

From: [Mike Murray](#)
To: [Alan Tradewinds](#)
Cc: [Kenny Ballance](#)
Subject: Re: south point closure/access
Date: 07/20/2006 01:29 PM

Thanks Allen. In response to your question, I've underlined the relevant section below of Appendix G of the U.S. Fish & Wildlife Service (USFWS) Piping Plover Recovery Plan provides the following guidance:

Sections of beach where unfledged piping plovers are present should be temporarily closed to all vehicles not deemed essential. Areas where vehicles are prohibited should include all dune, beach, and intertidal habitat within the chicks foraging range, to be determined by either of the following methods:

1. The vehicle free area should extend 1000 meters on each side of a line drawn through the nest site and perpendicular to the long axis of the beach. The resulting 2000 meter-wide area of protected habitat for plover chicks should extend from the ocean-side low water line to the bay-side low water line or to the farthest extent of dune habitat if no bay-side intertidal habitat exists. However, vehicles may be allowed to pass through portions of the protected area that are considered inaccessible to plover chicks because of steep topography, dense vegetation, or other naturally-occurring obstacles.

OR

2. The Service (USFWS) OR a State wildlife agency that is party to an agreement under Section 6 of the ESA provides written concurrence with a plan that:

A. Provides for monitoring of all broods during the chick-rearing phase of the breeding season and specifies the frequency of the monitoring.

AND

B. Specifies the minimum size of vehicle-free areas to be established in the vicinity of unfledged broods based on the mobility of broods observed on the site in past years and on the frequency of monitoring. Unless substantial data from past years show that broods on a site stay very close to their nest locations, vehicle-free areas should extend at least 200 meters on each side of the nest site during the first week following hatching. The size and location of the protected area should be adjusted in response to observed mobility of the brood, but in no case should it be reduced to less than 100 meters on each side of the brood. In some cases, highly mobile broods may require protected areas up to 1000 meters, even where they are intensively monitored. Protected areas should extend from the ocean-side low water line to the bay-side low water line or to the farthest extent of dune habitat if no bay-side intertidal habitat exists. However, vehicles may be allowed to pass through portions of the protected area that are considered inaccessible to plover chicks because of steep topography, dense vegetation, or other naturally occurring obstacles. In a few cases, where several years of data documents that piping plovers on a particular site feed in only certain habitat types, the Service (USFWS) or the State wildlife management agency may provide written concurrence that vehicle pose no danger to plovers in other specified habitats on that site.

I realize this may be more information than you wanted, but thought it would help

for you to see what the guidance actually says. NPS currently has a "proposed" Interim Strategy (or plan), which has not yet been finalized and has not yet received "written concurrence" (i.e., the Biological Opinion) from USFWS as mentioned above in Section 2. We do provide intensive "monitoring" as described in Section 2.A. Some people will argue that Section 1 of the guidance applies to our situation until the Biological Opinion (BO) is received. Others will argue that Section is reasonable to apply since we have intensive monitoring, a plan, and a draft BO. In either case, we currently have enough distance between the sound shoreline where the piping plovers have been located and the ocean shoreline; but, if we reopen an access corridor, we would not meet the recommendation that the closure be shoreline to shoreline. My understanding that the "shoreline to shoreline" closure recommendation is based on the piping plovers' tendency to be highly mobile, especially in the first week, and to utilize either type of foraging habitat. That is why we must take precautions to minimize the risk of a take incident.

In other news, this morning we observed only 1 PIPL chick (not 2) with the brood foraging on the sound shoreline. It remains to be seen what has happened to the missing chick, but at this point it is a sign that the one chick may have been lost. We are still preparing to open a daytime pass-through corridor tomorrow, but will wait to make final decision in the morning after we hear an update on the status of the piping plover chicks.

Thank you for your patience and understanding. Please feel free to contact Kenny or me if you have any questions.

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To: mike_murray@nps.gov
cc:
Subject: south point closure/access

07/19/2006 05:56 PM AST
Please respond to Alan Tradewinds

Mike,

Thank you for coming to visit Ocracoke and look at our piping plover closure in person today. I appreciate your efforts and willingness to consider alternatives to a complete closure of the entire area.

I do have one question I am still trying to resolve. I think you said that we need to give the birds 600' of room on each side. I am still trying to understand the beach side restrictions,

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considering that the birds are a half mile or more away from the beach. The sound is very far away from the beach there - trying to understand the size of the closure.

As I said, I appreciate you guys all coming down, looking at the closure, and coming in the shop to explain. It helps me try to explain the situation to our customers. I hope anyone that I have spoken with has communicated with NPS in a positive and professional manner.

Sincerely,
Alan Sutton

Tradewinds Tackle
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