

0075537

**From:** [JRylander](mailto:JRylander)  
**To:** [Mike\\_Murray@nps.gov](mailto:Mike_Murray@nps.gov)  
**Subject:** RE: Mr. Murray  
**Date:** 10/07/2008 09:57 AM

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Thank you for your message. I had written a reply to Ted and Jim that further outlined the legal issues, but why bother? Nothing I say will matter to these folks who apparently have already decided to litigate the final rule. I don't envy your position.

Jason Rylander  
Staff Attorney

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P Please consider the environment before printing this email.

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

From: Mike\_Murray@nps.gov [mailto:Mike\_Murray@nps.gov]  
Sent: Tuesday, October 07, 2008 9:48 AM  
To: fishmilitia@aol.com  
Cc: tedsalvo@earthlink.net; JRylander; wheatland@charter.net;  
jimandginny@scentarticles.com; Mike\_Murray@nps.gov; ackleybc@aol.com;  
basicpatrick@aol.com; bobeakes@aginet.com;  
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Subject: Re: Mr. Murray

Rob,

I never know if it is productive to respond to messages such as your last one, but I will give it a try...

With all due respect, we had a fairly unique, civil dialogue going on between some very diverse points of view in these emails. I've seen far too little of this kind of "bipartisan" discussion in my time at Cape Hatteras. Your message has evidently shut down further discussion among such a diverse group, which is a shame. Everyone is pretty effective at preaching to their respective choirs on this issue, but many seem to have a difficult time communicating with and relating to the interests of people who have significantly different, even opposing, points of view. I've got to listen to everyone and consider all points of view, but seriously wonder how can we resolve the differences and come up with a plan that all can accept if key stakeholders and opinion leaders like yourself cannot communicate civilly with each other.

Please understand, I am not defending any of the points of view that have been presented in this running dialogue. I am defending "civil dialogue" as the best way to work out a solution to an issue as complicated as this one is. This isn't a game of "whoever makes the most noise wins." The law typically prevails in these situations whether we like it or not. NPS absolutely must meet the requirements for legally authorizing ORV use at the Seashore or continued ORV use is "at risk." We (everyone - the committee, the public, etc.) can disagree about "how to" meet the requirements, but if we can't discuss our differences without hostility and profanity, it is hard to imagine anyone ever being willing to compromise with the other side.

In closing, I appreciate a vigorous debate between conflicting points of view; however, I will not respond any more to communications containing profanity or other disrespectful language about any of the parties

involved.

Respectfully,

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
(w) 252-473-2111, ext. 148  
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-----fishmilitia@aol.com wrote: -----

To: tedsalvo@earthlink.net, jrylander@defenders.org, wheatland@charter.net, jimandginny@scentarticles.com, Mike\_Murray@nps.gov  
From: fishmilitia@aol.com  
Date: 10/03/2008 08:56AM  
cc: ackleybc@aol.com, basicpatrick@aol.com, bobeakes@aginet.com, cahabusinuessallies@embarqmail.com, ccboucher@cox.net, Cyndy\_Holda@nps.gov, dagwerksobx@yahoo.com, davisrb@embarqmail.com, dr.mike.berry@verizon.net, ffffl@mindspring.com, guitarcouch@earthlink.net, hardhead@embarqmail.com, irene@islandfreepress.org, irenen@mindspring.com, jkeene@franklineq.com, johnalley@earthlink.net, longcaster@charter.net, melinda.tradewinds@earthlink.net, MFCREP@bigfoot.com, Obxblondie@aol.com, Paul\_Stevens@nps.gov, pfield@cbuilding.org, rcf@fisherccs.com, sonnyduke@aol.com, warrenj@darenc.com, yerbaitstinks@gmail.com, AHawley@defenders.org, allend@coastalnet.com, avon\_viking@yahoo.com, bsgould@msn.com, cahoonr@embarqmail.com, camerons@coastalnet.com, chra07@yahoo.com, Darrell\_Echols@nps.gov, davandme@embarqmail.com, david\_rabon@fws.gov, derbc@selcnc.org, destroyjarvis@earthlink.net, dheel@bigfoot.com, djoyner@beldar.com, fisher@ecr.gov, fosfish@embarqmail.com, genebl2@ocracokenc.net, humancapability@aol.com, jason.waanders@sol.doi.gov, jwbillwade@earthlink.net, kayota@attglobal.net, keene9558@charter.net, leew@darenc.com, leslie\_jones@tws.org, lewis@ecr.gov, lylep@charter.net, matt@realkiteboarding.com, mccormick@outerbanks.org, michaelpeeleobx@embarqmail.com, mike.stevens@sol.doi.gov, mnowlin@selcnc.org, oferguson@cbuilding.org, pdoerr@asafishing.org  
Subject: Re: Mr. Murray

Jason,

As a general matter, neither the Endangered Species Act, the National Park Service Organic Act, the Migratory Bird Treaty Act, or even the Organic Act for Cape Hatteras National Seashore require any balancing of alleged impacts on visitor use and experience or economic impact. (There are limited exceptions, such as the designation of critical habitat under the ESA). These statutes all require federal agencies to protect natural resources first, irrespective of these impacts.

Translation:  
Yeh..Fuck the humans .The very Acts our organizations pushed for are the same that say "We can do as we like and it doesn't matter what happens to the human inhabitants around the effective areas.The Acts and the Government say we don't have to leave you a thing: Thanks for clarifying this.

I don't really care how others feel,but take Yellowstone and stick it.How many communities sit directly in the middle of Yellowstone?How many thousands of year round residents are stuck in the middle of that Park?Yeh..exactly.

For the Park,your orgs or any other group that is not willing to except that we have extra ordinary circumstances here in this Park and that we deserve certain exceptions from the rule to protect our rights,lives and lives of our family is a crime.Not to mention OUR enabling legislation for this park ( Americas 1st National Seashore) dictated something different from a total "Wilderness Area".

Until the members of the committee have a common understanding of what the legal sideboards are , the Reg Neg process will remain broken.

This process was broken by the Lawyers that got to sue and still be a part of Negotiations.Wow..How nice that must be..and you get the same Federal

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Agency that was just sued to say "They have broken no laws and can remain negotiaters." Oops..sorry..I just puked on my key board.

This one time I put down my copies of "Penthouse" and "Guns-n-Ammo" to read your comments about "Urban Sprawl".Interesting how you state a person can be blind folded and dropped into any urban area and it seem like home.Well the Beaches of Hatteras,Bodie and Ocacroke are like no other and if a person was dropped off here blind folded they would have no friggen idea where they were.Now your Orgs and the Government can change that by exploiting all of these Orders and Acts and make a blind folded man think he is in just another Desert.

I am just happy that you can sleep at night having noted that the Acts or the Government do not have to give us nothing.Jason your a grade A " Asshole."

