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Migratory Bird Report

Westside Fire Recovery Project

Happy Camp/Oak Knoll and Salmon/Scott River Ranger Districts
Siskiyou County, California

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Migratory Bird Compliance Report

Introduction

Under the National Forest Management Act (NFMA), the Forest Service is directed to “provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.” (P.L. 94-588, Sec 6 (g)(3) (B)). The January 2000 USDA Forest Service (FS) Landbird Conservation Strategic Plan, followed by Executive Order 13186 in 2001, in addition to the Partners in Flight (PIF) specific habitat Conservation Plans for birds and the January 2004 PIF North American Landbird Conservation Plan all reference goals and objectives for integrating bird conservation into forest management and planning.

In late 2008, a *Memorandum of Understanding between the USDA Forest Service and the US Fish and Wildlife Service to Promote the Conservation of Migratory Birds* was signed. The intent of the MOU is to strengthen migratory bird conservation through enhanced collaboration and cooperation between the Forest Service and the Fish and Wildlife Service (FWS) as well as other federal, state, tribal and local governments. Within the National Forests, conservation of migratory birds focuses on providing a diversity of habitat conditions at multiple spatial scales and ensuring that bird conservation is addressed when planning for land management activities.

The Klamath National Forest (Forest) is proposing to manage lands on the Happy Camp, Oak Knoll, Salmon, and Scott Ranger Districts that are located in the Beaver Creek, Elk Creek, French Creek--Scott River, Horse Creek--Klamath River, Humbug Creek-Klamath River, Indian Creek, Lower Scott River, North Fork Salmon River, Seiad Creek-Klamath River, South Fork Salmon River, Thompson Creek--Klamath River, and Ukonom Creek--Klamath River sixth field watersheds. Proposed management is intended to implement direction contained within the Klamath National Forest Land and Resource Management Plan (Forest Plan) (USFS 1995). Opportunities to promote conservation of migratory birds and their habitats in the project area were considered during development and design of the Westside Fire Recovery project (MOU Section C: item 11 and Section D: item 3).

For the Forest, the migratory bird species of management concern are those bird species listed under the Endangered Species Act as Threatened (T) or Endangered (E), those species designated by the Regional Forester as Sensitive Species (S)¹ and those species listed under Standard and Guideline 8-21 through 8-34 of the Forest Plan as Management Indicator Species (MIS) for project level assessment.² The species are listed in Tables 1 and 2.

Table 1. Species listed as Threatened, Endangered, or Sensitive

¹ Several of these species are included in the FWS’s *Birds of Conservation Concern* (FWS BBC), the State of California Threatened and Endangered Species (CA State Listed), and the California Bird Species of Special Concern (CA State Species of Concern).

² Several of these species are also identified by the FWS as Birds of Conservation Concern and/or as Species of Special Concern.

Common Name	Scientific Name	KNF Management Concern	FWS BCC	CA State Listed	CA State Species of Concern
Northern spotted owl	<i>Strix occidentalis</i>	T	-	-	-
Bald Eagle	<i>Haliaeetus leucocephalus</i>	S	-	Yes	-
Northern goshawk	<i>Accipiter gentilis</i>	S	Yes	-	Yes
Willow flycatcher	<i>Empidonax trailii</i>	S	-	Yes	-

Table 2. Species listed as Management Indicator for Project-level Assessment				
Common Name	Scientific Name	Biological Community or habitat feature	FWS BCC	State Species of Concern
Downy woodpecker	<i>Picoides pubescens</i>	Snags	-	-
Red breasted sapsucker	<i>Sphyrapicus ruber</i>	Snags	-	-
Hairy woodpecker	<i>Picoides villosus</i>	Snags	-	-
Black backed woodpecker	<i>Picoides arcticus</i>	Snags	-	-
White-headed woodpecker	<i>Picoides albolarvatus</i>	Snags	Yes	-
Pileated woodpecker	<i>Dryocopus Pileatus</i>	Snags	-	-
Vaux's swift	<i>Chaetura vuaxi</i>	Snags	Yes	Yes
Acorn woodpecker	<i>Melanerpes formicivorus</i>	Hardwoods	-	-
American dipper	<i>Cynclus platensis</i>	River/Stream	-	-

Proposed Actions and Alternatives Analyzed

For a detailed description of the alternatives, please see chapter 2 of the project draft EIS.

