



Protecting the Nature of Massachusetts

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January 8, 2016

George E. Price, Jr., Superintendent
USDOI/NPS/Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

Re: *Comprehensive Shorebird Management Plan*

Dear Superintendent Price:

Mass Audubon thanks the US Department of the Interior/National Park Service (NPS)/Cape Cod National Seashore (CCNS) for providing this opportunity to comment on the draft *Comprehensive Shorebird Management Plan* (the *Plan*.) Additionally, we thank you for providing a 30-day extension to the original public comment period.

General Comments

Mass Audubon applauds NPS' five decades long history of natural resource protection at CCNS. Of major concern to us is that, in addition to other important native wildlife species, CCNS provides critical habitat for state and nationally significant populations of breeding and migrating shorebirds. In particular, we note that 14 percent of the Commonwealth's population of state and federally listed threatened Piping Plover breed on CCNS beaches¹. And, as they prepare for migration², 60 to 90 percent of the endangered northwest Atlantic population of Roseate Tern rest and feed along CCNS beaches. CCNS also provides important recreational opportunities to the public who enjoy ocean and bayside beaches for swimming, fishing, camping, bird watching, hiking, and general exploration.

¹ Natural Heritage and Endangered Species Program Massachusetts Division of Fisheries and Wildlife. 2015. *Summary of the 2013 Massachusetts Piping Plover Census*. Westborough, MA.

² Jedrey, E., R.J. Harris, and E.A. Ray. 2010. Roseate terns-citizens of the world: The Canada to Cape Cod connection. *Bird Observer* 36: 146-150

Plan objectives and purpose:

The overall objectives of the *Plan* are to:

- *Support USFWS recovery goals for piping plover productivity.*
- *Provide an environment for increased productivity and contribute to state, regional, and national conservation goals for beach nesting, and staging and migrating shorebirds.*
- *Provide clear direction for day-to-day operations.*
- *Be adaptable to and sustainable in changing conditions over time.*

The purpose of the *Plan* is to update CCNS' current *Shorebird Management Plan* (1994) and to: *implement a comprehensive shorebird management plan to protect threatened and endangered and other special status shorebirds and their habitats for breeding, feeding, and sheltering at the national seashore.*

Mass Audubon supports the purpose and objectives of the *Plan* as its implementation will better contribute to recovery goals of special status shorebirds. We recognize and support the need to update the *Plan*, due largely to the availability of new biological information and new approaches to managing predators that significantly impact nesting shorebird success (*Action is needed because changing conditions and new available information are not adequately addressed in current national seashore operations... the Plan*, p. 5.)

Science

Mass Audubon supports a science-based and adaptive approach to wildlife management. However, we recommend that the Final *Plan* include, provide, and cite relevant, peer-reviewed, up-to-date scientific information necessary to support the case for comprehensive adaptive management options. The Atlantic coast Piping Plover population data provided in the *Plan* area up-to-date only through 2010, despite more recent (2012) information available from the US Fish and Wildlife Service (USFWS).³ In addition, CCNS incorrectly claims that the Roseate Tern population has declined by 25 percent since 2000 and that the number of pairs stands at 3,100. Data provided by the Massachusetts Division of Fisheries and Wildlife show that beginning in 2010, the tern population has been increasing and is estimated to be at 3,600 - 3,700 pairs as of 2015.⁴

The inclusion of the most up-to-date scientific data would lend credence and further what is overall a good *Plan*. Consequently, we urge CCNS to cite and employ the best available scientific information as the Final *Plan* is developed and implemented.

Conservation and recreation

CCNS appropriately *proposes to develop an integrated, comprehensive, and adaptive approach to conservation and management of special status shorebirds within CCNS, while providing for recreational uses to the extent possible.*

³ <http://www.fws.gov/northeast/pipingplover/>

⁴ Table 34. (2015) Numbers of nesting pairs and productivity (chicks fledged per pair or per nest) of Roseate Terns in the Northeastern United States and Canada, 2007-2015. Compiled by Carolyn S. Mostello (MDFW) for the Roseate Tern Recovery Team.

Furthermore, the *Plan* states that: *While conservation of park resources remains predominant, the NPS is also mandated to provide for public enjoyment of the national seashore in a manner that leaves those resources unimpaired.*

Mass Audubon supports the protection of CCNS natural resources while accommodating recreational uses when those uses do not result in the impairment or degradation of natural resources.

The 1961 *Act Providing for the Establishment of the Cape Cod National Seashore*, acknowledges the need to *conserve a fragile and precious resource*. In addition, *NPS Management Policies* (2006), *require NPS units to maintain plant and animal populations by preserving and monitoring natural abundances and diversity of species, preserving the processes that sustain them, restoring populations that have been reduced or extirpated by human activities, and minimizing human impacts on native species*. This provision is especially relevant to the protection of nesting Piping Plovers whose precipitous range-wide population decline triggered listing under state and federal endangered species laws. That population decline has been attributed to the disruption of habitat caused largely by unmanaged and unregulated beach driving during the 20th century.⁵ Through the 1998 *Cape Cod National Seashore Off Road Vehicle (ORV) Use Negotiated Rulemaking*, in which Mass Audubon played a major role, CCNS adopted ORV regulations that, among other purposes, protected Piping Plovers from vehicle impacts to adults, eggs, chicks and their habitat.⁶

Mass Audubon recognizes and appreciates that the balance between conservation and recreation is a delicate one. However, when it comes to the conservation of state and federally listed species that are threatened, endangered, or of Special Concern, conservation must be emphasized as a priority action in any NPS management plan.

