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United States Department of the Interior

FISH AND WILDLIFE SERVICE
PLATEAU BUILDING, ROOM A-5
50 SOUTH FRENCH BROAD AVENUE
ASHEVILLE, NORTH CAROLINA 28801

December 14, 1982

Mr. Steve W. Ogle
Acting Regional Director
National Park Service
Southeast Regional Office
75 Spring Street, S.W.
Atlanta, Georgia 30303

RE: 4-2-81-129

Dear Mr. Ogle:

This letter represents the Biological Opinion of the Fish and Wildlife Service relative to the potential impacts of the Cape Hatteras National Seashore General Management Plan on the threatened loggerhead sea turtle (*Caretta caretta*). This is in response to your letter of October 29, 1982, which requested formal consultation as required by the Endangered Species Act of 1973, as amended. Consultation was initiated upon receipt of the above letter on November 12, 1982.

With regard to the other species covered in the Biological Assessment--the brown pelican, peregrine falcon, bald eagle, and the American alligator--your assessment of impact is adequate and supports the conclusion of the no effect with which we concur. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act have been satisfied for these species.

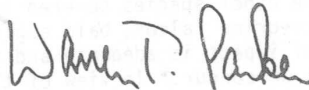
After careful consideration of the information provided in your assessment and contacts with knowledgeable individuals, it is the Biological Opinion of the U.S. Fish and Wildlife Service that the General Management Plan for Cape Hatteras National Seashore in Dare and Hyde Counties, North Carolina, as submitted, is not likely to jeopardize the continued existence of the threatened loggerhead sea turtle. Because there is no designated Critical Habitat within or near the project area, Critical Habitat will not be affected. We understand that Cape Hatteras, being on the northern limit of the loggerhead's nesting range, has only limited nesting activity with only 14 total nests recorded from the area in the past two years (1980 and 1981). The threats to this species involve disruption of nests from either natural shoreline erosion or off-road vehicle (ORV) traffic, and rutting of the beach by ORVs which creates a barrier that prevents hatchlings from reaching the ocean. We understand that ORV use is prohibited on the seashore within the strip of beach 20 feet from the base of the primary dunes. Loggerhead nests are left alone to incubate naturally unless they are placed in areas subject to tidal overwash or within ORV high traffic areas. In these cases the nests are transplanted within 24 hours of laying to Pea Island National Wildlife Refuge beach. The Park Service, in cooperation with Pea Island National Wildlife Refuge staff, monitors all nests from laying to hatching. Those that do not have to be moved are left completely alone until 50 days after laying, when the Park Service closes off a 300-foot-wide section of

teach, running from the dune base to the tide line, to all OPV use in order to prevent tire tracks from interfering with hatchling access to the ocean. We believe these management provisions are acceptable and are not likely to jeopardize the continued existence of this species.

We have reviewed the proposed action with regard to cumulative effects. The direct and indirect effect of this activity together with the identifiable effects of actions that are interrelated or interdependent with the proposed activity are also not likely to jeopardize the continued existence of the loggerhead sea turtle.

An administrative record of this consultation is maintained and open for inspection at the Asheville Endangered Species Field Office, U.S. Fish and Wildlife Service, 50 South French Broad Avenue, Plateau Building, Room A-5, Asheville, North Carolina 28801. Obligations under Section 7 of the Act must be reconsidered if (1) new information reveals impacts of this identified action that may affect listed species or Critical Habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not considered in this Biological Assessment, or (3) a new species is listed or Critical Habitat determined that may be affected by the identified action. We hope this consultation will be helpful to you in fulfilling your obligations under the Endangered Species Act and look forward to future cooperation between our agencies.

Sincerely yours,



Warren T. Parker
Field Supervisor
Endangered Species