

**BOROUGH OF STONE HARBOR
BEACH MANAGEMENT PLAN**

**For the Protection of
Federally & State-Listed Species**

IN COOPERATION WITH:

Borough of Stone Harbor

and

New Jersey Department of Environmental Protection
Division of Fish and Wildlife
Endangered and Nongame Species Program

and

United States Department of the Interior
Fish and Wildlife Service
New Jersey Field Office

March, 2008

PURPOSE

The purpose of this management plan is to provide a framework for cooperation among the Borough of Stone Harbor (Borough), the New Jersey Division of Fish and Wildlife's (NJDFW) Endangered and Nongame Species Program (ENSP), and the United States Fish and Wildlife Service's (USFWS) New Jersey Field Office (NJFO) in the stewardship of federally and State-listed endangered and threatened beach-nesting birds and flora (listed species), and other species of conservation concern occurring on the Borough's beaches. Through this plan, the parties seek to provide for the long-term protection and recovery of species populations in the Borough and the State, while balancing conflicting activities that potentially occur as the result of recreational usage and municipal management of beaches. In the plan, the parties define and describe the roles and responsibilities of the Borough, the NJDFW, and the USFWS in the protection and management of listed species within the Borough. Through this management plan, the parties endeavor to increase the nesting success of listed bird species and to foster the continued recovery of listed plant species in the Borough, chiefly by reducing detrimental human activities and decreasing predation.

This management plan is consistent with the USFWS's 1994 *Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitats on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act* and the 1997 *Guidelines for Managing Fireworks in the Vicinity of Piping Plovers and Seabeach Amaranth on the U.S. Atlantic Coast* (Recreational and Fireworks Guidelines), and with the New Jersey Coastal Zone Management Rules (N.J.A.C 7:7E). This plan satisfies the Conservation Measures and Terms and Conditions of the December 2005 Programmatic Biological Opinion (PBO) between the USFWS and the U.S. Army Corps of Engineers, Philadelphia District with respect to municipal management planning for the Borough. It is also intended to meet the conditions of permits issued by the New Jersey Department of Environmental Protection's (NJDEP) Division of Land Use Regulation, requiring management planning in municipalities receiving beach nourishment. Furthermore, the plan is intended to meet the requirement for a beach management plan with respect to a State-Aid Agreement between the State and the Borough for the purposes of beach replenishment. The parties to this plan acknowledge that the guidelines, rules, conservation measures, and terms and conditions contained within may be periodically revised, and agree to adjust the management of listed species as appropriate to ensure continued compliance, including revision of this plan if necessary.

SITE DESCRIPTION AND LOCATION

The Borough of Stone Harbor is located on the southern third of Seven Mile Island, 39°02'39.04"N 74°46'06.74"W, a barrier island along the Atlantic Ocean in Cape May County, New Jersey. The Borough is separated from the mainland by the Great Channel, an estuary that includes parts of the Atlantic Intracoastal Waterway, and numerous wetlands and undeveloped marsh islands. The southern end of Stone Harbor is known as the Stone Harbor Point and it currently consists of over 200 acres of a vibrant ecosystem, which supports numerous species of both common and rare wildlife.

MANAGEMENT ZONES

Two distinct management zones are identified on the Borough's beaches consisting of a Species Protection Zone and a Recreational Zone (see Map 1). The zones are primarily based on current and historical use by beach-nesting birds, as well as human uses and habitat conditions.

SPECIES PROTECTION ZONE: Stone Harbor Point (south and west of the 127th St. terminal groin)

This zone will be managed to promote the protection and recovery of listed species and other species of conservation concern, as well as the enhancement of their habitat. Recreational uses will be accommodated consistent with species protection. Management and protection of this zone is outlined in a separate comprehensive plan prepared by Terwilliger Consulting, Inc. in March 2008 (See attached *Conservation Plan for Stone Harbor Point*).

RECREATIONAL ZONE: Oceanfront beach extending from the 80th St. (Stone Harbor/Avalon Border) to the 127th St. terminal groin.

This zone is comprised of the Borough's developed recreational oceanfront beach. It will continue to be primarily managed for recreational usage. However, if listed species colonize this zone, they will be managed consistent with the 2005 PBO and in accordance with the USFWS's Recreational and Fireworks Guidelines. Furthermore, the Borough will develop and implement specific actions through consultation with the USFWS and ENSP if listed species are discovered. Consistent with the 2005 PBO, ENSP will conduct biological monitoring in this zone for the presence of beach-nesting birds during the breeding season in a manner and at intervals followed throughout the State.

