



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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

Project Location:

Address/Location	North (Nauset) Beach
City(ies)/Town(s)	Chatham

Applicant:

Individual	Greg Berman
Organization	Town of Chatham, Department of Natural Resources
Mailing address	261 George Ryder Road, Chatham, MA 02633
Phone & Email	(508)-945-5164, gberman@chatham-ma.gov

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	Paul Wightman
Organization	Town of Chatham, Department of Natural Resources
Mailing address	261 George Ryder Road, Chatham, MA 02633
Phone & Email	(508)-945-5164, pwightman@chatham-ma.gov

Has this project previously been issued a NHESP Tracking Number (either by previous NOI Submittal or MESA Information Request Form)? **Yes** If yes, Tracking no. 17-36416

Is coverage for Least Terns also being requested? (Y/N)	Yes			
List additional MESA-listed species in project area (if known):	n/a			

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*		2	2	2
Max. % of total pairs at site to be exposed				10%
Acreage affected				0.7
Max. % of total nesting acreage affected for this species at site				<1%

* 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): LETE

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*			11	11
Max. % of total pairs at site to be exposed				20%
Acreage affected				0.7
Max. % of total nesting acreage affected for this species at site				<1%

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

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

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

Type	Y/N	Total amount	Pairs to benefit (credits)
Pay fee for offsite mitigation*	Yes	\$ 11,600	2
Applicant-implemented activities (in lieu of fee):			
· Selective predator management	No	Submit details in IAMP (see below)	MassWildlife will determine value (credits) for these activities
· Increased education & outreach	No		
· Increased law enforcement	No		
· Habitat management	No		
· Other	No		

* 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.)

- 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 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.**

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

2/3/26

**MASSACHUSETTS
PIPING PLOVER HABITAT CONSERVATION PLAN**

**Town of Chatham
REQUEST FOR CERTIFICATE OF INCLUSION,
NORTH (NAUSET) BEACH, CHATHAM, 2026-2028**

Prepared for submission to:
Natural Heritage & Endangered Species Program,
Massachusetts Division of Fish & Wildlife
1 Rabbit Hill Road, Westborough, MA 01581



Prepared by: Town
of Chatham
Department of Natural Resources

December 2025

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Appendix 3 – Chatham-Orleans Intermunicipal Agreement

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Appendix 5 – Authorization to Use Exclosures (2025)

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INTRODUCTION AND OVERVIEW

This request for a Certificate of Inclusion (COI) is an application from the Town of Chatham (The Town) to participate in the Statewide Habitat Conservation Plan (HCP) for Piping Plovers (PIPL). This document also serves as an application for a Conservation and Management Permit (CMP) pursuant to the Massachusetts (MA) Endangered Species Act (MESA; MGL c. 131A; 320 CMR 10.00).

The Town is requesting to implement the following Covered Activities as described in the HCP:

- **“Recreation and Beach Operations Associated with Reduced Symbolic Fencing around Nests,” (Sec. 3.2.2.1)**
- **“Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing around Habitat,” (Sec. 3.2.2.2)**
- **“Oversand Vehicle (OSV) Use in Vicinity of Unfledged Chicks” (Sec. 3.2.3)**
- **“Oversand Vehicle Use in Vicinity of Least Terns (LETE)”**

The Statewide HCP was amended allowing individual takes based on 30% - 75% of the total number of pairs. Pairs are based on the number of "breeding pairs", defined as those that nested or were territorial at the site for a period of two weeks or more. Chatham requested one (1) take in the 2017-2019 COI, two (2) takes for the 2020-2022 and 2023-2025 COIs, and is again requesting two (2) takes for the 2026-2028 COI. Although the same pair or brood may be exposed to more than one of the Covered Activities, no more than two (2) total pairs or broods will be impacted. Covered Activities and associated impact minimization procedures would be confined to the Chatham portion of Nauset Beach (aka North Beach).

The Town is also requesting to initiate self-escort of OSV past a maximum of 20% of the nesting least tern (LETE) population, consistent with the *Guidance for applying for a Conservation and Management Permit for Recreational Activities Affecting LETE* developed by the MA Division of Fisheries and Wildlife (MassWildlife). In prior years, two (2) OSV self-escort corridors have been established with a maximum length of 1,000 feet by 15 feet wide each. This would represent a total impact area of approximately 0.7 acres. The Town would follow the same procedures and protocols for this covered activity as previously approved by MassWildlife in past Certificates of Inclusion.

The Town is requesting flexibility in the number of HCP Monitors assigned to LETE colonies based on the limited number of unfledged LETE chicks, their proximity to one another, and ability to move OSV Corridors and symbolic fencing away from unfledged chicks to maximize buffers. The habitat in which LETE chicks have been located is flat and sparsely vegetated allowing monitors excellent line-of-site vantage points.

The Town is proposing mitigation in the form of funding to implement off-site predator management, educational outreach, and increased law enforcement, overseen by the Natural Heritage & Endangered Species Program (NHESP), as set forth in the HCP. For the past several years The Town has successfully conducted non-lethal, on-site mitigation to reduce predation of incubating PIPL eggs using electrified enclosures.

IMPACT AVOIDANCE & MINIMIZATION PLAN (IAMP)

I. SITE DESCRIPTION

The Nauset Beach Barrier Beach System is under the jurisdiction of two municipalities. The northern portion

of the system, including Nauset Spit, Nauset Public Bathing Beach, and Nauset Beach South, are owned and operated by the Town of Orleans. The southern portion of the system, referred to as North Beach, is located within and managed by the Town of Chatham. This request for a Certificate of Inclusion (COI) applies to Chatham’s North Beach only. The subject area is classified as Barrier Beach (310 CMR 10.29), a resource area which contains the following resource areas: Land Subject to Coastal Storm Flowage (310 CMR 10.02 (1) (d)), Land Under the Ocean (310 CMR 10.25), Coastal Beaches (310 CMR 10.27), Coastal Dunes (310 CMR 10.28), Salt Marshes (310 CMR 10.32), and Rare Species Habitat (310 CMR 10.37).

North Beach

The area of North (Nauset) Beach affected by this COI, shown in **Figure 1**, starts at the Orleans-Chatham town line and continues in a southerly direction, terminating at the inlet formed in 2007. North (Nauset) Beach has increased in length from 0.8± mile in 2007 to just over 1.5± mile in 2025. Current acreage, including some intertidal area, is approximately 180 acres. The total acreage and morphology of North (Nauset) Beach undergoes constant change due to the dynamic nature of barrier beaches, resulting in ongoing accretion and erosion. Much of the area is excellent habitat for PIPL and LETE.



Figure 1. Chatham North Beach

II. OWNERSHIP AND MANAGEMENT

Ownership of North Beach is a combination of municipal (Town of Chatham), federal (US National Park Service), and private entities (**Appendix 1**). The entirety of North Beach (and Nauset Beach in general) lies within the boundaries of the Cape Cod National Seashore (CCNS). While the CCNS has an overarching jurisdiction over North Beach, daily management responsibility is, and has been for several decades, the responsibility of the Town of Chatham. The Town of Orleans has similar management authority over the portions of Nauset Beach within Orleans limits. Daily management and oversight is the responsibility of the Chatham Department Natural Resources (DNR). Private property ownership of North Beach has been difficult to ascertain due to ongoing erosion and accretion, particularly following the 2007 breach in North Beach which severed the barrier each into two sections (the southern section now referred to as North Beach Island). As the barrier beach system has migrated rapidly landward, privately owned parcels have eroded extensively, resulting in the loss of all privately owned cottages north of the breach. Town of Chatham Assessor's Department records show no change in private parcel boundaries, with the most recent assessor's map from 2016 (**Appendix 1**). As erosion of North Beach has continued in recent years, the remaining privately owned parcels have been completely submerged. Therefore, the Town of Chatham does not believe implementation agreements with private landowners are needed as the implementation of this COI will not impact the privately owned parcels.

In past years, the CCNS has issued a three-year Special Use Permit to the Town of Chatham for implementation of covered activities on North Beach associated with the statewide HCP. The current Special Use Permit (**Appendix 1**) expires on December 31, 2026. The Town will renew the permit prior to the 2027 shorebird season and provide a copy of the permit to MassWildlife.

Description of North Beach

North Beach extends in a southerly direction from the Orleans-Chatham Town Line to the inlet, approximately 1.5 miles. North Beach is a Barrier Beach with the Atlantic Ocean to the east and Chatham Harbor/Pleasant Bay to the west containing Coastal Beaches, Coastal Dunes, Intertidal Flats, and Salt Marsh. The area does not have many large, steep-faced primary dunes, more common of northern portions of Nauset Beach South in Orleans. Instead, the area is characterized by over-wash fans and numerous pockets of relatively low, sparsely vegetated dunes and grassy "hummocks", often with relatively open access to the bay side. Vegetation consists primarily of Cape American Beach Grass, Smooth Cordgrass, Slender Glasswort, Seaside Lavender, Salt Marsh Hay, Spike Grass, and a variety of typical woody coastal shrubs.

The morphology of North (Nauset) Beach undergoes constant change due to the dynamic nature of the barrier beach system. Ongoing erosion and storm events between 2023 and 2025 continued to erode many of the front beach dunes, creating large over-wash areas suitable for nesting PIPL and LETE. The land area, including portions of the intertidal zone, encompasses approximately 180 +/- acres. However, this does not include extensive bay-side intertidal areas where many shorebirds are observed foraging and staging. PIPL rely on these bay-side intertidal areas for their primary food source(s) including marine worms, crustaceans, beetles, fly larvae, mollusks, and other small marine animals and their eggs.

The OSV Trail System is subject to frequent change and **Figure 2** depicts the trail layout as of 2025.



Figure 2. Trail system of North (Nauset) Beach

OSV access is provided by two North-to-South oriented corridors which are a continuation of corridors extending South through Orleans. One corridor is located on the outer beach seaward (east) of the fronting dune and the other is located immediately landward (west) of the fronting dune, referred to as the Inner Trail. Access routes (Trails), provide public access from the Inner Trail to the Outer Beach Trail, and are maintained as conditions allow. These trails are labeled 1-8 in a southerly direction beginning with Trail 1 in Orleans. The Inner Trail terminates approximately 0.8 miles south of the Orleans-Chatham Town Line at Trail 8. OSV traffic then utilizes the outer beach trail to access southern sections of North Beach, terminating at the inlet.

PIPL have consistently nested in the lower third of North Beach due to the excellent habitat afforded by low dune areas and recurrent over-wash. In recent years, nesting activating has been observed along the mid- and northern portions of the beach corridor up toward the Orleans-Chatham Town Line. This is likely due to frequent storms and over-wash that have deteriorated of the primary dune system in this section of North Beach.

Extensive bay-side tidal flats provide excellent foraging opportunities for piping plover broods. Many adults and chicks, whose nests are generally in close proximity to these flats, migrate away from the outer beach to the bay-side soon after hatching to take advantage of the enhanced foraging opportunities and additional cover from predation offered by vegetation.

The number of nesting PIPL pairs has increased on North Beach over the past 15 years since a historic low of three (3) pairs in 2010. Since implementing the HCP in 2016, the number of observed pairs range from a low of 15 pairs in 2019 to a high of 28 pairs in 2024. This increase may be due to changes in habitat created by erosion and over-wash of the frontal dunes along the mid- and northern sections as described above.

The Nauset Barrier Beach System provides excellent habitat for many species of wildlife. The variety of resource areas which comprise the barrier system provides a unique mixture of suitable habitat for PIPL, LETE, and other shorebirds.

III. RESPONSIBLE STAFF

Management of North Beach for the Town of Chatham is overseen and implemented by the Department of Natural Resources. Key responsible staff include:

Greg Berman – Director of Natural Resources

Responsible for overall management and operations of the Department of Natural Resources; including Coastal Resources, Conservation, Shellfish, Harbormaster, Health, Water Quality Laboratory, and Sticker Office. Mr. Berman has served as the Town of Chatham’s Director of Natural Resources for over two years, bringing 25 years of coastal protection experience to the position. In that time, he has conducted more than 300 site visits to provide technical guidance and has delivered over 200 presentations, including many years presenting at the annual training for the Mass. Audubon Coastal Waterbird Program. Mr. Berman expects to contribute up to four (4) hours of general management and oversight for the implementation of this COI.

Paul Wightman – Conservation Division Head; Agent and North Beach Manager (NMB)

Since 2015, Mr. Wightman has implemented the North Beach shorebird monitoring program, with specific responsibility for ensuring the proper execution and overall management of the Massachusetts Barrier Beach Guidelines (MBBG) for the protection of Piping Plovers and Least Terns. His experience includes habitat identification, implementing protective habitat measures as defined by the MBBG, utilizing protective enclosures, and employing management techniques to reduce predator activity. He also oversees day-to-day HCP operations and ensures compliance with Chatham’s COI and IAMP. He assisted in the preparation of the 2019, 2022, 2023 COI Applications. As acting North Beach Manager, Mr. Wightman expects to contribute up to 15 hours a week for the implementation of this COI.

Mr. Wightman holds an A.S. and B.S. in Natural Resource Management. He also holds a Juris Doctorate and is a licensed attorney. He practiced for many years in environmental permitting, with a concentration in environmental law and the Massachusetts Wetlands Protection Act.

From 2010 to 2015, he served as the Endangered Species Shorebird Specialist for the Town of Orleans Natural Resources Department, where he also managed the OSV program at Nauset Beach. Mr. Wightman participated in the first USFWS-issued HCP permit for Orleans and drafted the HCP User Guide adopted by the Town to implement the permit. He prepared mitigation plans and public outreach programs associated with implementation of the USFWS HCP, in addition to preparing the IAMP and Mitigation Plans for both Chatham and Orleans for the Statewide HCP. He managed the daily operation of Orleans HCP, including training and supervising nine seasonal HCP Shorebird Monitors and one full-time Seasonal Shorebird Monitor. He has fourteen years of collective experience in Orleans and Chatham managing Piping Plovers, Least Terns, and American Oystercatchers.

He previously served as a Natural Resource Officer and Conservation Agent in Dennis, MA, where he assisted in managing Piping Plovers at Crowe’s Pasture and Chapin Beach, including oversight of the OSV Program and West Dennis Beach. He worked closely with Mass Audubon in the management of Piping Plovers and OSV operations.

Mr. Wightman prepares the annual submission of online databases, including PIPLODES, TERNODES, and the Annual HCP Report to the Coastal Waterbird Program. He has also conducted beach patrols like a Beach Ranger in Dennis, Orleans, and Chatham, preparing daily logs of patrol activities to enforce Nauset

Beach Rules and Regulations and document violations of HCP conditions. He maintains effective communication with representatives of USFWS, MassWildlife, and NHESP regarding all program operations.

Bradford Bower – Assistant Conservation Agent

Mr. Bower holds a B.S. in Ecology, Evolution, and Behavior and a M.S. in Environmental GIS. Mr. Bower has extensive experience monitoring shorebirds in Massachusetts. He began as an intern for Mass. Audubon’s Coastal Waterbird Program in 2015, and was responsible for identifying nests, broods, and monitoring productivity. In 2018, Mr. Bower joined the Town of Duxbury and the Duxbury Beach Reservation to oversee the implementation of the HCP permits for Duxbury Beach. This included hiring, training, and managing over 200 season shorebird monitors to implement approved covered activities.

During his time on Duxbury Beach, Mr. Bower oversaw the yearly installation of symbolic fencing and helped seasonal staff nest search and monitor broods. He led the implementation of predator management practices, including use of mock exclosures and grackle trapping. He also coordinated targeted mammalian predator removal with USDA APHIS. Mr. Bower was also the primary staff member responding to negative public interactions and submitting incident reports to the state.

Mr. Bower was responsible for compiling and submitting state census data via PIPODES and TERNODES, as well as writing end of season HCP Annual Reports. He also wrote the Request for COI applications for Duxbury Beach in 2020 and 2023, playing an integral role in revising the HCP protocols for Duxbury Beach to be more sustainable. Joining the Town of Chatham in August 2025, Mr. Bower expects to contribute up to 15 hours per week assisting the North Beach Manager (Mr. Wightman) with implementation of the Chatham Shorebird Management Program.

Seasonal Staff

The Town employs a minimum of two (2) seasonal shorebird monitors. One monitor serves as the Lead Shorebird Monitor. Mr. Wightman trained Chatham’s current Shorebird Monitors and supervises their daily activity. Each monitor has six to eight years of experience monitoring North Beach. They each work up to 40 hours per week from March to September under direction of the North Beach Manager. Schedules are designed to ensure that intensive monitoring occurs seven days per week, eight hours per day, as weather permits. Daily schedules are dictated by breeding-season activity, including determining number of pairs, pairing and courtship, nest scraping, mating, egg laying, installing exclosures, renesting, egg hatching, brood monitoring, and fledging. They also monitor Least Terns throughout the breeding season. HCP Staffing is set forth in detail on page 28.

PIPING PLOVER HABITAT, PRODUCTIVITY, AND MANAGEMENT

a. Mapped Distribution

The location of PIPL nests in 2025 is shown in **Figure 3**. The distribution of PIPL nests is consistent with historic nest distributions.



Figure 3. 2025 PIPL Nesting Distribution

b, c. Population Size and Productivity

Table 1 below summarizes the number and productivity rates of fledged piping plover chicks on North Beach for the past 15 years. NHESP is provided with annual PIPL census data and reports for North Beach which can be reviewed for more detailed information.

Table 1: Piping Plover Productivity

Year	# of Pairs	# of Fledged Chicks	Productivity Rate
2025	22	35	1.59
2024	28	18	0.84
2023	23	51	2.21
2022	21	38	1.81
2021	23	13	0.57
2020	19	37	1.95
2019	15	29	1.93
2018	21	37	1.76
2017	16	31	1.94
2016	22	25	1.14
2015	13	19	1.46
2014	11	11	1.00
2013	13	6	0.46
2012	8	10	1.25
2011	6	8	1.33

Productivity of piping plovers on North Beach has increased since the implementation of the HCP in 2016. We experienced a record high in productivity in 2023, which in part can be attributed to ongoing staff presence and implementation of non-lethal predator behavior modification programs. Shorebird monitors have found a greater proportion of PIPL nests in newly developed over-wash habitats created by storm activity. Heavy predation resulted in low overall productivity in 2024 but rebounded again in 2025.

d. Threats at the Site

The primary source of predation for nesting shorebirds, both PIPL and LETE, include Eastern Coyote, American Black Crow, Ravens, Fisher, Red Fox, Black Crowned Night Herron, Great Horned Owl, and a variety of Gulls. The Nauset ecosystem is a diverse habitat supporting a variety of predators. Predation fluctuates annually.

Other factors affecting nest loss and overall productivity relate to the fact that much of North Beach, and existing preferred over-wash nesting habitat, is low-lying. PIPL frequently nest in areas just above the MHW line, often resulting in nest and egg loss associated with over-wash events from high “moon tides” and storms.

e. Other Background Information of Significance

Several electrified “dummy” exclosures are used for non-lethal predator behavior modification. The exclosures are designed to target Eastern Coyotes and other small mammals. Baited exclosures

surrounded by an electrified fence are installed in various locations, generally in April and early May. The exclosures shock foraging coyotes and mammals early in the nesting season. Similar, non-electrified exclosures that mimic the appearance of electrified exclosures, are then placed around actual PIPL nests to “discourage” predators which had previously been shocked from approaching the exclosure. This program has been successful in reducing the incidents of “smart” predators that key in on exclosures as a food source. Due to increased staffing and intense monitoring nearly all nests are found at the 1 or 2 egg stage and successfully exclosed at 3 eggs.

V. LEAST TERNS & OTHER RARE SPECIES

Least Terns (*Sterna antillarum*) nest on these beaches as does the occasional American Oystercatcher (*Haematopus palliatus*). Roseate, Common and Arctic Terns, and Black Skimmers, are typically seen among staging migratory birds on North Beach. The large tidal flats along the bayside, particularly near the southern end of North Beach, are valuable foraging and staging habitat for these migrating shorebirds. The tidal flats west of southern tip at the inlet also provide important nursery areas during mid- to late August and early September for fledged LETE chicks still being fed by adults.

LETE typically arrive by May 15 and produce 2-3 egg clutches. The average incubation is 21 to 23 days. Eggs are generally laid from the last week of May to the last week of July. Fledging occurs at 20-23 days post-hatch. LETE often construct their nests close to tide lines and as a result also suffer nest losses, similar to PIPL, from high tide over-wash and/or storm surge. LETE chicks tend to hide or find refuge in dune grass, vegetation, and other objects on the beach during the day and appear when the adults are actively feeding them. Like PIPL, they are subject to predation by Black Backed Gulls, American Black Crow, Herring Gulls, Red Fox, and Eastern Coyote.

LETE Mapped Distribution

The LETE population (see Table 2 below) on North Beach varies from year to year and is highly unpredictable. LETE colonies on North Beach historically have been relatively small (less than 20-35 nests) and fledging rates low due to predation. LETE were not historically well established on North Beach, seemingly preferring over-wash zones near Pochet in Orleans, and within the Monomoy National Wildlife Refuge to the south. Between 2017 and 2020 several winter storms created large over-wash areas conducive to LETE nesting just south of the Orleans-Chatham Town boundary. During this time, there were two primary LETE sub-colonies: Colony A, ranging just south of the Orleans-Chatham Town boundary, and Colony B, ranging south of Trail 8 to the inlet. Natural processes and a southerly littoral transport of sand over time began to enlarge and elongate the tip of North Beach with little dune development, contributing to improved LETE habitat in recent years. Beginning in 2022, LETE activity was located evenly throughout the entire area from the Town boundary to the southern tip at North Inlet and have been counted as a single colony since.

The LETE population size between 2023-2025 was low and reproductive success was poor. However, this is consistent with historical LETE activity on the beach. The location of LETE colonies in 2025 is shown in **FIGURE 4**.

Table 2: LETE Population/Productivity (2018-2025)

Year & Colony	# Adult Pairs	# Fledged Chicks	Approx. Productivity
2025 (1 colony)	60	10-20	0.25
2024 (1 colony)	60	30	0.5
2023 (1 colony)	45	10	0.22
2022 (1 colony)	80-100	75-120	1.09
2021 A North	8-10	2	0.22
2021 B South	10	0	0
2020 A North	25-45	2	0.06
2020 B South	45-65	30-35	0.60
2019 A North	20-25	2	0.09
2019 B South	15	0	0
2018 A North	20-25	20-25	1.0
2018 B South	10-15	4-6	0.38



Figure 4. 2025 LETE colony distribution (~60 pairs)

VI. BEACH OPERATIONS AND MANAGEMENT

North Beach is accessible via Over-sand Vehicles (OSV), synonymous with ORV, and is managed in accordance with an Order of Conditions (OOC, SE 10-3127) issued on April 13, 2016 (**Appendix 2**). The OOC contains a comprehensive *Off-Road Vehicle (ORV) and Beach Management Plan* (Plan). The Plan includes protocols for adherence to the Massachusetts Division of Fisheries & Wildlife, Natural Heritage and Endangered Species Program, *Guidelines for Managing Recreational Use of Beaches to Protect PIPL and Terns and Their Habitat* (1993) (*Guidelines*); U.S. Fish Wildlife Service (1994); and compliance with resource area performance standards in the Massachusetts Wetland Protection Act, M.G.L. c 131 § 40; 310 CMR 10.00, including 310 CMR 10.37 Protection of Rare and Endangered Species Habitat; and the Chatham Wetlands Protection Bylaw (Chapter 272) and Regulations. The Chatham Conservation Commission approved a Certificate of Compliance (COC) in 2021 (**Appendix 2**) which allows for ongoing conditions outlined in the Beach Management Plan.

The Towns of Orleans and Chatham have an Intermunicipal Agreement (IMA) to manage Nauset Beach South and North Beach. The IMA authorizes Orleans to inspect all registered OSV Permit holders for compliance with the most recently adopted *Nauset Beach Rules and Regulations for ORVs*. Chatham provides enforcement of the Special Conditions in the OOC/COC as well as the *Nauset Beach Rules and Regulations for ORVs* on North Beach. Orleans enforces said *Rules and Regulations* in Orleans. Each respective town's Police Department is available to assist in enforcement efforts as necessary, along with the MA Environmental Police. The IMA Agreement (**Appendix 3**) and *Nauset Beach Rules & Regulations for ORVs* (**Appendix 4**) are attached.

a. Hours of Operation

Over-sand vehicle access to North Beach is available 24 hours a day for appropriately permitted vehicles consistent with the *Nauset Beach Rules & Regulations for ORVs*. Access is subject to closures relating to storm activity, public safety, or closure of the beach due to the presence of nesting PIPL/LETE and/or unfledged PIPL/LETE chicks.

There is a check-in station, called the "*Buggy Booth*" located at the beginning of the over-sand vehicle trails at the south-end of the Nauset Beach public parking lot in Orleans. The Buggy Booth is staffed by Orleans personnel from Memorial Day through Columbus Day.

Non-vehicle recreational use, such as walking may occur year-round. Pedestrian access over the front beach or over-sand vehicle trails is unrestricted except during storms that present a danger to the public.

Access to North Beach via boat is allowed year-round during the day, subject to weather conditions and any restrictions set by the Chatham Harbormaster.

b. Recreational Activities

The Nauset Barrier Beach system is host to many recreational opportunities. Activities such as the OSV program, surfing, bathing, hiking, bird watching, fishing, hunting, metal detecting, and photography are just a few that take place. All recreational activities are prohibited within shorebird nesting habitat delineated by symbolic fencing. Boaters landing on the beach (bay- side) must use designated walkways to access other portions of the beach. No open fires are allowed. However, contained cooking fires with

grills are permitted. Kite flying and kite boarding is prohibited throughout North Beach during the shorebird nesting season. Drone use within the CCNS requires permission of the CCNS and is prohibited during shorebird nesting season. Overnight Tent camping is not allowed.

Parking in, or vehicular access through, identified PIPL and LETE habitat as determined annually by the Monitors and coordinated with the North Beach Manager (NBM) is prohibited. This restriction will not necessarily prohibit vehicular access past such areas if consistent with specific management guidelines.

