



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

Project Location:

Address/Location	425 Sandy Neck Road
City(ies)/Town(s)	Barnstable

Applicant:

Individual	Marine and Environmental Affairs
Organization	Town of Barnstable
Mailing address	1189 Phinneys Lane, Centerville MA 02632
Phone & Email	Office:508-790-6272 Cell:508-294-1390 nina.coleman@barnstable.gov

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

Individual(s)	Town Manager
Organization(s)	Town of Barnstable
Mailing address	367 Main Street, Hyannis MA 02601
Phone & Email	508-862-4000

Representative (if any):

Individual	Nina Z Coleman, Park Manager
Organization	Marine and Environmental Affairs, Town of Barnstable
Mailing address	1189 Phinneys Lane, Centerville MA 02632
Phone & Email	Office:508-790-6272 Cell:508-294-1390 nina.coleman@barnstable.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. 16-35448

Is coverage for Least Terns also being requested? (Y/N)	Yes <input checked="" type="checkbox"/>
---	--

List additional MESA-listed species in project area (if known):	Malaclemys terrapin	Diamondback Terrapin	Threatened
---	---------------------	----------------------	------------

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*			3 Broods / Pairs	3
Max. % of total pairs at site to be exposed				7.5%
Acreage affected				4.0
Max. % of total nesting acreage affected for this species at site				3%

* 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>			15 Chicks	15
<i>Max. % of total pairs at site to be exposed</i>				< 10 %
<i>Acreage affected</i>				4.0
<i>Max. % of total nesting acreage affected for this species at site</i>				3%

* 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):
<i>Reduced proactive symbolic fencing</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Reduced fencing around the nest</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Beach raking</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Physical deterrents (coverboards, flagging, etc.)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Chick herding</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Barriers</i>	<input checked="" 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> 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)
<i>Pay fee for offsite mitigation*</i>	Yes <input type="checkbox"/>	\$ 17,400	7.5
<i>Applicant-implemented activities (in lieu of fee):</i>			
· <i>Selective predator management</i>	No <input type="checkbox"/>	Submit details in IAMP (see below)	MassWildlife will determine value (credits) for these activities
· <i>Increased education & outreach</i>	No <input type="checkbox"/>		
· <i>Increased law enforcement</i>	No <input type="checkbox"/>		
· <i>Habitat management</i>	No <input type="checkbox"/>		
· <i>Other</i>	No <input type="checkbox"/>		

* 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

Nina Z Coleman

Signature of Applicant (if different from Owner)

Date

Date **2/11/2026**

**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, enclosures, etc.)
 - d. Numbers of bird monitors, qualifications, and duties
 - e. Seasonal staff start and end dates, hours/week, daily schedules and weekly coverage of the beach during the nesting season
 - f. Training and oversight of monitors
 - g. Data collection and recording protocols
 - h. Data reporting
 - i. Public education and outreach
- VIII. Covered Activities – If applicable, this section must also include consideration of Least Tern or other state-listed species on site and describe how Take will be avoided or how a net benefit will be provided to these species.
- a. List covered activities that are proposed and number of pairs/broods/nests/territories to be exposed. As beach operators may not be able to predict precisely which combination of covered activities may be carried out in a given year, the list may include contingencies such as reduced fencing buffer *or* nest moving depending on circumstances in a given season.
 - b. Detailed protocols for implementing required impact minimization measures when carrying out each covered activity. Guidance on preparing the site-specific impact minimization protocols for each covered activity can be found in the Chapter 3 of the HCP.
 - c. Monitoring plan for covered activities
 - i. Compliance monitoring. Compliance monitoring tracks the status of Plan implementation and documents that all requirements of the Plan are being met. Compliance monitoring verifies that Plan participants are carrying out the terms of the Plan in accordance with their COIs.
 - 1. Provide logs, datasheets, or NestStory screenshots to demonstrate that you are prepared to document required staffing, scheduling, hours of escorted vehicle operation, number of vehicles, raking locations and dates, brood location checks, etc.
 - ii. Effectiveness monitoring. Effectiveness monitoring assesses the biological success of the Plan and includes both status and trends monitoring and effects of management monitoring.
 - 1. Demonstrate that you have the specific data collection protocols in place to 1) document impacts of covered activities, and 2) fulfill monitoring objectives. (*e.g.*, sufficient staffing, protocols, and datasheets to document

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

2. Detail the measurable objectives of the monitoring

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

IX. Budget

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

Mitigation Plan

Options (See HCP sections 4.3.2 and 4.3.3):

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

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



**MASSACHUSETTS PIPING PLOVER HABITAT CONSERVATION PLAN
CERTIFICATE OF INCLUSION REQUEST 2026
SANDY NECK BEACH PARK
BARNSTABLE MASSACHUSETTS**

Prepared for submission to:

**Natural Heritage & Endangered Species Program
Massachusetts Division of Fish & Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

Prepared by:

**Nina Z. Coleman, Sandy Neck Park Manager
Hannah Lawrence, Sandy Neck Assistant Park Manager
Marine and Environmental Affairs Division
Town of Barnstable
1189 Phinney's Lane
Centerville, MA 02632**

**April 2016
Amended: January 2017
Renewal with amendments December 2019
Renewal December 2022
Renewal February 2026**

TABLE OF CONTENTS

Introduction and Overview.....	4
Geographic Scope.....	4
I. Site Description.....	8
II. Ownership and Management Entity(ies).....	13
III. Responsible Staff.....	13
IV. Sandy Neck Piping Plovers.....	14
V. Least Terns & Other Rare Species.....	18
VI. Beach Operations and Management.....	24
a. Hours of Operation.....	24
b. Recreational Activities.....	24
c. Parking and Roads.....	25
d. Rules and Regulations.....	25
e. Fencing and Signage.....	25
f. Compliance and Law Enforcement.....	25
g. Commercial/Vendor Activities.....	26
h. Events.....	26
i. Maintenance.....	26
j. Seasonal Features.....	26
k. Beach Grooming.....	26
l. Trash Management.....	27
m. Management of Wrack/Seaweed.....	27
n. Sand Redistribution and Beach Grading.....	27
o. Recreational and Essential Vehicles.....	27
VII. Bird Management and Monitoring.....	28
a. Management History.....	28
b. Entity Conducting Management and Monitoring.....	28

c. Management Techniques.....	28
d. Bird Monitors.....	28
e. Seasonal Staff.....	29
f. Training and Oversight of Monitors.....	29
g. Data Collection and Recording Protocols.....	29
h. Data Reporting.....	30
i. Public Education and Outreach.....	30
VIII. Covered Activities.....	30
a. Proposed Covered Activities.....	31
b. Protocols for Implementation.....	37
c. Monitoring and Compliance Requirements.....	41
d. HCP Staffing.....	45
IX. Budget.....	46
X. Mitigation Plan.....	48
Attachment A.....	49
Attachment B.....	51
Attachment C.....	52
Attachment D.....	53
Attachment E.....	53
Attachment F.....	53
Attachment G.....	53
Attachment H.....	53
Attachment I.....	54
Attachment J.....	54
Attachment K.....	54
Attachment L.....	54

INTRODUCTION AND OVERVIEW

This request for a Certificate of Inclusion (COI) is prepared as part of an application from the Town of Barnstable in order to participate in the statewide Plover Habitat Conservation Plan (HCP). This document also serves as an application for a Conservation and Management Permit (CMP) pursuant to the Massachusetts Endangered Species Act (MESA; MGL c. 131A; 320 CMR 10.00). The Town is requesting the opportunity to implement “Recreation and Beach Operations Associated with Reduced Proactive Symbolic Fencing,” a covered activity described in the HCP. No more than three nesting territories would be exposed to this activity (7.5% of the breeding pairs on site, based on 39.7 average breeding pairs since 2012). The activity and associated impact minimization procedures would be confined to a portion of the suitable habitat along 4,529 linear feet of beach call the “Recreation Zone” (RZ). This area supported a Piping Plover (Plover) nest in 2013, which caused a complete closure of the Off Road Vehicle (ORV) Beach. The intent is to reduce symbolic fencing in this area to allow recreational activities that would not otherwise occur, and to use coverboards, beach raking, flagging tape or the like to reduce the risk of interaction between beachgoers and Plovers attempting to breed in this section of beach. Within the RZ, the Town also proposes the ability to escort recreational vehicles past unfledged plover chicks, should early season efforts fail to deter pairs from nesting within this section of beach. In addition, the Town would like the opportunity to escort recreational vehicles past unfledged Least Tern (Tern) chicks in the ORV corridor. The Town is proposing that mitigation be in the form of funding to implement selective 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.

GEOGRAPHIC SCOPE

The geographic area encompassed by this request includes suitable Plover habitat from the east edge of the parking lot to approximately 0.5 miles east of Trail 1 (Figure 1). We are also requesting that two small blow-outs (known as “Shoo” and “Scram”) be included (Figure 1, Photographs 1 & 2). This area of suitable habitat equals 3.38 acres (this calculation does not include the tern escorting area of 0.62 acres). We obtained this figure by using the Arc View measuring tool on a 2015 aerial map of the beach. Measurements were taken from the toe of the dune to the extreme high tide line. We would like to re-evaluate the geographical scope each year as winter storms may change the beach and dune profile which could shift the desirable Plover nesting habitat.

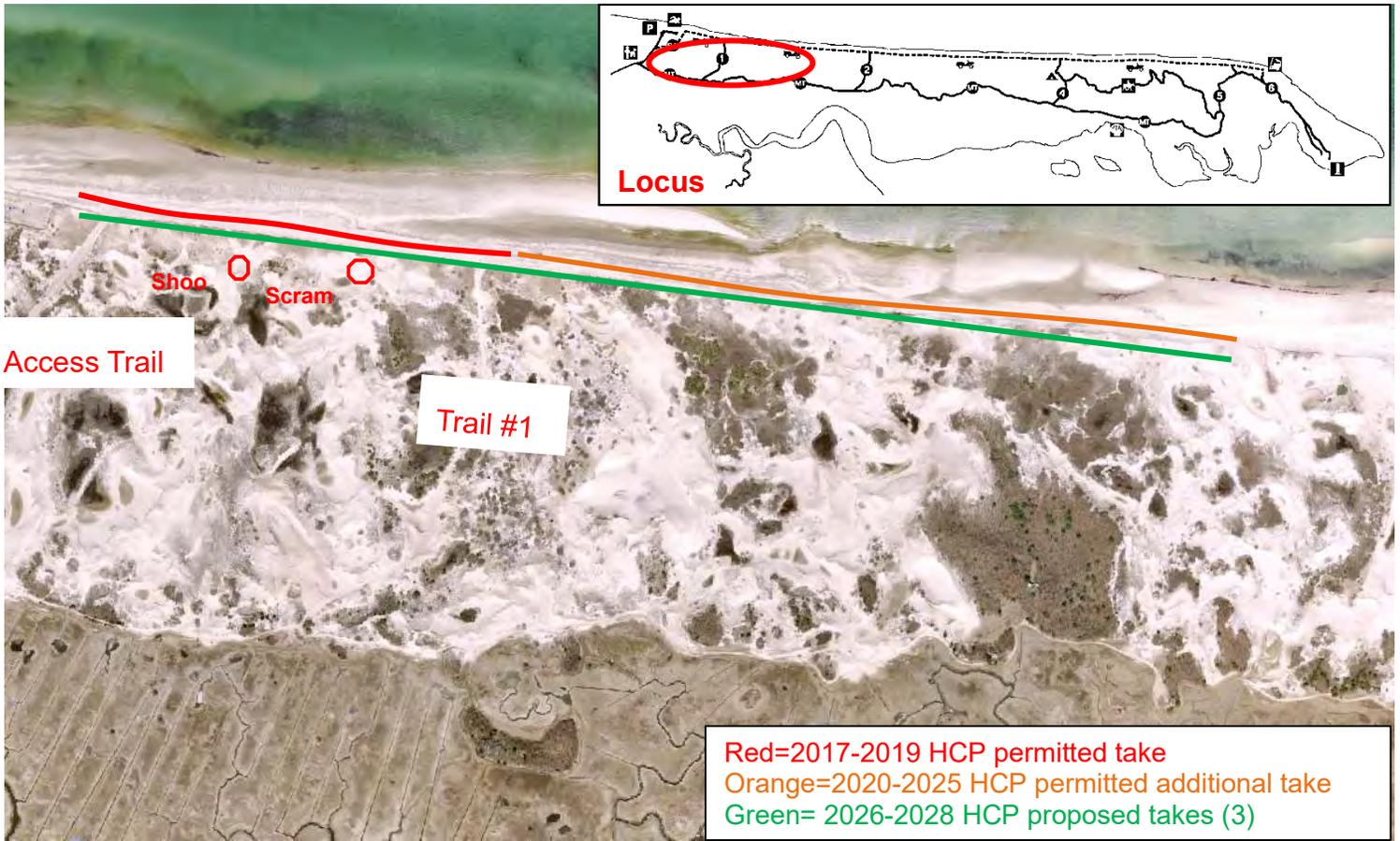


Figure 1: Proposed “Recreation Zone” at Sandy Neck Beach Park.

~0.31mi (2017-2019)

~0.86mi (2020-2025)

~0.86mi (2026-2028)

1 take (2 acres)		
Tern Escort	0.62 acres	27,000 ft ² (600ft x 45ft)
Front Beach	1.12 acres	48,750 ft ² (1,625ft x 30ft; 0.31mi)
Shoo/Scram	0.26 acres	11,450 ft ²
Total	2 acres	87,300 ft²

2 takes (4 acres)		
Tern Escort	0.62 acres	27,000 ft ² (600ft x 45ft)
Front Beach	3.12 acres	135,870 ft ² (4,529ft x 30ft; 0.86mi)
Shoo/Scram	0.26 acres	11,450 ft ²
Total	4 acres	174,600 ft²

3 takes (4 acres)		
Tern Escort	0.62 acres	27,000 ft ² (600ft x 45ft)
Front Beach	3.12 acres	135,870 ft ² (4,529ft x 30ft; 0.86mi)
Shoo/Scram	0.26 acres	11,450ft ²
Total	4 acres	174,600 ft²

Figure 2: Breakdown of distances for areas involving Sandy Neck HCP implementation.



Photograph 1: Blow out area known as “The Shoo.”



Photograph 2: Blow out area known as “Scram.”

I. SITE DESCRIPTION

Sandy Neck Beach Park is a 1,390 acre barrier beach that is located on Cape Cod Bay. It is owned and operated by the Town of Barnstable (Figures 3 & 4). Most of the park has been preserved as conservation lands. The property is approximately 6.5 miles long by 0.5 miles wide and is located as a protective landform for The Great Marsh and Barnstable Harbor.

Sandy Neck Beach Park allows ORV access with a permit and this activity occurs on the front beach corridor, which is 4.5 miles long. However, the ORV corridor is reduced in length for much of the summer season due to nesting Plovers and Terns that require protection under state and federal law. Along the south side of the property is the Marsh Trail that runs east to west. There are six (6) trails that run north-south between the front beach and the Marsh Trail (Access Trail, Trail 1, Trail 2, Trail 4, Trail 5 and Trail 6). Trail 3 was abandoned. These trails are used by hikers and are also utilized for vehicular access to Sandy Neck cottages. There are 50 privately owned cottages. Some are on private lands and those that are located on town owned land require a yearly property lease. These cottages are situated along the Marsh Trail and within the Cottage Colony, which is also where the Sandy Neck Lighthouse is located.

On the front beach, east of Trail 6 is an area known as Little Neck, which is the most prolific section of the beach for shorebird nesting due to many acres of high-quality habitat. East of Little Neck is Beach Point, which is a destination for boaters in the summer season, particularly during low tide. This section of beach is closed to vehicular access, year-round.

Access to the beach (unless traveling via boat) occurs in one location at the western end of the property. Vehicles travel down Sandy Neck Road and patrons are greeted by Sandy Neck Gatehouse personnel. Some patrons park at the Gatehouse and enjoy the hiking trails. Others travel to the 200+ spaces parking lot (north of the Gatehouse) and use the public bathing beach known as Bodfish Park. Within this section of the property is the bathhouse which includes a concession stand and lifeguard room where first aid is provided. ORV and camper traffic is checked in at the Gatehouse, and then they travel to the Access Trail and ultimately the front beach.

The summer season at Sandy Neck is bustling with the majority of patrons using Bodfish Park and the ORV beach. During the shoulder seasons; horseback riders, dog walkers, fisherman, hunters, birdwatchers, fat tire bike riders and hikers are more prevalent. Winter months often include nor'easters that hit the northern exposed shoreline head-on and change the landscape due to high rates of erosion and accretion.

Most of the following information found on pages 9 -10 has been taken from the Sandy Neck Management Plan (2003). For a complete copy visit:

<http://www.townofbarnstable.us/SandyNeckPark/fileuploads/managementplan.pdf>

Sandy Neck is a valuable and beautiful barrier beach that has been recognized as a significant natural resource at the private, municipal, state, regional, and federal levels. It is included in the state's designation as an Area of Critical Environmental Concern (ACEC), and has been identified by the Nature Conservancy as one of the best barrier beach systems remaining in the North Atlantic Coast Ecoregion. For this reason, the Nature Conservancy, the Town of Barnstable, and other leading organizations invest resources into conservation and research efforts at Sandy Neck. For all of the attributes of Sandy Neck, there are a variety of stakeholders and interests that, at times, conflict but share the undisputed importance of Sandy Neck as a valuable environmental resource. Sandy Neck includes one of the largest stretches of publicly accessible coastline in the Commonwealth, and has a pristine character. With its diverse and unique wildlife habitat; including migrating dunes, coastal beaches, tidal flats, wetlands, and maritime forests, Sandy Neck offers a coastal wilderness experience for the public only 15 minutes from the center of Hyannis or Sandwich.

Sandy Neck is a barrier beach system located on the north shore of Cape Cod, MA that extends approximately 6 miles east from its sole mainland connection. The barrier shelters on its leeward side extensive estuarine salt marsh and Barnstable Harbor. This narrow neck of sand varies in width from approximately 200 feet to a maximum of 0.5 miles. Shaped by glacial activity and longshore drift, Sandy Neck is geologically quite young, although relatively stable for this type of landform. The front beach is relatively stable with erosion rates on the order of one-quarter to one-half foot per year. The eastern tip of Sandy Neck at Beach Point has a substantial historical accretion rate of more than 1.5 feet per year. Pioneering work by Alfred Redfield in 1972 characterized the system, and dates the oldest sections of Sandy Neck at about 3500 years. Despite its historical evolution, the recent relative stability of the barrier spit has facilitated the establishment of a variety of soil types and natural communities; including migrating sand dunes, fresh and saltwater marshes, bogs and both deciduous and coniferous forests.

The topography of the surrounding embayment at Sandy Neck results in large fluctuations in local sea level due to tidal action. The mean tidal range at Sandy Neck exceeds 9 vertical feet and can reach 13 feet during full and new moon periods, with storm tides exceeding peak lunar values. During high tide periods, Sandy Neck is often inundated with water along its coastal and salt marsh boundaries, making human access along these ecotones nearly impossible. During winter storms and hurricanes, the storm surge often penetrates the primary dunes. These storms leave standing pools of salt water deep in the interdune area. Although rare, these storms provide crucial nutrients to the plant communities within the dunes and help shape the topographic features of the beach. They do, however, present challenges to the management of permanent transportation corridors along the barrier beach. Current vehicle travel corridors are situated in the most dynamic areas of the beach that are at highest risk to tidal and storm action.

Freshwater wetlands at Sandy Neck are made possible by the presence of a freshwater supply that sits atop and slightly displaces the salty ground water. This lens of freshwater is nourished solely by rainwater. The freshwater table varies considerably throughout the annual cycle with the peak being in early spring. During spring, temporary ponds and flooded natural bogs dominate the landscape at Sandy Neck. These ephemeral freshwater ponds, called interdunal swales, are crucial resources for many organisms that complete their life cycles on Sandy Neck. Many species of amphibians, insects, and plants exploit these seasonal resources.

Nearly all of Sandy Neck is considered a resource area with respect to the Massachusetts Wetlands Protection Act. These wetland resources include barrier beach, coastal beach, coastal dunes, salt marsh, land under the ocean, land containing shellfish, bordering vegetated wetlands, coastal banks, and estimated habitats of rare wildlife for coastal and inland wetlands. Additionally, all of Sandy Neck has been designated by the Secretary of Environmental Affairs as an Area of Critical Environmental Concern (ACEC) by the Massachusetts Office of Coastal Zone Management. The importance of Sandy Neck as an environmental resource is undisputed. As such, all proposals for management changes at Sandy Neck receive a higher level of scrutiny and review by various authorities.

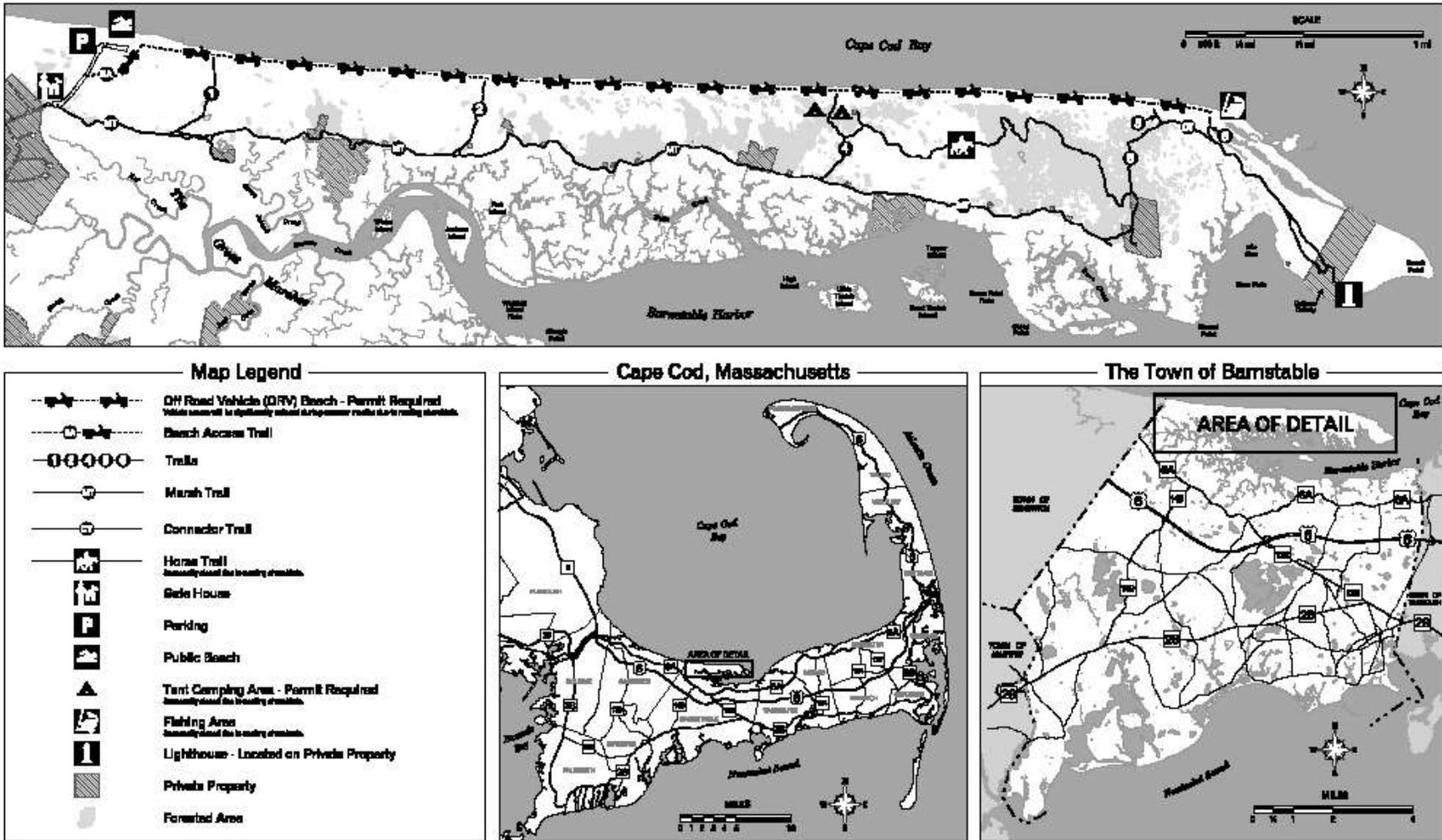


Figure 3: Sandy Neck Beach Park Map for Patrons



Figure 4: Sandy Neck Beach Park Landforms

II. Ownership and Management Entity(ies)

Sandy Neck Beach Park is owned and managed by the Town of Barnstable, Marine and Environmental Affairs Department under the Sandy Neck Program. Sandy Neck staff work closely with the Barnstable Police Department and West Barnstable, Barnstable and Sandwich Fire Departments for emergency response and safety concerns. Cape Cod Mosquito Control accesses the site year round and Conservation is escorted by Sandy Neck staff for site visits.

