

Comments to the **Oregon Board of Forestry**, 7/20/16
Regarding Resource Site Rules for Bald Eagles

My name is Charlie Bruce. I am a mostly retired wildlife biologist by trade that had the fortunate experience of working on recovery of bald eagles and other forest related species during my 37-year career with ODFW. Today is another cause for celebration as the Forest Practice Act rules have played and continues to play a key role with protection/conservation of important forest habitats for bald eagle and other species.

Unfortunately, as the staff Bald Eagle Technical Report points out, the recovery of the species has lead to catch-22 situation for delisted species. Very shortly after delisting we move on to the many other species and habitats of concern and funding falls off to conduct necessary monitoring, periodic surveys, and the all important field support to work with landowners. Some thoughts on how to deal with this below.

In regards to the proposed changes with the Sensitive Site Rules for bald eagles I offer the following comments:

1. It would be helpful to add a definition of "**nest site**" in the rules. There has always been some confusion regarding what constitutes a "nest site" when it comes to on the ground protection. Since bald eagle pairs may build and use multiple nests over time you have to look beyond the existing active nest tree to a larger territory to identify functional buffers. Just lining out a random buffer (i.e., 330 feet) misses the point since alternate nests can be scattered over the landscape and over time for the same pair. I might add there is nothing special about 330 feet (100 meters or 5 chains). It was a figure pulled out of the air decades ago based on earlier work in Minnesota if I recall. I would use it as a starting point and allow flexibility for the landowner and service foresters to work with the local conditions.

2. **Is a site vacant or abandoned?** Oregon is fortunate in that we had 30 years of coordinated and continuous next site surveys and monitoring conducted through the OSU Cooperative Fisheries and Wildlife Research Unit. That statewide effort stopped in 2007 and with the exception of some partial updates in 2010 and misc. records that come in, by the time these rules are finalized our basic field information while be 10 years old. Some nesting sites

will be gone and more likely we will have many more active territories, possibly new roost sites and/or more heavily used roost sites. That said it would be nearly impossible to make a call on whether a "nest site" is abandoned since valid protocol surveys have not been conducted in recent consecutive years. This issue is further complicated by tree nesting golden eagles that are found in the same areas as bald eagles.

3. Rescind, or not, rules for roosting sites. Since we have limited current data on roost sites, there is really no good rationale to not continue this rule. Just because the nesting population continues to increase does not mean roosts aren't important for winter survival and social behavior. In addition, roost sites are used by hundreds of seasonal and wintering migrants as well as other species of raptors. Like nest sites, we know some of these are used year after year with numbers varying depending on weather conditions and prey availability. As pointed out in the technical report, there are areas of the state where suitable roosting habitat is limited and thus remaining roosting areas become essential. One way to deal with this is to evaluate the location and size of the roost compared to others and make a call on its relative importance.

Finally, state rules should also be minimally consistent with federal law that includes preventing disturbance of "sheltering behavior" (i.e., roosts; Bald and Golden Eagle Act as revised). Not doing so leaves a landowner to assume there is no concern about roost areas and federal monitoring and oversight is essentially non-existent.

Regardless of decisions made, we need to update information on this and other sensitive species. In my opinion ODFW in concert with the US Fish and Wildlife Service need to take the lead. I suggest that your staff call together a working group of interested agencies and organizations to come up with a strategy what is needed and how to get it. We did it for 30+ years, are doing it now for golden eagles and we can do it again.

Thank you,

Charlie Bruce
1626 NW 17th. St.
Corvallis, OR. 97330
541-760-8773