ADDITIONAL BEACH MANAGEMENT PRACTICES

The following additional provisions will be implemented in the Recreational Zone to satisfy recommendation made by USFWS-NJFO to the Borough in January 2008 (see attached letter, Reference # 2008-I-0100):

BEACH MAINTENANCE: The Borough through education of its staff and, if necessary, with the placement of signs will maintain a "no-rake" zone (a 2-3 meter corridor at the toe of a dune or the landward limit of a berm) for the protection of seabeach amaranth habitat. The USFWS will provide signs to the Borough to protect seabeach amaranth should it appear. The Borough will place symbolic fence and signs around any plants that are detected in order provide at least a 3-meter buffer.

DUNE MANAGEMENT AND INVASIVE SPECIES CONTROL: The Borough recognizes that dune creation and maintenance are regulated by the New Jersey Coastal Zone Management Rules (Section 7:7E-3A.4) and that dunes should and will be managed to promote a diverse assemblage of native vegetation in accordance with those rules. Exotic invasive plant species (*e.g.*, Asiatic sand sedge [*Carex kobomugi*]) or encroaching native plant species (*e.g.*, American beach grass [*Ammophila breviligulata*]) can degrade or eliminate native habitat for listed species.

Because the Borough recognizes that invasive or encroaching plant species can compromise the integrity of native dune vegetation communities and can diminish suitability of habitat for native listed species, the Borough will work with USFWS and NJDEP to develop appropriate management strategies, as practical. The Borough will provide plans to the USFWS and ENSP for review at least 30 days before implementing any dune management or invasive and encroaching plant species control in the vicinity of listed species occurrences.

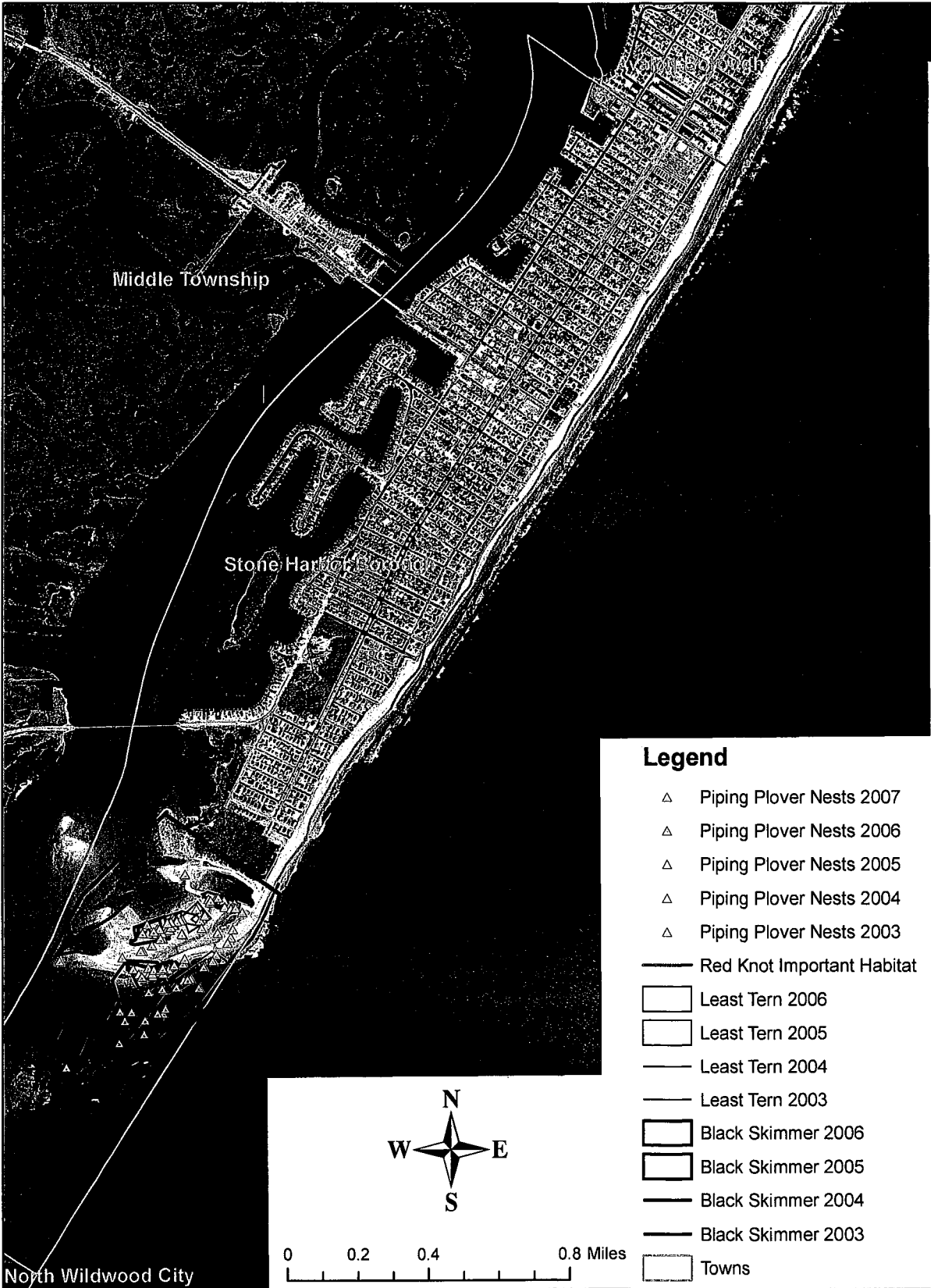
FERAL AND FREE-ROAMING CATS: The Borough of Stone Harbor currently utilizes a Trap-Neuter-Release (TNR) program for the control of feral and free-roaming cats. It continues to monitor and operate this program through the budget of the Natural Resources Committee. It also actively includes and uses a provision for the removal and/or relocation of cats in sensitive areas, which could be inclusive of the USFWS and ENSP recommended buffer from the oceanfront beaches if occupied by listed species.

