

**From:** [Mike Murray](#)  
**To:** [Sandra Hamilton](#)  
**Cc:** [Doug Wetmore](#); [Jami Hammond](#); [Britta Muiznieks](#); [Thayer Broili](#)  
**Subject:** Re: Fw: By-pass south of Ramp 44  
**Date:** 10/08/2010 06:19 AM  
**Attachments:** [Bypass & Ramp 44.pdf](#)

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Sandy,

That works for the park. I'll defer to you to make the edits, since you seem to have a clear vision (clearer than mine at least) of what needs to be done.

Thanks!

Mike Murray  
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▼ [Sandra Hamilton/DENVER/NPS](#)

**Sandra  
Hamilton/DENVER/NPS**

10/07/2010 05:47 PM

To: Mike Murray/CAHA/NPS@NPS  
cc: Doug Wetmore/DENVER/NPS@NPS, Jami  
Hammond/Atlanta/NPS@NPS  
Subject: Re: Fw: By-pass south of Ramp 44

Hi Mike,

Here is my suggestion for the FEIS for the by-pass criteria and possible extension:

1. Revise the alt A narrative to include the bypass criteria (cite to the FONSI),
2. In the alt F narrative, incorporate the by-pass criteria from Alt A, but only for turtle nests and only between Ramp 44 and Cape Point.
3. Do not change the criteria and do not add an extension to ramp 44 in the FEIS.

In the proposed rule, the section that defines ORV routes would include "bypasses that the Superintendent establishes for sea turtle nests between Ramp 44 and Cape Point." i.e. the bypasses would be included in the definition of ORV routes and areas.

I understand that adding permanent by-passes with different criteria in this location may be desirable from an efficiency perspective, but it's not in the range of alternatives and could involve impact changes for wetlands, which would indicate we should consider a supplemental.

From your preliminary investigation it sounds like a permanent interdunal road from Ramp 44 to Cape Point would involve wetland impacts, may necessitate a wetlands SOF, and is not in the range of alternatives, and also would indicate we should consider a supplemental.

RE your question about the 6,000 sq ft in the FONSI by pass criteria. I don't recall. I do remember that the by pass criteria were developed by the park staff so I assume the interpretation should result in something that is feasible for sea turtles. I do remember the discussion at the time that it would be likely to work for birds only in unusual circumstances.

Let me know if you can live with this. Thanks.

Sandy

▼ [Mike Murray/CAHA/NPS](#)

**Mike  
Murray/CAHA/NPS**

10/06/2010 09:20 AM

To Sandra Hamilton/DENVER/NPS@NPS  
cc Doug Wetmore/DENVER/NPS@NPS, Britta Muiznieks/CAHA/NPS@NPS, Thayer Broili/CAHA/NPS@NPS

Subject Fw: By-pass south of Ramp 44

Sandy,

See Britta's message below. It sounds like it would be possible to create a bypass around the current turtle nest south of Ramp 44 if, in the future, we did not have alternate route options (such as Salt Pond Road or Ramp 45) around similar nests due to ORV route and VFA designations. We don't want the "plan" to result in likely/predictable fall ORV routes closures to Cape Point because of turtle nests (the current nest situation makes us think that it could be an issue in future years). The planning process issue, therefore, seems to be whether or not adding some bypass language to the Preferred Alternative is within the range of options described in any of the alternatives. One approach would be to say we would extend the existing bypass (which is not explicitly covered in the range of options); or to add bypass procedures to the Preferred Alternative, based on what is in the Interim Strategy.

There is some language on page 11 in the Interim Strategy FONSI that could be used to address this type of situation, if/when the specific circumstances (primarily related to the adjacent dune) would reasonably allow for a "bypass" at the site. What would you think of the using the following language, with edits as shown to focus/limit it situationally to by-passes for ~~turtle nests (only)~~ if/when conditions related to the adjacent dune and feasible routes around it permit. With the proposed

edits, would the revised language be reasonably close to what was evaluated in Alternative A? In some ways, the edited version would be more limited (i.e., since it would not apply to bird nests); but in some ways, it would be broader (e.g., if not considered "short term" if a bypass is likely to be reused in subsequent years):

(FONSI, page 11, with edited text suggested for Preferred Alternative in FEIS)

