

Comments to NPS @ Cape Hatteras National Seashore

ORV PROPOSED RULE (RIN 1024-AD85)

The public comment period is opened to receive your comments on the proposed ORV RULE (36 CFR Part 7 – SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM, paragraph 7.58 Cape Hatteras National Seashore). The proposed regulation is available at the following sites;

www.parkplanning.nps.gov/documentslist.CFM?projectID=10641, www.islandfreepress.org, www.NCBBA.org, www.obpa.org, www.preservebeachaccess.org, and multiple blogs and websites.

This summarily written document is less than 3 pages (excluding the introduction, definitions and questions & answers). The NPS document spells out rules for ORV Operations and ORV Routes and Areas, therefore your comments should be directed to the document as written and/or that which you believe has been left out or ignored. Comments should propose specific solutions where at all possible.

We suggest that upon reading this document, you note those parts most objectionable to you and your response should be written accordingly. We will not publish a form letter since this type of response will be ignored by the NPS/DOI readers.

Some of the more obviously objectionable items included in the “Proposed Rule” are:

- (c) (2) *ORV Permits.*, While we will not support permits/fees, if they are instituted by the superintendent, he should limit their cost to a minimal amount that could be readily afforded by the average citizen. A visitor to this Seashore should not have to consider the cost of a permit when budgeting his/her family vacation. The \$150-\$200+ permit costs @ some seashores is uncalled for in this Recreational Area. Any permit should be readily available on the internet, the NPS could not possibly process the volume of visitors arriving on a sunny Saturday in mid-summer thus creating unintended closures .
- (c) (7) *Special use permits....* (iii) Transportation of mobility impaired individuals; We appreciate a permit being made available but to immediately remove the vehicle presents a safety issue for the impaired person. The driver must be allowed to keep the vehicle conveniently parked to allow a quick and orderly transport from the beach if the need should arise.
- (c) (9) *ORV Routes* Review the table DESIGNATED ROUTES, understand what this will do to limit the access to your traditionally, favorite areas whether they be for fishing, shelling, surfing, swimming or family recreating area. Write what is in your heart, without anger but be explicit.

While the chart references ramps 2.5, 32.5, 47.5, 59.5 and several interdunal roads, no mention is made of how or when these routes will be constructed. Money is very slow coming from Washington (as evidenced in the recent end to the work On Bodie Island Lighthouse). Nothing should be closed unless or until these infrastructures are in place and usable. Parking areas must also be constructed to enable parking for all of the vehicles denied the right to park at favored areas.

VFA's should not be permanently designated areas and only instituted when found necessary by the Superintendent [ie, (10) *Superintendent's closures.....*]. VFA's (Vehicle Free Areas, a new term being used and implemented within this *Proposed Rule*) will require additional off beach parking for those who chose to be pedestrians within the VFA's. If experience shows that VFA/s are not being regularly used by a justifiable number of pedestrians these VFA's could/should be reopened for ORV use.

This *RULE should provide latitude to the Superintendent* to adaptively alter designated routes, including the designation of new routes, to recognize the ever changing landscape of the beaches due to natural events and visitor use patterns.

ORV use during the village winter season...; the dates for winter season should not be fixed by the *Rule* but rather be cooperatively determined annually by the Superintendent, the NCDOT, Dare County officials and Hyde County officials.

(c) (12) *Night Driving Restrictions*. This is a restriction based on supposition rather than science and should not be included. Never was there a reported incident of a turtle death, caused by a vehicle, until 2010 with night driving restrictions already in place.

File your comments via one of the following:

DATES: The public comment period will be open for 60 days. Comments must be received on or before midnight (Eastern Daylight Time) on Tuesday, September 6, 2011. The NPS does not anticipate extending the public comment period beyond September 6 due to a court deadline for completing the final rule.

ADDRESSES: You may submit comments on the Proposed Rule, identified by the Regulation Identifier Number: (RIN) 1024-AD85, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments

Mail or hand deliver to: Superintendent, Cape Hatteras National Seashore,
1401 National Park Drive, Manteo, North Carolina 27954.

Comments submitted through the Federal eRulemaking portal:

<http://www.regulations.gov> or submitted by mail must be entered or postmarked before midnight (Eastern Daylight Time) September 6, 2011.

Comments submitted by hand delivery must be received by the close of business hours (5:00 p.m. Eastern Daylight Time) September 6, 2011.

Comments will not be accepted by fax, email, or in any way other than those specified above, and bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted.

PUBLIC PARTICIPATION: All submissions received must include the agency name, (National Park Service) and RIN for this rulemaking: 1024-AD85. All comments received through the Federal eRulemaking portal at <http://www.regulations.gov> will be available without change. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. To view comments received through the Federal eRulemaking portal, go to <http://www.regulations.gov> and enter "1024-AD85" in the "Keyword or ID" search box.

For further information, call NPS @ 252-473-2111, ext. 148.

