

0030150

**From:** [Fox, Lori](#)  
**To:** [Herron, Amanda](#)  
**Subject:** FW: collazo report comment  
**Date:** Monday, October 18, 2010 11:52:53 AM

---

For CAHA admin...

Lori Fox  
Deputy Director, Denver Operations/Senior Planner

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-----Original Message-----

From: Sandra\_Hamilton@nps.gov [[mailto:Sandra\\_Hamilton@nps.gov](mailto:Sandra_Hamilton@nps.gov)]  
Sent: Tuesday, October 12, 2010 11:06 AM  
To: Fox, Lori  
Subject: collazo report comment

Hi Lori,

Britta is out on leave, so cannot address it this week. The report is in our admin record as #716.

After seeking advice on this, I think we will deal with it as part of the Concern Response report and not in the text of the DEIS. We have cited Dinsmore, S., J. Collazo and J. Walters 1998 in the references. Could you (or Richard)

- 1 - list the issues in the comment related to the Collazo report that is cited in the comments
- 2 - look at the Dinsmore reference and see whether it addresses any of the issues raised in the comments
- 3 - find out if Collazo (or the other authors of the individual reports) have published any of the other results of the work at CALO and CAHA in journals, and look at the articles to see if they address the issues raised in the comments, I see from his on-line list of publications this one that may be relevant:

Collazo, J.A., D.A. O'Harra and C.A. Kelly. 2002. Accessible habitat for shorebirds, factors influencing its availability and conservation implications. Waterbirds 25 (Special Publication 2): 13-24

0030151

I would rather err on the side of thoroughness, to the extent we can.  
Thanks.

Sandy

Sandy Hamilton  
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**From:** [Sandra Hamilton](#)  
**To:** [Mike Murray](#)  
**Cc:** [Doug Wetmore](#)  
**Subject:** collazo response revised  
**Date:** 10/23/2010 03:17 PM

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Hi Mike,

We've revised this to incorporate the park information. Let me know if it needs anything further. Thanks.

The 1995 Collazo et al. report was a compilation of eight separate shorebird studies (chapters) conducted at Cape Lookout National Seashore and Cape Hatteras National Seashore. The NPS had considered the entire compilation and has again reviewed it. NPS believes that the excerpts of this report quoted by commenters, when evaluated in the context of the whole report and data from the park since the 1995 report was written, as well as the other literature considered in the development of the plan/EIS do not support changes in the plan/EIS. Specific comments are addressed below.

One commenter states that the Collazo report “supports the creation of buffers during the fall and winter that would allow ORV traffic in certain key shorebird colony sites, and concludes that beach closures “are unnecessary and are not likely to favorably impact breeding piping plovers on the islands.” The first part of that comment comes from Chapter 4 of the Collazo report (as written by Parnell and Barbee) which states the following, in full context: “To assure that important sites where nesting birds are successful and where management is possible we recommend that ORV traffic be allowed in such key colony sites as Cape Point Hatteras Inlet Power Squadron Spit and the west end of Shackleford Island during the fall and winter to assist in maintaining the bare or nearly bare upper beach habitat necessary for nesting terns and skimmers.”

It is important to appreciate the context of this recommendation - as a way to use ORV activity to help keep potential nesting substrates open and vegetation free for future skimmer and other colonial waterbird breeding. This statement is solely in the context of colonial waterbirds and solely regarding ORV activity in the fall and winter. The NPS has evaluated this recommendation and not considered it for detailed analysis as stated on page 88 of the DEIS and in Chapter 2 of the FEIS.

