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**From:** [David Joyner](mailto:David.Joyner@nps.gov)  
**To:** [Mike Murray@nps.gov](mailto:Mike.Murray@nps.gov)  
**Subject:** Taking of Loggerhead Sea Turtle on Ocracoke Island  
**Date:** 07/02/2010 08:28 AM  
**Attachments:** [NCBBA Ocracoke Turtle Fatality Response.doc](#)

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Enclosed is NCBBA's response to the letter from SELC.

**NORTH CAROLINA  
BEACH BUGGY ASSOCIATION, INC.  
WEBSITE ADDRESS: <http://www.ncbba.org>  
E-MAIL ADDRESS: [contactus@ncbba.org](mailto:contactus@ncbba.org)**

VIA: e-mail [Mike Murray@nps.gov](mailto:Mike.Murray@nps.gov) and U.S. Mail

Mike Murray, Superintendent  
Cape Hatteras National Seashore Recreational Area  
National Park Service Outer Banks Group  
1401 National Park Drive  
Manteo, NC 27954

Re: Taking of Loggerhead Sea Turtle on Ocracoke Island

**CHAPA Offers \$1,000.00 Reward for Information about Sea Turtle Fatality on Ocracoke**

CHAPA (NCBBA, OBPA & CHAC)) is offering this reward for information leading to the arrest and conviction of the person or persons responsible for the death of a nesting female loggerhead turtle that was struck and killed by an off-road vehicle (ORV) during the night-time hours between 10:00 PM, June 23 and 6:00 AM, June 24. The turtle had crawled out of the ocean and attempted to lay a nest between Ramps 70 and 72 on Ocracoke Island. The turtle was hit by an ORV and dragged approximately 12 feet, causing fatal injuries to the turtle. The animal was found dead by NPS turtle patrol at 6:10 a.m. on June 24. It is the first ever documented incident of a nesting sea turtle being killed by an ORV at the Seashore. Loggerhead turtles are protected under the Endangered Species Act. If anyone has any information about this incident, please call the Dare Community Crime Line at 252-473-3111.

Mike,

This reward is yet another example of the "Access Community's" effort to co-exist with the wildlife in an effort to maintain reasonable vehicle access restrictions, not the lock & key approach these so called environmentalist advocate.

While the North Carolina Beach Buggy Association (NCBBA) is outraged by this deliberate act and urges NPS law enforcement rangers to use all available resources to find apprehend

and prosecute to the fullest extent of the law the person or persons responsible for the death of this sea turtle, I must respond on behalf of our 4600 members to SELC's unrealistic request to once again punish the law abiding taxpaying citizens for the National Park Service's neglect in performing their duties. The court ordered consent decree requires that the entire Seashore be closed to night time driving from 10:00 P.M. – 6:00 A.M. If NPS had been enforcing this no-driving ban this tragedy could have been avoided. I question where was NPS enforcement during the nighttime hours during which this incident occurred? Under the terms of the court ordered consent decree the only vehicles allowed on the Seashore during those hours are NPS. Since records have been kept by NPS the ONLY turtle fatality from an ORV on record occurred under the consent decree while on your watch! Perhaps a vehicle was driving the beach illegally without headlights on to avoid being seen and thus could not see the turtle, which places the blame directly on SELC and the consent decree, not the law abiding public.

The environmentalists (DOW, SELC & Audubon) who want to close our beaches have responded to this incident by calling for a lock down of the seashore from sunset until clearing the Seashore by the turtle patrol at some unspecified hour. Instead of offering a reward of their own or condemning this deliberate act of vandalism, they use this terrible tragedy as another way to further their agenda of turning Cape Hatteras National Seashore Recreational Area into a gated community to which we the taxpaying public have no access. Common sense not irrational reactions should prevail. Installing barriers will not stop those who are intent on breaking the law and this might just force those lawbreakers to drive around the barrier doing more damage to the dunes themselves. Locks only keep honest folks honest; those intent on breaking the law will do so. NCBBA has always encouraged NPS to enforce those regulations they have, not make more they are unwilling and lack the resources in manpower to enforce. There appears to be many funds available for biologists, but none for enforcement. Perhaps you need to reallocate some of those funds in light of this latest incident? Do not punish the general law abiding public for the unlawful action of one or two individuals. Until an arrest and conviction have occurred, no one knows who committed this crime and to blame, try, convict and punish the Access Community is premature. During Reg/Neg the Access Community continually requested that vehicles parked prior to 10:00 P.M be allowed to remain parked on the beach during the night time driving ban hours and we were refused. If this had been allowed, surely someone would have been on the beach to witness this unlawful act if it would have even occurred. Do not allow those whose agenda has now been made plain use your agency's inaction as a tool to further close our Seashore! NCBBA and other like minded organizations and individuals continue to advocate for reasonable and responsible ORV use, not the restrictive use now in effect.

In addition, since SELC has asked to supplement their DEIS comments, I ask that the entire process be reopened for ALL taxpaying citizens to have the opportunity to respond, since during the open process we the "Access Community" requested for an extension and were refused on 3 separate requests to extend the comment period. To allow one Group whose sole agenda is to close our beaches to add additional comments at this time is not only inappropriate but unlawful. On the behalf of the NCBBA membership, I demand that there be a NEPA / EIS process analysis and public review for any change to the current restrictions of the consent decree.

We the 'Access Community' have been paying the price for NPS's inaction for the last 30+ years, please do not penalize us again for your inability to enforce the Consent Decree that your agency through the non-defense of the Interim Plan, forced upon us.

Sincerely

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NCBBA President

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