
> The draft looks good to me, except for the following sections:
>
> Page 1: STAKEHOLDER INPUT: The Park shall establish and maintain a
> standing ORV [FACA] committee with representatives from various
> sections/geographies of the Park representing diverse and balanced
> interests to provide input to the Park [Superintendent?] on, among other
> things, vehicle characteristics.
>
> Comment: I support the idea of an ongoing advisory group for ORV issues,
> BUT strongly prefer that there be a general park management FACA advisory
> committee (i.e., one not limited to ORV management). The Seashore has many
> current and future complex management issues (upcoming general management
> plan, future development issues, sea level rise, etc.), and it would be
> very helpful to have an advisory committee to work with. The composition
> of members on a general committee would inherently be different than that
> of a single-purpose ORV committee. Once established, by legislation and
> Secretarial appointment, the general committee could establish standing or
> temporary subcommittee on a wide range of issues, including a standing ORV
> subcommittee composed of non-committee members (i.e, could include the key
> interested stakeholders). This is similar to the Cape Cod model, which
> works very well. The ORV subcommittee approach has more flexibility than
> if it were an ORV committee, but it would still have the advisory capacity.
> There are a number of other nuanced benefits to this approach. Can discuss
> if you want more detail.
>
> Page 3: SELF-CONTAINED VEHICLE CAMPING: Camping in designated areas
> (campsites or other) is allowed in self-contained vehicles and available at
> sites year-round including at least Cape Point Campground, Ocracoke
> Campground, and the Oregon Inlet Campground with applicable fees as
> appropriate.
>
> TENT CAMPING: Tent camping in designated areas (campsites or other) is
> allowed and available at sites year-round including at least Cape Point
> Campground, Ocracoke Campground, and the Oregon Inlet Campground with
> applicable fees as appropriate.
>
> Comment: I understand how the discussion led to this recommendation and
> strongly support the idea of a designated overnight parking area
> ("bullpen") for ORVs during the off-season; however, NPS cannot commit
> specifically to operating 3 campgrounds year-round for many reasons. There
> are numerous operational issues. The facilities, including ORV dump
> stations, are not winterized and we have no plans or funding to winterize
> them. Even "primitive camping" creates a patrol and maintenance workload
> that we are not staffed to handle or funded to operate at multiple sites.
> Historically, there has not been sufficient camping interest to make it
> cost effective to operate the campgrounds much longer than they operate
> now. (Despite this, we are willing to try the limited-amenity "bullpen"
> idea at one site such as Cape Point. If it works well, then we would be
> willing to expand it.) Our campgrounds compete directly with the
> commercial campgrounds, especially during the off-season. Have any of the
> business representatives on the committee consulted their constituents to
> see if there are any concerns about this idea? There may be policy issues
> too: NPS fee policy is under revision. Prior policy prohibited us from
> collecting camping fees unless certain basic amenities were provided, such
> as running water, restrooms, trash pick-up, etc., which trigger the
> operational and funding issues mentioned above. Bottom line: The camping
> statements above would not normally be part of ORV regulatory language, but
> could be part of the ORV plan as a recommendation. Without further
> analysis, NPS could accept the statement as written as a recommendation,
> but cannot commit to doing it since it may not be practical. We would
> prefer that the recommendation be more in the form of objectives (e.g.,

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> expand the camping season to the extent practical, provide a low amenity
> camping opportunity during the off-season at least one site, etc.), then
> let us figure out where, when and how to do it. (This kind of concern
> about a recommendation being too "prescriptive" has come up in other
> subcommittees; for example, when recommendations were very specific about
> fee collection methodology, rather than focusing on objectives and letting
> NPS figure out the best available and most current methodology by which to
> collect the fees and not tying our hands to one methodology for the next
> 10-15 years). Again, I fully support the idea of a bullpen, but have
> concerns about the level of specificity in the proposal as written.

>
> Mike Murray
> Superintendent
> Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
> (w) 252-473-2111, ext. 148
> (c) 252-216-5520
> fax 252-473-2595

> CONFIDENTIALITY NOTICE
> This message is intended exclusively for the individual or entity to which
> it is addressed. This communication may contain information that is
> proprietary, privileged or confidential or otherwise legally exempt from
> disclosure.

>
>
> Ona Ferguson
> <oferguson@cbuilding.org>
>
> 09/03/2008 04:35 PM
>
> "Mike_Murray@nps.gov"
> <Mike_Murray@nps.gov>
>
> Cyndy Holda <Cyndy_Holda@nps.gov>, cc
> "Paul_Stevens@nps.gov"
> <Paul_Stevens@nps.gov>
> Subject
> FW: Vehicle Characteristics - final
> thoughts?

