

0022000

From: [Mike Murray](#)
To: [jeffrey](#)
Bcc: [Cyndy Holda](#)
Subject: Re: Stationary Vehicles on the Beach 2200-0600
Date: 09/22/2008 11:19 AM

Hi Wheat,

Thank you for the kind words. I appreciate the offer to pre-review your article, but respectfully decline. I am reluctant to edit other people's work - partly due to workload, since I already spend most of my time editing NPS work; and partly due to philosophical reasons in that I think each person has a right to express their own point of view on these issues. However, if you were to send me a courtesy copy of the final article when you submit it, I would appreciate that.

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
(c) 252-216-5520
fax 252-473-2595

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▼ ["jeffrey" <wheatland@charter.net>](mailto:jeffrey@wheatland@charter.net)

"jeffrey"
<wheatland@charter.net>

To <Mike_Murray@nps.gov>

cc

09/19/2008 06:31 PM

Subject Re: Stationary Vehicles on the Beach 2200-0600

Mike,

Jeffrey Golding aka Wheatland Whilly or Wheat, here.

I'd like to thank you for your ongoing response to this question as I too, believe it to be a valid query. I will be writing an article on this subject for Island Free Press in the coming days and would like to use some of what you said in your reply to Jim Harris. If I write the article and send you a copy before anyone else sees it would you mind taking the time to read it. I will respect any edit you request.

Oh, and thank you for telling Jim to settle down. I've personally avoided having conversations with park employees when he is around as he seems to have grown a rather smart mouth and an attitude to go with it.

Thanks,

0022001

Wheat

----- Original Message -----

From: <Mike_Murray@nps.gov>

To: "James Harris" <longcaster@charter.net>

Cc: <Ackleybc@aol.com>; "'Patrick (RFA) Paquette'" <basicpatrick@aol.com>;

<bobeakes@aginet.com>; <cahabusinessallies@embarqmail.com>;

<ccboucher@cox.net>; <Cyndy_Holda@nps.gov>; "'David Goodwin'"

<dagwerksobx@yahoo.com>; <davisrb@embarqmail.com>; "'Mike Berry'"

<dr.mike.berry@verizon.net>; <ffffl@mindspring.com>; "'Fish Militia (Rob

alt) General'" <fishmilitia@aol.com>; <guitarcouch@earthlink.net>;

<hardhead@embarqmail.com>; "'Irene Nolan'"

<irene@islandfreepress.org>;

"'Irene Noland (Island Free Press)'" <irenen@mindspring.com>; "'Jim and

Ginny'" <jimandginny@scentarticles.com>; <jkeene@franklineq.com>;

<johnalley@earthlink.net>; <melinda.tradewinds@earthlink.net>;

"'Wayne

Mathis'" <MFCREP@bigfoot.com>; "'Obxblondie'" <Obxblondie@aol.com>;

"'Patrick Field'" <pfield@cbuilding.org>; "'sonnyduke'"

<sonnyduke@aol.com>;

<tedsalvo@earthlink.net>; "'warrenj'" <warrenj@darenc.com>;

"'wheatland'"

<wheatland@charter.net>; "'Wheatland Willy'"

<yerbaitstinks@gmail.com>;

<rcf@fisherics.com>; <Paul_Stevens@nps.gov>

Sent: Friday, September 19, 2008 11:19 AM

Subject: RE: Stationary Vehicles on the Beach 2200-0600

> Jim,

>

> With all due respect, if you want to maintain a constructive dialogue with

> me, you will need to change the tone of your language in future > communications.

>

> Of course NPS cares about protecting park resources. I have never seen

> park staff work as hard as this one this past summer to protect park

> resources and to provide visitor access to the extent allowed under

> extremely difficult marching orders and constant pressure. I am glad to

> hear that you and others are concerned about the protection of resources,

> too. Sometimes that fact is obscured by all the rhetoric, which I believe

> is detrimental to your cause. It is clear we have an ongoing problem with

> noncompliance that not only impacts resources but also access. The only

> effective way to address it will be to work together on it through public

> education, volunteerism, and enforcement.

>

> The current situation is simply that, as negotiated and written, the

> federal attorneys advise that stationary vehicles between 10 p.m. and 6

> a.m. are not authorized under the Consent Decree. I think having a "beach

> watch" program is a worthwhile idea and haven't given up on it. However,

> rather than "just do it" against legal advice, it is something I need to

> work on with the US Attorney's Office between now and next spring, which

> may include renegotiating the consent decree to allow, among other things,

> some NPS discretion to authorize stationary vehicles for resource

> protection purposes. I think we can we make a pretty good case

that it
> would be beneficial, for some of the reasons you and Ted have articulated,
> but there is a process I must follow to make it happen.
>
>
> Mike Murray
> Superintendent
> Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
> (w) 252-473-2111, ext. 148
> (c) 252-216-5520
> fax 252-473-2595
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>
>
>
> "James Harris"
> <longcaster@chart
er.net>
09/17/2008 05:15
PM
"Patrick
>
>
>
<cahabusinessallies@embarqmail.com>
"David
<dagwerksobx@yahoo.com>,
"Mike
>
<dr.mike.berry@verizon.net>,
"Fish
General"
>
<guitarcouch@earthlink.net>,
" Irene
>
<irene@islandfreepress.org>,
Free
<irenen@mindspring.com>,
>
<jimandginny@scentarticles.com>,
>
>
<melinda.tradewinds@earthlink.net>,
>
>
>
"Patrick

