Bald Eagles and the Forest Practices Act

Presentation to the Board of Forestry,
April 27, 2016

Background

- Delisted from federal ESA in 2007
- Delisted from Oregon ESA in 2012

FPA Rules for Wildlife

- Threatened and Endangered Species
  - Northern Spotted Owl
  - ~~Bald Eagle~~
- Sensitive Bird Nesting, Roosting, and Watering Sites
  - Osprey
  - Great-blue Heron

Current FPA Rules

- Nest & Winter Roost Trees
  - Tree or set of trees plus 330' buffer
  - Seasonal restrictions ¼ mile or ½ mile if line of sight
- Foraging Perch Trees
  - Perch tree protected
  - Seasonal restrictions on case by case basis

Bald Eagle Forest Practices Act Rule Revisions

PRESENTATION TO THE BOARD OF FORESTRY

CANYONVILLE

JULY 25, 2014

Rule Revision Process

- Administrative rules describe the process
  - (OAR Chapter 629 Division 680)
- Steps the Board & ODF must take when a species is removed from ESA lists

BOF Decision Space

Are Protection Rules Still Warranted under FPA?

No
Rescind current rules

Yes
Develop rules under sensitive bird nesting, roosting, and watering sites

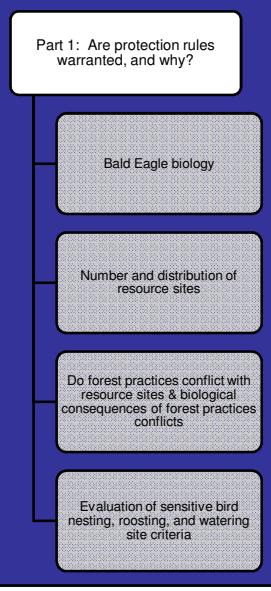
Progress to Date

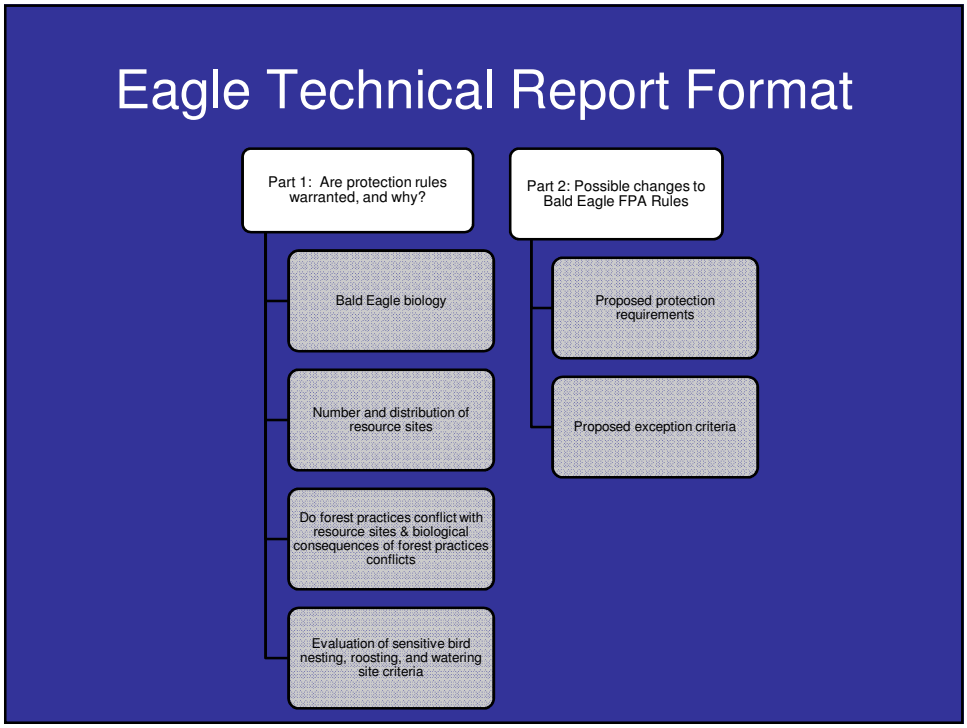
- ✓ Draft Technical Report complete
- ✓ Met with Regional Forest Practices Committees
- ✓ Met with Committee for Family Forestlands
- ✓ Tech Report input and review with internal & external stakeholders

