



## DIVISION OF FISHERIES & WILDLIFE

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

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)				
List additional MESA-listed species in project area (if known):				

#### REQUESTED COVERED ACTIVITIES FOR PIPING PLOVER

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

\* 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.

MASSWILDLIFE

**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 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, exclosures, 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 2025/2026 to Duxbury Beach Reservation's Certificate of Inclusion for Duxbury Beach**

**December 2024**

## **INTRODUCTION:**

The proposed requests and amendments will help to increase recreational access to Duxbury Beach and increase efficiency while lowering costs for implementing Duxbury Beach Reservation's Certificate of Inclusion. Requests below focus on extending the permit, increasing use of *Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing of Piping Plover Habitat* to 4 acres, and including Common Terns in the COI. Amendments to Duxbury Beach's approved COI focus on changing protocols to reduce time and cost, in addition to increasing safety for seasonal staff during crossing events. The core of these changes are to 1) reduce the time for different pieces of the crossing protocol where chick(s) go missing and 2) add an additional protocol that helps staff manage crossings more efficiently when there is only an hour left in their scheduled evening shift. Another change is to reduce the distance from an open OSV area that staff are required to search for broods in the morning before the OSV is opened. DBR would also like to alter the strategy to install fencing around habitat at the beginning of the season and allow for flexibility in installation of fencing in some areas on the beach after April 1. Lastly, in order to increase access to the OSV beach DBR would like to amend the COI to reduce monitoring commitments and protective closures before estimated hatch dates.

## **CERTIFICATE OF INCLUSION REQUESTS:**

- Duxbury Beach Reservation requests for the 2024-2026 Certificate of Inclusion for Duxbury Beach approved for only the first year, 2024, be extended/renewed for two years, 2025 and 2026.
- 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 (page 44 and 60)
- Duxbury Beach Reservation requests for the inclusion of Common Tern into the 2024-2026 Certificate of Inclusion for Duxbury Beach. An amended cover sheet

including COTE takes is included, as well as, amended language for inclusion below.

## **PROPOSED AMENDMENTS:**

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

### Section 3.7 Listed Species Monitoring and Management

- Under the “Fencing and signage” subheading, pages 31 and 32.
  - In the third paragraph after the first sentence add *“Fencing will be installed prioritizing areas with high levels of recreation (OSV, Duxbury Beach Park, and Resident Beach) before April 1. While areas with lower recreation may be fenced as staff observe Piping Plover nesting behavior in these areas. Fencing will be installed along all suitable habitat by April 15th (five days prior to the earliest nesting record on Duxbury Beach).”*
    - Duxbury Beach Reservation plans to submit a change to the OOC for the nourishment permit (SE 18-1954), as part of this change DBR will request for changes in how fencing around habitat is installed on the beach within the Town of Duxbury.
    - Duxbury Beach Reservation owns property that is covered by the COI but is within the Town of Plymouth and outside the scope of the nourishment permit (SE 18-1954). In the case the change to the OOC is denied DBR requests that the above language be amended to allow for the fencing of property within the Town of Plymouth after April 1 but before April 15 at the latest.
  - In the fourth paragraph after the first sentence add *“[n]ests will be checked daily leading up to the expected hatch date and Sensitive Wildlife Areas will be installed when hatching is observed or when the expected hatch date is reached”*. This provides flexibility to reduce closures via ‘Sensitive Wildlife Areas’ along the OSV beach due to unhatched nests.
  - In the sixth paragraph, fourth sentence replace *“Sensitive Wildlife Area fencing is placed 100 meters (109 yards) to either side of the outermost Least Tern nest in the colony two days before the projected hatch date”* with *“Sensitive Wildlife Area fencing is placed 100 meters (109 yards) to either side of Least Tern nests on their projected hatch date or when hatching is observed”*. This provides flexibility to reduce closures via ‘Sensitive Wildlife Areas’ along the OSV beach due to unhatched nests.
- Under the “Field Technician” subheading, pages 37 and 38.

