

Section 1. Executive Summary

1.1. Introduction

In 1993, the Pacific coast population of the western snowy plover (*Charadrius alexandrinus nivosus*; snowy plover) was listed as a threatened species under the Endangered Species Act of 1973, as amended (ESA). The listing was due to interrelated threats such as loss of habitat, predators, and human disturbance including recreational activities.

Management of the Ocean Shore, for which the Oregon Parks and Recreation Department (OPRD) has responsibility and authority, may negatively affect snowy plover and their habitat resulting in take of the species as defined under the ESA. Therefore, OPRD is preparing this Habitat Conservation Plan (HCP) as part of its application for an incidental take permit (ITP) authorized under Section 10(a)(1)(B) of the ESA. The ITP would provide OPRD with the long-term regulatory assurance that implementation of its coastal management responsibilities would comply with the ESA, while providing protection for snowy plovers.

1.2. Purpose and Need

OPRD is pursuing an ITP from the U.S. Fish and Wildlife Service (USFWS), using the HCP process with its regional perspective on species conservation, as a mechanism for compliance with the ESA. Over the next 25 years (the permit term proposed in the HCP), OPRD will engage in a number of management and regulatory activities along the coast of Oregon that could affect the snowy plover.

Administration of ESA compliance activities for each of these actions on a project-by-project basis would likely be a less efficient process for both OPRD and USFWS, and could result in unpredictable beach use restrictions on Oregon's beaches to protect nesting populations of snowy plover. A project-by-project approach would also be less effective at addressing issues on a regional scale.

OPRD is responsible for various management activities along most of the Oregon coast, including recreation management, general beach management, and management of natural resources, including snowy plover. Since populations of

snowy plover nest, roost, forage, and raise chicks on the sandy beaches of Oregon's coast, OPRD must ensure that its management activities do not result in take of snowy plover. "Take" under the ESA is defined to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." In addition, OPRD must balance snowy plover management activities with its mandate to maintain the public's access to the Ocean Shore.

At the request of Federal and State agencies and Curry County, OPRD currently restricts use on a portion of the Ocean Shore at six occupied snowy plover nesting areas during the snowy plover breeding season (March 15 to September 15) to minimize potential adverse effects on nesting populations of snowy plover. These seasonal use restrictions have been imposed annually since 1994, with such restrictions affecting anywhere from 0.5 mile (1994) to 19.8 miles (1998) of beach, although access to and the use of the wet sand areas is still available. Seasonal use restrictions limit recreational use and access in these specific areas, and vary unpredictably in scale and location.

As a result, OPRD, in collaboration with USFWS and the Oregon Department of Fish and Wildlife (ODFW), has prepared this HCP with a proposed 25-year term, to address potential effects on snowy plover resulting from OPRD management activities on the covered lands (see "Covered Lands" below for a description of the geographic boundaries of the areas covered under the HCP), and to work toward the conservation and recovery of the coastal population of the species.

1.2.1. Snowy Plover Recovery Plan

USFWS released the *Western Snowy Plover Pacific Coast Population Draft Recovery Plan* (Recovery Plan) in 2001 (U.S. Fish and Wildlife Service 2001a). The Recovery Plan was finalized in 2007 (U.S. Fish and Wildlife Service 2007). The Recovery Plan identified 19 recovery areas for snowy plover along the Oregon coast, including some areas owned or leased by OPRD. The conservation strategies for snowy plover described in this HCP were developed to implement, in part, recommendations in the Recovery Plan. These conservation strategies include management of some OPRD-owned or leased areas, and the possible implementation of recreational use restrictions at areas owned by other landowners at sites either occupied by nesting snowy plovers or at sites being actively managed to attract nesting populations. These conservation measures will minimize potential effects on snowy plover and snowy plover habitat.

1.3. Covered Lands

The area covered by the HCP includes the sandy portions of the Ocean Shore along the Oregon coast that extend between the mouth of the Columbia River South jetty on the north and the California/Oregon border on the south. This area encompasses

approximately 230 miles of sandy Ocean Shore beach (total mileage of the Oregon coast is 362 miles) (Figure 1-1).

The sandy Ocean Shore is defined as the area from extreme low tide to the actual or statutory vegetation line, whichever is most landward. OPRD is responsible for managing the Ocean Shore as required under Oregon Revised Statutes (ORS) 390.635 and 390.620 and implemented under Oregon Administrative Rule (OAR) 736-020-0040(3) and in cooperation with Federal land management actions as per the CZMA. The Ocean Shore does not include estuaries or river mouths, which are under the management of the Oregon Department of State Lands (ODSL).

Covered lands for the HCP do not include the Federal lands within the Ocean Shore boundary. Federal jurisdiction within the Ocean Shore boundary extends between the mean high tide and the actual or statutory vegetation line (Figure 1-2) adjacent to federally owned lands. Any actions that occur on Federal lands, regardless of who conducts the activity, would be the responsibility of the Federal landowner and would require separate formal consultation with USFWS. If these Federal actions could result in effects on uses or natural resources within Oregon's coastal zone, the actions must be consistent with state enforceable policies, including OPRD's Ocean Shore authority as required by the Coastal Zone Management Act (CZMA).

In addition, portions of the following key State Parks, State Natural Areas, and State Recreation Areas are included in the covered lands.

- Fort Stevens State Park (Columbia River South Jetty)
- Gearhart Ocean State Recreation Area (Necanicum Spit)
- Nehalem Bay State Park (Nehalem Spit)
- Cape Lookout State Park (Netarts Spit)
- Bandon State Natural Area

1.4. Covered Activities Included in the Habitat Conservation Plan

Activities covered under the HCP include all activities for which OPRD has responsibility within the covered lands that could result in take of snowy plover. These activities are described in greater detail in Section 3, "Covered Activities," in this HCP, and include public use/recreation management, natural resources management, and beach management.

