

From: [Doug Crumpton](mailto:Doug.Crumpton@nps.gov)
To: [Cyndy Holda@nps.gov](mailto:Cyndy_Holda@nps.gov); [Mike Murray](mailto:Mike.Murray@nps.gov) (E-mail)
Subject: RE: "Press Release: A Sixth Deliberate Violation of Resource Protection Area"
Date: 07/31/2008 12:17 PM

These are very unfortunate incidents and I truly hope the violators are caught but the fact of the matter is this is a direct result of the ridiculous conditions and closures of the consent decree, this is putting a strain on NPS resources that should be directed towards park operation not police work.

After hearing the half truths from the DOI rep and Derb Carter at the senate hearing on S3113 yesterday I can foresee more of this type of activity that without the consent decree in place would have never happened.

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

From: [Cyndy Holda@nps.gov](mailto:Cyndy_Holda@nps.gov) [mailto:Cyndy_Holda@nps.gov]
Sent: Thursday, July 31, 2008 11:54 AM
Subject: "Press Release: A Sixth Deliberate Violation of Resource Protection Area"

(See attached file: 073108SixthDelibActVandalism.doc)

National Park Service News Release
FOR IMMEDIATE RELEASE: DATE: July 31, 2008
CONTACT: 252-473-2111, ext. 148

A Sixth Deliberate Violation of Resource Protection Area

On the morning of July 30, 2008, NPS turtle patrol observed all-terrain vehicle (ATV) tracks inside the posted bird closure located approximately 1.8 miles south of Ramp 23. After entering the closure the unauthorized ATV had driven high on the beach through a least tern nesting area. The vehicle continued through the closure and then exited where it did two doughnuts and then headed back north through the closure. There were no signs of ATV tracks south of this so it is thought that the ATV entered the closure heading south and then returned north. Staff followed the ATV tracks north and observed the tracks leave the beach over a dune near Sea Haven Drive in Rodanthe; however, no suspects were identified. NPS bird resource management staff were called in to survey the nest site and discovered that a least tern egg had been crushed in the tracks of the illegal ATV. The egg was located high on the beach approximately 100 meters inside and south of the posted closure boundary.

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 when deliberate acts occur that disturb or harasses wildlife or vandalizes fencing, nests, or plants. The buffer has been expanded 100 meters to the north in accordance with the Consent Decree.

The incident involved multiple federal criminal violations of NPS regulations including, illegal vehicle use, entering a closed area, and the destruction of the egg. Each violation carries a potential penalty of up to a \$5,000.00 fine and six months imprisonment. In addition, the destruction of a migratory bird nest/egg is a criminal offense under the Migratory Bird Treaty Act, 16 USC § 707(a) (Section 6(a), which carries a potential penalty of up to \$15,000.00 fine and six months imprisonment, plus seizure and forfeiture of all equipment, vehicles, and other means of transportation used when engaged in the violation.

"The egregious violations such as this one that result in the automatic expansion of the resource protection areas represent a small percentage of the total number of closure violations that have been occurring," said Superintendent Mike Murray. "For the most part, our law enforcement staff has been successful in apprehending violators in resource closures, although the staff clearly cannot be everywhere at once or in any particular place all the time. In the month of July alone, rangers have apprehended over 30 violators in resource closures. Our hope in publicizing these most serious violations is that members of the public who have any information about the violation or other criminal activity on Seashore beaches will come forward and assist us in solving the case."

No suspects have been identified in this case, though several leads have been pursued. If anyone has information about this violation or illegal ATV use in the Rodanthe-Waves-Salvo area, or any other illegal activity occurring on the Seashore, please call the Dare County Crime Line at 1-800-745-2746 24 hours a day.

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