



United States
Department of
Agriculture

Forest
Service

Cleveland National Forest
SO

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File Code: 2600

Date: February 26, 2007

Dear Interested Party,

The Cleveland National Forest (Cleveland NF) is proposing seasonal area closures to protect golden eagles and prairie falcons at three locations. The Cleveland NF is initiating the scoping process under the requirements of the National Environmental Policy Act (NEPA) of 1970. Scoping is the means by which the Forest Service identifies the important environmental and social issues to be considered in developing and analyzing a proposed action. Your site-specific comments are requested to help us identify relevant issues, evaluate the proposed action, and develop possible alternatives.

The proposed seasonal area closures were initially proposed for NEPA analysis under a categorical exclusion, as summarized in a scoping letter dated December 11, 2006, and sent to local user groups. Based on public input and a further refinement of the proposed action, the Cleveland NF has chosen to undertake an environmental assessment to analyze the proposed action. The public will have 30 days to provide responses to this scoping letter. The Cleveland NF will then prepare an environmental assessment. The public will have 30 days to comment on the analysis contained in the environmental assessment. The proposed action may be modified based on scientifically and legally sound information that is received during any of the comment periods. After considering the comments received on the environmental assessment, the Cleveland NF will make a decision.

All comments submitted in response to the December 11, 2006 scoping letter will be retained in the project file for the current proposed action. These comments will be considered during analysis and do not need to be resubmitted.

Proposed action

The Cleveland NF is proposing to allow golden eagles and prairie falcons adequate time to complete their nesting cycle with as little human disturbance as possible by enacting seasonal closures of areas in the vicinity of recently used and historic nest sites. The scientific rationale for protection of nest sites for each species is provided as Attachment 1 to this scoping letter.

The proposed seasonal closures would occur annually as part of the Cleveland NF's compliance with the Migratory Bird Treaty Act of 1918 (as amended) and the Bald and Golden Eagle Protection Act of 1940 (as amended), and in accordance with the Cleveland National Forest



Land Management Plan (Forest Plan). In particular, Part 3, Standard 18 of the Forest Plan states that the Cleveland NF will:

“protect known active and inactive raptor nest areas. Extent of protection will be based on proposed management activities, human activities existing at the onset of nesting initiation, species, topography, vegetative cover, and other factors. When appropriate, a no-disturbance buffer around active nest sites will be required from nest-selection to fledging.”

The current status of the seasonal closures would be posted on signs located at each of the three locations and on the Cleveland NF website (<http://www.fs.fed.us/r5/cleveland>).

The following areas are proposed for seasonal closure between December 1 and May 30 annually. The closure areas are based on a ½ mile buffer surrounding known nesting areas. In cases where a ridgeline or other feature presents a visual barrier between the nesting habitat and adjacent areas, the buffer may be smaller. A ¼ mile buffer is proposed for the areas extending out from the base of the cliffs. The boundaries of the closures were modified to allow for terrain variation and also to allow for ease of enforcement. See attachment 1 for further information on the proposed time frames and buffer zones.

Location 1: Palomar Ranger District, Rock Mountain, Township 14 South, Range 2 East, portions of sections 20, 29, and 30.

Location 2: Palomar Ranger District, Eagle Peak, Township 14 South, Range 3 East, portions of sections 5, 6, 7, and 8.

Location 3: Descanso Ranger District, Corte Madera Mountain, Township 16 South, Range 4 East, portions of sections 20, 21, 28, and 29.

Maps of each of the locations, as well as a vicinity map of the entire area, are attached to this scoping letter.

No Cleveland NF designated roads, hiking trails, or OHV routes are within the proposed closure areas.

The annual duration of the proposed closures may be adjusted based on site-specific monitoring of nesting activity.

Comments received in response to this scoping letter, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Anonymous comments also may be submitted; however, persons who comment anonymously will not have legal standing to appeal the decision.

Pursuant to 7 CFR 127(d), any person may request that the Forest Service to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the

request for confidentiality. If the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 14 days.

Comments on this project should be specific to the proposed action and be postmarked by April 2, 2007 in order to receive full review. Questions regarding the proposed action or written comments should be emailed to kwinter@fs.fed.us or mailed to:

Kirsten Winter
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Thank you for your interest in this issue.

