



MASS**WILDLIFE**

Protection and Regulation of Beach Nesting Birds in Massachusetts

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Listed species on TTOR-managed properties, Martha's Vineyard



Piping Plover
Federal/MA:
Threatened



Saltmarsh Sparrow
MA: Special
Concern

Photo by Dominic Sherony

Least Tern
MA: Special
Concern



Common Tern
MA: Special
Concern



Roseate Tern
Federal/MA:
Endangered

Seabeach Knotweed
MA: Special
Concern



Piping Plover & Tern ecology

Piping Plover



Kim Smith

Common Tern



Bill Byrne

	Piping Plover	Terns
Group	Shorebird	Seabird
Migratory	√	√
Nest on ground	√	√
Feeding habitat	Beach	Water
Food	Invertebrates	Fish
Chick mobility	High	Moderate
Parents attend & brood chicks	√	√
Who feeds chicks?	Themselves	Parents
Time to fledging	~1 month	~1 month

Listed due to threats that severely reduced populations

- Hunting
 - Loss and degradation of habitat
 - Disturbance by humans and pets
 - Destruction of eggs and chicks by vehicles
- Other than hunting, same threats still exist
- Climate change: ↑sea level, ↑storms, ↑erosion, ↓beach width/height



Relevant laws & policies

Law or policy	Relevance	Regulatory authority
US Endangered Species Act (ESA)	Prohibits "Take" (harm, harrassment, mortality, etc.)	USFWS
Mass. Endangered Species Act (MESA)	Prohibits "Take" (harm, harrassment, mortality, etc.) including habitat	MassWildlife
Mass. Wetlands Protection Act (WPA)	Prohibits short- and long-term impacts on rare species habitat	Mass. DEP, MassWildlife
"The Guidelines"*	Procedures to avoid "Take" of plovers and terns	n/a

- * *"Guidelines for managing recreational use of beaches to protect piping plovers, terns, and their habitats in Massachusetts"* (MassWildlife, 1993)
- USFWS also has similar guidelines for plovers

MA & federal “Guidelines”

Home Sweet Home Have a Heart. Share the Shore.

Birds Eat Here

Beach birds eat as the tide falls and reveals food along the shoreland mud flats. When we disturb them, we drive them away from what they need to survive - food and a place to rest.



Long Distance Travelers

People and wildlife can share the beach! Just as you are coming here to relax, many birds stop here to rest and refuel during migration. When you see flocks of sleeping or resting birds, please keep your distance so that you can both leave here relaxed and well-rested.



The House Rules

-  **1** No drone or kite flying.
-  **2** Place all trash and food scraps in trash bins or carry out.
-  **3** Give the birds space so they can rest and fuel up.
-  **4** Follow rules about dogs on this beach.

Birds Have Babies Here

Birds like the Piping Plover can only raise their chicks on the beach. Nests and chicks are camouflaged and hard to see, so they are protected with signs and rope fencing. Protecting nesting areas also protects our dunes and other species like terns, American Oystercatchers, and Black Skimmers.



Dogs and People FRIGHTEN Beach Birds

Even good dogs and responsible people can frighten beach birds when approaching nests or chicks. Every dog is perceived as a threat, no matter its size. When dogs or people scare beach birds, they leave their eggs, stop feeding, and waste time and energy on distraction displays.



ATLANTIC HIGHWAY SHOREBIRD INITIATIVE

LEARN MORE AT: 

- Implementation
 - Avoids “Take”
 - Protects landowner/manager from liability
- Measures
 - Symbolic fencing
 - Restrictions:
 - Oversand vehicles (OSV)
 - Pets
 - Fireworks
 - Kites

Dogs: pervasive mgmt. issue for beach-nesting birds



- Plovers & terns perceive domestic dogs (leashed or unleashed) as they would natural predators (foxes, coyotes)
- Domestic dogs are predators of plovers and terns
- Guidelines:
 - At minimum, dogs must be leashed and under control of owner
 - Should be prohibited if above cannot be achieved
- Beach owners/ managers expected to take reasonable steps to address compliance with Guidelines

