

November Webinar
November 25, 2014
Barnstable, Massachusetts
Draft Meeting Summary

The Massachusetts Division of Fisheries and Wildlife (DFW or MassWildlife) convened the fifth meeting of a Working Group of municipalities, land managers, and affected stakeholder groups to initiate a process for creating a statewide Habitat Conservation Plan for Piping Plover management via webinar. A list of attendees is attached. The purpose of the conference call was to have a review and discussion with stakeholders on the draft forms of chapter 1-2 of the HCP.

HCP Outline

The PIPL HCP outline was reviewed and this follows other HCPs and includes the information that is required in an HCP. The focus of chapter 1 is the overall purpose and goal of the plan. All sections of this chapter were briefly reviewed. A question was asked about where the “impact minimization” information would be located. Although this information will be provided throughout the document, it will be an emphasis in the covered activities (chapter 3) and conservation strategy (chapter 4) sections. Another question was if all state-listed species (including plants) would be included somewhere so that managers can be thinking more holistically. There was discussion about having an appendix that would have a list of all state-listed species potentially affected with a discussion on MESA compliance and how to address future potentially listed species that could trigger a plan amendment. FWS commented that if federally listed species are not included as a covered species, then it is assumed there would not be any take of these species. The participant asked for a copy of the outline to be made available and the DFW agreed to do so after revising the outline next week and that it should be considered a “working” document.

Accompanying Environmental Assessment (EA)

ICF had on the call their EA team to describe the Environmental Assessment. ICF noted that EAs are prepared for the USFWS to ensure compliance with NEPA. This is different from the HCP, which is a collaborative approach involving stakeholders and is prepared on behalf of the applicant (in this case, MA DFW). The EA includes impacts to the human environment like land use and cultural resources. The information within the EA will include: Ch1 – the purpose and need; Ch2 – proposed actions and alternatives (including no action); Ch3 – existing conditions; and Ch4 – environmental consequences and alternatives. ICF noted that the proposed action analyzed would be a FWS permit under Section 10 as described in detail in the HCP. ICF noted that the EA looks to impacts to the broader human environment and not just to the Plover, as is the primary focus of the HCP. The goal is to have a draft EA that will be open for public comment in June of 2015 so that the public can review it and the HCP at the same time. The FWS will publish the draft for public review, take public comments, and make any necessary changes, and issue a final EA. The presenters made clear that while the HCP is a collaborative

effort among the participants and agencies, the EA is really the sole responsibility of the US FWS. ICF will prepare both, but the teams for each will be separate and distinct.

Draft Chapter 1

ICF reviewed the key components of Chapter One. The following were questions and comments made on the current draft.

- *What is the plan area for the HCP?* The plan area for the HCP is the entire coastline of Massachusetts. To accommodate for any changes to the coastline during the duration of the HCP, a buffer area (300 yards) was used both inland and over water. The buffer will allow for the inclusion of anywhere a PIPL may try to nest over the next 30 years. The GIS work used the MassGIS landuse coverage and DEP wetlands to show beach habitat. The maps provided in the HCP will show priority habitat and the names to the primary PIPL beaches. Although this map is not completed yet, it will be included in chapter 2 of the HCP.
- *What's the potential impact on the HCP for climate change and impacts on plover numbers? When will information on climate change impacts on MA plover habitat be available?* DFW emphasized that the HCP take limits are based on the PIPL population, making the section on assurances somewhat less important. Essentially, take is based on the total number of the population in related to recover goals so if the population falls for whatever reason, including climate change impacts, take is either reduced or eliminated. Regarding the future climate change impact analysis, FWS stated that would not likely be available until after this HCP process is complete.

Draft Chapter 2

ICF reviewed the key components of Chapter Two. The following were questions and comments made on the current draft.

- It was noted that Duxbury Beach was not included in the table of sites with 10 or more breeding pairs of plovers. It was also mentioned that plover numbers are from 2011-2012 data, but this will be updated with 2013 and 2014 data when possible.
- It was mentioned that renourishing beaches could have some negative impacts as is discussed in the PIPL winter HCP, and this should be mentioned in the MA HCP.
- There was a discussion on inconsistencies in the open ocean values between the text and tables. This will be reviewed and rectified were appropriate.
- There was concern over using 1.4 as the average productivity because productivity has declined in recent years. It was mentioned that this decline in productivity is highlighted in the text of the document.

