From: Mike Murray

To: irenen@mindspring.com
Bcc: Cyndy Holda
Subject: Re: critical habitat
Date: 08/20/2010 09:02 AM

Irene,

You may want to check with Pete Benjamin on that, or look at the biological opinion (BO) for the Bonner Bridge project to see if the critical habitat consultation has already occurred.

As an aside, my experience with ESA consultations on NPS projects is that the Section 7 consultation (regarding potential impacts to the listed <u>species</u>), as well as the critical habitat consultation (regarding potential impacts to the <u>habitat</u>), are handled <u>concurrently</u> in the project or plan's NEPA document and related BO. The critical habitat consultation process is not a substantial (or separate) workload. It is simply one more base to cover, along with the other consultation requirements (such as FWS, CAMA, Army Corps of Engineers, etc.), during the planning process. For example, for the Seashore's ORV plan, critical habitat and analysis of potential impacts to it are covered in the DEIS (e.g., see p. 40 and various locations in Chapter 4 in the analysis for each alternative). FWS would typically respond to our critical habitat impact analysis when they prepare the BO for the ORV plan. (We haven't received the BO yet.)

I hope this information helps.

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
(w) 252-473-2111, ext. 148
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▼ "IRENE C NOLAN" < irenen@mindspring.com>

"IRENE C NOLAN" <irenen@mindspring.com>

To "Mike_Murray@nps.gov" < Mike_Murray@nps.gov >

CC

08/19/2010 06:04 PM

Please respond to irenen@mindspring.com

Subject Re: critical habitat

Thanks, Mike. In your opinion, would construction projects include the replacement of the Bonner Bridge?

Irene

IRENE NOLAN
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> [Original Message]
> From: <Mike_Murray@nps.gov>
> To: <irenen@mindspring.com>
> Cc: <cyndy_Holda@nps.gov>
> Date: 8/19/2010 4:59:46 PM
> Subject: Re: critical habitat
> Hi Irene,
> The 2007 comments were submitted in response to the Fish & Wildlife
> Service's proposed designation of critical habitat that, in the 2007
> proposed rule, excluded Pea Island NWR from the critical habitat
> designation. My understanding was that the Refuge was originally
excluded,
> in part, because FWS had recently completed its comprehensive
conservation
> plan (or management plan). My primary question at the time was why
would
> the Seashore's interim strategy not be considered in a similar way. In
the
> 2008 final rule, FWS apparently determined that the Refuge should not
be
> excluded (see "Comment (3)" and the FWS Response on p. 62817 of the
Federal
> Register Notice for the Final Rule for the FWS explanation). As a
result,
> it is my impression today that the critical habitat areas within the
> Seashore are likewise not excludable solely on the basis of having a > management plan in place. I still believe that the designation will
have
> little direct affect on how the NPS manages Seashore beaches, but could
> increase the amount of consultation required if NPS were to propose
actions
> (such as a construction project) in the designated areas that could
> adversely modify the critical habitat.
> Mike Murray
> Superintendent
> Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS > (w) 252-473-2111, ext. 148
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>
                  "IRENE C
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<irenen@mindsprin</pre>
                  q.com>
To
                                                  "mike_murray"
<mike_murray@nps.gov>
                  08/19/2010 02:09
cyndy_Holda@nps.gov
Subject
                                                 critical
habitat
                  Please respond
tο
irenen@mindspring
.com
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  Mike,
  The letter you wrote to Pete Benjamin on July 30, 2007 in response to proposed critical habitat designation for the piping plover is still on
> PEPC web site.
http://parkplanning.nps.gov/document.cfm?parkId=358&projectId=13331&document
ID=20018
> I am considering publishing it in a blog tomorrow.
> Is your view of critical habitat any different now than it was then?
> you still think the current management plan (consent decree) and the
 eventual proposed rule on ORVs are satisfactory and that critical
> designation is not needed in the seashore?
>
 Obviously, the judge did not agree with you or CHAPA. Just wondering
if
> that is a letter you would write today and if you still feel the same.
> Also, I think you have said before that you did not see any further
beach
> closures under the critical habitat designation. Do you still feel the
> same about that -- or might we see more entensive closures outside the
> nesting season?
> Thank you.
>
  Irene
>
>
>
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