

## Section 8. Alternative Actions Considered but Rejected

### 8.1. Introduction

This section includes a description of the different management alternatives that were previously considered for the Habitat Conservation Plan (HCP) by the Oregon Parks Department (OPRD) and a discussion of the reasons why these alternatives were not carried forward. The section also includes a discussion of why specific OPRD-owned sites were not selected for management as snowy plover management areas (SPMAs) in the HCP.

### 8.2. Alternatives Eliminated from Further Consideration

#### 8.2.1. No Habitat Conservation Plan Alternative

An alternative considered, but rejected was for OPRD not to develop a HCP and to apply for an Incidental Take Permit (ITP) (i.e., take no affirmative action). Under this alternative an ITP application would not be submitted to the U.S. Fish and Wildlife Service (USFWS) and OPRD would continue to manage for snowy plover recovery at Bandon State Nature Area (SNA) and manage its activities to avoid the risk of take of snowy plovers. As funding and resources allowed, OPRD might expand its efforts to other areas. Also, if snowy plovers were to begin using that portion of the Ocean Shore owned by OPRD, OPRD would manage their activities to protect snowy plovers at these sites.

This action was rejected because it would not enable OPRD to fulfill its purpose and need to: 1) contribute to the conservation and recovery of the snowy plover and its habitat, and 2) provide OPRD with the legal protection afforded by an ITP to continue its legislatively mandated management activities on the Ocean Shore as defined in this document.

### **8.2.2. Manage All Recovery Plan Areas**

This alternative considers using the recovery areas identified in Recovery Plan as the areas to focus snowy plover management activities. Such activities would necessarily include recreational use restrictions. This alternative was rejected for a number of reasons, including 1) the difficulty in trying to manage for recreational use along the sandy Ocean Shore, including such areas as South Beach in close proximity to Newport, Oregon, with an estimated 500,000 visitors per year; 2) the conflict with OPRD's mandate to provide access by the public to Oregon beaches; and 3) the prohibitive costs associated with managing hundreds of thousands of tourists and local beach users to ensure the risk of take of snowy plovers would be avoided.

### **8.2.3. Protection of Nests When and Where They Occur**

This alternative considers implementing snowy plover protection measures everywhere a snowy plover nest or brood is discovered, regardless of where the nest or brood occurs or whether they are viable. This alternative was rejected because it would not provide the public with any certainty as to what sections of beach will or will not be managed for snowy plover; management could change annually and seasonally depending on where nests were discovered in a particular year and where the brood was located and/or re-located. In theory, the entire sandy portion of the Ocean Shore could be managed for snowy plovers. This is impractical, has the potential to be too costly to implement, and would not meet the legislative mandate of providing access by the public to Oregon beaches.

### **8.2.4. Protection of Occupied Sites Only**

A fourth alternative considered implementing snowy plover protection measures only in those areas currently occupied by snowy plovers. This alternative was rejected because it would not provide OPRD with authorization for incidental take in other areas that may become occupied in the future, and would not provide future habitat areas for snowy plovers in the event of a demographic disturbance (catastrophic event) on the south coast that would negatively affect existing snowy plover habitat. Thus, it would fulfill neither of the purposes of OPRD's action (i.e., neither contribute to the conservation and recovery of the snowy plover and its habitat, nor provide OPRD with the legal protection afforded by an ITP to continue management activities on the Ocean Shore according to its legislated mandate).

### **8.2.5. Active Management of All Snowy Plover Management Areas/Recreation Management Areas for Occupancy by Oregon Parks and Recreation Department**

Under this alternative OPRD would actively manage all 16 identified SPMAs /Recreation Management Areas (RMAs) for nesting populations of snowy plovers.

Specific SPMA/RMAs would be identified for management for occupancy on a priority basis. As SPMA/RMAs become occupied, other unoccupied SPMA/RMAs would begin to be actively managed for occupancy, with at least three areas being actively managed at any one time. This alternative was rejected because OPRD does not have the authority to implement or enforce site management plans for nesting populations of snowy plover on lands that it does not own or manage. Under this alternative, OPRD would be responsible for all management strategies occurring on the SPMA/RMAs, including those that would take place on lands owned or managed by a landowner other than OPRD. Since they would not have the ability, or authority, to ensure that site plans would be effectively implemented or adequately enforced, this alternative was considered impractical to implement.

