

## **Migratory Bird Planning Guidance and Best Management Practices for Idaho BLM Vegetation Treatments**

### **Purpose**

The purpose of this document is to recommend Best Management Practices (BMPs) and provide project planning guidance to Idaho BLM field offices that are implementing vegetation treatments, in order to facilitate the conservation of migratory birds. The U.S. Fish and Wildlife Service has the primary responsibility for administration of the Migratory Bird Treaty Act (1918), its amendments, and subsequent acts. The Idaho Department of Fish and Game (IDFG) has the primary authority, jurisdiction and responsibility to manage and control fish and wildlife populations in Idaho. Under the Idaho BLM and IDFG Master Memorandum of Understanding (BLM MOU ID-SO-2019-01), both BLM and IDFG agree *“to manage and conserve habitat and populations of fish, wildlife and plants to avoid listing of species as threatened or endangered under federal or state law.”*

The focus of the following planning guidance and BMPs is on the conservation of Idaho “priority” bird species rather than all migratory birds because conservation measures taken for these species will likely provide benefits for many other birds as well. Priority birds, for purposes of this guidance, are Idaho BLM Special Status Species (see Appendix A), which include federally listed Threatened, Endangered, Proposed, and Candidate species and U.S. Fish and Wildlife Service’s Birds of Conservation Concern (BCC) that have a BLM nexus.

These BMPs are constructed, in part, recognizing that potential short-term negative impacts of vegetation treatments can be offset by long-term benefits to priority migratory bird species populations and their respective habitats. For example, treatments that help prevent habitat loss from catastrophic fire may have short term or local negative impacts but long-term or broader scale benefits for many bird populations. This guidance applies to BLM vegetation treatments including, but not limited to, forest management, herbicide treatments, prescribed burning, brush and conifer removal, seeding, and mowing. These BMPs do not necessarily apply to other BLM projects or permitted actions.

### **Project Planning Guidance**

The following guidance will facilitate a thorough analysis of the project and provide a framework for BLM offices to address the conservation needs of priority birds. During project planning, develop alternatives and project design features that could avoid or minimize negative short and long-term impacts to priority species.

#### **Identify and Describe Priority Bird Species and Their Habitat**

1. Develop a list of all migratory bird species that may be present seasonally within the project area. If local inventory data or formal surveys are lacking or insufficient, utilize resources such as Integrated Monitoring in Bird Conservation Regions (IMBCR) data, the State Wildlife Action Plan, eBird, local Breeding Bird Survey route data, U.S. Fish and

Wildlife Service's Information for Planning and Consultation website (IPaC), and Birds of North America online (see Appendix B for helpful online resources).

2. From this list, identify priority species (T/E, Proposed, and BLM Sensitive) that may be present in the project area. Idaho Species of Greatest Conservation Need (SGCN) should also be referenced since lists may change over time. If bald or golden eagles may be affected, discuss the project well in advance with the U.S. Fish and Wildlife Service's Idaho Fish and Wildlife Office (IFWO) to determine if a permit is necessary. Similarly, discuss the project with IFWO to determine if consultation may be required on federally listed or proposed species.
3. Assess the natural history and population status of priority birds present, or potentially present, in the project area. Natural history information should include the primary seasonal habitat requirements and current habitat conditions, local breeding season, and sensitivity to disturbance, if known. Depending on the scale of the project, other information may also be warranted such as threats, local or regional population trends, or site-specific information. Appendix A includes Idaho-specific information that will help provide distribution and natural history information necessary to determine the potential benefits or adverse impacts of BLM actions or NEPA alternatives.

### **Assess Treatment Impacts**

1. Examine potential short- and long-term negative and positive impacts to priority birds from treatment alternatives.
2. Describe in the NEPA analysis the duration and intensity of the treatments and potential impacts on migratory birds, particularly if planned work will occur within the nesting season.
3. Analyze how alternatives would affect priority birds at both the project scale and appropriate population scale. If the treatment (e.g., fuel break, forest thinning) could have negative impacts on priority bird species or their habitats locally but would reduce threats on a broader scale (e.g. insect and disease, wildfire), explain how the project would promote conservation, particularly over the long term. The Partners in Flight-Land bird Population Estimate Database and Integrated Monitoring in Bird Conservation Regions (IMBCR) links in Appendix B should be helpful.
4. Assess the value of pre-treatment habitat conditions to priority birds and determine whether and how vegetation treatments will ultimately enhance habitat.
5. Discuss in the NEPA analysis how conservation measures to benefit priority species may benefit other bird species in the project area. It is unnecessary to discuss all species but focus instead on representative species inhabiting specific habitat types (i.e., open canopy versus closed canopy forest, sagebrush upland versus juniper woodland). This will help illustrate how potential habitat changes will impact a guild of species that exploit similar resources.

