



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087



December 19, 2002

John R. Kennelly
Deputy Chief, Engineering/ Planning Division
New England District, U.S. Army Corps of Engineers
696 Virginia Road
Concord, Massachusetts 01742-2751

Dear Mr. Kennelly:

The U.S. Fish and Wildlife Service (Service) has reviewed your April 15, 2002 letter requesting comments on the U.S. Army Corps of Engineers (Corps) proposal to address shoreline erosion of the Camp Ellis shoreline at Saco, Maine. The Corps is in the process of preparing an Environmental Assessment (EA) to support its efforts to address coastal erosion at Camp Ellis. The following comments are provided in accordance with the Fish and Wildlife Coordination Act (48 stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1543).

The Corps' proposed project would involve several interrelated actions to address shoreline damage along the Camp Ellis Beach, including the following:

- minor modifications to the existing north jetty to prevent or impede coastal wave and current processes that contribute to beach erosion;
- beach nourishment to restore lost sand along the Camp Ellis shore;
- maintenance dredging of the federal navigation project in the adjacent Saco River and potentially of the Scarborough River as sources of material for beach nourishment at Camp Ellis; and
- use of additional borrow sources to provide the estimated 275,000 to 300,000 cubic yards of sand needed for beach fill. Sources might include one upland and three offshore locations. The upland source is a sand and gravel quarry about 7 miles from Camp Ellis Beach. The offshore sources include areas at the mouth of the Saco River and areas offshore of the jetties.

Project History

Your letter indicates that erosion issues at Camp Ellis have been the focus of an interagency and local interest group, the Saco Bay Implementation Team. This group has been meeting monthly to discuss feasible solutions to coastal erosion at Camp Ellis. Our office, however, did not become aware of this effort until January 2002 when the Maine Department of Inland Fisheries and Wildlife (MDIFW) contacted us to discuss how the potential beach nourishment at Camp Ellis could affect piping plovers. Following that contact, we spoke with the Corps' Project Manager, Mr. Mark Mirabella, and received a brief summary of the proposed project. We were subsequently invited to attend one meeting (February 13, 2002) of the Implementation Team.

Endangered Species Act Comments

The federally-threatened piping plover (*Charadrius melodus*) occurs in the project area. It did not nest on Camp Ellis Beach (otherwise known as Ferry Beach) in 2002, but pairs nested both to the north at Goosefare Brook in Saco and to the south at Fortunes Rocks Beach in Biddeford. Because of the steep beach profile, poor habitat conditions, and intense public use at Ferry Beach, piping plovers have not consistently nested on the beach. No plovers were seen during several surveys in 2002. During the 2001 nesting season, one pair of plovers was occasionally observed on Ferry Beach, but no nesting attempts were documented. In 1999 and 2000, a single pair nested in front of Oceanside Drive. The 1999 nesting attempt produced 1 fledgling. Piping plovers have regularly nested each year north of Ferry Beach at Goosefare Brook. In 2002, a pair successfully fledged one chick at this site. Birds nesting at Goosefare Brook have been seen feeding with their chicks at Ferry Beach. At nearby Fortunes Rocks Beach, four pairs of plovers nested in 2002, but only produced one fledgling. Piping plovers may be seen at all of these beaches in late summer as they congregate at feeding areas and prepare for their southward migration.

Both the Goosefare Brook and Fortunes Rocks Beach nesting sites are designated by the MDIFW as essential habitat for piping plovers under the state's Endangered Species Act. The MDIFW lists the piping plover as a state-endangered species. Projects funded or carried out by state agencies or municipalities must be reviewed by the MDIFW.

Piping plovers also nest at sites that could be affected by dredging for the Ferry Beach Project. In the town of Scarborough, piping plovers regularly nest at Pine Point Beach (4 pairs in 2002), Western Beach (no pairs nesting since 1998, but consistent nesting by up to 3 pairs in the early 1990s), Scarborough Beach State Park (4 pairs in 2002), and Higgins Beach (4 pairs in 2002). Of these beaches, Western Beach and Pine Point would likely be the most affected by potential dredging of Scarborough Harbor. Western Beach was one of Maine's best nesting beaches in the early 1990s with as many as 3 nesting pairs producing up to 10 fledglings (in 1995). Erosion of the beach during the winter of 1996-97 left the site with steep banks and little, if any, appropriate habitat. For unknown reasons, this beach has not accreted during the summer months. We are concerned that dredging could exacerbate the beach erosion problem at this site. Each of these beaches mentioned in Scarborough falls within areas designated by the State of Maine as essential habitat for piping plovers.

Although piping plovers are not currently nesting at the Camp Ellis beach, there is still a need to place seasonal restrictions on beach nourishment activities. Plovers nesting to the north at Goosefare Brook have been observed foraging at Camp Ellis Beach with their unfledged chicks. Piping plover home range studies at Cape Cod National Seashore in Massachusetts revealed that adult plovers with 16- to 21-day-old chicks (unfledged) may forage up to 1,600 meters from their nests daily, and 4,000 meters during the course of the nesting season before the young are capable of flying. Since plover chicks “freeze” when danger approaches, placing sand on Camp Ellis Beach, followed by grading and leveling activities with heavy equipment, could crush unfledged young. To avoid any conflicts with plovers, the Corps should conduct beach nourishment activities from September 1 through April 1 of any given year, a time frame when piping plovers would generally not be present on this beach. As the Corps further plans and develops this project, it should continue to closely coordinate with us, because the status of plover nesting locations along Maine’s beaches changes annually.

