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10/12/2009 09:04 PM

To "Fox, Lori" <lfox@louisberger.com>,
<Sandra_Hamilton@nps.gov>, <Mike_Murray@nps.gov>
cc "Van Dyke, Nancy" <nvandyke@louisberger.com>, "Otto,
Dana" <dotto@louisberger.com>
bcc
Subject RE: Initial CAHA Roundtable Materials

Sandy and Mike.

Please use the attached list of questions/comments for discussion. It has been updated since Lori sent the previous email.

Thanks.

~Doug

-----Original Message-----

From: Fox, Lori
Sent: Mon 10/12/2009 7:22 PM
To: Sandra_Hamilton@nps.gov; Mike_Murray@nps.gov
Cc: Wetmore, Doug; Van Dyke, Nancy; Otto, Dana
Subject: Initial CAHA Roundtable Materials

Sandy and Mike,

Attached please find the agenda, list of comments for discussion, and the comment summary matrix. Please distribute as needed.

We are also pulling together the following: 1. Matrix of how comments meet the objectives for review and comment, 101B write-up, sample section of chapter 4 with "mini" summary table as an example, and the posters for choosing the preferred alternative. I think we can get these sometime on Wednesday.

Please let me know if you have any comments on the attached.

Take care,

Lori

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Questions for NPS_10-12-2009 (2).doc

Questions for NPS at Roundtable Meeting

Note: page numbers are from the original sections as distributed to the NPS and not the number from the combined DEIS from October 1.

Chapter 1

Page 1, Line 13 - Jami Hammond: The purpose should incorporate that the purpose is to develop the basis for regulations as it is described previously, not to develop regulations.

Page 16, Line 3 - Thayer: I have a problem with this wetland example as it crosses over the separate issues of ocean beach and traditional wetlands. We should probably discuss. Also, this is a unique, one-of-a-kind example that may be somewhat misleading and therefore not particularly appropriate as an example.

Page 20, Line 27 - Jami Hammond: In addition to mentioning that much of the vegetation impact discussion will be in the wetlands impacts analysis, it would be worth mentioning that the discussion of potential impacts to seabeach amaranth will occur in the T&E impacts analysis. Also, there should be some analysis of impacts to early successional beach vegetation that serves a valuable role in trapping sand and building dunes. Will this be included in the wetlands section?

Page 21, Line 10 - Jami Hammond: An analysis of impacts to mammals should also include indirect impacts due to garbage and fish-cleaning by-products associated with ORV/recreational access. The increased availability of this type of food may lead to increased populations or altered distributions of mammals, like raccoons, that may prey on listed species along the beach.

Chapter 2 Text

General - Differences between alts E and F -- how much different are these alternatives?

General – Tim Pinion: it would be useful to provide more information in the text of Chapter 2 on the rationale and purpose for establishing SMAs.

Page 5, Line 12 - Tim Pinion: Please define "day-use beach." Are these areas where ORVs would not be allowed?

Page 14, Line 42 - Tim Pinion: Why is the physical space requirement of one vehicle per 54 linear feet for Ocracoke different from the one vehicle per 20 linear feet at Bodie and Hatteras Island?

-Doug W: Note - Matrix originally said 54 feet but was changed to 30-feet by Mike M.

Page 18, Line 21 - Tim Pinion: "Areas that would be seasonally designated vehicle-free would include the areas in front of villages, except Frisco and Hatteras, and most of the Species Management Areas." I thought that all SMAs would be seasonally designated vehicle-free.

-Doug W: Note – Does this need more clarification for the reader?

Page 19, Line 28 - Tim Pinion: ". . . except 400 vehicles would be allowed within a 1-mile area centered on Cape Point . . ." On page 18, lines 24 - 25, the plan is to provide limited ORV access to Cape Point via a

pass-through zone from March 15 through August 31. How does limited access via a pass-through zone still provide for a density of 400 vehicles centered on Cape Point during peak use periods?

-Doug W: Note – does the word “limited” need to be changed to something that references the ORV corridors, which is what “limited access” is referring to.

Page 22, Line 19 - Tim Pinion: What are "floating" nonbreeding shorebird habitat areas? How will they be established?

Page 23, Line 8 (Alternative F) - Mike Murray - revise to read: New ramps would also be established at both 24 and 26, along with new parking areas at the selected location.

-Doug W: Note: R&A table says there will be parking at both new ramps.

