

# Natural Resource Damage Assessment and Restoration Program

## *Final Plan to Restore Piping Plovers from Buzzards Bay Oil Spill*



### **Thousands of gallons of oil spill into the Bay**

On April 27, 2003, the Bouchard Barge 120 grounded on a shoal in Buzzards Bay and spilled an estimated 98,000 gallons of No. 6 fuel oil. About 100 miles of shoreline in Massachusetts and Rhode Island were oiled, restricting the public's use of the shoreline and resulting in the death of fish and wildlife, including the piping plover.

Piping plovers are migratory shorebirds that are protected under the federal Endangered Species Act, as well as under the Massachusetts and Rhode Island state Endangered Species Acts.

### **Trustees assess injuries**

Pursuant to the Oil Pollution Act of 1990 and related state laws, when a spill like this occurs, federal and state agencies act on behalf of the public as trustees for natural resources and are given authority to pursue compensation for oil spill-related impacts on natural resources.

Trustees first assess natural resource injuries (known as a natural resource damage assessment or "NRDA") caused by an oil spill; they then determine the appropriate type and amount of restoration needed to compensate for the injuries.

For this case, the natural resource trustees are the U.S. Department of Commerce (National Oceanic and Atmospheric Administration), the U.S. Department of the Interior (U.S. Fish and Wildlife Service, or USFWS), the Commonwealth of Massachusetts (Executive Office of Energy and Environmental Affairs, represented

by the Massachusetts Department of Environmental Protection), and the State of Rhode Island (Rhode Island Department of Environmental Management).

When oil began washing onto beaches used by piping plovers that were feeding and nesting, the trustees worked cooperatively with parties responsible for the spill to assess the injuries to piping plovers and to determine damages necessary to compensate for those injuries.

The settlement is based on a negotiated estimate of 12 adult birds and five young that died as a result of the spill. To restore these birds and the young they would have raised, in December 2010, the responsible parties agreed to provide the trustees with \$715,000 to implement a comprehensive restoration program for piping plovers, including the costs of oversight and monitoring. The funds were part of a \$6 million settlement that also included damages

for shoreline and aquatic injuries and recreational lost use.

### **A three-part approach to restore piping plovers**

In September 2011, the trustees held two public information meetings to describe the restoration planning process and to seek restoration ideas. Based on input received from the meetings and information from biologists familiar with piping plovers, the trustees prepared a draft restoration plan and environmental assessment for piping plover. The draft plan was released in June 2012 for public comment, and a public meeting was held July 10, 2012, in Fall River, Mass.

The final plan will be used to implement an enhanced management program at breeding sites in Massachusetts and Rhode Island. The program will consist of three activities to increase the survival and



Piping plovers like this one were oiled while looking for food after the spill.



An intern helps to construct a barrier to help protect piping plover nests from predators.

productivity of nesting piping plovers: predator management, enforcement, and outreach and education.

Reducing predation is a key component of the program because predation is currently the most serious threat to breeding piping plovers. It results in the loss of eggs, chicks and adults throughout the piping plover's range. In Massachusetts, nearly 30 percent of nests are unsuccessful in some years due to predation.

Further, as human populations continue to grow, elevated predation pressure from species such as foxes, raccoons, skunks and crows that take advantage of human-supplied food can overwhelm shorebirds like piping plovers, which are much less abundant.

Biologists currently invest significant time and expense to discourage predators and reduce their impacts on nesting piping plovers at numerous sites in Massachusetts and Rhode Island. Methods currently employed include placing wire exclosures around nests, using electric fencing to keep predators away from nests, and installing perch deterrents to keep

predators away from nesting locations.

These activities will continue to be implemented where feasible, but for beaches where predation is one of the primary threats, we will selectively remove individual predators that have learned to target plover nests, chicks or adults. Removal efforts will be implemented by USDA-Wildlife Services using approved lethal techniques for wildlife damage management.

Reducing predation is an effective way to increase the number of chicks hatched and fledged and to compensate for the losses sustained in the oil spill. The trustees only support removing predators when sound science indicates that it is our last or only resort to meet the wildlife mission of our agencies.

In combination with predator removal, the program will also increase enforcement of local beach ordinances as well as to undertake additional outreach and education on piping plover nesting beaches. The objective of these management actions is to prevent or reduce activities that harass or harm nesting piping plovers.

Rigorous protection efforts are currently necessary to restore this rare migratory bird. The selected approach will help increase the size and productivity of the plover's population in Massachusetts and Rhode Island.

## Next steps

The trustees released the final restoration plan for piping plovers in January 2013.

Landowners and beach managers interested in receiving funds to implement restoration projects are encouraged to apply online at <http://www.grants.gov> or to contact the U.S. Fish and Wildlife Service directly.

Sites will be chosen based on landowner interest and permission, benefits to piping plovers, proximity to the spill location and other criteria. Projects will be awarded within the next few months.

The plan is available at <http://www.fws.gov/newengland>.

A separate restoration plan is under development for damages to other natural resources, such as lost recreational use and impacted shoreline and aquatic habitats. More information



Piping plover chick.

on those resources can be found at: <http://www.darrp.noaa.gov/northeast/buzzard/index.html>.

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