

Number BH09-001

Date: 3/25/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

FAXED  
3/26/09  
MR

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 3/25/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

The Gr A2/ UNB AMOY pair was observed scraping and copulating. The scrape locations are approximately 100-130 m from last year's nest location.

**Physical location:** 1.1 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 150 m buffer will be established around both scrape locations resulting in a full beach closure.

**Anticipated removal date:**

**Removal certification:**

Name

Date

Submitted by B. Muiznieks Approved by:

*Thayne Smith*  
3/25/09

*M. Murray*  
\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date 3/25/09



# BH09-001 Closure Installation Request



FAXED  
4/2/09  
MK

Number BH09-001-A

Date: 3/28/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 3/28/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

A new scrape was located for the Gr A2/ UNB AMOY pair. The scrape was located 34 meters from the southern boundary of the current closure.

Physical location: 1.0 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The southern closure boundary will be moved approximately 120 m to the S. The northern boundary will remain in place.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: Verbally by T. Broili (3/28/2009)

*Thayne Broili, 3/31/09*

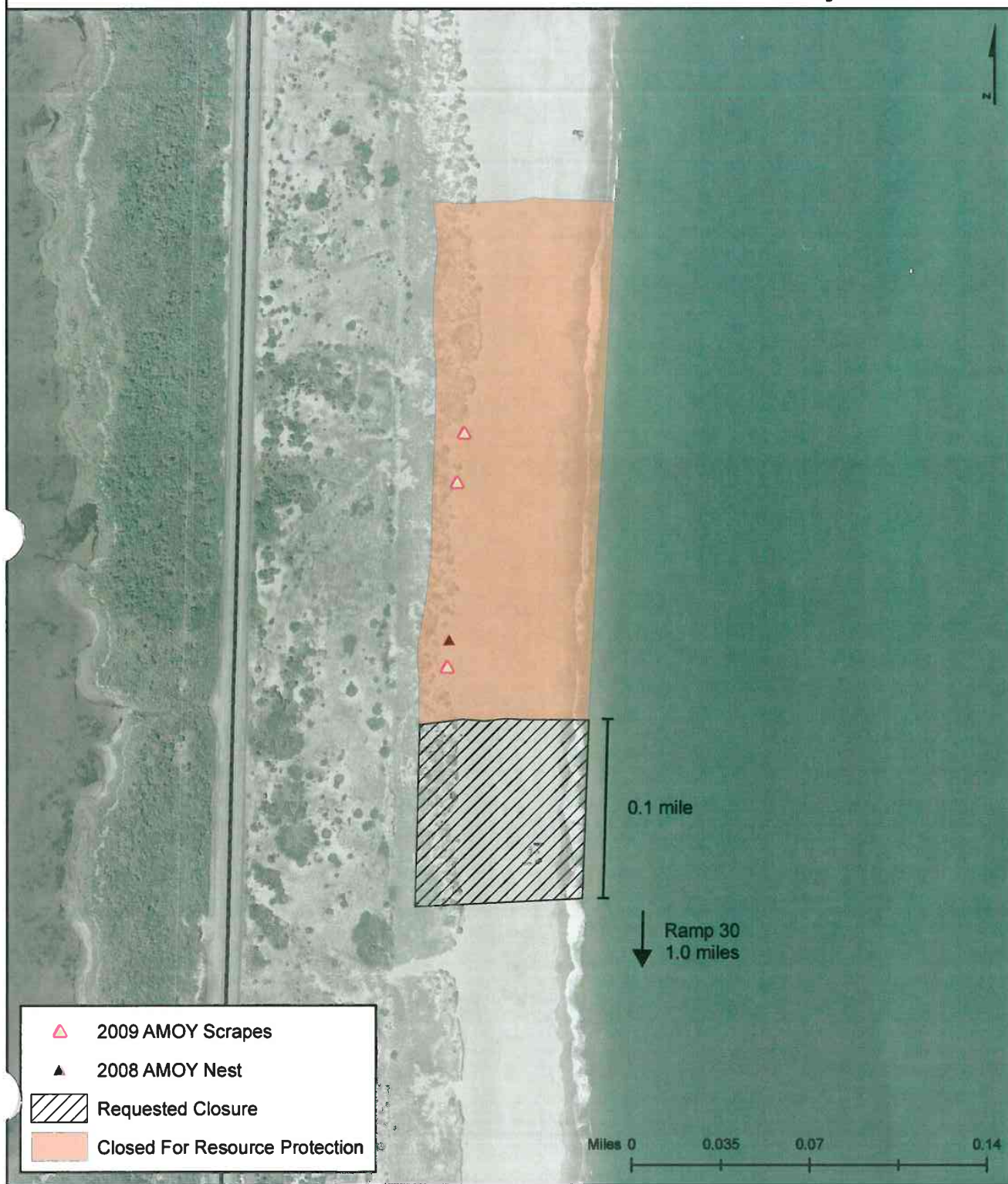
*B. Muiznieks*  
Superintendent

3/31/09  
Date





# BH09-001-A Closure Modification Request





FAXED  
4/27/09

Number BH09-001-B MK

Date: 4/23/09

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 4/23/09

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

The closure for AMOY pair A2/ UNB was modified to establish a 150 m buffer around the newly found nest.

Physical location: 1 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): This closure is between two other AMOY closures. The northern boundary of the closure was reduced by 125 meters. The southern boundary will remain in its current location.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by P. Doshkov, N. Avissar, S. Myers Approved by: T. Broili (verbally)

*M. Murray*  
Superintendent

4/24/09  
Date



# BH09-001-B Closure Modification Request



FAXED  
5/21/09  
HUR

Number BH09-001-C

Date: 5/21/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5/21/2009

Reason for closure, modification or removal: The Consent Decree states that the unfledged chick buffer for AMOYs will be 200 meters.

A single chick and 2 eggs were documented for AMOY pair A2/UNB.

Physical location: 0.8 mi S of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 200 meter buffer will be established around the hatching nest. The southernmost boundary of the closure will be moved 35 meters to the south. The expansion of this buffer to the north will result in the merging of two AMOY closures. The single closure for the two pairs will now extend for 0.4 miles of shoreline.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: verbally approved by T. Broili

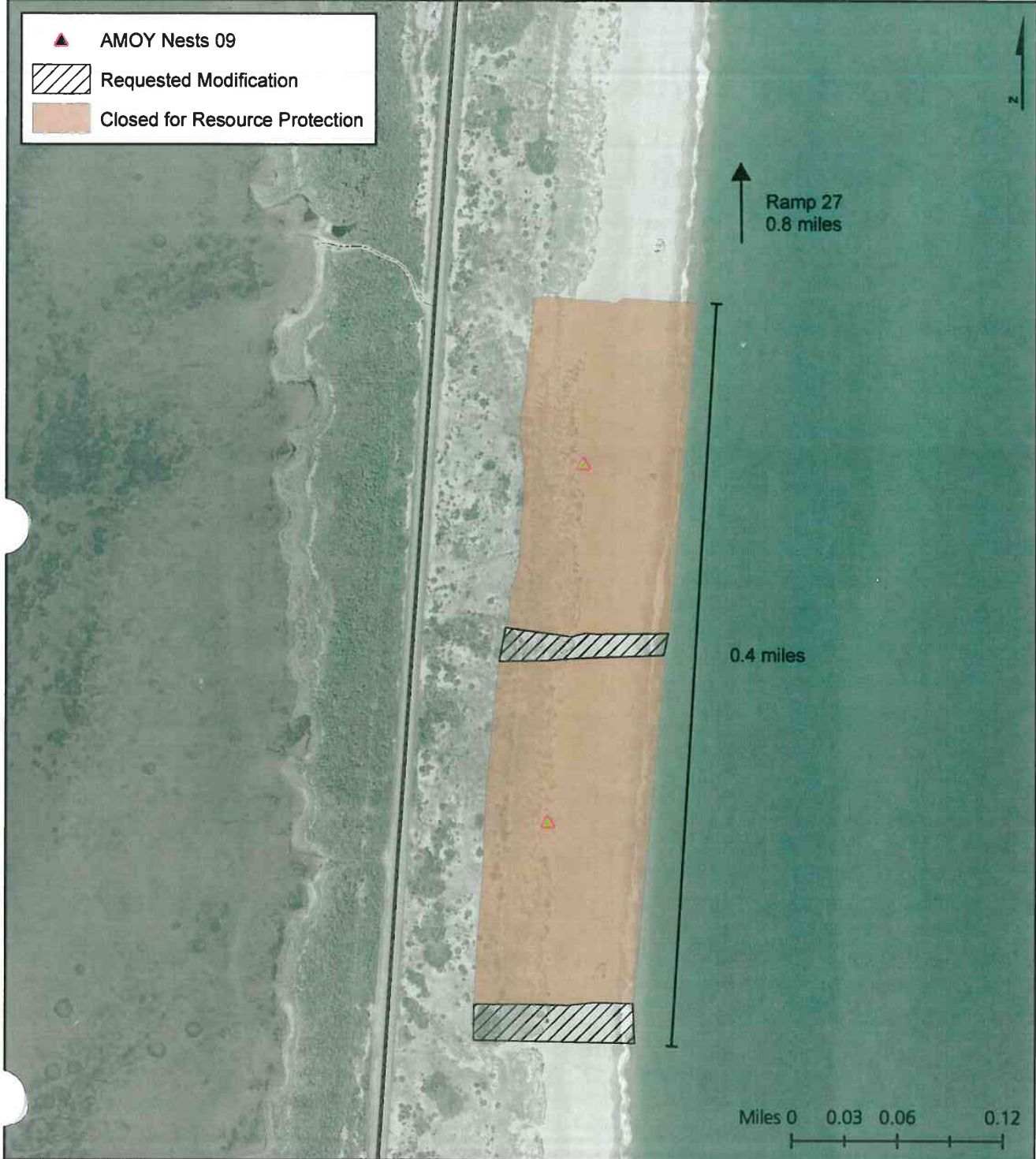
M. Murray  
Superintendent

5/21/09  
Date





# BH09-001-C Closure Modification Request



FAXED  
4/6/09  
MF

Number BH09-002

Date: 4/4/09

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: Completed at 1447 on 4/4/09.

Reason for closure, modification or removal: Copulation was observed between GrT4 and Gr27 at 1256 on March 4<sup>th</sup> in historic nesting territory.

Physical location: The copulation occurred 0.7 miles N of R30 at 35.44985608,-75.48295350.

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A closure was installed with a 150-meter buffer around the point of copulation, creating a 300m long full-beach closure. The southern boundary of the closure is 0.6 miles from Ramp 30 while the closure for GrA2/UNB is 0.9 miles from Ramp 30. The distance between the two closures is approximately 0.1 mile.

Anticipated removal date:

Removal certification:

Name

Date

*Thayne Bevilacqua 4/6/09  
(verbal on 4/4/09)*

Submitted by Doug McGee Approved by:

M. Murray  
Superintendent

4/06/09  
Date



# BH09-002 Closure Installation Request

△ AMOY Scrapes 09  
▨ Requested Modification





FAXED  
5/27/09  
MK

Number BH09-002-A

Date: 5-27-2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5-27-2009

Reason for closure, modification or removal: According to the Consent Decree, the unfledged chick buffer for American oystercatchers is 200 meters.

The nest for AMOY pair T4/27 is hatching and contains 1 chicks and 1 egg.

Physical location: 0.6 mi N of R 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 200 m buffer will be placed around the hatching nest. The N and S boundary of the closure will be expanded by 50 meters.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

*Thayer Smith*  
5/27/09

*M. Murray*  
\_\_\_\_\_  
Superintendent

*5/27/09*  
\_\_\_\_\_  
Date



# BH09-002-A Closure Modification Request



FAXED  
5/29/09  
NR

Number BH09-002-B

Date: 5-28-2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5-29-2009

Reason for closure, modification or removal: AMOY pair T4/27 lost their chicks on 5/28 to cat predation. This closure was expanded on 5/27 to meet the required 200 m chick buffer. The closure will be reduced back to the 150 m buffer in anticipation of a possible re-nesting attempt.

Physical location: 0.7 mi N of R 30.

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The closure is being reduced from a 200 m chick buffer back down to a 150 m breeding/nesting buffer. The closure will be reduced by 50 meters on each end.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: T. Boili (verbally)

M. Murray  
Superintendent

5/29/09  
Date





# BH09-002-B Closure Modification Request



**FAXED**  
6/12/09  
MK

Number BH09-002-C

Date: 6/11/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/11/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

AMOY pair T4/27 lost their recently hatched chicks on 5/28 to cat predation. The pair has renested ~85 m north of their old nest site. A two-egg nest was located.

