



MASSWILDLIFE

**DIVISION OF FISHERIES & WILDLIFE**

1 Rabbit Hill Road, Westborough, MA 01581  
 p: (508) 389-6300 | f: (508) 389-7890  
**MASS.GOV/MASSWILDLIFE**

**Request for Certificate of Inclusion for Piping Plover Habitat Conservation Plan  
 MESA Review Checklist & Application Cover Page**

**Project Location:**

Address/Location	
City(ies)/Town(s)	

**Applicant:**

Individual	
Organization	
Mailing address	
Phone & Email	

**Property Owner(s) Information (if different from Applicant): \*Provide separate sheet if multiple landowners**

Individual(s)	
Organization(s)	
Mailing address	
Phone & Email	

**Representative (if any):**

Individual	
Organization	
Mailing address	
Phone & Email	

Has this project previously been issued a NHESP Tracking Number (either by previous NOI Submittal or MESA Information Request Form)? Y/N. If yes, Tracking no. \_\_\_\_\_

Is coverage for Least Terns also being requested? (Y/N)	
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List additional MESA-listed species in project area (if known):				
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**REQUESTED COVERED ACTIVITIES FOR PIPING PLOVER**

<i>Covered activity:</i>	<i>Use of roads and parking lots in the vicinity of unfledged chicks</i>	<i>Recreation and beach operations</i>	<i>Oversand vehicle use in vicinity of unfledged chicks</i>	<i>Total*</i>
<i>No. requested take exposures*</i>				
<i>Max. % of total pairs at site to be exposed</i>				
<i>Acreage affected</i>				
<i>Max. % of total nesting acreage affected for this species at site</i>				

\* The Total *No. requested take exposures* should be a maximum number of exposures for all Covered Activities combined in a given year (i.e., a not-to-exceed value). As beach operators may not be able to predict which Covered Activities will be implemented in a given year, a range of values or maximum value may be presented for each individual activity. For instance, requested exposures under each of the three activities might be 2 while the Total might be less than 6.

**REQUESTED COVERED ACTIVITIES FOR LEAST TERN OR OTHER AVIAN SPECIES (identify species): \_\_\_\_\_**

<b>Covered activity:</b>	<b>Use of roads and parking lots in the vicinity of unfledged chicks</b>	<b>Recreation and beach operations</b>	<b>Oversand vehicle use in vicinity of unfledged chicks</b>	<b>Total*</b>
<i>No. requested take exposures*</i>				
<i>Max. % of total pairs at site to be exposed</i>				
<i>Acreage affected</i>				
<i>Max. % of total nesting acreage affected for this species at site</i>				
<p>* The Total <i>No. requested take exposures</i> should be a maximum number of exposures for all Covered Activities combined in a given year (i.e., a not-to-exceed value). As beach operators may not be able to predict which Covered Activities will be implemented in a given year, a range of values or maximum value may be presented for each individual activity. For instance, requested exposures under each of the three activities might be 2 while the Total might be less than 6.</p>				

**REQUESTED SPECIFIC METHODS ASSOCIATED WITH IMPLEMENTING COVERED ACTIVITIES (check all that apply)**

	<b>Piping Plover</b>	<b>Least Tern</b>	<b>Other (identify):</b> _____
<i>Reduced proactive symbolic fencing</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Reduced fencing around the nest</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Beach raking</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Physical deterrents (coverboards, flagging, etc.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Chick herding</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Barriers</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Nest moving</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Other (briefly identify)</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PROPOSED PIPING PLOVER MITIGATION (Mitigation for other species should be proposed in the IAMP; see below.)**

<b>Type</b>	<b>Y/N</b>	<b>Total amount</b>	<b>Pairs to benefit (credits)</b>
<i>Pay fee for offsite mitigation*</i>		\$	
<i>Applicant-implemented activities (in lieu of fee):</i>			
· <i>Selective predator management</i>		Submit details in IAMP (see below)	MassWildlife will determine value (credits) for these activities
· <i>Increased education &amp; outreach</i>			
· <i>Increased law enforcement</i>			
· <i>Habitat management</i>			
· <i>Other</i>			

\* Mitigation ratios (mitigation credits:exposure) and fees (per pair, nest, brood, or territory) are: Use of Roads and Parking Lots (vehicular, 3:1 or \$6,150; non-vehicular, 2.5:1 or \$5,800); Recreation & Beach Operations, Oversand Vehicle Use (2.5:1 or \$5,800)

## OTHER REQUIRED ELEMENTS OF REQUEST FOR COI

(Please attach. See additional guidance available to applicants; contact [coastal.waterbirds@mass.gov](mailto:coastal.waterbirds@mass.gov).)