Oops ..Now I've done it.I called a committee member a name..I guess now I'll get some demerits or a formal complaint filed against me.Go on and send the Ranger to my house.I can at least offer them a fresh cup of Coffee and a Homemade biscuit,while I fill out the paperwork.And like Jason,I will not loose any sleep over it.

Why don't you just go ahead and walk up to a local 8 year old and kick them in the teeth?That's what your doing from your table anyways..I am glad your children have a brighter future then ours.

Rob Alderman

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

From: Ted Hamilton <tedsalvo@earthlink.net>  
To: JRylander <jrylander@defenders.org>; jeffrey <wheatland@charter.net>;  
Jim and Ginny <jimandginny@scentarticles.com>; fishmilitia@aol.com;  
Mike  
Murray <Mike\_Murray@nps.gov>  
Cc: Barbara Ackley <ackleybc@aol.com>; basicpatrick@aol.com; Bob Eakes <bobeakes@aginet.com>; Judy <cahabusinessallies@embarqmail.com>;  
ccboucher@cox.net; Cyndy\_Holda@nps.gov; David A. Goodwin <dagwerksobx@yahoo.com>; davisrb@embarqmail.com; Mike Berry <dr.mike.berry@verizon.net>; ffffl@mindspring.com; John Couch <guitarcouch@earthlink.net>; Larry Hardham <hardhead@embarqmail.com>;  
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Sent: Thu, 2 Oct 2008 4:22 pm  
Subject: RE: Mr. Murray

From Jason's e:mail

"Under the Organic Act the fundamental purpose of the national park system is to conserve park resources and values."

That tells this old common sense sea lawyer that we damn well better conserve the recreational resources and values of this Seashore or we are in deep kim che.

Proverbs 25:25

Cheers Ya'll

Ted A. Hamilton  
(aka Salvo Jimmy)

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

From: JRylander  
To: jeffrey ; Jim and Ginny ; fishmilitia@aol.com ; Mike Murray  
Cc: Barbara Ackley ; basicpatrick@aol.com ; Bob Eakes ; Judy ; ccboucher@cox.net ; Cyndy\_Holda@nps.gov ; David A. Goodwin ; davisrb@embarqmail.com ; Mike Berry ; ffffl@mindspring.com ; John Couch ; Larry Hardham ; irene@islandfreepress.org ; Irene Nolan ; Jim Keene ;

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 mnowl@selcnc.org ; oferguson@cbuilding.org ; pdoerr@asafishing.org  
 Sent: 10/2/2008 2:19:54 PM  
 Subject: RE: Mr. Murray

I appreciate the sentiments that have been shared over e-mail this week  
 and would like to offer a few thoughts in response to various  
 statements  
 about the legal baseline under which we are operating as a committee.

For a recent example of how the laws governing the National Park System  
 are routinely interpreted in court and by the federal agencies, please  
 see  
 the attached case involving the regulation of snowmobiles in  
 Yellowstone  
 National Park. This case was sent to the full Reg Neg committee a few  
 weeks ago. I assume not all of those cc'd have received it and so I  
 recirculate it for their benefit. I encourage you to read particularly  
 the discussion of the National Park Service's statutory obligations,  
 beginning on page 11. I'll note that the Yellowstone case does not  
 involve the Endangered Species Act, which imposes additional mandates  
 on  
 the Park Service beyond those governing the park system generally.

As a general matter, neither the Endangered Species Act, the National  
 Park  
 Service Organic Act, the Migratory Bird Treaty Act, or even the Organic  
 Act for Cape Hatteras National Seashore require any balancing of  
 alleged  
 impacts on visitor use and experience or economic impact.  
 (There are limited exceptions, such as the designation of critical  
 habitat  
 under the ESA). These statutes all require federal agencies to protect  
 natural resources first, irrespective of these impacts. On national  
 parks, statutes and regulations make clear that conservation is to be  
 predominant. I respect your right to disagree with the decision of  
 Congress to establish these priorities for our parks, but it is  
 important  
 to recognize that these decisions have been made by Congress and  
 establish  
 the prevailing law we all must operate under.

Under the Organic Act the fundamental purpose of the national park  
 system  
 is to conserve park resources and values. Section 1.4.3 of the NPS  
 Policies, which provides the NPS's official interpretation of the  
 Organic  
 Act, states that "conservation is to be predominant." Many courts,  
 including the Yellowstone court, have enforced this interpretation.  
 See  
 Bicycle Trails of Marin v. Babbitt , 82 F.3d 1445,  
 1453 (9th Cir. 1996) (The "overarching concern" of the Organic Act is  
 "resource protection."); Edmunds Inst. v. Babbitt, 42 F. Supp. 2d 1, 16  
 (D.D.C. 1999) (citing cases interpreting Organic Act "amendments to  
 reflect a renewed insistence on the part of Congress that the national  
 parks be managed in accordance with the primary purpose of the [Act],  
 namely the conservation of wildlife resources."); Nat'l Rifle Ass'n of  
 Am.  
 v. Potter , 628 F. Supp. 903, 909 (D.D.C. 1986) ("In the Organic Act,  
 Congress speaks of but a single purpose, namely conservation.").

As the Yellowstone court just ruled: "To hold otherwise now would  
 depart  
 from years of well-reasoned precedent and undermine over 100 years of  
 park  
 management." Greater Yellowstone Coalition v. Kempthorne , Civ.  
 No.07-2111(EGS), (D.D.C. Sept. 15, 2008) at 21.  
 Further, the executive orders require that "each agency establish  
 regulations designating specific zones of use for off-road vehicles,  
 and  
 that such chosen areas be located to "minimize harassment of wildlife  
 and  
 significant disruption of wildlife habitats." Exec. Order No. 11644,  
 37 Fed. Reg. 2877 (Feb. 8, 1972). Executive Order 11989, signed by  
 President Carter in 1977, amended and strengthened the 1972 Order,  
 stating  
 that if an agency head determines that the use of off-road vehicles  
 will  
 cause "considerable adverse effects on the soil, vegetation, wildlife,  
 wildlife habitat or cultural or historic resources of particular areas  
 or  
 trails of the public lands" the agency head shall "Immediately close  
 such

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areas or trails to off-road vehicles." Exec.Order No. 11989, 42 Fed. Reg. 26,959 (May 24, 1977).

As Mr. Murray made clear in the last Reg Neg meeting, no reasonable reading of these policies supports the notion that the entirety of Cape Hatteras National Seashore can remain open to ORVs. Hence, Mr. Murray is completely correct that the final rule must be more protective of natural resources, and hence more limiting of vehicle use, than past practices at the seashore.

To all who have expressed their thoughts this week, I appreciate your views and the strength of your sentiment. However, absent a shared understanding of science and law, there is no incentive for participants in the Reg Neg to work for solutions. Until the members of the committee have a common understanding of what the legal sideboards are, the Reg Neg process will remain broken. Now that the Park Service has, in conjunction with their Solicitors, set the baseline, I can only hope that the committee can end its debate on this fundamental issue and come together to complete its work in as timely and efficient a manner as possible on those aspects of the rule that would benefit from our collective input.

