

ICF/DFW Write Draft Chapters



USFWS / Stakeholders Review Draft Chapters

1-2 Week turnaround for stakeholder review



ICF/DFW Incorporate Comments; Assemble **Administrative Draft HCP**



USFWS Reviews Full Administrative Draft

DFW will highlight substantive changes, if any, at stakeholder meetings



ICF/DFW Incorporate Comments; Prepare **Public Draft HCP**



Public Review Period; HCP, EA, ENF



Response to Comments, FONSI, Final HCP, Issuance of ITP, Other?

DRAFT Proposed Schedule for Statewide Plover HCP, 10/1/14 (key dates in **red**)

Deliverable	Written by ICF/DFW	Due from USFWS	Notes
<i>Habitat Conservation Plan</i>			
Administrative Draft Chapter 1 (Introduction)	Oct 2014		
Admin. Draft Ch. 2 (Environmental Baseline)	Oct 2014		
Admin. Draft Ch. 3 (Covered Activities & Effects Analysis)	Nov 2014		
Admin. Draft Ch. 4 (Conservation Strategy, including Monitoring)	Dec 2014		
Admin. Draft Ch. 5 (Implementation, including Assurances, Cost and Funding)	Jan 2015		
Admin. Draft Ch. 6 (Alternatives to Take)	Jan 2015		
Admin. Draft Ch. 7 (Literature Cited)	Jan 2015		
Complete Admin. Draft HCP (all chapters)	Feb 2015	April 2015	Includes solicitors' review
Public Draft HCP		June 2015	A live edit session with USFWS may be needed to finalize HCP
Public Review Period (60 days)			June-August 2015

Environmental Assessment

Admin. Draft Ch. 1 (Introduction, Purpose and Need)	Nov 2014	Assumes FWS and materials are ready
Admin. Draft Ch. 2 (Proposed Action and Alternatives)	Mar 2015	After FWS review of chapters 2 and 5 of HCP
Admin. Draft Ch. 3 (Affected Environment)	Mar 2015	Based on HCP Chapter 2
Admin. Draft Ch. 4 (Environmental Consequences)	Mar 2015	Based on HCP Chapters 3 and 4
Complete Admin. Draft EA (all chapters, incl. first draft of Ch 5, 6, and Appendices)	May 2015	Shortly after HCP comments are received
Public Draft EA	June 2015	Must be released with HCP
Public Review Period (60 days)		June-August 2015

Assumptions for HCP and EA

- DFW will draft HCP chapters 1-4 and species account.
- DFW will use the basic approach for defining take limits that was proposed at the June and September stakeholder meetings, with minor adjustments, as necessary.
- This scope of services leads to a completed Public Draft of the HCP and EA.
- An Environmental Assessment will be sufficient for NEPA compliance.
- The period of work will not exceed that expressed in the schedule and Request for Proposals. For this SOW, delivery of the public draft HCP and EA will occur by June 2015.
- One set of comments from USFWS and one set up comments from DFW will be incorporated into each draft document. Comments from each agency will be bundled into one master file.

Assumptions for HCP and EA

- The HCP and EA will be built on existing data from USFWS, DFW, and stakeholders regarding piping plover status, recreational activities, and land cover types.
- We assume that ICF will not be responsible for any public involvement activities, including public meetings – e.g., there will be no NEPA scoping meeting for the EA (none is required).

Key Elements of the HCP for Subpermittees

- Eligibility requirements
- Site specific take exposure limits
- Impact minimization protocols
- Mitigation options
- Funding & Fees
- Implementation (reporting)

Case study examples to follow

Statewide limits on maximum number of broods, nests, and territories to be exposed to covered activities and potential take; DRAFT 9/30/14

