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**From:** [Britta Muiznieks](#)  
**To:** [Mike Murray](#); [Thayer Broili](#); [Darrell Echols](#)  
**Cc:** [Dave Lattimore](#); [Jon Anglin](#)  
**Subject:** Re: Please review and AMOY update at Cape Point  
**Date:** 06/09/2008 01:29 PM  
**Attachments:** [Draft Questions for Resource Experts.doc](#)

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Looks good to me. Sorry I didn't get back to you sooner but I was dealing with an AMOY crisis out at Cape Point. A banded AMOY (Gr A7) was hanging by its metal band in our symbolic fencing. Fortunately, there were no visitors to witness this occurrence or to take pictures of it. Doug and I released it after trying to crimp down the metal band to prevent this from happening again.

This AMOY pair (A7/O7) has taken their chicks down to the Cape Point area (near the old ship's timber) after hatching. A 200 m buffer around the current AMOY chicks locations will not allow us to open up the point to pedestrians even if it becomes a possibility to open up a narrow beach area in front of the PIPL chicks.

Britta

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**Mike  
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cc: Darrell Echols/CAHA/NPS@NPS, david\_rabon@fws.gov,  
Sherri Fields/Atlanta/NPS@NPS  
Subject: Please review

06/06/2008  
03:00 PM  
EST

Britta, Pete, and Sandy,

I've drafted a list of possible issues and questions for the visiting resource experts. The list is intended to give them a heads-up about possible questions, but is not intended to be 100% complete.

If you have a chance, please review and provide any suggestions to me by noon on Monday. Note: There will also be a verbal briefing of the visiting experts to discuss RegNeg committee process, group dynamics, etc. so they have an idea what to expect.



Draft Questions for Resource Experts.doc

Thanks in advance for any input you can provide.

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Possible Questions for Resource Experts  
 at June Meeting

Piping Plover (PIPL)

- What is the current Atlantic Coast population status, recovery unit status, and on what official federal or state “lists” (e.g., federal or state T&E, or other federal or state “species of concern” lists) is the species currently listed? What is the legal significance, if any, of a species being as a “species of concern” list (i.e., something other than being listed as a T&E species)?
- Since PIPL are federally listed as “threatened,” what legal requirements (as opposed to recommendations) must be met in terms of protective measures?
- Identify sources of “standard” or “generally accepted” management recommendations for the species (e.g., recovery plan, conservation plan, etc.).
- Summarize the “standard” recommendations, including management of motorized and non-motorized recreation, and size of buffer distances for nests and unfledged chicks.  
**(It would be extremely helpful on PIPLs to walk us through key sections of Appendix G, especially the section on Motor Vehicle Management and the sub-sections on Protection of Nests, Protection of Chicks, Timing of Vehicle Restrictions in Chick Habitat, and Essential Vehicles.)**
- If there is no “standard” or “generally accepted” management recommendations, including buffer distances, what is the range of recommended measures including buffer distances that are identified in the scientific literature?
- Is the current scientific thinking that one-size buffer for PIPL fits and applies equally to all situations and locations? Or is the current thinking that buffer distances are “situational” and may vary based on site specific conditions, including habitat, and the individual birds’ reaction to disturbance and other variables?
- Any site specific management recommendations, based on your knowledge of conditions at Cape Hatteras?
- If any recommendations for Cape Hatteras are different than the “standard” management recommendations applied elsewhere, why the difference?
- Appendix G of the PIPL Recovery Plan seems to allow for two levels of management and buffer distances: 1) Without a “management plan,” 1000 m ORV buffers for PIPL chicks are recommended. 2) With a plan that provides for monitoring of all broods during the chick-rearing phase of the breeding season and specifies the frequency of monitoring, vehicle-free areas should extend at least 200 m on each side of the nest during the first week following hatching, etc. Why can’t the latter approach apply and work at CAHA?
- If the birds are not doing well at CAHA, why not relocate PIPL nests to Pea Island NWR or a spoil island, or hatch the eggs in a lab?
- Why not use “chick fencing” to keep PIPL chicks out of harms way and still allow ORVs to pass through the perimeter of a resource protection area in order to reach an open area beyond the closure?
- In areas that are closed to ORV use, it has been observed that the vegetation encroaches and reduces the amount of nesting habitat for shorebirds (e.g., at Bodie Island Spit, or the upper beach at South Beach south of Ramp 45). Are you aware of any PIPL management plans that use vegetation removal to restore habitat, or any that rely on ORV use to manage or remove vegetation in PIPL habitat? What do you think of these ideas?

DRAFT: Questions for experts at June meeting.doc  
MBMurray: 060608

- The area at Cape Point around the Dredge Pond use to be nice open sandy habitat. Now it is heavily vegetated. Would it be beneficial for PIPL or other beach nesting bird species to remove vegetation and restore open sandy terrain between the pond and the ocean south of the pond? Any recommendations on environmentally appropriate methods for removing and managing the vegetation at this site?
- There is a rumor that there have been a total of 21 recorded piping plover chicks killed by vehicles, and 19 of those were run over by NPS employees (or the managing agency's employees)? What are the facts about PIPL chicks being killed by vehicles? How many documented vehicle kills have occurred and how many were caused by recreational ORV use vs. essential vehicles such as by NPS or other land management agencies?