> Mike,

>
> Paul Stevens asked that I forward this document/email to you to keep you in
> the loop, as he didn't know if he'd have time to review it. We are at the
> stage where we're trying to finalize the document from the vehicle
> characteristics and operations subcommittee to send out tomorrow to the
> Committee. I'm hoping you can live with what is in the document, but
> please
> let me know by 10am if you have any major concerns.

> Thanks much,

> Ona

>
> ----- Forwarded Message
> From: Ona Ferguson <oferguson@cbuilding.org>
> Date: Wed, 03 Sep 2008 17:16:08 -0400
> To: <cahoonr@embarqmail.com>, <derbc@selcnc.org>, <jkeene@franklineq.com>,
> <Topatneal@aol.com>, <Paul_Stevens@nps.gov>
> Cc: Cyndy Holda <Cyndy_Holda@nps.gov>, Robert Fisher <rcf@fisherccs.com>,
> Pat
> Field <pfield@cbuilding.org>
> Conversation: Vehicle Characteristics - final thoughts?
> Subject: Vehicle Characteristics - final thoughts?

> Vehicle Characteristics and Operations subcommittee,

>
> I just talked with Patrick P. about the concerns he expressed in his email
> about the self-contained camping vs. tent camping issue. We addressed
> those
> concerns to his satisfaction by separating out the two types of camping in
> the attached, newer, version of the document dated 9/3. Please let me know
> by 10am tomorrow if you have any concerns about the document (with track
> changes accepted) going out to the Committee tomorrow in preparation for
> next week's meeting. If I don't hear from you, I'll assume this works and
> that it is ok to send out.

>
> Also, the Village Closures Subcommittee had some discussion of speed limits
> on the beach. I have from Robert Fisher a note that the Village Closure
> Subcommittee recommends that the Vehicle Characteristics subcommittee adopt
> and recommend to the Committee a uniform speed limit of 15 mph, unless
> otherwise posted. However, I haven't clarified from Robert yet whether
> that
> means 15mph in front of villages when they are open or 15mph across the
> seashore as a whole, so we'll have to hold discussion of this until next
> week. I added a note into our document indicating that the work of the two
> committees may overlap on speed limits.

> Best,

> Ona

> --
> Ona Ferguson
> The Consensus Building Institute
> 238 Main Street, Suite 400
> Cambridge, MA 02142
> (617) 844-1127
> www.cbuilding.org

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>
>
>
> ----- End of Forwarded Message
>
> (See attached file: 080903_Veh Char Operations.doc)
>
----- End of Forwarded Message

**CAHA Off-Road Vehicle Driving Regulatory Negotiation
Vehicle Characteristics, Equipment and Operations Subcommittee
Working Document DRAFT 9/4/08**

Please note that these are options and ideas developed by the Subcommittee. The written document is to be understood in the context of the detailed deliberations had by the subcommittee. Because both the writer and written word are imperfect, there may be points below that are unclear or confusing. We ask the Committee reader's to consider this document in that light, and to ask questions for clarification and understanding before moving to assumptions or conclusions that may not be intended by this Subcommittee.

This document was developed through conference calls and emails. Conference calls were held on July 22, August 1, August 11 and August 28.

I. GENERAL

ENFORCEMENT: Such regulation shall be enforced by the NPS according to graduated law enforcement principles.

STAKEHOLDER INPUT: The Park shall establish and maintain a standing ORV [FACA] committee with representatives from various sections/geographies of the Park representing diverse and balanced interests to provide input to the Park [Superintendent?] on, among other things, vehicle characteristics. [NOTE: NPS notes that this may function best as a standing ORV subcommittee of a general park management FACA advisory committee.]

EXEMPT VEHICLES: All emergency vehicles (vehicles used for EMS, rescue, or fire) are exempt from these vehicle operations regulations. Any operators of essential vehicles (vehicles used by NPS or with NPS permission), excluding emergency vehicles as identified above, must be trained and authorized to drive on the beach by NPS prior to operating in any way beyond normal public use.

II. VEHICLE CHARACTERISTICS

PURPOSE: Manage and regulate the type of vehicle allowed to drive on CAHA beaches.

SCOPE: Applied for all driving on all routes, trails, and areas designated for ORV driving.

VEHICLE CHARACTERISTICS: All vehicles must exhibit the following characteristics to drive on the Park's beaches. Drivers are responsible for ensuring their vehicles meet these characteristics.

1. All vehicles must be registered, licensed, and insured and comply with inspection regulations within the state, country or province where the vehicle is registered.

This document is a working draft for discussion. It does not reflect Committee consensus or individual Committee member concurrence on the specific terms and provisions.