Methodology

This analysis is used to ensure compliance with the MOU as described in the guidance for the NEPA process in Section D3 of the MOU to say, “to the extent practicable:

- A) Evaluate and balance long-term benefits of projects against any short- or long term adverse effects when analyzing, disclosing, and mitigating the effects of actions.
- B) Pursue opportunities to restore or enhance the composition, structure, and juxtaposition of migratory bird habitats in the project area.
- C) Consider approaches, to the extent practicable, for identifying and minimizing take that is incidental to otherwise lawful activities, including such approaches as:
 - 1. altering the season of activities to minimize disturbances during the breeding season;
 - 2. retaining snags for nesting structures where snags are underrepresented;
 - 3. retaining the integrity of breeding sites, especially those with long histories of use and;
 - 4. giving due consideration to key wintering areas, migration routes, and stopovers.
 - 5. minimizing or preventing the pollution or detrimental alteration of the environments utilized by migratory birds whenever practical by assessing information on environmental contaminants and other stressors relevant to migratory bird conservation.
- D) Coordinate with the appropriate FWS Ecological Services office when planning projects that are likely to have a negative effect on migratory bird populations. Cooperate in developing approaches to minimize negative impacts and maximize benefits to migratory birds.”

Analysis Indicators

The purpose of this report is to demonstrate the compliance of this project with the *Memorandum of Understanding between the USDA Forest Service and the US Fish and Wildlife Service to Promote the Conservation of Migratory Bird* (2008). Therefore, the analysis indicator for this report is ensuring compliance with the MOU is obtained and, if not, what mitigations are developed in cooperation with US Fish and Wildlife Service for the project to ensure the conservation of migratory birds as explained in the MOU.

Spatial and Temporal Bounding of Analysis Area

The spatial and temporal bounds for this analysis are dependent of the bird species being analyzed primarily because of the variation between species. Generally, the spatial analysis area will cover at least the project area using naturally occurring features such as watersheds to describe the spatial bounds. The temporal bounds will generally include the time of implementation as the short term while the long term may include the time needed for habitat to regenerate.

Affected Environment

The project area overlaps or is near three large waterways: Klamath, Scott, and Salmon Rivers. These rivers provide an important migratory corridor for many bird species. The Klamath River provides a significant flight route stretching from the Pacific Ocean to the Upper Klamath Lake,

Oregon and connects to other important corridors like the Scott and Salmon Rivers. The diversity of bird species along the Klamath River has been assessed with a long-term banding station in Seiad Valley, California along the Klamath River.

The project area provided a diversity of habitat for migratory birds but much of the habitat has been affected by fire. The fires of 2014 resulted in a great loss of habitat for some species (e.g. willow flycatcher, bald eagle, and northern spotted owl) while creating abundant habitat for others (e.g. snag associated species). The bird species that are most likely affected by the fires are associated with late-successional conifer forest habitat; these species lost large patches of habitat that require many decades to regenerate so the effects are long-term.

Even though the 2014 fires removed forested habitat, the fires did provide some benefits. Early seral associated species and snag associated species have thousands of additional acres of habitat. The snag associated species like the black-backed woodpecker typically focus on dense conifer forest that received high severity fire while other snag associated species like the downy woodpecker may benefit from the less severely fire-affected forest habitat.

Environmental Consequences

Alternative 1

Direct Effects and Indirect Effects

Alternative 1 will have no direct or indirect effect on the compliance with the MOU between the US Forest Service and U.S. Fish and Wildlife Service. Migratory birds affected by the fires will continue to be threatened by the possible re-occurring fires that may affect unburned habitat. Bird species associated with snags and early seral habitat will have abundant habitat and predicted future fires will add to this already abundant habitat.

Cumulative Effects

Alternative 1 will have no direct or indirect effect on complying with the MOU thus no cumulative effects.

Alternative 2, 3, 4 and 5

Direct and Indirect Effects

The MOU recognizes that, “Within the National Forest System, conservation of migratory birds focuses on providing a diversity of habitat conditions at multiple spatial scales...” At the Forest scale, the land allocations in the Klamath Forest Plan are designed to maintain a variety of habitat types, which would provide habitat for migratory birds that may use the project area at some point during the year. “Land allocations and management direction are designed to maintain species, community and genetic diversity. Diversity will be provided through a mixture of vegetative types and seral stages” (Forest Plan Record of Decision).