III. Responsible Staff

The Sandy Neck Program employs a full-time Park Manager, Nina Coleman; a full-time Assistant Park Manager, Ann Marie Luppino, two full-time Natural Resource Officers, Keely Ashe-Alex and Antonio Mancha, and one full-time Assistant Natural Resource Officer Jacob Turner.

Nina Coleman has a Bachelor degree in Environmental Science and a Master's degree in Natural Resources Conservation both from UMass Amherst. She has 25+ years of experience in barrier beach management, endangered species protection, plant identification and ecological restoration. As a Conservation Agent for the town of Bourne, Nina worked extensively under the Wetland's Protection Act. Now in her 20th year as Sandy Neck Park Manager, Nina has advanced experience with rare and endangered nesting shorebirds and terrapins.

Ann Marie Luppino has a Bachelor of Science degree in Marine Science, Safety, and Environmental Protection from Massachusetts Maritime Academy with 8 years of experience in shorebird monitoring and enforcement relating to Endangered Species protection. She has been managing the HCP for the last 3 years, including overseeing seasonal and full-time staff monitoring, communication with the Coastal Waterbird program, and increasing public outreach.

Keely Ashe-Alex has a Bachelor of Science degree in Environmental Protection from Southern New Hampshire University and certificate in Coastal Zone Management from Cape Cod Community College with 1 years of experience in Shorebird monitoring and enforcement relating to Endangered Species protection.

Antonio Mancha has an Associate's Degree in Criminal Justice with 8 years of enforcement experience and 2 years of Shorebird monitoring experience relating to Endangered Species protection.

Jacob Turner is currently studying Environmental Science at Cape Cod Community College and has 1 year of experience in Shorebird monitoring and enforcement relating to Endangered Species protection.

Resumes can be made available upon request.

All Sandy Neck staff members work 40 hours/week with two weekdays off in order to maintain full coverage of the park, particularly on spring/summer and fall weekends when visitation numbers are up. Full-time staff spends hours in the field and they hire, train and oversee daily operation of the seasonal staff. Coleman, Luppino, and Ashe-Alex are scientists with extensive experience in endangered species monitoring and management. In addition, all seasonal field staff receives training from the Barnstable Police Department and the West Barnstable Fire Department, plus seasonal shorebird staff participates in the MA Audubon shorebird training that is held each year.

IV. Sandy Neck Piping Plovers

The number of Sandy Neck Plover breeding pairs has been slowly increasing with an average of 29 pairs from 1995-2005 to an average of 39.05 pairs from 2006-2025 (Table 1). However, the data demonstrates large variability between years, so this small upward trend in number of nesting pairs needs further analysis to determine significance (Chart 1). Further, the number of chicks fledged has varied dramatically over this same time-period (Chart 2).

Threats to Plover and Tern breeding success are numerous and vary from year to year making management challenging. For instance, in 2012 and 2013 we experienced summer storms that caused nearly 100 % loss of nests due to over-wash. In 2025, a summer storm event in May caused nearly 75 % loss of nests due to over-wash, followed by an increase in predation for renests by coyote and crow. Other years, fox, coyote, crow and seagulls are problem species that caused low productivity rates.

Sandy Neck has acres of potential Plover and Tern nesting habitat along the toe of the dune, the entire Little Neck area, as well as blow-outs in the secondary dunes. Presently the highest quality habitat is located from the Sandwich Town-line to Trail 1, in the Trail 2 area to Trail 4, and from approximately Trail 5 to Beach Point (Figure 5). The rest of the beach has patches of decent habitat, which supports scattered nests. The less utilized habitat is generally due to erosion creating very soft shifting substrate void of pebbles or beach grass, which does not appear to attract nesting pairs. Within the interior of the beach, pebbly blowouts are sometimes habitat and nests have been located in odd areas. Of course, Plover and Tern nesting trends change overtime as storms alter the beach and dune profiles.

Increases in the Sandy Neck Beach Park's population of Plovers that have occurred during the past two decades are likely the result of our intensive monitoring and management program. Sandy Neck staff includes a full-time Park Manager, a full-time Assistant Park Manager, two full-time Natural Resource Officers, one full-time Assistant Natural Resource Officer, three seasonal Natural Resource Officers, two seasonal Shorebird Monitors and a seasonal Turtle Monitor.

Management of Sandy Neck Plovers conforms to state and federal guidelines for management of recreational activities as well as our active Orders of Conditions SE3-5965 and SE3-5966

(Attachment D & F). Beginning in early April, off-road vehicles are restricted (by symbolic fencing) to discrete travel corridors along the outer edges of suitable Plover/Tern nesting habitat. Once nest areas are established, the protection zone is increased by symbolic fencing and warning signs. In addition, some nests are protected by wire mesh predator exclosures in order to increase the percentage of eggs that survive to hatching. These nests are selected by analyzing the predator tracks in the area and the number of nesting attempts by the pair.

Once the nests hatch, sections of beach where unfledged Plover/Tern chicks are present are completely closed to recreational vehicles until chicks reach 35 days of age or are observed in flight. Only staff escorted caravans of essential vehicles pass within areas of unfledged Plover and Tern chicks.

Year	Number of Plover Pairs	Index Pair Count	Number of Chicks Fledged	
1995	25	20	49	
1996	29	28	74	
1997	33	33	29	
1998	30	30	34	
1999	32	32	32	
2000	29	29	28	
2001	26	23	43	
2002	26	25	57	
2003	31	27	74	
2004	34	29	41	
2005	28	26	29	
2006	23	23	20	
2007	35	34	53	
2008	35	32	43	
2009	28	28	28	
2010	38	37	60	
2011	44	41	57	
2012	40	40	3	
2013	27	24	14	
2014	32	30	42	
2015	40	37	55	

2016	34	31	24	
2017	28	28	15	
2018	27	27	42	
2019	36	36	24	
2020	45	41	48	
2021	38	38	73	
2022	50	49	97	
2023	57	55	89	
2024	65	64	86	
2025	59	56	59	

Table 1. Summary of abundance and reproductive success of Piping Plovers on Sandy Neck, 1995-2025.

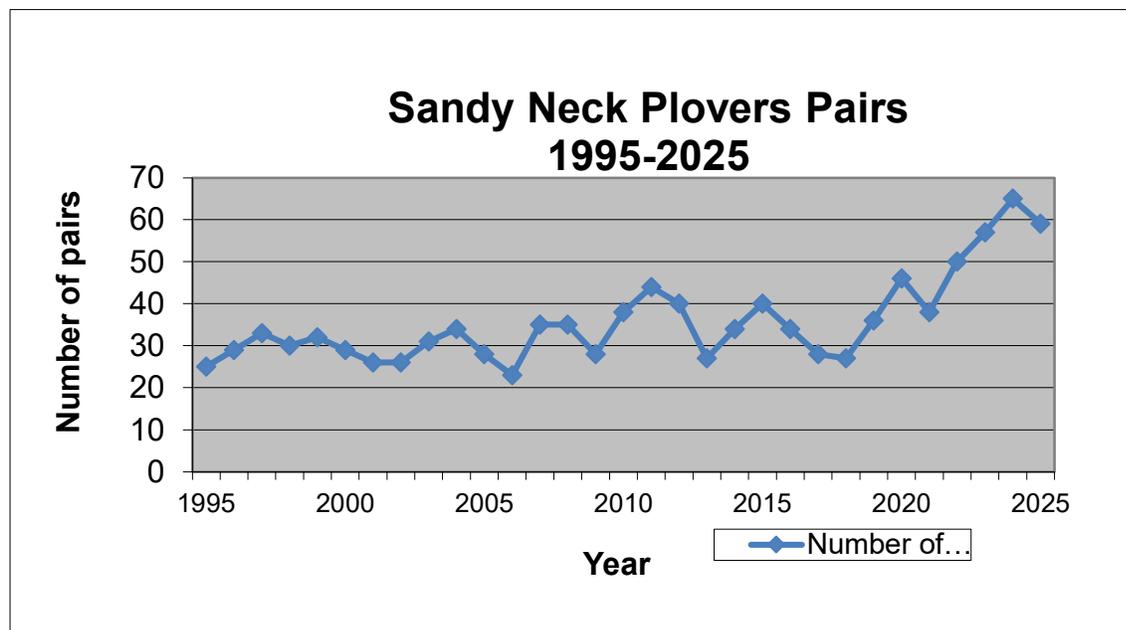


Chart 1. Number of Sandy Neck Piping Plover Pairs 1995-2025

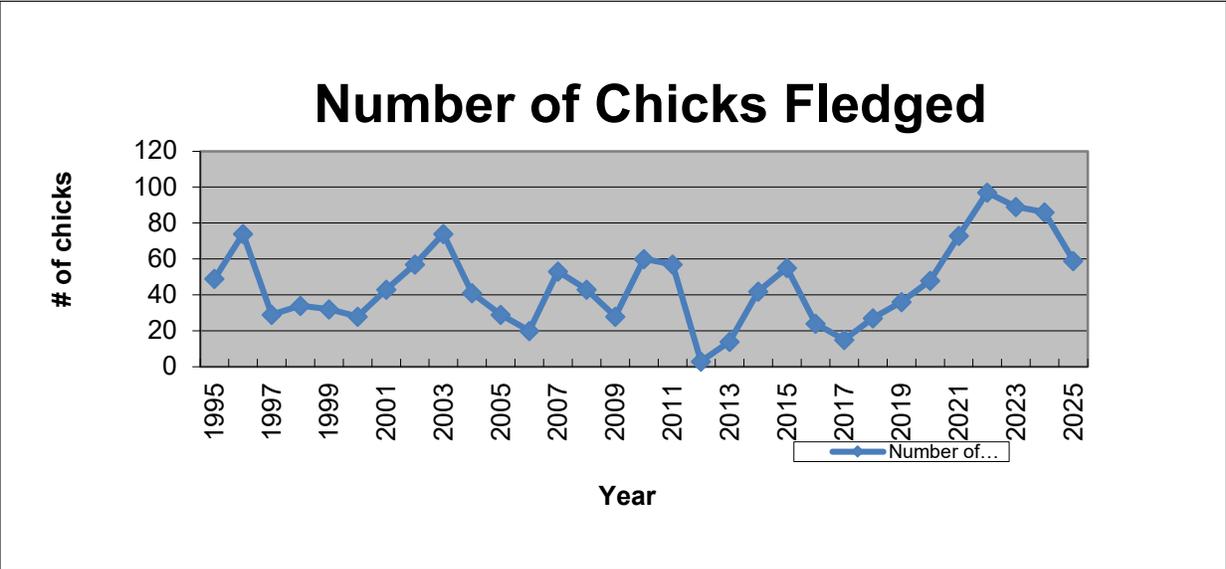


Chart 2. The Number of Sandy Neck Piping Plover Chicks Fledged 1995-2025



Figure 5: 2025 Plover and Tern Nesting Locations. Chosen beach location in 2025 represent recent nesting trends on Sandy Neck Beach Park.

V. Least Terns and Other Rare Species

Sandy Neck supports a wide range of biological diversity that includes significant numbers of endangered species. Its large size, isolation and relatively pristine ecology provide some of the most important habitats for rare and endangered species anywhere in Massachusetts. The Massachusetts Division of Fisheries and Wildlife has recorded and certified the presence of at least eight endangered or threatened species on Sandy Neck (Table 2). They include two species of plants, one invertebrate species, one amphibian species, one reptile species, and three species of shore birds. Other species observed and documented at Sandy Neck (but not resident) include transient Roseate terns (*Sterna dougallii*), Yellow-crowned night herons (*Nycticorax violaceus*), and a variety of sea turtles and marine mammals.

Common name	Scientific name	Listing status ^a
Coastal Heathland Cutworm	<i>Abagrotis crumbi benjamani</i>	SC
Diamondback Terrapin	<i>Malaclemys terrapin</i>	T
Plymouth Gentian	<i>Sebatia kennedyana</i>	SC
Eastern Spadefoot	<i>Scaphiopus holbrookii</i>	T
Bristly Foxtail	<i>Setaria geniculata</i>	SC
Least Tern	<i>Sterna antillarum</i>	SC
Common Tern	<i>Sterna hirundo</i>	SC

^a FE = federal endangered, FT = federal threatened, E = state endangered, T = state threatened, SC = state Species of Special Concern

Table 2: Summary of federal and state-listed species of plants and animals that occur within the Barnstable portion Sandy Neck Beach not including the Great Marsh.

The Sandy Neck Program is known for its excellent stewardship of the land and endangered species. The following is a synopsis of our projects and programs.

Sandy Neck Beach Park Least Terns

Over the last five years, the number of Least Tern pairs nesting at Sandy Neck Beach Park has fluctuated with an average of 115 pairs (2021 – 2025). Year after year, Tern fledgling productivity is consistently poor to fair with an occasional colony yielding good productivity (Table 3).

Similar to the Sandy Neck Plovers, threats to Tern breeding success are numerous and vary from year to year making management challenging. In the past, late summer storms have caused nearly 100% loss of nests due to over-wash. In recent years, fox, coyote, crow and seagulls are problem species that caused low productivity rates.

Sandy Neck has acres of potential Tern nesting habitat along the toe of the dune, the entire Little Neck area, as well as blow-outs in the secondary dunes. Presently the highest quality habitat is located from the Sandwich Town-line to Trail 1, in the Trail 2 area to Trail 4, and from approximately Trail 5 to Beach Point (Figure 5). The rest of the beach has patches of marginal habitat, which supports scattered nests. The less utilized habitat is generally due to erosion creating very soft shifting substrate void of pebbles or beach grass, which does not appear to attract nesting pairs. Within the interior of the beach, pebbly blowouts are sometimes habitat and nests have been located in odd areas. Of course, Tern nesting trends change overtime as storms alter the beach and dune profiles.

Beginning in early April, off-road vehicles are restricted (by symbolic fencing) to discrete travel corridors along the outer edges of suitable Plover/Tern nesting habitat. Once nest areas are established, the protection zone is increased by symbolic fencing and warning signs.

Once the nests hatch, sections of beach where unfledged Plover/Tern chicks are present are completely closed to recreational vehicles until chicks reach 35 days of age or are observed in flight. Only staff escorted caravans of essential vehicles regularly pass within areas of unfledged Plover and Tern chicks.

Least and Common Terns are monitored during the nesting season and data is reported to NHESP as required. Management of state-listed Terns conforms to state and federal guidelines for management of recreational activities as well as our active Orders of Conditions SE3-5965 and SE3-5966 (Attachment C & D).

		A Count	B Count		
		No. Pairs	No. Pairs	Productivity Estimate	Fledglings
2021	Colony A	4	5	None	0
	Colony B	2	2	None	0
	Colony C	4	4	None	0
	Colony D	101	32	Poor	1
2022	Colony A	3.2	16	Good	4
	Colony B	0	16	Fair	2
	Colony C	40	16	Good	5
	Colony D	12	40	Fair	2
2023	Colony A	7.2	5.6	None	0
	Colony B	4.8	4	None	0
	Colony C	0	4.8	None	0
	Colony D	8	10.4	None	0
	Colony E	17.8	25.6	None	0
	Colony F	48	78.4	None	0
	Colony G	4.8	5.6	None	0
2024	Colony A	4.8	11.8	None	0
	Colony B	22.6	14	Fair	2
	Colony C	16.2	17.5	None	0
	Colony D	64.4	120.1	Poor	1
	Colony E	7.8	6.8	None	0
2025	Colony A	38.2	30.1	None	0
	Colony B	96	32	None	0
	Colony C	64.3	59.5	None	0
	Colony D	1.6	2.9	Poor	1
	Colony E	0	16.5	None	0

Table 3: Least Tern census numbers, taken from TERNODES from 2021 – 2025.

Sandy Neck Beach Park Stewardship and Other Rare Species

Using GIS/GPS, over 300 interdunal swales have been mapped and attribute data collected. This project is a culmination of twenty (20) years of fieldwork.

In 2000, the Sandy Neck Program and the Nature Conservancy, began an ambitious wetland restoration project. To date, over 150 interdunal swales and over five (5) acres of Salt Marsh have been restored. Restoration refers to application of herbicides on Common Reed (*Phragmites australis*) and Rusty Willow (*Salix atrocinerea*) and mechanical removal of Purple Loosestrife (*Lythrum salicari*) and an introduced grass (*Panicum amarum ssp. amarulum*). In addition, we mechanically remove Spotted Knapweed (*Centaurea maculosa*) from all dunes and roadways within the park. These activities are permitted under ongoing Orders of Conditions (OOC) SE3-412.

We are working with the Cape Cod Botany Club to create a complete inventory of vascular plants on Sandy Neck Beach Park. This work is funded by a Mehrhoff Botanical Research Award.

Every fall, the Sandy Neck staff participates in a massive sea turtle rescue effort that includes around the clock beach patrols to collect animals that wash up on our 6.5 miles of coastline. We work closely with MA Audubon (Wellfleet) to improve survivorship rates for these rare turtle species.

For the past ten (10) years we have been supporting the MA Audubon Spadefoot Toad research and headstart program at Sandy Neck Beach Park. This research and specimen collection is permitted by NHESP under Ian Ives, MA Audubon Long Pasture, Barnstable, MA.

Sandy Neck Beach Park lies at the northern-most range for the Diamondback Terrapin (*Malaclemys terrapin*). Every year, from early June until mid-July, adult females are observed leaving the waters of the Barnstable Great Marsh in order to nest among the expansive dune systems on the south side of this barrier beach. On hot, sunny days, these turtles will crawl across the Marsh Trail in search of a good nesting site. There has never been any documented evidence of adults coming up to the beach from Cape Cod Bay. While a nest was found on the front beach in 2013, the track led to and from the dunes, and into the marsh.

Throughout the nesting season, our Turtle Monitor patrols this trail via all-terrain vehicle (ATV) looking for signs of nesting Terrapins emerging from the marsh. Staff will follow these turtle tracks to the nest site, and determine if a clutch of eggs was deposited (Table 4). Female Terrapins in this location generally lay between 10-20 eggs per clutch, and may lay up to two clutches per season. If eggs are observed, the monitor will then dig a small trench around the nest cavity and will cap the site with a plastic milk crate. These act as deterrents to the many predators that frequent these locations such as coyote, fox, skunk and raccoon. Plastic crates are used in place of metal materials, as research suggests that wire cages can interfere with a

hatchling's ability to properly navigate after emerging from the nest. These milk crates have worked well at preventing predators from digging up nests, and the holes within the crate are large enough to allow hatchlings to successfully emerge from the sand after hatching. However, there is a direct correlation between nest caps and predation rates of Terrapin nests at Sandy Neck (Table 4). Capping nests has shown tremendous success in protecting eggs through the hatching period. Milk crates are also buried deep enough in the sand to minimize shading effects on Terrapin nests, and to maximize their effectiveness against predator interaction. More recently, nests are also bucketed and then capped as smart predators have figured out how to dig under the cap. The ability for a milk crate or bucket to affect incubating nest temperatures has not yet been studied in-depth. The percentage of nests capped or bucketed each year is based on predation trends from year to year.

The Marsh Trail runs parallel west-east on the south side of the beach where the marsh and sand dune habitats connect. This trail is composed almost entirely of sandy sediments, causing female Terrapins to sometimes nest directly in the trail. Because this trail is still used by vehicles to access private properties, these nests run the risk of being crushed or destroyed. Any nest that is deposited directly in the Marsh Trail is carefully dug up and relocated to a safe location for monitoring. When these selected nests hatch out in the fall, they are collected and sent to be used for our Headstart Program. Every year, schools and other organizations help us to raise these turtles over the course of the winter. Instead of these turtles digging into the mud and brumating, they will be raised in warm water and fed a proper diet so that they may continue to grow all winter long. By the time they are released into the marsh, these Terrapins are generally the size of a 3-year old Terrapin in the wild. At this point, they no longer run the risk of being eaten by many of the predators that go after smaller hatchling turtles. We believe that our nest capping and Headstart Program is improving the reproductive success rates of our Terrapin population.

During the Terrapin nesting season, there are times when essential vehicles are using the Marsh Trail as the front beach is closed due to nesting shorebirds.² During these times, essential vehicles travel the front beach to Trail 2 and then turn east on the Marsh Trail. As such, essential vehicles only travel through a small section of Marsh Trail where adult females may be crossing to reach nesting grounds. However, there is a small probability of a “take” and the Town is committed to continue our nest capping, bucketing and headstarting programs for the next three years during the duration of this permit request. The benefits of this program will more than offset any small risk of harm associated with limited vehicular use of the Marsh Trail.

This headstarting project is permitted by NHESP under Nina Z Coleman, Sandy Neck Park Manager.

² Recreational ORVs *never* use the Marsh Trail, and implementation of the proposed covered activity is limited to one small section of the beachfront. Therefore, HCP implementation will in no way adversely affect Diamond-back

Terrapins and their habitat, and actually stands to benefit this species by potentially reducing essential vehicle use on the Marsh Trail in years when Plovers nest in the covered activity area.

Year	Total # Nests	# Nests Capped for Predator Deterrence	# Nests Collected for Headstarting	# Nests Predated	Total # Nests Hatched
2001	85	0	5	40	45
2002	42	6	6	37	5
2003	48	22	3	21	27
2004	70	31	7	35	35
2005	32	29	1	2	30
2006	44	28	7	2	42
2007	36	19	0	0	36
2008	59	49	2	2	57
2009	119	111	7	0	119
2010	122	113	6	1	121
2011	116	N/A	6	4	112
2012	109	N/A	3	1	108
2013	87	79	4	4	83
2014	153	121	5	11	142
2015	147	124	5	14	133
2016	176	135	7	21	155
2017	202	139	13	124	78
2018	172	59	10	78	94
2019	261	43	10	170	91
2020	272	67	10	195	77
2021	406	65	10	256	150
2022	389	142	10	69	320
2023	408	11	10	1	409
2024	609	11	10	51	558
2025	645	12	10	195	450

Table 4: Summary of Diamondback Terrapin Breeding Success and Management Activities, 2001-2025.

VI. Beach Operations and Management

As noted earlier, multiple recreational activities occur at Sandy Neck Beach Park. The most popular areas are the ORV and Public Bathing Beaches. Sandy Neck also hosts primitive tent and lean-to camping that requires a 3.3 mile hike to the sites, horseback riding, boating (including paddle boarding and kayaking), fishing and shellfishing, hunting, hiking, bird watching, fat tire biking and numerous events such as campfire gatherings, weddings and other celebrations. We also provide access to essential vehicles to the privately owned cottages and we support many research projects on a variety of topics.

a. Hours of Operation

Sandy Neck Beach Park is open to the public year round, including the use of the Off-Road Vehicle (ORV) Beach to permitted individuals. In season, May 1 – October 31 the hours of operation for the ORV Beach is 8:00am – 10:00pm. During the off season, November 1 – April 30 the ORV Beach is open weather and tide permitting from 8:00am – 4:00pm.

b. Recreational Activities

Our lifeguarded public beach is a busy place during the summer season. It has been many years since a Plover nested within this area but, if this occurred, protocols would be followed as set forth by our OOCs and the guidelines. Plover and Tern nests are often located to the west of the lifeguarded area and this habitat is fenced by April 1st and adjusted when nests are established. Campfires and dogs are not permitted within this section of beach (from the east edge of the lifeguarded beach to the Sandwich Town-line). Public beach campfires are permitted from the east edge of the lifeguarded area to the ORV beach.

The ORV Beach and sections of the public beach allow evening campfires weather permitting. ORV permit holders are provided the campfire regulations when they purchase their permit. All other campfire patrons must purchase a fire permit at the Gatehouse at which time they are provided the regulations. In addition, our regulations booklet states that fireworks (including sky lanterns) are prohibited by state law. Natural Resource Officers (NROs) and Barnstable Police address firework problems by issuing citations when appropriate and by confiscating fireworks from beach patrons.

