



PIPING PLOVER CRITICAL HABITAT QUESTIONS AND ANSWERS

The U.S. Fish and Wildlife Service (Service) is proposing to designate critical habitat for the piping plover on its wintering and breeding grounds. Critical habitat is a term used in the Endangered Species Act that refers to specific geographic areas that contain habitat features essential for the conservation of a threatened or endangered species. These areas may require special management considerations or protection for the species. The proposals for the wintering and Great Lakes breeding habitat were on file at the Federal Register on June 30, 2000. The public may comment on the proposals for 60 days after the date of publication. The following frequently asked questions are provided with responses to help you understand of the proposed critical habitat designations for the piping plover.

1. What is a piping plover?

The piping plover (*Charadrius melodus*), named for its melodic mating call, is a small, pale-colored North American shorebird. The bird's light sand-colored plumage blends in with the sandy beaches and shorelines which are its primary habitat. It weighs 1-2 ounces (43-63 grams) and is 6-6 ½ inches (17-18 centimeters) long. During the breeding season the legs are bright orange and the short stout bill is orange with a black tip. There are two single dark bands, one around the neck and one across the forehead between the eyes. Plumage and leg color help distinguish this bird from other plovers. The female's neck band is often incomplete and is usually thinner than the male's neck band. In winter, the bill turns black, the legs remain orange but pale, and the black plumage bands on the head and neck are lost. Chicks have speckled gray, buff, and brown down, black beaks, orange legs, and a white collar around the neck. Juveniles resemble wintering adults and obtain their adult plumage the spring after they fledge.

2. Where do piping plovers live?

Historically, piping plovers bred across three geographic regions. These regions include: the United States and Canadian Northern Great Plains from Alberta to Manitoba and south to Nebraska; the Great Lakes beaches; and the Atlantic coastal beaches from Newfoundland to North Carolina. Currently, piping plovers live in an area similar to their historical range, although the numbers of those breeding in the Great Lakes region have decreased significantly since the 1930s. The Great Lakes breeding population is now found mainly in Michigan, with one pair nesting in Wisconsin. Generally, piping plovers favor open sand, gravel, or cobble beaches for breeding. Breeding sites are generally found on islands, lake shores, coastal shorelines, and river margins.

Piping plovers winter in coastal areas of the United States from North Carolina to Texas. They also winter along the coast of eastern Mexico and on Caribbean islands from Barbados to Cuba and the Bahamas. Information from observation of color-banded piping plovers indicate that the winter range of the three breeding populations overlap, to a significant degree. Therefore, the source breeding population of a given wintering individual cannot be accurately determined in the field, without having marked the individual.

Piping plovers begin arriving on the wintering grounds in early July, with some late nesting birds arriving in September. A few individuals can be found on the wintering grounds throughout the year, but sightings are rare in June and early July. Migration is poorly understood, but most piping plovers probably migrate non-stop to wintering grounds.

3. What do piping plovers eat?

Piping plovers feed along beaches and intertidal mud and sand flats. Primary prey for piping plovers includes worms, various crustaceans, insects, and occasionally bivalve mollusks.

4. How many piping plovers are there?

1996 census numbers: Great Lakes - approximately 32 breeding pairs (all but one of these pairs are in Michigan); Northern Great Plains (including the Canadian Prairie region) - approximately 1,398 breeding pairs; and the Atlantic Coast - approximately 1372 breeding pairs.

5. Is the piping plover an endangered species?

The piping plover first received protection under the Endangered Species Act (ESA) in 1985. Piping plovers nesting in the Great Lakes are listed as endangered; piping plovers nesting along the Atlantic Coasts and in the northern Great Plains of the U.S. and Canada are listed as threatened. All piping plovers on the wintering grounds are considered threatened.

6. What do the terms “endangered” and “threatened” mean?

An endangered species, by definition, is one that is in danger of extinction throughout all or a significant portion of its range. A threatened species is one likely to become endangered within the foreseeable future. Except for special circumstances outlined at the time of listing, regulations applicable to endangered species are also applicable to threatened species.