Visitors to North Beach frequently arrive by boat with landings generally taking place near the barrier beach terminus. Disturbance of threatened and endangered shorebirds by pedestrians is minimized by installing posts, signs, and fencing to indicate closed areas. Pedestrians are directed to use designated walkways thereby helping to protect dune form, vegetation, and shorebird habitat. Pedestrians may be excluded from wash-over areas in a manner which does not interfere with, or cause any effect to, the ability of such wash-over areas to serve as nesting habitat for shorebirds.

c. Parking and Roads

The Nauset Beach public parking lot, located in Orleans, is the main parking lot accessible from Beach Road. OSV trails to Nauset Beach South and North Beach are accessed from the south corner of the parking lot. Prior to arriving at Nauset Beach South, an OSV must pass through two (2) staffed check stations. The first station is the Nauset Beach public parking lot toll booth which is staffed 24 hours a day from Memorial Day to Columbus Day. The second station, the *Buggy Booth*, is located at the OSV access point and is staffed from 8 a.m. to 7p.m. daily during the summer months. Airing stations for OSVs are also available at OSV ingress and egress gate. Designated OSV trails are delineated, and re-routed as necessary, with symbolic fencing and signage throughout North Beach pursuant to the Order of Conditions, SE 10-3127 (**Appendix 2**). When re-routing of an OSV trail is necessary, the Town will consult with and obtain approval from the Chatham Conservation Commission and staff from NHESP.

d. Beach Rules and Regulations

The *Nauset Beach Rules and Regulations for ORVs* (**Appendix 4**) were developed cooperatively by Orleans and Chatham and are reviewed/updated annually with input from each town. Per the *Nauset Beach Rules and Regulations for ORVs*, dogs must always be kept on a leash not longer than 30 ft. while on North Beach from April 1 through Labor Day.

e. Fencing and Signage

Symbolic fencing and signage are utilized throughout North Beach to delineate OSV trails and exits along the inner trail system to minimize encroachment on sensitive resources. Fencing is also installed along the seaward edge (toe) of the frontal dune on the outer beach to minimize OSV impacts to dune development. During the shorebird nesting season, fencing is substantially expanded, and continually modified as needed, to delineate shorebird nesting habitat and activity. Fencing for shorebird management during implementation of an HCP is more fully discussed in Covered Activities below. Symbolic fencing is installed annually by April 1. Examples of informational signage include: No Dog Signs, Closed Area Signs, Dogs Must be on 30ft Leash, No Parking Between Signs, Self-Escort Zone Start and Stop Signs, etc.



f. Compliance with Law Enforcement

Chatham Beach Rangers patrol day and evening shifts to enforce the *Rules & Regulations for ORVs* or policies adopted by the respective towns. Chatham Rangers are provided with hand-held and vehicle radios capable of communicating with Orleans staff and managers. In addition, Chatham has a working relationship with the Massachusetts Environmental Police who are occasionally called in for assistance dealing with more serious violations. The Orleans and Chatham Police Departments likewise work closely with Beach Rangers.

Patrols are typically conducted on North Beach from May through Labor Day when the beach is open to OSV traffic. After Labor Day, patrols are conducted on Friday, Saturday, and Sundays through Columbus Day, weather permitting. The NBM and some shorebird monitors are appointed as Beach Rangers providing daytime enforcement coverage. Evening patrols by a Beach Ranger, and occasionally the NBM, are generally conducted between 4:00p.m. and 12:00a.m. The beach is cleared by midnight except for self-contained vehicles in compliance with the *Nauset Beach Rules and Regulations for ORVs*. In the off-season, the Beach Manager patrols on an as-needed basis. Beach Rangers follow established written protocols and are trained in First Aid, AED, CPR, Stop the Bleed (shark attach response), and HCP protocols.

g. Commercial Vendor Activities

There are no commercial activities on North Beach.

h. Events

No weddings, festivals, fundraisers, etc. occur on North Beach. The Massachusetts Beach Buggy Association sponsors a beach cleanup annually in the spring in coordination with the Town. Fireworks are strictly prohibited at Nauset Beach by both the Towns of Orleans and Chatham. Should a report of fireworks be received, Police Officers are dispatched and work cooperatively with Beach Rangers to enforce citations. Education is provided to anyone using fireworks regarding their effect on breeding shorebirds. No public events are sponsored or undertaken on North Beach.

i. Maintenance

Maintenance is the responsibility of DNR staff and is generally only related to fencing, signage, debris removal, and trail management and realignment due to erosion and/or storm over-wash pursuant to the Order of Conditions, SE 10-3127 (**Appendix 2**). When re-routing of an OSV trail is necessary, the Town will consult with and obtain approval from the Chatham Conservation Commission and staff from NHESP. There are no physical structures or facilities on North Beach which require routine maintenance.

j. Seasonal Installation of Amenities/Infrastructure

There are no amenities or seasonal infrastructure on North Beach.

k. Beach Grooming

Town of Chatham does not conduct beach grooming on North Beach.

l. Trash Management

There are several dumpsters provided at the public beach parking lot and OSV access point in Orleans. They are emptied when full. Visitors are encouraged through signage, literature, and if necessary on-site staff, to take all trash off the beach. Regular trash removal decreases predator activity.

m. Management of Wrack/Seaweed

Town of Chatham does not allow driving on, removal, or disturbance of the wrack line as it serves as an important foraging area for microorganisms and crustaceans for adult and unfledged PIPL and LETE.

n. Sand Distribution and Beach Grading

Town of Chatham does not perform beach grading on North Beach.

o. Recreational and Essential Vehicle Use including Permitting System

Any vehicle seeking access to either Nauset Beach South (Orleans) or North Beach (Chatham) must obtain and display an OSV sticker issued by either town. Vehicles must meet the requirements and carry the necessary equipment listed in the *Nauset Beach Rules and Regulations for ORVs*. Vehicle owners receiving their first OSV sticker must view a video developed by the Town of Orleans on proper beach driving/etiquette. No essential vehicles (except Town management staff, and public safety vehicles) have access rights on North Beach.

OSV traffic on Nauset Beach, and therefore North Beach, is generally halted in the beginning of June soon after Memorial Day. This is usually concurrent with the first hatching of chicks on Nauset Beach South in Orleans, or on North Beach if earlier. Regardless of where the first closure occurs, OSV management on North Beach includes installation of symbolic fencing to establish OSV travel corridors and to demark prohibited pedestrian/vehicle access to shorebird habitat area in accordance with the *Guidelines*. Once chicks are present, sections or all the beaches are closed to OSV use and non-essential vehicle use is prohibited within 300 ft. from observed chick activity. Monitors generally walk the beach on foot. Nesting and chick behavior are monitored, and fencing adjusted as necessary to maintain appropriate buffers for pedestrians and recreational use, including human use associated with boat activity. Designated walking paths are created to maintain adequate buffers from pedestrian traffic.

As indicated above, OSVs must first traverse Nauset Beach South within Orleans to access North Beach. Nauset Beach South and North Beach operations are managed daily beginning in April through the Columbus Day Weekend. Beach Rangers are responsible for patrolling and ensuring compliance with the *Nauset Beach Rules and Regulations for ORVs*.

When an HCP is implemented, every vehicle must check in at the station (Buggy Booth) located at the main beach access gate in Orleans before proceeding onto the beach. Vehicle operators are required to have a signed copy of the *HCP Rules and Procedures* in the vehicle which also confirms they have watched the HCP procedure video. When OSVs arrive at the Chatham HCP section, the Vehicle Corridor Monitor

records vehicle registration, OSV permit number, and type of OSV permit (Orleans or Chatham resident, non-resident, self-contained or “day tripper”). OSV operators are advised when they must leave the Chatham portion of the beach in a timely manner to traverse through all self-escort zones and exit the beach before closure of the last access window in Orleans.

VII. BIRD MANAGEMENT AND MONITORING

a. Management History

North Beach operates under an Order of Conditions (OOC, #SE 10-3127) issued on April 13, 2016. The OOC contains a comprehensive Off-Road Vehicle (ORV) and Beach Management Plan (Plan). The Plan includes adherence to the Massachusetts Division of Fisheries & Wildlife, Natural Heritage and Endangered Species Program, Guidelines for Managing Recreational Use of Beaches to Protect PIPL and Terns and Their Habitat (1993) (Guidelines); U.S. Fish Wildlife Service (1994); and compliance with resource area performance standards in the Massachusetts Wetland Protection Act, M.G.L. c 131 § 40; 310 CMR 10.00, including 310 CMR 10.37 Protection of Rare and Endangered Species Habitat, and Chatham Wetlands Protection Bylaw (Chapter 272) and Regulations. The Town of Chatham received a Certificate of Compliance for SE 10-3127 on March 30, 2021, with ongoing conditions that allow for activities outlined in the Off-Road Vehicle and Beach Management Plan to continue in perpetuity (**Appendix 2**).

All OSV traffic on Nauset Beach (and North Beach) is generally halted in the beginning of June soon after Memorial Day, coincident with the first hatching of chicks in the Pochet over-wash area in Orleans. This is usually concurrent with the first hatching of chicks on North Beach (south of the Orleans closure). Regardless of where the first closure occurs, OSV management on North Beach includes installation of symbolic fencing to establish OSV travel corridors and to demark prohibited pedestrian access to shorebird habitat area in accordance with the *Guidelines*. Once chicks are present, sections of beach are closed to OSV use and parking is prohibited within 300 ft. from observed chick activity. Nesting and chick behavior are monitored, and fencing adjusted as necessary to maintain appropriate buffers. As per the *Nauset Beach Rules and Regulations for ORVs*, dogs must always be kept on a leash not longer than 30 ft. while on North Beach from April 1 through Labor Day.

The Towns of Orleans and Chatham executed an Intermunicipal Agreement (IMA) to manage Nauset Beach South and North Beach. The IMA authorizes Orleans to inspect all registered OSV Permit holders for compliance with the most recently adopted *Nauset Beach Rules and Regulations for ORVs*. Chatham provides enforcement of the Special Conditions in the OOC as well as the *Nauset Beach Rules and Regulations for ORVs* on North Beach. Orleans enforces said *Rules and Regulations* in Orleans. Each respective town’s Police Department is available to assist in enforcement efforts as necessary, along with the MA Environmental Police.

b. Entity Conducting Plover and Tern Management and Monitoring

Shorebird management is the primary responsibility of the Chatham DNR, with provisions for review of management guidelines to be made cooperatively with the Chatham Conservation Commission, as necessary.

Changes in management related to Rare Species, such as waivers of OSV closure requirements by State

or Federal Agencies, may be allowed, upon notice, to the Commission (e.g., Conservation & Management Permit). The OSV Management Plan is periodically reviewed and approved by the DNR and Commission based upon reports and recommendations resulting from the implementation of the OSV Management Plan. The North Beach Manager (NBM) supervises day-to-day operations, including shorebird management and OSV use and management of the Chatham portion of the Beach. The DNR is responsible for hiring suitably qualified personnel to serve as PIPL and LETE Habitat Analysis Specialists, hereafter referred to as "Monitors". Monitors report daily to the NBM who in turn report to the Director of DNR or designee.

c. Management Techniques

An initial assessment of past, existing, and potential habitat is undertaken annually in early March by monitoring staff. Symbolic fencing of habitat is installed annually before April 1. Symbolic fencing consists of stakes, posts, twine, and protected habitat signage for PIPL and LETE. Signage is placed approximately every 30 feet along the symbolic fence line and located at the edge of protected habitat. Fence lines are continually monitored and adjusted, or new fence installed, as nesting activity and/or foraging changes throughout the season.

Predator management for avian and mammalian predators is ongoing throughout the nesting season. Monitors place 4 nails on the top of stakes and fence posts to discourage perching by American Black Crows, Ravens, Red Tail Hawks, Peregrine Falcons, Herring Gulls, and Black Backed Gulls, all common predators on North Beach. Due to the numbers of predators, most incubating nests are enclosed with Type A enclosures. Monitors are trained to install enclosures pursuant to the USFWS Appendix F Guidance document. Each season MassWildlife issues an authorization letter for their use to NBM. See (**Appendix 5**).

In early March, two to three electrified baited enclosures are placed at the ingress and egress points commonly used by Eastern Coyotes, Red Fox, and Fishers. The use of the electrified enclosures over the past nine (9) years has been effective in non-lethal behavior modification of these predators. Enclosures are baited and monitored daily, and game cameras installed for monitoring/documentation.

d. Number of Bird Monitors, Qualifications, Duties

The Town employs a full-time Conservation Agent/NBM and a full-time Assistant Conservation Agent. Each full-time employee contributes up to 15 hours per week to provide assistance to seasonal staff, which includes a minimum of two seasonal monitors working up to 40 hours each from early March to September. Their schedules are staggered to allow for intensive monitoring of North Beach eight (8) hours a day, seven (7) days a week, as weather permits. Both seasonal monitors are scheduled during the weekends between Memorial and Labor Day when OSV use is the greatest. The two current seasonal monitors have each worked for the Town for four years.

Seasonal monitors are trained to monitor the three protected species found on North Beach: PIPL, LETE, and American Oyster Catchers (AMOY). The Town's seasonal monitors have acquired hundreds of hours of extensive field experience and are overseen by the NBM who has over ten (10) years of experience in monitoring PIPL and LETE. Collectively their knowledge of the habitat is extensive.

If an HCP is implemented, a sufficient number of additional monitors (bird/vehicle) are hired (usually from Mass. Audubon) to implement HCP protocols and ensure regular monitoring duties on North Beach

are not impacted by implementation of the HCP Program. A minimum of four (4) HCP monitors is needed per Self-escort Corridor (SEC) for every day the HCP is implemented. HCP monitors are scheduled for two 6-hour shifts per day (two monitors in the morning and two in the afternoon), providing 12 hours of coverage. Timing and procedures for SECs are detailed below under Covered Activities.

e. Seasonal Staff

The only seasonal staff on North Beach are bird monitors, beach rangers, and, as needed, HCP monitors. No other seasonal staff work on North Beach, i.e., lifeguards, parking lot attendants, etc. See Section III: Responsible Staff for typical seasonal shorebird monitoring activity and schedules.

f. Training and Oversight of Monitors

Monitors are furnished with copies of The Massachusetts Tern and PIPL Handbook, a manual for stewards, the Massachusetts Guidelines for Managing Recreational Use of Beaches to Protect PIPL, LETE, PIPL Monitoring Guide, and the USFW PIPL Use of Exclusion Guide. Seasonal monitors also attend training provided by Mass. Audubon's Coastal Waterbird Program.

Duties of seasonal shorebirds monitors, under the direction of the NBM, include:

1. Locating and identifying endangered shorebird nesting and feeding areas, setting up exclosures (as necessary), placement of signage, symbolic fencing, conducting surveys and counts of birds.
2. Working in assigned habitat areas to: identify PIPL, Least and Common Terns, American Oystercatcher, and other shorebird species as required; locate shorebird nesting and feeding areas; map the identified areas.
3. Data collection and note taking to document nest establishment, egg laying, hatching, predation of nests, chick rearing, and fledgling activities.
4. Maintain and modify, when necessary, signage, symbolic fencing, and protective exclosures so that critical habitat areas are adequately protected from human disturbance.
5. Interact with and educate the public to increase awareness of the birds and nesting and feeding areas.
6. Re-route vehicles around protected areas and escort vehicles through protected areas as necessary.
7. Prior to implementation of an HCP all seasonal monitors conduct a dry run of the HCP protocols and procedures.

g. Data Collection and Recording Protocols

The PIPL Index and Total Count is conducted (June 1-9). The Least Tern count is conducted (June 5-20). The American Oystercatcher count is conducted (May 22-31). Shorebird activity is monitored three to five times per week, as weather permits, between April 1 and August 31. This increases to daily monitoring while unfledged chicks are present. Data is collected via NestStory and on separate paper Daily Logs (Appendix 6). Nest data, productivity data, and banding identifications are recorded and submitted to the Coastal Waterbird Program at the end of the season.

h. Data Reporting

Annually by September 30, the final Data for PIPL and LETE nesting activity is entered into the electronic database PIPLODES or TERNODES and submitted electronically to the Coastal Waterbird Program and MassWildlife. AMOY data is provided as a separate spreadsheet. GPS coordinates on individual PIPL nests and Least Tern colonies are placed on maps and submitted electronically. All PIPLODES and TERNODES

data is compiled from the Daily Monitoring Logs and NestStory. The lead shorebird monitor is responsible for entering daily monitoring into NestStory.

When an HCP is implemented, the NBM submits a weekly email containing a summary of HCP activity, including brood activity, violations, chick loss, and general observations. The HCP Annual Report is submitted to the Coastal Waterbird Program and MassWildlife by October 15 each year.

An HCP Daily Monitoring Log is created to monitor each brood throughout the entire HCP and data is also input to NestStory (see **Appendix 6** for examples). Log entries include the name of the Monitor, brood being monitored, maps showing general location of brood during windows, adult behavior, chick's movement and foraging behavior, general reaction to the covered activity, recreational activity, and self-escorting and vehicle movement. Recommendations, if any, are reviewed by the entire monitoring staff at the conclusion of each window. Any adjustments deemed necessary are made and reported in the weekly email to MassWildlife.

i. Public Education and Outreach

Chatham posts regular updates on beach status (open/closed, specific trail closures, etc.) on the Orleans and Chatham websites as well as via social media.

The Chatham website provides links to the following that are on the Orleans website:

- [Nauset Beach Rules & Regulations for ORVs](#)
- [Habitat Conservation Plan \(H.C.P.\) OSV User Guide](#)
- [Watch the O.S.V. Instructional Video](#)
- [Watch the H.C.P. Educational Video](#)

Chatham Staff participated in the initial development of the HCP User Guide and OSV instructional video. During the nesting season, shorebird monitors and NBM perform public outreach and education on nesting activity of PIPL and LETE.

VIII. COVERED ACTIVITIES

The Town is requesting to implement the following Covered Activities described in the HCP:

- a) *Recreation and Beach Operations Associated with Reduced Symbolic Fencing around Nests*, (Sec. 3.2.2.1);
- b) *Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing around Habitat*, (Sec. 3.2.2.2);
- c) *Oversand Vehicle (OSV) Use in Vicinity of Unfledged Chicks* (3.2.3); and
- d) *OSV use in the Vicinity of Least Tern Chicks*.

Regardless of the Covered Activity, the request would expose up to two (2) unfledged PIPL broods (brood defined as one adult pair and up to four chicks) to self-escorted OSV traffic, provide for a reduced symbolic fencing buffer around up to two (2) PIPL nest, or allow a reduced amount of proactive symbolic fencing around suitable PIPL habitat (limited to 10% or 2 acres of available nesting habitat at a given breeding site, whichever is less). The extent and nature of limited OSV use near LETE nests or chicks would be dictated by the size and extent of the LETE colony(s). The specific beach area requested extends from the Orleans-Chatham town line (just north of Trail 6) to the southern tip of North Beach, approximately 1.5± miles.

However, it is not intended that activation of self-escorting or reduced buffers for symbolic fencing would be implemented over the entire area at any given time.

a. Recreation and Beach Operations Associated with Reduced Symbolic Fencing around Nests (3.2.2.1)

The Town of Chatham is proposing to implement reduced symbolic fencing (less than 150 ft. as per *Guidelines*) around up to two (2) PIPL nests, if said nests have the potential to limit OSV access along an established OSV trail and no alternative route is able to be feasibly established. The symbolic fencing would be reduced only to the minimum extent necessary to achieve continued OSV passage but would maintain a minimum 30 ft. buffer in accordance with the HCP. Given that the location of North Beach is at the southern extremity of Nauset Beach, OSV traffic during the normal seasonal egg laying and incubation period is relatively light (only a few potential vehicles pass per day). Therefore, it is anticipated that utilizing a reduced symbolic fencing buffer will only have minimal potential for disturbance to successful nesting activity. The Town would install “No Stopping” and “No Parking” zone(s) within the area of reduced symbolic fencing.

A fencing buffer larger than the 30 ft. target buffer (up to 150 ft. if possible) will be established initially and maintained during egg laying and through at least the first 24 hours after clutch completion. The fencing buffer may be reduced no more than once daily in maximum increments of 30 ft. after clutch completion. Consistent with the HCP for this covered activity, OSV traffic will be closed once nests hatch.

Monitoring

Shorebird monitors will monitor the nest daily from a distance and document the effectiveness of the reduced buffer on the incubating adults to assess whether OSV (or other occasional pedestrian access) is resulting in any noticeable disturbance to the birds. If repeated disturbance is observed, the fence buffer will be expanded as necessary until disturbance is minimized.

b. Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing around Habitat (3.2.2.2)

The Town is proposing to use reduced proactive fencing around suitable PIPL habitat, if necessary, to maintain OSV access through established corridors. The total upland area of North Beach is approximately 180 acres (+/-) with large areas of suitable PIPL nesting, foraging, and sheltering habitat. This habitat is generally comprised of open beach, over-wash fans, low sparsely vegetated dunes and large intertidal flats (not included in the acreage calculation). Most of these areas are restricted to access using symbolic fencing on an annual basis during the nesting season.

Given the highly dynamic physical nature of the barrier spit, erosion may reduce the berm width of the outer beach such that it may not be feasible to provide an OSV trail without encroaching into suitable upland PIPL habitat. Additionally, erosion may not enable safe OSV access along portions of the outer beach corridor. In these cases, all OSV traffic may be rerouted around along the Inner Trail to gain access beyond the erosion zone.

Prior to implementation of reduced symbolic fencing, the North Beach Manager (NBM) will confirm that only two (2) pairs are present in the area proposed for reduced symbolic fencing. Reduced symbolic fencing would be utilized only along specific limited areas to maintain a viable, minimum 15 ft. wide

("one-way" traffic) OSV corridor. The Town may relocate an existing section of the Inner Trail or establish a new section through a suitable portion of habitat in order to by-pass the erosion zone and maintain an OSV corridor pursuant to the Order of Conditions, SE 10-3127 (**Appendix 2**). When re-routing of an OSV trail is necessary, the Town will consult with and obtain approval from the Chatham Conservation Commission and staff from NHESP. The total area of impacted habitat due to reduced fencing would never exceed two (2) acres as per the HCP. Given the vast amount of habitat afforded on North Beach, it is not anticipated that implementation of this covered activity would have a demonstrable effect on PIPL productivity.

Monitoring

Normal baseline shorebird monitoring consistent with the *Guidelines* would be undertaken with specific emphasis for observing any bird activity occurring within the unfenced areas. Any nest discovered within an unfenced area will be immediately fenced and provided with the appropriate buffer distances consistent with the covered activity for reduced fencing around nests as described above.

c. OSV Use in the Vicinity of Unfledged Piping Plover Chicks (3.2.3)

A travel corridor, referred to as a Self-Escort Corridor (SEC), is proposed to be established for self-escorted OSV passage past two (2) PIPL broods with unfledged chicks at distances closer than would normally be allowed by the *Guidelines*. Vehicles would be required to self-escort within this travel corridor, and no vehicles will be allowed to stop or park within 200 meters either side of the identified brood(s). The beginning and end points of the travel corridor shall be readjusted by shorebird staff as necessary to ensure minimum distances are maintained.

The Town, through the Department of Natural Resources, shall provide 24-hour advance notice to MassWildlife before initiating the self-escort program once a brood has been identified requiring the initiation of this Covered Activity.

Hours of operation of PIPL SEC "windows" are proposed to be the same as Orleans:

Monday through Sunday:

08:00 AM to 10:00 AM

12:00 PM to 02:00 PM

04:00 PM to 06:00 PM

No vehicles would be allowed to traverse through the SEC outside these times except for emergencies as described below. The times and days of operation of the self-escort program may be subject to change, following consultation with MassWildlife, based on the location of the nest and other factors which warrant adjustment of the operating window(s) including user demand. The Town will coordinate with MassWildlife regarding specific operational details prior to initiation of any self-escort program.

The OSV self-escort program will only be initiated if a maximum of two (2) PIPL broods are within the designated section of North Beach and all other broods have fledged. The specific location of the SEC is intended to be adaptive and variable to reflect the location of the exposed brood(s). The SEC may shift north or south along the identified route depending on PIPL locations and/or movements. The SEC, as identified by signage and symbolic fencing, shall be a maximum of 15 ft. wide and vehicle escorting will begin at least 200 ft from the closest chick and terminate 200 ft. past the last chick in a given brood. An

additional 100ft either side of the SEC would serve as a “safety buffer” for plover broods, whereby vehicle traffic would be halted should broods enter this zone during the hour of operation windows.

The maximum length of any OSV SEC would not exceed 1,000 feet long, for a combined total acreage of 0.7 acres. The impact acreage of the implemented SEC would be included in the total impact calculation of Covered Activities included in this COI, which would not exceed more than two (2) acres, even if combined with measures for protection of LETE.

Updated corridor boundaries shall be reported daily to the NBM prior to commencement of vehicle access. In general, 50 -75 vehicles per day (100-150 one-way passes) are expected to utilize the travel corridor, although there may be exceptions under specific circumstances. The Town will coordinate with MassWildlife to confirm whether the vehicle limit should be increased or decreased based on the location of bird activity and the morphological constraints of North Beach.

Self-escort Procedures

1. Two (2) Shorebird Monitors (and one vehicle) shall be assigned to oversee the operations of each SEC. A shorebird monitor will observe and monitor brood activity (serving as Brood Monitor) during the escort window, and the other monitor (serving as Vehicle Monitor) will ensure compliance of vehicles traversing the SEC.
2. At least one (1) hour prior to commencement of vehicle escorts, the shorebird monitor will proceed along the designated vehicle corridor and surrounding area to determine locations of unfledged plover chicks of the brood in question. Once the shorebird monitor has established the locations of all chicks, they will review if the limits (start and end points) and associated signage of the SEC and adjust as necessary based on brood location and activity. The monitors will then notify the NBM of the brood location and indicate that the trail is ready to be opened. The shorebird monitor shall then take a respective role as Brood Monitor.
3. If all chicks have not been located, opening of the travel corridor may be delayed until all chicks have been accounted for, or it has been determined that no chicks are present within the travel corridor or bordering safety zone.
4. Prior to opening the SEC, the Vehicle Monitor will confirm with the Brood Monitor that the locations of all chicks are accounted for, and/or it is safe for the trail to open. During the self-escort period, the Brood Monitor shall maintain constant oversight on any plover chicks using binoculars from an adequate distance. Disturbance, if any, of the chicks shall be minimized. Once vehicles have passed through the delineated “chick zone”, which shall extend at least 200ft past the closest chick, vehicles may proceed to use the sections of beach previously determined to be free of PIPL activity in accordance with state and federal *Guidelines* (including but not limited to restrictions on parking within 200ft of unfledged chicks; some exceptions apply, see *Guidelines*).
5. 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 SEC. The escort will look for chicks in the road and stop the vehicle if either a chick is observed or one of the Shorebird Monitors (Brood 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.
6. All OSV operators participating in the self-escort program are required to have read and signed the *HCP Guide and Procedures* and watched the Town of Orleans video regarding the HCP self-escort program. The program teaches OSV operators how to identify piping plover broods and

their behaviors, while instructing them on the proper implementation of the self-escort program. OSV operators must pass a written quiz following the training program in order to receive their OSV permit. Signed proof that the operator of the vehicle has passed the quiz and understands the rules and procedures must always be carried in the vehicle (**Appendix 7**).

7. In order to allow unimpeded chick passage across the OSV corridor when vehicles are not present, vehicle “ruts” will be raked, as needed, 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.
8. 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 frames (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 what efforts were made to relocate them.
9. Each Brood Monitor will keep a separate daily observation log and record the activity of the adults and the chicks specific to foraging and territorial behavior. Monitoring will also include recommending the need for increased signage or fencing to afford greater protection to the HCP brood. The monitoring logs will be reviewed daily by the NBM or designee.
10. The Director of DNR, North Beach Manager, Assistant Agent and each individual shorebird monitor will have the independent authority to temporarily close the trail at any time for any reason. For example, if at any time a shorebird monitor determines that chicks have approached within 100ft of the SEC, the monitor will immediately notify the Vehicle Monitors to temporarily halt traffic and allow the chicks to cross the corridor and/or move >100ft from it. The OSV trail will not reopen until NBM, or designee, determines that 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.
11. Vehicle and Brood Monitors will be additional staff as necessary. They will have a minimum of a high school education, have a valid driver’s license, familiar with safely operating a 4-wheel drive OSV on the beach, have clear written communication skills, and either possess or the ability to learn shorebird identification and behavior. All monitors shall receive specific training in the HCP protocols at least two weeks prior to the initiation of their duties.