MA Breeding Population Size Prior Three-year Average		Maximum Broods/Nests/Territories ¹ to be exposed to potential take		Maximum % Massachusetts Fledglings to be Impacted ²
% of New England Recovery Unit Goal	# Breeding Pairs (3 year rolling average)	% of Breeding Pairs	# Nests/Broods	
≥105%	>655	7%	45 @656	3.4%
≥100% and <105%	625-655	6%	37-39	3.0%
≥95% and <100%	594-624	5%	29-31	2.5%
≥90% and <95%	563-593	4%	22-23	2.0%
≥85% and <90%	532-562	2%	10-11	1.0%
≥80% and <85%	500-531	1%	5	0.5%
<80%	<500	0	0	0

¹ Includes temporary reduction in available nesting habitat due to reduced proactive fencing

² Assumes a 50% reduction in fledging success for broods, nests, and territories exposed to covered activities. Methods for converting area of reduced proactive fencing into number of territories impacted will be provided in the HCP.

Example 1

- 1-2 broods occasionally enter parking lot
- Manager applies to DFW for coverage for two take exposures
 - reduced buffer between vehicles and unfledged chicks
 - Note: coverage would extend to other activities- e.g. moving a nest
 - Application deadline – Early fall??

Example 1

- Key eligibility requirements
 - Track record of management in accord with guidelines
 - Management plan
 - Probably don't need OOC???
- Impact minimization protocols
 - Barriers?
 - Monitoring
 - Herding?

Example 1

- Mitigation
 - Applicant chooses to pay into plover management fund
 - Other options
 - Implement on-site selective predator management
 - Propose other on or off-site option
 - Habitat enhancement, increased enforcement etc...
 - This option may require increased monitoring, MEPA review?

Example 1

- Implementation
 - Prepare simplified CMP application and request for inclusion (by early fall??)
 - Pay MESA application fees
 - Ensure compliance with other applicable laws, if necessary
 - DFW reviews application and issues CMP/Certificate
 - No separate MEPA review if applicant chooses from standard suite of minimization/mitigation options in HCP?
 - Public notice of availability of application?
 - 3-5 year subpermit??
 - Applicant *prepays* to mitigate *two* take exposures in the fall (before beach season when take might occur) \$11-12,000?????

Example 1

- Implementation (continued)
 - DFW contracts out selective predator management, enhanced monitoring/enforcement, and conservation research using this applicant's funds bundled with others
 - Selective predator management is implemented before next beach season; other conservation measures during
 - During beach season applicant manages birds and engages in covered activities as needed up to maximum authorized

Example 1

- Implementation (continued)
 - In fall, applicant reports to DFW
 - General (census and productivity)
 - Permit activity; # take exposures, minimization measures implemented
 - For example – assume *only one brood entered/went near parking lot, out of 2 authorized*
 - Since only one take exposure occurred, applicant pays mitigation for *one brood* to ensure coverage for the following season
 - Applicant has coverage for 2; new payment + unused credit from prior season

Variations

- On-site mitigation
 - Applicant must prepare plan for implementation & *monitoring*
 - E.g. increased pet enforcement, vegetation management
 - Public review?
 - *DFW must still carry out predator management to offset take (or other mitigation approved through the adaptive management program)

Variations

- On-site predator management
 - Applicant develops proposal for DFW approval
 - May benefit more pairs than off-site funding
 - All funds for predator mgt
 - Difficult to apply to part of a site
 - If site has high nesting density, single year of predator management may accrue mitigation credits across years

DFW Reporting to USFWS

- Late Fall
 - Average # breeding pairs previous three years
 - # anticipated take exposures following season
 - Anticipated mitigation program to (more than) offset following season's covered activities*
 - Subpermittee implemented + plover management fund
 - May include unused "credits" from earlier beach season(s)
- Late Spring
 - Predator management program implemented that winter/spring in anticipation of following beach season
 - Update on other mitigation measures to be implemented during the beach season

Other Notes

- Most mitigation is pre-mitigation
- However, DFW reserves the right to deviate from this model to address unanticipated circumstances that may arise during a beach season – that affect timing
 - E.g. spring storm creates new overwash
 - Birds show up at new site – on new road
- DFW can issue “last minute” authorizations with post-mitigation (financially guaranteed)
- Note: need for this may be limited if DFW is able to carry out a surplus of selective predator management and other mitigation to maintain a “credit surplus”