

**From:** [Mike Murray](#)  
**To:** [Sandra Hamilton](#)  
**Cc:** [Doug Wetmore](#); [lfox@louisberger.com](mailto:lfox@louisberger.com); [Britta Muiznieks](#)  
**Subject:** Re: Table 10-1  
**Date:** 09/17/2010 12:33 PM

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I'm working on a revision with Britta to try to clarify this.

As background, under the Interim Strategy and Consent Decree some of our prenesting areas extend to the water and are a "full beach closure" to the waterline, with no access allowed below the waterline. Some prenesting areas (e.g., east side of BI Spit, east side of Cape Point, South Beach, east side of South Point, etc. ) are "upper beach closures" that leave an access corridor open until breeding activity occurs, then standard buffers apply. The net effect of the current kind of "full beach closure" prenesting areas is that we sometimes have large areas closed from March 15 until July 15 or later with no access allowed even if no breeding activity ever occurs in that area (e.g., Hatteras Inlet spit).

What we were trying to accomplish in Table 10-1 for Alt F is that when prenesting areas extend to the water line, we could/ would allow pedestrian access (but no pets) below the high tide line until breeding activity is actually observed. If little or no breeding activity were to occur in an area in a given year, there would at least be pedestrian access allowed below the high tide line until the prescribed date that the prenesting area can be removed. Note that in Table 10-1, Prenesting section, it also states: Because CWB colonies may shift locations from year to year, ramps that have had colonies in more than one of the past five years will remain open until scraping or nesting is observed. Pre-nesting closures will still be established in these areas, however, the closure will allow vehicle access through the areas until scraping or nesting is documented at which point the appropriate buffer will be established.

So in essence, there are three prenesting area scenarios described in the Prenesting section of Table 10-1:

1. Prenesting areas to the waterline that would allow the pedestrian access corridors below the waterline until breeding activity is observed
2. CWB-only "upper beach" prenesting areas with a access corridor until breeding activity is observed
3. The prenesting areas adjacent to the Cape Point and South Point ORV corridors, with those corridors being subject to standard buffers

By being specific we were trying to be clear on our intent so the public would know we are not planning full beach prenesting closures at CWB-only sites, as well as be responsive to DEIS comments/suggestions for improving pedestrian access in some areas until breeding activity actually occurs; plus, would provide the specific ORV corridor described for Cape Point and South Point. I'm not sure how to clarify or simplify it, but will try to send some revised language later today. Maybe we would be better off by simply saying something like:

(draft)

**Prenesting areas may or may not allow ORV or pedestrian access corridors depending upon the location, ORV route or VFA designation, and species involved. On ORV routes, the prenesting area would extend to the waterline, with no pedestrian or ORV access allowed, except as described for CWB, Cape Point and South Point. Such corridors would be subject to**

**standard buffers. In VFAs, a pedestrian access would be allowed below the high tide line adjacent to the prenesting area, subject to standard buffers.**

While I like the potential adaptability of the wording proposed above, I also think it lacks enough specificity to give some stakeholders confidence that prenesting areas are more "required" than "discretionary". If any one of you has an idea for making this section more clear, please feel free to rewrite it. My feeling at this point is that we know what we want to do, but are having difficulty in stating it clearly.

In any case, we should leave this on the list of item to discuss Monday!

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
(w) 252-473-2111, ext. 148  
(c) 252-216-5520  
fax 252-473-2595

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▼ [Sandra Hamilton/DENVER/NPS](#)

**Sandra  
Hamilton/DENVER/NPS**

To Mike Murray/CAHA/NPS@NPS  
cc lfox@louisberger.com, Doug  
Wetmore/DENVER/NPS@NPS

09/17/2010 01:09 PM

Subject Table 10-1

Table 10-1 (p. 135 of attached tables). See the first page of this table: possible edits in red and one side-comment with questions for you.

I assumed that was just an error in Britta's edits of table 10-1 that made it look like pedestrians were allowed inside a prenesting closure. For alternative F, is it correct that the public is not allowed in resource closures (prenesting or buffers)? If so that will sort out one point of confusion for us.

The glossary p. 653 in the DEIS defines Prenesting closure as "A kind of resource closure in which an area of suitable habitat is proactively closed to ORVs and pedestrians at the start of the shorebird breeding season to provide undisturbed habitat for bird breeding activities to occur."

[attachment "Table 10-1 with Britta's changes 091610 and SH edits

0028439

091710.doc" deleted by Mike Murray/CAHA/NPS]  
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

▼ Doug Wetmore/DENVER/NPS

**Doug  
Wetmore/DENVER/NPS**

To Mike Murray/CAHA/NPS@NPS  
cc lfox@louisberger.com, Sandra  
Hamilton/DENVER/NPS@NPS

09/17/2010 10:10 AM

Subject Re: CH 4

Thanks Mike.

We'll need to discuss tweaking the pedestrian language a bit. After hearing your explanation yesterday, it sounds like pedestrians are allowed within the prenesting closure if it goes all the way down to the high water mark.

Doug Wetmore  
Environmental Protection Specialist  
National Park Service - Environmental Quality Division  
P.O. Box 25287  
Denver, CO 80225-0287  
Office: (303) 987-6955  
Cell: (303) 968-5214

▼ Mike Murray/CAHA/NPS

**Mike  
Murray/CAHA/NPS**

To Sandra Hamilton/DENVER/NPS@NPS  
cc Doug Wetmore/DENVER/NPS@NPS,  
lfox@louisberger.com

09/17/2010 09:51 AM

Subject Re: CH 4

Sandy,

Attached are my comments for Chapter 4. I've also reviewed it again

to see if we would need to reword anything in any of the Alternative F impact analysis sections because of the revised language about "pedestrian shoreline access" in Table 10-1. No changes are needed and none will be needed if/when we tweak that language to resolve the confusion. The Alt F sections in Chapter 4 generally refer to the species management measures "as described in Table 10-1" and the "pedestrian shoreline access seaward of the prenesting area" is never specifically mentioned in Chapter 4

[attachment "04\_Chapter-4\_First\_Draft\_FEIS\_090710[1].mbm.doc" deleted by Doug Wetmore/DENVER/NPS]

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
(w) 252-473-2111, ext. 148  
(c) 252-216-5520  
fax 252-473-2595

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▼ Sandra Hamilton/DENVER/NPS

**Sandra  
Hamilton/DENVER/NPS**

To Mike Murray/CAHA/NPS@NPS  
cc Doug Wetmore/DENVER/NPS@NPS,  
lfox@louisberger.com

09/17/2010 11:32 AM

Subject CH 4

Hi Mike,

Would you email your CH 4 comments to us, please. We can add Britta's later if they're not available yet. 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  
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**From:** [Sandra Hamilton](#)  
**To:** [Mike Murray](#)  
**Cc:** [lfox@louisberger.com](mailto:lfox@louisberger.com); [Doug Wetmore](#)  
**Subject:** Table 10-1  
**Date:** 09/17/2010 11:09 AM  
**Attachments:** [Table 10-1 with Britta's changs 091610 and SH edits 091710.doc](#)

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Table 10-1 with Britta's changs 091610 and SH edits 091710.doc

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  
▼ [Doug Wetmore/DENVER/NPS](#)

**Doug  
Wetmore/DENVER/NPS**

09/17/2010 10:10 AM

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