

0023991

From: ffff1@mindspring.com
Reply To: ffff1@mindspring.com
To: Mike_Murray@nps.gov
Subject: Re: Ramp 23 expansions
Date: 08/26/2009 12:57 PM

Mike,
Thank you for your reply. I do believe we have a cross communication on the first issue. I am talking about the closure at Ramp 23 should have covered NPS beach areas in front of these cottages, not private properties, paved areas, etc. Does this change any of your reply.

On the second issue, while I strongly disagree with your answer, I must admit I expected nothing different. But now I have something in writing to take in another direction with access.

Frank

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

>From: Mike_Murray@nps.gov
>Sent: Aug 26, 2009 11:16 AM
>To: fffff1@mindspring.com
>Cc: John Couch <guitarcouch@earthlink.net>, Larry Hardham <hardhead@embarqmail.com>
>Subject: Re: Ramp 23 expansions

>Hi Frank,

>Thank you for your kind words. I had a good vacation, but it is also good
>to be back.

>With regard to the situation at Ramp 23, as of Monday there was still at
>least one least tern chick in the area. Once it has fledged and we are
>sure that breeding activity has concluded, we will be able to remove the
>buffers, including the expansions for the deliberate violations, and reopen
>Ramp 23. Paragraph 17 of the consent decree provides that when nesting
>(i.e., breeding activity) occurs in the immediate vicinity of paved roads,
>parking lots, campgrounds, buildings, and other facilities, NPS retains the
>discretion to provide resource protection to the maximum extent possible
>while still allowing those sites to remain operational. Though there have
>only been a limited number of situations in which this provision has
>applied (e.g., Sandy Bay and a very few instances of breeding activity or
>deliberate violations near village borders), we have used our discretion to
>manage such closures in a way to keep such facilities, including houses,
>cottages, etc., functional. In essence, the same rationale was applied to
>the recent violation of the nesting closure.

>With regards to how the village areas will be managed after September 15
>(i.e., whether they will be open or closed to ORV use), I had hoped that
>the RegNeg Committee, the Village Sub-committee, or the Integration Group
>would be able to make a consensus recommendation on what the village beach
>policy should be, because I would have gladly implemented it, but as you
>know that did not occur. Since there are obviously contradictory opinions
>about how the village areas should be managed during the off-season and
>even conflicting opinions on what dates constitute the "off-season", I've
>decided to stick with the status quo from recent years for one more year
>and use the NEPA process to make the final decision. I believe this
>approach is reasonable under the circumstances, avoids setting a new
>precedent just before and during the upcoming public comment period on the
>DEIS, and gives all involved the opportunity to definitively resolve the
>issue through the NEPA process. When the draft plan/EIS comes out for
>public comment, it will have a range of options, including different
>approaches, dates, etc., for managing the village areas for consideration
>and comment. After the public comment, NPS will make an informed decision
>in the final EIS and Record of Decision and thereafter have a long-term
>policy.

>In closing, I appreciate your interest and ongoing involvement in the ORV
>management process.

>Best wishes,

>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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>it is addressed. This communication may contain information that is
>proprietary, privileged or confidential or otherwise legally exempt from
>disclosure.

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> fffff1@mindspring.
> com

>
> 08/23/2009 02:09
> PM

> Please respond to
> fffff1@mindspring.
> com

To
<mike_murray@nps.gov>
cc
<hardhead@embarqmail.com>, John
<guitarcouch@earthlink.net>
Subject
Ramp 23 expansions

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>Mike,
>I hope you time away from Manteo was great. I believe I passed you and your
>family going north on US 168 when you left on this vacation time. I do
>fear; however, you have returned to some trying times ahead.

>I for one am very frustrated at the ramp 23 closure expansion even though
>it was done under the ever present consent decree. We have reviewed and
>checked as much as lay people on the outside of NPS could the expansion of
>buffers for the least terns. It seems from what we have seen on the ground
>that while there was a large expansion on the southern end of the closure
>there was little to none on the northern end.

>We have seen NPS cater to these village areas by not properly opening them
>after 9-15 for the past several years to now not expanding the closures in
>front of these high dollar houses.

>"Bill", the storm, probably will enable you to open Ramp 23 now and get
>that ball and chain off your back but I still would like your answer on why
>the closure was not extended to the North beyond the village line.

>I also would like to know your intentions on the village closures in Frisco
>and Hatteras after 9-15-09. Neg Reg was supposed to handle those but now it
>is back in your lap.

>Frank

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