The Forest Plan has provisions that provide for biological diversity on the Forest (EIS pages 4-38 through 4-91) including designations for Wilderness, Research Natural Areas, the Butte Valley National Grassland, Special Habitats (includes Late Successional Reserves, Bald Eagle Management Areas, and Peregrine Falcon Management Areas), a Managed Wildlife Area,

Goshawk Management Areas, and Riparian Reserves. The designations and standards and guidelines for Late Successional Reserve and Riparian Reserve land allocations are designed to ensure the viability of species that use late-seral and aquatic habitats. A General Forest land allocation is intended to provide for early and mid-seral habitats which are also needed by some migratory bird species.

At the project level, the Forest Plan identified standards and guidelines to address the diversity of major biological communities and priority habitat (such as snags and riparian vegetation) found on the Forest and identified guidance for assessing impacts to priority habitat for MIS.

Proposed management is intended to implement direction contained within the Klamath National Forest Land and Resource Management Plan (LRMP, USFS 1995). Opportunities to promote conservation of migratory birds and their habitats in the project area were considered during development and design of the Westside Fire Recovery project.

For this Project, the long-term benefit to those species that are associated with forested conditions (and their key habitats) is an accelerated rate of recovery of the coniferous overstory that was removed with the high intensity fire in 2014. Key habitat components that were present before the fire are no longer present in a large portion (40%) of the fire that burned with high and moderate severity which resulted in a high rate of mortality of both the understory and overstory vegetation. The effects of the project on migratory bird habitat resulting from the project have been assessed in detail within the project Management Indicator Species (MIS) Reports Part I and II, Biological Assessment and Biological Evaluation.

Since the project area consists of moderate and high severity burned mixed conifer forest, the bird species most likely to incur short- and/or long-term effects would be snag associated species, particularly post fire dependent habitat specialists. While many of these species are not considered migratory, there are some migratory secondary cavity nesters that rely on cavities excavated by primary cavity nesters.

Salvage harvest has impacts on the suitability of post-fire habitat for snag associated species. Areas that are harvested may decrease in suitability for some species, but not for all. No unit will be left completely devoid of snags, and so should not be considered as habitat lost. Instead, the resulting stand may provide habitat for aerial foragers (such as downy woodpeckers) that require more open areas between snags, rather than wood/bark foragers (such as black-backed woodpeckers) that require more available foraging substrate (i.e. snags or dying trees), which would be available in the remaining untreated portions of the project area.

The Klamath NF has sustained almost 80,000 acres of high to moderate severity wildfire during 2014 alone. For migratory bird species associated with post-fire snag habitat, abundant habitat is available throughout the Forest. Habitat modification from the proposed project would not cause a measurable negative impact to migratory bird populations due to the small amount of acreage where project activities would occur in relation to the overall available habitat on the Forest.

The specific components of the Migratory Bird Treaty Act MOU:

Per MOU item D3b. The Purpose and Need for the Project is not to restore or enhance the composition, structure, and juxtaposition of migratory bird habitats in the project area. Although not a purpose and need for this action, there are benefits to the migratory bird species of management concern as described under item 3a.

Per MOU item D3c. The project does not result in “take; “take” is defined in 50 CFR § 10.12 and means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect. Surveys of bird species (i.e. northern spotted owl and northern goshawk) will locate potentially nesting birds and avoid activities during the sensitive nesting period. Known bald eagle and peregrine falcon nest are also avoided during sensitive nesting period.

Per MOU item D3d. The Project is not likely to have a negative effect on migratory bird populations as summarized in this report and further described in the Project BE, BA and MIS reports.

The Westside Fire Recovery Project will not adversely impact migratory landbird species or their associated habitats. The project will potentially affect up to about 10,200 acres of moderate and high severity forested habitat, but this habitat will still provide many migratory bird species habitat. Potential impacts to migratory species would be minimized through the adherence of LRMP Standards and Guidelines for snags/down woody debris, riparian reserve buffers, limited ground disturbance, and maintenance of canopy closure. The project is designed to improve habitat conditions through the acceleration of late-successional habitat characteristics by planting trees and removing fuels that threaten the developing and existing habitat. Specific project design criteria include retaining snags within treatment units which include riparian reserves, legacy components, and snags mixed within green trees. Any soft (snags existing prior to the fires) snags (>14inches in diameter) felled for safety reasons will be left on site as downed woody debris. Additional cull logs will be left on site from the operation as well.

Cumulative Effects

The project is likely to directly or indirectly affect up to about 10,200 acres of moderate and high fire severity affected forest habitat. The other projects in the project area will account for about 11,450 acres of additional acres. The direct and indirect plus the cumulative effect will result in 21,650 acres of moderate and high fire severity affected forested habitat being affected.

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