Page 32, Line 8 - Thayer: some explanation should be given to the term "farmed". Is it farmed for commercial purposes or just to have plants to use in repopulation efforts?

Chapter 3

Wintering data for bird species – It seems that when the SECN did the wintering study in 2006-2007, they surveyed the entire Seashore and when the NPS took over (in 2007?), they only surveyed the points and spits, which would be a big difference for species such as the REKN who don't primarily use these areas. Does the park have any recommendations on how they would like the wintering data presented? Is it worth including the SECN 2006-2007 data at all?

Wintering habitat data – How would the park like this shown? Combined for all wintering data from 2006 to present? Are numbers (bar chart) helpful or do pie charts provide a better indication of which wintering habitats are preferred?

Page 5, Table 1 – Britta: contact Anne Hecht to see if 2009 data is available. (Note – need contact info)

Page 26, Line 14 - Tim Pinion: There is no mention here of whether these birds remained unpaired for the entire breeding season. What evidence suggests that disturbance preventing these unpaired birds from finding mates? Or, do we mean to say that because population sizes are small and there is a risk of the Allee effect, it is especially important to minimize other factors, such as disturbance?

Page 27, Line 33 - T. Borgardus: They must be referencing the USFWS PIPL recovery plan. However I don't know if we want to say this. In my opinion I don't know if there is enough data here at CAHA to make this statement. This seems like a statement targeting ORV's and might raise some red flags to readers. Our predation data from the last couple of years will probably not support this statement.

Page 36, Line 22 - T. Bogardus: We have not documented raccoon predation on turtle nests at CAHA. We have documented feral cats taking hatchlings. Should we include known numbers of nests taken by red fox at CAHA like it was done for PIPL?

Page 48 – AMOY data: Need footnote explaining why park data used sometimes and why Simon and Schulte data used at other times. Note – does park have data for all years so that one source could be used?

Page 62, Line 5 - T. Bogardus: I would probably just list the [CWB] predation events like it was done above for the PIPL. Thayer, I can provide this information if you would like me to.

Page 91, Line 17 - Thayer: The following two paragraphs go into detail on what was done in 2005. Why is this here as opposed to more info on other years? Seems like it could be deleted and just lead into first paragraph on the next page or replace with a simple statement of what was done prior to the implementation of the IPSMS in 2007.

Page 94, Line 23 - Meghan Carfioli: Should we include a statement that identifies that the data collected by the NPS Night Sky is the best available scientific data and uses an accepted or peer-reviewed protocol for data collection (e.g., Duriscoe et al. 2007)? Should we include a statement that identifies data collected were both qualitative (e.g., Bortle Class) and quantitative (e.g., charge-coupled device camera)? Including a graphic from the NPS Night Skies report has the potential to be a rather powerful way of helping the reader to agree with the conclusions stated on page 95, lines 13-18.

Chapter 4

Page1, Line 2 – Thayer: suggest deleting "long-term". The duration of the plan is stated in Ch. 1, therefore no need to use this modifier. I found it confusing. This may need to be a "global" change.

Page 7, Cumulative Impact Scenario Table - Continued Maintenance of Highway 12 may need to be a present action for both the Socioeconomic and Seashore Management and Operations impact topics. If so, verbiage in the appropriate sections may also need to be added. I can be talked out of this if my logic is incorrect. We can discuss at meeting at end of the month.

Page 93, Lines 12-18 – Thayer - Throughout the DEIS, there seems to be a lot of emphasis and statements related to Oregon Inlet dredging and subsequent impacts to wetlands, etc. I think this is overplayed in the document as an issue within the Seashore and may give the impression to the local reader that NPS is not very knowledgeable of or putting the incorrect emphasis on issues on the Seashore. In any regard, I suggest a global search of the full DEIS to see where Oregon Inlet and Corps of Engineers dredging is present. Once we have an opportunity to look at the use of this in toto, we can make a determination as to any need for changes.

- Can we do impacts common to all (as we did in some topics) for surveying for many of the biological topics since it is now being characterized as overall beneficial?
- Should the terms and conditions of the BO be mentioned in the analyses for alternatives A and B for T&E species?
- We need to discuss impairment conclusion language especially for those with moderate to major adverse impacts. Not sure how this should be stated – have seen several different ways.
- Socio- alternative C - Carol may be rethinking this analysis based on my review and has not had time to redo. Is there a difference among alts C, E, and F and if so, why and how much?
- Subheadings – where does each topic discuss the impacts of closures – under management or under recreation? See sea turtles e.g.

