

SOUTHERN ENVIRONMENTAL LAW CENTER

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February 27, 2009

VIA FACSIMILE (252-473-2595), EMAIL, AND U.S. MAIL

Michael B. Murray
Superintendent, Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27954

Re: Comments on Proposed 2009 Pre-nesting Closures
Cape Hatteras National Seashore

Dear Superintendent Murray:

Thank you for forwarding the proposed pre-nesting closures for 2009. Pursuant to paragraph 20 of the Consent Decree, we are providing our comments on the proposed closures, and look forward to your responses.

We understand that the goal is to “establish pre-nesting closures . . . that incorporate to the maximum extent possible the areas delineated in the 2008 pre-nesting closure maps attached as Exhibits 1 through 7.” (Consent Decree ¶ 5.) In addition, we understand that the pre-nesting closures should also incorporate additional “recent bird breeding areas (areas used at some time during the past 3 breeding seasons)” under page 59 of the Interim Plan and paragraph 2 of the Consent Decree. With these principles in mind, we submit the following comments.

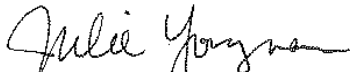
1. We agree with the closures proposed for Bodie Island, as represented on Map 1.
2. We request that the pre-nesting closure for Cape Point, as represented on Map 2, be amended to include the fan around ramp 45, because of the colonial waterbird colony and numerous incidents of piping plover scrapes that occurred in that vicinity last year. We also request that the pre-nesting closure for South Beach, as represented on Maps 2 and 3, extend down to the low tide line in front of ramp 45 and to the West of ramp 45, just as it is currently proposed to do to the East of ramp 45, because of the many American oystercatcher and colonial waterbird nests in that vicinity last year.
3. We request that the pre-nesting closure for the Overwash Fans Area, as represented on Map 4, be amended to extend 300 meters further down the beach to the West because of the American oystercatcher nests in that vicinity last year.

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4. We request that the pre-nesting closure for Hatteras Inlet Spit, as represented on Map 5, be amended to extend 350 meters further to the East of Pole Road, because of the many colonial waterbird colonies and other nests in that vicinity in recent years (2000 to 2005 and 2007). At a minimum, we request that the pre-nesting closure in the area marked "170 meters" on Map 5 to the West of Pole Road be extended to the recent low tide line, or at a minimum, to the 2008 pre-nesting closure limit.
5. We agree with the closures proposed for North Ocracoke, as represented on Map 6.
6. We request that the pre-nesting closure for South Point, as represented on Map 7, be amended to extend to the line that is 100 feet inland from the recent high tide line in those places where it is currently farther away from the recent high tide line than that, and be amended to extend for an additional 160 meters further Northeast up the island toward ramp 72, because of the many piping plover nests and scrapes in that vicinity last year.

Thank you for your attention to these comments and suggestions. We would be glad to discuss any of them with you.

Very truly yours,



Julie Youngman

JFY/lap

cc: Lora M.T. Tripp (via email and U.S. Mail)
Jason Rylander (via U.S. Mail)
Chris Canfield (via U.S. Mail)