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Subject: FEIS text changes
Date: 08/27/2010 03:27 PM
Attachments: [EQD comments on DEIS 8.26.2010.docx](#)

Hi Lori,

Here are the text changes that Doug and I have accumulated. Note that the pages for sea turtles also include a request for LB to contact Mathew Godfrey (NCWRC) for some turtle info.

Obviously these aren't all the changes that need to be made, just the one's we noticed, plus info that Britta gave us over the phone today about 2010 and birds/turtles.

Thanks.



EQD comments on DEIS 8.26.2010.docx

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EQD comments on DEIS

8/26/2010

Global Comments

- Revise title of USGS protocols
- Ensure all changes to tables and maps are made in the Executive Summary
- How alts meets objectives table needs to be revised as necessary
- Update periodic review trigger language (replaces "major hurricane" language)
- Change "non ORV area" to "vehicle free area (VFA)"

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p. xi: Alternative C discussion: SMAs and some village beaches would be closed to ORV use from March 14⁵ through October 14.

p. xxix and xl: see "Pets" below

p.27: Date of special regulation should be April 1, 2011.

p.28: *Invertebrates are impacted by ORV use. A recent study at the Seashore researched the ghost crab (Ocypode quadrata) as an indicator of ecosystem health...*

What study? Needs to be cited.

p.29: State-listed / special status paragraph

Are citations needed for listing status of the species?

Need to mention red knot

Mention species that are on the 2008 BCC list and/or 1995 USFWS list (see response to 24150)

p.61: line 1: ...specific species-protection measures from the consent decree, ~~which provide for large prenesting closures and other access restriction. These modifications that~~ are required until the ORV plan and final Special Regulation are completed.

p. 61: first bullet: Commercial fishermen would be granted access to beaches at 5:00 a.m. instead of 6:00 a.m. provided certain conditions from the modified consent decree are met. Also, add this phrase under Alternative B language for commercial fishing vehicles on the tables on p.xxx and p. 114.

Comment [dw1]: Is this change necessary? I think it came from discussions about the rule. SH, yes, otherwise it implies granting expanded access is automatic, which isn't the case.

p. 108 Beach Parking revised for Alt F per MM. See revised Table 8

p.109: ORV Characteristics for Alt F have been revised per MM. See revised Table 8. Instead revise in Table 8 for Alt C. and have revised Alt F. continue to say same as Alt C. This would result in the revision also applying to Alt D and E. This is appropriate because the same problem applies across the 4 action alternatives. See below under the per the proposed rule section of this list.

p.111: Temporary ORV use of non-ORV Areas. Needs updating in column A, B, and C. Add text describing existing mobility-impaired access (ORVs dropping off people with their party on the beach and returning to road, etc) to column A and B. Does Alt C column need updated language that Mike

provided for the rule? Also, need to clarify that the transportation of mobility-impaired visitors is only applicable in front of the villages.

p. 114: possible change from p. 61 change above.

p. 114: need to add to alternative B at the end of the second bullet “, provided certain conditions are met” [explanation: this text comes from the modified consent decree]

p.118: Second paragraph under “Nesting”. Remove text “[from alternative D]”

p. 212 Sea Turtles: 3rd paragraph.

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Change “...only nesting data from 2000 to 2009 are presented...” to “...only nesting data from 2000 to 2010 are presented...”

Change The number of nests recorded at the Seashore from 2000 to 2009... and 112 nests recorded in 2008” to The number of nests recorded at the Seashore from 2000 to 2010...and 154¹ nests recorded in 2010... Add reference at the end of this sentence to (Muiznieks pers. comm. 2010)

The “In 2009, there were 104 seas turtle nests recorded at the Seashore.” Can be deleted because we have now have the 2010 number?

