



## United States Department of the Interior



NATIONAL PARK SERVICE  
 Fort Raleigh National Historical Site Wright Brothers National Memorial  
 Cape Hatteras National Seashore  
 1401 National Park Drive  
 Manteo, NC 27954  
 252-473-2111

IN REPLY REFER TO:

N16

September 15, 2009

Bob Eakes  
 Red Drum Tackle Shop  
 P.O. Box 1354  
 Buxton, NC 27920

Dear Bob,

I appreciate you and Larry Hardham taking the initiative to meet with me on September 2, 2009 to discuss this year's nesting season. After discussing your concerns with National Park Service and U.S. Fish and Wildlife Service biologists to ensure I have a clear understanding of the biological principles involved, this letter responds to the written points of discussion that you provided on September 2<sup>nd</sup>.

First, there are many factors that can affect the outcome of shorebird breeding activity. Predation, weather, and human disturbance have typically been the three most significant factors affecting shorebird breeding success at the Seashore, though a variety of other factors can play a role as well. The consent decree has clearly reduced the negative impacts of human disturbance on shorebird breeding success. Predation and weather continue to be potentially significant factors that vary year-to-year and, along with other factors such as prey availability, can negatively affect the outcome of shorebird breeding activity.

Breeding results can vary year-to-year based on a variety of factors, including those described above. A single year's results do not constitute a trend and two years is a very short time period to draw conclusions about population dynamics or the biological results of the consent decree. In the past low and/or varying staffing levels may have accounted for some of the differences in our counts. Our survey effort has increased in recent years and comparisons of population estimates from year to year should be more accurate. The shorebird nesting data that we track year-to-year include the number of breeding pairs, nests, chicks, and chicks fledged for piping plover and American oystercatchers; and the number of nests for colonial waterbird species.

Given that many of the indicators used to document and evaluate shorebird breeding success had generally shown declines since the late 1980s, the general trend the past four years has been a positive one. The interim strategy results in 2006-2007 showed general improvement on some but not all indicators, compared to the previous four year period before the interim strategy was implemented. In 2008 and 2009, the data show further improvement on some but not all shorebird breeding indicators, compared to the 2006-2007 results under the interim strategy. There is no way

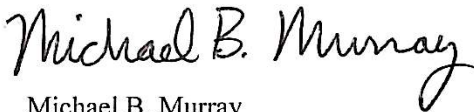
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to know what results might have occurred in 2008 and 2009 if the NPS interim protected species management strategy (interim strategy) had remained in effect. With continued management to minimize human disturbance and to reduce the negative impacts of other manageable factors such as mammalian predation, one can reasonably expect that future year-to-year results, while variable, will continue the trend toward improved breeding success.

With regard to deliberate violations that have resulted in an automatic expansion of the buffer distance under the consent decree, there have been a total of 17 such incidents in 2008 and 2009 combined. Of these, one incident in 2008 resulted in the documented loss of an egg and nest (a one-egg least tern nest was run over by an off-road vehicle in a closed area). The remainder (i.e., 16) of the incidents involved vandalism of signage, including two incidents in 2009 at sea turtle nest protection areas. We cannot say with certainty that any of the latter 16 incidents resulted in harm to wildlife. Each incident had the possibility of unobserved disturbance of wildlife or undetected impacts (such as lost eggs or chicks that were not discovered), as well as disturbance that might result in some cases from the loss of signage. In these 16 cases staff did not detect or document damage to the protected resources.

In closing, I appreciate your continued interest in ORV management at the Seashore and look forward to working with you in the future.

Sincerely,



Michael B. Murray  
Superintendent