Contingency Plan

Personnel availability

Two monitors (Vehicle Monitor and Brood Monitor) will be on-site to locate and observe PIPL broods and oversee the compliance of the self-escorted vehicles. If one of these employees is not available, another shorebird monitor, vehicle monitor, NBM, or designee, shall assume this duty.

Inclement weather

The NBM, or designee, will monitor weather forecasts daily. If a storm warning is predicted by the National Weather Service, or any other weather warning that could jeopardize public safety within a 24-hour period, the OSV trail shall be closed for the duration of the hazard, or the start time may be altered. The OSV trail may not reopen until the NBM, or designee, has given the “all clear”. Beach users shall be presented in writing prior to purchasing an OSV sticker that uses the beach shall be at their own risk. OSV sticker holders shall be informed in writing that a “shelter in place” policy will go into effect until the

inclement weather has passed or scheduled exiting escorts have begun.

Medical or family emergencies

OSV sticker holders shall be advised in writing at the time of OSV sticker application, via affidavit, that egress from the beach outside of the self-escort windows shall be strictly prohibited (see permit Rules and Regulations for information to report an emergency). In the event of a life-threatening medical emergency, the staff of the Nauset Beach Administration Building and/or emergency responders should be notified. Essential vehicles will assist in escorting the vehicle off the beach.

Violations

Any violations of the protocol will not be tolerated. A zero-tolerance policy will be fully enforced. Monitors and Beach Rangers will be in constant contact to ensure enforcement. Beach Rangers will be authorized to revoke OSV stickers and remove the violators from the beach immediately. Violators of the escort protocols shall be subject to OSV sticker revocation and shall have their rights to operate an OSV on Nauset Beach suspended immediately for a period of one year from the date of the violation.

Self-Escort Program Reporting

Chick numbers, chick locations, and travel corridor locations/dimensions shall be provided to the NBM, or designee, by the shorebird monitors daily prior to commencement of OSV escorts. A map showing the locations shall be posted at the Nauset Beach "Buggy Booth" and shall be updated as necessary. As required by the HCP, a daily log will be kept to document staffing, frequency of brood monitoring, and compliance with OSV escorting procedures, and will be made available to MassWildlife upon request. Any violations, incidents, or accidents, associated with the vehicle escort program, including Take of a chick(s) shall be immediately reported to MassWildlife and USFWS staff. In the event of an alleged incident related to the escort program, the NBM, or designee, in coordination with a shorebird monitor, shall cooperate with and assist Town, State, and Federal officials with the investigation of the incident. Depending on the nature of the incident, the Town of Chatham, MassWildlife, and USFWS, reserve the right to suspend all vehicle escorts for such time as they deem appropriate.

Each week, a summary report will be submitted to MassWildlife. The report will include:

1. daily vehicle trip count
2. for each affected brood, daily observations of chick numbers and behavior including a daily sketch map of the observed range of the brood on the beach
3. weekly tally and description of any rules violations and enforcement actions taken
4. weekly tally and description of all observations of broods crossing or approaching <100ft from the vehicle corridor, both during the OSV travel windows and any other such observations during routine monitoring
5. any other notes, observations, or recommendations relevant to operating the escorting program

By October 15 of each calendar year, the Town will submit an escort monitoring report to MassWildlife. The report shall describe, at minimum, the estimated age of chicks in each brood when self-escort was initiated, fledging success, escorting dates, number of broods, number of chicks present during self-escort on each date, estimated daily chick survival based on daily brood counts, number of vehicle passages, and any documented "Take" of chicks resulting from the vehicle escort program. The report

will also contain recommendations for improving the efficiency and/or effectiveness of the escort program in the future.

d. OSV Use in Vicinity of Least Terns

The Town is proposing to implement many of the same protective management techniques to allow OSV access in close proximity to LETE chicks that have been proposed for the protection of PIPL chicks. The protective protocols would be consistent with what has been successfully implemented by the Town of Chatham on North Beach since 2015 as outlined in the Conservation and Management Plans (CMP) approved by MassWildlife for each consecutive year. The extent of where LETE colonies may establish each year is difficult to predict. Historically, small LETE colonies (less than 20 breeding pairs) have established in two distinct locations on North Beach. However, LETE can nest with a sparsely populated colony (less than 100 nesting pairs) that has established along the entire length of North Beach.

The Town proposes establishing a self-escort corridor (SEC) near an active LETE colony, if feasible, based on colony size and location to enable limited continued OSV access. Based on past LETE nesting habits, the Town is requesting no more than 2 SECs in any given implementation year. In prior years, two (2) OSV self-escort corridors have been established (one by the north colony and one by the south colony) with a maximum length of 1,000 feet by 15 feet width each. This would represent a total impact area of approximately 0.7 acres. The initiation of the SECs would impact a maximum of 11 unfledged LETE chicks, or an average of 20% of the nesting population over the last three years. The Town shall notify MassWildlife of its intent to implement OSV self-escort corridors for LETE colonies at least seven (7) days prior to initiation. The precise location and number of LETE, including age classes, will be provided to MassWildlife for their concurrence and guidance. Maps and associated signage will be provided as needed to ensure compliance. If additional SECs or alterations to existing SECs are required based on in-field conditions, review and approval will be sought from MassWildlife prior to implementation.

The procedures and protocols for providing OSV use in the vicinity of LETE chicks are consistent with the methodologies approved in previous CMPs as generally described below:

- 1. Least Tern Monitoring** – Continued regular, intensive shorebird monitoring to verify nest status and the number and distribution of chicks utilizing existing bird monitor resources.
 - a) Baseline survey – Within five (5) days prior to initiation of the activities authorized by the CMP, qualified shorebird monitors will conduct a thorough survey to reassess the number and location of active least tern nests and unfledged chicks. This information, including GPS coordinates of active nests and approximate coordinates of unfledged chicks, will be provided to the MassWildlife, to assist MassWildlife in assessing the number of unfledged chicks present. Less intensive surveys may be required to reassess the number and distribution of unfledged LETE chicks to refine the locations of self-escort and no parking zones as described below. Results of these surveys and resulting changes will be provided promptly to MassWildlife.
 - b) Observation map and notes – While unfledged LETE chicks are present, a qualified shorebird monitor will roughly map (by hand) the approximate locations of active least tern nests and observations of unfledged chicks or suspected chick locations based on parental feeding behavior. Observations will be made from outside of the symbolic fencing, and are not

expected to be comprehensive, in part to avoid excessive disturbance by repeated entry into symbolically fenced areas. The Town will develop a base map or maps including key landmarks (e.g., fence or signposts, footpaths, natural features) to facilitate accurate mapping. During days when the vehicle corridor is open, qualified shorebird monitors will keep daily logs to record field observations about chick movement, predation, chick mortality, LETE interactions with recreational beach users, the presence of chicks outside of symbolically fenced areas, and other observations. During periods when the vehicle corridor is closed, qualified shorebird monitors will make and record regular field observations about chick movement, predation, chick mortality, the presence of chicks outside of symbolically fenced areas, and other observations. Field observation shall be made at least once within 48 hours prior to each anticipated vehicle access opening period. In 2019, surveys were conducted on Wednesday or Thursday for an anticipated Friday to Sunday vehicle access period. Field notes will be made available to MassWildlife upon request.

c) Estimate of unfledged LETE chicks present – Although challenging, the qualified shorebird monitors will continue to estimate the number of active nests, number of chicks present, as well as counts of the number of successfully fledged chicks. The Town will report these estimates to MassWildlife weekly (with map showing nests and areas of unfledged chick activity) until such time as chicks are no longer present.

2. **Symbolic Fencing** – Symbolic fencing for the identified LETE nest/colony area will be located to provide buffer between human activities and known nests/chicks based on the *Guidelines*, LETE nesting activity, and physical configuration of the beach. The Town will continue to make reasonable adjustments to the symbolic fencing, consistent with the *Guidelines*, to account for changes in LETE distribution.
3. **No Parking Areas** – “No Stopping” or “No Parking” areas with appropriate signage will be established as necessary along any SEC and within a sufficient buffer away from an established LETE colony. The locations of the no parking areas will be adjusted on an as- needed basis, based on daily least tern monitoring, to ensure a minimum setback of 100 yards from parking areas to unfledged least tern chicks is always maintained. Because least tern chicks are difficult to monitor, the no parking area boundary should be set conservatively based on cumulative observations of chick activity areas.
4. **Vehicle Self-escorting** – SECs will be established based on observed LETE nesting activity. Opening of the self-escort area will be preceded by a review of the area for the presence of chicks by a qualified shorebird monitor(s). Conditions for the “self-escort” will require that a qualified passenger (16 years of age or older) walk in front of the vehicle as it traverses through the escort area at no more than 5 mph. Signage for the escort area will be consistent with the state approved signage which has been used by the Town in the past. The SEC will be adjusted on an as-needed basis, based on daily LETE monitoring, to ensure that the SEC extends at least 200ft laterally, down the beach, past the nearest unfledged chick. Because LETE chicks are difficult to monitor, the corridor should be set conservatively based on cumulative observations of chick activity areas.
5. **Hours of Operation** – Days of the week and hours of operation will be based on the extent and

population size of the LETE colony(s). The Town will review the proposed days and hours of operation with MassWildlife prior to initiation of the self-escort program.

6. **Vehicle Traffic and Quantity** – Two-way traffic would be allowed in the SEC to accommodate those who drive to the southern point area and choose not to stay. For 2026-2028, the Town is requesting a maximum of 75 vehicles per day. The number of vehicles allowed through the SEC will be reviewed with MassWildlife prior to initiation of the self-escort program. This number may be adjusted, following consultation and approval from MassWildlife, based on changes in the number and location of LETE nests and unfledged chicks, and changes in beach conditions (topography, tides, etc.) that impact the area available for parking of OSV's. MassWildlife will be notified prior to any such changes.
7. **Interim Reporting** – The Town shall provide a weekly interim report to MassWildlife including the map of chick and nest observations, an accounting of any changes to the no parking and escort zones based on chick distribution and movements, a tally of the number of vehicle trips per day, a tally of violations, if any, and other noteworthy observations or management concerns. If necessary, the Town will provide additional email updates to MassWildlife on the status of nests, chicks, and overall beach conditions that may affect components of this program (see Least Tern Monitoring, above).
8. **Changes** – The Town shall request from MassWildlife any necessary adjustments to the program in response to changed conditions, i.e., contraction of no-parking areas or changes to the self-escort hours, etc. Any changes must be approved (in writing) in advance by MassWildlife. Reasonable adjustments to symbolic fencing to account for changes in LETE distribution or expansion of no-parking areas can be made without advance approval by MassWildlife as described above; however, MassWildlife shall be notified of such changes within 24 hours.
9. **Enforcement** – Monitors will be on-site during the daily self-escort travel period, unless otherwise approved in writing by MassWildlife.
 - a. A Vehicle Monitor will be positioned at the beginning of the SEC. Each OSV user entering the beach will check in before self-escorting, and the monitor will record license plate number and OSV permit type and number. The monitor will keep a tally of vehicles entering and exiting and provide the daily tally to the Beach Ranger on duty to aid effective enforcement of OSV use restrictions outside of the self-escorting periods (e.g., license plate numbers are needed to detect the entry of unauthorized OSV's outside of the self-escort windows).
 - b. Bird Monitors will monitor LETE chick movements throughout the LETE colony(s) (one each location), including but not limited to the specific SEC. If one brood of PPL chicks are also present, then two bird monitors shall be present: one to monitor movement of the LETE chicks and the other for PPL chicks. The Bird Monitors will exercise discretion in spending more time monitoring the movement of chicks located near travel corridors or the edge of the symbolic fencing. Monitoring to be conducted with a preference for viewing from a distance with binoculars or viewing scope to minimize repeated encroachment into, and disturbance of, the colonies.
 - c. Either monitor will have the authority to temporarily stop OSVs if chicks enter, or approach within 100ft of the SEC, or to re-route vehicles and readjust self-escort zone and no parking

areas, as described above, if chicks move outside of the symbolic fencing and into OSV use areas elsewhere on the beach.

- d. The Town provides enforcement patrols on North Beach. These patrols will be provided with information on vehicle counts, etc., as discussed above, daily. The Town will keep logs documenting all visits to the site, and any issues or incidents, said logs to be made available to MassWildlife upon request.
- e. The existing joint Orleans-Chatham Nauset Beach Regulations, adopted by the Chatham Conservation Commission, remain in effect and address issues such as dogs, etc.
 - i. An informational flyer will be provided to all vehicles entering the SEC providing details on SEC hours, procedures, and contact information for “after hours” emergencies.

e. Compliance and Effectiveness Monitoring

The Town of Chatham has an intensive daily shorebird monitoring program utilizing experienced monitors on North Beach. The Town has not implemented HCP covered activities since 2019. However, annual compliance reports are submitted each year **Appendix 8**. The Town will continue to adhere to the required management protocols, data collection, recording and reporting procedures as discussed in Section VII and as outlined in the various covered activities described above. This will ensure continued compliance with the HCP and that the Town’s management techniques continue to prove effective.

f. Staffing Participation in the HCP vs. No HCP

If an HCP is implemented, sufficient additional monitors (brood & vehicle) are hired (usually from MA Audubon) to ensure regular monitoring duties on North Beach are not impacted by implementation of the HCP Program.

An HCP requires a minimum of eight (8) monitors daily (assuming two self-escort areas/two broods). Chatham typically contracts with Mass. Audubon’s Coastal Waterbird Program (CWP) for additional trained monitors to supplement Chatham staff for implementation of the HCP. One monitor is assigned to each brood and one monitor assigned to each SEC. HCP implementation is estimated to be seven (7) days per week with two (2) separate 6-hour shifts (7:00 a.m. to 1:00 p.m. and 1:00 p.m. to 7:00 p.m.). Monitors are assigned to the brood(s) for the duration of each shift. A contract with CWP would provide enough additional HCP experienced shorebird monitors (estimated at 6-8 individuals) to cover the 12 hours of daily monitoring. The NBM, or designee, provides oversight for the duration of the HCP implementation and sets daily work schedules and provides transportation to and from the site as needed. Additionally, Chatham may utilize Orleans Shorebird Monitors, if available, and arrange for their hiring prior to implementation of the HCP.

It is noted that initiation of an HCP is contingent upon availability of sufficient additional monitors or it will not be implemented.

IX. BUDGET

The budget covering management and staff associated with Endangered Species management and HCP implementation is outlined below. Staffing costs include the salaries for the North Beach Manager (NBM) and Assistant Conservation Agent (50%), Chatham Shorebird Monitors, and additional Mass. Audubon Monitors (as needed). Expenses include mitigation funding, symbolic fencing and signage, radios, and other

equipment costs related to the monitoring of North Beach.

Approved FY2023 Budget:

Staffing: \$126,542

Expenses: \$25,000

Proposed FY2026 Budget:

Staffing: \$154,288.80

Expenses: \$25,000

The Total Estimated Annual Cost for implementation of the HCP covered activities for 2026-2028 COI (based on 2 takes for a seven-day duration) are as follows:

- Chatham Seasonal Monitors: \$4,000 (includes overtime pay)
- Additional monitors (CWP and/or Orleans staff): \$3,000
- Mitigation Fee: \$11,600.00

Total Estimated Annual Cost: \$18,600.00

X.MITIGATION

The Town of Chatham is proposing to provide funding for two (2) PIPL broods, nests or territories exposed to the covered activity to MassWildlife to implement predator management, educational outreach and increased law enforcement off-site, as described in the HCP. To fund the mitigation, in advance of carrying out covered activities, the Town has established an escrow agreement with MassWildlife as per the HCP (**Appendix 9**). Prior to the implementation of Covered Activities for potential disturbance to PIPL in 2026, the Town will deposit \$11,600 (i.e., two takes) into said escrow account in accordance with the schedule set forth in the Escrow Agreement. For 2026 it is understood that \$11,600 is adequate to cover mitigation for both LETE and two (2) PIPL "Takes."

Appendix 1

Landowner Authorizations

408003
408000
408001
408002

no

no

no

no

Kelly
Fitzgerald

Hammatt

no

no

Thayer

no

Colin

Elefante

Baty

Truelove

Harris

Blond

no

no

no

416121

218072

416071

416072

416073

416074

Atlantic Ocean

CERTIFIED
MAR 04 2016
BOARD OF ASSESSORS
TOWN OF CHATHAM

Private Property Parcels at North Beach Village Over Time

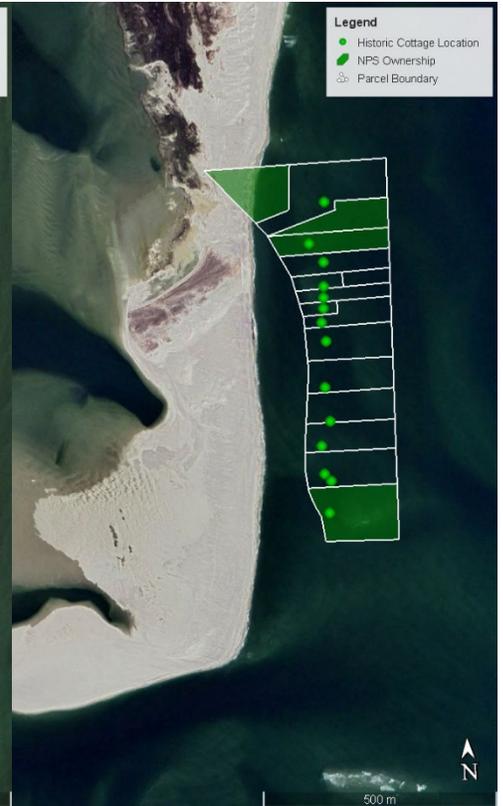
2005



2018



2024





United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:
CACO-2024-1.A.2

December 22, 2023

Mr. Greg Berman
Director of Natural Resources
Town of Chatham
549 Main Street
Chatham, MA 02633

Dear Mr. Berman;

We are issuing Special Use Permit No. 240010 for your oversand vehicle use at North Beach for activities covered under the Habitat Conservation Plan for Piping Plovers. We appreciate the importance to your Coastal Resources Program.

The special use permit authorizes access over and specified activities on federal land for three years. The SUP will commence on January 1, 2024 and will expire on December 31, 2026. Please sign the SUP and return it along with proof of liability insurance to the address listed above.

A signed copy will be returned to you upon the superintendent's execution of the permit. If you have any questions, please feel free to contact Park Planner Lauren McKean (508) 957-0731.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Reynolds".

Leslie Reynolds
Acting Superintendent

Enclosure

SPECIAL USE PERMIT



Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667
508-771-2144



Permittee information
Permittee name: Town of Chatham (Permittee)
Company/Organization: Town of Chatham
Street address: 549 Main Street
City: Chatham
State: MA
Country: USA
Zip code: 02633
Mobile phone number: 774-994-2871
Fax number: 508-945-5163
Email address: gberman@chatham-ma.gov

Park alpha code: CACO

Permit # 240010

- Type of use:**
- Special event
 - Filming or still photography
 - Demonstration, sale or distribution of printed matter, etc.
 - Agricultural or grazing
 - Other: _____

- NEPA compliance:**
- Categorically excluded
 - EA/FONSI
 - EIS
 - PEPC # _____
 - Other renewal

- Authorizing legislation or other authority:**
- 54 U.S.C. § 100101
 - 54 U.S.C. § 100751(a)
 - 54 U.S.C. § 103104
 - 54 U.S.C. § 100905 (still photography)
 - Other authority RM-53
 - Park-specific legislation: P.L. 87-126

The Permittee is authorized to use the following described lands or facilities in **Cape Cod National Seashore (Park): Tract #: 41-8001; 41-8131; 41-8132; 41-8135 for Oversand Vehicle Use for 2024-2026 (Permitted Area)**. The Permittee may use those lands or facilities only for the following purpose: **Activities Covered Under the Habitat Conservation Plan for Piping Plovers**. This permit begins at **12:00 am on 1/1/2024** and expires at **11:59 pm on 12/31/2026**.

Application fee	Received _____	Not Required <u>X</u>	Amount \$ _____
Performance bond	Received _____	Not Required <u>X</u>	Amount \$ _____
Liability insurance	Received <u>X</u>	Not Required _____	Amount \$ <u>\$1M/\$3M</u>
Cost recovery	Received _____	Not Required <u>X</u>	Amount \$ _____
Location fee	Received _____	Required <u>X</u>	Amount \$ _____
Other authorized fee	Received _____	Required _____	Amount \$ _____

Issuance of the permit is subject to the below-listed general and park-specific terms and conditions. The undersigned hereby accepts this permit subject to those terms and conditions and agrees to be bound by them.

[Signature]
Permittee signature
[Signature]
Authorizing NPS official

Authorizing NPS official (additional, if required)

Dir. Natural Resources
Title: Superintendent
Title: _____
Title: _____

1/23/24
Date: _____
1/29/2024
Date: _____
Date: _____

General Terms and Conditions

1. The Permittee must perform the work or conduct the activities authorized by this permit in accordance with the permit's terms and conditions and in accordance with all applicable federal, state, or local law, including the regulations in 36 C.F.R. chapter I; the regulations in 43 C.F.R. part 5; and all applicable workplace-safety and public-health orders, rules, and requirements. If the Permittee fails to do so, then the Superintendent of **Cape Cod National Seashore** (Superintendent) may immediately suspend or revoke this permit without notice.
2. The Superintendent may immediately suspend or revoke this permit without notice if destruction of, loss of, or injury to any park property or resource has occurred, is occurring, or appears imminent. In accordance with the System Unit Resource Protection Act, 54 U.S.C. §§ 100721-100725, any person that destroys, causes the loss of, or injures any park system unit resource will be liable to the United States for response costs and damages resulting from the destruction, loss, or injury.
3. The Superintendent may revoke this permit at any time after providing 24 hours' written notice to the Permittee setting forth the reasons for the revocation.
4. If this permit is revoked for any reason or upon its expiration, the Permittee must repair all damage to park property or resources in accordance with the Superintendent's direction and must restore the Permitted Area to its original, pre-permit condition.
5. The Permittee must obtain all federal, state, or local permits, licenses, inspections, or other reviews or approvals legally required to perform the permitted work or conduct the permitted activities.
6. This permit does not grant the Permittee exclusive use of the Permitted Area. Unless the Superintendent restricts public access to or closes the Permitted Area in accordance with 36 C.F.R. § 1.5, the Permitted Area will remain open to the public to the same extent that it is open to the public during regular park visiting hours, and the permitted work or activities may not unduly interfere with the public's use and enjoyment of the Permitted Area.
7. This permit may not be transferred or assigned to another party without the Superintendent's prior written approval.
8. The Permittee waives all demands, claims, and causes of action against the United States and its officers, employees, agents, and representatives, and releases the United States and its officers, employees, agents, and representatives from all liability, arising out of or resulting from the permitted work or activities. The National Park Service issues this permit upon the express condition that the United States and its officers, employees, agents, and representatives will be free from all liability of any sort whatsoever arising out of or resulting from the permitted work or activities. Accordingly, the Permittee hereby agrees to indemnify, defend, and save and hold harmless the United States and its officers, employees, agents, and representatives from and against all liability of any sort whatsoever arising out of or resulting from the permitted work or activities.
9. If the Superintendent requires liability insurance as a condition of issuing this permit, then the Permittee must obtain general liability insurance against claims occasioned by the acts or omissions of the Permittee and its officers, employees, agents, representatives, and contractors while performing the work or conducting the activities authorized by this permit. The policy must be in the amount of \$ 1 million per occurrence and \$ 3 million aggregate; must be issued by a company licensed to do business and in good standing in Massachusetts; and must name the United States of America as an additional insured. The Permittee must provide the Superintendent with a Certificate of Insurance with the proper endorsements before the permit's effective date.
10. If the Superintendent requires a bond as a condition of issuing this permit, then the Permittee must deposit with the Park, before the effective date of this permit, a bond in the amount of \$ 0 from a bonding company licensed to do business and in good standing in [Insert here name(s) of state(s) where Park is located.] or in the form of cash or cash equivalent, to guarantee that all financial obligations to the Park will be satisfied.
11. As authorized by 54 U.S.C. § 103104 or 54 U.S.C. § 100905 and in accordance with other applicable law and policy, the National Park Service will recover all costs of providing necessary services associated with this permit, including the costs of administering the permit and monitoring the permitted work or activities. The National Park Service may bill the Permittee for either actual costs or estimated costs. Payment is due at the time of billing. If the National Park Service bills the Permittee for estimated costs, and actual costs exceed the estimated amounts, then the National Park Service will bill the Permittee for the excess. If the National Park Service bills the Permittee for

estimated costs, and actual costs are less than the estimated amounts, then the National Park Service will refund the difference to the Permittee after the permitted work or activities have concluded and the permit has expired or been terminated. Under no circumstances will the National Park Service be liable for interest on any refunded amount.

12. The Permittee designates Greg Berman, (774-994-2871) as the on-site person responsible for adherence to the permit's terms and conditions. The on-site person must have full authority to make all decisions about the permitted work or activities; must be reachable at all times; and is responsible for all persons or entities performing the permitted work or activities, including the Permittee's contractors and subcontractors.

13. Nothing in this permit binds the National Park Service to expend in any one fiscal year any sum in excess of appropriations made by Congress or allocated by the National Park Service for the purpose of this permit, or to involve the National Park Service in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.

14. If any provision of this permit is found to be invalid or unenforceable, the remaining provisions of this permit will not be affected and may be enforced to the full extent authorized by applicable law.

15. Use of the National Park Service Arrowhead Symbol is governed by 36 C.F.R. part 11. The Arrowhead Symbol is the official emblem and a registered trademark of the National Park Service. The National Park Service must authorize any use of the Arrowhead Symbol, including incidental use. Using the Arrowhead Symbol for advertising, promotional, or other commercial purposes is prohibited. Unauthorized use of the Arrowhead Symbol may subject an individual to criminal penalties under 18 U.S.C. § 701.

16. Approval of the special use permit does not constitute and should not be construed as a Government endorsement of the permittee's views, activities, products, goods, services, or enterprise. The permittee shall not refer to special use permits awarded by the National Park Service for commercial purposes, in advertising, or in a manner which states or implies that, by issuing the special use permit, the views, activities, products, goods, services, or enterprises undertaken pursuant to this permit are approved of or endorsed by the Government.

17. Credit Lines may be approved through additional terms and conditions.

18. Federal regulations prohibit any person from knowingly giving false information on an application for a permit and from knowingly giving a false report for the purpose of misleading a government employee or agent in the conduct of official duties. 36 C.F.R. §§ 2.32(a)(3) and 2.32(a)(4). Any violation of those regulations will result in this permit's immediate revocation.

Park-specific Terms and Conditions

19. The Permittee, the Town of Chatham, will manage limited continued Oversand Vehicle (OSV) access on North Beach for the 2024-2026 seasons.

20. The primary contact for responsible for adherence to the terms and conditions of the permit shall be Greg Berman, Chatham Director of Natural Resources
Phone: 508-945-5197 Email: gberman@chatham-ma.gov

21. The Permittee will be requesting State Habitat Conservation Plan approval based on strict protocols and mitigation measures. The route would extend across federally owned tracts of land.

