

#3014

December 21, 2009

Mr. Michael B. Murray
Superintendent
Outer Banks Group
National Park Service
1401 National Park Road
Manteo, North Carolina 27954

Cc: Jonathan Jarvis, Director, National Park Service
Dan Wenk, Deputy Director, National Park Service
Dr. Bert Frost, Associate Director of Natural Resource Stewardship and Science,
National Park Service
Will Shafroth, Deputy Assistant Director for Fish, Wildlife and Parks, U. S.
Department of Interior
Sandy Hamilton, National Park Service, Environmental Quality Division
David Vela, Southeast Regional Director, National Park Service

Re: Management of Beach Driving for the Protection of Natural Resources at Cape
Hatteras National Seashore

Dear Superintendent Murray,

As scientists and wildlife professionals who specialize in the study of shorebirds, waterbirds, sea turtles, and coastal habitats, we urge you to employ the best available science in managing natural resources on Cape Hatteras National Seashore. In particular, in light of President Obama's directive to federal agencies to ensure that their actions are guided by scientific integrity, we urge you to use best available science during the development of an off-road vehicle ("ORV") management regulation for Cape Hatteras National Seashore.

An extensive body of scientific literature documents the negative effects of ORVs and associated human disturbances on beaches, shorebirds, waterbirds, sea turtles, and beach habitats. Many studies, along with the guidelines in the applicable conservation plans and recovery plans, recommend specific actions necessary to protect birds, sea turtles, and other natural resources from the impacts of ORVs and other human disturbance. In addition, scientists working for USGS developed specific protocols for management of certain protected species on the Seashore. We urge you to strictly adhere to the expert guidance presented in scientific studies, conservation plans, recovery plans, and recommendations from experts as you develop the regulation for ORV use on Cape Hatteras National Seashore.

Cape Hatteras National Seashore is an important nesting area for shorebirds, waterbirds, and sea turtles in the mid-Atlantic region of the United States. The Seashore is also a critical migratory stopover and wintering area for North America's shorebirds and waterbirds that utilize the Atlantic Flyway. But the Seashore is at a critical juncture. The development of a regulation for ORV use will strongly influence the future for shorebirds, waterbirds, sea turtles, and other natural resources that depend on the Seashore's beaches.

In order for shorebirds, waterbirds, and sea turtles to nest successfully on the Seashore's beaches, the National Park Service must adequately protect nesting adults, their nests, eggs, and chicks or hatchlings, and the habitats they require to meet their energetic and reproductive needs. Birds and sea turtles must have access to appropriate habitats and food resources that are free of vehicles, vehicle ruts, lighting, dogs, and other human disturbances. Equally important, foraging and roosting habitats for migrating and wintering shorebirds and waterbirds must be protected from vehicles and other disturbances.

In 2005, USGS contracted with well-respected scientists to develop specific protocols for the protection of nesting colonial waterbirds, American oystercatchers, piping plovers, sea turtles, and seabeach amaranth on Cape Hatteras National Seashore. These protocols present three levels of protection: high, moderate, and minimum. The scientists that developed the protocols state clearly that the minimum level will place species at great risk. The moderate level also places species at risk, but the risk could be greatly reduced with intensive monitoring and immediate protective actions at the first observation of breeding behavior. The moderate level protects species within "focal sites," but individuals that nest outside of these sites will be subjected to greater disturbance, including nests and chicks being crushed by vehicles and pedestrians, without intensive monitoring and immediate protective actions. In contrast, the scientists conclude that the highest level of protection should result in "limited direct recreational impacts" and would restrict all recreational activity year round at focal sites. We urge the National Park Service to implement the highest level of protection to the extent possible, but certainly **no less than** the moderate level of protection as described in the USGS protocols.

The USGS protocols, if implemented, will provide great improvements for nesting individuals, but they failed to address protection for migrating and wintering birds. The protocols did not address species such as Red Knot (candidate for listing under the Endangered Species Act), Sanderling, Willet, Whimbrel, Marbled Godwit, Black-bellied Plover, Semipalmated Plover, Short-billed Dowitcher, Western Sandpiper, Least Sandpiper, and Dunlin, among others, that also utilize the ocean beaches and inlets of Cape Hatteras National Seashore. All of these species, the habitats they require, access to these habitats, and the food resources that are essential to meet their energetic needs during migration and winter are jeopardized by ORV use.

