

From: [Sandra Hamilton](#)
To: lfox@louisberger.com
Cc: [Mike Murray](#)
Subject: Fw: edits
Date: 10/13/2010 01:42 PM
Attachments: [02b Chapter-2-tables- 2nd Draft FEIS 093010\[1\].mbm dw 100810 sh 101110 mbm sh 101210 101310.doc](#)

Hi Lori,

Here is the resolution of my comment on CH 4, p. 401 lines 38-39

Delete this sentence from CH 4 p. 401 lines 38-39 "The NPS shall not relocate turtle nests solely to accommodate ORV access."

Delete this sentence [The NPS shall not relocate turtle nests solely to accommodate ORV access] also from Table 10-1 Sea Turtle, nest relocation row, and insert additional text so the row reads as follows (changes have been made only in first paragraph, but I'm providing the whole row here fyi):

In general, NPS staff will follow guidance in the NCWRC handbook and FWS Loggerhead Sea Turtle Recovery Plan, which is to allow nests to incubate at their original location if there is any reasonable likelihood of survival. Relocation of a nest is considered only as an option of last resort. **Accommodation of ORV access shall not be a factor in determining whether a nest needs to be relocated.** When relocation is determined to be necessary, nests will be moved toward the dunes immediately behind the original nest location (when possible). Narrow beaches or beaches without nearby dunes (i.e. points and spits) may necessitate relocations to adjacent areas above the high tide line that are free of vegetation. **If a choice for a relocation site must be made among adjacent areas that are equally suitable biologically, then accommodation of ORV access to a popular location may be considered as a factor in choosing an appropriate relocation site. An adjacent site that is less suitable biologically shall not be selected for a relocated nest to accommodate ORV access.**

By Apr 15, Seashore staff will conduct an annual sea turtle nesting habitat assessment to identify areas deemed unsuitable for turtle nests (e.g., those with a high erosion rate) and will discuss with NCWRC prior to nesting season to confirm the high erosion area(s) in which nest relocation would occur during the upcoming nesting season.

When a nest is found, designated NPS staff members will assess the need for nest relocation. If it is determined that the nest will NOT be relocated, it will be immediately protected with symbolic fencing and signs approximately 10 10 meters in size. Closure size may vary at the discretion of NPS staff depending on the environmental factors at a nest location. If it is determined that the nest will be relocated, NPS will follow relocation procedures identified in the NCWRC handbook. A nest will be relocated **only** when one or more of the following situations exist:

The nest is located at or below the average high tide line, or within an existing "trough" or flooding pool above the average high tide line, where **regular** inundation or standing water will result in embryonic mortality.

The nest is laid in an area that is known to be susceptible to erosion, as identified by the annual habitat assessment. Such areas typically include the following locations where known erosion or water table issues are known to cause nest mortality, such as spits, points, manmade groins, and re-constructed beaches

When a nest is inspected to verify the presence of eggs and it is found that there are broken eggs in the nest resulting in yolk dripping down into the egg chamber. This situation can result from either predation or human impacts and can result in increased predation if the nest is left in place. NPS staff may "screen" a nest to further discourage additional predation from mammalian predators.

The nest is laid in an area in which unusual, but lawfully conducted, human activities pose a serious threat to nests, such as emergency "beach push" following a major storm event. When these situations arise, NPS will consult with NCWRC prior to conducting these activities to discuss the impact on existing turtle nests.

If a nest is threatened by an imminent storm event, NPS will consult with NCWRC to determine appropriate action.

I've made the changes above in the last version of Table 10-1 and am attaching the changed version here, if that's easier to work from:



02b_Chapter-2-tables- 2nd Draft FEIS_093010[1].mbm dw 100810 sh 101110 mbm sh 101210 101310.doc

We need to provide Table 10-1 to the FWS with this change in it, so when it's ready pls send back to Mike and me. Thanks.

Sandy

Sandy Hamilton
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----- Forwarded by Sandra Hamilton/DENVER/NPS on 10/13/2010 01:14 PM -----

**Sandra
Hamilton/DENVER/NPS**

To Mike Murray/CAHA/NPS
cc

10/13/2010 01:12 PM Subject Re: edits

Hi Mike,

That's good. I can't think of a way to make it more concise and yet clear.

I'll ask Lori to make the changes in Table 10-1 and to delete the sentence from CH 4 about not relocating nests solely for ORVs.

Sandy

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▼ [Mike Murray/CAHA/NPS](#)

**Mike
Murray/CAHA/NPS**

To Sandra Hamilton/DENVER/NPS@NPS

cc

10/13/2010 12:41 PM

Subject Re: edits

Sandy,

Please send the determination of effect information, so I can add it to the letter. Turtle nest relocation language seems okay, with some edits. See how this sounds (feel free to edit it, if you can make it more concise):

In general, NPS staff will follow guidance in the NCWRC handbook and FWS Loggerhead Sea Turtle Recovery Plan, which is to allow nests to incubate at their original location if there is any reasonable likelihood of survival. Relocation of a nest is considered only as an option of last resort. **Accommodation of ORV access shall not be a factor in determining whether a nest needs to be relocated.** When relocation is **determined to be** necessary, nests will be moved toward the dunes immediately behind the original nest location (when possible). Narrow beaches or beaches without nearby dunes (i.e. points and spits) may necessitate relocations to adjacent areas above the high tide line that are free of vegetation. **If a choice for a relocation site must be made among adjacent areas that are equally suitable biologically, then accommodation of ORV access to a popular location may be considered as a factor in choosing an appropriate relocation site. An adjacent site that is less suitable biologically shall not be selected for a relocated nest to accommodate ORV access.**

Thanks,

Mike Murray
Superintendent

0029273

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▼ Sandra Hamilton/DENVER/NPS

**Sandra
Hamilton/DENVER/NPS**

To Mike Murray/CAHA/NPS@NPS

cc

10/13/2010 02:00 PM

Subject Re: BO edits

Hi Mike,

Before I forget: if it's not already included in your letter to Pete, it'd probably be good to also send him the ESA determination of effect from the FEIS for PIPL, sea turtles, and SBA. I'll pull them and send in another email, if you decide to include them.

