



## **WHDX-FM**

99.9 MHz

Buxton, NC

This is the story of the piping plover.

The Cape Hatteras National Seashore was authorized as part of the National Park system on August 17, 1937, and it became our nation's first national seashore on January 12, 1953.

The Federal Government owns more than 30,000 acres of land that make up this national seashore, including roughly 66.8 miles of oceanside shoreline running along portions of Ocracoke, Hatteras and Bodie Islands.

The Cape Hatteras National Seashore is home to the federally listed piping plover. The piping plover is a small sandy-colored shorebird with a black band across the forehead and a black ring around its neck. It's named for its melodic mating call. The Atlantic Coast population of piping plovers typically breeds on coastal beaches from Newfoundland and southeastern Quebec to North Carolina. Nesting territories are usually established in late-March or early-April. The first nests are usually found in late-April or early May.

Piping plovers breed in three discrete areas of North America – the Northern Great Plains, the Great Lakes, and the Atlantic Coast. Plovers from all three breeding populations winter in coastal areas of the United States from North Carolina to Texas, and along the coast of eastern Mexico and on some Caribbean islands. Southeastern coastal areas, like the Outer Banks, are both breeding locations and wintering locations for the piping plover, meaning that the birds can be present on Hatteras Island year round. Though based on the number of birds observed here and elsewhere it would appear that they generally prefer locations more to the north for breeding, and more to the south for wintering.

A March 1980 article in American Birds magazine estimated that no more than ten pairs of piping plovers were likely to breed along the North Carolina coast in a year. It suggested that piping plover breeding habits in our area had not changed much in the 20 year period from 1960 to 1980.

In 1986, the piping plover was listed as endangered in the Great Lakes watershed, and as threatened elsewhere, including in North Carolina.

A year later, in 1987 the National Park Service began monitoring the breeding habits of the piping plover along the Cape Hatteras National Seashore. Interestingly, in 1987, the Park Service counted 10 breeding pairs throughout all of the areas it monitors on the Cape Hatteras National Seashore -- exactly the same number that had been estimated in the American Birds article seven years earlier.

For the past 20 years, the Park Service has continued to monitor the nesting habits of these birds and on average has found almost nine breeding pairs each year throughout the entire Cape Hatteras National Seashore. That's an \*average\* of nine per year.

During the 12 years beginning with 1996 and ending in 2008 the total number of breeding pairs found each year decreased from 14 to 11 to 9 to 6 to 4 to 3 to 2, and then 2 again, followed by steady increases to 3, 3 again, up to 6, 6 again and all the way up to 11 in 2008.

The period from 1996 to 2005 saw a 79 percent decline in the number of breeding pairs found on the Cape Hatteras National Seashore. However, starting in 2005 the population began to rebound, doubling in 2006 and by 2008 it had almost quadrupled.

In trying to understand why the piping plover population on the Outer Banks remained consistent for many years, started to decline after the 1996 nesting season, and then began a rebound in 2004 an obvious place to look is at the weather.

From the time the National Park service began monitoring piping plover breeding on Cape Hatteras in 1987 until 1995 not a single hurricane or tropical storm made landfall on the North Carolina coast. 1996, however, began a nine year run where we were hit by an average of one and a third storms per year. Two additional storms passed very close to us but did not make North Carolina landfall during that period. 1996, itself, was a big year for hurricanes on the Outer Banks as we were hit by Tropical Storm Arthur on June 20th, Hurricane Bertha on July 12, and Hurricane Fran on September 5.

Piping plovers typically begin nesting in late March and early April. Four weeks later, in late April and early May, eggs begin to hatch. Four weeks after that, in late May and early June, the newly hatched birds are fully grown. Once the baby plovers have grown the birds will make their way to their winter homes, which means many of them head toward the Atlantic beaches to our south and all along the Gulf of Mexico and into the Caribbean. And they make this trip in the middle of hurricane season.

Between the 1995 and 1996 breeding seasons, as many piping plovers would have been making their way south, their winter homes in Florida, along the Gulf of Mexico and in the Caribbean were battered by nine storms. Tropical Storm Allison hit the Gulf Coast of Florida on June 5. Tropical Storm Dean hit Texas on July 30. Hurricane Erin hit the east coast of Florida on August 1, crossed the state on August 2 and hit the western tip of the Florida panhandle and Alabama on August 3. Tropical Storm Jerry hit the east coast of Florida on August 23, crossed the state on August 24 and battered the west coast of Florida on August 25. Hurricane Opal hit the Florida panhandle on October 4. In addition, Tropical Storm Gabrielle and Hurricane Roxanne hit the coast of Mexico, and Hurricanes Luis and Marilyn battered the Caribbean islands during that season.

