

# **WESTERN SNOWY PLOVER INFORMATION PACKET**



**Western Snowy Plover  
Critical Habitat Planning Open House  
Thursday, September 14, 2017**

## BACKGROUND INFORMATION

### Purpose

The purpose of this informational packet is to provide background and organize information to assist in the development of a long-term Western Snowy Plover (WSP) management plan. This form will gather input from the community for development of the management plan for the US Fish and Wildlife designated critical habitat area located between B Street and G Street on the Balboa Peninsula (See page 3).

### What is a Western Snowy Plover (WSP)?

The WSP is a small shorebird distinguished from other plovers by its small size, pale brown upper parts, dark patches on either side of the upper breast, and dark gray-blackish legs.

- Weight: 34-58 grams (1.2-2 oz) Length: 15-17 cm (5.9-6.6 inches)
- Lifespan: Average 3 years but found to have lived 15 years; Fledge between 28-33 days, when they can fly
- Feeding: Eat invertebrates in wet & dry sand, native dunes, and in wrack (dead seaweed debris on shore).

### Federal Protection of the Western Snowy Plover

In 1993, the Western Snowy Plover was designated as "threatened" under the Endangered Species Act (ESA). 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 delisted. In 2007, the USFWS released a recovery plan recommending actions necessary to satisfy the biological needs and assure recovery of the Pacific Coast population of the WSP.

Most recently in 2012, USFWS updated their critical habitat designations for the Pacific Coast population of the WSP under the Endangered Species Act (ESA). The critical habitat area on the Balboa Peninsula is located between B Street and G Street. "Critical habitat" is a term in the ESA that identifies geographic areas containing features essential for the conservation of a threatened or endangered species, and which may require special management considerations or protection" (USFWS). Management and protection of the critical habitat area is an important part of the USFWS's recovery plan, which aims to increase the WSP's population and meet specific criteria to one day remove them from the endangered species list.

### The Western Snowy Plover in Newport Beach

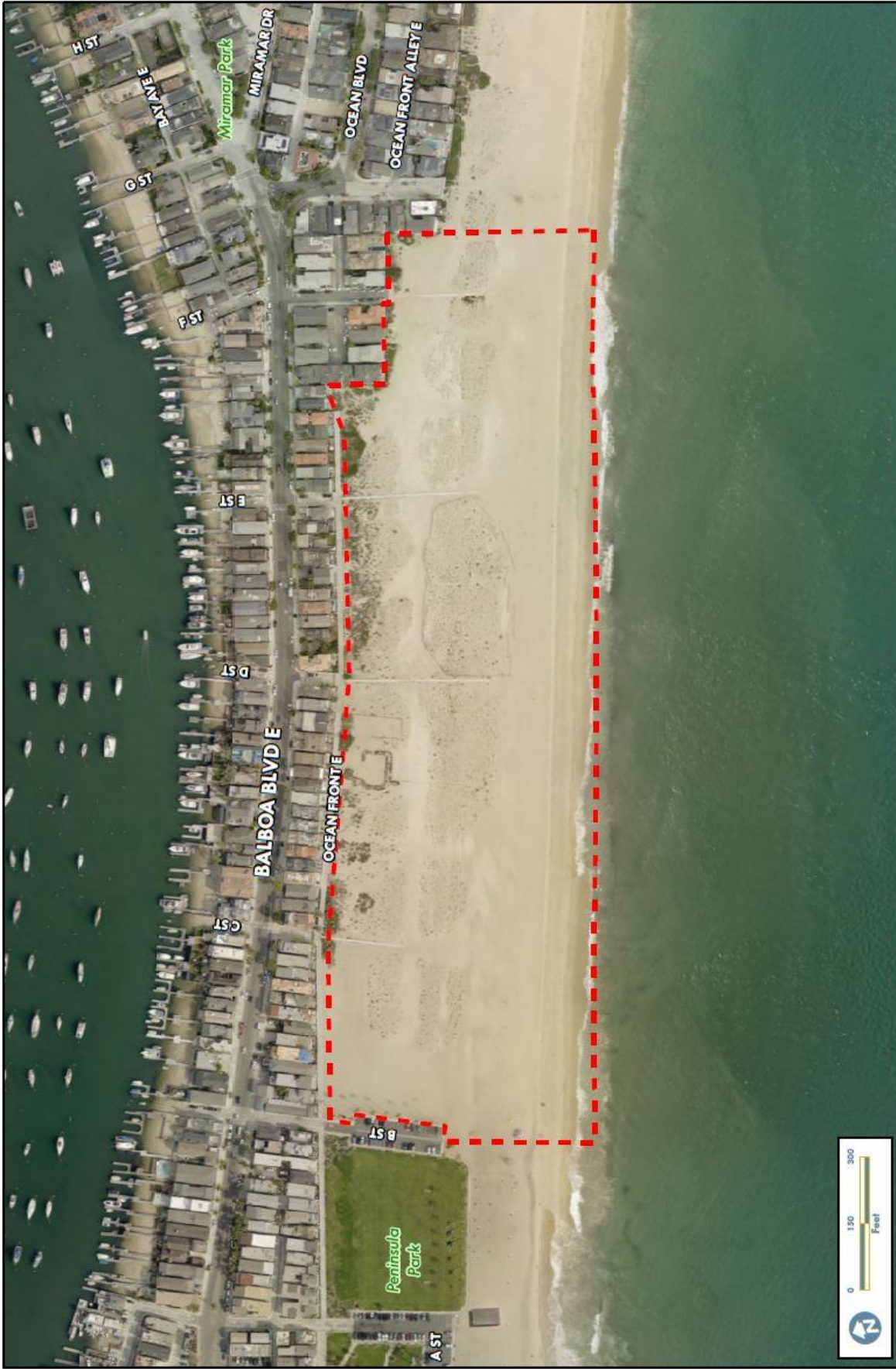
The WSP has been found South East of Balboa Pier all the way to the rock jetty at the Wedge. In the fall season, large roosts have been found near M street between shoreline and dunes as well as near D Street to F Street. During the breeding season, they will expand their feeding and roosting into the dunes where mating behavior has been observed as early as March. The WSP can use the peninsula year round as this habitat serves as both a wintering and nesting area. During winter, WSPs use this area to rest and build up strength and calories for the breeding/nesting season. During nesting season, WSPs have used the dunes for mating, nesting, and raising of chicks.