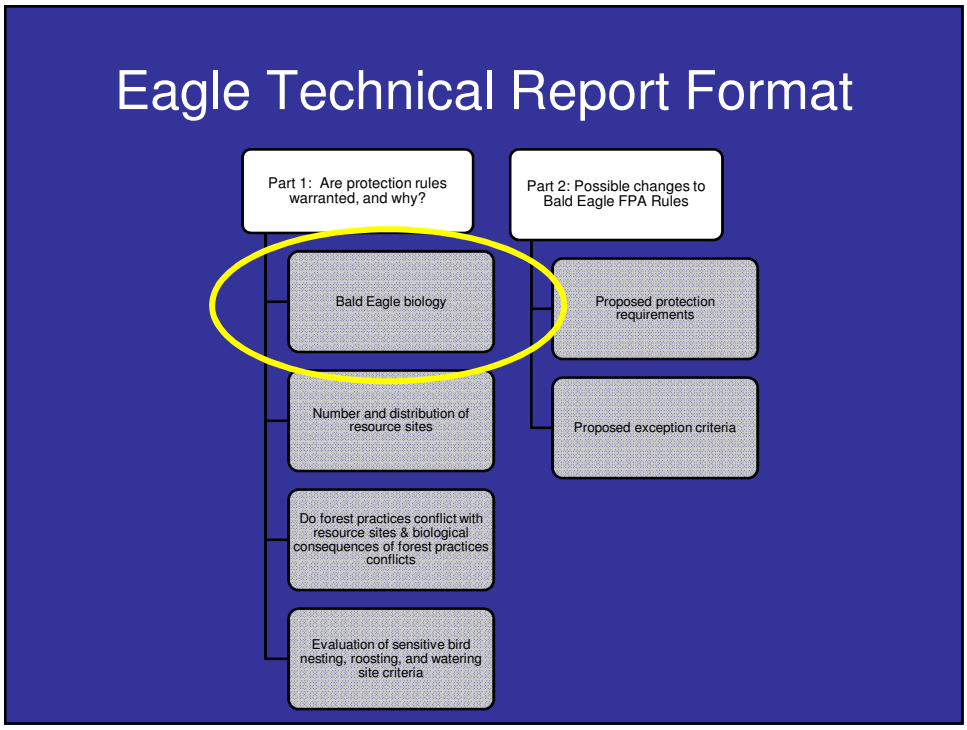
Outreach

- ✓ Pre-project meetings
  - ✓ ODFW
  - ✓ External stakeholders
- ✓ Review of draft Technical Report
  - ✓ Technical Experts: ODFW, USFWS, Oregon Eagle Foundation
  - ✓ Internal ODF field staff
  - ✓ Regional Forest Practices Committees
  - ✓ External Stakeholders

Eagle Technical Report Format




Eagle Technical Report Format
Part 1: Are protection rules warranted, and why?
Bald Eagle biology
Number and distribution of resource sites
Do forest practices conflict with resource sites & biological consequences of forest practices conflicts
Evaluation of sensitive bird nesting, roosting, and watering site criteria
Part 2: Possible changes to Bald Eagle FPA Rules
Proposed protection requirements
Proposed exception criteria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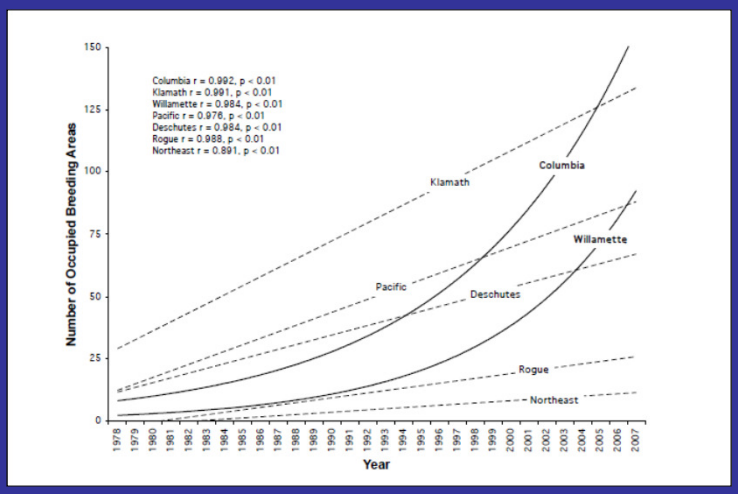
Biology

- Nesting Habitat
  - Within two miles of water
  - Large nests = large branches needed to support nest
  - Tend to nest mid-slope
  - Same nest often used for many years
  - Alternate nest sites also used

Eagle Biology & Population Trends



Biology

- Winter Roosting
  - Roost = night-time resting area
  - Communal roosting, few to hundreds of birds
  - Near food source
  - Select most dominant trees in protected areas
  - Some roost stands used annually
  - No new studies since 80's & 90's

