

0021789

**From:** [Cyndy Holda](#)  
**To:** [Warren Judge](#)  
**Cc:** [Mike Murray](#); [Norah Martinez](#)  
**Subject:** RE: "Press Release: Resource Protection Area Violation for Least Tern Colony"  
**Date:** 07/28/2008 03:10 PM

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Warren,  
I'll pass your message/comments along.  
I'm sure every law enforcement Ranger and every resource management staff and every park manager agrees with you completely.

Cyndy M. Holda  
Assistant to the Superintendent &  
Community Liaison  
Cape Hatteras NS/Fort Raleigh NHS/Wright Brothers NM  
252-473-2111 ext. 148  
252-216-6455 cell  
252-473-2595 fax  
Email: [cyndy\\_holda@nps.gov](mailto:cyndy_holda@nps.gov)

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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.

▼ ["Warren Judge" <warrenj@darenc.com>](mailto:warrenj@darenc.com)

**"Warren Judge"**  
**<warrenj@darenc.com>** To <[Cyndy\\_Holda@nps.gov](mailto:Cyndy_Holda@nps.gov)>  
cc  
07/28/2008 12:41 PM Subject RE: "Press Release: Resource Protection Area  
Violation for Least Tern Colony"

Cyndy,

I am always concerned as to who is committing this violation.  
It is so easy  
for someone who wants to see the pain and suffering to continue  
to violate  
the closure so that the goods guys get punished. I wish you all  
could do an  
investigation that would lead us to the offender and have  
him/her arrested  
and dealt with accordingly.

Warren

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

From: [Cyndy\\_Holda@nps.gov](mailto:Cyndy_Holda@nps.gov) [mailto:[Cyndy\\_Holda@nps.gov](mailto:Cyndy_Holda@nps.gov)]  
Sent: Monday, July 28, 2008 12:26 PM  
To: undisclosed-recipients:  
Subject: "Press Release: Resource Protection Area Violation for  
Least Tern  
Colony"

(See attached file: 072808DeliberateActVandalism.doc)

National Park Service News Release  
FOR IMMEDIATE RELEASE: DATE: July 28, 2008  
CONTACT: 252-473-2111, ext. 148

A Deliberate Violation of Resource Protection Area for  
Least Tern Colony with Chicks and Nests

On 7/26/08 a closure violation occurred at the least tern colony north of Ramp 27. The violation most likely occurred between 0200 (approximate last high tide) and 0800, when it was discovered by park staff. The ranger who investigated the incident observed two separate vehicle tracks that had entered the closure, which was established to protect least tern nests and chicks, and reported that access was most likely gained by driving between the last carsonite post and the tide line. The vehicles traveled approximately one tenth of a mile into the closure where the occupants got out of the vehicles and built a beach fire. There were multiple foot prints around the fire area and at least two sets of human tracks that went from the fire approximately 200 feet up to the dune line.

The April 30, 2008 Consent Decree related to shorebird and sea turtle protection at Cape Hatteras National Seashore requires the National Park Service to automatically expand a resource protection area by 50 meters for the first confirmed deliberate act that disturbs or harasses wildlife or vandalizes fencing, nests, or plants; and 100 meters for a second violation. On May 26 there was a deliberate violation in this area as a result of an intentional entry violation (campfire/violation notice issue), and that buffer was modified on May 27, 2008. Park staff documented the most recent violation and on July 27 expanded the closure by 100 meters (328 feet) in accordance with the Consent Decree.

As a reminder, temporary resource protection areas are established to protect beach nesting bird nests, unfledged chicks and sea turtles nests until the breeding cycle has been completed. Posted areas are closed to vehicles, pedestrians and pets. In addition, under the Consent Decree beach driving is prohibited from 10:00 p.m. until 6 a.m. from May 1 to November, to increase the chances of successful sea turtle nesting. Violation of park regulations, including entering a resource protection closure, are federal criminal violations, each subject to up to a \$5,000.00 fine and up to six months imprisonment.

For more information, call 252-473-2111 ext. 148.