Jason Rylander

Staff Attorney

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P Please consider the  
environment before printing  
this email.

From: jeffrey [mailto:wheatland@charter.net ]  
Sent: Thursday, October 02, 2008 1:41 PM  
To: Jim and Ginny; fishmilitia@aol.com ; Mike Murray  
Cc: Barbara Ackley; basicpatrick@aol.com ; Bob Eakes; Judy;  
ccboucher@cox.net ; Cyndy Holda@nps.gov ; David A. Goodwin;  
davisrb@embarqmail.com ; Mike Berry; ffffl@mindspring.com ; John Couch;  
Larry Hardham; irene@islandfreepress.org ; Irene Nolan; Jim Keene; John  
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Subject: Re: Mr. Murray

This world we live in has become so litigious that simple, self evident truths are ignored routinely, all in the quest to "fix what aint broke"

or to provide groups of attorneys a living. more federal tax dollars, and reason for further litigation. Until someone can come up with specific congressional legislation stating that any derogation of the recreational mission specifically of Cape Hatteras National Seashore Recreational Area is allowed, including the prohibition of ORV access, fishing rights, swimming rights, etc, this entire argument is moot especially in light of the recent amendment to the Carter EO.

Conservation of this resource and the wildlife that nests here is entirely feasible while still allowing for relatively unfettered access to both pedestrians and ORV's. This will require, of course, the reclamation of habitat destroyed during the Belli administration, the reversal of policy that allows for the continued encroachment of vegetation, and frequent, allowable, relocation and possible incubation of turtle nests rather than loose 45% of them a year due to storms and predictable overwash. It will also require the recognition of the ecosystem as a whole to include dredge islands and even rooftops. CHNSRA is not a zoo, therefore its imperative that one recognizes the fact that wildlife will nest where they choose, and when. Since when did our courts and legal opinion dictate what wildlife will do?

By law, to manage this park as it was established, which is required by law, go figure, one must start by assuming free and open access and accommodate wildlife accordingly but not in such a way that it inhibits access as provided by congress as part of the organic act.

Its really tough to sit here as someone who has for decades worked hard to be a steward of this beach system and watch my livelihood, the future of an incredible place, the access guaranteed by law, and the ability for thousands of Americans to visit this place, be so easily tossed aside, illegally and so readily by so few.

Its sad that this will all come down to litigation when it would be so much easier, so much less a burden on the taxpayer, and so much more productive for both wildlife and park users if the law were followed and the rights of the public were respected. CHNSRA is not a pie to be divided amongst special interest groups. It is a place set aside for the American people to take a break from the burdens of life and for some, as provided by law, to earn a living from fishing the abundant and unique confluence of currents and ever changing beach structure that nature has provided. And the law states that these privileges shall be available for the enjoyment future generations; and says so repeatedly. But does not allow for any derogation of those recreational activities.

Personally, Im just wating for the chance to prove it in court and my day will come more soon than later.

Wheat

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

From: Jim and Ginny  
 To: fishmilitia@aol.com ; Mike Murray  
 Cc: Barbara Ackley ; basicpatrick@aol.com ; Bob Eakes ; Judy ;  
 ccboucher@cox.net ; Cyndy\_Holda@nps.gov ; David A. Goodwin ;  
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mnowlin@selcnc.org ; oferguson@cbuilding.org ; pdoerr@asafishing.org  
Sent: Thursday, October 02, 2008 9:15 AM  
Subject: Re: Mr. Murray

"Now, to meet the requirements for making ORV use legal, we must  
develop  
a plan and regulation that is going to be different than "past  
practice." I know this change is very difficult for the local  
community,  
businesses, and many users all over the country."

I take issue with the above. The Executive Order says the rule must  
be  
in writing. No where does it say it has to be more restrictive. The  
only entities that say that are the Environmental Groups and a hand  
full  
of people who want more than half reserved for the elite "few" in  
excellent physical condition.

Furthermore, I am insulted by the remarks regarding change. I find it  
extremely condensing. Change is one thing but the type of change  
being recommended so far is not only unnecessary but ignores the human  
environment and the socioeconomic environment. All regulations and  
laws  
state the changes that result in severe economic impacts or  
significant  
negative impacts on visitor use and experience MUST be balanced against  
the  
benefits derived from the change (in this case increased resource  
protection). The DOI seems to be in a mindset to ignore this  
balancing  
act and placate the environmental groups but that doesn't make it  
right  
and we will not sit back and let the environmental groups ignore us.  
This is what Rob is saying and this is where most of us stand.

Maybe the DOI will go back to supporting the balancing act once the  
election is over and there are no more dogs in the political fight.

Our  
first sign will be how DOI responds to the court decision regarding  
Yellowstone--i.e. will they scrap a duly authorized plan and rewrite  
based upon environmental organizations demands or will they appeal the  
issue and put a stop to environmental organizations insistence that  
there  
is only one RIGHT way, their way. If the latter doesn't happen and  
this  
park follows the new party line, we will stand up for ourselves, we  
have  
the organization and the backup of a variety of lobbying groups.  
Maybe  
you should apprise DOI of the fact that the environmental groups are  
not  
the only organizations that can land them in court this time and that  
we  
are more than willing to become the test case for such action.

----- Original Message -----  
From: Mike\_Murray@nps.gov  
To: fishmilitia@aol.com  
Cc: Ackleybc@aol.com ; basicpatrick@aol.com ; bobeakes@aginet.com ;  
cahabusinessallies@embarqmail.com ; ccboucher@cox.net ;  
Cyndy\_Holda@nps.gov ; dagwerksobx@yahoo.com ; davisrb@embarqmail.com ;  
dr.mike.berry@verizon.net ; ffffl@mindspring.com ;  
guitarcouch@earthlink.net ; hardhead@embarqmail.com ;  
irene@islandfreepress.org ; irenen@mindspring.com ;  
jimandginny@scentarticles.com ; jkeene@franklineq.com ;  
johnalley@earthlink.net ; longcaster@charter.net ;  
melinda.tradewinds@earthlink.net ; MFCREP@bigfoot.com ;  
Obxblondie@aol.com ; Paul\_Stevens@nps.gov ; pfield@cbuilding.org ;  
rcf@fishercs.com ; sonnyduke@aol.com ; tedsalvo@earthlink.net ;  
warrenj@darenc.com ; wheatland@charter.net ; yerbaitstinks@gmail.com ;  
ahawley@defenders.org ; allend@coastalnet.com ; avon\_viking@yahoo.com  
;  
bsgould@msn.com ; cahoonr@embarqmail.com ; camérons@coastalnet.com ;  
ccboucher@cox.net ; chra07@yahoo.com ; Darrell\_Echols@nps.gov ;  
davandme@embarqmail.com ; david\_rabon@fws.gov ; derbc@selcnc.org ;  
destroyjarvis@earthlink.net ; dheel@bigfoot.com ; djoyner@beldar.com ;  
fisher@ecr.gov ; fosfish@embarqmail.com ; genebl2@ocracokenc.net ;  
humancapability@aol.com ; jason.waanders@sol.doi.gov ;  
jrylander@defenders.org ; jwbillwade@earthlink.net ;  
kayota@attglobal.net  
; keene9558@charter.net ; leew@darenc.com ; leslie\_jones@tws.org ;  
lewis@ecr.gov ; lylep@charter.net ; matt@realkiteboarding.com ;  
mccormick@outerbanks.org ; michaelpeelex@embarqmail.com ;  
mike.stevens@sol.doi.gov ; mnowlin@selcnc.org ;  
oferguson@cbuilding.org ;  
pdoerr@asafishing.org ; pete\_benjamin@fws.gov ; rcmheritage3@yahoo.com