**Physical location:** 0.7 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The existing closure was based on the old nest site location. The north and south boundaries of this closure will be shifted 85 meters to the north to provide a 150 m buffer around the new nest location.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayer Binkley*  
6/12/09

**Submitted by** B. Muiznieks **Approved by:**

*David E. Eddy*  
Superintendent

6/12/09  
Date



# BH09-002-C Closure Modification Request





**FXED**  
6/23/09  
4A

Number BH09-002-D

Date: 6/22/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/20/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 6, Paragraph 9), "If disturbance from ORVs and/or pedestrians, as observed by NPS natural resource management staff, occurs within the given buffer distance, the buffer zone shall be expanded in 50 m increments until no disturbance occurs. Behaviors indicating disturbance include defensive displays, alarm calls, flushing or leaving a nest or feeding area, and diving or mobbin pedestrians, dogs, or vehicles."

One of the birds from AMOY pair Gr T4/27 was observed flushing from the nest when one of the bio techs was walking along the southern perimeter of the closure. This is the second nesting attempt for this pair in 2009. This nest has also suffered a clutch reduction from a 3 egg nest to a 2 egg nest some time between 6/13-6/17.

**Physical location:** 0.7 mi N of Ramp 30 (or 1.2 mi S of Ramp 27)

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The southern boundary of this closure will be expanded by 50 meters.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayer Broili* 6/23/09

**Submitted by** B. Muiznieks **Approved by:** T. Broili (verbally)

*M. Murray*  
Superintendent

6/23/09  
Date



# BH09-002-D Closure Modification Request



FAXED  
7/8/09  
MJP

Number BH09-002-E

Date: 7/7/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/7/2009

Reason for closure, modification or removal: According to the Consent Decree, the unfledged chick buffer for American oystercatchers is 200 meters.

The nest from GrT4/Gr27 is in the process of hatching. There is one egg and one recently hatched chick in the nest cup. This is the second nesting attempt this year for this pair. They lost their first chicks one day after hatching to cat predation.

Physical location: 0.7 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 200 meter buffer will be placed around the nest/chick location. The southern boundary of this closure was expanded on 6/20 by 50 meters because of observed disturbance to the incubating birds. Therefore, only the northern boundary of this closure will have to be expanded resulting in the merging of closures BH09-002-D and BH09-001-C. The shoreline closure will now extend for 0.8 mi.

Anticipated removal date:

Removal certification:

Name

Date

*Thayne Beath*  
7/7/09

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

M. Murray  
Superintendent

7/07/09  
Date



# BH09-002-E Closure Modification Request





**FAXED**  
7/13/09

Number BH09-002-F *mf*

Date: 7/10/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/10/2009

**Reason for closure, modification or removal:** The Consent Decree states that the chick buffer for AMOYs will be 200 meters.

Since hatching on 7/7, the AMOY chicks from AMOY pair T4/27 have moved approximately 70 meters south of their nest site.

**Physical location:** 0.6 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The southern boundary of the established closure will be moved approximately 130 meters to the south.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Shay Brist*  
*7/10/09*

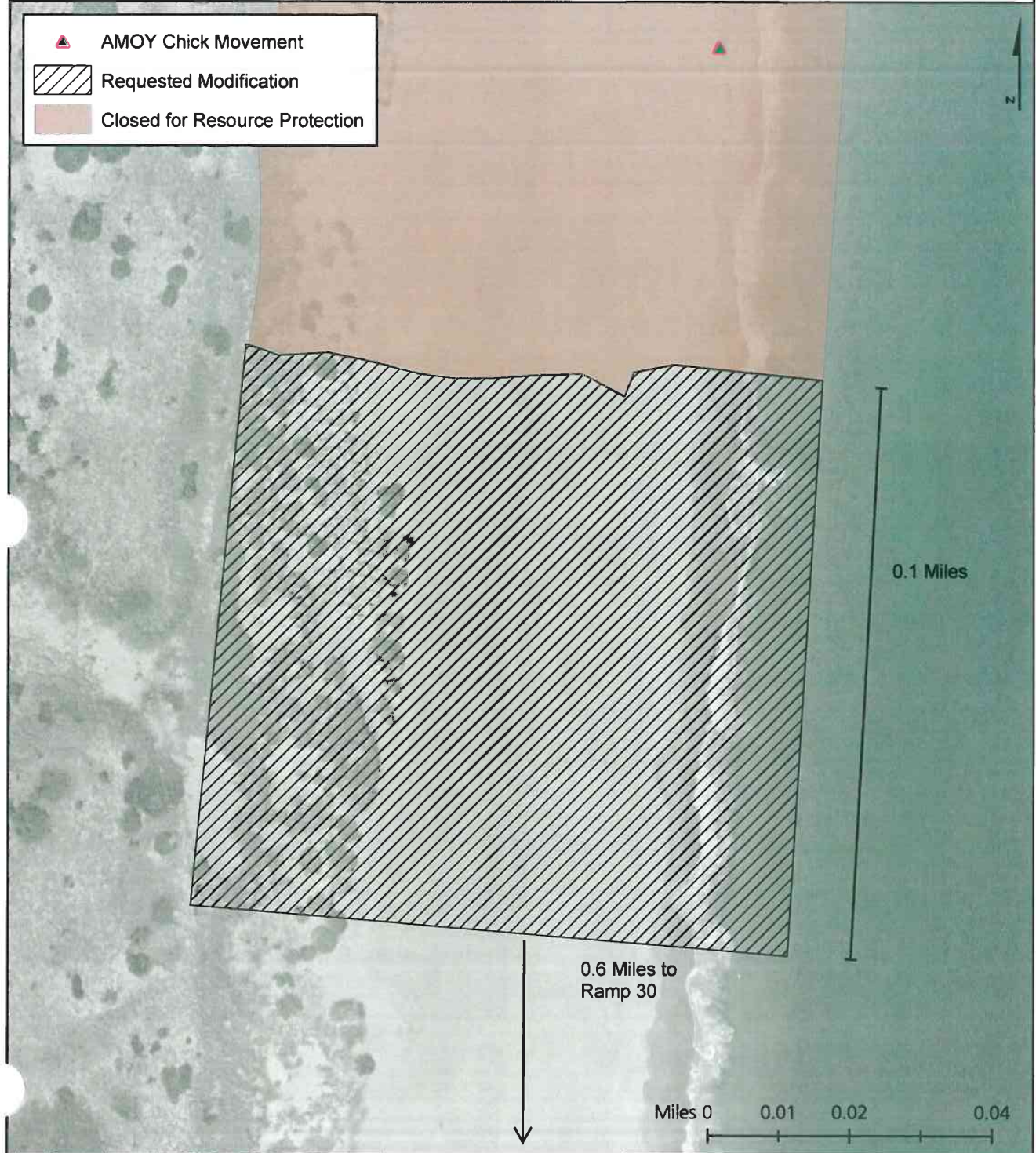
**Submitted by** B. Muiznieks **Approved by:** M. Murray (verbally on conf. call)

*M. Murray*  
\_\_\_\_\_  
Superintendent

*7/10/09*  
\_\_\_\_\_  
Date



# BH09-002-F Closure Modification Request



FAXED  
7/20/09  
MR

Number BH09-002-G

Date: 7/16/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/16/2009

Reason for closure, modification or removal: This large closure (~0.8 mi) was the result of 3 merged AMOY closures. C8/L9 lost their 4 day old chick and then lost the eggs during their re-nesting attempt. The chick from AMOY pair A2/UNB fledged over two weeks ago. AMOY pair T4/27 still have two ten day old chicks.

Physical location: 0.6 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 200 meter buffer will be maintained around the northernmost and southernmost known chick locations. Approximately 0.3 mi of shoreline will remain closed to pedestrians and ORVs. Approximately 0.5 mi will be re-opened to "pedestrians only" for a total of 0.7 mi open to pedestrians in this stretch of beach.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: T, Broili (verbally)

MC 7/17/09

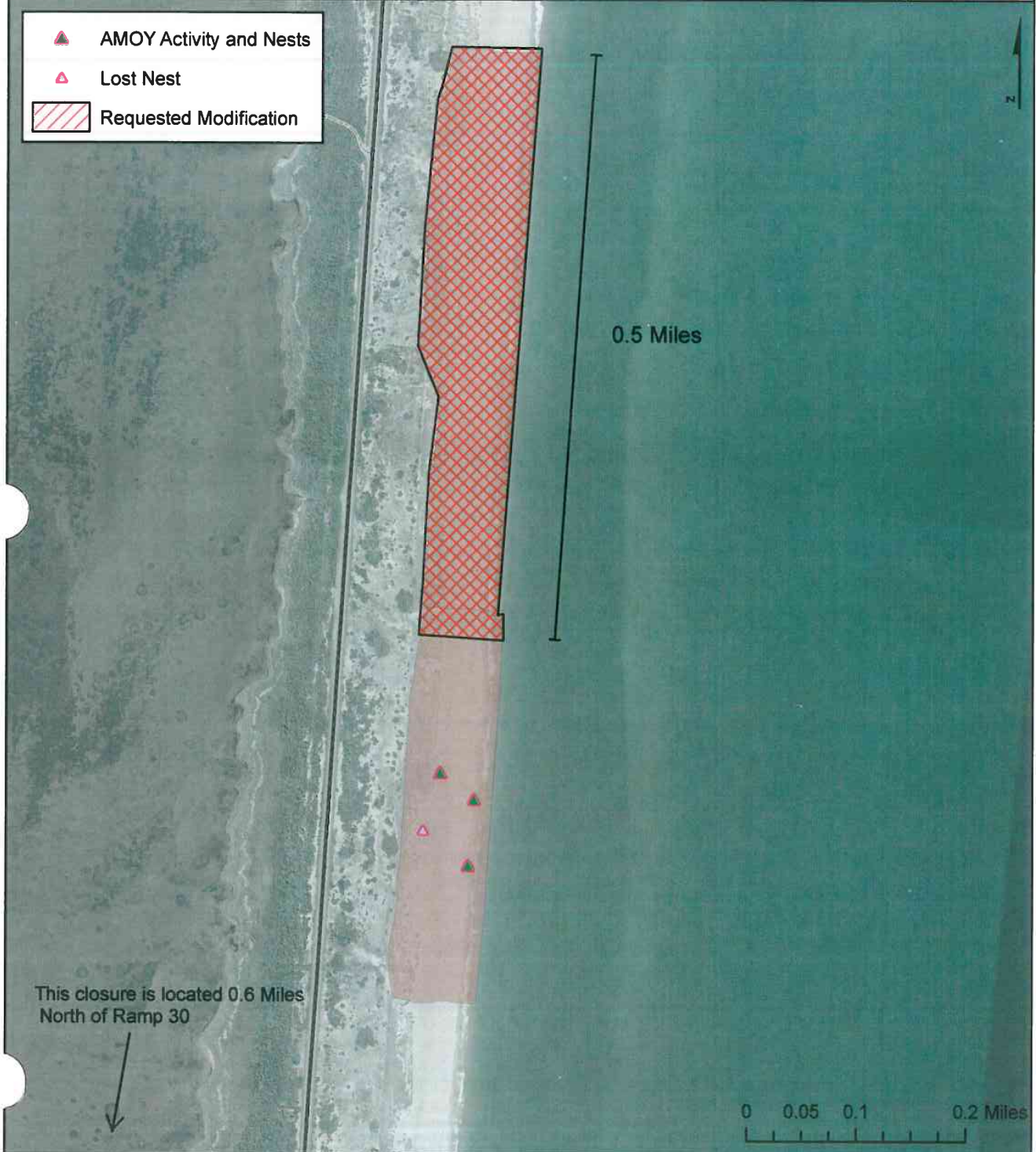
M. Murray  
Superintendent

7-17-09  
Date





# BH09-002-G Closure Modification Request





FAXED  
7/21/09  
MR

Number BH09-002-H

Date: 7/18/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/18/09.

Reason for closure, modification or removal: The Consent Decree states that the AMOY chick buffer will be 200 meters.

Gr 27 and the two chicks were observed 110 m north of the S boundary of their closure.

Physical location: 0.6 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The closure was expanded 90 meters south to maintain the required chick buffer .