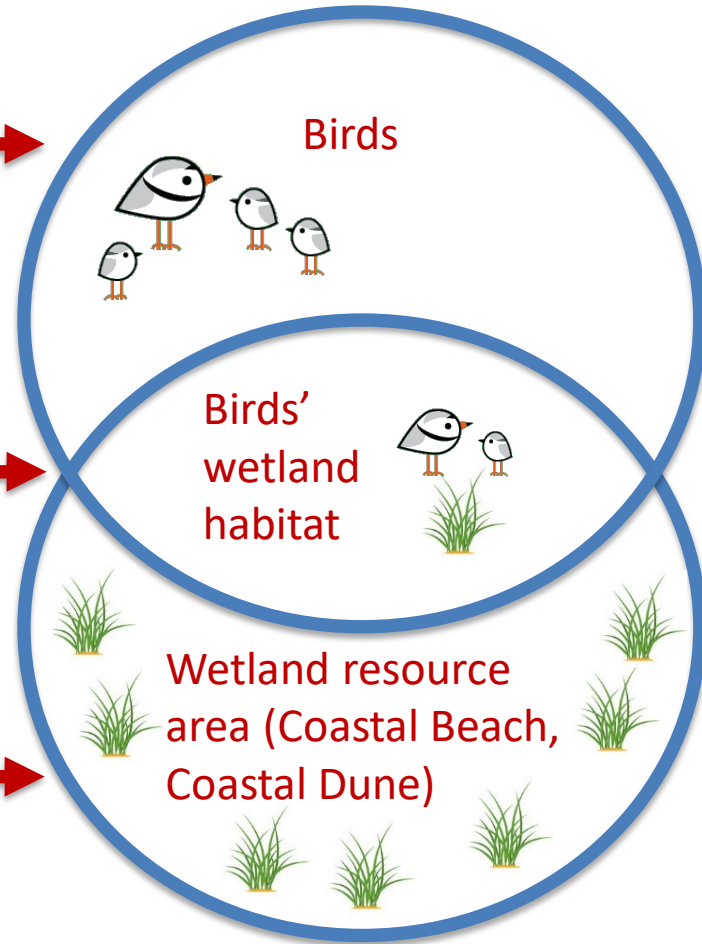
Who regulates beach-nesting birds & their habitat in MA?

Note: Beach owners/managers must adhere to regulations set by state/federal agencies

MassWildlife & USFWS

Local Conservation Commission & MassWildlife

Local Conservation Commission (under Mass. DEP authority)



Basic permitting avenues: MassWildlife's MESA filing, ConComm's Notice of Intent (WPA) filing

Rare species habitat = Priority Habitat (PriHab)

- Geographic extent of habitat of state-listed rare species in MA based on observations in the last 25 years
- Delineated by MassWildlife-NHESP
- Viewable online in Natural Heritage Atlas
- Plovers and terns – sandy, cobbly, or rocky habitat; overwash areas; dunes; marshes; intertidal areas; estuaries, bays, ponds, open ocean





Photo: Kim Smith

Examples of “projects or activities” that might be regulated in rare species habitat (PriHab) on coast

- Grading
- Planting
- Raking, grooming, sand redistributions
- Wrack (“seaweed”) management
- Over sand vehicle (OSV) use
- Essential vehicle use
- Trash management
- Road maintenance
- Dune-building
- Dredging
- Nourishment
- Construction
- **Beach management**

Beach Management Plans

- **Who needs one:** Any entity conducting management actions on beaches with MESA-listed species, including beach-nesting birds
- **Why needed:** To avoid Take resulting from activities within *PriHab*
- **Outline:**
 - Ownership and management entity
 - Site description
 - Rare species
 - Beach operation and management
 - Bird management and monitoring
- **Typical elements/activities included:**
 - Grading
 - Planting
 - Raking, grooming, and sand redistributions
 - Wrack (“seaweed”) management
 - Events
 - Recreational activities
 - Over sand vehicle (OSV) use
 - Essential vehicle use
 - Trash management
 - Road maintenance
 - Dredging
 - Nourishment
 - Construction

