

Appendix J



Bald eagle chicks.
USFWS photo

Consultation under the Endangered Species Act

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Linda Welch
Petit Manan National Wildlife Refuge
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Date: request dated September 17, 2004

I. Region: R5

II. Service Activity (Program): Petit Manan National Wildlife Refuge Complex, Draft Comprehensive Conservation Plan and Environmental Impact Statement

Log # 04-395

Pertinent Species and Habitat:

A. Listed species and/or their critical habitat within the action area:

Bald eagle (*Haliaeetus leucocephalus*)
Roseate tern (*Sterna dougallii*)

There is no Critical Habitat in the action area.

B. Proposed species and/or proposed critical habitat within the action area:

none

C. Candidate species within the action area:

none

Geographic area or station name and action: Petit Manan National Wildlife Refuge

V. Location (attach map):

A. Ecoregion Number and Name:

The proposed refuge expansion would be in the U.S. portion of the Gulf of Maine Rivers ecosystem: in particular, the 7,691 acres on our mainland refuges and 42 refuge islands, and the 151 nationally significant coastal nesting islands not permanently protected of York, Cumberland, Sagadahoc, Lincoln, Knox, Hancock, and Washington counties.

B. County and State: York, Cumberland, Sagadahoc, Lincoln, Knox, Hancock, and Washington Counties, Maine

C. Section, township, and range (or latitude and longitude): The preferred alternative for refuge expansion includes 87 islands from the Isles of Shoals on the Maine/New Hampshire border to Little River Island in Cutler in eastern Maine.

D. Distance (miles) and direction to nearest town: Varies

E. Species/habitat occurrence:

The 42 islands in the existing Refuge Complex display incredibly diverse habitats and associated fish, wildlife, plant, and insect species. Some are Federal or State-listed as threatened, endangered, or special concern; among them, bald eagles, roseate terns, common terns, Arctic terns, Atlantic puffins, razorbill, and harlequin ducks. The coast of Maine supports approximately half of Maine's 340 pairs of nesting eagles and all 240 pairs of nesting roseate terns.

VI. Description of proposed action (attach additional pages as needed):

This plan describes four alternatives for refuge expansion. The preferred alternative B would expand the refuge by 2,467 acres and notably increase habitat management and opportunities for compatible, wildlife-dependent recreation. Selecting this alternative would expand the Petit Manan refuge by 2,314 acres beyond the current approved boundary on 87 nationally significant seabird, wading bird, or bald eagle coastal nesting islands and 153 acres of wetlands on the mainland. It would add six new seabird restoration projects to the present six, and intensify the focus of the refuge biological programs on birds of high conservation priority in the Gulf of Maine. Alternative B would increase opportunities for wildlife-dependent recreation, especially in the refuge's environmental education and interpretation programs, build new trails on the Gouldsboro Bay, Sawyers Marsh, and Corea Heath divisions, and open the Petit Manan Point division for deer hunting. Alternative B would recommend that 13 Refuge Complex islands in 8 wilderness study areas be included in the National Wilderness Preservation System. Refuge staffing and budgets would increase commensurately.

Goals of the proposed refuge expansion are to:

Goal 1: Perpetuate the biological diversity and integrity of upland communities on Refuge Complex mainland properties to sustain high quality habitat for migratory birds.

Goal 2: Maintain high quality wetland communities on Refuge Complex mainland properties, primarily to benefit migratory birds of high conservation priority, while also supporting other native, wetland-dependent species of concern.

Goal 3: Perpetuate the biological diversity and integrity of upland communities

on Refuge Complex islands to sustain high quality habitat for nesting bald eagles and migratory songbirds and raptors and protect rare plant sites.

Goal 4: Protect the high quality wetland communities on Refuge Complex islands to benefit nesting and migrating shorebirds and waterfowl.

Goal 5: Protect and restore nesting seabird populations on Refuge Complex islands to contribute to regional and international seabird conservation goals.

Goal 6: Promote the public enjoyment and stewardship of coastal Maine wildlife and their habitats by providing priority, wildlife-dependent recreational and educational opportunities.

