



TOWN OF ORLEANS
19 School Road
Orleans, Massachusetts 02653-3699
www.town.orleans.ma.us

Natural Resources Division
508-240-3755

Diane Lynch
Endangered Species Program
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

Dear Ms. Lynch:

It has come to our attention that the self-escorting protocol outlined in our Over-Sand Vehicle Access Habitat Conservation Plan (HCP) was not explicit in describing the decision points for initiating and terminating the self-escort program. We submit this addendum to clarify the escorting protocol for your inclusion in your National Environmental Policy Act review and formal section 7 consultation under the Endangered Species Act.

As mentioned in the HCP, we will continue to manage piping plovers according to the state and Federal guidelines with the exception of allowing vehicles to pass by no more than two broods of piping plovers each year beginning on or after July 15th. The Federal guidelines (Guidelines) for managing recreational activities in piping plover breeding habitat specify areas where unfledged plover chicks occur that should be vehicle-free. One option outlined in the Guidelines requires the U.S. Fish and Wildlife Service or a State wildlife agency to provide written concurrence with a plan that: 1) provides for monitoring of all broods during the chick-rearing phase of the breeding season and specifies the frequency of monitoring and 2) specifies the minimum size of vehicle-free areas to be established in the vicinity of unfledged broods based on the mobility of broods observed on the site in past years and on the frequency of monitoring. Unless substantial data from past years show that broods on a site stay very close to their nest locations, vehicle-free areas should extend at least 200 meters on each side of the nest site during the first week following hatching. The size and location of the protected area should be adjusted in response to the observed mobility of the brood, but in no case should it be reduced to less than 100 meters on each side of the brood.

Per the guidelines, we consider the HCP and our existing beach management plan to meet the first criterion outlined in the Guidelines. The acceptance of the HCP and authorization of an incidental take permit should meet the requirement of written concurrence of a management plan. However, we propose to deviate from the second criterion by maintaining a 300 feet buffer from self-escorted vehicles for chicks of any age.

As we will be intensively monitoring each brood daily prior to, during and after the self-escorting program we propose to initiate the self-escorting program no less than 300 feet north of the northernmost chick (closest to the sand trail access point) and terminating the self-escort corridor no less than 300 feet south of the southernmost chick (furthest chick from the sand trail access point) for each brood. As noted in the HCP, should chicks wander within 100 feet of the sand trail, vehicle traffic will be halted until the chick has moved out of the area. The area where the self-escort program will be implemented will be clearly marked with highly visible stakes and flagging and will be moved in response to brood movements and in consultation with the Natural Resources Manager.

Please see the attached addendum that inserts these changes (in bold) into the section of the HCP describing the self-escorting procedures (under IX. Proposed OSV Program). Thank you for your consideration in adding this information into the administrative record for review.

(enclosure)

Nathan Sears
Natural Resources Manager
Town of Orleans, MA

A handwritten signature in black ink, appearing to read "Nathan Sears", with a horizontal line extending to the right.

Town of Orleans Over-Sand Vehicle HCP Addendum for Self Escorting

Self-Escorting Procedures:

Basic Procedures for Escorting Past One Brood:

