From: Timothy Pinion
To: Sandra Hamilton
Subject: Re: Desired Conditions comments
Date: 06/30/2010 01:53 PM
Attachments: desired conditions draft responses v. 1_pinion.docx

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Looks good. I made a few changes.

desired conditions draft responses v. 1_pinion.docx

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▼ Sandra Hamilton/DENVER/NPS

Sandra Hamilton/DENVER/NPS
06/30/2010 09:54 AM

To Timothy Pinion/Atlanta/NPS@NPS
cc
Subject Re: Desired Conditions comments

Hi Tim,

I've consolidated your draft responses under the representative quotes into a draft response (in green text) under the Concern Statement, as well as adding here and there (in the yellow highlights). If you would take a quick look and delete or change wherever I have misstated something, I'd be grateful. We'll be working on getting all the comment responses into PEPC throughout the day, and I'll save this one until I hear back from you. Thanks, Tim.
[attachment "desired conditions draft responses v. 1.docx" deleted by Timothy Pinion/Atlanta/NPS]
Sandy

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▼ Timothy Pinion/Atlanta/NPS

Timothy Pinion/Atlanta/NPS

06/29/2010 11:56 AM

To Sandra Hamilton/DENVER/NPS
cc
Subject Re: Desired Conditions comments

Hi, Sandy. I have attempted to respond to the comments. In yellow highlights, I indicate a couple of areas where I am probably not the best person to respond. Let me know if I can offer any additional information.

--Tim

[attachment "AL1300 desired conditions comments_pinion.docx" deleted by Sandra Hamilton/DENVER/NPS]

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▼ Sandra Hamilton/DENVER/NPS

Sandra Hamilton/DENVER/NPS

06/18/2010 08:55 AM

To Timothy Pinion/Atlanta/NPS@NPS
cc
Subject Desired Conditions comments

Hi Tim,

You're in luck...these are clearly written comments. The concern statements were drafted by the NEPA contractor, so can be edited, if needed, to better summarize the concerns expressed in the comments. If you want to see the context of the comments, the comment letters themselves are available on the internal side of PEPC under the DEIS by searching on the "correspodence ID number (Corr. ID) for each. I can pull the eight letters off PEPC and email them to you if you'd like; just let me know. Thanks so much for your continuing help with this project, Tim. I know the park really appreciates it, and so do I.
[attachment "AL1300 desired conditions comments.docx" deleted by

Timothy Pinion/Atlanta/NPS]
Sandy

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AL1300 - Alternative Elements: Desired Future Conditions

Concern ID:	24218
CONCERN STATEMENT:	Commenters stated that the Seashore should establish management targets for migrating, wintering, and breeding animal species in the DEIS. Some commenters stated that the species recovery goals in the DEIS desired future conditions are too low, and that the Seashore can support a higher number than what is stated. Further, one commenter suggested that the Seashore expand its desired future conditions beyond species management. In regard to colonial water birds, commenters suggested data from 2007 colonial waterbird surveys be taken into account. RESPONSE: Goals for federally listed species are based on U.S. Fish and Wildlife Service (FWS) Recovery Plans for those species. The long-term target for the number of piping plover breeding pairs of 30 is taken from the FWS' Piping Plover Recovery Plan. Sixty pairs far exceeds any documented numbers at the Seashore, and is not supported by the Recovery Plan or the amount of potential habitat at the Seashore. Therefore, NPS has not changed this long-term target. NPS has considered the additional information provided by commenter about the pre-2007 colonial waterfird surveys and agrees that it is reasonable to consider this data for the purpose of setting targets ~~because ...~~. NPS has re-examined the historic data set for colonial nesting waterbirds and revised targets in the DEIS (Table 5, p. 10) in the FEIS to take into account higher historic numbers of nests at the Seashore, as follows: Insert revised FEIS Table here Commenters differ on the targets for American oystercatcher. NPS has considered the comments and determined that it agrees with the FWS opinion that that the future conditions for this species appear reasonable. ~~WHY~~The targets represent an increase above current conditions, and are consistent with the recommendations in the American Oystercatcher Conservation Action Plan (Schulte et al. 2007). NPS has not developed desired conditions for migrating and wintering species because ~~[check with Tim]~~we did not feel we had sufficient historic data upon which to base targets. The adaptive management approach described on DEIS (p. 74) and in Table 10 has been revised to provide a process for modifying management when recovery goals are not met. The following text has been added to the FEIS: Insert new text here Desired conditions have not been developed for green and leatherback turtles because they nest in such low numbers in this part of their range that they do not provide a good basis for the adaptive management process. The long-term desired future conditions for loggerheads is a 20-year projection that places the Seashore on the trajectory towards the 50-year target identified in the Recovery Plan. Developing desired conditions for motorized equipment, noise, appropriate use, and wilderness is

