

0021791

**From:** [Cyndy Holda](#)  
**To:** [Mike Murray](#)  
**Subject:** Fw: "Press Release: Resource Protection Area Violation for Least Tern Colony"  
**Date:** 07/28/2008 03:50 PM

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Got a couple of these today.....either by email or phone calls.

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

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----- Forwarded by Cyndy Holda/CAHA/NPS on 07/28/2008 03:45 PM -----

**"Tim O'Neill"**  
<[tim@thermalsciencetech.com](mailto:tim@thermalsciencetech.com)>      To <[Cyndy\\_Holda@nps.gov](mailto:Cyndy_Holda@nps.gov)>  
cc  
07/28/2008 01:16 PM      Subject RE: "Press Release: Resource Protection  
Area Violation for Least Tern Colony"

How can this be construed as a deliberate act of Vandalism ?

The kids had a campfire for goodness sake !!!!!!!!

It is apparent that they intended no harm and assumed they were legally using the beach.

I love it. This is just the kind of documented unreasonable response that the senators need to overturn the idiotic Consent Decree.

I hope you regain authority soon.

Your friend and NPS supporter.

Regards,

Tim O'Neill, Project Manager

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

From: Cyndy\_Holda@nps.gov [mailto:Cyndy\_Holda@nps.gov]  
Sent: Monday, July 28, 2008 12:26 PM  
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.