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2. Four-wheel drive vehicles are allowed.
3. Two wheel drive vehicles are allowed after the operator obtains a special use permit.
4. Motorcycles are prohibited on the ocean beachfront.
5. ATVs are prohibited.
6. There is a three axle maximum for vehicles (this is the axle maximum for the powered vehicle only and does not include the additional number of axles on towed trailers).
7. Any trailers are limited to no more than two axles.
8. The maximum vehicle length is thirty (30') feet (this is the maximum length for the powered vehicle and does not include the additional length of a towed trailer).
9. Tires must be U.S. Department of Transportation listed and/or approved tires only.

III. REQUIRED AND RECOMMENDED EQUIPMENT

PURPOSE: To identify special equipment required and recommended to safely operate a vehicle on the beach

REQUIRED EQUIPMENT: All vehicles operated on the beach shall contain the following required equipment.

1. A low-pressure tire gauge effective down to 5 psi.
2. A shovel
3. A jack
4. A jack support
5. Trash bag or container
6. Flashlight for any driving between dusk and dawn.
7. Copy of the current ORV regulations and map.

HIGHLY RECOMMENDED EQUIPMENT: The following equipment is recommended but not required.

1. A full size spare tire
2. First aid kit
3. Fire extinguisher
4. Tow strap with loop ends, no hooks, with a rating capacity at or above the GVW of item being recovered or moved unless vehicle is equipped with an operable electric or hand winch

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IV. VEHICLE OPERATIONS

PURPOSE: Ensuring the safety of all public users of the Park and protection of Park resources.

SCOPE: Applied for all driving on all routes, trails, and areas designated for ORV driving.

DRIVER'S LICENSE: All drivers must carry a valid driver's license.

SPEED LIMITS: The following are speed limits for driving on the beach within CAHA. Speed limit on park beaches is 15 mph May 15-September 15, unless otherwise posted and 25 mph September 16-May 14, unless otherwise posted. [NOTE: This item may overlap with work done by the Village Closures Subcommittee.]

TIRE PRESSURE: Lower the pressure on all tires. The softer the sand the lower the pressure needed. Generally drive with 20-25 lbs. pressure in the tires. When you return to paved roads, inflate the tires to normal as soon as possible.

RIGHT OF WAY: Right of way shall be as follows:

1. A vehicle exiting the beach via a Ramp or Interdunal Road has the right of way until reaching state-regulated roads.
2. When traveling parallel to the ocean or sound, the vehicle with the water to it's right side has the right of way.

SELF-CONTAINED VEHICLE CAMPING: Camping in designated areas (campsites or other) is allowed in self-contained vehicles and available at sites year-round including at least Cape Point Campground, Ocracoke Campground, and the Oregon Inlet Campground with applicable fees as appropriate. [NOTE: There may be resource constraints that make this difficult. Committee members should discuss implementation issues with NPS.]

TENT CAMPING: Tent camping in designated areas (campsites or other) is allowed and available at sites year-round including at least Cape Point Campground, Ocracoke Campground, and the Oregon Inlet Campground with applicable fees as appropriate. [NOTE: There may be resource constraints that make this difficult. Committee members should discuss implementation issues with NPS.]

OTHER RELEVANT REGULATIONS: Other pertinent and relevant federal or state regulations include:

- Camping is only allowed at designated areas. (36 CFR 2.10)
- Obstructing traffic on park roads is prohibited. (36 CFR 4.13)
- Driving under the influence of alcohol or drugs is prohibited. (36 CFR

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- 4.23)
- All drivers and passengers are required to wear seatbelts. (36 CFR 4.15)
- A valid state driver's license is required for all operators of motor vehicles on park roads. (36 CFR 4.2)
- Operating a motor vehicle without due care or at a speed greater than which is reasonable and prudent considering wildlife, traffic, weather, road and light conditions and road character is prohibited. (36 CFR 4.22)
- Operators of motor vehicles involved in accidents resulting in property damage, personal injury, or death shall immediately report the accident to park rangers. (36 CFR 4.4)
- The operators of authorized emergency vehicles, when responding to an emergency or when pursuing or apprehending an actual or suspected violator of the law may disregard traffic control divides, exceed the speed limit, and obstruct traffic. (36 CFR 4.3)

OUTSTANDING TOPIC

As the topic of *napping and short-term sleeping on the beach* remains under discussion by the subcommittee, it is not included in the document above. Due to enforcement challenges, this topic is closely linked to the topic of camping on the beach.

Related issues and concerns raised include:

- Equity: those on the beach without vehicles are permitted to nap, so those with vehicles should also be allowed to do so.
- Brief Interludes: desire for those who drive to the beach for a long day of fishing to be allowed to nap while awaiting the tide or other conditions.
- Enforcement: Want regulations that are enforceable. Assuming that camping anywhere on the beach is not allowed for a variety of reasons, because it is difficult for rangers to make a distinction at night between those who are truly camping and those napping, allowing napping at all makes the no camping regulation difficult to enforce.

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