So the generation of piping plovers that was born in 1995 faced nine significant storms as they moved to their winter homes. And then the following year, as they came back north to breed, those returning to the Outer Banks faced Tropical Storm Arthur, Hurricane Bertha and Hurricane Fran.

The Outer Banks wasn't the only area that saw a dramatic decline in its piping plover population in the mid to late 90s. For example, the number of breeding pairs of piping plovers observed on the Virginia coastline in 1995 was 114. In 1996, this number dropped to 84, by far the lowest number observed in Virginia since piping plover observation began in 1987.

According to the latest data available (for 2008) Virginia had 208 piping plover breeding pairs, while the Cape Hatteras National Seashore had 11. Many more piping plover breeding pairs are consistently found on the Virginia coastline than found on the Cape Hatteras National Seashore. It appears that the piping plover prefers Virginia over North Carolina when it comes to nesting.

The dozen storms that the piping plovers had to deal with during the 1995-1996 period kicked off a ten year run when hurricanes and tropical storms were a more frequent occurrence along the Outer Banks. After making it from the beginning of piping plover observation in 1987 through 1995 without any hurricanes or tropical storms making landfall on the Outer Banks we were hit:

In 1996 by Tropical Storm Arthur on June 20th, by Hurricane Bertha on July 12, and Hurricane Fran on September 5.

In 1997 by Tropical Storm Danny on July 24.

In 1998 by Hurricane Bonnie on August 27.

In 1999 by Tropical Storm Dennis around Labor Day, and by Hurricane Floyd two weeks later, then a near miss from Hurricane Irene, which brushed by the Outer Banks without actually making landfall in mid October.

In 2000 by Tropical Storm Helene on September 23rd.

In 2002 by Tropical Storm Kyle on October 12.

In 2003 by Hurricane Isabel on September 18.

In 2004 by Tropical Depression Bonnie on August 13 and Tropical Storm Charley on August 14, and by Hurricane Alex which passed by the Outer Banks without making landfall on August 3.

In 2005 by Hurricane Ophelia, which brushed by without making landfall on September 15.

In 2006 by Tropical Storm Ernesto on September 1.

In 2007 by Tropical Storm Gabrielle on September 9.

In 2008 by Tropical Storm Cristobal which passed near the Outer Banks on July 20th, but whose strongest winds were on its eastern side, out in the ocean.

The decade of stormy activity that began in 1996 climaxed in 2005 when the winter homes of many piping plovers were pummeled by a barrage of tropical storms and hurricanes. There was Tropical Storm Arlene that hit the Florida/Alabama border on June 11, Hurricane Cindy, which hit Louisiana on July 5, Hurricane Dennis which hit the Florida panhandle on July 10, Hurricane

Emily which hit Mexico on July 20, Hurricane Rita which hit Texas on September 24, Hurricane Stan which hit Mexico on October 4, Tropical Storm Tammy which hit the east coast of Florida on October 5, Hurricane Wilma which hit South Florida on October 24, and of course who can forget Hurricane Katrina, which hit South Florida on August 25 and then proceeded across the Gulf of Mexico and decimated New Orleans on August 29th.

The year of Katrina saw the end of the bottoming out process for the piping plover breeding population on the Cape Hatteras National Seashore. Since 2005, the number of breeding pairs of piping plovers in our area has nearly quadrupled, from 3 in 2005 to 11 in 2008. There were 10 percent more piping plover breeding pairs on the Outer Banks in 2008 than there were in 1987, when the National Park Service first began monitoring their numbers. There were 10 percent more piping plover breeding pairs on the Outer Banks in 2008 than there were in 1980, when American Birds magazine estimated ten pairs to be a generous estimate for North Carolina, and suggested that there probably hadn't been more than that in the state since as far back as 1960.

So, in 2008 there were essentially the same number of piping plover breeding pairs on the Outer Banks as has been typical for the past half century.

The fact that the piping plover population was recovering on its own from a stormy decade did not stop two environmental groups from using the plovers' situation to achieve new beach usage restrictions and get some funding for themselves from the federal government. In 2008, as the piping plover population recovered from the onslaught of hurricanes, the Southern Environmental Law Center, on behalf of the Audubon Society and the Defenders of Wildlife, sued the federal government seeking to close a number of Outer Banks beaches, and seeking federal tax dollars for themselves. They argued for the closing of Bodie Island Spit, Cape Point, South Beach, Hatteras Spit, North Ocracoke and South Ocracoke to off road vehicle access. They also sought federal funds to assist them in their efforts to protect the piping plover. They won. The beaches are closed and they received \$100,000 from the federal government.

