

## Outer Banks Group

News Release - Cape Hatteras National Seashore

### FOR IMMEDIATE RELEASE

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## Public Comment Period Opens on Proposed Revision to Existing Special Regulation for Off-Road Vehicle Use at Cape Hatteras National Seashore

The National Park Service (NPS) is inviting the public to comment on a revision to the rules for off-road vehicle (ORV) use at Cape Hatteras National Seashore. The proposal has been published in the Federal Register, and the public has 60 days to review it and submit comments.

The proposed changes include revising the times that certain beaches open to ORV use in the morning, extending the dates that certain seasonal ORV routes are open in the fall and spring, and modifying the size and location of vehicle-free areas (VFAs).

The new proposal would also allow the Seashore to issue ORV permits with more varied time periods than currently exist and would change one ORV route designation to allow pedestrian use of an area on Pamlico Sound without the requirement for an ORV permit.

This process of updating the special regulation that outlines the rules for ORV use was required by Congress in the National Defense Authorization Act for Fiscal Year 2015.

“The Cape Hatteras National Seashore staff is committed to providing our local community and visitors from around the world with a variety of opportunities to enjoy this beautiful place in our care,” said Superintendent David Hallac. “Balancing the needs of our visitors and preserving this important national treasure for future generations to enjoy it is our top priority, and these proposed rules can help us accomplish this mission.”

Community input is essential to the development of new regulations, and the public is encouraged to review the draft proposal and send comments that NPS will consider before finalizing the rules. Additional information about the comment period follow.

**DATES:** The public comment period will be open for 60 days. Comments must be received on or before midnight (Eastern Daylight Time) on October 21, 2016.

**ADDRESSES:** You may submit comments on the Proposed Rule, identified by the Regulation Identifier Number (RIN): **1024-AE33**, by any of the following methods:

- Federal eRulemaking Portal: [http://www.regulations.gov/document?D=NPS\\_FRDOC\\_0001-0104](http://www.regulations.gov/document?D=NPS_FRDOC_0001-0104). 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: [www.regulations.gov](http://www.regulations.gov), or submitted by mail must be entered, or postmarked, before midnight (Eastern Daylight Time) October 21, 2016. Comments submitted by hand delivery must be received by the close of business hours (5:00 p.m. Eastern Daylight Time) October 21, 2016.

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.

### **Frequently Asked Questions:**

#### **What is a proposed rule for off-road vehicle (ORV) management at Cape Hatteras National Seashore (Seashore)?**

A proposed rule indicates that the Seashore is considering making changes to the existing special regulation that designates ORV routes and other details related to when, where, and how off-road vehicles are permitted to access Seashore beaches.

#### **Why is the Seashore considering changes to its special regulation on ORV use?**

On December 19, 2014, the President of the United States signed the National Defense Authorization Act (NDAA) for Fiscal Year 2015. The NDAA stated:

*“The Secretary shall undertake a public process to consider, consistent with management requirements at Cape Hatteras National Seashore, the following changes to the Final Rule:*

*(1) Opening beaches at the National Seashore that are closed to night driving restrictions, by opening beach segments each morning on a rolling basis as daily management reviews are completed.*

*(2) Extending seasonal off-road vehicle routes for additional periods in the Fall and Spring if off-road vehicle use would not create resource management problems at the National Seashore.*

*(3) Modifying the size and location of vehicle-free areas.”*

#### **What existing special regulations describe where, when, and how ORVs can access Seashore beaches?**

A special regulation, often referred to as the “final rule” was published in the Federal Register on January 23, 2012. That special regulation can be found [here](#).

#### **Where can I receive general information about ORV management and use at the Seashore?**

The park currently has a special Off-Road Vehicle webpage with information needed for off-road travel in the Seashore. Click [here](#) for more information.

#### **Didn't the Seashore already evaluate changes through an Environmental Assessment entitled: *Consideration of modifications to the final rule for ORV management*? If so, why is there a separate proposed rule?**

Yes, the Seashore published this Environmental Assessment in February 2016. That document can be found [here](#).

The environmental assessment was completed to fulfill NPS's requirements under the National Environmental Policy Act (NEPA). It included a preferred alternative that described proposed changes and impacts of those

alternatives, to the Seashore's final rule for ORV management. However, a special regulation is required to change existing regulations for ORV use on National Park Service lands. The proposed rule largely describes the technical details that would be required to implement the Seashore's preferred alternative.

**Was the public engaged during the process to prepare the Environmental Assessment?**

Yes, the Seashore held five public scoping meetings during August of 2015 and provided a 30-day period during which scoping comments could be provided (7/30-8/21/15). A public scoping report, summarizing the comments received, can be found [here](#). Using the ideas and information gained during the scoping period, the Seashore developed a range of alternatives, including a preferred alternative (Alternative 2) and released an Environmental Assessment for public comment in February 2016. At that time, the Seashore provided a 30-day comment period and held another five public meetings in the following locations: Kitty Hawk (2/26/16), Hampton, VA (2/29/16), Buxton (3/1/16), Ocracoke (3/2/16), and Raleigh, NC (3/3/16). The Seashore has posted a public comment report [here](#). Comments on the Environmental Assessment were reviewed and considered in the preparation of the proposed rule.

**Why is there another public comment period on the proposed rule?**

The rulemaking process provides for a public comment period. For more information on that process, click [here](#).

**If I have already commented on the Environmental Assessment, do I need to comment on the proposed rule?**

Comments received on the Seashore's *Consideration of modifications to the final rule for ORV management* Environmental Assessment have been reviewed and considered during the preparation of the proposed rule. However, you are welcome to submit comments on the proposed rule during the 60-day review period and the Seashore will evaluate substantive comments received on the proposed rule when developing the decision and final rule.

**What happens after you receive comments on the proposed rule?**

The Seashore will evaluate substantive comments received on the proposed rule when developing the decision and final rule. After evaluating comments, the Seashore may make a decision on the *Consideration of modifications to the final rule for ORV management* Environmental Assessment and proceed with publishing a final rule.

**What is a final rule and when would the public see it published in the Federal Register?**

The final rule would establish new Federal regulations that describe ORV routes and other details associated with where, when, and how ORVs may access Seashore beaches. It may be published several months following the Seashore's evaluation of substantive comments and a decision on an alternative through the National Environmental Policy Act (NEPA) process.

**If the Seashore decides to publish a final rule that changes off-road vehicle regulations, when might the public see those changes implemented on the ground?**

After publishing a final rule in the Federal Register, the Seashore must wait at least 30 days prior to implementing a final rule. Implementation of the final rule will occur as soon after the end of the 30-day period as practicable.

**What is the overall process for changing the Seashore's final rule for off-road vehicle management?**

- Implement a public scoping period to solicit ideas on changing the final rule. **COMPLETED**
- Prepare and distribute an Environmental Assessment with alternatives for public review. **COMPLETED**

- Publish a proposed rule in the Federal Register for a 60-day public comment period. **UNDERWAY**
- Prepare a decision for implementing an alternative in the Environmental Assessment. **PENDING**
- Publish a final rule in the Federal Register and implement it on the Seashore. **PENDING**