

# United States Department of the Interior

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



In Reply Refer to: FWS/R7/SAFWFO, AFWCO

Mark Pentecost Attn: Thorne Bay Basin Integrated Management Project Thorne Bay Ranger District P.O. Box 19001 1312 Federal Way Thorne Bay, Alaska 99919-0001

Subject: Thorne Bay Basin Integrated Management Project Scoping (Service file number 2023-000703)

Mark Pentecost:

Thank you for the opportunity to provide comments on the U.S. Forest Service's Tongass National Forest Thorne Bay Basin Integrated Management 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 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 best practices should be implemented, 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 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 meters) 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/Indigenous Knowledge can be valuable resources in identifying these important roost sites.

• 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: <u>https://fwsepermits.servicenowservices.com/fws?id=fws\_kb\_view&sys\_id=4b14a5691b9f10104f</u> <u>a520eae54bcba6</u>.
- (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: <a href="https://fwsepermits.servicenowservices.com/fws?id=fws\_kb\_view&sys\_id=7d0269a51b9f10104f">https://fwsepermits.servicenowservices.com/fws?id=fws\_kb\_view&sys\_id=7d0269a51b9f10104f</a> a520eae54bcbf2.

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 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 the peak bird breeding season to the extent practicable (April 15 to July 15 for forest/woodland areas in Southeast Alaska).
- 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 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 habitats.

## Forests

- 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.

## Streams/Rivers

- Reduce disturbances in headwaters. Reducing or preventing timber activities 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 logging landings away from wetlands when planning thinning 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.

#### Cumulative Impacts and Climate Change

- Cumulative canopy removal in a watershed from cleared vegetation and roads can impact peak flow timing and magnitude, which can subsequently impact salmon redds (Grant et al. 2008).
- Minimize cumulative impacts to fish from road and culvert projects by ensuring that new crossing structures account for increased precipitation projections for southeast Alaska (EcoAdapt 2014).
- Reconstructing decommissioned roads may be counterproductive to hydrologic connectivity goals if the routes traverse steep slopes, require several fish stream crossings, are routed in floodplains or alluvial fans, or otherwise don't meet current standards for new road construction.
  - For construction, reconstruction, and decommissioning activities, we recommend identifying route selection criteria as part of the project design or considering a range of alternatives with different route selection criteria for comparing effects to fish habitat and watershed function.

## **Deer and Wolves**

The following conservations measures were adapted from the 2017 Interagency Wolf Habitat Management Program: Recommendations for Game Management Unit 2 (GMU2) (Wolf Technical Committee 2017). These measures include monitoring recommendations to measure the effects of the implemented actions and adaptively manage deer and wolf habitat as appropriate.

Timber Harvest and Habitat Treatments

- Emphasize multiple smaller treatments spread across even-age landscapes and staggered in time, to provide a variety of stand and patch ages.
- Incorporate leave strips that provide elevational movement corridors for deer. Maintain or enhance connectivity between higher and lower elevations, aiming to connect the full elevational span of alpine to beach habitat.
- Evaluate current and historic migration and movement routes and identify terrain features and habitat connectivity that are most likely to allow elevational movements by deer during severe winters and prioritize leave strips in these areas. In absence of more definitive information, establish leave strips at about 400-foot spacing.
- Consider a variety of treatment combinations including variable-spaced thinning, girdling, pruning, small-gap creation, and slash treatments, with the goal of creating deer forage and movement corridors in close proximity, increasing heterogeneity of habitat to address needs of deer across young-growth landscapes, and avoiding the creation of a secondary coniferrecruitment flush.
- Favor yellow cedar and red cedar for retention over hemlock and spruce that have no winter forage value for deer. Retain, and consider planting, red alder to allow longer retention of understory forage.
- Design treatments that progress stands towards old-growth conditions to benefit deer in the long-term.

## Monitoring and Research Needs

Below is a list of monitoring and research recommendations identified during the development of the 2017 Interagency Wolf Habitat Recommendations for GMU2. This is not an exhaustive list but may have utility in guiding priorities.

- Effects of young-growth treatments on deer use, vital rates, and population dynamics.
- Effects of pruning on snow interception.

- Effects of pruning different proportions of trees (e.g., 25 percent versus 100 percent) on deer forage.
- Influences of gap opening sizes and shapes on forage and deer response.
- Optimal spacing of elevational travel corridors for deer in thinning treatments in the absence of existing routes, terrain features, or habitat connectivity drivers.

Thank you for the opportunity to comment on the Thorne Bay Basin Integrated Management Project. If you have questions or concerns regarding these recommendations, please contact Sarah Markegard at 907-231-5850 or sarah markegard@fws.gov and reference Service file number 2023-000703.

Sincerely,

Douglass M. Cooper Ecological Services Branch Chief

## References

- EcoAdapt. 2014. A Climate Change Vulnerability Assessment for Aquatic Resources in the Tongass National Forest. EcoAdapt, Bainbridge Island, Washington.
- Grant, G., S. Lewis, F. Swanson, J. Cissel, and J. McDonnell. 2008. Effects of forest practices on peak flows and consequent channel response: a state-of-science report for western Oregon and Washington. General Technical Report PNW-GTR-760. Portland, Oregon. U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 76 p.
- Wolf Technical Committee. 2017. Interagency Wolf Habitat Management Program: Recommendations for Game Management Unit 2. Management Bulletin R10-MB-822. USDA Forest Service, USDI Fish and Wildlife Service, and Alaska Department of Fish and Game.