



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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May 11, 2010

Michael B. Murray
Superintendent, Cape Hatteras National Seashore
National Park Service
1401 National Park Drive
Manteo, North Carolina 27954

Subject: Comments on Cape Hatteras National Seashore Off Road Vehicle Management Plan and Draft Environmental Impact Statement

Dear Superintendent ^{Mike} Murray:

This provides the comments of the U. S. Fish and Wildlife Service (USFWS) on the Draft Environmental Impact Statement (DEIS) for the Cape Hatteras National Seashore Off-Road Vehicle (ORV) Management Plan, dated February 2010. At the conclusion of the decision-making process mandated by the National Environmental Policy Act (NEPA), the alternative selected for implementation will become the ORV management plan, which will guide the management and control of ORVs at Cape Hatteras National Seashore (CAHA) for the next 10 to 15 years. The management plan will also form the basis for a special regulation to manage ORV use within CAHA. These comments are provided for NPS use in meeting your requirements under NEPA. Our agencies are currently in consultation pursuant to Section 7 of the Endangered Species Act, and specific comments and determinations regarding the effects of the proposed action on federally listed species will be provided through that process.

The USFWS has actively worked with the National Park Service (NPS) and other stakeholders regarding this issue for many years. We have provided technical assistance to the NPS regarding management of federal trust fish and wildlife resources, and have rendered biological opinions and incidental take statements regarding the Interim Strategy and Consent Decree, which have been used by NPS to guide management of ORV use at CAHA over the past few years. We also participated in the Negotiated Rule-making process convened by the NPS. At the conclusion of that process, we provided a detailed set of recommendations to the NPS (through the Consensus Building Institute via a memorandum dated March 27, 2009) for your use in developing the proposed ORV Management Plan. We have used our March 27, 2009, recommendations as the basis for the following comments.

The main thrust of our March 27, 2009, recommendations was to encourage the NPS to set goals and implement management actions for the fish and wildlife resources of CAHA that would ensure that CAHA is truly contributing to the recovery of federally listed species and the long

term conservation of other priority federal trust resources. We continue to believe these steps are necessary to ensure that the natural resources of CAHA are not impaired. We also encouraged the NPS to pursue those goals through a robust adaptive management strategy that would ensure that the best science and continuous learning were fully integrated in the management process.

With respect to goals, we note that the DEIS describes a set of desired future conditions (i.e., target population levels) for beach-nest birds, sea turtles, and sea beach amaranth. We find that the desired future conditions for the federally listed species (nesting piping plovers, nesting sea turtles and sea beach amaranth) parallel recovery criteria described in the recovery plans for these species, and we support them. The desired future conditions for American Oystercatcher also appear reasonable. While we support the desired population growth rates for colonial waterbirds, we note that the baseline population levels for these species were drawn from a period during which populations of these species at CAHA were historically low. As such, the 10 and 20 year population targets described in the desired future conditions are likely lower than what could be supported at CAHA with sustained management. We anticipate that with continued implementation of management actions such as those described in Alternative F, populations of these species could easily exceed the desired future conditions as currently defined. We encourage the NPS to take another look at the historic data set to determine a more appropriate baseline, or prepare to re-calibrate the desired future conditions for these species at the first 5-year review period to reflect population levels that more closely reflect the likely ability of CAHA to support these species.

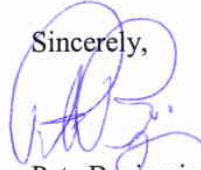
Our March 27, 2009, recommendations also emphasized the importance of modeling to the effective application of adaptive management. While the DEIS describes a number of research questions that the NPS would like to pursue as the ORV Management Plan is implemented, it does not articulate a desire on the part of NPS to develop and use species-habitat models as tools to inform management. As we have previously stated, models are important tools and essential components of an adaptive management framework. They would enable you to make better predictions about the effects of management actions relative to your desired future conditions, and would help focus research and monitoring efforts for maximum effectiveness. We continue to encourage the NPS to commit resources to the development of models for priority species, and we continue to offer our assistance toward that end.

Notwithstanding our above recommendations to strengthen the adaptive management component of the ORV Management Plan, we broadly support the identification of Alternative F as the preferred alternative. It largely embraces our March 27, 2009, recommendations and constitutes a baseline management program that is generally well grounded in our current understanding of the needs of these trust species. It also does include an adaptive component that will allow adjustment of management actions over time, based on improved knowledge and progress toward established goals. We support the ORV routes as described, the Species Management Areas and Management Levels. The buffer distances described for the protection of nesting birds and unfledged chicks reflect our current understanding of the biological needs of these species. Measures to protect nesting sea turtles are generally appropriate, including the restrictions on night driving and the nest relocation provisions. However, there are some specific issues regarding sea turtle management that we would like to explore further with you through the consultation process. They include lighting issues, fires on the beach, and the timing of

beach closures relative to sunrise and sunset. We will provide further information regarding these issues under separate cover.

We appreciate the opportunity to provide these comments. If you have any questions, please contact me at (919) 856-4520 extension 11, or via email at Pete_Benjamin@fws.gov.

Sincerely,



Pete Benjamin
Field Supervisor