

**From:** [Britta Muiznieks](#)  
**To:** [Mike Murray](#)  
**Subject:** Re: Fw: Quick question about Table 10-1  
**Date:** 10/08/2010 11:32 AM

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I think this reflects what I was envisioning and clarifies what we had intended. Let's go with it.

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▼ [Mike Murray/CAHA/NPS](#)

**Mike  
Murray/CAHA/NPS**

To Britta Muiznieks/CAHA/NPS@NPS  
cc

10/08/2010 11:04 AM

Subject Fw: Quick question about Table 10-1

Britta,

In light of our recent phone conversation, I have a better understanding of the intent of the wording regarding CWB prenesting areas in Table 10-1. I think the wording needs clarification and should also apply to pedestrian access points (e.g., parking areas with walk-overs or boardwalks). See proposed wording change below:

Because CWB colonies may shift locations from year to year, **ORV ramps and pedestrian access points** that have had colonies in more than one of the past five years will remain open until scraping or nesting is observed. Prenesting closures will still be established **adjacent to such ramps and access points, subject to the standard buffers once scraping or nesting is observed.** ~~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.~~ *(This wording would be followed by the existing the language about Prenesting Closures, which would apply to the CWB prenesting closures as well of those for the other species and which includes the "pedestrian shoreline access" provision)* The NPS will determine the configuration of specific prenesting closures based on an annual habitat assessment. Once established at the beginning of the breeding season, these areas would not be reduced to accommodate an ORV corridor. Prenesting closures would be removed if no breeding activity is seen in the area by **Jul 31** (or **Aug 15** if black skimmers are present), or 2 weeks after

all chicks have fledged, whichever comes later. Nonbreeding shorebird habitat protection would be implemented, as described later in this table, before prenesting areas are removed. Pedestrian access along ocean and inlet shorelines below the high tide line will be permitted in front of (i.e., seaward of) prenesting areas until breeding activity is observed, then standard buffers for breeding activity would apply. The NPS retains discretion at all times to enforce more protective closures or take other measures, if considered necessary, consistent with its obligations under the law. Pets and horses are prohibited in pedestrian shoreline access areas in front of prenesting areas. ORVs, pedestrians, pets and horses are prohibited within all resource closures, including prenesting closures.

**Any comments or suggestions?**

Mike Murray  
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----- Forwarded by Mike Murray/CAHA/NPS on 10/08/2010 10:40 AM -----

**Mike  
Murray/CAHA/NPS**

To Britta Muiznieks/CAHA/NPS  
cc

10/08/2010 08:42 AM Subject Quick question about Table 10-1

Britta,

The "Prenesting Closures" section in Table 10-1 includes two sentences about prenesting closures for CWB. I propose to change the wording in the statement as indicated below:

Because CWB colonies may shift locations from year to year, ~~ramps~~ **ORV routes** that have had colonies in more than one of the past five years will remain open until scraping or nesting is observed. Prenesting 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.

Based on the context provided by the second sentence, our intent is to provide upper beach prenesting closures, while allowing ORV access until breeding activity is observed. I think it would make more sense to say "routes" (rather than "ramps"), since "ramps" are simply the access points, not the larger area that is designated for ORV use.

Any concerns about the proposed word change?

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