22. NPS consents that Permittee will implement the covered activities listed below and as described in the Town's Habitat Conservation Plan for Piping Plovers Request for Certificate of Inclusion ("Plan") submitted to the MA Division of Fisheries and Wildlife on any remaining portions of our property.

Covered Activities:

- a) Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing around Nests (3.2.2.1)
- b) Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing around Habitat (3.2.2.2)
- c) OSV Use in the Vicinity of Unfledged Piping Plover Chicks (3.2.3)
- d) OSV Use in Vicinity of Least Terns

- 23. The Permittee is responsible for fully implementing the Plan, including risk minimization measures and mitigation.
- 24. The Permittee has declared that it will be held responsible for any “take” that occurs as a result of the implementation of the covered activities which may occur over the course of 2024-2026 nesting seasons. Furthermore, we will direct any questions or concerns regarding the Plan or its implementation to the Director of the Chatham Department of Natural Resources.
- 25. The Permittee will keep NPS advised of any “take” of federally protected species under the Endangered Species Act.
- 26. The Permittee must, at all times, conduct activities so as to ensure the safety of the park visitor and the protection of park natural, cultural, and historical resources.
- 27. Permittee shall report any unusual incidents or activities to the NPS immediately.
- 28. Permittee and all participants authorized herein must comply with all conditions of this permit and with all reasonable directions of the National Park Service rangers.
- 29. This permit does not authorize any entry upon, or activities within, any lands not under the jurisdiction of the National Park Service. Such activities must be coordinated and authorized prior to entry, through the respective agency or owner.
- 30. Issuance of this permit by the National Park Service does not provide the Permittee with preferential rights, nor does it assure future authorization to conduct similar activities in Cape Cod National Seashore.
- 31. The use of drones associated with this permit is strictly prohibited.
- 32. Permittee will ensure all activities conducted by personnel follow appropriate safety protocols assuring NPS of its full accountability and responsibility.

Appendix 2

Order of Conditions
& Certificate of Compliance
With Beach Management Plan



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

SE 10-3127

MassDEP File #

eDEP Transaction #

Chatham

City/Town

A. General Information

Please note:
this form has been modified with added space to accommodate the Registry of Deeds Requirements

1. From: Chatham
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name _____ b. Last Name _____

Town of Chatham

c. Organization _____

549 Main Street

d. Mailing Address _____

Chatham MA 02633

e. City/Town _____ f. State _____ g. Zip Code _____

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____

c. Organization _____

d. Mailing Address _____

e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

Chatham North Beach Chatham

a. Street Address _____ b. City/Town _____

c. Assessors Map/Plat Number _____

Multiple; see attached sheet

d. Parcel/Lot Number _____

Latitude and Longitude, if known: d m s d m s
d. Latitude e. Longitude

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Chatham North Beach
Property Contact List

- 1) Parcel Tract #: 41-8000; 41-8002
Owner: Town of Chatham, 549 Main Street, Chatham, MA 02633
- 2) Parcel Tract #: 41-8001; 41-8131; 41-8132; 41-8135
Owner: United States Of America, National Seashore Superintendent, 99 Marconi Site Rd. Wellfleet, MA 02667
- 3) Parcel Tract #: 41-8147
Owner: North Beach Nominee Trust, William R Hammatt, Trustee, PO Box 649, Chatham, MA 02633
- 4) Parcel Tract #: 41-8133
Owner: Brooks B. Thayer, Trustee, PO Box 1377, Orleans, MA 02653
- 5) Parcel Tract #: 41-8134
Owner: AMMRC Realty Trust, John S. Kelley, Trustee, 58 Bridge Road Orleans, MA 02653
- 6) Parcel Tract #: 41-8136
Owner: NB Nominee Trust II, Claire Shea Trustee, PO Box 777, Dennisport, MA 02639
- 7) Parcel Tract #: 41-8137
Owner: Colin M Fuller MD Family Trust, Roy Coppedge, 1625 Painted Rock Trail, Reno, NV 89502
- 8) Parcel Tract #: 41-8138
Owner: Kenneth F. Eldredge, Atwood/Baker/Backlash/RT/Et Al, 507 Orleans Rd. Rt 28, Orleans, MA 02653
- 9) Parcel Tract #: 41-8146
Owner: James E & Robbin A Fitzgerald, PO Box 129, Norwell, MA 02061



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Barnstable

a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: March 8, 2016 March 23, 2016 April 13, 2016
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Assessed Properties Map and Wetland Resource Map-North Beach & NHESP 2012 Map

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

Project Narrative- "Offroad Vehicle (ORV) and Beach Management
Plan for Chatham's North Beach"

3/7/2016

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

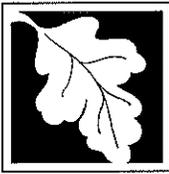
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	70 a. linear feet	70 b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

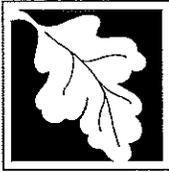
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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input checked="" type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	No alteration	No alteration	cu yd c. nourishment	cu yd d. nourishment
14. <input checked="" type="checkbox"/> Coastal Dunes	No Alteration	No alteration	cu yd c. nourishment	cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	No alteration	No alteration		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on April 13, 2019 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE 10-3127 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):
 Conservation Commission

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attached Special Conditions pgs1-17



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

April 13, 2016

1. Date of Issuance

Please indicate the number of members who will sign this form.

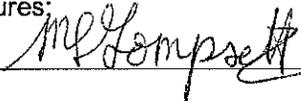
5 of 7

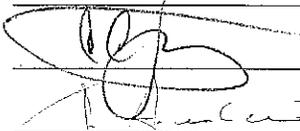
This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

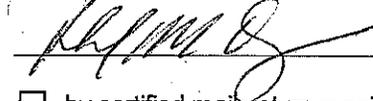
The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:









by hand delivery on

by certified mail, return receipt requested, on

April 13, 2016

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



SE 10-3127
CWP16-075N

File Number

TOWN OF CHATHAM CONSERVATION COMMISSION

Findings on Application filed under the
Chatham Wetlands Protection Bylaw, Chapter 272

Issuance Date

APPLICANT: Town of Chatham
ADDRESS: 549 Main Street
Chatham MA 02633
OWNER: Multiple parcels-see attached sheet
(If other than applicant)
ADDRESS: _____

April 13, 2016

LOCATION of WORK: Chatham North Beach Assessors' Map _____ Parcel Various
Property recorded at the Registry of Deeds or Land Court in Barnstable County:
_____ certificate (if registered land) _____ plan book _____ page

After public hearing in accordance with the Open Meeting Law (MGL Ch 39, s23B) closed on
March 23, 2016, the Chatham Conservation Commission, in accordance
with the Town of Chatham Wetlands Protection Bylaw (Ch 272) finds:

- Permit is granted;**
work may proceed subject to the attached Special Conditions
- Permit is denied;**
see attached explanation

Chatham Conservation Commission:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

signed by 5 of 7 Commissioners

Off Road Vehicle (ORV) and Beach Management Plan for Chatham's North Beach

FINDINGS

A. THE ACTIVITY

The Town of Chatham seeks a permit under provisions of the State Wetland Protection Act M.G.L. c. 131 §40 and the Town of Chatham Wetlands Protection Bylaw § 272, hereafter "CWPB", the Chatham Wetland Protection Regulations ("CWPR") and the Regulations promulgated thereunder, for continued operation of Off Road Vehicles (ORVs) on the Chatham portion of Nauset Beach known as North Beach, a Barrier Beach as defined by 310 CMR 10.29 and CWBR 2.04. Although the permit requested is narrowly defined to ORV use, where ORV use/management issues overlap pedestrian and boating uses, it is herein recognized by the Chatham Department of Natural Resources (DNR) and the Chatham Conservation Commission (Commission) that these uses will be controlled in a manner consistent with permitting requirements for the ORV use. Management will include such activities, among others, as signage, fencing, temporary closures, etc. Management consistency is established in accordance with the Massachusetts Barrier Beach Management Guidelines (1994), Guidelines for Managing Recreational Use of Beaches to Protect piping plovers and Least terns and their Habitats as defined by 310 CMR 10.37, and Estimated Habitats of Rare Wildlife (for coastal wetlands).

The area of North Beach, as shown in Figure 1, starts at the Orleans/Chatham town line and continues in a southerly direction terminating at the inlet formed in 2007. The total area as of 2015 is approximately 150+/- acres. It is understood that the total area and form of North Beach will change with time due to the dynamic nature of the system resulting in ongoing accretion and erosion of the barrier beach.

The Commission so finds that the area in which the proposed activity will take place is a Barrier Beach (310 CMR 10.29, CWPR 2.04), a resource area which itself contains the following wetland resource areas: Land Subject to Coastal Storm Flowage (310 CMR 10.02(1)(d), CWPR 2.10), Land Under the Ocean (310 CMR 10.25, CWPR 2.09), Coastal Beaches (310 CMR 10.27, CWPR 2.02), Coastal Dunes (310 CMR 10.28, CWPR 2.03), Salt Marshes (310 CMR 10.32, CWPR 2.06) and Estimated Habitats of Rare Wildlife (310 CMR 10.37).

For the above cited regulations, provided that where the proposed activity involves alteration of a resource area, the issuing authority shall presume the resource area to be significant to the interests as noted in the regulations governing that specific area, unless that presumption is overcome by a clear showing otherwise, and the Commission makes a written finding to that effect.

B. PROJECT COMPLIANCE WITH M.G.L. c. 131 § 40 PERFORMANCE STANDARDS

Project compliance with M.G.L., c.131 § 40 performance standards as cited in the attached regulations: Coastal Beaches, 310 CMR 10.27 and CWPR 2.02; Coastal Dunes, 310 CMR 10.28 and CWPR 2.03; Barrier Beaches, 310 CM R 10.19 and CWPR 2.04; and Estimated Rare Habitat of Rare Wildlife, 310 CMR 10.37.

The proposed project calls for the following activities, designed to prevent impacts of ORV usage upon the resource areas of North Beach cited above:

1. Maintenance of two primary north to south oriented ORV corridors on North Beach. One corridor located on the outer beach seaward (east) of the primary dune and the other immediately west of the primary dune referred to as the Inner Trail. Two access routes are currently maintained (Exits 6 and 7) providing access from the Inner Trail to the outer beach corridor.
2. Placement of signage, wooden barrier posts, and stakes with twine, (symbolic fencing) to be located as necessary to confine ORV traffic to the defined access ways and vehicle corridors, maintained by hand, and spaced an average of 50 feet apart; signage to be attached to posts and/or fencing where possible; such posts to be placed in such a manner as not to disturb vegetative cover;
3. Placement of symbolic fencing and/or predator exclosures, as necessary, around potential nesting habitat, actual nesting, and foraging sites;
4. Placement of fencing barriers for access closures and/or openings, as deemed necessary for tern and plover habitat, nesting, and foraging protection. The Commission finds that the above activities, as controlled by the conditions herein, meet the performance standards set forth in 310 CMR 10.27(3), (6), and (7); 10.28(3), (5), and (6); 10.29(3) and (4). See "Rare Species" for compliance with Coastal Beaches 310 CMR 10:27.
5. With regard to the primary activity proposed, ORV usage itself, the Commission finds the following:
 - a. Coastal Dunes: 310 CMR 10.28 and CWPR 2.03
 - i. An evaluation of these areas shows them to be sensitive to environmental concerns with respect to sinuosity and topography. The existing layout is not believed to promote wind tunneling, erosion, or wave overwash. A field inspection will take place annually prior to April 1, in consultation with Massachusetts Division of Marine Fisheries & Wildlife Natural Heritage staff,

Chatham Conservation Agent, and representatives from the Chatham DNR and Coastal Resources Department to evaluate ORV access and egress trail locations, ORV trails, and Coastal Dunes and piping plover and least tern habitat in order to fence off areas which are sensitive and may be potential nesting habitat. The fencing and layout of trail corridors will be in accordance with the recommended management measures as defined by the Massachusetts Barrier Beach Guide for Off Road Vehicle Driving Corridors (see p. 85-89). Therefore, the Commission finds that based on the history and references of record, maintenance of the existing ORV trail routes are appropriate, and meets the performance standards set forth in 310 CMR 10.28, CWPR 2.02 as follows:

310 CMR 10.28(3)(b) and CWPR 2.03(3)(a)(2) Use of existing access and egress corridors through the dunes will be restricted to corridors already without vegetation due to previous ORV use. No further de-vegetation and consequent destabilization should occur given appropriate posting as required in the Special Conditions.

310 CMR 10.28(3)(c) and CWPR 2.03(3)(a)(3) It is recognized that the ongoing use of an ORV corridor may cause limited modification to small dune areas. However, the Commission finds that due to the orientation, location, restriction in size, and proposed maintenance activities, no significant increase from storm or flood damage is anticipated.

310 CMR 10.28(3)(d) and CWPR 2.03(3)(a)(4) No interference with the landward movement of Coastal Dunes will occur as a result of the Special Conditions that provide for managing ORV traffic on the existing ORV trails of Coastal Dunes, with the possible exception of temporary alternate routes, provided in response to plover and tern protection needs, will be permitted.

310 CMR 10.28(3)(f) and CWPR 2.03(3)(a)(7) No interference with mapped or otherwise identified bird nesting habitat (and rare and endangered species habitat) will occur as a result of the Special Conditions that provide for managing ORV traffic on the existing ORV trails of Coastal Dunes, with the possible exception of temporary alternate routes, provided in response to plover and tern protection needs, will be permitted.

ii. Ocean Side North/South Corridor

Given the Special Conditions requiring that this corridor be a minimum of 15 feet seaward of the toe of the Coastal Dune, no change in vegetation should

occur, and the performance standards set forth in 310 CMR 10.28 (3)(b) and (c), CWPR 2.03(1)(b)&(c) should be met. Furthermore, the general location of the ocean side ORV corridor is typically westerly of the normally occurring wrack line. Corridors will also be laid out to minimize any impacts on wrack lines and fencing will be moved periodically to minimize any driving on wrack lines which provide food for nesting and foraging shorebirds.

b. Coastal Beaches: 310 CMR 10.27(3) & (7), CWPR 2.02(3)

The Commission recognizes that North Beach is highly dynamic given the regional climatic regime and geomorphological characteristics of the Nauset Beach system. The continued use of the existing ORV corridors may cause temporary limited impact to the profile (form) of the beach area; however, these minor changes will not result in increasing the potential for wind and wave erosion.

The Commission recognizes that sediment disturbed by the passage of ORVs is not lost from the Beach resource area, and that significant sediment movement is not attributable to ORV use. Therefore, it finds ORV use as proposed will not result in a significant decrease to beach volume, and that significant changes in beach volume are more likely influenced by coastal processes associated with climatic and/or meteorological factors (also see Rare Species 310 CMR 10.27(3) & (7), CWPR 2.02(3)).

C. PROJECT COMPLIANCE WITH 310 CMR 10.00 AND CWPR PERFORMANCE STANDARDS AND REGULATIONS

- 1) The Commission finds that special provisions of the North Beach Off-Road Vehicle and Management Plan will prevent the proposed activity from having an adverse effect on identified sites of rare or endangered species and preserve beach resource areas.
- 2) The Commission finds that a variance from the Chatham Wetlands Protection Regulations can be granted as the project is necessary to accommodate an overriding public interest (CWPR 4.03(1)(d)) for the following resource areas -- Barrier Beaches (CWPR 2.04(3)), Coastal Beaches and Tidal Flats (CWPR 2.02(3)(c)), Coastal Dunes (CWPR 2.03(c)), Coastal Banks (CWPR 2.05(3)(a)(5)), and Salt Marshes (CWPR 2.06(3)(b)).
- 3) The Commission finds that the proposed activities will not have an adverse effect on the Coastal Beaches or Coastal Dunes as required by 310 CMR 10.27(3) and 310 CMR 20.28(3)(a-f).

- 4) The Commission finds that the existing public roadway (i.e. trail) may be maintained and improved in a very limited manner (310 CMR 10.53(3)(f)).
- 5) The Commission finds that "certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat. These include all areas within the 10 year floodplain or within 100 feet of the bank or bordering vegetated wetland within the 100 year floodplain, and vernal pool habitat, except for those portions of which have been so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated . . . and similar areas lawfully existing on November 1, 1987 and maintained as such since that time." The Commission finds that historic and continuous use of the ORV trails qualifies them for the exception above and, thus can be permitted under 310 CMR 10.57(1)(a)3.

APPROVE/DENY

The Commission finds that this project can be permitted with the following special conditions.

SPECIAL CONDITIONS

A. PREAMBLE

The Commission, in setting forth the following Special Conditions, intends that these conditions be flexible enough to reflect the needs of the changing environment they are designed to protect. The Nauset Barrier Beach system has been shown to be extremely dynamic over time. Significant changes in geomorphic form and wildlife habitat have occurred both prior to and during recreational uses of this resource area. The challenge for this Commission is to manage competing uses of this Barrier Beach system under the provisions of both the Massachusetts Wetlands Protection Act, M.G.L. C. 131 § 40 and the Town of Chatham Wetlands Protection Bylaw, Chapter 272 of the Code of the Town of Chatham.

These Conditions are designed to:

- protect Coastal Resource areas and identify wetland interests for the North Beach barrier beach system;
- allow for the historic, ongoing public recreational use of North Beach including pedestrian, ORV, and boat access;
- allow for access to private property on North Beach;

- require greater restrictions on ORV users with respect to environmental education, scheduled and unscheduled temporary closures of access routes, etc;
- require continued management of the barrier beach system resource area to include hiring of specially qualified personnel to conduct detailed monitoring of and reporting on estimated and priority habitat areas for federally and state listed threatened and endangered shorebirds, which will serve as basis for modifying permitted management procedures/policies; and
- require interdisciplinary and agency cooperation which will result in sensitive, flexible, and responsive management of the barrier beach system.

B. RULES AND REGULATIONS

The Commission is responsible for implementing and enforcing the Rules and Regulations for ORV use on North Beach. These regulations shall be periodically reviewed as necessary by the Commission and, at a minimum, require the following:

- a) Coordination with the Town of Orleans regarding the maximum limit of ORVs permitted on the beach (south of the Orleans Nauset Beach parking lot) at any one time. This number is determined by the Town of Orleans Natural Resources Manager, with input from Chatham's DNR, after taking into consideration general beach and nesting conditions. Based on management since the 2007 breach, the maximum number of ORVs permitted on the beach at any one time shall be 375. This number shall include those vehicles passing through Orleans to Chatham's portion of the beach but shall not include ORVs used to access the 12 private camps and private homes/cottages on Pochet Island in Orleans, as they have their own dedicated parking areas.
- b) Posting of temporary closures due to tide conditions or nesting considerations.
- c) Driving on the Pleasant Bay (west) side, along the shoreline, is prohibited.
- d) Driving on the low beach (below the high tide line) may be permitted during the winter season between the first Friday in November to the Friday before Memorial Day, and at any additional specially designated times and places to avoid disturbance of nesting birds.
- e) Parking is permitted seaward of a 37' corridor consisting of 15' from the toe of the dune, plus 12' for the vehicle track, plus a 10' margin between the vehicle track and parking area.
- f) Closure of the beach between the hours of 11 PM and 6 AM except for active fishing and fowling and self-contained vehicles. Driving outside of designated ORV corridors is prohibited.

- g) In posted areas near bird nesting a speed limit of 5 mph shall be enforced.
- h) No jet ski launching or landing.
- i) No kite flying from March 15 to September 15.
- j) Pets shall only be allowed as designated by the Nauset Beach Rules and Regulations for ORVs. Rules and Regulations on pets shall be developed to maximize protection of nesting shorebirds and shorebird habitat.
- k) All ORV permittees must view an educational film/slide presentation prior to issuance and renewal of an ORV permit.
- l) Carriage of minimum required equipment, including but not limited to, tire size and pressure, shovel, tow rope, and jack support, as listed in the Nauset Beach Rules and Regulations.
- m) Any other conditions responsive to significant environmental changes and/or any conditions necessary to protect the North Beach barrier beach system, public health, safety, and welfare of the users and/or property owners.
- n) Fines and penalties may be invoked, as necessary, by the Commission.
- o) Walking between the bayside and the oceanside shall be prohibited in all but designated areas. No walking is to be allowed upon vegetated dunes, slopes or bare dune faces. No activity, i.e. sand sliding, dune jumping, or similar, is permitted at any time.

C. CLOSURE OF THE BAYSIDE (WEST) TO ORV TRAFFIC

Salt Marsh, tidal flats, and shellfish beds which adjoin the Pleasant Bay side of the beach are extremely sensitive to ORV use. Therefore, ORV use shall not be permitted in these resource areas other than via existing ORV access corridors. Where the existing access corridors terminate, so shall the ORV use. Resources being accessed from the end of these ORV corridors for fishing, fowling, or passive recreation shall be via foot travel only. Furthermore, the Department of Natural Resources shall install signage, as necessary, at these locations indicating no ORV use.

D. TEMPORARY ALTERNATIVE ROUTES:

The Town of Chatham has proposed that should the ORV corridor or ORV trail network be closed to protect shorebirds, alternate routes may be approved on a temporary basis. When considering a location of a temporary route, the route will be designed to provide greater protection for nesting shorebirds.

Establishment of temporary alternate routes could inhibit the landward migration of the Barrier Beach in violation of the performance standards and CMR 10.28 and 10.29, CWPR 2.02 and 2.04. However, the Commission recognizes that seasonal weather, storm and wind patterns, along with the textural components (coarse sand and gravel) of the back shore area, indicate it is unlikely that the limited seasonal use of proposed alternative routes would result in increasing potential for storm and flood damage in violation of 310 CMR 10.28(3)(c), CWBR 2.03(3)(c)&(d) or interfere with the landward movement of the Dunes of the Barrier Beach in violation of 310 CMR 10.28(3)(d) and 310 CMR 10.29(3) CWPR 2.04.

When the need to protect specific habitat, nesting, and/or foraging sites by closure of the access routes is necessary, the Town may propose temporary access routes. When specific temporary routes are proposed that are consistent with the performance standards cited herein, they will be done so after consultation with the Conservation Agent, Director of Natural Resources, any affected property owners and staff from the NHESP.

E. RARE SPECIES

In addition to Piping plovers and Least Terns that receive special protection measures under the Federal and State Endangered Species Acts, and have specific management requirements detailed herein, the Commission recognizes that North Beach is habitat for other migratory shorebirds and shorebirds. Use of this habitat may be for nesting, staging, resting, or feeding, either in the nesting season or during spring and fall migration periods. The performance standards and management guidelines documented herein for use in protecting Rare Species may be applied, as needed, to benefit other nesting shorebirds following consultation with Shorebird Monitors and at the recommendation of the Director of DNR.

1. Project Compliance with Performance Standards

The Commission finds that a potential to alter the resource area within part of the mapped habitat for State-listed rare species does exist. However, the Commission finds that the project as proposed and conditioned herein, inclusive of the hiring of a qualified habitat specialist and incorporation of temporary beach closure measures, should provide the protection necessary so that no effect will result within these specified habitat sites.

The presumption that the maintenance activities requested in order to continue ORV use of North Beach will impact specified habitat sites, is in the opinion of this Commission, been overcome and rebutted by the proposed Beach Management Plan and ongoing endangered species monitoring program. This

Management Plan will require, among other measures, observation and tracking of the plover and tern species to determine exact habitat sites, nest sites, foraging habitat areas for brood and adult plover and for the Least terns; temporary closures of the identified sites and routes to ORV and pedestrian use; and placement of fencing and predator barriers to afford habitat protection. The Commission, as the issuing authority, therefore finds that the project as proposed, and herein conditioned, should not result in an impact to specified habitat sites identified for plover and tern populations on North Beach. If, however, these conditions prove inadequate to protect the wetland interests defined in M.G.L. c. 131, § 40, or to ensure that there is no impact on rare species habitat as required by 310 CMR 10.37, the Commission reserves the right to impose the necessary additional conditions and restrictions upon the use of ORVs on North Beach.

2. Plover & Least Tern Monitoring

The DNR shall be responsible for the hiring of suitably qualified personnel to serve as Piping plover and Least Tern Habitat Analysis Specialists, hereafter referred to as "Monitors," responsible to the Director of Natural Resources. The Monitors will be employed annually from April 1 through August 31 to provide technical information relative to the habitat and characteristics of the Piping Plover and Tern populations on North Beach, and will be responsible for alerting the Director of Natural Resources, or designated agents, as to the need to temporarily close or limit access to ORV traffic during plover nesting and fledgling activity periods. The Monitors will also be responsible for providing the Director of Natural Resources regular updates on plover and tern activity, as well as a season-end Census Data Report to be submitted to the Commonwealth.

3. Limitation of Access to Prime Nesting Habitat Areas

a. Vehicular Access

Parking in, or vehicular access through, identified Plover and Least Tern habitat as determined annually by the Monitors and coordinated with the Director of Natural Resources (or agent) shall be prohibited. This restriction will not necessarily prohibit vehicular access past (i.e. northward/southward) such areas if consistent with specific management guidelines.

b. Boater and Pedestrian Access

It has been the custom for visitors to the North Beach to arrive by boat. Generally, this takes place in the area of the barrier beach terminus.

Disturbance of threatened and endangered shorebirds by these pedestrians may be minimized by installing posts, signs, and fencing to indicate closed areas. Pedestrians will be encouraged to use the designated walkways thereby helping to protect dune form, vegetation, and birds.

Pedestrians may be excluded from existing washover areas in a manner which does not interfere with, or cause any effect to, the ability of such washover areas to serve as nesting habitat for shorebirds.

4. Piping Plovers

The beach management strategy for Piping Plovers includes devoting the highest priority to encouragement of the earliest arriving birds to nest as early and successfully as possible: i.e. minimizing human disturbance. The result, in addition to a high reproductive success rates, may be to minimize the period during which the beach is closed to ORV use.

Plover Biological Breeding Behavior Overview with Specific Dates for Breeding Behavior and Development of Nests, Eggs and Chicks

Spring Arrival (March 16 - April 30)

Piping Plovers return from their southern winter quarters to establish nesting territories along Cape Cod beaches in early spring. They then pair up and establish nest territory areas which they defend from intrusion by humans, other shorebirds, and predators. Once a pair has established a nest area the male will establish several scrapes and the female will eventually chose one to begin laying her clutch. Adults are very attentive to the nest and their chicks and will defend the nest, territory and chicks vigorously. If threatened, the plover will attempt to lead the predator away from the eggs and nest by feigning a broken wing which often results in their mortality by predators such as red fox, coyotes or black crows. Those three predators, in addition to Raptors, are the 3 main predators of plovers and terns on the Cape. Herring Gulls and Black Back Gulls are also predators of plovers, their eggs, and chicks. Overall productivity is determined by the number of breeding pairs, nest attempts and the number of chicks which fledge. They have the capability to re-nest after predation of eggs or chicks. However, if one chick survives to fledge they will not re-nest. Their re-nesting attempts can be 3-4 times prior to the 1st week of July. Chicks must be capable of 50' of sustained flight before they are considered fully fledged.