1.5. Conservation Plan

The Conservation Plan collectively consists of the conservation measures, the related goals and actions, and the adaptive management measures described below.

1.5.1. Conservation Measures

The conservation measures included in the HCP will be implemented on the covered lands, which are described above under Section 1.3, “Covered Lands.” The conservation measures will be focused on 16 management areas that were identified to have the greatest potential to provide snowy plover habitat when considered in the context of recreational use of the Ocean Shore.

OPRD would only implement potential recreation restrictions within the covered lands. The covered lands include the five potential SPMAAs that are owned or leased by OPRD as part of the state park units, and are located at Columbia River South Jetty, Necanicum Spit, Nehalem Spit, Bandon, and Netarts Spit. The covered lands also include 11 other potential management areas, identified as recreation management areas (RMAs), which are not part of an OPRD state park unit, but are managed by OPRD as part of the Ocean Shore. Some RMAs are privately owned and some are owned by counties. Others are adjacent to Federal land that lies within and adjacent to the Ocean Shore. An RMA adjacent to Federal land extends from the extreme low tide line to the mean high tide line only. Each RMA is described in Appendix F of this HCP. Together, the 16 management areas constitute approximately 48 miles of the 230 miles of sandy Ocean Shore.

The conservation measures include 1) implementation of snowy plover management activities on OPRD owned or leased SPMAAs; 2) implementation of recreational use restrictions at SPMAAs and RMAs owned by other landowners; and 3) implementation of beach management activities in covered lands on the Ocean Shore. For more information about the Conservation Plan, see Section 5 of this HCP. The conservation commitments described in the HCP are summarized below and in Table 1-1 for SPMAAs and Table 1-2 for RMAs.

Habitat Conservation Plan

Plover recovery areas

See plan for complete details



Owned or leased by Oregon Parks and Recreation Dept.



Plovers present. Recreation **already** managed.



No plovers here, but habitat is attractive. Recreation **will** be managed after more planning.



No plovers here. Site included in plan for **possible** management because habitat is attractive to plovers.

Note: If plovers move into an unoccupied site, recreation changes instantly to match the rules used in an occupied site.



Nature
HISTORY
Discovery

Source: Oregon State Parks 2008.



Columbia River South Jetty



Necanicum Spit



Nehalem Spit

Bayocean Spit



Netarts Spit

South Sand Lake Spit

Sutton/Baker Beach

Siltcoos/Dunes/Tahkenitch

Tahkenitch South

North Umpqua River

Tenmile

Coos Bay North Spit



Bandon

New River

Elk River

Euchre River

Clatsop

Tillamook

Lincoln

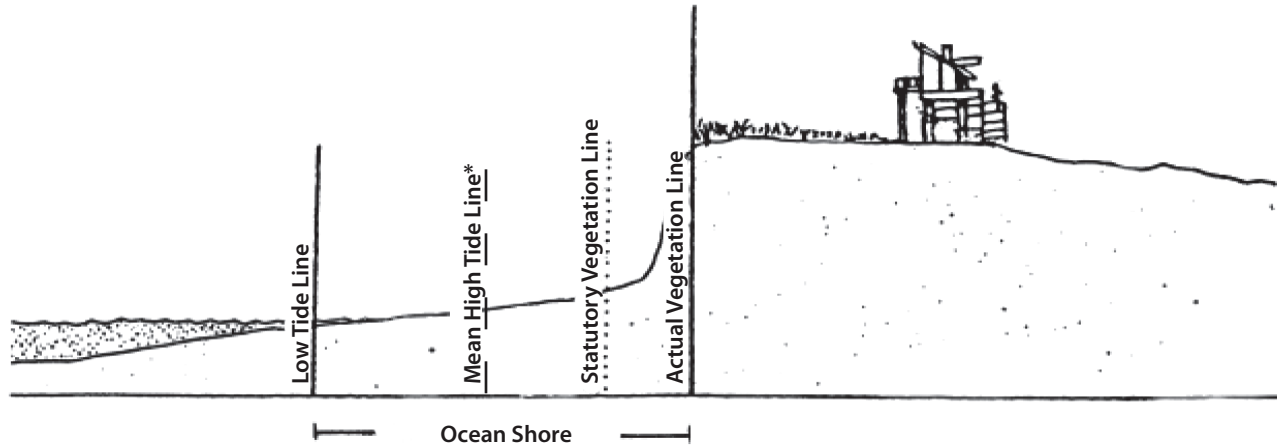
Lane

Douglas

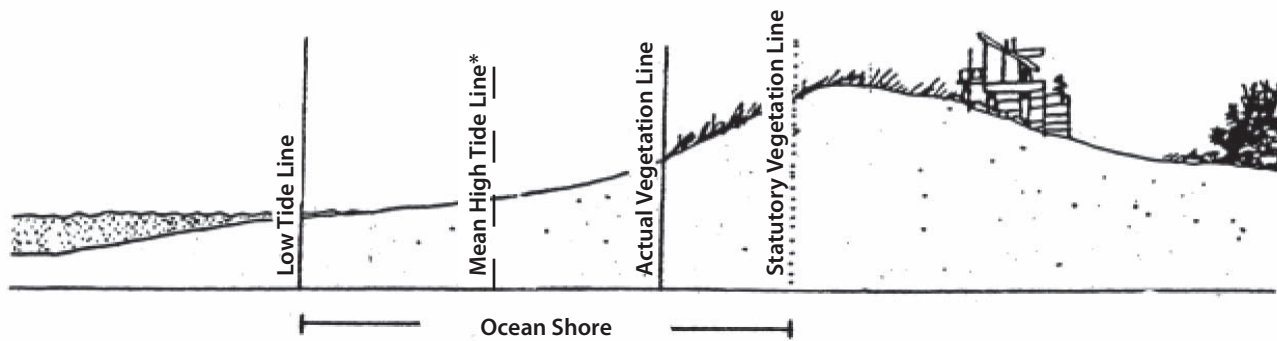
Coos

Curry

Figure 1-1
Areas Targeted for Snowy Plover Management
by OPRD or Other Landowners



Defined boundary of the Ocean Shore when the actual vegetation line is further landward than the statutory vegetation line.



