

**STATEWIDE PIPING PLOVER HABITAT CONSERVATION PLAN
GUIDANCE FOR REQUESTING A CERTIFICATE OF INCLUSION, 2016**

February 1, 2016

1. How do I apply for a Certificate of Inclusion (COI)?

Submit a Request for Coverage with four elements (see draft HCP, p. 5-10):

- a. Site Map – showing boundaries and with proof of ownership or written assent of landowner(s) to request coverage
- b. Site Specific Impact Avoidance and Minimization Plan (IAMP)
- c. Mitigation Plan
- d. MA Endangered Species Act permit (CMP) application fee
(<http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>)

See below for more information on the IAMP and Mitigation Plan

2. What is the first step?

Although an applicant could elect simply to submit all the required materials to MassWildlife for review, this approach is strongly discouraged. We strongly recommend contacting us to initiate a prefiling consultation as much in advance of the beach season as possible. Then we recommend developing the draft IAMP and Mitigation Plan in consultation with MassWildlife prior to submitting a final application. To initiate a prefiling consultation contact Jon Regosin at jonathan.regosin@state.ma.us or (508) 389-6376.

3. What about timing?

USFWS review of the HCP is ongoing and no final decision has been made to issue MassWildlife an Incidental Take Permit. Although some aspects of the timeline are not in USFWS control, USFWS has indicated to stakeholders that they are doing everything possible to complete their review by early summer 2016. Because of constraints on timeline, if you are a beach operator who would like to receive a COI for the 2016 beach season, you will need to develop and submit application materials this winter and spring, even though there is some uncertainty that the HCP will be operational this summer. To ensure successful first year development of IAMP's and leave time for a 15 day public review of all Requests for Coverage (see Draft HCP, p. 5-11), **MassWildlife will require all potential 2016 HCP participants to submit a draft IAMP no later than March 21, 2016**. Earlier consultation with MassWildlife is strongly recommended. Please be aware that some changes to the draft HCP may be required after completion of the public comment period.

Impact Avoidance & Minimization Plan (IAMP)

Required elements of an IAMP are described on page 5-13 of the draft HCP. This document provides a suggested outline or template for preparing an IAMP.

- I. Site Description
 - a. Map of property or properties, property size, and information about ownership
 - b. Physical description of property including key natural features and recreational amenities (e.g. parking lots, life-guarded sections of beach) (note: more information about beach operations will be provided in Section III)
 - c. Description of piping plover habitat, past population size and reproductive success, management issues such as predation or storm overwash, and other background information of management significance (note: focus on last 5 years, highlighting earlier major population, habitat, or management changes as necessary)
 - d. If applicable, description of habitat, population, etc... for other state-listed species (e.g. Least Tern)
- II. Responsible Staff
 - a. List names and describe credentials of technical staff responsible for preparing, implementing, and updating the plan. Describe roles and responsibilities of each key staff person
- III. Beach Management Plan (note: this section should be concise, but must be detailed enough to demonstrate adherence to state and federal Guidelines for all beach management and operations, with the exception of carrying out the covered activities)
 - a. Beach operations
 - i. Recreational activities
 1. Each recreational activity should be described; for each activity, information should be provided about how management conforms with state and federal Guidelines (include discussion of terns, if applicable)
 - ii. Parking & Roads
 - iii. Beach cleaning and refuse management
 - iv. Rules and regulations
 - v. Law enforcement
 - vi. Other operations (e.g. fireworks, public events)
 - vii. Plover monitoring and management (and terns if applicable)
 1. Symbolic fencing & signage (e.g. locations and timing)
 2. Other management (e.g. vegetation, predator control, exclosures)
 3. Monitoring
 - a. Frequency
 - b. Data collection and recording protocols
 - c. Data reporting
 - d. Staffing levels and qualifications

- IV. Covered Activities (note: this section must include consideration of Least Tern if applicable)
 - a. List covered activities that are proposed and number of broods/nests/territories to be exposed (note: as beach operators may not be able to predict precisely which combination of covered activities may be carried out in a given year, the list may include contingencies such as reduced fencing buffer *or* nest moving depending on circumstances in a given season).
 - b. Detailed protocols for implementing required impact minimization measures when carrying out each covered activity (note: guidance on preparing the site-specific impact minimization protocols for each covered activity can be found in the Chapter 3 of the Draft HCP)
 - c. Monitoring plan for covered activities
 - i. Compliance monitoring
 - 1. E.g. logs and or datasheets to document required staffing, hours of escorted vehicle operation, number of vehicles.
 - ii. Effectiveness monitoring
 - 1. E.g. sufficient staffing, protocols, datasheets to document events such as nest abandonment or adult disturbance in response to reduced symbolic fencing buffers, chick loss and potential causes, etc...
- V. Budget
 - a. Approved annual budget covering all site management and staffing needs associated with implementation of the IAMP (note: If the annual budget cycle does not allow pre-approval of the budget, a draft to be approved later is adequate. However, final annual budget must be approved/authorized prior to implementation of covered activities in a given beach season)

Mitigation Plan

Options (See Draft HCP Chapter 4, and p. 5-13):

- I. Provide funding to MassWildlife to implement selective predator management, educational outreach, and increased law enforcement (“off-site”)
 - a. DFW will set the amount of funding required to implement mitigation for each brood/nest/territory exposed to covered activities
 - b. Applicant will make payment into a dedicated mitigation fund or place funds in escrow prior to carrying out covered activities (note: after year 1 DFW will set an earlier due date for payment of funds to ensure that mitigation can be carried out in advance of covered activities)
- II. Participant implements mitigation on one or more sites under participant’s control
 - a. Submit detailed mitigation plan to MassWildlife
 - i. Detailed description of proposed mitigation activities
 - ii. Description of how the mitigation will benefit Piping Plovers, including a quantitative assessment if possible
 - iii. Monitoring plan including specific criteria to assess effectiveness
 - iv. Itemization of costs for implementing the mitigation program

Note: mitigation plan must address take of Least Tern and/or other state-listed species if applicable