;  
reddrumtackleadmin@embarqmail.com ; rettiel@hotmail.com ;  
rjdcnc@aol.com ;  
ronamsal26@yahoo.com ; royatteachs@earthlink.net ;  
Sandra\_Hamilton@nps.gov ; sara.winslow@ncmail.net ;  
scottl@outerbeaches.com ; Sherri\_Fields@nps.gov ; smaddock@audubon.org  
;  
Thayer\_Broili@nps.gov ; topatneal@aol.com ; trip@realkiteboarding.com  
;  
vsanguineti@comcast.net ; wgolder@audubon.org  
Sent: Wednesday, October 01, 2008 8:04 AM  
Subject: Re: Mr. Murray

Hi Rob,

I appreciate hearing your concerns. I hope you will appreciate hearing mine as well.

First, please understand that my objective (and NPS's objective) is to develop a fair and reasonable ORV management plan that meets the legal requirements for authorizing ORV use. We are suffering under a long-standing situation in which ORV use has never been legally authorized at the seashore. Now, to meet the requirements for making ORV use legal,

we must develop a plan and regulation that is going to be different than

"past practice." I know this change is very difficult for the local community, businesses, and many users all over the country.

Second, I believe strongly in public involvement and transparency. In my

judgment NPS has done far more to share information on these issues and planning processes with the public, when it has been appropriate to do so, than in any other management planning process I have been involved with.

The long-term ORV plan and regulation are being developed through parallel processes (NEPA and negotiated rulemaking), both of which have a strong public involvement component before any final decisions can be made. The

Negotiated Rulemaking (RegNeg) Committee was established for the primary purpose of assisting NPS in the development of an ORV management alternative and a regulation, which is necessary in order to legally authorize ORV use. Given the history here, this is an inherently difficult task. Based on what has been happening at recent Committee meetings, it has been very difficult to get down to the hard substantive work at hand while working with a very tight schedule.

The Negotiated Rulemaking Committee and the negotiated rulemaking process

had absolutely NO role in or responsibility for the lawsuit or consent decree. Yes, entities representing the Plaintiffs, Federal Defendants,

and Intervenor Defendants who were involved in the consent decree are also involved in the Committee. The consent decree was developed through confidential negotiations between attorneys representing Plaintiffs, Federal Defendants, and Intervenors, which is how lawsuit settlements work. Nobody has suggested that the Consent Decree was developed through a public process, but clearly the parties involved agreed to it, regardless of how

they may feel about it now. Conversely, the Negotiated Rulemaking Committee is a public process to the extent that it follows established procedures under the Federal Advisory Committee Act (FACA). NPS has even

gone beyond what is required by FACA by providing members of the public opportunities to present oral comment during its meetings. The Seashore's

federal advisory committee includes diverse stakeholder representatives serving on the Committee. The Committee was established after a long, exhaustive assessment and convening process. We created numerous positions for Alternates on the Committee to ensure broad and full participation.

All final Committee decisions and recommendations are deliberated in public meetings. The Committee, by its own groundrules, operates based on consensus, which means that strong objections, whether by a majority or



by  
 a minority, must be reasonably resolved in order to reach an  
 agreement.  
 "Consensus" by definition is not "majority rule." The Committee as a  
 whole agreed early on that consensus should be by unanimity, ensuring  
 that  
 all voices and concerns would be heard and considered. An important  
 role

for each of the Committee members is to hear, understand, and  
 represent  
 the  
 concerns and hopes of their respective constituencies.

Keeping in mind the purpose of the negotiated rulemaking process  
 (i.e.,  
 to  
 develop a regulation for governing future ORV management), the primary  
 function of the full Committee meetings is to give the Committee time  
 to  
 get its work done, NOT to address concerns about the Consent Decree or  
 serve as public hearings on the Consent Decree. While I understand  
 the  
 anger about the Consent Decree, the anger being directed at the  
 Negotiated  
 Rulemaking Committee and process, which is the best opportunity all of  
 us

av fr omngupwih sluiotatvryneca acet,ismain i  
 difiul t mkeprgrss

Gienth oerllcicustncs,suces n hi stutin is much more  
 difficult to achieve than failure. In my view, the best chance for  
 the  
 Committee to be successful would be if everyone (of all points of  
 view)  
 would fully support the Committee's efforts in trying to come up with  
 a  
 legally sufficient, fair and reasonable ORV management plan and  
 regulation  
 that all can accept. "Support" includes encouraging like-minded  
 representatives on the Committee to diligently represent one's  
 interests,

allowing Committee members who have other points of view to represent  
 those  
 interests clearly without threat of harassment or intimidation  
 (because  
 if  
 any stakeholder interests are not adequately acknowledged and  
 addressed  
 by  
 the Committee, then there can be no consensus), and giving the  
 Committee  
 a  
 fair chance to come up with a mutually agreeable solution. Frankly, a  
 hostile atmosphere which includes name calling, implied threats, and  
 other  
 forms of harassment and intimidation has no place in this process and  
 is  
 counter-productive to negotiating a plan that all can accept.

I hope everyone can take a realistic "wait and see" attitude about the  
 Committee and withhold strong judgments until the Committee actually  
 comes  
 up with something to agree (or disagree) with. If the Committee  
 succeeds,  
 we all succeed. If the Committee fails to reach a consensus, then  
 NPS  
 will do its best to finish the plan and regulation in a fair and  
 reasonable  
 way, recognizing that we must meet the legal requirements in order to  
 authorize ORV use. Either way, the public will have a full  
 opportunity  
 under the NEPA process to review and comment on any/all alternatives  
 that

are considered in the draft environmental impact statement (DEIS).  
 Meanwhile, the public is most welcome to attend Committee meetings and  
 make  
 comments to the Committee on issues relating to Committee business. I  
 would hope that the comments might be constructive, focused, and  
 solution

oriented. For the good of all, we really do need to complete a  
 legally  
 sufficient ORV management plan and regulation this time.

