

# Town of Orleans, MA

## Natural Resources Department



## Statewide Habitat Conservation Plan (HCP) & Over-Sand Vehicle (OSV) User Guide



***Procedures & Conditions***

# Habitat Conservation Plan (H.C.P.)

## *An introduction*

Over the past decade, over-sand vehicle (OSV) access has been precluded to Nauset Beach South due to unfledged piping plover chicks located in an area north of Trail 1 known as the "Pochet Wash". Piping plovers are listed as threatened species under both the U.S. Endangered Species Act and the Massachusetts Endangered Species Act.

To regain access to the area, the Town of Orleans developed a Habitat Conservation Plan (HCP). The HCP allows up to 180 OSV per day to pass through the Pochet Wash where up to eight (8) unfledged piping plover chicks and four (4) adult parents are living.

Piping plover chicks leave the nest about two hours after hatching and are able to feed themselves within a few hours of being out of the nest. Piping plovers eat a variety of aquatic and terrestrial invertebrates such as worms and amphipods. They move from one tidal area to another, multiple times per day, crossing the OSV corridor to feed on the east and west sides of the trail. Chicks blend into their surroundings very effectively because of their camouflaged plumage. They are highly mobile, very fast, and can be observed feeding over large areas of the habitat. When disturbed they may run in spurts, stop, and hide in dune grass or a small depression in the sand.

To lessen the impact from OSV running over chicks and help us implement a successful program, the town adopted a "self-escorting" procedure. It is critical that you adhere to the self-escorting procedure to insure that the HCP is successful. This means that you *must* have a person with you at least 16 years of age or older that can walk 15 feet in soft sand in front of the OSV looking for chicks and/or adults in the OSV corridor. OSV that are unable to provide a competent self-escorter over the age of 16 will be denied access. The areas where you will be self-escorting are called "self-escort zones". The self-escort zones will be clearly marked with signs giving you notice when to begin and end the self-escorting.

It will be a requirement for all OSV to contain a copy of the Nauset Beach OSV Rules & Regulations, as well as a signed copy of this HCP Procedures & Conditions signed by anybody who will be driving the vehicle. Both copies of regulations will be required to be produced by the OSV operator at the time of check in. In the event that the OSV operator cannot produce both regulations, then he/she shall be provided with a copy at the entrance toll booth. After reading both sets of regulations, the OSV operator will sign the copy of the HCP Procedures and Conditions (this packet), and the operator acknowledges that he/she has read and understands the HCP requirements.

### **Important Information Regarding Medical or Family Emergencies**

When the permit is in effect, access to and from Nauset Beach South outside of the self-escort access windows shall be *strictly prohibited*. In the event of a life-threatening medical emergency, the staff of the Nauset Beach Administration Building and emergency responders should be notified. Contact telephone numbers are provided in the Nauset Beach OSV Rules and Regulations. Essential vehicles will assist in escorting the vehicle off of the beach. Your stay on the beach could be as long as ten (10) hours with a minimum required stay of two (2) hours. Please plan for less than ideal conditions such as flying insects, bad weather, etc.

**Self-Contained Vehicles** – All self-contained vehicles will be required to commit to and reserve their day of departure when they check in. All other self-contained check in procedures and maximum stay restrictions remain unchanged while the permits are in effect. See the Nauset Beach OSV Rules & Regulations for more information regarding self-contained vehicles.

## OSV Access Start Date & Access Windows

The HCP start date can change annually and is dependent on the number of un-fledged chicks present. The Natural Resources Officer/Shorebird Specialist will post when the program will start annually.

### **\*Important\***

The times listed below are the times that OSV can travel through the self-escort zone. You must leave yourself enough time to make it on/off the beach, and through the self-escort zones within the time frame.

Example 1: If you are accessing the beach during the 12PM – 2PM window, you must be at the self-escort zone no later than 1:30 PM.

Example 2: If you are exiting the beach during the 4PM – 6PM window, you must be at the self-escort zone no later than 5:30 PM.