Horseback riding on Sandy Neck Beach requires a permit and patrons are provided the regulations that address beach use. Horses (and fat tire bikes) are treated like vehicles in so much as they may not travel within the sections of beach where unfledged Plover or Tern chicks are present. Information about beach closures is available on the website which has updates for each beach use (ORV, Cottage Owner, Fat Tire Bikes, Horseback Riding, Fishing/Shellfishing and Campfires).

Boating activities are monitored by the Marine & Environmental Affairs Department - Harbormaster Division that shares our two-way radio channel making communication

efficient. Beach Point is patrolled by the Harbormaster Division by boat for vessel operation infractions and by land via Sandy Neck staff for issues such as dogs off leash, alcohol infractions and walking in the dunes. Beach Point and Little Neck are symbolically fenced and signed to keep foot traffic out of the nesting areas. The adjacent boat ramps have signs reminding boaters in route to Sandy Neck to keep their dogs on leash and stay out of the fenced in areas due to endangered species protection. Hunting and fishing are generally shoulder season activities and are overseen by our full time Natural Resource Officers who are also Deputy Shellfish Constables. We would work with state Environmental Police if there was an egregious fishing or hunting violation.

c. Parking and Roads

Sandy Neck Road passes by the Gatehouse and leads up to a paved parking lot with 200+ parking spaces. There is also a small gravel parking lot located at the Garage for patrons utilizing the hiking trails.

d. Beach Rules and Regulations

Over many years, the Sandy Neck Program has developed and implemented Sandy Neck Beach Park Regulations and Policies that address public safety and natural resource protection (Attachments F & G). In season, dogs are allowed on the ORV beach as long as they are leashed. No dogs are allowed within the tent camping area because it is only patrolled a few times a day. Citations are issued for dogs off leash and patrons will be asked to leave the beach and/or lose their beach privileges if compliance is not achieved. We can also suspend beach privileges for a specific dog that owners cannot and/or will not keep under control.

e. Fencing and Signage

Symbolic fencing is erected over 8 miles throughout the property, and is historically installed between March 23 and April 1. Yellow “AREA CLOSED – Threatened Birds Nesting” signs are installed on every fifth stake (~fifty feet) along the symbolic fencing. Immediately following the discovery of a new nest, symbolic fencing is further bumped out to 50 meters to meet state and federal guidelines and “No Parking” areas are established in the vicinity of the Plover nests. These no parking areas are clearly marked with “No Parking” and “5mph - Shorebird Nesting” signs on either end of the bumped out fencing. Further, “Dogs Must Be Leashed year round” signs are installed throughout the park. “No Pets Beyond this Point” signs are installed at both the permanent Trail 6 ORV closure line and the variable ORV closure line. The variable ORV closure line is moved according to the location of unfledged Plover and Tern chicks.

f. Compliance and Law Enforcement

Uniformed Natural Resource Officers (NROs) and Barnstable Police Department Officers patrol the beach, trails and Beach Point to ensure compliance with the rules and regulations of the beach. Staff uses multiple enforcement tools to achieve compliance

including verbal and written warnings, citations, permit revocations and no-trespass orders. Patrons that cannot achieve respectful and responsible pet ownership could have their pet's beach privileges revoked. All warnings are tracked digitally so that decisions can be made about increasing our response to repeat offenders.

All incoming vehicles must pass by the Gatehouse and staff is tasked with providing the rules and regulations to the different user groups along with trail maps and information about our Park. Our web site is at <https://www.townofbarnstable.us/> and it includes a blog to provide updates and beach information including beach closures due to nesting shorebirds. Also, our web site includes an informational video on how to safely operate an ORV at Sandy Neck Beach Park <https://www.youtube.com/watch?v=uiwbzjAifi>. In addition, we have surveillance cameras in multiple locations to help with the enforcement of beach laws.

g. Commercial/Vendor Activities

The Sandy Neck Concession Stand is a popular stop for visitors to the park and is located at the Bathhouse adjacent to the Public Beach. The Snack Bar Concessions is open from Memorial Day weekend through Labor Day.

h. Events

Gatherings of over 20 people and all weddings require a Special Permit. This permit gives the patrons special conditions for their event that help with compliance of the regulations and ensure better safety protocols. Research projects also require a Special Permit and will not be issued until all other applicable state and federal permits have been secured.

i. Maintenance

Park maintenance is completed in house by Sandy Neck staff and includes general maintenance such as landscaping, fencing repairs and upkeep, servicing portable toilets on the ORV Beach, and seasonally relevant signage installation, etc.

j. Seasonal Features

Installation of lifeguard stands, Mobi Mat, and handrails on the Public Beach are completed in early May, prior to opening Memorial Day weekend. Portable toilets are also placed on the ORV Beach in early May for the start of the summer season. All of these activities are completed under the direct supervision of Sandy Neck professional staff.

k. Beach Grooming

Chain drag raking occurs in the RZ per this HCP. In addition, minor raking with hand tools is accomplished on the public beach to reduce seaweed after storm event.

l. Trash Management

The ORV Beach is patrolled for trash pick-up and fencing repaired daily by NROs and maintenance personnel. We pride ourselves on presenting a clean, well run beach. Further, we provide portable toilets on the ORV beach for customer's comfort and also for environmental protection. We ask beach patrons to recycle and we provide a recycling dumpster that is located on the Access Trail. Trash barrels are emptied daily and dumpsters are emptied three times a week (in season).

m. Management of Wrack/Seaweed

Limited removal of the seaweed line is achieved by hand tools only within the lifeguarded area of the front beach (approximately 600 feet).

n. Sand Redistribution and Beach Grading

Dune nourishment is accomplished under active OOCs SE3-5781 in front of the parking lots in order to protect Sandy Neck infrastructure with time of year restrictions.

o. Recreational and Essential Vehicles

All ORV and essential vehicle use is governed by our active OOCs (Attachment C & D) and each permit holder receives the Beach Park Regulations (Attachment E), which are designed to keep the Town in compliance with federal, state and local laws as well as to ensure public safety. Beach closures for nesting Terns and Plovers follow strict requirements set forth by our OOCs and the state guidelines. In addition, escort procedures, fencing and signage requirements are all discussed within our OOCs.

Essential vehicle access was a contentious topic for much of the 1980s and 1990s. To avoid a lawsuit, the town entered into a memorandum of understanding (MOU) with the cottage owners that in part promises "reasonable access." This is a balancing act but has been achieved by providing daily scheduled escorts on the front beach during the shorebird nesting season. In addition, the Town (via a Notice of Intent) opened the Marsh Trail for non-escorted essential vehicle access. Staff therefore is tasked with five scheduled escorts a day during the shorebird nesting season. We are also willing to escort outside of this schedule with reasonable notice. Staff also patrols the Marsh Trail for Diamondback Terrapins and closes the trail on days of high nesting activity. In an effort to reduce the number of essential vehicle escorts past unfledged chicks, the Sandy Neck Program has worked with the Barnstable Department of Public Works' (DPW) Highway Division to repair the Marsh Trail for improved vehicle access. This is achieved under ongoing conditions under OOCs SE3-4207.

Sandy Neck Beach Park utilizes the Lynx Log database system shared with the rest of the Marine and Environmental Affairs (MEA) Department. This system has a customer interface allowing patrons to apply for and purchase Off-Road Vehicle and Horse permits and make tenting and RV camping reservations. This system is also used to track any violations associated with vehicle permit holders and other incidents occurring at the Park

and encountered by other members of the MEA Department throughout the town.

VII. Bird Management and Monitoring

Over the last 5 years, Sandy Neck Beach Park has seen a steady increase in Piping Plover pairs and fledged chicks. A slight decrease of fledged chicks was documented during the 2025 season as the result of nest over wash during an early season summer storm and an increase in nest predation by crow and coyote. Furthermore, since the 2020 COVID-19 pandemic, we have started to see an increase in the availability of seasonal staff; however, the overall length of seasonal employment has decreased due to earlier semester start dates at colleges and universities. In response to these challenges, the Town of Barnstable has hired an additional full-time staff member. This adjustment was made to ensure all endangered species monitoring and management requirements are met, enhance field operations, and provide increased oversight of seasonal staff to strengthen overall monitoring capacity.

a. Management History

Piping Plover and Least Tern management has remained relatively unchanged over the years as all monitoring and management protocols conform to both State and Federal guidelines. One significant change to note is the use of predator exclosures, which was significantly reduced in the early 2000s. Historically all nests had been exclosed, but due to observations of predators cueing in to the exclosures and significant nest loss, this practice was reduced to only a few nests at most per season.

b. Entity Conducting Management and Monitoring

All Piping Plover and Least Tern management and monitoring is overseen by Town of Barnstable, Division of Natural Resource staff that are employed by the Sandy Neck program. The program is overseen by professional staff, which includes a full-time Park Manager, full-time Assistant Park Manager, two full-time Natural Resource Officers, and one full-time Assistant Natural Resource Officer. These staff members, along with two seasonal Shorebird Monitors, are responsible for Plover/Tern management throughout the park.

c. Management Techniques

Sandy Neck Beach Park utilizes stake and twine symbolic fencing placed over 8 miles marking any potential Plover and Tern habitat. The fencing is marked with commonly used yellow triangle signs indicating the area is closed for threatened and endangered shorebird nesting. Predator exclosures are commonly placed around nests found on the public beach where there tends to be a higher concentration of human traffic or at times they are placed around re-nests when predation is suspected. No vegetation management or predator control is done on the property.

d. Bird Monitors

Staff responsible for shorebird monitoring includes Nina Coleman, Ann Marie Luppino

and Keely Ashe-Alex who spend many hours in the field ensuring monitoring quality. Historically, the Sandy Neck program has hired two (2) Shorebird Monitors each season. To strengthen oversight and support expanded field operations, Natural Resource Officer Keely Ashe-Alex will provide daily supervision of hired Bird Monitors due to the increase in nesting pairs and fledglings over the past several years. Shorebird Monitors are hired on a seasonal basis and are typically college students pursuing a degree in various Biology fields, Natural Resources, and Environmental Sciences. Shorebird Monitors are responsible for data collection of nesting Plovers and Terns, addressing “dog off leash” issues, educating the public they encounter, escorts, and ensuring any issues that arise in the more remote locations of the park are relayed to the appropriate full time staff. Shorebird Monitors are also responsible for the general upkeep of symbolic fencing and assuring the cleanliness of the park by removing any garbage or debris. Further, the Turtle Monitor is cross-trained to help with shorebird monitoring as the bulk of the shorebird-nesting season precedes the turtle-nesting season. In addition, our full-time Natural Resource Officer, Antonio Mancha, full-time Assistant Natural Resource Officer Jacob Turner, and three seasonal NROs are trained in escort procedures and basic shorebird ecology and identification.

e. Seasonal Staff

Seasonal Shorebird Monitors are on duty from April 1 through Labor Day weekend and work 40 hour weeks. Shorebird staff is on site daily, from 7:00 – 3:30 or 8:00 – 4:30 with two Shorebird Monitors covering the weekends as they are the busier days at the park.

f. Training and Oversight of Monitors

Monitors are overseen and trained by Nina Coleman, Ann Marie Luppino, and Keely Ashe-Alex who spend many hours in the field with seasonal staff to ensure proficiency in finding and identifying Plovers and Terns and their nests and familiarity with the NestStory and PIPODES platforms.

g. Data Collection and Recording Protocols

Plover nests are checked daily within the ORV corridor and at a minimum every other day in the more remote locations. Further, nests within the ORV corridor with unknown hatch dates are monitored twice a day per our Orders of Conditions.

Our OOCs (Attachment C & D) reference the [State Guidelines for Managing Recreational Use of Beaches](#) for additional monitoring and escorting protocol, enclosures, fencing and signage, etc. This document is required reading for our seasonal shorebird monitors and the OOCs and Guidelines are available in the Gatehouse staff room for reference during the season. Over the years, Sandy Neck has developed our own Shorebird data collection sheets specific to monitoring in the Recreation Zone (Attachment G). Sandy Neck uses the NestStory (Attachment A) online platform which has been very successful in streamlining our data collection procedures. During the 2026 season, Sandy Neck staff will begin using Sling Task Management (Attachment B) to organize

and plan field work on a daily basis.

Sandy Neck field staff participates in weekly meetings to ensure good communication and daily changes in brood locations are written on a white board in the staff area of the Gatehouse. This insures that NROs are briefed on shorebird information each time they are tasked with an escort. In addition, all field staff is equipped with a two-way radio.

h. Data Reporting

Under our Orders of Conditions, we are required to present a yearly report to the Conservation Commission each November. This report consists of data on endangered species nesting success as well as the park financials, number of permits sold, number of vehicular trips on the beach, enforcement efforts, and number of escorts. Reports can be made available upon request.

i. Public Education and Outreach

The Sandy Neck Program provides a number of educational programming each season, including guided Walks and Talks in which staff partners with other local community organizations such as Mass Audubon and Barnstable Land Trust. These Walks and Talks programs cover a number of different topics such as early spring Piping Plover hikes, to Diamondback Terrapin hikes and even Flora and Fauna walks. Sandy Neck also hosts a Jr. Rangers program open to children ages 8-12 residing in the Town of Barnstable, where they gain the opportunity to learn about Piping Plovers, marine mammals, and more. With the evolution of the Long Term Coastal Resiliency Project at Sandy Neck Beach, several new programs have been developed and implemented to strengthen community awareness, environmental stewardship, and long-term shoreline protection.

An increase in educational signage has also been utilized over the last few seasons, not only to share with the public the challenges that Piping Plovers face, but also to share with beachgoers information about our HCP program.

Annually each spring, Sandy Neck staff partners with one of our largest user groups, the Mass Beach Buggy Association (MBBA), to assist with the placement of cover boards early in the season under the direction of full-time staff, along with supporting a beach cleanup effort. This collaboration provides staff with valuable opportunities to engage with users and further educate them about our programs.

VIII. Covered Activities

The Sandy Neck Beach Park Program is asking for the ability to ensure that at least a small portion of the beach is available for ORV use by allowing increased recreational use associated with reduced proactive symbolic fencing along 4,529 linear feet of beach hereon referred to as the Recreation Zone (Figure 1). Within the RZ, as an impact minimization procedure, we are requesting the deterrence of up to three breeding Piping Plover pairs from nesting thereby ensuring at least some ORV access throughout the year. This measure would help ensure that

some level of Off-Road Vehicle (ORV) access can be maintained throughout the year. Sandy Neck is therefore seeking approval to continue utilizing a third authorized take.

Due to the recent increase in breeding Piping Plover pairs and the number of fledged chicks, we are requesting the flexibility to deter a third nesting pair within the RZ if one attempts to establish a nest during the breeding season.

Additionally, we are requesting authorization to allow ORV access in areas where unfledged Least Tern chicks are present, under appropriate management and monitoring protocols.

a. Proposed Covered Activities

Sandy Neck Beach Park is requesting a three-year permit to continue our Plover deterrent program within the first 0.86 miles of ORV Beach called the Recreation Zone. This program has been very successful at increasing ORV beach access while still protecting nesting shorebirds. We are suggesting discouraging nesting through activities including reduced buffer zones, raking, and using wooden pallets or other objects such as dune fencing and flagging tape to create undesirable nesting locations. Further, with the anticipated completion of the Sandy Neck Relocation Project, we are requesting the opportunity to extend the placement of a Mobi-Mat pathway from the newly constructed handicap-accessible path from the parking lots to the beach. The proposed location for this Mobi-Mat would be immediately west of the Access Trail, in the area adjacent to the Public Beach. The associated activity along the Mobi-Mat would act as a deterrent in this area. (Figure 6) We would like the potential opportunity to receive permission to use additional, presently unthought-of, deterrent activities. These activities would require consultation and approval from NHESP prior to implementation. The Town is also requesting the ability to install reduced fencing around nests within the RZ and escort ORV users past unfledged Plover and Tern chicks as outlined below.



Figure 6: New Mobit Mat / Beach Access Path Locations for Bodfish Public Beach

Reduced Symbolic Fencing:

Within the RZ, we are requesting the ability to reduce the area of symbolically fenced nesting habitat. Beach habitat above the high tide line would not be fenced, but a narrow buffer extending from the toe of the dune would be fenced to help protect the dune. This activity is already permitted under our OOCs SE3-5965 (Conditions 2.1 and 14). Therefore, our OOCs would not need to be amended. Proactive reduced fencing would occur prior to the April 1st deadline.

The proposed activity of reducing required symbolic fencing consists of 4.1% of Sandy Neck's potential nesting habitat, which falls below the site-specific limit specified in the HCP. This location is comprised of 4,529 ft x 30 ft = 135,870 square feet or ~3.12 acres. The actual acreage to be impacted is likely to be considerably lower because it will be confined to a portion of the RZ where Plover activity is detected. The low percentage means that the displaced pairs will not likely be under significant competition for other sites. In addition, Sandy Neck supports an average of 39 nesting pairs per year. Exposing three pairs to a reduced buffer and deterrents will not reach the stated maximum thresholds for numbers of pairs affected by the activity.

Deterrents

The primary impact minimization procedure will be to implement the use of a chain drag in the area of the RZ between the public parking lot and east to the 0.86 mile marker. This location is comprised of 4,529 ft x 30 ft = 135,870 square feet or ~3.12 acres. Historic Sandy Neck data over the last 5 years shows that an average of 2-3 plover pairs have nested in this location based on recent trends. This would be implemented in order to establish a groomed area for ORV use and to reduce the likelihood of interaction between breeding Plovers and recreational beach users. In addition, symbolic fencing will be drastically reduced in this area to allow efficient use of the chain drag in order to successfully deter up to three (3) breeding pairs from nesting in this location.

Coverboards (and other approved deterrent measures) may be placed within a portion of the nesting habitat to reduce the likelihood of interaction between breeding Plovers and recreational beach users. This location is comprised of 4,529 ft x 30 ft = 135,870 square feet or ~3.12 acres plus two small blowouts consisting of 0.26 acres. Therefore total area of coverboards and other deterrents is ~3.38 acres.

Coverboards, in the form of wooden shipping pallets are utilized due to the weight and shape of the board. The rectangular shape and perfectly square corners allows boards to be placed flush against each other covering the maximum amount nesting habitat possible. Due to the weight of the wood, the pallets securely rest on top of the sand reducing any additional disturbance to the habitat (Photograph 3). The same materials used for symbolic fencing would be utilized for flagging sections within the RZ, south of the symbolically fenced area. The specific materials used includes 1 in x 1 in x 4 ft wooden tomato stakes pounded about 12 inches into the sand with a 2 – 3 ft strip of hot

colored surveyors tape tied (so as to not detach) onto the stakes at various heights. Stakes would be placed roughly 2 – 3 ft apart to avoid entanglement and tearing of tape from neighboring stakes. In areas of the vehicle corridor where the use of pallet is hard to implement, rolled out landscape fabric is used and held in place with stakes. The landscaping fabric is 4 ft in width and can be rolled to lengths up to 25 ft if needed.

Coverboards and/or beach raking would be deployed prior to the very first signs of territorial behavior and courtship *before* the period of intensive scraping and mating. The purpose of this procedure is to reduce the likelihood that a pair attempting to breed would be disturbed later in the breeding cycle when recreational beach use increases by users such as pedestrians and ORV operators. The theory is to make this area of the beach an undesirable nesting location and encouraging these pair(s) to choose a better site further down the beach. If the procedure is not effective, and a Plover egg is observed in this area, the use of coverboards and/or beach raking would cease immediately. The NHESP would make the final decision about when to cease the use of coverboards and/or beach raking.

Reduced Symbolic Fencing around Piping Plover Nests

Sandy Neck is requesting the ability to implement reduced fencing around Piping Plover nests where recreational activities occur within 50 yards of a nest in order to keep primary entrance paths open for the Sandy Neck ORV corridor, Access Trail, Trail 1, and the newly created handicap-accessible walking path from the parking lots within the RZ (Figure 3 & 6). This will not occur at every trail or path, but only at specific locations to ensure access during incubation through handicap-accessible paths and to the drive-on portion of the beach.

A fence will initially be installed at 50 yards around the nest and then gradually reduced to no less than 10 yards. Fencing reductions will begin at least 24 hours after clutch completion. Reductions will occur only to the extent necessary to achieve specific recreational or beach operation objectives. If a path or major trail is located within 10 yards of a nest, Sandy Neck will request an allowance from DFW for less than a 10-yard buffer in order to maintain paths and access to trails. Monitors will observe the nest during times of day when the path or trail is being used to determine whether adults are disturbed. Monitoring will occur for 15 minutes each day, during which staff will record changes in adult behavior and any potential disturbances.

Escort Past Unfledged Plovers

Should the implementation of the above-listed activities fail to deter up to three Plover pairs from nesting within the RZ, the Town would implement a staff-guided escort program for ORVs past up to three broods of unfledged Plover chicks (Figure 7). This activity would only be implemented if conditions allow, and only if deterrents do not prevent Plovers from nesting within this area.

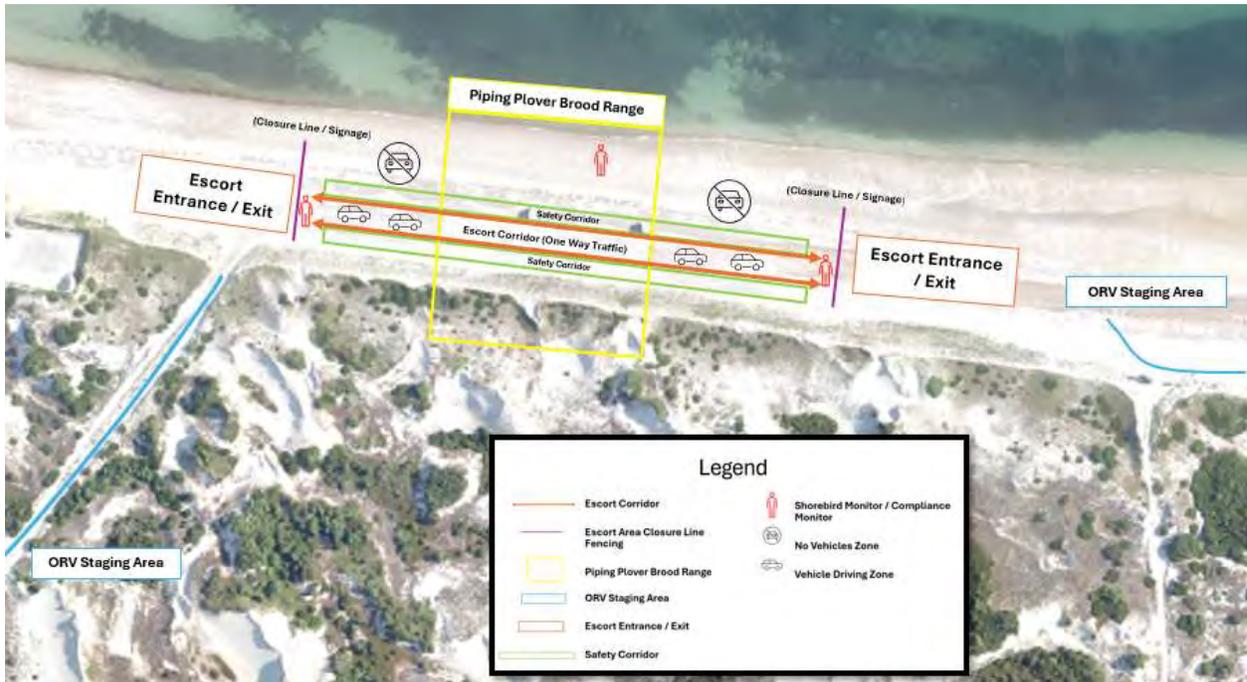


Figure 7: Example of the proposed Piping Plover escorting area. Area will extend 100 - 1,000 meters on each side of the nest site depending on the mobility of the brood.

Sandy Neck has been providing cottage owner escorts past both Tern and Plover chicks for over 20 years under OOCs SE3-5966. Therefore, protocol, staff training and scheduling procedures are already in place. Historically, cottage owner escorts commence in late May or early June. Field staff (Shorebird Monitors, Turtle Monitors and Natural Resource Officers) are trained to escort on ATVs past multiple broods of Plover chicks as well as Tern colonies. Full-time professional staff is responsible for training the seasonal field staff. Seasonal staff escort assignments do not occur until both the trainer and the trainee feel comfortable with the procedures. Weekly field staff meetings are used to communicate brood locations and movement trends. Daily chick location updates are noted on the Escorting Information Board that is posted in the Gatehouse.

