United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Anchorage Fish and Wildlife Conservation Office
4700 BLM Road
Anchorage, Alaska 99507

In Reply Refer to:
FWS/IR11/AFWCO

September 15, 2021

Carey Case
Petersburg Ranger District
Tongass National Forest
P.O. Box 1328
Petersburg, Alaska 99833

Subject: Thomas Bay Young-Growth Timber Sale Project and Upper Falls Creek Young-Growth Project Scoping (Reference Number 2021-CPA-0111)

Dear Carey Case:

Thank you for the opportunity to provide comments on the Thomas Bay Young-Growth Timber Sale Project and the Upper Falls Creek Young-Growth Project. The U.S. Fish and Wildlife Service (Service) has no specific concerns about your proposed activities, though we encourage you to consider the following standard recommendations in addition to your existing best management practices:

Bald Eagles
The proposed project takes place within the breeding and wintering range of bald eagles. Bald eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA), which prohibits the take of bald and golden eagles, their parts, nests, and eggs either directly (such as by shooting) or indirectly (such as by disturbance). Under the BGEPA, "disturb" means to agitate or bother an eagle to a degree that causes, or is likely to cause:

- Injury (including a decrease in an eagle's chances of survival);
- A decrease in its productivity (including by substantially interfering with normal behavioral patterns, including breeding, feeding, or sheltering behavior); or
- Nest abandonment.

Eagles do not have to be present during human activities for those activities to cause unlawful impacts to eagles. For example, habitat alteration that substantially interferes with normal behavioral habits (including breeding, feeding, and sheltering behavior) may be considered injurious to eagles under the BGEPA. The Service recommends a few best practices that should be used whenever possible, to reduce the risk of take.

Recommendations to Protect Eagle Nests

During the nesting period, breeding eagles occupy and defend territories. A territory includes an in-use nest and may include one or more inactive, alternate nests that are built or maintained but not used for nesting in a given year. Both in-use eagle nests and alternate nests are protected under the BGEPA. The Service maintains an eagle nest database that may provide insight into nesting activity in the project area. These data are available upon request but have historical value only; catalogued nests may no longer exist on the landscape, and new nests may have been built. The Service therefore recommends conducting eagle nest surveys in advance of tree thinning activities, using a biologist experienced with raptor nest surveys. Eagle nest surveys typically take place in early spring (April 15 to May 15), when both nest location and nest status (i.e., in-use nest versus alternate nest) can be determined.

We provide the following recommendations to minimize the potential for eagle nest disturbance:

- Selective thinning and other silviculture management practices designed to conserve or enhance habitat should be undertaken outside the eagle nesting season (March 1 to August 31) to the extent practicable.
- At any time of year, avoid clear-cutting, thinning, topping, limbing, or removal of overstory trees, and timber salvage within 330 feet (100 meters) of both active and alternates nests.
- When work cannot be conducted outside the nesting season (March 1 to August 31), spatial buffers should be increased. Avoid timber harvesting/salvaging operations and associated activities, including road construction and chain saw and yarding operations, within 660 feet (200 m) of in-use and alternate nests.
- Generally, activities should not take place within the landscape buffer that has been established around the nest. Limit human activity near the nest site during the nesting season, including motorized and non-motorized entry. Minimize other activities that could cause habitat degradation within the buffer, regardless of whether eagles are present at the time of the activity.
- Project proponents, their contractors, and any on-site personnel should be aware that eagle nests cannot be removed or altered in any way without a valid permit. This applies to **any** nest in the area, regardless of whether it is an active nest or an inactive, alternate nest and whether the nest is currently documented (i.e., catalogued in the Service's eagle nest database) or not.

Recommendations to Protect Key Wintering and Foraging Habitat

In winter, bald eagles communally shelter in night roosts. The locations of communal roost sites are not well documented in Alaska, but communal roost sites may be recognized as areas where bald eagles congregate. These sites typically are mature trees that are protected from the prevailing wind by vegetation or terrain.