To
<Mike_Murray@nps.gov>,
<tedsalvo@earthlink.net>
cc
<Ackleybc@aol.com>,
\"(RFA\ Paquette\"
<basicpatrick@aol.com>,
<bobeakes@aginet.com>,
, <ccboucher@cox.net>,
<Cyndy_Holda@nps.gov>,
Goodwin\"
<davisrb@embarqmail.com>,
Berry\"
<ffffl@mindspring.com>,
Militia \"(Rob alt\)
<fishmilitia@aol.com>,
<hardhead@embarqmail.com>,
Nolan\"
\"Irene Noland \"(Island
Press\)\")\"
\"Jim and Ginny\"
<jkeene@franklineq.com>,
<johnalley@earthlink.net>,
\"Wayne Mathis\"
<MFCREP@bigfoot.com>,
\"Obxblondie\"
<Obxblondie@aol.com>,

0022003

```
> Field'"
<pfield@cbuilding.org>,
> "'sonnyduke'"
<sonnyduke@aol.com>,
> "'warrenj'"
<warrenj@darenc.com>,
> "'wheatland'"
> <wheatland@charter.net>,
> "'Wheatland Willy'"
> <yerbaitstinks@gmail.com>
>
> Subject
> RE: Stationary Vehicles on
the
> Beach 2200-0600
>
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>
> I am going to guess here that NPS does not want to have anybody
watch over
> the enclosures erected around beach nesting birds that in 2008
season
> under
> the CONsent decree were vandalized several times. The NPS does
not give a
> damn about who or what causes this damage. They (NPS) could care
less if a
> nest, egg, or unfledged chick is harmed by a human breaking laws
or the
> spirit of those laws.
>
> We wanted to put a human out on the beach to watch for and
report
> vandalism
> to erected nesting enclosures. The stationary vehicle would
protect the
> human observing the beach enclosures. By being stationary this
vehicle
> could
> not harm a turtle or a nesting bird as the vehicle would be
driven out
> during daylight in an open to ORV area, it would stay there
until the
> morning when the beach would be open to be driven upon.
>
> Mike why doesn't the NPS or you want to solve or prevent these
crimes? We
> can bet that in 2009 nesting season there will be enclosure
vandalism, why
> not give some of us that still care about what happens to our
park a
> chance
> to do something about protecting it?
>
> Jim Harris
> longcaster
>
> -----Original Message-----
> From: Mike_Murray@nps.gov [mailto:Mike_Murray@nps.gov]
> Sent: Wednesday, September 17, 2008 8:10 AM
> To: tedsalvo@earthlink.net
> Cc: Ackleybc@aol.com; Patrick (RFA) Paquette;
bobeakes@aginet.com;
> cahabusbusinessallies@embarqmail.com; ccboucher@cox.net;
Cyndy_Holda@nps.gov;
> David Goodwin; davisrb@embarqmail.com; Mike Berry;
ffffl@mindspring.com;
> Fish Militia (Rob alt) General; guitarcouch@earthlink.net;
> hardhead@embarqmail.com; Irene Nolan; Irene Noland (Island Free
Press);
```

