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From: [Britta Muiznieks](#)
To: [Mike Murray](#)
Subject: Comments
Date: 08/27/2008 11:08 AM
Importance: High
Attachments: [NR s-c.Cape Pt proposal.082708.nps edits.doc](#)



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NATURAL RESOURCES SUBCOMMITTEE
Summary of DRAFT Ideas/Options for Cape Point

GOAL

- Protect natural resources and maintain access to Cape Point, to the greatest extent possible, year-round.

DEFINITION OF AREAS

- Cape Point is defined as ocean beach from Ramp 44 to ~~Ramp 45~~ Salt Pond Road
- South Beach is defined as ocean beach from ~~Ramp 45~~ Salt Pond Road to Ramp 49.

OPTIONS AND IDEAS

Pre-Nesting Closures

- Follow the configuration of the 2008 pre-nesting closures for Cape Point and South Beach, except increase the width of the Cape Point access corridor (on the east facing beach) to 100 m (150 m?) or up to 10 m from the toe of the dune, whichever is less, from Ramp 44 south to the Point. This would expand the ORV corridor and “encourage” CWB nesting further to the west, reducing the likelihood of full closure of the access corridor during the later spring/summer due to CWBs.

Buffer Distances during Pre-Nesting

- Provide recommended buffer distances (currently 50 m) for observed piping plover breeding behavior and related foraging and nesting at all locations.
- Provide recommended buffer distances (TBD) for observed AMOY and CWB breeding behavior and related foraging and nesting at all locations, except:
 - Provide reduced buffer distances (TBD) along the Cape Point access corridor from Ramp 44 to Cape Point for observed non-listed species breeding or prenesting behavior up until nests are on the ground. Some impacts are allowable under the NPS non-impairment rule. If AMOY or CWB nests are established or chicks are present, follow recommended buffers (TBD), except as described in following sections.

Active Management Tools to Encourage Nesting Away from Access Corridor

- Explore opportunities to enhance and encourage CWB nesting habitat at a sufficient distance away from the Cape Point access corridor.
- Conduct annual habitat assessment of Cape Point interior (i.e., west of the access corridor) to determine best available site for targeted CWB nesting habitat enhancement prior to the breeding season, which may include:
 - Improvement of CWB nesting substrate (shell, cobble, etc.), if feasible.
 - Use of CWB decoys to help establish colony at targeted site away for access corridor. CWB decoys have been successfully used elsewhere for common and least terns and black skimmers.
 - Use of avian predator decoys (e.g., gulls or crows) outside of resource closure near edge of Cape Point access corridor.

Comment [MSOffice1]: I am concerned that if some of these actions are allowable at Cape Point that it will set a precedent for other areas as well. Can we protect birds differently in different areas of the park?

Comment [MSOffice2]: Historic PIPL nests (in the annual reports etc.) have everything west of Salt Pond designated as a South Beach nest. If we were to change this designation we would not have had a PIPL nest on South Beach since 1999.

Comment [MSOffice3]: 2008 PIPL nests are ~200m from the east shoreline and less than 50 m from the hook shoreline (southern-most nest). The pre-nesting requirement for 50 m buffers around historic nest sites could be met with a 100 m corridor. However, it would most likely have to be bumped eastward to protect some interior foraging locations.

Comment [MSOffice4]: CWBs in 2008 were not discouraged by ORV traffic from nesting in the middle of Ramp 45. It appears nest abandonment from disturbances only occurs after nests are established and not during courtship and nesting – this appears to apply to AMOYs as well.

We may want to leave out “encourage” and just state the corridor widths for Cape Point. FWS and NCWRC may take exception to such actions.

Comment [MSOffice5]: Plovers did scrape on the east side of the point this year. It was less than 50 m from the prenesting closure but inside the closure. The pre-nesting closure was set at 100 FEET.

Comment [MSOffice6]: We would have to provide some sort of protection to the scrape areas to prevent ORVs from driving over nests when the first eggs are laid. We would not be able to walk through the colony on a daily basis as it may cause abandonment.

Comment [MSOffice7]: We could research the use of Owl decoys. State and other federal agencies may not approve. We need to make sure that PIPLs are not discouraged from nesting in the areas where decoys are placed. It may possibly require us to reconsult with the FWS. Plovers did scrape on the east side of the point this year.

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- If CWB nests or chicks occur within less than the recommended buffer distance (TBD) from the Cape Point access corridor, use temporary “chick fencing” and/or temporary barriers for some CWB species (e.g., least terns) to reduce chances of disturbance or chicks being harmed. Chick fencing would only be used when no unfledged piping plover or AMOY chicks are present within a prescribed distance (TBD). Fencing would only be installed at a prescribed minimum distance (TBD) or more above the high tide line in order to minimize the risk of conflict between the fencing and nesting sea turtles. Chick fencing has successfully been used elsewhere in the United States (e.g., California least terns).
- Develop adaptive management objectives and conduct monitoring/research to determine effects of habitat enhancement and chick fencing measures described above. After analysis, modify measures if needed, to meet objectives and improve results.