If a staff-guided escort is enacted, updates will be posted on the website, and an email, and push notification, via the My Barnstable app, will be sent to ORV users one to two weeks before the start of implementation. ORV users will be notified that, starting immediately, they must read through the HCP Procedures and Conditions, in its entirety, take the HCP Procedures and Conditions quiz, and sign the HCP Procedures and Conditions form for all authorized users of the vehicle. This form will be provided digitally via the Barnstable Lynx Log reservation system (Attachment C), it will have to be approved via the online system, once approved an email with a link will be sent to the email on file to create a reservation within the designated escort window schedule to access the ORV Beach during a full beach closure.. The ORV User will be required to check in at the gatehouse to verify their reservation for the escort program on the day and

time they reserved.

Escort Past Unfledged Least Terns

Should there be a colony of no more than 15 unfledged Tern chicks remaining after all Plover chicks have fledged, the town would implement a staff-guided escort program for ORVs to access the remainder of the ORV Beach if conditions allow (Figure 8).

Sandy Neck has been providing cottage owner escorts past both Tern and Plover chicks for over 20 years under OOCs SE3-5966. Therefore, protocol, staff training and scheduling procedures are already in place. Historically, cottage owner escorts commence in late May or early June. Field staff (Shorebird Monitors, Turtle Monitors and Natural Resource Officers) are trained to escort on ATVs past multiple broods of Plover chicks as well as Tern colonies. Full-time professional staff are responsible for training the seasonal field staff. Seasonal staff escort assignments do not occur until both the trainer and the trainee feel comfortable with the procedures. Weekly field staff meetings are used to communicate brood locations and movement trends. Daily chick location updates are noted on the Escorting Information Board that is posted in the Gatehouse.

If a staff-guided escort is enacted, updates will be posted on the website, and an email, and push notification, via the My Barnstable app, will be sent to ORV users one to two weeks before the start of implementation. ORV users will be notified that, starting immediately, they must read through the HCP Procedures and Conditions, in its entirety, take the HCP Procedures and Conditions quiz, and sign the HCP Procedures and Conditions form for all authorized users of the vehicle. This form will be provided digitally via the Barnstable Lynx Log reservation system, it will have to be approved via the online system, once approved an email with a link will be sent to the email on file to create a reservation within the designated escort window schedule to access the ORV Beach during a full beach closure.. The ORV User will be required to check in at the gatehouse to verify their reservation for the escort program on the day and time they reserved.



Photograph 3: Coverboard placement and stakes/flagging tape to be used in the RZ as nesting deterrents.

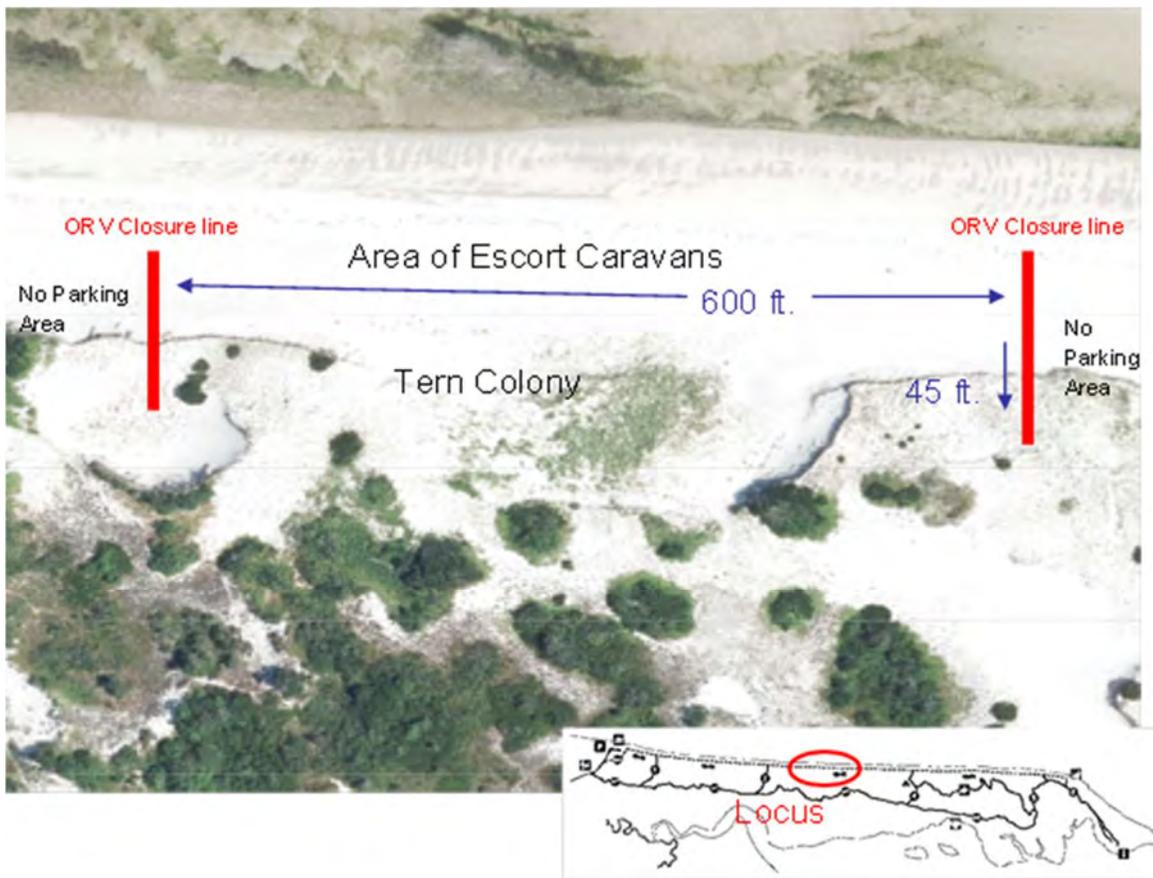


Figure 8: Example of the proposed Least Tern escorting zone. Least Tern area of impact has been estimated as 600-ft. X 45-ft. = ~0.62 acres.

b. Protocols for Implementation

Reduced Symbolic Fencing and Coverboards

All symbolic fencing throughout the Park is installed prior to the April 1st deadline to ensure all suitable Plover and Tern habitat is protected. The proactive reduced symbolic fencing and placement of coverboards and flagging tape protocols are designed to minimize impacts to the Sandy Neck Plover population:

- Notification is sent to the Coastal Waterbirds program 24 hours in advance of implementation of covered activities.
- Symbolic fencing is proactively reduced to protect vegetation and to allow efficient use of the chain drag.
- Prior to the installation of coverboards, flagging tape, and the Mobi Mat, the area is intensively monitored for signs of Plover nesting activity. Once it is determined by full-time staff that there are no Plover eggs in the area, coverboards, flagging tape and the shed are placed.
- Coverboards, flagging tape, and the shed are deployed prior to the first signs of territorial behavior and courtship before the period of intensive scraping and mating. This should reduce the likelihood that a pair attempting to breed would be disturbed later in the breeding cycle.
- If the procedure is not effective and a Plover egg is observed in the area, the use of coverboards, flagging tape and the shed would cease immediately.

Beach Raking

Beach raking would be implemented with the use of a chain drag in the area of the RZ between the public parking lot and east up to the 0.86 mile marker.

- Twice daily monitoring of the RZ would occur during implementation of the chain drag.
- Prior to the use of the chain drag, the area would be intensively monitored to ensure that a Plover egg has not been laid in the area.
- Beach raking would be implemented by trained staff prior to the very first signs of territorial behavior and courtship before the period of intensive scraping and mating.

Escorting Past Unfledged Piping Plover Chicks

During escorts, Plover chicks are expected to be on either side of the ORV corridor: either foraging by the tide line or brooding along the vegetation and primary dune. The escorting activity is designed to minimize impacts to the Sandy Neck Plover population and will only be implemented under specific circumstances, as deemed necessary by Park Manager, Nina Coleman.

- Escorts past 3 unfledged Plover broods or less. To confirm the number of unfledged Plover chicks present, two chick counts will be conducted by qualified shorebird monitors within 48 hours of commencing the activity. Chick counts and associated sketch maps of chick locations and brood ranges will be reported to NHESP prior to

- commencing the covered activity.
- The escort caravan corridor will be restricted to a single, clearly demarcated vehicle corridor less than 5 yards wide.
 - Escorted caravans will be limited to daylight hours on Friday (am, noon and pm), Saturday (am, noon and pm), Sunday (am, noon and pm), and Monday through Thursday will be determined based on staff availability (am, noon, and pm). Escorted caravans will occur in three 2-hour sessions. The times of these sessions may change, daily, due to various conditions and factors. The anticipated morning session will be from 8:00am-10:00am. The anticipated mid-day session will be from 12:00pm-2:00pm. The anticipated afternoon session will be from 4:00pm-6:00pm. ORV users will be updated with daily escort times, via the website, and email communications
 - Caravans will be limited to one round trip during each daily travel window listed above (three travel windows per day Friday- Sunday). Each one-way escort is expected to take (conservatively) 30 minutes. Caravans will consist of 20 to 30 vehicles per escort; with the ability to caravan up to 50 vehicles at once to have all vehicles exit the escort area and ORV beach before 6 pm. The last caravan, of each session, will begin 30 minutes before the close of the session, to make sure all vehicles have exited the escort zone by the close of the session. Therefore, total Plover chick exposure time for this program would no more than 6 hours/day.
 - Up to six trained Sandy Neck staff members will be on shift during each escort period. During each escort period at each brood, three trained Sandy Neck Staff members will be present to implement escort caravanning and brood monitoring. They will each be equipped with a two-way radio in order to communicate with each other simultaneously.
 - *Escort procedures for one brood:* one staff member will be in the vicinity of the Plover brood, monitoring chick locations and movements. One member will be at the head of the escort caravan and one member at the rear of the caravan.
 - *Escort procedures for two broods:* one staff member will be in the vicinity of each Plover brood, monitoring chick locations and movements. One member will be at the head of the escort caravan and one member at the rear of the caravan.
 - *Escort procedures for three broods:* one staff member will be in the vicinity of each Plover brood, monitoring chick locations and movements. One member will be at the head of the escort caravan and one member at the rear of the caravan.
 - Escorting will begin at least 100 yards from the closest unfledged chick and will end at least 300 feet past the last unfledged chick. Chick monitors will arrive at the brood's range location at least one half hour before each caravan to assess approximate chick locations and adjust the caravan escort zone on an as-needed basis.
 - In the event that a brood is observed on either side of the ORV corridor during the 30-minute monitoring window prior to the escort, the monitor will contact the Gatehouse via Ocean radio to alert full-time staff of the chick locations. An additional trained staff person will then be assigned to assist with the monitoring of chicks on both sides of the ORV corridor to ensure they do not cross between vehicles in the caravan.
 - The speed limit will be less than 5 mph (mimicking walking speed), which will be

dictated by the lead staff member.

- To the extent practical, Sandy Neck cottage owner escorts will be combined with this service thus reducing exposure times and combining staff efforts.
- No parking areas will be set up at either end of the escort corridor in order to minimize Plover chick disturbance and to provide an area to organize the caravans. All parking will be located >218 yards from unfledged Plover chicks within a brood during the first week after hatching. After the first week, all parking will be located more than 109 yards from unfledged Plover chicks within a brood.
- The caravan will halt in place if a chick moves towards, or within, the travel or safety corridor and the escort leader will wave a red flag followed by three blasts of a horn to alert the members of the caravan that a chick is present in the corridor. The monitors will allow traffic to resume once it has been determined that no chicks remain within the travel corridor. The caravan will resume forward when the escort leader lowers the red flag followed by two blasts of a horn. To minimize risk associated with halted vehicles adjacent to the brood, monitors may walk in the vicinity of the chick in an effort to displace it from the corridor, if it is still present in the corridor for more than 15 minutes.
- Vehicle ruts will be hand-raked and smoothed out after the last travel window of each day, whenever chicks estimated to be <15 days old are present using the U.S Army Corps Piping Plover Aging Guidelines (Attachment I).
- Once the escorting is underway, monitors will record the number of chicks observed during each escort travel window along with brood behavior and any changes to their range or location.

Escorting Past Unfledged Least Tern Chicks

During escorts, Tern chicks are expected to be located 30-50 feet from the vehicles (Figure 6). This figure was calculated using historic Tern colony location data and the existing beach profile. However, there may be some occasions, depending on tides and chick movement, when the escort caravan could be <15 feet from Tern chicks.

The escorting activity is designed to minimize impacts to the Sandy Neck Least Tern population and will only be implemented under specific circumstances, as deemed necessary by Park Manger, Nina Coleman:

- Escorts past 15 unfledged Tern chicks or less. To estimate the number of unfledged Tern chicks present, two chick counts will be conducted by qualified shorebird monitors in the 5 days prior to commencing the covered activity, with one count within 24 hours of commencing the activity. The number of chicks will be estimated by monitors observing the colony from a distance with binoculars and marking on a sketch map the approximate locations where chicks or chick feeding behavior is observed. If adults are observed feeding chicks in dense vegetation it should be assumed that two chicks are present unless it is possible to confirm the presence of a single chick through continued observation. In general, it will not be necessary to enter the colony to obtain an estimated

chick count. Chick counts and associated sketch maps of chick locations will be reported to NHESP prior to commencing the covered activity.

- Escorted caravans limited to daylight hours on Friday (am, noon and pm), Saturday (am, noon and pm), Sunday (am, noon and pm), and Monday through Thursday will be determined based on staff availability (am, noon, and pm). Escorted caravans will occur in three 2-hour sessions. The times of these sessions may change, daily, due to various conditions and factors. The anticipated morning session will be from 8:00am-10:00am. The anticipated mid-day session will be from 12:00pm-2:00pm. The anticipated afternoon session will be from 4:00pm-6:00pm. ORV users will be updated with daily escort times, via the website, and email communications
- Caravans will be limited to one round trip during each daily travel window listed above (two travel windows on Thursday and three per day, Friday- Monday). Each one-way escort is expected to take (conservatively) 30 minutes. Therefore, total tern chick exposure time for this program would be no more than 6 hours/day. . Caravans will consist of 20 to 30 vehicles per escort; with the ability to caravan up to 50 vehicles at once to have all vehicles exit the escort area and ORV beach before 6 pm. The last caravan, of each session, will begin 30 minutes before the close of the session, to make sure all vehicles have exited the escort zone by the close of the session.
- Four trained Sandy Neck staff members will be on-site during each escort. They will each be equipped with a two-way radio in order to communicate with each other simultaneously. Two staff members will be in the vicinity of the Tern colony but outside of the symbolic fencing monitoring chick locations. One member will be at the head of the escort caravan and the second will be at the rear of the caravan (Note: when escorts are past two or less chicks, only one staff member will be needed to monitor chicks within the Tern colony).
- Escorting will begin at least 200 feet from the closest unfledged chick, and will end at least 200 feet past the last unfledged chick. Chick monitors will arrive at the colony at least one half hour before each caravan to assess approximate chick locations and adjust the caravan escort zone on an as-needed basis.
- In the event that chicks are observed on either side of the ORV corridor during the 30 minute monitoring window prior to the escort, the monitor will contact the Gatehouse via Ocean radio to alert full-time staff of the chick locations. An additional trained staff person will then be assigned to assist with the monitoring of chicks on both sides of the ORV corridor to ensure they do not cross between vehicles in the caravan.
- Escorts will drive as low as the tide will permit in order to minimize disturbance.
- The speed limit will be less than 5 mph (mimicking walking speed), which will be dictated by the lead staff member.
- To the extent practical, Sandy Neck cottage owner escorts will be combined with this service thus reducing exposure times and combining staff efforts.
 - No parking areas will be set up at either end of the escort corridor in order to minimize Tern disturbance and to provide an area to organize the caravans. All parking will be located >100 yards from unfledged Tern chicks.
- The caravan will halt in place if a chick moves within the travel corridor. and the escort

leader will wave a red flag followed by three blasts of a horn to alert the members of the caravan that a chick is present in the corridor. The monitors will allow traffic to resume once it has been determined that no chicks remain within the travel corridor. The caravan will resume forward when the escort leader lowers the red flag followed by two blasts of a horn. To minimize risk associated with halted vehicles adjacent to the colony, monitors may walk in the vicinity of the chick in an effort to displace it from the corridor, if it is still present in the corridor after 15 minutes.

- Monitors will also halt traffic if chicks move <10 ft from the travel corridor, depending on chick behavior. Specifically, if the chicks appear to be moving towards the corridor to access wrack or the intertidal zone.
- Vehicle ruts will be hand-raked and smoothed out after the last travel window of each day, whenever chicks estimated to be <11 days old are present using the U.S Army Corps Least Tern Aging Guidelines (Attachment I).
- Once the escorting is underway, monitors will record the number of chicks observed during each escort travel window. In addition, estimated chick counts for the colony as a whole will be obtained 1-2 times per week, using the procedures described above, and reported to NHESP.

The proposed activity of escorting past Terns consists of 1.38% of Sandy Neck's potential Tern nesting habitat (0.62 acres), which falls below the site-specific limit specified in the HCP (Figure 6).

c. Monitoring and Compliance Requirements

Compliance Monitoring

Reduced Symbolic Fencing and Coverboards

All monitoring associated with the covered activities shall be undertaken by Sandy Neck professional scientific staff (Nina Coleman, Ann Marie Luppino, and Keely Ashe-Alex). Assistant Park Manager Luppino will serve as the primary administrative lead for HCP monitoring and covered activities. Officer Turner will oversee implementation, with approximately 5 hours per day dedicated to intensive monitoring of the RZ. Coleman and Luppino will continue to oversee and train the seasonal shorebird monitors, while also allocating an additional estimated two hours per day to intensive RZ monitoring. Officers Mancha and Ashe-Alex will incorporate HCP monitoring and compliance responsibilities into their daily duties, providing the park with substantial additional monitoring hours beyond the minimum requirements. This will help to ensure effective and strategic implementation of covered activities throughout the season. Seasonal Shorebird Monitors will primarily be focused on non-HCP Plover/Tern activities throughout the park.

Nina Coleman: 2 hours per day (plus 250 administration hours)

Ann Marie Luppino: 2 hours per day (plus 300 administration hours)

Jacob Turner: 5 hours per day (includes raking and placing coverboards)
Keely Ashe-Alex / Antonio Mancha: 1 hours per day (includes raking and placing coverboards)
Seasonal Staff: 3-5 hours per day (maintenance personal assisting with raking and coverboards)

Beginning in early April, prior to initiation of the covered activity, the RZ will be monitored intensively on a daily basis (estimated 3-5 hours/day) to ensure early detection of territorial Plovers. Monitors will keep a daily log describing in detail all territorial, scraping, and courtship behaviors in order to ensure that coverboards and/or beach-raking operations are deployed safely and effectively. Should beach raking or coverboards be deployed, staff will monitor this location twice daily and observe Plover activity in the area to efficiently search for any nesting locations and ensure that no eggs are present within the RZ prior to additional beach raking or coverboard implementation. During the raking process, if Plovers are observed in the area, a monitor will keep an eye on the birds to ensure there would be no adverse interactions between Plovers and the rake itself. Any additional beach raking within the RZ will trigger twice daily monitoring.

As long as any Plover activity is detected and the covered activity is implemented, supplemental daily monitoring will continue. After a period of ten days of no activity, increased monitoring can be suspended and the area of reduced symbolic fencing may remain in place. If new activity is detected, increased monitoring may be resumed to allow for additional modification of fencing (as long as the site-specific limit have not been exceeded) or redeployment of coverboards and/or raking (if activity is detected early in the breeding cycle).

Escorting past Unfledged Piping Plover and Tern Chicks

All escort activities shall be undertaken by Sandy Neck seasonal field staff (Shorebird Monitors, Turtle Monitor and Natural Resource Officers) under the direct supervision of Assistant Park Manager Ann Marie Luppino, full-time Natural Resource Officers Keely Ashe-Alex and Antonio Mancha, and/or Park Manager Nina Coleman. The requested activity would occur late within the shorebird and Terrapin nesting season when the field biologists have more free time as Plover/Terrapin nesting attempts diminish with the season. In addition, field staff members will be well trained and well versed in escort procedures by late in the season as Sandy Neck provides escorts to cottage owners as early as May depending on Plover hatch dates. All Sandy Neck staff assisting in escorting within the recreational zone of the HCP will also be trained in the specific escorting procedures outlined for this document.

The organization and management of the escorting program will be tasked to full-time Assistant Park Manager Ann Marie Luppino. To increase public awareness and training for escorting past unfledged plover chicks, The *Sandy Neck Beach Off Road Vehicle (ORV) User Escort Guide in Accordance with the Massachusetts Habitat Conservation Plan*

(HCP) (Attachment L) was created to inform and educate the public. A quiz and user agreement is included and required to partake in staff-lead caravan escorting at Sandy Neck Beach. This form will be provided digitally via the Barnstable Lynx Log reservation system, it will have to be approved via the online system, once approved an email with a link will be sent to the email on file to create a reservation within the designated escort window schedule to access the ORV Beach during a full beach closure. The ORV User will be required to check in at the gatehouse to verify their reservation for the escort program on the day and time they reserved.

During escorts, staff will document dates and times of each escort effort, number of vehicles, staff utilized for the escorts and number of chicks observed when the escort activity occurred, all observations of chicks within the travel corridor, evidence of chick injury or mortality, observations of chick and adult behavior during caravanning (e.g. flushing/mobbing). This information will be provided in interim reports to NHESP at least weekly when the escorting program is operating. Observations of chick injury or mortality will be reported immediately.

Data Collection and Reporting

A log shall be maintained in which staff will record Plover sightings, observations and activity within the RZ, as described above, as well as observations of Plover responses to recreational activities within the reduced buffer zones. This will include observations of disturbance (e.g. calling and broken wing displays), as well as accidental disturbance of scrapes incidental to the recreational activities. The log will include documentation of the dates and times of any fencing alterations, the extent of the habitat affected, and the dates, times, and extent of all coverboard placements and/or raking procedures. As required by the HCP, weekly reports will be submitted to NHESP.

On or before October 15 of each calendar year the COI is in effect, the Park Manager or Assistant Park Manager shall submit to NHESP a detailed report that describes and quantifies monitoring efforts, date range covered activity were implemented, extent and locations of fencing reduction and placement of coverboards, detailed description of Plover activity and behavior within the RZ, Tern monitoring efforts within the escort zone as well as a summation of the escort season. Management recommendations and lessons learned will be presented in the final report.

In addition to the detailed log of Plover activity within the RZ, Shorebird Monitors and full-time staff utilize the NestStory platform (Attachment A) to document Plover and Tern activity throughout Sandy Neck Beach Park.

Effectiveness Monitoring

Data Collection Protocols

During each field monitoring session and implementation of covered activities, staff members participating in monitoring duties are required to fill out the applicable HCP

specific data sheets (Attachment H & I). These datasheets have been designed for staff to log any and all plover activity observed and any implemented covered activities. A year to year log (illustrated in Table 5) is also kept by full-time staff to monitor trends in beach openings and closures providing insight into the effectiveness of the HCP. Due to the implementation of the HCP, over the last several years, Sandy Neck staff has been able to maintain a portion of the beach open for recreational vehicles and cottage owner access to Trail 1 at a minimum. In conjunction with other factors (such as favorable tides) access to Trail 1 has contributed to a reduction in the need of staff guided escorts of essential vehicles along the front beach in the vicinity of unfledged Plover and Tern chicks. Consistent and proactive implementation of HCP covered activities has resulted in improved access for ORV use and has corresponded with high Plover productivity rates.

