From:	Mike Murray
To:	Cyndy Holda
Subject:	Re: Fw: Passive Recreation and other questions
Date:	09/19/2008 11:09 AM

(Cyndy, Please forward to Bob.)

Bob,

To follow -up on your follow-up questions...

During the public comment periods, we received lots of comments from both ORV supporters and non-ORV supporters that appear to follow talking points provided by advocacy groups (i.e., many comments are thematically similar, or use similar statements or language). See below for some of the kinds of comments we received from people concerned about ORV use during the public scoping period. (Note: In terms of "impact" on decision-making under the NEPA process, we consider the substance of the comments more strongly than the sheer quantity of how many times we receive the same or similar comments; but clearly, if many people think something is an issue, then NPS needs to seriously consider that issue in developing a plan.)

- "Off-road vehicles simply don't belong on beaches with prime nesting habitat during the critical breeding season"
- "Virtually every other national seashore on the east coast issues ORV permits, set limits on times, places and numbers of ORVs. Most ban night driving...most protect suitable nesting habitat at the start of the breeding season"
- "No amount of monitoring of nesting birds will provide for the protection needed from ORVs during these periods"
- "NPS is obligated to protect places like Cape Hatteras so they are 'conserved...unimpaired...for the enjoyment of future generations'"
- "With sensible, science-based regulations, NPS can meet this mandate"

On your other question about how does NPS plan to manage "rebellious birds" that try to nest outside of existing resource closures...First, the birds nest where they find habitat conditions to their liking. Sometimes those conditions exist in inconvenient locations and against all odds the birds will nest there anyway (e.g., the Sandy Bay oystercatcher, or the least tern that laid a nest right in the middle of where the Ramp 45 interdunal route exits onto the beach). Before the season, we can usually recognize those habitat conditions and identify where birds might likely nest, but we can't control where they actually nest. We are still working out the details of our resource protection measures for the ORV plan. Under NPS policy, we absolutely will need to reasonably protect nests and chicks where they occur. As I see it, the flexibility lies in whatever indicators we identify that will trigger implementation of new resource closures for nonlisted species outside of established closures. Is it the first observation of any territorial or breeding behavior (as in the Consent Decree)? Is it the third observation? Is it only when the nonlisted birds settle on a site and actually establish a nest? How big of a buffer is established for what behavior? How much discretion is allowed ("professional judgment based on observed bird behavior")? (Are the buffers somewhat flexible, as in the Interim Strategy? Are the buffers as "prescriptive" and nondiscretionary, as in the Consent Decree? Or, is it something else in the middle? In any case, we are still working on defining those the criteria that trigger management action and define the level of flexibility, and will

be able to provide it to the committee once we complete our alternatives and get approval to release them.

Mike Murray Superintendent Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS (w) 252-473-2111, ext. 148 (c) 252-216-5520 fax 252-473-2595

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Cyndy Holda/CAHA/NPS

Cyndy Holda/CAHA/NPS	То	Mike Murray/CAHA/NPS@NPS
	CC	
09/17/2008 07:14 AM	Subject	Fw: Passive Recreation

Follow up question from Bob Davis.....

Cyndy M. Holda Assistant to the Superintendent & Community Liaison Cape Hatteras NS/Fort Raleigh NHS/Wright Brothers NM 252-473-2111 ext. 148 252-216-6455 cell 252-473-2595 fax Email: cyndy\_holda@nps.gov

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"bobdavis" <davisrb@embarqmail.com></davisrb@embarqmail.com>	То	<cyndy_holda@nps.gov></cyndy_holda@nps.gov>
	CC	"bobdavis" <davisrb@embarqmail.com></davisrb@embarqmail.com>
09/16/2008 09:18 PM	Subject	Re: Passive Recreation

these comments spontaneous ? Bob ---- Original Message ----From: <Cyndy\_Holda@nps.gov> To: <davisrb@embarqmail.com> Sent: Tuesday, September 16, 2008 10:54 AM Subject: Fw: Passive Recreation > Good Morning Bob! > See Mike's reply to your "Passive Recreation" email dated August 18, > 2008. > Cyndy > > Hi Bob, > > I apologize for the delay in responding to your request. After talking > with Cyndy and others, the best we can do is give you an estimate of the > number of complaints we have received over the years about ORV use. As > background, prior to 2004 park records were inadequately maintained and > are > not easily mined for information. After 2004, ORV complaints are mixed in > with a variety of "ORV management" files and not easily counted without > extensive effort. There are multiple boxes of ORV files, which include > records for all the planning processes that have occurred. In addition to > individual "complaints" we also have received extensive public comment > during the various formal public comment periods for the Interim Strategy, > Negotiated Rulemaking, and the ORV management plan public scoping. Since
 > my arrival in December 2005, I would estimate that we have received an
 > average of approximately 3-5 "individual" ORV complaints per month, or a
 > total of about 36-60 per year. As an example of public comment, during > the > public scoping period for the ORV management plan (Jan - Mar 2007), out of > approximately 4,000 public comments received, about 3,000 advocated for > more restriction or elimination of ORV use. > > With regard to traffic counters at the ORV ramps, the counters have been > in > place for most of this past season. Darrell Echols has been working with > staff on data verification and compilation. There have been problems with > the accuracy of few counters at a few sites and staff are still working > out > the kinks in the system. Once we are comfortable with accuracy, we will > put out a monthly report providing the data. Obviously, data for 2008 > will > be unique because of the Consent Decree and would not provide a valid > indication of the level of use in recent years. > Thank you for your patience. > > Mike Murray > Superintendent > Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS > (w) 252-473-2111 > (c) 252-216-5520 252-473-2111, ext. 148 > fax 252-473-2595 > CONFIDENTIALITY NOTICE > This message is intended exclusively for the individual or entity to which > it is addressed. This communication may contain information that is > proprietary, privileged or confidential or otherwise legally exempt from > disclosure. > ----- Forwarded by Mike Murray/CAHA/NPS on 09/16/2008 08:21 AM -----> > Cvndv Holda/CAHA/NPS > > То 09/03/2008 03:14 Mike Murray/CAHA/NPS@NPS > > РM CC > > Subject > Fw: Passive Recreation > >

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> As you requested...
> Cyndy -
> ----- Forwarded by Cyndy Holda/CAHA/NPS on 09/03/2008 04:14 PM -----
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                    "bobdavis"
>
                    <davisrb@embarqm
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                    ail.com>
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>
>
                                                        "cyndy holda" <cyndy_holda@nps.gov>
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> Mike Murray: How many visitor complaints against ORVS have you received
> each year for the past 5 or 10 years ? Will you have any results from
> vehicle counters ready for the Sept. NEGREG meeting ? Hope you had a good
> vacation .
                     Bob
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>
          _____ NOD32 3447 (20080916) Information __
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>
> This message was checked by NOD32 antivirus system.
> http://www.eset.com
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