Goal 7: Protect the integrity of coastal Maine wildlife and habitats through an active land acquisition and protection program.

Goal 8: Communicate and collaborate with local communities, Federal, State, local and Tribal representatives and other organizations throughout coastal Maine to advance the mission of the National Wildlife Refuge System.

VII. Determination of effects:

A. Explanation of effects of the action on species and critical habitats in items III.A, B, and C (attach additional pages as needed):

Four alternatives were considered in the CCP plan. Alternatives A, B, and C would maintain the seasonal closures to protect roseate terns and bald eagles nesting on the Refuge Complex. Alternative D would close Refuge Complex islands to public use year-round. Roseate terns are nesting on two Refuge Complex islands, and bald eagles are nesting on four islands and the Gouldsboro Bay Division. Alternatives A, B and C would continue to manage the six seabird restoration projects, which provide nesting or foraging sites for roseate tern. Alternative C, with the largest expansion proposal, would provide the greatest long-term benefits to roseate tern and bald eagles by protecting existing and potential future nesting sites, and would contribute the most to those species' recovery goals. Alternative B would provide the second greatest long-term benefits, followed by alternative A. Alternative D does not propose an expansion, and would provide the least support to recovery goals.

The preferred alternative, B, would acquire existing eagle nesting islands and expand nesting opportunities for roseate terns by adding 6 new seabird restoration islands. This option would maintain permanent protection of active and historic bald eagle and roseate tern nesting sites on current refuge lands, including predator control and seasonal closures. The preferred alternative would appreciably increase protection of active bald sites; 37 islands in the proposed expansion are bald eagle nesting sites, and 2 are historic roseate tern nesting sites.

This refuge expansion proposal provides habitat for bald eagles and roseate terns to expand to new areas.

Alternative C would appreciably increase protection of active bald eagle sites; 101 islands in this expansion proposal are bald eagle nesting sites, and 2 are historic roseate tern nesting sites. This refuge expansion proposal provides habitat for bald eagles and roseate terns to expand to new areas.

All of the alternatives are intended to maintain or improve biological resources on the Refuge Complex, in coastal Maine, and within the Gulf of Maine Rivers ecosystem. The combination of our management actions with other organizations' actions could result in significant, beneficial cumulative effects by (1) increasing protection and management for Federal and State-listed threatened and endangered species; (2) improving uplands and wetlands habitats that are regionally declining; and (3) reducing invasive, exotic plants and animals.

All four alternatives for future management of Petit Manan Wildlife would benefit bald eagles and roseate terns. Since the refuge is managed to benefit these species, no negative or adverse effects will take place. The Maine Field Office concurs that the CCP, and especially alternatives B and C, will provide only positive effects and no adverse effects to bald eagles and roseate terns.

B. Explanation of actions to be implemented to reduce adverse effects:

Bald eagle nesting islands would be closed to public use during the nesting season. Roseate tern nesting islands would be closed to public use during the nesting season. Seabird nesting islands would be managed by resident biologists during the nesting season.

VIII. Effect determination and response requested: [* optional]

A. Listed species/critical habitat:

<u>Determination</u>	<u>Response requested</u>
no effect (species: _____)	*Concurrence
is not likely to adversely affect (species: <u>bald eagle and roseate tern</u> _____)	X_Concurrence *Formal Consultation
is likely to adversely affect (species: _____)	Formal consultation


B. Proposed species/proposed critical habitat: No Critical Habitats

<u>Determination</u>	<u>Response requested</u>
no effect (species: _____)	*Concurrence
is not likely to adversely affect (species: _____)	____ Concurrence
is likely to adversely affect (species: _____)	____ Informal conference
is likely to jeopardize/adverse modification of critical habitat (species: _____)	____ Conference

C. Candidate species: No candidate species

<u>Determination</u>	<u>Response requested</u>
no effect (species: _____)	*Concurrence
is likely to jeopardize (species: _____)	____ Conference

This concludes informal consultation on the Petit Manan National Wildlife Refuge CCP. Accordingly, no further action is required under Section 7 of the ESA, unless: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by the identified action.


9/27/04

 Mark McCollough Date
 Endangered Species biologist
 Maine Field Office