Anticipated removal date:

Removal certification:

Name

Date

Submitted by S. Myers

Approved by:

T. Broili (verbally)

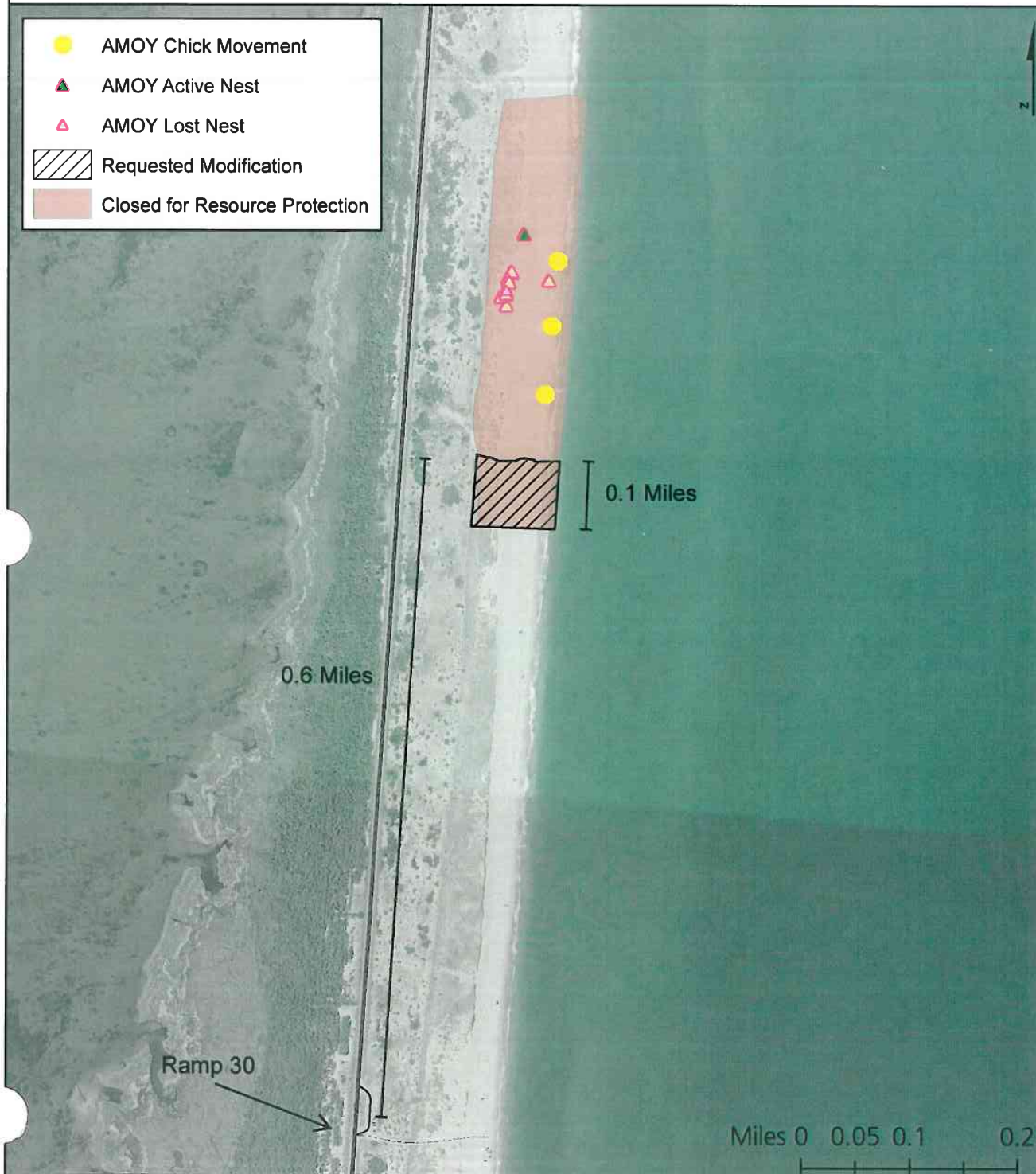
*Thay Brook*  
7/20/09

*M. Murray*  
Superintendent

7/20/09  
Date



# BH09-002-H Closure Modification Request



FAXED  
9/3/09

Number BH09-002-R

MR

Date: 9/2/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 9/2/2009-removal

Reason for closure, modification or removal: The last AMOY chick of the 2009 breeding season fledged on 8/20/2009. The closure remained in place for an additional two weeks to allow the chick to become proficient in flying.

Physical location: 0.6 mi N of Ramp 30

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The closure will be removed. There is now ORV/pedestrian access between Ramps 27 and 30

Anticipated removal date: 9/2/2009

Removal certification: B. Muiznieks  
Name

9/2/2009  
Date

*Therese Bial*  
9/3/09

Submitted by B. Muiznieks Approved by: B. Muiznieks

*M. Munnay*  
Superintendent

9/3/09  
Date

**FXED**  
4/27/09  
MR

Number BH09-003

Date: 4/18/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 4/18/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

AMOY pair C8 and L9 are scraping 0.8 mi S of R27. Alarm calling was also observed.

**Physical location:** 0.7 mi S of Ramp 27.

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 150 meter buffer will be placed around the two scrapes. The north boundary begins at 0.7 mi S of R 27.

**Anticipated removal date:**

**Removal certification:**

Name

Date

**Submitted by** Paul Doshkov/Stephanie Myers **Approved by:** B. Muiznieks (Verbal, Acting Chief of RM)

*Stephanie Myers*  
Superintendent

*4/20/09*  
Date





# BH09-003 Closure Installation Request



**FAXED**  
4/28/09  
MM

Number BH09-003-R

Date: 4/24/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 4/24/2009

**Reason for closure, modification or removal:** A one-egg nest was found for AMOY pair C8/ L9 to the north of this closure.

**Physical location:** 0.7 mi S of Ramp 27.

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** This closure will be removed.

**Anticipated removal date:**

**Removal certification:**

Name

Date

Submitted by B. Muiznieks Approved by: B. Muiznieks

*Thayne Beil 4/27/09*

*Doreen E. Egan*  
Superintendent

4/27/09  
Date

FAXED  
4/28/09  
MK

Number BH09-004

Date: 4/24/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 4/24/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

A one-egg nest was located for the Gr C8/Gr L9 AMOY pair. The nest was located close to where this pair has nested for the last 3 years.

Physical location: 0.3 mi S of R 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 150 m buffer will be established around the nest.

Anticipated removal date:

Removal certification:

Name

Date

*Thayne Broili*  
4/27/09

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

*Dan... ..*  
Superintendent

4/27/09  
Date





# BH09-004 Closure Installation Request



FAXED  
4/29/09  
MK

Number BH09-004-A

Date: 4/27/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 4/27/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

A one-egg nest was found for AMOY pair Gr C8/L9 on 4/24. This nest was determined to be lost on 4/27. On 4/27 Gr C8 was observed scraping with an unbanded bird to the south of the lost nest location.

Physical location: 0.3 mi S of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The southern boundary of the original closure will be expanded by 0.1 mi to ensure a 150 m buffer around the new scrapes.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks

Approved by: T. Broili (verbally)

*Thayne Broili 4/28/09*

*Daniel J. Elab*  
Superintendent

*4/28/09*  
Date



# BH09-004-A Closure Modification Request





**FAXED**  
4/29/09  
MK

Number BH09-004-B

Date: 4/27/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 4/28/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

AMOY pair Gr 52/ 50 were observed scraping in the late afternoon on 4/27. Two well defined scrapes were located very close to last year's nest site for Gr 52 who was paired with another banded bird last year.

**Physical location:** 0.1 mi S of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 150 meter buffer will be placed around the two scrapes resulting in a full beach closure of 0.4 miles since the buffer of two separate AMOY pairs will overlap.

**Anticipated removal date:**

**Removal certification:**

Name

Date

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

*Thay Broili 4/28/09*

*David E. Galt*  
Superintendent

*4/28/09*  
Date





# BH09-004-B Closure Modification Request

- ▲ Lost AMOY Nests 09
- △ AMOY Scrapes 09
- ▨ Requested Modification
- Closed for Resource Protection



FAXED  
4/30/09  
MK

Number BH09-004-C

Date: 4/29/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 4/29/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

This closure was originally established for a nest for AMOY pair C8/L9 and modified on 4/27 to include scrapes for AMOY pair Gr 50/52. Nest sites have now been located for both pairs. This closure will be modified to maintain the 150 m buffer around the Gr 50/52 nest site. A new separate closure (BH09-005) will be established for AMOY pair C8/L9.

**Physical location:** 0.1 mi S of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 150 meter buffer will be established around the nest site. The southern boundary of the closure will be modified and the northern boundary will remain in place.

**Anticipated removal date:**

**Removal certification:**

Name

Date

**Submitted by** B. Muiznieks **Approved by:** T. Broili (verbally)

M. Muiznieks  
Superintendent

4/30/09  
Date



# BH09-004-C Closure Modification Request



**FXED**  
5/4/09  
myr

Number BH09-004-D

Date: 5/03/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5/03/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

AMOY pair Gr 50/52 lost the first egg of their first clutch on 4/30. The second egg of this clutch was found on 5/2, approximately 20 meters N of the southern boundary of the existing closure.

**Physical location:** 0.1 mi S of R 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The southern boundary of the closure was expanded south by ~0.1 mi to accommodate the 150 meter buffer requirement for the nest.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayne Bialli: 5/4/2009*

**Submitted by** Stephanie Myers **Approved by:**

*M. Murray*  
Superintendent

5/4/09  
Date





# BH09-004-D Closure Modification Request



Number BH09-004-X  
E

Date: 5/8/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5/8/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

A two-egg nest was located for the Gr 50/Gr 52 AMOY pair. One of the two eggs appears to be misshapened. This is the third location of the same clutch for this nesting pair. The first egg was lost on 4/30 and the second egg was lost on 5/3.

Physical location: 0.1 mi S of R 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 150 m buffer will be established around the nest.

Anticipated removal date:

Removal certification:

Name

Date

*T. Broili 5/18/09*

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date



# BH09-004-E Closure Modification Request



FAXED  
5/13/09  
MIF

Number BH09-004-F

Date: 5/9/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5/10/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for LETE will be 100 meters.

A LETE scrape was located just outside the boundary of AMOY closure in an area where there was a colony in 2008.

Physical location: 0.1 mi S of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer will be placed around the LETE scrape. The southern boundary of the existing closure will be moved 100 meters to the south. The full beach closure will now extend for 0.3 mi.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

M. Munn  
Superintendent



5/12/09  
Date

Note: verbally approved and implemented 5/09/09





# BH09-004-F Closure Modification Request

- LETE Scrapes 09
-  Requested Modification
-  Closed for Resource Protection



FAXED  
6/4/09  
ML

Number BH09-004-G

Date: 6/4/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/4/2009

Reason for closure, modification or removal: According to the Consent Decree, the unfledged chick buffer for American oystercatchers is 200 meters.

The AMOY nest for pair Gr 50/Gr 52 is hatching. There is one chick and one egg remaining in the nest cup.

Physical location: 110 meters south of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 200 meter buffer will be placed around the chick's current location. The northern boundary of the closure will be moved 50 meters to the north.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

*Thayne Broili*  
6/4/09

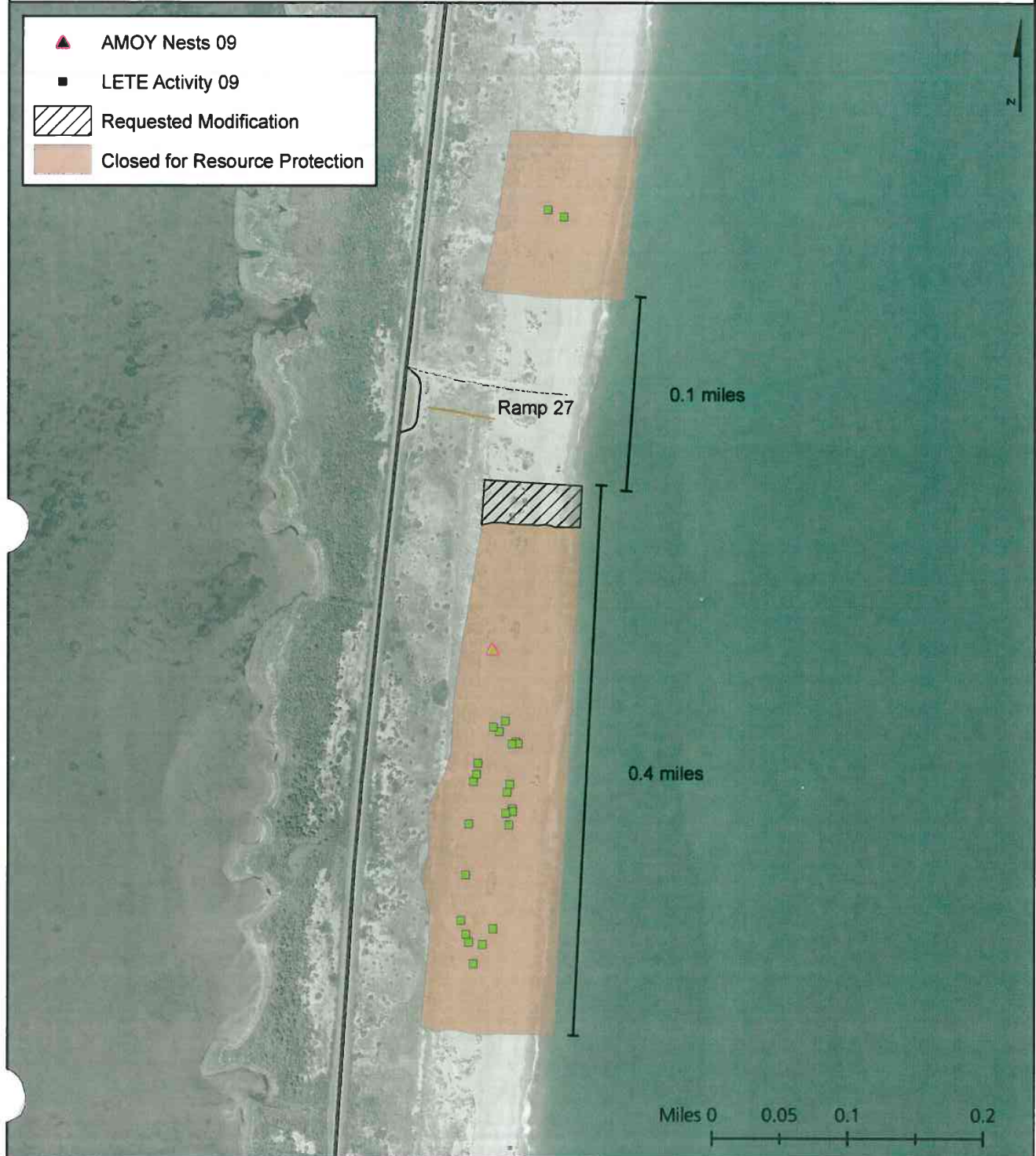
*M. Murray*  
Superintendent

6/04/09  
Date



# BH09-004-G Closure Modification Request

- ▲ AMOY Nests 09
- LETE Activity 09
- ▨ Requested Modification
- Closed for Resource Protection



FAXED  
6/18/09

Number BH09-004-H <sup>mk</sup>

Date: 6/17/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE, AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/17/2009

Reason for closure, modification or removal: The Consent Decree states that the chick buffer for LETE will be 200 meters.