~~Recent piping plover breeding habitats within the spits and Cape Point will be closed to ORVs and pedestrians beginning April 1. An ORV and pedestrian corridor will provide access around these closures, unless foraging chicks or safety issues require that the access route be closed. If a closure is required, the decision-making process for providing continued ORV access will include consideration of an alternate ORV route or a bypass. If a turtle nest hatching could lead to the blocking of access to the spits, Cape Point or South Beach, access will be provided, if feasible, via alternate route or bypass. Seabeach amaranth occurring outside of existing species management closures will be protected from ORV and pedestrian access. (Comment: Because of buffer size, a bypass is unlikely to be applicable with a bird nesting closure. We would want to limit it to turtle nests only. Frankly, there would be only a few situations in which there are viable options for a bypass around a turtle nest, but it would be good to have the option.)~~

~~Short-term **B**yypass route criteria: (Comment: While the bypass may be used for a short time period related to a particular nest, the reality is that some locations (e.g., south of Ramp 44) may need a bypass frequently (almost every year). If a bypass is established, which may involve obtaining a CAMA federal consistency determination, it would make sense to allow it to be reused in subsequent years, if still appropriate, rather than re-build and re-consult each time.)~~

The bypass area will be routed around dunes and vegetation if possible. If necessary, ground leveling, consistent with the state coastal management program, may be considered if dune fields do not exceed 36 inches in height. Leveling will be done by hand (no machinery will be used). The bypass will take advantage of natural terrain (e.g., blowouts) to minimize ground altering disturbance to the natural areas and avoid impacts to wetlands.

The bypass will be at a minimum wide enough to allow one ORV to safely pass, and a maximum of two lanes if "line of sight" vision is compromised. ~~Natural area disturbance to accommodate avoidance of turtle or bird nesting will not exceed 6,000 square feet. (Comment: My preference would be to delete the sentence. The square foot limit is confusing and may so limit practical application that there are really very few actual situation in which this is implementable. Does "6,000 sq.ft." mean that a 15 ft wide route could be no longer than 400 ft. long (15x400=6,000), which may or may not be long enough in some situations; or does it that the combined amount of actual disturbance of vegetation or small dunes, but not open sand within a bypass? If we must leave the "6000 ft." limit in to stay "within the range" of what was described in Alternative A, then I would be inclined to use the latter interpretation as it would be more practical to implement.)~~

Minimal vegetation impact will be allowed.

Federal or state-listed plants or plants falling under the category of special concern (e.g., seabeach amaranth, dune blue curls) will not be compromised.

Vegetation in altered areas will be expected to recover within the following growing season. If vegetation does not recover within one growing season, or by other natural process (such as overwash

creating habitat), the Seashore will initiate restoration of vegetation. Any vegetation removal will be performed with hand tools (no machinery will be used).

**Bypass areas that are not likely to be reused in subsequent years** will be restored if predicted recovery period **of the unused bypass** exceeds one season. *(Comment: Either delete previous sentence or edit it as shown.)* Bypass routes will not infringe upon or fragment an adjacent resource/safety closure. Bypass routes will not disturb or impact any cultural resource (i.e., shipwrecks).

In any case, this is one approach to consider. I wish there were a simpler way to address this, such as simply saying we would extend the existing bypass at this one location (then work out the specifics in the subsequent EA), rather than incorporating all this extra language about bypasses into Alternative F (since it will need to be added at multiple locations in the document).

What do you think?

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----- Forwarded by Mike Murray/CAHA/NPS on 10/06/2010 10:30 AM -----

**Britta  
Muiznieks/CAHA/NPS**

To Mike Murray/CAHA/NPS@NPS  
cc Thayer Broili/CAHA/NPS@NPS, Doug  
McGee/CAHA/NPS@NPS

10/05/2010 06:05 PM

Subject By-pass south of Ramp 44

Mike-

Doug was out sick today but I talked to him briefly this morning before I read your email. I think he thought you were looking for a short term solution for this year as to how to get around the turtle nest that is currently blocking access to the point. Anyhow, he thought there would be some problems or issues if the area was not graded. He felt that the rod racks/cooler racks that people have on their vehicles would be an issues with some of the smaller dunes in the area. I had Eric go out and GPS a potential bypass through the area and this is what he had to say:

The longer possible bypass would add about 0.2 mi to the existing bypass (0.17 mi long), but there might be some wetland issues and more grading of dunal area would be needed. The shorter bypass option shown would only add about 0.1 mi to the existing bypass but would clear any wetland issues (as far as an untrained eye

can see) and would require much less grading and vegetation loss.