Year	Plover Pairs	Distance Open	# Days Closed	% Open for ORV	Permitted Takes
2013	27	0.0 miles	7	0%	N/A
2014	32	1.5 miles	20	33%	N/A
2015	40	1.5 miles	26	33%	N/A
2016	34	1.9 miles	41	42%	N/A
2017	28	0.7 miles	7	15%	1
2018	27	0.4 miles	37	8%	1
2019	36	0.3 miles	11	6%	1
2020	45	0.5 miles	37	11%	2
2021	38	0.5 miles	43	11%	2
2022	50	0.7 miles	27	15%	2
2023	58	1.0 miles	42	22%	3
2024	65	0.5 miles	38	11%	2
2025	59	0.6 miles	29	13%	3

Table 5: Greatest closure (distance) per season from 2013 – 2025.

d. HCP Staffing

The HCP is managed by full-time staff that is permanently stationed at Sandy Neck Beach Park. In addition, a number of seasonal staff members (Shorebird Monitors, Turtle Monitor, Natural Resource Officers, and maintenance) are assigned certain HCP related tasks such as escorts, beach raking, and aiding with coverboard placement. Seasonal staff members are hired and are on-site mid to late March to assist with many of the early season preparations such as symbolic fencing and signage installation. Regardless of the HCP, these staff members are hired to ensure the operations of the park.

In 2022, funding was secured to hire a full-time Assistant Natural Resource Officer. In 2023, additional funding was obtained to support another full-time Natural Resource Officer position. As a result, with five full-time staff members now in place, Coleman, Luppino, and Turner have been relieved of many enforcement duties, allowing them to dedicate more focus on HCP requirements. The majority of intense HCP monitoring occurs April through June while nests are establishing or reestablishing after predation. Table 6 demonstrates full-time staffing coverage of the HCP during this timeframe. As noted above, full time staff members Coleman, Luppino and Turner are freed from many enforcement duties and can focus on HCP shorebird monitoring and directing seasonal staff from April through June.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Coleman	off	Day HCP	Day HCP	Day HCP	Day HCP	Day HCP	off
Luppino	off	off	Day HCP	Day HCP	Day HCP	Day HCP	Day HCP
Turner	Day HCP	off	off	Day HCP	Night HCP	Day HCP	Day HCP
Mancha	off	off	enforcement	enforcement	enforcement	Night HCP	enforcement
Ashe-Alex	Shorebird Monitoring / Day HCP	Shorebird Monitoring / Day HCP	off	off	Shorebird Monitoring	Shorebird Monitoring	Shorebird Monitoring

Table 6: Sandy Neck Beach Park full-time staff assignments April through June.

IX. Budget

The Sandy Neck Program has developed into a multifaceted stewardship effort that includes providing recreational opportunities to the public, ensuring property owner access rights, ecological restoration, environmental education, endangered species protection and public outreach. Starting in 2006, the Sandy Neck Program became an Enterprise Account and is tasked with self-funding via user fees. The bulk of our revenue is collected from the ORV program. Other sources include cottage leases, public beach parking, concession stand revenue, merchandise sales and donations (Table 8). However, our business plan is tenuous because any summer we could have the ORV beach close due to one nesting pair of Plovers. In addition, complete beach closures are extremely controversial and create negative sentiment for endangered species protection and the Sandy Neck Beach Park Program.

Budgeting for this HCP program falls into three categories: full-time staffing, seasonal staffing and the HCP mitigation fee.

*HCP Staffing costs are as follows:

Nina Coleman: 2 hours per day X 12 weeks (plus 250 hours administration work)
 Ann Marie Luppino: 2 hours per day X 12 weeks (plus 300 administration hours work)
 Jake Turner: 5 hours per day X 12 weeks (includes raking and placing coverboards)
 Antonio Mancha: 1 hour per day X 12 weeks (Monitoring and raking)
 Keely Ash-Alex: 1 hour per day X 12 weeks (Monitoring)
 Seasonal Staff: (maintenance personnel assisting with raking and coverboards)

Nina Coleman: \$21,150
 Ann Marie Luppino: \$15,060
 Jake Turner: \$7,940
 Antonio Mancha: \$1,880
 Keely Ash-Alex: \$1,810
 Seasonal Maintenance Staff: \$7,000

*Mitigation Fee	\$17,400
Full-time staffing costs	\$47,840
Seasonal staff	\$7,000
Total Cost of COI	\$72,240

Table 7: Estimated cost of the Sandy Neck Beach Park HCP program

*If the Plover/Tern escorting programs are initiated, we anticipate additional costs of \$2,500-\$5,000 for seasonal Shorebird Monitoring staffing. Escorting would be at the end of the Plover/Tern nesting season and use of seasonal staff for this program would not negatively affect our other park wide monitoring duties.

The funding provided for mitigation will be secured through the budget process and will be paid

for by the Sandy Neck Enterprise Account prior to the “take” activities.³ Therefore, the total annual cost of HCP implementation is estimated to be **\$72,240** per year for each year during the three year COI term when covered activities are implemented.

	FY21	FY22	FY23	FY24	FY25
Beach Parking	\$192,030	\$149,833	\$162,775	\$149,697	\$128,195
ORV Permit*	\$687,145	\$768,093	\$756,530	\$793,534	\$835,601
Camp Fire Permit	\$1,105	\$4,760	\$5,240	\$8,760	\$9,010
Special Permit	\$270	\$1,700	\$1,623	\$780	\$1,010
Camping Fees	\$46,047	\$59,930	\$59,211	\$64,984	\$68,307
Horse Fees	\$580	\$750	\$1,401	\$1,710	\$927
Sandwich Revenue	\$51,775	\$51,933	\$53,217	\$61,053	\$55,953
Beach Concession	\$1,670	\$2,500	\$5,131	\$6,000	\$2,181
Cottage Lease Fees	\$31,900	\$87,000	\$50,250	\$57,550	\$46,650
Parking Stickers	\$85,546	\$86,507	\$113,186	\$96,440	\$93,794
Merchandise	0	0	0	0	\$1,151
Miscellaneous	\$60,774	\$50,628	\$44,268	\$50,388	\$40,552
Earnings on Investments	\$7,616	\$9,459	\$30,155	\$54,436	\$55,428
Total Revenue	\$1,291,620	\$1,273,696	\$1,283,418	\$1,345,332	\$1,338,759

Table 8: Sandy Neck Enterprise Account revenue Fiscal Year 21 through Fiscal Year 25.

³ This is the rate per take exposure set by DFW in the HCP

X. MITIGATION PLAN

The Town of Barnstable is proposing to provide funding for three “takes” to NHESP 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 drafted an escrow agreement that was sent to NHESP on 2/11/26. Prior to the implementation of covered activities in any given year, the Town will deposit \$17,400 into said escrow account in accordance with the schedule set forth in the Escrow Agreement.

Attachment A:

01A
2025
PIPL
SNK

Sequence

Pair: 1

Nest Attempt: A

External ID

Location

[View on map](#)

41.728598 Lat

-70.277446 Lon

18 steps from fence - middle of stakes - old flashlight on east side. Nest is in gravel

Adults

Unknown if banded Male

[Change Bands](#)

Unknown if banded Female

[Change Bands](#)

Nest Fate

[lost](#)

Brood Fate

[none](#)

Last Check

[06/03/25](#)

[4/23](#)

DISCOVERED

[N/A](#)

HATCHED

[N/A](#)

FLEDGED

[N/A](#)

LOSS

Nest Status

[lost](#)

Continuation Nest

[lost](#)

Nest History

Estimated Hatch n/a [Edit](#)

Earliest Possible Hatch [Edit](#)

NLT? N [Edit](#)

Actual Hatch n/a [Edit](#)

Brood History

Estimated Fledge n/a [Edit](#)

Actual Fledge n/a [Edit](#)

Fledge (management) [Edit](#)

Date Fledge Determined n/a [Edit](#)

Losses [+ Add](#)

Total Nest Loss	05/16/25	4 Eggs	Unknown	Edit	Delete
-----------------	----------	--------	---------	----------------------	------------------------

Habitat Data [+ Edit](#)

You don't have any.

Exclosure Data [+ Edit](#)

You don't have any.

Activity Log ▼

Activity Log							
Date	Status	Eggs	Chicks	M	F	UN	Link
Sat, Apr 26th 2025 <small>Ryan Henry</small>	laying	1		N	N	Y	View Report
Sun, Apr 27th 2025 <small>Kara Clyburn</small>	laying	3		Y	Y	N	View Report

Location

[View / Edit on map](#)

[Export location as geojson](#) | [Export SHP](#)

The default lat/lon are not exactly the same thing as the location. The defaults are only used for rough calculations.

Default Lat

[41.734764](#)

Default Lon

[-70.296591](#)

Status

[active](#)

Active

[active](#)

Initiated

[Sun, Jun 1st](#)

Last Check

[Mon, Jul 21st](#)

Code:

[A](#)

Description:

[West of T5 to T7](#)

Losses

[+ Add](#)

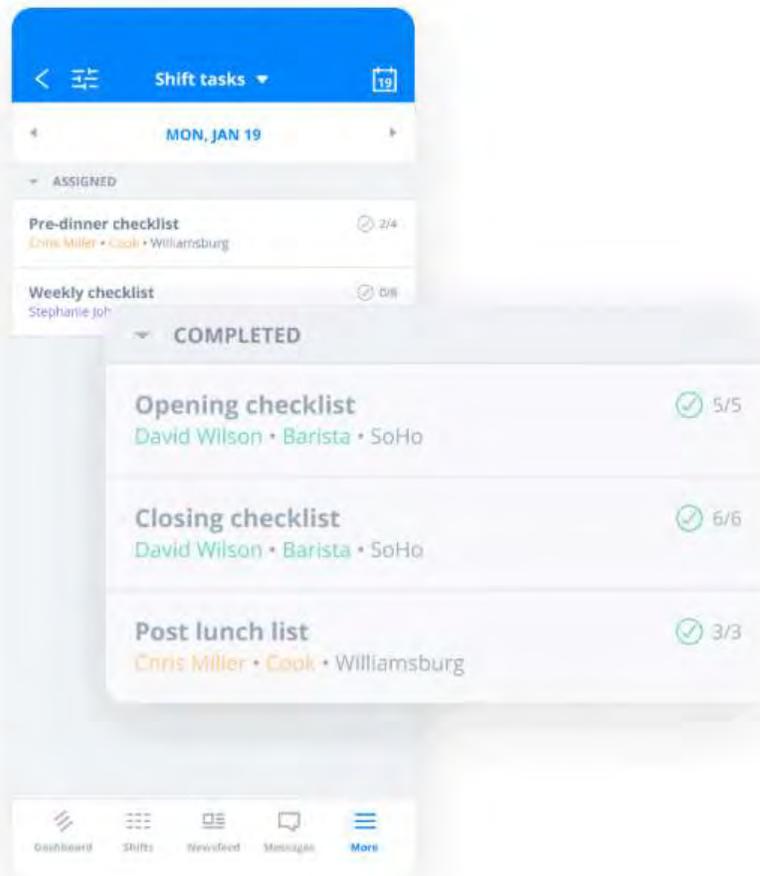
Nothing reported

Colony Habitat Data

[+ Edit](#)

You don't have any.

Attachment B



Attachment C

The screenshot displays the MEA Online Portal interface, which is organized into three main sections: WELCOME, REQUEST ACCESS, and ACTIONS. Each section contains a title, a descriptive icon, a main heading, and a brief description of the service. The background of the interface features a scenic image of a coastline at sunset.

WELCOME

MEA Online Portal
Town Of Barnstable
Marine And Environmental Affairs Department (MEA)
1189 Phinney's Lane
Centerville, MA 02632

(NR) 508-790-6272 (HM) 508-790-6273
MEA@Town.Barnstable.Ma.Us
Sandyneck@Town.Barnstable.Ma.Us

REQUEST ACCESS

Request Login Access Or Create A New Account
Access Your Existing Or New Account By Requesting A Validation Code

ACTIONS

- Permits | Licenses | Certificates**
Apply All Types Of Permits, Licenses, Stickers And Passes
- RV Camping Reservations**
Book And Manage Sandy Neck ORV Camping Reservations
- Tent/Lean-To Camping Reservations**
Book Sandy Neck Tent Campground Reservations
- Wait List**
View And Request Wait Lists

Attachment D

Orders of Conditions SE3-5965



OOCs SE3-5965_.pdf

Attachment E

Orders of Conditions SE3-5966



OOCs SE3-5966.pdf

Attachment F

Sandy Neck Beach Park Regulations



Sandy Neck Regulations.pdf

Attachment G

Sandy Neck Beach Park Policies



SNK policies ORV.pdf

Attachment H

Plover Monitoring Data Sheet



Sandy Neck HCP Data Sheet.pdf

Attachment I

PIPL and LETE Escort Data Sheets



Sandy Neck HCP
Data Sheet_ Escorts.

Attachment J

Army Corps of Engineers PIPL and LETE Aging Guidelines



USACE Chick Aging
Guide.pdf

Attachment K

Approved Budget FY 2026



Attachment J Budget Report FY26.pdf

Attachment L

SNK ORV User Escort Guide in Accordance with the MA HCP



Attachment L ORV User Escort Guide.pdf



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:
 SE3-5965
 MassDEP File #
 eDEP Transaction #
 Barnstable
 City/Town

A. General Information

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

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



1. From: Barnstable
 Conservation Commission

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

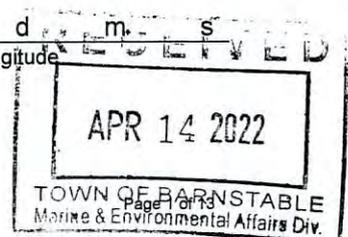
3. To: Applicant:
Town of Barnstable Sandy Neck Beach Park
 a. First Name b. Last Name
Marine & Environmental Affairs
 c. Organization
1189 Phinneys Lane
 d. Mailing Address
Centerville MA 02632
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

 a. First Name b. Last Name
Town of Barnstable
 c. Organization
367 Main Street
 d. Mailing Address
Hyannis MA 02601
 e. City/Town f. State g. Zip Code

5. Project Location:
Sandy Neck Beach Park West Barnstable
 a. Street Address b. City/Town
263 (plus 322/001) All owned by Barnstable 001
 c. Assessors Map/Plat Number d. Parcel/Lot Number

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





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:
 SE3-5965
 MassDEP File #

 eDEP Transaction #
 Barnstable
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Barnstable
 a. County
 CTF#121665 Land on Plan 14099-A
 b. Certificate Number (if registered land)
- c. Book
 d. Page
7. Dates: 02/01/2022 03/15/2022 04/13/2022
 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):
 Sandy Neck Beach Park 2022 NOI Application
 a. Plan Title
 Town of Barnstable, GIS Department
 b. Prepared By
 01/27/2022
 d. Final Revision Date
 c. Signed and Stamped by
 e. Scale
 f. Additional Plan or Document Title
 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:
 SE3-5965
 MassDEP File # _____
 eDEP Transaction # _____
 Barnstable
 City/Town

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 type="checkbox"/> Bank	_____ a. linear feet	_____ 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



WPA Form 5 – Order of Conditions

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	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input checked="" type="checkbox"/> Coastal Dunes	No Alteration	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	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	_____		
	a. square feet	b. square feet		
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



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:
 SE3-5965
 MassDEP File #
 eDEP Transaction #
 Barnstable
 City/Town

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 04/13/2025 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
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE3-5965
MassDEP File #
eDEP Transaction #
Barnstable
City/Town

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 SE3-5965"
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

Provided by MassDEP:
SE3-5965
MassDEP File #

eDEP Transaction #
Barnstable
City/Town

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
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE3-5965

MassDEP File #

eDEP Transaction #

Barnstable

City/Town

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

Provided by MassDEP:
SE3-5965
MassDEP File #

eDEP Transaction #
Barnstable
City/Town

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.



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:
 SE3-5965
 MassDEP File #

eDEP Transaction #
 Barnstable
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Barnstable 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:

Barnstable

1. Municipal Ordinance or Bylaw

S.237-1 -
 237-14

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 pages 10.1 through 10.8.

SE3-5965

ORDER OF CONDITIONS GOVERNING RECREATIONAL VEHICLE USE
AT SANDY NECK BEACH PARK

Findings:

1. Proposed vehicle use at Sandy Neck Beach Park is required to meet several stringent performance standards of the Wetlands Protection Act Regulations:

1.1 No short or long terms adverse effect on the habitat of a local population of a state listed wildlife species.

The state-listed wildlife species occurring at Sandy Neck Beach Park are:

<u>Species</u>	<u>Status</u>
N. Diamond-backed Terrapin	Threatened
Least Tern	Special concern
Common Tern	Special concern
Piping Plover	Threatened
Roseate Tern	Endangered

1.2 Since Sandy Neck Beach Park is in an ACEC area, no adverse effect is permitted any regulatory interest found significant by the issuing authority.

2. Among other interests, the Conservation Commission finds Sandy Neck Beach Park is significant to storm damage prevention, flood control, historic (Ch. 237 only) and protection of wildlife habitat.

3. In addition to regulation under the MA Wetlands Protection Act and Town Code Ch. 237-Wetlands Protection, vehicle use at Sandy Neck Beach Park is also regulated under the MA Endangered Species Act and the Federal Endangered Species Act.

3.1 This Order of Conditions incorporates the State Endangered Species Act requirements as special conditions but does not include all aspects of the Federal requirements. The Town is advised to observe the Federal requirements as well so that potential violations of the Federal Endangered Species Act may be avoided.

4. In addition to providing breeding, nesting and feeding habitat for state and federal listed species, Sandy Neck Beach Park is an important provider of feeding and resting habitat for great numbers of migratory birds along the Atlantic flyway. This is particularly the case at the eastern portion of Sandy Neck Beach Park.

5. The following special conditions achieve, in the perspective of the Conservation Commission, a way to meet the pertinent performance standards while allowing recreational vehicle use to continue at Sandy Neck Beach Park.

Definitions:

Recreational vehicles – vehicles possessing a valid ORV sticker issued by Marine and Environmental Affairs (MEA) and which provide a means of access for camping, beach going, fishing and other recreational pursuits on Sandy Neck Park Beach. Recreational vehicles are non-essential vehicles on Sandy Neck Beach Park.

Special Conditions of Approval:

1. This Order of Conditions shall be recorded at the Registry of Deeds within two weeks of issuance.

2. On beaches where off-road vehicles are driven, all areas of habitat suitable for nesting by piping plovers or terns, as determined by the Division of Fisheries and Wildlife (hereafter the 'Division'), shall be identified and delineated with posts, warning signs, and/or symbolic fencing on or before April 1. Delineations shall be expanded to include nesting territories that become established as determined by the applicant or the Division. Areas of suitable nesting habitat for all species of terns shall be so identified and delineated on or before May 15 and shall be expanded as nesting territories become established as determined by the applicant or the Division. All vehicular access into or through delineated nesting habitat shall be prohibited, although vehicles may pass by such areas while birds are incubating. Fenced habitat areas shall be expanded, and travel corridors moved, narrowed, or temporarily closed, if incubating plovers or terns are disturbed by passing vehicles, or if disturbance is anticipated because of unusual tides or expected increases in vehicle traffic during weekends, holidays, or special events.

2.1 The Park Manager shall provide a minimum 15 ft. protective buffer staked from the toe of all dunes along the Beach Trail where vehicles pass. Discretion by the Park Manager is allowed in prescribing a reduced buffer width where beach conditions create a narrow pass.

2.2 The annual location of symbolic fencing (set on or by 1 April) shall be moved further seaward later in the spring or early summer if the applicant or the Division determines that areas of suitable nesting habitat for piping plovers or terns have become significantly wider as a result of natural processes of beach accretion.

2.3 Area of dune, beach, or intertidal habitat used as nursery areas by unfledged or recently fledged tern chicks, as identified by the Division of Fisheries and Wildlife, shall be delineated with symbolic fencing no later than June 21. All access by vehicles into posted tern nursery areas shall be prohibited while unfledged or recently fledged tern chicks are present in those areas, until it is determined that use of nursery areas by young terns has ended, i.e. young terns are no longer being fed by adult terns.

2.4 Vehicles shall not travel or park upon dune or beach vegetation on the beach trail.

3. Sections of beaches where unfledged plover and tern chicks are present shall be temporarily closed to recreational vehicles. Closure to recreational vehicles shall begin as soon as hatching begins and shall continue until plover and tern chicks have fledged. For purposes of off-road vehicle management, plovers are considered fledged at 35 days of age or when observed in flight, whichever occurs first. Terns are considered fledged when they are capable of flight. For unfledged plovers, recreational vehicles shall be excluded from all areas of dune, beach, and intertidal habitat within 100 yards of either side of a line drawn through the nest site perpendicular to the long axis of the beach. For unfledged terns, recreational vehicles shall be excluded from all areas of 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.
4. If plover nests are discovered with incomplete clutches (< 4 eggs), recreational vehicle restrictions shall begin on the 26th day after the last egg is laid and full-time incubation begins. This assumes an average incubation period of 27 days and provides a 1-day

margin of error. If nests are discovered with complete clutches (4 eggs), thus precluding prediction of hatch date, either of 2 options shall be implemented. Either off-road vehicle restrictions shall begin on May 19 (the earliest recorded hatching date for Massachusetts), or the nest shall be monitored twice per day, before 0600 and after 1900 hours, from distance with a spotting scope or binoculars, beginning on May 19, and closure to all but essential vehicles shall begin immediately when hatching begins. If nests with complete clutches are discovered after May 19, vehicle restrictions shall begin immediately unless nests are checked each day before 0600 hours and after 1900 hours. On beaches where nesting terns are present, vehicle restrictions shall ensue as soon as hatching begins.

5. Closure to recreational vehicles shall begin at least five days prior to the anticipated hatching date of plover nests if ruts are present that are deep enough to restrict movements of chicks or if vehicle impacts on wrack have been so severe that wrack must be allowed to accumulate naturally prior to hatching. If a plover nest is found with a complete clutch, precluding estimation of hatching date, and availability of wrack has been significantly reduced by vehicle passage, or deep ruts created that could reasonably be expected to impede chick movements, that section of beach shall be closed to all recreational vehicles immediately.
6. Restrictions currently in force which prohibit recreational vehicle use on tidal flats, in proximity to foredunes, on the Marsh Trail and Connector Trails (excluding the Access Trail) and on Beach Point shall remain in force.
7. Eastern Closure Point on the Beach Trail
 - 7.1 Recreational vehicle use east of Trail 6 and west of the swale-tidal flat shall be specially reserved for fishing access only, at the discretion of the Park Manager.

Overnight camping or general recreation shall not occur in the 'reserved for fishing' area. The Trail 6 closure point for all other east-bound recreational vehicles shall be clearly demarcated in the field and maintained and enforced year-round by the Town.

7.2 No vehicle shall remain east of Trail 6 for more than 1 complete tidal cycle.

7.3 The 'reserved for fishing' access area shall be symbolically fenced on the south and east sides prior to its opening.

Note: Special Conditions #8 through #11 are based on conditions specified in NHESP's letter dated March 14, 2022, and an email dated March 15, 2022.

8. SE3-5965 (formerly SE3-4713): Order of Conditions Governing Recreation Vehicle

Use at Sandy Neck: In addition to the conditions detailed in the existing Order of Conditions (OOC) recreational vehicle use must be carried out in accordance with State and Federal Guidelines. Greater management flexibility for plovers and terns (i.e., deviations from the Guidelines) can only be expressly approved by the Division as part of a valid Certificate of Inclusion (COI) and MESA Conservation and Management Permit (CMP) associated with the Statewide Habitat Conservation Plan (HCP). If the Applicant does not have a valid COI & CMP or they expire, then recreational vehicle use and management would revert to fully implementing the Guidelines and the conditions of the OOC. Any new OOC (SE3-5965) approving the project shall include all existing conditions detailed in SE3-4713 with a caveat that deviations from the Guidelines can only be expressly approved by the Division as part of a valid COI & CMP associated with the HCP.

9. SE3-5965 (formerly SE3-4713): Vehicular speed limits must be posted, monitored, and enforced at Sandy Neck Beach Park. The Applicant must immediately report all injuries

and mortalities of state-listed species involving vehicular use to the Division. Vehicular use and speeds have been likely factors resulting in mortality to state-listed species. The Division may require supplemental measures to protect state-listed species should vehicular use continue to directly impact state-listed species.

