

From: [Jim and Ginny](#)
Reply To: [Jim and Ginny](#)
To: Mike_Murray@nps.gov
Subject: Re: Testimony to Judge Boyle
Date: 03/06/2009 04:40 PM
Attachments: [beach access miles by week club.xls](#)

Not to be argumentative but **I did not include Pea Island when I calculated the miles closed**. In point of fact, I could not have since there were no closure updates.

Furthermore, I rechecked my mileage (as per my maps and the attached spread sheet) with the June 5, beach access report and my figures are accurate.

Was your comment taken out of context? Probably but the bottom line is that nearly **30% of the 66.85 miles of seashore under NPS management was closed in May and June**.

My second point was simply that park allocation between ORV, pedestrian only, and wild experiences must take into account Pea Island. I don't care who manages Pea Island, so long as there is no plan to close the beach entirely to all uses, including pedestrian, Pea Island is, in fact, part of the park and the part of the park (excluding two narrow spots) that most accurately provides a wild experience for pedestrians.

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

From: [Mike Murray@nps.gov](mailto:Mike_Murray@nps.gov)
To: [Jim and Ginny](#)
Sent: Friday, March 06, 2009 3:07 PM
Subject: Re: Testimony to Judge Boyle

Ginny,

The mileage summaries provided by NPS over the course of last season and in Court do not include any miles within Pea Island NWR because it is not under the management jurisdiction of the NPS nor was it affected by the consent decree. The mileage summaries were determined by GIS and are accurate. Compared to the interim strategy, under the consent decree the resource closures occurred earlier, were larger, and lasted longer, but were eventually reduced or removed as the breeding season concluded. In other words, the amount of miles opened or closed at any particular time during the 2008 breeding season was not a static number; it fluctuated day-to-day and week-to-week as the breeding season progressed. A mileage summary is, at best, a snapshot in time.

I haven't seen the WRAL coverage, but it sounds like they may have reported information without context. With respect to the mileage information given in Court, the context is that I was asked a specific question at the hearing about beach access at the peak of the breeding season. I had already provided summary information on a variety of topics, including resource management, law enforcement, and the affect of the consent decree

closures on popular locations such as Bodie Island Spit, Cape Point, and South Point (Ocracoke), which closed in early May and did not reopen until around August. In my response to the question about mileage, I indicated that the estimated time period for peak breeding season was mid-July, and then reported mileages (how much was open to ORV/peds, pedestrians, etc.) which included 11.3 miles of closures and another 3.7 miles of beach that was technically "open" but was inaccessible (which is accurate data for July 17, 2008 and a "snapshot" of beach access mileage for mid-July).

Mike Murray
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"Jim and Ginny"
<jimandginny@scenarticles.com>
To
"caha_superintendent"
03/05/2009 07:31 PM <caha_superintendent@nps.gov>, "Mike Murray" <Mike_Murray@nps.gov>
CC

Please respond to "Jim and Ginny" <jimandginny@scenarticles.com>
Subject
Testimony to Judge Boyle

According to WRAL

"Murray told the judge that at the peak of closures, there were 11.3 miles of the 66-mile-long seashore closed with the rest was open."

On June 5 a total of 21.1 miles or 31.6% of the seashore was effectively closed. Effectively closed means you could not walk to the open areas without wading or kayaking. The numbers for the entire summer are as

follows:

Average for May 20.2, average for June was 19.8, average for July was 15.6, and average for August was 12.6.

I kept a running tabulation of the closures. You can view the record for the summer in map form or in tabulated form by going to

http://www.capehatterasanglersclub.org/index.php?option=com_content&task=view&id=19&Itemid=43

Bottom line, your comment was as accurate as saying that 100% of the seashore is open off-season. If you exclude Pea Island this is accurate but when you include Pea Island and long standing narrow beach closures the reality is

1. 39 miles or 49% is designated for ORV use, including historically popular areas—namely, Cape Point, inlet spits, ramp 45 to Frisco Village. Included in the 39 miles is 12 miles of low-density use areas for those ORV users who prefer a more secluded experience.
2. 14 miles or 18% is designated for “seasonal” pedestrian use, including the village beaches, and the life guarded beaches. Off season these areas are reopened to provide anglers access to popular trout holes.
3. 26 miles or 33% is designated for pedestrian use in low-density undeveloped areas to provide for remote experiences. The 26 miles is comprised of 12 miles on Pea Island and 14 miles of beach that is and has, for 30 years, remained too narrow for ORV use. These narrow beaches include 1 mile at Oregon Inlet, 3.7 miles between Avon and Buxton, 3.7 miles between Frisco and Hatteras, and 5.6 miles on the north end of Ocracoke are more than adequate for foot traffic. I know because I have walked them.

