

From: [Larry Hardham](#)
To: [Derb Carter](#); jkeene@franklineq.com; [Carla Boucher](#); ['Warren Judge'](#); ['Mike Murray'](#); ['Walker Golder'](#); ['Destry Jarvis'](#); ['Jim Lyons'](#); ['Robert Fisher'](#); ['Pat Field'](#); ['Ona Ferguson'](#)
Cc: ['Jim Keene'](#)
Subject: Re: Prop 3 explanation
Date: 02/23/2009 03:22 PM
Attachments: [Proposal 3 explanations.doc](#)

Jim has had problems with getting e-mails and I have tried to use his start e-mail and copy and paste with poor results in formatting.

In any event here is our attempt to answer your questions.

From ramp 59 to Ramp 64 would remain the same as shown on 2/13/09 CBI map.

----- Original Message -----

From: [Derb Carter](#)
To: jkeene@franklineq.com; [Carla Boucher](#); [Larry Hardham](#); ['Warren Judge'](#); ['Mike Murray'](#); ['Walker Golder'](#); ['Destry Jarvis'](#); ['Jim Lyons'](#); ['Robert Fisher'](#); ['Pat Field'](#); ['Ona Ferguson'](#)
Cc: ['Jim Keene'](#)
Sent: Monday, February 23, 2009 10:56 AM
Subject: RE:

Jim,

I want to make sure I understand the revised proposal from the County and ORV groups (Proposal #3).

Regarding routes/areas: It is difficult to tell if your revised proposal's description of routes is comprehensive or specific to our proposal. In your initial proposal (Proposal #1) presented by Commissioner Judge, you proposed ORV routes as mapped in the "Discussion Draft Proposal" prepared by Patrick and Robert. We responded to this proposal. Comparing your initial and your revised proposal, by my estimation you now propose an additional 0.5 miles ORV route at Bodie Spit, an additional 2.0 miles between Salvo and Avon, an additional 0.3 miles at Buxton, an additional 1.5 miles at South Beach, and an additional 1.0 miles at Hatteras Inlet compared to your initial proposal. Your revised proposal proposes 1.25 miles less ORV routes on Ocracoke. In total, your revised proposal proposes approximately 3.5 miles more in ORV routes than your initial proposal. Is this correct or have I missed something?

Regarding natural resources: In your initial proposal, you proposed bird breeding management by "SM2 everywhere." This would not include reduced buffers for for ORV passthrough. In your revised proposal, you now propose SM2 at all points and spits and SM1 elsewhere "as outlined in NPS draft Alt. E 11/05/08." Alt E 11/05/08 included passthroughs with reduced buffers; however, reduced buffers and passthroughs did not apply with SM1. Should we conclude the revised proposal now proposes passthroughs with reduced buffers?

Regarding motorcycles: In your initial proposal, you proposed motorcycles allowed in villages. In your revised proposal, you now propose motorcycles allowed with free special use permit that includes education. Is it correct that motorcycles would be allowed outside the villages with a permit?

Other: You have added a new request for Habitat Management Access described as "Same as Alt. E for Cape Point" that was not included in your initial proposal. What does this mean?

We are reviewing your proposal prior to our call this afternoon, so it would be helpful if you can respond at your earliest convenience.

Derb

From: keene9558 [mailto:keene9558@charter.net]
Sent: Saturday, February 21, 2009 8:46 AM
To: Carla Boucher; Larry Hardham; 'Warren Judge'; 'Mike Murray'; Derb Carter; 'Walker Golder'; 'Destry Jarvis'; 'Jim Lyons'; 'Robert Fisher'; 'Pat Field'; 'Ona Ferguson'
Cc: 'Jim Keene'
Subject:

ALL

Attached is "Proposal #3" (dtd 2/20/09) in response to "Proposal #2" presented to the Integration Group on Tuesday, 2/17/09.

Jim Keene

_____ Information from ESET NOD32 Antivirus, version of virus signature database 3881 (20090223) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Derb

In reply to your request I will try to help with the understanding of the proposal we made on Sat (2/20).

