



DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
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MASS.GOV/MASSWILDLIFE

MASSWILDLIFE

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

Project Location:

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

Applicant:

Individual	
Organization	
Mailing address	
Phone & Email	

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

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

Representative (if any):

Individual	
Organization	
Mailing address	
Phone & Email	

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

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

REQUESTED 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*
Mitigation ratio (mitigation credits: exposures)	3:1	2.5: 1	2.5: 1	
Mitigation fee (per pair, nest, brood, or territory)	\$6150	\$5800	\$5800	
No. requested take exposures*				
Max. % of total pairs at site to be exposed				

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<i>Specific activities requested: (mark with "X")</i>				
· Reduced proactive symbolic fencing				
· Reduced fencing around the nest				
· Beach raking				
· Chick herding				
· Nest moving				
· Other				
<i>Acreage affected</i>				
<i>Max. % of total nesting acreage affected at site</i>				

* As beach operators may not be able to predict precisely which combination of Covered Activities may be carried out in a given year, a range of values for *No. requested take exposures* may be presented for individual Covered Activities; however, the *Total* should be a single not-to-exceed value.

PROPOSED MITIGATION

Type	Y/N	Total amount	Pairs to benefit/Credits
<i>Pay fee for offsite mitigation (\$5800 - \$6150 per take exposure; see above)</i>		\$	
<i>Applicant-implemented activities:</i>			
· Selective predator management		Submit details in IAMP (see below)	
· Increased education & outreach			*
· Increased law enforcement			*
· Habitat management			*
· Other			*

* MassWildlife will determine value (credits) for non-selective predator management options

OTHER REQUIRED ELEMENTS OF REQUEST FOR COI

(Please attach. Additional guidance is available to applicants; contact Coastal.Waterbirds@mass.gov.)

- ☐ Site map – showing 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)
- ☐ 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 Track Changes/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 MASSWILDLIFE HABITAT CONSERVATION PLAN FOR PIPING PLOVER**

Massachusetts Division of Fisheries & Wildlife

November 18, 2020

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

Submit a Request for Coverage ("Request") with five elements (see draft HCP, p. 5-10):

- 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 (COI) on (*Site Name*).

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 MassWildlife for review, this approach is strongly discouraged. We strongly recommend contacting us to initiate a pre-filing consultation as much in advance of the beach season as possible. Then we recommend developing the draft IAMP and Mitigation Plan in consultation with MassWildlife 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 15th**.

Impact Avoidance & Minimization Plan (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. This document provides a suggested outline or template for preparing an IAMP.

- I. Site Description
 - a. Map of property or properties, property size, and information about ownership
 - b. Physical description of property including key natural features and recreational amenities (*e.g.*, parking lots, life-guarded sections of beach) (note: more information about beach operations will be provided in Section III)
 - c. Description of piping plover habitat, past population size and reproductive success, management issues such as predation or storm overwash, and other background information of management significance (note: focus on last 5 years, highlighting earlier major population, habitat, or management changes as necessary)
 - d. If applicable, description of habitat, population, etc... for other state-listed species (*e.g.*, Least Tern)
- II. Responsible Staff
 - a. List names and describe credentials of technical staff responsible for preparing, implementing, and updating the plan. Describe roles and responsibilities of each key staff person
- III. Beach Management Plan (note: this section should be concise, but must be detailed enough to demonstrate adherence to state and federal Guidelines for all beach management and operations, with the exception of carrying out the covered activities)
 - a. Beach operations
 - i. Recreational activities
 1. Each recreational activity should be described; for each activity, information should be provided about how management conforms with state and federal Guidelines (include discussion of terns, if applicable)
 - ii. Parking and roads
 - iii. Beach cleaning and refuse management
 - iv. Rules and regulations
 - v. Law enforcement
 - vi. Other operations (*e.g.*, fireworks, public events)
 - vii. Plover monitoring and management (and terns if applicable)
 1. Symbolic fencing & signage (*e.g.*, locations and timing)
 2. Other management (*e.g.*, vegetation, predator control, exclosures)
 3. Monitoring
 - a. Frequency
 - b. Data collection and recording protocols
 - c. Data reporting
 - d. Staffing levels and qualifications

IV. Covered Activities (note: If applicable, this section must 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 the species)

- a. List covered activities that are proposed and number of pairs/broods/nests/territories to be exposed (note: 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 (note: guidance on preparing the site-specific impact minimization protocols for each covered activity can be found in the Chapter 3 of the Draft HCP)
- c. Monitoring plan for covered activities
 - i. Compliance monitoring
 1. *e.g.*, logs and or datasheets to document required staffing, hours of escorted vehicle operation, number of vehicles.
 - ii. Effectiveness monitoring
 1. *e.g.*, sufficient staffing, protocols, 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 measureable objectives of the monitoring

V. Budget

- a. Approved annual budget covering all site management and staffing needs associated with implementation of the IAMP (note: 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)

Mitigation Plan

Options (See HCP sections 4.3.2 and 4.3.3):

- I. Provide funding to MassWildlife 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 brood/nest/territory 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 (note: after year 1 DFW 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
 - a. Submit detailed mitigation plan to MassWildlife
 - i. Detailed description of proposed mitigation activities
 - ii. Description of how the mitigation will benefit Piping Plovers, including a quantitative assessment if possible
 - iii. Monitoring plan including specific criteria to assess effectiveness
 - iv. Itemization of costs for implementing the mitigation program

Note: Mitigation plan must address take of Least Tern and/or other state-listed species if applicable.