

October Meeting
October 6, 2014
Barnstable, Massachusetts
Draft Meeting Summary

The Massachusetts Division of Fisheries and Wildlife (DFW or MassWildlife) convened the fourth 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. A list of attendees is attached.

Update on the Grant

Jon Regosin, DFW, announced that the federal grant did come through to enable contracting ICF to assist with the development and writing of the state-wide HCP for Piping Plover. Writing of the document will be split between MassWildlife staff and ICF, where the first 4 chapters that focus on biology will be written by MassWildlife with input from ICF. ICF will write the remainder of the document. Additionally, MassWildlife will undertake any necessary GIS analysis. Chapters will be written throughout the next 6 months, and as drafts are completed, they will be distributed for review to the U.S. Fish and Wildlife Service (USFWS) and the HCP Stakeholder Group (Please see attached draft schedule). To keep the process moving, DFW will need a quick turnaround time for any comments submitted on draft chapters. Any significant issues that arise will go out to the entire group for review and discussion. While the HCP chapters are being written, ICF will be simultaneously working with the Fish and Wildlife Service on developing the Environmental Assessment (EA). The goal is to have a Public Draft HCP by June 2015, which would enable a 60-day public review period during summer 2015. This is an aggressive schedule for the production of the HCP document, designed to help meet the goal of having the HCP in place for the 2016 beach season.

DFW reminded participants that 10 groups agreed to provide in-kind match for the HCP grant, and it is important that people keep track of their time spent on HCP related activities. This would include meeting participation, reviewing chapters, and time spent on working groups. Hours spent on these activities can be sent into MassWildlife either quarterly or more frequently, whichever is more convenient. A time tracking sheet can be found on the HCP website (http://www.cbuilding.org/sites/default/files/MAHCP_Oct6_Presentation.pdf).

Key Elements of the HCP

DFW briefly reviewed the key elements of the HCP:

- 1) Background, including covered species, activities, and impacts

- 2) Eligibility requirements for subpermittees
- 3) Site specific take exposure limits (i.e., the “take chart”)
- 4) Impact minimization protocols (for such activities as escorted driving past nests)
- 5) Mitigation options (for on-site and off-site activities)
- 6) Funding and Fees
- 7) Implementation (reporting)

Slides discussed at the meeting are available on the project website.

Discussion of the Revised “Take Chart”

The overall “Take Chart” had been modified since the previous meeting, and these changes were discussed. The major change was allowing a minimal amount of take for emergency situations if the Massachusetts population falls below 90%: for Massachusetts population 85-90% (take exposure for 2% or 10-11 nests/broods) or 80-85% (take exposure for 1% or 5 nests/broods) of the New England recovery goal. The chart only refers to exposure of nests or broods to take, and reduced symbolic fencing. No adult or fledgling mortality or permanent habitat loss from permitted activities is anticipated.

An assumption being made is that exposure to take will result in a reduction of 50% in fledging success for affected nests/broods/territories. The group discussed this assumption in detail. Although some felt that the 50% take was being very conservative, others were worried that, in some cases, it might not be conservative enough. The concerns included that some covered activities might have bigger impacts than others. In particular, concern was expressed about reduced symbolic fencing that potentially results in a decrease in available suitable nesting habitat. Depending on the beach, beaches with more dense plover populations might limit the ability of disturbed birds to re-nest. DFW noted that because we do not have much data on how the proposed activities affect nest or brood survival, we are going to have to decide on a well-informed and conservative estimate for the assumed reduction in fledging success from affected pairs. The group discussed whether some flexibility could be built into the plan, which would allow us to modify this value by 5-10% as new information is evaluated. It is even possible that the HCP could identify specific activities with different values for the reduction in fledging success. However, DFW noted that we want to keep the HCP as simple as possible, and the current thought is to have a single value here that can be thought of as an average of various allowable activities. The facilitator noted that while the hope is to reach conclusion on key concepts like this table to move the HCP drafting forward, participant should note that as we progress through the HCP drafting, we may have to revisit certain issues. DFW asked for comments on the overall conceptual approach and the statewide take exposure table within 10 days.

Mitigation

DFW reviewed the mitigation approach and provided a specific example (slides are available per this meeting on the project website). In general, DFW is striving for a system where mitigation for covered activities to occur during a given beach season occurs prior to and to a certain extent during that beach season. Mitigation could involve subpermittees implementing conservation measures on the sites they manage or contributing to a statewide plover management fund. DFW proposed a system where take allocations not used in the year they are given will be available as credits for the following year. During group discussion however it was noted that this approach adds considerable complexity and that it might be better just to assume an impact, much the way an insurance policy functions. For instance, one does not get money refunded on one's health insurance even if one doesn't use it in that year. The group noted that further discussion on this would be needed.