0022004

> Jim
> and Ginny; jkeene@franklineq.com; johnalley@earthlink.net;
Longcaster;
> melinda.tradewinds@earthlink.net; Wayne Mathis; Obxblondie;
Patrick Field;
> sonnyduke; warrenj; wheatland; Wheatland Willy
> Subject: RE: Stationary Vehicles on the Beach 2200-0600
>
> Ted,
>
> I recontacted the US Attorney's Office for further explanation.
Simply
> put, it was a negotiation. No vehicles on the beach from 10
p.m. to 6
> a.m.
> was what was understood and what was agreed to, in lieu of more
> restrictive
> night driving limitations. There was no specific consideration
of, or
> inclination to consider, stationary vehicles as an exception.
The night
> driving permit was a compromise to allow improved night time
access during
> the fall fishing season. That's it for the follow-up I can
provide.
>
> In terms of future policy (long term ORV plan, etc.), we plan to
have a
> USFWS sea turtle expert at an upcoming meeting to discuss the
loggerhead
> recovery plan, light management, and night driving issues. We
will be
> sure to ask the expert about stationary vehicles and whether
other
> jurisdictions allow them if there is a night driving
restriction.
>
> Mike Murray
> Superintendent
> Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
> (w) 252-473-2111, ext. 148
> (c) 252-216-5520
> fax 252-473-2595
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> proprietary, privileged or confidential or otherwise legally
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> disclosure.
>
>
>
> "Ted Hamilton"
> <tedsalvo@earthli
> nk.net>
>
> 09/12/2008 04:09
>
> PM
> (RFA)
> <basicpatrick@aol.com>,
> Please respond to
> tedsalvo@earthlin
cahabusinessallies@embarqmail.com,
> k.net
>
>
> "David
> <dagwerksobx@yahoo.com>,
>
> To
"Mike_Murray@nps.gov"
<Mike_Murray@nps.gov>
>
> CC
Ackleybc@aol.com, "Patrick
Paquette"
>
> bobeakes@aginet.com,
>
> ccboucher@cox.net,
> "Cyndy_Holda@nps.gov"
<Cyndy_Holda@nps.gov>,
>
> Goodwin"
> davisrb@embarqmail.com,

0022005

```
"Mike
>
<dr.mike.berry@verizon.net>,
>
"Fish Militia
>
>
>
>
" Irene
>
<irene@islandfreepress.org>,
>
Press)"
>
"Jim and
>
>
<jimandginny@scentarticles.com>,
>
>
>
>
"melinda.tradewinds@earthlink.net"
>
<melinda.tradewinds@earthlink.net>,
>
"Obxblondie"
>
"Patrick
>
<pfield@cbuilding.org>,
>
<sonnyduke@aol.com>,
>
<warrenj@darenc.com>,
>
>
"Wheatland
>
<yerbaitstinks@gmail.com>
>
Subject
>
the
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>
Well Mike the operative words here seem to be "DRIVING" and
"LIGHTS". A
> stationary vehicle with no lights in no way seems to be a
problem with the
> operative words. So I ask that since you were not privy to the
> negotiations, that you ask one of the DOI lawyers that was
involved to
> provide the rationale for all vehicles to be off the beach if
they are not
> being driven and have no lights on.
>
> I'll agree it's a way to manage but it is the easy way and
further limits
> reasonable public access. I still do not buy into it with the
reasoning
> provided so far.
>
> Cheers Ya'll
>
```

0022006

> Ted A. Hamilton
> (aka Salvo Jimmy)
>
>
>> [Original Message]
>> From: <Mike_Murray@nps.gov>
>> To: <tedsalvo@earthlink.net>
>> Cc: <Ackleybc@aol.com>; Patrick (RFA) Paquette
<basicpatrick@aol.com>;
> <bobeakes@aginet.com>; <cahabusinessallies@embarqmail.com>;
> <ccboucher@cox.net>; Cyndy_Holda@nps.gov <Cyndy_Holda@nps.gov>;
David
> Goodwin <dagwerksobx@yahoo.com>; <davisrb@embarqmail.com>; Mike
Berry
> <dr.mike.berry@verizon.net>; <ffffl@mindspring.com>; Fish Militia
(Rob
> alt)
> General <fishmilitia@aol.com>; <guitarcouch@earthlink.net>;
> <hardhead@embarqmail.com>; Irene Nolan
<irene@islandfreepress.org>; Irene
> Nolan (Island Free Press) <irenen@mindspring.com>; Jim and
Ginny
> <jimandginny@scentarticles.com>; <jkeene@franklineq.com>;
> <johnalley@earthlink.net>; Longcaster <longcaster@charter.net>;
> melinda.tradewinds@earthlink.net
<melinda.tradewinds@earthlink.net>; Wayne
> Mathis <MFCREP@bigfoot.com>; Obxblondie <Obxblondie@aol.com>;
Patrick
> Field
> <pfield@cbuilding.org>; sonnyduke <sonnyduke@aol.com>; warrenj
> <warrenj@darenc.com>; wheatland <wheatland@charter.net>;
Wheatland Willy
> <yerbaitstinks@gmail.com>
>> Date: 9/12/2008 3:12:34 PM
>> Subject: RE: Stationary Vehicles on the Beach 2200-0600
>>
>> Hi Ted,
>>
>> I wasn't privy to the negotiations between the respective
attorneys, so I
>> don't know exactly what was said. I believe the general intent
of the
>> night driving provisions (found in paragraphs 24-27) is stated
in
> paragraph
>> 24: "Night Driving: To increase the chances of successful
turtle
>> nesting...". There are quite a few references in the
literature
>> identifying concerns about the effects of lights and/or beach
driving on
>> turtle nesting. For example, the Loggerhead Turtle Recovery
Plan (FWS,
>> 1991, p. 30, Item 215) recommends that beach driving be phased
out on
>> important local or regional nesting beaches. (That is not the
NPS
> position
>> or intent in our ORV plan.) With regard to the measures in the
Consent
>> Decree, it is reasonable to think that the night driving
measures in the
>> Consent Decree evolved out of the parties negotiating ways to
minimize or
>> manage the night driving concerns, while still allowing some
access.
>>
>>
>> Mike Murray
>> Superintendent
>> Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
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>> (c) 252-216-5520
>> fax 252-473-2595
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0022007

