

**From:** [Mike Murray](#)  
**To:** [Bowlen, Joshua](#)  
**Subject:** Re: Interim Management Strategy  
**Date:** 09/19/2011 03:54 PM

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Josh,

There are a number of references in the July 2007 Finding of No Significant Impact (FONSI) for the Interim Strategy about implementation of protective buffers for nests and broods (chicks). Below are several representative samples:

(FONSI, p. 11), "Because closure zones will adjust to individual bird behavior, an ORV corridor may not be feasible for safety reasons or due to insufficient area. In these cases, the Seashore will attempt to identify an alternate ORV route. If no alternate route is available, a bypass will be considered using the bypass criteria outlined below. In piping plover breeding areas, an ORV closure will be implemented in the event an alternate route or bypass is unavailable.

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.

Short-term bypass route criteria:

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.

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).

Areas will be restored if predicted recovery period exceeds one season.

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)."

(FONSI, Table 2, ref. nests) "When resource closures are created around nests, adjust the ORV corridor whenever possible to allow vehicle passage. Reduce the width of the ORV corridor if necessary. In areas in which the buffer zone would eliminate the ORV corridor, identify alternate ORV routes if available or provide a bypass (see "Short-term Bypass Route Criteria" on page 11 of this FONSI) if possible."

(FONSI, Table 2, ref. chicks) "When resource closures are created around broods, adjust the ORV corridor whenever possible to allow vehicle passage. Reduce ORV corridor if necessary. In areas in which the buffer zone would eliminate the ORV corridor identify alternate ORV routes if available. If there are no alternate ORV routes, then if possible establish a bypass (see "Short-term Bypass Route Criteria" on page 11 of this FONSI). Close beach to recreation access down to the waterline, if necessary to allow chicks access to foraging areas."

Note: The buffers used under the Interim Strategy were generally smaller than those prescribed by the Consent Decree or those described in the ORV management plan/EIS Record of Decision. Using the smaller Interim Strategy buffers it was sometimes possible to provide a corridor, alternate route, or by-pass; however, with the larger buffers under the Consent Decree, providing a corridor past a resource protection closure generally was precluded.

I hope this information is useful to you. Feel free to call if you have any questions.

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Subject Interim Management Strategy

Do you recall if the Interim Management Strategy included provisions to close areas without allowing corridors around those areas to allow the public to access open areas beyond those closed areas?

Thanks!

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