

September 10, 2008

Cape Hatteras National Seashore (CAHA) Suggested Response to letter from Cape Hatteras Anglers Club Sept. 7, 2008 letter to Honorable Nick Rahall

CAHA had only a short time to analyze the subject letter and not enough time to formulate a detailed response to the information presented and conclusions drawn. However, it is obvious that some of Mr. Hardham's conclusions, while artful, are constructed more to substantiate his position than to reflect the reality of the situation. In some cases, his conclusions are incorrect. Examples of this are as follows:

Piping Plover (PIPL) – There is no doubt that the number of breeding pair and the number of fledged chicks increased dramatically from the 2007 to 2008 seasons. Breeding pairs increased from seven in 2007 to eleven in 2008; fledged chicks increased from four to seven. This is almost a doubling in each category. The number of birds present at the start of the Consent Decree is less important than the number of birds that stay to breed and breed successfully. The most important number is the number of chicks fledged. The Park believes that a major part of the success during 2008 must be attributed, at least in part, to the larger buffers throughout the breeding and fledging cycle. Other variables such as less nighttime disturbance (attributable to the Consent Decree) and increased effectiveness of predator control and favorable weather (not attributable to the Consent Decree) also likely contributed to this increase.

The letter is incorrect in stating that 1,000 m. buffer is not contained in the Piping Plover Recovery Plan. It is also incorrect in stating that the Recovery Plan suggests 600m.; there is no reference to 600 m. in the Recovery Plan.

The letter infers that night closures for PIPL are unwarranted. Given the large distances that the birds, including chicks, can travel at night and given the inability to monitor movements at night, the Park feels that night closures are warranted.

The letter infers that all breeding pairs were present when the Consent Decree became effective; the Park sees no basis for this assertion since there is no way to determine this; the birds are not banded and not readily identifiable as individuals.

The letter infers that migration of birds ended the day after the Consent Decree was issued. There is no basis for this statement.

American Oystercatcher (AMOY)- As with PIPL, the critical number is the number of chicks fledged which increased from ten in 2007 to seventeen in 2008. In going over the numbers of breeding pairs, it has been discovered that there were 21 breeding pair in 2007 (previously reported as 22); therefore the same number of breeding pairs in each year saw a 70% increase in fledged chicks in 2008 under the Consent Decree.

The letter makes the statement in the summary results section that new non-breeding pair are the result of previous management policies (pre-Consent Decree) at Cape Hatteras. Many of the AMOY are banded. Based on banding, Park staff concludes most of the new non-breeding birds are from Cape Lookout, not Cape Hatteras.

The letter states that “the court ordered decree produced fewer breeding pair while producing fewer chicks.” This is incorrect as demonstrated above.

The letter states that “(s)ome closures were even put in place for pairs that never nested due to the fact that they were not of breeding age.” This is incorrect and misleading. The only way to determine if a buffer (closure) is warranted is when a bird exhibits breeding behavior. If this is not done and the bird is discouraged from completing successful breeding, no nest will ever be produced. Buffers are only installed when birds exhibit breeding behavior; none were installed absent breeding behavior.

Colonial Waterbirds (CWB) - The letter provides an argument that CWB nesting in areas, particularly dredge spoil areas, in proximity of the Park should substitute for CWB success and productivity in the Park. The quoted organization regarding CWB issues in the area, the N.C. Wildlife Resources Commission, would debate this logic and argue that the serious decline in CWB species in the State and region make it highly desirable for the Park to take steps to help stem the decline. Although the quoted Cora June Island has developed into a CWB rookery, at least on a temporary basis, this is a situation where all the CWB are in one “basket”. The reduction of effective breeding habitat within the Park requires attention by NPS based on its responsibilities pursuant to the Organic Act and other requirements such as the Migratory Bird Treaty Act. The fact is that numbers of CWB at the Park, within the State, and within the region, are seeing a rapid decline.

The letter provides no number associated with CWB for the Park. The following numbers are provided:

2007

- 15 CWB colonies
- 263 Least Tern nests*
- 91 Common Tern nests*

2008

- 15 CWB colonies
- 333 Least Tern nests*
- 33 Common Tern nests*
- 5 Black skimmer nests*

At this time, the Park can attribute no differences in CWB productivity to the Consent Decree versus other variables.

Sea Turtles

The letter incorrectly states that “(t)he court order decree imposed a ban on night driving.....in an effort to reduce false crawls...” The subject Decree states that night driving restrictions are to “increase the chances for successful turtle nesting.” This Park interprets this to be a measure that is not only aimed at reducing false crawls, but increasing chances for turtle hatchlings to successfully return to the water when hatched. The attraction of hatchlings to light is well documented.

In 2007 with night driving, the Park’s false crawl to nest ratio was 1.34 to 1.
In 2008, to date, without night driving, the Park’s false crawl to nest ratio is 0.91 to 1.
This represents a decrease in false crawls in the vicinity of 40%.

The letter makes a comparison of false crawl to nest ratios at Pea Island National Wildlife Refuge to the Park (0.94 to 1 versus 0.91 to 1) with the inference that the false crawl ratio is higher at Peas Island without night driving than at Cape Hatteras with night driving. The Park would suggest that during 2008, when neither the Park or the Refuge have night driving, the ratio is functionally equivalent.