

Martha's Vineyard Beach Management Plan Working Group

Meeting Summary

Session 4 | December 22, 2022 | 10:00 AM – 12:00 PM ET

Meeting Objectives

- Gain Understanding of regulations and protections of beach nesting birds from Coastal Waterbird Biologist from Mass Wildlife (Carolyn Mostello)
- Learn the priorities of Edgartown from town administrator James Haggerty
- Discuss dog policies, fencing, and narrowed trails in light of presentations
- Continue Session 3 discussion around driving in the intertidal and beach access in Zone 7

Welcome & Overview

Dorit Price-Levine, Consensus Building Institute, welcomed Working Group (WG) members to the fourth session of the BMP (Beach Management Plan) WG. She welcomed the members of the public who were in attendance, reviewed posted materials, the meeting agenda, and the agreed upon WG community agreements.

To see the full list of WG members, attendance, and WG staff please see Appendix A.

Presentation: Carolyn Mostello

Dorit introduced Carolyn Mostello, Coastal Waterbird Biologist, MA Wildlife to give a presentation on the regulations and protection of beach nesting birds. After Carolyn's presentation, Cynthia Dittbrenner, Director, Coast and Natural Resources, Trustees, gave a brief presentation on the impacts of dogs on the beach, particularly to shorebirds. She focused on displacement and disturbance. At the end of these presentations, Dorit opened the discussion to questions and comments from the WG which focused on the following topics:

- Take Definition: One member asked for clarification on what take meant. Carolyn explained there are many definitions of take including disturbance, and it can happen on many scales. In practice, they try to take a reasonable view of take, not a black and white definition.
- Plover Takes: One member asked if the HCP number of takes is a fixed number, or if it changed based on performance. Carolyn said the number of plovers takes allocated each year cannot go higher than 7% of the population, but the number fluctuates as the population changes. The number has always been at 7% because their plover population has not declined.
- Closing the Width of Barrier Beaches: One member was confused why the entire width of a barrier beach must be closed for shorebirds even if the beach is 200-250 yards wide and thus fulfills the "100-yard rule", staying 100 yards away from shorebirds on either side. Carolyn explained that on Duxbury Beach for example, as the plover population grows, territories can

shrink and the birds become more reliant on oceanside and bayside habitats resulting in birds crossing the barriers. The 200-yard buffer zone must move as the chicks move and sometimes the birds move to cross the barrier into what may not seem like feeding habitat. For example, birds can cross at salt marsh and then move up or down the beach to better feeding habitat. MassWildlife will consider whether or not there is feeding habitat on the bayside when administering the HCP program.

- Trustee Applicants: One member asked if the Trustees are traditionally an applicant for takes on the MV properties. They explained they have a 2020-2023 permit that was used last summer. This year they have requested an increase in takes to provide more access.

Presentation: James Haggerty

Dorit then turned to James Haggerty, Edgartown Town Administrator, to outline the priorities of the town regarding the Beach Management Plan. He explained that he understands there are many different interests from the community regarding access and conservation. The balance between the two are connected throughout Edgartown and municipal services. The town expressed concerns about the original plan but feels confident they can find a good balance between conservation and access. James and Jane Varkonda, Edgartown, then opened the conversation to any questions or comments from the WG:

Beach Access Initiatives

One member noted that there are a number of different initiatives happening related to beach management, including this working group, OSV access efforts, Norton Point management, and current legal cases. It's important to keep in mind this group is not the only thing impacting beach access.

Town's Role in BMP

One member asked if Jane or James could specify what the town's role is in approving a BMP. Does the town have qualitative freedom to weigh in outside of the basic regulations that have to be met in the plan? Jane explained that the town enforces regulations and will follow state and federal guidelines.

Norton Point

The town officials and the Trustees both agreed that there is ongoing conversation around Norton Point that should take place outside of these WG meetings.

Dog Policies

Dorit then moved the group into an open discussion about dog policies. The following topics were brought up as key themes and considerations from WG members:

Trustee's Experience

One member asked the Trustees to talk about their experiences with dogs on their MV properties. They explained that they had been a lot of dogs on their properties because they are one of the few that

allow them. They acknowledged that MV dog owners are responsible, but most dogs they see are not on a leash. They also noted that in their decades of experience, the question of dogs can be applied to all public properties. They have observed little compliance with leash regulations, and that they would have to think creatively and realistically about enforcement for this next plan.

