

From: Carl Classen
Reply To: cclassen@hydecourtnc.gov
To: Mike Murray@nps.gov
Cc: 'Kenny Ballance'
Subject: RE: FW: "Press Release: Vandalism of Ocracoke South Point Resource Protection Signs"
Date: 03/25/2009 09:34 AM

Thanks, Mike. Since sending you the email, I have heard a rumor about there being more than one sign broken down in similar fashion and that another rumor this could be almost "enclosure envy" from other areas along the Seashore. Of course, it could also be a person seeking to increase the size of the buffer and takes advantage of the 'automatic' language in the Consent Decree. Regardless, I am Not looking for any confirmation of the rumors; just hoping the rangers can catch the perpetrator(s) so we can show the public the amended Consent Decree works by reducing the buffer back to its needed size.

Carl

Carl Classen
County Manager
Hyde County
P.O. Box 188, 30 Oyster Creek Road
Swan Quarter, NC 27885
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-----Original Message-----
From: Mike Murray@nps.gov [mailto:Mike_Murray@nps.gov]
Sent: Wednesday, March 25, 2009 8:55 AM
To: cclassen@hydecourtnc.gov
Cc: Kenny Ballance
Subject: Re: FW: "Press Release: Vandalism of Ocracoke South Point Resource Protection Signs"

Carl,

Thank you for your comments. I can understand your reaction and share your disappointment with the situation. The only latitude the consent decree allows NPS in these situations is in determining if the act appears to be deliberate ("if in the opinion of NPS..."). If the conclusion is that the vandalism was deliberate, then we have no choice but to expand the buffer ("the buffer shall be expanded automatically.."). I agree the photo is undramatic (as are the other photos I've seen). However, after talking to Kenny and the resource management field supervisor and hearing the totality of the circumstances (which are not fully described in the press release since there is an ongoing investigation), the unavoidable and unanimous conclusion was that these actions were in fact deliberate (almost surgical in the manner in which signs were selectively taken out at two key locations in the access corridor at the inlet). As much as I wish it were otherwise, there is no way that this many signs at the two locations could possibly have been "accidentally" backed into. In this case, the vandalism was clearly intentional and appears to be aimed at prompting buffer expansions at strategic locations in the access corridor to preclude access by law abiding citizens to the inlet. I don't particularly like it, but must comply with the consent decree. My hope is that we will be able to identify and prosecute the perpetrator(s). The good news, if there is any, is that we had enough corridor width to absorb the buffer expansion and still be able to allow continued pedestrian access to the inlet.

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
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"Carl Classen"
<cclassen@hydecou
ntync.gov>
03/24/2009 05:09
PM
Please respond to
<cclassen@hydecou
ntync.gov>

To
"Mike Murray" <Mike_Murray@nps.gov>
cc
"Kenny Ballance"
<Kenny_Ballance@nps.gov>
Subject
FW: "Press Release: Vandalism of
Ocracoke South Point Resource
Protection Signs"

Mike -

I usually agree with you on most things but this seems a bit excessive. The picture indicates someone accidentally bumped into the sign and knocked it over. That's a far cry from what any of us ever think of when we think of enclosure violations. Maybe Kenny and the rangers think the damage was intentional and I would go along with their judgment. However, the thousand words of that picture indicate otherwise.

By the way, congrats to the ranger who saw the guys get off the boat at Hatteras.

Carl

Carl Classen
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-----Original Message-----

From: Cyndy_Holda@nps.gov [mailto:Cyndy_Holda@nps.gov]
Sent: Tuesday, March 24, 2009 4:28 PM
Subject: "Press Release: Vandalism of Ocracoke South Point Resource Protection Signs"

(See attached file: 032409SouthOcrPreNestViolation.doc) (See attached file: 032409SoPtClosureSign.JPG)

National Park Service News Release
FOR IMMEDIATE RELEASE: DATE: March 24, 2009
CONTACT: 252-473-2111, ext. 148

Vandalism of Ocracoke South Point Resource Protection
Closure Signs Results in Expansion of Buffer

On Monday morning, March 23, National Park Service (NPS) staff discovered vandalism of symbolic fencing marking a shorebird pre-nesting closure at the South Point area on Ocracoke Island. Five "Area Closed" signs on 2" X 2" wooden posts were broken off at the sand line. Vehicle tracks were visible at three of the broken signs but no footprints were observed in the area.

As required by the court ordered consent decree, a deliberate act of vandalism to fencing results in a mandatory 50 meter expansion of the closure area. Due to the narrow width of the beach at this location, ORV access is now allowed along the ocean shoreline to the southeast corner of the point, but precluded past that location by the mandatory buffer expansion. Pedestrian access below the high tide line is permitted past the buffer expansion along portions of the inlet shoreline outside of the established pre-nesting area.

Superintendent Mike Murray reiterated the need for all parties, including the public, to comply with the consent decree requirements. "This deliberate act of vandalism is contemptible and appears to be aimed at reducing access for the many park visitors who do comply with park regulations. This is an early reminder that future acts of intentional vandalism to resource protection areas will result in greater expansion of the buffers as required under the consent decree," stated Murray.

In 2008 the park experienced six deliberate violations of resource protection areas and each time the buffers were expanded. Destruction of government property and entering a resource closure are federal criminal violations, each subject up to a \$5,000. fine and up to six months imprisonment. If anyone has information about this violation, please call National Park Service Law Enforcement Rangers at 252-928-5111.

For up-to-date information on currently open or closed areas, check the Cape Hatteras National Seashore's Google Earth maps at:
<http://www.nps.gov/caha/planyourvisit/googleeearthmap.htm>

-NPS-

[attachment "032409SouthOcrPreNestViolation.doc" deleted by Mike Murray/CAHA/NPS] [attachment "032409SoPtClosureSign.JPG" deleted by Mike Murray/CAHA/NPS]

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