7. Why are piping plover populations declining?/What are the threats to the piping plover?

Piping plovers often nest on beaches where people like to live and enjoy the shoreline. Their nests accidentally get stepped on or crushed by people and vehicles. The presence of people also may cause the birds to desert the nest, exposing eggs or chicks to the hot sun and predators. Interruption of feeding may stress juvenile birds during critical periods in their life cycle. Pets, especially dogs, may harass or kill the birds. Many of the coastal beaches traditionally used by piping plovers for nesting, feeding, and roosting have been lost to commercial, residential, and recreational developments. Also, developments near beaches provide food that attracts increased numbers of predators such as raccoons, skunks, and foxes. Water level manipulation along the major rivers may also lead to loss of breeding habitat. In order to recover the piping plover and remove it from the endangered species list, threats to reproductive success at breeding grounds must be addressed. Availability of quality foraging and roosting habitat in the regions where this species winters is necessary in order to insure that an adequate number of adults survive to migrate back to breeding sites and successfully nest.

8. What is being done to protect the piping plover?

A variety of protection measures are implemented as prescribed in recovery plans, and include:

Listing: In 1985, the Great Lakes breeding population of the piping plover was listed as endangered, while populations in all other portions of the species' range were listed as threatened.

Recovery Plans: The Service developed recovery plans that describe actions that need to be taken to help the bird survive and recover. Recovery plans currently exist for all three areas of the breeding range. These recovery plans are in various stages of revision.

Research: Several cooperative research groups have been set up among Federal and State agencies, university and private research centers, and the Canadian Wildlife Service. Studies are being conducted to estimate numbers, evaluate reproductive success, monitor long-term changes in populations, and determine where plovers breed and winter. Other studies have addressed the effectiveness of captive breeding efforts. The effectiveness of predator enclosures and habitat manipulations have also been evaluated.

Management and Habitat Protection: Measures to insure successful nesting are conducted each year, including controlling human access to nesting areas, monitoring nesting activity, and protecting nests, eggs and young birds from predators. This requires intensive management efforts and significant participation by dedicated volunteers. In Michigan, several landowners have formally agreed to protect plover nesting habitat. Protection of habitat also requires constant vigilance and includes managing residential and industrial development to insure that projects are designed to limit impacts to habitat, and properly managing water flow to insure that the geologic processes which have historically maintained habitat for the plover can continue to function.

Public Education: Many States and private agencies are running successful public information campaigns to raise awareness of the plover's plight. In Michigan, residents of coastal communities where the birds nest have been contacted by an "ambassador" and provided information about the plight of the piping plover.

9. What are the recovery goals for the piping plover?

The recovery goals for the piping plovers breeding in the Great Lakes were outlined in the Recovery Plan for the Great Lakes and Northern Great Plains Piping Plover. These goals are to have 100 breeding pairs in the State of Michigan and 50 breeding pairs in other Great Lakes states and for these numbers to remain stable for 15 years. Goals for wintering areas have been suggested in existing recovery plans and include protection of specific sites that provide the essential requirements for the wintering populations of the piping plover. These recovery sites include areas currently used by wintering plovers and areas that would be suitable for use. As populations in all three breeding areas begin to recover, densities on the wintering grounds will increase. In order to achieve recovery, it is necessary to maintain sufficient habitat to insure the survival of these wintering birds.

10. What protection does the piping plover currently receive as a listed species?

The ESA prohibits the import, export, or interstate or foreign sale of protected animals and plants without a special permit. It also makes "take" illegal – forbidding the killing, harming, harassing, possessing, or removing of protected animals from the wild. Federal agencies must consult with the Service to conserve listed species and ensure that any activity they fund, authorize, or carry out will not jeopardize the continued survival and recovery of a listed species.

This is referred to as a Section 7 consultation process.

Under Section 10 of the ESA, permits may be issued to take listed wildlife species for scientific purposes, to enhance the propagation, survival or recovery of the species, and for incidental take in the course of certain otherwise lawful activities.

In addition, the ESA requires that Federal agencies not only take action to prevent further loss of a species, but also pursue actions to recover species to the point where they no longer require protection and can be de-listed.

