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**Subject:** NPS action and reward  
**Date:** 04/05/2011 04:59 PM

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4/5/2011

Dear Director Jarvis,

I am writing you in regard to the recent award presented by your office to Mike Murray, Superintendent of Cape Hatteras National Seashore Recreational Area. Mr. Murray recently received the Directors Award for Superintendent of the Year for Natural Resource Stewardship.

The National Park Service (NPS) stated in its press release that Mr. Murray "worked to build trust with local and regional stakeholders and guide his staff to produce a plan that relied on the best available science."

In fact, Director Jarvis, though this press release may read well and perhaps leaves NPS with a warm feeling of satisfaction, Mr. Murray has accomplished neither of the feats mentioned above.

When Mr. Murray arrived at Cape Hatteras National Seashore Recreational Area (CHNSRA), He was greeted with open arms and hearts and minds full of hope. He was touted by some members of our community, including myself, as a "breath of fresh air" especially having come on the heels of the administration and actions of former CHNSRA Superintendent, Larry Belli; who had already done great damage to the level of trust between this community and NPS.

I will admit that Murray did settle things down somewhat and tempered the anger that was felt by those that visit or live here as I do. His stories of growing up visiting CHNSRA with his family and driving on our beaches relaxed many of us. I can recall during his "meet and greet" meeting at the Cape Hatteras Angler Club located in Buxton, the rousing cheer that arose as he openly told us that he considered ORV access to the Seashore a traditional and important form of access. He also seemed willing to follow the direction of the Congress as he developed per the enabling legislation, important points of egress allowing access to two extremely popular areas on Hatteras Island, Cape Point with the construction of a pass through at "the

narrows" and the "spur road" Hatteras Island Spit, also known as "False Point".

Unfortunately, that's where the trust in Murray and the NPS ended for the majority of what your agency refers to as local and regional stakeholders.

Our community, which consists of residents of Hatteras and Ocracoke Islands as well as thousands of Americans from points all across this country, the owners of the Seashore, worked with the NPS to develop an "interim management strategy" (IMS) which was vetted and published in the summer of 2007. Although many of the provisions contained within that IMS were clear violations of the enabling legislation (16USC459 sec.4) our community was generally in support of the measures outlined therein.

The trust died for almost all of us as the negotiated rule-making process began in December of that year.

The members of that committee all agreed to refrain from any legal action during the year long process of developing rules for ORV access as required in President Nixon's 1972 Executive Order 11644, amended by Carter in E.O. 11989 (1977). However, in spite of their required agreement with the Secretary of the Interior, the Audubon Society and the Defenders of Wildlife (DOW), represented by the Southern Environmental Center (SELC), filed a lawsuit against the NPS in February of 2008 while the negotiated rule-making process was already underway. Of course the plaintiffs argue that they filed in October of 2007 which is in fact a lie. They did file intent to sue, but that; Mr. Jarvis is not a lawsuit.

What was more alarming was that the public was inadvertently notified during the first scheduling conference in the courtroom of one Judge Terrance Boyle, Fourth Circuit, Eastern District of North Carolina, that your agency and the plaintiffs had already begun negotiations regarding the lawsuit which is a clear violation of the Federal Administrative Procedures Act (FAPA); as you are required to publish the fact that your agency intends to enter negotiations with a "Non Governmental Organization" (NGO).

Adding insult to injury Mr. Jarvis is the fact that the plaintiffs were allowed to remain on the negotiated rule-making committee in spite of their gross violation of the requirement set forth by the head of the Interior Department.

As Chief Federal Officer (CFO) during these negotiations, it was Mike Murray's job and legal obligation to enforce the rules established by Interior and this, he did not do. The result was the complete failure of the entire rule-making process at the expense, and loss, of the American taxpayer and my community.

Is this how the National Park Service defines "developing trust with local and regional stakeholders" Director Jarvis? How can that be stated when your agency could possibly, and probably will, be sued again by DOW, Audubon, and SELC when the "final rule" is published? In fact, that action could come from both sides of the issue...trust?

Mr. Murray has also tossed aside consideration of the Seashore as a Traditional Cultural Property (TCP) in spite of the fact that the Seashore, its traditional use patterns, traditional culture, and methods of egress to the beaches far exceed the requirements set forth in the National Environmental Policy Act.

Even your agency admits that our traditions began long before the Seashore was established.

Mr. Murray's "plan", the NPS "Alternative F" found within the 2011 Final Environmental Impact Statement, will also require ORV users to purchase a permit (cost yet to be determined) to pay for the loss of access to miles of beach in support of a new set of "Vehicle Free Areas" which never existed except within some reasonable seasonal closures. The ORV driver will be forced to pay for the proposed parking and facilities needed to support pedestrian only access areas which will cause resentment and user conflict which your own regulations require you to avoid. This is both unfair and unreasonable.

The claim that Murray has used the "best available science" to format his preferred alternative is beyond ridiculous Mr. Jarvis.

The best available science, in fact your own records, show that access to this Seashore, be it by ORV's or pedestrians has had little or no effect on this resource throughout its history. Not a single study available to either you or me shows that at the Seashore, access, and particularly by ORV, has caused "considerable adverse effects" to the resource. Indeed, it is stipulated within E.O. 11989 that such must be shown before closing a portion of an area to ORV use and yet Murray seeks to close significant and some of the most popular areas of this Seashore to all access on a permanent basis.

Again, Jon Jarvis, I ask, is this how NPS defines trust and best available science?

The NPS continues to rely upon the Voglesong study to justify portions of its plan and yet the peer review of same deemed the study essentially worthless and not worthy of further review.

