

Sandra  
Hamilton/DENVER/NPS  
03/10/2008 12:11 PM

To Thayer Broili/CAHA/NPS@NPS  
cc  
bcc  
Subject Re: Fw: Comments on Alt B

Hi Thayer,

See below for some additional comment. I think Britta is right about trying to resolve these issues now and proposing adjustments where they would work better, e.g, 50 - 55 days after the nest is laid for expanding the sea turtle closures. The USGS protocol options were not as specific as we had to be in the alternatives, and filling in the gaps was not simple.

Sandy

Sandy Hamilton  
National Park Service - Environmental Quality Division  
Academy Place  
P.O. Box 25287  
Denver CO 80225  
PH: (303) 969-2068  
FAX: (303) 987-6782  
Thayer Broili/CAHA/NPS

Thayer Broili/CAHA/NPS  
03/10/2008 11:19 AM EDT

To Sandra Hamilton/DENVER/NPS@NPS  
cc  
Subject Fw: Comments on Alt B

Britta's comments on the Alt. B approach; in some cases they are similar to yours.

Thayer Broili  
Chief of Resource Management  
Cape Hatteras National Seashore  
Phone 252-473-2111 ext.137  
Fax 252-473-2595

----- Forwarded by Thayer Broili/CAHA/NPS on 03/10/2008 11:18 AM -----

Britta Muiznieks  
03/07/2008 06:04 PM  
EST

To: Mike Murray/CAHA/NPS@NPS  
cc: Thayer Broili/CAHA/NPS@NPS, Darrell Echols/CAHA/NPS@NPS  
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 reconult 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? **If you look at the context they can be read to be consistent. P. 80 pertains to courtship/mating closures/buffers around the area of activity outside the prenesting AMOY closures (not to nests) and it allows for the buffer to be up to 600 feet if staff observations indicate that the 300 foot buffer needs to be larger due to bird behavior. P. 81 on nesting buffers provides for a 600 foot buffer around the nest. The statements on p. 52 for AMOY are for nests and chicks and are consistent with p. 80 and 81 (p. 52 3rd paragraph: "Nest buffers would vary according to the species;...and 600-foot buffers would be established for American oystercatcher...." , p. 52 tth paragraph: "Piping plover broods would be protected....a 600-foot buffer would be established around American oystercatcher...." 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? **Note p. 95-96 for AMOY and pedestrian access is the same for alts B,C, and D and seems to imply pedestrian access, as does the impact analysis for Alt B.**

3) On Pg 81 it 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 reconconsult?

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. **The Jan 2006 errata changed 50 to 55 on p. 85 for all alternatives**. 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. **The January 2006 errata added "beginning 55 days into incubation" to the end of the first sentence in the second to last paragraph p. 53. We didn't catch in in the errata but it looks like the first partial paragraph at the top of p. 53 should say "be expanded to up to 600 feet around the nest" Thiis would be consistent with the possible expansions based on violations described in the second to last paragraph from the bottom of p. 53 and also with paragraph 7), p. 21 of the USGS protocols for sea turtles. Paragraph 7) begins with 50 meter sea turtle nest buffer which expands to 100 meters then to 200 meters if necessary. Alternative B of the IPSMS was developed largely from Option B of the USGS protocols.**

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

Britta

Britta Muiznieks  
Wildlife Biologist  
Cape Hatteras National Seashore

252-995-3740-Office  
252-475-8348-Cell  
252-995-6998-FAX