

Compliance with Migratory Bird Memorandum of Understanding
(FS Agreement # 08-MU-1113-2400-264)

Forest Procedures for NEPA documentation
Craggy Vegetation Management Project (Craggy Project)

On December 12, 2008, a Memorandum of Understanding between the U. S. Department of Agriculture Forest Service (Forest Service) and the U. S. Fish and Wildlife Service to promote the conservation of migratory birds was issued (USDA USDI 2008). Section D3 of the Memorandum of Understanding directs the Forest Service, stating, “Within the NEPA process, evaluate the effects of agency action on migratory birds, focusing first on species of management concern along with their priority habitats and key risk factors.” For the Klamath National Forest (Forest), the migratory bird species of management concern are those bird species listed under the Endangered Species Act as Threatened or Endangered, those species designated by the Regional Forester as Sensitive Species¹ (USDA 2013) and those species listed under Standard and Guideline 8-21 through 8-34 of the Klamath Land and Resource Management Plan (Forest Plan) (USDA 1995a) as Management Indicator Species for project level assessment.² The species for which habitat exists in the Craggy Project area are listed in Tables 1 and 2.

Table 1: Species listed as Threatened, Endangered, or Sensitive for which Habitat Exists in the Craggy Project Area

Common Name	Scientific Name	Forest Management Concern	Fish and Wildlife Service Bird of Conservation Concern	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 for which Habitat Exists in the Craggy Project Area

Common Name	Scientific Name	Biological Community or habitat feature	Fish and Wildlife Service Bird of Conservation Concern	CA State Species of Concern
Downy woodpecker	<i>Picoides pubescens</i>	Snags	-	-
Red breasted sapsucker	<i>Sphyrapicus ruber</i>	Snags	-	-

¹ Several of these species are included in the USDI Fish and Wildlife Service’s *Birds of Conservation Concern* (USDI 2008), the State of California Threatened and Endangered Species (CA 2017), and the California Bird Species of Special Concern (CA 2008).

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

Common Name	Scientific Name	Biological Community or habitat feature	Fish and Wildlife Service Bird of Conservation Concern	CA State Species of Concern
Hairy woodpecker	<i>Picoides villosus</i>	Snags	-	-
Black backed woodpecker	<i>Picoides arcticus</i>	Snags	-	-
White-headed woodpecker	<i>Picoides albolarvatus</i>	Snags, Mature pine	Yes	-
Pileated woodpecker	<i>Dryocopus Pileatus</i>	Snags	-	-
Vaux's swift	<i>Chaetura vuaxi</i>	Snags	Yes	Yes
American dipper	<i>Cynclus platensis</i>	River/Stream	-	-

The Memorandum of Understanding expands on the direction for the NEPA process in Section D3 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.”

Per Memorandum of Understanding: item D3a

The Memorandum of Understanding 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 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 1995) (USDA 1995b). The Forest Plan has provisions that provide for biological diversity on the Forest (based on the analysis in the environmental impact statement, pages 4-38 through 4-91) (USDA 1994) including designations for Special Habitats (includes Late Successional Reserves) 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 Management Indicator Species.

For the **Craggy Project**, the long-term benefits to species (and their key habitats) listed in Table 1 and 2 are maintaining key migratory bird habitat components by reducing fuels loading, re-establishing mosaic forest habitats, and improving stand conditions, thereby reducing the risk of further stand-replacing wildfire (wildfire with a high intensity of effects) (See the Craggy Wildlife Resource Report, Biological Evaluation and Management Indicator Species Report). The short- and long-term effects to bird species (and their key habitats) listed in Table 1 and 2 are not determined to be adverse effects with the implementation of the project.

Per Memorandum of Understanding: item D3b

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 Memorandum of Understanding: item D3c

“Take” in this Memorandum of Understanding has the same meaning as 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. “Take” is incidental to this otherwise lawful action and has been minimized by incorporating project design features for riparian habitat, snags and hardwood habitats into the proposed action and specified in Chapter 2 of the environmental impact statement:

Per Memo of Understanding: item D3d

This Craggy Project is not likely to have a negative effect on migratory bird populations as summarized in this report and further described in the Craggy Project Wildlife Resource Report, Biological Evaluation, and Management Indicator Species Report.

/s/ Sam Cuenca

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