

0027144

From: [Mike Murray](#)
To: [Jon Jarvis](#); [Dan Wenk](#); [David Vela](#); pete_benjamin@fws.gov
Cc: [Gayle Hazelwood](#)
Subject: Fw: Cape Hatteras Loggerhead turtle situation
Date: 07/08/2010 01:08 PM
Attachments: [070810 NPS response to letters ref turtle incident.pdf](#)

FYI

See below for my response to recent letters from Southern Environmental Law Center, NC Beach Buggy Association, Cape Hatteras Access Preservation Alliance, and the Outer Banks Preservation Association regarding the sea turtle fatality on Ocracoke. Each of you were copied on some, but not all, of the incoming letters. My response letter was prepared with input from EQD, DOI Solicitors, and the US Attorney's Office.

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
(c) 252-216-5520
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----- Forwarded by Mike Murray/CAHA/NPS on 07/08/2010 01:02 PM -----

**Mike
Murray/CAHA/NPS**

07/08/2010 10:55 AM

To Julie Youngman <jyoungman@selcnc.org>, Derb Carter <derbc@selcnc.org>, "David Joyner" <djoyner@beldar.com>, "Larry Hardham" <hardhead@embarqmail.com>, guitarcouch@earthlink.net

cc

Subject Re: Cape Hatteras Loggerhead turtle situation 

Good morning,

Attached is the NPS response to your recent correspondence about the Ocracoke turtle fatality.



070810 NPS response to letters ref turtle incident.pdf

Thank you,

Mike Murray
Superintendent

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IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Fort Raleigh National Historic Site Wright Brothers National Memorial

Cape Hatteras National Seashore

1401 National Park Drive

Manteo, NC 27954

252-473-2111



L7615 (CAHA)

July 8, 2010

Julie Youngman and Derb Carter
Southern Environmental Law Center
200 West Franklin Street, Suite 330
Chapel Hill, NC 27516-2559

David K. Joyner, President
North Carolina Beach Buggy Association
P.O. Box 940
Manteo, NC 27954

Larry Hardham
Cape Hatteras Access Preservation Alliance
P.O. Box 1355
Buxton, NC 27920

John Couch, President
Outer Banks Preservation Association
P.O. Box 1355
Buxton, NC 27920

Dear Ms. Youngman and Messrs. Carter, Joyner, Hardham, and Couch:

This responds to your recent correspondence regarding the nesting loggerhead turtle that was struck and killed by an off-road vehicle (ORV) on Ocracoke Island on or about June 23 or 24, 2010. Thank you for expressing your concerns. We appreciate how important this issue is to all interested parties.

The matter is still under investigation. At the time of the incident, the National Park Service (NPS) was in compliance and continues to be in compliance with the requirements of the consent decree. The available information indicates that the incident occurred during the early morning hours of June 24 and therefore was committed by someone illegally operating an ORV on the beach in violation of the 10 p.m. to 6 a.m. night driving restriction. The death of the turtle is absolutely reprehensible and underscores the necessity of improving visitor compliance with resource protection requirements. However, it is important to recognize this incident for what it was – a criminal violation of the night driving restriction that has resulted in tragic consequences. While it is a clear example of the risk that night driving can pose to nesting sea turtles, this is the first ORV-caused fatality of a nesting sea turtle ever recorded at the Seashore.

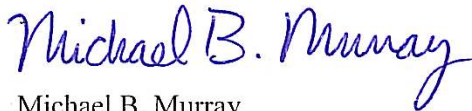
I appreciate the concerns about the adequacy of NPS law enforcement staffing and the request for increased nighttime monitoring. We recognize that the presence of law enforcement patrol staff serves as a deterrent to criminal conduct; however, no realistic amount of law enforcement coverage can eliminate all criminal violations of resource protection measures at the Seashore. We have a dedicated staff of law enforcement rangers who work varied hours to expand the hours of coverage and conduct random patrols after 10 p.m. when the night driving restriction begins. Though we do not advertise it for obvious reasons, we also deploy surveillance cameras

at various locations and times in an additional effort to detect violations of resource protection measures. As of July 5, 2010, NPS rangers have already issued 9 violation notices, 33 written warnings, and 21 verbal warnings for violating the night time driving closure this season, in addition to issuing numerous violation notices and warnings for violations of other resource protection regulations. Recently, through good investigation, the law enforcement staff was able to locate, identify, and charge two suspects with violating the night time driving closure and vandalizing a turtle nesting enclosure in Rodanthe on July 1, 2010.

Therefore, we must deny SELC's request to immediately expand the hours of night driving restrictions and erect gates to physically close all ORV ramps during those hours. As you are aware, in March 2010 the NPS released a draft ORV management plan/environmental impact statement (DEIS). The public comment period closed May 11, 2010 and NPS is not accepting additional comments on the DEIS. The action alternatives (C-F) described in the DEIS contemplated different hour options for night driving restrictions, as well as the installation of gates at all ramps and access points (see DEIS, Chapter 2, Table 8, Ramp Characteristics, page 107). We are in the process of preparing the final plan/environmental impact statement (FEIS), as well as the proposed special regulation required for the operation of ORVs at the Seashore. The turtle incident, despite being a despicable criminal act resulting in a tragedy, is also a learning moment that the NPS will seriously consider in making a final decision about night driving restrictions in the ORV management plan and special regulation.

In closing, we appreciate your interest in the management of Cape Hatteras National Seashore and look forward to your further involvement.

Sincerely,



Michael B. Murray
Superintendent