- In the second paragraph, second sentence replace “[a]ll broods within 1000 meters (1094 yards) of the open OSV...” with “[a]ll brood ranges within and/or adjacent to the open OSV area...”.
- In the second paragraph, fifth sentence replace “Broods in areas not adjacent to recreational access on parking lots or roadways beyond 1000 meters (1094 yards) from the OSV...” with “Broods in areas not adjacent to recreational access on parking lots or roadways beyond proximity to the open OSV...”.
- Under the “Shorebird Monitor” subheading, pages 40 and 41.
  - In the seventh paragraph, first sentence remove the words “Difficult Crossing”. The “Missing Chick” protocol has been rewritten and is now an independent protocol.
  - In the seventh paragraph, second and third sentences replace “If the chick(s) cannot be located after 30 minutes, shorebird staff may begin a guided escort of vehicles... [e]scorting will be done... and repeated in this manner until all traffic halted has passed through” with “If the chick(s) cannot be located after 15 minutes, shorebird staff may begin a guided escort of vehicles... [e]scorting will be done... and repeated in this manner at staffs’ discretion or until all traffic halted has passed through” to reflect a reduction in the time necessary to implement a guided vehicle escort in instances where chick(s) become missing during a crossing event.
  - In the seventh paragraph, sixth sentence replace “[s]hould the chick(s) remain missing, a guided escort may take place at 15-minute intervals, though it may take longer than 15 minutes for a thorough search to be conducted before guided escorting can resume. These protocols will be followed until either the chick(s) become located or two hours pass without a sighting of the chick(s)...” with “[s]hould the chick(s) remain missing, newly stopped vehicles will be escorted through the crossing at staffs’ discretion according to the protocols outlined above. These protocols will be followed until either the chick(s) become located or an hour passes without a sighting of the chick(s)...” This allows increased flexibility in guided vehicle escort implementation for staff responding to crossings where chick(s) have become missing. It also allows the roadway to reopen after an hour lessening the demand on staff and easing the burden of traffic holdups during these scenarios. When chick(s) goes missing during a crossing and the road reopens, a shorebird monitor assigned to the crossing brood is present to continue searching during the remainder of their shift.
    - Updates in Duxbury Beach Reservation’s “Missing Chick(s)” protocol have been made to reflect these changes.

- Add this additional paragraph to the end of this section *“[a]fter 6 pm, DBR’s staff is often limited to a single monitor supervisor, with occasional support from a shorebird monitor based on staffing, recreation, and bird activity. In 2023 and 2024, two PIPL brood crossings occurred after 6 pm when only one staff member was present. In both cases, herding failed, and the brood did not leave the road. Few rangers were available to assist, sunset approached, and delays in obtaining permission for alternative strategies prevented a quick resolution. Protocols for crossings occurring after 6pm when staffing is limited and within an hour and within half an hour to the end of staffs’ shifts were created. Chicks found in the road between an hour and half an hour to staffs’ scheduled end of shift will be given 15 minutes to complete a crossing before herding will be implemented. Chicks found in the road within 30 minutes to staff’s scheduled end of shift will be herded immediately. If herding fails and chicks remain in the road within 20 minutes to staffs’ scheduled end of shift, chicks will be herded into an appropriate receptacle to be transported to either bayside or oceanside, dependant upon initial crossing direction, parent PIPL location, predator presence, etc. Staff will attempt to observe interaction between chicks and adults, and the brood involved in a late evening crossing will receive priority the following day and will be checked before 8am”*. This is a new protocol to solidify steps to be taken for brood crossings that occur after 6 pm and/or within an hour of when DBR staff are scheduled to end their shift in the evening.
  - New protocol for “Evening Crossings” included as Attachment A
- Under the “Signage” subheading, page 48.
  - In the third paragraph, first sentence replace *“[a]lthough Closed Areas provide protection for nests and incubating adults, additional fencing is erected one to two days prior to a brood’s estimated hatch date...”* with *“[a]lthough Closed Areas provide protection for nests and incubating adults, additional fencing is erected on a brood’s estimated hatch date or when hatching is observed...”*. Change for consistency of reduced monitoring/protection for nests before estimated hatch dates.
- Under the “Managing Traffic” subheading, page 49.
  - In the first paragraph, first sentence replace *“[m]ultiple parties... DBR staff locate each brood within 1000 meters (1094 yards) of the OSV each morning from 06:00-08:00 once broods are present”* with *“[m]ultiple parties... DBR staff locate each brood within or immediately adjacent to the open OSV corridor each morning from 06:00-08:00 once broods are present”*. Reduces the burden on staff to locate broods beyond proximity

to open OSV corridors and prioritizing broods within or adjacent to open OSV areas before 8 am.

- Under the “Herding” subheading, pages 51 & 52.
  - In the second paragraph, third sentence remove “[i]f the brood consistently returns to the roadway or parking lot, then the brood will be herded at scheduled times during daylight hours. Outside of scheduled times, vehicles may have to wait to travel until the next scheduled escort time”. This removes the long time intervals between herding events in instances where chicks return to the roadway and allows staff to implement herding sooner.