The Borough's TNR Program is contained in R.G.O. 147-24 through 32. This Ordinance contains a sunset provision in R.G.O. 147-32 that will eliminate the TNR Program on December 31, 2008. If the TNR Program is eliminated, effective January 1, 2009, the Borough's Animal Control Officer (ACO) shall resume primary responsibility for the management of feral cats within the Borough, including, as necessary, the capture and transport to the County Animal Shelter for handling in accordance with the interlocal agreement between the Borough and the County applicable to handling such animals. The Borough, through its ACO, will also continue to work in partnership with the NJDFW to control cats in sensitive wildlife locations.

Since the threats posed by both feral cats and the Borough's establishment and maintenance of TNR colonies in close proximity of protected species are not completely avoided at this time, and no incidental take authorization is sought for Borough-sponsored or -approved acts, liability remains a concern. Although Borough actions included in this plan (inclusive of the *Conservation Plan for Stone Harbor Point*) regarding cats contain laudable components, the Borough would not be authorized or covered by the USFWS should take of species listed under the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) occur in the future. However, if the TNR program is eliminated via the sunset provision, effective January 1, 2009, the Borough would no longer be liable for a take that occurs as a result of a Borough sponsored TNR program.

CONCLUSION

The people of Stone Harbor are aware of its beauty and that it is a special kind of place. Protecting the beach from haphazard and unknowing diminishment or destruction is the "need" for a "Beach Management Plan". In that spirit, Stone Harbor respectfully submits this plan to all the agencies for their perusal and adoption.





United States Department of the Interior



FISH AND WILDLIFE SERVICE

New Jersey Field Office

Ecological Services

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Pleasantville, New Jersey 08232

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<http://www.fws.gov/northeast/njfieldoffice>

In Reply Refer to:

2008-FA-0183

APR 23 2008

Suzanne M. Walters, Mayor
Borough of Stone Harbor
9508 Second Avenue
Stone Harbor, New Jersey 080247

Dear Mayor Walters:

This letter is in regard to the final Conservation Plan for Stone Harbor Point (Conservation Plan) and the final Borough of Stone Harbor Beach Management Plan (Borough-wide Plan) for the Borough of Stone Harbor (Borough) to ensure protection of federally and State-listed threatened and endangered species occurring on the Borough's beaches. The Conservation Plan¹ and the Borough-wide Plan were reviewed by the U.S. Fish and Wildlife Service (Service) concurrently with the New Jersey Department of Environmental Protection (NJDEP), Endangered and Nongame Species Program (ENSP). The final Conservation Plan includes revisions based on Service review comments and beach management planning recommendations dated March 29, 2007 to Terwilliger Consulting Inc., which were coordinated with ENSP; several interagency meetings; and coordination via telephone and electronic mail among the Service, ENSP, Terwilliger Consulting Inc., and the Borough. The final Borough-wide Plan includes revisions based on Service recommendations dated January 4, 2008, which were coordinated with ENSP; and coordination via telephone and electronic mail among the Service, ENSP, and the Borough.

Enclosed is a compact disk containing an electronic copy of the final Borough-wide Plan. A copy of the final Conservation Plan will be sent to the Borough by Terwilliger Consulting Inc. We understand that the final Conservation Plan and the Borough-wide Plan were adopted by Borough resolution (No. 2008-S-78). Because the Borough has adopted the final Conservation Plan and Borough-wide Plan by resolution, it is our understanding the Borough will memorialize the plans by signing a Memorandum of Agreement (MOA) with the Service and the NJDEP. In addition, any outstanding municipal ordinances that are in need of modification to implement the plans should be completed at this time.

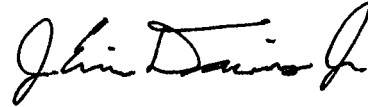
The Service appreciates the Borough's past and ongoing efforts to protect threatened and endangered species, and your willingness to provide a positive example of a partnering municipality that manages federally and State-listed species on its beaches. We look forward to working with the Borough and the NJDEP in signing the MOA in support of the plans, and

¹ The Conservation Plan was compiled by Terwilliger Consulting, Inc. for of the Borough of Stone Harbor in coordination with the Service and ENSP.

through Plan implementation, to continue the cooperative relationship that is protecting listed species on the Borough's beaches.

Please contact Stephanie Egger at (609) 383-3938, ext. 47, to arrange for official signing of the MOA by the Service, NJDEP, and the Borough.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Eric Davis Jr.", written in a cursive style.

J. Eric Davis Jr.
Supervisor

Enclosure



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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In Reply Refer to:

2008-I-0100

JAN 04 2008

Suzanne M. Walters, Mayor
Borough of Stone Harbor
9508 Second Avenue
Stone Harbor, New Jersey 080247

Dear Mayor Walters:

As you know, the Borough of Stone Harbor (Borough), Cape May County, New Jersey, is required to develop a Borough-wide Beach Management Plan (Plan) to protect federally listed species. The U.S. Army Corps of Engineers (Corps) requires beach municipalities to develop Plans pursuant to the U.S. Fish and Wildlife Service's (Service) 2005 Programmatic Biological Opinion (PBO) on the effects of Federal beach nourishment, renourishment, stabilization, and restoration activities on the federally listed (threatened) piping plover (*Charadrius melodus*) and seabeach amaranth (*Amaranthus pumilus*).

The Service and New Jersey Department Environmental Protection (NJDEP) work with the Corps and local beach managers along New Jersey's coast to ensure protection of federally and State-listed species consistent with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the New Jersey Endangered and Nongame Species Conservation Act of 1973 (N.J.S.A. 23:2A *et seq.*). Development and implementation of Service and NJDEP approved Plans are also directed by the Final Natural Resources Restoration Plan (2004) for the *Anitra* Oil Spill that occurred in May 1996. The Service's goal is to ensure the Plan provides for the Borough's beach recreational needs as well as long-term protection and recovery of federally and State-listed threatened and endangered species in conjunction with the Corps' scheduled beach renourishments and beyond.

Independent of the Corps' requirement for a Beach Management Plan, the Borough recently completed a comprehensive Conservation Plan for Stone Harbor Point. The Conservation Plan has been approved by the Service and the NJDEP's Endangered and Nongame Species Program (ENSP)¹. As Stone Harbor Point will serve as the Borough's designated protective zone to be managed for listed species and their habitat, the Service acknowledges the Stone Harbor Point Conservation Plan as largely fulfilling the Corps' Beach Management Planning requirement. To

¹ The final draft of the Conservation Plan as compiled by Terwilliger Consulting, Inc. for of the Borough of Stone Harbor is currently with the Borough's council for final review and approval.

fully comply with the 2005 PBO, the Borough must also submit a Plan for the Borough's oceanfront beaches indicating how federally and State-listed species will be managed should they colonize any beach or dune area outside of Stone Harbor Point.

