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To: [Michael Reynolds](#)
Cc: [Dennis Reidenbach](#); [Phil Sheridan](#); [Rick Harris](#); [Mary Foley](#); [Carrie Phillips](#); [Bob Grant](#); [Mike Murray@nps.gov](#); [Jen Nersesian](#)
Subject: Kite surfing and piping plovers
Date: 04/07/2009 03:26 PM
Attachments: [Piping Plover.Kite Surfing brief 4.2.09.doc](#)
[3_09 CCTimes_plovers and kites.pdf](#)

Mike et al:

There has been recent activity related to kite surfing at the Cape beaches near piping plover nesting areas. A local attorney/kite surfer has questioned the Seashore policy and requests of the Town of Wellfleet. Because this has some potential to get more attention, we developed the attached briefing statement and included press articles. A big FYI.

PS: Glad to know our colleagues at Cape Hatteras have it all figured out!



Piping Plover.Kite Surfing brief 4.2.09.doc 3_09 CCTimes_plovers and kites.pdf

Thanks,

GP

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Cape Cod Times 03/26/09

Seashore will protect returning plovers

CAPE COD TIMES

LOWER CAPE - Piping plovers, a threatened shorebird under federal and state law, are returning to their summer breeding grounds in New England.

To protect the shorebirds starting April 1, the Cape Cod National Seashore annually bans kite-flying and dogs from Coast Guard Beach south of the former Coast Guard Station in Eastham and at Jeremy Point in Wellfleet. Piping plo-

vers view dogs and the overhead kites as predators, which can scare the birds from their nests.

Also starting April 1, kite-surfing and boarding is prohibited on Cape Cod Bay beaches and in bay waters within the Cape Cod National Seashore until the last chicks in the area have fledged later this summer. The nesting of piping plovers and least terns often closes beaches to over-sand traffic for weeks each summer.

The shorebirds have been observed

courting and scraping potential nesting sites at Race Point in Provincetown and Fisher Beach in Truro in the Cape Cod National Seashore. Single plovers have been seen at Menemsha and Aquinnah on Martha's Vineyard.

The plovers seem to have arrived at the same time as last year, but, due to the persisting cold, not in the same numbers, according to Becky Harris, coastal waterbird program director with the Massachusetts Audubon Society.



CAPE COD TIMES FILE

Piping plovers have been observed courting and scraping potential nesting sites on the Outer Cape.

Letters 3/30/09

Let Hatteras be example for plover coexistence

In response to your March 26 article "Seashore will protect returning plovers," as a local kiteboarder, I am dismayed at the Cape Cod National Seashore's heavy-handed approach at dealing with this situation.

Cape Cod residents and visitors may be interested to know that other areas have taken a markedly different approach to managing human interactions with piping plovers. For example, under the direction of Superintendent Michael B. Murray, Cape Hatteras National Seashore limits the flying of kites (whether the more traditional land-based kites, or kitesurfing kites predominantly flown over water) only above resource closures.

From 1997 until 2005, Murray was deputy superintendent and acting superintendent of the Cape Cod National Seashore and is thus well familiar with risks to the piping plover population. Murray has publicly stated that there are "no plans to prohibit kiteboarding" at Cape Hatteras and that it is "a popular and appropriate recreational activity."

JODY CRAVEN
Wellfleet

Letters 4/01/09

Misguided kitesurfing ban unsupported by research

While well-meaning, the Cape Cod National Seashore is misguided with respect to its selective ban on kitesurfing.

In its recent press release, reprinted in part in this paper on March 26, the Seashore claims that "piping plovers view ... the overhead kites as predators, which can scare the birds from their nests." While the Seashore's statement presents this as an accepted statement of fact, it is unsupported.

A single study conducted 20 years ago, which was not peer reviewed, observed that a land-based kite may temporarily disturb the habits of plovers, but clearly stated that there was no correlation between the presence of kites and the birds' productivity. The very authors of that 1988 study have subsequently published numerous scientific results relating human activities to piping plover behavior and productivity; none of these publications even mentions kites. The areas of greatest concern to plover populations, according to the scientific literature, are pets and off-road vehicles.

Kitesurfing is an environmentally friendly, healthful activity for residents and visitors. The policy to restrict it based on perceived impact to plover population is scientifically unsupported - the Seashore should not imply otherwise.