Respectfully,

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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 which  
 it is addressed. This communication may contain information that is

0075546

proprietary, privileged or confidential or otherwise legally exempt from disclosure.

fishmilitia@aol .  
com & nbsp;

To 09/29/2008 05:08 AM davisrb@embarqmail.com ,  
longcaster@charter.net ,  
Mike\_Murray@nps.gov  
&nb sp;

cc Ackleybc@aol.com ,  
basicpatrick@aol.com ,  
bobeakes@aginet.com ,  
cahabusinessallies@embarqmail.com ,  
ccboucher@cox.net ,  
Cyndy\_Holda@nps.gov ,  
dagwerksobx@yahoo.com ,  
dr.mike.berry@verizon.net ,  
ffffl@mindspring.com ,  
guitarcouch@earthlink.net ,  
&nb sp; hardhead@embarqmail.com ,  
irene@islandfreepress.org ,  
irenen@mindspring.com ,  
jimandginny@scentarticles.com ,  
jkeene@franklineq.com ,  
johnalley@earthlink.net ,  
&n bsp;  
melinda.tradewinds@earthlink.net ,  
MFCREP@bigfoot.com ,  
Obxblondie@aol.com ,  
pfield@cbuilding.org ,  
sonnyduke@aol.com ,  
&n bsp; tedsalvo@earthlink.net ,  
warrenj@darenc.com ,  
wheatland@charter.net ,  
yerbaitstinks@gmail.com ,  
rcf@fishercs.com ,  
Paul\_Stevens@nps.gov &nb sp;

Subject Mr. Murray  
&n bsp;

Mike,

I am writing you because of my extreme disappointment in moving the meetings to NPS property.I am disgusted by the fact that so few have dictated so much of this process.The NPS has constanly cowered to these few and they seem to get everything they want(CRY) about.

I started my website,TV show and all the above to help promote the OBX and

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this place I have come to love. It was never to be a superstar or gain attention, as my mouth alone can draw more attention than any thing else I

could do. I have had a few protests to try and better channel what I viewed as negative ideas that would have been very bad for an already dysfunctional process. The things I have chosen to do for work and this fight have left me highly recognizable and whether I am standing in a tackle shop, on the beach, in the "Hallmark" store or trying on a pair of shoes

I am constantly confronted by people and their concerns. I feel I have a decent

finger on the pulse of how the public feels.

In recent days I have covered a great deal of the OBX and I have heard nothing but hostility towards the NPS's recent actions and I am not proud

to say that it was expected and I would have thought you would understand

that this move would have huge repercussions. This move has only strengthened the resolve of those attacking these RegNEG members and those that hold life long angst against the NPS. Once again, you have officially made this situation a 100 times worse and I fear the future. I will no longer try and channel these people's frustration, as I look the fool for trying to support people that have showed us no respect in the manner they have shown others. You are willing to move the meetings over a few people that ARE NOT in harms way (if they were, then they would've already been harmed), because they cry. These people's organizations do not represent 20-60 people in most cases, but they chose to want to be part of a process

that would effect hundreds of thousands and now they don't want to be picked on by the public (this is BULL SHIT).

So..here is exactly how I will answer this..

Since the NPS has moved this meeting under the primary guise that they can accomodate more of the public, then I will use this to my advantage. I will

not be calling on the public to protest this meeting, rather I will be calling on them to take advantage of the new accommodations and parking. I will use every medium possible (and I have a bunch) for the next 2 months to bring in as many people possible and I hope the NPS law enforcement can make these few criers feel comfortable. I will not ask, nor apply for a permit for inviting the public to a place that was chosen to accomodate more of the public. You can also bet that I will notify every form of media in a 200 mile radius of this. I will be inviting the media to come and see

where this process has been moved and how it has helped to bring in 10 times the public.

I am extremely disappointed that a few can cry and you make the decision to move this process without a vote, but you have a majority wanting video taping and you put it to a vote.. I am sorry, but shame on you.

In this release the following is stated "If a member does not abide by various provisions of the groundrules, then NPS, after consultation with the facilitators, will record this "breach" of these groundrules in writing, post it on the project Web site, include it in the administrative record, and distribute it to all Committee members and alternates for their use as they see fit, including use in any formal submittals to a court".

So if I were a Committee member and I looked at all the criers and called

them a bunch of Whiney Bitches, then you would document this, but the public process itself that has huge, lasting effects on so many levels isn't being recorded in any form. I am sorry, but shame on you.

More than 5, but less than 10 committee members filed formal complaints and

you moved this process.OK.I am asking every committee member that is reading this to please file a formal complaint about your concerns over the lack of video taping or recording of this process.I am curious to see if the Park yeilds to these concerns of the majority,as they did the for the

concerns of the minority.

My fight is not with you,any of your rangers or biologists and I will never take out my frustrations against any them in any shape or form,but yeh

I am pissed .< br> I will have every friend that is a laywer finding every legal loop hole that has ever existed and I will exploit the ever living hell out of it.

If some how I slip and end up in cuffs for a non vilolent crime (protest)

then I can assure you of this.

I have supportive family that is aware of my intentions.My bills will be paid,my wife taken care of and I will catch up on 2 dozen or more books I've been wanting to read.

Gone Drum Fishing  
Rob Alderman

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

From: bobdavis < davisrb@embarqmail.com >  
To: James Harris < longcaster@charter.net >; Mike\_Murray@nps.gov  
Cc: Ackleybc@aol.com ; 'Patrick (RFA) Paquette' < basicpatrick@aol.com >;

bobeakes@aginet.com ; cahabusinessallies@embarqmail.com ; ccboucher@cox.net ; Cyndy\_Holda@nps.gov ; 'David Goodwin' < dagwerksobx@yahoo.com >; 'Mike Berry' < dr.mike.berry@verizon.net >; ffffl@mindspring.com ; 'Fish Militia (Rob alt) General' < fishmilitia@aol.com >; guitarcouch@earthlink.net ; hardhead@embarqmail.com ; 'Irene Nolan' < irene@islandfreepress.org >; 'Irene Noland (Island Free Press)' < irenen@mindspring.com >; 'Jim and Ginny' < j imandginny@scentarticles.com >; jkeene@franklineq.com ; johnalley@earthlink.net ; melinda.tradewinds@earthlink.net ; 'Wayne Mathis' < MFCREP@bigfoot.com >; 'Obxblondie' < Obxblondie@aol.com >; 'Patrick Field' < pfield@cbuilding.org >; 'sonnyduke' < sonnyduke@aol.com >; tedsalvo@earthlink.net ; 'warrenj' < warrenj@darenc.com >; 'wheatland' < wheatland@charter.net >; 'Wheatland Willy' < yerbaitstinks@gmail.com >;

rcf@fishe rcs.com; Paul\_Stevens@nps.gov  
Sent: Sun, 21 Sep 2008 10:04 am  
Subject: Re: Stationary Vehicles on the Beach 2200-0600