Comment [tpin1]: We need to verify this with folks at the park. I am not sure if this is the reason we did not pursue wintering and breeding DFCs.

	outside the scope of this plan but may be considered during the planning process for the General Management Plan which is scheduled to begin next year. NPS plans to develop a wilderness management plan jointly with the General Management Plan.
Representative Quote(s):	**Corr. ID:** 5751 **Organization:** Defenders of Wildlife
	Comment ID: 140795 **Organization Type:** Unaffiliated Individual
	Representative Quote: Establish and Meet Clear Goals for Wildlife Recovery: A plan must include clear goals and milestones for wildlife recovery. Where there are management targets in the DEIS, they need more thorough vetting based on the potential of the Seashore to support wildlife rather than on its recent degraded abilities. Where birds, turtles and plants are not coming back as planned, based on annual reviews, additional protective measures should be implemented until recovery goals are met. These goals, and adequate management to realize them, should be for migrating and wintering species as well as breeding ones. Goals for federally listed species are based on FWS Recovery Plans for those species. Colonial nesting waterbird targets have been revised to take into account higher historic numbers of nests at CAHA. The adaptive management approach described on page 74 and in Table 10 provides a process for modifying management when recovery goals are not met. The plan does not include desired future conditions for wintering species.
	Corr. ID: 13438 **Organization:** National Parks Conservation Association
	Comment ID: 140915 **Organization Type:** Unaffiliated Individual
	Representative Quote: First, with regard to desired future conditions (species recovery goals) we believe that NPS is choosing long-term targets, and possibly short-term targets that are too low. For piping plover (DEIS, p. 8), the long term target is 30 breeding pairs. However, the footnote indicates that CAHA could potentially support 30-60 pairs, and actual population growth at other sites has exceeded the projections. Consequently, if CAHA could potentially support more than 60 breeding pairs, the long term target should be at least 60 breeding pairs. The long-term target for the number of piping plover breeding pairs is 30, taken from the FWS' Piping Plover Recovery Plan. Sixty pairs far exceeds any documented numbers at CAHA, and is not supported by the Recovery Plan or the amount of potential habitat at the seashore.
	Corr. ID: 13438 **Organization:** National Parks Conservation Association
	Comment ID: 140924 **Organization Type:** Unaffiliated Individual
	Representative Quote: We request that NPS expand the "desired future conditions" section beyond species management and include goals from the management policies on least impacting vehicles and motorized equipment (Management Policies 2006, 8.2.3; 8.2.3.1; 6.4.3.3), noise (Management Policies 2006, 4.9), appropriate uses (Management Policies 2006, 8.1.1), and wilderness (Management Policies 2006, Ch. 6). These policies are essential guideposts for determining whether a recreational use is appropriate and causing unacceptable impacts in National Park System units. In addition, we believe they are critical for determining whether or not the agency is upholding its management duties under the Organic Act. We would urge the agency to develop a set of desired future conditions for 1) motorized equipment 2) noise 3) appropriate use and 4) wilderness. Outside the realm of species targets and my expertise.
	Corr. ID: 13438 **Organization:** National Parks Conservation Association
	Comment ID: 140918 **Organization Type:** Unaffiliated Individual
	Representative Quote: Second, in the section on "Issues and Impact Topics" (DEIS, p. 29), it states that "Nesting sea turtles at the Seashore include the loggerhead, green, and leatherback turtles." However, when desired future conditions are discussed (DEIS, p. 8), loggerheads are the only species for which short-term and long-term targets are stated. Again, the long-term loggerhead target is set low at 115 nests, when the footnote