6. If the treatment is required to protect health and human safety (e.g. hazardous fuel treatments, or other), explain why the breeding season cannot be avoided.
7. Explain whether the treatment is required to achieve objectives for other priority species (e.g. T/E, upland game, big game species).

### **Best Management Practices**

The BMPs provided herein are a starting point, but other creative approaches developed during the NEPA process, or through emerging science may also be appropriate. *The risk of impacts decreases substantially if vegetation treatment and disturbance (e.g. mechanical, noise, human presence, etc.) during the breeding season is avoided entirely.* While this is often the most ideal approach to limit negative impacts, this option may not always be feasible. If circumstances necessitate that treatments occur during the nesting season, consider the following alternative strategies. Note that these BMPs do not supersede Land Use Plan management direction.

- Avoid treatments during as much of the local nesting season as possible for priority species in the project area. For example, avoiding treatment during the core of the nesting season (see Appendix A) should reduce risk for the majority of nesting attempts. Many species, including eagles and other birds of prey, may be especially sensitive to disturbance during pair bonding and incubation so, in general, avoiding treatments during this earlier phase is more important than later phases. If eagles are potentially affected, work closely with the IFWO or Migratory Bird Permit Office to determine if a permit may be necessary.
- Limit treatment duration to the extent possible within buffers of active nests of priority species, including priority raptors and eagles. Avoid or reduce potential stressor impacts to bald eagle winter roost areas.
- Prioritize marginally suitable habitats for treatment first. Treatments in marginal habitat including areas of anthropogenic disturbance should affect fewer priority species or individuals, due to lower habitat quality.
- Recommended buffers should be considered as optimal stipulations intended to protect nesting under a wide range of activities. However, they are not necessarily site specific to proposed projects. Interdisciplinary teams should evaluate the type and duration of the proposed activity, position of topographic and vegetative features, habituation of breeding pairs to existing activities in the proposed project area, and the local nesting density when determining site-specific buffers. Consider intensity, duration and proximity of human disturbance to active nests. For instance, in areas of moderate to high

human activity, birds may be more tolerant of human disturbance, so it may be appropriate to adjust and reduce buffer distances accordingly.

- For large landscape-scale projects, reduce short-term impacts by 1) treating only a percentage of the project area during the breeding season, or 2) phasing in treatments over multiple years so they occur incrementally in a given area/landscape over time.
  - When nests of readily detectable priority species (e.g., pinyon jays, golden eagles and other raptors) are likely to occur in the project area, qualified personnel should conduct nest surveys within 10 days prior to treatment to document presence, and, if applicable, nesting chronology. If surveys detect occupied nests, buffer them (i.e., no treatment) according to direction in RMPs, other planning documents, or see suggested buffers in Appendix A. Consider buffer variances if there are intervening topographic features (that interrupt line of sight or noise) or other factors that mitigate / reduce potential stressor impacts. Treatments within the buffer may resume when nesting is completed, and young have fledged.
  - Nest surveys for priority species whose nests are more difficult to detect due to logistics (e.g., forest canopy species), or are more sensitive to disturbance at/near nests, may not be useful in determining presence or absence in a project area with any certainty. In this case, if habitat is suitable or the species is likely to be present on the project site, the biologist should conduct the analysis as though the species is using or could potentially use the project area.
  - If nests of any priority species are detected incidentally during operations, avoid or reduce impacts to the reproductive effort by implementing buffers until one to two weeks after the young have fledged. See recommended buffers in Appendix A. For example, if a pinyon jay nest is detected in the incubation stage on June 5<sup>th</sup>, use known incubation and nestling time periods to conservatively estimate the fledging date and then add one to two weeks for post-fledging. Resume treatment following post-fledging.
  - For Greater Sage-Grouse, consult the most current Approved Resource Management Plan Amendment for information on required buffers, timing restrictions and other conservation measures.
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