- Site map – showing parcel boundaries and provide proof of ownership
- Written assent of landowner(s) to request coverage, if applicant is not landowner
- Site-specific Impact Avoidance and Minimization Plan (IAMP) in format specified by MassWildlife in available guidance
- Mitigation plan, including budget
- MA Endangered Species Act filing fee  
((\$300 payable to “Comm of MA – NHESP”; <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>)
- Conservation and Management Permit fee  
((\$600 payable to “Comm of MA – NHESP”; <https://www.mass.gov/how-to/apply-for-a-conservation-management-permit>)
- Draft Escrow/Mitigation Fund Agreement, with applicant-specific edits in TrackChanges/redline (if mitigation fee will be paid)  
Contact: [Coastal.Waterbirds@mass.gov](mailto:Coastal.Waterbirds@mass.gov) for template agreement.

## SUBMITTAL

- Mail a hard copy of entire application (including signed cover sheet) with checks, to:  
**Environmental Review-HCP, MassWildlife-NHESP, 1 Rabbit Hill Rd., Westborough, MA 01581.**
- Also email entire application to: [Coastal.Waterbirds@mass.gov](mailto:Coastal.Waterbirds@mass.gov).

## REQUIRED SIGNATURES

***Provide separate sheet if multiple landowners***

I hereby certify under the penalties of perjury that the foregoing HCP/MESA filing and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

Signature of Property Owner/Record Owner of Property

Date

Signature of Applicant (if different from Owner)

Date

**GUIDANCE FOR REQUESTING A CERTIFICATE OF INCLUSION  
UNDER THE MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE'S  
HABITAT CONSERVATION PLAN FOR PIPING PLOVER**

Massachusetts Division of Fisheries & Wildlife

*December 2, 2022*

The Massachusetts Statewide Habitat Conservation Plan (HCP) for Piping Plover is intended to contribute to achieving the long-term viability of a robust Massachusetts population of the Piping Plover (*Charadrius melodus*) while maintaining and improving the public access, recreational opportunities, and economic activity associated with the state's beaches.

The HCP describes covered activities that expose Piping Plovers to "take." In association with the HCP, such take was authorized by an incidental take permit (ITP) issued to the Massachusetts Division of Fisheries and Wildlife (Division) by the U.S. Fish and Wildlife Service. The HCP functions as an umbrella plan whereby incidental take coverage can be extended via Certificates of Inclusion (COI) to approved landowners and beach managers that (1) engage in the covered activities described in the HCP, (2) meet the eligibility and COI application requirements described in the HCP, and (3) agree to implement the HCP and required ITP conditions.

Applicants must be in compliance with all applicable state, Federal, or local laws and regulations before implementing covered activities. Additionally, the Division's expectation is that applicants' and COI-holders' activities are consistent with the State (*Guidelines for Managing Recreational Use of Beaches to Protect Piping Plovers, Terns and Their Habitats in Massachusetts*) and Federal (*Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act*) guidelines at sites throughout Massachusetts, or as otherwise approved by the Division in writing.

### **1. How do I apply for a Certificate of Inclusion (COI)?**

Submit a Request for Coverage ("Request") with the following elements (also see HCP, p. 5-12):

- a. Request for COI MESA Review Checklist & Application Cover Page
- b. Site Map – showing boundaries and with proof of ownership or written assent of landowner(s) to request coverage
- c. Site Specific Impact Avoidance and Minimization Plan (IAMP)
- d. Mitigation Plan
- e. MA Endangered Species Act filing fee (\$300; <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>) and Conservation and Management Permit fee (\$600; <https://www.mass.gov/how-to/apply-for-a-conservation-management-permit>)

The Request must have the title,

*(Organization Name) Request for Certificate of Inclusion on (Site Name), (Year)*

where *(Year)* is the expected first year of implementation.

See below for more information on the IAMP and Mitigation Plan.

## **2. What is the first step?**

Although an applicant could elect simply to submit all the required materials to the Division for review, this approach is strongly discouraged. As much in advance of the beach season as possible (preferably no later than November 1), we strongly recommend: (1) contacting us to initiate a pre-filing consultation; and (2) submitting an information request to identify whether any other state-listed species may be present at your site. The Division will contact you to identify information needs and provide assistance to help you develop the draft IAMP and Mitigation Plan prior to submitting a final Request. This approach typically results in a more efficient permitting process by proactively identifying information needs and key measures that will help to avoid, minimize, and mitigate impacts to state-listed species. To initiate a pre-filing consultation and request information on other state-listed species that may be pertinent to your site, please submit an Information Request Form (<https://www.mass.gov/doc/state-listed-species-information-request-form/download>) along with a brief project description (requesting inclusion in the HCP program and which covered activities you anticipate requesting coverage for), map of the property, and \$50 fee to the address listed in the form. To speed up the consultation process, also email your form to [Coastal.Waterbirds@mass.gov](mailto:Coastal.Waterbirds@mass.gov).