**Morning Session** - 8:00 AM – 10:00 AM\*

**Mid-Day Session** - 12:00 PM – 2:00 PM\*

**Afternoon Session** - 4:00 PM – 6:00 PM\*

*\*Times may be flexible within one (1) hour of each side of the access windows due to inclement weather or chick location.*

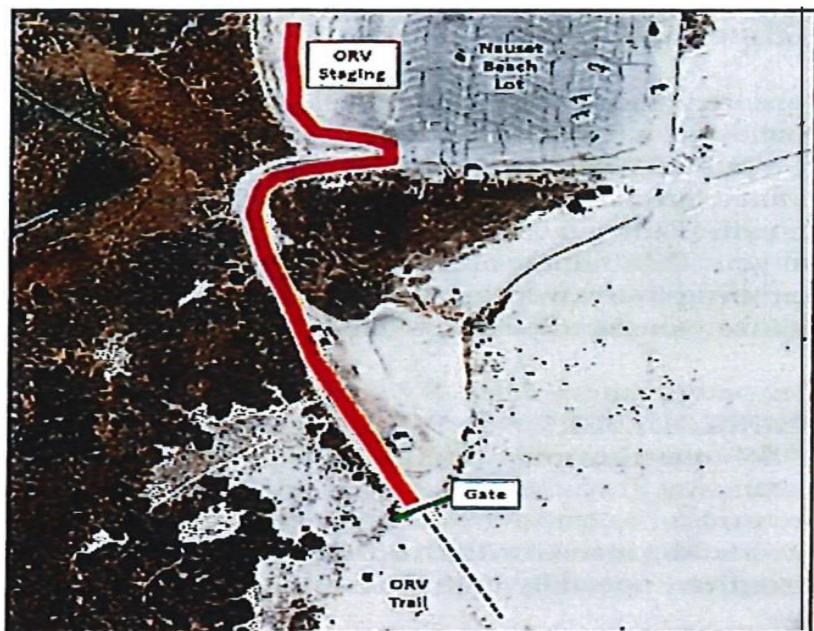
**The Natural Resources Manager / Beach Director will have the independent authority to close the trail at any time for any reason.**

## The HCP OSV Protocols

### Step 1: Accessing Nauset Beach South & Staging:

All OSV must stage in the pre-determined area of the Nauset Beach parking lot shown in (Figure 1). Line up in a single row, air down and check all your gear, safety equipment and supplies. Access will be granted on a first come, first served basis.

**Figure 1:**  
Entrance to HCP  
Staging area and  
south entrance  
gate.



## **Step 2: From Nauset Beach South Gate (lower lot) to the self-escort zones:**

When shorebird monitors have established the locations of the chicks, they will notify staff stationed at the entrance gate and the gate will be opened. The OSV will then proceed through the entrance gate at ***no more than 10 MPH until they arrive at the self-escort zone***. Each self-escort zone will be marked with signs as shown below indicating where the self-escort zone begins and ends. Be on the lookout at all times for these signs. Remember the locations of the signs may change daily due to the chick's locations. When you arrive at a self-escort zone, stop your OSV, have your escorter exit the OSV and walk fifteen (15) feet in front of the OSV. The OSV will follow behind the escorter at walking speed. *It is your responsibility to identify the self-escort begin and end signs.*

The escort signs you will encounter are shown below.

***\*REMEMBER\* that the location of these signs can change daily and it is your responsibility to identify the locations daily.***



**Figure 2:** Example showing two (2) separate self-escort zones. While you proceed through the self-escort zone, be aware that piping plovers are very territorial. Consequently, the broods may be separated, so each escort zone may contain one (1) brood with up to four (4) chicks and two (2) adult plovers. If they are close together there will only be one (1) self-escort zone. ***Plovers may be moving throughout the habitat area as you are walking and driving through the self-escort zones. They can appear at ANY TIME and ANYWHERE.***

## **Step 3: Moving through the Self-Escort Zones:**

While walking and driving through the self-escort zones you should be focused on looking for chicks and/or adults in the OSV corridor. Walk slowly; keep your attention and eyes on the OSV corridor in front of you. Also use your peripheral vision to look for chicks near the edge of the corridor that may dart out. Chicks may also hide in small depressions in the sand including the tire ruts or in dune grass. They rely on blending in with their surrounding habitat. When unfledged chicks are close, the adult parent plover will often get excited and move directly into your path. They may also pretend their wing is broken and cannot fly; they may flap their wing on the ground while moving away from you. This biological defense behavior is commonly referred to as the "broken wing display." If you see this, the adults are attempting to draw attention to themselves and away from the chicks. You may hear the parent adult sounding an alarm call before you see the chicks. The call sounds like "peep-peep" repeated rapidly.

