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RE: Draft Snowy Plover Recovery Plan

To Whom It May Concern:

Thank you for the opportunity to comment on the draft Snowy Plover Recovery Plan. Generally, the Coastal Commission supports and shares the Service's goal for species recovery. The Draft Recovery Plan for the Western snowy plover (*Charadrius alexandrinus nivosus*) is a highly detailed and thorough review of the biology and impacts affecting this federally threatened species. Since California has over 1,000 miles of coastline, much of which supports nesting and wintering habitat for the snowy plover, the Commission is one of the primary regulatory agencies with the authority and jurisdiction to protect plover habitat.

Unfortunately, the snowy plover requires sandy beaches as nesting and wintering habitat. These habitat needs compete with human recreational use of the beach. This conflict is intensified because the plover's nesting season overlaps the prime beach recreation season. Its only real mechanisms of defense are cryptic coloration and evasive/diversionary behavior when confronted by threatening intruders (humans, predators, etc.). This conflict with beach use along with urban development, introduced beachgrass (*Ammophila* spp.), and expanding predator populations has resulted in the decline of this species. All of these impacts can be traced either directly or indirectly to human activities.

BIOLOGICAL COMMENTS

The primary stated *Objectives* of the Plan are:

1. Achieving well-distributed increases in numbers and productivity of breeding birds, and
2. Providing for long-term protection of breeding and wintering plovers and their habitat.

The Commission notes that the first objective is a result to be achieved while second one is mechanism for achieving it. In this regard, the Commission believes that the second is

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more helpful in directing a program for recovery than first one, which is almost a given and not very helpful.

The *Recovery Criteria* are very specific, however, in saying that the plan must:

1. "Maintain for 10 years an average of 3000 breeding adults distributed among 6 recovery units...."
2. "Maintain a 5-year average productivity of at least 1.0 fledged chick per male in each recovery unit in the last 5 years prior to delisting."
3. "Have in place participation plans among cooperating agencies, landowners and conservation organizations to assure protection and management of breeding, wintering and migration areas ... to maintain the subpopulation sizes and average productivity specified in criteria (1) and (2) above."

There are some statistical issues with the first two criteria, as well as general issues. First, statistically maintaining an average of 3,000 birds is not an ideal goal. Although, in some cases, this condition may be true, it might not be desirable. For example, in cases where there is extremely high variation over time an average number of 3,000 may not be very meaningful. Some of the past data presented in the Plan suggest large variation in plover success from year to year is common, and some mention/recognition of this should be explicitly stated statistically. Such variation might be an indicator that we really do not understand the plover's needs very well. Second, instead of just maintaining the population at 3,000, an *increasing* population would be a more meaningful and desirable goal. In particular, some average positive growth rate over the 10-year period of the Plan would really be a better goal with which to measure success than just maintaining an average population of 3,000 birds. In fact, the first recovery criterion, maintaining an average of 3,000 birds, is not consistent with the first objective, achieving increases in numbers.

PUBLIC ACCESS TO THE SHORELINE AND RECREATIONAL USE OF THE BEACH

The Coastal Commission staff recognizes that public use of the beach has the potential to significantly affect plover nesting and wintering habitat. Because of this conflict, public use of the beach could interfere with recovery of the snowy plover. However, public shoreline access and recreational uses of the beach are important resources. Both the California Coastal Act and the federal Coastal Zone Management Act emphasize access and recreational uses as priority resources. In fact, the protection of these uses is a corner stone of both of these laws. However, the California Coastal Act, which is one of the primary components of California's federally approved coastal management program, recognizes that there may be a need to restrict or manage public access to and recreational uses of the beach in order to protect sensitive resources. The Commission recommends that the recovery plan recognize the state and national importance of coastal access and recreation by prioritizing access and recreational management actions in a way that allows for beach closures only if all other management, educational, and enforcement measures

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have either failed to protect snowy plover nesting and wintering habitat or these measures are not feasible. In addition, the plan should emphasize the management of intensity and types of recreational activity, public education, and enforcement as the primary tools to protect plover habitat from impacts associated with public beach use. Beach closures should only be considered as an option if those other measures have failed to protect the plover.

In addition, the Commission supports the use of exclosures and symbolic fencing as important tools to protect plovers from impacts associated with public use of the beach. These techniques should be used, or at least considered, before closing beaches to public use. However, the use of exclosures may have some inadvertent effects on plover nesting success. These potential impacts include identifying the nest locations to curious members of the public and drawing these people to the nests. In addition, the Commission has received anecdotal information suggesting that some predators have adapted to exclosures and use them to assist in their capture of plovers. If there are data that verify this concern, the Recovery Plan should be modified to reflect this potential impact. The Commission is also concerned that the construction and maintenance of exclosures may result in adverse impacts to plovers. In most cases, land managers will need to use trucks or other vehicles to carry equipment and personnel to the nests in order to construct and maintain the exclosures. In addition, in some areas, sand movement will require regular, and maybe even daily, maintenance of exclosures, which could result in increased impacts to plovers from human and vehicular activities on the beach. The Recovery Plan should address these potential impacts and recommend that land managers monitor the construction, use, and maintenance of exclosures to determine if they cause adverse effects on plover nesting success.