	states the 50 year projection as being 201 nests. If there is a scientifically based 50 year projection, then why is a lower number being chosen for a long-term target? What is the basis for this choice? Green and leatherback turtles nest in such low numbers in this part of their range that they do not provide a good basis for the adaptive management process. The long-term desired future condition for loggerheads is a 20-year projection that places us on the trajectory toward the 50-year target identified in the Recovery Plan.
	Corr. ID: 14002 **Organization:** U.S. Fish and Wildlife Service
	Comment ID: 139447 **Organization Type:** Federal Government
	Representative Quote: With respect to goals, we note that the DEIS describes a set of desired future conditions (i.e., target population levels) for beach-nest birds, sea turtles, and sea beach amaranth. We find that the desired future conditions for the federally listed species (nesting piping plovers, nesting sea turtles and sea beach amaranth) parallel recovery criteria described in the recovery plans for these species, and we support them. The desired future conditions for American Oystercatcher also appear reasonable. While we support the desired population growth rates for colonial waterbirds, we note that the baseline population levels for these species were drawn from a period during which populations of these species at CAHA were historically low. As such, the 10 and 20 year population targets described in the desired future conditions are likely lower than what could be supported at CAHA with sustained management. We anticipate that with continued implementation of management actions such as those described in Alternative F, populations of these species could easily exceed the desired future conditions as currently defined. We encourage the NPS to take another look at the historic data set to determine a more appropriate baseline, or prepare to re-calibrate the desired future conditions for these species at the first 5-year review period to reflect population levels that more closely reflect the likely ability of CAHA to support these species. We have revised the colonial waterbird targets accordingly.
	Corr. ID: 15043 **Organization:** Southern Environmental Law Center
	Comment ID: 137451 **Organization Type:** Conservation/Preservation
	Representative Quote: The final management plan should replace artificially low desired future conditions for threatened, state listed, and special status species on the Seashore with higher targets that are consistent with the carrying capacity of the Seashore and appropriate species management. The desired future conditions for federally listed species are based on the FWS' species recovery plans. The colonial waterbird targets have been revised to reflect the potential for the seashore to support a higher number of nests.
	Corr. ID: 15074 **Organization:** Southern Environmental Law Center
	Comment ID: 137788 **Organization Type:** Conservation/Preservation
	Representative Quote: We are particularly concerned about the failure of the NPS to include North Carolina Wildlife Resources Commission data in determining the targets. The DEIS states that the "targets did not take into account data from any surveys conducted prior to 2007 due to the uncertainty associated with survey methods, survey timing, data management, and data compiled for each survey year." DEIS at 10. However, in the State Listed and Special Status Species section of the DEIS, Table 30 at 241, the NPS does list the colonial waterbird data from surveys prior to 2007. If the data are reliable enough to use in the section that discusses the status of species, they also are reliable enough to be used to set targets. The data are used to determine the status of waterbird populations in North Carolina (including consideration of endangered, threatened, and special concern status), regional waterbird populations in the southeastern United States and national waterbird populations. We also note the early colonial waterbird surveys were conducted by Dr. James Parnell, who is now an emeritus professor from the University of North Carolina at Wilmington, and a nationally noted expert on colonial waterbirds. The colonial waterbird surveys were conducted by personnel who are experienced with detecting and counting colonial waterbird nests, and certainly such data are better than having no data at all for the entire period. As the DEIS notes in discussing the colonial waterbird data, "[a]lthough different survey protocols have been used at the Seashore between 1977 and 2009, recent estimates of colonial waterbird nests at the Seashore are clearly much lower than they were 30 years ago (see table 30). DEIS at 240. Using data from 2007 and later allows the NPS to mask the very large

	decline in colonial waterbird numbers that has occurred at the Seashore. Furthermore, it uses data from the time at which waterbird populations were the lowest ever recorded on the Seashore. Colonial waterbird targets have been revised accordingly.
Concern ID:	24220
CONCERN STATEMENT:	Some commenters suggested that the long-term piping plover target of 30 breeding pairs is based on outdated data and is thus unrealistic. RESPONSE: Desired future conditions are based on targets identified in the FWS Piping Plover Recover y Plans. Multiple factors may contribute to the current low productivity rates at Cape Hatteras and Cape Lookout National Seashores, and they may differ between the two Seashores. In the 2009 breeding season Cape Hatteras National Seashore produced xxx chicks per pair, moving closer to the target and indicating that the target is not unrealistic. The short-term target (10 years from now) for piping plovers ~~(10 years from now)~~ is to match the ~~historic high~~ number of ~~nests~~ breeding pairs observed at the Seashore in 1989. The long-term target (20 years from now) for piping plovers ~~at the Seashore is for a period 20 years from now. The long-term target~~ is to achieve the number of ~~nests~~ breeding pairs that the FWS Piping Plover Recovery Plan determined is possible for the Seashore. If the FWS updates the species recovery plan prior to that time, the Seashore will adjust the targets accordingly. NPS also notes that with increased protection from disturbance in effect under Alternative B for the last 3 breeding seasons the number of nests has increased. NPS believes these targets are reasonable.
Representative Quote(s):	**Corr. ID:** 12002 **Organization:** *Not Specified*
	Comment ID: 134151 **Organization Type:** Unaffiliated Individual
	Representative Quote: . DEIS, Table 1, page 8. The goal of 1.5 chicks per pair for Piping Plover productivity seems too optimistic. To establish a goal for Plover productivity one could look at Cape Lookout National Seashore. The Barrier islands of the Cape Lookout National seashore are not inhabited and there is only limited vehicle usage so it should represent the high end of productivity for Piping Plover in North Carolina. Heat-stress and weather are the primary factors for low fledge rates noted at Cape Lookout in their Annual Piping Plover Report. These conditions would certainly also apply to Cape Hatteras. The highest fledgling success rate ever recorded at Cape Lookout Seashore was 0.92 (chicks fledged per pair) in 2004. Yet, the DEIS simply uses FWS information and sets a 5-yr average goal of 1.5 chicks per pair as a long term goal. That's more than 50% higher than an uninhabited area that has almost no ORV. Since the goals established for Cape Hatteras under the DEIS appear unreasonably high, it appears that NPS is currently assessing unreasonably high impacts associated with ORV use in Cape Hatteras Seashore. Further, the study titled "GIS-based analysis of human disturbance on piping plover abundance, distribution and