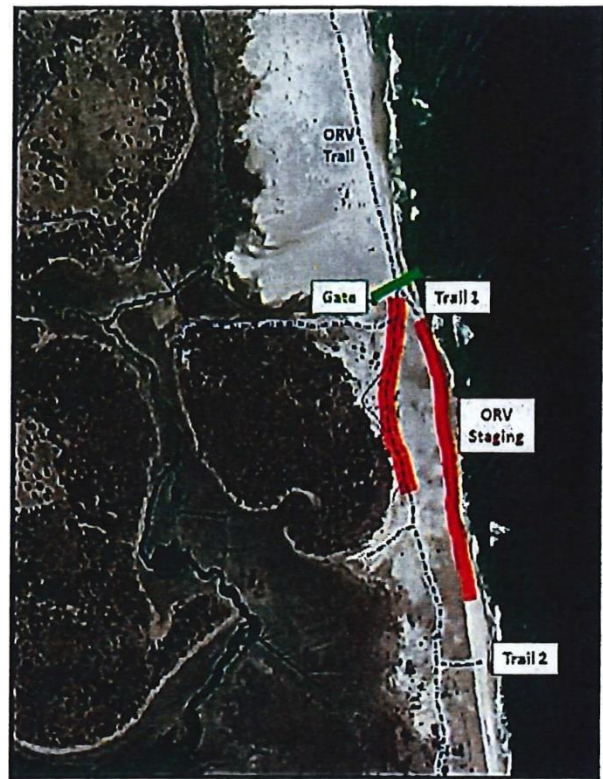
If the escort person or OSV driver sees a chick and/or adult in the OSV corridor or within 100 feet of the self-escort zone, they MUST signal the vehicle behind them to IMMEDIATELY STOP. The signal for this is:

the self-escort designee raises his/her right arm and then shouts "STOP." The OSV operator must safely stop the vehicle. The driver will then honk his horn in three (3) short bursts. Monitors will make their way to you. No herding of chicks or adults will be permitted. The Monitor will sweep the area and then determine when the corridor is clear to travel. They will speak through a megaphone, "IT IS SAFE TO PROCEED." OSV may then proceed. You should proceed with the understanding that chicks may reappear, at any time in the corridor. Chicks tend to travel close together, especially in the first 10 days after they hatch.

Below are photos of chicks and adult plovers acting out the feigned or broken wing display.



#### **Step 4: Nauset Beach South Exiting Protocols:**



**Figure 3:** Self-escort zones and exiting gate staging area near Trail 1

***OSV will be expected to begin preparing at least one (1) hour before planning to exit the beach during the 4:00 p.m. to 6:00 p.m. access window. All OSV are to be clear of the self-escort zones by 6:00 p.m. In order to alleviate traffic congestion, management recommends that OSV begin preparation at 3:00 p.m. for their 4:00 p.m. departure. OSV are required to be at the Trail 1 gate by no later than 5:30 p.m. At approximately 1.5 hours before the 6:00 p.m. closure, Beach Ranger staff will sweep the beach in a patrol vehicle with flashing strobe lights on. Starting in the south and working north, this final drive-through is a directive for all non-self-contained OSV to begin preparations to be at the Trail 1 gate by 5:30 p.m. and clear of the self-escorting corridor and the beach by 6:00 p.m.***

Due to varying high tides, changing beach conditions and additional plover related closures outside of the self-escorting zones, portions of Nauset Beach South may be closed to OSV traffic. Therefore, OSV traffic should anticipate having to use a combination of frontal beach and back trails (as we have in the past) to exit the beach. As mentioned, there will be a gate located near Trail 1 staffed with an attendant. All OSV exiting the beach shall line up in a row when approaching the gate. No OSV or their self-escort designee are to pass by the gate prior to 4:00 p.m. At 4:00 p.m., the gate attendant will open it once the shorebird monitors have determined that the corridor is open and it is safe to proceed. The 4:00 p.m. opening may be delayed up to 1 hour due to location of the chicks in the self-escort zone. OSV will proceed at no more than 10 mph driving speed until they reach the boundary of the self-escort zones. Here, you will be required to repeat the same procedure from when you accessed the beach. Once again, all self-escorting protocols discussed earlier will remain in-effect during the exiting window. Your cooperation with the required protocols will help to promote an enjoyable experience for you and your fellow permit holders.