PREDATOR MANAGEMENT

The Commission is concerned about predator management programs that rely on removal of all predators from plover nesting or wintering areas to prevent predation. In the short term, predation may limit recovery of the plover. However, predation may provide long-term benefits to the species by removing plovers that are sick or less effective at predator avoidance. One of the Commission's concerns with this approach is that it is often difficult to identify a particular predator species that is causing significant plover mortality at given locations, so which predator to control is often a guessing game. The plan should emphasize identification and management of species and individuals preying on plovers, rather than general removal of all predators within an identified area.

In addition, predator management should focus on removing non-native predators and balancing unintentional human encouragement of larger native populations. The Recovery Plan should discourage the removal of all predators around plover nesting and wintering areas. Also predator management should consider the benefits of native predators that discourage mesopredators and conspecifics from nesting and wintering areas. If top level predators (e.g., coyotes) are removed, then smaller predators ('mesopredators') are often released from competition and increase rapidly in numbers. This mesopredator release

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effect can impact plovers even more than the original top predator thus creating a worse situation for the plover. So while predator management can at times be beneficial, it should be practiced with great care and only if there is certain knowledge that it will have beneficial effects. In the face of only partial knowledge, predator removal may cause significant ecological damage.

In addition, where lethal removal is proposed, the plan should discourage removal of sensitive native species, including any animal on either the federal or state endangered and threatened species lists and other governmental lists of sensitive species, such as California's list of species of concern. In addition, the Commission recommends that the Service modify the recovery plan to state that one of its predator management goals is to restore, as much as possible, natural predator-prey relationships.

On page 46 of the draft recovery plan, the Service states that:

Coyotes ...are the main nest predator of eggs on Vandenberg Air Force Base where they were the cause of 62 percent of all clutch losses attributed to predators from 1994 to 1997 (Persons and Applegate 1997).

More recent data suggest that extensive predator management through control of public access to the beach, beach cleanups, and carrion removal has significantly reduced coyote predation of plovers, but has not affected the stable coyote population on Vandenberg. The information from the 2000 and 2001 breeding seasons on Vandenberg's beaches should be incorporated into the recovery plan.

a. Comments on Predator Management Step Down Narrative

1.4.1 Remove litter and garbage from beaches manually, not by raking machines. In addition to the other litter control measures recommended in this section, it should recommend stronger enforcement of litter laws. In addition, the Commission agrees with the following statement in the plan: "*if trash cans have to be placed on the beach, predator-proof trash containers should be used.*" However, the Service should expand this section to state that predator-proof trashcans should be used anywhere near plover habitat, not only if they are located on the beach. In addition, this section implies that only non-predator-proof trashcans should be emptied frequently. Since smells will draw predators to the beach, regardless of whether the container deters them, all trashcans should be emptied frequently. Finally, the Commission believes that this section should recommend regular beach cleanup within and near snowy plover habitat, if it can occur without adversely affecting the plovers. Cleanup activities should also include removal of carrion from the beach and should be conducted by trained biologists or under the supervision of trained biologists.

1.4.2 Remove predator perches and unnatural habitats. This section should recommend that land managers conduct detailed studies of plover wintering and nesting (and nearby)

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areas to identify landscape features or human activities that attract and encourage predation and reproduction of predators.

1.4.3 Erect predator exclosures to reduce snowy plover egg predation where appropriate. As stated above, some recent evidence suggests that there may be problems with exclosures in that predators are using exclosures to enhance predation. The plan should recommend further study into exclosures with a goal towards design modifications to reduce predation. Monitoring and continued redesign of exclosures should continue because predators are likely to adapt to redesigns. Finally, the Service should assess impacts on plovers from construction and maintenance of exclosures.

1.4.4 Remove predators where warranted and feasible. In making the decision to remove predators, land managers should consider the impacts to area's regional ecology. Land managers should also consider the benefits of maintaining predators in the area if they are beneficial in excluding conspecifics or mesopredators. Removal of native predators should only be considered if all other management options have failed to deter predation or are not feasible. The Service should not allow removal of native predators listed as threatened, endangered, or species of concern on any state or federal list. Finally, removal efforts should focus on individuals that landowners or other parties have identified as those responsible for the predation.