Vegetation Management in Select Areas

- During non-breeding season, selected interior areas of Cape Point could be opened to vehicle traffic from X to Y date (one suggestion is 16 November to 14 March). Such action could help reduce vegetation density and possibly make the interior areas of Cape Point more attractive to nesting birds. Some areas may not be included in this winter opening because they are suitable as foraging, resting, and roosting habitat for non-breeding shorebirds, such as ephemeral pools/ponds, all moist soil habitats, and a buffer around such habitats.
- Vegetation should be removed from areas only if the area selected will not be likely to close access because of some buffer.

Access When Piping Plover (PIPL) Chicks on the Ground near Access Corridor

- Provide recommended pedestrian and ORV buffers (currently 300m and 1000 m) for piping plover chicks for two weeks after chicks have hatched. After two weeks, during daylight hours pedestrian and/or ORV access to the Point could be allowed with a reduced buffer distance (suggestion is 100 m for pedestrians and 300 m for ORVs) as long as NPS provides sufficient on-site monitoring of chicks. On-site monitoring is dependent on the total number of resource management staff and the number of PIPL broods on the ground at one time.
- Prohibit pets in Cape Point access corridor during breeding season.

Access When Non-listed Species’ Chicks on the Ground near Access Corridor

- Maintain recommended ORV buffer for AMOY and CWB chicks (currently 200 m) unless chick fencing is in use for CWB and no AMOY chicks are present within 200 m. Without fencing, during daylight hours pedestrian access to the Point could be allowed with a reduced buffer distance (TBD), as long as NPS provides sufficient on-site monitoring of chicks.
- Prohibit pets in Cape Point access corridor during breeding season.

Areas Non-Accessible to Birds during Nesting and Unfledged Chicks

- Vehicles may be allowed to pass through portions of the protected area where the protected area is considered by NPS natural resource management staff to be

Comment [MSOffice8]: If there is an unfledged AMOY chick at Cape Point, chick fencing could not be used based on the large ranges of unfledged chicks.

Comment [MSOffice9]: Would we be getting additional staffing to implement and maintain these closures? It would now put the burden on the Park Service if a chick is found outside one of these closures. It would require dawn to dusk monitoring.

Comment [MSOffice10]: This would be a good project for a grad student to undertake. It would then undergo peer review and could be published in a scientific journal.

Comment [MSOffice11]: Rather than making this a free for all, we would recommend discing or hand treating some of the areas where vegetation is beginning to encroach. Just because an area is open to driving doesn't mean people are going to drive in it (unless we designate the ORV route through it).

Comment [MSOffice12]: Recommend 70-100 m

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inaccessible to chicks because of steep topography, dense vegetation, other naturally occurring obstacles, or pre-existing manmade obstacles. The ocean beach would not likely be included in this exception due to typical, wide-ranging PIPL chick behavior.

Interdunal Road

- The interdunal road should be maintained and open for two-way traffic.

Comment [MSOffice13]: Only if Salt Pond Raod and Ramp 45 are open.

Management of Bird Disturbances

- Within the ORV corridor and any pedestrian access areas, establish clear rules and violations for such possible bird disturbances as pets, kites, loud noises, large objects attached to vehicles (i.e., banners, flags, etc.), and so forth.

ADAPTIVE MANAGEMENT

- The Committee needs to better understand adaptive management and its practical application in the Park via dialogue with an expert acceptable to all.
- The Committee and/or a subcommittee could develop a specific set of adaptive management questions to answer over the coming years, which in turn, would require NPS to develop appropriate technical/scientific protocols for testing, monitoring, analyzing, and learning from data.

ADDITIONAL OPTIONS FOR ACCESSIBILITY

- The parking area at Ramp 45 should be open during duck hunting season.
- Develop a pedestrian access route to the dredge pond with suitable nearby parking should be developed for bird watching enthusiasts.
- Develop more parking Ramp 43 and toilets in an appropriate site nearby. (*The Ramp 43 parking area is subject to overwash and flooding and may not be an appropriate site for toilets.*)
- Increase the width of pavement in the approach to Ramp 44 for airing down.
- Improve the design/construction of Ramp 44 (west of the dune crossing) to increase usability and reliability of the access route during wet or flooded conditions.
- Move the fish cleaning station from its current location at Ramp 44 to another location further away from the point.

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VIOLATIONS

- Penalties for violations should be “neutral” regardless of the interest of the person(s) violating enclosures on foot, vehicle, or other means.
- Options include:
 - Better education through some kind of pass/permit system
 - Ion?? resource closure signs include clear notice of penalties for violations
 - Higher dollar fines for violations (*is a decision of the Court*).
 - Expanding buffers when repeated violations occur
 - Expanding buffers when a single violation occurs

AREAS FOR FURTHER CLARIFICATION

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- What are the specific requirements under the Piping Plover Recovery Plan for unfledged chick buffers, weeks after chicks on the ground, and so forth. [See Pg. 194 of the Revised PIPL Recovery Plan.](#)

TURTLES

- Establish work group within Subcommittee, including _____ (names), to help prepare for sea turtle and light management discussions at October Committee meeting.

ISSUES STILL IN DISCUSSION

- Date of establishing pre-nesting closures (March 15 or later)
- Use of South Beach
- Buffer distances

OTHER

- After subcommittee review, vet proposal with resource experts (e.g., Erwin, Hecht and Simons) for feedback and fine tuning