SERVICE RECOMMENDATIONS

The Service recommends that the Borough submit a Plan for the oceanfront beaches (outside of Stone Harbor Point) to the Service and the ENSP for review. The Plan should be consistent with the PBO and at a minimum address the following items.

Biological Monitoring

The Plan should state that biological monitoring of the oceanfront beaches will be ongoing during the nesting season and be conducted by ENSP consistent with the Service's 2005 PBO.

Management Zones and Provisions if Listed Species Should Occur

The Plan should indicate that Stone Harbor Point is the designated Protected Zone for the Borough and is managed to promote the protection and recovery of listed species and the enhancement of their habitat under the Conservation Plan. A copy of the Conservation Plan should be appended to the Borough's Beach Management Plan. The Plan should also indicate that the Borough's oceanfront beaches are currently managed as a Recreational Zone, but will be managed in accordance with Service's 1994 *Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitats on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act* and the 1997 *Guidelines for Managing Fireworks in the Vicinity of Piping Plovers and Seabeach Amaranth on the U.S. Atlantic Coast* (Guidelines) if listed species are discovered. The Plan should specify that the Borough will develop and implement specific actions in accordance with the Service's Guidelines through consultation with the Service and ENSP if listed species occur in the Recreational Zone. The Plan should also include a Borough-wide map identifying the Protected and Recreational Zones.

Beach Maintenance

Beach Raking

The Service recommends the Borough delineate a 2-3 meter corridor (approximately one beach-rake width) as a "no rake" zone at the toe of the dune or landward limit of the berm for seabeach amaranth habitat protection. We also recommend posting the area with signs to delineate the "no rake" zone, if necessary, to ensure compliance by the Borough's Public Works staff operating beach-rakes. If any seabeach amaranth plants occur, they should be symbolically fenced and signed with a 3-meter buffer for protection. The Service will provide signs for the Borough's use. These provisions to protect seabeach amaranth and its potential habitat should be stipulated in the Borough's Plan.

Dune Management and Invasive Plant Species Control

Dune creation and maintenance are regulated by the New Jersey Coastal Zone Management Rules (Section 7:7E-3A.4). Dunes should be managed to promote a diverse assemblage of native vegetation and in accordance with N.J.A.C. 7:7E-3A.4.

The Service recommends the Borough include provisions in their Plan to manage dunes to promote the development of a more natural dune system (without compromising storm protection), featuring an irregular face, occasional breaches, and low-lying sparsely vegetated fore-dunes. A more natural dune system can provide habitat for diverse native vegetation and wildlife. Exotic invasive plant species (*e.g.*, Asiatic sand sedge [*Carex kobomugi*]) or encroaching native plant species (*e.g.*, American beach grass [*Ammophila breviligulata*]) can degrade or eliminate native habitat for listed species.

Please provide plans to the Service and ENSP for review at least 30 days before implementing any routine dune management or invasive and encroaching plant species control in the vicinity of documented federally or State-listed species occurrences.

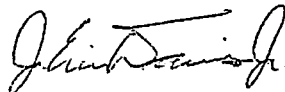
Trap-Neuter-Release Cat Colonies, Feral, and Free-Roaming Cats

The Borough should continue to monitor the status of any trap-neuter-release, feral, or free-roaming cats. The Plan should include a provision to allow for removal or relocation of cats within the Service and ENSP recommended buffer from the oceanfront beaches if occupied by listed species.

CONCLUSION

The Service appreciates the opportunity to provide recommendations on the Borough's Plan to fulfill Corps requirements, consistent with the Service's 2005 PBO for federal beach nourishment activities. Please contact Stephanie Egger at (609) 383-3938, extension 47, if you have any questions regarding these comments or require further assistance regarding federally listed species.

Sincerely,



J. Eric Davis Jr.
Supervisor

LITERATURE CITED

New Jersey Department of Environmental Protection, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration. 2004. Final Natural Resources Restoration Plan and NEPA Environmental Assessment for the *Anitra* Oil Spill of May 1996.