### Management Efforts in Newport Beach

The City began monitoring the WSP critical habitat area in 2009 and installed fencing between D Street and E Street in 2011 (fencing was added between E Street and F Street in 2017). Fencing helps to delineate and identify the critical habitat to help minimize and protect the area from pets, human activities, vehicle use and to preserve habitat.

**Your comments are important to us. Please click on the icon to the right to access our online form for comments.**







City of Newport Beach  
GIS Division  
September 06, 2017

# Plover Critical Habitat



PloverMap 2.mxd

## KEY REPRESENTATIVES

### **US Fish & Wildlife Service (USFWS)**

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The agency also enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations and conserves and restores wildlife habitat such as wetlands.

### **California Coastal Commission (CCC)**

The California Coastal Commission is the state agency for implementing and enforcing the Coastal Act.

### **Dudek Environment + Engineering**

The consulting team of biologists hired by the City of Newport Beach to evaluate the protection measures and development of a comprehensive management plan for protecting the WSPs in the critical habitat area.

### **City of Newport Beach: Community Development Department (Planning Division)**

The Planning Division is responsible for preparing, maintaining and implementing the General Plan for the City of Newport Beach. In response to the California Coastal Commission's (CCC) "notice of incomplete application", the Planning Division will re-submit the City's coastal development application with a comprehensive management plan for protecting the WSPs in the critical habitat as requested by the CCC.

### **City of Newport Beach: Recreation & Senior Services Department (Natural Resources Division)**

The Natural Resources Division coordinates monitoring services and educational programs related to natural resources in Newport Beach. This includes providing outreach and education to the public regarding the WSP and the critical habitat area and coordinating efforts to monitor the population.

### **City of Newport Beach: Municipal Operations Department (Beach Maintenance Division)**

The Beach Maintenance Division is responsible for cleaning 9 miles of ocean and bay beach, adjacent shorelines and the boardwalks. The Beach Maintenance Division implements best management practices inside the critical habitat area related to beach cleaning and grooming, trash pickup, kelp removal and operation of heavy equipment.

### **City of Newport Beach: Police Department and Animal Control Division**

The Police Department patrols the beaches, parks and neighborhoods to enforce local, state, and federal laws that help keep our city safe. Animal Control Division enforces wildlife and dog regulations throughout the City and specifically in the WSP critical habitat area.