Management

Prior to the arrival of Piping Plovers, potential nesting areas shall be visited by a monitor to evaluate the natural changes that have occurred through the winter, and to identify areas of suitable nesting habitat. Suitable nesting habitat shall be posted, with endangered species nesting area signs, and delineated with symbolic fencing, prior to the arrival of plovers (no later than April 1) to reduce the potential disturbance of potential habitat by beachgoers for Plovers establishing their nesting territories. Vehicular access into or through posted areas shall be prohibited, though vehicles may pass by such areas at this time.

Laying and Incubation of Eggs (April 20 – August10)

Normally the nest, scrape in the sand, is established at the toe of the dune, in a wash-over, along the spring tide wrack line, or in sparsely vegetated areas of dunes. The first of the sand-colored eggs is laid in late April and may contain a full clutch of 4 eggs a week after the first egg is laid. Then both adults incubate the eggs, alternating every few hours, for the next 28 days.

Management

Symbolic fencing shall be erected and repositioned as necessary around known nesting areas. Endangered species signs shall be placed outside the symbolically fenced area to add additional protection. Vehicular access within the symbolically fenced area shall be prohibited. When a monitor, in consultation with the Director of Natural Resources, determines a nest should be enclosed, a welded wire fence shall be placed around the nest, using a design recommended by the Massachusetts Division of Fisheries and Wildlife.

Before the eggs hatch, it is necessary to close the beach and to level ORV tire ruts to prevent an adverse effect on young hatchlings. This must be accomplished within a 28 day period after incubation commences. If ruts are to be leveled by natural processes, one week should be allowed, and the beach should be closed 21 days after the last egg is laid or the start of incubation. If ruts are to be leveled by hand, the beach could remain open a few additional days. When plover nests are found after the last egg has been laid, making it impossible to predict hatch date, restrictions on vehicles should begin on a date determined by 1 of 3 scenarios:

- 1) If a plover nest found with a complete clutch is monitored twice per day, at dawn and dusk (before 0600 hrs. and after 1900 hrs.), vehicle use may continue until hatching begins. Nests should be monitored at dawn and dusk to minimize the time that hatching may go undetected if it occurs after dark.

Whenever possible, nests should be monitored from a distance with spotting scope or binoculars to minimize disturbance to incubating plovers.

2) If a plover nest is found with a complete clutch before May 22 (the earliest recorded hatch date for piping plovers in Massachusetts), and is not monitored twice per day, at dawn and dusk, then restrictions on vehicles should begin May 22.

3) If a plover nest is found with a complete clutch on or after May 22, and is not monitored twice per day, at dawn and dusk, then restrictions on vehicles should begin immediately.

Hatching Eggs and Movement of Young (May 20 - August 20)

Piping Plovers have precocial young, capable of walking and feeding themselves within 24 hours after hatching. The most vulnerable stage in their breeding cycle is the period when hatchlings are less than 10 days old, when they accompany the adults in their feeding forages. Normally, all eggs in a clutch hatch within a 24 hour period between the hatching of the first and last eggs. The hatchlings then accompany the adults to feed on small invertebrates along the wrack line, toe of the dunes, and inter-dunal blowouts. During their first week, the young usually do not wander more than 100 yards from their original nest site. They do not use the nest after the first couple of days from their hatch date, but depend on their cryptic coloration to blend in with their surroundings. If an adult Plover sounds an alarm note, the young either run for cover beneath one of the adults, or seek cover in vegetation, among stones, along the wrack line, or in a vehicle rut. Plover chicks over a week old may accompany the adults for greater distances, up to 1/4 mile, and spend increasingly more of their time foraging along the wrack line and out into the intertidal zone.

Management

Plover chicks on North Beach may be seen foraging with adults in areas anywhere between the Bay and the ocean intertidal zones in areas where there is little vegetation to obstruct their movements. Because they may go from the ocean side to the bay side within minutes, using existing blowouts and over wash areas, they are vulnerable to vehicular travel through these areas at all times. Additionally, the ruts left by vehicles are known to trap young chicks that subsequently may be run over by another vehicle using the same ruts, or they remain trapped in the rut, may die from exhaustion, or are found in the rut by a predator.

Therefore, when unfledged plover chicks are present, vehicles will be prohibited from all dune, beach, and intertidal habitat within 100 yards of either side of a line drawn through the nest site and perpendicular to the long axis of the beach. The resulting 200 yard-wide area of protected habitat for plover chicks should extend from the ocean-side low water line to the bay-side low water line or to the farthest extent of dune habitat if no bay-side intertidal habitat exists. However, vehicles may be allowed to pass through portions of the protected area that are considered inaccessible to plover chicks because of steep topography, dense vegetation, or other naturally-occurring obstacles. If unfledged plover chicks move outside the original 200 yard-wide area of protected habitat, then the boundaries of the protected area should be adjusted to provide at least a 100 yard buffer between chicks and vehicles. It is possible that in some areas 1 or more broods can close the entire beach to ORV traffic, if they are located at the beginning of an access area.

Fledging of the Young (June 28 - August 20)

Young plovers are capable of flying short distances within 30 days of their hatch date. Typically, these novice fliers remain with the adults, foraging in the same general area anywhere from a few days, to the rest of the summer. Adults may lead fledged young to more remote portions of neighboring beaches if they are disturbed by recreation or predation.

Management

Once the Monitor has determined that the young have fledged or left the beach, the area may be re-opened to vehicular traffic. If the chicks have not fledged by 35 days a "regulatory fledge" occurs and the beach may be opened.

5. Least Terns

North Beach has been home to Least Tern nesting colonies.

Spring Arrival (May 7 - July 10)

Least Terns return from their winter quarters in South America to establish nesting colonies ranging in size from a dozen pairs to over 1,000 pairs. Least Terns have used North Beach, and data over past years shows that colony size has varied annually.

Management

Prior to the arrival of Least Terns, potential nesting areas shall be visited by a Monitor to evaluate the natural changes that have occurred through the winter, and to identify areas of suitable nesting habitat. The suitable nesting habitat shall be posted, with endangered species nesting area signs, and delineated with symbolic fencing, prior to the arrival of the Terns to reduce the potential disturbance of this potential habitat by beachgoers. Vehicular access into or through posted areas shall be prohibited, though vehicles may pass by such areas at this time. On North Beach, it is likely that the protected area will have to be adjusted to encompass additional portions of the colony.

Laying and Incubation of Eggs (May 20 - August 5)

Most clutches of 2-3 eggs are laid in early June. The nests are simple scrapes in the sand or on bare stone between the wrack line and the toe of the dune, or in an open blow-out.

The adults incubate the eggs for 21 days after the last egg is laid. It is not uncommon for Least Terns to lose nests to storms or high tides. Least Terns will attempt to discourage mammalian, avian, or human intruders who come near their nests by attacking in unison, calling loudly, and dropping their "white wash."

Management

Incubation is the most vulnerable stage for breeding Least Terns. The presence of people, dogs, kites, and predators too close to a colony causes the entire flock of nesters to leave their nests during the disturbance. If the disturbance lasts more than 15 minutes, the eggs may be destroyed by exposure to the sun, rain, or wind-blown sand. Therefore, it is critical that the Monitor for the colony adjust the perimeter of the fence and signs to include a buffer zone wide enough to prevent disturbance to incubating adults.

Hatching of Eggs and Movement of Young (June 9- August 25)

The 2 to 3 semi-precocial young are active within 24 hours of hatching. Least Tern young are fed by the adults. Although the young are capable of running within a week of hatching, they typically do not wander more than 15 feet from their nest depression during the first 10 days. However, at ages between 10 and 28 days, they will run long distances to flee an intruder, find better locations for hiding, or await the return of adults with food. These older juveniles, over 14 days old, are often difficult to see. Their plumage is camouflaged, and they hide in vegetation and cover on the wrack line.

Management

When unfledged least tern chicks are present, vehicles should be prohibited from all dune, beach and intertidal habitat within 100 yards of either side of lines drawn through the outermost nests in the colony and perpendicular to the long axis of the beach. The resulting area of protected habitat for least tern chicks should extend from the ocean-side low water line to the bay-side low water line or the farthest extent of dune habitat if no bay-side intertidal zone exists. If unfledged chicks move outside the original protected area, then the boundaries of the protected area should be adjusted to provide at least a 100-yard wide buffer between unfledged chicks and vehicles. However, vehicles may pass through any portions of the protected area considered inaccessible to least tern chicks because of distance, steep topography, dense vegetation, or other naturally-occurring obstacles. Because least tern chicks disperse from nests shorter distances and at older ages than plover chicks, under some circumstances it may be possible to allow passage of vehicles through portions of least tern chick habitat if, in the opinion of the Division of Fisheries and Wildlife, this can occur without substantially increasing threats to least tern chicks or their habitats.

Fledging of Young (July 9 - September 10)

Least Terns young are capable of weak flight about 28 days after hatching. Most young in a colony fledge in mid-to late July in Massachusetts, unless the colony has been abandoned because of by tides, storms, or predators and the survivors re-nest. Once the young are capable fliers, they are led by the adults further from the busy colony to quieter portions of beaches and sandbars. The young will even fly out to the fishing grounds where they rest on the water and wait to be fed.

Management

The monitor of the colony will determine when the terns have left the nesting area. As long as Least terns are landing in the fenced area, it is likely that they are still nesting or rearing young. Most Least terns will have left Massachusetts by late August or early September.

F. MANAGEMENT AND REVIEW

Management of the resource areas in terms of ongoing use, use restrictions, etc. will be the primary responsibility of the Chatham & Orleans Department of Natural Resources

(DNR), with provisions for review of management guidelines to be made cooperatively with Commission input as necessary.

Changes in management, in relation to Rare Species, such as waivers of ORV closure requirements, by the State and Federal Agencies, may be allowed, upon notice to the Commission (e.g. Conservation & Management Permit).

The ORV management plan will be periodically reviewed and approved by the DNR and Commission, based upon the reports and recommendations resulting from the implementation of this ORV Management Plan.

Any temporary alternate routes for the travel corridor must be approved in writing in advance by the Division. The Division reserves the right to require rerouting of the travel corridor in a given year as necessary to avoid impacts to state-listed species.

Any changes to rules, regulations, beach management procedures or special conditions that have the potential to affect Piping Plovers, Least Terns, other state listed species or their protected habitats must be approved in writing in advance by the Division.

All management activities must be carried out in accordance with State and Federal Guidelines and in accordance with the Off Road Vehicle (ORV) and Beach Management Plan for Chatham's North Beach unless expressly approved in writing in advance by the Division.¹

It is essential that the Town conduct adequate patrols, take enforcement action for unleashed dogs when necessary, and document the extent of compliance with leash rules. In this context, the Town personnel shall keep patrol logs and report patrol frequency and frequency of leash rule violations to the Division as part of the ongoing annual data reporting program.

In addition to measures necessary to avoid adverse effects to Resource Area habitat, the ORV and Beach Management Plan and Draft Findings and Special Conditions contain provisions to avoid the direct Take of Plovers and Terns through harm, harassment, injury or mortality that could result from ORVs or other recreational activities (e.g. additional ORV closures when chicks are present, restrictions on dogs).²

¹ For example, if the Town of Chatham applies for a Certificate of Inclusion (COI) and MESA Conservation & Management Permit (CMP) associated with the Statewide Habitat Conservation Plan (HCP) for the Piping Plover, the Division could approve deviations from the Guidelines and from the Beach Management Plan.

² Although some measures such as symbolic fencing may be necessary to avoid both a Take and adverse effects to the Resource Area habitat, other measures are only necessary to avoid direct Take; for example restrictions on dogs and timing restrictions on use of a limited ORV travel corridor through an area with unfledged plover or least tern chicks.

The Division reserves the right to impose additional restrictions on pets, should the Division determine that additional measures are needed to prevent harm to nesting plovers and terns. Finally, the Division reserves the right to impose additional conditions on ORV beach management should the Division determine that conditions are necessary to avoid Take of staging, migratory, or post-breeding state-listed birds.

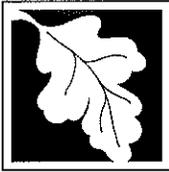
Any additional conditions necessary to protect Piping Plovers, Least Terns in connection with the issuance of a Massachusetts Statewide Habitat Conservation Permit (HCP) shall be approved by the Division. To the extent that they may alter any of the Conditions contained herein, the HCP Permit Conditions and Procedures as outlined in the a Habitat Conservation Plan for the town of Chatham, approved by the Division shall control.

G. ENFORCEMENT

Enforcement of North Beach ORV corridor to include expanded patrol coverage during off-peak usage, specifically weekday and pre-season periods. Should expanded patrol prove inadequate to protect the natural and wildlife resources which are the subject of this ORV Management Plan, the Commission may require additional enforcement.

The enforcement and management responsibility of North Beach as described by this ORV Management Plan, is designated by state and local statutory requirements to Town of Orleans and Town of Chatham officials who have historically co-managed the resource. In this instance, primary enforcement responsibility will be shared by the Chatham Conservation Commission, Orleans Park Commission, and their respective agents.

All management activities must be carried out in accordance with Massachusetts GUIDELINES FOR MANAGING RECREATIONAL USE OF BEACHES TO PROTECT PIPING PLOVERS, TERNS, AND THEIR HABITATS IN MASSACHUSETTS, Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (April 1993) & 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, Northeast Region, U.S. Fish and Wildlife Service (April 1994) the (Guidelines) and in accordance with the Off Road Vehicle (ORV) and Beach Management Plan for Chatham's North Beach unless expressly approved in writing in advance by the Division.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address	b. City/Town, Zip
c. Check number	d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town	State	Zip Code
Phone Number	Fax Number (if applicable)	

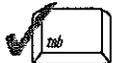
4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**Request for Departmental Action Fee
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

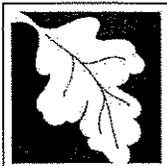
B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

For Registry of Deeds Use Only



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8B – Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

SE 10-3127

Provided by DEP

A. Project Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. This Certificate of Compliance is issued to:

Town of Chatham

Name

549 Main Street

Mailing Address

Chatham

City/Town

MA

State

02633

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions or Order of Resource Area Delineation issued to:

Town of Chatham

Name

April 13, 2016

Dated

SE 10-3127

DEP File Number

3. The project site is located at:

Nauset (North) Beach

Street Address

Chatham

City/Town

Multiple

Assessors Map/Plat Number

Parcel/Lot Number

The final Order of Conditions or Order of Resource Area Delineation was recorded at the Registry of Deeds for:

Property Owner (if different)

County

Book

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

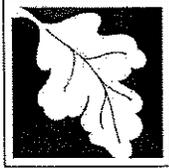
5/20/2021

Date

B. Certification

Check all that apply:

- Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE 10-3127
Provided by DEP

B. Certification (cont.)

- Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
-
- Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).
- Condition Numbers:
- The Over Sand Vehicle (OSV) and Beach Management Plan for Chatham's North Beach, Revision 1, May 2021. Revisions to be approved by Conservation.
- Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

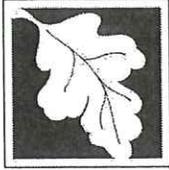
C. Authorization

Issued by:

Chatham
Conservation Commission

3/30/2021
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE 10-3127
 Provided by DEP

C. Authorization (cont.)

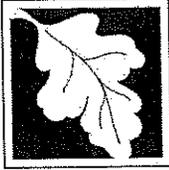
North Beach

Signatures:

Signature [Handwritten Signature]
 Signature _____
 Signature _____
 Signature _____
 Signature _____

[Handwritten Signature]
 Printed Name _____
TERRENCE SULLIVAN
 Printed Name _____
ROBERT RALLS
 Printed Name _____
Robert DeVeauis
 Printed Name _____
H. Clarke Jr
 Printed Name _____

Printed Name _____
 Printed Name _____
 Printed Name _____
 Printed Name _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8B – Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 10-3127
Provided by DEP

D. Recording Confirmation

The applicant is responsible for ensuring that this Certificate of Compliance is recorded in the Registry of Deeds or the Land Court for the district in which the land is located.

Detach on dotted line and submit to the Conservation Commission.

To:

Chatham
Conservation Commission

Please be advised that the Certificate of Compliance for the project at:

North Beach
Project Location

SE 10-3127
DEP File Number

Has been recorded at the Registry of Deeds of:

Barnstable
County

for:

Property Owner

and has been noted in the chain of title of the affected property on:

Date

Book

Page

If recorded land, the instrument number which identifies this transaction is:

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant

Appendix 3

Chatham-Orleans
Intermunicipal Agreement

NAUSET BEACH AGREEMENT

This agreement made this 1st day of April, 2025 by and between the Town of Orleans (“Orleans”) and the Town of Chatham (“Chatham”) pursuant to the provisions of M.G.L. c. 40 §§4 and 4A, and every other power which they may have, acting by their respective Select Boards.

WHEREAS, Nauset Beach is a unique conservation and recreation area located in the Town of Orleans and the Town of Chatham;

WHEREAS, the parties desire to provide for the joint patrol and management of Nauset Beach, including, but not limited to, beach patrol, fire protection, rescue services, and endangered shore bird monitoring, within the Town of Orleans and the Town of Chatham from a point south of the Nauset Beach Parking lot to the Chatham Inlet;

WHEREAS, the parties desire to assess the costs of running these programs on Nauset Beach, the parties commit to collecting and sharing the data necessary to achieve this goal;

NOW THEREFORE, in consideration of the foregoing and the mutual promises and agreements contained herein, the parties agree as follows:

I. Responsibilities.

Chatham agrees to:

Orleans agrees to:

1. Supply qualified personnel to adequately patrol the Chatham portion of Nauset Beach, considering varying seasonal demands and any reasonable contingency which may arise.	1. Supply and maintain a vehicle(s) and qualified personnel to adequately patrol the Orleans portion of Nauset Beach, considering varying seasonal demands and any reasonably contingency which may arise.
2. Enforce the Rules and Regulations of Nauset Beach in the Chatham portion of Nauset Beach.	2. Enforce the Rules and Regulations of Nauset Beach in the Orleans portion of Nauset Beach.
3. Registration-related procedures: a. Inspect all registered Chatham residents' Off Road Vehicles (“O.R.V.”) for compliance with the most recently adopted Nauset Beach Rules and Regulations for O.R.V.s; b. Collect registration fees and account for such fees collected; c. Maintain accurate records of vehicles registered in Chatham, including the names of respective owners and provide information to other town within 24 hours of permit issuance;	3. Registration related procedures: a. Inspect all registered O.R.V.s, except those as registered in Chatham, for compliance with the most recently adopted Nauset Beach Rules and Regulations for O.R.V.s; b. Collect registration fees, except for those vehicles registered in Chatham, and account for such fees collected; c. Maintain accurate records of vehicles registered in Orleans and to non-residents, including the names of respective owners and provide information to other town within 24 hours of permit issuance;

<p>d. Provide an educational movie on the use and management of Nauset Beach for showing to all O.R.V.s registered to Chatham residents.</p>	<p>d. Provide an educational movie on the use and management of Nauset Beach for showing to all O.R.V. operators and Orleans Camp Licensees.</p>
<p>4. Supply and install signs, string, posts, wire fencing, and other necessary equipment, materials, and personnel to mark trails, delineate O.R.V. corridors, protect vegetation, and protect shorebird species that are listed as Threatened, Endangered, or of Special Concern in the Chatham portion of Nauset Beach.</p>	<p>4. Supply and install signs, string, posts, wire fencing, and other necessary equipment, materials, and personnel to mark trails, delineate O.R.V. corridors, protect vegetation, and protect shorebird species that are listed as Threatened, Endangered, or of Special Concern in the Orleans portion of Nauset Beach.</p>
<p>5. Provide protection for shorebird species that are listed as Threatened, Endangered, or of Special Concern in the Chatham portion of Nauset Beach, and monitor the protection measures implemented, including, but not limited to, the following:</p> <p>a. Cause a qualified person(s) to monitor the Chatham section of Nauset Beach if shorebird species listed as Threatened, Endangered, or of Special Concern are present, as well as provide protective measures for the birds and information to the Town of Chatham in case vehicle closures are needed;</p> <p>b. Supply the Massachusetts Division of Fisheries and Wildlife with data and year-end reports on shorebird protection on the Chatham portion of Nauset Beach;</p>	<p>5. Provide protection for shorebirds species that are listed as Threatened, Endangered or of Special Concern in the Orleans portion of Nauset Beach, and monitor the protection measures implemented, including, but not limited to, the following:</p> <p>a. Cause a qualified person(s) to monitor the Orleans section of Nauset Beach if shorebird species listed as Threatened, Endangered, or of Special Concern are present, as well as provide protective measures for the birds and information to the Town of Orleans in case vehicle closures are needed;</p> <p>b. Supply the Massachusetts Division of Fisheries and Wildlife with data and year-end reports on shorebird protection in the Orleans portion of Nauset Beach.</p>
	<p>6. Provide, maintain, operate, and staff a check booth in the Orleans portion of Nauset Beach, as needed.</p>
	<p>7. Provide printed regulations, applications, permits, stickers, and educational material for both Towns to issue, on a uniform basis, to their residents and other users of the beach.</p>
	<p>8. Provide a trash dumpster(s) at the gate of Nauset Beach in Orleans for the use of all O.R.V. operators, except for use by Orleans Camp Licensees, and provide for disposal of the trash collected. Without limiting the generality of the foregoing sentence, Camp Licensees are expressly prohibited from using the dumpster(s) to dispose of any bulky waste, including but not limited to, household trash, propane tanks, building debris, furniture, or the like.</p>

	9. Maintain informational signs at the parking lot of Nauset Beach in Orleans regarding the appropriate use of Nauset Beach south of the parking lot.
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General

1. All O.R.V.s, including those of Orleans Camp Licensees, must check "on" or "off" upon entering or leaving Nauset Beach at the check booth provided for in section I.6. above during the season when the check booth is open South of the Nauset Beach parking lot.
2. All persons, including residents, non-residents, and Orleans Camp Licensees, who seek to register vehicles to use Nauset Beach shall yearly submit complete registration forms and all applicable registration fees, as well as view the educational movie, referred to herein on the use and management of Nauset Beach.
3. In the event that Nauset Beach is full, visitors to camps may only access the beach provided the Orleans Camp Licensees has delivered a "visitor pass" form, signed by the Orleans Camp Licensees (on a form approved by the Orleans Park Department), to the Orleans gate at least 8 hours in advance. A camp visitor pass will allow vehicle access to the specific camp only. Vehicle access to other areas of the beach is not permitted.

II. Cross Jurisdiction Patrols. It is agreed that each Town shall be responsible for patrols on their own portion of Nauset Beach.

III. Annual Review. The Orleans and Chatham Select Boards shall meet (individually or jointly) on or before October 30th each year to review this Agreement, related fees, financial arrangement, and rules and regulations governing Nauset Beach. They may, if deemed appropriate, modify the financial arrangement, adopt new fees and/or rules and regulations, revise the provisions contained herein concerning the Responsibilities of each Town (Section I) and Beach Management (Section VIII), and take any other action consistent with this Agreement. Any amendments to this agreement must be expressed in writing and executed by the Select Boards from both towns.

IV. Termination. Notwithstanding anything contained herein to the contrary, each Town shall have the right to terminate this Agreement by thirty (30) days prior written notice, at any time during the period from November 1 to February 1 of any year the Agreement is in effect, for any of the following:

1. Material breach by the other Town of any of the provisions contained in this Agreement.
2. Lack of appropriation of funds necessary to fulfill the Town's responsibilities set forth in this Agreement.
3. Physical changes in Nauset Beach resulting in the Town being unable to fulfill its responsibilities set forth in this Agreement.
4. The issuance of a Decision, Order, or Directive from a governmental agency of competent jurisdiction, the effect of which is to prevent the Town from carrying out its responsibilities under this Agreement.

V. Employee Status. Employees of the Town of Orleans and employees of the Town of Chatham shall, while acting pursuant to the provisions of this Agreement, be deemed to be employees of their respective Towns even though they may be working, under the terms of this Agreement, on a portion of Nauset Beach owned by the other Town.

VI. Term/Duration of Agreement. Unless otherwise terminated under the provisions of Section IV of this Agreement, above, the Agreement shall run for a period of three (3) years from July 1, 2025, to June 30, 2028.

VII. Revenue Distribution. Revenue will be allocated as follows:

1. Chatham keeps all fees charged to Chatham residents and property owners, excluding the Orleans HCP surcharge collected from Chatham residents which shall be paid to Orleans by October 30th each year.
2. Orleans keeps all fees charged to Orleans residents and Camp Licensees.
3. All non-resident sticker fees charged by Orleans, excluding the Orleans HCP surcharge, shall be allocated 75% to Orleans and 25% to Chatham. Orleans shall pay Chatham its allocated amount by October 30th each year and shall pay Chatham its allocated amount of non-resident sticker fees collected after October 30th by February 28th each year.
4. Orleans shall be under no obligation to provide special escort services for Chatham property owners.

VIII. Beach Management.

1. Management of that portion of Nauset Beach located in Chatham shall be as set out in Order of Conditions, DEP SE10-3127, issued April 13, 2016. The provisions of the Chatham Order of Conditions are incorporated fully herein by reference.
2. Management of that portion of Nauset Beach located in Orleans shall be as set out in Order of Conditions, DEP SE 54-2246, issued June 25, 2014, recorded in the Barnstable Registry of Deeds in Book 28280 Page 185 ("Orleans Order of Conditions"). The provisions of the Orleans Order of Conditions are incorporated fully herein by reference.
3. To the extent that the Chatham Order of Conditions is inconsistent with this Agreement, the provisions of the Chatham Order of Conditions shall control, except that Orleans shall not be required to manage and enforce the Special Conditions contained in Sections F and G.
4. To the extent that the Orleans Order of Conditions is inconsistent with this Agreement, the provisions of the Order of Conditions shall control.
5. To the extent permitted by "*Guidelines For Managing Recreational Use Of Beaches To Protect Piping Plovers, Terns, And Their Habitats In Massachusetts*," (1993) issued by the Massachusetts Division of Fisheries and Wildlife, the entirety of Nauset Beach will be managed to remain open to all O.R.V. traffic, taking into consideration tide and erosion.

6. Recreational and General Vehicular Access.

- a. Recreational and general public access of vehicles shall be permitted only in authorized areas and trails of the beach as posted.

When a Piping Plover or Least Tern nesting habitat is located and identified, it should be clearly marked with symbolic fencing and warning signs. Plover or tern nests that are located and identified shall be mapped by monitors, and the information shall be shared between the Towns as soon as possible.

When vehicular access infringes upon the nesting habitat, vehicle traffic and parking shall be rerouted, or altered, around the outside edge of the nesting habitat for as long as the nesting habitat is active, to ensure the safety of the plovers or terns. Marking and posting of the habitat shall be performed in accordance with the guidelines set forth in the Management Plan.

As long as adequate provisions have been made to alter the traffic pattern around the habitat area, vehicular access may be continued. However, if no viable rerouting of traffic is possible due to the location of the nesting habitat, vehicles shall be prohibited through, or into the delineated nesting habitat area. Vehicular access shall be prohibited for as long as necessary to ensure the proper fledging of the plovers and terns as set forth in this beach management plan.

Only essential vehicles, described below, shall be permitted to have access into or through the nesting habitat area, and only under the conditions described below.

