

0074694

From: [Cyndy Holda](#)
To: [Mike Murray](#)
Subject: Fw: Park Service Response to Injunction
Date: 03/17/2008 08:22 AM

FYI

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----- Forwarded by Cyndy Holda/CAHA/NPS on 03/17/2008 08:22 AM -----

"Bob Eakes"
<bobeakes@aginet.com>

03/15/2008 04:53 PM AST

To: "Warren Judge"
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<warrenj@darenc.com>, "Steve Kelton"
<steve.kelton@hklaw.com>, "Rip Cunningham"
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cc:

Subject: Fw: Park Service Response to
Injunction

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

From: [Bob Eakes](#)
To: irenen@mindspring.com
Sent: Saturday, March 15, 2008 4:50 PM
Subject: Re: Park Service Response to Injunction

Hello Irene, Please put a spell check on this and if you so need it, use it,

Thanks for all that you do.

Bob Eakes

I do not think that NPS has thrown in the towel. I would be surprised that Negotiated Rulemaking and the commitment made by Dale Hall, USFWS Director, and Fran Maniella, then the NPS Director, have no value in this. They made the sell and decision to use Neg Reg as the process to achieve a plan. I am not a lawyer but there really is not an issue of the NPS having an ORV plan. While this is the third plan in which I have participated the first two were never filed in the Federal Register by NPS and hence no plan.

I am constantly surprised that negotiations are going on above and beyond the scope of the Neg Reg committee. The thought process that Audubon and Defenders of Wildlife are seeking a settlement at the highest levels on the Dept of Interior is quite bothersome. Why did they agree to a seat on the Negotiated Rulemaking Committee only to do an end around run? Congress sponsored this committee and our appointment letters were signed by the Secretary of Interior, Dirk Kempthorne, and I would be surprised if anyone can bypass this process and especially so when they are participating members.

I really do not know Judge Boyle but I cannot believe he is not aware of all that is being done to settle this issue. I have researched the allegations made by Audubon and they fall really short. Audubon and Defenders saw an opportunity for a kill and could not do the honorable thing and that is come to the Negotiating Rulemaking Committee and make their argument and debate and settle with the rest of the stakeholders. The USFWS is charged with protecting our resources and especially under the Endangered Species Act and so why does Audubon think they know more about birds than those charged by Congress to do the protecting?

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

From: irenen@mindspring.com

To: [Lawrence Lieberman](#) ; [John Couch](#) ; [Larry Hardham](#) ; [warrenj](#) ; [Allen Burrus](#) ; [Carolyn McCormick](#) ; [scottl](#) ; [Wayne Mathis](#) ; [johnalley](#) ; [ffffl](#) ; [jkeene@franklineq.com](#) ; [bobeakes@aginet.com](#) ; [cahabusinessallies@embarqmail.com](#) ; [davandme@embarqmail.com](#) ; [Geneb12@oracokenc.net](#) ; [obxblondie@aol.com](#) ; [sonnyduke@aol.com](#)

Sent: Saturday, March 15, 2008 1:35 PM

Subject: Park Service Response to Injunction

Is there anyone out there who will comment on the record about what the federal government response to the request for a preliminary injunction means?

I published a fairly straightforward article late last evening about the response with a link to the text of the response.

However, the story begs for context.

Do you think that the response means that the federal government will not aggressively argue

against the request for the temporary injunction?

Has the federal government “thrown in the towel?”

Will there be an agreement on the terms of an injunction – even before the request is heard by Judge Boyle?

Did the intervenors (Dare, Hyde, CHAPA) submit a response and where is that?

I’d like to do a follow-up on the article from last night but can’t if no one wants to talk on the record.

You can e-mail comments back or feel free to call me at 995-5323. I work even on the weekends.

Our islanders and visitors want to know what this means.

Also, in a troubling development, I received two very negative emails this morning about the injunction. These were the first negative e-mails. Neither sender included a name. I do not publish letters and comments without names. I e-mailed both of them to ask if they would send a name so I could publish the comments. Both emails bounced back to me with the sender can’t be found message. This indicates to me that bogus addresses were used. Is this the beginning of a letter campaign?

Here are copies of the (illiterate) emails:

Name: kayakjoe

Email: kayajoe@earthlink.net

City: Virginia brack

State: va

*Comments: You all continue to miss the number one point: NPS has been breaking a federal law for over 30 years, the seashore was created to preserve the natural environment, which has now been shown to decrease endangered species.
No matter how long the locals have been riding on the beaches, it is breaking a federal law.*

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That is why it is called the "national park" and as judge Boyle said , it is not a Dare county pond.

Grow up and get a life and stop teaching your kids to break the laws.

Name: drneuro

Email: dnr@va.rr.com

City: Norfolk

State: VA

Comments: I have been visiting Hatteras for over 30 years and own 2 cottages there.it is a travesty to watch a handful of selfish,money mongering fools try to use non scientific and anecdotal nonsense to fight the lawsuit against the park service. It is the duty of the federal government to follow federal laws, not break them. And it is a duty of is as citizens to tell the truth rather than make up lies and olseudi science to support a selfish habit of driving on a beach.

I have yet to see one advertisement saying to visit our pristine beaches, loaded with billy bobsl usually drink and obnoxious, and oh, in thbe meantime, helping to make species go extinct.

Maybe that should be the next ad on tv. Lots of folks will like to visit then

Please let me hear from you if you can say something on the record to help Island Free Press readers put the federal government response in context.

Thanks.

Irene

Irene Nolan

0074698

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