

# GUIDELINES FOR MANAGING FIREWORKS IN THE VICINITY OF PIPING PLOVERS AND SEABEACH AMARANTH ON THE U.S. ATLANTIC COAST

February 4, 1997

The following is provided as guidance to Federal agencies, landowners, commercial fireworks companies, and fireworks event sponsors seeking to avoid adverse effects on piping plovers and seabeach amaranth. They are intended to advise Federal agencies that conduct, fund, or authorize fireworks activities regarding the measures needed to avoid adverse effects on listed species, thereby averting the need for formal consultation under Section 7 of the Endangered Species Act (ESA). These practices also constitute the U.S. Fish and Wildlife Service's (Service's) best professional advice to non-Federal entities on avoiding take of piping plovers under Section 9 of the ESA.

These guidelines supplement information about protection of piping plovers from a variety of recreational activities, provided in the Service's April 15, 1994 *Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act* (appended)<sup>1</sup>.

Seabeach amaranth, a threatened plant species protected under the Endangered Species Act (ESA), occurred historically along coastal beaches from southern Massachusetts to South Carolina. At the present time it is found only on Long Island, New York; North Carolina; and South Carolina. Section 7 of the ESA requires Federal agencies to consult with the Service prior to authorizing, funding, or carrying out activities that directly or indirectly affect listed plants; this requirement is applicable to permits related to fireworks events that are issued by the U.S. Coast Guard.

## **Potential Impacts Related to Fireworks Displays**

### Direct Impacts

Fireworks are highly disturbing to piping plovers. Fireworks early in the breeding season may cause plovers conducting courtship activities to abandon their territories. Direct injury can be caused by the explosions or debris, and piping plovers and terns (which often nest adjacent to or near plovers) will often abandon their nests and broods during fireworks displays, exposing eggs and chicks to weather and predators. If a flightless chick were to become permanently separated from its parents during the confusion, mortality would be almost certain.

Several situations where fireworks caused severe adverse effects on least terns, colonial nesting birds often found in the vicinity of piping plovers, serve as indicators of the effects that pyrotechnics can exert on beach-nesting birds. An August 1993 fireworks display in New Jersey

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<sup>1</sup> Copies of the 1994 Guidelines for general recreational activities are also available, on request, from the U.S. Fish and Wildlife Service, Wier Hill Road, Sudbury, MA 01776, Attn: Anne Hecht; telephone 508-443-4325; fax 508-443-2898.

caused permanent abandonment of a least tern colony located more than 250 m away, and a 1994 New Jersey fireworks display caused temporary abandonment and displays of distress by terns within a colony located more than 3/4 mile away. Incidents in New York where piping plovers were disturbed by fireworks also caused prolonged disturbance to least terns and black skimmers nesting nearby.

Seabeach amaranth can be directly affected by launch activities if they occur in areas where the plants may be crushed or damaged by launch personnel or equipment.

### Indirect Impacts

In addition to adverse effects from the noise and lights of the pyrotechnics, commercial fireworks displays often draw large crowds that may pose threats to nearby plovers. These crowds may be situated at some distance from the actual launch site, for example, across an inlet. Potential indirect impacts that may adversely affect piping plovers include: spectators walking through and/or throwing objects (including illegal pyrotechnics) into plover nesting and brood-rearing areas; additional off-road vehicle patrols by public safety personnel; increased boat landings by spectators on relatively remote stretches of beach; low-flying aircraft, including helicopter patrols and personal spectator aircraft; additional trash (which attracts predators). Signs and symbolic fences that are adequate for the purpose of alerting daytime beach users to locations of plover breeding areas are often insufficient to prevent accidental entry by fireworks spectators wandering in the dark.

Potential indirect adverse effects on seabeach amaranth include trampling or crushing of unprotected plants by pedestrian or vehicular traffic on the beach.

### **Measures for Avoiding and Monitoring Direct and Indirect Impacts of Fireworks Events**

#### Direct Impacts

Fireworks displays including launch areas and debris fallout areas should be located to avoid disturbance of breeding piping plovers. In general, the Service recommends that the launch site be located a minimum of 3/4 mile from the nearest plover nesting and/or foraging area. Access routes for personnel deploying the fireworks and other public safety personnel (including fire prevention/suppression and law enforcement officers) should conform with the vehicle management recommendations contained in the *Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act*. Launch sites should also be located to prevent trampling any seabeach amaranth plants.