Comment [tpin2]: May want to focus on the number of breeding pairs, rather than the number of chicks per pair.

	productivity on the barrier islands of Long Island, New York" by SK Thomsen, May 2006 found productivity of 1 for areas completely restricted from ORV use; in cooler climates where productivity would be high; with large Plover populations (in the hundreds); and over a three year period that averaged out variability of productivity. This best case scenario only resulted in productivity rates of 1.0, therefore, the DEIS goal of 1.5 is not reasonable. These high goals also seem to imply that the impacts of ORV are being overstated in the DEIS. More reasonable goals should be established. Desired future conditions are based on targets identified in the FWS' Piping Plover Recovery Plans. Multiple factors may contribute to the current low productivity rates at CAHA and CALO.
	Corr. ID: 13279 **Organization:** *Not Specified*
	Comment ID: 140629 **Organization Type:** Unaffiliated Individual
	Representative Quote: Page 8: Long term Piping Plover target of 30 breeding pairs from 1996 study of USFWS. Comment: Since the available data of 1992 there have never been more than 21 nests. This is a 14 year old study. Setting a long term goal on a 14 year old study is not fair. Too much has changed and it set unrealistic goals that can never be met. This is only laying the ground for more restrictions on activities to achieve an unreachable goal The long-term desired future conditions for piping plovers at CAHA are for a period 20 years from now. If the FWS updates the species recovery plan prior to that time, CAHA will adjust the targets accordingly.
	Corr. ID: 14408 **Organization:** *Not Specified*
	Comment ID: 140847 **Organization Type:** Unaffiliated Individual
	Representative Quote: Historically the park has supported few if any Piping Plovers. Breeding pairs of plovers spend a small part of their life in the park. Is it realistic to expect in the short term to meet the maximum number of breeding pairs and in the long term to double the number experienced in the last 110 years? The short-term target (10 years from now) is to match the historic high number of nests observed at CAHA. The long-term target (20 years from now) is to achieve the number of nests that the FWS' Piping Plover Recovery Plan determined is possible for CAHA.
Concern ID:	24221
CONCERN STATEMENT:	One commenter questioned when "more flexible management of recreational use" would be implemented - once the short-term goals have been met or after the long-term goals have been met, and also questioned what "more flexible management" specifically means.
Representative Quote(s):	**Corr. ID:** 15074 **Organization:** Southern Environmental Law Center
	Comment ID: 137786 **Organization Type:** Conservation/Preservation
	Representative Quote: We agree with the general concept of having a desired future conditions analysis, as it provides a standard against which management efforts can be reviewed. However, we have serious concerns about the adequacy of specific provisions of the desired future conditions analysis in the DEIS. First, it is unclear how the short-term and long-term goals interact and how these goals relate to modification of management measures. The DEIS notes that when desired future conditions for resources "are met or exceeded, it may allow for more flexible management of recreational use, provided adverse impacts of such use are

	effectively managed and wildlife populations remain stable." DEIS at 7. Will "more flexible management" be implemented after the short-term goal is met, or only after the long-term goal is met? If flexible management is implemented after the short-term goal is met, it would conflict with meeting the long-term goal, because as noted in the DEIS, such flexibility is allowed provided the wildlife populations "remain stable." Someone else may want to tackle this one. It seems to me that we would want to meet long-term targets prior to adopting more flexible management of recreational use.
	Corr. ID: 15074 **Organization:** Southern Environmental Law Center
	Comment ID: 137787 **Organization Type:** Conservation/Preservation
	Representative Quote: Second, the DEIS fails to disclose what "more flexible management" means in terms of specific management changes that will be implemented, nor does the DBIS provide an analysis of the direct and indirect impacts and cumulative effects of such management changes. For example, one proposal that is popular with some local ORV interests is ORV corridors, even if unfledged chicks are present. Such a management measure, however, is inconsistent with the piping plover revised recovery plan and would pose a high risk of take of a threatened species (Hecht, 2009). Under NEPA, there should be a full disclosure of the NPS proposed action, and what the effects of this provision would be. NEPA process question regarding adaptive management. Third, we are very concerned that the NPS has selected short or long-term targets that are too low for shorebirds and colonial waterbirds. As a result, these low targets could allow a premature weakening of management measures before there has been species recovery at the Seashore. Colonial waterbird targets have been revised accordingly.