10. **Authorization Duration:** This authorization is valid for 5 years from the date of issuance. Work may be completed at any time during this 5-year period in compliance with the conditions herein. Therefore, the applicant shall re-file under the MESA.
11. **Notice:** Upon filing for renewal, extension, or amendment of the Orders of Conditions, the applicant shall contact the Division for written response regarding impacts to Resources Area habitat of state-listed wildlife.
12. The Park Manager shall provide a written summary of the past vehicle season (including all data collected on state-listed species, enforcement, and plover monitoring efforts etc.) to the Conservation Division and the Commission for of its meeting November. The Park Manager shall attend this annual discussion.
13. This Order anticipates that a concerted effort be extended by the Town in the monitoring and protection of Piping Plover, Tern and Diamond-backed Terrapin habitats. The Town shall continue to provide an adequate monitoring program as a requisite to continued recreational vehicle use at Sandy Neck Beach Park.
14. The Conservation Commission herein incorporates the provisions of any future Section 10 permit (also known as HCP) that may be granted for Sandy Neck Beach Park.

15. The Conservation Commission herein incorporates Massachusetts Piping Plover Habitat Conservation Plan, Certificate of Inclusion for Sandy Neck Beach Park dated March 17, 2017, and any future modifications.
16. A Certificate of Compliance shall be requested upon expiration of this Order of Conditions.



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:
 SE3-5965
 MassDEP File #
 eDEP Transaction #
 Barnstable
 City/Town

E. Signatures

APR 13 2022

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

1. Date of Issuance

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

1

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.

Darcy Karle
 Signature

Darcy Karle
 Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on APR 13 2022

Date

Date



Town of Barnstable
Planning & Development Department
Conservation Program
Darcy Karle, Administrator
367 Main Street, Hyannis, MA 02601
Office: 508-862-4093
www.townofbarnstable.us/conservation



Elizabeth Jenkins, AICP
Director

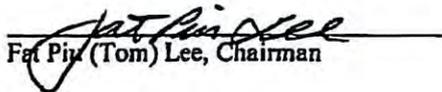
VOTE AUTHORIZING BARNSTABLE CONSERVATION ADMINISTRATOR TO SIGN DOCUMENTS ON BEHALF OF COMMISSION MEMBERS

On July 6, 2021 the Barnstable Conservation Commission met in open session accessible to the public through audio and video-conference software, pursuant to legislation signed by the Governor on June 16, 2021 suspending certain provisions of the Open Meeting Law. At this duly held meeting, the following vote was taken by the Barnstable Conservation Commission:

To authorize Darcy Karle, Barnstable Conservation Administrator to physically sign Barnstable Conservation Commission documents on behalf of each individual Barnstable Conservation Commission member, Pursuant to the Acts of 2021 Chapter 20, an act relative to extending certain COVID-19 measures adopted during the State of Emergency, such authorization effective as of July 6, 2021, and remaining in effect for forty-five (45) days after the termination of the new legislation and the return to the provisions of the Open Meeting Law unless sooner amended or rescinded by vote of the Barnstable Conservation Commission.

- Vote:
Chair Fat Piu (Tom) Lee – Yes
Vice-Chair Louise R. Foster – Yes
Clerk George Gillmore – Yes
Commissioner John E. Abodeely – Yes
Commissioner Peter Sampou – Yes
Commissioner Lawrence (Larry) P. Morin – Yes

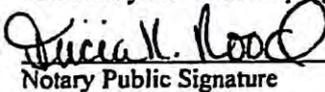
The above is a true and accurate account of the proceedings of the Barnstable Conservation Commission.

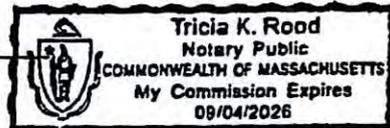

Fat Piu (Tom) Lee, Chairman

7/16/2021
Date

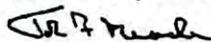
The Commonwealth of Massachusetts
County of Barnstable

On this 16th of July 2021, before me, Tricia K. Rood (name of notary public), Fat Piu (Tom) Lee personally appeared and proved to me through satisfactory evidence of identification, which were drivers license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public Signature



BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

BARNSTABLE COUNTY
REGISTRY OF DEEDS
A TRUE COPY, ATTEST

JOHN F. MEADE, REGISTER



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:

SE3-5965

MassDEP File #

eDEP Transaction #

Barnstable

City/Town

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.



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:

SE3-5966

MassDEP File #

eDEP Transaction #

Barnstable

City/Town

A. General Information

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

1. From: Barnstable
Conservation Commission

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

3. To: Applicant:
Town of Barnstable Sandy Neck Beach Park

a. First Name b. Last Name

Marine & Environmental Affairs

c. Organization

1189 Phinneys Lane

d. Mailing Address

Centerville MA 02632

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

4. Property Owner (if different from applicant):

a. First Name b. Last Name

Town of Barnstable

c. Organization

367 Main Street

d. Mailing Address

Hyannis MA 02601

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

5. Project Location:

Sandy Neck Beach Park West Barnstable

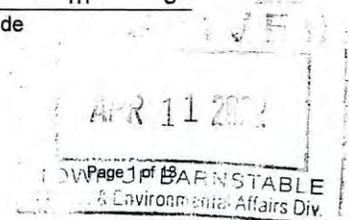
a. Street Address b. City/Town

263 (303/005, 321/003, 322/001, 339/002, 339/003, 303/006) 001

c. Parcel/Lot Number

Latitude and Longitude, if known: 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.





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:
 SE3-5966
 MassDEP File #

 eDEP Transaction #
 Barnstable
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Barnstable
 a. County
 CTF#121665 Land on Plan 14099-A
 b. Certificate Number (if registered land)

c. Book
 d. Page

7. Dates: 02/01/2022 03/15/2022 04/08/2022
 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):
 Sandy Neck Beach Park 2022 NOI Application
 a. Plan Title
 Town of Barnstable, GIS Department
 b. Prepared By
 01/27/2022
 d. Final Revision Date
 c. Signed and Stamped by
 e. Scale
 f. Additional Plan or Document Title
 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:
 SE3-5966
 MassDEP File # _____
 eDEP Transaction # _____
 Barnstable
 City/Town

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 type="checkbox"/> Bank	_____ a. linear feet	_____ 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

Provided by MassDEP:
 SE3-5966
 MassDEP File # _____
 eDEP Transaction # _____
 Barnstable
 City/Town

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	0		_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input checked="" type="checkbox"/> Coastal Dunes	0		_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	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	0			
	a. square feet	b. square feet		
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



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:
 SE3-5966
 MassDEP File #
 eDEP Transaction #
 Barnstable
 City/Town

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 04/08/2025 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
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE3-5966
MassDEP File #
eDEP Transaction #
Barnstable
City/Town

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 SE3-5966 "
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

Provided by MassDEP:
SE3-5966
MassDEP File #
eDEP Transaction #
Barnstable
City/Town

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;



WPA Form 5 – Order of Conditions

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

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.



WPA Form 5 – Order of Conditions

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

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.



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:
 SE3-5966
 MassDEP File #

eDEP Transaction #
 Barnstable
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Barnstable 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:

<u>Barnstable</u>	S.237-1 -
1. Municipal Ordinance or Bylaw	237-14
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 pages 10.1 through 10.10.

SE3-5966

**ORDER OF CONDITIONS GOVERNING ESSENTIAL VEHICLE AND
GUEST VEHICLE USE AT SANDY NECK BEACH PARK**

Findings:

1. Proposed vehicle use at Sandy Neck Beach Park is required to meet several stringent performance standards of the Wetlands Protection Act Regulations:

1.1 No short or long terms adverse effect on the habitat of a local population of a state listed wildlife species.

The relevant state-listed wildlife species occurring at Sandy Neck Beach Park and potentially affected by proposed vehicle use are:

<u>Species</u>	<u>Status</u>
N. Diamond-backed Terrapin	Threatened
Least Tern	Special concern
Common Tern	Special concern
Piping Plover	Threatened
Roseate Tern	Endangered

Hereafter this list or component species may be referred to as 'indicated species.'

1.2 Since Sandy Neck Beach Park is in an ACEC area, no adverse effect is permitted on any regulatory interest found significant by the issuing authority.

2. Among other interests, the Conservation Commission finds Sandy Neck Beach Park is significant to storm damage prevention, flood control, historic (Ch. 237 only) and protection of wildlife habitat.

3. In addition to regulation under the MA Wetlands Protection Act and Town Code Ch. 237-Wetlands Protection, vehicle use at Sandy Neck Beach Park is also regulated under the MA Endangered Species Act and the Federal Endangered Species Act.

3.1 This Order of Conditions incorporates the State Endangered Species Act requirements as special conditions but does not include all aspects of the Federal requirements. The Town is advised to observe the Federal requirements as well so that potential violations of the Federal Endangered Species Act may be avoided.

4. In addition to providing breeding, nesting and feeding habitat for state and federal listed species, Sandy Neck Beach Park is an important provider of feeding and resting habitat for great numbers of migratory birds along the Atlantic flyway. This is particularly the case at the eastern portion of Sandy Neck Beach Park.

5. The following special conditions achieve, in the perspective of the Conservation Commission, a way to meet the pertinent performance standards while allowing essential vehicle and guest vehicle use to continue at Sandy Neck Beach Park.

Definitions:

Essential vehicles – vehicles used for law enforcement, public safety, public property maintenance, species monitoring and management; and vehicles operated by cottage owners, spouses and immediate family of cottage owners, cottage lessees, spouses and immediate family of cottage lessees and contractors providing necessary repairs for cottage owners.

Guest vehicles - vehicles that possess a trail pass and whose purpose of travel is for the visiting of cottages. Access by guest vehicles during periods of special protection for indicated species shall be at the discretion of the Park Manager.

Trail pass – passes that are issued at the discretion of the Park Manager to qualified applicants.

Special Conditions of Approval:

1. This Order of Conditions shall be recorded at the Registry of Deeds within two weeks of issuance.
2. On beaches where off-road vehicles are driven, all areas of habitat suitable for nesting by piping plovers or terns, as determined by the Division of Fisheries and Wildlife (hereafter the 'Division'), shall be identified and delineated with posts, warning signs, and/or symbolic fencing on or before April 1. Delineations shall be expanded to include nesting territories that become established as determined by the Town or the Division. Areas of suitable nesting habitat for all species of terns shall be so identified and delineated on or before May 15 and shall be expanded as nesting territories become established as determined by the applicant or the Division. All vehicular access into or through delineated nesting habitat shall be prohibited, although vehicles may pass by such areas while birds are incubating. Fenced habitat areas shall be expanded, and travel corridors moved, narrowed, or temporarily closed, if incubating plovers or terns are disturbed by passing vehicles, or if disturbance is anticipated because of unusual tides or expected increases in vehicle traffic during weekends, holidays, or special events.

- 2.1 The Park Manager shall provide a minimum 15 ft. protective buffer staked from the toe of all dunes along the Beach Trail where vehicles pass. Discretion by the Park Manager is allowed in prescribing a reduced buffer width where beach conditions create a narrow pass
- 2.2 The annual location of symbolic fencing (set on or by 1 April) shall be moved further seaward later in the spring or early summer if the applicant or the Division determines that areas of suitable nesting habitat for piping plovers or terns have become significantly wider as a result of natural processes of beach accretion.
- 2.3 Travel by essential vehicles shall avoid the wrack line and should be infrequent enough to avoid creating deep ruts that could impede chick movements. Open all-

terrain vehicles (ATVs) shall be used whenever possible for monitoring and law enforcement because of the improved visibility afforded the operator.

2.4 Area of dune, beach, or intertidal habitat used as nursery areas by unfledged or recently fledged tern chicks, as identified by the Division of Fisheries and Wildlife, shall be delineated with symbolic fencing no later than June 21. All access by vehicles into posted tern nursery areas shall be prohibited while unfledged or recently fledged tern chicks are present in those areas, until it is determined that use of nursery areas by young terns has ended, i.e., young terns are no longer being fed by adult terns.

3. Sections of beaches where unfledged plover and tern chicks are present shall be temporarily closed to all but essential vehicles. Access by guest vehicles during periods of special protection for indicated species shall be at the discretion of the Park Manager. Closure to all but essential vehicles (and guest vehicles as allowed by the Park Manager) shall begin as soon as hatching begins and shall continue until plover and tern chicks have fledged. For purposes of off-road vehicle management, plovers are considered fledged at 35 days of age or when observed in flight, whichever occurs first. Terns are considered fledged when they are capable of flight. For unfledged plovers, all but essential vehicles shall be excluded from all areas of dune, beach, and intertidal habitat within 100 yards of either side of a line drawn through the nest site perpendicular to the long axis of the beach. For unfledged terns, all but essential vehicles shall be excluded from all areas of 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.

4. If plover nests are discovered with incomplete clutches (< 4 eggs), off-road vehicle restrictions shall begin on the 26th day after the last egg is laid and full-time incubation begins. This assumes

an average incubation period of 27 days and provides a 1-day margin of error. If nests are discovered with complete clutches (4 eggs), thus precluding prediction of hatch date, either of 2 options shall be implemented. Either off-road vehicle restrictions shall begin on May 19 (the earliest recorded hatching date for Massachusetts), or the nest shall be monitored twice per day, before 0600 and after 1900 hours, from a distance with a spotting scope or binoculars, beginning on May 19, and closure to all but essential vehicles shall begin immediately when hatching begins. If nests with complete clutches are discovered after May 19, vehicle restrictions shall begin immediately unless nests are checked each day before 0600 hours and after 1900 hours. On beaches where nesting terns are present, vehicle restrictions shall ensue as soon as hatching begins.

5. Closure to all but essential vehicles (and guest vehicles as allowed by the Park Manager) shall begin at least five days prior to the anticipated hatching date of plover nests if ruts are present that are deep enough to restrict movements of chicks or if vehicle impacts on wrack have been so severe that wrack must be allowed to accumulate naturally prior to hatching. If a plover nest is found with a complete clutch, precluding estimation of hatching date, and availability of wrack has been significantly reduced by vehicle passage, or deep ruts created that could reasonably be expected to impede chick movements, that section of beach shall be closed to all but essential vehicles immediately.

6. Use of essential vehicles (and guest vehicles as allowed by the Park Manager) shall be kept to a minimum when unfledged plover or tern chicks are present. These vehicles shall only travel on closed sections of the Beach Trail if travel is absolutely necessary. Travel shall be during daylight hours only, except in emergencies, and vehicles shall be escorted through closed areas by a qualified monitor employed by the Town in that capacity who has first determined the location of all unfledged plover and tern chicks. Users shall minimize the number of trips by

essential and guest vehicles through closed areas. Users should consider other means of access (for example, by water where possible) during periods when chicks are present. A log shall be maintained by the beach manager of the date, time, vehicle license number and operator, and purpose of each trip through areas where unfledged chicks are present.

6.1 The Town shall provide a reasonable schedule of escorts for cottage access.

7. The following further restrictions shall apply to essential vehicle use (and guest vehicle use as allowed by the Park Manager) on the Marsh Trail during periods of special protection for indicated species:

7.1 Night travel shall be limited to essential vehicles only (and guest vehicle use as allowed by the Park Manager).

7.2 During periods of terrapin nesting activity, use of the Marsh Trail shall be at the discretion of the Park Manager, unless for direct access to Marsh Trail properties.

7.3 If one or more terrapin nests are located in or within 1 meter of either side of the Marsh Trail, then that section of Trail shall be immediately closed to vehicle traffic until the nest is moved to a safe location. A valid collecting permit shall be obtained from the division prior to the moving of any terrapin nests. (See also 7.6).

7.4 During the period of terrapin hatching as designated by the Park Manager, use of the Marsh Trail shall be limited to the purpose of direct access to Marsh Trail properties.

7.5 Allowed users of the Marsh Trail during periods of terrapin nesting and hatching shall first check with the Gatehouse for latest information on same. Users shall also report any observations of terrapins to Gatehouse staff when exiting.

7.6 Properly trained monitors (under the direction of a State permit holder with specific approvals to move terrapin nests) shall patrol the Marsh Trail between the Gatehouse and Trail 2 (at minimum) each morning at or as close as possible to the morning's high

tide in order to determine if any nests have been laid in the trail. If nests need to be relocated, they shall be relocated consistent with Division protocol.

7.7 The applicant shall ensure that an effective monitoring effort is extended to the Marsh Trail during periods of special protection for the Diamondback Terrapin. Matters of scheduling, provision of necessary back-ups, reporting etc. shall be clearly addressed by the applicant.

7.8 The opening of the Marsh Trail between the Gatehouse and Trail 1 for cottage access shall be strictly seasonal. During periods when no special protection of indicated species is prescribed, the gate shall remain closed and locked, with access to cottages provided by the Beach Trail and Connectors.

7.9 Prior to use for cottage access, the Marsh Trail between the Gatehouse and Trail 1 shall be symbolically fenced if necessary to ensure travel remains on the intended path.

8. Cottage-access users of Sandy Neck Beach Park who also engage in ORV recreational vehicle use there shall be subject to this Order of Conditions.

9. Use of Trail 6 Connector

9.1 Essential vehicles using the Beach Trail between Trails 5 and 6 through the former 'tern colony' area shall be escorted when unfledged piping plover or least tern chicks are in the vicinity, as determined by the Sandy Neck Park Manager. The Connector Trail shall still serve as an access way to and from the cottage colony for essential vehicles using the Marsh Trail. The Connector shall be maintained in passable condition for this purpose.

9.2 Once fledging is complete, cottage access may resume via 'old' Trail 6 in addition to the connector.

9.3 Essential vehicles other than cottage access-related shall use the new connector trail and avoid the 'tern colony' area whenever possible when en-route to Beach Point.

Note: Special Conditions #10 through #13 are based on conditions specified in NHESP's letter dated March 14, 2022, and an email dated March 15, 2022.

10. **SE3-5966 (formerly SE3-4712): Amended Order of Conditions Governing Essential**

Vehicle and Guest Vehicle Use at Sandy Neck Beach Park: The conditions detailed in the existing OOC detail measures to avoid impacts to Northern Diamond-backed Terrapin and its habitat and must be included in any future OOC for vehicular use on Marsh Trail. In addition to the conditions detailed in the existing Order of Conditions (OOC) essential vehicle use must be carried out in accordance with State and Federal Guidelines. Greater management flexibility for plovers and terns (i.e., deviations from the Guidelines) can only be expressly approved by the Division as part of a valid Certificate of Inclusion (COI) and MESA Conservation and Management Permit (CMP) associated with the Statewide Habitat Conservation Plan (HCP). If the Applicant does not have a valid COI & CMP or they expire, then management would revert to fully implementing the Guidelines and the conditions of the OOC relating to plovers and terns. Any new OOC (SE3-5966) approving the project shall include all existing conditions detailed in SE3-4712 with a caveat that deviations from the Guidelines can only be expressly approved by the Division as part of a valid COI & CMP associated with HCP.

11. **SE3-5966 (formerly SE3-4712):** Vehicular speed limits must be posted, monitored, and enforced at Sandy Neck Beach Park. The Applicant must immediately report all injuries and mortalities of state-listed species involving vehicular use to the Division. Vehicular use and speeds have been likely factors resulting in mortality to state-listed species. The Division

may require supplemental measures to protect state-listed species should vehicular use continue to directly impact state-listed species.

12. **Authorization Duration:** This authorization is valid for 5 years from the date of issuance. Work may be completed at any time during the 5-year period in compliance with the conditions herein. Thereafter, the applicant shall re-file under MESA.
13. **Notice:** Upon filing for renewal, extension, or amendment of the Orders of Conditions, the applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife.
14. The Town shall provide a written summary of the past vehicle season (including all data collected on state-listed species, guest passes, enforcement, terrapin monitoring effort, maintenance work performed, etc.) to the Conservation Division and the Commission for its meeting on the 2nd Tuesday of November. The Park Manager shall attend this annual discussion.
15. Vehicles shall keep to the footprint of existing trails.
 - 15.1 The applicant shall keep trails (especially the Marsh Trail) clearly marked as necessary to prevent unauthorized secondary spurs from developing.
 - 15.2 Should unauthorized spurs become evident, the applicant shall immediately identify the authorized traverse, symbolically fence the unauthorized one, and routinely monitor thereafter.
16. This Order anticipates that a concerted effort be extended by the Town in the monitoring and protection of Piping Plover, Tern and Diamondback Terrapin habitats. The Town shall continue to provide an adequate monitoring program as a requisite to continued essential vehicle and guest vehicle use at Sandy Neck Beach Park.

17. The Conservation Commission herein incorporates the provisions of any future Section 10 permit (also known as HCP) that may be granted for Sandy Neck Beach Park.
18. The Conservation Commission herein incorporates Massachusetts Piping Plover Habitat Conservation Plan, Certificate of Inclusion for Sandy Neck Beach Park dated March 17, 2017, and any future modifications.
19. The Conservation Commission herein acknowledges the June 2008 Memorandum of Understanding between the Sandy Neck Colony Association and the Town of Barnstable.
20. A Certificate of Compliance shall be requested upon expiration of this Order of Conditions.



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:
 SE3-5966
 MassDEP File #
 eDEP Transaction #
 Barnstable
 City/Town

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.

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

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

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.

APR - 8 2022

1. Date of Issuance

2. Number of Signers

Darcy Karle
Signature

Darcy Karle
Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on **APR - 8 2022**

Date

Date



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:
SE3-5966
MassDEP File #

eDEP Transaction #
Barnstable
City/Town

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.



Town of Barnstable

Sandy Neck Beach Park Regulations

Marine and Environmental Affairs Department

6 JAN '22 AM 10:23
BARNSTABLE TOWN CLERK

Welcome to Sandy Neck:

§ 601-1. Introduction. Sandy Neck Beach Park (Sandy Neck), a coastal barrier beach, is approximately six miles long, varying in width from 200 yards to one half mile. The majority of this unique conservation and recreation area is owned by the Town of Barnstable and is under the supervision and jurisdiction of the Town Manager, with the advice of Sandy Neck Board. The Sandy Neck Park Manager (Park Manager) handles daily operations. Help us to preserve and protect the heritage and integrity of this resource by reading this brochure and abiding by the rules and regulations outlined herein.

§ 601-2. Beach closures for protection of rare and endangered species: Shorebirds, including Piping Plovers and Least Terns, nest on Sandy Neck. To protect nesting activity, shorebird nesting areas are fenced to exclude pedestrians and speed limits are reduced to 5 mph where posted. The Piping Plover, a threatened species under the Endangered Species Act, is given special protection once eggs begin to hatch. Pursuant to federal, state and local law, vehicle traffic is limited to protect developing chicks not yet able to fly. During times of beach closures, the Park Manager and his/her designee reserves the right to restrict or limit vehicle access and determine or change parking arrangements on Sandy Neck. The Park Manager and/or Natural Resource Officers have final discretion on all beach parking. Additional restrictions may apply. Failure to comply with these restrictions may result in immediate removal from the property for no less than 24 hours and/or revocation of the Off Road Vehicles (ORVs) permit.

§601-3. General Regulations:

- A. Acts of a lewd or lascivious nature (including public nudity) are prohibited.
- B. All rubbish and garbage must be kept in suitable containers and removed from the beach. Burial or burning or dumping of rubbish, garbage or refuse is prohibited.
- C. Glass beverage containers are prohibited.
- D. No person shall feed, harass, molest or disturb wildlife on Sandy Neck. No person shall injure or remove any trees, shrubs, plants or other vegetation from Sandy Neck. *Exception: edible fruits and legally hunted game.*
- E. No person shall dig, remove, damage or disturb any artifact on Sandy Neck. The discovery of any artifact(s) should be reported to the Natural Resource Officer on duty.
- F. Removal or disturbance of buoys, storm debris, marine salvage, municipal or private property is prohibited.
- G. No person shall traffic (or allow any pet to traffic) in any posted area. All persons shall stay on marked trails and keep off all vegetation, dune faces, steeply sloped dunes, foredunes, and primary dunes. People who are hunting, berry collecting, involved in professionally led educational hikes and/or scientific studies are permitted off the marked trail. All activities require prior approval by the Sandy Neck Gatehouse.
- H. All dogs must be leashed at all times and in all areas on Sandy Neck Beach. Leash must be a physical restraint no greater than 15' in length. *Exception: dogs actively engaged in the legal hunting of game.* The owner or keeper of any dog shall clean up and properly dispose of all fecal material deposited by the animal. Dogs involved in dog-bite incidents must be removed immediately from the beach until further notice by the Park Manager.