1. A pre-determined area of the Nauset Beach (Orleans) parking lot, or another pre-determined area free of protected species, will be identified for staging of OSVs.
2. At least 1 hour prior to commencement of vehicle escorts, the shorebird monitor(s) will proceed along the designated vehicle route and surrounding area to determine locations of plover chicks. Each shorebird monitor will be responsible for monitoring the location of one brood. Once the shorebird monitor(s) have established the locations of chicks, they will notify the Natural Resource Manager, Beach Director or their designee of the brood locations and the self-escort corridor will be delineated with highly visible markers. **Since the sand trail runs north-south, the self-escorting corridor will begin at a point marker placed no less than 300 feet north of the northernmost chick (closest to the sand trail access point). The self-escorting corridor will end at a marker placed no less than 300 feet south of the southernmost chick (furthest chick from the sand trail access point). The total distance for self-escorting will vary based on the locations and area over which the chicks in the brood may be spread.** At this time, personnel at the entrance booth, as well as the vehicle monitor will be notified that the OSV trail is open for travel. In the event that all chicks are not located, opening the OSV trail will be delayed until such time that all chicks are accounted for or it has been determined by the shorebird monitor(s) that there are no chicks in the OSV trail.
3. Prior to opening the OSV trail, the vehicle monitor will contact the shorebird monitor(s) to confirm that the locations of all chicks are still being monitored, that all chicks are accounted for, and/or it is safe for the trail to open. During the two-hour self-escort period, monitor(s) shall maintain constant visual on any plover chicks using binoculars from a distance of no less than 200 feet. Disturbance, if any, of the chicks shall be minimized. Once vehicles have passed through the delineated “chick zone”, vehicles may proceed to use the sections of beach previously determined to be free of piping plover and least tern chicks, in accordance with state and federal guidelines.
4. Each vehicle must have at least one passenger 16 years of age or older to walk approximately 10 feet in front of the vehicle in the self-escort corridor. The escort will look for chicks in the road and stop the vehicle if either a chick is observed or one of the monitors (shorebird or vehicle monitor) requires the vehicle to stop. All self-escorted vehicles must maintain a safe distance of at least 15 feet from the vehicle in front.
5. In order to avoid adverse effects to the habitat and allow unimpeded chick passage across the OSV corridor when vehicles are not present, the vehicle “ruts” will be raked at the end of the afternoon self-escort period. Mechanized raking will be utilized only with a trained observer walking in front of the vehicle to search for chicks.
6. If at any time during the escorting process, the shorebird monitor(s) lose visual contact with one or more chicks, the vehicles will be allowed to continue on their way and the period between the self-escort time frame (or after the afternoon session) will be used

to determine the presence of the chick(s) in the area or absence of chicks in the corridor. Shorebird monitors will document in the daily report the approximate time that visual contact with the chick(s) was lost and efforts made to relocate it.

7. If at any time a shorebird monitor determines that chicks have approached within 100 feet of self-escort corridor, the OSV trail be closed to allow time for the chicks to move out of the area. The Natural Resource Manager or Beach Director will have the independent authority to close the trail at any time for any reason. The OSV trail will not reopen until the Natural Resource Manager or Beach Director determines that it is safe to do so. Monitors will document in the daily report the approximate time that the OSV trail was closed and the duration of the closure.

Basic Procedures for Escorting Past Two Broods:

1. Two broods in close proximity (**300 foot southernmost chick of brood 1 and northernmost chick of brood 2 buffers overlap**) – Only one segment of the OSV trail will require self-escorting due to the close proximity of the two broods and a single vehicle monitor will ensure compliance. Two shorebird monitors will be deployed to monitor the chicks in each brood. The corridor in front of the broods will have beginning and end points clearly marked for self-escorting and both monitors will follow each brood. The shorebird monitors and vehicle monitor will be in close communication to ensure that chicks are not moving towards the OSV trail. **The self-escorting corridor will begin at a point marker placed no less than 300 feet north of the northernmost chick (closest to the sand trail access point) of the northernmost brood. The self-escorting corridor will end at a marker placed no less than 300 feet south of the southernmost chick (furthest chick from the sand trail access point) of the southernmost brood. The total distance for self-escorting will vary based on the locations and area over which the chicks may be spread.**
2. **Buffers for the two broods do not overlap** – Two segments of the OSV trail will require self-escorting. In this case, a second vehicle monitor will be assigned to monitor escorting compliance. Both sections will have beginning and end points clearly marked to delineate the separate self-escort corridors **that are determined as if each brood were a single brood, e.g. there may be two segments in which self-escorting will be required. For each brood, the self-escorting corridor will begin at a point marker placed no less than 300 feet north of the northernmost chick (closest to the sand trail access point). The self-escorting corridor will end at a marker placed no less than 300 feet south of the southernmost chick (furthest chick from the sand trail access point). The total distance for self-escorting will vary based on the locations and area over which the chicks may be spread. Beginning and end points of the self-escort corridors may be moved in response to linear chick movements (information provided by the shorebird monitors) in consultation with the Natural Resources Manager.** Two shorebird monitors will be deployed to monitor the chicks in each brood.