11. What is critical habitat?

Critical habitat is a term used in the Endangered Species Act of 1973, as amended. It refers to specific geographic areas that are essential for the conservation of a threatened or endangered species and that may require special management consideration or protection. These areas do not necessarily have to be occupied by the species at the time of designation. This means that areas must be identified which will allow for the protection of the current population, and any population increases that may be required to achieve recovery (allowing the species to be removed from the endangered species list).

12. Do listed species in critical habitat areas receive more protection?

A critical habitat designation does not set up a preserve or refuge, it only affects activities with federal involvement, such as federal funding or a federal permit. Listed species and their habitats are protected by the ESA whether or not they are in areas designated as critical habitat.

Designation of critical habitat can help focus conservation activities for a listed species by identifying areas that contain the physical and biological features that are essential for the conservation of that species. Critical habitat also alerts the public as well as land managing agencies to the importance of these areas, but the ESA only imposes additional restrictions on the actions or programs that are authorized, funded, permitted, or carried out by a Federal agency..

13. What is the purpose of designating critical habitat?

Designating critical habitat is a tool to identify areas that are important to the recovery of a listed species. It is also a tool used to notify Federal agencies of areas that must be given special consideration when they are planning, implementing, or funding activities. Federal agencies are required to consult with the Service on actions they carry out, authorize, fund, or permit, that may affect critical habitat. A critical habitat designation has no effect when a Federal agency is not involved. For example, a landowner undertaking a project on private land that involves no Federal funding or permit has no additional responsibilities if his property falls within critical habitat boundaries.

14. Do Federal agencies have to consult with the Service outside critical habitat areas?

Not always. It is the responsibility of the Federal agency to determine if a proposed project may affect threatened or endangered species. If a “may affect” determination is made, that requires the Federal agency to initiate the Section 7 process. Even when there is not critical habitat designation, Federal agencies must consult with the Service, if an action that they fund, or authorize, or permit may affect listed species.

15. What impact will critical habitat designation have on beach use?

Non-Federal activities are not affected by critical habitat designation. Designation of critical habitat requires Federal agencies to review activities they fund, authorize, or carry out, to assess the likely effects of the activities on critical habitat. Thus, within the range of breeding piping plovers, critical habitat would only affect beach use if a Federal agency funds, authorizes, or carries out an action that will likely result in human use of beaches to an extent that successful piping plover breeding activity is precluded. In those cases we will work with the Federal agency to protect potential breeding sites while having as minimal an effect as possible on humans’ enjoyment of the areas.

While piping plovers are frequently known to return to the same wintering beach each year, they are not necessarily tied to specific sites on that beach as they are when nesting or rearing young; therefore, human disturbance is less of an issue in wintering areas. For this reason, few restrictions on recreational beach use are anticipated in the wintering areas.

16. What activities could adversely affect critical habitat?

Some activities could have an adverse effect on piping plover critical habitat. Such activities might include:

- , dredging and dredge spoil placement
- , seismic exploration
- , construction and installation of facilities, pipelines, and roads associated with oil and gas development
- , oil spills and oil spill clean-up
- , construction of dwellings, roads, marinas, and other structures and associated impacts such as staging of equipment and materials
- , beach nourishment, stabilizations and cleaning
- , certain types and levels of recreational activities such as all-terrain vehicular activity
- , stormwater and wastewater discharge from communities
- , sale, exchange, or lease of Federal land that contains suitable habitat that is likely to result in the habitat being degraded
- , marsh restoration
- , military maneuvers.

Specific threats are likely unique to each area and are best addressed in recovery plans, management plans, and Section 7 consultations.

17. How does the Service determine which areas to designate as critical habitat?

Biologists identify physical or biological habitat features needed for life and successful reproduction of the species. These features are known as primary constituent elements and

include, but are not limited to:

- space for individual and population growth and for normal behavior;
- food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter;
- sites for breeding and rearing of offspring; and
- habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

Areas containing these elements of the habitat are identified in the landscape. By law, the Service is required to identify sufficient areas containing these characteristics to insure conservation of the listed species.

