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Angela Dunn
U.S. Army Corps of Engineers
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Dear Ms. Dunn:

Thank you for the opportunity to share our issues and concerns regarding the renewal of the federal land lease for Huguenot Memorial Park (Duval County, Florida). Both Audubon of Florida staff, as well as the president of our local Duval Audubon chapter, served on the advisory committee to the City of Jacksonville, in the development of the management plan submitted September 3, 2008. Defenders of Wildlife, the American Bird Conservancy and the Delmarva Ornithological Society also share the concerns compiled here.

City staff worked very hard to learn about the wildlife resources at their park and improve protections without significantly impacting historical recreational uses at the park. We are encouraged that the proposed plan aims to remedy some of the resource abuses and public safety hazards that, as documented in the plan, have become commonplace at Huguenot.

We applaud the plan's proposals to limit dogs at the park, end nighttime beach driving, exclude parking on the cove-side mudflats, and establish a driving lane on the Atlantic beach on high visitation days. Nevertheless, this plan attempts to increase resource and public safety protections while maintaining intense beach driving. This will be expensive to implement and we have concerns the increased funding and staffing needed for implementation will not be available. The Army Corps of Engineers has an important role to play in ensuring implementation is complete and effective in addressing the following issues.

Protection of wintering, federally threatened Piping Plovers

Huguenot is part of a federally designated critical habitat unit for threatened Piping Plovers and Audubon members have documented these birds' use of the park from July through May, concentrated in the cove area as well as along the inlet and Atlantic frontage of the park. Sightings include birds from the Great Lakes population, listed as federally endangered on their nesting grounds. These birds are subject to disturbance by beach driving, pedestrians, watersports enthusiasts, and dogs on or off leash, and this disturbance may affect their survivorship. By allowing recreational uses at the park that result in repeated disturbance of these birds, the Corps may be at risk of facilitating take of a listed species. Because of the volume of visitors to Huguenot and the cryptic nature of these birds, recreational uses need to be managed to provide protection from disturbance, rather than relying on education of park visitors alone. Specifically:

Cove-side driving: The City's plan proposes the installation of a bollard system on the cove side of the park to allow traffic to access the Point without stopping on the mudflat habitat. This measure will improve protection for plovers on the cove side but likely will be problematic: the traffic lane is narrow at points, making two-way traffic difficult without encroachment onto the dunes; sand is deep in places, making travel difficult for two-wheel drive vehicles; and Piping Plovers also use these higher beach habitats to rest and have been frequently documented roosting in tire tracks. The best solution for plovers would be the closure of this cove side to driving altogether. For the bollard system to work, the park must have sufficient staffing to maintain the bollards, direct traffic, assist with vehicles which become mired in the sand, and monitor for impacts to plovers and other shorebirds.

Disturbance by dogs: Dogs are perceived by birds as predators and even leashed dogs are known to cause disturbance. Early versions of the plan banned dogs from all park areas except the campground. Now the City proposes to exclude dogs from all parts of the park except for the campground, the river frontage and the "free beach" area. This compromised rule will require extra staff and enforcement presence to ensure visitors' compliance. Although Huguenot currently has a leash law in effect, dogs running off leash, flushing birds for lack of enforcement, is common.

Disturbance by kitesurfing and other watersports: The plan currently does not place limitations on areas in which watersports may occur; it would be appropriate to limit kitesurfing to the Atlantic frontage of the park away from the Point to protect both the birds on the cove's mudflats, as well as those utilizing the productive intertidal and shoal areas in the mouth of the inlet.

Protection of migrating Red Knots, a candidate species under the Endangered Species Act

Audubon members have documented more than 1,000 Red Knots utilizing the beach and inlet shoal habitats at Huguenot on peak migration days, with several of these individuals being traced to the Southwest Florida wintering population as well as the population that winters in extreme southern Chile and Argentina. This number represents a significant proportion of the Eastern United States' remaining Red Knots. These long distance migrants are obliged to meet strict metabolic budgets if they are to survive their migrations and breed successfully in the Arctic. Accordingly, they are especially susceptible to repeated disturbance events, which deprive them of the opportunity to feed and force them to expend energy fleeing the source of disturbance. Red Knots at Huguenot are excluded from the beachfront by vehicular traffic on high visitation days, and on lower visitation days are repeatedly disturbed by vehicles, pedestrians, dogs and watersports enthusiasts. Additionally, Huguenot visitors access the inlet shoals and sovereignty submerged lands contiguous with the park in the inlet and disturb birds foraging there. Because beach driving provides easy access to remote areas of the park, the volume of users at Huguenot, and the sensitivity of these birds, recreational uses need to be managed to provide the birds with a buffer from disturbance. Specifically:

