

**From:** [Jon Anglin](#)  
**To:** [Mike Murray](#)  
**Cc:** [Britta Muiznieks](#); [Cyndy Holda](#); [Paul Stevens](#)  
**Subject:** Re: Fw: Cape Hatteras National Seashore Beach Access Report for September 23, 2010  
**Date:** 09/30/2010 04:08 PM

---

Mike,

As I read Jim's message his concern is that no one can drive to the pond's edge from either side. Commercial fishing is not part of his issue.

I read the portion of his message mentioning commercial fishing as his stressing his long standing understanding and involvement with the issues and dynamics related to the pond and OI Spit.

Jon Anglin  
Operations Chief  
Division of Law Enforcement and Emergency Services  
Outer Banks Group (Cape Hatteras, Wright Brothers, Fort Raleigh)  
252-473-2111 ext. 138

▼ [Mike Murray/CAHA/NPS](#)

**Mike  
Murray/CAHA/NPS**

09/30/2010 03:03 PM

To: Paul Stevens/CAHA/NPS@NPS, Jon Anglin/CAHA/NPS@NPS, Britta Muiznieks/CAHA/NPS@NPS  
cc: Cyndy Holda/CAHA/NPS@NPS  
Subject: Fw: Cape Hatteras National Seashore Beach Access Report for September 23, 2010

Paul, Jon and Britta,

In Jim's comments below he mentions past "agreements with commercial fishermen" (see highlighted section below). I'm not familiar with what kind of commercial fishing occurs in the Bait Pond, but wonder if his concern truly is about commercial fishing access to the Bait Pond. Wouldn't NPS-permitted commercial fishermen already be allowed to drive into the "pedestrian" area (any pedestrian area) to engage in lawfully authorized commercial fishing activity? Wouldn't the commercial fishermen know this and utilize the access provided under their park permit? I see the Bait Pond as no different than commercial fishermen being able to drive into any other area that is posted closed to recreational ORV use (e.g., due to a narrow shoreline or seasonal closure), except for "full" resource closures and lifeguarded beaches. Am I misunderstanding something in Jim's concern?

Mike Murray

0028558

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

CONFIDENTIALITY NOTICE

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure.

----- Forwarded by Mike Murray/CAHA/NPS on 09/30/2010 02:50 PM -----

"W. James Keene"  
<keene9558@charter.net>

To <Mike\_Murray@nps.gov>  
cc <Cyndy\_Holda@nps.gov>, "David Joyner"  
<djoyner@beldar.com>

09/30/2010 02:36 PM

Subject RE: Cape Hatteras National Seashore Beach  
Access Report for September 23, 2010

Mike

Thank you for the reply but I must disagree with you on both counts concerning the NE approach to the pond. Since there are no nesting birds in this area, the concern must be for the possibility of the flushing of the wintering birds and since repeated studies have shown that pedestrians are far more apt to disturb feeding/resting birds than ORVs, there must be some additional reasons for excluding ORVs.

I am without a doubt more aware of the dynamics of the shoreline than possibly any of your staff, with few exceptions. I witnessed the formation of the pond, I worked with prior superintendents on regulations and agreements with the commercial fishermen concerning appropriate activities in and around this pond. Prior to your issuance of the Superintendents Order #7 there was always an appropriate location for an ORV corridor across the flats all the way to the waterline. This was generally done as close to the vegetation line as possible and thus minimized any potential disturbance while also limiting the spread of unwanted vegetation onto the flats. Your concern for vegetation in this area baffles me since your primary concern elsewhere seems to be the predators that live in this type of vegetation. If visitors chose to splash a little algae laden sand into their wheel wells, let them clean it out, it should be their choice.

I must reiterate our belief that neither the Interim Strategy nor the Consent Decree requires this continuing closure but rather allow for closure and you continue to press these closures to the max. Yes this level does seem "inadequate to some people" and I am one of the many "some people". I regret that we cannot agree on this issue but I still believe that a reasonable, advanced dialog between NPS management and responsible users could resolve and avoid most conflicts. Slamming the door in the face of someone gets their attention but rarely leads to fruitful conclusions. I truly hope that dialog can be reestablished and relations can improve to where the once were.

Jim Keene

Subject: RE: Cape Hatteras National Seashore Beach Access Report for  
September 23, 2010

Jim,

As you are aware, the shoreline at the seashore is very dynamic and changes from year to year. Access to certain areas may be affected as areas erode and accrete. The area on the west side of Bodie Island spit (near the bridge) has become extremely narrow due to shoreline erosion and it would be unjustifiable to open an ORV corridor for the last few hundred yards of the shoreline to the Bait Pond under current conditions. That shoreline is open to pedestrian access so that visitors can drive most of the way there, then easily access that side of the Bait Pond on foot without risking damage to vegetation or vehicles.

On the northeast side of the Bait Pond, our monitoring in recent years has indicated regular use of the algae flats by migrating and wintering piping plovers, such that there is no appropriate location for an ORV corridor across the algae flats all the way to the waterline. The current ORV corridor was established so that visitors can drive most of the way there, then park and walk a short distance (the distance varies with the tides) to the northeast corner of the Bait Pond.

I regret if this level of access seems inadequate to some people; however, we believe this approach is consistent with the Interim Strategy as modified by the Consent Decree, which remains in effect until the ORV plan/EIS and final rule are completed, and is appropriate under current conditions.

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

CONFIDENTIALITY NOTICE

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure.

