

112TH CONGRESS
2D SESSION

S. 2372

To authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2012

Mr. BURR (for himself and Mrs. HAGAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving Public Ac-
5 cess to Cape Hatteras Beaches Act”.

6 **SEC. 2. REINSTATEMENT OF INTERIM MANAGEMENT**
7 **STRATEGY.**

8 (a) **MANAGEMENT.**—After the date of the enactment
9 of this Act, Cape Hatteras National Seashore Recreational

1 Area shall be managed in accordance with the Interim
 2 Protected Species Management Strategy/Environmental
 3 Assessment issued by the National Park Service on June
 4 13, 2007, for the Cape Hatteras National Seashore Rec-
 5 reational Area, North Carolina, unless the Secretary of the
 6 Interior (hereafter in this Act referred to as the “Sec-
 7 retary”) issues a new final rule that meets the require-
 8 ments set forth in section 3.

9 (b) RESTRICTIONS.—The Secretary shall not impose
 10 any additional restrictions on pedestrian or motorized ve-
 11 hicular access to any portion of Cape Hatteras National
 12 Seashore Recreational Area for species protection beyond
 13 those in the Interim Management Strategy, other than as
 14 specifically authorized pursuant to section 3 of this Act.

15 **SEC. 3. ADDITIONAL RESTRICTIONS ON ACCESS TO CAPE**
 16 **HATTERAS NATIONAL SEASHORE REC-**
 17 **REATIONAL AREA FOR SPECIES PROTEC-**
 18 **TION.**

19 (a) IN GENERAL.—If, based on peer-reviewed science
 20 and after public comment, the Secretary determines that
 21 additional restrictions on access to a portion of the Cape
 22 Hatteras National Seashore Recreational Area are nec-
 23 essary to protect species listed as endangered under the
 24 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
 25 the Secretary may only restrict, by limitation, closure,

1 buffer, or otherwise, pedestrian and motorized vehicular
2 access for recreational activities for the shortest possible
3 time and on the smallest possible portions of the Cape
4 Hatteras National Seashore Recreational Area.

5 (b) LIMITATION ON RESTRICTIONS.—Restrictions
6 imposed under this section for protection of species listed
7 as endangered under the Endangered Species Act of 1973
8 (16 U.S.C. 1531 et seq.) shall not be greater than the
9 restrictions in effect for that species at any other National
10 Seashore.

11 (c) CORRIDORS AROUND CLOSURES.—To the max-
12 imum extent possible, the Secretary shall designate pedes-
13 trian and vehicular corridors of minimal distance on the
14 beach or interdunal area around closures implemented
15 under this section to allow access to areas not closed.

16 **SEC. 4. INAPPLICABILITY OF FINAL RULE AND CONSENT**
17 **DEGREE.**

18 (a) FINAL RULE.—The final rule titled “Special Reg-
19 ulations, Areas of the National Park System, Cape Hat-
20 teras National Seashore—Off-Road Vehicle Management”
21 (77 Fed. Reg. 3123–3144) shall have no force or effect
22 after the date of the enactment of this Act.

23 (b) CONSENT DECREE.—The April 30, 2008, consent
24 decree filed in the United States District Court for the
25 Eastern District of North Carolina regarding off-road ve-

1 hicle use at Cape Hatteras National Seashore in North
2 Carolina shall not apply after the date of the enactment
3 of this Act.

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