1. Proposal #1 was submitted by Warren Judge on behalf of those he was asked to represent at the "Integration subcommittee" Dare Co, Hyde Co, Tourism Board & Chamber of Commerce. The Access members; Carla Boucher, Larry Hardham & I agree in principle with Warrens' statement, details (particularly with reference to the maps) were not specific in his proposal. We have attempted to clarify were necessary in our response (#3). The 2-13-09 maps prepared by CBI were never affirmed in either proposal.
2. Mileage differences:
 - a. **Bodie Island Spit**; Exact mileage is indeterminable since it can not be measured until NPS relocates Ramp # 2. It is our position that an ORV route extends from Ramp # 2 around to the Bait Pond, what ever that mileage may become.
 - b. **Salvo – Avon**; The 2-11-09 map prepared by CBI shows our request for a 1 mi. closure between Ramps # 27 - # 28. The subsequent map prepared by CBI, 2-13-09 was never agreed to and your proposal to close 7.75 mi. between Ramp 25 – new Ramp # 33 is not acceptable. Proposal # 3 requires a closure of approx 2.3 mi as stated. With another 1 mi floating closure to be managed by NPS, SM 1, for resource protection.
 - c. **Buxton**; Our mileage has always provided for an equal division of the area between Ramp # 43 and new ramp # 40.
 - d. **South Beach**; We are offering a floating 1 mi, 12 month moving as required, closure to be administered by NPS. We are also offering the seasonal closure with drive around, in front of the Frisco campground.
 - e. **Hatteras Spit**; *"an additional 1.0 miles at Hatteras Inlet compared to your initial proposal"*
Proposal # 1 was a package offered by Warren Judge and this is Proposal # 3 (a package) which is different from the map of 2/13/09 offered by CBI as well as different from Proposal # 1 and Proposal # 2.
Proposal # 3 puts in writing all of routes in this area (which had not been done on the map of 2/13/09 or in Proposal # 1 or Proposal #2).
We do not have an issue with "move Pole Road closer to the soundside" as shown on the map of 2/13/09.
Item 8 Map 10: c and e: offers management of the area from Bone road to the "rip".
 - f. **Ocracoke Island**; I believe the difference that you refer to is primarily between Ramps # 62 – 64. Since neither proposal # 1 nor # 2 addresses this area we only wanted to be clear that it remains a route.

Regarding natural resources: In your initial proposal, you proposed bird breeding management by "SM2 everywhere." This would not include reduced buffers for ORV passthrough. In your revised proposal, you now propose SM2 at all points and spits and SM1 elsewhere "as outlined in NPS draft Alt. E 11/05/08." Alt E 11/05/08 included passthroughs with reduced buffers; however, reduced buffers and passthroughs did not apply with SM1. Should we conclude the revised proposal now proposes passthroughs with reduced buffers?

No, please do not conclude the passthroughs with reduced buffers.

Our intention with the proposal was to have passthroughs at south Ocracoke, Bodie Island, and Cape Point. The passthroughs are identified visually in maps for Alternative Our intention with the proposal was to have passthroughs at south Ocracoke, Bodie E. We accept your proposal to make those passthrough's subject to SM2 breeding

behavior/nesting buffers as follows (appearing on page 11 of the CAHA ORV Resource Protection Tables 11/05/08): PIPL = 50M; AMOY = 150M; Least Terns = 100M, other CWB = 200M. The column in the 11/05/08 resource protection table "ORV Passthrough" would be eliminated as to the reference for reduced buffers. We envision passthrough corridors wide enough to accommodate vehicle passage until such time as breeding behavior is exhibited which triggers the above-mentioned buffers 50M/150M/100M/200M. However, we reject your proposal to close Bodie Island for any breeding behavior when such behavior occurs more than 50M/150M/100M/200M away from the corridor, as the case may be.

Furthermore, we modified the county's initial offer to clarify that SM2 would not be applied literally everywhere - 60+ miles of beach. Rather, we intended that SM2 would be applied at ALL spits and points, which includes Cape Point **on the south facing beach**. This proposal is in contrast to Alt. E as proposed by NPS so we were trying to make it clear we were proposing something different than the county's proposal, different than your proposal, and different than the NPS Alt. E proposal.

Other: You have added a new request for Habitat Management Access described as "Same as Alt. E for Cape Point" that was not included in your initial proposal. What does this mean?

We want the habitat management areas, as proposed by and identified on the Cape Point-Alternative E map, dated 11/05/08, to be considered as part of our proposal.

3. Motor cycles, regardless of how proposal # 1 appears, were never intended to be used "only" in front of villages. Your proposal to close the south facing villages further made that unacceptable and overly restrictive.
4. **Other:** Since neither proposal directly addresses this Alternative E, SM 2 for Cape Point, this was added for clarity. Since we (computer neophytes) could not add to the boxes in CBI matrix it was added as an additional statement.

Jim Keene