



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641/ Fax: 402-471-5528 / www.OutdoorNebraska.org

19 March 2008

To Whom it may concern:

The Nebraska Game and Parks Commission (Commission) and its partners seek to work cooperatively and proactively with stakeholders in the event that their activities may affect endangered or threatened species. Interior Least Terns (*Sternula antillarum anthalassos*) are currently state and federally listed as endangered and Piping Plovers (*Charadrius melodus*) are state and federally listed as threatened. Least Terns and Piping Plovers nests on unvegetated or sparsely vegetated expanses of sand and gravel. In the Platte and Elkhorn River valleys, these birds frequently nest on both river sandbars and sand and gravel mine spoil piles. The nesting season for both species is approximately 15 April through 30 August.

As sand and gravel mines are retired and converted into lakeshore housing developments, these two legally protected species have begun nesting on the broad expanses of unvegetated or sparsely-vegetated sand adjacent to the lakes (see pictures for additional information). As development progresses, human activity at the site by current and future homeowners, real estate agents, contractors, and recreationists increases. Unfortunately, this puts the interests of the birds and the people in conflict. During the breeding season, nests and chicks, which blend in perfectly with the sandy substrate, are vulnerable to destruction in areas that humans frequent on foot and in their vehicles. Unleashed pets, cats, in particular, can be quite destructive.



Direct destruction of nests or chicks are violations of the Federal Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), with penalties up to \$100,000 and/or 1 year in prison. The actions described above also violate the Nebraska Nongame and Endangered Species Conservation Act (§37-801 through §37-811). Disturbance of nesting adults can negatively impact their success in hatching and rearing chicks, this further imperils both species.

As I stated earlier, our approach is to work proactively and cooperatively with willing parties to develop suitable solutions for all stakeholders and to prevent violations of the law. The consequences of legal action are negative for everyone, bird and human alike. The best approach is to prevent bird-human conflicts from developing. One of the obstacles we face is individuals that purchase a residential lot or work at a lakeshore housing development but are unaware of the birds and their protected legal status. In the spirit of full disclosure, we strongly suggest that real estate agents and developers that sell lots at lakeshore developments inform potential and current lot owners of the situation. Sending them to the Tern and Plover Conservation Partnership website is a good first step (<http://ternandplover.unl.edu/>). The Partnership is able to provide additional educational materials, upon request, if that would be useful. The Partnership can also advise individuals about practices that have been developed to deter the birds from selecting specific areas as nesting sites. Thus, lot owners and developers can choose how best to avoid conflict by working with Partnership. Furthermore, this is a short term issue. Once houses are constructed and the area is developed, the birds will discontinue using the site.



The Tern and Plover Conservation Partnership was founded in 1999 to work with the sand and gravel mining industry, government agencies, and other entities to find common-sense solutions to protect Least Tern and Piping Plovers nesting at sand and gravel mines, while ensuring that mining activities are not unnecessarily delayed. The Partnership now has 14 cooperating partners and has been tremendously successful at preventing and resolving conflicts. This allows commerce that is important to Nebraska's economy to proceed unimpeded while the protected birds are not harmed, a genuine win-win situation.

I appreciate your cooperation on this matter and I look forward to working with you to find agreeable solutions and

avoid any conflicts. I am available to meet with you to discuss this matter. I am also willing to attend housing association meetings or other meetings if you believe this would be helpful. Please contact me if you have questions or if I can be of further assistance.

Sincerely,

Joel Jorgensen
Nongame Bird Program Manager
402-471-5440
joel.jorgensen@ngpc.ne.gov

cc: Mark Webb, Special Agent, U.S. Fish and Wildlife Service Law Enforcement
Ted Blume, Div. Administrator, Nebraska Game and Parks Commission Law Enforcement
Jim Douglas, Div. Administrator, Nebraska Game and Parks Commission Wildlife Division
Jeff Clauson, Nebraska Game and Parks Commission Law Enforcement
Michael Luben, Nebraska Game and Parks Commission Law Enforcement
Dan Roberts, Nebraska Game and Parks Commission Law Enforcement
Duane Arp, Nebraska Game and Parks Commission Law Enforcement
Levi Krause, Nebraska Game and Parks Commission Law Enforcement
Martha Tacha, U.S. Fish and Wildlife Service
Robert Harms, U.S. Fish and Wildlife Service
Scott Taylor, Asst. Div. Administrator, Nebraska Game and Parks Commission
Mary Bomberger Brown, Coordinator, Tern and Plover Conservation Partnership