The Corps has asked for our recommendations for building a nourished beach at Camp Ellis that might be more attractive for piping plovers. Consistent with our recommendations for the recent beach nourishment in the Town of Wells, the new beach should have a maximum slope of 10:1. Establishment of a dune system containing abundant dune grasses and other vegetation is important for plovers because: 1) dune grass provides plovers and their young with cover from predators; and 2) without dune grass, beach erosion is accelerated, degrading existing plover habitat and precluding its formation. At the February 13, 2002 meeting, the Corps indicated that it might construct and vegetate a dune line if sufficient project funds were available.

Beach nourishment at Camp Ellis Beach is likely to improve nesting habitat for piping plovers. Maine’s piping plover population has grown appreciably in recent years and subsequently expanded into many new nesting areas. Plovers nest near Ferry Beach and will readily find the new habitat created by the beach nourishment project. Therefore, piping plovers likely will begin to nest on the new beach. Unfortunately, because the new beach would not only be more attractive to plovers but also to humans, additional conflicts are possible. Since the Corps requires that all beaches nourished using federal monies be available for public access, and given that the new beach profile will likely be more conducive for beach-related recreational activities, piping plovers would be negatively affected by increased human use.

The Corps’ EA should evaluate how the piping plover will be affected by proposed activities at Camp Ellis Beach, including beach nourishment, changes to the existing jetties, and dredging in various locations for borrow materials. The Corps should also identify any measures that are needed to avoid or minimize adverse impacts to plovers, such as time-of-year restrictions for beach nourishment work and development of a municipal beach management plan to minimize conflicts between human use and piping plovers. We recommend that the City of Saco be primarily responsible for managing its “new” beach for piping plovers. Plover management techniques used in Maine include fencing and posting, exclosing nests, and regular visits to the site to document hatching and fledging success. Through years of experience, we have found that piping plovers and public use of beaches can be compatible with careful planning. The town should consider future policies concerning vehicles and dogs on the beach as part of its management plan. The Town of Wells assumed these responsibilities after recently nourishing its beach. Their success at managing piping plovers would be a good model

to emulate for this project. A beach management agreement for piping plovers (perhaps using the Town of Wells as a model) would be highly advisable. The Service and the MDIFW can help develop such a plan.

You indicate that maintenance dredging of the Federal Navigation Project (FNP) in the Scarborough River could possibly serve as a source of sediment for nourishing the beach at Camp Ellis. The piping plover occurs in the vicinity of the Scarborough River and nearby beaches. Beach erosion at the mouth of the Scarborough River has damaged piping plover habitat. Your EA should evaluate the potential effects of maintenance dredging in the Scarborough River on piping plover habitat at Western and Pine Point Beaches. If the Corps identifies any potential adverse effects, it should also discuss any proposed measures to avoid or minimize adverse effects to plovers or their habitat. Restoration of piping plover habitat at Western Beach should be considered part of this project.

As you are aware, the Corps has responsibilities under both Section 7(a)(1) and 7(a)(2) of the ESA. Section 7(a)(1) of the ESA directs federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. We can work with the Corps and other federal agencies to discuss ways to collectively help recover populations of endangered or threatened species in Maine.

At this time, the Corps and the Service are engaged in informal consultation under Section 7(a)(2) of the ESA. You should continue to closely coordinate with our Maine Field Office during development of the Camp Ellis project, particularly as you consider impacts to the piping plover. If you determine that any aspect of this project is likely to adversely affect piping plovers, it will be necessary for the Corps to request formal Section 7 consultation with the Service.

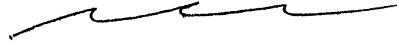
Fish and Wildlife Coordination Act Comments

The Saco River and its three principal tributaries, the Swift River, the Ossipee River, and the Little Ossipee River, are important aquatic resources that support a variety of anadromous, catadromous, and resident fish species including Atlantic salmon, American shad, river herring, striped bass, American eel, brook trout, brown trout, smallmouth bass, and yellow perch. Located in southern Maine and New Hampshire, the Saco River drains almost 1,700 square miles above the head-of-tide in Saco, Maine. There are many dams within the watershed, including several on the mainstem, which currently offer varying degrees of fish passage facilities and affect the suitability of fisheries habitat through creation of impoundments and regulation of river flows. The Service, in cooperation with others, is making a concerted effort to restore Atlantic salmon, shad, and river herring in the Saco River system.

We strongly encourage the Corps to design this project in a manner that minimizes impacts to fishery resources in the Saco River. The project should include appropriate time-of-year restrictions for dredging activities to protect fisheries resources. If the project ultimately involves maintenance dredging of the Scarborough River FNP, the Corps should incorporate appropriate measures, such as a time-of-year restriction for dredging, to protect anadromous and resident fish species.

We appreciate the opportunity to provide these comments and look forward to continuing to work with the Corps as you develop your project plans. Please contact Mark McCollough or Wende Mahaney in our Maine office (207-827-5938) if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael J. Bartlett". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael J. Bartlett
Supervisor
New England Field Office

cc: Sean McDermott, NMFS - Gloucester, MA
Jeanne Voorhees, USEPA - Boston, MA
Brian Swan, MEDMR - Hallowell, ME
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Reading File

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