Disturbance by traffic and pedestrians on Huguenot's beachfront and Point: The City's plan proposes to create temporary protected areas based on the presence of knots in the inlet during migration. These temporary areas would be portable, established by staff at appropriate tide stages with the placement of sandwich board signs to delineate the extent of the closed areas. This is a creative solution to provide protection to the birds as well as continue to allow unlimited beach driving at the park's Point area. Audubon is supportive of these efforts and will work to provide volunteers to help staff educate parkgoers about the significance of the protected areas and the plight of the birds. Nevertheless, the implementation of this plan will require staff with biological expertise to establish and remove the protected area signs at appropriate tide stages, and enforcement staff to ensure compliance with the closed area.

Disturbance by traffic and pedestrians on emergent inlet shoals and sovereignty submerged lands accessed by Huguenot visitors: The shoals in Ft. George Inlet which are revealed at low tide have proven to be vital foraging habitat for these migrant knots. Such inlets are very scarce on Florida's East Coast. Previously these shoals were separated from Huguenot by a shallow but fast-running channel. Nevertheless, despite prohibitions against swimming off the Point, people regularly waded or swam across the channel, often with their dogs, or in some cases drove across in their cars and trucks, to access the shoals, causing significant disturbance to the knots foraging there. In some cases, swimmers have struggled with the current and required rescue; in others, cars on the shoals or attempting to access the shoals have been swept out by the tide. The new management plan proposes to ban swimming at the Point and to place "no driving beyond this point" signs to limit vehicular access to the shoals. In order to protect public safety and the knots on the shoals, we feel it will be necessary to station a lifeguard at the point as well as law enforcement staff to change this historical recreational use pattern.

This scenario is currently compounded by the fact that the dynamic inlet is shifting and the majority of the inlet's shoals are now contiguous with the park at low tide. Accordingly, the knots no longer benefit from the modest isolation previously provided by the channel separating Huguenot from the shoals. The management plan currently proposed does not consider this scenario because the shoals were not accreted onto the Point at the time the plan was drafted. In this new configuration, the modest portable closure areas and "no driving beyond this point" signs will likely be insufficient to provide the knots with sufficient foraging habitat. We anticipate the "no cars beyond this point" area will actually prove very attractive to pedestrians and it will be necessary to establish larger protected areas to allow the migrant shorebirds to forage. This will additionally require staff to post the areas and enforcement to ensure compliance.

Disturbance by watersports enthusiasts: Watersports enthusiasts, particularly kitesurfers and personal watercraft (PWC) operators, frequently disturb the birds, often inadvertently. Kites in particular affect the birds due to their similarity to aerial predators. While these sovereignty submerged lands are not technically within the park's boundaries, because visitors access them from Huguenot, the plan recognizes the City has some responsibility for minimizing the impacts of its users on these sensitive resources. While kite surfing is not addressed specifically in the plan, it would be appropriate to close the Point to kitesurf launching during knot migration. Similarly, personal watercraft users currently launch from the inlet side of the Point. The plan currently includes improvements to the PWC launch at Alimacani, which would be able to accommodate a greater volume of PWC launches without the need for operators to drive their vehicles and trailers along the narrow, sandy cove-side route at Huguenot. This Alamacani launch is also further removed from the inlet shoal habitats prone to disturbance. When this launch site is improved, we suggest that PWC launching at the Point be redirected to Alimacani, to further buffer the Piping Plover and Red Knot habitats in the inlet.