## Indirect Impacts

Event sponsors should plan and implement measures to assure that spectators will not walk through and/or throw objects into plover nesting and brood-rearing areas. Sufficient law enforcement and other personnel must also be on-site during these events to enforce plover protection measures and prevent use of illegal fireworks in the vicinity of the birds.

1. Plover habitats in the vicinity of where spectators may congregate should be intensively surveyed by qualified biologists<sup>2</sup> for at least four days prior to the event to locate nests, adult plovers, chicks, and/or post-fledged juveniles. For events prior to July 1, surveyors should also search for territorial and/or courting adults that have not yet established nests or may be preparing to re-nest. In New York, potential habitat for seabeach amaranth should be surveyed to locate any seabeach amaranth plants.
2. Plover habitats should be symbolically fenced in accordance with the Service's *Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act* (see pages 7-8). Seabeach amaranth plants should be symbolically fenced to provide a minimum 3 meter buffer zone around individual plants or groups of plants.
3. Additional protection measures recommended to avoid impacts that may occur when the large crowds are drawn to the beach at night include<sup>3</sup>:

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<sup>2</sup> State wildlife agencies and private environmental groups often conduct plover monitoring activities and can be consulted for available information about plover breeding locations. However, intensity of surveys needed to avoid adverse effects from fireworks events will often exceed those routinely conducted by these wildlife agencies/organizations. Arrangements and commitments for added surveys for these events are the responsibility of the permitting agencies and/or event sponsors. It is recommended that these arrangements be made well in advance of the potential event, due to limited availability of qualified personnel.

<sup>3</sup> For extremely large fireworks events, additional protection measures may be needed, including: issuing air traffic advisory for all aircraft to remain >1000' above sensitive areas; issuing mariners advisory telling boaters not to land in sensitive areas; boat patrols; extensive advanced publicity advising spectators where they *should* go to watch the fireworks and about closed areas; training about protection needs of rare plants and/or animals for law

- a. Close parking lots and beach access points in the vicinity of breeding plovers.
- b. Increase the size of symbolically fenced areas around plover nesting areas to provide extra buffers between birds and pedestrians that may be on the beach. The size of buffers should be appropriate for the size of the anticipated crowd; for large crowds, buffers should be expanded from the standard 50 meters to a total of 100 meters from established nests.

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enforcement personnel.

- c. Increase the visibility of fencing using reflectorized tape or by substituting snowfences, plastic orange highway construction fences, or wire mesh fences for string fencing, as string fences are very difficult to see at night. Snowfences and highway construction fences should be removed the next day if there is any chance that they will impede chick movements.
  - d. Fence and post foraging territories of unfledged chicks, as delineated by a qualified biologist, especially in areas where large crowds are anticipated and/or if the day of the event is especially hot (since heat often deters chick foraging during the daytime, increasing the birds' reliance on evening feeding).
  - e. Provide adequate numbers (consistent with anticipated numbers of spectators) of monitors and law enforcement personnel in the vicinity of plover breeding areas or seabeach amaranth locations to patrol fenced areas from the time when spectators begin congregating on the beach until the crowd disperses after the event. Assure that monitors and enforcement personnel receive accurate current information about the locations of threatened birds and plants so that they can minimize any disruptions from their own activities.
  - f. Prohibit all pets on the beach during the event and ensure compliance with this prohibition.
4. Remove any trash or litter from the beach immediately following the event. However, any trash located within fenced areas should be left until daylight and then removed by or under the supervision of plover monitors. Further, vehicles should not be used at night to remove trash within 100 meters of unfledged plover chicks.
  5. In order to gauge the effectiveness of the measures 3 and 4, the following data should be collected:
    - a. Locations and status of all adult plovers, nests, and chicks within 1/4 mile of spectator viewing areas should be determined by a qualified biologist on the day of the event and again on the following day.
    - b. Counts of human and dog tracks that intersect the perimeter of symbolically fenced areas before and after the event.
    - c. Counts of any persons actually observed inside symbolically fenced areas during the event.
    - d. Counts of any instances of illegal pyrotechnics used on the beach during the event.
    - e. Counts of trash/litter items inside symbolically fenced areas before and after the event. For very large areas or areas that have substantial amounts of trash before the event, trash

counts may be conducted in sample plots.

- f. Count of breaks in symbolic fences.
6. Except when responding to an actual emergency situation, all law enforcement, fire department, public works, fireworks deployment, and other vehicles in the vicinity of breeding plovers should only be operated in conformance with the Service's *Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act* (see discussion of Essential Vehicles, pages 13-14).