Numerous chicks were observed in this LETE colony. This colony is located between two AMOY territories (Gr50/52 and Gr C8/L9).

Physical location: 0.1 mi S of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 200 meter buffer will be established around the LETE colony. The southern boundary of this closure will be moved 100 meters to the south. The northern boundary has already been expanded for the AMOY chick to the north of this LETE colony. The northern boundary will remain in place.

Anticipated removal date:

Removal certification:

Name

Date

*Thayer Bick*  
6/17/2009

Submitted by B. Muiznieks Approved by: M. Murray on conference call.

*M. Murray*  
\_\_\_\_\_  
Superintendent

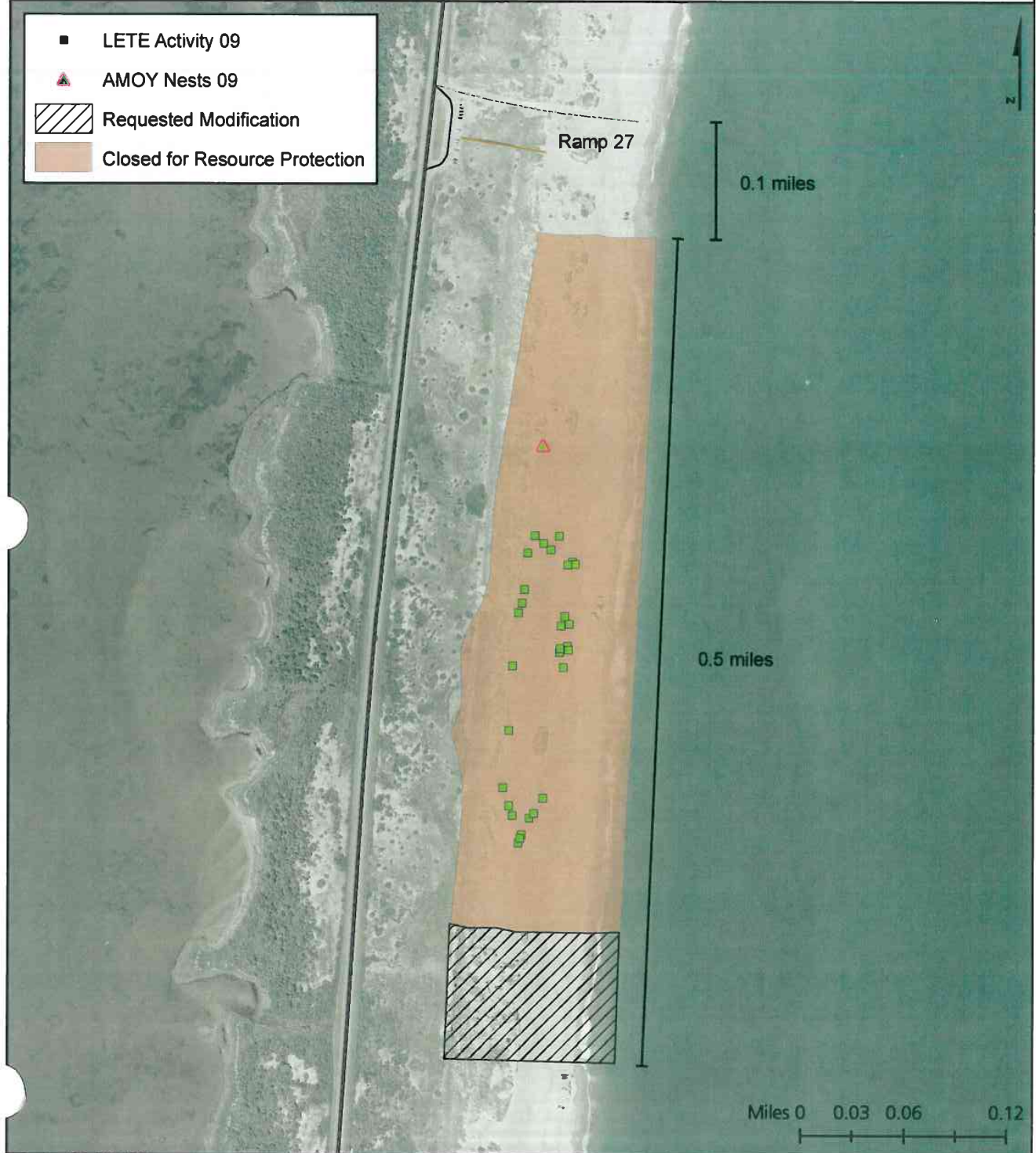
*6/18/09*  
\_\_\_\_\_  
Date





# BH09-004-H Closure Modification Request

- LETE Activity 09
- ▲ AMOY Nests 09
- ▨ Requested Modification
- Closed for Resource Protection



FAXED  
8/20/09

Number BH09-004-R MK

Date: 8/18/09

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 8/18/09-removal

Reason for closure, modification or removal: It's been two weeks since there has been any activity in the colony.

Physical location: 0.1 mi S Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): Remove the closure.

Anticipated removal date: 8/18/09

Removal certification: P. Doshkov  
Name Date

*Thayer Beal*  
8/19/09

Submitted by D. McGee Approved by: B. Muiznieks

*D. McGee* Superintendent *8/19/09* Date

FAXED  
4/30/09  
MK

Number BH09-005

Date: 4/29/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 4/29/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for American oystercatchers will be 150 meters.

A new nest site was located for AMOY pair C8/L9, one of the middle pairs between Ramp 27 and 30. Although the nest is in a new location it will still be considered part of the same clutch (not a renest). The first egg for this pair was located on 4/24 and was determined to be lost on 4/27. The next single egg (3<sup>rd</sup>?) was found on 4/29 in a location 720 m (0.4 mi) to the south of the original nest location.

**Physical location:** 0.8 mi S of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 150 meter buffer will be established around the new location. This closure will not affect ORV access since there are other AMOY closures to the north and south of this nest site.


**Anticipated removal date:**

**Removal certification:**

Name

Date

**Submitted by** B. Muiznieks **Approved by:** T. Broili (Verbally)

  
\_\_\_\_\_  
Superintendent

  
\_\_\_\_\_  
Date





# BH09-005 Closure Installation Request





FAXED  
5/29/09  
MR

Number BH09-005-A

Date: 5/29/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5/29/2009

Reason for closure, modification or removal: According to the Consent Decree, the unfledged chick buffer for American oystercatchers is 200 meters.

The AMOY nest for pair C8/L9 hatched on 5/28 and produced 1 chick. On the morning of 5/29 the chick was observed ~55 m south of the northern boundary of the closure.

Physical location: 0.7 mi S of R 27.

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 200 meter buffer will be maintained around the chick. The northern boundary of the existing closure will be expanded 155 m to the north. The full beach closure will extend for 0.5 miles.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: D. Stover (Acting Chief of RM)

*DR 5/29/09*

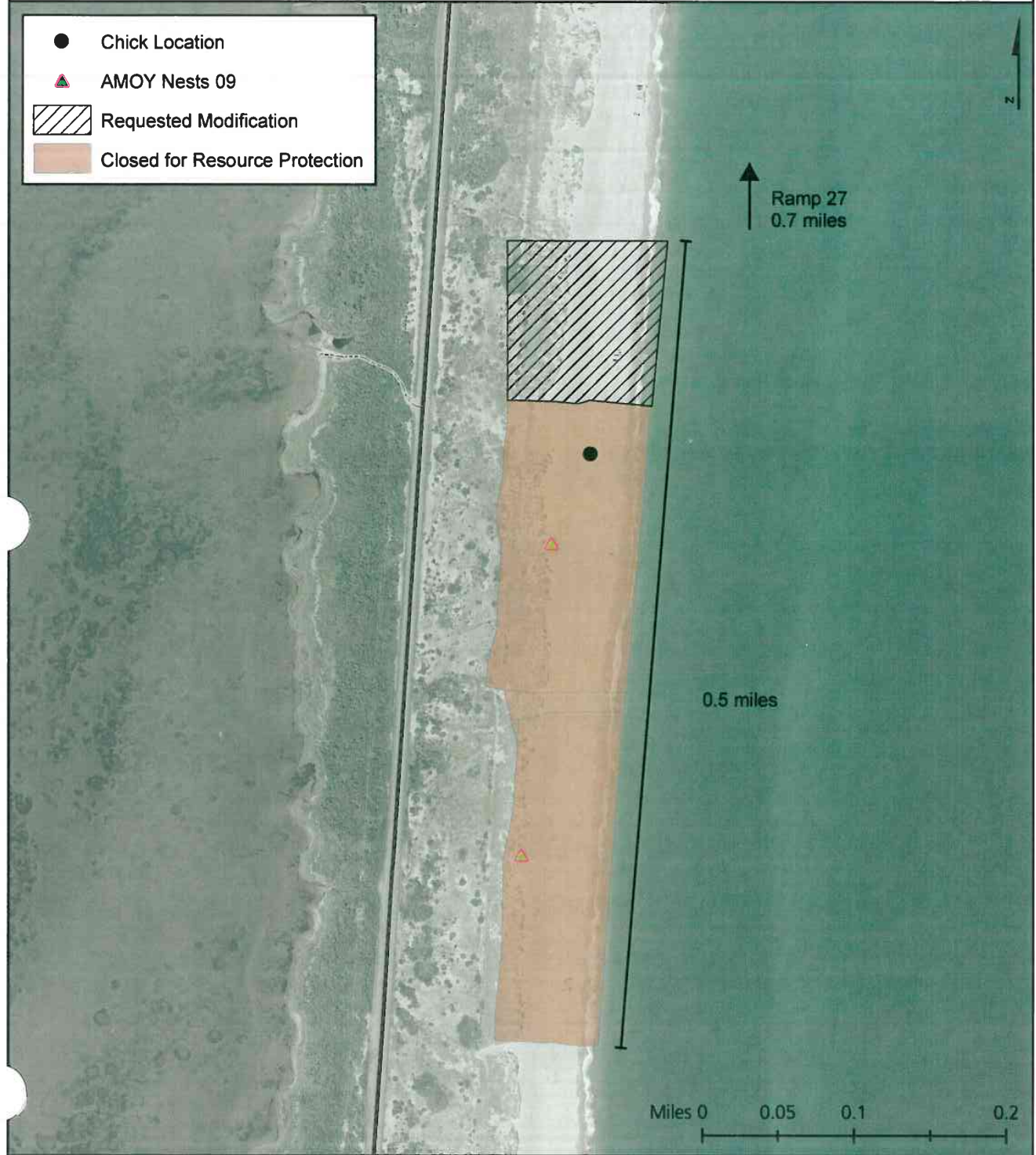
*M. Murray*  
\_\_\_\_\_  
Superintendent

*5/29/09*  
\_\_\_\_\_  
Date



# BH09-005-A Closure Modification Request

- Chick Location
- ▲ AMOY Nests 09
- ▨ Requested Modification
- Closed for Resource Protection





Number BH09-006

Date: 5/9/2009

To: Superintendent, Outer Banks Group
From: Chief, Resource Management, Outer Banks Group
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
non-breeding (list species )
vegetation/dune (list any T&E species )
deliberate violation

New Closure - Modification of Existing Closure - Removal of Closure

Proposed Actual Installation date: 5/9/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for LETE will be 100 meters.