The second part of the comment states that the Collazo report concludes that beach closures “are unnecessary and are not likely to favorably impact breeding piping plovers on the islands.” The complete sentence from Chapter 5 which contains the language from the commenter states the following: “With the present rate and nature of human disturbance on these beaches, there is no need to terminate beach access to visitors. It is possible, however, that areas that might be used are avoided due to human disturbance, namely the ocean intertidal zone.” Again, understanding the context of this statement is extremely important. That statement was part of a discussion in Chapter 5 of the Collazo report (written by Philhower et al.) The authors of Chapter 5 indicated that they were unable to investigate the impacts of human disturbance directly through experimentation but refer to an “intrusion study” for which no methodology was provided. Although it is not clear where on the islands these disturbances were measured or what distances were involved, Chapter 5 of the Collazo report clearly indicates that plovers are susceptible to various types of disturbances, including predators, competing nesters, humans, and vehicles all of which elicited some sort of

behavioral response. This chapter of the Collazo report documents numerous instances of human and vehicular disturbance to plovers including a situation where a plover chick that was feeding along the ocean shoreline was nearly hit by a passing truck. It also refers to a situation where a group of pedestrians elicited a behavioral response from a plover that was 50 meters away (Collazo et al, Chapter 5, page 9). Chapter 5 discusses many other factors with the potential to influence plover reproductive success, including weather events, temperature, geographic location, and predation, with predation and weather events being the largest contributors to direct nest loss, which is consistent with the data and conclusions in the DEIS and FEIS. Although the NPS cannot control factors such as weather events and temperature, the NPS can provide management options to reduce the potential for disturbance by humans, vehicles, and predators. Consistent with the recommendations of Chapter 5 of the Collazo report, the NPS is not proposing to terminate beach access to visitors.

In addition to the more general response provided above, the NPS offers the following perspective on the Philhower study based on experience of piping plover management observations at the Seashore:

The study was conducted and observations were made during the period (1992-1994) in which the number of piping plover pairs was near its maximum (avg 11.7 prs/yr) and ORV closures along the shoreline generally did not occur. It may have appeared that shoreline closures were not necessary based on conditions at that time. The hypothesis that shoreline closures were not necessary and were unlikely to make a difference was never systematically tested.

The study's observations of chicks preferring wet flats and mud flats, rather than the intertidal zone, to forage is consistent with recent observations. What is not described in the study is how far chicks can travel from nest site to the selected foraging site and how the level of human disturbance in shoreline areas adjacent to the nest or foraging site may (or may not) affect the amount of time or energy that chicks have to spend on foraging vs. responding/avoiding to disturbance, or to what extent human presence in adjacent shoreline areas affects levels of predation in chick foraging sites.

To provide some management context, it may be worth comparing the trend in the number of breeding pairs with the level of shoreline closures since the study occurred.

Period	Avg # pairs	# of pairs (first/last year)	Regular Use of Shoreline Closures
1992-1995 (includes Philhower study)	12.25	<u>12/14</u>	no
1996-2000	<u>8.8</u>	<u>14/4</u>	no
2001-2005	<u>2.6</u>	<u>3/3</u>	no
2006-2010	<u>8.8</u>	<u>6/12</u>	<u>yes</u> <sup>1</sup>

<sup>1</sup>A limited number of shoreline closures occurred in 2006-2007 under the Interim Strategy. Routine use of shoreline closures occurred in 2008-2010 under the Consent Decree

In other words, there was a steady decline in the number of nesting pairs 1996-2005 in the absence of shoreline closures. It is unclear what caused the decline, but it occurred during an extended period in which shoreline closures were not typically used as a management practice. It is not possible to rule out the level of human disturbance and the lack of

shoreline closures as a contributing cause for the decline, perhaps by having a secondary effect on the availability of chick access to foraging areas and energy available to forage, and/or the level of predator pressure or other disruptive factors in foraging areas. On the other hand, there has been steady improvement in the number of breeding pairs since the use of partial shoreline closures in 2006-2007 and routine use of shoreline closures in 2008-2010. While it is not possible to draw statistically valid conclusions from this information, it raises serious doubts about the validity of Philhower's hypothesis.

A commenter also referenced a study (McGowan and Simons 2006) and suggested that it seriously questioned using the flushing of incubating American oystercatchers to determine the need for adjustments to pass-through corridor widths. The commenter indicated that the study stated that "there was little or no association between ORV traffic and the rate at which incubating oystercatchers made trips to and from their nests or the percent time they spent incubating." Although this quote is taken directly from the McGowan and Simons study, the commenter did not appear to properly consider the context and the results of the study in question. The purpose of the study was to determine potential effects of human recreation on the incubation behavior of American oystercatchers, and was not intended to identify adjustments to vehicle corridor widths based on flushing response. Although this study was cited in the DEIS and FEIS, it was used in the context of predation impacts, and how mammalian predators may be able to better locate disturbed nests because the adult oystercatchers would leave a scent trail each time they left the nest after a disturbance.