The NPS has warped the current, incomplete, economic impact study so that no comparison between pedestrian and ORV users can be made and in fact ignored ORV use almost entirely at one of the most heavily used points of beach access, Beach Access Ramp 44, preferring instead to focus on the nearby, albeit considerably less used, Ramp 43.

The NPS blames an ORV for the broken wing of an American Oystercatcher chick (Simon and Shulte) in an area of Hatteras Island where ORV use doesn't exist except by NPS vehicles.

NPS utilizes the United States Geological Survey, Pawtuxet Protocols to justify 1000 meter buffers around the Piping Plover chicks in spite of the fact that no scientific justification supports this distance.

NPS is providing endangered species level protections for an assortment of avian species listed by the State of North Carolina as "species of concern" in spite of the fact that Gordon Meyers, Chairman of the North Carolina Wildlife resource Commission informed your agency that these birds needed no such protection.

NPS lost almost half of the turtle nests laid in 2010 and almost 40% of the nests every year prior because of poor management practice. What started last year as a record year of nesting turned into a record demise. It's important to remember MR. Jarvis, it's not the number of nests that matter here, it's the number of fledged chicks that fly away to become adults and hatched turtles making their way to the

sea that make the difference.

Perhaps, Director Jarvis, you should ask yourself why NPS employees are unwelcome in some shops on these Islands. Perhaps you should read the various fishing boards and Island free Press as well as my blog, [www.wheatseyeonhatterasislandnc.blogspot.com](http://www.wheatseyeonhatterasislandnc.blogspot.com) to find out more about the effects of Mr. Murray's plan.

I'll give you fair warning, you won't find trust, but you certainly will find an evisceration of what your service claims as the "best available science" as well as its current proposals, hardly the sign of trust that Murray's assistant, Cyndy Holda claims in her press release.

I would also recommend that you read the enabling legislation of the Seashore, something I can quote verbatim without prompt. Contained within is a very clear directive from the Congress of the United States which requires the NPS to develop this area for recreational use when it is needed, adaptable, and specific to recreation. Furthermore, the Congress forbids NPS to conduct any activity which would derogate from the mission established for this area except and unless NPS has "direct and specific" authorization from congress to do so, to which I might add, you do not have. (16USC459 sec.1a.-1)

Instead of this crippling plan that is by far more detrimental to beach access of all sorts, as well as our local economy which was shaped by years of NPS management and promises (Conrad Wirth, NPS Director), Murray needs follow the law extant and perhaps take a page out of the book of Superintendent Pedro Ramos and NPS Southeast Regional Director David Vela at Big Cyprus, and actually fulfill the mission lawfully established, enacted by congress, and signed into law by the President of this nation.

The unfortunate reality Director Jarvis is that the NPS actions, belated as they are, previous or intended, have taken the community that has enjoyed this resource for decades, in some cases for generations, and turned it upside down without justification and in violation of the very law you purport you are required to follow. All of which has been under Murray's Management.

The other unfortunate reality is that Murray's plan is incomplete, even to this day. Rife with flawed, non-peer reviewed studies, or like the USGS Pawtuxet Protocols which were in many cases, peer reviewed by its authors, (which incidentally violates USGS peer review protocols) we are faced with a "plan" that will severely impact the economy of these islands already reeling from the NPS negotiated "consent decree". (NEPA) And in the process, NPS will deny many thousands of visitors to these islands the ability to access our beaches further impacting visitation.

Again, adding insult to injury, and apparently furthering trust (by NPS standards) between the aforementioned local stakeholders, Murray declare that those of us who are completely surrounded by the boundaries of CHNSRA, the residents of the eight villages, are merely visitors to the Seashore.

How can NPS refer to residents of these islands, especially those whose families have resided here since the 17th century, as visitors? These families not only pre-date the establishment of the Seashore, Mr. Jarvis, they pre-date the establishment of this nation.

While it may be true that Mike Murray has earned and garners some sort of recognition for his efforts past, in this instance, developing trust and using the best available science, as purported by your agency, racks up as one more false claim by the National Park Service and reeks of an award given by and driven by agenda rather than merit.

In the end Director Jarvis, Mike Murray seeks to change the mission of the Seashore without authorization from congress and will destroy an economy and way of life in the process. Perhaps instead of giving an award to someone who wantonly violates federal law, you should present an award to those of us that stand for the open access that your agency cannot prove causes harm to our resource.

You graduated from the same school that a cousin of mine attended. He studied under George Wythe. You might have heard of him. He had some issues with oppressive government, as do I. In fact he wrote a short essay, of sorts, about that same issue in 1776 and apparently some people liked it. You could take a page out of his book also and I hope you will.

Mr. Jarvis, I defended Mike Murray as long as I could, and I was assailed all over the Internet for doing so. I can do so no longer, nor have I been able to do this for quite some time.

This resource can be managed sensibly, with sound science, with respect for tradition, providing NPS follows the guidelines for management of this area as established by congress.

It has long been demonstrated that residents and visitors to our beaches care for this resource which explains why your agency still has no need for a line item in your budget to pay for persons to clean these beaches. And yet our beaches are consistently rated one of the top ten beaches in the country.

You see, Mr. Jarvis, we have been taking care of this remarkable place, our home, and have so for generations. And we've managed to do that with free and open access all that time until your agency began to break the law in order to satisfy an agenda.

I hope you will step up and find the courage to defend the law that provides all Americans the ability to recreate on these beaches. After all, I believe it is your moral and legal obligation.

Thank you for your time,  
Jeffrey Golding  
Buxton, NC  
27920

cc. Mike Murray, Cyndy Holda, David Vela, Pedro Ramos, Sen. Richard Burr, Sen. Kay Hagan, Rep. Walter B. Jones. And others..