For subpermittees opting to participate in the Plover Management Fund, the cost has yet to be determined, however a very preliminary estimates suggests that the payment could be in the \$5,000-\$7,000 range per nest/brood where a 'take' was allowed. Because DFW and USFWS believe that selective predator management is the single most important activity that can be done to support Piping Plover conservation at this time in Massachusetts, predator management will be a major (but not the only) activity funded through the Plover Management Fund. A reasonable emphasis on selective predator management early on will streamline and potentially speed the permitting process because it will be easier for USFWS to quantify the benefits and easier for DFW to make the case that impacts from the covered activities are being fully offset through the HCP. In the long run, DFW and the subpermittees may be able to demonstrate the efficacy of other mitigation measures through an adaptive management program to be built into the HCP. One thing to consider is that if there is not funding support for the Plover Fund then it simply won't work.

DFG noted that each year, a managing entity (town, etc.) could pay into the fund for specific take, and should that take not be used, there could be some kind of credit the following year. Several participants expressed concern about this approach and perhaps the take numbers and payment should be seen not as a guarantee of take but rather as "insurance" of a sort. For instance, one does not get money refunded on one's health insurance even if one doesn't use it in that year. The group noted that further discussion on this would be needed.

Next Steps

The facilitator reviewed next steps.

- CBI to distribute draft work plan for group given comments today
- Participants to provide comments to DFG on "Take Chart" within ten days
- DFW/ICF will begin to draft chapters

- The next meeting of this group will be in November/December (date/time to be determined).
- Meetings will be held approximately every 6 weeks until the HCP is completed.
- At the next meeting there will be a discussion on the first chapters that will have been disseminated for review as well as a case study involving Least Terns (where they exist with Plovers). This will include how sub-permittees can meet MESA requirements for Least Terns.

Attachment A:

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

Deliverable	Date	Due from USFWS	Notes
<i>Habitat Conservation Plan</i>			
Administrative Draft Chapter 1 (Introduction) – mostly background	Oct 2014		
Admin. Draft Ch. 2 (Environmental Baseline) – land use, plan area, covered species	Oct 2014		
Conference call/WebEx on First Two Chapters	Mid-November 2014		
Admin. Draft Ch. 3 (Covered Activities, including minimization approaches) & Effects Analysis) – key activities and impacts on species, habitat, etc.	Nov 2014		
Update conference call/WebEx	December before Xmas		
Admin. Draft Ch. 4 (Conservation Strategy, including Monitoring, Minimization protocols, Mitigation)	Dec 2014		
In-Person Meeting on Chapter Three (and maybe Chapter 4, depending)	Early January 2015		
Admin. Draft Ch. 5 (Implementation, including Assurances, Cost and Funding)	Jan 2015		
Admin. Draft Ch. 6 (Alternatives to Take)	Jan 2015		

Deliverable	Date	Due from USFWS	Notes
Admin. Draft Ch. 7 (Literature Cited)	Jan 2015		
In-Person Meeting on Chapter Four and Five (and maybe Chapter 6, depending)	February 2015		
Complete Admin. Draft HCP (all chapters)	Feb 2015	April 2015	Includes solicitors' review
In-Person Meeting on outstanding Issues	March 2015		
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

Attachment 2: Attendees

Name	Title	Affiliation
Nina Coleman	Sandy Neck Park Manager	Barnstable
Russell Hopping	Ecology Program Director	TTOR
Kathy Parsons	Director, Coastal Waterbird Program	MassAudubon
Jon Regosin	Chief of Conservation Science	MassWildlife
Phil Wallace	Councilor	Barnstable
Carolyn Mostello	Coastal Waterbird Biologist	MassWildlife
Susi von Oettingen	Endangered Species Biologist	USFWS
Ann Canedy	Councilor	Barnstable
Daniel Gilmore	Biologist	DEP
Kerry Muldoon	Conservation Administrator	Yarmouth
Andrew Vitz	Ornithologist	MassWildlife
Scott Morris	Executive Vice President	MBBA/Nauset Beach
Nathan Sears	Natural Resource Manager	Orleans
Jorge J. Ayub	Coastal Ecologist	MA DCR
Ross Kessler	Public Access Coordinator	DMF
Kate Iaquinto	Wildlife Biologist	DMF
John Pimental		Sandwich
Michael Russo		
Pat Field	Facilitator	CBI