"W. James Keene"  
<keene9558@charte  
r.net>

09/26/2010 02:10  
PM

"CAHA" <mike\_murray@nps.gov>

<Cyndy\_Holda@nps.gov>, "David  
Joyner" <djoyner@beldar.com>

Subject  
RE: Cape Hatteras National Seashore  
Beach Access Report for September  
23, 2010

To

cc

Mike/Cyndy

Ref; Ramp 4 report "there is an ORV & Pedestrian access to the north side of the bait pond". This not true since the ORV access only allows one to travel approx. 1/2 way to the pond before encountering ORV closure signs. All previous Superintendents have granted vehicular access to this pond until you wrote it out in Superintendents Order #7. In that same order you granted ORV access to the south of this pond and you are now continuing to keep this area closed. The winter closure does not encompass either of the approaches and safety closures are not required. Actions such as these are why the visitors to this Recreational Area seem non-friendly towards many of the NPS employees who seem to be testing to see if the visitors truly care.

During our visit with Director Vela he repeatedly asked "What can be done to improve relations between the public and NPS." This is what is being done to further the public's resentment toward NPS personnel. The Consent Decree has created many problems that you cannot immediately solve but this is a problem created by your personnel.

I hope something can be worked out with LE and/or Resource management to end what appear to be deliberate attacks on the potential enjoyment by our visitors.

Jim Keene

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

From: Cyndy\_Holda@nps.gov [mailto:Cyndy\_Holda@nps.gov]  
Sent: Thursday, September 23, 2010 11:40 AM  
Subject: Cape Hatteras National Seashore Beach Access Report for September 23, 2010

(See attached file: 092310 Beach Access Report.doc)

National Park Service Beach Access Report for September 23, 2010  
FOR IMMEDIATE RELEASE: September 23, 2010  
CONTACT: 252-473-2111, ext. 148

Cape Hatteras National Seashore beaches are being managed under the terms of the U.S. District Court approved consent decree. The shorebird breeding season has concluded for the 2010 season. Resource closures remain in place for sea turtle nests that have not hatched yet. When a turtle nest reaches its hatch window 50 to 55 days after being laid, the buffer around the nest is expanded which may preclude through access past the site. Once a nest has hatched and the nest cavity has been examined (excavated by NPS resource management staff to determine emergence rate) the closure will be removed. With a record number of sea turtle nests on seashore beaches this season, park visitors can expect to see frequent changes in access related to these turtle protection areas.

As of September 23, 2010, of the constantly changing, fluctuating estimated 68 miles of ocean shoreline within Cape Hatteras National Seashore, approximately 44.7 miles of ocean shoreline is open to ORV and pedestrian access; approximately 22.5 miles of ocean shoreline is open to pedestrian only access; 0 miles of ocean shoreline is considered "limited access" (areas that are open but may require hiking off-trail to access); and approximately 2.0 miles of ocean shoreline are temporarily closed to all public access due to shorebird and sea turtle resource protection areas. The latest Google Earth beach access map can be viewed at: <http://www.nps.gov/caha/planyourvisit/googleearthmap.htm>. For more information, check the National Seashore's website at: <http://www.nps.gov>.

As of May 1, 2010, all Seashore beaches are closed to off-road vehicles between the hours of 10:00 p.m. to 6:00 a.m. in accordance with the court ordered consent decree. The 10:00 p.m. to 6:00 a.m. prohibition on beach driving will remain in effect until November 15, 2010. Between September 16 and November 15, the National Park Service will issue night driving permits to authorize non-essential driving between the hours of 10:00 p.m. and 6:00 a.m. in areas open to ORV use. A pdf version of the night beach driving permit is available at local tackle shops and visitor centers and on-line and may be downloaded from the national seashore's website at: <http://www.nps.gov/caha/planyourvisit/off-road-vehicle-use.htm>.

The Beach Access Report is issued every Thursday throughout the breeding season and will briefly summarize the current status of access in each section of the Seashore listed below. Updated news will be reported weekly in bold, BLUE print.

Note: \*All distances are approximate. The mileage is determined on a weekly basis using GIS data and is divided geographically by island this year. Closure conditions may change in the field on short notice. On-site signage, rather than the Beach Access Report or the Google Earth map, is the most accurate and current indication of what is open or

closed to the public. Closed areas are clearly marked in the field with "symbolic fencing" consisting of wooden or carsonite posts, closure signs, string, and flagging tape. Knowledge of tidal changes and caution should be exercised while traveling the beaches of the park. Pets are strictly prohibited in resource protection areas. Elsewhere, pets must be physically restrained at all time on a leash not exceeding 6 feet in length. For more information, please contact: cyndy\_holda@nps.gov or call 252-473-2111, ext. 148.

Bodie Island (Ramp 1 to Oregon Inlet; 5.9 miles of shoreline)  
Mileage Summary: 4.6 miles open to ORVs and pedestrians; 1.3 miles open to pedestrians only; 0.0 of a mile of limited access; 0.0 of a mile closed to public access due to resource closures.

Ramp 1 - Ramp 2 (Coquina Beach Area) (1.2 miles)  
Status: The beach is open for pedestrian access, but not for ORV access.

Ramp 2 - Ramp 4 (2.4 miles)  
Status: Ramp 2 is open for ORV and pedestrian access. From Ramp 4 north, the beach is open for ORV and pedestrian access for approximately 2.5 miles.

Ramp 4 - Oregon Inlet (Bodie Island Spit: 2.1 miles)  
Status: The 2010/2011 winter closure for Bodie Island Spit has been installed. The beach is open for ORV and pedestrian access 2.0 miles south of Ramp 4 to Oregon Inlet. There is an ORV and pedestrian access corridor to the north side of the Bait Pond. There is 0.2 of a mile of inlet shoreline for pedestrians at the southwestern tip of the Spit. The area is located east of, and close to, the Bonner Bridge.