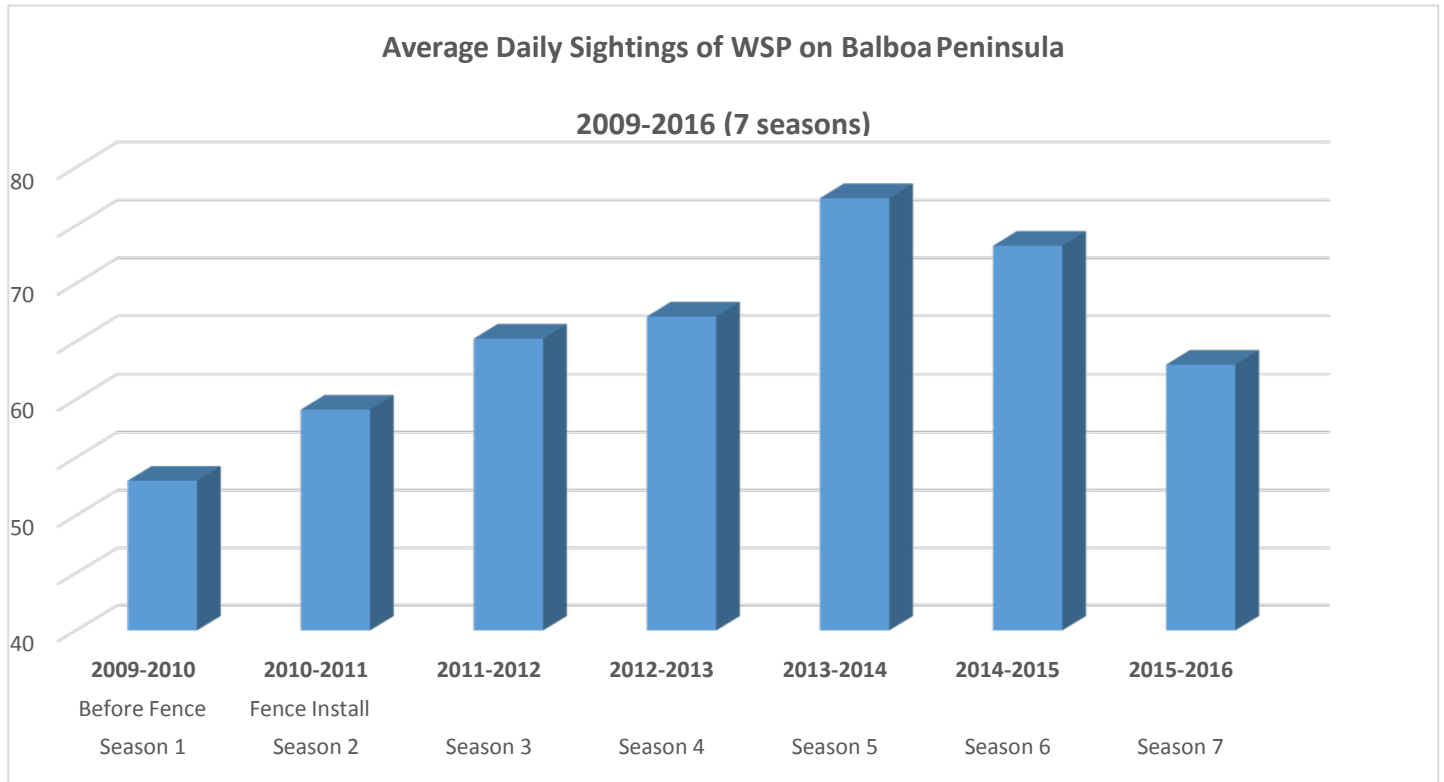
### **City of Newport Beach: Fire Department (Marine Operations Division)**

The Marine Operations Division provides lifeguarding services and protect up to 10 million beach visitors on Newport Beach's 6.2 miles of ocean and 2.5 miles of bay beaches, with preventative actions and medical assistance. Lifeguards maintain an acute awareness of and carry out best management practices when driving through the WSP critical habitat area.



## WESTERN SNOWY PLOVER MONITORING PROGRAM

The WSP population and its recovery efforts in Newport Beach are monitored and assessed by staff and volunteers of the City, qualified agencies, and non-profit organizations. Natural Resources Division staff and volunteers have provided the average daily sighting of the WSP over the last eight seasons. Staff and volunteers are required to attend a three-hour training and currently monitor the WSP year-round, approximately three times per week.



## HABITAT RESTORATION

The Natural Resource Division's goal is to restore the sensitive dune habitat. Some areas are overridden with non-native and invasive plant species. Staff is currently implementing a passive restoration approach, with the goal of developing protocols for restoring native dunes species.

### Native Plants



Clockwise from top left: Coast Woolly-Heads, Beach Morning Glory, Beach Morning Glory with flower, Pink Sand Verbena, Beach Evening Primrose and Beach Bur

### Non-native/Invasive Plants



Iceplant

Sea Rocket

**CLICK HERE**  
TO ACCESS THE ONLINE  
COMMENT FORM





## EDUCATION & OUTREACH

Interpretive signage (at right), as well as the presence of our volunteer monitors, are used by the Natural Resources Division to promote and educate the public about the WSP and their habitat. A webpage was launched on the City website in the Summer of 2017 to supplement outreach efforts and provide additional information and updates.

The Natural Resources Division also promote efforts to preserve and conserve the area by distributing informational materials (see below ) to the public to provide background information and updates to the status of the WSP in the area. Along with semi-annual volunteer trainings, Natural Resources staff conducts an annual staff training in the Spring for City Departments working on the peninsula, prior to nesting season.