Defined boundary of the Ocean Shore when the statutory vegetation line is further landward than the actual vegetation line.

*OPRD's permit jurisdiction on the Ocean Shore extends landward from the low tide line to the mean high tide line on Federal lands and from the low tide line to the statutory or actual vegetation line, whichever is most landward, on all other lands.

Table 1-1. Summary of Proposed Management Actions in OPRD Owned / Leased Snowy Plover Management Areas (SPMAs)

Currently Occupied SPMAs, Parks Owned/Leased by OPRD	Proposed Management Actions In Occupied SPMAs
Bandon SNA	<ul style="list-style-type: none"> ▪ The site management plan will define the area of restricted recreation within the SPMA. Following USFWS approval of an OPRD site management plan: ▪ Seasonal Recreation Restrictions (March 15 – September 15) ▪ Vehicles (motorized and non-motorized) prohibited on beach (except for administrative use), or as otherwise restricted by existing Oregon Administrative Rule [OAR]. ▪ Dogs and kite flying prohibited. ▪ All other recreational activities directed to the wet sand (fences, ropes, and/or signs will define the dry sand breeding areas to be avoided). ▪ Restrictions may be lifted early if no nesting by July 15. ▪ Other Site Management Plan Commitments ▪ Habitat restoration and maintenance, per the site management plan. ▪ Predator management. ▪ Public interpretation and education. ▪ Conduct detect/non-detect, breeding population monitoring, and wintering and breeding window surveys during the nesting season. Report findings to USFWS annually and work with snowy plover partners to evaluate the effectiveness of the HCP. ▪ Review the program every five years. ▪ Continue to provide three full-time beach rangers, State Park staff, local law enforcement, and additional senior State troopers, as needed, to facilitate enforcement activities. ▪ Prepare site management plan within 1 year of Incidental Take Permit (ITP) issuance.
Currently Unoccupied SPMAs, Parks Owned/Leased by OPRD	Proposed Management Actions In Unoccupied SPMAs
Columbia River South Jetty (Corps/OPRD)	<ul style="list-style-type: none"> ▪ The site management plan will define the area of restricted recreation within the SPMA. Following USFWS approval of an OPRD site management plan: ▪ Seasonal Recreation Restrictions (March 15 – September 15)
Necanicum Spit	<ul style="list-style-type: none"> ▪ Dogs required to be leashed. ▪ Vehicles (motorized and non-motorized) prohibited (except for administrative use), or as otherwise directed by existing OAR.
Nehalem Spit	<ul style="list-style-type: none"> ▪ Restrictions may be lifted early if no nesting by July 15. ▪ Habitat restoration, per site management plan.
Netarts Spit	<ul style="list-style-type: none"> ▪ Other Site Management Plan Commitments ▪ Non-lethal predator management. ▪ Public outreach and education. ▪ Detect/nondetect monitoring for snowy plover presence and nesting activity conducted twice monthly. ▪ Prepare site management plans for these OPRD sites within 2 years of obtaining ITP: Columbia River South Jetty, Necanicum Spit, and Nehalem Spit. ▪ When one of these sites becomes occupied, a new site will be managed for snowy plover occupancy. A minimum of three unoccupied areas will always be managed for snowy plover occupancy until all OPRD sites are occupied. ▪ As other land managers implement site management plans for non-OPRD unoccupied sites, those sites will be considered part of the minimum of three managed unoccupied areas. Netarts will be added if and when there are fewer than three unoccupied areas being managed collectively between OPRD and other landowners for snowy plover occupancy.

Table 1-2. Summary of Proposed Recreation Restrictions and Enforcements for Recreation Management Areas (RMAs) Outside State Parks and on Non-Federal Lands

Currently Occupied RMAs (owner/manager)	Proposed Actions In Occupied RMAs
Sutton/Baker Beach (adjacent to United States Forest Service [USFS] lands)	<ul style="list-style-type: none"> ▪ The site management plan will define the area of restricted recreation within the RMA. In the event that a site management plan does not exist, OPRD would automatically issue restrictions on the covered lands. OPRD will issue restrictions for the wet sand adjacent to Federal lands.
Siltcoos Estuary/Dunes Overlook/Tahkenitch Estuary (adjacent to USFS lands)	<ul style="list-style-type: none"> ▪ Seasonal Recreational Use Restrictions (March 15 – September 15) will be required by OPRD once a RMA site becomes occupied, including the following:
Tenmile Estuary (adjacent to USFS lands)	<ul style="list-style-type: none"> ▪ Vehicles (motorized and non-motorized except for administrative use), kite-flying, and dogs prohibited.
Coos Bay North Spit (adjacent to U.S. Bureau of Land Management [BLM], Corps lands)	<ul style="list-style-type: none"> ▪ Other public recreational use directed to the wet sand outside of roped and signed breeding areas. ▪ Restrictions may be lifted early if no nesting by July 15.
New River (adjacent to BLM lands, owned by Curry Counties, Private)	<ul style="list-style-type: none"> ▪ Other OPRD RMA Commitments ▪ Erect fences, ropes, and/or signs to define breeding areas (dry sand only) on non-Federal lands. ▪ Conduct enforcement actions on managed RMA sites.
Currently Unoccupied RMAs (owner/manager)	Proposed Actions In Unoccupied RMAs
Bayocean Spit (adjacent to Corps lands)	<ul style="list-style-type: none"> ▪ OPRD will implement the restrictions at the request of the landowner as indicated in USFWS-approved site management plan for that RMA.
South Sand Lake Spit (Private)	<ul style="list-style-type: none"> ▪ Seasonal Recreational Use Restrictions (March 15 – September 15) will be authorized for voluntary management of RMAs after coordination with USFWS, to include the following:
Tahkenitch South (adjacent to USFS lands)	<ul style="list-style-type: none"> ▪ Vehicles (motorized and non-motorized) prohibited except for administrative use or as otherwise directed by OAR.
Umpqua River North Jetty (adjacent to USFS lands)	<ul style="list-style-type: none"> ▪ Dogs required to be leashed.
Elk River Spit (Private)	<ul style="list-style-type: none"> ▪ Restrictions may be lifted if no nesting by July 15.
Euchre Creek (Private)	<ul style="list-style-type: none"> ▪ Other OPRD RMA Commitments ▪ Conduct enforcement actions on managed RMA sites.

