

March 2015 Meeting Summary
March 10, 2015
Hyannis, MA
Draft Meeting Summary

The Massachusetts Division of Fisheries and Wildlife (DFW or MassWildlife) convened the seventh meeting of a Working Group of municipalities, land managers, and affected stakeholder groups to help create a statewide Habitat Conservation Plan (HCP) for Piping Plover management. A list of attendees is attached. The purpose of the meeting was to have a review and discussion with stakeholders on the draft form of chapters 3, 4 and 5 of the HCP.

Introductions and Updates

The meeting began with introductions and a reminder to submit in-kind services forms. The state needs documents to track hours for the in-kind match required in the grant. Any hours put towards the HCP can be used, including phone conferences, meetings, and work on related documents. Please track these by date and it is best to submit these forms quarterly. To facilitate filling in past dates, a list of previous meetings and calls will be distributed to the group.

Chapter 3 Summary of Comments

There was a summary of Chapter 3 comments (handout was distributed).

Section 3.2.1 (Road Use and Parking). There was concern over the monitoring requirement and it was emphasized that the monitoring of 2x/day within 50-100 yds or 4x/day within 50 yds was a minimum amount of monitoring. Each sub-permit is site specific and more frequent monitoring could be required.

Section 3.2.2 (Moving Nests). There was a suggestion that nests could be moved 24 hrs following clutch completion, but to minimize possible nest abandonment from this activity, the time period required to move a nest after clutch completion should remain at 48 hrs as determined by DFW.

Section 3.2.3 (Beach Raking). To increase flexibility by beach managers, there is consideration being given to doing away with the 100 yd distance of raking from chicks but if raking were allowed within 100 yds of chicks increased monitoring would be required. This issue will be reviewed on a case-by-case basis.

Section 3.2.4.2 (Reduced Proactive Symbolic Fencing of Nesting Habitat). There was a discussion on how much of the dunes would be considered nesting habitat, and it was clarified that in some cases birds will nest behind the dune and the symbolic fencing area will be based on all suitable nesting habitat. This fencing could be reduced by 2 acres or 10% of suitable nesting habitat (whichever is less area). This will be calculated and given on a site-by-site basis.

Section 3.2.5 (Expanded Oversand Vehicle Use). It was clarified that OSVs will be limited to daylight hours. Trained ATV escorts were approved for use during daytime hours. No nighttime use will be allowed in the subpermit.

The group also discussed the designation of a “site” and how this is context specific and requires judgment, not clear, quantitative guidelines for doing so. Some in the group requested to have all comments and responses to the HCP chapters in redline distributed to the group, and this request is being considered.

Chapter 4 Discussion

Chapter 4 was reviewed. The following comments were made.

- The group requested for stakeholders to be able to review the results of sites where predator control has been used before and after that targeted predator control and what tools were used. Because of the sensitivity of the data, site names will need to be removed, but DFW is looking into sharing these data with the site names removed.
- There was a discussion around having a predation management umbrella, not just predator control more narrowly. Non-lethal predator control may be an option in some cases (e.g., garbage elimination, etc.). Orleans is currently experimenting with this and their results will be reviewed. Activities like capping landfills could possibly be part of the program, but it is important to remember that having a focus on targeted predator control will be instrumental if the HCP will be approved because HCP’s require quite specific language, definitions, and actions.
- There is a pilot project using an experimental approach to reducing vegetation to create nesting habitat as noted in the chapter. However, the Wetlands Protection Act may limit the ability to implement this, and the approach is not anticipated to be widely used. The group emphasized using the word “pilot” or “demonstration” in the revision.
- Nesting habitat improvement (beach restoration) is not currently included in the HCP, but this could be an option in the coming years. The goal is to foster creativity with activities promoting plover conservation. We decided earlier not to include beach restoration as a covered activity as it has to go through its own state and federal permit review process regardless, and thus, even if it were included as a covered activity under the HCP subpermit, that would not be a sufficient approval.
- The effectiveness of exclosures is currently not fully understood and there is a study that will be addressing this issue over the next two years. Exclosures could be a nonlethal measure used in the future, and an adaptive management approach will be used to refine the tools that can be used as part of the HCP.

