

**CAHA NEGOTIATED RULEMAKING COMMITTEE
WORKING DOCUMENT**

Vehicle Characteristics, Equipment and Operations

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 stakeholder advisory [FACA] committee with representatives from various sections/geographies of the Park representing diverse and balanced interests to provide input to the Park on, among other things, ORV-related issues via a standing ORV subcommittee.

ESSENTIAL VEHICLES: Essential vehicles are allowed in non-ORV areas, and within resource closures subject to guidelines in Essential Vehicles section of Appendix G of the U.S. Fish and Wildlife Service Piping Plover (*Charadrius melodus*), Atlantic Coast Population, Revised Recovery Plan (USFWS 1996a, as cited in the strategy/EA). To the extent practicable, emergency response vehicle operators will consult with trained resources management staff regarding protected species before driving into or through resource closures; however, prior consultation may not always be practical.

In the event of an emergency, the protection of human life takes precedence over all other management activities.

Essential vehicles will avoid driving within turtle nest closures.

COMMERCIAL FISHING: ORV operations by commercial fishermen will be addressed in the Commercial Fishing CFR (CFR 7.58) and any associated permits.

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

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- regulations within the state, country or province where the vehicle is registered.
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. All-Terrain Vehicles (ATVs) are prohibited. ATVs are defined as a type of off-highway vehicle that travels on three or more low-pressure tires; has handle-bar steering; is less than or equal to 50 inches in width; and has a seat designed to be straddled by the Operator.
 6. The Park Superintendent will determine the acceptability of new or state of the art vehicles (those that are not listed in items 2-5) for driving on CAHA as needed, with input from the standing advisory group and/or state law.
 7. 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).
 8. Any trailers are limited to no more than two axles.
 9. 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).
 10. 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. A flashlight
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 speed limit on CAHA beaches is 15 mph year-round, unless otherwise posted.

TIRE PRESSURE: When driving on designated routes, tire pressure must be lowered sufficiently to maintain adequate traction within the posted speed limit. Twenty (20) psi is recommended for most vehicles. The softer the sand, the lower the pressure needed. 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 its right side has the right of way.
3. Vehicles must yield to pedestrians on beaches and ramps.

SELF-CONTAINED VEHICLE CAMPING: Self contained vehicle camping is allowed in CAHA and will be managed under a special use permit system. The special use permit will be an addition to any other broad beach access permit or pass system required.

The special use permit will include a fee whose price will be determined under NPS rules, regulations, and policies regarding a value of service determination.

Self-contained vehicle camping is limited to designated areas in the beach environment only. At all designated times there will be at least one designated area on each of the three islands (Bodie, Hatteras & Ocracoke) contained within CAHA. These areas include Oregon Inlet Campground, Cape Point Campground, and Ocracoke Campground.

For the purpose of this CAHA-specific regulation, a self-contained vehicle camper is defined as follows:

- Self-contained vehicle campers must meet the ORV characteristics and requirements.
- Self-contained vehicles must be 4WD only. 2WD campers are prohibited.
- Self-contained vehicles are limited to a maximum length of thirty feet (30') including

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front racks and rear decks.

- Self-contained vehicles must have a self-contained water or chemical toilet and a separate permanently installed holding tank for both black and grey water, each with a minimum capacity of 3 days waste.
- Tents and camping trailers are prohibited.

There will be no limit to the total number of available self-contained vehicle permits.

The number of self-contained vehicle campers allowed to camp in CAHA at any one time will be limited by the space available in the designated self-contained vehicle camping areas. The camping space limits are as follows:

- Oregon Inlet Campground: not more than 100 spaces
- Cape Point Campground: not more than 100 spaces
- Ocracoke Campground: not more than 50 spaces

Other than the parking space for self-contained vehicles, the NPS will provide no additional services other than garbage and septage dumping services. The experience is intended to be a primitive, beach camping experience within appropriate self-contained vehicles. When possible, the only access to the camping will be via a four-wheel drive only path or road (i.e., access to Cape Point Campground only via the interdunal road).

Self-contained camping will be allowed from November 1 until March 31.

Self-contained camping permits will be offered either weekly or annually.

There will be a self-contained camping limit of no more than seven consecutive days/six nights) in any one visit.

There will be a self-contained camping limit of no more than one visit per month.

All self-contained beach camping spaces are available on a first-come, first-served basis.

All self-contained vehicles arriving for an overnight stay must check in/register via a system to be determined before entering the self-contained camping area. An overnight authorization must be displayed at all times the vehicle is in the designated self-contained camping area.

Self-contained vehicles MUST exit the self-contained camping area after no longer than 72 consecutive hours in order to empty holding tanks and gray water at an established septage dumping facility.

Any permittee who violates the terms and conditions of the self-contained vehicle (SCV) permit is subject to being cited for the violation, will have his/her SCV permit revoked, and may be

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denied from obtaining any ORV related permit at CAHA for a period of at least one year.

Generally, the NPS will work to discourage illegal camping on any and all NPS properties via signage, education, information, and/or other appropriate and effective means

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 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)