All vehicular access restrictions, and conditions of access, will be consistent with the Massachusetts Division of Fisheries and Wildlife document, known as, "Guidelines For Managing Recreational Use Of Beaches To Protect Piping Plovers, Terns, And Their Habitats In Massachusetts" (1993), utilizing signage, symbolic fencing, use of monitors, and methods that are designed to protect the plover and tern nesting habitat.

b. Definitions of Essential Vehicles.

Essential Vehicles (Category 1): Public Safety Vehicles used for emergency service purposes belonging to a municipality, county, state, or federal entity for a police agency, fire service or rescue service; vehicles belonging to Natural Resources, and Public Works of the Towns of Orleans or Chatham providing necessary services or maintenance, and vehicles operated for species monitoring and management.

Essential Vehicles (Category 2): Vehicles bearing an Orleans Camp Licensees sticker and belonging to Licensees of "camps" (structural dwellings), their immediate family members and contractors providing emergency repair.

c. Access of Essential Vehicles.

Under restricted conditions, as outlined below, essential vehicles may be permitted to have access into and through a nesting habitat area containing unfledged chicks. Access will take

place only during daylight hours, with the exception of emergency situations involving imminent threat to public health and/or safety.

The access of essential vehicles (Category 1) shall be limited by utilizing monitor(s), who, after determining the location of unfledged chicks, shall accompany and walk in front of the vehicle operating at a speed of five (5) miles per hour proceeding through plover or tern nesting habitat. These essential vehicles (Category 1) will be restricted to operate in this manner, through a plover or tern nesting habitat, on a public safety, need-only basis, and will limit the number of trips through the identified area to only the minimum necessary to accomplish the necessary objective.

Town of Chatham public safety essential vehicles operating through the Orleans portion of Nauset Beach will operate in the above described manner, and additionally, shall be required to notify the Town of Orleans Natural Resources Department, in advance, to make arrangements for access through the Orleans section of Nauset Beach. Emergency situations may require provisional arrangements, but will be conducted as closely in this manner as possible.

Vehicular access for essential vehicles (Category 2) shall be required to make arrangements, notifying Orleans in advance, utilizing the above described method. In addition, essential vehicles (Category 2) shall be required to have the Orleans Natural Resources personnel on scene to supervise the method of vehicular access. It is anticipated that such vehicular access will be limited to 1-2 times per day, and limited to one camp owner pass per day, subject to the availability of personnel. It is further anticipated that any escort service will require the hiring of additional personnel. An operator of an essential vehicle (Category 2) shall be responsible for all incremental escort costs, and shall reimburse Orleans as applicable.

Any decision as to providing vehicular access for essential vehicles (Category 2) to restricted areas of the Beach shall be discussed, reviewed, and approved by the Orleans Natural Resource Manager prior to access being granted, subject to the availability of personnel.

There shall be no vehicular access other than the methods described above, and shall be consistent with the document, "*Guidelines For Managing Recreational Use Of Beaches To Protect Piping Plovers, Terns, And Their Habitats In Massachusetts*," (1993) issued by the Massachusetts Division of Fisheries and Wildlife.

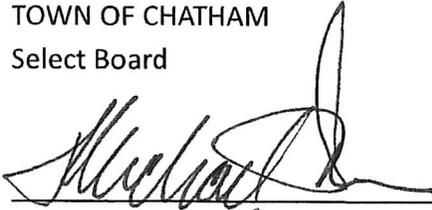
IX. Hold Harmless. Each Town agrees to hold harmless and, to the extent permitted by law, to indemnify the other Town and its representatives, employees and agents, from and against any and all liability, suits, claims, losses, injuries or expenses (including reasonable attorneys' fees) brought by a third party, arising from or with respect to any acts or omissions of the representatives, employees and agents of the indemnitor Town as referenced in, related to and/or arising out of this Agreement.

X. Representations. Each Town warrants and represents that its Select Board is duly authorized to enter into this Agreement.

This agreement is binding upon on the respective towns as well as their various boards, commission, departments and officers.

Executed as of the day and the year first above written.

TOWN OF CHATHAM
Select Board

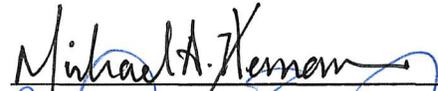


Dean P. Nicastro

Shaheen Davis

Jeffrey S. Davis

TOWN OF ORLEANS
Select Board











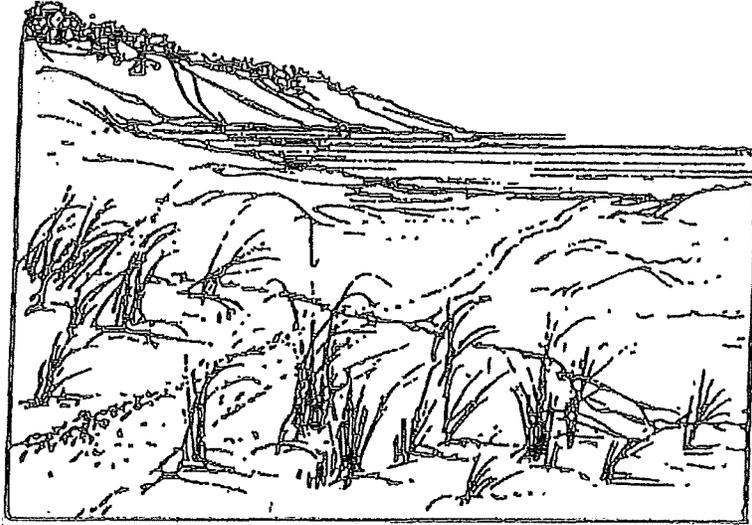
Appendix 4

Nauset Beach Rules
& Regulations for OSV Users

Nauset Beach

Rules & Regulations

for Over Sand Vehicles (OSV)



This unique conservation and recreation area is under joint supervision by the Town of Orleans and the Town of Chatham. We hope that you will enjoy the natural and recreational values of Nauset Beach, as well as observe and obey the rules that have been adopted for its protection.



All applicable Federal and State laws and regulations, town by-laws, town rules and regulations and all fire regulations shall apply and are enforceable.

----- **GENERAL RULES & REGULATIONS** -----

VEHICLE REGISTRATION (STICKERS): Effective July 1 through June 30th (of the following year). Registration shall be obtained from the Orleans Sticker Office and the Chatham Sticker Office. Applicants of Nauset Beach will be issued stickers that must be affixed to a stationary window on the driver's side of the vehicle. No vehicle shall operate on the beach without a valid registration sticker. We will not be requiring OSV inspections for your newly acquired vehicle or but will be for first time self-contained. All registration stickers are non-transferable and non-refundable and expire June 30th of the following year. All previous years' stickers must be removed. *Over-sand vehicle permits are not valid for parking in the Nauset or Skaket Beach parking lots.*

1.) REQUIRED EQUIPMENT: All vehicles must carry the following at all times:

- a. **REGULATIONS** – a current copy of these rules & regulations (issued at the time of registration)
- b. **SHOVEL**
- c. **TOW ROPE** – chain, cable or other towing device that is not less than 14 feet in length with a minimum load strength of 1400 lbs. (chain size 5/16", cable 1/4", nylon 3/4", polypropylene 3/4", hemp 1"). The towing device will be equipped with grab hooks or other suitable attaching device on both ends.
- d. **JACK SUPPORT** – board or similar, to have a surface of not less than 144 square inches nor be more than 18" in length. Thickness to be not less than 1-1/2" of solid wood. Other materials must equal strength and durability of the standard wood supports.
- e. **JACK** – standard size and type which comes stock with the vehicle
- f. **TIRE GAUGE** – low pressure, able to register a minimum of 10 psi.
- g. **TIRE SIZE** – Minimum size tires for 13" is 185, 14" – 16" is 215. Note: No snow tires will be allowed on the beach except from November 1 through April 13.
- h. **SPARE TIRE** – meeting same standard as other tires required for type of vehicle in which it is carried.

Self-Contained Vehicles must be additionally equipped with (*not required for OSV*):

- i. ROD and REEL – for each occupant over 12 years of age
- j. PERMANANTLY MOUNTED BEDS
- k. PERMANANTLY MOUNTED SELF-CONTAINED WATER OR CHEMICAL TOILET

2.) HOURS - Permitted non self-contained OSV are allowed on the open areas only between the hours of 6:00 AM and 11:00 PM, unless "actively fishing". To be considered "actively fishing," a person must be taking all reasonable and necessary actions to maximize the probability of hooking and landing fish by rod using a baited rig or artificial lure. Fishing equipment must be kept at the water's edge and regularly tended and casted. For self-contained vehicle hours, see "self-contained vehicles." Please note that hours can be dependent on closures, restrictions, etc. See the Town of Orleans HCP User Guide for more information regarding hours.

3.) SPEED LIMIT - The speed limit of motor vehicles will not exceed 15 mph. The speed limit in the vicinity of shorebird nests will not exceed 5 mph. Reasonable speed limits will be enforced for low beach driving.

- 4.) **ALCOHOL**: Open containers of alcoholic beverages are prohibited on Nauset Beach.
- 5.) **MOTOR VEHICLE OPERATION**: The provisions of Chapter 90, Mass General laws shall apply to the operation of all motor vehicles on the beach. (This simply means that if it is required on the road, it is required on the beach.)
- 6.) **TIRE PRESSURE**: Tire pressure shall not exceed 15 psi - no exceptions. You are required to decrease your tire pressure before entering the over-sand trails. Courtesy air stations may be available seasonally at the lower entrance lot of Nauset Beach South.
- 7.) **RIGHT OF WAY**: Vehicles driving off the beach shall have the right of way. Use the pull-off sections of the trail to clear the way for vehicles traveling off of the beach.
- 8.) **LEAVE NO TRACE**: Each visitor shall remove all property and trash from the beach. Dumpsters are provided at the beach parking lot. Emptying of holding tanks and disposal of human waste on Nauset Beach and its adjoining waters is prohibited. All pet owners are responsible for removing their animals waste. Always douse hot coals from contained cooking fires and extinguish ashes. In the event of an OSV requiring excavation to improve traction, holes are required to be filled.
- 9.) **SELF-CONTAINED VEHICLES**: Self-contained vehicles will be allowed to stay on Nauset Beach South for a maximum of ninety-six (96) consecutive hours and a seventy-two (72) hour period must elapse before they may return to the beach. Self-contained vehicles are prohibited on the Nauset Spit The Natural Resources Manager may reduce the maximum stay for self-contained vehicles at any time. All self-contained vehicles remaining overnight shall have permanently mounted self-contained water or chemical toilets and permanently mounted sleeping accommodations sufficient for all persons in the vehicle. All self-contained vehicles will be required to check on and off when the booth is staffed.
- 10.) **DOGS**: No dogs are allowed on the Nauset Spit from April 1 through Labor Day. From Trail #1 north to the Nauset Spit, dogs are prohibited from April 1 through Labor Day. From Trail #1 south to the Chatham inlet, all dogs must be on a leash no longer than 30 feet at all times from April 1 through Labor Day. Dogs must be transported by OSV to areas open to dogs south of Trail 1 from April 1 through Labor Day. Dogs are prohibited in closed areas at all times. (This is a zero tolerance policy). Owners are responsible for cleaning up after their animals.
- 11.) **CLOSED AREAS**: Vehicles and pedestrians are prohibited in symbolically fenced and signed areas. No vehicles may park within the OSV corridor. From Callanan's Pass south to Trail 1 is closed to OSV traffic. The Town of Eastham is closed to OSV traffic.
- 12.) **LOW BEACH DRIVING**: Seaward of the mean high tide line is closed to OSV traffic on Nauset Spit Seaward of the mean high tide line is closed to OSV traffic on Nauset Beach South from the Friday of Memorial Day weekend until the first Friday of November, unless otherwise directed. While low beach driving is open, driving above the high tide water mark in a closed area is prohibited. Reasonable speed limits will be enforced for low beach driving.

- 13.) LIMITS:** The number and types of vehicles allowed on the beach at one time shall be set each year and may be changed depending on prevailing conditions and the amount of usable beach.
- 14.) CAMP OWNERS:** Beach camps are private property. Motorized equipment or machines taken on the beach for camp maintenance must secure permission from the Orleans Natural Resources Manager. Beach camp lessees retain traditional lease rights for their leased property.
- 15.) SLEEPING:** Sleeping in the open and the use of camping tents between 8:00 pm - 8:00 am on all beach areas is prohibited.
- 16.) FIRES:** NO OPEN FIRES ON ANY BEACH AREAS. Contained cooking fires in grills are permitted. Douse coals and extinguish ashes before leaving and leave absolutely no trace.
- 17.) EVENTS:** Groups of more than twenty (20) persons shall be required to carry a special permit (no additional fee) and shall name, in applying for such a permit, one individual in the group who shall agree to assume responsibility for the activities of all members of the group while on the beach. Such a permit shall be applied for forty-eight (48) hours in advance of its proposed use. The permit for the Orleans portion of Nauset Beach shall be issued by only the Orleans Natural Resources Manager, who shall designate the beach area on which such a party may be held.
- 18.) RAFTS:** The use of rafts, tubes, inflatables and other similar types of swimming or bathing devices are *prohibited* on all of Nauset Beach.
- 19.) FISHING:** Fishing gear must be kept at water's edge at all times while in the act of fishing. There shall be no more than five (5) fishing rods per person or more than twelve (12) fishing rods per vehicle to be in use at any one time.
- 20.) SHELLFISH:** The Town of Orleans and the Town of Chatham shellfish regulations pertain to their respective portions of Nauset Beach.
- 21.) PRIVATE PROPERTY:** Persons who visit the beach by boat, motor vehicle or on foot are required to respect private property and to conform to all regulations listed herein.
- 22.) PROHIBITED VEHICLES:** Two-wheeled vehicles, motorcycles, minibikes, mopeds, snowmobile ATV's and trailers are prohibited. No towing of paragliders permitted. Airplanes or helicopters are prohibited, except in emergencies.
- 23.) KITES /DRONES:** Kites *and* drones are prohibited April 1through Labor Day. Dates subject to change.

The Order of Conditions issued to the Orleans Park Commission, dated 06/24/14 and 2/13/91 are hereby incorporated herein and made a part of these rules and regulations.

----- VIOLATIONS -----

Penalties for infractions of any of the rules & regulations shall result in revocation of registration sticker, dismissal from the beach and/ or a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) for each offense.

Fines listed below may be imposed for violations of the Orleans DPW & Natural Resources Rules and Regulations and the Nauset Beach Rules and Regulations for OSV:

- Operation of a motor vehicle on Nauset Beach in closed areas and off marked trails.
- Emptying of holding tanks and disposal of human waste.
- Violation of Habitat Conservation Plan (HCP)
- Flying Kites and/or Drones at all from April 1 – Labor Day
 - Fine for above offenses: \$200.00 and revocation of OSV Permit.

Unless otherwise specifically provided herein, any person who violates any of the Orleans DPW & Natural Resources Rules and regulations or the Nauset Beach Rules and Regulations for OSV shall be subject to the following penalties:

First Offense: Written warning

Second Offense: \$50.00

Third and Subsequent Offense: \$100.00

- Operation of a motor vehicle on Nauset Beach without a valid OSV Permit.
- Operation of a motor vehicle on low beach when prohibited
- Failure to air down tires to proper psi.
- Violation to rules and regulations related to dogs. In addition to any other penalties set forth in these regulations, any violation of the dog regulations in closed areas due to shorebirds will result in no less than automatic revocation of the offender's beach permit rights from the date of violation until May 1st of the following year. Subsequent violations will result in the offender's Beach Permit rights being revoked for a period of three (3) full years from the date of the violation.
- Operation of a motor vehicle and not having passengers properly seated within the confines of the vehicle.
- Speeding
- Littering
- Open container(s) of alcohol
- Open fire without a permit

An OSV Permit Holder who receives three of any violation of the Rules and Regulations in an: one season (other than operation of a motor vehicle on Nauset Beach in closed areas and off marked trails, the emptying of holding tanks and disposal of human waste and violations of Habitat Conservation Plan rules, which are subject to immediate revocation of the OSV permit shall have his or her OSV permit revoked and shall not be permitted on the beach for ONE YEAR from the date of revocation of the OSV Permit.

Persons whose permits have been suspended or revoked have within seven (7) days a right to appeal to the enforcing authority, who upon receipt of written request shall arrange a hearing on the appeal to the appropriate authority. Authority for the enforcement of the Orleans DPW & Natural Resources Rules and Regulations and the Nauset Beach Rules and Regulations or OSV's shall rest with the Orleans Natural Resources Director, his or her designees, including the Beach Ranger and any Orleans Police Officer.

These Rules & Regulations were adopted at a public hearing of the Orleans Park Commission dated 01/14/15. Copies of changes to be posted in Orleans Town Clerk's Office.

It is the responsibility of the OSV registrant to read and understand the Nauset Beach Rules & Regulations for OSV. The registrant is responsible for the behavior of the passengers and drivers in their vehicle.

Always remember

You are required to decrease the tire pressure before entering the beach OSV corridor.

Low tire pressure is critical for successful over-sand driving. Friction may cause pressure to increase while you drive, making it necessary to stop and reduce pressure again. Failure to air down to 15 psi leads to degradation of the OSV trails.

Always check tides before entering the OSV trails. Portions of the beach may be impassable at high tides.

If you feel you are in danger of getting stuck, check your tire pressure and let more air out if necessary. Also try backing up in your tracks before moving ahead. Do not spin your tires – this will only cause the vehicle to dig in.

Always fill in holes made in the sand by beach-goers or stuck vehicles. This will increase safety for all.

Do not speed – experienced beach drivers know that a slow, steady speed and correct tire pressure are more effective than faster speeds.

Always be alert for wildlife when driving on the beach – tern and plover chicks may attempt to hide in vehicle tracks when frightened.

See next page for “Communications”

ALWAYS DIAL 911 FOR EMERGENCIES

Nauset Beach is managed under joint supervision between the Town of Orleans and the Town of Chatham. It is important to direct non-emergency calls to the town in which you are located while on the beach. Use the reference maps (page 8) to clarify your location on the over-sand trails.

When reporting a violation, the following information is needed for enforcement:

- 1.) Date & Time
- 2.) Location/ladmark/trail
- 3.) Vehicle description (license plate, vehicle make/color)
- 4.) Operator/occupant description
- 5.) Violation/incident description

Important Contact Numbers

Non-emergencies only. All emergencies, dial 911.

Orleans Police Department *(Year-round, 24 hours/day)* – (508) 255-0117

Chatham Police Department *(Year-round, 24 hours/day)* – (508) 945-1213

Nauset Beach Administration *(Seasonal, Memorial Day to Labor Day, 9-5pm)* – (508) 240-3780

Nauset Beach Tollbooth *(Seasonal, Memorial Day to Labor Day, 24 hours/day)* – (508) 240-3705

Orleans Sticker Office *(Seasonal, Early May – Labor Day, 9-1pm)* – (508) 240-3790 x3150

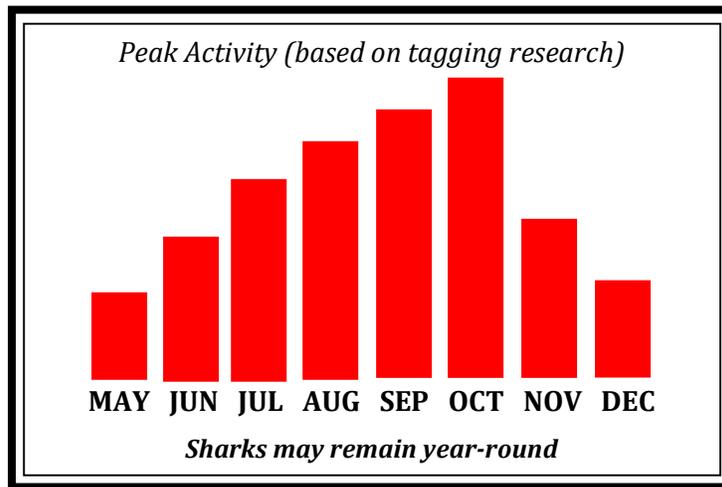
Orleans DPW & Natural Resources *(Year-round, 8-4:30pm)* – (508) 240-3755

----- **WARNING** -----

White Sharks hunt seals in shallow water at Nauset Beach. People have been seriously injured and killed by white sharks along this coastline.

Call 911 for emergencies.

Know your risk when entering the water.



Download the Sharktivity App on your smartphone to receive alerts and report sightings. For more info, and to view the latest research, visit www.atlanticwhiteshark.org

YOU COULD SAVE A LIFE

Most white shark bite victims survive because of first aid initiated from bystanders.

White shark bites generally result in massive hemorrhaging, which requires immediate first aid in order to stop the blood loss.

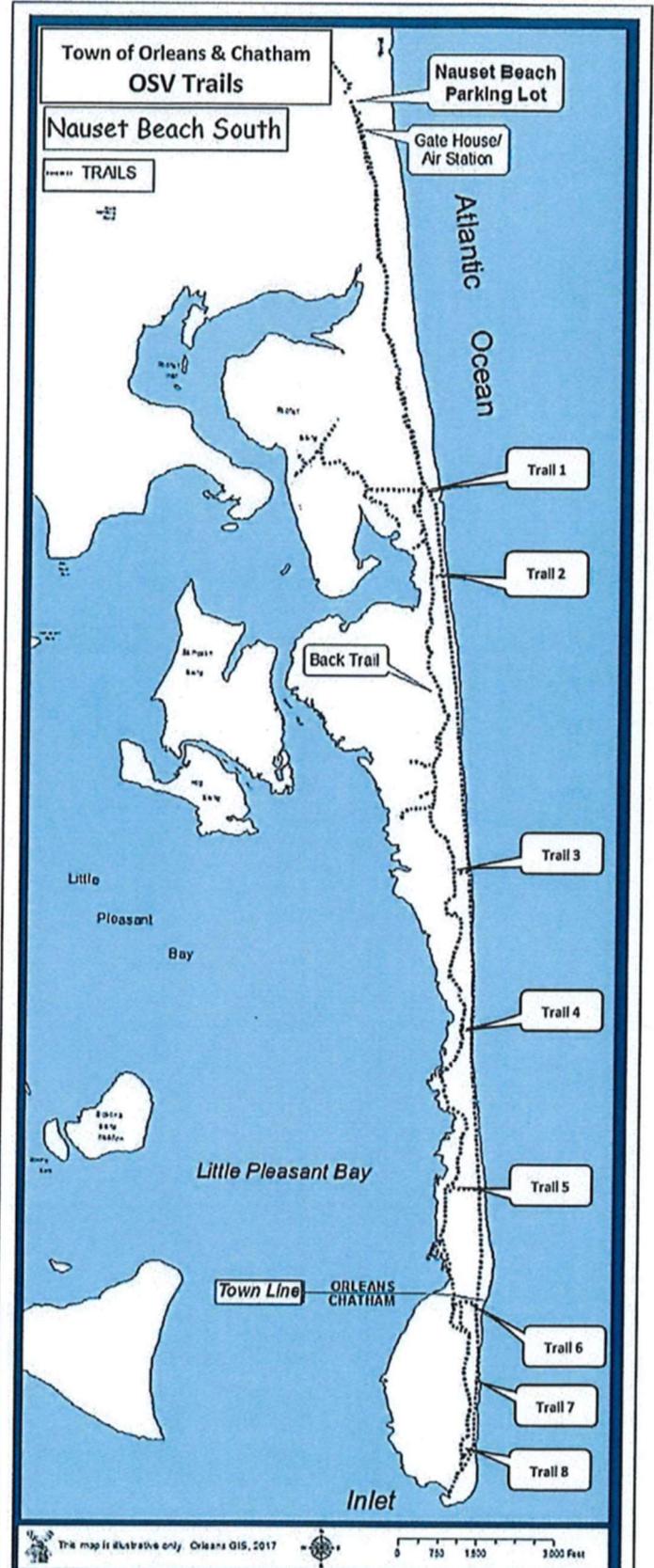
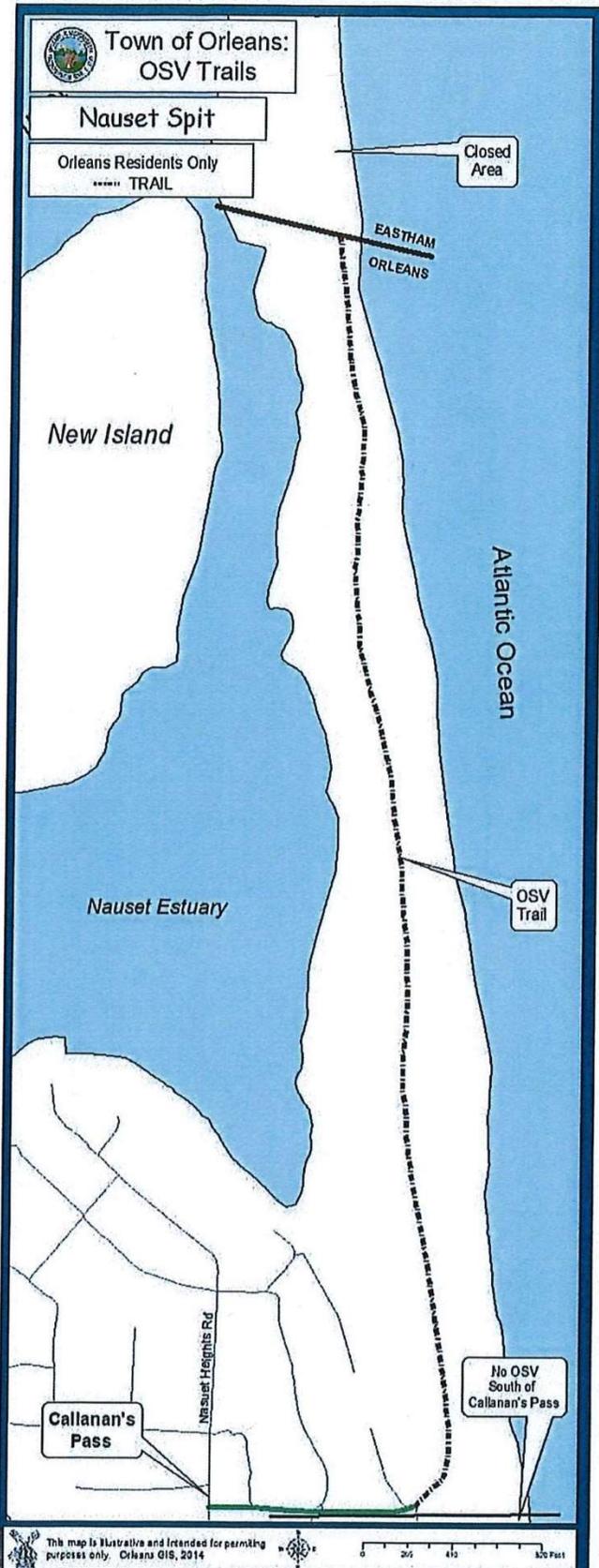
For first aid training opportunities and more information visit www.atlanticwhiteshark.org/public-safety

Call 911 for Emergencies

----- REFERENCE MAPS -----

Nauset Spit (North)

Nauset South Beach



Appendix 5

Authorization to
Use Exclosures (2025)



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

April 7, 2025

Paul Wightman
Chatham Department of Natural Resources
Town Annex
261 George Ryder Road
Chatham, MA 02633

Dear Paul:

You and employees or assistants being overseen and directed by you on-site are hereby designated as agents of the Massachusetts Division of Fisheries and Wildlife (MassWildlife) for the purpose of installing and monitoring predator exclosures to prevent predation of Piping Plover nests. This letter or a copy thereof must be carried at all times by persons engaged in activities authorized herein.