Staff are available to lead presentations and trainings for the public to encourage a better understanding of protecting the area. Natural Resources Division Staff also works with Newport Elementary School to teach 3<sup>rd</sup> grade students about sandy beach ecology and sharing the shore.

### PLIGHT OF THE PLOVER

**Nowadays it's tough to find a spot on the beach.**

Before coastal development changed the landscape, the Pacific coastline was comprised of dunes, beaches, and wetlands. There in the sand thousands of western snowy plovers nested and raised their young. But conditions have changed as people take over the plovers' beachfront home.

Plovers still return to the West Coast, though their numbers have plummeted. In coastal California less than 1,500 breeding individuals are left. Those that remain face reduced habitat, noisy conditions for nervous parents, and the threat of hungry predators attracted to the garbage beachgoers leave behind. Caught between a crow and a beach party, the western snowy plover has a hard time raising its young.

The western snowy plover is Federally listed as a threatened species.





**Share the beach!**

The Newport Peninsula is one of only a few places south of Morro Bay where plovers nest on a beach with unlimited public access. You can help young plovers survive by avoiding behaviors that scare parents off the nest.

- Stay away from all fenced areas
- Keep beach balls and loud radios away from all fenced areas as well
- Fly kites and frisbees away from all fenced areas
- Carry trash off the beach to reduce the likelihood crows, gulls, feral cats, and other plover predators are attracted to the area.




### COASTAL DUNE PLANTS

Coastal sand dunes are small vegetated mounds which form in response to native vegetation and wind patterns. This plant community is important for native wildlife habitat and as a natural erosion control and seawall or buffer for beach-side residential communities. Western Snowy Plovers and other shorebirds, use coastal sand dunes as a nesting site. Newport Beach has adapted beach-grooming practices to preserve over 40 acres of intact coastal sand dunes. Some of the native plants of coastal sand dunes that are found on the Newport Beach Peninsula are pictured below.

**BEACH MORNING-GLORY, *Calystegia soldanella***  
PHOTO CREDIT: RON VANDERHOFF

**BEACH PRIMROSE, *Camissonia cheiranthifolia***  
PHOTO CREDIT: JOAN AVISE

**RED SAND VERBANA, *Ambrosia umbellata***  
PHOTO CREDIT: JOAN AVISE

**BEACH-BUR, *Ambrosia chamissonis***  
PHOTO CREDIT: RON VANDERHOFF

### BIRDING CHECKLIST

Several migratory bird species travel thousands of miles to spend the winter on southern California beaches. Which migratory birds can you find?

- ☐ SANDERLING
- ☐ WILLET
- ☐ MARBLED GODWIT
- ☐ BLACK-BELLIED PLOVER
- ☐ WHIMBREL
- ☒ WESTERN SNOWY PLOVER

### WESTERN SNOWY PLOVER AND COASTAL DUNE PLANTS OF NEWPORT BEACH



**CITY OF NEWPORT BEACH  
NATURAL RESOURCES  
RECREATION & SENIOR SERVICES**

Please contact us to learn more about the Western Snowy Plover and the conservation efforts of the City of Newport Beach.

(949) 644-3038  
NRI@NEWPORTBEACHCA.GOV  
WWW.NEWPORTBEACH.CA.GOV/TIDEPOOLS



PHOTO CREDIT: JOHN C. AVISE

**CLICK HERE  
TO ACCESS THE ONLINE  
COMMENT FORM**



## PROTECTIVE MEASURES

The City currently utilizes wind fencing (see page 10) in sections of the critical habitat area from D Street to F Street . The City also posts regulations on A-frame signs (at right) in areas where WSPs have been most observed to inform the public about the laws and regulations and the presence of the WSP.



Examples of signs used in other jurisdictions

Protective measures that are being considered for the critical habitat management plan includes:

1. **Regulation Signage:** Expanding regulation signage throughout the critical habitat area could inform the public regarding laws and regulations. See above for examples of regulation signage utilized in other critical habitat areas.
2. **Stencils:** Painted on top of the asphalt in areas along the boardwalk and fingers, stencils could provide an additional visual to inform the public that they are within the boundaries of the critical habitat area.
3. **Interpretative signage:** Additional interpretative signage could expand the outreach and education potential.
4. **Bollards:** Bollards can be used as visual indicators and delineators of the critical habitat area. They could also assist with preventing prohibited vehicular traffic. Bollards can house wildlife cameras that could assist with WSP monitoring efforts.
5. **Fencing:** A variety of fencing treatments, including no fencing, could be utilized to protect the habitat and the WSP. See pages 10-11 for examples of fencing treatments in other critical habitat areas.









