

Piping Plover and Interior Least Tern Survey Protocol
Nebraska Game and Parks Commission and U.S. Fish and Wildlife Service
March 2021

The piping plover (plover) is listed as threatened under the Endangered Species Act (ESA) and the Nebraska Nongame and Endangered Species Conservation Act (NESCA). The interior least tern (tern) is listed as endangered under NESCA, but receives no protection from the ESA. The Nebraska Game and Parks Commission (NGPC) and the U.S. Fish and Wildlife Service (USFWS) has developed the following protocol for Federal and State agencies and project proponents to avoid construction-related impacts to individual plovers and their nests. NGPC similarly supports the application of this protocol for avoiding least tern impacts.

The agencies have identified critical life stages for the plover and tern that may be directly affected by construction activities in close proximity to nesting areas. Nesting plovers and terns can be negatively affected by human activity, including loud sounds, that are not normally found in their environment (roadway traffic is considered “normal”). Plover and tern nests can be crushed by foot traffic and construction equipment. Chicks may unnecessarily flee from human presence or be crushed by construction equipment as well. To ensure plovers and/or terns are not impacted by construction activities, the agencies recommend that all activities in suitable habitat (or near suitable habitat) occur outside of the nesting period from April 15 – August 15. If construction activities must occur within the nesting period, then agencies recommend the implementation of the following protocol.

Indicators of Nesting Activity:

- Nesting Behavior: Courtship, copulations, birds returning to the same place, sitting on the sand for a long period of time, or nest exchange (males and females incubate for varying lengths of time).
- Foraging Behavior: Plovers - looking for food along shoreline, probing the sand; Terns - hovering over river channel or lake, diving into water for fish, and bringing fish back to nest.

Survey Dates:

- Nesting period: April 15 – August 15
- If nesting activity is not observed within the July 1 through July 15 time period, then no further surveys are needed.

Frequency and Timing of Survey:

- Survey at least 3 times a week during nesting period (e.g., Monday, Wednesday, Friday).
- Survey in the morning prior to the start of project/construction activities for the day.
- Surveys must be conducted when there is adequate light to detect and identify birds.
- If cloudy, overcast or foggy – take additional time to ensure a good quality survey.

Method of Survey:

- From a good vantage point, survey areas within 0.25 mile of where project/construction activities will occur.

- Use binoculars or spotting scope to survey for a minimum of 20 minutes.
- Look specifically for bird movements along sandbars in the middle of the channel and/or along the shoreline.

Reporting:

- For each survey, record the following and keep both hard and electronic copies of the record/survey report on file:
 - Surveyor identification;
 - Date;
 - Start and stop times for the survey;
 - Survey location and area;
 - General weather conditions (temperature, foggy, rainy, windy, partially sunny, etc.);
 - Survey results (i.e., birds present or absent); and
 - Summary of bird behavior if birds are observed.

If nesting activity is not observed (see Indicators of Nesting Activity above) project/construction activities may commence. If nesting activity is observed, then further investigation may be needed from a different vantage point or using higher-powered optics to verify if a nest, nesting behavior, or chicks are present. Landowner permission must be obtained before entering private property.

If at any time, a nest, nesting behavior, and/or chicks are observed within 0.25 mile of where project/construction activities will occur:

- Do not start or continue work within 0.25 mile of where the nest, nesting behavior, and/or chicks were observed until Federal and State agencies are contacted.
- Immediately contact the NGPC and the USFWS contacts below for further instructions.
 - Joel Jorgensen, NGPC, office: 402-471-5440; cell: 402-533-0924, or
 - Melissa Marinovich, NGPC, office: 402-471-5422; cell: 402-416-5173
 - Jeff Runge, USFWS, cell: 308-216-0384, or
 - Robert Harms, USFWS, cell: 308-390-0871
- Do not start or resume work until after receiving further instruction from NGPC or USFWS.



Piping Plover (Photo by Joel Trick, USFWS)



Similar species: Killdeer (Photo by Joel Jorgensen, NGPC)



Nesting Least Tern. (Photo by USFWS Arkansas Field Office).



Similar species: Forster's Tern (Photo by Joel Jorgensen, NGPC).