- Extra care should be taken not to remove or damage communal roost trees during tree thinning activities, as these important habitat features are limited on the landscape and may be used year after year. Care should also be taken not to expose communal roost trees to the elements. If a communal roost tree is known or identified in the project area, please contact the Service for site-specific guidance.
    - Local knowledge and Traditional Ecological Knowledge can be valuable resources in identifying these important roost sites. The Service can also provide technical assistance in identifying these locations.
- Maintaining intact vegetative buffers around riparian areas and other large waterbodies will help prevent loss of perching sites and degradation of other key features used by eagles in their foraging areas.

Eagle Take and Eagle Nest Take Permits

If you are unable to conduct your work outside the peak eagle nesting season or implement the recommended spatial buffers around eagle nests, or if you are aware of a roost site or foraging area that may be affected by your project, you may need a permit for Eagle Take or Eagle Nest Take.

- Eagle Nest Take Permits – In limited circumstances, the Service may authorize removal of eagle nests, including relocation or trimming of nests or removal of trees containing nests. Eagle nest take permits are not available for in-use nests. For more information, please visit: https://fwsepermits.servicenowservices.com/fws?id=fws_kb_view&sys_id=4b14a5691b9f10104fa520eae54bcba6.
- (Incidental) Eagle Take Permits – The Service may authorize take of eagles that is incidental to, but not the purpose of, an otherwise lawful activity. The Service may issue Eagle Take Permits only when a project proponent is unable to minimize or prevent disturbance or injury to bald and golden eagles, their eggs, or young. For more information, please visit: https://fwsepermits.servicenowservices.com/fws?id=fws_kb_view&sys_id=7d0269a51b9f10104fa520eae54bcbf2.
- Additionally, you can visit our eagle permits page for more information on permits and permit applications: https://www.fws.gov/alaska/pages/migratory-birds/eagles-other-raptors/eagle-permits.

The Service is happy to provide additional guidance during project planning, to avoid and minimize impacts to eagles and their key habitat features. We are also happy to provide technical support with permit applications should it be needed. Permit processing typically takes a minimum of 60 days after receipt of a complete permit application. We recommend requesting technical assistance well in advance of the planned project window.

Migratory Birds

Listed below are voluntary conservation measures that the Service recommends be implemented at all project sites, with the goal of reducing adverse impacts to migratory birds and bird habitat.

While these conservation measures are intended to avoid, minimize, and mitigate impacts to migratory birds under the Migratory Bird Treaty Act they may also benefit non-migratory species.

- Schedule thinning and timber removal activities outside of the peak bird breeding season to the extent practicable (April 15 to July 15 for forest/woodland areas in Southeast Alaska). https://www.fws.gov/alaska/pages/nesting-birds-timing-recommendations-avoid-land-disturbance-vegetation-clearing.
- Southeast Alaska is home to many "species of concern" such as olive-sided flycatchers, Queen Charlotte goshawks, western screech owls, marbled murrelets, and rufous hummingbirds. These species are on one or more "watch lists" for declining populations, and are vulnerable to habitat loss, environmental contaminants, and threats during the breeding season or at other critical times throughout the year. The Service recommends project proponents avoid disturbing habitats these species rely on to the maximum extent possible.

Amphibians and Fish

The following recommendations are intended to conserve stream and wetland function and riparian connectivity processes that create and maintain spawning, rearing, migratory and overwintering habitat necessary to support amphibian and fish populations. We encourage you to consider these conservation measures during project activities to avoid and minimize impacts to amphibians, fish, and their habitats.