Nesting Seabirds and Shorebirds in the Park's Interior Colony: The Florida Fish and Wildlife Conservation Commission has identified Huguenot as the largest remaining Royal Tern colony on Florida's Atlantic Coast, and the park additionally provides nesting habitat for state-listed Black Skimmers, Gull-billed Terns, as well as Laughing Gulls. Declining Least Terns, American Oystercatchers, and Wilson's Plovers were also known to nest here historically, and we are optimistic that with improved management, they one day will again. The establishment of the dune interior of the park as a state Critical Wildlife Area (CWA) has helped improve awareness and protection of these species. Still, problems exist and the management plan attempts to remedy several of them.

Abandonment of nests just inside the CWA boundary: In previous years on busy warm-weather weekends, birds such as Black Skimmers nesting just inside the roped boundary abandoned their nests due to proximity of cars/people parked just beyond the boundary. The plan seeks to improve this situation by increasing the extent of the CWA on the point. Audubon hopes to support this establishment with volunteers to provide outreach to the beachgoing public to educate them about the sensitivity of these birds. Enforcement staff will be necessary to ensure compliance however, and depending upon nesting patterns each year, it may be appropriate to establish a buffer zone between parked cars and the CWA boundary similar to the sea turtle conservation zone at the toe of the dunes on the Atlantic side of the park. We hope that resource management will prove adaptive when presented with these kinds of scenarios and will be receptive to recommendations like these from the shorebird management team established in the plan.

Flightless chicks vulnerable to crushing in traffic: Flightless chicks from the interior colony roam the Atlantic frontage in crèches late in the breeding season, and are vulnerable to being crushed by vehicles. The plan mentions that flightless chicks have been found crushed by cars. This is a violation of the Migratory Bird Act and, at the request of USFWS, the city has closed temporarily a portion of the beach to driving. We are glad this recurring, seasonal closure is now written in the plan, as it is necessary to provide a protected area for these young birds. The closed area has largely been accepted by park visitors, and staff have asked those drivers who do not honor the closed area to leave the park. On the cove side, intertidal and upper beach areas would traditionally have been important to precocial Wilson's Plover and American Oystercatcher chicks. We are optimistic that the exclusion of cars from the cove side mudflats may make it possible for nesting of these species to resume at the park, but are concerned the remaining vehicular traffic on the cove side may still prove prohibitive to these nesting species.

Trespass into the CWA: Currently, beach visitors on high visitation days know that if they drive back to the restrooms at the campground more than a mile away, their space on the beach will be filled upon their return. Accordingly, many beachgoers sneak into the closed nesting area behind the dunes to relieve themselves. This is a difficult situation because Huguenot's dynamic coastal conditions and the closed Critical Wildlife Area do not lend themselves well to the placement of restroom facilities, even portable ones, near the beach. Accordingly, the only solution is to make it easier for people to leave and return to their parking spaces, and provide enforcement to stop trespass into the CWA. We are glad to see the plan provides for an established driving lane which will make transit easier for beachgoers, and that staff will limit the number of cars on the beach based on tide conditions and the presence of imperiled species. Implementing these protections will hopefully make beach ingress/egress more efficient and make it easier for visitors to use the restrooms at the campground. It will hopefully also protect cars from being inundated or even washed into the ocean by the tide as currently occurs at the park on occasion. Early versions of the plan established a beach carrying capacity of 700 cars (one car per 12 feet of beachfront), which would have required less staff to manage a driving lane, monitor tide stages, assess the daily limit of cars that may be accommodated, and other tasks. Huguenot will need to allocate sufficient staff and enforcement personnel to ensure the driving lane, condition-influenced vehicle limits, and CWA boundary effectively protect the resources and public safety.

Recommendations

Audubon originally advocated on the Advisory Group for:

- the establishment of a vehicle carrying capacity for public and resource protection,
- closure of the cove side to vehicles, while allowing pedestrian access,
- seasonal closure of the Point to driving, while Red Knots are present,
- exclusion of dogs from the beaches, Point and cove, and

- continuation of the seasonal limited closure of beachfront for flightless chicks. These measures would have been possible to implement at existing staffing and funding levels, and would not only have improved resource protection and public safety, but would have provided a new recreational experience for passive users at Huguenot.