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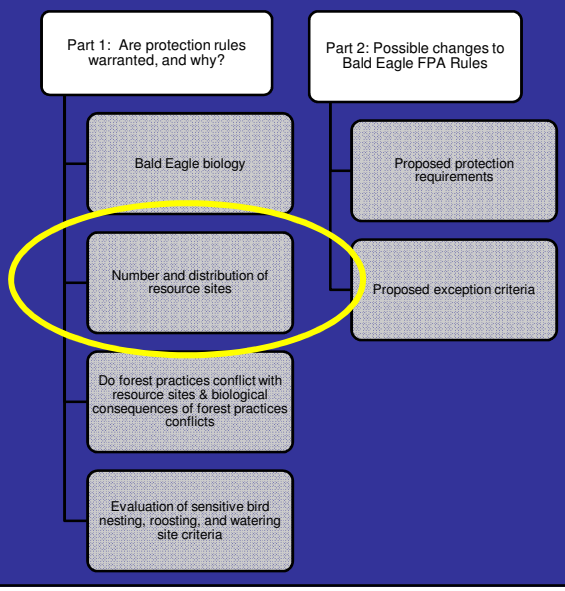


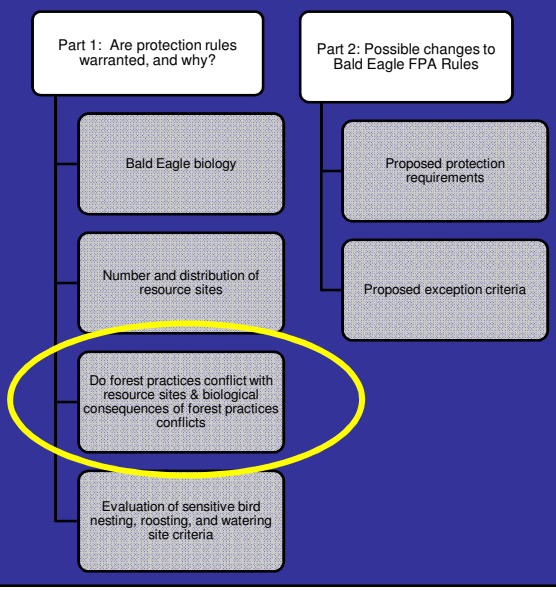
Resource Sites on Private Lands

- Nest Trees
  - Data from 30-year survey
  - >1500 known nests
  - 40% on private

Resource Sites on Private Lands

- Roosts
  - 90's inventory
  - 130 sites
  - Most small, few birds
  - 50% private
- Foraging Perches
  - Very incomplete inventory
  - 28 sites
  - Most on private

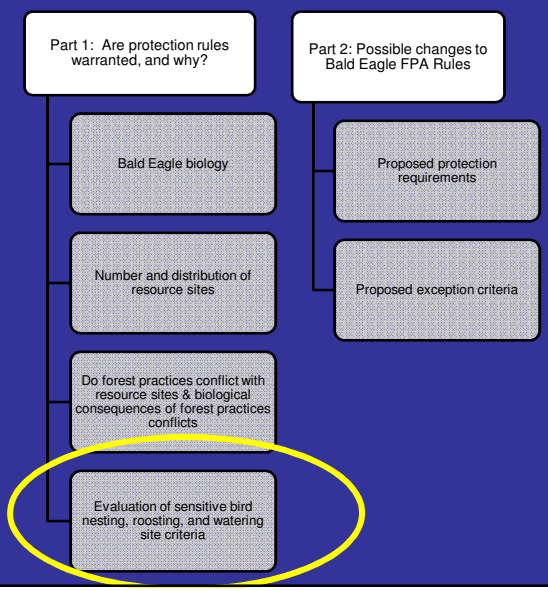
Eagle Technical Report Format



Forest Practices Conflicts

- Direct loss
- Indirect loss of sites
- Disturbance
  - Site abandonment
  - Reduced productivity
  - Reduced survival (winter roosts)

Eagle Technical Report Format



Evaluation Criteria

(1) Requires site-specific protection in order to assure continuation of species throughout range

(2) Has a direct probability of being adversely affected by forest practices

(3) Meets one or more of the following criteria

3a—where birds concentrate nesting, roosting, or watering use

3b—number of sites is limited and used by a species with specialized nesting or roosting requirements

3c—number of sites is declining or expected to decline in the future

3d—resource sites are protected by the Bald Eagle Protection Act

Nest Sites

Criteria	
(1) Requires site-specific protection in order to assure continuation of species throughout range	
(2) Has a direct probability of being adversely affected by forest practices	Y
(3) Meets one or more of the following criteria	
3d—resource sites are protected by the Bald Eagle Protection Act	Y
Overall Conclusion (are all 3 criteria met)	

Nest Sites

Criteria	
(1) Requires site-specific protection in order to assure continuation of species throughout range	Y
(2) Has a direct probability of being adversely affected by forest practices	Y
(3) Meets one or more of the following criteria	
3d—resource sites are protected by the Bald Eagle Protection Act	Y
Overall Conclusion (are all 3 criteria met)	**Y**