Snowy Plover Management

Under the HCP, the Bandon State Natural Area (SNA), including the habitat restoration area (HRA) and the area extending north to the south end of the China Creek access point parking lot, will be identified and managed as the Bandon SPMA.

Within 1 year of issuance of an ITP, OPRD will complete a draft site management plan, which would be approved by USFWS within 6 months of completion of the draft plan. Active management of the Bandon SPMA will begin the season following the completion and approval of the site management plan.

In addition, as many as four currently unoccupied areas will be identified as SPMAs and targeted for management of potential nesting populations of snowy plover over the term of the 25-year ITP. Three SPMAs will initially be managed by OPRD for nesting populations of snowy plover:

- Columbia River South Jetty,
- Necanicum Spit, and
- Nehalem Spit.

Within 2 years of obtaining an ITP, OPRD will prepare draft site management plans for these three SPMAs as described below. Active management will begin the nesting season after site plans have been approved by USFWS. Approval will be granted within 6 months of completion of the draft plan.

One additional SPMA, Netarts Spit, could also be managed if (1) Columbia River South Jetty, Necanicum Spit, or Nehalem Spit becomes occupied, and (2) one of the currently unoccupied RMAs is not already under active, USFWS-approved management for snowy plover.

Under these circumstances, OPRD will commit to managing Netarts Spit for nesting populations of snowy plover to ensure that a minimum of three unoccupied SPMAs are being actively managed at any given time over the term of the 25-year permit.

Snowy Plover Conservation Measures at Snowy Plover Management Areas (SPMAs)

Site management plans will include management prescriptions specific to an individual SPMA, and could include commitments to habitat restoration, predator management, monitoring, enforcement, and public outreach and education, as necessary, as described below. Site management plans will also outline the extent of seasonal recreational use restrictions necessary for an individual SPMA and will not be implemented until approved by USFWS. Site management plan approval will be granted within 6 months of completion of the draft plan. Implementation will occur the following nesting season after USFWS approval. A sample outline of the contents of a site management plan is presented in Appendix A of this HCP.

Habitat Restoration

This management action could involve restoring coastal dune habitat through the removal of invasive species, e.g., European beachgrass and gorse, and potentially grading the upper beach to allow storm wave overwash to occur. This work will be done in areas that will not affect existing structures or cultural resources. Habitat restoration activities would be conducted within portions of an SPMA consistent with applicable local comprehensive plans and zoning ordinances as specified in each site's management plan.

Future restoration of as much as 40 acres will be conducted by OPRD at the Columbia River South Jetty SPMA and the Nehalem Spit SPMA, and, if needed, at the Necanicum Spit SPMA. The restoration efforts at Nehalem Spit SPMA, and potentially Necanicum Spit SPMA, will be conducted within 2 years of completing site management plans for these areas, if called for in the respective site management plans. Habitat restoration will be conducted within 5 years of completing the site management plan for the Columbia River South Jetty SPMA to accommodate the schedule of ongoing restoration efforts being conducted by the U.S. Army Corps of Engineers (Corps) (the lessor), in coordination with OPRD.

At the Bandon SPMA, where habitat restoration activities have already been implemented, OPRD will continue to maintain as much as 50 acres of optimal habitat for nesting snowy plovers.

Predator Management

OPRD will provide funding to manage the snowy plover predator base along the Oregon coast. The level of funding will increase as additional SPMAs are targeted for management over the term of the 25-year permit. Predator management funded by OPRD will be implemented by the U.S. Department of Agriculture (USDA) between February and August and will include both lethal (at nesting sites) and non-lethal methods (at unoccupied actively managed sites). If for some reason, the USDA discontinues predator management activities over the term of the ITP, OPRD will assume responsibility for implementing these activities at all actively managed SPMAs. For more detailed information about predator management, see Section 5, "Conservation Plan," of this HCP. Detailed information about funding of the HCP is presented in Section 7, "Implementation, Organization, and Structure."

Snowy Plover Monitoring, Reporting, and Enforcement

Detect/Non-detect Monitoring

OPRD staff will continue to participate in detect/non-detect monitoring activities along the Ocean Shore to determine whether nesting populations of snowy plovers are present. Detect/non-detect monitoring will occur at the beginning of the nesting season (March) and will continue until July 15 as described in the monitoring protocol. Detect/non-detect monitoring will be conducted at least twice monthly.

The results of the detect/non-detect monitoring surveys will be summarized in the annual compliance report submitted to USFWS, as described below.

Breeding Population Monitoring

OPRD will continue to provide funding to the Oregon National Heritage Center (ORNHIC) to monitor breeding populations at occupied sites. The level of funding will increase as additional SPMAs are targeted for management over the term of the 25-year permit. The results of breeding population monitoring will be communicated (e.g., via email) to USFWS once a month. Monthly reports will focus on ongoing concerns, such as recreational use violations or predation at a particular SPMA. This information will also be documented in an annual report provided to USFWS for review and will be used to determine the effectiveness of the snowy plover conservation management activities and to make adaptive management decisions.

