

From: [Sandra Hamilton](#)
 To: [Carol Beidleman](#)
 Cc: [Doug Wetmore](#)
 Subject: possible least tern mgmt CAHA
 Date: 06/07/2010 10:19 AM

CONFIDENTIAL DELIBERATIVE COMMUNICATION -- NOT FOR DISTRIBUTION

Hi Carol,

Are you available for a call sometime today through Wed this week to discuss policy/biology implications? The issue, based on public comment on the draft Off-road Vehicle Mgmt Plan/EIS, that we would like to discuss with you has been stated by the park as follows:

ISSUE: There is not enough access and no assurance of adequate access during the breeding season. (With the apparent expansion of CWB nesting, e.g., LETE's scraping within the villages; there is no assurance under alternative F that any beach areas are not subject to closure for resource protection. Need some way to provide some level of access, even during the breeding season.)

OBJECTIVE: Compare alternative F with stakeholder suggestions and come up with best approach that is simple to understand and implement.

IDEAS FOR DISCUSSION: (I realize that these ideas will create tension with NPS policy and conventional NPS thinking. However, we need to figure out a way to ensure some level of beach access is available during the breeding season. Several possible approaches are described below)

- Make resource protection the priority in the SMAs. Elsewhere, identify a minimum number of beach miles outside of the villages (e.g., 1/4 for pedestrians, 1/4 for ORVs, and no more than 1/2 for full resource closures) that will remain open to pedestrian and/or ORV access with, if necessary, reduced resource protection measures for non-listed species (e.g., in such areas, could implement closures for non-listed species only after nests or chicks). For example, could define "miles" as follows:
 - Ramp 1 to Oregon Inlet: 5.7 miles total with minimum of at least 1.5 miles open to pedestrians and 1.5 miles open to ORVs, and not more than 2.8 miles completely closed for resource protection (chances are in this section more than 3.0 miles would remain open)
 - Ramp 23 to Ramp 34: 10.8 miles total with minimum of 2.7 miles open to pedestrians and 2.7 miles open to ORVs, and not more than 5.4 miles closed for resource protection
 - Ramp 38 to Buxton boundary: 3.7 miles total with minimum of 0.9 mile open to pedestrians and 0.9 mile open to ORVs, and not more than 1.75 miles completely closed for resource protection
 - Ramp 43 to Ramp 49: 6.2 miles total with minimum of 1.5 miles open to pedestrians and 1.5 miles open to ORVs and not more than 3.1 miles closed for resource protection
 - Ramp 55 to Hatteras Inlet: (currently) 2.4 miles total with minimum of 0.6 mile open to pedestrians and 0.6 mile open to ORVs, and not more than 1.2 miles completely closed for resource protection
 - N. Ocracoke to Ramp 68: 10 miles total with minimum of at least 2.5 miles open to pedestrians and 2.5 miles open to ORVs, and not more than 5 miles

completely closed for resource protection

Ramp 68 to South Point: 6.2 miles total with minimum of at least 1.5 miles open to pedestrians and 1.5 miles open of ORVs, with not more than 3.1 miles completely closed for resource protection; **or (see next bullet) could develop more areas that “qualify” reduced protection**

- Establish new “day use” parking lots adjacent to each village, and expand existing day use area parking. Refine language as follows: When breeding activity involving non-listed species occurs within the villages or within ¼ mile of day use area parking lot, NPS will monitor the site but not install buffers until nest(s) occur. ~~When~~ If nesting or chicks occur within a village or in the immediate vicinity of paved roads, parking lots, campgrounds, buildings, and other facilities, ~~NPS retains the discretion to provide resource protections to the maximum extent possible while still allowing those sites to remain operational.”~~ NPS will provide the minimum resource protections necessary to prevent direct loss of nests or chicks.

Any other ideas on how to ensure that some areas are open for access?

I'm forwarding also fyi a draft of revised desired conditions for LETE

The ORV Plan/EIS is project 10641 on PEPC. You can find the DEIS there. Basically the action alternatives provide buffers from disturbance (resource closures) for CWB when breeding behavior is observed. Apparently when buffers are provided then the birds nest in areas in front of the villages and in/on the ORV ramps (wide areas of bare sand from NC state highway 12 to the ocean beach), closing them to ORV and pedestrian access. The above issue statement contains some preliminary ideas that the park developed as a potential method of providing some level of recreational access in these areas.

Thanks.

Sandy

Sandy Hamilton
Environmental Protection Specialist
National Park Service - Environmental Quality Division
Academy Place
P.O. Box 25287
Denver CO 80225
PH: (303) 969-2068
FAX: (303) 987-6782

From: [Sandra Hamilton](#)
To: [Carol Beidleman](#)
Cc: [Doug Wetmore](#)
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Here is some further clarification of the situation and intent of the options I forwarded to you:

The "issue" applies (potentially) to all non-listed shorebird species, although the actual examples the park has had the past two seasons are primarily LETE. The actual situations have involved complete closures of certain ramps (and usually the pedestrian boardwalk associated with the ramp) to all recreational use. When breeding activity has been observed within the prescribed buffer distance of a village beach (which already had the seasonal ORV closure in effect), the park has followed the consent decree Paragraph 17 philosophy and not implemented a full-sized buffer (i.e., pedestrian closures). Paragraph 17 says

"The foregoing pre-nesting and/or breeding behavior closures and buffer requirements and other consistent provisions of the Interim Strategy are minimum measures, and nothing set forth herein prevents NPS from exercising its discretion to

provide additional protections as needed. **Additionally, when nesting occurs in the immediate vicinity of paved roads, parking lots, campgrounds, buildings, and other facilities, NPS retains the discretion to provide resource protections to the maximum extent possible while still allowing those sites to remain operational."**

(emphasis added)

From the park perspective the bigger issue is not the specifics of which species or ramps are involved, but whether or not they are going to: 1) give absolute priority in all situations nesting shorebirds in ALL locations (i.e., any where / every where they demonstrate breeding behavior would be given the full buffer); or 2) can/will there be some locations (such as in front of the villages and day use beaches) where recreation is given the priority? The options were developed in the search for a systematic way of doing the latter.

Sandy Hamilton
Environmental Protection Specialist
National Park Service - Environmental Quality Division
Academy Place
P.O. Box 25287
Denver CO 80225
PH: (303) 969-2068
FAX: (303) 987-6782
▼ [Carol Beidleman/FTCOLLINS/NPS](#)

Carol

0026607

Beidleman/FTCOLLINS/NPS

To Sandra Hamilton/DENVER/NPS@NPS

cc Doug Wetmore/DENVER/NPS@NPS

06/08/2010 08:48 AM

Subject Re: possible least tern mgmt CAHA

Hi Sandy,

I was in meetings yesterday but did receive your two emails. I also got your call this morning at my Fort Collins BRMD office (was on the road from my Estes office, so just missed you). Elaine wants Greg Eckert, who is in today, and I to talk about this, then we'll get back to you.

Carol

Carol Beidleman
Park Flight Migratory Bird Program Coordinator
Biological Resource Management Division
National Park Service
Carol_Beidleman@nps.gov