- I. ORV Beach Curfew: *In Season*: (May 1 to October 31): No vehicles may enter the beach between 9:00 PM and 8:00 AM. Vehicles must exit the Sandy Neck property prior to 10:00 PM. *Off Season*: (November 1 to April 30): No vehicles may enter the beach between 4:00 PM and 8:00 AM. All vehicles must exit prior to 4:00 PM. Self-contained vehicles, fishermen, hunting, cottage owners and their guests may enter and remain on the beach past curfew if tidal conditions allow. Fisherman and hunters may engage in such activities provided they are in compliance with these regulations as determined by the Officer on duty. *Curfew may be moved forward as tidal conditions warrant.*
- J. All organized gatherings at Sandy Neck involving twenty or more individuals must obtain a Special Permit from the Park Manager. A Special Permit is also required in order to conduct scientific research on Sandy Neck. Fees may apply. Please call the Sandy Neck Gatehouse for further information (508-362-8300).
- K. Campfires:
- (1) A Sandy Neck campfire permit is required.
 - (2) This campfire permit is included with an ORV permit.
 - (3) All other patrons wishing to have a campfire may purchase a permit at the Sandy Neck Gatehouse after 5:00 PM on the day they wish to have the campfire. Permits may be limited.
 - (4) Weather permitting, open campfires on the front beach are allowed *In Season* (May 1 to October 31) after sunset or 7:00PM only, whichever is earlier. Campfires are prohibited at all other times of the year.
 - (5) A campfire permit holder (which includes all ORV permit holders) is responsible for adhering to the Sandy Neck Beach Park Regulations.
 - (6) Campfires located on the ORV Beach must be at least 10-feet from the Cape Cod Bay side of established ORV corridor and must not impinge on vehicular travel.
 - (7) All fires shall be doused with water before being buried.
 - (8) The burning of wood pallets or garbage is prohibited at Sandy Neck.
 - (9) The Park Manager or Natural Resource Officers have final discretion on all fires.
 - (10) No portable or permanent saunas are allowed on Sandy Neck Beach Park. All other leisure and/or recreational devices may be removed from the beach per the Park Manager for safety concerns and/or natural resource protection.
- L. All people sleeping overnight at Sandy Neck shall remain inside self-contained vehicles. No tenting lean-tos, camping trailers, or temporary shelters are allowed. Registered owners will be responsible to insure that their guests are not sleeping outside of said vehicles, i.e., in sleeping bags, tents, chase vehicles, or any other manner. Tenting in designated areas is allowed at the discretion of the Park Manager (permit required).
- M. The discharge of gray water or waste water from holding tanks, portable toilets, sinks, or any other source is prohibited.
- N. If high tide forces passage within 15' of the toe of the dune or any vegetation, the beach shall be considered closed, with no traffic being allowed to travel either off or on, until the Park Manager or the Natural Resource Officer on duty has determined the tide has receded to an appropriate level.
- O. When vehicle limits reach capacity, there will be no waiting lines (no "one off –one on policy") or "spot saving." Access will be on a first come, first serve basis. Cottage owners and their guests, and chase vehicles returning from emergency work (with a valid hangtag), will be allowed access over the beach if tidal conditions permit.

- P. The Park Manager reserves the right to close or limit use of Barnstable's land at Sandy Neck to all ORVs, horses, dogs, bikes and/or pedestrian and recreational traffic when public safety, wildlife habitat, tidal or extreme weather conditions warrant. This includes access for fishing, shellfishing, and hunting.
- Q. No refunds will be granted for any reason including foul weather, evacuations, personal emergencies, or limitations on access.
- R. All terrain vehicles, dirt bikes, electric and electric assist bikes, and snowmobiles are prohibited at Sandy Neck.
- S. Motorized personal watercraft (jet skis) are prohibited on Sandy Neck in all areas except Beach Point and the Great Marsh. Transporting a personal watercraft via the ORV corridor is prohibited.
- T. Permit holders are responsible for the safe operation of their vehicle and compliance with all Sandy Neck Regulations by all operators and passengers of their vehicle. The penalty for violations by permit holders as well as non-owners and/or guests may include suspension and/or revocation of the ORV permit.
- U. Vehicle operation on those areas of Sandy Neck owned by the Town of Barnstable, by election to exercise the privilege of driving on this Town property, which is not a public way, are subject to being stopped by Natural Resource Officers or the Park Manager (or any other employee designated by the Town Manager to enforce the regulations at Sandy Neck) in order to ascertain the identification of the occupants, and to determine if there are violations of the Sandy Neck Beach Park Regulations and/or the Barnstable General Ordinances.
- V. The use of generators is prohibited between the hours of 10:00 PM and 8:00 AM.
- W. The use of fireworks (including sky lanterns) is prohibited.
- X. Using, launching, landing or operating an unmanned aircraft from or on land or waters associated with Sandy Neck Beach Park is prohibited except as authorized by a Special Permit issued by the Park Manager. Special Permits may be issued for the purposes of research or education or in conjunction with an event authorized by a Town of Barnstable Event or Film Permit. This permit requirement may be waived for law enforcement activities conducted by law enforcement agencies. All permits shall require compliance with applicable local, state and federal law.

§601-4. Required Equipment and Minimum Standards:

- A. All Off Road Vehicles (ORVs) must carry the following equipment:
 - (1) Spare tire—spare shall be the same tire and wheel size as the other four tires mounted on the vehicle (trailer included). *Exception: intermediate size spare tires may be acceptable at the discretion of Sandy Neck Staff and two wheel drive motor homes and "dune buggies" must carry one spare tire of sufficient height and aspect ratio to allow the vehicle to drive off the beach under its own power should any of the tires mounted on the vehicle fail.*
 - (2) Tow device—minimum length 15 feet
 - (a) rope - 3/4" diameter, or
 - (b) strap - 6,800 lb. capacity, 1 1/2" wide, or
 - (c) chain - 5/16" link, or
 - (d) cable - 3/8" diameter, or
 - (e) suitable vehicle mounted winch.
 - (3) Jack—standard type jack or hydraulic jack.
 - (4) Support board—minimum size 18" x 18", 3/4" plywood or 1/4" thick steel.
 - (5) Shovel—heavy duty, equal to military folding type or better.

- (6) Tire gauge—low pressure type, must register 10 pounds per square inch (psi) or lower (air downs and built-in vehicle tire pressure sensors are not considered an acceptable tire gauge).
- (7) A bucket suitable for extinguishing campfires.
- (8) Sandy Neck Beach Park Regulations and tide current chart (both provided).
- (9) Self-contained vehicles must carry a measuring device that determines a 30 foot distance and an operational carbon monoxide detector.

B. It is recommended that all ORVs are equipped with a fire extinguisher and a first aid kit.

C. Minimum acceptable tire rim size for all ORVs is 13 inches.

D. Trailers:

- (1) All trailers must be inspected and receive a trailer permit at the gatehouse prior to beach access.
- (2) All trailer tires must meet the minimum rim size of 12 inches.
- (3) Matching spare tire is required.

E. Self-Contained Vehicles:

- (1) Self-contained camping vehicles are allowed to stay overnight when equipped with a permanently installed sanitary unit with holding tanks for sewage and “gray water”, and adequate built-in bed space for each member of the camping party. Detachable gray or black water overflow tanks are prohibited.
- (2) Maximum stay for self-contained vehicles is 96 hours. All self-contained vehicles shall exit the beach for a minimum of 24 hours before being readmitted. Self-contained vehicles must be attended overnight by a qualified driver. The Park Manager or Natural Resource Officers may reduce the maximum stay of a self-contained vehicle.
- (3) Properly equipped two-wheel drive permanently self-contained vehicles are allowed, subsequent to a beach driving test that is supervised by the Park Manager or a Natural Resource Officer. Tests are available Monday through Thursday only by appointment. Vehicles with ORV permits from the prior calendar year do not need to repeat the trial run unless ownership of said vehicle has changed.
- (4) Only one designated chase vehicle is permitted per self-contained vehicle.
- (5) *In Season* (May 1 to October 31), all self contained vehicles, and associated chase vehicles, must purchase an Overnight Camping Permit in order to stay on the beach past curfew. Self-contained vehicles, arriving for their stay, must be on the beach by no later than 9:00pm.

F. Motor Vehicle Operation:

(1) Speed limit:

- (a) No person shall operate a motor vehicle on Sandy Neck at a rate of speed greater than is reasonable and proper, or in excess of posted speed limits.
- (b) *In Season* (May 1 to October 31), unless otherwise posted, speed limit shall be 5 mph. Speed shall not exceed 15 mph at all other times.
- (c) Maximum speed near shorebird nesting areas is 5 mph.

(2) Permits:

- (a) The only vehicles eligible for an ORV permit are Park Manager approved all-wheel or four-wheel drive vehicles as well as two-wheel drive motor homes and suitably equipped ‘dune buggies’.
- (b) All motor vehicles operating “oversand” on Sandy Neck must have a valid Sandy Neck ORV permit affixed to the lower left hand corner of the vehicle’s windshield (or as directed by the gatehouse staff).
- (c) The ORV permit does not afford access to parking in the public beach parking lot during business hours.

- (d) Those with suspended permits must remove the associated sticker from the vehicle at the time of notification.
- (3) No person shall operate a motor vehicle on the following areas:
 - (a) the designated public bathing beach, or
 - (b) the toe of the dune: defined as the foredune and/or vegetation area, or
 - (c) below the berm: defined as the foreshores and tidal flats, or
 - (d) outside of the established ORV corridor, or
 - (e) posted shorebird nesting areas or other "closed" areas, or
 - (f) within the inner dune routes and cross trails without a valid trail pass.
- (4) Beach parking:
 - (a) All vehicles shall be parked parallel to the frontal dune, at least 30 feet from the dune fence line, unless otherwise directed by the Sandy Neck Staff.
 - (b) For ORV corridor safety, all portions of the vehicle and beach accessories must be at least 30 feet from the dune fencing line unless otherwise directed by the Sandy Neck Staff. This includes (but is not limited to): slide-outs, awnings, grills, etc.
 - (c) Further parking location restrictions on self-contained vehicles over 33 feet in length may be enacted by the Park Manager.
 - (d) No parking within posted shorebird nesting areas.
 - (e) In the off season when dune fencing is absent, vehicles must be parked at least 15 feet from the toe of the dune. In addition, parking on dune vegetation is prohibited.
 - (f) The Park Manager or Natural Resource Officers have final discretion on all beach parking.
- (5) Self-contained vehicles shall always have the right of way due to size and weight of the vehicle. Otherwise, vehicles with the Cape Cod Bay on the driver's right have the right of way.
- (6) No person shall obstruct the established ORV corridor or park so as to impede vehicle travel within said corridor unless directed by Sandy Neck Staff.
- (7) No person shall operate a passenger vehicle (or tow a trailer) with tire pressure in excess of 18 psi. (*Self-contained campers shall maintain tire pressure appropriate for the vehicle.*)
- (8) No person shall operate a vehicle:
 - (a) without a valid driver's license, or
 - (b) so as to endanger the public, or
 - (c) engage in dunehopping, doing "zigzags", "donuts", "cutting tracks" or in any other reckless or unacceptable fashion.
- (9) Riding on tailgate, roof, bumper or any exterior portion of a vehicle not designed to carry passengers is prohibited. Standing in truck beds or sitting on truck bed rails is prohibited.
- (10) All holes, campfire remains or alterations of the beach shall be restored to natural condition.

§601-5. Hunting Regulations:

- A. Hunting possessing, taking, molesting or disturbing deer within the boundaries of Sandy Neck, unless authorized by the Town Manager or Park Manager is prohibited.
- B. Discharging a firearm within the boundaries of Sandy Neck from Memorial Day to Labor Day is prohibited.
- C. No person shall hunt any game, except Massachusetts Division of Fisheries and Wildlife Migratory Game Birds, without wearing a "hunter orange" cap or hat. "Hunter orange" vest or coat is also recommended.
- D. All hunters must check in at the Sandy Neck Gatehouse prior to and at the conclusion of their hunt.

- E. Hunting or discharging a firearm or release an arrow upon or across the “front beach”, that area between the primary dune and the high water mark, without written permission from the Town Manager or the Park Manager is prohibited.
- F. Discharging a firearm or releasing an arrow is prohibited on and within 150 feet of the access trail and front beach, or within 500 feet of any public building or structure, or any occupied dwelling. Discharge of a firearm or release of an arrow for any means other than hunting within the grounds of Sandy Neck Beach Park is strictly prohibited.
- G. Hunting for in-season game shall occur between ½ hour before sunrise and sunset only.

§601-6. Shellfishing, Fishing, and Boating Regulations:

- A. All shellfishing at Sandy Neck requires a valid Town of Barnstable shellfishing permit.
- B. A Sandy Neck Shellfish Trail Pass must be obtained in order to utilize the cross trails by vehicle to access the shellfishing areas. A Shellfish Trail Pass can be obtained at the Sandy Neck Gatehouse (508-362-8300).
- C. The launching of motor vessels from Sandy Neck and their operation in waters offshore must be conducted in accordance with the provisions of Massachusetts General Law Chapter 90B and Barnstable General Ordinances.
- D. All fishermen must be actively engaged in fishing to remain past curfew as well as receive approval from a Natural Resource Officer on duty. Equipment shall be no more than 10 feet from the water.
- E. Violations may result in fines and/or the revocation of trailers and/or ORV permits.

§601-7. Horse Regulations:

- A. Horseback riding shall be allowed on the Cape Cod Bay Trail (front beach to Trail #5), and on the Braley’s Dune Trail (known as the Horse Trail) only. All riders must enter the beach via the Access Trail.
- B. Between the Friday before Memorial Day and the day after Labor Day, the following restrictions shall apply:
 - (a) Horseback riding allowed from Monday 12:00 noon until Friday 12:00 noon. All riders shall be off the beach by 9:00 PM, Monday – Thursday.
 - (b) Groups with more than two trailers must obtain a Special Permit from the Park Manager.
- C. All riders shall obtain a daily permit and register at the Sandy Neck Gatehouse before entering the beach.
- D. All organized trail rides of 8 or more horses must be approved by Special Permit issued by the Park Manager.
- E. All riders shall stay on trails designated for use by horses.
- F. All riders shall remove horse droppings from the parking lot
- G. Riders must maintain 100’ buffer between the horses and all bathers.
- H. All riders must wear a Safety Equipment Institute (ASTM/SEI) approved horseback riding helmet.
- I. Note: It is recommended that riders on the front beach after sunset wear reflective clothing.

§601-8. Obtaining an Off Road Vehicle Permit:

- A. Off Road Vehicle (ORV) permits are available at the Sandy Neck Gatehouse.
- B. Vehicles leased for a minimum term of one year will be allowed to register for oversand travel. Vehicles rented or leased for shorter terms are ineligible for oversand permits.
- C. A valid registration is required in order to purchase an ORV permit (no dealer, farm, or repair plates).
- D. Proof of residency is required in order to obtain a Barnstable ORV permit. Residency can be proven by:
 - (a) Tax bill,
 - (b) Minimum one year property lease,
 - (c) Vehicle registration with a street address (PO Box is not sufficient),
 - (d) Other legal documents such as a deed or will (this does not include utility bills, excise tax bills, etc.).
 - (e) College students may provide a tuition bill with a Barnstable address.
- E. Barnstable residents wishing to obtain an ORV permit must have their vehicle registered in their name (or the name of a person residing at the same address) unless:
 - (a) They have written permission to use a company vehicle.
 - (b) Proof of ownership of the company on the vehicle registration.
 - (c) A minimum one year vehicle lease agreement.
- F. All ORV permits (issued by the Sandy Neck Gatehouse) and Resident Parking permits (issued by the Barnstable Recreation Division and the Town of Sandwich) are not valid unless they are permanently affixed to the lower left hand corner of the vehicle's windshield and the license plate number on the vehicle matches the permit (except for authorized laminated permits). The protective sheet must be removed from the adhering side of the sticker and the permit must be adhered to the windshield of the vehicle.

§601-9. Enforcement:

- A. In addition to Sandy Neck Beach Park Regulations, all applicable Town of Barnstable Ordinances and Massachusetts General Laws apply at Sandy Neck will be enforced.
- B. The Park Manager and Natural Resource Officers will enforce the provisions of Town Ordinances on all public lands at Sandy Neck including all parking areas, public ways, the Great Marsh and Bodfish Park.
- C. Warnings: Any person receiving two warnings in one calendar year may have their ORV permit suspended or revoked.
- D. Citations: Any person receiving a citation may have their ORV permit suspended or revoked. A citation issued for a hunting violation may result in the suspension of the individual to hunt.
- E. The Park Manager or his/her designee, may issue ORV permit suspensions or revocations and hunting suspensions for any violation of Massachusetts General Laws, Town Ordinances, or Sandy Neck Beach Park Regulations. Suspensions and revocations may be issued for any action which jeopardizes the property or safety of another person, or for any action that causes another person to be fearful for their safety and/or their property.
- F. Abusive, inappropriate or aggressive behavior toward other beach users and/or Sandy Neck staff will result in the violator's removal from the beach for no less than 24 hours. In addition, violators may have their ORV permit suspended or revoked.

- G. The Park Manager reserves the right to suspend or revoke beach access to a dog as a result of aggressive behavior and/or due to irresponsible pet ownership.
- H. Any person who is issued a suspension or revocation notice will be provided the opportunity for a hearing with the Director of the Marine and Environmental Affairs Division. Any person desiring such a hearing must submit a written request for said hearing postmarked within five business days of the effective date of the suspension. An appeal of the Director of the Marine and Environmental Affairs' decision may be filed with the Office of the Town Manager within five days of issuance of said decision.
- I. After revocation of an ORV permit, the individual may be eligible to purchase an ORVs permit in future years at the discretion of the Park Manager.
- J. The Park Manager and the Director of Marine and Environmental Affairs are authorized by the Barnstable Town Manager to issue No Trespass Orders on all public lands at Sandy Neck including all parking areas, public ways, the Great Marsh and Bodfish Park.

§601-10. Alcohol Policy:

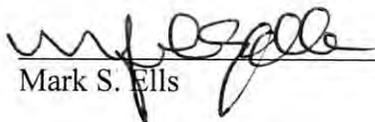
- A. Alcoholic beverages are prohibited on all public lands at Sandy Neck including all parking areas, public ways, the Great Marsh and Bodfish Park.

§601-11. Violations and Penalties:

- A. Violations of any provisions of Sandy Neck regulations may be punished by a non-criminal fine (\$300.00), and/or loss of beach privileges. Criminal acts are subject to enforcement as allowed by the Town of Barnstable Ordinances or the General Laws of the Commonwealth.
- B. The provisions of these regulations may be enforced utilizing the procedures contained in Massachusetts General Law C40 s21D as a noncriminal alternative.

§601-12. Contact Information:

If you have any questions pertaining to Sandy Neck operations, call the Gatehouse at 508-362-8300 or the Marine and Environmental Affairs Office at 508-790-6272.



 Mark S. Ellis

1-6-2022
 Date

Sandy Neck Mission Statement:

The mission of the Sandy Neck Program is to provide recreational opportunities and access to our town's citizens and visitors while protecting the natural, cultural, and historic resources on Sandy Neck so that a long term, sustainable balance between use and conservation of these resources is achieved.



Town of Barnstable
Marine and Environmental Affairs Department
1189 Phinney's Lane, Centerville, MA 02632
Derek Lawson, Director
508-790-6273 / Fax 508-790-6275
www.townofbarnstable.us



Animal Control 508-790-6274
Harbormaster 508-790-6273
Marinas 508-790-6273
Moorings 508-790-6273

Natural Resources 508-790-6272
Sandy Neck 508-790-6272
Sandy Neck Gatehouse 508-362-8300

Sandy Neck Beach Park Management Policies

Adopted by the Sandy Neck Board on February 7, 2005

Revised; March 9, 2009, March 8, 2010, November 14, 2011, April 14, 2014

March 14, 2016, February 12, 2018, and February 14, 2022.

Complaints concerning policies, regulations, and/or Sandy Neck staff conduct should be addressed to the Park Manager or Senior Natural Resource Officer.

Sections 7 & 8 are omitted from this document as they do not pertain to the off road vehicle beach.

Section 1: Sandy Neck Fees

Sandy Neck user fees are at set rates depending on residency status. Residency must be proven per the Sandy Neck Beach Park Regulations and Sandy Neck Beach Park Policies.

Section 2: No Refund Policy

It is the Sandy Neck Beach Park Policy that no refunds will be granted. Included, but not limited, in this policy are personal emergencies, foul weather, evacuations, limitations on access, beach conditions, insects (greenhead flies, etc.) and water temperature.

The No Refund Policy pertains to any and all patrons that make use of any Sandy Neck Beach Park or Gatehouse facilities. All public beach users, Off Road Vehicle (ORV) day trippers, sticker purchasers, overnight camping and chase vehicles are subject to this policy and must comply accordingly.

Section 3: Parking Lot Policies

3:1 Dogs

Dogs are prohibited from all Barnstable bathing beaches (Town of Barnstable General Ordinances §403-8) from May 15 to September 15. Dogs are not allowed past the Gatehouse between May 15 and September 15 unless they are contained within a permitted vehicle that is traveling to the Off Road Vehicle beach.

Dogs are allowed on Sandy Neck hiking trails anytime of the year as long as they remain on a leash year round.

All dogs on the ORV corridor must be leashed unless in the waters of the Cape Cod Bay. In addition, areas that have high wildlife value will be marked as “No Dogs Allowed.”

3:2 Drive-Thru(s) and Drop Offs

Parking lot business hours are from 8:00 AM to 5:00 PM Memorial Day through Labor Day.

All vehicles traveling to the bathing beach during business hours must have a Sandwich or Barnstable Beach Parking Permit or a valid Barnstable Public Beach Day, Weekly or Landlord Pass.

Vehicles without one of the above attributes are not permitted to travel to the parking lot. This includes any dropping off of vehicle occupants or participation in any activity that does not involve parking.

3:3 Full Parking Lot

Per requirements of the Sandy Neck Board, only five vehicles are permitted to wait in line once the parking lot is full. This is mandatory procedure because of the need to keep the road clear for off-road and cottage owner vehicle access and to allow emergency personnel to get to the beach unimpeded.

The lot will re-open once five spaces become available and the five vehicles in line can fill the vacant spaces. The next five vehicles that arrive at the Gatehouse are then eligible to wait in line.

The Gate Attendant Supervisor or the Park Manager, for safety purposes, may deem that it is necessary for the parking lot to remain closed.

When the parking lot is full, no vehicles are permitted to travel to the parking lot for dropping off occupants, even if the vehicle has a Sandwich or Barnstable Beach Parking Permit or a valid Barnstable Public Beach Day or Weekly Pass.

Section 4: Proof of Residency

Sandy Neck provides discounted Off Road Vehicle (ORV) Permits to residents and/or property taxpayers of Barnstable. Proof of residency is defined in the regulations as:

Proof of residency is required in order to obtain a Barnstable ORV Permit. Residency can be proven by:

1. *Tax bill,*
2. *Minimum one year property lease,*
3. *Vehicle registration with a street address (PO Box is not sufficient),*

4. *Other legal documents such as a deed or will (this does not include utility bills, excise tax bills, etc.).*
5. *College students may provide a tuition bill with a Barnstable address.*

Barnstable residents wishing to obtain an ORV Permit must have their vehicle registered in their name (or the name of a person residing year-round at the same address) unless:

1. *They have written permission to use a company vehicle.*
2. *Proof of ownership of the company on the vehicle registration.*
3. *A minimum one year vehicle lease agreement.*

To clarify, the Barnstable resident/taxpayer must be the applicant. The vehicle must be (1) in the resident/taxpayer's name (2) in the name of a person living year-round at the same address or (3) in the name of the company that the resident/taxpayer owns or works for (with written proof).

Section 5: Off Road Vehicle (ORV) Permits

Barnstable General Ordinances Chapter 177, Article I, §177-2 requires that all over sand vehicles on Sandy Neck must have a current ORV permit. Only official vehicles (as determined by the Park Manager) are exempt from this requirement.

ORV permits are non-transferable. Permits may be re-issued to the same beach patron (or someone residing at the same address) providing the original permit is returned or there is documented proof that the permit was destroyed.

Section 6: User Conduct

All users of Sandy Neck Beach Park are expected to behave in a civil and responsible manner. Verbal abuse and/or aggressive behavior toward Sandy Neck Staff or other beach patrons will result in the violator's removal from the beach for not less than 24 hours. In addition, violators may have their ORV Permit revoked, incur fines for obscene language in accordance with Town of Barnstable General Ordinances §147-1 and/or be issued trespass orders.