Investigators also noted several shortcomings of their incubation study, including the inability to measure the distance between the disturbance and the nest because the field of view of the video cameras varied at each nest. These researchers recommended that future human disturbance studies include methods that would allow for the measurement of distance to disturbance sources. The NPS does not purport to use this study to determine proposed corridor widths or buffer distances for American oystercatchers.

Overall, NPS has concluded that none of the studies suggested would result in changes to the DEIS in either the management measures suggested or impact levels of the alternatives.

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From: [richard.harris.podolsky](mailto:richard.harris.podolsky@att.net)  
Reply To: [podolsky@att.net](mailto:podolsky@att.net)  
To: [Sandra\\_Hamilton@nps.gov](mailto:Sandra_Hamilton@nps.gov); 'Richard Harris Podolsky'  
Cc: [Doug\\_Wetmore@nps.gov](mailto:Doug_Wetmore@nps.gov); [lfox@louisberger.com](mailto:lfox@louisberger.com); [Mike\\_Murray@nps.gov](mailto:Mike_Murray@nps.gov); 'Richard Harris Podolsky'  
Subject: RE: Collazo report response  
Date: 10/25/2010 08:15 AM

Yes, I did mean unnecessary - only from the standpoint of what is sufficient for the response. Yet, the ecological and evolutionary "value" of populations and individuals at the extremes of their range is a valuable concept for managers in those settings.

Best,  
rp

-----Original Message-----  
From: [Sandra\\_Hamilton@nps.gov](mailto:Sandra_Hamilton@nps.gov) [mailto:[Sandra\\_Hamilton@nps.gov](mailto:Sandra_Hamilton@nps.gov)]  
Sent: Monday, October 25, 2010 8:07 AM  
To: Richard Harris Podolsky  
Cc: [Doug\\_Wetmore@nps.gov](mailto:Doug_Wetmore@nps.gov); [lfox@louisberger.com](mailto:lfox@louisberger.com); [Mike\\_Murray@nps.gov](mailto:Mike_Murray@nps.gov); Richard Harris Podolsky  
Subject: Re: Collazo report response

Thanks, Richard. Did you mean "unnecessary" to add to the text? I'm thinking so, from the context of the sentence.

Sandy

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Richard Harris  
Podolsky  
<[richard@richardpodolsky.com](mailto:richard@richardpodolsky.com)>  
10/25/2010 06:02 AM  
<[Mike\\_Murray@nps.gov](mailto:Mike_Murray@nps.gov)>, <[Doug\\_Wetmore@nps.gov](mailto:Doug_Wetmore@nps.gov)>  
<[lfox@louisberger.com](mailto:lfox@louisberger.com)>, Richard Harris Podolsky <[rpodolsky@louisberger.com](mailto:rpodolsky@louisberger.com)>, <[Sandra\\_Hamilton@nps.gov](mailto:Sandra_Hamilton@nps.gov)>  
To  
cc  
Subject  
Re: Collazo report response

I liked what you added very much to this Mike. I would be happy to merge your work with Doug's but given that he is so much closer to it, I will let him do that.

I think you captured what was going on at the time of the Collazo studies. It is interesting to note, but necessary to add to the text, that the general feeling at that time by Collazo and others was that because PIPL is at the southern limit of their geographic range at CAHA that they are therefore managed more by "nature" (temperature, storms etc.), and therefore did not need or were less deserving of aggressive management/protection. Really though, there is a good biological argument that individuals at the edge of their range should be provided with every opportunity for success as they are potentially the colonists of new habitat/range. This is sometimes called the "founder effect." In extreme cases, founders can, over time, lead to the formation of new species.

Let me know if there is anything else I can be doing to back up the responses.