JIM : Did not receive your changed text . Try again. Bob  
----- Original Message ----- From: "James Harris" < longcaster@charter.net >  
To: < Mike\_Murray@nps.gov >  
Cc: < Ackleybc@aol.com >; "'Patrick (RFA) Paquette'" < basicpatrick@aol.com >; < bobeakes@aginet.com >; < cahabusinessallies@embarqmail.com >; < ccboucher@cox.net >; < Cyndy\_Holda@nps.gov >; "'David Goodwin'" < dagwerksobx@yahoo.com >; < davisrb@embar qmail.com >; "'Mike Berry'" < dr.mike.berry@verizon.net >; < ffffl@mindspring.com >; "'Fish Militia (Rob alt) General'" < fishmilitia@aol.com >; < guitarcouch@earthlink.net >; < hardhead@embarqmail.com >; "'Irene Nolan'" < irene@islandfreepress.org >; < "'Irene Noland (Island Fre e Press)'" < irenen@mindspring.com >; "'Jim and Ginny'" < jimandginny@scentarticles.com >; < jkeene@franklineq.com >; < johnalley@earthlink.net >; < melinda.tradewinds@earthlink.net >; "'Wayne Mathis'" < MFCREP@bigfoot.com >; "'Obxblondie'" < Obxblondie@aol.com >; < "'Patrick Field'" < pfield@cbuilding.org >; "'sonnyduke'" <

sonnyduke@aol.com  
 >; < tedsalvo@earthlink.net >; "warrenj" < warrenj@darenc.com >;  
 "'wheatland'" < wheatland@charter.net >; "'Wheatland Willy'" <  
 yerbaitstinks@gmail.com >; < rcf@fisherics.com >; <  
 Paul\_Stevens@nps.gov >

Sent: Saturday, September 20, 2008 5:22 PM  
 Subject: RE: Stationary Vehicles on the Beach 2200-0600

>I have changed "my tone" and some of the "focus" in what I wrote  
 earlier.  
 >My  
 > words are in bold. Please reread what I have written & see if is  
 right  
 for  
 > Irene.  
 >  
 > Thanks  
 > Jim Harris  
 >  
 > -----Original Message-----  
 > From: Mike\_Murray@nps.gov [mailto:Mike\_Murray@nps.gov  
 ]  
 > Sent: Friday, September 19, 2008 11:20 AM  
 > To: James Harris  
 > Cc: Ackleybc@aol.com ; 'Patrick (RFA) Paquette'; bobeakes@aginet.com  
 ;  
 > cahabusinessallies@embarqmail.com ; ccboucher@cox.net ;  
 Cyndy\_Holda@nps.gov  
 ;  
 > 'David Goodwin'; davisrb@embarqmail.com ; 'Mike Berry'; >  
 ffff1@mindspring.com ;  
 > 'Fish Militia (Rob alt) General'; guitarcouch@earthlink.net ;  
 > hardhead@embarqmail.com ; 'Irene Nolan'; 'Irene Noland (Island Free  
 >  
 > Press)';  
 > 'Jim and Ginny'; jkeene@franklineq.com ; johnalley@earthlink.net ;  
 > melinda.tradewinds@earthlink.net ; 'Wayne Mathis'; 'Obxblondie';  
 'Patrick  
 > Field'; 'sonnyduke'; tedsalvo@earthlink.net ; 'warrenj';  
 'wheatland';  
 > 'Wheatland Willy'; rcf@fisherics.com ; Paul\_Stevens@nps.gov  
 > Subject: RE: Stationary Vehicles on the Beach 2200-0600  
 >  
 > Jim,  
 >  
 > With all due respect, if you want to maintain a constructive di  
 alogue  
 with  
 > me, you will need to change the tone of your language in future  
 > communications.  
 & gt;  
 > Of course NPS cares about protecting park resources. I have never  
 seen  
 > park staff work as hard as this one this past summer to protect park  
 > resources and to provide visitor access to the extent allowed under  
 > extremely difficult marching orders and constant pressure. I am glad  
 to  
 > hear that you and others are concerned about the protection of  
 resources,  
 > too. Sometimes that fact is obscured by all the rhetoric, which I  
 believe  
 > is detrimental to your cause. It is clear we have an ongoing problem  
 with  
 > noncompliance that not only impacts resources but also access. The  
 only  
 > effective way to address it will be to work together on it through  
 public  
 > education, volunteerism, and enforcement.  
 >  
 > The current situation is simply that, as negotiated and written, the  
 > federal attorneys advise that stationary vehicles between 10 p.m.  
 and 6  
 > a.m. are not authorized under the Consent Decree. I think having a  
 "beach  
 > watch" program is a worthwhile idea and haven't given up on it.  
 However,  
 > rather than "just do it" against legal advice, it is something I  
 need  
 to  
 > work on with the US Attorney's Office between now and next spring,  
 which  
 > may include renegotiating the consent decree to20allow, among other  
 things,  
 > some NPS discretion to authorize stationary vehicles for resource  
 > protection purposes. I think we can we make a pretty good case that  
 it  
 > would be beneficial, for some of the reasons you and Ted have  
 articulated,  
 > but there is a process I must follow to make it happen.  
 >  
 >  
 > 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.  
>  
>  
>  
> "James Harris"  
> < longcaster@chart  
> er.net> To  
> < Mike\_Murray@nps.gov >,  
> 09/17/2008 05:15 < tedsalvo@earthlink.net >  
> PM cc  
> < Ackleybc@aol.com >, "'Patrick  
> \ (RFA\ ) Paquette'"  
> < basicpatrick@aol.com >,  
> < bobeakes@aginet.com >,  
> < cahabusinuessallies@embarqmail.com >  
> , < ccboucher@cox.net >,  
> < Cyndy\_Holda@nps.gov >, "'David  
> Goodwin'" < dagwerksobx@yahoo.com >,  
> < davisrb@embarqmail.com >, "'Mike  
> Berry'"  
> < dr.mike.berry@verizon.net >,  
> < fffffl@mindspring.com >, "'Fish  
> Militia \ (Rob alt\ ) General'"  
> < fishmilitia@aol.com >,  
> < guitarcouch@earthlink.net >,  
> < hardhead@embarqmail.com >, "'Irene  
> Nolan'"  
> < irene@islandfreepress.org >,  
> "'Irene Noland \ (Island Free  
> Press\ )'" < irenen@mindspring.com >,  
> "'Jim and Ginny'"  
> < jimandginny@scentarticles.com >,  
> < jkeene@franklineq.com >,  
> < johnalley@earthlink.net >,  
> < melinda.tradewinds@earthlink.net >,  
> "'Wayne Mathis'"  
> < MFCREP@bigfoot.com >,  
> "'Obxblondie'"  
> < Obxblondie@aol.com >, "'P atrick  
> Field'" < pfield@cbuilding.org >,  
> "'sonnyduke'" < sonnyduke@aol.com >,  
> "'warrenj'" < warrenj@darenc.com >,  
> "'wheatland'"  
> < wheatland@charter.net >,  
> "'Wheatland Willy'"  
> < yerbaitstinks@gmail.com >  
> Subject  
> RE: Stationary Vehicles on the  
> Beach 2200-0600  
>  
>  
>  
>  
>  
>  
>  
>  
> I am going to guess here that NPS does not want to have anybody  
watch  
over  
> the enclosures erected around beach nesting birds that in 2008  
season >  
under  
> the CONsent decree were vandalized several times. The NPS does not  
give  
a  
> damn about who or what causes this damage. They (NPS) could care  
less  
if  
a  
> nest, egg, or unfledged chick is harmed by a human breaking laws or  
the  
> spirit of those laws.  
>  
> We wanted to put a human out on the beach to watch for and report >  
vandalism  
> to erected nesting enclosures. The stationary vehicle would protect  
the  
> human observing the beach enclosures. By being stationary this  
vehicle  
> could  
> not harm a turtle or a nesting bird as the vehicle would be driven  
out&nb