Finally, we do not support categorical prohibition of kite-boarding at CCNS but rather adherence to state and federal guidelines concerning aerial sports/recreation that establish buffers around breeding and migrating shorebirds to protect them from recreational disturbance.

Federally listed species

With regard to specific objectives, we recommend that in addition to the recovery of Piping Plover, the *Plan* should demonstrate recovery goals for all species listed under the *US Endangered Species Act*, including Roseate Tern and Red Knot.

State listed species

Mass Audubon supports CCNS commitments to the protection of state-listed and other special status shorebirds. Under *NPS Policies* (2006), the agency: *will manage state and locally listed species in a manner similar to its treatment of federally listed species to the greatest extent possible*. Included in *Actions Common to all Alternatives* is the provision that protective fencing be installed around nesting state-listed Least Tern and state-identified Species of Conservation Need accompanied by the routine monitoring of chicks.

⁵Atlantic Coast Piping Plover Recovery Team. 1996. Piping Plover (*Charadrius melodus*) Atlantic Coast Population Revised Recovery Plan. US Fish and Wildlife Service. Hadley, MA.

⁶ *Cape Cod National Seashore Off-Road Vehicle (ORV) Use Rule* (36 CFR Part 7), as published in the February 24, 1998 *Federal Register* (Volume 63, Number 36, pages 9143-9149), effective March 26, 1998, and implemented April 15, 1998.

CCNS should also commit to the protection of staging flocks of terns that can spend up to eight weeks on NPS beaches as they prepare for migration. These flocks include the federally-listed Roseate Tern, which can be found in mixed-species flocks among the state-listed Common Tern. Rather than only protecting flocks of 100 Roseate Terns (p. 38), entire tern flocks should be protected as Roseate Terns can be difficult to distinguish from Common Terns. We recommend this type of comprehensive tern protection condition as it would improve the effectiveness for both federal- and state-listed species.

Predator management

On most shorebird nesting beaches throughout the Commonwealth, predator species remain a primary determinant to the breeding success⁷ of many species. Mass Audubon supports selective predator management based on robust field data that allow targeted management of species and individuals verifiably known to be reducing nesting success. We support exhaustive use of non-lethal predator management techniques first to deter and prevent losses of eggs, chicks, and adult shorebirds to predators.

Non-lethal management includes controlling human-facilitated predation, as a result of food waste on beaches; human incursions into symbolic fencing, which leave scent trails; and uncontrolled dogs. Currently, CCNS relies on voluntary public compliance with a carry-in/carry-out policy of trash management. This practice is inadequate in the context of commensal predators that are present in inflated numbers due to the availability of supplemental food.⁸ CCNS should increase its management of trash that collects at parking lots, bath houses and on beaches.

We also recommend that the Final *Plan* include references to scientific literature to support the *Plan* statement that:

The high level of predation is the result, in part, of human-caused factors such as bird feeders, garbage left on beaches, and animal road kills, which artificially increase predator populations because of the easily available and abundant food sources that subsidize predator populations. Once predators are attracted into an area by artificial food sources, they will also continue to prey on natural food sources such as shorebird eggs and chicks (p. 5.)

We further recommend the use of best management practices when erecting symbolic fencing, exclosures, and signage. Symbolic fencing and educational signs should utilize anti-perch features to deter avian predators. Use of nest exclosures to protect plover eggs should be carefully considered and when deployed, monitored daily (not *every few days* p.18). *USFWS Guidelines on Exclosure Use*⁹ directs monitors to check exclosures no less frequently than every other day. The current CCNS *Shorebird Management Plan* (1994) directs staff to exclose all nesting attempts. The updated *Plan* should be more cautious, and decisions on deploying exclosures made on a case-by-case basis.

⁷ United States Department of Agriculture, Animal, and Plant Health Inspection Service Wildlife Services. 2011. *Management of Predation Losses to Threatened and Endangered Species Populations in the Commonwealth of Massachusetts*.

⁸ United States Department of Agriculture, Animal, and Plant Health Inspection Service Wildlife Services. 2010. *Living with Wildlife*.

⁹ United States Fish and Wildlife. 1996. *Atlantic Coast Piping Plover Revised Recovery Plan, Appendix F: Guidelines for the Use of Predators Exclosures to Protected Piping Plover Nests*. Pg. 189.

As a last resort, when repeated efforts to non-lethally deter and prevent shorebird losses to predators are ineffective, we recognize that it is sometimes necessary to consider removing an individual predator that has learned to target shorebird eggs and chicks.