Bypass & Ramp 44.pdf

Anyhow, it doesn't seem like there is an "easy" quick fix (i.e. just posting a new route through the area) but may be possible with some help from heavy equipment.

Britta Muiznieks  
Wildlife Biologist  
Cape Hatteras National Seashore

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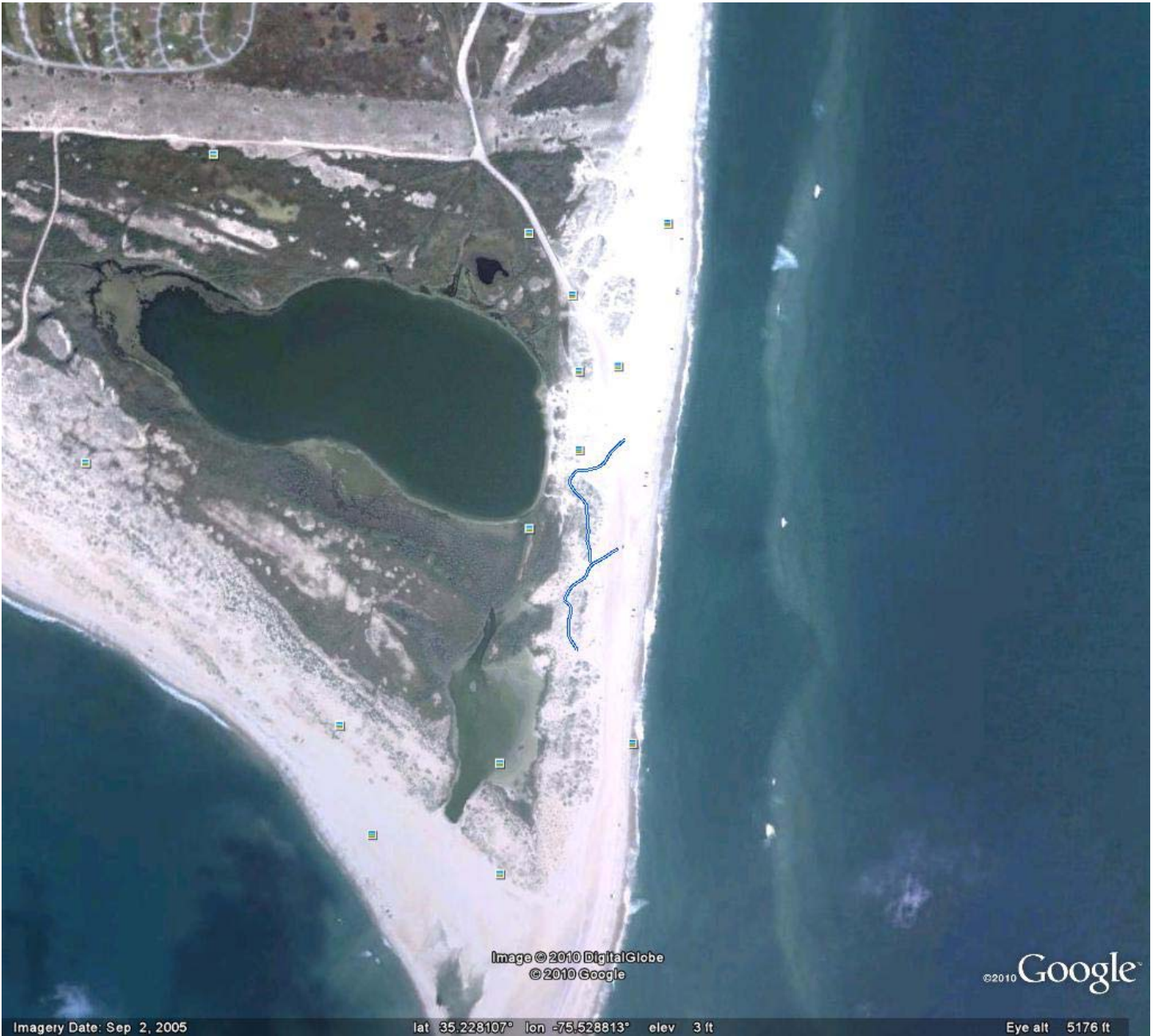


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Imagery Date: Sep 2, 2005

lat 35.228107° lon -75.528813° elev 3 ft

Eye alt 5176 ft