If you have the data to recalculate the percentages of loggerhead, green and leatherback to include the 2009 data, then recalculate them. Otherwise leave as is. Per Britta, to date in 2010 there are 150 loggerhead nests, which includes the run-over female for which park staff made a nest for her eggs, 4 greens and 0 leatherbacks. The earliest nest in 2010 was June 1, so the second paragraph on p. 214 about early nests is still correct.

p. 213 Per Britta, would you please call Mathew Godfrey of the NCWRC and ask for the 2009 number of loggerhead turtle nests in North Carolina, and then update the bar graph on p. 213. Also ask when he expects to have numbers of nests for NC for 2010. FYI – Britta says the numbers in seaturtle.org for 2009 are wrong because there was not a requirement to enter data in it for 2009. There is such a requirement starting in 2010, but the numbers may not be up to date – you could check with Mathew about that also. I would take his advice on whether the 2010 numbers are (will be) complete enough for us to include 2010 in the bar graph. If we can do it at the last minute, it’d be nice see how CAHA numbers compare to the numbers for the state. But it’s not essential. Note, the text above Figure 12 also needs to be updated to say “from 1995 through 2009 [or through 2010 if we have numbers to plug in at the end for 2010]. Also the ref’s for Fig 12 above the figure will need to be updated for 2009, and possibly 2010.

p. 214 3rd line, add a sentence “However, in 2010 a record-breaking high number of 150 loggerhead nests were laid at the Seashore.”²

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p. 215 3rd paragraph, last sentence, recalculate for 2006 to 2009 and add citation to 2009 sea turtle annual report (2010)

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¹ Turtle nests numbers for 2010 are current to August 27, 2010, however as of that date the nesting season is still ongoing, and final numbers for 2010 may differ.

² Turtle nests numbers for 2010 are current to August 27, 2010, however as of that date the nesting season is still ongoing, and the final number of loggerhead nests for 2010 may differ.

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p. 216 2nd paragraph, add a sentence at the end "In 2010 4 green turtle nests were laid at the Seashore"³
p. 216. Leatherback turtle 2nd paragraph, after the first sentence, add "No nests were documented in 2010."⁴

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p.217 (or 220): Insert picture of crushed female turtle and description of event.

p. 220 – 221 threat occurrences needs to be updated to include info in 2009 annual sea turtle report (2010)

p.221: last paragraph. Need a citation for the 40,000 SBA plants number.

p.223: AMOY section – insert AMOY listing status and indicate if on 2008 BCC list and/or 1995 USFWS list.

p.235 CWB section – same comment as AMOY above.

Plus...

Why is this sentence under CWB and not in the beginning of the state listed section?

The Seashore was designated a Globally Important Bird Area by the American Bird Conservancy (American Bird Conservancy 2005). This designation recognizes those areas with populations and habitat important at the global level but does not carry any regulatory obligations.

The NPS doesn't list Species of Special Concern (not sure what the fix is)

"while the other three are listed as Species of Special Concern by the NCWRC and the NPS (Cohen et al. in press)."

p.237 Table 29: In the black header bar, the word "species" occurs instead of the year. Move "species" to upper left cell in table and insert appropriate year.

p.238: add other food items (crustaceans, insects, etc.) for Common Terns under Foraging Habitat. Cite BNA Online.

p.239: From BNA Online. Might be good to add in to BLSK foraging habitat:

"Reportedly a nocturnal forager (Bent 1921, Erwin 1977a, Burger and Gochfeld 1990), but feeds regularly in daytime at appropriate tide cycle, especially when feeding young."

p.244: under WIPL. Replace Audubon Society as source for listing status.

p. 245 Wilson's Plover in North Carolina and at Cape Hatteras National Seashore, at end of first paragraph add "During the 2010 breeding season, two nests on Ocracoke Island fledged two chicks (Muiznieks per. omm. 2010).

³ Turtle nests numbers for 2010 are current to August 27, 2010, however as of that date the nesting season is still ongoing, and the final number of green turtle nests for 2010 may differ.

⁴ Turtle nests numbers for 2010 are current to August 27, 2010, however as of that date the nesting season is still ongoing, and the final number of leatherback nests for 2010 may differ.

p. 241 first paragraph, after first sentence, add "In 2010, one gull-billed tern nest was documented at Cape Point, but it was lost before hatching."

p. 246: Determine if red knot is on aforementioned 2008 BCC list and/or 1995 USFWS list.

p.249: NC Audubon as citation for other birds. OK to leave in?

p.265: Get ORV count data for Memorial Day 2008 (including ramp 27-38), verify percentages, add vehicle counts.