1. Existing fence at Newport Peninsula



2. No protective fencing for Snowy Plover at Zuma Beach





3. Seaside State Beach - Stick and String Fenced Area



4. "Virtual fencing" at Surfrider Beach (Rope and T-post)



## BEACH OPERATIONS AND MAINTENANCE

The following is the Municipal Operations Division's beach cleaning/maintenance schedule and best management practices in the critical habitat area:

### Summer Maintenance (Two weeks before Memorial Day to two weeks after Labor Day)

#### ***Between "B" St and "G" St***

1. No equipment (Beach cleaner)
2. Litter pick by hand three days a week or as needed
3. Rubbermaid Can at E Street Finger – monitored and dumped as needed

#### ***From "G" St to the Wedge***

1. Beach cleaner once a month or as needed
2. Litter pick by hand three days a week or as needed
3. Rainbow pick up - five days a week pick up of beach trash containers

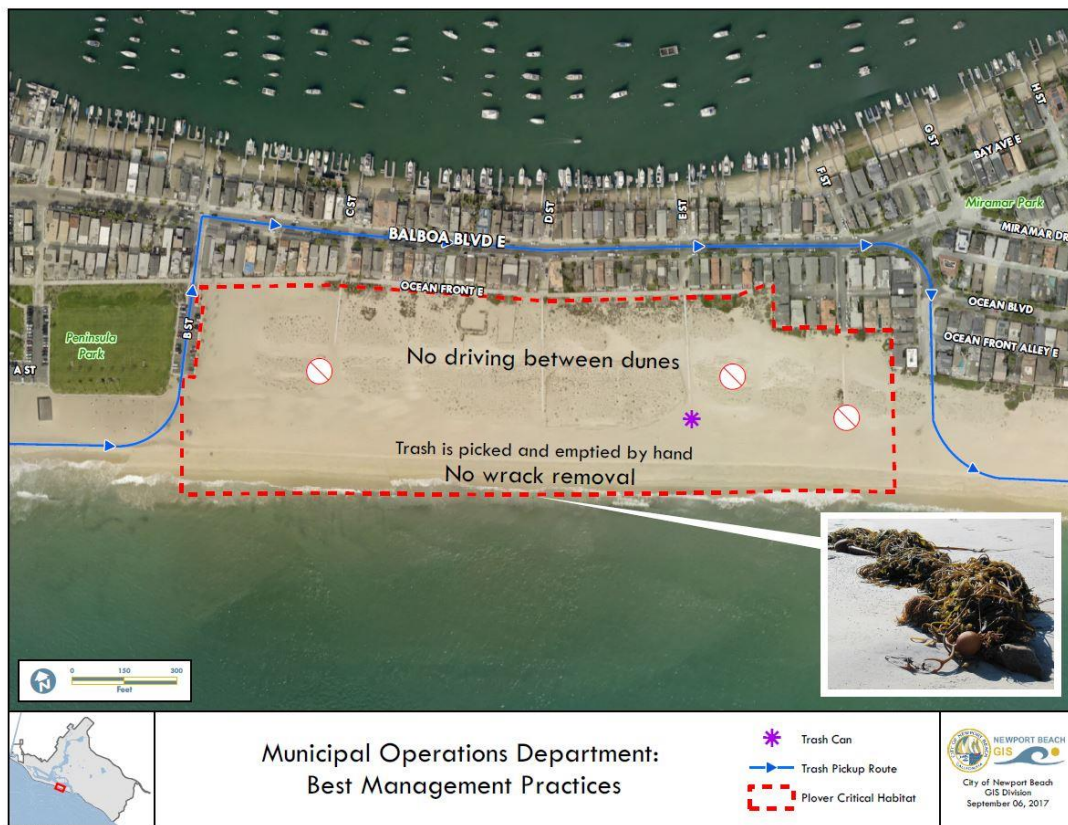
### Winter Maintenance

#### ***Between "B" St and "G" St***

1. No Equipment (Beach Cleaner)
2. Litter pick by hand twice a week or as needed
3. Rubbermaid Can at E Street Finger – monitored and dumped as needed

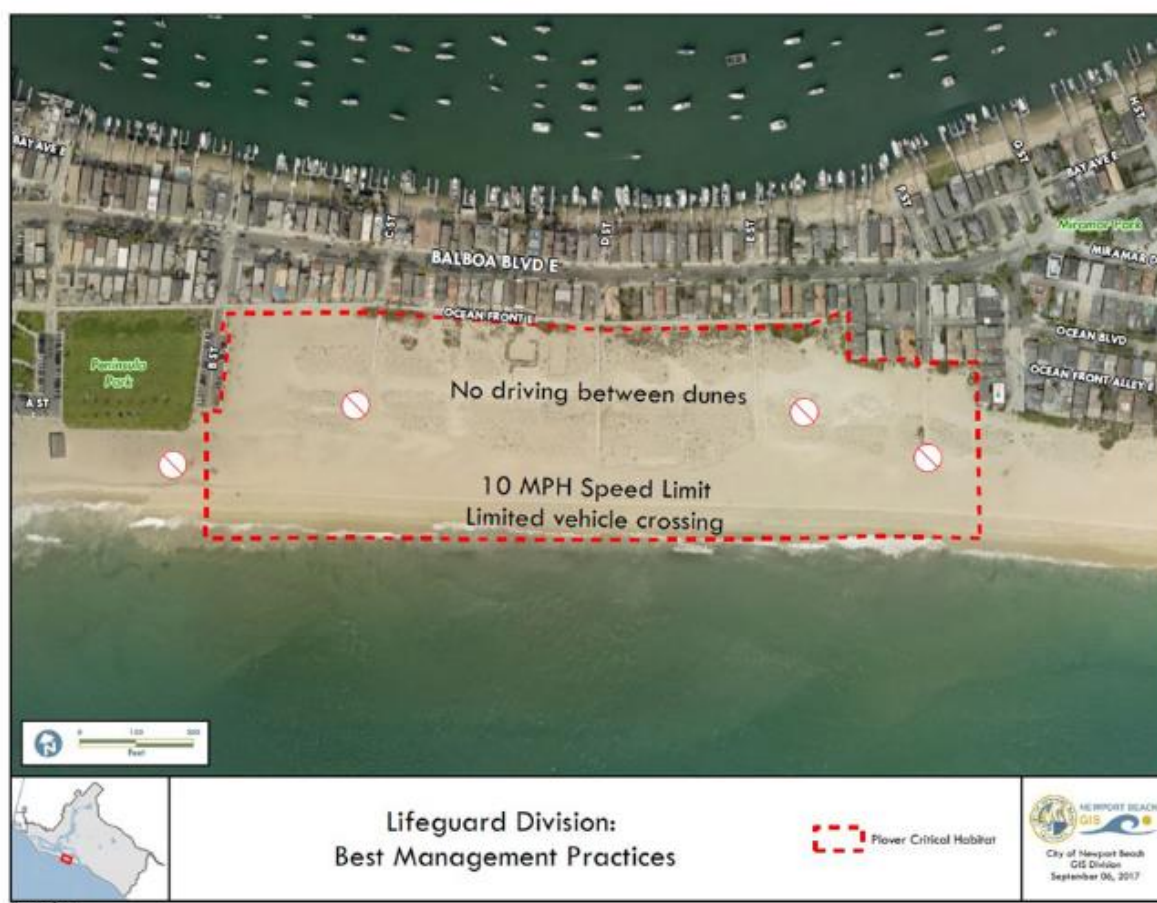
#### ***From "G" St to the Wedge***

1. Beach cleaner once a month or as needed
2. Litter pick by hand twice a week or as needed
3. Rainbow pick up - Two days a week pick up of beach trash containers



The following are Police Department & Lifeguard Division's best management practices when operating within the critical habitat area:

1. Limited vehicular traffic; non-essential trips will utilize surface streets
2. Speed limit no more than 10 MPH
3. When responding to a call, lifeguard vehicles will respond with lights
4. All lifeguard and animal control vehicles have critical habitat area map
5. Refrain from driving lifeguard vehicles in the dunes
6. Increased animal control enforcement by Police Department



## PREDATOR CONTROL MONITORING PROGRAM

Predation is a key factor in the ongoing decline of the WSP population. Natural predators include birds and small mammals however, the WSP are also threatened by dogs and human activity such as walking, jogging, vehicle use, littering and improper disposal of trash (attracting crows and gulls). The nesting season of the WSP (March through September) coincides with the period of greatest human use (Memorial Day through Labor Day) on beaches, like the Balboa Peninsula, all along the west coast. Intensive beach use and human activity may result in abandonment of nest sites and reductions in nesting success.

The following are Newport Beach ordinances related to predator control:

### 11.08.030 Use of Beaches at Night.

- A. Prohibited Hours. Except as provided in subsection (B) of this section, no person shall be allowed or permitted on any public bay, beach nor any ocean front beach between the hours of 10:00 p.m. and 6:00 a.m. of the following day;

### 7.04.020 Leash Required.

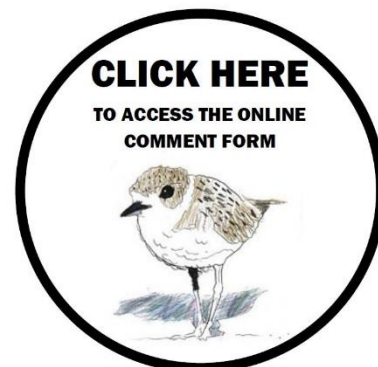
No person having the care, charge or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, such dog to be present upon any beach, street, alley, or public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is securely restrained by a substantial leash or chain not exceeding six feet in length and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050. (Ord. 89-8 § 1, 1989; Ord. 1230 § 1, 1967; Ord. 796 (part), 1956; 1949 Code § 4107)

### 7.04.030 Animals Prohibited on Public Beaches.

- A. No person having the care, custody, charge or control of any animal shall permit or allow that animal to be on any ocean front beach or ocean front sidewalk between the hours 10:00 a.m. to 4:30 p.m. year-round.
- B. No person having the care, custody, charge or control of any animal shall permit or allow that animal to be on any harbor/bay front beach between the hours 9:00 a.m. to 5:00 p.m. year-round.
- C. No person having the care, custody, charge or control of any animal shall permit or allow that animal to be on any ocean front beach, ocean front sidewalk, harbor/bay front beach or harbor/bay front sidewalk unless that person has, in his or her possession, an implement or device capable of removing any feces deposited by the animal.
- D. The provisions of this section shall not be applicable to:
  1. Any animal enrolled and participating in obedience classes offered by the Recreation and Senior Services Department of the City or in any show for which the City has issued a special event permit;
  2. Any service dog, as defined by the Americans with Disabilities Act ("ADA"), or any dog being trained to be a service dog as defined by the ADA pursuant to a recognized program of training, provided the dog is on a leash and the person in charge has an official identification card issued for such purposes. (Ord. 2010-25 § 1, 2010; Ord. 96-29 § 1, 1996; Ord. 95-41 § 1, 1995; Ord. 89-8 § 3, 1989; Ord. 1410 § 1, 1971; Ord. 1386 § 1, 1971; Ord. 796 (part), 1956; Ord. 662)

### 6.04.060 Disposal on Public Property Prohibited.

No person shall throw, deposit or leave any solid waste, or, being in possession and control of any solid waste, shall permit the same to be thrown, deposited, or left in or upon any street, public beach or other public place, or on the shore, or in the waters of Newport Bay within the City. (Ord. 2014-7 § 9, 2014; Ord. 1403 § 1 (part), 1971)





## WESTERN SNOWY PLOVER CRITICAL HABITAT MANAGEMENT PLAN

Dudek Environment + Engineering will assist with the analysis of current conditions and potential threats to the WSP and draft a long-term management plan for the protection of the species in the critical habitat area.

John Konecny, Dudek's avian expert, has extensive experience with the WSP, has assisted with breeding surveys and the preparation of management plans, and will provide the lead role in the task and observations.

Anita Hayworth, Ph.D., Dudek's Senior Biologist, has extensive experience in preparing management and monitoring plans for various species and will provide review and assistance as needed.

The scope of work to complete the critical habitat management plan includes:

1. Initial site visit to assess current conditions in order to provide context for the issues related to the preparation of the plan.
2. Review the existing information that has been collected for the past seven years and review count information that covers the past eight years.
3. Conduct site visits and observations of the Western Snowy Plover along Balboa Peninsula and within critical habitat areas.
4. Provide recommendations related to the conservation and preservation of the Western Snowy Plovers.
5. Create a long-term management plan focused on the protection of Western Snowy Plover and describe the conservation requirements of Western Snowy Plovers.
6. Attend meetings with staff, the community and California Coastal Commission as needed.
7. Provide assistance related to the City's submission of the Critical Habitat management plan to the California Coastal Commission.



## HOW AND WHEN TO PARTICIPATE IN THE PUBLIC PROCESS

The following summarizes the permitting process for the WSP Critical Habitat Management Plan and opportunities for the public input. The process is further detailed in the flow chart on the following page.

### ***What permits are needed?***

A **Coastal Development Permit** issued by the California Coastal Commission is required before making any improvements (removal or installation of fences, signage, etc.) recommended by the draft WSP Critical Habitat Management Plan. The CDP process will evaluate the conformance with the California Coastal Act and the City's Local Coastal Program (see LCP Policy 4.1.1-4 and Sections 21.30B.030.F, 21.30B.050.D and Section 21.30B.050.E).



### ***What about CEQA?***

The Management Plan and its recommended improvements will enhance and protect the WSP habitat and would have no significant adverse impact pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15065. Therefore, the Management Plan and associated improvements would be **exempt from CEQA** pursuant to Section 15333, Small Habitat Restoration Projects (Class 33) ] of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the area does not exceed 5 acres and any improvements would be for protection of habitat for wildlife.

### ***When Can I Comment on...***

#### ***...the Management Plan?***

Comments regarding the Management Plan may be submitted to the City between **September 8<sup>th</sup> and 21<sup>st</sup>** by using the forms provided in this information packet or submitting them on-line at the [City's website](#). These comments may include suggestions for what you would like to see included, or not included, in the Management Plan.



#### ***...the CEQA determination?***

As stated above, it is anticipated that the Management Plan would be exempt from CEQA. Upon verifying this determination, the City will file a Notice of Exemption with the Orange County Clerk as required by CEQA. The public may challenge the City's CEQA determination **within 35 days of the date the Notice of Exemption is filed**.

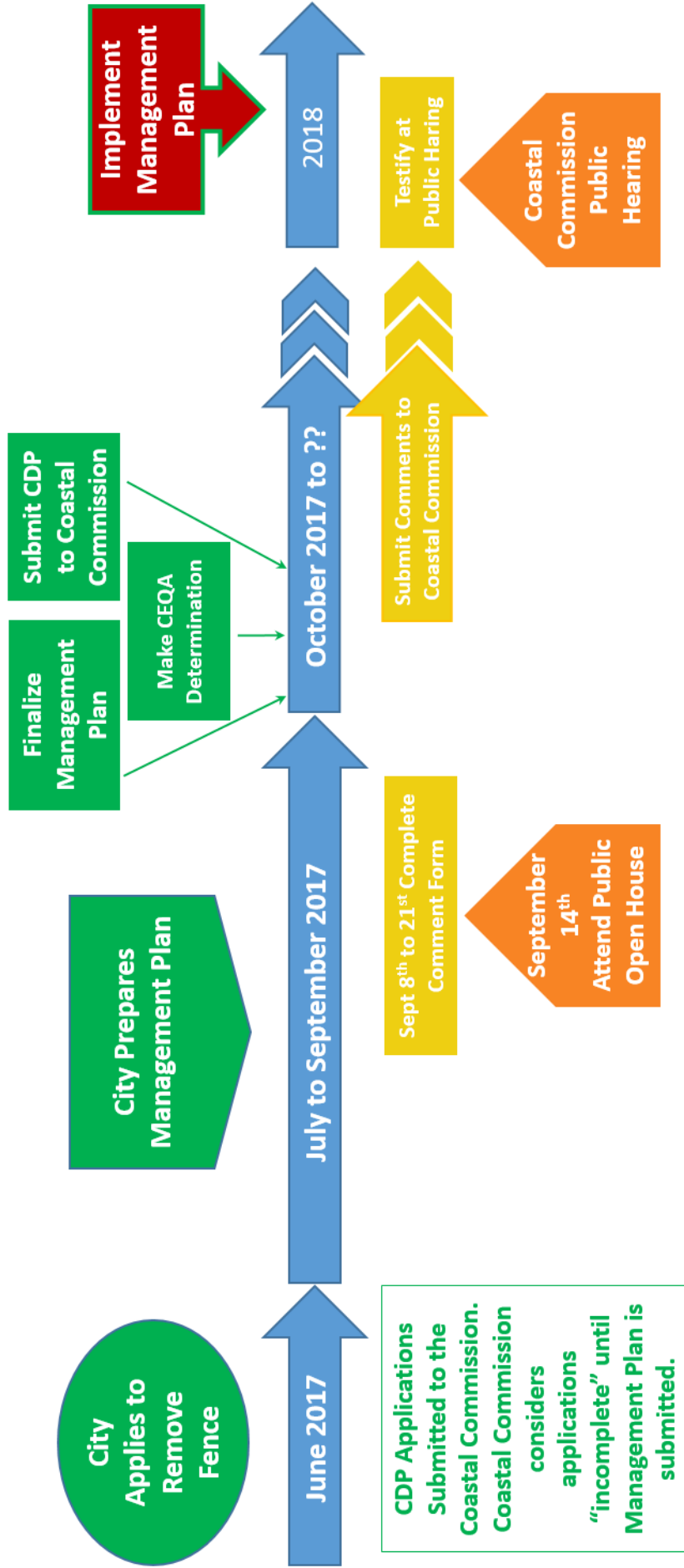
#### ***...the Coastal Development Permit?***

Another opportunity to participate in the public process is as the Coastal Commission considers the City's CDP application. The City anticipates submitting the CDP application in mid-October. Written comments can be submitted to the Coastal Commission **at any time**. Coastal Commission staff will review the application and, within 30 days of the submittal date, determine if it is complete or if additional information is needed. The CDP process will consider potential project-related impacts on sensitive habitat, public access, recreation and visual resources. Public testimony may also be provided at Coastal Commission hearing. The City hopes that the CDP would be considered by the Coastal Commission in early 2018.



# WESTERN SNOWY PLOVER MANAGEMENT PLAN

## How & When to Participate in the Public Process





## ADDITIONAL RESOURCES

### **City of Newport Beach**

[Western Snowy Plover critical habitat efforts](#)

[Coastal Land Use Plan](#)

### **US Fish and Wildlife Service**

[FAQs About Critical Habitat](#)

[Overview](#)

[Recovery Plan](#)

### **California Coastal Commission**

[Laws & Regulations regarding the California Coastal Act](#)

[Enforcement of the Coastal Act](#)