Then we recommend developing the draft IAMP and Mitigation Plan in consultation with the Division prior to submitting a final Request. To initiate a pre-filing consultation, contact [Coastal.Waterbirds@mass.gov](mailto:Coastal.Waterbirds@mass.gov).

## **3. What is the Request for COI deadline?**

Final Requests for COI are due on **December 15**.

## Impact Avoidance & Minimization Plan (IAMP)

This section provides a template for preparing an IAMP. Covered activities and required elements of an IAMP are described in HCP section 3.2. Potential avoidance and minimization measures are summarized in HCP section 4.3.1. The Division's "*Developing a Beach Management Plan that Protects Piping Plovers and Terns in Massachusetts*" provides additional guidance on information requested and conformance with the Guidelines.

- I. Site description
  - a. Acreage
  - b. Infrastructure (roads, buildings, parking lots, etc.)
  - c. Access points
  - d. Types of habitat and key natural features
  - e. Map with parcel boundaries and landmarks clearly labelled
  - f. Supporting photographs, if appropriate
- II. Ownership and management entity(ies); other related departments or groups typically accessing the site (e.g., police departments at municipal beaches, conservation commissions, recreation, public works, etc.)
- III. Responsible staff. List names and describe credentials of technical staff responsible for preparing, implementing, and updating the HCP plan. Describe roles and responsibilities of each key staff person, as well as their typical schedules, including hours/week.
- IV. Piping Plovers – Focus on the last 5 years, highlighting earlier major population, habitat, or management changes as necessary
  - a. Mapped distribution at the site
  - b. Population size
  - c. Reproductive success
  - d. Threats at the site (predation, overwash, etc.)
  - e. Other background information of significance
- V. Least Terns and other rare species, if applicable – Provide information similar to that outlined for Piping Plovers, above.
- VI. Beach operations and management – This section should be concise but detailed enough to demonstrate compliance with Guidelines for plovers and terns. For each item, provide a description, location, timing, frequency, policies, and other relevant details. Explicitly address how compliance with Guidelines will be accomplished for each activity (excepting covered activities). Focus should be on the April 1 - September 30 timeframe, when nesting or staging birds may be present.
  - a. Hours beach is open to public throughout the year
  - b. Recreational activities (swimming; sunbathing; picnicking; volleyball, kite-boarding, and other organized and non-organized land- and water-based sports; biking; horse riding; campfires/bonfires; boating; hunting; fishing; shellfishing; camping; kite and drone use; etc.)
  - c. Parking and roads
  - d. Beach rules and regulations, including dog/pet policies and leash laws
  - e. Fencing and signage
  - f. Compliance and law enforcement
  - g. Commercial/vendor activities (weddings, rental kiosks, restaurants and food kiosks, tours, vendor deliveries, portable toilets, etc.)
  - h. Events (weddings, tournaments, festivals, fundraisers, fireworks, beach clean-ups, etc.)

- i. Maintenance
  - j. Seasonal installation of lifeguard stands, stairs, ADA boardwalks, roll-out mats, portable toilets, speed bumps, kiosks, etc.
  - k. Beach grooming
  - l. Trash management
  - m. Management of wrack/seaweed
  - n. Sand redistributions and beach grading
  - o. Recreational and essential vehicle use, including vehicle permitting systems
- VII. Bird management and monitoring
- a. Management history
  - b. Entity currently conducting plover and tern management and monitoring
    - i. Agreements or contracts with other entities to provide monitoring services
  - c. Management techniques (fencing, signage, vegetation management, predator control, enclosures, etc.)
  - d. Numbers of bird monitors, qualifications, and duties
  - e. Seasonal staff start and end dates, hours/week, daily schedules and weekly coverage of the beach during the nesting season
  - f. Training and oversight of monitors
  - g. Data collection and recording protocols
  - h. Data reporting
  - i. Public education and outreach
- VIII. Covered Activities – If applicable, this section must also include consideration of Least Tern or other state-listed species on site and describe how Take will be avoided or how a net benefit will be provided to these species.
- a. List covered activities that are proposed and number of pairs/broods/nests/territories to be exposed. As beach operators may not be able to predict precisely which combination of covered activities may be carried out in a given year, the list may include contingencies such as reduced fencing buffer *or* nest moving depending on circumstances in a given season.
  - b. Detailed protocols for implementing required impact minimization measures when carrying out each covered activity. Guidance on preparing the site-specific impact minimization protocols for each covered activity can be found in the Chapter 3 of the HCP.
  - c. Monitoring plan for covered activities
    - i. Compliance monitoring. Compliance monitoring tracks the status of Plan implementation and documents that all requirements of the Plan are being met. Compliance monitoring verifies that Plan participants are carrying out the terms of the Plan in accordance with their COIs.
      - 1. Provide logs, datasheets, or NestStory screenshots to demonstrate that you are prepared to document required staffing, scheduling, hours of escorted vehicle operation, number of vehicles, raking locations and dates, brood location checks, etc.
    - ii. Effectiveness monitoring. Effectiveness monitoring assesses the biological success of the Plan and includes both status and trends monitoring and effects of management monitoring.
      - 1. Demonstrate that you have the specific data collection protocols in place to 1) document impacts of covered activities, and 2) fulfill monitoring objectives. (*e.g.*, sufficient staffing, protocols, and datasheets to document