18. Are all areas within the proposed piping plover critical habitat boundaries considered critical habitat?

No. Paved areas and areas that contain structures, marinas, boat ramps are not critical habitat. Areas that are now ocean or lake are also not considered critical habitat although if these areas , because of coastal dynamics, become land in the future, they will be critical habitat.

19. Does the ESA require an economic analysis as part of designating critical habitat?

Yes. The Service must take into account the economic and other relevant impacts of specifying any particular areas as critical habitat. The Service may exclude any area from critical habitat if it determines that the benefits of such exclusion outweigh the benefits of specifying the area as part of critical habitat unless it determines, based on the best scientific and commercial data available, that the failure to designate the area as critical habitat will result in the extinction of the species.

20. Does this economic analysis have any effect on the decision to list a species?

No. Under the ESA, a decision to list a species is made solely on the basis of scientific data and analysis.

21. What is the impact of a critical habitat designation on economic development?

The vast majority of activities that require a Section 7 consultation with the U.S. Fish and Wildlife Service proceed with little or no modification. If a proposed project were to affect critical habitat of the piping plover, consultation under Section 7 of the Endangered Species Act would be required. During this process, coordination between the agencies involved would examine modifications to the project that would reduce impacts to piping plover and designated critical habitat areas. In cases where critical habitat has been designated for areas occupied by the listed species, consultations would likely have been required, regardless of the designation of critical habitat. In those cases, critical habitat designation would have little or no additional impact on economic development.

22. For how many species has the Service designated critical habitat?

To date, the Service has designated critical habitat for 116 of the 1,206 species listed as threatened or endangered.

23. Why hasn't the Service designated critical habitat for more species?

In the past the Service assigned a low priority to designating critical habitat because it believes that a more effective use of limited resources is to place imperiled species on the threatened and endangered species list. Recent court decisions however, have required the Service to designate critical habitat for an increasing number of listed species.

24. Why is critical habitat being designated for the piping plover?

Section 4(a)(3) of the ESA states that when a species is added to the endangered species list, we must designate critical habitat "to the maximum extent prudent." The 1985 final listing rule for the piping plover did not include a critical habitat designation, but deferred the determination for one year. We did not make a prudency determination or designate critical habitat by the end of that year. Because of this omission, in December, 1996, Defenders of Wildlife (Defenders) filed a lawsuit against the Department of the Interior and the Service for failing to designate critical habitat for the piping plover. As a result of the lawsuit, the court has ordered the Service to publish a proposed critical habitat designation for the piping plover in the breeding area in the Great Lakes by June 30, 2000. The Service was also ordered to designate critical habitat for the Great Plains population by May 31, 2001, with a final rule by March 15, 2002. At this time, two separate proposals are being published, one for the Great Lakes breeding habitat and one for the wintering habitat for all piping plovers.

25. Does the public have opportunities to comment on the proposed critical habitat designation of the piping plover?

Yes. The Service is soliciting comments from the general public, Federal and State Agencies, natural conservation organizations, wildlife conservation agencies, Tribal organizations, congressional groups, counties, and municipalities, to make the information upon which we base the final decision to designate critical habitat as complete as possible. The Service has issued news releases, place public notices in newspapers, and send letters to interested parties to announce the opening of the public comment period on the proposal.

You may request a copy of the breeding population proposal by writing to: Supervisor, U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, MN. 55111, or call - 612-713-5350. If you wish to provide comments on the proposal, send them to the above address or to PIPINGPLOVERCOMMENTS@FWS.GOV

For a copy of the wintering population proposal, send your requests to; Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services @ Corpus Christi, C/O TAMU-CC, Box 338, 6300 Ocean Drive, Corpus Christi, TX 78412. Send comments on the wintering population proposal to the same address or to WINTERPLOVERCOMMENTS@FWS.GOV

26. Where can I get more information on the piping plover and critical habitat?

For more information, visit our web sites at: www.fws.gov/pipingplover. You may also telephone: Division of Endangered Species for the breeding habitat area - 612-713-5350; for the wintering habitat area, telephone 361-994-9005.