



January 11, 2016

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

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RE: Cape Cod National Seashore Comprehensive Shorebird Management Plan and Environmental Assessment

George
Dear Superintendent Price:

The Association to Preserve Cape Cod (APCC), the Cape's leading nonprofit environmental and advocacy organization, has reviewed the Cape Cod National Seashore's (CCNS) Comprehensive Shorebird Management Plan and Environmental Assessment and offers the following comments.

Summary

APCC agrees with the CCNS's assessment that an updated shorebird management plan is needed and applauds the CCNS for the good work it has done thus far to protect special status shorebirds. However, we are concerned that key aspects of the draft plan's preferred alternative (alternative B) would weaken some established protections through increased use of flexible management in high visitation areas and by relaxing the CCNS's ORV access policy. In addition, APCC suggests the CCNS can do more to strengthen its current predator management program as a first priority before turning to lethal predator control as a last resort, and does not support a policy of using lethal predator control as justification for relaxing protections to accommodate recreational uses. APCC also finds the analysis of the proposed lethal management program in the draft plan lacks sufficient detail for thorough public scrutiny.

General

APCC commends the CCNS on its long history as an effective steward of the regionally, nationally and even globally significant natural resources, habitats, and plant and animal species that are found within its borders. We appreciate the CCNS's strong commitment to protecting those resources while also striving to provide recreational opportunities to millions of visitors. This is perhaps best exemplified in the CCNS's efforts to protect threatened and endangered species, especially state and federally listed shorebird species.

In the update of its shorebird management plan, the CCNS states that a new plan of action is needed because the current plan is failing to meet recovery goals for shorebird species on the federal endangered list, particularly piping plover. APCC supports the CCNS's efforts and agrees that an updated plan that adopts more effective approaches to shorebird management is called for. We also recognize the challenges faced by the CCNS in drafting and implementing such a plan, particularly with regard to controlling predation on shorebird eggs and chicks, which has been identified as a major obstacle in shorebird species recovery efforts.

The CCNS's preferred alternative in the draft plan, alternative B, would promote breeding productivity by increasing shorebird protection through some additional restrictions on visitor access based on geographic location and timing in the breeding season. These restrictions would be "balanced" with flexible management at beach locations with high human visitation in order to enhance visitor access. The plan also calls for relaxation of some restrictions on ORV use. Additionally, alternative B proposes to decrease predator impacts on shorebird nests and chicks by implementing nonlethal and selective lethal predator management.

Pedestrian Access and Flexible Management

According to the plan's preferred alternative, pedestrian restrictions on CCNS beaches would in most locations and situations be the same as the current policy regarding habitat protection for piping plovers, least terns and American oystercatchers. The policy for symbolic fencing on all beaches, except certain high visitation beaches, would remain the same. For migrating shorebirds, area closures would be established to protect historically important feeding and staging areas, and new areas would be closed or restricted as needed. Efforts would be made to provide pedestrian access in these areas if possible.

APCC supports the above components of the CCNS's proposal in the preferred alternative that continue or even enhance restrictions on pedestrian access to high value habitat. We express some reservation and concern about the proposal to refrain from erecting symbolic fencing of larger areas of suitable habitat on all six of the life-guarded beaches until such time as piping plover activity is actually observed in those locations. Unmanaged high human traffic within suitable habitat areas may serve to discourage piping plover from establishing nests and utilizing these habitat areas.

APCC does not support the proposal to expand the current flexible management policy as described in the preferred alternative. According to the proposed plan, flexible management consists of reducing or eliminating protective measures in specific high human visitation areas to accommodate visitor use. Currently, the CCNS practices flexible management for no more than three pairs of piping plovers nesting near high visitation areas.

Under alternative B, flexible management would be expanded for up to five piping plover pairs on life-guarded beaches and on certain access roads. Under a flexible management plan, the CCNS would refrain from installing standard protection measures around piping plovers exhibiting courtship behavior and/or where there are active nest scrapes. If a nest is found within this area, it would be provided minimal protection. At that point, symbolic fencing and signs would be erected, but with 33 feet of buffer instead of the currently prescribed 131 feet.

