



United States
Department of
Agriculture

Forest
Service

Cleveland National
Forest

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Dear Interested Party:

The Cleveland National Forest is proposing seasonal area closures to protect Golden Eagles and Prairie Falcons as well as other cliff-nesting species. The Cleveland National Forest is initiating the scoping process under the requirements of the National Environmental Policy Act (NEPA). 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 project. Your site-specific comments are needed to help us identify the pertinent issues and evaluate the proposed action.

The seasonal closures would occur annually under the legal authority of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, and in accordance with the direction provided in the Cleveland National Forest Land Management Plan (USDA Forest Service 2005). Part 3, standard 18 of the plan states that the forest 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 closures would be posted on signs located at each site, and on the Cleveland National Forest website at <http://www.fs.fed.us/r5/cleveland/>

The following area is proposed for closure between December 1 and May 30 (see attached map):

- Corte Madera Mountain-T16S, R4E, portions of Sections 20, 21, 28, 29

I have determined that the key raptor nesting areas at El Cajon Mountain are not on National Forest System lands. Therefore, for this site the Forest is working with adjacent landowners regarding seasonal restrictions on use:

- El Cajon Mountain- approximate area is T15S, R1E, Section 1 and T14S, R1E, section 36



Background Information

The US Fish and Wildlife Service recently prepared a report on protection of raptors (USFWS 1999). They provide 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).”

Golden eagles are year-round residents in San Diego County. Over the past 100 years, the Golden Eagle population in San Diego County has declined from an estimated 108 pairs to 53 pairs, and another 9-10 pairs are believed to be at risk (Unitt 2004). Habitat loss and human disturbance are key factors in their decline (Unitt 2004). Scott (1985) studied the Golden Eagle population in San Diego County, and found that about 80% of nests were on cliffs, and 20% in trees. A pair 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” – once built, eagles continue to add material to them year after year. A golden eagle pair maintains an average of three alternate nests in their territory, which are separated by as little as 1 meter, and up to more than 5 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. Golden eagles may desert nests during early incubation if disturbed by humans (Thelander 1974).

Recent research on the Golden Eagle population in San Diego County by David Bittner indicates that egg-laying typically occurs in mid-February, hatching in late March or early April, and fledging 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.).

Prairie Falcons are one of San Diego County's scarcest breeding birds, with a population of 20 to 30 pairs. They nest on cliffs or bluffs, and forage in open desert or grassland. The San Diego County population appears to be stable (Unitt 2004). Prairie Falcons build no nest, typically laying their eggs directly on ledges or in caves. Sometimes they reuse the stick nests of hawks, ravens, or golden eagles (Unitt 2004). Like Golden Eagles, they may maintain alternate nests (Steenhof 1998). There are few data on the Prairie Falcon's nesting schedule in San Diego County; 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. Prairie Falcons have been successfully reintroduced to historic nesting sites in Canada (Steenhof 1998). 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).

Guidelines recommended by the US Fish and Wildlife Service for protection of Golden Eagle and Prairie Falcon nests include seasonal restrictions on human encroachment within ½ mile of golden eagle nests and any alternate nests, and within ¼ mile of Prairie Falcon nests, during the nesting season for these species (USFWS 1999). Other studies have recommended a buffer zone of 1 km (approx. 0.6 miles) for Prairie Falcons (Suter and Jones 1981). Based on local data for nesting Golden Eagles and Prairie Falcons in San Diego 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 enough time for fledging of young (Unitt 2004).

The Cleveland National Forest is proposing seasonal closures to allow the golden eagles, prairie falcons, and other cliff nesting birds time to complete their nesting cycle with as little human disturbance as possible. I propose to do this by closing areas in the vicinity of recently used and alternate nest sites. Through the efforts of volunteers and Forest Service employees, the closure areas will be monitored for raptor activity. At El Cajon Mountain, I am recommending a partial closure that I believe will allow raptors to nest successfully while still allowing year-round use of portions of the area for climbing.

Environmental Analysis

A preliminary review of the proposed action indicates that the analysis for this project would lead to a Categorical Exclusion from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA) (*Forest Service Handbook 1909.15: 31.12(1) Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to protect public health and safety*). This closure order is considered to be a routine administrative action that normally does not individually or cumulatively have a significant effect on the quality of the human environment and therefore may be categorically excluded from documentation in an EIS or EA unless scoping indicated that extraordinary circumstances exist. Our preliminary review is subject to the results of scoping before a decision on the level of analysis is made.

Comments received in response to this solicitation, 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. Comments may be submitted anonymously and will be considered, though persons who comment anonymously will not have standing to challenge the decision. Additionally, pursuant to 7 CFR 127(d), any person may request the agency 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, and where 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 January 31, 2007 in order to receive full review. If you wish to receive future mailings related to this project, please comment on the proposal or request to receive further information. Written comments should be emailed to kwinter@fs.fed.us or mailed to:

Kirsten Winter
Cleveland National Forest
10845 Rancho Bernardo Rd #200
San Diego, CA 92127

Thank you for your interest in this issue.

Sincerely,

S/ THOMAS F. GILLETT

THOMAS F. GILLETT
District Ranger

Enclosure

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