

# **Cape Cod National Seashore**

## **History of Kitesurfing Regulations and Request for Public Comment**

### **October 2016**

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#### **History:**

In 2006, kite surfing within the boundary of Cape Cod National Seashore (CACO) was first documented as an issue impacting shorebird nesting and staging areas. Kites have been shown to disturb nesting piping plovers and other shorebirds by eliciting predator avoidance behaviors such as flushing from the nest (leaving eggs exposed) and disrupting feeding by adults and chicks.

Starting in 2008, the Superintendent's Compendium issued a seasonal restriction on kite surfing in the CACO boundary on the bayside of Wellfleet; in 2012 CACO published one exception on a small section of beach owned by the Town of Wellfleet, at Duck Harbor, provided there are no nesting birds within 200 meters of this town- owned beach. In 2014, CACO extended the restriction to all ocean and bayside beaches from March 15 through October 15, with the exception of a small section of beach owned by the Town of Wellfleet, at Duck Harbor. March 15 through October 15 is the current window of time needed to protect the arriving and departing shorebirds for nesting, staging and migration.

Cape Cod National Seashore is an important nesting and migrating/staging area for a wide variety of rare shorebirds. Two of the rarest are Piping plover (*Charadrius melodus*) and roseate tern (*Sterna dougallii*). Piping plovers are federally-listed as threatened and roseate terns are federally-listed as endangered under the Endangered Species Act; similarly, piping plovers are state-listed as threatened and roseate terns are state-listed as endangered under the Massachusetts Endangered Species Act. NPS staff and researchers have observed disturbance to shorebirds and public safety concerns from kite surfing. It was the observed disturbance and consultation with other coastal recreational facilities which resulted in the seasonal restrictions on kite surfing.

Kite surfers have stated that they believe the activity does not impact shorebirds or resources and that the previous restrictions were not warranted. They stress the "green" nature of the activity, the attraction of this active sport opportunity for the user group and believe it should be considered an acceptable recreational activity within the boundary of Cape Cod National Seashore. In response, the NPS is withdrawing its current regulations, effective today, and seeking comments on the need for and appropriate scope of new regulations to be effective next year.

#### **Request for Comment:**

The NPS is seeking comments from the interested and affected public on the need for, and appropriate scope of, regulations on kitesurfing in Cape Cod National Seashore for

the protection of threatened and endangered shorebirds and to address public safety issues.

A public notice will outline the public comment process including a 30-day public comment period from October 14 – November 14, 2016 and informational open house at the Salt Pond Visitor Center in Eastham on October 26, 2016. Public comments will be reviewed and evaluated within the context of NPS laws, policies and management goals.

Comments may be mailed to:

Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

Or submitted electronically via the Cape Cod National Seashore public comment webpage located at <http://parkplanning.nps.gov/ccnskitesurfing>.

Written comments may also be dropped off at the Salt Pond Visitor Center open house on October 26, 2016.

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