Literature + Research

Several members were interested to hear what research and literature was out there to support the BMP's policy on dogs, and what policies existed in other, similar places. One member also noted that it is shown that when you ban dogs, you are pushing them on other people's properties.

Disturbance Related to Dogs

One member expressed frustration at the initial dog policy because they felt that there was not a commonsense balance between dog use, human use, and conservation. If the goal is to avoid disturbance to shorebirds all together, they should also stop people from going near the sanctuaries. One Trustee member acknowledged that balance is important. She noted that a big factor in this discussion are the low bird numbers, and literature shows that dogs are disruptive. She stated that there should be more data collected on the Trustee's properties. One member noted that it seemed like many takes were related to weather or predators. If the chicks are still not doing well when the beach is significantly shut down for Spring and Summer, then we can assume that is not because of dogs. (The Trustees note that shorebird-related beach closures are for OSVs only, not pedestrian access. Carolyn Mostello explained that we rarely know why chicks die, but there is not a question about whether dogs are impactful, because it has been established that they are. As a regulator, we require compliance (and enforcement) from our permit holders.

Community Impact

Both WG members and Trustees acknowledged that the dog policy is one of the most central topics for community members regarding the BMP. One member said they thought a total ban would have economic and community impacts, and that there can be a balance between allowing dogs and policy enforcement.

Massachusetts's Takes

One member asked for a Trustee member to outline the takes in MA specifically related to dogs. A Trustee member explained this past summer there was a taking of a chick that was run over by a vehicle, but a majority of the takes are not by humans. It is very difficult to document takes unless someone is there to see it happen every time, and it is not time or cost effective to document every take related to a dog. They also noted there is no reason to think MV would be different than the extensive literature from other locations finding that dogs are disruptive to wildlife. They explained that take is not just mortality, but also includes disturbance which can cause nest abandonment and other impacts which is important since they have observed and documented the birds not doing well (i.e., reproduction is

lower than what is needed to sustain the population). While staff can be better about enforcement, the realities of enforcement are that some community members ignore staff once they leave.

Compliance

One member thought that the Trustees have the tools for compliance. They suggested they try slashing through permits the first-time people do not comply and take it away the second time. The Trustees in the past have taken a reasonable approach to management, and the community wants that to continue in the next BMP.

Narrowing Corridors

Finally, Dorit opened the discussion to talk about narrowing corridors. WG members had the following thoughts: One member felt that there was a safety issue with narrowing the borders as it creates hazards. Another member felt that at times there was closed beach access to OSVs and extensive fencing and signing when it didn't seem necessary because there were not that many people.

WG Caucus

In the Working Group Caucus, members continued discussion on dog policies and possible solutions for enforcement. One member liked the idea of thinking about dog policies holistically. They emphasized that balance was going to be key, and that while enforcing guidelines is important, there are lots of impacts to shorebirds that should be considered. They ended the discussion by talking about WG availability in the new year for a WG meeting with the Trustees CFO.

Close and Next Steps

Dorit thanked everyone for their thoughtful feedback and considerations on the topics discussed in the meeting. She reviewed the following next steps:

- CBI will create a meeting summary and send it to WG members for their comments.
- The Trustees will make a document answering any questions asked by the public.
- All materials will be posted to The Trustees website.
- Session 5's meeting date is TBD and will be decided and communicated soon.

Appendix A: Working Group Members and Attendance

Working Group Members Present

Peter Sliwkowski, MV Beach Access Group

John Piekos, MV Fishing Derby

Liz Olson, BioDiversity Works

Mark Osler, Cape Poge Resident

Martina Thornton, Dukes County Manager

Bill Brine, Partial Landowner, Cape Poge

Ross Kessler, MA Division of Marine Fisheries

Chris Kennedy, Consultant

Ray Williams, Vice President, Tribal Council

Megan Landeck, Chappaquiddick Resident and Chappaquiddick Island Association

Rachel Self, DCPC Representative

Darci Schofield, The Trustees

Elizabeth McDonough, The Trustees

Russell Hopping, The Trustees

Cynthia Dittbrenner, The Trustees

Working Group Staff

Dorit Price-Levine, Consensus Building Institute

Nate Lash, Consensus Building Institute

Simenesh Semine, Consensus Building Institute