

From: [Mike Murray](#)
To: [Britta Muiznieks](#)
Cc: [Darrell Echols](#); [Thayer Broili](#)
Subject: Re: Comments on Alt B
Date: 03/08/2008 09:43 AM

Thanks. I agree there is a lot of clarification needed. If it were to be used, I am proposing that only the bird related section apply since the Plaintiffs proposal relates only to birds. (Therefore current management would apply to sea turtles and seabeach amaranth.)

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03/07/2008 06:04 PM

Subject: Comments on Alt B

Mike-

Alternative B in general sounds like a good idea but when you compare the text on pages 52-54 to the Table 2 (Pgs. 78-84) they conflict in what it says we will be doing on the ground. We would definitely need to clarify if we are following the text or the table. It doesn't seem like much effort was put into the alternative but that it was included because it was a requirement. Would we need to reconsult with the FWS on Alternate B?

PIPLs

1) Pg. 78, Table 2: Alternative Elements Summary-Species Management, It states that we would close year-round historic breeding areas by posting symbolic fencing including all potential nesting, roosting, and **foraging habitat** at the spits and points. On pg. 82 it states that for foraging areas occurring outside of a closure, **expand buffer to include foraging site**, extending closure to soundside and inlet shoreline. If we document a PIPL foraging in a pedestrian corridor would we provide a pedestrian corridor around the backside of the foraging area or will we allow pedestrians to walk through the foraging area? I would not be surprised if we had foraging

plover in the pedestrian corridors at Cape Point, South Point and even Bodie.

2) Alt B maps-

Pg. 324. Would we close down Ramp 59 on Ocracoke permanently to ORVs?

Pg 334. Cape Point map does not explicitly state that ORVs are **not** allowed on the east side of Cape Point. Is this supposed to be another pedestrian corridor or was this intentionally left out? Would Salt Pond Road and Ramp 45 be permanently closed? Pg. 84 it states that historic PIPL breeding areas would be closed to ORV access 24 h/day, **year round**, see pre-nesting closures. Many different ways of interpreting this! Would the pedestrian corridors be open to ORVs or would the same closures be in place year round?

AMOYs

1) On Pg. 52-Species Surveying and Management, Birds, Paragraph 2. It states that **nest** buffers would vary according to species with **600-foot buffers** being established for AMOYs and colonial waterbirds. Pg. 80. AMOY courtship and mating-if courtship and or copulations observed outside of existing closures on 2 consecutive survey days, **or** if banding data exists that indicates the return of a breeding pair to a former nest site, **nesting area** would be posted by symbolic fencing, establishing a **300 foot buffer**. Are we supposed to follow the text on Pg 52 or the table on Pg. 80? A 300 foot buffer would shut down much of the shoreline and a 600 foot buffer would definitely shut down the shoreline. Is the closure for ORVs and pedestrians?

2) Pg 53 it states that Pedestrian access would be restricted to a 150-foot corridor along the oceanside shoreline around bird closure areas. This statement leads me to believe that pedestrians would be allowed on the shoreline in front of nesting birds. The very next statement says that pedestrians would be prohibited from entering any nest buffers. So are pedestrians allowed in front of the closures or not?

3) On Pg 81it states that 35 days after nesting observed, establish a 600 foot buffer around the nest. It is not clear if the closure are meant to be for ORVs as well as pedestrians. Pg. 83-unfledged AMOY chicks. It states that a 600 ft buffer would be maintained around the broods for 35 days after hatching. Buffer moves with the chicks. We had some very mobile AMOY chicks north of Buxton last year. If we had had to move the buffer with the chicks we would have been chasing the chicks with our signs on a daily basis. It would be better if we could expand the buffer to include the new location.

I'm not sure if the counter offer only applies to birds or to turtles as well.

Sea turtles-

1) Pg 52, Species Surveying and Management, Sea turtles, Paragraph 1 and Pg 74- It states that under alternative B, beaches would be patrolled daily beginning at dawn between May 15 and August 31 in search of turtle crawls and nests. Under USFWS's biological opinion we

are required to conduct daily early morning sea turtle nesting surveys from May 1 through September 15. I'm assuming that the biological opinion would still be valid? Would we need to reconsult?

2) **Pg 52**, Species Surveying and Management, Sea turtles, Paragraph 2-States that closure would be expanded **55 days into incubation**. On **Pg. 85** it states that **50 days into incubation**, closures would be expanded to the surf line. We cannot guarantee that the closure will go up exactly on day 50 or 55. An alternative would be to say the closure would be expanded on day 50-55 or sooner if a depression is observed.

3) Pg. 53, Species Surveying and Management, Sea turtles, Paragraph 1, first full paragraph-States that some turtle habitat would be totally closed 24 hours per day to recreation use from April 1 to November 15 to research the effect of management of human recreation on nesting rate, hatching success, sea-finding by hatchlings... Who would determine the areas to be closed or would the bird closures be adequate? I couldn't guarantee that we would be able to conduct a study on sand grain size.

4) Recreation Use (Pg. 53)-Fourth paragraph. Night driving on the beach would be prohibited within the seashore from 8:00 PM to 6:00 AM March 15 through November 15. Is the Park prepared to do this?

6) First partial paragraph vs fourth paragraph (Recreation Use)-Pg 53 - Would nests in ORV areas receive automatic **600 foot buffer** around the nest (top of pg 53) or would they receive **150 foot buffer** that would be expanded with violations (Pg 53 second to last paragraph). Pg 85 more accurately reflects our current management (and complies with the BO)-75 ft buffer in vehicle free areas with little or no pedestrian traffic, 150 feet adjacent to villages or other high levels of day use, and **375 feet in ORV areas**. The BO states that the width of the closure would be 75 feet, 150 feet, and **350 feet**. It seems that people are confusing width of the closure with the size of the buffer.

That's all I've got time for now. Please don't hesitate to call if you have any questions.

Britta

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