Pet Regulations. The following descriptions of pet regulations contain errors. Please make these sections consistent with the level of restriction described in Chapter 2, Table 8, p. 113, "Pets."

p. xxix

p.xi. Table ES-5 Environmental impact summary by alternative, American oystercatcher, alt F column) - Implementation of...**prohibition of pets in the Seashore** during breeding season including in front of the villages

Page 136 (Table 13Environmental impact summary by alternative, American oystercatcher, Alt F column) - Implementation of...**prohibition of pets in the Seashore** during breeding season including in front of the villages,....

Page 358 5th paragraph (Pets/Other Recreational Activity Restrictions)

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Page 359 (Impairment Determination) 1st paragraph, line 15

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Page 470 2nd paragraph Pets would be prohibited witin Nonbreeding Shorebird SMAs

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Page 472 (impacts of ORV and recreational use state-listed/special status species Alt F) - Pets would be prohibited within all SMAs, which would greatly reduce the likelihood of pet disturbance in state-listed/special status species breeding areas; however, compliance is needed to ensure that this reduces the risk of impacts....These additional restrictions, along with the **limitation of pets to village beaches** during breeding season would result in long-term beneficial impacts to species at the Seashore as recreational pressures to state-listed /special status species would be further reduced.... [next paragraph] Implementation of...**prohibition of pets in the Seashore** during breeding season including in front of the villages, and establishment of breeding and nonbreeding SMAs would benefit the American oystercatcher.

Page 473 1st bullet under conclusion line 9 of this bullet

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p. 474 Impairment Determination 2nd paragraph line 13

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Page 477 (Table 55 summary of impacts to state-listed and special status species under the alternatives, American oystercatcher, Alt F column) Implementation of...**prohibition of pets in the Seashore** during breeding season including in front of the villages,....would benefit the American oystercatcher.

p. 500 Resources Management Activities paragraph, line 4 in this paragraph

p. 558 2nd paragraph, first sentence

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p.648: Definition of Essential Vehicle: park resources, within ~~in~~ areas...

p. 680 Council on Environmental Quality (CEQ) citation. Capitalize the q on questions so it is Questions

p. A-1, 3rd paragraph – change NCRWC to NCWRC

check to be sure table 10-1 under prenesting closures is also consistent; also check p. 468 2nd paragraph line 9; p. 469 5th paragraph line 7; p. 471 4th paragraph

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Maps: revise the legend of each map so that the "P" symbol stands for "Existing parking" (rather than "Parking")

Corrections from proposed rule

p. xxii and p. 106, Alt F: Pedestrian Safety- ORVs shall slow to 5 mph (~~or the slowest possible speed to maintain traction without exceeding the overall speed limit~~) when traveling within 30 meters (100 feet) or less of pedestrians at any location on the beach at any time of year.

p. xxv, 62, 109: ORV Characteristics: Alternative C - Revise trailer/vehicle length language per the rule. The vehicle must have no more than two axles. Towed trailers must have no more than two axles. The maximum combined length of a vehicle and trailer that may operate off-road is 30 feet.

Include language indicating that the CUA permit holder doesn't have to get an ORV permit (but customers would). See MM comments on rule 3.31.2010. (where does this get inserted? Should be stated as part of the action alternatives C,D,E, and F.)

p.111: Alt –C under "Temporary ORV use of Non-ORV areas" – change the text of the bullets to match the rule.

Global: Change "non ORV area" to "area not designated for ORV use".

Global – revise the following language to be consistent with the rule – "Executive Order 11644 of 1972, amended by Executive Order 11989 of 1977, requires certain federal agencies permitting ORV use on agency lands to publish regulations designating specific trails and areas for this use. Title 36, section 4.10 of the Code of Federal Regulations implements the executive orders by providing that routes and areas designated for ORV use shall be promulgated as special regulations. "

p. i - Improved access, increased population, and the popularity of the sport utility vehicle have resulted in a dramatic increase in vehicle use on Seashore beaches. There has also been a decline in most beach nesting bird populations on the Seashore since the 1990s. (relocate this sentence per rule)