We are aware that the National Park Service will soon release alternatives and the 'preferred alternative' for an ORV management plan for the Seashore. This plan will determine whether or not sensitive species, such as birds and sea turtles, as well as other

natural resources are adequately protected within the Seashore. We request that the National Park Service protect birds, sea turtles, and other natural resources from ORV impacts using the best available science and implement no less than the moderate level of protection presented by the USGS protocols. Equally important, we request that you protect key ocean beach and inlet areas, including associated moist substrate habitats, for migrating and wintering shorebirds.

Thank you for your consideration of this important matter.

This letter represents the professional opinions of the following individuals and not the official position of their institutions, agencies, or organizations.

Sincerely,

Brad A. Andres

Deaver D. Armstrong
Natural Area Preservation Division of the City of Ann Arbor

Matthew Bailey
Delaware Division of Fish and Wildlife

H. Thomas Bartlett
Wildlife biologist and shorebird bander/researcher
Ottawa National Wildlife Refuge

Christine Bates
Fish and Wildlife Biologist

Ruth Boettcher
VA Department of Game and Inland Fisheries

Jennifer Bradbury
US Fish and Wildlife Service

Gwenda L. Brewer
Maryland Department of Natural Resources

Dr. Daniel H. Catlin
Virginia Tech

Michael Cheek
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Larry B. Crowder
Duke University Marine Laboratory

Francesca J Cuthbert
University of Minnesota

J. Peter Doherty
AOU and Waterbirds Society member; CVWO.org member/employee

Nancy Douglass
Florida Fish and Wildlife Conservation Commission

Karen Eckert, Ph.D.
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Jim Eckler
NY Department of Environmental Conservation

Richard A Fischer
U.S. Army Corps of Engineers

Katy Forgues

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Virginia Intermont College

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William R. Gates
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Rebecca Harris
Massachusetts Audubon Society

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Former Chief of Resource Management at the Outer Banks Group

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Peter Hicklin
Canadian Wildlife Service (retired)

Matthew D. Hillman
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Georgia Sea Turtle Center

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Dr. Laura Payne
Bird researcher
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Sam Pearsall
Environmental Defense Fund

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Jessica Schulz
Shorebird bander and member of the American Oystercatcher Working Group

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University of Georgia

Robert G. Severson
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Heather L Shaw
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David A. Shealer
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Emily Weiser
University of Alaska Fairbanks

Brad Winn
Georgia Department of Natural Resources

Linda R. Wires
University of Minnesota

Richard W. Zarwell
Founding Board Member, Friends of Pool 9 - Upper Mississippi River Refuge, Inc.

Margo G. Zdravkovic
Coastal Bird Conservation Program

Additional comments provided by some of the signatories.

“I am a regular visitor to the Outer Banks as well as a wildlife biologist. Cape Hatteras National Seashore must be protected and ORVs limited in such a way to maximize opportunities for wildlife and other natural resources. Enough of that area is lost to development.”

Deaver D. Armstrong
Natural Area Preservation Division of the City of Ann Arbor

“I used to work at the Cape Cod National Seashore as a shorebird monitor and have seen the devastating impact of vehicles on beaches. Crushed eggs and nestlings have been found in tire tracks. The species that nest on barrier beaches already face enough challenges without vehicles.”

Jennifer Bradbury
US Fish and Wildlife Service

“Protection of these resources requires a consistent effort along the Atlantic Coast, especially where these resources are concentrated like Cape Hatteras National Seashore. Many other states protect these resources and do not want to have the success of their efforts diminished by a lack of protection in other parts of the range of these animals and plants. It is our responsibility to protect natural resources in addition to recreational opportunities for current and future generations, and we should use the available scientific data to do so. That is in everyone's best interest.”

Gwenda L. Brewer
Maryland Department of Natural Resources

“There is compelling evidence that ORV's have significant negative impacts on a large number of birds that inhabit both coastlines and inland waterways.”

Richard A Fischer
U.S. Army Corps of Engineers

“I am a Master's student studying the effects of ORVs to migrating shorebirds at Assateague Island in MD and VA. It is my firm belief that migrating shorebirds and their habitat need to be protected from disturbances such as that posed by ORVs and that there is an urgent need for more scientific research in this area. Many of the species that rely heavily on sandy beaches for resting and foraging during migration are experiencing dramatic population declines and much of the current ORV regulations in place fail to address the conservation needs of migrating shorebirds. Therefore, it is especially important that any ORV management geared towards shorebird conservation employ the best available science for both migrating and breeding shorebirds. Please feel free to contact me for additional resources on the effects of ORVs to migrating shorebirds and their habitat.”

Katy Forgues

“Protection is important to ALL of us!!! Please do whatever is needed.”