- There was a question on the White et al. paper on the effectiveness of predator exclosures. Although this paper is available, it has not been peer-reviewed, though it is in the process of being submitted. The link to the paper will be distributed to stakeholders for those who do not have it already.
- There was concern over the text stating that high use beaches and high breeding productivity using the example of Revere Beach. At Revere Beach there are extraordinary resources required to achieve this result, and this would not happen at most beaches. Additional information will be provided in the text to clarify when high use and high plover productivity might both be achieved, and at what level or resources, and/or the example given in this section will be a more “typical” beach.

Written Comments from Participants and Next Steps

The participants asked for clarification on if, how, and when to make comments on the draft chapters. DFW noted that comments from chapters 1-2 should be submitted by the end of the workday on Wednesday Dec 3. This is most important for larger issues so that they can be dealt with and progress on the HCP moves forward. ICF suggested that comments can be made within the PDF files using “sticky notes” and then sent to Paola of ICF (Paola.Bernazzani@icfi.com). Currently there is work being done on chapters 3-4, and the goal is to at least get chapter 3 out to the group before the winter holiday. There will be another conference call just before the winter holiday, and an in-person meeting on January 13.

Appendix 1: Attendees (via phone)

Name	Organization	Title
Kerin McCall	Plymouth	Environmental Technician
Sean Summers	Chatham	Selectman
Robert Duncanson	Chatham	Director of Health & Environment
Karen Johnson	Dennis	Director of Natural Resources
David DeConto	Sandwich	Asst. Dir.
Nina Coleman	Barnstable	Sandy Neck Park Manager
Russell Hopping	TTOR	Ecology Program Director
Kathy Parsons	MassAudubon	Director, Coastal Waterbird Program
Jon Regosin	MassWildlife	Chief of Conservation Science
Carolyn Mostello	MassWildlife	Coastal Waterbird Biologist
Susi vonOettingen	USFWS	Endangered Species Biologist
Lowell Whitney	USFWS	R5 HCP Coordinator
Daniel Gilmore	DEP	Biologist
Kerry Muldoon	Yarmouth	Conservation Administrator
Andrew Vitz	MassWildlife	Ornithologist
Jorge J. Ayub	MA DCR	
Anne Hecht	USFWS	Endangered Species Biologist
Paola Bernazzani	ICF	HCP Contractor
Patrick Field	CBI	Facilitator

Piping Plover Statewide HCP Stakeholder Comment Summary for Chapters 1 and 2

These are additional comments received after the November Webinar Meeting.

Stakeholder Comments Chapter 1, Introduction

- **Section 1.1.2 Background:** Concern about the language “large, robust population” and “increased regulations and continued community support.”
- **Section 1.1.1 Purpose and Goals:** Emphasis on well-developed site-specific management plans for shorebirds.
- **Section 1.2.1 Covered Activities:** Connect impact minimization and covered activities. Provide examples.
- **Section 1.2.1 Covered Activities:** Concern about details of reduced proactive fencing.
- **Section 1.2.4 Conservation Measures:** Concern about measuring "net increase in productivity"
- **Section 1.2.5 Permit Duration:** Concern about using abundance as the only measure of population robustness and viability - demonstration of net effects necessary
- **Table 1-1:** Mention that the timing of REKN does not overlap significantly with plover nesting and specify that the west coast population of least tern is federally listed.

Stakeholder Comments Chapter 2, Environmental Setting

- **Section 2.2.1 Plan Area:** Concern over the Plan Area, the 300-yd buffer, and whether future changes in the coast line (e.g., from climate change) would be accounted for.
- **Section 2.3.2 Life History:** Juveniles remaining together and with parents after fledging has been documented as has documentation of juveniles remaining on natal beach despite disturbance
- **Section 2.3.2 Piping Plover:** Concern over the discussion of productivity rates, including statewide productivity rates and on select beached with high recreational use.
- **Section 2.3.2 Threats:** If we are permitting OSV's we should also permit fat tire bikes as a covered activity.
- **Section 2.3.2 Threats:** Add storm surge or overwash to this heading as it is one of the most prevalent causes of egg and chick mortality.
- **Section 2.3.2 Threats:** Qualify by presenting information presented in the PIPL Wintering Habitat Conservation Plan that suggests that renourishment may adversely affect infaunal prey populations.
- **2.3.2 Other Potential Threats:** Concern that language about kiteboarding could be read to suggest that kiteboarding is not a threat.
- **2.2.3 Climate Change:** Specific questions about climate change relative to other areas.
- **Section 2.3.2 Wind Turbines:** Text should be added to acknowledge that single industrial size turbines may be erected with limited regulatory oversight.
- **Section 2.4.1 Land Ownership:** Correct ownership information for South Beach.
- **Table 2-2:** Number totals are not summed correctly.
- **Table 2-4 and Table 2-6:** Clarify whether Number of Breeding Pairs is total count or index count