

From: [Wayne Mathis](mailto:Wayne.Mathis@nps.gov)
To: [Mike Murray@nps.gov](mailto:Mike.Murray@nps.gov)
Subject: RE: Village Closure Subcommittee
Date: 12/05/2008 02:11 AM

Mike, thanks for your considered, and personal, response.

I, too, would love to see this resolved in some way short of year-round closure, which would be inconsistent with the negotiating objectives endorsed by the NC Marine Fisheries Commission.

Like most of the subcommittee members I do, and would, support a REASONABLE and WORKABLE proposal that would accommodate legitimate vehicular access to those beaches by Commercial AND Licensed Recreational fishermen when they are not "densely" in use by sedentary visitors. The MFC recognizes legitimate and reasonable consideration of Public Safety, but, actually and factually, a reasonable person must understand that peak visitor density during the summer is not the same as beaches bare of all but occasional pedestrians, and many fishermen, with or without vehicles, during the spring, fall and winter seasons.

Please, Mike, try to keep ALL of CAHA a multi-use park rather than an exclusive enclave for a few privileged, elite, ocean-front landholders. Congress intended the National Seashore to be accessible to the PUBLIC, and NOT an elitist "preserve" ... CITIZENS who have a fishing license from the State of NC DESERVE reasonable and practical access to the Fishery insofar as is consistent with Public Health, Safety and Welfare. For many citizens, that implies, no, MANDATES, vehicular access.

Wayne

-----Original Message-----
From: Mike.Murray@nps.gov [mailto:Mike.Murray@nps.gov]
Sent: Thursday, December 04, 2008 9:48 AM
To: Wayne Mathis
Cc: Robert Fisher
Subject: RE: Village Closure Subcommittee

Wayne,

Thank you for summarizing your view of the situation. It is helpful to hear how others see it.

With regard to "conflict of interest" I have had follow-up discussions with the Solicitors about the specific situation you mention. The legal opinion is that it was known from the beginning that many members of the committee have a personal financial interest in the some of the issues being discussed (whether it be second home/rental property owners in a particular village or business owners near any particular spit or Cape Point). However, this was considered when members were appointed and when the Department provided the ethics guidance that was distributed at the first meeting (attached), The Department's assessment was that none of the "personal interests" rose to the level of a disqualifying "direct financial interest in a specific party matter."

(See attached file: Jan08 Ethics doc.pdf)

With regard to village closures, I submitted a new proposal to the facilitators for "safety closures" that perhaps will let us move away from a specified width for village beaches to be open during the off-season. Frankly, I don't see how 10 ft. either way makes any real difference. The real issue is that drivers on the beach need to be cautious around pedestrians, who may not be able to hear vehicles coming up from behind them due to surf and wind noise. If we can address that effectively through some means other than beach width, such as simply emphasizing that vehicles must yield the right of away to pedestrians, then I think pedestrian safety will be served throughout the Seashore and maybe we can get unstuck with the village closure issue.

Mike Murray
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"Wayne Mathis"
<dheel@bigfoot.com>

12/02/2008 10:58
PM

"Mike Murray"
<Mike.Murray@nps.gov>, "Robert
Fisher" <rcf@fisherco.com>

To

cc

Subject

RE: Village Closure Subcommittee

Robert and Mike:

I shall be candid and frank with you in this response, so please treat this as "privileged" correspondence for your eyes only. My recollections are as follows:

There were elaborate efforts to come to a workable plan for seasonal closures of the Village beaches involving reduced speed limits, corridors of various widths, adjustments of the closure dates, attempts to define periods of non-vehicular user density based on rental occupancy data from Realty Companies as a closure criterion, and separation of the beaches into North and South zones with different closure policies. Ultimately all proposals were met with truculence and intransigence on the part of the stakeholders who own oceanfront property in the South villages. Even reasonable suggestions and pleas for "consistency, simplicity and enforceability" by Mr. Murray were rejected, as were proposals to trade off closures in the villages for guaranteed open beaches elsewhere..

Disregarding the ethical implications and problems stemming from the fact that those oceanfront property owning individuals stand to personally gain financially from a de-facto privatization of the Public beach adjacent to their property, with the inherent Conflict of Interest, their ludicrous, sustained assertion that the presence of as much as a single vehicle on those beaches at ANY time poses an unacceptable imminent and substantial endangerment to ANY potential pedestrian that might be present was the sticking point that proved unamenable to ANY compromise proposed by the majority of the subcommittee. Personally, I cannot reconcile that rationale with the fact that there is a public roadway at the front of their properties. The only counterproposal from the holdout(s) was total closure to vehicles year round, which was unacceptable to the other stakeholders. When one member stated that he was prepared to sue if anything less than total year round closure was proposed, talks broke down.

Robert, the subcommittee was constituted to propose workable SEASONAL closures to meet REASONABLE safety considerations for times when there were many sedentary, recumbent or pedestrian visitors using the beaches. TOTAL, YEAR ROUND closure to vehicular access is neither JUSTIFIABLE, REASONABLE nor SEASONAL. It is nothing more than a blatant attempt by a few individuals to privatize Public land.

Short or removing the recalcitrant individual(s) who have a financial conflict of interest from the Committee, for reason, I foresee nothing but impasse in further discussions. Consider that during the last Committee meeting, when seasonal vehicular corridors of various minimum widths were proposed before the Committee as a Whole, the adamant inflexibility and unwillingness to negotiate ANY reasonable proposal on the part of the individual(s) was readily apparent to anyone present.

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

From: Robert Fisher [mailto:rcf@fisherco.com]
 Sent: Monday, December 01, 2008 8:23 AM
 To: johnmalley@earthlink.net; sonnyduke@aol.com; MFCREP@bigfoot.com;
 nonresidentowner@aol.com; chra07@yahoo.com; kayota@cox.net
 Cc: Pat Field; Ona Ferguson; Cyndy Holda; vsanguinetti@comcast.net;
 Mike Murray; Paul_Stevens@nps.gov
 Subject: Village Closure Subcommittee

All,

Before the September meeting it appeared the subcommittee was on the verge of an agreement on how to handle village closures. From my discussions with many of you it seems there may be a misunderstanding about what happened to that potential agreement.

Please let me know what you considered the terms of the deal to be and what you think happened to derail it. Also, please let me know if there is anything in the NPS Draft EIS alternatives about village closures that you would like the subcommittee to consider or that we might be able to build on. You can send this information to me confidentially or to the whole subcommittee.

0076094

Robert