

UNITED STATES GOVERNMENT

Memorandum

BKB-1973-Back Bay NWR Regulation

TO : The Director, BSW, Washington, D.C. (RF)

DATE: FEB 23 1973

FROM : ^{ACTING} Regional Director, Boston, Mass.

SUBJECT: Back Bay Regulations

Enclosed is a copy of the Back Bay regulations as submitted to the Federal Register on February 21, 1973.

Willard M. Spaulding

Russ

2/28
They were scheduled Feb 28.
They will go into effect March 30.
Kell



UNITED STATES
DEPARTMENT OF THE INTERIOR
U. S. FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
BOSTON, MASSACHUSETTS

Title 50 - Wildlife and Fisheries

Chapter I - Bureau of Sport Fisheries and Wildlife
Department of the Interior

PART 28 - Restricted or Prohibited Acts

BACK BAY NATIONAL WILDLIFE REFUGE, VIRGINIA

The following special regulation is issued and is effective 30 days after date of publication in the Federal Register through December 31, 1973.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

BACK BAY NATIONAL WILDLIFE REFUGE

A notice of proposed rulemaking was issued on January 12, 1972 (50 CFR Part 28, FR, Vol. 27, No. 7) regarding proposed restriction on use of the Back Bay National Wildlife Refuge beach in Virginia by unauthorized motorized vehicles.

Interested persons were given an opportunity to participate in the rulemaking process through submission of comments. As a result of such written comments, and oral statements presented at a public hearing held on this matter in May 1970, the Bureau of Sport Fisheries and Wildlife, Department of the Interior, is publishing the following regulations concerning the use of the Atlantic Ocean Beach within the Back Bay National Wildlife Refuge:

1. All access to or across refuge lands will be subject to the control of the refuge manager or his designated representative.

2. Access along the beach by motorized vehicles will be allowed only after a permit has been issued by the refuge manager or his designated representative. The refuge manager is authorized to establish a system of permits consistent with the requirements of these regulations. Permits shall be displayed at all times in such manner as to be readily visible on any motor vehicle and shall be non-transferable. Permits may be issued for one year, one day, or one trip, depending upon reasonable requirements of the applicant, but not to extend beyond December 31 of the year of issuance and are valid for the hours 6 a.m. to 9 p.m. unless otherwise specified by the refuge manager. No motor vehicle will be operated by other than a holder of a valid operator's license and permit and on any portion of a dune except at posted dune crossings. Violation of any refuge regulation will result in cancellation of the permit.

3. Free annual permits will be issued as follows:

(a) To all persons now residing or owning land south of the refuge in the False Cape State Park acquisition area, Virginia. Permits will also be issued to permanent, year-round, full-time residents who can furnish legal proof of such residence prior to January 12, 1972, now living on the Outer Banks in Currituck County, from the North Carolina line south to the village of Carolla, North Carolina, as well as their successors and assigns, who will be permanent, year-round, full-time residents.

(b) To the school bus transporting children of False Cape residents to and from school.

(c) To commercial fishermen who have verified their dependence upon egress, ingress, or crossing refuge land for a livelihood.

4. Free daily or single-trip permits will also be issued to or for:

(a) Service and public utility vehicles on business calls to same residents as described in 3(a) above, upon verification of a request from the residents.

Service vehicles means: any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including but not limited to building, plumbing, septic tanks, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection, and delivery services.

Public utility vehicles means: any vehicle owned or operated by a public utility or a public service company enfranchised or licensed to supply Outer Banks residents with electricity, water, or telephone service.

(b) Visitors of same residents as described in 3(a) above, after notice in advance, or upon verification, of an anticipated visit.

5. Scientific and wildlife-oriented uses that are compatible with the primary objectives for which the Back Bay National Wildlife Refuge was established as permitted by the refuge manager or his designated representative. These uses include, but are not limited to waterfowl hunting and surf fishing.

Hunting of waterfowl is permitted on private and State-owned land on the Barbara Hills tract in the False Cape State Park south of the refuge during the open season prescribed by the Commonwealth of Virginia. Those hunters may be issued permits to travel to the hunting area and return to the field headquarters who can verify their ownership, lease, or that they have been assigned a blind by the Virginia Commission of Game and Inland Fisheries in the State hunting area. Applicable Federal, State and local laws and regulations, and maps showing the designated route to be used are available in the office of the refuge manager.

6. Permits will be available at refuge field headquarters or office in Princess Anne.

7. Excluded from the restriction of these regulations are any military, fire, emergency, or law enforcement vehicle when used for emergency purposes and official use by an employee, agent, or designated representative of the Federal, State, or local government in the course of his official duties. Also excluded are vehicles required for medical assistance, or to transport sick, injured, aged, handicapped, or other persons needing medical attention or treatment.

8. In an emergency, the refuge manager may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the refuge manager may close all or any portion of the refuge to vehicular travel for such period as he shall deem advisable in the interest of public safety.

9. Violators of these special regulations and all other regulations pertaining to the Back Bay National Wildlife Refuge will be subject to legal action as prescribed by Title 50,

§ 27.10 Code of Federal Regulations.

It has been determined that continued unregulated vehicular use of the refuge beach is seriously damaging the dunes and is detrimental to the primary objectives for which the refuge was established. Therefore, the foregoing regulations are issued, as a result of a detailed study, public hearing, and written comments to preserve the Back Bay National Wildlife Refuge for use by wildlife and wildlife-oriented recreation pursuits. These regulations will apply to all persons and vehicles described in 3, 4, and 5 above until an improved alternative access becomes available to them.

The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Box 6128, Virginia Beach, Virginia 23456 or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1973.

Richard E. Griffith

Regional Director
Bureau of Sport Fisheries and Wildlife

FEB 21 1973