sp;  
> during daylight in an open to ORV area, it would stay there until  
the  
> morning when the beach would be open to be driven upon.  
>  
> Mike why doesn't the NPS or you want to solve or prevent these  
crimes?  
We  
> can bet that in 2009 nesting season there will be enclosure  
vandalism,  
why  
> not give some of us that still care about what happens to our park a  
>  
chance  
> to do something about protecting it?  
>  
> Jim Harris  
> longcaster  
>  
> -----Original Message-----  
> From: Mike\_Murray@nps.gov [mailto:Mike\_Murray@nps.gov ]  
> Sent: Wednesday, September 17, 2008 8:10 AM  
> To: tedsalvo@earthlink.net  
> Cc: Ackleybc@aol.com ; Patrick (RFA) Paquette; bobeakes@aginet.com ;  
> cahabusinessallies@embarqmail.com ; ccboucher@cox.net ;  
Cyndy\_Holda@nps.gov  
>  
> David Goodwin; davisrb@embarqmail.com ; Mike Berry;  
ffffl@mindspring.com ;  
> Fish Militia (Rob alt) General; guitarcouch@earthlink.net ;  
> hardhead@embarqmail.com ; Irene Nolan; Irene Noland (Island=2 0Free  
Press); > Jim  
> and Ginny; jkeene@franklineq.com ; johnalley@earthlink.net ;  
Longcaster;  
> melinda.tradewinds@earthlink.net ; Wayne Mathis; Obxblondie; Patrick  
Field;  
> sonnyduke; warrenj; wheatland; Wheatland Willy  
> Subject: RE: Stationary Vehicles on the Beach 2200-0600  
>  
> Ted,  
>  
> I recontacted the US Attorney's Office for further explanation.  
Simply  
> put, it was a negotiation. No vehicles on the beach from 10 p.m. to  
6  
>  
a.m.  
> was what was understood and what was agreed to, in lieu of more >  
restrictive  
> night driving limitations. There was no specific consideration of,  
or  
> inclination to consider, stationary vehicles as an exception. The  
night  
> driving permit was a compromise to allow improved night time access  
during  
> the fall fishing season. That's it for the follow-up I can provide.  
>  
> In terms of future policy (long term ORV plan, etc.), we plan to  
have a  
> USFWS sea turtle expert at an upcoming meeting to discuss the  
loggerhead  
> recovery plan, light management, and night driving issues. We will  
be  
> sure to ask the expert about stationary vehicles and whether other  
> jurisdictions allow them if there is a night driving restriction.  
>  
> 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.  
>  
>  
>  
> "Ted Hamilton"  
> < tedsalvo@earthli  
nk.net> To  
> " Mike\_Murray@nps.gov "  
> 09/12/2008 04:09 < Mike\_Murray@nps.gov >  
> PM cc  
> Ackleybc@aol.com , "Patrick (RFA)  
Paquette" < basicpatrick@aol.com >,  
> Please respond to bobeakes@aginet.com ,  
> tedsalvo@earthlin cahabusinessallies@embarqmail.com ,  
> k.net ccboucher@cox.net ,  
> " Cyndy\_Holda@nps.gov "  
> < Cyndy\_Holda@nps.gov > , "David  
> Goodwin" < dagwerksobx@yahoo.com > ,

> davisrb@embarqmail.com , "Mike  
 > Berry" < dr.mike.berry@verizon.net >,  
 > ffffl@mindspring.com , "Fish Militia  
 > (Rob alt) General"  
 > < fishmilitia@aol.com >,  
 > guitarcouch@earthlink.net ,  
 > hardhead@embarqmail.com , "Irene  
 > Nolan" < irene@islandfreepress.org >,  
 > "Irene Noland (Island Free Press)"  
 > < irenen@mindspring.com > , "Jim and  
 > Ginny"  
 > < jimandginny@scentarticles.com > ,  
 > jkeene@franklineq.com ,  
 > johnalley@earthlink.net ,  
 > "Longcaster"  
 > < longcaster@charter.net > ,  
 > " melinda.tradewinds@earthlink.net "  
 > < melinda.tradewinds@earthlink.net > ,  
 > "Wayne Mathis"  
 > < MFCREP@bigfoot.com > , "Obxblondie"  
 > < Obxblondie@aol.com > , "Patrick  
 > Field" < pfield@cbuilding.org > ,  
 > "sonnyduke" < sonnyduke@aol.com > ,  
 > "warrenj" < warrenj@darenc.com > ,  
 > "wheatland"  
 > < wheatland@charter.net > , "Wheatland  
 > Willy" < yerbaitstinks@gmail.com >  
 > Subject  
 > RE: Stationary Vehicles on the  
 > Beach 2200-0600  
 >  
 >  
 >  
 >  
 >  
 >  
 >  
 >  
 >  
 > Well Mike the operative words here seem to be "DRIVING" and  
 "LIGHTS". A

> stationary vehicle with no lights in no way seems to be a problem  
 with  
 the  
 > operative words. So I ask that since you were not privy to the  
 > negotiations, that you ask one of the DOI lawyers that was involved  
 to  
 > provide the rationale for all vehicles to be off the beach if they  
 are  
 not  
 > being driven and have no lights on.  
 >  
 > I'll agree it's a way to manage but it is the easy way and further  
 limits  
 >  
 > reasonable public access. I still do not buy into it with the  
 reasoning