The reason the Audubon Society and the Defenders of Wildlife were victorious in their lawsuit was the federal government's failure to follow its own rules. You see in 1972, yes I said 1972, as in 38 years ago, then President Nixon signed Executive Order 11644, which required the National Park Service to publish rules for off-road vehicles on public lands, including the Cape Hatteras National Seashore, by February 8, 1973. Long story short, after 38 years the federal government is still working to develop the off-road vehicle rules for the Cape Hatteras National Seashore.

On April 16, 2008, the Audubon Society and the Defenders of Wildlife entered into a consent decree with the National Park Service. This agreement requires the National Park Service to finally complete the off-road vehicle plan for the Cape Hatteras National Seashore that it was supposed to have completed by February 8, 1973. It now has until December 31 to complete the plan.

Also, the Park Service has until April 1, 2011 to develop requirements for protecting the piping plover and some other birds. In the meantime, by March 15 of each year the Park Service is required to establish pre-nesting areas on Bodie Island Spit, Cape Point, South Beach, Hatteras Spit, North Ocracoke, and Ocracoke South Point. These pre-nesting areas must be marked with wooden fencing, bird usage signs, strings, and flagging tape.

If Park Service personnel observe any disturbance to piping plover nesting areas from vehicles or pedestrians, the buffer zones around the nests will be increased in increments of about 150 feet until no disturbance within the buffer zone is observed.

As part of the consent decree, all of the ocean beach at Cape Point, South Beach, and North Ocracoke and all of the bayshore and ocean beach at Bodie Island Spit and Ocracoke South Point are off limits to off road vehicles.

While the federal government is well into its fourth decade of working on rules for off road vehicle use on Hatteras Island, and while the piping plover population on the Outer Banks appears to have weathered the onslaught of hurricanes in recent years and recovered to levels that have been typical for the past half century on the Outer Banks, and while the Audubon Society and the Defenders of Wildlife received \$100,000 taxpayer dollars to help them work on behalf of piping plovers, Hatteras Island's citizens and visitors suffer.

Hatteras Island has been a fishing community for as long as humans have been here. Surf fishing is a way of life on the island, and a very popular tourist attraction. The beach closures have prevented local residents from enjoying one of their favorite activities, and they have decimated the surf fishing tourist industry. The social and economic impact on Hatteras Island has been very significant.

Local residents have voiced their concerns to their elected representatives in Washington. On January 27, 2009, Congressman Walter Jones, who represents Hatteras Island in the House of Representatives, introduced H.R. 718, a bill to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore pending the completion of final rules by the Park Service.

This bill was referred to the House Committee on Natural Resources for consideration. Unfortunately, no one from North Carolina sits on this committee. William Shuster of PA and Rob Wittman of VA are on the committee, and are two of the co-sponsors of the bill.

Within this committee the bill was referred to the Subcommittee on National Parks, Forests and Public Lands. Because there's no one from North Carolina on the parent committee, there's no one from North Carolina on this subcommittee, either. In addition to Shuster of PA and Wittman of VA other representatives from nearby states on this subcommittee include Sarbanes of MD, Brown of SC and Broun of GA.

Congressman Jones' bill was also referred to the House Committee on the Judiciary. Howard Coble of North Carolina and James Forbes of Virginia are both on this committee and are co-sponsors of the bill. In addition to them, other representatives from nearby states on the Judiciary Committee include Boucher of Virginia, Scott of Virginia, Watt of North Carolina, Johnson of Georgia and Goodlatte of Virginia.

Within the Judiciary Committee the bill was referred to the Subcommittee on Courts and Competition Policy. North Carolina Congressman Coble is the ranking member of the subcommittee, meaning he's the leader of the Republicans, who are the minority party in this

Congress. Given his leadership position he may be in the best position to actually make something happen.

On the Senate side North Carolina Senators Richard Burr and Kay Hagan introduced S. 1557, the Preserving Public Access to Cape Hatteras Beaches Act of 2009 on August 3, 2009. This bill was referred to the Senate Committee on Energy and Natural Resources on which Senator Burr sits.

Anyone with an interest in the beach closure issue should contact their own U.S. Representative and both of their Senators. In addition, they should contact the following people:

North Carolina Congressman Walter Jones, who represents Hatteras Island, at 252-931-1003 or toll-free (in N.C. only) at 800-351-1697. He can also be reached in Washington at 202-225-3415.

North Carolina Senator Richard Burr at (202) 224-3154 in Washington, or at 800-685-8916 in North Carolina.

North Carolina Senator Kay Hagan at 202-224-6342 in Washington, or at 877-852-9462 in North Carolina.

North Carolina Congressman Coble, who is the ranking member of the subcommittee on Courts and Competition Policy, to which the House bill to open the beaches was referred. He can be reached at (202) 225-3065.

**If you have an opinion about the piping plover and the related beach closures and would like to put it on the air there are two ways you can do it.**

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