A couple of LETE scrapes were located in an area where there was a colony in 2008. Windy conditions prevented definitive identification of additional scrapes.

Physical location: 1.0 mi N of Ramp 27

ORV area - non-ORV area - Village - Day Use Area - Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer will be placed around the LETE scrapes.

Anticipated removal date:

Removal certification:

Name Date

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

M. Munnery 5/12/09
Superintendent Date

Note: Verbally approved and implemented 5/09/09





# BH09-006 Closure Installation Request

■ LETE Scrapes 09  
▨ Requested Modification





FAXED  
5/18/09  
MK

Number BH09-006-A

Date: 5/16/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5/16/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for LETE will be 100 meters.

The LETE colony is expanding and they are scraping south of the previously documented nests/scrapes.

Physical location: 1.0 mi N of R27.

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer will be places around the southernmost scrape. The southern boundary of the closure will be moved 75 meters to the south.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by P. Doshkov Approved by: B. Muiznieks (Acting Chief of RM)


M. Murray  
Superintendent


5/18/09  
Date



# BH09-006-A Closure Modification Request

▣ LETE Scrapes 09

 Requested Modification

 Closed for Resource Protection



FAXED  
5/26/09  
MM

Number BH09-006-B

Date: 5-25-2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5-25-2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for least terns will be 100 meters.

Three least tern nests were found outside of the existing closure boundary for this colony.

Physical location: 1.0 mi N of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer will be established around the 3 tern nests. The northern boundary of the closure will be moved 140 meters to the north. The southern boundary will remain in place. A full beach closure will extend for 0.3 mi. of shoreline.

Anticipated removal date:

Removal certification:

Name

Date

*Ther Bianty 5/26/09*

Submitted by B. Muiznieks Approved by: B. Muiznieks (Acting Chief of RM)

*M. Munnay*  
Superintendent

*5/26/09*  
Date



# BH09-006-B Closure Modification Request

- ▣ LETE Nests 09
- ▣ LETE Scrapes 09
- ▨ Requested Modification
- Closed for Resource Protection





FAXED  
6/19/09  
M

Number BH09-006-C

Date: 6/18/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/18/2009

Reason for closure, modification or removal: The Consent Decree states that the unfledged chick buffer for LETEs will be 200 m for ORVs and pedestrians.

LETE chicks are hatching in the colony.

Physical location: 0.9 mi N of R27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The closures will be modified by an additional 100 m to the north and south to provide the required chick buffers.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by D McGee Approved by:

*Thompson Bialk* 6/18/09

*M. Munnay*  
\_\_\_\_\_  
Superintendent

*6/19/09*  
\_\_\_\_\_  
Date



# H09-006-C Closure Modification Request

- LETE Activity 09
- ▨ Requested Modification
- Closed for Resource Protection



FAXED  
7/6/09  
MK

Number BH09-006-D

Date: 7/3/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/3/2009

Reason for closure, modification or removal: The Consent Decree states that the chick buffer for LETE will be 200 meters.

LETE chicks were observed outside the southern boundary of this colony.

Physical location: 0.9 mi N of R 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 200 meter buffer will be established around the southernmost chick. An additional 0.2 mi of shoreline will be closed for a total shoreline closure of 0.6 mi

Anticipated removal date:

Removal certification:

Name

Date

Thayne Breit 7/6/09

Submitted by B. Muiznieks Approved by: M. Murray (verbally of conf. call)

M. Murray  
Superintendent

7/6/09  
Date



# BH09-006-D Closure Modification Request





**FAXED**  
7/21/09  
MR

Number BH09-006-E

Date: 7/20/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/20/2009

**Reason for closure, modification or removal:** The Consent Decree states that the LETE chick buffer will be 200 meters.

Only one unfledged chick remains in this colony.

**Physical location:** 1.0 mi N of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 200 meter buffer will be maintained around the remaining chick. The southern boundary of this closure will be moved 0.3 mi to the north.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thay Beal*  
7/20/09

Submitted by B. Muiznieks Approved by: M. Murray (verbally on conf. call)

*M. Murray*  
Superintendent

7-20-09  
Date



# BH09-006-E Closure Modification Request



FAXED  
8/20/09

Number BH09-006-R MK

Date: 8/18/09

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 8/18/2009-removal

Reason for closure, modification or removal: It's been two weeks since there has been any activity in the colony.

Physical location: 1 mi N Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): Remove the closure.

Anticipated removal date: 8/18/09

Removal certification: P. Doshkov  
Name Date

Submitted by D. McGee Approved by: B. Muiznieks

*Thayer Brait*  
8/19/09

*D. McGee*  
Superintendent

*8/19/09*  
Date



Number BH09-007

Date: 5/9/2009

To: Superintendent, Outer Banks Group
From: Chief, Resource Management, Outer Banks Group
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
non-breeding (list species )
vegetation/dune (list any T&E species )
deliberate violation

New Closure - Modification of Existing Closure - Removal of Closure

Proposed Actual Installation date: 5/9/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities.

A couple of LETE scrapes were located in an area where there was a colony in 2008. Windy conditions prevented definitive identification of additional scrapes.

Physical location: 2.4 mi N of Ramp 27

ORV area - non-ORV area - Village - Day Use Area - Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer will be placed around the LETE scrapes.

Anticipated removal date:

Removal certification:

Name Date

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

Handwritten signature of M. Munnay and date 5/12/09

Note: Verbally approved and implemented 5/09/09.





# BH09-07 Closure Installation Request



FAXED  
5/18/09  
MK

Number BH09-007-A

Date: 5/16/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 5/16/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for LETE will be 100 meters.

The LETE colony is expanding to the north and south.

Physical location: 1.8 mi S of Ramp 23 (or 2.3 mi N of R27).

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer will be placed around the northernmost and southernmost nest/scrape. The southern boundary will be moved to the south 170 meters. The northern boundary will be moved to the north 30 meters.

Anticipated removal date:

Removal certification:

Name

Date



Submitted by P. Doshkov Approved by: B. Muiznieks (Acting Chief of RM)

M. Murray  
Superintendent

5/18/09  
Date



# BH09-007-A Closure Modification Request

- LETE Nests 09
- LETE Scrapes 09
-  Requested Modification
-  Closed for Resource Protection



FAXED  
6/11/09  
MR

Number BH09-007-R

Date: 6/08/09

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/7/2009-removed.

Reason for closure, modification or removal: On 5/6 15 tern nests were documented. On 5/24 no active nests remained in the colony. No activity has been observed in this colony for over 2 weeks.

Physical location: 2.3 mi N of Ramp 27 (or 1.8 mi S of Ramp 23).

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The closure will be removed.

Anticipated removal date: 6/7/2009

Removal certification: B. Muiznieks  
Name

6/8/2009  
Date

*Thay Brant*  
6/10/09

Submitted by Stephanie Myers Approved by: B. Muiznieks (verbally approved)

*Samuel S. Edwards*  
Superintendent

*6/10/09*  
Date



FAXED  
6/1/09  
MK

Number BH09-008

Date: 6/1/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/1/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for least terns will be 100 meters.

A one-egg nest was located right at Ramp 23.

Physical location: Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer around the nest will close Ramp 23 to ORVs. The ramp will remain partially open to pedestrians who are willing to hike around the backside of the closure to access the beach.

Anticipated removal date:

Removal certification:

Name

Date

*Thay Bial* 6/1/09

Submitted by B. Muiznieks Approved by:

*M. Murray*  
Superintendent

6/1/09  
Date



# BH09-008 Closure Installation Request



FAXED  
6/5/09  
MR

Number BH09-008-A

Date: 6/4/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/4/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for LETE will be 100 meters.

A LETE scrape was located outside of the current closure boundary.

Physical location: Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer will be established around the scrape location resulting in a full beach closure of 0.2 mi.

Anticipated removal date:

Removal certification:

Name

Date

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

*Thayr Broili*  
6/5/09

*Dan... Eids* Superintendent 6/5/09 Date





# BH09-008-A Closure Modification Request





FAXED  
6/15/09

Number BH09-008-B

Date: 6/15/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/13/2009

**Reason for closure, modification or removal:** According to the Consent Decree, "If disturbance from ORVs and/or pedestrians, as observed by NPS natural resource management staff, occurs within the given buffer distance, the buffer zone shall be expanded in 50 m increments until no disturbance occurs. Behaviors indicating disturbance include defensive displays, alarm calls, flushing or leaving a nest or feeding area, and diving or mobbing pedestrians, dogs, or vehicles."

During monitoring activities, one of the bio techs noticed that the birds were flushing from them nests as he approached the closure boundary from Ramp 23.

**Physical location:** Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The western boundary of the closure will be moved 50 meters to the west.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Shay Brait*  
6/15/09

**Submitted by** B. Muiznieks **Approved by:** D. Echols (verbally 6/13/09)

*B. Muiznieks*  
Superintendent

6/15/09  
Date



# BH09-008-B Closure Modification Request



**FAXED**  
6/18/09  
MK

Number BH09-008-C

Date: 6/17/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/17/2009

**Reason for closure, modification or removal:** The Consent Decree states that the chick buffer for LETE will be 200 meters.

This small LETE colony has 12 nests and three chicks.

**Physical location:** Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The northern and southern boundary of this closure will be expanded by 100 meters. The western boundary (i.e. ramp) will be moved 26 meters to the west.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayer Bink* 6/17/2009

**Submitted by** B. Muiznieks **Approved by:** M. Murray on conference call.

*M. Murray*  
Superintendent

6/18/09  
Date





# BH09-008-C Closure Modification Request





FAXED  
7/1/09  
NPS

Number BH09-008-D Rev.

Date: 6/29/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/29/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 13, Violations of Pre-nesting Areas and Buffers), "At all established pre-nesting areas and buffers, if, in the opinion of NPS, a confirmed deliberate act that disturbs or harasses wildlife or vandalizes fencing, nests, or plants, is documented by NPS personnel, the pre-nesting area or buffer shall be expanded automatically by 50 m.

On Saturday (6/27/09) there was a deliberate violation at Ramp 23 (confirmed by LE staff) that affected the LETE closure at Ramp 23. The barricade at the beginning of the ramp was removed, dismantled and set off to the side of the ramp. Further down the ramp where the resource closure starts one area closed sign was broken in half.

**Physical location:** Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The west side of the closure will be expanded to the parking lot. The parking lot will remain open for emergency parking. The parking lot will be ringed with resource management "area closed" signs to prevent beach access from the parking lot. Additional signs will be created to direct the public to Ramp 30 for beach access.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayne Biondi*  
*6/30/2009*

**Submitted by** B. Muiznieks **Approved by:**

*M. Munoz*  
Superintendent

*6/30/09*  
Date

FAXED  
7/1/09  
MJK

Number BH09-008-D

Date: 6/29/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/29/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 13, Violations of Pre-nesting Areas and Buffers), "At all established pre-nesting areas and buffers, if, in the opinion of NPS, a confirmed deliberate act that disturbs or harasses wildlife or vandalizes fencing, nests, or plants, is documented by NPS personnel, the pre-nesting area or buffer shall be expanded automatically by 50 m.

On Saturday (6/27/09) there was a deliberate violation at Ramp 23 (confirmed by LE staff) that affected the LETE closure at Ramp 23. The barricade at the beginning of the ramp was removed, dismantled and set off to the side of the ramp. Further down the ramp where the closure starts one area closed sign was broken in half.

Physical location: Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The east side of the closure will be expanded by 50 meters.

