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From: [Kenneth Smith](#)
To: [Mike Murray@NPS.gov](mailto:Mike_Murray@NPS.gov)
Subject: Legacy of Mike murray
Date: 06/17/2008 10:16 PM

Mr. Murray,

I know that you would like to believe that everyone understands that you work for the park service and as such are restricted to certain rules that have been laid before you. What you also need to remember is that people still realize that you have a certain degree of discretion. Take for instance the situation occurring with the American Oyster Catcher - a species that is neither threatened nor endangered - and which nests close to highway 12. It has been shown, by park service personnel, to be more tolerant to ORV's than pedestrians yet much of the Cape Hatteras beach is restricted to recreational ORV access. Why don't you use the same discretion on the beach that you apply to highway 12?

As you well pointed out to me at the NCBBA meeting during the memorial day weekend - the Department of Justice has legally determined that the legal name of the park is IN FACT Cape Hatteras National Seashore Recreational Area.

Accordingly, acknowledging that fact - as an agent of the government, you should be documenting your efforts to have the name of the park officially changed to reflect the law and your consideration toward the concept of recreational access, intended by Congress, in your decision making process. If asked, what is within the power of the Superintendent? I hope you will be able to clearly articulate the measures you have personally taken to let the park be known as intended by Congress and be able to produce documentation to that effect and your efforts to consider and balance the need for recreational access.

Sincerely,

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