Sandy Neck HCP Data Sheet

Access Trail – Trail 1

Date: _____



Plover Activity? Y / N

Sandy Neck HCP Data Sheet

Access Trail – Trail 1

Date: _____

Monitor: _____ Search Time: _____ Area covered? Y/N

Weather: _____ Wind: _____ Tide: _____
(Conditions / Temperature) (Speed / Direction) (Low / High – time/height)

Tracking Conditions: _____

Plovers Observed in Area? Y/N

Location of Plover: _____

Behavior: _____

Location of track: _____

Describe any other Activity Observed in Area: _____

ORV Activity Observed: _____

Covered Activities Implemented (circle): **Reduced Buffer Zone**

Fencing Alterations

Coverboards

Beach Raking

Describe implementation: _____

Additional observations and notes for the day (including other staff sightings):

Sandy Neck HCP Data Sheet

Piping Plover Escorts

Date: _____

Staff:

	Time:	# Vehicles	Brood ID #s	Total # of chicks
On				
Off				
On				
Off				
On				
Off				

Initial brood observations (behaviors observed, location of brood, etc.):

Other Comments:

Sandy Neck HCP Data Sheet

Piping Plover Escorts

Date: _____

Staff:

	Time:	# Vehicles	Brood ID #s	Total # of chicks
On				
Off				
On				
Off				
On				
Off				

Initial brood observations (behaviors observed, location of brood, etc.):

Other Comments:

Sandy Neck HCP Datasheet

Least Tern Escorts

Date: _____

Staff:

	Time:	# Vehicles	Colony ID	# Chicks Seen
On				
Off				
On				
Off				
On				
Off				

Comments:

Sandy Neck HCP Datasheet

Least Tern Escorts

Date: _____

Staff:

	Time:	# Vehicles	Colony ID	# Chicks Seen
On				
Off				
On				
Off				
On				
Off				

Comments:

Appendix F - Chick Aging Guide

Piping Plover

Age Class 1-5 days



4 Days Old

Plover chicks in Age Class 1-5 Days are distinguished by:

- A. entirely downy
- B. no sign of tail or wings at a distance
- C. as tall as adult's belly
- D. often brooded by an adult
- E. quite small in size, resembles a marshmallow with two toothpicks protruding out of the bottom.

Age Class 6-10 days

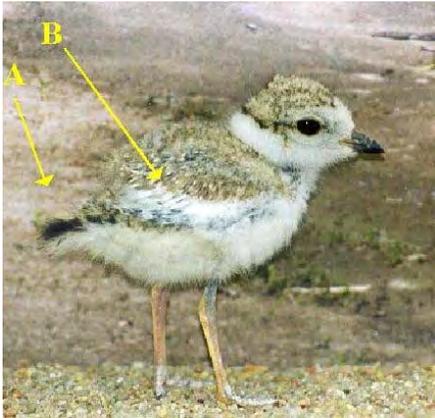


6 Days Old

Plover chicks in Age Class 6-10 Days are distinguished by:

- A. feather development
- B. small downy tail (B in top photo)
- C. wings still purely downy (C in bottom photo)
- D. at age 10 days, chick is about 1/3 the size of an adult

Age Class 11-15 days

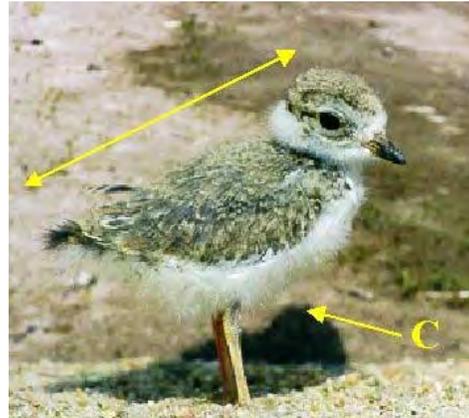


11 Days Old

Plover chicks in Age Class 11-15 Days are distinguished by:

- A. more defined tail but still downy
- B. feather tips of the primaries may be seen
- C. upper body color still mottled
- D. at age 15 days, chick is about 1/2 the size of an adult

Age Class 16-20 days



18 Days Old

Plover chicks in Age Class 16-20 Days are distinguished by:

- A. less compact shape, longer profile from head to tail (see top photo)
- B. mottled color begins to fade
- C. appears darker with smooth contour feathers over entire upper body
- D. at age 18 days, chick is about 2/3 the size of an adult

Age Class 21-24 days



21 Days Old

Plover chicks in Age Class 21-24 Days are distinguished by:

- A. primaries have grown almost to the length of the tail
- B. defined tail (see top photo)
- C. sleeker body and sleeker head
- D. close to adult height and size, but not fully feathered
- E. cannot fly

Age Class 25+ days - Fledged

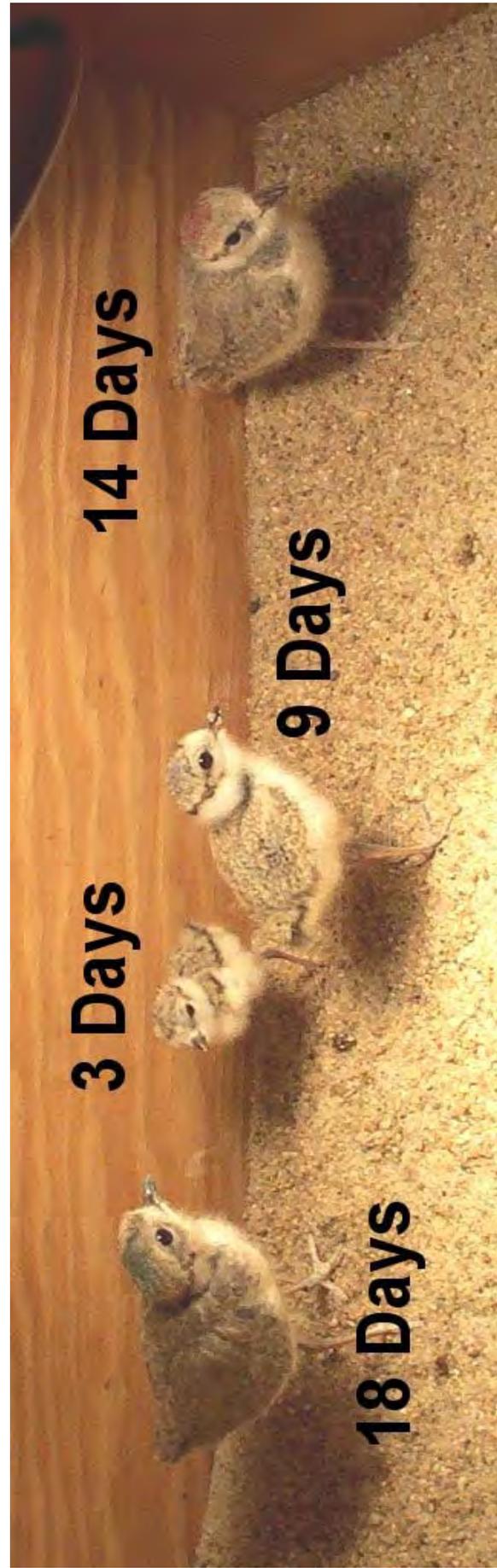


25+ Days Old

Fledged Plovers are distinguished by:

- A. fully developed primary feathers
- B. white under parts fully feathered, very little fuzzy down still visible
- C. close to adult height and size
- D. capable of sustained flight
- E. often seen without adult

Piping Plover Age Groups





U.S. Army Corps
of Engineers
Omaha District

Piping Plover Aging Guidelines



4 day old



6 day old



11 day old



18 day old



21 day old



24+ day old



1-5 Day

Age Class

- No visible wing or tail.
- Clearly defined black line between upper parts and lower parts.
- As tall as adult's belly.
- Often lies motionless when alarmed.

6-10 Day

Age Class

- Downy tail form emerging.
- Black line fading due to emerging feathers.
- Approx. 1/3 size of adult at 10 days.
- Very adept at feeding and mobile on feet.

11-15 Day

Age Class

- Feather shafts emerging on wing.
- Emerging contour feather shafts give bird a scaly appearance.
- Looks "chunky" as bird fills out.
- Rarely lies motionless; prefers to run when alarmed.

16-20 Day

Age Class

- Downy head.
- Contour feathers noticeably developed giving bird a rough fuzzy appearance.
- Approx. 1/2 the size of adult at 16 days.
- Less compact, longer profile from head to tail.

21-24 Day

Age Class

- Black wing tips and tail feathers noticeably protruding.
- Upper parts nearly fully feathered.
- Almost adult height by 22 days.
- Body begins to look sleek.
- Will take short hop flights.

24 + Day

Age Class

- Fully developed primary feathers.
- White underparts fully feathered, very little fuzzy down still visible.
- Capable of sustained flight.
- Often seen without adult.

Least Tern

Age Class 1-5 days



About 2 Days Old

Tern chicks in Age Class 1-5 Days are distinguished by:

- A. entirely downy
- B. yellow coloration with brown spots
- C. often will be found in or near the nest bowl
- D. quite small in size compared to other age classes

Age Class 6-10 days



About 9 Days Old

Tern chicks in Age Class 6-10 Days are distinguished by:

- A. coloration is still yellowish with brown mottles
- B. feather development seen on the wings
- C. at age 10 days, chick is about 1/2 the size of an adult
- D. will be spending more time in vegetation and will be more difficult to find



Least Tern Chicks, 1-5, 6-10 & 11-15 Day Old

Age Class 11-15 days



About 11 Days Old

Tern chicks in Age Class 11-15 Days are distinguished by:

- A. coloration on the top will change from yellow to brownish-gray mottle
- B. primaries continue to develop and elongate
- C. at age 15 days, chick is about 2/3 the size of an adult
- D. majority of time will be spent in vegetation hiding
- E. when running, will resemble a bowling pin, head will be erect

Age Class 16-20 days



About 18 Days Old

Tern chicks in Age Class 16-20 Days are distinguished by:

- A. similar in size and shape to adult, but a bit smaller and not fully feathered
- B. will be more visible and will spend more time near shoreline
- C. cannot fly

Age Class 21+ days - Fledged



- A. similar in size and shape to an adult
- B. forehead and top of head brownish gray
- C. black markings around eyes and the back of the head
- D. capable of sustained flight
- E. may still be fed by an adult



US Army Corps of Engineers
Omaha District

Least Tern Aging Guidelines



1-5 days old

- entirely downy
- yellow coloration with brown spots
- often in or near nest bowl
- quite small in size compared to other age classes



6-10 Day Old

11-15 Day Old

1-5 Day Old

6-10 days old

- coloration is still yellowish with brown mottling
- feather development seen on wings
- at 10 days, chick is half the size of the adults.
- Will spend more time in vegetation and be difficult to find.

11-15 days old

- coloration on top will change to brown-gray mottle.
- Primaries continue to grow and elongate.
- at age 15 days, chick will be 2/3 the size of adult.
- Majority of time spend hiding in vegetation.
- When running, resembles a bowling pin, head will be erect.

16-20 days old

- similar in size and shape to adult
- not fully feathered
- will spend more time near shoreline
- cannot fly



Fledged

- similar in size and shape to adult
- forehead and top of head brownish gray
- black markings around eyes and back of head.
- capable of sustained flight



Town of Barnstable
Marine and Environmental Affairs Department
1189 Phinney's Lane, Centerville, MA 02632
Derek Lawson, Director
508-790-6273 / Fax 508-790-6275
www.townofbarnstable.us



Animal Control 508-790-6274
Harbormaster 508-790-6273
Marinas 508-790-6273
Moorings 508-790-6273

Natural Resources 508-790-6272
Sandy Neck 508-790-6272
Sandy Neck Gatehouse 508-362-8300

Sandy Neck Beach Off Road Vehicle (ORV) User Escort Guide in Accordance with the Massachusetts Habitat Conservation Plan (HCP)

Piping Plovers are listed as threatened species under both the U.S. Endangered Species Act and the Massachusetts Endangered Species Act. Least Tern chicks are listed as a species of special concern under The Massachusetts Endangered Species Act.

To provide Off-Road Vehicle (ORV) permit holders with access to Sandy Neck Beach during full beach closures resulting from shorebird nesting activity, a staff-lead escort corridor can be implemented to allow ORV travel in closer proximity to unfledged chicks than would otherwise be permitted under existing regulations. The escort corridor will only be implemented under specific circumstances, as deemed necessary by staff.

Piping plover chicks leave the nest about two hours after hatching and can 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 ORV corridor. Chick's 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. Least Tern chicks are similar in their behavior and will move up and down the beach from the toe of the dune to the tideline. They are reliant on their parents for food so tend to remain along a smaller stretch of beach but are well camouflaged and will hide in small depressions, among debris on the beach, and in vegetation.

To lessen the impact from ORVs running over chicks and help us implement a successful program, Sandy Neck Beach adopted the option of a "caravan" escort procedure. It is critical that you know and adhere to all escort procedures to ensure that the HCP is successful. The areas where you will be escorting are called "caravan-escort areas". The caravan-escort areas will be clearly marked with signs giving you notice when to begin and end the caravan-escorting.

To participate in the escort program and access The Sandy Neck ORV beach, once the escort program has been implemented, ORV users must make an oncoming reservation via Lynx Log and successfully complete The HCP Procedures and

Conditions quiz. It will be a requirement for all ORVs to contain a copy of the Sandy Neck Beach Rules & Regulations, as well as a copy of this HCP and ORV User Guide that outlines the procedures & conditions. If the ORV operator cannot produce both regulations, they shall be provided with a copy by Sandy Neck Beach Staff.

Purpose of the HCP Escorting

Piping Plovers (federally and state threatened) and Least Terns (state species of special concern) nest on Sandy Neck Beach. Their chicks are mobile, well camouflaged, and frequently cross the ORV corridor to feed. To allow ORV access while protecting unfledged chicks, Sandy Neck Beach operates a **staff-lead escort corridor program** under the Statewide Habitat Conservation Plan (HCP). *Escorting allows vehicles to travel closer to unfledged chicks than normally permitted, under strict conditions.*

Why Escorting Is Necessary for Chicks:

- Chicks leave the nest within hours of hatching.
- They feed independently but remain near parents.
- They move between tidal areas and dunes multiple times daily to feed.
- They blend into sand, debris, tire ruts, and dune grass.
- Adults may perform a “**broken wing display**” to distract you and lure you away from their territory and chicks.
- Alert call of a Piping Plover resembles a rapid “peep-peep.”



Chicks may appear ANYWHERE and at ANY TIME.

Required Documents

Every ORV Permit Holder participating in the Escort System must have:

- Copy of **Sandy Neck Beach Rules & Regulations**
- **Completed the HCP Procedures and Conditions Quiz**
- **Copy of HCP ORV User Guide**

Escort Schedule & Access Windows

Escorting occurs only during designated travel windows, Friday-Sunday, and Monday-Thursday as staffing allows. **Because of strict time allowances within the HCP permit, all ORV users (including campers and chase vehicles) must reserve an oncoming escort date/time online via Lynx Log.** The number of oncoming vehicle reservations will be limited and spread over 2 time slots.

On the day of arrival, all ORV users, campers and chase vehicles must check-in with the gatehouse staff before entering the ORV access trail and staging at the escort area.

You must be **THROUGH** the caravan-escort area before the window closes. **Windows may shift up to 1 hour for weather, chick location, or for any safety concerns.** Staff can close the escort corridor at any time. The escort system can change annually and is dependent on the number of unfledged chicks present and their location on the ORV beach. ORV permit holders will be notified if the escort program is implemented by email and push notification via the My Barnstable application.

Expected Escort Schedule: Friday–Sunday (Monday–Thursday as staff allows)

- Morning: 8:00 AM–10:00 AM (oncoming/ outgoing)
- Midday: 12:00 PM–2:00 PM (oncoming/ outgoing)
- Afternoon: 4:00PM–6:00 PM (No oncoming vehicle reservations – outgoing vehicles only)

Emergency & Shelter-in-Place Policy

- **No access through the escort zone outside designated travel windows**
- In life-threatening emergency: Call the Sandy Neck Gatehouse (**508-362-8300**)
- Vehicles may be required to **shelter in place** during storms.
- Exiting escorts will not occur during sudden hazardous weather.
- You may be required to remain on beach up to 10 hours (minimum stay 2 hours).

PLAN ACCORDINGLY

Violations & Enforcement

Any violation of HCP escort rules and regulations will result in:

- Immediate ORV sticker revocation
- 1-year suspension from operating on Sandy Neck Beach

Compliance is critical to maintaining the HCP program.

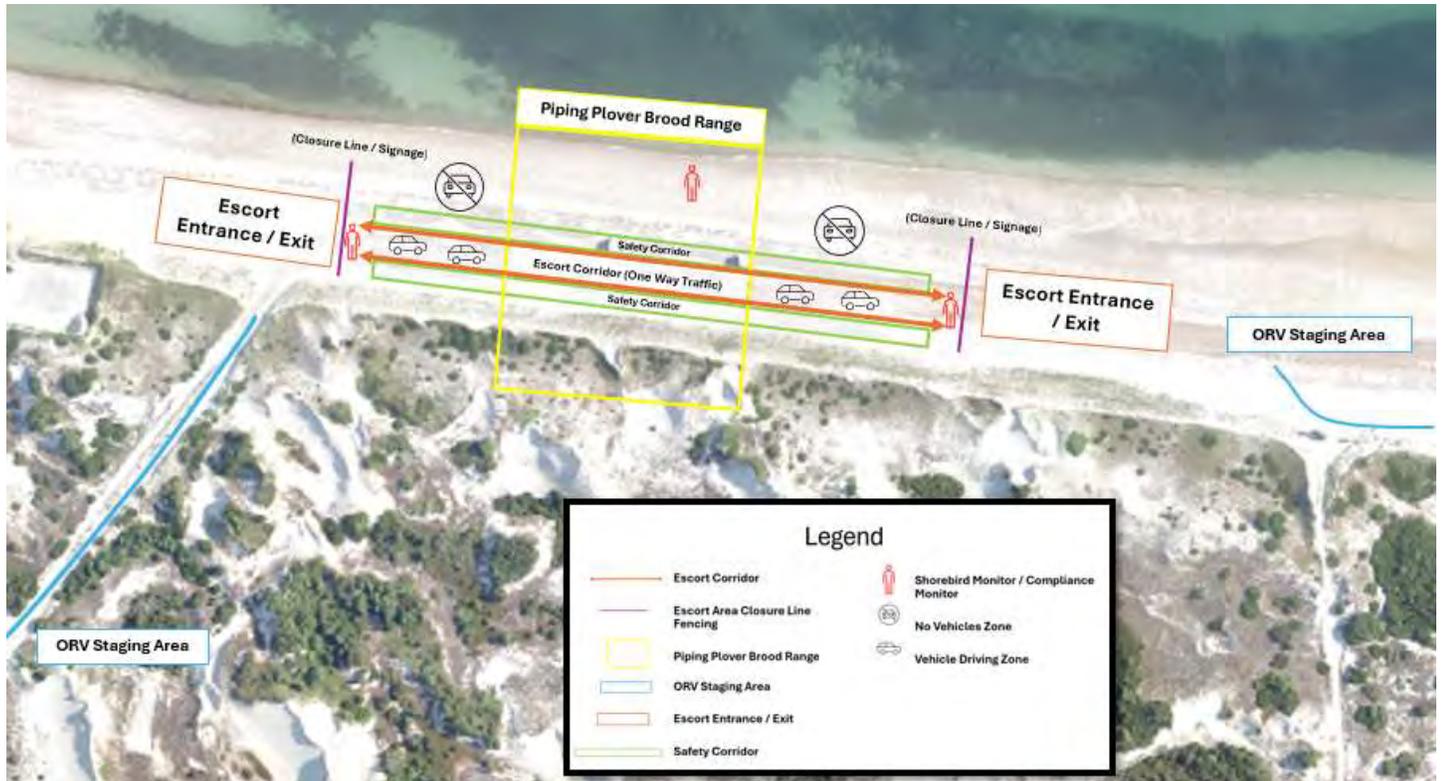
ZERO TOLERANCE POLICY

When is staff-lead Escorting in Effect?

Escorting is implemented **only under specific circumstances, when no other access is available due to nest and brood location**

There is **NO guaranteed start or end date.**

Weather closures may occur at any time.



Escort Area Layout and Staging Area Map

OPERATING PROTOCOLS



Signage at escort closure line on either side of escort area

Step 1: Staging at Access Trail

- Air down to 18 psi and make sure you have all required equipment and beach gear for the day.
- Create a single file line of all vehicles for Daytrippers, Campers, and Chase Vehicles at the beginning of the Access Trail.
 - All Daytripper and Chase vehicles will be required to exit the ORV corridor prior to the last escort session at 6 PM. Chase vehicles can park overnight in the lower parking lot.
 - ALL self-contained vehicles and campers are permitted to stay overnight on the ORV corridor. They are not permitted to exit the ORV beach until the following day during a scheduled escort session.

AT NO TIME IS A DAYTRIPPER, CHASE VEHICLE, OR CAMPER ALLOWED TO DRIVE THROUGH A DESINAGED ESCORT AREA OUTSIDE OF STAFF LEAD ESCORT SESSIONS

Step 2: Proceeding through Staff Lead Caravan Escort Area

- Enter the escort area in a single line behind the Sandy Neck Staff driven ATV.
- Stay a minimum of 5 feet from the vehicle in front of you
- Travel **no more than 5 MPH**
- If at any time you observe a chick within the marked safety or travel corridor when driving in an escort caravan, **STOP** and sound your horn three times.

- If at any time a staff member observes a chick within the vicinity of the caravan corridor, staff will hold up a **RED FLAG** and sound a horn three times to **STOP** all vehicles.
- Staff may stop traffic for upwards of 15 minutes while monitoring chick movement.
- Once the caravan can safely proceed, staff will lower the red flag and sound their horn twice to **START** traffic again.
- Exit the Escort Area in a single line behind the Sandy Neck Staff driven ATV.

AT NO TIME IS A DRIVER OR PASSENGER ALLOWED TO GET OUT THEIR VEHICLE WHILE IN THE ESCORT AREA

Step 3: Exiting Protocol

- Begin preparing **1 hour before exit**
- Be at escort area entrance **at least 30 minutes before final window ends**
- Repeat full self-escort procedure when exiting

PLAN YOUR DEPARTURE CAREFULLY TO AVOID CONGESTION.

Step 4: Written Quiz

- All questions must be completed
- **CIRCLE THE CORRECT ANSWER**

1. When will a staff-lead, caravan escort be implemented?

- When the first plover or tern chick hatches
- Only under specific circumstances, as deemed necessary by staff, when no other access is available due to nest and brood location
- Memorial Day weekend
- When the first plover or tern arrives on Sandy Neck Beach

2. What do you do if a chick enters within the marked safety or travel corridor while you are driving in the escort caravan?

- Herd the chick out of the way
- Stop the vehicle immediately and honk your horn 3 times.
- Continuing driving through the area
- Turn around and leave the beach

3. Staff-guided escort sessions will occur during which times?

- a. Every day, 8:00 am-9:00 pm (as staff allows)
- b. Friday-Sunday, sunrise to sunset
- c. Friday-Sunday, 8:00 am-10:00am, 12:00pm-2:00pm, & 4:00 pm-6:00 pm (times may vary by 1 hour due to brood locations). Monday-Thursday, same schedule as staff allows
- d. Every day, 8:00 am-12:00pm, and 1:00 pm-6:00 pm, (times may vary by 1 hour, and as staff allows)

4. What is the penalty for violating escort rules?

- a. Warning only
- b. \$50 fine
- c. Immediate ORV sticker revocation and 1-year suspension
- d. Written warning and retraining

5. What is the speed limit within a staff-lead escort corridor?

- a. As fast as the car in front of you
- b. 10 mph
- c. 25 mph
- d. 5 mph

Step 5: Acknowledgment

I have read and understand the HCP Procedures & Conditions. I agree to comply fully. I understand that violations will result in immediate revocation of the ORV permit under the Town's Zero Tolerance Policy.

Print Name & Permit #: _____

Signature & Date: _____

(Additional operators must also sign.)

Signature & Date: _____

Signature & Date: _____

Signature & Date: _____

Signature & Date: _____