Richard

Richard Harris Podolsky, Ph.D.  
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From: <Mike\_Murray@nps.gov>  
Date: Fri, 22 Oct 2010 17:29:57 -0400  
To: <Doug\_Wetmore@nps.gov>  
Cc: <lfox@louisberger.com>, Richard Harris Podolsky <rpodolsky@louisberger.com>, <Sandra\_Hamilton@nps.gov>  
Subject: Re: Collazo report response

Doug,

In general, your draft looks okay to me, but (along with your paragraph 2) I think we can make a stronger argument that Philhower's (Chapter V) hypothesis that shoreline closures were not needed for piping plovers, which was based on her field observations in the early 1990's when CAHA rarely implemented shoreline closures for PIPL chicks, has proven to be incorrect over time. The lack of shoreline closures continued over the next ten years, while the number of breeding pairs and chicks fledged decreased dramatically. With some, though not consistent, shoreline closures under the interim strategy and consistent shoreline closures under the consent decree, the number of breeding pairs and chicks fledged has increased dramatically in just a few years. While it is difficult to prove direct cause and effect (perhaps the effects of shoreline disturbance are indirect, such increased flushing, leads to less energy or undisturbed time for foraging, resulting in lower productivity), it seems clear that shoreline closures are beneficial.

See attached, which is admittedly a first draft. Perhaps Richard, or someone with a more advanced scientific credential than me. could try to combine the strongest portions of your draft and my draft. I'm okay if it is decided that my write-up is too subjective. Just want to throw it out there for consideration, since I truly think the hypothesis from the early 1990's is flawed, in part, because they could not compare results between areas with or without shoreline closures. They simply could observe that chicks typically foraged in MOSH other than the intertidal zone and assumed there would be no indirect effects of allowing continued shoreline access.

(See attached file: Collazo PIPL response.draft mbm.docx)

Thanks,

Mike Murray  
Superintendent  
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS  
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(c) 252-216-5520  
fax 252-473-2595

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Doug  
Wetmore/DENVER/NP  
S  
10/22/2010 03:42  
PM  
Sandra Hamilton/DENVER/NPS@NPS,  
Mike Murray/CAHA/NPS@NPS,  
lfox@louisberger.com  
cc  
"Podolsky, Richard"  
<rpodolsky@louisberger.com>  
Subject  
Collazo report response

I offer the following suggested text to address the comments regarding the Collazo report.

The 1995 Collazo et al. report was a compilation of eight separate shorebird studies (chapters) conducted at Cape Lookout National Seashore and Cape Hatteras National Seashore. The NPS offers the following responses to the excerpts of this report:

One commenter states that the Collazo report "supports the creation of buffers during the fall and winter that would allow ORV traffic in certain key shorebird colony sites, and concludes that beach closures "are unnecessary and are not likely to favorably impact breeding piping plovers on the islands." The first part of that comment comes from Chapter 4 of the Collazo report (as written by Parnell and Barbee) which states the following, in full context: "To assure that important sites where nesting

birds are successful and where management is possible we recommend that ORV traffic be allowed in such key colony sites as Cape Point Hatteras Inlet Power Squadron Spit and the west end of Shackleford Island during the fall and winter to assist in maintaining the bare or nearly bare upper beach habitat necessary for nesting terns and skimmers." It is important to appreciate the context of this recommendation - as a way to use ORV activity to help keep potential nesting substrates open and vegetation free for future skimmer and other colonial waterbird breeding. This statement is solely in the context of colonial waterbirds and solely regarding ORV activity in the fall and winter. The NPS has evaluated this recommendation and not considered it for detailed analysis as stated on page 88 of the DEIS and in Chapter 2 of the FEIS.

