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United States Department of the Interior

FISH AND WILDLIFE SERVICE
ENDANGERED SPECIES FIELD STATION
100 OTIS STREET, ROOM 224
ASHEVILLE, NORTH CAROLINA 28801

July 9, 1984

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Mr. Thomas Hartman, Superintendent
Cape Hatteras National Seashore
Route 1, Box 675
Manteo, North Carolina 27954

RE: 4-2-81-129

Dear Mr. Hartman:

This letter represents the Biological Opinion of the U.S. Fish and Wildlife Service concerning the effects on the threatened loggerhead sea turtle (Caretta caretta) of the proposed General Management Plan for Cape Hatteras National Seashore, Dare and Hyde Counties, North Carolina. This is in response to your letter of June 7, 1984, which we received June 20, 1984. As discussed by Nora Murdock of this office and Kent Turner of your staff, we are accepting this as your final biological assessment and request for formal consultation. This Opinion does not address requirements of environmental laws other than the Endangered Species Act.

The portion of the General Management Plan which may affect loggerhead sea turtles involves off-road vehicle (ORV) regulation and management of sea turtle nests, including relocation of nests, and maintenance of hatcheries.

Consultation History

An administrative record of this consultation is maintained and open for inspection at this office. Formal consultation on the General Management Plan was first initiated in March 1981. That consultation was concluded with a Biological Opinion from this office to Acting Regional Director Ogle on December 14, 1982. The Opinion concluded that management provisions as described in the General Management Plan were not likely to jeopardize the continued existence of the loggerhead sea turtle. Consultation was reinitiated in June of 1983 by your letter to this office which indicated that you proposed to change the Management Plan with regard to deposition of loggerhead nests which had to be relocated. Some aspects of ORV regulation had changed from what was described in the original General Management Plan, as well. The proposed nest relocation strategy involved a hatchery site which was within the Park Service maintenance area on the Sound side of Ocracoke Island. Subsequent meetings between your staff and personnel from this office resulted in the determination that this site was not the best available location for transplanted turtle nests. This determination was made based on recent research findings which have indicated that minute temperature alterations can drastically alter sex ratios in sea turtle

hatchlings. Site inspections revealed suitable areas on the Ocracoke Beach where nests could safely be relocated out of reach of tides and most human interference. The result of these meetings and site inspections, as well as numerous telephone conversations between your staff and mine, resulted in guidelines for protection of loggerhead nests being drawn up and issued to Park Service employees as "Superintendent's Directive R-11."

To summarize these guidelines, any nest deposited in areas endangered by severe erosion on Bodie Island will be relocated to Pea Island National Wildlife Refuge, as in the past. Safe relocation areas will be selected prior to each nesting season for Cape Point, Hatteras, and Ocracoke Islands. Turtle crawls and nests will be monitored during the nesting season by daily morning beach patrols and augmented with aerial surveys by a Park Service airplane. Wherever possible, nests will be protected in place, without relocation. On the rare occasions when a nest is found in an extremely high traffic ORV area such as a ramp, or an area where geography of the island makes it impossible to reroute ORV traffic, nests will be moved to preselected relocation areas on the beach. In addition, where the nests are obviously threatened by tidal inundations, they will be moved to the preselected areas. Any necessary relocations will take place within 24 hours of egg-laying. Specific recommendations for handling eggs and locating nest cavities, as detailed in the guidelines, should eliminate any accidental mortality. Relocation areas are to be closed entirely to ORVs, with periodic checks made for overwash or vehicle entry. At 50 days after laying, the nests will be checked daily for signs of emergence. For nests left in place, the beach will be closed to vehicles at day 50 (after laying date) for 300 feet, from the toe of the dune to the high tide mark. These nests will also be monitored, as will the relocated nests, and records kept of hatching success and incubation times, etc. After hatching, the beach may be reopened to traffic.

Biological Opinion

Based upon the details contained in the General Management Plan and the Superintendent's Directive R-11, and after careful review of all available information, it is my Biological Opinion that the proposed activities, including cumulative effects and interrelated and interdependent activities, are not likely to jeopardize the continued existence of the threatened loggerhead sea turtle. Obligations under Section 7 of the Endangered Species Act must be reconsidered and consultation reinitiated with this office 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.

In meeting the provisions for "incidental take" in Section 7(b)(4) of the Endangered Species Act, we have reviewed the biological information and other available information relative to this action. Based upon our review,

incidental take is not authorized for the loggerhead sea turtle during implementation of your action.

Additional Conservation Recommendations

We encourage you to close as much of the beach as possible to ORVs during the sea turtle nesting season. Although your management plan will prevent direct mortality, ORV use of the beaches may influence nest site selection, as well as other aspects of sea turtle behavior. Much remains unknown about the effects of such activities and their long-term significance with regard to sea turtles. We highly recommend that studies such as those being conducted at the Seashore this summer by Dr. David Ehrenfeld be continued and expanded to address some of the many questions about sea turtle biology which remain unanswered.

We would like to thank the members of your staff for their assistance and cooperation during this consultation. In particular, Kent Turner is to be commended for his excellent work in designing guidelines for sea turtle management which should help ensure the survival of this nesting population of loggerheads at the periphery of the species' range. We hope that 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

cc:
Director, FWS, Washington, DC (AFA/OES)
Regional Director, FWS, Atlanta, GA (ARD-FA/SE)
Field Supervisor, ES, FWS, Raleigh, NC