DESIREE MOYER
Environmental engineer
Brewster

Briefing Statement

Bureau: National Park Service
Member: Congressman Delahunt (D-MA 10)
Issue: Piping Plover/Kite Surfing impact
Park Site: Cape Cod National Seashore (CACO)
Date: April 3, 2009

Background:

- Piping plovers (*Charadrius melodus*) were listed as a threatened species under the federal Endangered Species Act in 1986. Piping plovers are also listed as threatened under the Massachusetts Endangered Species Act. When the plover was federally listed in the mid-1980s there were about 20 nesting pairs at CACO; there are over 80 pairs nesting in the park today.
- Protection and recovery actions include management of off-road vehicles (ORVs), dogs, and beach-goers to prevent or reduce impacts to plovers. Kites have also been shown to disturb nesting plovers by eliciting predator avoidance behaviors such as flushing from the nest (leaving eggs exposed) and disrupting feeding by adults and chicks. Both state and federal recovery guidelines direct beach managers to prohibit kite-flying within 200 meters of nesting habitat to avoid this impact.
- CACO biologists have observed nesting plovers and terns also being flushed by hang-gliders and para-gliders flying over nesting habitat in CACO after launching from adjacent town beaches. We have worked with the Town of Wellfleet to seasonally restrict hang-gliding and para-gliding on town beaches to address this threat. Currently, management to protect plovers from kite surfing has taken center stage in the press and with the town of Wellfleet.

Issue:

- Kite surfing as an activity has taken hold on the outer/lower Cape over the past several years. The activity involves an individual harnessed to a large kite (up to 225 square feet) which pulls them along the water surface while their feet are hooked in place on a surf board. Accomplished kite surfers can reach speeds in excess of 35 knots and make jumps over 15 feet depending upon wind and surf conditions. Conflicts arise when the kite approaches piping plover nesting habitat. This can occur during launching and landing on the beach, and when kite surfing close to the shoreline.
- During the 2007 season CACO staff observed an increase in kite surfing along Cape Cod Bay-side park beaches. In recent years these beaches have supported up to 19 nesting pairs of piping plovers. Observations included several kite surfers running very near the beach, landing in plover foraging habitat and immediately adjacent to plover nesting habitat, and crash landing in the dunes.
- In response, CACO began seasonally restricting kite surfing along the park's bay-side beaches. The park also requested that the Town of Wellfleet implement a similar seasonal restriction on the portion of bay-side beach they own. The Wellfleet Board of Selectmen declined the park's request and continue to allow kite surfers to launch from their beach.
- This past winter, the Wellfleet Town Manager contacted CACO to inform us that the Town was reviewing its beach regulations and requesting more information regarding CACO's seasonal kite surfing restriction. State Fish and Wildlife officials also sent a letter encouraging the Town to restrict kite surfing in order to ensure compliance with the Massachusetts Endangered Species Act.
- Kite surfing enthusiasts have publicly criticized CACO's management decisions and questioned the validity of the research, observations, and conclusions that support kite surfing restrictions. At least one kite surfer is an attorney who has submitted two FOIA requests for information regarding kite surfing impacts, management of kite surfing, and CACO's communications with the Town of Wellfleet on this issue. This attorney also met with CACO management to present their arguments against the restrictions. Kite surfing supporters have aired their position with the Wellfleet Board of Selectmen and have written

letters to the editor. It also appears that kite surfers are networking beyond Cape Cod. At a recent Wellfleet Board of Selectmen meeting CACO staff were introduced to a kite surfer from Cape Hatteras who has been involved in the negotiated rule making at CAHA, and flew to Cape Cod specifically to address the Wellfleet Board of Selectmen. This could indicate that there is coordination within the kite surfing community with the objective of influencing NPS plover management. This same kind of coordination, with similar results, has been observed among the hunting and ORV communities.

Current Status:

The Town of Wellfleet has chosen not to restrict kite surfing at their beaches as requested by the NPS and advised by Massachusetts Division of Fish and Wildlife. CACO staff believe the Town has been provided adequate information to understand the potential impacts of this decision. The NPS will continue to enforce compliance with our kite surfing restrictions as staff time allows. It is possible that the kite surfing community may become more active and wide reaching with their efforts to limit NPS management of kite surfing.

Contact:

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