events such as nest abandonment or adult disturbance in response to reduced symbolic fencing buffers, chick loss and potential causes, etc.)

2. Detail the measurable objectives of the monitoring

- d. Describe how your staffing with participation in the HCP differs from your staffing absent participation in the HCP. Compare numbers and roles of staff, hiring dates and durations, scheduling, weekly hours, etc.

IX. Budget

- a. Approved annual budget covering all site management and staffing needs associated with implementation of the IAMP. If the annual budget cycle does not allow pre-approval of the budget, a draft to be approved later is adequate. However, final annual budget must be approved/authorized prior to implementation of covered activities in a given beach season)
- b. Provide a budget breakdown to outline how your budget with participation in the HCP differs from your budget absent participation in the HCP. Provide supporting text.

## Mitigation Plan

Options (See HCP sections 4.3.2 and 4.3.3):

- I. Provide funding to the Division to implement selective predator management, educational outreach, and increased law enforcement (“off-site”)
  - a. DFW will set the amount of funding required to implement mitigation for each territory/pair/nest/brood exposed to covered activities
  - b. Applicant will make payment into a dedicated mitigation fund or place funds in escrow prior to carrying out covered activities. After year 1 of your permit, the Division will set an earlier due date for payment of funds to ensure that mitigation can be carried out in advance of covered activities.
- II. Participant implements mitigation on one or more sites under participant’s control (“on-site” or “internal”)
  - a. Submit a detailed mitigation plan to the Division that includes:
    - i. A detailed description of proposed mitigation activities, including who will implement them and that entity’s qualifications to do so
    - ii. A description of how the mitigation will benefit Piping Plovers, including a quantitative assessment if possible
    - iii. A monitoring plan including specific criteria to assess effectiveness
    - iv. An itemization of costs for implementing the mitigation program

Note: Your mitigation plan must address Take of Least Terns and/or other state-listed species if applicable. For these species, the Division will determine mitigation ratios and/or mitigation funding appropriate for the covered activity and type of mitigation proposed.



# Request and Amendments for 2026 to Duxbury Beach Reservation's Certificate of Inclusion for Duxbury Beach

December 2025

## INTRODUCTION:

The proposed amendments will help to improve recreational access and increase efficiencies in beach management. The core of these changes are to 1) clarify management practices under the Guidelines related to speed limits and kiteboarding, 2) utilize intensive monitoring to decrease the impact on recreation of unanticipated brood use of an area, and 3) establish a basis for protocols for managing listed species when events are taking place on the beach. Duxbury Beach Reservation also requests to increase use of *Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing of Piping Plover Habitat* to 4 acres. The number of nesting Piping Plover pairs on Duxbury Beach has increased from 24 pairs in 2018 (first year of Duxbury Beach inclusion in the HCP) to 54 in 2025. The increased number and density has greatly complicated management and challenged the ability to provide recreational access. The proposed changes aim to provide relief while ensuring potential impact to nesting pairs is minimal.

## CERTIFICATE OF INCLUSION REQUESTS:

- Duxbury Beach Reservation requests for the use of 4 acres for the covered activity of *Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing of Piping Plover Habitat*, as outlined in the original 2024-2026 Certificate of Inclusion request (pages 44 and 60)

## PROPOSED AMENDMENTS:

The following sections are from the approved Duxbury Beach Reservation 2024-2026 COI permit and are proposed for amendment.

### Section 3.1 Recreational Activities

- Under the "Kiteboarding" subheading, page 21.
  - In the first sentence, delete "...outside of Sensitive Wildlife Areas and..."