Nest Sites

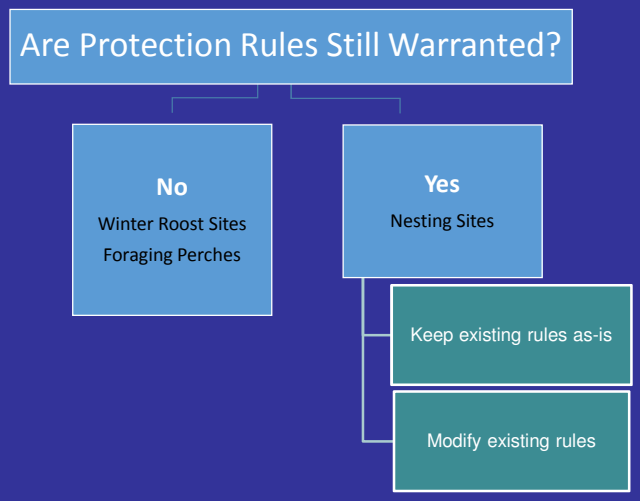
Winter Roosting Sites

Criteria	
(1) Requires site-specific protection in order to assure continuation of species throughout range	N
(2) Has a direct probability of being adversely affected by forest practices	Y
(3) Meets one or more of the following criteria	
3d—resource sites are protected by the Bald Eagle Protection Act	Y
Overall Conclusion (are all 3 criteria met)	**N**

Foraging Perch Sites

Criteria	
(1) Requires site-specific protection in order to assure continuation of species throughout range	N
(2) Has a direct probability of being adversely affected by forest practices	Y
(3) Meets one or more of the following criteria	
3d—resource sites are protected by the Bald Eagle Protection Act	Y
Overall Conclusion (are all 3 criteria met)	**N**

Outcomes of Review & Options



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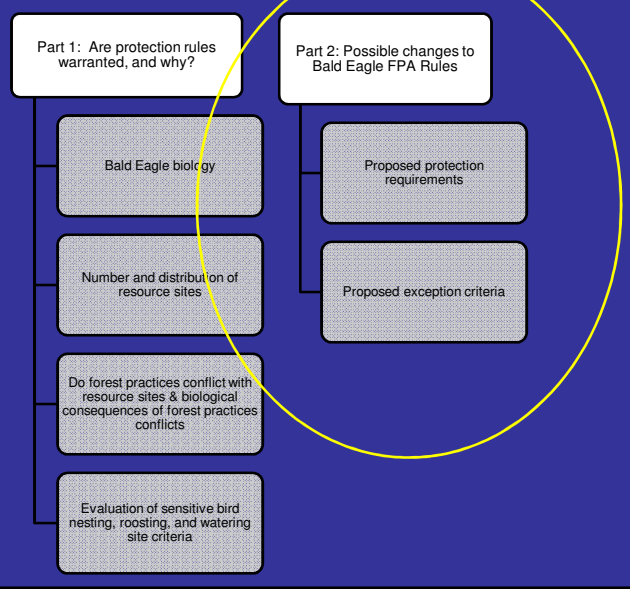

Options for a modified nest rule

1) Keep a structural buffer around nest trees
2) Keep seasonal restrictions but modify distance
   A. ¼ mile with adjustments as warranted
   B. Match USFWS Management Guidelines
      a) 660' for most activities
      b) 1000' for aircraft
3) Add criteria for "abandoned" sites
   A. 5 years of no nesting use
4) Add exception criteria

Bald and Golden Eagle Protection Act

- Prohibition of “take” of eagles
- Protection focused more on the birds than on habitat
- Management guidelines exist – tool to help landowners avoid “take” and to protect sites
- USFWS can issue “take” permits
- “Self-Certification” process on website

Protection only under Eagle Act

- USFWS does not maintain inventory of sites
- No notification to landowners of presence of sites
- Landowners would have to be proactive to seek assistance from USFWS
- Enforcement likely complaint-driven, after issue has occurred

Summary of Internal Input

- Universal support to keep some form of nest tree rule
  - Maintain habitat buffer
  - Reduce seasonal restriction zone
- Strong support to rescind roost & perch rules

Regional Forest Practice Committee Input

- No formal recommendation
- Support to maintain some form of rule for nest trees
- Support to rescinding winter roost & perch rules
- Flexibility in any new rules is needed
- Abandonment criteria needed

Timeline

- July – BOF Decision on rule options
- July to Sept – Outreach & develop rules
- October --BOF decision on draft rules
- Oct to March 17 – File rules, hearings
- March 2017 – BOF approval final rules
- April 2017 – New rules in effect

Questions