Chapter 5 Discussion

Chapter 5 was reviewed. The following comments were made.

- There was a question about how permits would be allocated. Over the first several years it is expected that demand for take will be low and well below the limit on the number of sub-

permits available (for 5-10 years). As a result, permit allocation will be a topic for a future discussion.

- Under 5.2.2.3 there was a question over permit limitations for sites newly colonized by plovers. The wording on DFW's right to reject applications is intended to catch egregious behavior and not limit areas that were recently colonized by plovers. The wording in the Plan will be modified for clarity.
- It was clarified that the Management and Impact Minimization Plan required by subpermittees should be written by someone on staff or in the Town who knows about plovers and beach management.
- There were questions around what happens if a take permit were obtained (and paid for) and not used in a given year. The current plan is that 3-year subpermits will be given. Therefore, if a permit is not used in the first year there may be ways to bank and use another season within the 3-year subpermit period. If a take permit is not used up by the expiration date of the subpermit, it would be lost. In this sense, the subpermits should be seen, in part, as a kind of insurance policy. A town may not use all its permitted "take" but by gaining permit protects itself during the permitting period.
- There was a request for stakeholders to review the section on Subpermittee Annual Report and report back if the requirements seem too onerous.
- There was a discussion on town budgets being submitted in the fall for the next summer season. Stakeholders will not have to wait for budget approval before applying for the subpermit, as long as they show evidence of reasonable efforts to seek that funding.
- 5.4 (Cost and Funding): There was confusion on interpreting the multiple tables throughout this section. There was a suggestion that there be an appendix with 2 different types of scenarios to help clarify.
- Table 5-3: There was concern that there was not enough funding allocated to DFW Program Administration.
- Table 5-4: There was a suggestion to include a range in the total potential cost, rather than a singular number which then some may overly focus on.
- Table 5-8: Suggestion that an inflation factor should be more clear in the average annualized cost. Also, to include "30 years" in the title for the "Cost Over Permit Term" so that reviewers can be clear this is a lump sum total over the multi-decade life of the HCP.
- The issue of adult mortality was raised. Currently this is not being mitigated for, but there is a discussion on this topic where half a pair for mitigation requirements would be added in cases where this issue was relevant. This would only pertain to broods near roadsides or parking lots. We know adult mortality can occur in these circumstances, but it is a rare event. Still, this needs to be accounted for in the HCP. DFW will be working to develop a proposed approach to this specific issue.

Timeline

The group reviewed the following timeline for moving forward with the HCP.

- 3/23 – Submit comments to ICF on Chapters 4 and 5. DFW noted that if a participant has substantive comments please submit them early so that the process is not held up.
- A full draft will be submitted next. There is still one more chapter (potential alternatives) but it is a small one. This chapter is a requirement for HCPs.
- There may be another face-to-face meeting once the entire draft HCP is completed to go over FAQs before the document is sent out for public review. This will likely occur in May.
- 60-day public review process will occur over the summer and all comments will be officially responded to as required. The documents will include both the HCP and the EA being prepared by ICF on behalf of USFWS (this EA is solely the FWS's document, so the group won't review that ahead of time).
- A final HCP by end of the year is desired so that DFW has time to develop subpermits for 2016.

Adjournment

The meeting adjourned at 3:45 PM.

Appendix 1: Attendees

Name	Organization	Title
Kerin McCall	Plymouth	Environmental Technician
Robert Duncanson	Chatham	Director of Health & Environment
Karen Johnson	Dennis	Director of Natural Resources
Nina Coleman	Barnstable	Sandy Neck Park Manager
Russell Hopping	TTOR	Ecology Program Director
Jon Regosin	MassWildlife	Chief of Conservation Science
Susi von Oettingen	USFWS	Endangered Species Biologist
Kerry Muldoon	Yarmouth	Conservation Administrator
Andrew Vitz	MassWildlife	Ornithologist
Jorge J. Ayub	MA DCR	Environmental Analyst
Kate Iaquinto	USFWS	Wildlife Biologist
Karen Beattie	Nantucket Conservation Foundation	Science and Stewardship Manager
Ross Kessler	DMF	Public Access Coordinator
Mark Brulport	Plymouth	Natural Resources Warden
Patrick Field	CBI	Facilitator