- In the fourth sentence, replace “...*Sensitive Wildlife Areas established due to chick locations...*” with “...*200 meters (219 yards) of unfledged Piping Plover chicks...*”
- In the last sentence, delete “...*within Sensitive Wildlife Areas or...*”

#### Section 3.7 Listed Species Monitoring and Management

- Under the “Fencing and signage” subheading, page 32.
  - In the last paragraph in the third sentence add clarification (italicized) so the beginning of the sentence reads “Sections of roadway within a Sensitive Wildlife Area *and with no natural barrier for crossing* are delineated with “reduced speed limit” signs”
  - Add a sentence after that sentence that reads “*Roadway areas that are adjacent to natural barriers for crossings will not have the speed limit lowered preemptively and reduced speed limits will only be utilized in the case that a brood shows movement towards those areas of roads.*”

#### Section 4.1 Initiation of Covered Activities

- Under the “Traffic Management” subheading, page 50
  - In the last paragraph add clarification so the first sentence reads “*In areas with no natural barrier to plover brood crossings...*”

#### Section 3.7 Listed Species Monitoring and Management

- Under the subheading “Fencing and signage”, page 32.
  - In the last paragraph, edit to outline management practices, “*For broods that are found post hatching when the nest was not identified, increase monitoring to reduce disruption to OSV recreation on the day of discovery according to the “OSV Buffer Protocol.”*”
- Add the subheading “Pop-up Brood Monitoring Protocol”, page 43, and the following sentence.
  - *See attachment A for the monitoring and impact minimization plan.*

#### Section 3.7 Listed Species Monitoring and Management

- Add the subheading “Piping Plover unanticipated range expansion or shift”, page 43, and the following sentence.
  - *See attachment A for the monitoring and impact minimization plan.*

#### Section 4.1.2 Recreation and Beach Operations

- Add the subheading “*Event Management*” and the following passage at the end of the section:

## **“Event Management**

*Duxbury Beach Reservation and the Town of Duxbury host events or grant permission for third party events on the beach and in the adjacent parking lots annually. A majority of these events are outside of the nesting season. However, as the number of nesting pairs has increased, the potential for nesting in previously unrestricted locations and for longer durations, has increased and poses possible disruption to events. In 2025, an event planned on a date previously thought outside of the nesting season could have been impacted by a slowly developing chick and required extensive coordination and effort during the season to address. The monitoring plan below will outline how Duxbury Beach Reservation and the Town of Duxbury can hold these events for the benefit of the public while maintaining a high level of protection for listed species and reducing the need for time-consuming coordination during the summer. In all cases, the event location will be carefully considered and the location changed, if possible, to avoid any impact to nesting species. In the case the event can not be moved then the following provisions will be implemented.*

### **Event Monitoring Plans:**

- *Responsible Parties: For all events, Duxbury Beach Reservation with cooperation from the Town of Duxbury will create a monitoring plan available to the state for review, input, and approval.*
- *Plan Review: Annual event monitoring plans will be included in DBR’s COI submission. Any new events will have monitoring plans submitted to MADFW at least 30 days in advance for review and approval. If unforeseen circumstances result in a change in the monitoring plan, DBR will provide an updated monitoring plan to MADFW as soon as the need arises.*
- *Monitoring plans will provide relevant information, including but not limited to, event overview, hours, location, nesting activity in the area, and any management actions specific to that activity (monitoring, herding, barrier use etc). A map will also be provided showing relevant nests, brood ranges, crossing activity, event footprint, etc. See Attachment B for an event management monitoring plan example.*

### **Event Reports:**

*Event-related activities requiring use of a take exposure under DBR’s COI will be included in the weekly COI reports. Additional reporting on each event will be included in DBR’s annual COI report. If any unusual circumstances arise during the event that precipitate a change in monitoring or greater than anticipated impact to listed species DBR will follow up with a detailed email after the event.*

### **Event Logistics**

*Events may take place on or off the beach (“off beach” events are considered to be in parking lots adjacent to the beach) and aspects of event logistics and different COI provisions will vary due to location, and be dependent on brood/chick proximity, anticipated crossing activity before and during event, and event set-up. Any events hosted at Duxbury Beach will be within the approved limits of take exposures for approved covered activities.*

#### Monitoring:

- *During the week leading up to the event and on the day of the event, monitoring will occur as normal, according to DBR’s Certificate of Inclusion in the state’s Piping Plover Habitat Conservation Plan (Section 3.7). This will help inform any changes to monitoring during the event.*
- *If the event occurs outside of peak staff hours (6 am-8 pm), DBR will schedule additional shorebird staff to be present during the event to monitor the brood(s) and to facilitate any crossings in the area of the event. The number of staff will be dependent on the number of broods impacted but will be sufficient to implement enhanced intensive monitoring for each brood.*