The second part of the comment states that the Collazo report concludes that beach closures "are unnecessary and are not likely to favorably impact breeding piping plovers on the islands." The complete sentence from Chapter 5 which contains the language from the commenter states the following: "With the present rate and nature of human disturbance on these beaches, there is no need to terminate beach access to visitors. It is possible, however, that areas that might be used are avoided due to human disturbance, namely the ocean intertidal zone." Again, understanding the context of this statement is extremely important. That statement was part of a discussion in Chapter 5 of the Collazo report (written by Philhower et al.) The authors of Chapter 5 indicated that they were unable to investigate the impacts of human disturbance directly through experimentation but refer to an "intrusion study" for which no methodology was provided. Although it is not clear where on the islands these disturbances were measured or what distances were involved, Chapter 5 of the Collazo report clearly indicates that plovers are susceptible to various types of disturbances, including predators, competing nesters, humans, and vehicles all of which elicited some sort of behavioral response. This chapter of the Collazo report documents numerous instances of human and vehicular disturbance to plovers including a situation where a plover chick that was feeding along the ocean shoreline was nearly hit by a passing truck. It also refers to a situation where a group of pedestrians elicited a behavioral response from a plover that was 50 meters away (Collazo et al, Chapter 5, page 9). Chapter 5 discusses many other factors with the potential to influence plover reproductive success, including weather events, temperature, geographic location, and predation, with predation and weather events being the largest contributors to direct nest loss, which is consistent with the data and conclusions in the DEIS and FEIS. Although the NPS cannot control factors such as weather events and temperature, the NPS can provide management options to reduce the potential for disturbance by humans, vehicles, and predators. Consistent with the recommendations of Chapter 5 of the Collazo report, the NPS is not proposing to terminate beach access to visitors.

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## Collazo et al. Chapter V

“Breeding biology and effect so human disturbance on Piping Plover (*Charadrius melodus*) on the Outer Banks of North Carolina” by Susan Philhower, Suzanne Wrenn, and Jeffrey R. Walters

- p. 4 “A total of 196 nests were monitored on CAHA and CALO from 1992-1994. Of these nests, 132 (67%) did not hatch, 47 (24%) produced fledglings, and 17 (9%) hatched but fledged no chicks. Of all hatched nests, 73% fledged at least one chick. These general statistics illustrate that on CAHA and CALO, piping plover reproductive success is most strongly affected by factors acting during the incubation period. Among shorebirds, rates of nest loss tend to be lower in Arctic regions and higher in the tropics compared to temperate areas. Rates of loss of piping plover chicks in North Carolina are typical of what one expects of a shorebird at this latitude, but hatching success appears somewhat lower than expected. There is some evidence that beach-nesting species have lower hatching rates than other species, so whether the rates we observed are lower than they were historically is unclear. Predation and storm overwash are the primary causes of nest loss (Table 3). Frequent loss of nests to storms is a factor in which piping plovers and other beach-nesting species differ from other shorebirds, one which may have led evolutionarily to other, compensating differences in breeding biology, such as extended nesting season and frequent renesting. This factor might even restrict breeding range. High rates of nest predation, on the other hand, could be a more recent phenomenon linked to human influences.”
- p. 26 “In CAHA and CALO, nesting areas are usually adjacent to wet flats, mud flats or sound flats and these areas are favored by foraging by adults and chicks. Because of the availability and protection of these wide flats, plovers are not generally near human activity. Indeed, our observations suggest that human disturbance does not significantly affect piping plover breeding activity. An important conclusion is that conditions in North Carolina are very different than those in other areas, notably the northeast, in which piping plovers have been studied, and based on which the species recovery plan has been structured (USFWS 1995). Effective management likely will differ between North Carolina and other areas as a result. For example, beach closures, which are effective in other areas, likely will have little impact in North Carolina. It is not clear that ocean intertidal zone will be used much even if such habitat is closed to humans. At the very least, experimental closures should be conducted before adopting closure as a general policy.”

### Response

The study was conducted and observations were made during the period (1992-1994) in which the number of piping plover pairs was near its maximum (avg 11.7 prs/yr) and ORV closures along the shoreline generally did not occur. It may have appeared that shoreline closures were not necessary based on conditions at that time. The hypothesis that shoreline closures were not necessary and were unlikely to make a difference was never systematically tested.

The study’s observations of chicks preferring wet flats and mud flats, rather than the intertidal zone, to forage is consistent with recent observations. What is not described in the study is how far chicks can travel from nest site to the selected foraging site and how the level of human disturbance in shoreline areas adjacent to the nest or foraging site may (or may not) affect the

amount of time or energy that chicks have to spend on foraging vs. responding/avoiding to disturbance, or to what extent human presence in adjacent shoreline areas affects levels of predation in chick foraging sites.