MassWildlife-NHESP offers written guidance and consultations for preparing BMPs

Approvals of projects by MassWildlife

- Include conditions to avoid impacts to beach-nesting birds and their habitat, for example:
 - Time-of-year restrictions
 - Gentle slopes for constructed dunes
 - Managing vehicle traffic on beach travel corridors
 - Following the “Guidelines”
- Include conditions to avoid impacts to other listed species and their habitat

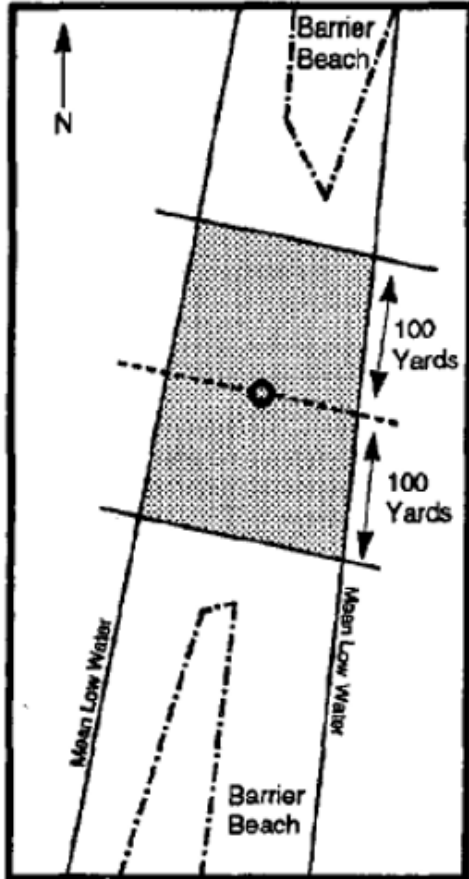
Guidelines: Symbolic fencing on driving beaches

Nesting habitat

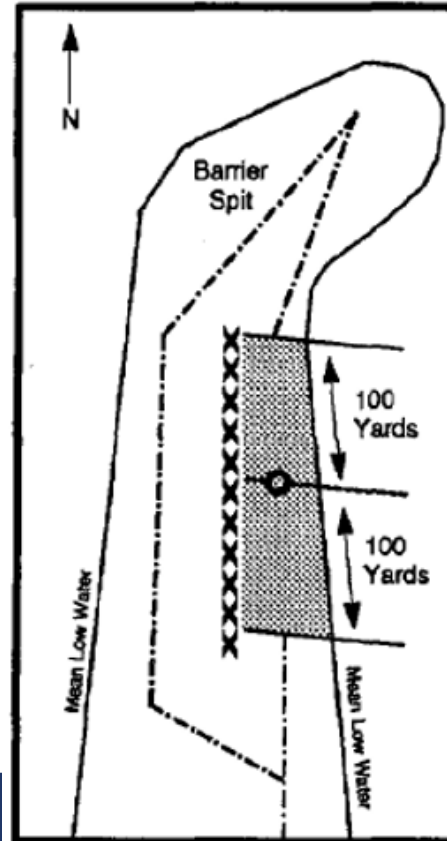
- All areas of suitable piping plover/tern nesting habitat, as determined by MassWildlife, should be delineated by symbolic fencing
- Before chicks hatch, vehicles may pass by and park outside fenced areas if beach width, configuration, and tides allow