#### *Events on the Beach:*

- *on the beach if chicks are >200 m, checks occur hourly during the event. If chicks <200 m, then monitor(s) assigned to brood(s)*

#### Reduced Fencing:

##### *Events on the beach*

- *Symbolic fencing may be reduced in the immediate proximity of the event to increase area on the beach available for the event*
- *Any nest, brood or chick impacted by reduced fencing will be monitored according to DBR’s COI Section 4.1.2.1*

#### Herding:

##### *Events off the beach:*

- *Herding may be used as outlined in Section 4.1.1 for crossing broods during events*

##### *Events on the beach:*

- *If least tern chicks are between 50-100 m from the event area, and a barrier is not in use, a shorebird monitor will be assigned to monitor and herd chicks so they remain at least 50 m away*
- *If a Piping Plover brood is between 100 - 200 m from the event area a shorebird monitor will be stationed with the brood to herd chicks, if necessary, to remain at least 100 m away*

- *While planning events, DBR will strive to select locations and dates with minimal or no impact to nesting activity. However, if a Piping Plover Brood or chick is in the event area, and is  $\geq 35$  days old, herding to a pre-determined location will begin four days prior to the event and take place first thing in the morning. A barrier will be set up in the area that the brood/chick is herded to if needed. If the brood/chick returns to its original area prior to the event herding will take place again, up to two times per day. If herding does not work and the brood/chick continues to return to its original area on the day of the event shorebird monitors may be placed with the brood/chick and the barrier to keep the chick in the area until the event is over. The location and the current status of nesting pairs in the event area and proposed herding zone will be submitted for approval by MADFW a week before the event.*

### Barrier Use:

#### *Events off the beach:*

- *All existing barriers will remain in place during the event.*
- *If a brood crossing is possible through the parking lot where the event is taking place, a barrier will be set up prior, in order to prevent chicks from entering the event area. The barrier setup will provide a corridor for crossing available to the brood to facilitate a safe crossing.*
- *In cases where only least tern chicks are present, barriers will be set up at pathways to prevent any movement into the parking lot (event area).*
- *If necessary based on the scale and set-up of the event, a staff member will be assigned to check any barriers for maintenance or to ask event participants to stay out of crossing corridors.*
- *If the event continues after sunset, an additional temporary barrier will be placed at sunset in any pedestrian pathway leading from the oceanside or bayside (depending on brood location(s)) up to the road, preventing the brood from crossing in the dark. The barrier will be removed after the event has ended and attendees have departed.*

#### *Events on the beach (in addition to any of the above that may apply):*

- *If least tern chicks are  $< 100$  m, a barrier perpendicular or parallel to the dunes (dependent on event and chick location) will be set up the day of the event. Perpendicular barriers may stay in place or be removed the morning following the event. Parallel barriers will be removed as soon as the event ends.*
- *If herding proves to be inadequate at keeping a Piping Plover brood out of the event area and the brood is within 200 m of the event area a barrier*

*perpendicular to the dune may be placed the day of the event to prevent the movement of the brood into the event area.*

- *Barrier placement and installation will be done in a manner to minimize exposure to least tern and piping plover chicks and broods to the extent possible to meet operational goals. Barrier installation will not happen before it is necessary, at most three hours before the event, and removal will happen at the conclusion of the event.*

*Existing Applicable Events:*

*Events off the beach:*

- *DBR Movie Night (2025 protocol Attachment B)*

*Events On the beach:*

- *Duxbury Labor Day Party and Bonfire (2025 protocol Attachment C)*



## **Attachment A: December 2025 New COI Protocol**

Reader Notes: Below is an addition to Duxbury Beach Reservation's protocols as part of the 2025 COI amendment request.

### **New "OSV Buffer" Protocol**

#### **Purpose:**

The purpose of this protocol is to provide guidance as to when Piping Plover buffers to OSV use should be adjusted and when/how to relocate OSV users already on the beach based on unanticipated brood movements or discovery of a brood without a previously known nest (aka "pop-up" brood).

#### **Overview:**

Where OSV use is allowed on the beach day-to-day is determined in the morning by the buffers north/south of established brood ranges adjacent to the drive-on beach. Over the course of the day broods may move north and/or south of their established brood range and within the buffer to OSV use. DBR's current practice is that when broods move into these buffers during the day the buffer is adjusted to ensure that OSV use remains outside of those age appropriate buffers. However, this requires a high level of coordination between shorebird staff, beach operation rangers, and OSV users. Often OSV users are unhappy about the reduction in space for OSV use and the need to relocate on the beach after they have set up for the day. Furthermore, if this happens on a nice day when the drive-on beach is at full capacity there may be no space for OSV users to move to and require that OSV users be asked to leave the drive-on beach. This protocol aims to outline management actions to take under the circumstances of unanticipated brood movements towards open areas of drive-on beach in order to reduce disturbance to OSV use and daily operations as much as possible while protecting piping plover chicks.

