



Anne_Hecht@fws.gov
06/08/2008 09:46 AM AST

To Sandra_Hamilton@nps.gov
cc
bcc
Subject Fw: Check out CapeCodTimes.com - Cape officials hatch a plan to avoid beach closu

fyi

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----- Forwarded by Anne Hecht/R5/FWS/DOI on 06/08/2008 09:45 AM -----

Anne
Hecht/R5/FWS/DOI

06/08/2008 09:44
AM

Mike_Murray@nps.gov

To

cc

Pete Benjamin/R4/FWS/DOI@FWS, David
Rabon/R4/FWS/DOI@FWS

Subject

Re: Fw: Check out CapeCodTimes.com
- Cape officials hatch a plan to
avoid beach closu(Document link:
Anne Hecht)

Thanks for the heads-up, Mike. The more I know about what kinds of questions are likely to be raised at the meeting, the better I'll be able to respond.

This is a good example of the disparity between what some folks may read into a very general news story
<http://www.capecodonline.com/apps/pbcs.dll/article?AID=/20080605/NEWS/80605032>
9

(in this case, part of a very long-running saga) and the underlying details (email that Scott Melvin sent to Orleans, attached below). Note limitations on additional access (e.g., after July 15) and proposed mitigation, and bear in mind the very large increases in plover abundance that Orleans has already realized.

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AM

Subject
Fw: Check out CapeCodTimes.com -
Cape officials hatch a plan to
avoid beach closu

Someone is thinking outside of the box.

Subject: Check out CapeCodTimes.com - Cape officials hatch a plan to avoid
beach closures

at least they are trying to work things out here

CapeCodTimes.com - Cape officials hatch a plan to avoid beach closuresbsb

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Orleans.MelvintoFulcher.23May2008.pdf



"Melvin, Scott (FWE)"
 <Scott.Melvin@state.ma.us>
 05/23/2008 10:27 AM

To <pfulcher@town.orleans.ma.us>
 cc <Susi_vonOettingen@fws.gov>, <Anne_Hecht@fws.gov>
 bcc
 Subject conservation permit - Nauset Beach-Orleans

Paul: Thanks for the additional information provided in your April 1 e-mail regarding management options for off-road vehicles, Piping Plovers, and Least Terns at Nauset Beach that the Town of Orleans may wish to be permitted to carry out pursuant to a Conservation and Management Permit that might be issued by MassWildlife. We believe that your proposal to be permitted for a period of 3 years to escort recreational vehicles past up to 3 unfledged broods of Piping Plover chicks in the Pochet area of Nauset Beach, beginning July 15 each year, could be permitted under a Conservation and Management Permit issued by this agency, provided that: 1) adequate mitigation is provided, in order to meet the performance standard of "net benefit" to the local population, 2) requirements for escorting and managing off-road vehicles that would be conditions of the permit are strictly adhered to, and 3) monitoring and reporting requirements that would be conditions of the permit are strictly adhered to. We would also need to negotiate the details of escorting camp owners, ie. "essential vehicles".

We presume that the town also wishes to be permitted to escort vehicles past unfledged Least Tern chicks in the Pochet area after July 15? With adequate mitigation (see below), we believe this could also be permitted, but limits would need to be set on the number of unfledged tern chicks past which escorted vehicles could pass.

Based on our discussions to date, we believe that the following actions would provide the necessary mitigation for the management actions described above:

- 1) Contract with staff of U.S. Department of Agriculture – Wildlife Services to remove potential mammalian predators of plover and tern eggs and chicks during the approximate period February 1 – April 30 in each year of the permit. Removal would focus on coyotes, foxes, and skunks, but would also target raccoons and opossums that were encountered. Removal of skunks, raccoons, and opossums could continue later than April 30. Predator removal could occur anywhere along Nauset Beach and Nauset Spit within the Town of Orleans, but would focus primarily on increasing reproductive success of Piping Plovers and Least Terns in the Pochet area and on Nauset Spit.
- 2) Construct and maintain sand berms to protect up to 3 Piping Plovers nests per year from storm/high tide overwash. Details of design specifications, construction protocols, and monitoring/reporting requirements would still need to be negotiated.

We would expect the permit to contain a condition that prohibits any dune building or beach nourishment activities, including but not limited to installation of sand fencing or plantings, or deposition of sand or other fill on the beach or in overwash areas, unless and until the Town has: 1) submitted to the Massachusetts Division of Fisheries and Wildlife, the Massachusetts Department of Environmental Protection, and the Orleans Conservation Commission written plans for the proposed work, including a detailed description of the design and timing of the proposed work and a map showing the exact location, and 2) received a written opinion from the Division stating that the proposed activity will not have any short or long-term adverse effect on the habitat of state-listed rare species.

We recommend you review this information with the U.S. Fish and Wildlife Service to insure consistency with conditions that they may require in order for the Town of Orleans to be granted a federal "incidental take" permit pursuant to Section 10 of the U.S. Endangered Species Act.

Please contact us if you need additional information or clarification on any of the above points.