APCC does not support increasing the number of piping plover breeding pairs exposed to conflict with human traffic solely for the purpose of accommodating recreational visitor access. In the May 11, 2010 letter included in the draft plan from the U.S. Fish and Wildlife Service (USFWS) regarding adopting potential flexible management of a maximum of three piping plover pairs (the current CCNS policy), the USFWS acknowledged that under a flexible management plan, *"pedestrians traveling through the unfenced habitat are likely to prevent plovers from establishing territories, disrupt courting behavior, trample nest scrapes and generally discourage plovers from successfully nesting within unfenced areas."*

In the letter, the USFWS did conclude that the subsequently adopted flexible management proposed for three nesting pairs in a maximum of 400 meters of suitable *habitat "is not anticipated to significantly affect overall annual productivity for the Seashore or the New England recovery unit."* But, the USFWS

goes on to warn, “However, we note that any further reductions at the Seashore of protected nesting habitat beyond what has been proposed would quickly accelerate more serious adverse effects, including effects on productivity and abundance of breeding pairs.” (Emphasis added.)

The draft plan does not convincingly demonstrate a compelling need to expand flexible management at the CCNS, especially in light of ongoing concerns about poor plover breeding productivity. What has changed since the 2010 USFWS letter that would alleviate the concerns expressed by the USFWS about further reductions in protection of plover nesting habitat? The CCNS plan contains no hard data to support increased flexible management.

ORV Use

In the preferred alternative, the CCNS proposes to increase accommodations for ORV use in certain circumstances, including increasing the corridor width of ORV driving lanes from the current 30 feet to 45 feet in unoccupied suitable plover habitat where such an increase can be accommodated. The plan also proposes to provide “drive through only” corridors to allow ORVs to pass active nests.

Again, APCC could find no science-based supporting data in the CCNS plan showing that expansion of the corridor width will not impact piping plovers or that there is a documented need for the expansion. Therefore, APCC opposes the proposed corridor expansion in the preferred alternative. If, however, the CCNS does adopt an expansion of the ORV corridor width in certain areas, APCC looks for a commitment from the CCNS to continuously monitor these habitat areas to ensure that appropriate protections are immediately set in place if an area does become occupied by plovers.

APCC has serious concerns about the potential for adverse impacts from the so-called “drive through only” corridors and opposes this proposed change in CCNS policy. Unless there is a CCNS employee stationed at each piping plover nest site to monitor plover activity and manage vehicle access, there is the risk that passing vehicles could inadvertently run over chicks that may wander into the vehicle corridor. The draft plan appears to suggest that ORV drivers will be primarily responsible for making sure that no chicks are in the vehicle pathway. As it is well known, piping plover chicks can be extremely difficult to spot against beach sand, even by pedestrians. Relying on ORV drivers to notice any chicks within the travel corridor would not provide adequate guarantee of protection for those chicks.

Predator Management

One of the major areas of focus of the CCNS’s proposed shorebird management plan concerns predation on shorebird nests and chicks. APCC notes that the CCNS has identified this as the leading reason why the shorebird species recovery efforts have failed to meet program goals, particularly with regard to the piping plover. The data on declining shorebird breeding productivity and increases in chick mortality provided in the draft management plan are very effective in linking the prevalence of predation with the failure to achieve species recovery goals.

In general, APCC strongly supports the CCNS’s efforts to become more effective in preventing predation on shorebird populations. However, APCC believes opportunities have not been fully explored for implementing more proactive non-lethal predator management as a first response before resorting to lethal means of control.

For example, the draft plan repeatedly points to food trash left by visitors on beaches and elsewhere in the National Seashore as a major “lure” that attracts foraging predators to areas where they are likely to come into contact with shorebird nests. As a first and fundamental step, APCC recommends that the

CCNS adopt a more aggressive policy to eliminate trash on the beach, in parking lots and elsewhere within the National Seashore beyond the voluntary program now in place. This should include a diligent trash collection policy by CCNS personnel as well as adoption and strict enforcement of regulations addressing food trash and other litter.

If, as is suggested in the draft plan, some predators key in on piping plover nest enclosures set up by CCNS staff, each nesting situation should be looked at for consideration as to whether setting up an enclosure is or is not the most strategic method for discouraging predators.

All non-lethal options should be fully explored first, and lethal removal should be considered only as a last resort. Humans are in large part responsible for the current unsustainable imbalance in species—both in predator and prey species—so any efforts to step in and selectively control certain species through lethal means must be met with a healthy degree of wariness.

But, if lethal control is determined to be the only effective way to control the primary predators identified in the draft plan—coyotes, crows and red fox—the CCNS should back up its decision to use lethal management by providing indisputable documentation that only problematic individuals are being targeted. APCC must underscore our strong opposition to any lethal predator removal program that is part of a CCNS policy that at the same time reduces protection of shorebirds in order to better accommodate pedestrian and ORV access.