#### **Managing Open OSV Buffers and Impact Minimization**

If/when a brood moves into a buffer for an open drive-on section of beach and is located less than 100 meters away from the open drive-on beach:

- DBR shorebird staff will communicate with a coordinator about the location of the brood, the brood's direction of travel, and behavior.
- The coordinator will determine a monitoring plan based on the brood's location and if fencing and OSV users will need to be relocated based on the scenarios below

- 1) If a brood moves from their age appropriate buffer to between 75-100 meters of an open section of drive-on beach and remains in this area

Managing Open OSV:

- No OSVs need to be relocated
- A coordinator will communicate with Beach Operation rangers that a brood has moved closer to the OSV and any movements closer may require movement of fencing and OSVs
- If possible the age appropriate buffer will be re-established that day
- If it is not possible to re-establish age appropriate buffers then the appropriate buffer will be established the next morning before the drive-on section opens

Impact minimization:

- A shorebird monitor will be assigned to stay with the brood during recreational hours and record a location every hour

- 2) If a brood moves from 75-100 meters to between 50-75 meters of an open section of drive-on beach and the movement is brief (one incursion for less than an hour) returning to greater than 75 meters away

Managing Open OSV:

- No OSVs need to be relocated
- A coordinator will communicate with Beach Operation rangers that a brood has moved closer to the OSV and any additional movements in this area may require movement of fencing and OSVs
- If possible the age appropriate buffer will be re-established that day
- If it is not possible to re-establish age appropriate buffers then the appropriate buffer will be established the next morning before the drive-on section opens

Impact minimization:

- The shorebird monitor assigned will continue to stay with the brood during recreational hours and record a location every hour, noting any additional movements (brief or sustained) towards the 50-75 meter area
- The shorebird monitor will be in direct communication with a coordinator in case sustained movements to 50-75 meters are observed

- 3) If a brood moves from 75-100 meters away to between 50-75 meters of an open section of drive-on beach and remains there without deterrence or barriers for ≥1 hour.

Managing Open OSV:

- OSVs will be relocated, a coordinator will work with beach operation rangers to help mark out the new drive-on beach boundary and where OSVs and fencing need to be moved
- If or when possible an age appropriate buffer will be established that day
- If it is not possible to establish an age appropriate buffer a minimum of 75 meter buffer for the rest of the day will be established

Impact minimization:

- If an age appropriate buffer is established monitoring for the brood will continue as usual as outlined in DBR's COI; section 3.7 (sub heading: Duxbury Beach Endangered Monitoring Program)
- If the buffer established is between 75-100 meters a shorebird monitor will continue to stay with the brood during recreational hours, recording a location every hour, and noting any additional movements towards the 50-75 meter area
- If necessary, the brood may be herded to greater than 75 meters away from the original fencing while adjustments are made to OSV and fencing locations

- 4) If a "pop-up" brood is located on an open section of drive-on beach while OSV users are present

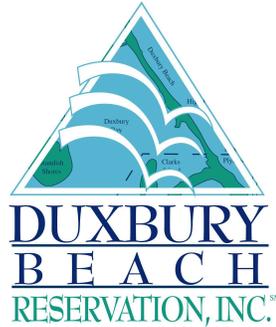
#### Managing Open OSV:

- All OSVs will be escorted off of the section of beach that would be impacted by the “pop-up” brood and their age appropriate buffer
  - Once this area is established then management of the brood in relation to the open drive-on beach will revert to scenarios 1-3
  - If the brood buffers overlap with an OSV crossover then in addition to vehicles being escorted off the necessary section of beach DBR and the Town of Duxbury may implement escorting as outlined in DBR’s COI; Section 4.1.3. To continue to utilize the unimpacted section of drive-on beach (if space is available)

#### Impact Minimization:

- A shorebird monitor will be assigned to stay with the brood during recreational hours and record a location every hour

# Attachment B: Event Management Monitoring Plan Example



**Subject:** Duxbury Beach Movie Night 2025 Event Monitoring Plan

**Event Overview:** DBR is hosting a free movie night at Duxbury Beach on Friday, 7/18/25, 8:30-10:30 pm. FunFlicks (screen and audio vendor) arrives for set up at approximately 6 pm in the “Caterers Lot” south of Blakeman's Restaurant (see map below). Movie-goers will arrive at 7-8:30 pm. Event participation is limited to 500 people, on blankets and beach chairs in the Caterers Lot. All event set up and activity will be north of the piping plover barrier currently set up for brood 24B running east-west in the Caterers Lot. Restrooms and concessions will be located in the Pavilion building (north side of the building). Event parking will be in the paved parking lot at Duxbury Beach Park (north of the building).