Construction and monitoring of exclosures placed around plover nests shall comply with the **1996 guidelines prepared by the Atlantic Coast Piping Plover Recovery Team and the U.S. Fish and Wildlife Service** (copy attached). Unless otherwise authorized by the Division, all exclosures shall be constructed so that there is at least a 5-foot-wide buffer between the nest and the outside edge of the exclosure in all directions (*i.e.*, a 10-foot diameter on circular exclosures), and shall have tops made of netting to prevent entry by avian predators. Additionally, by way of this letter, you are authorized to exclose three-egg nests prior to clutch completion, if necessary (*i.e.*, if predation rates are particularly high).

This authorization, unless revoked for cause, shall expire on August 31, 2025. A brief summary report on exclosure use shall be submitted electronically via the **Piping Plover On-line Data Entry System (PIPLODES)** no later than September 30, 2025. This report shall be included in the "Exclosures" box within the "Management Research Action and Needs" section of the census forms for the corresponding sites. The report shall describe the design, dimensions, and locations of all exclosures used, and shall summarize hatching success for successful nests and causes of nest failure, if known, for unsuccessful nests.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Leddick".

Jesse Leddick
Assistant Director
Natural Heritage & Endangered Species Program

Encl.

MASSWILDLIFE

Appendix 6

Daily Monitoring Log Sheets

Logbook Page for Shorebird Management
PIPING PLOVER NEST OBSERVATION FORM – 2025

General

Nest ID (Name): _____ GPS Coordinates: N _____ W _____
Date Nest Found: _____ No. Eggs when Found: _____
Date Clutch Complete: _____ Description of Nest Location & Habitat: _____

Exclosures

Exclosed: Yes or No _____ Date Exclosed: _____
Time to Exclose: _____ Time for Adult to Continue Incubation: _____

Productivity

Estimated Hatch Date (if known): _____ # Days to Hatch (if known): _____
Eggs Hatched: _____ # Eggs Unhatched: _____ Reason (if known): _____
Chicks Fledged: _____ #Unfledged Chicks: _____ Reason (if known): _____

Nest Failure

Date of Failure: _____ Cause of Failure (if known): _____
Re-Nest: Yes or No _____ Date of Re-nest: _____
Re-Nest ID (name): _____ Facts Supporting or Not Supporting re-nest decision: _____

Daily Chick & Adult Counts where "age" indicates number of days since brood'

Age	# Chicks	# Adults	Age	# Chicks	# Adults	Age	# Chicks	# Adults
1			13			25		
2			14			26		
3			15			27		
4			16			28		
5			17			29		
6			18			30		
7			19			31		
8			20			32		
9			21			33		
10			22			34		
11			23			35		
12			24			Fledge Date:		

OSV Corridor Vehicle Log for HCP

All non-self-contained vehicles must be off the beach in sufficient time to clear the last self-escort zone by 6:00pm

Date:

Name:

Escort Window:

- 08:00 AM to 10:00 AM
- 12:00 PM to 02:00 PM
- 04:00 PM to 06:00 PM

OSV Permit No.:

License Plate No. & State:

<u>Resident:</u>	<u>OSV (Day-tripper):</u>	<u>Self-Contained:</u>
<input type="checkbox"/> Orleans	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Chatham	<input type="checkbox"/> No	<input type="checkbox"/> No
<input type="checkbox"/> Non-Resident		

Vehicle Recorded Time On*:

Vehicle Recorded Time Off*:

*include dates of time on/off for self-contained vehicles that spend more than one (1) day on the beach

OSV Corridor Vehicle Log for HCP

All non-self-contained vehicles must be off the beach in sufficient time to clear the last self-escort zone by 6:00pm

Date:

Name:

Escort Window:

- 08:00 AM to 10:00 AM
- 12:00 PM to 02:00 PM
- 04:00 PM to 06:00 PM

OSV Permit No.:

License Plate No. & State:

<u>Resident:</u>	<u>OSV (Day-tripper):</u>	<u>Self-Contained:</u>
<input type="checkbox"/> Orleans	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Chatham	<input type="checkbox"/> No	<input type="checkbox"/> No
<input type="checkbox"/> Non-Resident		

Vehicle Recorded Time On*:

Vehicle Recorded Time Off*:

*include dates of time on/off for self-contained vehicles that spend more than one (1) day on the beach

Appendix 7

HCP Guide

Town of Orleans, MA

Natural Resources Department



Statewide Habitat Conservation Plan (HCP) & Over-Sand Vehicle (OSV) User Guide



Procedures & Conditions

Habitat Conservation Plan (H.C.P.)

5 An introduction

Over the past decade, over-sand vehicle (OSV) access has been precluded to Nauset Beach South due to unfledged piping plover chicks located in an area north of Trail 1 known as the “Pochet Wash”. Piping plovers are listed as threatened species under both the U.S. Endangered Species Act and the Massachusetts Endangered Species Act.

To regain access to the area, the Town of Orleans developed a Habitat Conservation Plan (HCP). The HCP allows up to 180 OSV per day to pass through the Pochet Wash where up to eight (8) unfledged piping plover chicks and four (4) adult parents are living.

Piping plover chicks leave the nest about two hours after hatching and are able to feed themselves within a few hours of being out of the nest. Piping plovers eat a variety of aquatic and terrestrial invertebrates such as worms and amphipods. They move from one tidal area to another, multiple times per day, crossing the OSV corridor to feed on the east and west sides of the trail. Chicks blend into their surroundings very effectively because of their camouflaged plumage. They are highly mobile, very fast, and can be observed feeding over large areas of the habitat. When disturbed they may run in spurts, stop, and hide in dune grass or a small depression in the sand.

To lessen the impact from OSV running over chicks and help us implement a successful program, the town adopted a “self-escorting” procedure. It is critical that you adhere to the self-escorting procedure to insure that the HCP is successful. This means that you *must* have a person with you at least 16 years of age or older that can walk 15 feet in soft sand in front of the OSV looking for chicks and/or adults in the OSV corridor. OSV that are unable to provide a competent self-escorter over the age of 16 will be denied access. The areas where you will be self-escorting are called “self-escort zones”. The self-escort zones will be clearly marked with signs giving you notice when to begin and end the self-escorting.

It will be a requirement for all OSV to contain a copy of the Nauset Beach OSV Rules & Regulations, as well as a signed copy of this HCP Procedures & Conditions signed by anybody who will be driving the vehicle. Both copies of regulations will be required to be produced by the OSV operator at the time of check in. In the event that the OSV operator cannot produce both regulations, then he/she shall be provided with a copy at the entrance toll booth. After reading both sets of regulations, the OSV operator will sign the copy of the HCP Procedures and Conditions (this packet), and the operator acknowledges that he/she has read and understands the HCP requirements.

Important Information Regarding Medical or Family Emergencies

When the permit is in effect, access to and from Nauset Beach South outside of the self-escort access windows shall be *strictly prohibited*. In the event of a life-threatening medical emergency, the staff of the Nauset Beach Administration Building and emergency responders should be notified. Contact telephone numbers are provided in the Nauset Beach OSV Rules and Regulations. Essential vehicles will assist in escorting the vehicle off of the beach. Your stay on the beach could be as long as ten (10) hours with a minimum required stay of two (2) hours. Please plan for less than ideal conditions such as flying insects, bad weather, etc.

Self-Contained Vehicles – All self-contained vehicles will be required to commit to and reserve their day of departure when they check in. All other self-contained check in procedures and maximum stay restrictions remain unchanged while the permits are in effect. See the Nauset Beach OSV Rules & Regulations for more information regarding self-contained vehicles.

OSV Access Start Date & Access Windows

The HCP start date can change annually and is dependent on the number of un-fledged chicks present. The Natural Resources Officer/Shorebird Specialist will post when the program will start annually.

Important

The times listed below are the times that OSV can travel through the self-escort zone. You must leave yourself enough time to make it on/off the beach, and through the self-escort zones within the time frame.

Example 1: If you are accessing the beach during the 12PM – 2PM window, you must be at the self-escort zone no later than 1:30 PM.

Example 2: If you are exiting the beach during the 4PM – 6PM window, you must be at the self-escort zone no later than 5:30 PM.

Morning Session - 8:00 AM – 10:00 AM*

Mid-Day Session – 12:00 PM – 2:00 PM*

Afternoon Session – 4:00 PM – 6:00 PM*

**Times may be flexible within one (1) hour of each side of the access windows due to inclement weather or chick location.*

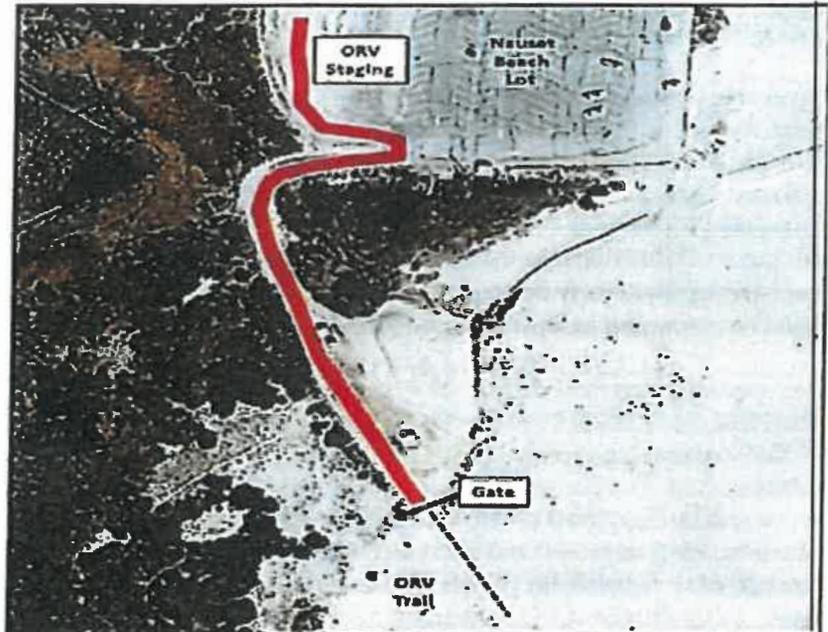
The Natural Resources Manager / Beach Director will have the independent authority to close the trail at any time for any reason.

The HCP OSV Protocols

Step 1: Accessing Nauset Beach South & Staging:

All OSV must stage in the pre-determined area of the Nauset Beach parking lot shown in (Figure 1). Line up in a single row, air down and check all your gear, safety equipment and supplies. Access will be granted on a first come, first served basis.

Figure 1:
Entrance to HCP
Staging area and
south entrance
gate.



Step 2: From Nauset Beach South Gate (lower lot) to the self-escort zones:

When shorebird monitors have established the locations of the chicks, they will notify staff stationed at the entrance gate and the gate will be opened. The OSV will then proceed through the entrance gate at **no more than 10 MPH until they arrive at the self-escort zone**. Each self-escort zone will be marked with signs as shown below indicating where the self-escort zone begins and ends. Be on the lookout at all times for these signs. Remember the locations of the signs may change daily due to the chick's locations. When you arrive at a self-escort zone, stop your OSV, have your escorter exit the OSV and walk fifteen (15) feet in front of the OSV. The OSV will follow behind the escorter at walking speed. *It is your responsibility to identify the self-escort begin and end signs.*

The escort signs you will encounter are shown below.

****REMEMBER* that the location of these signs can change daily and it is your responsibility to identify the locations daily.***



Figure 2: Example showing two (2) separate self-escort zones. While you proceed through the selfescort zone, be aware that piping plovers are very territorial. Consequently, the broods may be separated, so each escort zone may contain one (1) brood with up to four (4) chicks and two (2) adult plovers. If they are close together there will only be one (1) self-escort zone. ***Plovers may be moving throughout the habitat area as you are walking and driving through the self-escort zones. They can appear at ANY TIME and ANYWHERE.***

Step 3: Moving through the Self-Escort Zones:

While walking and driving through the self-escort zones you should be focused on looking for chicks and/or adults in the OSV corridor. Walk slowly; keep your attention and eyes on the OSV corridor in front of you. Also use your peripheral vision to look for chicks near the edge of the corridor that may dart out. Chicks may also hide in small depressions in the sand including the tire ruts or in dune grass. They rely on blending in with their surrounding habitat. When unfledged chicks are close, the adult parent plover will often get excited and move directly into your path. They may also pretend their wing is broken and cannot fly; they may flap their wing on the ground while moving away from you. This biological defense behavior is commonly referred to as the "broken wing display." If you see this, the adults are attempting to draw attention to themselves and away from the chicks. You may hear the parent adult sounding an alarm call before you see the chicks. The call sounds like "peep-peep" repeated rapidly.

If the escort person or OSV driver sees a chick and/or adult in the OSV corridor or within 100 feet of the self-escort zone, they **MUST** signal the vehicle behind them to **IMMEDIATELY STOP**. The signal for this is: the self-escort designee raises his/her right arm and then shouts "STOP." The OSV operator must safely stop the vehicle. The driver will then honk his horn in three (3) short bursts. Monitors will make their way to you. No herding of chicks or adults will be permitted. The Monitor will sweep the area and then determine when the corridor is clear to travel. They will speak through a megaphone, "IT IS

SAFE TO PROCEED." OSV may then proceed. You should proceed with the understanding that chicks may reappear, at any time in the corridor. Chicks tend to travel close together, especially in the first 10 days after they hatch.

Below are photos of chicks and adult plovers acting out the feigned or broken wing display.



Step 4: Nauset Beach South Exiting Protocols:

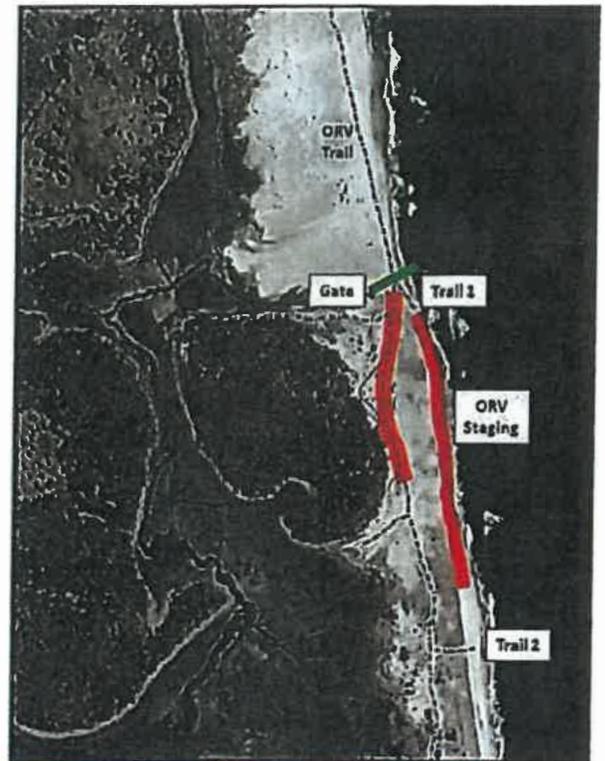
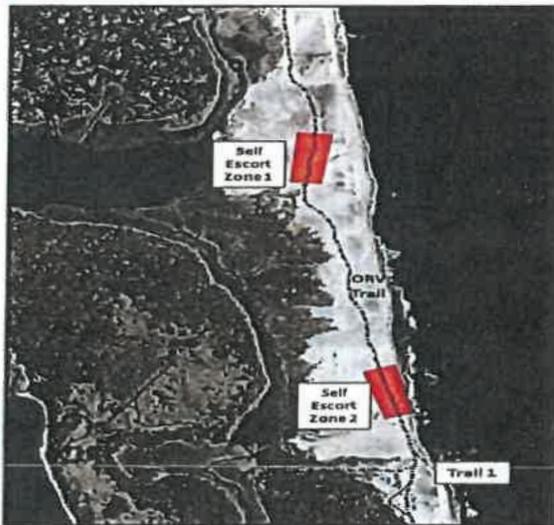


Figure 3: Self-escort zones and exiting gate staging area near Trail 1

OSV will be expected to begin preparing at least one (1) hour before planning to exit the beach during the 4:00 p.m. to 6:00 p.m. access window. All OSV are to be clear of the self-escort zones by 6:00

p.m. In order to alleviate traffic congestion, management recommends that OSV begin preparation at 3:00

p.m. for their 4:00 p.m. departure. OSV are required to be at the Trail 1 gate by no later than 5:30

6 p.m. At approximately 1.5 hours before the 6:00 p.m. closure, Beach Ranger staff will sweep the

beach in a patrol vehicle with flashing strobe lights on. Starting in the south and working north, this final drive-through is a directive for all non-self-contained OSV to begin preparations to be at the Trail 1 gate by 5:30 p.m. and ***clear of the self-escorting corridor and the beach by 6:00 p.m.***

Due to varying high tides, changing beach conditions and additional plover related closures outside of the self-escorting zones, portions of Nauset Beach South may be closed to OSV traffic. Therefore, OSV traffic

should anticipate having to use a combination of frontal beach and back trails (as we have in the past) to exit the beach. As mentioned, there will be a gate located near Trail 1 staffed with an attendant. All OSV exiting the beach shall line up in a row when approaching the gate. No OSV or their self-escort designee

are to pass by the gate prior to 4:00 p.m. At 4:00 p.m., the gate attendant will open it once the shorebird

monitors have determined that the corridor is open and it is safe to proceed. The 4:00 p.m. opening may

be delayed up to 1 hour due to location of the chicks in the self-escort zone. OSV will proceed at no more than 10 mph driving speed until they reach the boundary of the self-escort zones. Here, you will be

required to repeat the same procedure from when you accessed the beach. Once again, all self-escorting protocols discussed earlier will remain in-effect during the exiting window.

Your cooperation with the required protocols will help to promote an enjoyable experience for you and your fellow permit holders.

Use good judgment in planning your day, especially if it is one in which there are many vehicles remaining on beach between 4 and 5 p.m. A congested OSV corridor when leaving will not contribute to an enjoyable experience.

On occasion there could be as many as 180 vehicles attempting to exit during the 4:00 p.m. to 6:00 p.m.

window. If everyone waits until the last minute to leave, the Town of Orleans will be unable to meet their legal requirements and conditions of the Permits. Plan your stay accordingly and enjoy.

Airing Stations: As always there may be a line waiting to use the two air supply lines at the Nauset

Beach South air station. If you choose to wait and use the air station, be patient. During times of intense traffic congestion, management may close down the air station in order to move along traffic and keep the corridor open. Please have a backup plan for airing up.

VIOLATIONS: Any violations of the aforementioned protocol **will not be tolerated**. Violators of the HCP

Procedures and Conditions shall be subject to OSV sticker revocation, and shall have their rights to operate an OSV on Nauset Beach suspended immediately for a period of one (1) year from the date of the violation.

A zero tolerance policy will be in effect at all times on all rules regarding the HCP.

The cooperation of the general public in complying with the conditions and regulatory requirements of the permits will be critical in determining the success of the HCP program. You should all consider yourselves as active stakeholders in the entire HCP process and its successful implementation.

Enjoy your day at Nauset Beach.

IMPORTANT:

The following page (Step 5) requires anybody operating the OSV to sign and date that they have read and acknowledge all of the conditions of the HCP. Please make sure you have read and understand the entire conditions and procedures before signing your name. Remember, the town has adopted a zero tolerance policy for violations and any violations will result in immediate sticker revocation and a \$200.00 fine.

Remember, staff are here to help you. They are also responsible for making sure the OSV permit conditions are met.

HCP USER GUIDE QUIZ

Question: Will the HCP be in effect this year and for how long?

Answer: The HCP will be implemented when there are no more than 2 broods and 8 unfledged chicks remaining in the Pochet Wash area. There is NO GUARANTEE or definitive start and end date for when this scenario will occur.

Question: What if there is dangerous weather during the HCP?

Answer: The Natural Resource Manager will monitor weather forecasts daily. In the event that a storm warning is predicted by the National Weather Service, or any other weather warning that could jeopardize public safety within a 24-hour period, the OSV trail shall be closed for the duration of the hazard or the start time may be moved one hour later or earlier.

Question: When a Habitat Conservation Plan (HCP) is implemented, what are the three access/egress windows for the oversand trail?

Answer: 8am-10am / 12pm-2pm / 4pm-6pm

Question: What is the minimum number of vehicle passengers required to access the oversand trail if there is an HCP?

Answer: TWO! Every OSV must have at least two people if self-escorting is necessary.

Each person operating the OSV must read the HCP Procedures & Conditions and sign this acknowledgment before access to Nauset Beach South will be allowed when the HCP is in effect regardless of whose name the OSV Permit is in.

Step 5: Acknowledgment of HCP Procedures and Conditions:

I, *(Print Name & OSV Permit # below)*, have read the HCP Procedures and Conditions contained herein. By signing this HCP Acknowledgment, I acknowledge that I understand and agree to fully comply with the HCP Procedures & Conditions. I understand that if I or any of my occupants fail to comply with or violate any of the HCP Procedures & Conditions, it shall result in a \$200.00 fine and immediate revocation of the OSV Permit. I also understand that the Town has adopted a **ZERO TOLERANCE POLICY** for violations of the HCP Procedures and Conditions. I further agree that when requested to do so by Town of Orleans staff, I will produce this signed copy.

Please keep a copy of the HCP Conditions and Procedures in the OSV at all times.

Print Name & Permit #	Sign & Date:
Print Name & Permit #	Sign & Date:
Print Name & Permit #	Sign & Date:
Print Name & Permit #	Sign & Date:

Appendix 8

HCP Annual Compliance Report (2025)

Massachusetts Habitat Conservation Plan for Piping Plovers

North (Nauset) Beach 2025 Annual Report

Town of Chatham

SECTION 1: INTRODUCTION

I. Brief Summary Describing the Implementation of Covered Activities.

Chatham did not implement HCP during the 2025 season.

II. A Description of any DFW-Approved Changes Made to the Site-Specific IAMP During the Reporting Period.

Chatham did not implement HCP during the 2025 season.

III. Summary of General shorebird management Carried Out in Accordance with the Guidelines.

Shorebird management and habitat protection was carried out in compliance with the statutory requirements in M.G.L. c. 131 § 40; 310 CMR 10.59; Protection of Rare and Endangered Species Habitat; M. G.L. c. 131A in compliance with the Massachusetts Endangered Species Act, the Massachusetts Barrier Beach Guidelines for Managing Recreational Activities, Use of Beaches to Protect Piping Plovers, Least Terns and their Habitats, and the Guideline for Managing Recreational Activities in Piping Plover Breeding Habitat under Section 9 of the USFWS Endangered Species Act.

All past, present, and potential habitats were surveyed in March and April and symbolic fence was placed around all the entire habitats. Habitat protection signs were placed on the fencing at 25 ft. intervals. (See Habitat Protection Fence Area. (see Appendix C). The monitors consisted of a full-time Beach Manager, in charge of all operations relating to the Shorebird Endangered Species program (acts as monitor as well), and 2 full-time Shorebird Monitors. One of the full-time Monitors is designated the Lead Shorebird Monitor in charge of handwritten observation logs and electronic logs. Both have 6 or more years of experience as shorebird monitors. Monitors work 7 days a week on daily monitoring schedules. The Beach Manager is a salaried employee and works rotating schedules covering 5 to 6 days per week 40 hours minimum overseeing the program.

The entire habitat was closed to recreational over sand vehicles (OSV) on May 30, 2025, due to estimated hatch dates for Plover nests. The closure dates included the entire southern beach. Essential vehicles are allowed onto the beach after closure for mosquito control and are escorted through chick and habitat areas. On August 7, 2025, the beach was opened with a small section remaining closed to protect 1 LETE chick (Appendix D). On August 9, 2025, the chick disappeared, and the beach was opened.

The Beach Manager and Monitors worked 8-hour shifts, working the tides from April to September. A daily handwritten monitoring log was maintained which included a comprehensive review of each pair, nests, hatches, chick survival, predation, and brood foraging and moving habitats. An electronic database, NestStory.com, was also used daily to record all aspects of nesting, hatching,

chick foraging and predation. NestStory screen shorts were taken regularly of nests and adults and their chicks. Most nests were found at 1 egg and exclosed at 3-4 eggs. (see Appendix E).

Exclosures are considered critical to protect incubating adults from avian and mammalian predation on North (Nauset) Beach. Sixteen nest attempts were exclosed in 2025: PP02A, PP03A, PP04A, PP05A, PP05C, PP06A, PP07A, PP07B, PP11A, PP12A, PP12C, PP13A, PP15B, PP19A, PP21A, and PP22A. The decision to exclose a nest was based on location and “The Guidelines” issued by USFWS. Unexclosed nests were deemed well hidden in dune grass, located on the dune face, and/or in an area anticipated to be subject to overwash during a full moon high tide where the predicted hatch date was to occur after the moon tide. Even so, seven (7) exclosed nests were lost during the Nor’easter on May 22-23, 2025 (Figure 1).



Figure 1: Destroyed piping plover exclosure after May 2025 Nor’easter.

Two electronic “dummy” exclosures were erected in early March and maintained, baited regularly, and monitored daily. The first dummy exclosure was located near Trail 6, while the second was located near Trail 7. Both were equipped with game cameras. Bait fish was used to attract potential mammalian predators (coyotes, fisher, and red fox) to the exclosures, where they then received an electric shock while attempting to enter the exclosure for the food reward. Their behavior toward the exclosures is then modified because they no longer see it as a worthwhile food source. This non-lethal method of predator behavior modification has proved very effective for many years in protecting active exclosures of incubating piping plovers.

Once LETE courtship begins and colonies and/or nests appear, their habitat is fenced off with symbolic fencing and signage (Appendix B). The fencing is monitored daily and periodically to fence off habitat and any nests found to be located outside existing fence lines. In late summer/early fall, LETE fledglings were being fed and monitored in so-called Nursery Areas as provide for under the Barrier Beach Guidelines. The nursery areas were located at the Inlet area and protected from boaters and ORV traffic after the beach opened. In 2025, North Beach LETE colonies were small and widely dispersed over the entire habitat with poor productivity. Approximately 60 pairs were observed during the 2025 season.

A high rate of predation and nest loss occurred. By August 9, 2025, there were no LETE nests or unfledged chicks present on the beach.

As soon as the first LETE chicks are observed, monitoring is only conducted by foot only and essential vehicles are not driven on the beach.

See Appendix A for the 2025 Piping Plover Nest Distribution Maps. Daily Field Logbooks were also used to track nest data (Appendix F).

Public interactions during beach closure periods are less frequent due to the remoteness of the area. Boating activities occurred mainly on North Beach Island not North Beach due to recent changes in navigable channels.

No kites or drones were allowed during the 2025 season.

Chatham staff communicated regularly with the Town of Orleans on issues related to closures and nests that might affect each other's respective town.

Regular patrols are not conducted by a Beach Ranger until the end of the nesting season when the beach reopens to OSV traffic. The Beach Ranger works Fridays, Saturdays and Sundays and ensures staging shorebirds including Least Terns, Common Terns, Roseate Terns, Red Knots and other staging shorebirds are protected from beachgoers, boaters, and OSVs. See Staging Area in Appendix D.