To provide some management context, it may be worth comparing the trend in the number of breeding pairs with the level of shoreline closures since the study occurred.

<u>Period</u>	<u>Avg # Prs</u>	<u># Prs (First/last yr)</u>	<u>Regular use of shoreline closures</u>
1992-1995 (incl. study)	12.25	12/14	no
1996-2000	8.8	14/4	no
2001-2005	2.6	3/3	no
2006-2010	8.8	6/12	yes <sup>1</sup>

<sup>1</sup>A limited number of shoreline closures occurred in 2006-2007 under the Interim Strategy. Routine use of shoreline closures occurred in 2008-2010 under the Consent Decree

In other words, there was a steady decline in the number of nesting pairs 1996-2005 in the absence of shoreline closures. It is unclear what caused the decline, but it occurred during an extended period in which shoreline closures were not typically used as a management practice. It is not possible to rule out the level of human disturbance and the lack of shoreline closures as a contributing cause for the decline, perhaps by having a secondary effect on the availability of chick access to foraging areas and energy available to forage, and/or the level of predator pressure or other disruptive factors in foraging areas. On the other hand, there has been steady improvement in the number of breeding pairs since the use of partial shoreline closures in 2006-2007 and routine use of shoreline closures in 2008-2010. While it is not possible to draw statistically valid conclusions from this information, it raises serious doubts about the validity of Philhower's hypothesis.

From: podolsky@att.net
To: Fox, Lori
Cc: Doug\_Wetmore@nps.gov; Podolsky, Richard; Sandra\_Hamilton@nps.gov
Subject: Re: collazo rept
Date: 10/22/2010 03:12 PM

Sorry to be late getting back to you. Here is my recollection - that there is very high variance in flushing response by AMOY. Hence, some individuals flush early/easily others are more tolerant to being approached. But in the balance, consensus is that AMOY are more easily disturbed than other shorebirds. This is why/justification for 400' foot buffers in some of our alts.

Hope this helps. Call me if you want.

Sent from my iPhone

On Oct 22, 2010, at 3:39 PM, "Fox, Lori" <lfox@louisberger.com> wrote:

> If it is not in the concern response report, then it still needs to be addressed.

> Richard, can you take a look at the text below and provide your thoughts?

> Thanks,
> Lori

> Lori Fox
> Deputy Director, Denver Operations/Senior Planner

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> -----Original Message-----
> From: Doug\_Wetmore@nps.gov [mailto:Doug\_Wetmore@nps.gov]
> Sent: Friday, October 22, 2010 1:38 PM
> To: Fox, Lori
> Cc: Podolsky, Richard; Sandra\_Hamilton@nps.gov
> Subject: RE: FW: collazo rept

> Lori/Richard:

> Did we ever address this portion of Concern ID 24168:

> Another study seriously questions using the flushing of incubating American oystercatchers to determine the need for adjustments to pass-through corridor widths, by concluding that "there was little or no association between ORV traffic and the rate at which incubating oystercatchers made trips to and from their nests or the percent time they spent incubating."
> Conor P. McGowan, Simons, T.R., Effects of Human Recreation on the Incubation Behavior of American Oystercatchers, The Wilson Journal of Ornithology 11 8(4): 485-493,2006, at 489

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> "Fox, Lori" <lfox@louisberger.com> To
> <Sandra\_Hamilton@nps.gov>
> 10/21/2010 03:46 PM cc
> <Doug\_Wetmore@nps.gov>, "Podolsky, Richard"
> <rpodolsky@louisberger.com> Subject
> RE: FW: collazo rept

>  
>  
>  
> To add on to the previous email...  
>  
> We interpret the closures that are "unnecessary" are the fall/winter  
> decrease in buffers that the study discusses. While the quote may be  
> accurate that they do not impact "breeding" populations, they could impact  
> non-breeding populations. Collazo addresses this when he discusses  
> energetic costs (cites Herkins 93), to migrating and wintering birds that  
> are foraging or resting, which can be disturbed by ORV use. Therefore,  
> since this plan/EIS addresses both breeding and wintering populations, the  
> buffers proposed are the appropriate level of management.  
>  
> Richard, please feel free to speak up if I did not translate correctly!  
>  
> Thanks,  
> Lori