Due to concerns expressed by beach drivers at the park, the City has tried to provide a compromise plan that will maintain intense levels of beach driving while improving public safety and resource protection. As detailed in the plan, this will require significant funding and staffing increases to establish driving lanes, enforce rules, direct traffic, set up and break down protection areas, monitor tides, determine daily beach capacities, survey and manage wildlife, and more. This plan embodies the good intentions of City staff attempting to allow historical, intense beach driving while trying to better fulfill their mandate to adequately protect the natural resources, but we have grave concerns that given the current economic straits of all local governments including the City, the plan will not be funded sufficiently to be implemented. If staffing is insufficient, the plan does not include provisions for how recreational use will be modified to ensure the resource is not impacted. Accordingly, we feel it is appropriate for the Corps to condition its lease to ensure there is accountability for funding and implementing the plan as proposed. Specifically:

- (1) **Rather than leasing the park for the standard 25-year term, the Corps should limit the lease to expire in 2017, to provide an opportunity for management assessment.** The need for lease renewal was the impetus for the current, long-overdue review of management at Huguenot Memorial Park, and we would like to see lease renewal remain a mechanism of accountability in the City's management of the park. Also, by setting a 2017 term for the lease, the Corps will be able to synchronize its lease renewal with the lease of the State's portion of this property, providing more seamless review of management and renewal of leases for all parties involved.
- (2) **The Corps in conjunction with the USFWS should review a biannual report from the City of Jacksonville on implementation of the management plan, and evaluate if management is in compliance with lease terms** relating to safety and security of the visiting public, as well as the protection of natural resources.
- (3) **The Corps should require the hiring of a biological staff person identified in the plan but not included in the list of staffing needs.** This position is essential to the implementation of monitoring and management of natural resources at the park, and will be necessary to the adaptive management of resources and recreation that the plan proposes.
- (4) **The Corps should require that if the plan is not fully staffed and funded, that reductions in vehicular use will be necessary.** For example, without additional staff to maintain driving lanes, direct traffic and establish daily capacities, a flat beach capacity of 700 cars per day should be established. Without a biological staffperson and staff to post and enforce protected areas, the cove should be closed to cars year-round and the Point should be closed seasonally to cars during Red Knots migration.

Conclusions

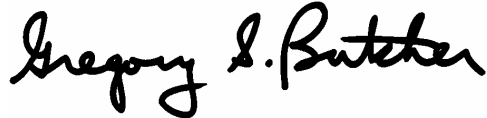
Recreational use at Huguenot Memorial Park has kept pace with Jacksonville's dramatic growth since the Corps first leased the park to the City. Resource protection and public safety, however, have lagged behind, and the proposed management plan attempts to improve these inequities. Yet without sufficient staffing, this plan will be little more than an unfunded mandate. The Army Corps as the leasing entity for the park has an important role to play in ensuring the plan is implemented. It is the Corps' obligation to ensure safety and security are provided to the visiting public, and safeguard against violations of the Endangered Species and Migratory Bird Treaty acts.

Thank you for your consideration of our concerns and recommendations. If you have any questions, please do not hesitate to contact me at (850) 224-7546.

Sincerely,



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These comments are additionally supported by the following organizations:



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Defenders of Wildlife is a non-profit conservation organization recognized as one of the nation's leading advocates for wildlife and its habitat. Founded in 1947, Defenders is headquartered in Washington, D.C., with field offices across the country, and approximately 1,000,000 members and supporters. Defenders advocates new approaches to wildlife conservation that will help keep species from becoming endangered, and employs education, litigation, research, legislation, and advocacy to defend wildlife and their habitat. Its programs reflect the conviction that saving the diversity of our planet's life requires protecting entire ecosystems and ensuring interconnected habitats.



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American Bird Conservancy is a 501(c)(3), not-for profit organization whose mission is to conserve native wild birds and their habitats throughout the Americas. We envision an Americas-wide landscape where diverse interests collaborate to ensure that native bird species and their habitats are protected, where their protection is valued by society, and they are routinely considered in all land-use and policy decision-making.



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The Delmarva Ornithological Society (DOS) includes over 250 members from 9 states. Our members come from diverse backgrounds but share a love of birds and an interest in protecting the habitats on which they depend. The Delmarva peninsula comprises the state of Delaware and portions of Maryland and Virginia. Its role as a stopover point along the Atlantic Flyway makes the region crucial for many migrants, especially shorebirds like declining Red Knots