COASTAL PROCESSES

The Commission recommends that the Service should add to Section 1.2.1 of Step-down narrative subdivisions and lot line adjustments to the list of development affecting plovers. In addition, the Service should consider mitigation measures for unavoidable development activities that affect plover habitat, including removal non-native dune vegetation or structures (such as seawalls, groins, and water impoundment structures) that affect sand supply, placement of suitable sand on beaches in need of nourishment (that do not currently provide for plover habitat), or elimination of non-natural predator habitat, such as predator perches or rock riprap. In addition, the Service should also encourage removal of structures that affect sand supply, as a mechanism to restore beaches and increase snowy plover habitat. Also the Service should encourage the use of suitable material removed from streams and littoral system for beach nourishment purposes.

In Section 1.2.2 of the Step Down Narrative, the following sentence requires some modifications to remove an implied loophole: "*Construction of rock jetties should be avoided when it would result in eroded beaches and sandspits.*" The Commission recommends that the Service rephrase the sentence as follows: "*Jetties and other structures that stabilize inlets will result in changes to adjacent beaches and should be avoided.*" In addition, the Service should add a requirement for beach mitigation measures for those situations where jetties, etc. cannot be avoided. Also, the placement of rocks on the beach, such as the construction of riprap protection or groins, can provide habitat for rats, ground squirrels, and other mesopredators. Since such activities may increase predation on snowy plover nests

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and chicks, they should be avoided where possible and, if they cannot be avoided, the plan should recommend measures to mitigate for this impact.

The Service should also rephrase first sentence of section 1.2.3, to remove an implied loophole, as follows: "*Sand Removal and dredging will alter the natural patterns of erosion and deposition and should be avoided when it is near snowy plover habitat.*" In addition, the section should require mitigation if dredging cannot be avoided.

For similar reasons, the Service should rephrase second sentence of section 1.2.3 as follows: "*Seawalls and other beach stabilization projects alter natural shoreline processes and should be avoided.*" This section should also require mitigation if shoreline protective structures cannot be avoided.

OIL SPILLS

In discussing this potential impact, the Service refers to the U.S. Coast Guard's response plans. However, the states and local governments also review these response plans and are a part of the Coast Guard's process. In addition, the federal Environmental Protection Agency is a partner with the Coast Guard. The Recovery Plan should be updated to incorporate all of these agencies into its discussions and recommendations. Specifically, the discussions on updating the response plans and lead agencies responsible for clean up should be revised to reflect the multi-agency (including federal, state, local governments) coordination provided for in the oil spill response program.

Not only do oil and chemical spills have the potential to directly affect plover breeding habitat and chicks, such accidents would have significant effects on the plovers' food resources. This concept should be incorporated into the plan's discussions of and recommendation for oil and chemical spills.

In addition to adverse effects from oil spills, clean-up activities have the potential to adversely affect plover breeding, wintering, nesting, and foraging habitat. This concept should also be incorporated into the plan.

The plan recommends that plover habitat locations should be incorporated into contingency plans. In addition, contingency plans should identify safe access corridors, such as existing public access corridors, that are not within active plover nesting and wintering habitat and that would avoid impacts to plovers during responses to oil or chemical spills. In addition, the information provided for Area Contingency Plans should note all regular and emergency U.S. Fish and Wildlife Service contact information (e.g., resource managers, biologists or contract personnel) that could provide consultative assistance to spill response agencies during an actual spill response.

PUBLIC EDUCATION

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Generally, the Coastal Commission strongly supports the use of public education as tool in the recovery of the snowy plover. Specifically, the use of docents is a good idea and it would be beneficial if the volunteers are drawn from local residents. Another important approach is to utilize school outreach. High school-age students should not be neglected in this outreach. These students tend to go to the beach on their own, and need to know about the risks presented to the plover. Outreach through school environmental clubs can also be effective, if in-class presentations are not feasible. Flyers and brochures targeted towards different age groups should be created for distribution. In addition, the Coastal Commission recommends that the Service should incorporate the following suggestions into the public education element of the plan:

- Creation of posters for window/bulletin boards in appropriate venues (outdoor supply stores, surf shops, bait shops, pedestrian areas in coastal towns);
- Establishment of an 800 number and/or a web site for information on snowy plovers. That number/web site should be geared toward the public, landowners and agencies;
- Creation of colorful, brief pamphlets regarding snowy plover sensitivity and regulations for distribution to landowners and beach-goers and for display at beach kiosks;
- If possible, placement of explanatory signage on or adjacent to the temporary fencing, not just at beach access points;
- Placement of signs at or near nesting sites will be the most effective public education tool for this effort; nothing else will present the same sense of immediacy, especially if there is mention of potential fines;
- Placement of ads or articles in the free tourist papers/magazines (the ones that advertise beach area restaurants, shops, activities); and
- Outreach to dog owners, who need to be educated in the importance of keeping their dogs on leashes in sensitive areas.

CONCLUSION

In conclusion, the Commission once again thanks the Service for the opportunity to review the draft Recovery Plan. If you have any questions about these comments, please contact James Raives of the Commission staff at (415) 904-5292.

Sincerely,

PETER M. DOUGLAS
Executive Director

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