I'd suggest adding the following as clarification to Table 10-1, which has the most detailed treatment of sea turtle nest relocation. **I'd delete the sentence in CH 4 from my email below.**

In general, NPS staff will follow guidance in the NCWRC handbook and FWS Loggerhead Sea Turtle Recovery Plan, which is to allow nests to incubate at their original location if there is any reasonable likelihood of survival. Relocation of a nest is considered only as an option of last resort. When relocation is necessary, nests will be moved toward the dunes immediately behind the original nest location (when possible). Narrow beaches or beaches without nearby dunes (i.e. points and spits) may necessitate relocations to adjacent areas above the high tide line that are free of vegetation. **If relocation to an adjacent site is necessary, and a choice must be made among adjacent sites that are equally suitable biologically, then accomodation of ORV access to a popular location may be considered as a factor in choosing an adjacent relocation site for a nest. An adjacent site that is less suitable biologically shall not be selected for a relocated nest to accommodate ORV accesss not shall ORV access be a factor in determining whether a nest needs to be relocated.**

By Apr 15, Seashore staff will conduct an annual sea turtle nesting habitat assessment to identify areas deemed unsuitable for turtle nests (e.g., those with a high erosion rate) and will discuss with NCWRC prior to nesting season to confirm the high erosion area(s) in which nest relocation would occur during the upcoming nesting season.

When a nest is found, designated NPS staff members will assess the need for nest relocation. If it is determined that the nest will NOT be relocated, it will be immediately protected with symbolic fencing and signs approximately 10 10 meters in size. Closure size may vary at the discretion of NPS staff depending on the environmental factors at a nest location. If it is determined that the nest will be relocated, NPS will follow relocation procedures identified in the NCWRC handbook. A nest will be relocated **only** when one or more of the following situations exist:

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If a nest is threatened by an imminent storm event, NPS will consult with NCWRC to determine appropriate action.

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▼ [Mike Murray/CAHA/NPS](#)

Mike
Murray/CAHA/NPS

To Sandra Hamilton/DENVER/NPS@NPS
cc

10/13/2010 10:28 AM

Subject BO edits

Sandy,

Do have a recommendation for how item 2 below should be worded in the FEIS? I'm trying wrap up park comments on the draft BO, and that is one of the last (undetermined) word changes I'd like to incorporate into the BO edits.

Thanks,

Mike Murray
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----- Forwarded by Mike Murray/CAHA/NPS on 10/13/2010 12:25 PM -----

**Mike
Murray/CAHA/NPS**

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

10/13/2010 11:03 AM

Subject Re: three questions from CH 4

See comments in BLUE (and underlined so Lori can see them).

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▼ Sandra Hamilton/DENVER/NPS

**Sandra
Hamilton/DENVER/NPS**

To Mike Murray/CAHA/NPS@NPS
cc lfox@louisberger.com

Hi Mike,

1. I recall that an issue arose over use of "wrack line" in the CAHA EA because while there is "wrack" on the CAHA beaches, it's not in a long, wide, and distinct line like it is at CACO. The following sentence, or a variant of it depending on the impact topic, is a number of places in the 2nd internal review draft FEIS:

Alternative B would allow for beach driving in the **wrack line** during the day in areas of the Seashore open to ORV use (not within resource closures), but would maintain nighttime closures reducing disturbance in this area at night for a portion of the year.

Would you prefer we change "driving in the wrack line" to "driving in the wrack" which would better describe the more scattered "wrack" that occurs at CAHA? Or is this no longer an issue? **"Driving in the wrack" is better wording.**

2. I notice you've inserted "solely" in the sentence on p. 401 and also in Table 10-1

The NPS shall not relocate turtle nests **solely** to accommodate ORV access.

It's seems inconsistent with the criteria for nest relocation stated in Table 10-1. I'm not sure if your intent is that if a nest has to be relocated anyway according to the criteria in Table 10-1 and the location immediately behind (landward) of the nest isn't suitable, then selection of an alternate location could consider accommodating ORV access in selecting other sites that are equally suitable biologically, but accommodating ORV access would not be considered as the sole or predominant criterion for site selection. Without some clarification, it's going to confuse folks, I think. **Intent is as you described. Nests would not be relocated simply (solely) to accommodate recreational access, but if a nest legitimately needed to be relocated to a "safe area", then some consideration would be given to using a suitable relocation site that would not unnecessarily preclude access to a popular area.**

3. p. 467 alt F state-listed species - the last sentence seems to repeat the one before it except for "whichever is later" Can we add "whichever is later" onto the preceding sentence and delete that last sentence? Or am I missing something that the last sentence addresses?

The NPS would not reduce buffers to accommodate an ORV corridor or ORV ramp access. Buffers would remain in place for two weeks after a nest is lost to determine if the pair will re-nest. For buffers that occur outside of, or that expand, the original prenesting areas, the buffer or expansion would be removed if no breeding activity is observed for a two-week period, or when associated breeding activity has concluded, whichever is later. ~~For alternative F, buffers would be removed outside of prenesting areas if no breeding activity is observed for a two-week period or when associated breeding activity has concluded, whichever is later.~~ **Your suggestion works.**

Thanks.

0029277

Sandy

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