Wintering and Breeding Window Surveys

OPRD will continue to provide staff to assist with conducting wintering and breeding window surveys at the currently occupied sites and will provide staff to conduct the surveys at new SPMAs as they become occupied. These surveys will be conducted as indicated in the Monitoring Guidelines for the Western Snowy Plover, Pacific Coast Populations (Appendix J in the Final Recovery Plan [U.S. Fish and Wildlife Service 2007]) and the results will be compiled annually and submitted to USFWS.

Annual Compliance Reporting and Evaluation of the HCP

OPRD will compile and provide an annual report to USFWS documenting its management actions to date; snowy plover population data, including take occurrences; recreational use enforcement issues; and anticipated management efforts needed for the following year. OPRD will work with USFWS to develop and implement protocols for assessing the effectiveness of the conservation strategies based, in part, on the information provided in the annual report. These protocols will be developed in collaboration with other snowy plover partners (Federal, State, and local agencies and private landowners) and will provide a mechanism for USFWS to evaluate the effectiveness of the HCP on an annual basis. Based on the results of this assessment, OPRD will work with other managers, USFWS, and ODFW to implement appropriate adaptive management measures, if necessary, to address declines in snowy plover populations or significant degradation of habitat within SPMAs (for more information about the adaptive management measures, see Section 5.3.3, Adaptive Management).

In addition to developing and submitting the annual report, OPRD, USFWS, and ODFW will meet every five years following issuance of the ITP to evaluate the performance and effectiveness of the conservation measures in minimizing and mitigating effects on snowy plover. This effort will be used to inform necessary adaptive management measures, should it be determined that the covered activities are resulting in a decline in snowy plover populations or degradation of habitat.

Enforcement

OPRD will continue to fund the three full-time beach ranger positions that are currently in place to encourage compliance with beach restrictions. OPRD will also work with the Oregon State Police and/or local law enforcement offices to provide additional enforcement support, where necessary and possible. Other OPRD staff will be available for OPRD-owned site enforcement and to assist with monitoring, as needed.

For more detailed information about snowy plover monitoring, reporting, and enforcement, see Section 5, “Conservation Plan,” of this HCP. Detailed information about funding of the HCP is presented in Section 7, “Implementation, Organization, and Structure.”

Public Outreach and Education

OPRD will continue to recruit and train volunteers to serve as docents for public outreach and education at the China Creek access to the Bandon SPMA. In addition, as new SPMAs are managed, OPRD will recruit and train volunteers to serve as docents for public outreach and education as specified in that site’s management plan. OPRD will also provide signage at access points to inform the public of the presence of nesting snowy plovers and the importance of snowy plover protection measures. Signage indicating the presence of nesting snowy plovers and the boundaries of dry sand restrictions will also be installed at the boundaries of restricted areas within SPMAs. For more detailed information about public outreach and education, see Section 5, “Conservation Plan,” of this HCP. Detailed information about funding of the HCP is presented in Section 7, “Implementation, Organization, and Structure.”

Snowy Plover Management Measures at Recreation Management Areas (RMAs)

In addition to the commitments described above at OPRD-owned or leased SPMAs, OPRD will also review and comment during the development of site management plans at RMAs. In the event that an RMA becomes owned by OPRD and is actively managed for nesting populations of snowy plover, the snowy plover management measures described above will be implemented at that site.

Public Use/Recreation Management

OPRD will also manage the public’s use of the covered lands to minimize potential adverse effects on snowy plover. In addition to its management responsibilities on the Ocean Shore, OPRD will enforce recreational use restrictions at up to five SPMAs and potentially up to 11 RMAs. Implementation of the recreational use restrictions depends on whether a site is occupied by nesting snowy plovers or is being actively managed to attract nesting snowy plovers. At occupied sites, these

restrictions include prohibition of the following recreational activities, which were determined to have the greatest potential to result in take of snowy plovers:

- Dog exercising,
- Driving / motorized vehicle use,
- Non-motorized vehicle use,
- Kite-flying, and
- All other activities within the dry sand portion of the beach. Use of the dry sand area will be prohibited, including roping off key areas of the beach around nesting sites and installing signs to indicate the presence of nesting snowy plovers and the importance of the recreational use restrictions.

Unless otherwise prohibited above, recreational use will be directed to the wet sand. At unoccupied, actively managed sites, the recreational use restrictions would include prohibition of driving (except for administrative uses, such as to provide access for emergency and enforcement vehicles, snowy plover monitoring, and land management activities) and non-motorized vehicle use and requiring dogs to be leashed during the nesting season. If the site was not occupied by July 15, the restrictions will be lifted. These restrictions are summarized in Table 1-3.

The extent of the restriction areas within an SPMA will be determined during development of site management plans for each area. Special considerations specific to implementation of these restrictions at RMAs are discussed in greater detail below.

Table 1-3. Proposed Recreational Use Restrictions

Occupied Management Areas
<p>For all occupied SPMA/RMAs, recreational use restrictions would include the following:</p> <ul style="list-style-type: none"> ▪ Dry sand recreation restrictions will be in place, including roping off key areas of the beach around nesting sites and installing signs to indicate the presence of nesting snowy plovers and the importance of the recreational use restrictions. ▪ Vehicles will be prohibited on the dry and wet sand (except in limited circumstances, and under permit from OPRD). ▪ Non-motorized vehicle use will be prohibited on the dry and wet sand. ▪ Dogs will be prohibited. ▪ Kite flying will be prohibited. ▪ OPRD will continue to provide three full-time beach rangers and additional support, as needed, to facilitate law enforcement activities.
Managed Unoccupied Management Areas
<p>For unoccupied SPMA/RMAs being actively managed for snowy plover occupancy: the following seasonal (breeding) use restrictions will be imposed, upon request, after OPRD coordination with USFWS:</p> <ul style="list-style-type: none"> ▪ Dogs will be required to be on leash. ▪ Vehicles will be prohibited on the dry and wet sand (except in limited circumstances, and under permit from OPRD). ▪ OPRD will continue to provide three full-time beach rangers and additional support, as needed, to facilitate law enforcement activities.