#### Section 4.1.3.1 OSV use in the Vicinity of Unfledged Piping Plover Chicks

- Under the subheading “Impact Minimization”, page 65.
  - In the fifth paragraph, second sentence replace “[t]he corridor will begin at least 100-200 meters (109-219 yards) (depending on age of plover brood) from the closest Piping Plover or Least Tern chick and end 100-200 meters (109-219 yards) past the last Piping Plover or Least Tern chick” with “The corridor will begin and end a minimum of 200 feet, but may be up to 218 yards (200 meters) depending on chick age, recreational activity, beach topography, staffing, etc., from the closest Piping Plover or Least Tern chick”. This allows the minimum distance of the escort corridor to be in line with the limit outlined in the HCP but takes into account potential difficulties in managing vehicle parking too close to chick areas.

#### Various Locations in COI

- Add “*Common Tern*” to sentences that reference management practices, protocols, or procedures for Least Tern. Common Terns will be managed in the same way as Least Terns in the implementation of all covered activities.



## **Attachment A: December 2024 New COI Protocol**

Reader Notes: Below is an addition to Duxbury Beach Reservation's protocols as part of the 2024 COI amendment request.

### **New "Evening Crossing" Protocol**

#### **Purpose:**

This protocol describes the methods used to ensure Piping Plover chicks safely cross the road from oceanside to bayside or vice versa to the best of DBR's ability when the crossing takes place within an hour of DBR staff finishing their shift at the end of the day and when there are limited DBR staff member(s) and limited Beach Operation Rangers on duty.

#### **Overview:**

DBR monitors Piping Plover crossing activity during the busiest time of the day from 6 am to 6 pm with multiple staff making multiple checks on most broods with a focus on ones that have crossed or may cross. After 6 pm DBR staff presence becomes limited, often with just a single shorebird monitor supervisor present but possibly joined by an additional shorebird monitor dependent on staffing levels, recreational use, and avian activity. However, broods may still enter and exit the road after 6 pm. In two instances, one in 2023 and 2024, DBR Supervisors were on site after 6 pm and discovered a brood in the road trying to cross. In both instances, herding was ineffectual and the brood would not exit the road. Furthermore, there were few rangers to assist managing traffic and the sun began to set hampering the supervisor's ability to confirm where chicks were located. Both situations proved exceedingly stressful for the supervisor and resolving the crossing quickly was hampered by the need to get permission before implementing different strategies and compromised staff's personal safety as time passed and the sun began to set. In addition, these situations caused staff to remain on site beyond their scheduled hours. This results in either reduced staffing later in the week or overtime pay which is not part of DBR's budget for the program. Staff are expected to be clocked out and off site at 7pm, unless specific protocols are being implemented for the benefit of recreation that require staff to stay until 8pm.

## **Materials:**

- Stop sign
- Binoculars
- 2 old “restricted area” signs (for help with herding)
- 5 gallon bucket, rectangular plastic tote, or a net (for herding chicks into in order to relocate the chicks)

*Supervisors that work the evening shift will have these materials in their personal vehicles as well as in DBR trucks.*

## **Methodology:**

Note: These procedures outline the steps to follow if PIPL chicks are found in the roadway within an hour of scheduled shift end for DBR staff. They differ from standard chick crossing protocols and cover two scenarios: chicks found between an hour and half an hour before shifts are scheduled to finish and for chicks found within thirty minutes of the scheduled shift end.

1. A PIPL chick(s) are located in the roadway within an hour before DBR staff is scheduled to finish their shift.
  - a. **Chicks in the road between an hour and half hour before end of shift:** DBR staff will follow crossing protocols as existing; traffic will be halted and the chicks will be given 15 minutes from the time they enter the road to exit the roadway. After 15 minutes an attempt to herd them off the road will be made.
  - b. **Chicks in the road within a half hour of end of shift:** DBR staff will start herding chicks out of the roadway immediately unless they are observed to be actively crossing the roadway on their own.
2. If chicks remain in the roadway after a failed herding attempt or with 20 minutes left until the end of the shift, DBR staff will gently herd the chicks into a 5-gallon bucket, a storage bin, or a net using herding materials as needed. The chicks will then be moved to either the oceanside or bayside, depending on the situation, and released. Staff will make an attempt to observe if PIPL parents return to their chick(s).
3. Once chicks are no longer in the roadway the road will reopen and DBR staff will leave the site no later than they were scheduled to work.
4. The following morning the brood will be prioritized to be checked first thing but will be checked by 8 am at the latest.

If the chick(s) become exhausted (due to prolonged time spent in the road, young age, etc.) staff will expedite protocol and move to herding chicks into a suitable receptacle to get them out of the roadway.

In all of the scenarios above, if DBR staff are threatened with bodily harm or strongly feel they are in danger, staff have been instructed to remove themselves from the situation and call 911.