

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 486

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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. DEFINITIONS.**

7 In this Act:

8 (1) **FINAL RULE.**—The term “Final Rule”

9 means the final rule entitled “Special Regulations,

10 Areas of the National Park System, Cape Hatteras

1 National Seashore—Off-Road Vehicle Management”
2 (77 Fed. Reg. 3123 (January 23, 2012)).

3 (2) NATIONAL SEASHORE.—The term “Na-
4 tional Seashore” means the Cape Hatteras National
5 Seashore Recreational Area.

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (4) STATE.—The term “State” means the State
9 of North Carolina.

10 **SEC. 3. REVIEW AND ADJUSTMENT OF WILDLIFE PROTEC-**
11 **TION BUFFERS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary shall review
14 and modify wildlife buffers in the National Seashore in
15 accordance with this section and any other applicable law.

16 (b) BUFFER MODIFICATIONS.—In modifying wildlife
17 buffers under subsection (a), the Secretary shall, using
18 adaptive management practices—

19 (1) ensure that the buffers are of the shortest
20 duration and cover the smallest area necessary to
21 protect a species, as determined in accordance with
22 peer-reviewed scientific data; and

23 (2) designate pedestrian and vehicle corridors
24 around areas of the National Seashore closed be-

1 cause of wildlife buffers, to allow access to areas
2 that are open.

3 (c) COORDINATION WITH STATE.—The Secretary,
4 after coordinating with the State, shall determine appro-
5 priate buffer protections for species that are not listed
6 under the Endangered Species Act of 1973 (16 U.S.C.
7 1531 et seq.), but that are identified for protection under
8 State law.

9 **SEC. 4. MODIFICATIONS TO FINAL RULE.**

10 The Secretary shall undertake a public process to
11 consider, consistent with management requirements at the
12 National Seashore, the following changes to the Final
13 Rule:

14 (1) Opening beaches at the National Seashore
15 that are closed to night driving restrictions, by open-
16 ing beach segments each morning on a rolling basis
17 as daily management reviews are completed.

18 (2) Extending seasonal off-road vehicle routes
19 for additional periods in the Fall and Spring if off-
20 road vehicle use would not create resource manage-
21 ment problems at the National Seashore.

22 (3) Modifying the size and location of vehicle-
23 free areas.

1 **SEC. 5. CONSTRUCTION OF NEW VEHICLE ACCESS POINTS.**

2 The Secretary shall construct new vehicle access
3 points and roads at the National Seashore—

4 (1) as expeditiously as practicable; and

5 (2) in accordance with applicable management
6 plans for the National Seashore.

7 **SEC. 6. REPORT.**

8 The Secretary shall report to Congress within 1 year
9 after the date of enactment of this Act on measures taken
10 to implement this Act.