Special Considerations for Recreational Use Restrictions at Recreation Management Areas (RMAs)

Based on OPRD's authority to manage recreational use of the Ocean Shore, OPRD is required to provide authorization to restrict recreational activities for RMAs within the covered lands. As discussed above and in Section 2, this area extends from the extreme low tide line to the mean high tide line adjacent to Federal lands and from the extreme low tide line to the statutory or actual vegetation line, whichever is most landward, on all other lands. Under this HCP, OPRD will potentially implement recreational use restrictions at up to 11 RMAs, which include.

- Bayocean Spit (adjacent to lands owned by the Corps);
- South Sand Lake Spit (privately owned);
- Sutton/Baker Beach (currently occupied and adjacent to lands owned by the USFS);
- Siltcoos Estuary/Dunes Overlook/Tahkenitch Estuary (currently occupied and adjacent to lands owned by the USFS);
- Tahkenitch South (adjacent to lands owned by the USFS);
- Umpqua River North Jetty (adjacent to lands owned by the USFS);
- Tenmile Estuary (currently occupied and adjacent to lands owned by the USFS);
- Coos Bay North Spit (currently occupied and adjacent to lands owned by the Corps and BLM);
- New River (currently occupied and owned by Curry County and private individuals, and adjacent to lands owned by BLM);
- Elk River (privately owned); and
- Euchre Creek (privately owned).

If an RMA becomes occupied, but a site management plan does not exist, OPRD will implement the recreational use restrictions described above within the covered lands. At RMAs, OPRD will issue and continue to enforce recreational use restrictions within the full extent of the RMA until an agreement is reached between USFWS and the landowner and/or a site management plan is developed and OPRD is notified of any changes that may modify recreational use restrictions to a more focused area.

In the event that a USFWS-approved site management plan has been developed, OPRD will implement recreational use restrictions as directed by the site management plan. If an RMA is unoccupied, OPRD will only implement recreational use restrictions at the request of the landowner and after consultation with USFWS and collaboration with ODFW.

OPRD will also seek to modify the State Rule to provide an ongoing mechanism for recreational use restrictions.

OPRD will provide supervision, enforcement, and ropes or signage at RMAs because these actions cannot legally be implemented within the RMA by landowners. Roping of adjacent Federal lands will be the responsibility of the Federal landowner.

Protections for Nests outside of Targeted Areas

If a snowy plover should nest outside an occupied or unoccupied SPMA or RMA on the covered lands, OPRD will install fencing around the individual nest and will consider installing a nest enclosure after consultation with USFWS. Specifically, OPRD will install a 50-meter-radius (164-foot) roped buffer around the nest that allows access along the wet sand, and will determine if use of an enclosure to protect the nest from predation is in the best interest of the nest. OPRD will also work with USFWS and landowner to install signage, as appropriate, to indicate the presence of nesting snowy plovers.

Beach Management

All beach management activities, including marine mammal strandings and removals, public safety, external and internal law enforcement, and response to boat strandings, will continue to be conducted in a manner that attempts to avoid take of snowy plover. OPRD will consult with USFWS regarding any of these activities that will occur in an occupied or unoccupied SPMA or RMA prior to conducting the activity, unless there is an emergency situation. Emergency situations are considered to be an unforeseen circumstance, which are addressed in Section 7, “Implementation, Organization, and Structure,” of this HCP.

1.5.2. Goals and Actions for Implementing the Conservation Measures

The conservation plan also includes goals and actions that describe more specifically what the purpose of specific conservation measures (goals) are and how they will be implemented (actions) over the term of the permit. The goals and actions are described in greater detail in Section 5.3.2, “Goals and Actions for Implementing the Conservation Measures.”

1.5.3. Adaptive Management

Adaptive management is a process that allows resource managers to adjust their actions to reflect new information or changing conditions in order to reach a goal, in this case, minimization of take and conservation of the snowy plover, while limiting impacts on recreational use along the Ocean Shore. OPRD will use the adaptive management processes as part of the conservation measures to minimize take of snowy plover resulting from management of Oregon’s beaches and to ensure the

long-term survival of the snowy plover along the Oregon coast. Specific circumstances where adaptive management will be implemented include situations where:

- biological monitoring reports indicate a decline in the snowy plover population along the Oregon coast,
- a snowy plover nest is found outside of an identified SPMA 3 years in a row,
- nest enclosures have been determined to be ineffective through monitoring efforts,
- nesting at currently unoccupied, actively managed SPMA is unsuccessful, and
- OPRD purchases a RMA that seems to provide better habitat potential than the proposed SPMA.

The specific measures that would be implemented in response to these conditions are discussed in Section 5.3.3, “Adaptive Management.” Any adjustments in management practices will occur only with OPRD and USFWS consensus unless otherwise noted under the adaptive management measures or changed circumstances discussed in Sections 5 and 7, respectively.

1.6. Implementation Considerations

As the permit holder, OPRD will have authority and responsibility to implement decisions related to the ITP and HCP. Oregon law gives the Oregon Parks and Recreation Commission complete jurisdiction and authority over all park areas acquired by the State for recreation, scenic, historic, natural, and cultural purposes (ORS 390.111), and the authority to make regulations and provisions deemed necessary for use and administration of park areas (ORS 390.124, ORS 390.660) and for the Ocean Shore (ORS 390.635 and ORS 390.620) and in cooperation with Federal land management actions as per the CZMA.