> provided so far.  
 >  
 > Cheers Ya'll  
 >  
 > Ted A. Hamilton  
 > (aka Salvo Jimmy)  
 >  
 >  
 >> [Original Message]  
 >> From: < Mike\_Murray@nps.gov >  
 >> To: < tedsalvo@earthlink.net >  
 >> Cc: < Ackleybc@aol.com >; Patrick (RFA) Paquette <  
 basicpatrick@aol.com >;  
 > < bobekes@aginet.com >; < cahabusinesallies@embarqmail.com >;  
 > < ccboucher@cox.net >; Cyndy\_Holda@nps.gov < Cyndy\_Holda@nps.gov >;  
 David  
 > Goodwin < dagwerksobx@yahoo.com >; < davisrb@embarqmail.com >; Mike  
 Berry  
 > < dr.mike.berry@verizon.net >; < ffffl@mindspring.com >; Fish  
 Militia  
 (Rob >  
 alt)  
 > General < fishmilitia@aol.com >; < guitarcouch@earthlink.net >;  
 > < hardhead@embarqmail.com >; Irene Nolan < irene@islandfreepress.org  
 >;  
 Irene  
 > Noland (Island Free Press) < irenen@mindspring.com >; Jim and Ginny  
 > < jimandginny@scentarticles.com >; < jkeene@franklineq.com >;  
 > < johnalley@earthlink.net >; Longcaster < longcaster@charter.net >;  
 > melinda.tradewinds@earthlink.net < melinda.tradewinds@earthlink.net  
 >;  
 Wayne  
 > Mathis < MFCREP@bigfoot.com >; Obxblondie < Obxblondie@aol.com >;  
 Patrick >  
 Field  
 > < pfield@cbuilding.org >; sonnyduke < sonnyduke@aol.com >; warrenj  
 > < warrenj@darenc.com >; wheatland < wheatland@charter.net >;  
 Wheatland  
 Willy  
 > < yerbaitstinks@gmail.com >



0075553

>> Date: 9/12/2008 3:12:34 PM  
>> Subject: RE: Stationary Vehicles on the Beach 2 200-0600  
>>  
>> Hi Ted,  
>>  
>> I wasn't privy to the negotiations between the respective  
attorneys,  
so  
I  
>> don't know exactly what was said. I believe the general intent of  
the  
>> night driving provisions (found in paragraphs 24-27) is stated in  
> paragraph  
>> 24: "Night Driving: To increase the chances of successful turtle  
>> nesting...". There are quite a few references in the literature  
>> identifying concerns about the effects of lights and/or beach  
driving  
on  
  
>> turtle nesting. For example, the Loggerhead Turtle Recovery Plan  
(FWS,  
  
>> 1991, p. 30, Item 215) recommends that beach driving be phased out  
on  
>> important local or regional nesting beaches. (That is not the NPS  
> position  
>> or intent=2 0in our ORV plan.) With regard to the measures in the  
Consent  
>> Decree, it is reasonable to think that the night driving measures  
in  
the  
  
>> Consent Decree evolved out of the parties negotiating ways to  
minimize  
  
or  
>> manage the night driving concerns, while still allowing some  
access.  
>>  
>>  
>> Mike Murray  
>> Superintendent  
>> Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
>> (w) 252-473-2111, ext. 148  
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from  
  
>> disclosure.  
>>  
>>  
>>  
>>  
>> "Ted Hamilton"  
>  
>> < tedsalvo@earthli  
>  
>> nk.net>  
> To  
>> "Mike (CHNS SUPT) Murray"  
>  
>> 09/09/2008 04:49 < mike\_murray@nps.gov >  
>  
>> PM  
> cc  
>> "Mike Berry"  
>  
>> < dr.mike.berry@verizon.net >,  
>  
>> Please respond to Ackleybc@aol.com , ;  
>  
>> tedsalvo@earthlin davisrb@embarqmail.com ,  
>  
>> k.net hardhead@embarqmail.com ,  
>  
>> guitarcouch@earthlink.net ,  
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>> johnalley@earthlink.net ,  
>  
>> jkeene@franklineq.com ,  
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>> ffffl@mindspring.com ,  
>  
>> ccboucher@cox.net ,  
>  
>> bobeakes@aginet.com ,  
>  
>> cahabusinessallies@embarqmail.com ,  
>  
>> "David Goodwin"  
>  
>> < dagwerksobx@yahoo.com >, "Fish  
>  
>> Militia (Rob alt) General"

0075554

```
>
>> < fishmilitia@aol.com >, "Irene
>
>> Nolan"
> < irene@islandfreepress.org >,
>> "Irene Noland (Island Free Press)"
>
>> < irenen@mindspring.com >, "Jim and
>
>> Ginny"
>
>> < jimandginny@scentarticles.com >,
>
>> "Longcaster"
>
>> &l t; longcaster@charter.net >,
>
>> " melinda.tradewinds@earthlink.net "
>
>>
>> < melinda.tradewinds@earthlink.net >,
>>
>> " melinda.tradewinds@embarqmail.com "
>>
>> < melinda.tradewinds@embarqmail.com >
>> , "Obxblondie"
>
>> < Obxblondie@aol.com >, "Patrick
>
>> (RFA) Paquette"
>
>> < basicpatrick@aol.com >,
> "sonnyduke"
>> < sonnyduke@aol.com >, "warrenj"
>
>> < warrenj@darenc.com >, "warrenj"
>
>> < warrenj@darenc.com >, "Wayne
>
>> Mathis" < MFCREP@bigfoot.com >,
>
>> "wheatland"
>
>> < wheatland@charter.net >,
> "Wheatland
>> Willy" < yerbaitstinks@gmail.com >,
>
>> " Cyndy_Holda@nps.gov "
>
>> < Cyndy_Holda@nps.gov >, "Patrick
>& nbsp;
>> Field" < pfield@cbuilding.org >
>
>>
> Subject
>> RE: Stationary Vehicles on the
>
>> Beach 2200-0600
>
>>
>>
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>>
>> Mike Murray,
>>
>> Just to followup on my public comment today at REG-NEG, I do want
an
>> explanation of the rationale behind this so called consent decree
intent

> re
> ;> vehicles off the beach by 2200.
>>
>> I do not consider any such intent explanation acceptable without at
least
>> an explanation of the rationale leading to that intent.
>>
>> Cheers Ya'll
>>
>> Ted A. Hamilton
>> (aka Salvo Jimmy)
>>
>>
>> > [Original Message]
>>
>>
>> > From: < Mike_Murray@nps.gov >
>>
>>
```

```

>> > To: < tedsalvo@earthlink.net >
>>
>> > Cc: < Paul_Stevens@nps.gov >
>>
>> > Date: 9/2/200 8 4:25:57 PM
>>
>> > Subject: Re: Suggestion to help curb this senseless vandalism
>>
>> >
>> > Hi Ted,
>>
>> >
>> > I apologize for the delay in responding, as I was out of the
office
> for
>>
>>>> evra wek ad m til lain ctc-u o eais.
>
>>>>>
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> Pio t bin ot f ow, hd heke wthth Asitat .S
> ttrny>>
>
> t se owyor ugesio wul jvewih hecoset ecee Ws>>adisd>>
>
> tatth itet f henihtdrvig esritin astht o ehcls>>wold
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>>>>>>>>>> _____ ND3 357(20891) nfrmtin _____

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Tismesae aschckd y OD2 ntviussyte.> tt://ww.eetco

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(See attached file: Image.410-2200810422022405781@13071999.gif)(See  
attached file: Image.184671-2200810422022405782@13071999.gif)