Anticipated removal date:

Removal certification:

Name

Date

*Thayne Biant* 6/29/2009

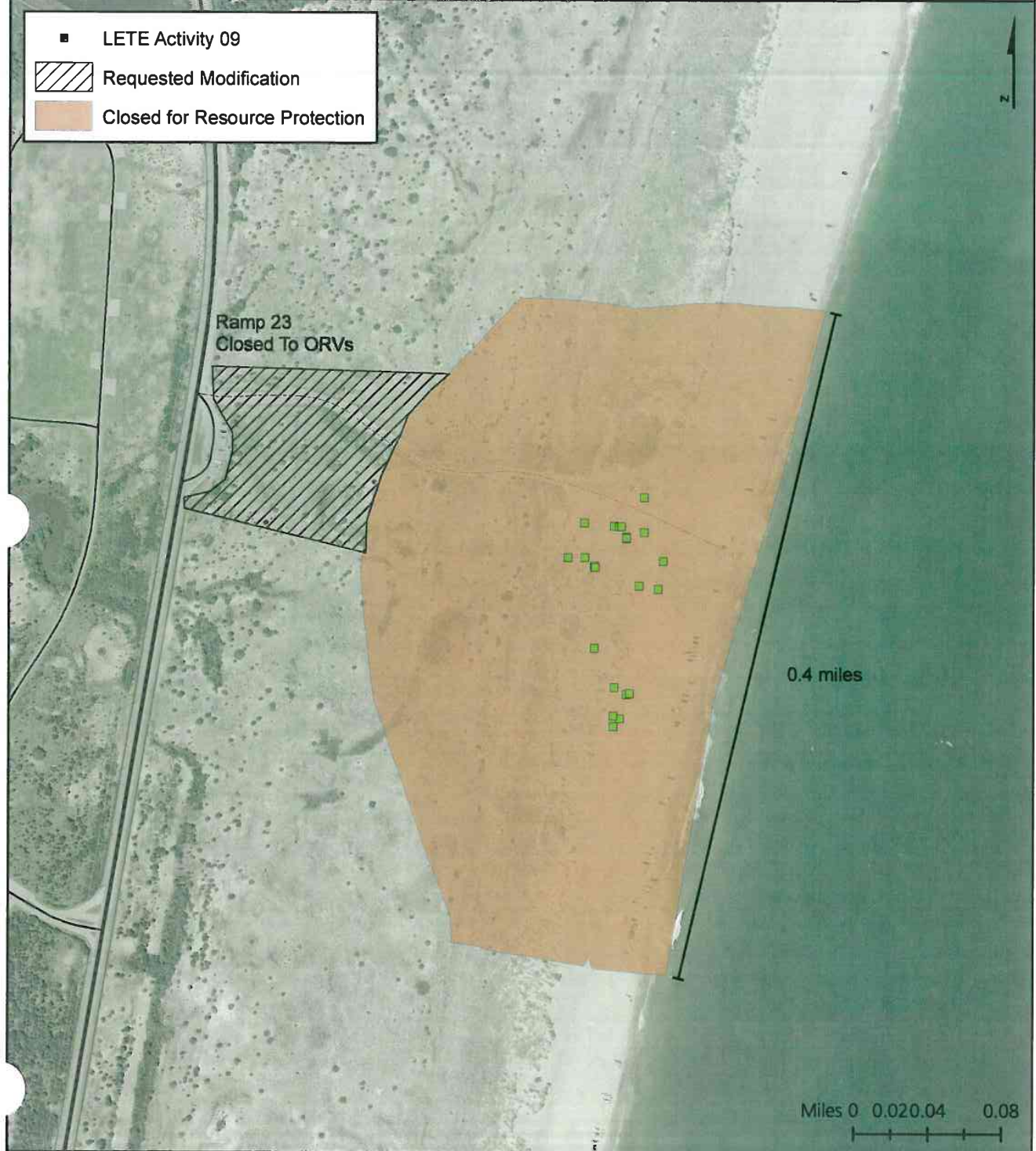
Submitted by B. Muiznieks Approved by:

*M. Murray*  
Superintendent

6/29/09  
Date



# BH09-008-D Closure Modification Request



FAXED  
7/6/09  
ur

Number BH09-008-E

Date: 7/4/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/4/2009

Reason for closure, modification or removal: The Consent Decree states that the chick buffer for LETE will be 200 meters.

A LETE chick was observed outside the northern boundary of the established closure.

Physical location: Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The northern boundary of the closure will be expanded 0.2 mi to the north. The northern boundary of the closure will be ~15 m south of the Tri-village "No ORV" summer safety closure and approximately 40 meters south of the first beach access trail. The closure will now extend for 0.5 mi of shoreline.

Anticipated removal date:

Removal certification:

Name

Date

*Thayer Broili 7/6/09*

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

*M. Murray*  
Superintendent

7/6/09  
Date





# BH09-008-E Closure Modification Request



**FAXED**  
7/16/09  
MR

Number BH09-008-F

Date: 7/15/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/15/2009

**Reason for closure, modification or removal:** The Consent Decree states that the LETE chick buffer will be 200 meters.

This active colony contains nests as well as chicks.

**Physical location:** Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 200 meter buffer will be maintained around the active colony (i.e. chicks and nests). The southern boundary of this closure will be expanded by ~53 meters.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Troy Brolli*  
7/16/09

**Submitted by** B. Muiznieks **Approved by:** T. Brolli (verbally on conf call)

*Danell E. Eddy*  
Superintendent

7/16/09  
Date



# BH09-008-F Closure Modification Request



This closure is a 53 meter extension of the southern boundary of the Ramp 23 closure



FAXED  
8/20/09  
MJP

Number BH09-008-G

Date: 8/18/09

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 8/18/09

**Reason for closure, modification or removal:** A second and third deliberate violation occurred at Ramp 23 on 8/17 and 8/18. A single LETE chick (10-12 days old) was most recently observed inside this closure on on 8/17. The first deliberate violation in this area was documented on 6/27. According to the Consent Decree, "If a second such (confirmed deliberate) act occurs at the same area, the buffer shall be expanded automatically by an additional 100 meters. If a third such act occurs, the buffer shall be expanded automatically by an additional 500 m or more, if NPS determines it is necessary to minimize the extent of further disturbance."

**Physical location:** Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The northern boundary of the closure will be expanded north (~ 20 meters) to the Salvo Village boundary line (i.e. to the southern end of the seasonal village closure). The southern boundary of the closure will be moved 600 meters to the south.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayer Bieri*  
8/19/09

**Submitted by** B. Muiznieks **Approved by:** D. Echols (verbally)

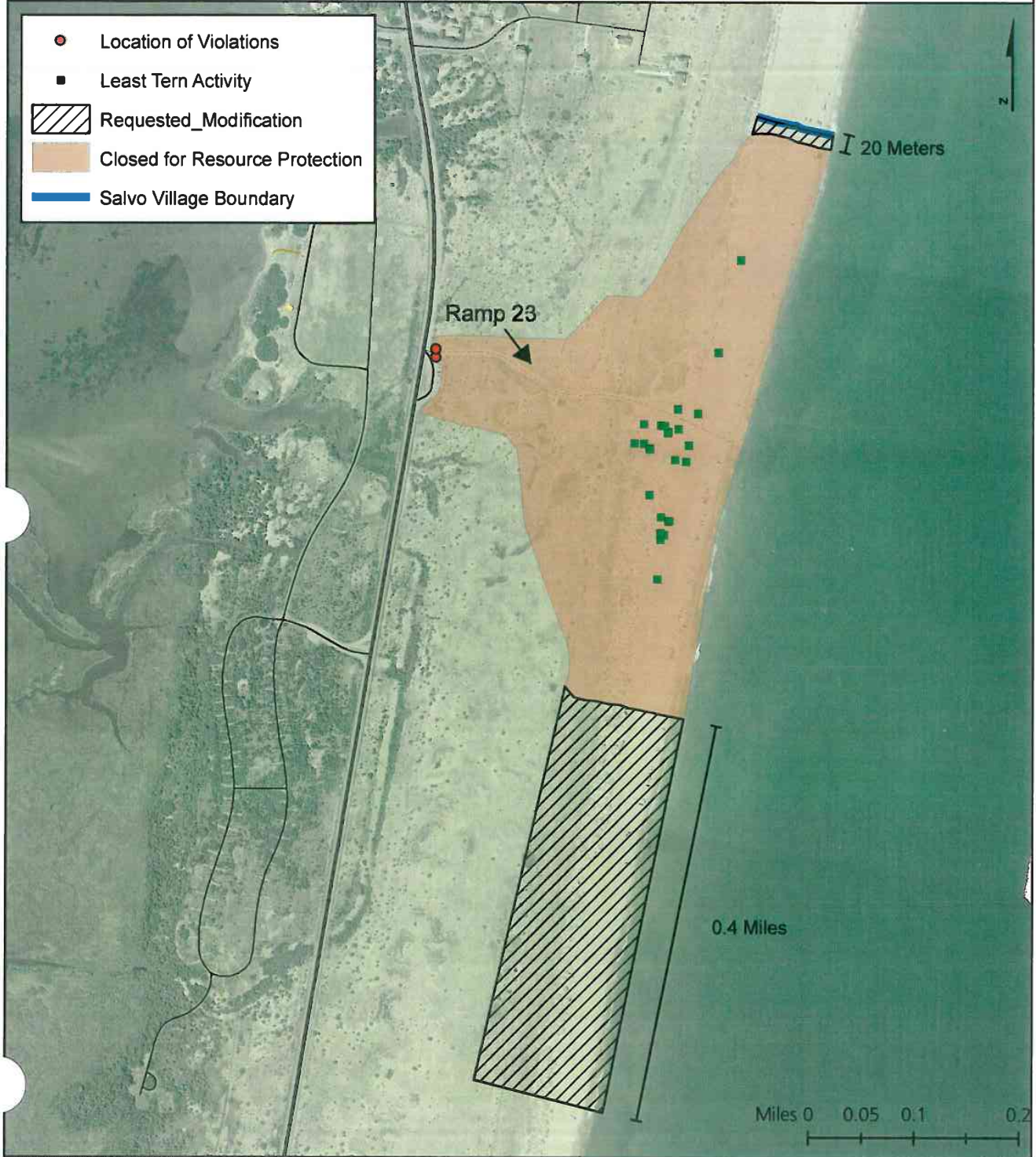
*Daniel E. Echols*  
Superintendent

*8/19/09*  
Date





# BH09-008-G Closure Modifictaion Request



FAXED  
8/28/09

Number BH09-008-H

Date: 8/20/09

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

*Withdrawn  
due to passing of  
offshore Hurricane Bill*

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 8/21/09

**Reason for closure, modification or removal:** A fourth deliberate violation occurred at Ramp 23 on 8/19. The barricade at the ramp entrance had been moved to the side and the red and white derby rope had been untied to allow vehicle passage. A unfledged LETE chick was still observed inside the closure after the violation on 8/19.

According to the Consent Decree, "If a second such (confirmed deliberate) act occurs at the same area, the buffer shall be expanded automatically by an additional 100 meters. If a third such act occurs, the buffer shall be expanded automatically by an additional 500 m or more, if NPS determines it is necessary to minimize the extent of further disturbance." No guidance is provided in the Consent Decree for a fourth violation.

**Physical location:** Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The southern boundary of the closure will be moved 500 meters to the south. A total of 1.3 mi of shoreline (Salvo Village boundary to the southern end of the closure) will now be closed to pedestrians and ORVs.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayer Bevil  
8/21/09*

**Submitted by** B. Muiznieks **Approved by:** D. Echols (verbally)

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date

**FAXED**  
8/25/09

Number BH09-008-H

Date: 8/20/09

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

*Withdrawn  
due to passing of  
offshore Hurricane Bill*

**Type of closure:**

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 8/21/09

**Reason for closure, modification or removal:** A fourth deliberate violation occurred at Ramp 23 on 8/19. The barricade at the ramp entrance had been moved to the side and the red and white derby rope had been untied to allow vehicle passage. A unfledged LETE chick was still observed inside the closure after the violation on 8/19.

According to the Consent Decree, "If a second such (confirmed deliberate) act occurs at the same area, the buffer shall be expanded automatically by an additional 100 meters. If a third such act occurs, the buffer shall be expanded automatically by an additional 500 m or more, if NPS determines it is necessary to minimize the extent of further disturbance." No guidance is provided in the Consent Decree for a fourth violation.

**Physical location:** Ramp 23

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** The southern boundary of the closure will be moved 500 meters to the south. A total of 1.3 mi of shoreline (Salvo Village boundary to the southern end of the closure) will now be closed to pedestrians and ORVs.