Chapter 5

(none)

References

Species Management Table

- Doug McGee - (Referring to "territorial behavior" under the definition of "Breeding Behavior") I would omit this or change it to 2 consecutive monitoring occasions (~3 days). AMOYs and PIPLs both can be "territorial" over foraging habitat that isn't associated with breeding territory or even breeding. PIPLs in particular can be territorial with other species, eg semi-palmated plovers and sanderlings. Early in the season birds can be aggressive towards each as returning birds and migrants come in contact with each other as they are traveling through. Several times in the 2008 & 2009 seasons we closed sections of beach for a single instance of "territorial behavior" to never to see the birds again. To leave it as is, may put staff in the position of "chasing birds with signs".
- Tim Pinion: Breeding Shorebird SMA: The description includes "concentrations of seabeach amaranth specimens." Perhaps we should remove amaranth from the description, or change the name to "Breeding Shorebird and Seabeach Amaranth SMA."
- Tim Pinion: Pre-nesting Closures, All species: "Pre-nesting closures will be adjusted to the configuration of the Nonbreeding Shorebird SMAs for the respective sites if no breeding activity is seen in the area by July 31, or 2 weeks after all chicks have fledged. . . ." But the text on page 14 of Chapter 2 (lines 1- 2), says that "The spits and points would be closed to ORVs from March 15 to October 14 to provide resource protection." I may misunderstand, but the text and table do not appear consistent. Similarly, the text describing Alternative D on page 16 calls for year-round vehicle-free areas at the SMAs.
- Tim Pinion: Courtship/Mating Surveys: "Outside of pre-nesting closures, suitable habitat will be surveyed three times per week once breeding pairs are present." Why is the suitable habitat not part of the pre-nesting closure?
- Tim Pinion: Unfledged Chicks Surveys, Piping plover: It looks like SM1 and SM2 are switched.
- Tim Pinion: Generally, I have difficulty understanding the relationship between the processes for establishing SMAs and conducting pre-nesting closures, breeding and non-breeding surveys, etc. Surveys and closures and buffers described in the table seem to have no dependence on SMAs.
- Page 5 – Mike Murray: Unfledged chick surveys for AMOY and WIPL under SM2– “Is it realistic to survey the brood once daily for at least ½ hour given the number of birds”?
- Page 8 - Adaptive Management – Mike Murray: “will be developed” vs “may be developed” – Can we realistically commit to “will”?

- Why are SM1 and SM2 buffers for PIPL the same? Is this inconsistent with the premise of the SM management strategies?
- Why are PIPL buffers smaller than every other bird species?
- Why are AMOY buffers smaller than other CWB?
- Do we need SM tables for no-action alternatives?

Routes and Areas Table

- Alts A and B – first two sections of beach: listed as OPEN, seasonally closed May 15-Sept 15. Longstanding safety closure. How to accurately represent this on maps and on this table.
- How is mileage that is “closed with limited access” under Alt-E classified at the end of the table?
- How to show mileage for A and B at end of table for comparison

Alternative Elements Summary Matrix

- Page 1 - Tim Pinion: Alternative C, ORV Routes . . . , ORV corridors: Why is driving allowed up to the tow of the dune rather than providing an ocean backshore closure?
- Page 3 -Tim Pinion: Alternative C, Hours of Allowable ORV Operation: Why are hours of night driving established in the Superintendent's Compendium rather than in this EIS?
- Page 12 – Tim Pinion: Alternative C, Commercial Fishing Vehicles: Are the requirements to obtain a commercial fishing license sufficiently restrictive to prevent a flood of people using non-ORV areas? Might recreational fishers apply for commercial licenses to be able to use more of the beach?
- Add details of modification to consent decree?
- Add details of new ramp 32.5, 62, and 64 to all action alternatives?
- Overall, reduce in length and move/refer reader elsewhere?
- Add simplified SMA table that Doug W. developed for analysis?
- Is new interdunal road parallel to beach from ramp 59 for .3-miles NE worth keeping if

Alternatives Maps

- Personalize maps with seasonally closed dates/times?
- Add SMAs?
- Alternative F - What is “exact” location of new soundside ORV-route/access point .65 S of Ramp 72, new unpaved parking area, and pedestrian trail to the sound?

Miscellaneous

- Carrying capacity – how to integrate the impacts of this better with all the other restrictions – now under separate subheadings and need to combine the effect of this with the closures
- Level of survey/management detail- how much is needed – e.g.. special status species- keep or pare down?