

**From:** [Pete Benjamin](#)  
**To:** [Mike Murray](#)  
**Cc:** [Howard Hall](#); [Sandra Hamilton](#)  
**Subject:** Re: Final Biological Opinion  
**Date:** 11/18/2010 09:24 AM

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Hi Mike,

Thanks for the question. I see how that statement could easily be interpreted either way. The intent was that the expansion of the buffer to 200m apply just to kite flying activities. For other activities, your plan to increase buffer distances in 50m increments seems prudent, and those activities could continue to be allowed within the 200m "no kite flying" buffer, so long as disturbance is not observed in relation to those activities. Let me know if you have other questions.

Pete Benjamin  
Field Supervisor  
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Office: (919) 856-4520 x 11  
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P.S. Please note new Mobile Phone number above.

▼ [Mike Murray/CAHA/NPS@NPS](#)

**Mike  
Murray/CAHA/NPS@NPS**

11/18/2010 09:28 AM

To: Pete Benjamin/R4/FWS/DOI@FWS@NPSX  
cc: Howard Hall/R4/FWS/DOI@FWS, Sandra  
Hamilton/DENVER/NPS@NPS  
Subject: Re: Final Biological Opinion

Pete,

Quick question to ensure we understand the intent of one of the Terms and Conditions in the BO, so we will know how to address the issue in the Record of Decision.

Term and Condition: Page 123, item # 3 for piping plovers says, in part: "In the case of disturbance resulting from kite flying, the NPS will increase the protective buffer to 200 meters around breeding piping plovers."

Question: Is the intent that we should restrict/prohibit just kite flying within the 200 meters buffer, or all activity (such as pedestrians, vehicles, fishing, etc.) because of the disturbance caused by kite flying?

Comment: Operationally, we could make it work either way. Obviously, if we were required to eliminate just the kite flying source of

disturbance within the 200 meters, it would give us more flexibility to maintain access outside of the prescribed 75 meter nest buffer provided that other activities outside that buffer were not disturbing the birds.

I hope the question is clear. Feel free to call if it is not. Otherwise, an email response would be appreciated!

Mike Murray  
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**Pete Benjamin/R4/FWS/DOI@FWS**

11/16/2010 03:42 PM

To Mike Murray/CAHA/NPS, Sandra Hamilton/DENVER/NPS

cc Howard Hall/R4/FWS/DOI@FWS

Subject Final Biological Opinion

Hello:

Attached is the final biological opinion for the Cape Hatteras National Seashore ORV Management Plan. I believe it accurately reflects our discussions over the course of this consultation, but please give it a review and let me know if you have any questions or concerns. A hard copy will follow. Thanks,

Pete Benjamin  
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[attachment "20101115\_CAHA\_BO\_Final.pdf" deleted by Mike Murray/CAHA/NPS]