

From: [Cyndy Holda](#)
To: [Mike Murray](#)
Subject: "Talking Points" for Temporary Cape Point Closure
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Mike,

Talking points I stress when answering questions about the Cape Point closure:

- 1) Cape Point: most unique piece of land found anywhere in the park, i.e, strong tides, rough surf zone, violent storms sweep through with severe lightning strikes and potential for water spouts, etc., etc. That is precisely why people want to go there....but from now on and for several months out of the year, this may no longer be possible.
- 2) "Perfect Storm".....most cherished piece of land in the park for fishermen, beachcombers, etc. and is now blocked by a bird closure 0.4 of a mile in length (temporary though this may be.....once PIPL chicks are on the ground, the 1,000 meter buffers go into effect and will effectively close the whole Point.) Fluid situation that changes daily during the bird breeding season which makes it even harder to accurately communicate conditions from day-to-day.
- 3) Safety concerns: healthy, robust individuals MAY be able to walk below the mean low tide line for 0.4 of a mile safely; **many** others will not physically be able to do this. Rough surf zone, violent storms, strong tides, hot conditions, no potable water, diminished response time for emergency services, etc.
- 4) Judgement call on the individual's part. NPS cannot put guardrails around the rim of the Grand Canyon and yet every year, people fall to their death. Need to have knowledge of tide fluctuation, changing weather conditions, approaching storms, hot temperatures, etc.
- 5) NPS is following the terms of the consent decree. Situation will change as soon as PIPL chicks are on the ground and 1,000 meter buffer is established or other species of birds exhibit breeding behavior.
- 6) Posted signs on-site are to be obeyed....not what is in the Beach Access Report or phone conversations with HQ staff.
- 7) NPS does NOT recommend attempts to bypass these resource protection closures when they are longer than 300 meters due to all of the above.

Our "Frequently Asked Questions" site bulletin provides the following information on this question:

"Can I bypass a resource closure by walking in the tidal surf zone in order to walk to Cape Point?"

The answer is: "The Park boundary along the ocean is the mean low tide line. If a person chooses to bypass any closed area by walking BELOW the mean low tide line, that is technically legal. However, the problem is that closures are often several tenths of a mile long or longer and it is not reasonable or safe to encourage the general public to walk below the mean low tide line for that distance. Inevitably the tide rises, staying outside the boundary becomes much more difficult, and visitors are tempted to come ashore within a resource closure which is a violation. This would only exacerbate access restrictions, as the consent decree requires NPS to automatically increase the buffer distance in 50-meter increments if disturbance of birds by ORVs or pedestrians is observed."

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