Use good judgment in planning your day, especially if it is one in which there are many vehicles remaining on beach between 4 and 5 p.m. A congested OSV corridor when leaving will not contribute to an enjoyable experience.

On occasion there could be as many as 180 vehicles attempting to exit during the 4:00 p.m. to 6:00 p.m. window. If everyone waits until the last minute to leave, the Town of Orleans will be unable to meet their legal requirements and conditions of the Permits. Plan your stay accordingly and enjoy.

**Airing Stations:** As always there may be a line waiting to use the two air supply lines at the Nauset Beach South air station. If you choose to wait and use the air station, be patient. During times of intense traffic congestion, management may close down the air station in order to move along traffic and keep the corridor open. Please have a backup plan for airing up.

**VIOLATIONS:** Any violations of the aforementioned protocol **will not be tolerated**. Violators of the HCP Procedures and Conditions shall be subject to OSV sticker revocation, and shall have their rights to operate an OSV on Nauset Beach suspended immediately for a period of one (1) year from the date of the violation.

***A zero tolerance policy will be in effect at all times on all rules regarding the HCP.***

The cooperation of the general public in complying with the conditions and regulatory requirements of the permits will be critical in determining the success of the HCP program. You should all consider yourselves as active stakeholders in the entire HCP process and its successful implementation.

Enjoy your day at Nauset Beach.

**IMPORTANT:**

The following page (Step 5) requires anybody operating the OSV to sign and date that they have read and acknowledge all of the conditions of the HCP. Please make sure you have read and understand the entire conditions and procedures before signing your name. Remember, the town has adopted a zero tolerance policy for violations and any violations will result in immediate sticker revocation and a \$200.00 fine.

Remember, staff are here to help you. They are also responsible for making sure the OSV permit conditions are met.

**Question:** Will the HCP be in effect this year and for how long?

**Answer:** The HCP will be implemented when there are no more than 2 broods and 8 unfledged chicks remaining in the Pochet Wash area. There is NO GUARANTEE or definitive start and end date for when this scenario will occur.

The Natural Resource Manager, Beach Director or their designee, will monitor weather forecasts on a daily basis. In the event that a storm warning is predicted by the National Weather Service, or any other weather warning that could jeopardize public safety within a 24-hour period, the OSV trail shall be closed for the duration of the hazard or the start time may be moved one hour later or earlier.

The OSV trail may not reopen until the Natural Resource Manager, Beach Director or their designee has given the all clear. The OSV sticker purchaser and any operator of the OSV agree to use Nauset Beach South during the time the HCP is in effect at their own risk and have been advised in writing of the HCP Shelter in Place Condition. Exiting escorts will not take place due to unpredicted weather. The OSV Permit purchaser and any operator of the OSV Permit holder's vehicle hereby agree to adhere to a "shelter in place" policy which will go into effect until the inclement weather has passed, or scheduled exiting escorts have begun.

**Each person operating the OSV must read the HCP Procedures & Conditions and sign this acknowledgment before access to Nauset Beach South will be allowed when the HCP is in effect regardless of whose name the OSV Permit is in.**

**Step 5: Acknowledgment of HCP Procedures and Conditions:**

I, *(Print Name & OSV Permit # below)*, have read the HCP Procedures and Conditions contained herein. By signing this HCP Acknowledgment, I acknowledge that I understand and agree to fully comply with the HCP Procedures & Conditions. I understand that if I or any of my occupants fail to comply with or violate any of the HCP Procedures & Conditions, it shall result in a \$200.00 fine and immediate revocation of the OSV Permit.

I also understand that the Town has adopted a **ZERO TOLERANCE POLICY** for violations of the HCP Procedures and Conditions. I further agree that when requested to do so by Town of Orleans staff, I will produce this signed copy.

Please keep a copy of the HCP Conditions and Procedures in the OSV **at all times.**

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Print Name & Permit #

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