

**From:** [Mike Murray](#)  
**To:** [Britta Muiznieks](#)  
**Cc:** [Thayer Broili](#); [Doug McGee](#); [Cyndy Holda](#)  
**Subject:** turtle nest relocation policy  
**Date:** 09/28/2010 10:26 AM  
**Attachments:** [Email Pete B re IPSMS BO discussion.031406.pdf](#)

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Britta,

As background on the turtle nest relocation policy (e.g., for use, if appropriate, in drafting the response to Larry Hardham), the January 2006 EA for the Interim Protected Species Management Strategy indicated the following in Table 2, pp. 86-87:

When a nest is found, staff assess its vulnerability to frequent erosion or frequent flooding, and/or if its location may have a direct impact on recreation access to beach spits and points when the nest and hatchling access to the sea is fenced. If the nest may impact recreational access and an alternate or bypass route (table 3) is not feasible, the nest would be relocated if permitted by NCWRC. If it is determined the nest would not be relocated for either reason, it would be immediately protected with a symbolic fence measuring 30 ft<sup>2</sup> and signage.

However, the feedback on the relocation policy as described in the EA was negative from FWS. I don't recall what feedback, if any, we received about it from NCWRC; however, the WRC handbook is clear (p. 19): **ACTIONS NOT ALLOWED UNDER NCWRC PERMIT, Engaging in any of the following activities is unlawful and could result in revocation of the permit and/or law enforcement action.**

- Relocating nests for reasons other than outlined in the Nest Relocation section above ("When to Move a Nest" is located on p. 14 and indicates that "Nests should be moved **only** when one or more the following situations exist." It does not list relocating nests to accommodate recreational access.)

In any case, we met with FWS on March 15, 2006 to discuss the proposed changes in the Interim Strategy that we contemplated making in the FONSI, which included eliminating the Table 2 provision allowing for relocation of nests that block recreational access to the spits and Cape Point. See attached email to Pete Benjamin. We met with FWS on March 15, 2006 and agreed to that policy change.



Email Pete B re IPSMS BO discussion.031406.pdf

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Mike Murray/CAHA/NPS

03/14/2006 05:41 PM

To Pete\_Benjamin@fws.gov

cc David\_Rabon@fws.gov, Sandra\_Hamilton@nps.gov, Sherri Fields/Atlanta/NPS, Mark Hardgrove/CAHA/NPS, Thayer Broili/CAHA/NPS

bcc

Subject For discussion on March 15 📅

Pete,

Based on the public comments, we are contemplating some changes and/or clarification in the Preferred Alternative (Alternative D) in the interim protected species management strategy and environmental assessment, which inevitably relates to potential changes in the Biological Assessment. We would like to discuss the possible changes with you and David during our meeting tomorrow.

The changes/clarifications being contemplated are as follows (Note: All page references are from EA):

#### **Survey Time and Frequency (pp. 71-73)**

- Clarification: Nesting, PIPL (p.72 in EA) - Alt D states: "PIPL - Approach nests once a week to observe and record data." No other PIPL nest monitoring is indicated. QUESTION: Is it necessary to approach nest, or may staff observe from a distance? Is once a week sufficient frequency for PIPL nest monitoring?

#### **Pre-Nesting Closures / Buffers (pp. 78-79): Implement Alt D as stated , except:**

- AMOY (p. 78): Follow Alt A, which states: " March 25 - Closures are activated if a territory is established or a nest located."
- ORV corridor (p. 78): Alt D as stated, except revise speed limit in areas of reduced corridor width to 10 mph (instead of 5 mph). Comment: 10 mph is more realistic speed for most drivers to maintain headway in soft sand.
- Clarification (p.78): Wrack line Protection: No change in Alt D, but just want to be realistic about expectations. The reality is that the wrack line on the seashore beaches often is not well defined, so I am not sure how valuable this measure really will be. We would still approach it through education and, if well defined, through signing.

#### **Pre-Nesting Maps, Appendix A (pp. 314 - 336). Implement Alt D as shown , except:**

- Clarification: Maps of pre-nesting closures shown in Appendix A are conceptual in nature and approximate what will be implemented on the ground. Actual configuration implemented may vary slightly based on a variety of variables.
- Revise all pre-nesting closure map titles in Appendix A to indicate "Shorebird Pre-Nesting Closure" (instead of "Piping Plover Pre-Nesting Closure"), since most of the closures shown exceed areas used by PIPL in recent years.
- North Ocracoke Island pre-nesting closure: Use Alt A map (p.323). In other words, no pre-nesting closure at North Ocracoke Island since no recent PIPL nesting to support closure.
- Bodie Island Pre-Nesting Closure: Adjust to show 100 foot access corridor to soundside "pond" in northwest corner of closure, in keeping with the 100 foot corridor text (p. 78). Access during pre-nesting period, or until closed, would be a 100 foot wide cul-de-sac. (Will show you this on map on Wed).

#### **Nesting Closures / Buffers (pp. 80-81). Implement Alt D as stated , except:**

- CWB: Use Alt A - 150 ft buffer/closure around nests or colony.
- WIPL: Use Alt A - 150 ft buffer/closure around nests.
- AMOY: Modified Alt A - 150 ft buffer/closure around nests.

#### **Unfledged Chicks Closures / Buffers (pp. 82-84). Implement Alt D as stated , except:**

- Clarification: PIPL - Our intent is to start with 600 ft buffer. Increase in size if chicks highly mobile and

monitoring unable to keep track. Reduce in size to no less than 300 feet if/when chicks are no longer highly mobile and monitoring is able to keep track.

- CWB: (p. 83) Use 300 feet buffer for all species of CWB.

**Sea Turtles. Implement Alt D (pp. 85-87). Implement Alt D , except:**

Nest Relocation (pp. 86-87).

- Do NOT relocate nests for recreational access purposes.
- Clarification: Relocate nests vulnerable to frequent erosion or frequent flooding by moving them to sections of beach identified as being less vulnerable to frequent erosion or flooding.

Light Management (p. 87)

- Clarification: Enact turtle friendly lighting ~~regulations~~ (*change to*) **standards** for all ~~seashore~~ (*change to*) NPS structures.

**Predator Management . Implement Alt D (pp. 89) as stated, except:**

- Clarification: In addition to targeting red and gray fox, as stated in the EA , we would also target raccoons and feral cats during trapping efforts near nesting areas. This is the same as the past practice in recent years, although the EA Alternative A incorrectly does not specify raccoons and feral cats as being targeted.
- **Turtles:** Alt D currently states "Predator exclosures placed over nests if predator tracks or nest predation is evident." QUESTION: Should we be more proactive in using predator exclosures? If we wait until "nest predation is evident," that seems too late to me.

**Pets. Implement Alt D (p.98), except:.**

- Clarification: Pets prohibited in all resource closures.

**Other. Implement Alt D (p.99), except:**

- Kite flying and ball and frisbee tossing prohibited within or above all avian resource closures.  
(*Comment: Closures already incorporate buffer distance around nests. Would treat all species the same, rather than have a unique additional closures for CWB. USGS protocol for CWB identifies the need to prohibit kites for CWB but does not specify a specific distance.*)

**Essential Vehicle Use. Implement Alt D (pp. 99-100), except:**

- Keep written log of all essential vehicle use in each respective closure.

These are items we wish to discuss with you tomorrow.

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