The HCP will be implemented through an implementing agreement (IA) (Appendix H) agreed to by OPRD and USFWS. The IA defines the roles and responsibilities of OPRD and USFWS regarding implementation of the HCP. The IA and the HCP are complementary to each other.

The processes for addressing changed and unforeseen circumstances, amending the HCP, reviewing implementation of the HCP, and funding the management actions included in the HCP are discussed in both the HCP and the IA. Where discrepancies may occur between the HCP and the IA, the IA is considered the governing document.

Implementation considerations are discussed in detail in Section 7, “Implementation, Organization, and Structure,” which includes a discussion of the schedule for

implementation, funding commitments, and treatment of unforeseen and changed circumstances. Unforeseen and changed circumstances are discussed briefly below.

1.6.1. Unforeseen Circumstances

If unforeseen circumstances arise, USFWS will not require, without the consent of the permittee, the commitment of additional mitigation in the form of land, water, or funds nor will it require additional restrictions on the use of land, water, or funds from any permittee who is adequately implementing or has implemented an approved HCP (U.S. Fish and Wildlife Service and National Marine Fisheries Service 1998). If additional conservation and mitigation measures are deemed necessary to respond to unforeseen circumstances, USFWS may require additional measures of the permittee where the HCP is being properly implemented, but only if such measures are limited to modifications to management actions set forth in the HCP. The assurances of the No Surprises regulations apply only “where the conservation plan is being properly implemented, and apply only with respect to species adequately covered by the conservation plan” (U.S. Fish and Wildlife Service and National Marine Fisheries Service 1998).

The above paragraph notwithstanding, if, during the implementation of this HCP, an unforeseen circumstance occurs that could have a significant negative effect on snowy plovers or could affect the ability of OPRD to effectively manage activities under this HCP, OPRD will to the extent practicable, voluntarily follow the procedures below.

1. Within 10 business days of the date the unforeseen circumstance is brought to OPRD’s attention, the HCP Coordinator will notify USFWS in writing of the following:
 - Nature of the situation,
 - Geographic and temporal extent to which the beach was or will be affected by the situation,
 - Potential effect on snowy plovers within the covered lands, and
 - Any actions taken to date to respond to the unforeseen circumstance.
2. Within 5 business days of USFWS receipt of the written notification described above, OPRD will discuss the unforeseen circumstance with USFWS personnel and other affected parties, as applicable. An appropriate response to the situation, such as modifying the HCP and/or ITP, may be developed and implemented in coordination with USFWS.
3. Any additional conservation and mitigation measures deemed necessary to respond to unforeseen circumstances will be limited to modifications to the HCP’s existing operating conservation program for the snowy plover,

maintaining the original terms of the HCP to the maximum extent possible. Unless agreed to by OPRD, additional conservation and mitigation measures will not involve the commitment of additional land, water, or financial compensation or restrictions on the use of land, water, or other natural resources otherwise available for development or use under the original terms of the HCP.

1.6.2. Changed Circumstances

OPRD and USFWS foresee that circumstances could change during the term of the ITP that could affect the ability of OPRD to properly implement the HCP. Events that could occur during the term of the HCP that are identified as changed circumstances include: the listing of a new species, potential environmental changes associated with global climate change and rising sea levels, and the effects on wintering snowy plovers rising to the level of take. These circumstances are discussed in detail in Section 7.6.3, “Changed Circumstances.”

1.7. Alternative Actions Considered but Rejected

Several alternative actions to the HCP conservation measures were considered but rejected. These actions include the following:

- No HCP Alternative,
- Manage All Recovery Plan Areas,
- Protection of Nests When and Where They Occur,
- Protection of Occupied Sites Only,
- Active Management of All SPMAs/RMAs for Occupancy by OPRD,
- Implement a Captive Breeding Program,
- Voluntary Compliance and Education, and
- Multi-species HCP.

In addition to these alternative actions, OPRD eliminated four additional OPRD-owned sites as potential locations for snowy plover management. These sites include Nestucca Spit, Bullards Beach, Sixes River, and Pistol River. The reasons for not including these areas as SPMAs in the HCP are also discussed in Section 8 of this HCP.

1.8. Changes to the September 2007 Draft HCP

Based on public comments received on the draft HCP that was circulated for public review from November 5, 2007, to March 12, 2008 and again from April 17, 2009 to June 1, 2009, the following substantive changes have been made to the HCP:

- Section 1, “Executive Summary” – The Executive Summary has been updated to include a more substantive summary of the HCP proposal.
- Section 2, “Introduction/Overview”
 - Section 2.5, “Covered Lands” – This section has been updated to indicate the following changes.
 - Management of the Pistol River SPMA is no longer part of the HCP proposal. Other locations in the document that referenced Pistol River as part of the HCP proposal, including all figures, have been deleted.
 - The northern boundary of the Bandon SPMA has been extended to the south end of the China Creek access parking lot. Trail access to the beach will be rerouted to the new north access. Figure 2-7 has been updated to depict the new boundary.
 - The discussion of the covered lands has been updated to acknowledge the presence of Federal lands within the Ocean Shore. These lands have been removed as part of the covered lands because Federal land owners need to address actions on their lands. Therefore, any actions, regardless of who conducts them, on these lands would be the responsibility of the Federal landowner and would require separate consultation with USFWS.
- Section 4, “Natural History of and Factors Affecting the Snowy Plover” – The population data have been corrected based on public comments and updated to include the data through the 2007 breeding season.
- Section 5, “Conservation Plan” - This section has been updated to clarify that the conservation plan includes 1) the conservation measures: snowy plover management activities at SPMA’s, recreational use restrictions at SPMA’s and RMA’s, and beach management activities on the Ocean Shore; 2) goals and actions to implement those measures; and 3) adaptive management measures related to these activities. In addition, the following specific issues have been addressed.
 - The HCP has been updated to clarify that habitat restoration activities proposed at SPMA’s would be designed to be consistent with county comprehensive plans and zoning ordinances as indicated in the site management plan. For example, vegetation removal and grading would be

limited to those areas set aside for natural resource management as indicated by applicable comprehensive plans and zoning.