I respectfully request that you correct the court testimony and, as per my reg. neg. comment I respectfully request that you make certain that the EIS includes Pea Island so as to present an accurate representation of the allocation of park resources.

Sincerely,
Virginia L. Luizer

Based upon 66.85 Total Miles---as per Update from Larry, verified by tracing Google Map, including sound side access points at the inlets

Other Assumptions
 As per 3/08 meeting closure maps.

Permanently closed miles	14.7	-1.5 north of ramp 38
Seasonal miles	12.6	
Seasonal Peds Only Total	27.3	
ORV seasonal miles	39.55 ORV IN season	
	52.15 ORV Off Season	

Closed is defined as closed or access that requires wading, kayaking, boating, etc.

Date	ORV Miles			ORV miles open	ORV closed miles	Percent Closed to ORVs	Pes. Only Open	Peds. Only Added or (Reduced)	Peds.Only Closed	Total Open	Total Closed	Percent Closed	Average Closed
	Oregon Inlet	Hatteras	Ocracoke										
5/15/2008	2.4	16.2	5.8	24.4	15.15	38.3%	24.7	(0.80)	1.8	49.1	17.75	26.6%	May
5/23/2008	2.4	12.9	5.8	21.1	18.45	46.6%	24.7	(0.80)	1.8	45.8	21.05	31.5%	20.22
5/30/2008	2.4	12.1	5.8	20.3	19.25	48.7%	24.7	(0.80)	1.8	45	21.85	32.7%	30.2%
6/5/2008	2.4	13	5.4	20.8	18.75	47.4%	24.95	(0.80)	1.55	45.75	21.10	31.6%	
6/12/2008	2.4	12.8	5.3	20.5	19.05	48.2%	25.85	(0.40)	1.05	46.35	20.50	30.7%	June
6/19/2008	2.4	13.8	6	22.2	17.35	43.9%	25.85	(0.40)	1.05	48.05	18.80	28.1%	19.83
6/26/2008	2.4	13.7	6	22.1	17.45	44.1%	25.85	(0.40)	1.05	47.95	18.90	28.3%	29.7%
7/3/2008	2.4	15.4	6	23.8	15.75	39.8%	25.85	(0.40)	1.05	49.65	17.20	25.7%	
7/10/2008	2.4	15.4	6.5	24.3	15.25	38.6%	25.85	(0.40)	1.05	50.15	16.70	25.0%	
7/17/2008	2.4	13.8	7.6	23.8	15.75	39.8%	27.45	1.20	1.05	51.25	15.60	23.3%	July
7/24/2008	2.4	15.3	7.3	25	14.55	36.8%	28.2	1.55	0.65	53.2	13.65	20.4%	15.58
7/31/2008	2.4	12.55	7.2	22.15	17.40	44.0%	29.95	4.50	1.85	52.1	14.75	22.1%	23.3%
8/7/2008	2.9	13.55	7.9	24.35	15.20	38.4%	30.2	4.50	1.6	54.55	12.30	18.4%	
8/14/2008	2.5	17.25	6.75	26.5	13.05	33.0%	23.5	0.10	3.9	50	16.85	25.2%	August
8/21/2008	2.5	20.4	6.75	29.65	9.90	25.0%	24.70	1.30	3.9	54.35	12.50	18.7%	12.59
8/28/2008	3.9	22.8	7.65	34.35	5.20	13.1%	23.80	0.50	4	58.15	8.70	13.0%	18.8%
9/4/2008	3.9	23	7.25	34.15	5.40	13.7%	22.10	0.50	5.7	56.25	10.60	15.9%	
9/11/2008	3.9	22.6	8.3	34.8	4.75	12.0%	24.70	0.50	3.1	59.5	7.35	11.0%	September
9/18/2008	4.3	26.1	11	41.4	10.75	20.6%	12.10	3.00	5.6	53.50	13.35	20.0%	10.64
9/24/2008	4.3	26.7	11	42	10.15	19.5%	13.60	2.10	3.2	55.60	11.25	16.8%	15.9%
10/2/2008	4.3	29.9	11	45.2	6.95	13.3%	13.30	0.00	1.4	58.50	8.35	12.5%	
10/9/2008	4.3	32.8	11	48.1	4.05	7.8%	13.30	0.00	1.4	61.40	5.45	8.2%	October
10/16/2008	4.3	32.9	11	48.2	3.95	7.6%	13.40	0.00	1.3	61.60	5.25	7.9%	6.05
10/23/2008	4.3	33	11	48.3	3.85	7.4%	13.40	0.00	1.3	61.70	5.15	7.7%	9.1%
3/15/2009	4.2	32.9	10.6	47.7	4.45	8.5%	11.50	0.00	3.2	59.20	7.65	11.4%	

As per NPS visitaton reports, nearly 70% of the parks visitors frequent the seashore between the months of May and September.