Clarence E Fouche Jr.
Professor of Biology
Virginia Intermont College

“[I] support and suggest that the "highest level" of protection be afforded breeding and migratory coastal birds and their habitats on federal properties, including Cape Hatteras National Seashore. We strongly oppose measures less than this and will continue to work against lesser measures on the Atlantic and Gulf coasts.”

Scott S. Hecker

“I take particular interest in these shores as they are the wintering grounds of our province's endemic songbird, the Ipswich sparrow, and are of course important stopover and wintering areas for many of the shorebirds that breed in Canada.”

Dr. Andrew G. Horn
Adjunct Professor, Department of Biology
Dalhousie University

“In Panama, we are expending great effort to preserve a critical stopover site, the Bay of Panama Wetlands, for migratory shorebirds. Many of those birds undoubtedly use Cape Hatteras National Seashore as well. Protecting migratory shorebirds is a team effort and we would hope that the National Park Service considers international cooperation to be an important part of its mission.”

Karl Kaufmann
Panama Audubon Society

“As a shorebird scientist for 35 years, and author of sandpiper conservation plans, I would like to emphasize the importance of the Cape Hatteras National Seashore beaches for migratory shorebirds, particularly Semipalmated Sandpipers and sanderlings, during April, July, August and September.”

Dr. David B Lank
Centre for Wildlife Ecology
Simon Fraser University

“The science strongly supports negative impacts of ORV's on migratory shorebirds during feeding and roosting. The strong interim management actions should be continued.”

Erica Nol
Biology Department
Trent University

“This area is also crucially important for a long-distance migratory shorebird, the Sanderling, *Calidris alba*, whose populations are declining and which lives on North America's ocean beaches during 9 months of the year (including spring/fall migration and winter). A crucial threat to Sanderling survival is the degradation of beach habitat due to human disturbance, such as expanded ORV access.”

Dr. Laura Payne
Bird researcher
University of Washington

“I sign this petition enthusiastically, strongly supporting its intentions and recommendations. I am not an expert on shore birds or turtles, but I have 30+ years of experience in large systems ecology, coastal habitats, and conservation.”

Sam Pearsall
Environmental Defense Fund

“Limiting beach driving is critical to long-term safety of sea turtle nesting habitat.”

Nathan F. Putman
University of North Carolina at Chapel Hill

“Please limit ORV to non-sensitive areas.”

Mark Rauzon
Laney College, Oakland, CA

“The species whose continued survival depends on beach habitats must be protected from direct and indirect harm, and their habitat needs must be met. Where these needs are unknown or not fully understood, research should be conducted to provide information helpful to managers. Recreational use of beach habitats should be allowed only where and when it is not harmful (directly or indirectly) to beach dependent species.”

Sara H. Schweitzer, Ph.D.
University of Georgia

“Many animal species of concern will be impacted by the updated regulation for ORVs. There is valuable scientific data to guide this regulation document. I urge NPS to use the best available scientific information to base their decisions. The decision will not only affect the animal species but the tax-paying public who spend money in the area, boosting the economic value of the region to view these birds and sea turtles.”

Julie A. Shieldcastle
Black Swamp Bird Observatory

“Being involved professionally for over 34 years as head of Wetland Wildlife Research for the State of Ohio and working with all major groups of migratory birds with NGO's support strong and sound Best Practices in management for Wildlife at fragile and globally important habitats such as national Seashores for both breeding and migratory wildlife.”

Mark C. Shieldcastle
Black Swamp Bird Observatory

“I have worked with beach-nesting birds (Piping Plovers, American Oystercatchers, and various tern species) on the eastern seaboard (Virginia, Maryland, Massachusetts) and have monitored migrating/wintering shorebirds and waterbirds at Pea Island NWR. I've seen the extent to which ORVs damage beach habitats and disturb the wildlife that use them. I have also experienced the controversy behind limiting recreational activities and understand that this is a consideration in park management decisions. Still, I strongly feel that protecting habitats and wildlife and encouraging more sustainable recreation are necessary to preserving our public lands for future generations.”

Emily Weiser
University of Alaska Fairbanks

“Cape Hatteras supports nesting shorebirds that winter in Georgia and are listed as high priority under Georgia's State Wildlife Action Plan.”

Brad Winn
Georgia Department of Natural Resources

“Management of National Seashores and all other federal property should always be based on the latest and best scientific evaluations and monitoring. National Seashores and other federal properties should always be managed for wildlife FIRST, and intruding people LAST. If this simple and critical "rule of thumb" is followed our children's children will be able to enjoy a full complement of wildlife in wild places.”

Richard W. Zarwell
Founding Board Member
Friends of Pool 9 - Upper Mississippi River Refuge, Inc.