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## Status Report: The Cape's endangered species

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Are endangered species more endangered than ever, due to proposed changes in the federal Endangered Species Act, or are the changes just overdue tweaks to a 40-year-old law?

It depends on who you're asking, but while the questions will be wrestled with in Washington the results will be felt here on Cape Cod.

"They want to add in economics (as a consideration) and that's not that great because some people don't see value in the ecological services a species provides," observed Bob Prescott, director of Massachusetts Audubon's Wellfleet Bay Wildlife Sanctuary.

"In some cases we don't understand them. So how do you value it when you're talking about subdivisions and industries?"

Currently economics are not factored in when considering species protections. Other changes would eliminate the concept of incidental "taking" of a species, which is currently prohibited.

So running over a piping plover chick might no longer be a "taking." Today, "threatened" species such as the plover receive the same protection as an endangered species. That would end under the proposed changes.

"People assume that something that is threatened [vs. endangered] needs less protection. It doesn't work that way," observed Mark Faherty, science coordinator at Wellfleet Bay. "We have other state laws in Massachusetts that offer more layers of protection."

"(Endangered species) are also bio-indicators," Prescott added. "The piping plover is telling us what's wrong with the way we manage beaches, that we're having too heavy an impact and that we've got to back off a little bit."

Another alteration would reduce "critical habitat" to areas the species actually is found as opposed to where it might potentially be found.

That's a major issue out West, where potential habitat for spotted owls has stopped logging operations and opposition from oil companies has prevented prairie chickens and sage grouse from being listed.

Yet most species are endangered because of habitat loss, and reintroductions to suitable habitat are critical for survival and increasing numbers.

A listing means “we’re doing something wrong in that species’ range,” Prescott said. “We’re altering this habitat or this food. Without the Endangered Species Act, or with a weakening of it, there’d be no way to finally save that species.”

Perhaps the most significant change would redefine the “foreseeable future” that biologists are supposed to consider, down to that where “the conditions posing the potential danger of extinction are probable.”

Recently the U.S. Fish and Wildlife Service moved to remove the Canada Lynx, (which occurs in Vermont and Maine) from the endangered species list -- even though biologists believe it could be extinct in the U.S. by the end of the century -- because the lynx is unlikely to become extinct in the next seven years and would probably survive through 2050.

However, any species seven years from extinction is probably in too much trouble to recover.

“When it comes to species you can’t have a short term outlook,” Prescott said. “We’re sort of lucky in Massachusetts because the state has been aggressive in protecting habitat. Many other places are disasters.”

Turtles and whales

While there are 427 species protected in Massachusetts under the state Endangered Species Act, only 27 of those fall under federally endangered or threatened.

A goodly chunk of those are sea turtles (five) and whales (six) that pass through the waters offshore.

All of our sea turtles are listed. The hawksbill, Kemp’s ridley and leatherback are endangered and loggerhead and green are threatened. In addition the Plymouth redbelly, which lives just the other side of the bridge, is federally endangered.

“There was a push this spring to down list the leatherback to threatened (from endangered),” noted Prescott, who has worked for decades with sea turtles.

“They were cherry picking data to make the case that there are more leatherbacks than we know of. It’s a complex picture. Certainly leatherbacks on the East Coast are in better shape than elsewhere. Likely that’s due to the Endangered Species Act.”

There's one nesting site for leatherbacks in the U.S. (in Florida) and multiple sites in Mexico, Central America and the Caribbean. In addition to entanglements in fishing nets, the consumption of plastic waste, which the turtles mistake for the jellyfish they eat, are issues in their survival.

"A lot of other countries take their lead from us," Prescott noted. "And the East Coast is one of the strongest areas left for sea turtles in the world. Leatherbacks are still declining, In Surinam there is no Endangered Species Act and they are actually mining sand from the beaches so there's no place for the turtles (to nest)."

Cape Cod Bay has been a critical feeding area for the endangered right whale. There are just over 400 North Atlantic right whales left and that number has been declining with ship strikes and entanglements.

Most of the protections, restricting nets, slowing ship speeds or changing routes, have an economic impact so if that's factored in, would the protections remain?

#### Plants and birds

Many species endangered in Massachusetts are more common elsewhere. For instance the golden club, a wetland plant of the arum family, was known from only 14 locations in the state, 12 of them small ponds in Provincetown.

Canada geese recently exterminated one population (they eat it). However, down in Florida, it's common enough in waterways to be utilized in water gardens.

Several endangered or threatened species occur on Cape Cod. They include three shorebirds; piping plovers (threatened), roseate terns (endangered) and red knots (listed as threatened in 2014).

Half of the roseate tern population nests on an island in Buzzard's Bay.

"Huge numbers stage here in the Cape Cod National Seashore because the feeding is so good," Faherty said of the terns.

There are two federally listed insects found on the Cape: the northeastern beach tiger beetle and the American burying beetle (reintroduced to Nantucket in 1994).

A delisting of the American burying beetle was inserted into a recent congressional spending bill but it was removed before passage. The insect is also found in the Midwest, where it might interfere with oil production.

The northeastern tiger beetle exists at only three locations in the state. It used to inhabit the Cape's outer beaches "in great swarms" but has been extirpated due mostly to off road vehicle use that crushes the beetles and their burrows in the sand.

It survived on Martha's Vineyard and in Westport, and was restored to the Monomoy Wildlife Refuge in Chatham in 2000. There is potential to restore it to Coast Guard beach in Eastham. But if "critical habitat" is only where the species currently lives, will there still be possibilities for restoration?

There was only one plant listed, the sandplain gerardia (endangered) but just this month a new endangered plant was rediscovered on the upper Cape by Rhode Island botanist Doug McGrady: the American chaffseed (*Schwalbea americana*).

The chaffseed was believed exterminated in Massachusetts, it hadn't been seen since 1965 and has been on the federal list since 1992. Over 2,600 stems were counted a few weeks ago. The population might be maintained by controlled fires to keep the meadow open – it is on already protected land.

Both the chaffseed and gerardia live in a vanishing Cape environment -- sandy grassy plains, that were ideal for seaside home development.

There are only 23 populations worldwide of sandplain gerardia, seven in Massachusetts. While it used to occur in six counties it now is only found in Barnstable and on Martha's Vineyard.

With the loss of the sandplains the tiny pink flower has found its refuge in seldom mowed cemeteries. Since it's an annual the populations can vary year to year.

How you would calculate its "forseeable future" beyond that is unknown.

Red knots have been recently added to the threatened list. They stop on Cape Cod, at Monomoy, to feed on seed mussels and other life before flying all the way to South America over the open ocean. Without sufficient food they can't survive the trip.

"Most places where the red knots (stage) are not subject to much human disturbance, Monomoy South Beach, Minimoy. There are other places red knots sometimes roost, like Nauset spit," Faherty said.

Few of the federally endangered species on Cape Cod live where they could stop property development, but there are economic issues, such as if a beach closes waiting for plover chicks to fledge. How would that be factored in?

"I would hope that there would be a heavy burden of proof to show that (the economic issues) are real when you're talking about a species that's protected," Faherty said.

## Public comment

The public comment period on the law extends until Sept. 24, and the proposed revisions can be found at [fws.gov/endangered/improving\\_ESA/regulation-revisions.html](https://www.fws.gov/endangered/improving_ESA/regulation-revisions.html).