

Union Calendar No. 374

112TH CONGRESS
2^D SESSION

H. R. 4094

[Report No. 112-526, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2012

Mr. JONES introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 15, 2012

Additional sponsors: Mrs. ELLMERS, Mr. WITTMAN, Mr. FORBES, Mr. GOODLATTE, Mr. COBLE, Mr. STIVERS, and Mr. HURT

JUNE 15, 2012

Reported from the Committee on Natural Resources

JUNE 15, 2012

The Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

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

1 **SEC. 3. ADDITIONAL RESTRICTIONS ON ACCESS TO CAPE**
2 **HATTERAS NATIONAL SEASHORE REC-**
3 **REATIONAL AREA FOR SPECIES PROTEC-**
4 **TION.**

5 (a) IN GENERAL.—If, based on peer-reviewed science
6 and after public comment, the Secretary determines that
7 additional restrictions on access to a portion of the Cape
8 Hatteras National Seashore Recreational Area are nec-
9 essary to protect species listed as endangered under the
10 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
11 the Secretary may only restrict, by limitation, closure,
12 buffer, or otherwise, pedestrian and motorized vehicular
13 access for recreational activities for the shortest possible
14 time and on the smallest possible portions of the Cape
15 Hatteras National Seashore Recreational Area.

16 (b) LIMITATION ON RESTRICTIONS.—Restrictions
17 imposed under this section for protection of species listed
18 as endangered under the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.) shall not be greater than the
20 restrictions in effect for that species at any other National
21 Seashore.

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

1 **SEC. 4. INAPPLICABILITY OF FINAL RULE AND CONSENT**
2 **DEGREE.**

3 (a) FINAL RULE.—The final rule titled “Special Reg-
4 ulations, Areas of the National Park System, Cape Hat-
5 teras National Seashore—Off-Road Vehicle Management”
6 (77 Fed. Reg. 3123–3144) shall have no force or effect
7 after the date of the enactment of this Act.

8 (b) CONSENT DECREE.—The April 30, 2008, consent
9 decree filed in the United States District Court for the
10 Eastern District of North Carolina regarding off-road ve-
11 hicle use at Cape Hatteras National Seashore in North
12 Carolina shall not apply after the date of the enactment
13 of this Act.

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