



THE Louis Berger Group, INC.

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14-10
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CONVERSATION

Date May 05, 2008 Time 12:00p

RECORD

Name: Lindsay Tudor

Organization: State of Maine, Inland Fisheries and Wildlife

Phone: 207 - 941 - 4479

I had a brief conversation with Lindsay, asking her to describe the field protocol that the state of Maine used for the management of piping plovers.

Ms. Tudor stated that municipalities are required to buffer identified plover nests with at least a 200 foot radius surrounding the nest, and municipal beaches are required to place trash receptacles and not beach clean with equipment within 300 foot radius of plover nests.

For other species that Lindsay manages, buffers consists of the actual feeding habitat and a 100 foot upland buffer surrounding the foraging area. Roosting habitats have a 250 foot buffer.

Ms. Tudor stated that buffer distances are determined by utilizing information from human disturbance studies conducted by Joanna Burger, James A. Rodgers, Jr., Henry T. Smith, and others which most studies recommended buffers of 328 feet for shorebirds. A compromise was made with the legislature and ended up with 100 foot buffers for feeding areas and 250-foot buffers for roosting areas.

Ms. Tudor stated that these buffers and protection regulations involve only activities or projects that require a permit or license from, or is funded or carried out by a state agency or municipal government. Such projects include subdivisions, building construction, docks and piers, road construction, municipal dog ordinances, forest management, agriculture management, dredging, bulldozing etc. etc. Piping plover nesting areas are staked off from pedestrians as part of Beach Management Agreements with municipalities as part of the Essential Habitat policy, this is through agreements not regulation. Buffers and staging areas established through NRPA do not exclude pedestrians from designated shorebird feeding and roosting habitats

Ms. Tudor described two pieces of state legislation that offer habitat protection for shorebirds in Maine. Under the Maine Natural Resources Protection Act (38 M.R.S.A), Shorebird staging areas are designated as "Significant Wildlife Habitat (SWH)". Areas with recorded shorebird observations are mapped and identified and must meet certain criteria before such areas are designated as SWH. This criteria looks at total numbers of shorebirds using the site and species diversity. Shorebird SWHs are identified as roosting or feeding areas. All SWH shorebird feeding areas consist of the actual feeding habitat and a 100 foot upland buffer surrounding the feeding area. Development, vegetation removal and other activities that require a state permit within this 100 foot buffer as well as within the feeding habitat are restricted (for example applications for docks and piers in the mudflat and salt marsh habitats can be denied). All shorebird SWH roosting habitats have a 250 foot buffer around the roost, same restrictions apply.

Other protective legislation involves protecting nesting Piping Plovers under the Maine Endangered Species Act (Inland Fisheries and Wildlife Laws, 12 MRSA Part 13, Chapter 925, Subchapter 3 Endangered Species). This Act allows IFW to identify and protect piping plover nesting and foraging areas as Essential Habitat. The state has



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authority to dictate state and municipal beach management practices within Essential Habitats. Municipalities are ideally required to buffer identified nests with stake and twine fencing with at least a 200-foot radius surrounding the nest, municipal beaches to place trash receptacles and not beach clean with equipment within 300-foot radius of the nest. Ms Tudor stated that this isn't always possible due to the beach area size and configuration where nests may occur.

Written by John Walsh