Guidelines: Symbolic fencing on driving beaches

Chick habitat



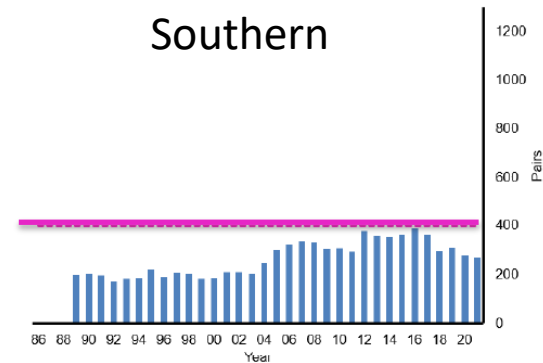
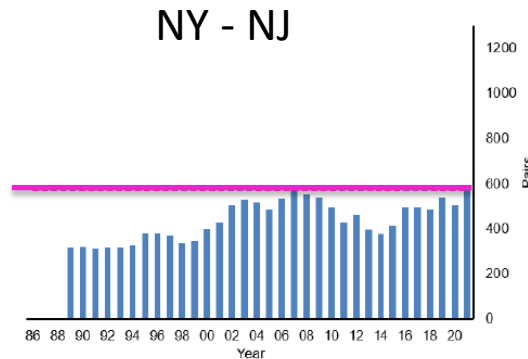
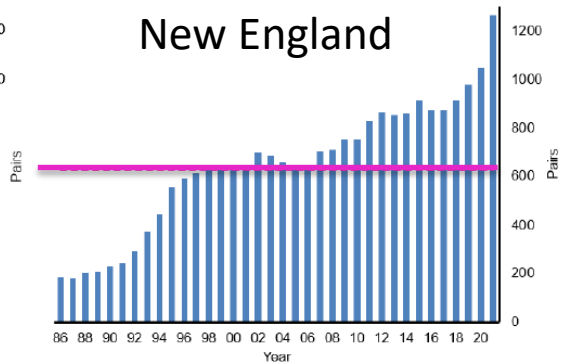
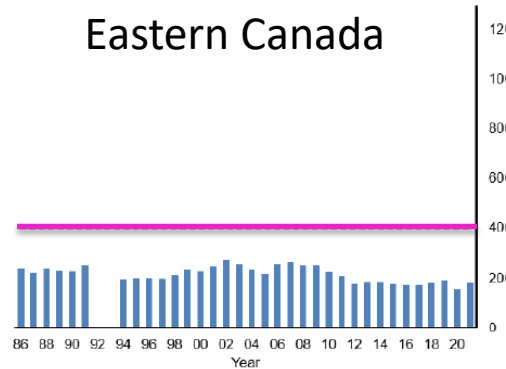
- Vehicles prohibited from habitat within 100 yd of unfledged plover and tern chicks; restricted area stretches from oceanside to bayside



- However, vehicles may pass through areas considered inaccessible to chicks (steep topography, dense veg, naturally occurring obstacles)

Plovers are doing well in New England: What about delisting?

- Struggling in 3 of 4 recovery units (RUs)
- MA must list at same or more imperiled status as USFWS
- Delisting criteria include:
 - Sustained **abundance** goals by RU
 - Sustained **productivity** goal across RUs
 - **Long-term agreements** to ensure success





What has MA done to bring relief to beach users & managers?

- **Piping Plover Habitat Conservation Plan (HCP) - 2016**
- Balances conservation with public access
- Allows flexibility in implementing Guidelines
- MassWildlife holds 26-year **Incidental Take Permit** from USFWS
 - Issues 3-year sub-permits to beach owners/managers
 - Authorizes “Take”

HCP is a focused program

- Specific “Covered Activities”
 1. Recreation & beach ops
 2. OSV use near chicks
 3. Use of roads & parking lots near chicks
- Participants must follow Guidelines except where authorized to deviate for Covered Activities



MassWildlife recognizes challenges for beach owners/managers balancing recreation & birds

- With USFWS, exploring avenues for increased flexibility for beach owners/managers within and outside of the HCP
- Beach owners/managers often unfairly blamed for restrictions on access that are responsive to local, state, and federal requirements

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