Sincerely,

/s/ Tina J. Terrell
TINA J. TERRELL
Forest Supervisor

Enclosures

Attachment 1: Scientific rationale

Background. The U.S. Fish and Wildlife Service (USFWS) recently prepared a report on the protection of raptors which provided the following overview of the need to protect nesting habitat:

Sensitivity of adults and young to disturbance may vary during the nesting cycle (Nelson 1979, Holmes 1994). Generally, courtship, nest construction, incubation, and early brooding are considered higher risk periods during which adults are easily prone to desert temporarily or permanently abandon nests in response to disturbance, leaving the eggs and/or young susceptible to the effects of inclement weather, solar radiation, and predation. The days immediately before and during egg laying and early incubation are the most critical stages of the nesting cycle with respect to abandonment. Disturbance of even limited duration during this time can result in immediate and permanent departure by adults from the breeding territory. During post-brooding and post-fledging dependency periods, feather development of the young is sufficiently advanced to provide some protection from the elements. Nevertheless, even temporary flushing from nests by adults due to disturbance during these periods can still result in mortality of the young which continue to be dependent on parental care and are at risk of predation. The type of disturbance can determine to some degree the response of raptors. Declines of local and regional raptor populations can result from aborted or reduced nesting attempts, particularly when the disturbance is prolonged or permanent such as industrial and transportation developments or urban expansion (Boeker and Ray 1971, Craighead and Mindell 1981, Bednarz 1984, Gerard et al. 1984). Dispersed recreational activities can deter nesting success. Out-of vehicle recreational activities are generally considered more disturbing to raptors than in-vehicle recreational activities (French 1972, Garber 1972, Kahl 1972, Skagen 1980, Fraser et al. 1985, Holmes et al. 1993, Holmes 1994). Stopped vehicles, particularly when occupants exit the vehicle, have been reported to provoke negative responses from nesting or perching raptors more often than moving vehicles (Steenhof 1976, Beck 1980, Scott 1985, White and Thurow 1985).”

Scientific rationale for protection of golden eagle nest sites. Golden eagles are year-round residents of San Diego County. Over the past 100 years the golden eagle population of the county has declined from an estimated 108 pairs to 53 pairs, and another 9 to 10 pairs are believed to be at risk. Habitat loss and human disturbance are key factors in their decline (Unitt 2004). Scott (1985) studied the golden eagle population in the county and found that approximately 80 percent of nests were on cliffs and 20 percent were in trees. A breeding pair of golden eagles typically rotates among several nest sites. Many of the cliff nest sites have been in regular use since the early 20th century (Unitt 2004). Nests are considered “perennial,” that is, once built; eagles continue to add material to them year after year. A breeding pair of eagles maintains an average of three alternate nests in their territory, which are separated by as little as one meter and up to more than five kilometers (Kochert et al. 2002). Golden eagles have a long breeding cycle. Six months or more elapses from courtship to young birds leaving the nest. Parental care continues for a few months after young birds leave the nest (Kochert et al. 2002).

Tolerance to human disturbance varies among raptor species and also among individuals. Golden eagles in general respond to disturbance at greater distances than other raptor species (USFWS 1999). The most critical period for avoiding disturbance to golden eagles is early in the nesting season, during courtship and incubation. Nests may be deserted during early incubation if disturbed by humans (Thelander 1974).

Recent research on the eagle population in the county by David Bittner indicates that egg-laying typically occurs in mid-February, hatching occurs in late March or early April, and fledging occurs in June (Unitt

2004). However, with the recent warmer weather, some eagles have been nesting as early as December with egg-laying in January (Bittner, pers. comm.).

Scientific rationale for protection of prairie falcon nest sites. Prairie falcons are one of San Diego County's scarcest breeding birds, with a population of only 20 to 30 pairs. They nest on cliffs or bluffs, and forage in open desert or grassland. The county population appears to be stable (Unitt 2004). Prairie falcons build no nest; rather, they typically lay their eggs directly on ledges or in caves, and they have been known to reuse the stick nests of hawks, ravens, or golden eagles (Unitt 2004). Like golden eagles, they may maintain alternate nests (Steenhof 1998). There is little data on the prairie falcon's nesting schedule in the county, although records collected during work on the San Diego County Bird Atlas between 1997 and 2002 suggest egg-laying in February to March and fledging as early as April in the Anza Borrego Desert, and as late as June in coastal areas (Unitt 2004).

Prairie falcons are extremely protective of their nests and are easily disturbed at their nest sites. Recreational use and human activity near nest sites has been associated with decreased fledgling success (Boyce et al 1986, Steenhof 1998). Too much disturbance from human activities may force falcons to abandon eggs or chicks. For peregrine falcons, a similar species, cessation of human disturbance at historic nesting sites has been correlated with recolonization of those sites. In some cases recolonization occurred after the site had been abandoned for decades (White et al 2002).

Rationale for extent of buffer zones. USFWS guidelines for protection of golden eagle and prairie falcon nests include seasonal restrictions on human encroachment within one-half mile of golden eagle nests and any alternate nests, and within one-quarter mile of prairie falcon nests, during the nesting season for these species (USFWS 1999). Other studies have recommended a buffer zone of one kilometer (approximately 0.6 miles) for prairie falcons (Suter and Jones 1981).

Conclusion. Based on local data for nesting golden eagles and prairie falcons in the county, a closure starting December 1 appears to be early enough to allow the birds to choose a nest site. Ending the closure on May 30 allows adequate time for fledging of young (Unitt 2004).

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