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>> it is addressed. This communication may contain information
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>> proprietary, privileged or confidential or otherwise legally
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>> disclosure.
>>
>>
>>
>>
>> "Ted Hamilton"
>
>> <tedsalvo@earthli
>
>> nk.net>
> To
>> "Mike (CHNS SUPT)
Murray"
>
>> 09/09/2008 04:49 <mike_murray@nps.gov>
>
>> PM
> cc
>> "Mike Berry"
>>
>> <dr.mike.berry@verizon.net>,
>
>> Please respond to Ackleybc@aol.com,
> <tedsalvo@earthlin davisrb@embarqmail.com,
>> k.net hardhead@embarqmail.com,
>
>> guitarcouch@earthlink.net,
>
>> johnalley@earthlink.net,
> jkeene@franklineq.com,
>> fffffl@mindspring.com,
> ccboucher@cox.net,
>> bobeakes@aginet.com,
>
>> cahabusinessallies@embarqmail.com,
>
>> "David Goodwin"
>> <dagwerksobx@yahoo.com>,
"Fish"
>
>> Militia (Rob alt)
General"
>
>> <fishmilitia@aol.com>,
"Irene"
>
>> Nolan"
> <irene@islandfreepress.org>,
>> "Irene Noland (Island
Free Press)"
>
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"Jim and"
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>> Ginny"
>
>> <jimandginny@scentarticles.com>,
>
>> "Longcaster"
>

0022008

>>
<longcaster@charter.net>,
>
>>
"melinda.tradewinds@earthlink.net"
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>>
> <melinda.tradewinds@earthlink.net>,
>>
> "melinda.tradewinds@embarqmail.com"
>>
> <melinda.tradewinds@embarqmail.com>
>> , "Obxblondie"
>> <Obxblondie@aol.com>,
>>
"Patrick (RFA) Paquette"
>> <basicpatrick@aol.com>,
>> <sonnyduke@aol.com>,
> "sonnyduke"
>> <sonnyduke@aol.com>,
>> "warrenj"
>> <warrenj@darenc.com>,
> "warrenj"
>> <warrenj@darenc.com>,
>> "Wayne
> Mathis"
>> <MFCREP@bigfoot.com>,
>> "wheatland"
>> <wheatland@charter.net>,
> "Wheatland
>> Willy"
>> <yerbaitstinks@gmail.com>,
>> "Cyndy_Holda@nps.gov"
>> <Cyndy_Holda@nps.gov>,
>> "Patrick
>> Field"
>> <pfield@cbuilding.org>
>>
> Subject
>> RE: Stationary Vehicles
>> on the
>> Beach 2200-0600
>>
>>
>>
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>>
>> Mike Murray,
>>
>> Just to followup on my public comment today at REG-NEG, I do
want an
>> explanation of the rationale behind this so called consent
decree intent

0022009

```
> re
>> vehicles off the beach by 2200.
>>
>> I do not consider any such intent explanation acceptable
without at least
>> an explanation of the rationale leading to that intent.
>>
>> Cheers Ya'll
>>
>> Ted A. Hamilton
>> (aka Salvo Jimmy)
>>
>>
>> > [Original Message]
>>
>>
>> > From: <Mike_Murray@nps.gov>
>>
>>
>> > To: <tedsalvo@earthlink.net>
>>
>>
>> > Cc: <Paul_Stevens@nps.gov>
>>
>>
>> > Date: 9/2/2008 4:25:57 PM
>>
>>
>> > Subject: Re: Suggestion to help curb this senseless
vandalism
>>
>>
>> >
>>
>> > Hi Ted,
>>
>>
>> >
>>
>> > I apologize for the delay in responding, as I was out of the
office
> for
>>
>>
>> > several weeks and am still playing catch-up on emails.
>>
>>
>> >
>>
>> > Prior to being out of town, I had checked with the Assistant
U.S.
>> Attorney
>>
>>
>> > to see how your suggestion would jive with the consent
decree. Was
>> advised
>>
>>
>> > that the intent of the night driving restriction was that no
vehicles
>> would
>>
>>
>> > be allowed on the beach period during the restricted
times/dates, so
> it
>> is
>>
>>
>> > not as simple as me deciding to allow stationary vehicles on
the beach
>> or
>>
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0022011

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