General Measures

- Maintain natural wetland and riparian habitats and nearby uplands using buffers. Buffers at least 100 feet (30 m) wide will provide cooler, moister conditions near streams and wetlands, increase long-term recruitment of litter and wood to the forest floor, and help reduce the effects of point-source contamination.
- Minimize soil disturbance when using heavy equipment. Use low-pressure tires and limit equipment use to drier seasons or when the ground is frozen. Heavy equipment can disturb and compact soil, increase erosion and sediment, disrupt vegetative succession, and provide distribution corridors for exotic plants.
- Identify corridors of possible colonization (valleys and flowing waters from areas where amphibians are present) and maintain connectivity by minimizing activities in these areas. Undisturbed patches or corridors that have high cover and moisture can provide important migratory habitat. Maintain some areas adjacent to habitat conversion areas as habitat for wildlife and provide buffer zones of low intensity use.
- Clean equipment with a 10 percent bleach solution when initiating work in a new location or moving between project sites that are not hydrologically connected. Mild bleach solution will kill most pathogens and prevent potential contamination of amphibian habitats.

Bridges and Culverts

- Whenever possible, use full span bridge crossings to cross streams and rivers. We

support the U.S. Forest Service's guidance: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm91_054564.pdf.

- If a full span bridge is not an option, design culverts to maintain important hydrologic functions such as sediment transport through the culvert, winter icing, flood flow conveyance, and to minimize the potential for scouring and scour pool formation at the culvert. We support the U.S. Forest Service's fish passage design guidance: https://www.fs.fed.us/biology/nsaec/fishxing/aop_pdfs.html and https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm91_054564.pdf.
- When installing culverts, align the culvert in a direction as nearly parallel to water flow as possible.

Forests

- Retain downed wood whenever possible. Amphibians use downed wood as cover and sources of moist microhabitats during the dry season. Retain large trees and conserve snags for future recruitment of downed wood.
- Identify important imbedded habitats in boreal forests (e.g., ponds, seeps, rock outcrops), and maintain connectivity by minimizing activities in these areas.
- Attempt to replant (preferably with native species) and reduce erosion in disturbed areas, especially around skidding and landing zones.

Riparian Habitat

- Avoid development activities such as road construction in riparian areas. Roads intersecting riparian zones can increase sunlight and sedimentation, adversely affecting the aquatic and riparian habitats required by fish and amphibians. If the location of new road construction projects along streams cannot be changed, provide wildlife passageways such as culverts with natural substrates that provide banks and full wetted channel widths to allow instream movements.
- Avoid orienting trails and roads parallel to riparian areas. This reduces the magnitude of potential impacts from habitat fragmentation, movement barriers, mortality during migration, erosion, and sediment runoff.
- Avoid practices that result in sedimentation and slumping. Slope failure, burning, and road building can result in the filling of important interstitial spaces used by fish and amphibians for breeding and cover. Maintaining riparian vegetation can help reduce the chances of slope failure or sedimentation.

Streams/Rivers

- Reduce disturbances in headwaters. Reducing or preventing road construction and timber harvest in headwaters will help maintain water quality and habitat attributes for aquatic wildlife that live in downstream reaches.
- Reduce or prevent management actions that disturb wetlands that are typically associated with rivers and large streams. Representative habitats include backwaters, oxbows, slow waters at the end of pools and shallow areas of rocky shoreline that are often used by amphibians.

- Avoid dragging logging materials across springs and seeps. This practice can damage sensitive vegetation and alter flow patterns.

Wetlands

- Keep roads and logging landings away from wetlands when planning harvest activities, and reduce soil compaction, which can impact subterranean refugia, alter hydrologic flow regimes, and create conditions for invasive plant species.
- Control erosion at crossings and minimize the amount of sediment, nutrients, and contaminants that enter wetlands.
- Maintain connectivity between seasonal wetlands and surrounding habitats. As wetlands dry, amphibians move into other wetlands that have not yet dried, permanent lakes and streams, or uplands to aestivate. This will minimize fragmentation and isolation of populations and reduce the chances for local extirpations.

Thank you for the opportunity to comment on the Thomas Bay Young-Growth Timber Sale Project and the Upper Falls Creek Young Growth Project. If you have questions or concerns regarding these recommendations, please contact Ms. Sarah Markegard at 907-271-2440 or sarah_markegard@fws.gov.

Sincerely,

Megan L. Boldenow

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Acting for
Douglass M. Cooper
Ecological Services Branch Chief