Other than live-trapping of feral cats, we do not support preemptive removal or elimination of all potential predators from nesting habitats. Rather, we support selective and targeted removal of individual predators that are demonstrating risk to specific nesting areas (see winter crow removal proposed at *Plan* p. 42). Predator removal at CCNS should be considered only as a last resort, and should be based on robust field data including surveys, tracking and images from game cameras. Removal should be targeted on a case-by-case basis in specific shorebird nesting territories, on individual predators rather than predator categories, in order to create a few-weeks' nesting opportunity for shorebirds. Predator removal should comply with authoritative guidelines regarding humaneness (e.g. American Veterinary Medical Association) and in consideration of impacts to predator populations at CCNS and regionally.¹⁰ All of the predators (with the exception of feral cat) impacting shorebird nesting success at CCNS are native species including the American red fox, which recent genetic evidence shows to be native to North America and not the European fox introduced to the eastern US in the 18th century.¹¹ Individual predator removal has been shown to be effective in enhancing shorebird breeding success in some cases¹², and is likely to contribute, on a case-by case basis, to meet CCNS objectives in implementing an updated *Comprehensive Shorebird Management Plan*.

Protection reduction

Mass Audubon supports the *Plan* proposals that improve protection and reproductive outcomes for breeding and migrating shorebirds. However, we do not support reductions in protection that result from proposed:

1. Expansion of vehicle corridors in nesting areas (Alternative B and D);
2. Reduced fencing at life-guarded beaches;
3. Increased number of plover pairs exposed to “flexible management” (i.e. severely reduced fencing impacting 5 plover pairs); and
4. Flight-testing unfledged plover chicks to ascertain their flight capability (p. 19).

We note that US Fish and Wildlife Service (USFWS) guidelines issued in March 2015 prohibit flight-testing (i.e. running at unfledged chicks to see if they will fly under threat).¹³

The CCNS *Plan* provides no justification for reducing protection. Current management (Alternative A) provides predictability and consistency of vehicle access with limited fencing reductions at four life-guarded beaches and flexible management of no more than three plover pairs. There is no stated or demonstrated need, purpose or objective to increase the recreational footprint on nesting beaches at the expense of current shorebird protection which adheres to state

¹⁰ AVMA. 2013. *AVMA Guidelines for the Euthanasia of Animals: 2013 Edition*. Schaumburg, IL, 2013 edition.

¹¹ Statham, M.J. B.N. Sacks, K.B. Aubry, J.D. Perrine, and S.M. Wisely. 2012. *The origin of recently established red fox populations in the United States: translocations or natural range expansions?* *Journal of Mammalogy*, 93 (1): 58

¹² United States Department of Agriculture, Animal, and Plant Health Inspection Service Wildlife Services. 2011. *Management of Predation Losses to Threatened and Endangered Species Populations in the Commonwealth of Massachusetts*.

¹³ Northeast Region, U.S. Fish and Wildlife. 2015. *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: Addendum regarding Timing of Management to Protect Unfledged Chicks*.

and federal guidelines. Reducing protection in any way would be counter to the CCNS *Plan*'s stated need to achieve species recovery objectives.

Alternative C

In summary, Mass Audubon supports the adoption of a management alternative that maximizes protection and promotes successful use of breeding and migratory shorebird habitats at CCNS. Chronic low productivity of nesting shorebirds is a primary impetus for updating the current management plan. We do not support the NPS preferred Alternative B which we view as including unjustifiable reductions in protection counter to the *Plan*'s stated purpose, need and objectives.

Alternative C combines current protection with comprehensive predator management. Alternative C accommodates recreational opportunity and access with minimal reduction in shorebird protection when benchmarked against state and federal guidelines. We support a comprehensive predator management program that is driven by science-based information, is selective and targeted, and is humane and effective. Removal of predator individuals should be considered only after all non-lethal techniques have been exhausted.

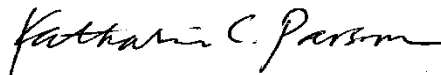
Finally, we support federal allocation of staff and other resources necessary for successful implementation of a shorebird management plan that advances conservation and recovery goals while accommodating recreational uses of nesting beaches, to the extent possible. As such, Mass Audubon will continue to advocate before Congress for adequate funding to ensure the proper and successful implementation of the *Shorebird Management Plan* at CCNS.

Thank you again for your attention to and consideration of these comments. We wish you success as you move forward to the final *Plan* and its implementation.

Sincerely,



John J. Clarke, Director
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Katharine Parsons, Ph.D., Director
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JJC:KP

Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 35,000 acres of conservation land, provide school, camp, and other educational programs for 225,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Founded in 1896 by two inspirational women who were committed to the protection of birds, Mass Audubon is now one of the largest and most prominent conservation organizations in New England. Today we are respected for our science, successful advocacy, and innovative approaches to connecting people and nature. Each year, our statewide network of wildlife sanctuaries welcomes nearly half a million visitors of all ages, abilities, and backgrounds and serves as the base for our work. To support these important efforts, call 800-AUDUBON (283-8266) or visit www.massaudubon.org.