Visitation 2,000,000
ORV Visitation 1,000,000 (at least, 50% of Visitors per peer review 5/8/08)
with 700,000 of these visiting during the period of May-Sept.

Current Milage for most popular areas 13.5

Proposed Milage for most popular areas 2.7

As the much publicized pictures show, the vast majority of the 1,000,000 ORV visitors frequent the popular areas and this volume results in crowding on holiday weekends. Under the proposal the same 1,000,000 visitors will have **80%** less of the type of beach they seek.

Current Seasonal ORV miles 39

Proposed Seasonal ORV miles 25.7

Not only will the 1,000,000 ORV users find the space available at their favorite areas reduced by 80% but the proposal also results in a **35%** decrease in seasonally available ORV miles (**42%** if you consider that the 2.8 miles from the Haul Over to the first grion that is likely to remain closed because of narrow beach considerations).

Even if the above limited ORV use area is workable, the added pressure on beach fronts such as ramp 23 and ramp 30 combined with the loss of ramp 27 and part of ramp 34 will serve to deny the ORV users who come to seek out the less traveled areas with no opportunity to find the seclusion normally afforded on these less popular beaches.

The vast majority of the 1,000,000 visitors that are passive users, come to the seashore in the summer months and utilize the beach front in front of the villages. This is the reason for the seasonal closures.

This leaves, at most, 500,000 or **25%** of the visitors who come visit for the purpose of hiking out to remote areas. This type of experience is already provided on 12 miles at Pea Island, 3.7 miles north of Buxton, 1.5 miles between Frisco and Hatteras, and 6.5 miles on the north end of Ocracoke. These areas total 23.7 miles and account for **30%** of the seashore. While the bulk of the miles available for this type of experience is at the northern ends of Hatteras and Ocracoke Islands, there are two

other such areas in Buxton and Frisco. Unfortunately, the more remote areas must be, by definition, cannot be adjacent to the villages . This is true of the less used ORV use areas, they are on the part of the Island with the most space between villages.

While the proportion of miles available for a more remote experience is already consistent with the proportion of visitors seeking this experience, the the proposal expands these miles to a total of 39.1 miles or **50%** of the seashore. Clearly this is more than is warranted based upon visitation patterns and serves one purpose only--that is, to deprive other users of the same type of remote experience the pedestrians are seeking.

During the 7 months that make up the off season, ORV visitation is a mere 300,000 as compared to the 700,000 that visit during the 5 in season months. As a result, unless there is a striper or trout run, vehicle density is minimal. Similary, since passive use visitors are 30% of the summer density passive users are rarely seen and can find a remote experience just about anywhere at the seashore. That is, there is little need for any passive use only areas beyond Pea Island and the north end of Ocracoke.

Finally, as for off season density, you want to get the moderator to allow Larry to put up the slide show of pictures documenting the usage levels. Larrry said he did this on power point and I know that the moderator has used power point for other presentations.

Traced on google map using proposal description. I wasn't sure where the Ocracoke day use area was. Nor was I certain where coquina beach was.

Total Miles NPS	66.85	Total Accounted for	66.9
	ORV	Passive	Village Perm. Village Seasonal likely closures
ramp 1	1		
coquina		0.4	
ramp 2	2.4		
Oregon Inlet		2.1	May-July
RWS			5.3
ramp 23	4.3		
Ramp 27		2.2	
Ramp 30	4.3		

Ramp 34		2.1			
Pier			1.9	Narrow	
Ramp 38	1				
Day use		1.1			
Hual Over Sound		1			
Groin	<u>2.8</u>			Narrow	
Ramp 43		1.7			7.2
Ramp 45	<u>2.7</u>			May-July	
Ramp 49		<u>3.3</u>			
Frisco	<u>1.2</u>				
Frisco Village			1		
Frisco/Hatteras			1.5	Narrow	
Hatteras Village			2.3		
Ramp 55	2				
Hatteras Inlet including sound		<u>1.1</u>			

