

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:07-CV-45-BO

DEFENDERS OF WILDLIFE and)
THE NATIONAL AUDUBON SOCIETY)
Plaintiffs,)
)
v.)
)
NATIONAL PARK SERVICE, et al.,)
Defendants,)
)
and)
)
DARE COUNTY, NORTH CAROLINA,)
HYDE COUNTY, NORTH CAROLINA,)
and THE CAPE HATTERAS ACCESS)
PRESERVATION ALLIANCE,)
)
Intervenor-Defendants.)

O R D E R

The defendant National Park Service is ordered to respond to the court's inquiry regarding the following issues, which are material facts in this case.

The responses to these questions should be filed with the court no later than 5:00 p.m. on Monday, April 28, 2008.

1. Has the Park Service projected its manpower needs in order to implement the proposed Consent Decree? Are budget authorizations in place and available to add personnel for Park Rangers and resource management, during the appropriate times given the requirements of the proposed Consent Decree?


2. Has the Park Service considered alternative access other than off-road vehicle traffic in order to provide the public using the Cape Hatteras National Seashore, with access to the

beach including areas adjacent to closures, through the services of concession carriers and publicly available transportation similar to that currently employed on Cape Lookout, to provide pedestrian beach access for bathing, fishing and ordinary beach use?

3. Does the Park Service anticipate that as a part of the consideration of this proposed Consent Decree, a period of public comment will be provided, and a "fairness" hearing will be scheduled prior to the court's ruling on the proposed Consent Decree?

4. With respect to the maps that have been attached to the proposed Consent Decree, is the Park Service prepared to tender technical witnesses apart from counsel, in order to provide testimony and evidence as to the location, duration, and affect of the closures on current beach driving and to relate the maps to the actual beach locations on the Seashore in order to make sense out of the maps and their anticipated areas of closure?

This 22 day of April, 2008.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE