

**DRAFT Typical Florida Fish and Wildlife Conservation Commission (FWC)
Nesting Migratory Bird Protection Conditions related to beach nourishment
April 2016**

- 1) Nesting seabird and shorebird surveys should be conducted by trained, dedicated individuals (Bird Monitor) with proven shorebird identification skills and avian survey experience. Bird Monitors shall meet the following minimum qualifications:
 - a) Ability to identify all species of beach-nesting birds that nest in the project area by sight and sound.
 - b) Ability to identify breeding/territorial behaviors, and find nests of shorebirds and seabirds that occur in the project area.
 - c) Ability to identify habitats preferred by shorebirds and seabirds nesting in the project area.
 - d) Completed full introductory course training (online or webinar) on the Breeding Bird Protocol for Florida's Seabirds and Shorebirds, including training in data entry.
 - e) Familiar with FWC beach driving guidelines: www.myfwc.com/conservation/you-protect/conservation/wildlife/beach-driving
 - f) Annually completes refresher course training (online or webinar) for the Breeding Bird Protocol for Florida's Seabirds and Shorebirds, including training in data entry.
 - g) Previously participated in beach-nesting bird surveys associated with FWC, Audubon, or FWS in Florida (please provide references)
 - h) Experience posting beach-nesting bird sites, consistent with FSA Guidelines.
 - i) Registered contributor to the Florida Shorebird Database.

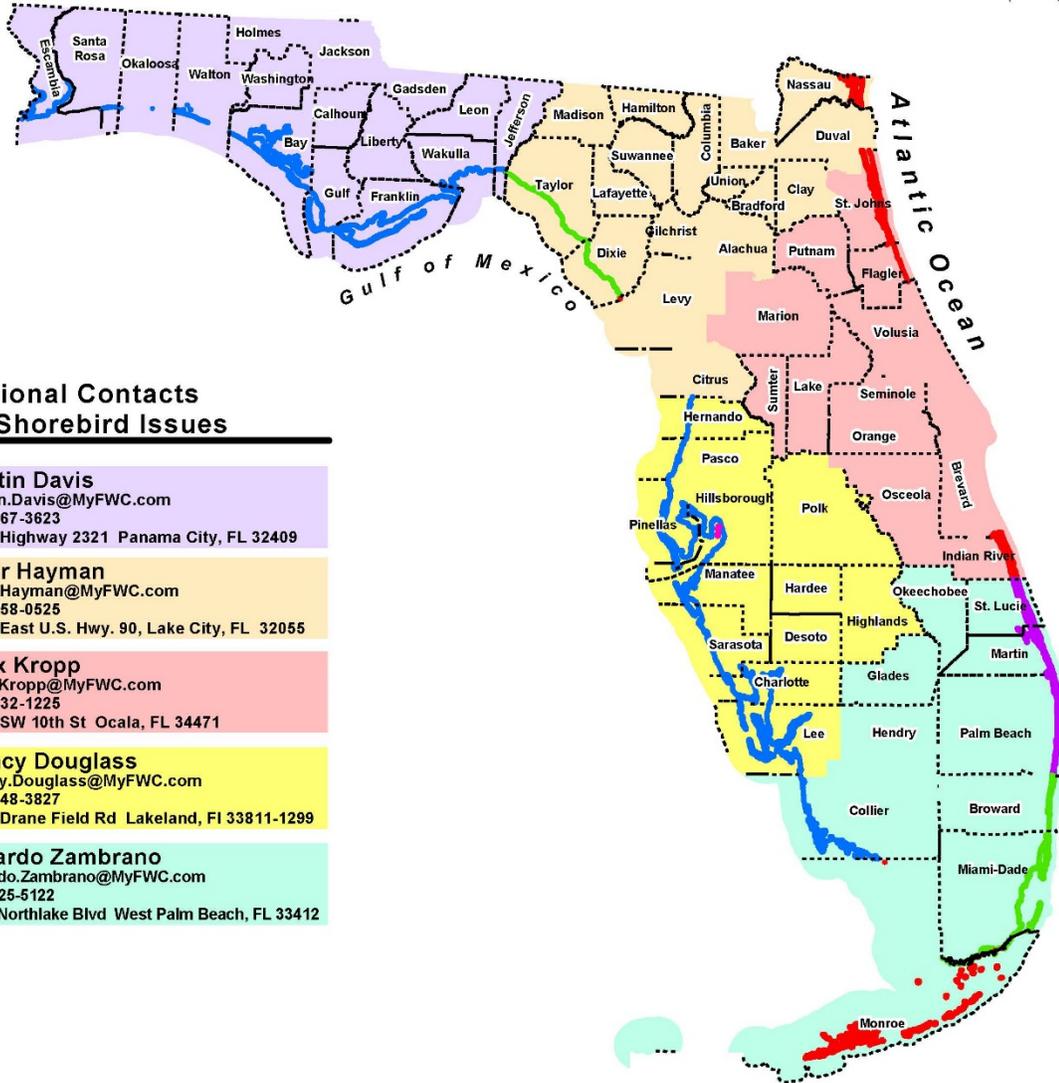
- 2) A list of Bird Monitors with their contact information, summary of qualifications including bird identification skills, and avian survey experience shall be provided to the FWC (see Figure 1 attached or <http://myfwc.com/shorebirds> for FWC Regional Biologist Contacts) prior to any construction for shorebird surveys for review and consultation. Bird Monitors shall use the following survey protocols:
 - a) Bird Monitors shall review and become familiar with the general information, employ the data collection protocol and implement data entry procedures outlined on the FWC's Florida Shorebird Database (FSD) website (www.FLShorebirdDatabase.org). An outline of data to be collected, including downloadable field data sheets, is available on the website.
 - b) Breeding season varies by species. Most species have completed the breeding cycle by September 1, but flightless young may be present through September. March 15–September 1 are the seasonal dates, based on the best available information regarding ranges and habitat use by species in Nassau County.
 - c) Breeding season surveys shall be conducted in all potential beach-nesting bird habitats within the project boundaries that may be impacted by construction or pre- construction activities. Portions of the project in which there is no potential for project-related activity during the nesting season may be excluded. One or more shorebird survey routes shall be established in the FSD website to cover these areas.
 - d) During the pre-construction and construction phases of the project, surveys for detecting breeding activity and the presence of flightless chicks shall be completed on a daily basis

- prior to movement of equipment, operation of vehicles, or other activities that could potentially disrupt breeding behavior or cause harm to the birds or their eggs or young.
- e) Surveys shall be conducted by walking the length of the project area and visually surveying for the presence of shorebirds exhibiting breeding behavior, shorebird/seabird chicks or shorebird/seabird juveniles, as outlined in the FSD Breeding Bird Protocol for Shorebirds and Seabirds. Use of binoculars is required.
 - f) If an ATV or other vehicle is needed to cover large project areas, operators shall adhere to the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-serve/wildlife/beach-driving/>). Specifically, the vehicle shall be operated at a speed <6 mph and run at or below the high-tide line. The Bird Monitor shall stop at no greater than 200 meter intervals to visually inspect for breeding activity.
 - g) Once breeding is confirmed by the presence of a scrape, eggs or young, the Bird Monitor shall notify the Permittee (or their designee) who shall notify the FWC Regional Species Conservation Biologist (see <http://myfwc.com/shorebirds> for FWC Regional Biologist Contacts) within 24 hours. All breeding activity shall be reported to the FSD website within one week of data collection.
- 3) Beach Driving. All vehicles driven on the beach shall be operated in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-serve/wildlife/beach-driving/>). Specifically, the vehicle must be operated at a speed <6 mph and run at or below the high-tide line. All personnel associated with the project shall be instructed about the potential presence of nesting seabirds, shorebirds and sea turtles and the need to avoid Take of (including disturbance to) these protected species.
- 4) Seabird and Shorebird Buffer Zones and Travel Corridors. Within the project area, the Permittee shall establish a disturbance-free buffer zone around any location where shorebirds have been engaged in breeding behavior, including territory defense. A 300 foot-wide buffer is considered adequate based on published studies. However, smaller site specific buffers may be implemented in consultation with FWC as needed. All sources of human disturbance (including pedestrians, pets and vehicles) shall be prohibited in the buffer zone.
- a) The Bird Monitor shall keep breeding sites under sufficient surveillance to determine if birds appear agitated or disturbed by construction or other activities in adjacent areas. If birds do appear to be agitated or disturbed by these activities, then the width of the buffer zone shall be increased immediately to a sufficient size to protect breeding birds.
 - b) Reasonable and traditional pedestrian access should not be blocked where breeding birds will tolerate pedestrian traffic. This is generally the case with lateral movement of beachgoers walking parallel to the beach at or below the highest tide line.
 - c) Pedestrian traffic may also be tolerated when breeding was initiated within 300 feet of an established beach access pathway. The Permittee shall work with the FWC Regional Species Biologist to determine if pedestrian access can be accommodated without compromising nesting success.
 - d) Designated buffer zones shall be marked with posts, twine and signs stating "Do Not Enter, Important Nesting Area" or similar language around the perimeter, which includes the name and a phone number of the entity responsible for posting. Posts shall not exceed

3 feet in height once installed. Symbolic fencing (twine, string or rope) should be placed between all posts at least 2.5 feet above the ground and rendered clearly visible to pedestrians. If pedestrian pathways are established within the 300-foot buffer zone (after consultation with the FWC Regional Species Conservation Biologist), these should be clearly marked. The posting shall be maintained in good repair until breeding is completed or terminated. Although solitary nesters may leave the buffer zone with their chicks, the posted area continues to provide a potential refuge for the family until breeding is complete. Breeding is not considered to be completed until all chicks have fledged.

- i) No construction activities, pedestrians, movement of vehicles or stockpiling of equipment shall be allowed within the buffer area.
 - ii) Travel corridors shall be designated and marked outside the buffer areas so as not to cause disturbance to breeding birds. Heavy equipment, other vehicles, or pedestrians may transit past breeding areas in these corridors. However, other activities such as stopping or turning shall be prohibited within the designated travel corridors adjacent to the breeding site. When flightless chicks are present within or adjacent to travel corridors, movement of vehicles shall be adequately monitored by the Bird Monitor, who shall advise the contractor whose responsibility it is to ensure no chicks are in the path of the moving vehicle and no tracks capable of trapping flightless chicks result.
 - iii) To discourage nesting within the travel corridor, it is recommended that the Permittee should maintain some activity within these corridors on a daily basis, without disturbing any nesting shorebirds documented on site or interfering with sea turtle nesting, especially when those corridors are established prior to commencement of construction.
- 5) Notification. If shorebird breeding occurs within the project area, a bulletin board shall be placed and maintained in the construction staging area with the location map of the construction site showing the bird breeding areas and a warning, clearly visible, stating that “NESTING BIRDS ARE PROTECTED BY LAW INCLUDING THE FLORIDA ENDANGERED AND THREATENED SPECIES ACT AND THE STATE and FEDERAL MIGRATORY BIRD ACTS”.
- 6) All construction equipment shall be stored off the beach at night. No temporary lighting of the project area is authorized, and all holes or excavations shall be filled by 9 PM.
- 7) All tracks or ruts shall be removed from the beach after completion of the authorized activities.

Shorebird Breeding Seasons and Regional Shorebird Contacts



Regional Contacts for Shorebird Issues

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Shorebird Breeding Season

-  February 15 - September 1
-  Spoil Islands Hillsborough Bay March 1 - September 1
-  March 15 - September 1
-  April 1 - September 1
-  Spoil Islands & Estuaries March 15 - September 1
Coastal Beaches April 1 - September 1



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Figure 1: Shorebird Breeding Seasons and Regional Shorebird Contacts