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### American Oystercatcher (AMOY)

- What is the current population status, regional or state status, and on what official “lists” (e.g., federal or state T&E, or other federal or state “species of concern” lists) is the species currently listed?
- What is the legal significance, if any, of a species being on a “species of concern” list (i.e., something other than being listed as a T&E species)?
- Does the non-T&E “species of concern” listing create any legal requirements (as opposed to recommendations) that must be met?
- Identify sources of “standard” or “generally accepted” management recommendations for the species (e.g., recovery plan, conservation plan, etc.).
- Summarize key points of recent research and resulting management recommendations for AMOY on the Outer Banks. Include any findings or recommendations about management of motorized and non-motorized recreation, and size of buffer distances for nests and unfledged chicks.
- I understand that there is a draft AMOY Conservation Action Plan. What is its status? What measures, including buffer distances, does it recommend?
- If there is no “standard” or “generally accepted” management recommendations, including buffer distances, what is the range of recommended measures including buffer distances that are identified in the scientific literature?
- Is the current scientific thinking that one-size buffer for AMOY fits and applies equally to all situations? Or is the current thinking that buffer distances are “situational” and may vary based on site specific conditions, including habitat, and the individual birds’ reaction to disturbance and other variables?
- Do the studies show that vehicles passing an AMOY nest are less disturbing to the birds than are pedestrians? If yes, then why not have a differential buffer of less distance for vehicles (as long as the vehicles keep moving) and more for pedestrians, until the eggs hatch?
- Any site specific species management recommendations, based on your knowledge of conditions at Cape Hatteras?
- If any recommendations for Cape Hatteras are different than the “standard” management recommendations applied elsewhere, why the difference?
- If the birds are not doing well at CAHA, why not relocate AMOY nests to Pea Island NWR or nearby spoil islands, or hatch the eggs in a lab?
- If predation is a problem, why not use predator exclosures for AMOY nests?
- Why not use “chick fencing” to keep AMOY chicks out of harms way and still allow ORVs to pass through the perimeter of a resource protection area in order to reach an open area beyond the closure?

### Colonial Waterbirds (CWB)

- What is the current population status, regional or state status, and on what official “lists” (e.g., federal or state T&E, or other federal or state “species of concern” lists) are the respective CWB species currently listed?
- What is the legal significance, if any, of a species being as a “species of concern” list (i.e., something other than being listed as a T&E species)?
- Does the non-T&E “species of concern” listing create any legal requirements (as opposed to recommendations) that must be met?
- Identify sources of “standard” or “generally accepted” management recommendations for the species (e.g., recovery plan, conservation plan, etc.).
- Summarize key points of recent research and resulting management recommendations for CWB on the Outer Banks. Include any findings or recommendations about management of motorized and non-motorized recreation, and size of buffer distances for nests and unfledged chicks.
- I understand that there is a (draft?) North American Waterbird Conservation Action Plan. What is it’s status? What measures, including buffer distances, does it recommend?
- If there are no “standard” or “generally accepted” management recommendations, including buffer distances, what is the range of recommended measures including buffer distances that are identified in the scientific literature?
- Is the current scientific thinking that one-size buffer for CWB fits and applies equally to all situations? Or is the current thinking that buffer distances are “situational” and may vary based on site specific conditions, including habitat, and the individual birds’ reaction to disturbance and other variables?
- Do any studies show that vehicles passing by a bird colony are less disturbing to the birds than are pedestrians? If yes, then why not have a differential buffer of less distance for vehicles (as long as the vehicles keep moving) and more for pedestrians, until the eggs hatch?
- Any site specific species management recommendations, based on your knowledge of conditions at Cape Hatteras?
- If any recommendations for Cape Hatteras are different than the “standard” management recommendations applied elsewhere, why the difference?
- If the birds are not doing well at CAHA, why not relocate CWB nests to Pea Island NWR or nearby spoil islands, or hatch the eggs in a lab?
- If predation is a problem, why not use predator exclosures around CWB nests?
- There are a significant number of references in the literature about the use of “chick fence” to protect California least terns, an endangered population. Fencing seems to be used to separate colonies from predators, and to separate chicks from hazardous terrain including rocky shoreline, vehicle routes on military bases, and the edge of roof-tops (where the terns are encouraged to nest on roofs). If chick fence is used for an endangered least tern, can fencing be selectively used at CAHA where it could facilitate vehicle passage along the perimeter of nesting areas?
- In areas that are closed to ORV use, it has been observed that the vegetation encroaches and reduces the amount of nesting habitat for shorebirds (e.g., at Bodie Island Spit, or the upper beach at South Beach south of Ramp 45). Are you aware of any CWB management plans that use vegetation removal to restore habitat, or any that rely on ORV use to manage or remove vegetation in CWB habitat? What do you think of these ideas?

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- The area at Cape Point around the Dredge Pond use to be nice open sandy habitat. Now it is heavily vegetated. Would it be beneficial for CWB or other beach nesting bird species to remove vegetation and restore open sandy terrain between the pond and the ocean south of the pond? Any recommendations on environmentally appropriate methods for removing and managing the vegetation at this site?