



United States Department of the Interior



NATIONAL PARK SERVICE

Fort Raleigh National Historical Site Wright Brothers National Memorial
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27954
252-473-2111

IN REPLY REFER TO:

A16

January 6, 2009

Memorandum

To: Cape Hatteras National Seashore Regulatory Negotiation (RegNeg) Committee
From: Michael B. Murray, Superintendent and Designated Federal Officer (DFO)
Subject: Clarification of Purpose and Scope of Advisory Committee

The Committee charter signed by Secretary of the Interior Dirk Kempthorne on November 26, 2007 provides guidance on the role and scope of the Committee. See attached document with relevant sections highlighted in YELLOW. Particularly see the following sections: B. Purpose and Function; and C. Objectives and Scope of this Activity.

It is clear that the focus of the Committee is to provide NPS with specific advice on ORV management, rather than on protected species management, though the charter recognizes the interplay between ORV management and protected species management issues. The statement in the last paragraph of Section C that "NPS does not intend to establish a collaborative NEPA process..." means, in part, that NPS is not asking the Committee as a whole to provide technical advice or to negotiate a spectrum of resource management measures applicable to protected species. Section C concludes by stating "the primary focus of the Committee's work will be developing a consensus recommendation on the proposed special regulations."

As a practical matter, considering the amount of Committee meeting and work time remaining, I request that the Committee focus its attention and efforts on developing specific recommendations or consensus advice on the following topics and issues:

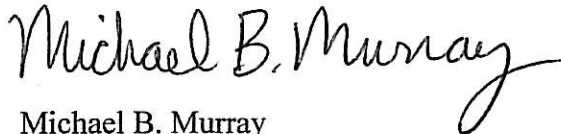
- Criteria for, and designation of, ORV routes/areas and non-ORV areas
- ORV corridor width during respective seasons of the year
- Hours and dates of allowable ORV operation on the beach
- Vehicle characteristics, equipment, and operating requirements
- Safety procedures and requirements related to ORV use
- Desirable locations for ORV ramps, interdunal roads, parking lots, or other access-related infrastructure

- Whether or not to allow and when to allow ORV use on village beaches, and how to manage ORV use if it is allowed at certain times
- ORV permit/pass requirements and related education program
- Site specific management of the spits, Cape Point and South Beach
- Management of commercial fishing vehicles on the beach
- Concepts for conducting periodic review

Other matters related to protected species management, such as parkwide standards for monitoring or buffer distances, are outside the scope of advice that NPS is requesting from the Committee. The NPS also believes that an implementable range of options for carrying capacity is as defined as possible at this point in the NPS alternatives; it would be difficult in the time remaining for the Committee to develop a different and mutually agreeable approach; and the topics listed above more urgently need the Committee's attention.

In closing, I appreciate your continued interest in the ORV management issue at Cape Hatteras National Seashore and your ongoing participation in the negotiated rulemaking process.

Sincerely,

A handwritten signature in black ink that reads "Michael B. Murray". The signature is written in a cursive, flowing style.

Michael B. Murray
Superintendent

Attachment

cc:
Patrick Field, Consensus Building Institute
Robert Fisher, Consensus Building Institute