>  
>  
>  
>  
>  
>  
>  
> Lori Fox  
> Deputy Director, Denver Operations/Senior Planner  
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>

>  
> -----Original Message-----  
> From: Sandra\_Hamilton@nps.gov [mailto:Sandra\_Hamilton@nps.gov]  
> Sent: Thursday, October 21, 2010 1:27 PM  
> To: Fox, Lori  
> Cc: Doug\_Wetmore@nps.gov  
> Subject: Re: FW: collazo rept

>  
> Hi Lori,  
>  
> We also need the second part (the part in quotes) from this comment  
> addressed:  
>  
> In this regard, the DEIS also ignores certain studies presented during the  
> negotiated  
> rulemaking process, including studies addressing resource protection  
> buffers and other protection measures. One of these studies, for example,  
> among other things, supports the creation of buffers during the fall and  
> winter that would allow ORV traffic in certain key shorebird colony sites,  
> and concludes that beach closures "are unnecessary and are not likely to  
> favorably impact breeding piping plovers on the islands." Jaime A. Collazo,  
> J.R. Walters, and J.F. Parnell, Factors Affecting Reproduction and  
> Migration of Waterbirds on the North Carolina Barrier Islands, Final Report  
> to the National Park Service Cape Hatteras and Cape Lookout Seashores  
> (1995)

>  
> Thanks  
>  
> Sandy Hamilton  
> Environmental Protection Specialist  
> National Park Service - Environmental Quality Division  
> Academy Place  
> P.O. Box 25287  
> Denver CO 80225  
> PH: (303) 969-2068  
> FAX: (303) 987-6782

>  
>  
>  
> "Fox, Lori"  
> <lfox@louisberger  
> .com> To  
>  
> 10/21/2010 11:28 AM <Sandra\_Hamilton@nps.gov> cc  
> <Doug\_Wetmore@nps.gov>  
> Subject  
> FW: collazo rept

0030162

**From:** [Sandra Hamilton](#)  
**To:** [Fox, Lori](#)  
**Cc:** [Doug\\_Wetmore@nps.gov](mailto:Doug_Wetmore@nps.gov)  
**Subject:** Re: FW: collazo rept  
**Date:** 10/21/2010 01:27 PM

---

Hi Lori,

We also need the second part (the part in quotes) from this comment addressed:

In this regard, the DEIS also ignores certain studies presented during the negotiated rulemaking process, including studies addressing resource protection buffers and other protection measures. One of these studies, for example, among other things, supports the creation of buffers during the fall and winter that would allow ORV traffic in certain key shorebird colony sites, and concludes that beach closures "are unnecessary and are not likely to favorably impact breeding piping plovers on the islands." Jaime A. Collazo, J.R. Walters, and J.F. Parnell, Factors Affecting Reproduction and Migration of Waterbirds on the North Carolina Barrier Islands, Final Report to the National Park Service Cape Hatteras and Cape Lookout Seashores (1995)

Thanks

Sandy Hamilton  
Environmental Protection Specialist  
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▼ ["Fox, Lori" <lfox@louisberger.com>](mailto:lfox@louisberger.com)

**"Fox, Lori"**  
**<lfox@louisberger.com>** To <Sandra\_Hamilton@nps.gov>  
cc <Doug\_Wetmore@nps.gov>  
10/21/2010 11:28 AM Subject FW: collazo rept

Sandy,

Please see Richard's response below. Let me know if you have any questions or would like to have a call with him to discuss further.