### 8.2.6. Implement a Captive Breeding Program

This alternative considers implementing a captive breeding program to assist in the recovery of snowy plovers. Under this alternative, snowy plovers would be captured and maintained in captivity. Adults would be bred, and young birds bred in captivity would be released into the wild.

Maintenance costs of a successful captive breeding program would be prohibitive. In addition, little is currently known about how snowy plovers survive in captivity or how they can be effectively bred. According to USFWS policy, captive breeding “is used as a recovery strategy only when other measures employed to maintain or improve a listed species’ status in the wild have failed, are determined to be likely to fail, are shown to be ineffective in overcoming extant factors limiting recovery, or would be insufficient to ensure/achieve full recovery. In addition to the prohibitive cost and the belief that this type of action is one of last resort, this alternative does not address other conservation needs of the species or alleviate the potential for OPRD management activities (including recreation) to affect snowy plovers negatively. Thus, it would not fulfill the purpose and need and was rejected as a viable alternative.

### 8.2.7. Voluntary Compliance and Education

This alternative considers reliance on the public, especially recreational users of the Oregon coast, voluntarily to avoid snowy plover nest sites, chicks, and adults nesting and foraging along the Oregon coast. This would require that individuals using the Ocean Shore be aware of the location of existing nesting sites and familiar enough with snowy plovers to be able to identify and avoid the species when they are present. In addition to “self-education” under this alternative, OPRD would educate beach visitors about the biology and habitat needs of the snowy plover by recruiting and training volunteers to serve areas where nesting populations of snowy plover have been identified. Individuals would be available to advise beach users about any beach restrictions and answer questions about snowy plover.

Under this alternative, inadvertent incidental take could occur, even if visitors were aware of and avoided known nest sites. In addition, it is possible that management activities conducted by OPRD (e.g., habitat restoration activities) could result in incidental take. Without take authorization from the USFWS, individual members of the public and OPRD would be responsible for any take that may occur incidental to an otherwise lawful activity. These circumstances would not allow OPRD to meet the purpose and need stated in the HCP; thus, this alternative was rejected.

### **8.2.8. Multi-Species HCP**

The last alternative considered but rejected was the development of a multi-species HCP that would address other species that may occur on or near the sandy Ocean Shore along Oregon's coast. In addition to the conservation plan that addresses the snowy plover, this alternative would entail developing conservation measures to minimize and mitigate for impacts to other species. This alternative was rejected because OPRD's management activities are not likely to result in impacts to any listed species that would rise to the level of take. The listed species that could be in the vicinity of the potentially covered lands do not occupy the sandy beaches along the Oregon coast: they occur offshore, on rocky outcrops, or landward of the vegetation line. A description of the species and the rationale for their exclusion from the HCP is provided in Appendix B.

## **8.3. Potential OPRD-Owned Beaches Not Included in the HCP**

In addition to the alternative actions described above, OPRD also considered the selection of four additional sites for inclusion as potential SPMA's in the HCP. These sites include Nestucca Spit, Bullards Beach, Pistol River, Sixes River, and Camp Winema. These beaches were not included in the HCP as potential SPMA's for the following reasons.

### **8.3.1. Nestucca Spit**

Nestucca Spit was not included as a potential SPMA under the HCP because of its limited value as potential habitat for nesting snowy plovers. During the winter months, this area is very windy and rough. The water level rises up to the foredune and the resulting wave action results in a high level of erosion. There is no suitable habitat for snowy plovers as a result. In addition, there are extremely high levels of recreational use on this beach.

### 8.3.2. Bullards Beach/Sixes River

Bullards Beach and Sixes River were not included as potential SPMA's under the HCP because the USFWS, the Oregon Department of Fish and Wildlife (ODFW), and OPRD determined that both sites would be too small to support nesting populations of snowy plover.

### 8.3.3. Pistol River

An SPMA at Pistol River was included for deferred management (i.e., management only if other SPMA's were not occupied after a certain period) in the draft HCP released for public review in November 2006. Management of the area was deferred due to biological constraints specific to the site, including high winds/blowing sand and high corvid activity. The beach in the area is also highly susceptible to the meandering Pistol River, which could alter habitat restored over time.

Comments received during the public comment period on the draft HCP included comment voicing strong local opposition for management and implementation of recreational use restrictions at the Pistol River SPMA, as well as comments voicing strong support for increased management at other areas more likely to support populations of snowy plover in the future. After considering these comments in the context of the biological constraints at the site, OPRD removed the option for management of an SPMA at Pistol River. The northern boundary of the Bandon SPMA was extended to include the China Creek area.