No beach raking is conducted on North Beach.

Violations and Incidents – There were five (5) dogs off leash warnings. There were no incidents in 2025 raised to the level of a violation or requiring an incident report or citation to be issued.

IV. Table 1: Piping Plover 2025 Abundance and Reproductive Data

No. index pairs	22
No. total pairs	22
No. nests laid	37
No. eggs laid	120
No. chicks hatched	64
No. nests hatched	19
Nest success (chicks hatched / nests laid)	1.73
Hatching success (chicks hatched /eggs laid)	0.53
No. fledglings Hatched	35
Site productivity (fledgling / total pairs)	1.59

V. Nest Loss

Staff are confident that the nest loss was likely and not suspected.

Nest Predation Likely – Five (5) nests were likely lost to predation.

Overwash/Flooding – A significant Nor’easter occurred on May 22-23, 2025. As a result, many nests were lost to overwash and/or being sanded over and buried. Several of these nests were exclosed (Figure 1, above). All pairs that lost nests during the storm eventually renested during the 2025 season.

Table 2: Piping Plover Nest Loss

Causes of Nest Loss	No. of Nests Lost	Nest Identifiers
Predation -Likely	5	PP02B PP05B PP05C PP10A PP12B PP18A
Predation – Suspected	0	-
Abandonment -Likely	0	-
Abandonment - Suspected	0	-
Overwash / flooding	10	PP02A PP04A PP05A PP06A PP07A PP10B PP11A PP14A PP15A PP16A
Failure to hatch	0	-
Sanded Over	0	-
Vandalism	0	-
Tampering	0	-
Run - over	0	-
Mortality of both adults	0	-
Substrate collapse	0	-
Multiple causes	0	-
Unknown	3	PP05C PP10C PP11B
Other	0	-
TOTAL NEST LOSS	18	-

VI. PIPODES and TERNODES Reporting

PIPODES and TERNODES reports submitted electronically with Maps on September 30, 2025.

SECTION 2: IMPLEMENTATION OF COVERED ACTIVITIES

I. Table 3: Summary of Covered Activities, Exposures, Territories/Pairs/Broods Affected, Habitat Affected, and Productivity for 2025.

# Permitted Take Exposures	# Take Exposures Used	% of Total Pairs Exposed	Productivity of Exposed Pairs (fledglings/pair)	Productivity of Unexposed Pairs (fledglings/pair)	Overall Site Productivity (fledglings/pair)	Nesting Habitat Affected (acres)
0	0	0	0	0	0	0
Covered Activity			Brief Description of How Covered Activity Was Implemented	# Territories/ Pairs/ Nests/ Broods Exposed to Covered Activity	Area of Habitat Affected (acres)	
Use of roads & parking lots in the vicinity of unfledged chicks			0	0	0	
OSV use in the vicinity of unfledged chicks			0	0	0	
Recreation & beach operations: reduced proactive symbolic fencing			0	0	0	
Recreation & beach operations: reduced fencing around the nest			0	0	0	
Recreation & beach operations: nest moving			0	0	0	

II. Additional details on how the activities covered were implemented.

Chatham did not implement HCP during the 2025 season.

III. Include 1 or more maps identifying locations of covered activities.

Chatham did not implement HCP during the 2025 season.

IV. Summary of impact minimization.

Chatham did not implement HCP during the 2025 season.

V. If applicable, describe any incidents of mortality in association with covered activities.

Chatham did not implement HCP during the 2025 season.

VI. If any additional species (LETE, diamondback terrapins, etc.) are included in CMP where these species are exposed.

Chatham did not implement HCP during the 2025 season. Therefore, no additional species were exposed.

VII. Recommendations for changes in future years.

Provide the Beach Manager flexibility to allow OSV use when an unfledged brood is located in an area where OSV traffic does not present a danger to unfledged chicks.

SECTION 3: MITIGATION

I. At sites where selective predator management is implemented, include the following:

- a. Total cost of predator management**
Chatham did not implement HCP during the 2025 season. Existing dedicated account funds were carried over to the 2025 season.
- b. Timing of predator removal (dates and number of predator removal visits)**
Chatham did not implement HCP during the 2025 season.
- c. Predators selected for management/a did not implement HCP.**
Chatham did not implement HCP during the 2025 season.
- d. Effectiveness of removing the predators selected for management.**
Chatham did not implement HCP during the 2025 season.
- e. Predation rates and species-specific predator activity during the season.**
Chatham did not implement HCP during the 2025 season.
- f. Number of pairs benefitting from predator management**
Chatham did not implement HCP during the 2025 season.
- g. Report by USDA-Wildlife Service or another contractor, if applicable.**
Chatham did not implement HCP during the 2025 season.
- h. Recommendation on changes in future years**
Offsite mitigation does not benefit Chatham. Fund onsite mitigation.

II. At sites where vegetation management, increased law enforcement, or other forms of approved mitigations are implemented, include the following:

- a. Total cost of mitigation program**
Chatham did not implement HCP during the 2025 season. See Appendix G for Mitigation Account Statement.
- b. Frequency and duration of implementation**
Chatham did not implement HCP during the 2025 season.
- c. Number of pairs benefitting**
Chatham did not implement HCP during the 2025 season.
- d. Description of monitoring and effectiveness results as required in the site-specific IAMP**
Chatham did not implement HCP during the 2025 season.
- e. Recommendations for changes in future years**
None.

SECTION 4: RECREATIONAL BENEFITS

I. Description of benefits of implementing covered activities including:

- a. Numbers of days/weeks recreational areas were opened earlier than would otherwise be allowed per the guidelines.**
Chatham did not implement HCP during the 2025 season.

b. Increased revenue as a result

Chatham did not implement HCP during the 2025 season.

c. Attitude/satisfaction of public

Chatham did not implement HCP during the 2025 season.

II. Assessment of program reach and effectiveness.

a. Number of warnings and citations

There were 5 verbal dog off leash warnings. There were no citations issued, and Chatham did not implement HCP.

b. Number of workshops or programs

There was no public programming on HCP or Plovers Chatham did not implement HCP.

c. Number of symbolic fencing violations

There were 0 symbolic fence violations during the 2025 season.

d. Measures of attitudinal changes.

There were no altitudinal changes observed during the season as Chatham did not implement HCP. Trail's locations remained the same.

III. Recommendations for next future years

None

SECTION 5: GENERAL PROGRAM RECOMMENDATIONS, CONCERNS, OR COMMENTS.

General Shorebird Management – LETE Management – When an HCP is not implemented, and all PIPL chicks fledged, there may be only a handful of LETE outlier nests on or after August 1 annually. Depending on their location the Beach Manager should have the option to open the beach to OSV access.

APPENDIX A

PIPING PLOVER NEST MAP 2025



APPENDIX B

LEAST TERN AREA MAP 2025



APPENDIX C

SYMBOLIC FENCE LINE & SIGNAGE FOR PROTECTING HABITAT



Symbolic fence lines were adjusted throughout the season to provide further protection as necessary to both Piping Plovers and Least Terns.

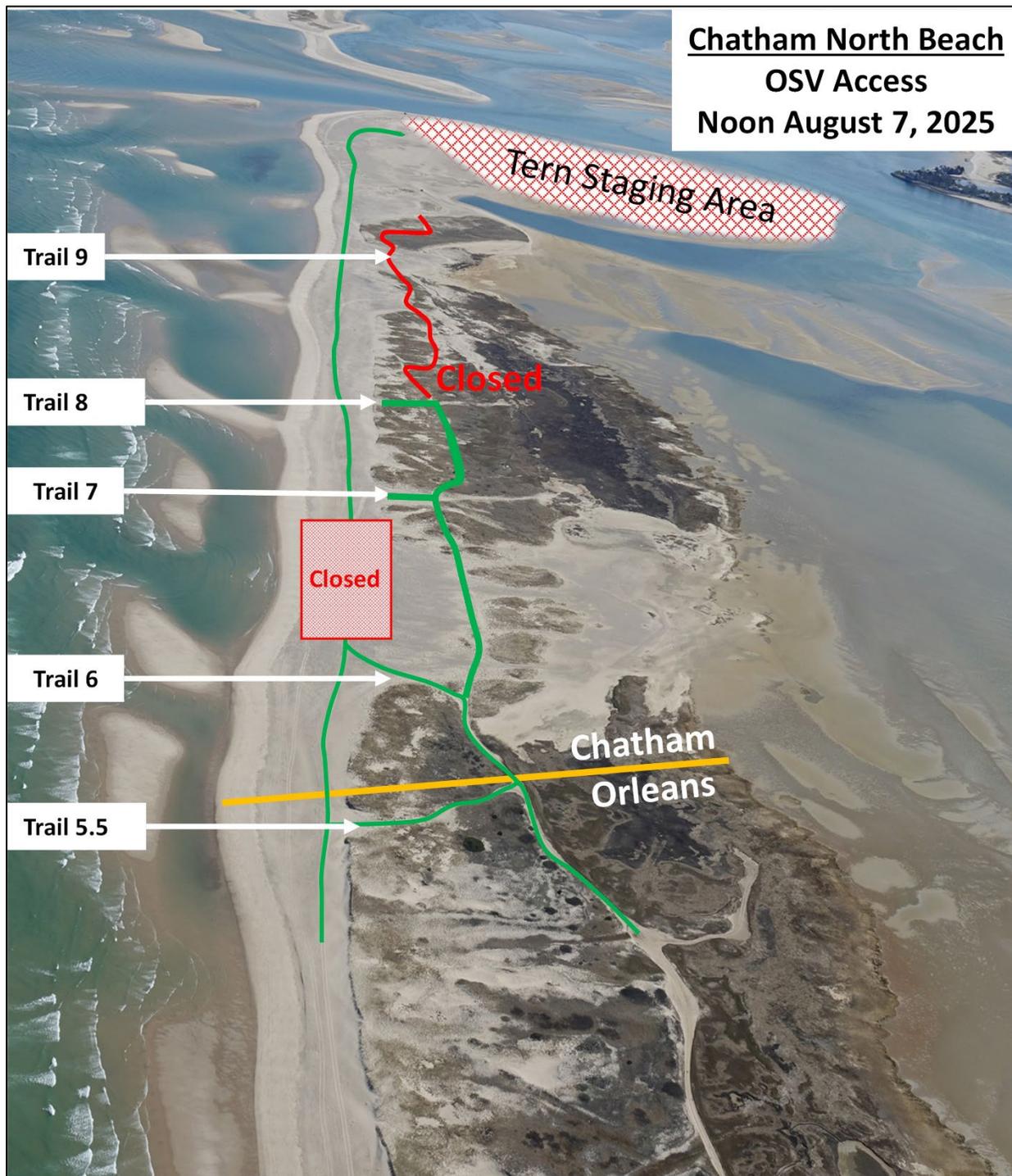
Standard Habitat Protection Signs



Signs were placed along the entire symbolic fence line. 1x1” stakes, rather than posts, are preferred for fencing due to the ability of raptors, crows and other avian predators to perch on poles.

APPENDIX D

GENERAL TRAIL MAP



The **Closed** Area shown on the Map shows the location of a single tern chick which disappeared on August 9, 2025. Once that occurred, the remainder of the beach was opened to OSV use.

Applicable Shorebird Management Local Regulations and Rules

Nauset Beach for Over Sand Vehicles (OSV) Chatham/Orleans

4.) SPEED LIMIT - The speed limit of motor vehicles will not exceed 15 mph. The speed limit in the vicinity of shorebird nests will not exceed 5 mph. Reasonable speed limits will be enforced for low beach driving.

11.) DOGS: No dogs are allowed on the Nauset Spit from April 1 through Labor Day. From Trail #1 north to the Nauset Spit, dogs are prohibited from April 1 through Labor Day. From Trail #1 south to the Chatham inlet, all dogs must be always on a leash no longer than 30 feet from April 1 through Labor Day. Dogs must be transported by OSV to areas open to dogs south of Trail 1 from April 1 through Labor Day. Dogs are always prohibited in closed areas. (This is a zero-tolerance policy). Owners are responsible for cleaning up after their animals.

12.) CLOSED AREAS: Vehicles and pedestrians are prohibited in symbolically fenced and signed areas. No vehicles may park within the OSV corridor. From Callanan's Pass south to Trail 1 is closed to OSV traffic. The Town of Eastham is closed to OSV traffic. 13.) LOW BEACH DRIVING: Seaward of the mean high tide line is closed to OSV traffic on Nauset Spit Seaward of the mean high tide line is closed to OSV traffic on Nauset Beach South from the Friday of Memorial Day weekend until the first Friday of November, unless otherwise directed. While low beach driving is open, driving above the high tide water mark in a closed area is prohibited. Reasonable speed limits will be enforced for low beach driving.

24.) KITES /DRONES: Kites and drones are prohibited from April 1 through Labor Day. Dates subject to change.

----- Penalties for VIOLATIONS -----

Penalties for infractions of any of the rules & regulations shall result in revocation of registration sticker, dismissal from the beach and/ or a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) for each offense. Fines listed below may be imposed for violations of the Orleans DPW & Natural Resources Rules and Regulations and the Nauset Beach Rules and Regulations for OSV: Operation of a motor vehicle on Nauset Beach in closed areas and off marked trails. • Emptying of holding tanks and disposal of human waste. • Violation of Habitat Conservation Plan (HCP) • Flying Kites and/or Drones at all from April 1 – Labor Day of Fine for above offenses: \$200.00 and revocation of OSV Permit. Unless otherwise specifically provided herein, any person who violates any of the Orleans DPW & Natural Resources Rules and regulations or the Nauset Beach Rules and Regulations for OSV shall be subject to the following penalties: First Offense: Written warning Second Offense: \$50.00 Third and Subsequent Offense: \$100.00 • Operation of a motor vehicle on Nauset Beach without a valid OSV Permit. • Operation of a motor vehicle on low beach when prohibited • Failure to air down tires to proper psi. • Violation of rules and regulations related to dogs. In addition to any other penalties set forth in these regulations, any violation of the dog regulations in closed areas due to shorebirds will result in no less than an automatic revocation of the offender's beach permit rights from the date of violation until May 1st of the following year. Subsequent violations will result in the offender's Beach Permit rights being revoked for a period of three (3) full years from the date of the violation. • Operation of a motor vehicle and not having passengers properly seated within the confines of the vehicle. • Speeding • Littering • Open container(s) of alcohol • Open fire without a permit An OSV Permit Holder who receives three of any violation of the Rules and Regulations in an: one season (other than operation of a motor vehicle on Nauset Beach in closed areas

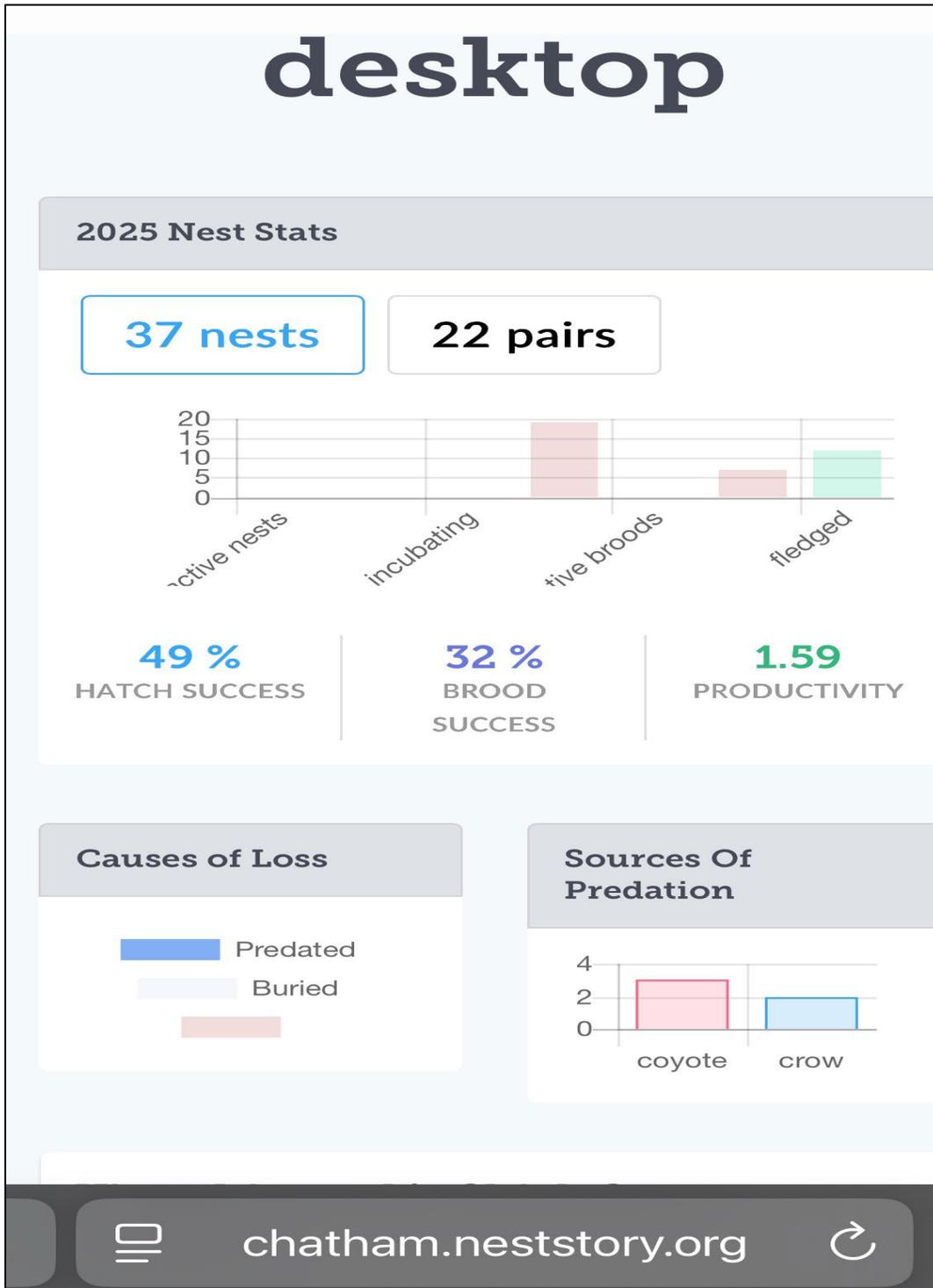
and off marked trails, the emptying of holding tanks and disposal of human waste and violations of Habitat Conservation Plan rules, which are subject to immediate revocation of the OSV permit shall have his or her OSV permit revoked and shall not be permitted on the beach for ONE YEAR from the date of revocation of the OSV Permit.

All Applicable Federal, State and Local Regulations Implemented and Enforced in 2025

- A. The Massachusetts Wetland Protection Act, Enforcement of 310 CMR 10.59 entitled Protecting Habitats for Rare and Endangered Wildlife (piping plovers and LETE terns).
- B. Order of Conditions and Beach Management Plan approved in 2016 by the Chatham Conservation Commission for North (Nauset) Beach under the Wetland Protection Act and Chatham Wetland Protection Bylaw c. 272 and the Regulations promulgated thereunder.
- C. GUIDELINES FOR MANAGING RECREATIONAL USE OF BEACHES TO PROTECT PIPING PLOVERS, TERNS, AND THEIR HABITATS IN MASSACHUSETTS
Issued by the Massachusetts Division of Marine Fisheries and Wildlife and the Natural Heritage Endangered Species Program. Adopted April 21, 1993
- D. 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
Northeast Region, U.S. Fish and Wildlife Service, April 15, 1994
- E. The Massachusetts Endangered Species Act (MESA) was enacted in December 1990. Implementing regulations were promulgated in 1992 and most recently revised and implemented as of October 15, 2010 (321 CMR 10.00)
- F. U.S. Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended.
- G. The Chatham Rules & Regulations for management of North (Nauset) Beach. These Rules and Regulations were adopted by incorporating the Orleans Rules and Regulations and applying them to North (Nauset) Beach.
- H. The Migratory Bird Treaty Act of 1918 (MBTA), codified at 16 U.S.C. §§ 703 – 712

APPENDIX E

SCREEN SHOT NESTSTORY



APPENDIX F

DAILY LOG NEST OBSERVATION FORMS

Daily Logbook Page PIPING PLOVERS for Shorebird Management for each identified nest

DAILY PIPING PLOVER NEST OBSERVATION FORM - 2025

GPS Coordinates: N: 41.721206 W: 069.933187

Nest Name: PPIA Location of Nest: ^{6 WEST} SE SIDE OF TIDAL DUNE Nest Habitat: RUBBLE

Date Nest Found: 4.21.25 Number of Eggs When Found: 2 Date Clutch Complete: 4.25.25 Date Hatched: 5.22

DID NOT EXCLOSE

Exclosure Date: Minutes to Exclosure: Time for Adult to Continue Incubation: Exc. Type A

Hatching: Estimated Hatch Date (if known): 5.22 # Days to Hatch if Known:

Eggs: 4 # Eggs Hatched: 3? # Unhatched: 1 ^{FOUND OUTSIDE NEST} Reason if Known: JUST YOLK

Fledging: # Chicks Fledged: 2 # Unfledged: 0 Reason if Known:

Nest Failure: Date of Nest Failure: / /2025 Cause of Failure if Known:

Re-Nest Yes / No Date: Name of Re-Nest:

Facts supporting or not supporting re-nest decision:

DAILY CHICK & ADULT OBSERVATIONS

Age Date	Number of Chicks and Adults Observed CHICKS / ADULTS	Age Date	Number of Chick and Adults Observed CHICKS / ADULTS	Age Date	Number of Chicks and Adults Observed CHICKS / ADULTS
15.23	0 0	13.6.4	2 2	25.6.16	2 1
25.24	2 2	14.6.5	1 (in grass) 2	26.6.17	2 2
35.25	2 2	15.6.6	2 2	27.6.18	2 2
45.26	2 2	16.6.7	2 1	28.6.19	1 1
55.27	2 2	17.6.8	2 1	29.6.20	0 0
65.28	2 1	18.6.9	2 1	30.6.21	0 0
75.29	2 2	19.6.10	2 1	31.6.22	2 2 saw them fly
85.30	2 2	20.6.11	2 1	32.6.23	2 2
95.31	2 1	21.6.12	2 1	33.6.24	0 1 0
10.6.1	2 2	22.6.13	2 2	34.6.25	0 1 0
11.6.2	2 2	23.6.14	2 2	35.6.26	1 P
12.6.3	2 2	24.6.15	2 1	Regulatory Fledge 6.27-2/2	

Nest Incubation and Activity

Date 2025	Nest I. D.	Number of Eggs	Incubation Yes or No	Observation & Comments:
4.21	PPIA	2	yes on/off	BOM BIRDS
4.22	PPIA	2	yes	BOM BIRDS
4.23	PPIA	3	yes	2 EGGS FIRST WALK BY - BUT FEMALE WAS SITTING FUNNY. CHECKED ON WAY BACK TO TRUCK - 3 EGGS!
4.24	PPIA		yes	BOM BIRDS DID NOT LIFT INCUBATOR
4.25	PPIA	4	yes	BOM BIRDS BROKEN WING
4.26	PPIA			RAIN & WIND STORM NO MONITORING
4.27	PPIA			NO MONITORING TOO WINDY
4.28	PPIA		yes	BOTH BIRDS!
4.29	PPIA		yes!	MUST HAVE BEEN SURROUNDED BY WATER BUT SURVIVED!
4.30	PPIA		yes!	SURVIVED NEW MOON TIDES ☺
5.1	PPIA		yes	
5.2	PPIA		yes	
5.3	PPIA		yes	

Additional Sheets carry over Incubation until hatch date.

Nest Incubation and Activity

Date 2025	Nest I. D.	Number of Eggs	Incubation Yes or No	Observation & Comments:
5/4	PP1A		yes	
5-5	PP1A		yes	
5-6	PP1A		yes	
5-7	PP1A		yes	
5-8	PP1A		yes	
5-9	PP1A		yes	
5-10	PP1A		yes	
5-11	PP1A		yes	
5-12	PP1A		yes	
5-13	PP1A		yes	
5-14	PP1A		yes	
5-15	PP1A		yes	
5-16	PP1A		yes	

Additional Sheets carry over Incubation until hatch date.

Nest Incubation and Activity

24
DAYS

Date 2025	Nest I. D.	Number of Eggs	Incubation Yes or No	Observation & Comments:
5-17	PP1A		yes	
5-18	PP1A		yes	BOM BIRDS
5-19	PP1A		yes	
5-20	PP1A		yes	
5-21	PP1A		yes	
5-22	PP1A	NOR'EASTER		
5-23	PP1A	0	NO	
5.				

Additional Sheets carry over Incubation until hatch date.

APPENDIX G

ACCOUNT STATEMENT FOR MITIGATION PROGRAM

PLOVER MITIGATION ESCROW - ~~62664~~884

Search Transactions

Activity: All transactions Type: All

Transactions

⌚ Pending ● Posted

Total debits: -0.00 (0) Total credits: +30,614.76 (2)

Date	Description	Debit	Credit	Balance
⌚ Oct 08, 2024	Per Fund Agmt 6-12-24		11,600.00	30,614.76
● Oct 07, 2024	Transfer from 6266		19,014.76	19,014.76

PLOVER MITIGATION ESCROW - ~~62664~~884

Account Information

Balance

Previous Day Transactions (-\$0.00 / +\$19,014.76)	\$19,014.76
Current Balance	\$19,014.76
Total Float	\$0.00
Holds	\$0.00
Pending Transactions (-\$0.00 / +\$11,600.00)	\$11,600.00
Other Transfers	\$0.00
Today's Float	\$0.00
Available Balance	\$30,614.76
Line Of Credit	\$0.00
Total Funds Available	\$30,614.76

Activity

Last Deposit (Oct 07, 2024)	\$19,014.76
Last Check	\$0.00

Interest

Current Interest Rate	3.445%
Current Accrued Interest	\$1.79
Last Interest Payment (Oct 06, 2024)	\$0.00
Interest Paid 2024	\$0.00
Interest Paid 2023	\$0.00

Appendix 9

Mitigation Fund Account Statement

Search Transactions

Activity: All transactions Type: All

Transactions

🕒 Pending ● Posted

Total debits: -0.00 (0) Total credits: +30,614.76 (2)

Date ▼	Description ◆	Debit ◆	Credit ◆	Balance
🕒 Oct 08, 2024	Per Fund Agmt 6-12-24		11,600.00	30,614.76
● Oct 07, 2024	Transfer from 6266		19,014.76	19,014.76

Account Information

Balance

Previous Day Transactions (-\$0.00 / +\$19,014.76)	\$19,014.76
Current Balance	\$19,014.76
Total Float	\$0.00
Holds	\$0.00
Pending Transactions (-\$0.00 / +\$11,600.00)	\$11,600.00
Other Transfers	\$0.00
Today's Float	\$0.00
Available Balance	\$30,614.76
Line Of Credit	\$0.00
Total Funds Available	\$30,614.76

Activity

Last Deposit (Oct 07, 2024)	\$19,014.76
Last Check	\$0.00

Interest

Current Interest Rate	3.445%
Current Accrued Interest	\$1.79
Last Interest Payment (Oct 06, 2024)	\$0.00
Interest Paid 2024	\$0.00
Interest Paid 2023	\$0.00