Lori

0030163

**Lori Fox**

Deputy Director, Denver Operations/Senior Planner

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**From:** richard podolsky [mailto:podolsky@att.net]

**Sent:** Thursday, October 21, 2010 11:15 AM

**To:** Fox, Lori; Podolsky, Richard

**Subject:** Re: collazo rept

Hi Lori,

On page 7-8 of Collazo (1995 I believe - though my version is undated) it states:

*“To assure that important sites where nesting birds are successful and where management is possible we recommend that ORV traffic be allowed in such key colony sites as Cape Point Hatteras Inlet Power Squadron Spit and the west end of Shackleford Island during the fall and winter to assist in maintaining the bare or nearly bare upper beach habitat necessary for nesting terns and skimmers. Terns and skimmers that nest on bare or nearly bare sites need the most assistance.”*

It is important to appreciate the context of this recommendation - as a way to use ORV activity to help keep potential nesting substrates open and vegetation free for future skimmer and other colonial waterbird breeding. This statement is solely in the context of colonial waterbirds and solely regarding ORV activity in the fall and winter and does not pertain to piping plover whatsoever. Elsewhere in Collazo he mentions the various impacts of ORV and recreation to both summer breeding, fall migrants and overwintering plover populations.

It would be a mistake to take this quoted information out of context and conclude that is a biological endorsement for opening areas up to fall and winter ORV.

I hope this helps with Sandy's questions.

Call me anytime to discuss this further.

Richard

---

**Richard Harris Podolsky, Ph.D.**  
**Senior Ecologist**  
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**Rockport, Maine 04856-1066**

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---

**From:** "Fox, Lori" <[lfox@louisberger.com](mailto:lfox@louisberger.com)>  
**Date:** Thu, 21 Oct 2010 12:12:20 -0400  
**To:** Richard Harris Podolsky <[richard@richardpodolsky.com](mailto:richard@richardpodolsky.com)>, Richard Harris Podolsky <[rpodolsky@louisberger.com](mailto:rpodolsky@louisberger.com)>  
**Subject:** RE: collazo rept

I will call soon, but look on page 8 where they suggest ORV use continue (last paragraph)

## Lori Fox

Deputy Director, Denver Operations/Senior Planner

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0030165

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**From:** Richard Harris Podolsky [<mailto:richard@richardpodolsky.com>]  
**Sent:** Thursday, October 21, 2010 10:07 AM  
**To:** Fox, Lori; Podolsky, Richard  
**Subject:** Re: collazo rept

So, I have gone back through Collazo et al report and I do not see where he or other authors say it is not necessary to manage ORVs. Do you know what page they are referring to? On the contrary, Collazo is filled with data that shows that areas open to ORV and other impacts are for almost all parameters measured consistent with disturbance.

Call me so we can get on the right page with this.

Best,

Richard

---

**Richard Harris Podolsky, Ph.D.**  
**Senior Ecologist**  
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**Rockport, Maine 04856-1066**

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---



0030166

**From:** "Fox, Lori" <[lfox@louisberger.com](mailto:lfox@louisberger.com)>  
**Date:** Thu, 21 Oct 2010 08:48:50 -0400  
**To:** Richard Harris Podolsky <[rpodolsky@louisberger.com](mailto:rpodolsky@louisberger.com)>  
**Subject:** FW: collazo rept

Hey Richard,

Are you around this morning? See the message below regarding the Collazo report - your input would be appreciated!

Lori

Lori Fox  
Deputy Director, Denver Operations/Senior Planner

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-----Original Message-----

From: [Sandra\\_Hamilton@nps.gov](mailto:Sandra_Hamilton@nps.gov) [[mailto:Sandra\\_Hamilton@nps.gov](mailto:Sandra_Hamilton@nps.gov)]  
Sent: Thursday, October 21, 2010 6:28 AM  
To: Fox, Lori  
Cc: [Doug\\_Wetmore@nps.gov](mailto:Doug_Wetmore@nps.gov)  
Subject: collazo rept

Hi Lori,

As I recall from a couple weeks ago when we were talking about responding to the comment that brought up the Collazo report, you were going to have Richard take a look at the part that says it's not necessary to manage ORVs and provide an explanation of why we're not opting to go with that. If you would send that to Doug and me, we can incorporate it into our changes for the concern response rept that we're finishing up this morning. Thanks.

Sandy

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National Park Service - Environmental Quality Division  
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