

From: [Peter Doherty](mailto:Peter.Doherty@nps.gov)
To: thayer_broili@nps.gov
Cc: cyndy_holda@nps.gov; mike_murray@nps.gov
Subject: RE: Your letter of December 9, 2008 Regarding Wintering PIPL
Date: 02/06/2008 11:43 AM

Greetings, Mr. Broili:

Thank you for your reply. I now understand why wintering shorebirds and other natural resources are in steep decline or all but extirpated from the Seashore. Your use of the terms "primarily", "insignificant", "very similar", "very infrequent" and "consistently" to justify expanding ORV access on the Bodie Island side of Oregon Inlet since the 2005-2006 winter demonstrate a lack of understanding of the needs of wintering shorebirds.

PIPL need not use an area "consistently" to forage for that area to be "significant" when water levels and weather conditions make that area the selected foraging site for 24-96 hours. With respect to the conclusions of "Park staff" concerning wintering PIPL use of Bodie Island, I harbor grave doubts as to their extent and value. During the 2005-2006 I verbally invited you, your predecessor, Superintendent Murray and Jon Altman to accompany us in the field as we followed radio-tagged PIPL at Oregon Inlet seven days a week for Virginia Tech. No individual from the Seashore accepted our invitation. Nor were "Park staff" other than LE staff seen at Oregon Inlet the entire winter. To my knowledge, the Seashore has not sought the considerable data from Virginia Tech concerning PIPL usage of the Oregon Inlet region. As the Virginia Tech project discovered, the habitat used by PIPL was diverse, wide ranging and often contrary to conventional wisdom. To base your present management decisions upon occasional, visual observations of Park staff without examining Virginia Tech data is remarkable.

The standard which the Seashore uses to balance recreational uses and natural resources has failed. The decades-delayed management of ORV use has only clarified this. Essentially, any recreational use has been maintained, even expanded, unless a threatened/endangered natural resource is consistently, significantly, directly and adversely impacted by that recreational use. Then, if "Park staff" observe and document an adverse impact, Seashore management may re-evaluate the observation, undertake further study and perhaps undertake minimal management to assist the natural resource. As your reply freely admits, even during an extended period in which the number of ORV users has grown and natural resources have declined, the Seashore will allow ORV "usage creep". To place the burden upon the resource to demonstrate a consistent, significant, direct and adverse impact rather than upon the user is deficient on many levels. Fundamentally, however, it is deficient because it is those resources which caused the Federal Government to protect forever the Seashore and it is those resources which draw visitors to the Seashore. For that reason alone the management standard must be dramatically changed now.

I hope that you will see fit to continue this discussion with me. For example, if the bait pond and the area of Bodie running parallel with the Bridge are used infrequently during the winter by ORV users (as we both seem to have observed, fishermen especially), why not close these areas during the winter to ORVs given their use by PIPL and other shorebirds?

Best, Peter

Peter Doherty
leasttern@hotmail.com

> Subject: Your letter of December 9, 2008 Regarding Wintering PIPL
> To: leasttern@hotmail.com
> From: Thayer_Broili@nps.gov
> Date: Tue, 5 Feb 2008 15:03:04 -0500
>
>
> Dear Mr. Doherty,
>

- > Your inquiry has been forwarded to me for a response. Thank you for your
- > interest and concerns about the population of wintering piping plover on
- > Cape Hatteras National Seashore. Following are responses to some of your
- > questions in your January 9, 2008 email.
- >
- > In response to the question regarding maintenance of carsonite markers
- > in the "narrows" south of Ramp 4, the ongoing changes in the dune and
- > beach habitat in this area are due primarily to erosion, not ORV use.
- > Park staff has repeatedly replaced the corridor markers, but high surf
- > associated with the high number of NE wind events we have had this
- > winter continues to wash them out.
- > You state that you are disappointed/surprised at the changes that which
- > occurred in the ORV areas since your last visit in March 2007. In
- > actuality, if you refer to the 2006 Annual Piping Plover Report –Map 1
- > on the CAHA website (<http://www.nps.gov/caha/naturescience/upload/Map%201%20PIPL.pdf>), you
- > will see that the 2006-2007 winter closure for Bodie is very similar to
- > what is currently in place.
- > You state that you could not understand why the entire area along the
- > bridge was open to ORV traffic. Park staff has observed very infrequent
- > use of this area by piping plovers. Staff will continue to monitor this
- > area to see if piping plovers are using the area consistently.
- > You state that the area open to ORV traffic on the Bodie alga flat was
- > moved and expanded. Park staff minimally expanded the area around the
- > bait pond for visitor safety (i.e. enables them to turn their vehicles
- > around). This area receives very infrequent use by visitors. Staff
- > believes that the potential for disturbance of foraging piping plovers
- > in the corridor is insignificant. Staff will continue to evaluate the
- > situation on a regular basis as the habitat changes.
- >
- > Please feel free to contact us to express your concerns regarding piping
- > plover management.
- >
- > Thayer Broili
- > Chief of Resources Management
- > Thayer Broili
- > Chief of Resource Management
- > Cape Hatteras National Seashore
- > Phone 252-473-2111 ext.137
- > Fax 252-473-2595