**Nesting Activity:** Piping plover activity in the vicinity of the event is limited to brood 24B, currently with three chicks, nine days old and located on the bayside beach. The nest hatched on 7/1 on oceanside and the brood crossed to bayside, through the south end of the Caterers Lot, on 7/3. The brood has remained on the bayside since, which is consistent with the behavior of previous broods in this area.

A least tern colony of 16 pairs (counted 7/6) is located oceanside of the Caterers Lot. On 7/9, six least tern chicks (age classes 2 and 3) were located east of the lot.

**Monitoring Plan:** During the week leading up to the event and on the day of the event, monitoring will occur as normal, according to DBR's Certificate of Inclusion in the state's Piping Plover Habitat Conservation Plan. Piping plover brood 24B will be intensively monitored for brood location and crossing activity. This will help inform any changes to monitoring during the event. The barrier currently located along the eastern edge of the lot and running east to west near the southern access path (see map) will remain and prevent any least tern chicks or piping plover chicks from entering the event area.

Based on the current bayside location and behavior of the brood it is unlikely that the traffic from the event will pose any threat. However, in case of a crossing, DBR will have

two people (may be two field staff OR one field staff and one volunteer) present from 7-8:30 pm. One staff member or volunteer will remain near the barrier to ensure that no event attendees cross over the barrier to the south end of the lot where the brood could cross through. The barrier will be attended by a staff or volunteer until the end of the event. A second field staff will monitor the brood to watch for any crossing activity during this period of increased traffic as attendees arrive at the event from 7-8:30 pm.

8:30pm - 10:30pm:

All existing barriers will remain in place, An additional temporary barrier will be placed in the pedestrian pathway leading from bayside up to the road, preventing the brood from crossing. The pathway is the most accessible route to cross as the grade is too steep to the north and heavily vegetated to the south. (This follows DBR's trial nighttime driving protocol). The barrier will be removed after all attendees have left Duxbury Beach Park property.



^A 2026 monitoring plan for this event may reduce Shorebird Monitors present from two to one depending on screen set-up. In 2025 the screen set-up layout was effective as a barrier to prevent event goers from entering the crossing area at the southern end of the lot. Due to this, there was no need for an additional Shorebird Monitor.

## **Attachment C: Example Herding and Barrier Protocol for Events**

Reader Notes: In August 2025, a protocol was developed, in conjunction with and approved by, MADFW for a slowly developing, unfledged piping plover chick (older than 35 days). This was necessary because the brood range of the unfledged chick overlapped the area of an event that included OSV driving scheduled for August 30th.

The HCP uses state and federal guidelines that require vehicle restrictions to remain in place until fledging occurs. As defined in the USFWS March 9, 2015, *Addendum Regarding Timing of Management to Protect Unfledged Chicks*, a chick is considered fledged only when observed in “sustained flight for at least 15 meters, irrespective of age.”

Below is an addition to Duxbury Beach Reservation’s protocols as part of the 2026 COI amendment request to provide an example of how herding and barrier use were implemented in August 2025 and could be used as a framework for the development of future event management plans.

### **DBR Purposed Herding Protocol for 33C August, 26 2025:**

- Herding once per day to the north (starting 8/26), aiming to herd the chick north of the blakemans pavilion
- If the chick moves back into original brood range Wednesday 8/27 to Friday 8/29 herding will happen again once daily
- Friday 8/29 will be the last day of herding if not successful
- A barrier will be placed perpendicular to the dune in the Blakemans area to prevent the brood moving south
- Closed area fencing will be in place east on the beach to allow for undisturbed habitat and only walk through pedestrian use
- The brood will be monitored multiple times throughout the day, with brood locations entered into fieldmaps
- When staffing available a staff member will be stationed on the chick to observe behavior and passively herd the chick
- If the chick is not located after a thorough search by a highly qualified shorebird monitor in either its original range, new brood range, or in between the two then the chick will be deemed lost
- If successful Crossover 1 would open Saturday morning

### **Updated 8/27/25**

- If the chick moves back into original brood range Wednesday 8/27 to Friday 8/29 during the AM search herding will happen again once daily from its original brood range to its new brood range

- The chick will be actively or passively herded throughout the day to be kept north of barrier if the chick makes moves to go south around the barrier at lower tides