



DIVISION OF FISHERIES & WILDLIFE

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

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

Project Location:

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

Applicant:

Individual	
Organization	
Mailing address	
Phone & Email	

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

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

Representative (if any):

Individual	
Organization	
Mailing address	
Phone & Email	

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

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

REQUESTED COVERED ACTIVITIES FOR PIPING PLOVER

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

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

REQUESTED COVERED ACTIVITIES FOR LEAST TERN OR OTHER AVIAN SPECIES (identify species): _____

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

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

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

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

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

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

OTHER REQUIRED ELEMENTS OF REQUEST FOR COI

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

- ☐ 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

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

Massachusetts Division of Fisheries & Wildlife

December 2, 2022

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

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

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

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

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

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

The Request must have the title,

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

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

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

2. What is the first step?

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

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

3. What is the Request for COI deadline?

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

Impact Avoidance & Minimization Plan (IAMP)

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

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

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

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

2. Detail the measurable objectives of the monitoring

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

IX. Budget

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

Mitigation Plan

Options (See HCP sections 4.3.2 and 4.3.3):

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

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