**Anticipated removal date:**  
**Removal certification:**

Name

Date

*Thayer Bevil  
8/21/09*

**Submitted by** B. Muiznieks **Approved by:** D. Echols (verbally)

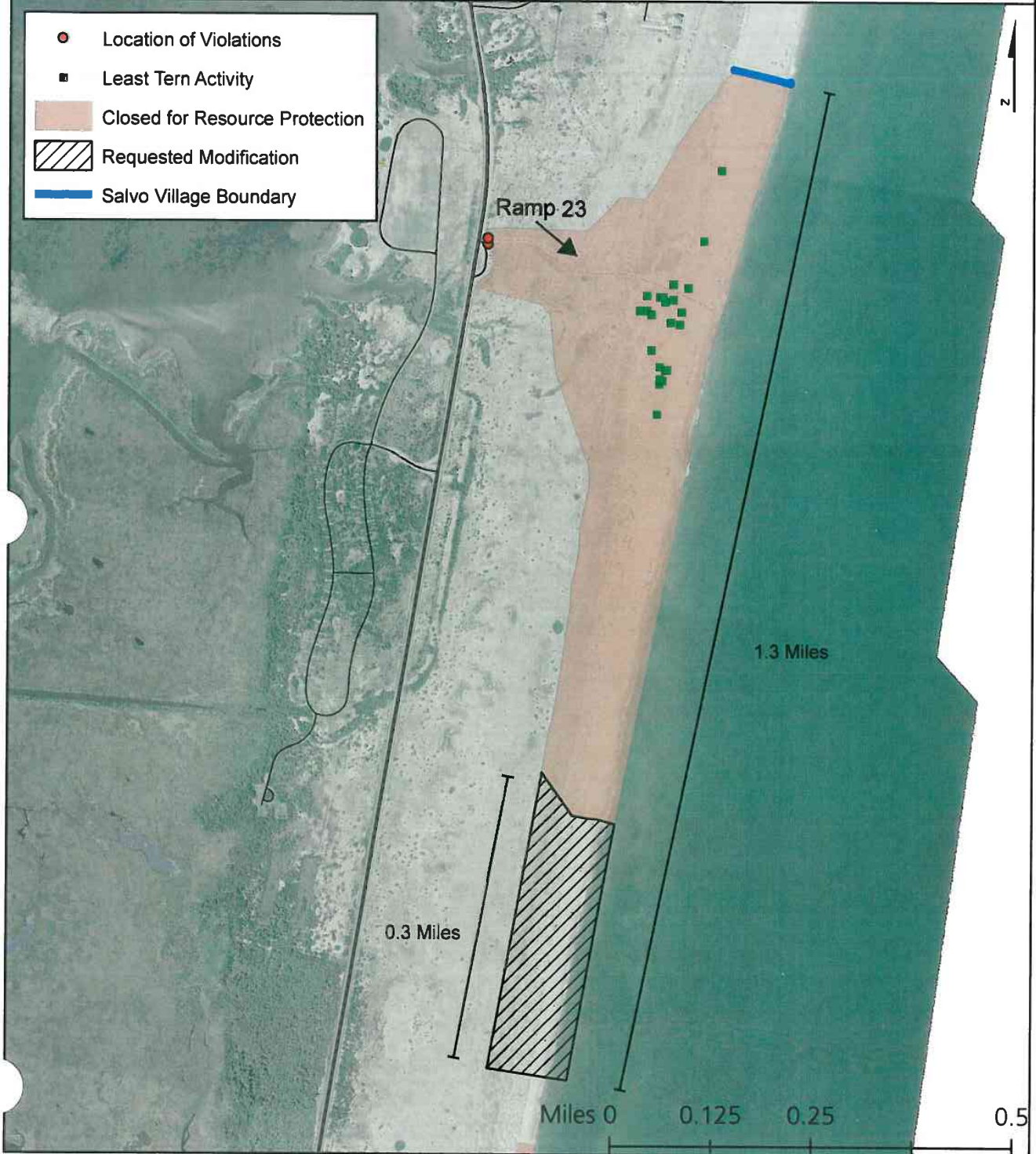
\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date





# BH09-008-H Closure Modifictaion Request





FAXED  
6/1/09

Number BH09-009

MR

Date: 6/1/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/1/2009

Reason for closure, modification or removal: According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for least terns will be 100 meters.

Two two-egg tern nests were located north of Ramp 27.

Physical location: 0.1 mi N of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): A 100 meter buffer will be placed around the tern nests. 0.2 miles of shoreline will remain open to ORVs north and south of the shoreline.

Anticipated removal date:

Removal certification:

Name

Date

Thayer Bickel 6/1/09

Submitted by B. Muiznieks Approved by:

M. Murray  
Superintendent

6/1/09  
Date

FAXED  
6/2/09  
MMR

Number BH09-009

Date: 6/1/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/1/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for least terns will be 100 meters.

Two two-egg tern nests were located north of Ramp 27.

**Physical location:** 0.1 mi N of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 100 meter buffer will be placed around the tern nests. ~0.2 miles of shoreline will remain open to ORVs (0.1 mi north and 0.1 south of Ramp 27).

**Anticipated removal date:**

**Removal certification:**

Name	Date
------	------

Submitted by B. Muiznieks Approved by: T. Broili (verbally)

Thompson Brook (Acting)          6/2/09  
Superintendent                                  Date



# BH09-009 Closure Installation Request



FAXED  
6/9/09

Number BH09-009-A<sup>MR</sup>

Date: 6/8/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/8/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 5, Buffers), NPS "shall establish buffers for observed breeding behavior, including but not limited to territorial behavior, courtship, mating, confirmed scrapes, or other nest-building activities." The Consent Decree also states that the breeding behavior/nest buffer for least terns will be 100 meters.

Two new tern nests were located in the colony north of Ramp 27.

**Physical location:** 110 meters N of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 100 meter buffer will be placed around the two new tern nests. The northern boundary of this closure will be moved north 20 meters. 0.1 mi of shoreline remains open to ORVs and pedestrians at Ramp 27.

**Anticipated removal date:**

**Removal certification:**

Name

Date

Submitted by B. Muiznieks Approved by: M. Murray (verbally on conf. call)

*MR 6/8/09*

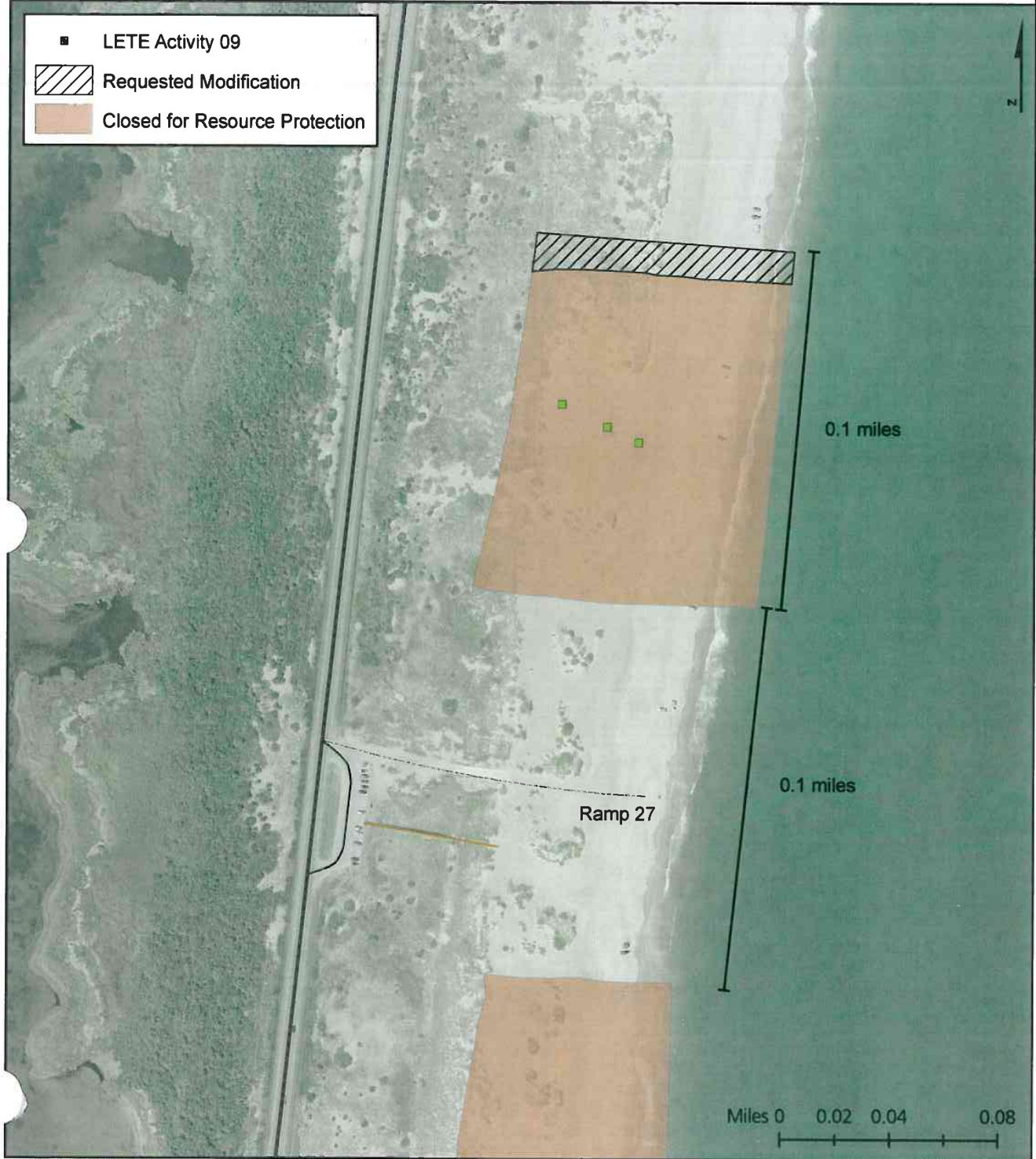
*M. Murray*  
Superintendent

*6/8/09*  
Date





# BH09-009-A Closure Modification Request



**FAXED**  
6/23/09

MR

Number BH09-009-B

Date: 6/22/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: **RESOURCE PROTECTION CLOSURE REQUEST**

**Type of closure:**

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/20/2009

**Reason for closure, modification or removal:** The Consent Decree states that the chick buffer for LETE will be 200 meters.

Two LETE chicks were observed inside the closure.

**Physical location:** Just N of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** A 200 meter buffer will be established around the colony. The north and south boundary of closure will be expanded by 50 meters. From Ramp 27 only 120 meters of shoreline will remain open to ORVs and pedestrians.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayer Broili* 6/23/09

**Submitted by** B. Muiznieks **Approved by:** T. Broili (verbally)

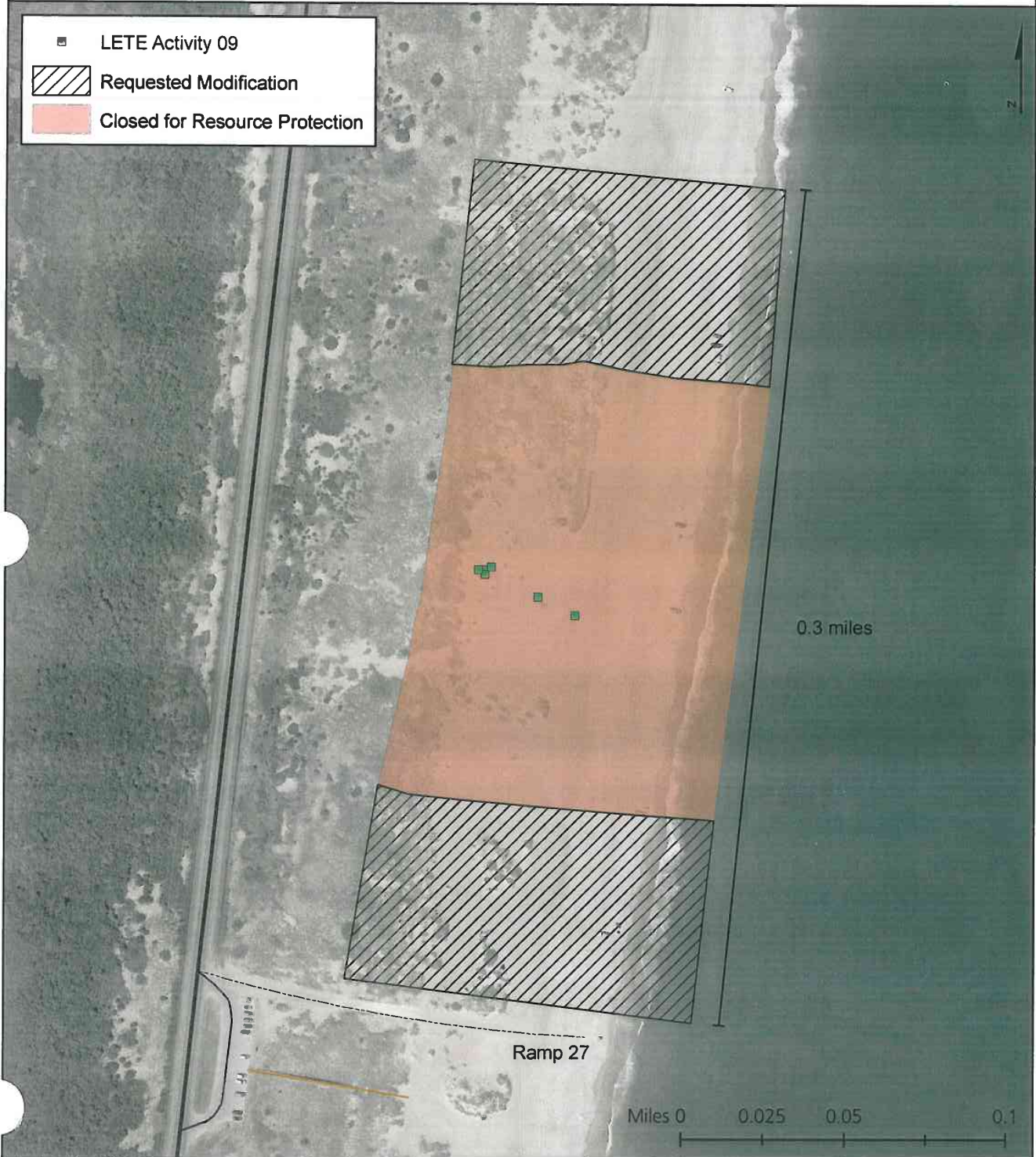
*B. Muiznieks*  
Superintendent

6/23/09  
Date

0034935



# BH09-009-B Closure Modification Request





FAXED  
7/1/09  
WR

Number BH09-009-C

Date: 6/27/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE, AMOY)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 6/29/2009

**Reason for closure, modification or removal:** According to the Consent Decree (Pg. 13, Violations of Pre-nesting Areas and Buffers), "At all established pre-nesting areas and buffers, if, in the opinion of NPS, a confirmed deliberate act that disturbs or harasses wildlife or vandalizes fencing, nests, or plants, is documented by NPS personnel, the pre-nesting area or buffer shall be expanded automatically by 50 m.