- The HCP has been updated to clarify the commitments with respect to monitoring and reporting. OPRD will continue to participate in and fund detect/non-detect monitoring, breeding season monitoring, and wintering and breeding window surveys. In addition, OPRD will complete an annual report to be used to evaluate the effectiveness of the HCP conservation measures. OPRD will review the HCP with USFWS and ODFW every five years after issuance of the ITP.
- The HCP has been updated to clarify how the recreational use restrictions would be implemented at RMAs. The extent of the restrictions will be developed in consultation with USFWS through the completion and approval of site management plans (for SPMAAs) or USFWS consultation (for RMAs) and will likely be focused around nesting sites. In the event that an RMA became occupied, but no site management plan is in place, OPRD will implement the restrictions. OPRD will continue to enforce recreational use restrictions within the full extent of the RMA until an agreement is reached between USFWS and the landowner and/or a site management plan is developed and OPRD is notified of any changes that may modify recreational use restrictions to a more focused area.
- The description of the recreational use restrictions has been streamlined to clarify that all activities, including those that were previously individually listed (e.g., camping, picnicking, pedestrian traffic, horseback riding, beach fires, etc.), will be restricted from the dry sand at occupied sites. In addition to these dry sand restrictions, key areas of the dry sand will be roped off and signs will be provided to indicate the presence of nesting snowy plovers and to explain the applicable recreational use restrictions. Certain activities that are unlikely to occur on the wet sand (e.g., camping, beach fires, and picnicking) would effectively be prohibited from occurring in occupied SPMAAs/RMAAs during the nesting season. This conservation measure is identified as restrictions on dry sand activities and may be applied to areas focused around nesting sites as refined in the approved site management plans or in the IA (Appendix H).
- The conservation measure related to treatment of nesting sites outside of SPMAAs/RMAAs has been updated to indicate that nest exclosures may not always be used at an individual nest site. Rather, OPRD will work with USFWS to determine if installation of nest exclosures is appropriate.
- Commitments to law enforcement have been clarified to note that the three existing full-time beach ranger positions will continue to be funded under the HCP, and that their responsibilities will be to enforce compliance with all Ocean Shore and State Park rules, including beach use restrictions designed

- to protect snowy plover. Other State Park staff and contracted enforcement personnel will be used as needed.
- The conservation measures have been updated to clarify OPRD’s commitment to providing signage at beach access points, at the boundaries of restricted areas within SPMA’s and RMA’s, and at nesting locations outside of SPMA’s/RMA’s, to alert the public to the presence of snowy plovers and the measures that have been put in place to protect them.
 - In Section 5.2.3, “Management Approach,” the definition of an occupied site has been updated to clarify that at RMA’s adjacent to federally owned lands, the RMA will be considered occupied if at least one nest or nesting attempt has been made in the previous 2 years in the adjacent lands up to the actual or statutory vegetation line.
 - Section 6, “Direct, Indirect, and Cumulative Effects on Snowy Plovers and Snowy Plover Habitat” – This section has been updated to clarify that the potential effects on wintering snowy plovers are within a normal range of disturbance and are not anticipated to rise to the level of take.
 - Section 7, “Implementation, Organization, and Structure”
 - Section 7.5, “Funding” – The funding commitments in the HCP have been revised and clarified.
 - Section 7.6.3, “Changed Circumstances”
 - The discussion of changed circumstances has been updated to include changed circumstances associated with global climate change and rising sea levels. Specifically, in the event that global climate change adversely affects OPRD’s ability to implement the HCP, OPRD will work with USFWS to determine and implement appropriate measures with special allowances for emergency situations.
 - The discussion of changed circumstances has also been updated to include changed circumstances related to adverse effects on wintering populations of snowy plovers rising to the level of take. The potential effects on wintering snowy plovers are not anticipated to rise to the level of take. However, due to the possibility that effects on wintering populations could change over the life of the ITP and result in adverse impacts on the species, these circumstances were added to Section 7.6.3.
 - Changed circumstances related to the invasion of exotic plant species, increases in predator populations, emergency permit issuance, and emergency events were removed because these circumstances are either covered by the provisions of the HCP or are more appropriately addressed in unforeseen circumstances.

- Section 8, “Alternative Actions Considered but Rejected” – This section has been updated to include a discussion of why certain beach areas owned by OPRD, including Nestucca Spit, Bullards Beach, Pistol River, and Sixes River were not carried forward to be managed as SPMAAs as part of the HCP proposal.
- Appendix G, “Technical Memorandum: Take Estimate of the Western Snowy Plover.” The Take Assessment Memo presented in Appendix G of the HCP has been updated to include two tables, one with the actual population monitoring data (Table 4a, which includes data through the 2007 breeding season) and one with the modified data used in the take assessment analysis (Table 4b). Table 4a has been corrected to show the actual population monitoring data, which includes Necanicum Spit and Floras Lake. Table 4b presents the modified data used in the model, which excludes Necanicum Spit and Floras Lake and includes the proxy data for Sutton Beach. This information does not change the results of the model, but has been presented for clarification. For more information regarding the rationale behind modifying the population data for use in the take assessment model, see Appendix G.

The remainder of the memorandum was not updated to reflect the rest of the changes indicated above. This is because the analysis was completed based on the 2007 draft HCP and these changes do not materially affect the analysis provided in this document.