The CCNS should provide detailed information on its proposed lethal predator removal program to assure the public that the most humane methods will be utilized and there will be no consequential impacts on the environment or on non-targeted individuals. Unfortunately, the draft plan lacks sufficient information of this nature.

The lethal methods identified in the draft plan include shooting (mammals, crows are unspecified), trapping (mammals) and avicide (poisoning with DRC-1339, for crows only). More information is needed about each of these proposed methods.

For example, what method will be used for trapping? How and where will the traps be set? How will trapping of non-target animals be avoided, especially if the CCNS is targeting specific individuals?

The poisoning method appears to APCC to be the most problematic since there is little to no information in the draft plan regarding dosages, means of administering it or other pertinent information. Further, the potential environmental threats are not discussed in great detail in the plan. APCC could not find any information in the plan explaining the method or methods intended to be used to poison crows with DRC-1339.

More details are needed in the draft plan about the type of bait proposed for the poison, where the poisoned bait will be placed, how locations for the bait will be determined, and what the typical dosage of poison is per piece of bait. Is there a maximum allowable dosage of poison that will be placed at a single location at one time? What other types of animals are likely to be attracted to, or that could even potentially be attracted to, the poisoned bait? What measures are proposed to ensure that only targeted individual crows will be the recipient of the poisoned bait?

The draft plan states that the USDA's APHIS Wildlife Services will be responsible for poisoning the crows. It is APCC's understanding that DRC-1339 has been utilized extensively by APHIS Wildlife Services to kill many thousands of blackbirds at feedlots and agricultural fields as well as for other uses.

According to an APHIS Wildlife Services technical bulletin¹, in addition to being highly toxic to starlings, blackbirds (including redwing blackbirds) and crows, DRC-1339 is also toxic to bobwhite quail, mallard ducks, gulls, owls and felines, and warns that other non-targeted bird species can be at risk from ingesting DRC-1339 in egg or meat baits, including bluejays, vultures, grackles, gulls and some species of large wading birds. Information of this nature should have been provided in the draft plan as part of a comprehensive science-based review of the predator management proposal, but was not.

In the same technical bulletin, APHIS Wildlife Services states that DRC-1339 breaks down relatively quickly, but also recommends that all poisoned birds be collected to avoid exposure to other species. APCC doubts the practicality of being able to track down and retrieve all poisoned birds in an open environment such as the National Seashore.

Additionally, APCC notes that crows are known to sometimes collect and cache food instead of eating it at the site, leaving open the possibility of non-targeted individuals or another animal species ingesting the poisoned bait. The CCNS plan should discuss how such an outcome will be avoided.

Influence of climate change on shorebird management

In the draft plan, the CCNS identifies the potential for adverse impacts to shorebird habitat as a result of climate change, one consequence being narrowing beaches due to accelerated erosion. Increasingly narrow beaches will also likely increase conflicts between the need to protect habitat and the desire to accommodate pedestrian and ORV traffic. As these circumstances occur, APCC calls on the CCNS to remain fully committed in its management plan to protecting shorebird habitat and to not compromise those protections.

Conclusions

The stated objective of the shorebird management plan is to *"develop an integrated, comprehensive, and adaptive approach to conservation and management of special status shorebirds within the Cape Cod National Seashore, while providing for recreational use to the extent possible."*

As expressed earlier, APCC recognizes and appreciates the challenge in trying to find compatibility between shorebird protection and accommodation of recreational uses. However, CCNS's first and overarching priority must always be responsible stewardship of the natural resources that are entrusted to it. Based on this principle, APCC:

- supports retention of existing levels of protection for shorebird habitat and opposes relaxation of protections through increased use of flexible management, wider ORV corridors and "drive through only" ORV areas;
- supports adoption of a predator management program that gives first priority to non-lethal solutions;

¹ "Compound DRC-1339 Concentrate—Livestock, Nest, and Fodder Depredations" April 1, 2001 APHIS Wildlife Services Tech Note, USDA Animal and Plant Health Inspection Service

- cannot consider support of lethal predator control without a more complete analysis and explanation of proposed methods of use, potential impacts and proposed safeguards, particularly with regard to how the avicide DRC-1339 is intended to be used; and
- opposes a management plan that would essentially justify an increase in shorebird impacts from recreational uses by offsetting those impacts with lethal predator control.

Thank you for the opportunity to provide comments on this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed DeWitt', with a stylized flourish at the end.

Ed DeWitt
Executive Director

A handwritten signature in blue ink, appearing to read 'Don Keeran', with a long horizontal flourish extending to the right.

Don Keeran
Assistant Director