On Saturday (6/27/09) prior to 6:00 am there was a deliberate violation at Ramp 27 (confirmed by LE) that affected the LETE closure to the north of Ramp 27 (BH09-009-B) and the AMOY closure to the south of Ramp 27 (BH09-004-G). Two signs of the LETE closure were broken and three signs of the AMOY closure were broken. String/flagging was broken in multiple locations. The violation is thought to have occurred prior to high tide. Another vehicle, not believed to be associated with the violations, drove through the closure after high tide.

**Physical location:** Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

**Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable):** Ramp 27 will be closed at Hwy 12. The parking lot will remain open for emergency parking. The parking lot will be ringed with resource management "area closed" signs to prevent beach access from the parking lot. The closures to the north and south of Ramp 27 will be combined.

**Anticipated removal date:**

**Removal certification:**

Name

Date

*Thayne Beach 6/29/2009*

**Submitted by** B. Muiznieks **Approved by:**

*M. Murray*  
\_\_\_\_\_  
Superintendent

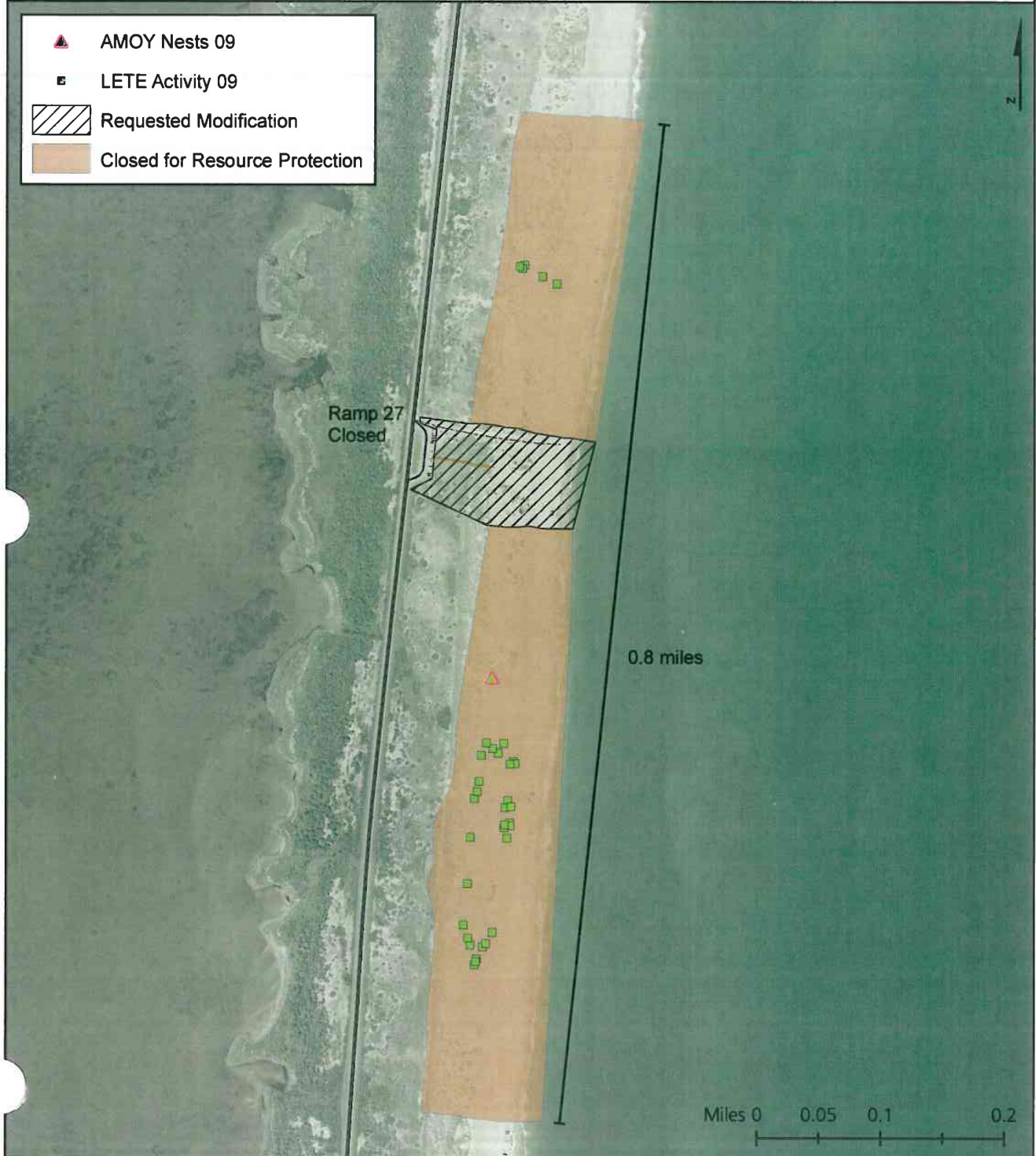
*6/29/09*  
\_\_\_\_\_  
Date





# BH09-009-C Closure Modification Request

- AMOY Nests 09
- LETE Activity 09
- Requested Modification
- Closed for Resource Protection



FAXED  
7/21/09  
MR

Number BH09-009-D

Date: 7/20/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species AMOY, LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: 7/20/2009

Reason for closure, modification or removal: The chick from AMOY pair Gr 50/52 was determined to be lost just prior to fledging at day 38. The LETE colony to the south of Ramp 27 is still active and the LETE colony just to the north of Ramp 27 is no longer active. The single remaining (abandoned?) egg from this colony was no longer present on 7/20.

Physical location: 0.1 mi S of Ramp 27

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): Ramp 27 will be reopened. A 200 meter buffer will be maintained around the northernmost chick in the colony to the south of Ramp 27. Another LETE colony ~1 mi north of Ramp 27 will impede access further to the north. Approximately 1.1 mi of shoreline will be reopened to ORVs and pedestrians (~1 mi to the N of Ramp 27 and ~0.1 mi to the S of Ramp 27).

Anticipated removal date:

Removal certification:

Name

Date

*Thay Beati*  
7/20/2009

Submitted by B. Muiznieks Approved by: M. Murray (verbally on conf call)

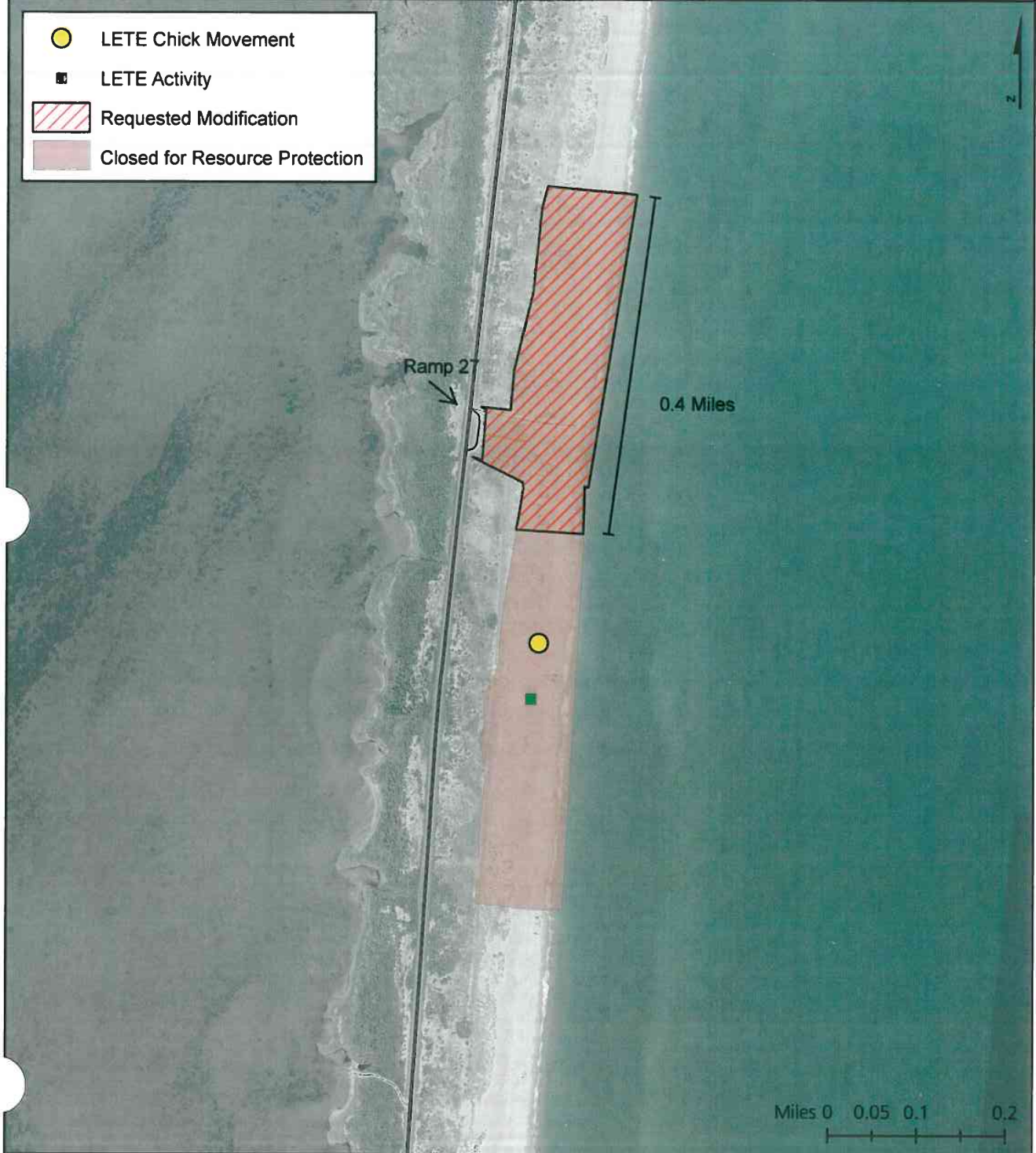
*M. Murray*  
\_\_\_\_\_  
Superintendent

*7-20-09*  
\_\_\_\_\_  
Date



# BH09-009-D Closure Modification Request

- LETE Chick Movement
- LETE Activity
- Requested Modification
- Closed for Resource Protection



FAXED  
8/6/09  
MK

Number BH09-009-E

Date: 8/1/2009

To: Superintendent, Outer Banks Group  
From: Chief, Resource Management, Outer Banks Group  
Subject: RESOURCE PROTECTION CLOSURE REQUEST

Type of closure:

- breeding (list species LETE)
- non-breeding (list species )
- vegetation/dune (list any T&E species )
- deliberate violation

New Closure -  Modification of Existing Closure -  Removal of Closure

Proposed  Actual Installation date: Completed at 1055 on 8/1/2009.

Reason for closure, modification or removal: According to the Consent Decree, the unfledged chick buffer for colonial waterbirds is 200 meters.

One least tern chick was found approximately 90 m inside the S boundary of closure at N35.46265, W075.48203.

Physical location: The chick was approximately 0.45 mi S of R27.

ORV area -  non-ORV area -  Village -  Day Use Area -  Other( )

Description of Action (If additional space needed, put on separate sheet. Attach map showing sketch of proposed closure with approximate perimeter distances and distance to the tide line if applicable): The southern end of the closure boundary was expanded S 110 m to accommodate the chick's location. The S boundary is now ~ 0.6 mi S of R27.

Anticipated removal date:

Removal certification:

Name

Date

Thayer Broili  
8/3/09

Submitted by Doug McGee Approved by: (Verbal) Thayer Broili

M. Murray  
Superintendent

8/03/09  
Date





# CH09-009-E Closure Modification Request

- Chick Location
- LETE Activity
- Requested Modification
- Closed for Resource Protection