Hatteras Inlet			<u>0.8</u>		
Ocracoke					
Ramp 59	0.6				
Ramp 59 South to 1.3 north r67		6.5			
Ramp 67	1.3				
Day Use		3.4			
.3 N of Ramp 70 to Ramp 72	2.1				
Ocracoke Inlet		<u>3.5</u>			
	25.7	27.1	5.4	8.7	
Pea Island		12			
Total Miles	25.7	39.1	5.4	8.7	78.9
	32.6%	49.6%	6.8%	11.0%	
	38.4%	40.5%	8.1%	13.0%	

ORV Use PORPORTIONS W/PEA ISL PROPORTIONS W/O PEA ISL.
 25.7 32.6% 25.7 38.4%

0023190

	Anglers	2.7	3.4%		2.7	4.0%
	Anglers & family	11.6	14.7%		11.6	17.3%
	Low Density Use	11.4	14.4%		11.4	17.0%
Passive Use	53.2	67.4%		41.2	61.6%	
	Developed Areas	14.1	17.9%		14.1	21.1%
	Undeveloped Areas	39.1	49.6%		27.1	40.5%

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Traced on google map using proposal description. I wasn't sure where the Ocracoke day use area was. Nor was I certain where conquina beach was.

Total Miles NPS	66.85	Total Accounted for	66.9	0
	ORV	Passive	Village Perm.	Village likely Seasonal closures
ramp 1			1	
coquina	0.2	0.2		

ramp 2	2			0.4	
Oregon Inlet	2.1			May-July	
<hr/>					
RWS				5.3	
ramp 23	4.3				
Ramp 27	2.2				
Ramp 30	4.3				
Ramp 34	0.4			1.7	
Pier				1.9	Narrow
Ramp 38	1				
Day use	1.1				
Hual Over Sound		1			
Groin		2.8			Narrow
Ramp 43		1.2		0.5	
Ramp 45	2.7			May-July	
Ramp 49	3.3				
Frisco	1.2				
Frisco Village				1	
Frisco/Hatteras		1.5			Narrow
Hatteras Village				2.3	
Ramp 55	2				
Hatteras Inlet including sound	1.1				
<hr/>					
Hatteras Inet					
Ocracoke	0.8				
Ramp 59	0.6				
Ramp 59 South to 1.3 north r67	1	5.5			
Ramp 67	1.3				
Day Use	0.4	3			
.3 N of Ramp 70 to Ramp 72	2.1				
Ocracoke Inlet	3.5				
	37.6	16.2	0	13.1	
Pea Island		12			
Total Miles	37.6	28.2	0	13.1	78.9

	47.7%	35.7%	0.0%	16.6%	
	56.2%	24.2%	0.0%	19.6%	
anglers		27.1%			
high use		44.1%			
low use		28.7%			
	37.6				
		PORPOTIONS W/PEA ISL		PROPORTIONS W/O PEA ISL.	
ORV Use	37.6	47.7%		37.6	56.2%
Anglers		10.2	12.9%		10.2
Anglers & family		16.6	21.0%		16.6
Low Density Use		10.8	13.7%		10.8
Passive Use	41.3	52.3%		29.3	43.8%
Developed Areas		13.1	16.6%		13.1
Undeveloped Areas		28.2	35.7%		16.2

3/13/2008	3/12/2009
3/20/2008	3/19/2009
3/27/2008	3/26/2009
4/3/2008	4/2/2009
4/10/2008	4/9/2009
4/17/2008	4/16/2009
4/24/2008	4/23/2009
5/1/2008	4/30/2009
5/8/2008	5/7/2009
5/15/2008	5/14/2009
5/22/2008	5/21/2009
5/29/2008	5/28/2009
6/5/2008	6/4/2009
6/12/2008	6/11/2009
6/19/2008	6/18/2009
6/26/2008	6/25/2009
7/3/2008	7/2/2009
7/10/2008	7/9/2009
7/17/2008	7/16/2009
7/24/2008	7/23/2009
7/31/2008	7/30/2009
8/7/2008	8/6/2009
8/14/2008	8/13/2009
8/21/2008	8/20/2009
8/28/2008	8/27/2009
9/4/2008	9/3/2009
9/11/2008	9/10/2009
9/18/2008	9/17/2009
9/25/2008	9/24/2009
10/2/2008	10/1/2009
10/9/2008	10/8/2009
10/16/2008	10/15/2009
10/23/2008	10/22/2009