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March 1, 2012

Memorandum

To: Field Supervisor, Louisiana Field Office (LFO)
From: Field Supervisor, Arkansas Field Office (AFO) *J. B. Weller*
Subject: Concurrence with Distribution of Modified Consultation Recommendations For the Ivory-billed Woodpecker (IBWO) in Arkansas

The AFO has cooperatively reviewed and updated the original consultation recommendations issued in July, 2006. Discussions regarding the need to update the original document began in 2009 during the final season of U.S. Fish and Wildlife Service (Service) searches for the IBWO in eastern Arkansas and other portions of the historic range. Agency and academic representatives involved in the development of the original recommendations were also consulted during the revision process. The revised document considers lessons learned and data gathered during the five years of formal funded searches.

The Service's Region 4 office recently determined that decisions regarding IBWO consultation under Section 7 of the Endangered Species Act will generally be handled at the field level. Given that the LFO is assigned the lead for the IBWO, the AFO seeks concurrence with the revised recommendations and approval to distribute this document to Federal and State partners as a consultation guide for federally funded or permitted activities that take place in habitats previously defined as potentially suitable (defined in attachment to revised document).

Attachment

Please initial to indicate concurrence:

Name and Title

Initial

Date

Jeff Weller
Field Supervisor
Louisiana Field Office, Lafayette

JW

3/1/12

Modification of consultation recommendations for the Ivory-billed Woodpecker in Arkansas.

Introduction

In April 2005, rediscovery of the endangered Ivory-billed Woodpecker (IBWO) on Cache River National Wildlife Refuge (NWR) in Monroe County, east-central Arkansas was announced. As a result, the Service advised Federal agencies that Section 7 consultation, under the ESA, would be necessary when undertaking actions in potential IBWO habitat in Arkansas. This decision was based primarily on a substantively compelling piece of evidence—the Luneau video. Additionally, the accumulation of reported sightings was supportive of our conclusions. (Extensive explanation for our response and the controversy around the decision is provided in Appendix B of the Recovery Plan). Thousands of hours of intensive searching using a variety of techniques (boats, walking, blinds, cameras, sound recording units, and helicopter searches) during the 2004-05, 2005-06, 2006-07, 2007-08, and 2008-09 field seasons produced only a few additional reported observations in Arkansas. Intriguing sound recordings and a number of possible sightings were also documented in other southeastern states, but no additional evidence as compelling as that for Arkansas has been collected. The extensive search effort with few positive results demonstrates the difficulty of finding this rare, charismatic and elusive bird.

The Ivory-billed Woodpecker eluded detection for decades and population levels, where they might exist, are thought to be very low. Continued effort, either state-led or independent may, at some point in the future, provide more conclusive evidence of the bird's presence. As described in the recovery plan, habitat which may support Ivory-billed Woodpeckers is still present in the historical range. The recovery plan focuses on gathering current information about the species, as well as protecting and restoring habitat. Habitat is largely thought of as mature, bottomland hardwood forests, however mature pines may also play a role.

The Endangered Species Act describes specific actions and processes aimed at reducing harm to and recovering listed species. As part of our regulatory authority to protect this species, the Service has consulted under Section 7(a)(2) of the Act with the Corps of Engineers and internally with Federal Aid and Refuges. These informal consultations provided the consulting agencies an opportunity to minimize impacts to Ivory-billed Woodpecker habitat and minimize the potential for immediate disturbance to nesting or roosting birds by surveying for their cavities. The protocol for surveys was developed cooperatively by several agencies and Cornell Laboratory of Ornithology. Consultation was recommended in the "potential range and habitat" as described in the search criteria (Appendix 1). This included only portions of eastern Arkansas and one county in Mississippi near the mouth of the Arkansas River. Consultation was not recommended in other states with reports of Ivory-billed Woodpeckers.

In addition, protective measures such as a temporary closure and permit system for the use of a small portion of the Cache River National Wildlife Refuge, a moratorium on forestry activities, and an evaluation of refuge forestry practices, as well as initiation of consultation for actions in potentially suitable habitat were put in place. Considering our current knowledge regarding the status and distribution of the Ivory-billed Woodpecker, the following recommendations replace those detailed in the July, 2006, document entitled, "Ivory-billed Woodpecker Recommended Survey Criteria for Federal Actions in Arkansas/Mississippi".

Recommendations:

Since 2005, the many intensive surveys (logging thousands of survey hours) to obtain additional evidence documenting the Ivory-billed Woodpecker's persistence in Arkansas and elsewhere within the southeastern United States have not been successful. What has been learned is that it is extremely difficult to document this species presence during a project specific survey. We therefore have developed the following four recommendations for ESA consultation.

1. At this time, after the conclusion of currently ongoing federally funded survey efforts, the Service no longer recommends surveys for the Ivory-billed Woodpecker as part of informal consultation for temporary disturbances in potential habitat (e.g., forestry activities on National Wildlife Refuges or federally funded forest management). Where such actions follow the guidelines described by the Lower Mississippi Valley Joint Venture (LMVJV Forest Resource Conservation Working Group) in the 2007 publication entitled: *Restoration, Management and Monitoring of Forest Resources in the Mississippi Alluvial Valley: Recommendations for Enhancing Wildlife Habitat*, the effects are likely to be insignificant or discountable.

Rationale: Current forest management practices affecting Ivory-billed Woodpecker habitat in the Mississippi Alluvial Valley have been examined in the context of maintaining sustainable landscapes capable of supporting desired forest conditions for a variety of important species. Recommendations published by the LMVJV Forest Resource Conservation Working Group have guidelines which will benefit the full suite of bottomland species, including the Ivory-billed Woodpecker. Application of these recommendations forms the backbone of our approach to the conservation of potential Ivory-billed Woodpecker habitat. We believe such actions would benefit the IBWO and any potential adverse effects would be insignificant and discountable. These are considered to be appropriate guidelines unless circumstances change (see below).

2. Additional habitat restoration opportunities funded by the Service should consider the potential habitat needs of the Ivory-billed Woodpecker as described in the recovery plan.

Bottomland hardwood reforestation and management will benefit many species and fits in with other priorities identified by the Service.

3. The Service should evaluate federal actions in potential habitat in Arkansas, on a case by case basis, where it may be beneficial to assist agencies in considering any project impacts to potential Ivory-billed Woodpecker habitat or presence. The Ivory-billed Woodpecker will remain on the species list; however, in most cases surveys are not recommended as a part of informal consultation unless circumstances change.

Since birds are unlikely to be located by any survey method currently available to us, the Service advises Federal agencies to consider the unlikely but potential presence of Ivory-billed Woodpeckers and that IBWO evidence may come through accidental contact.

Based on the survey experience gained in the past few years, we would anticipate that nearly all projects effects are likely to be discountable and insignificant.

Effects analysis based on temporary habitat disturbance are likely to be discountable and insignificant. Permanent habitat losses or impacts should be considered in context with remaining amounts and connectivity of existing potential habitat.

Additionally, as projects are designed and implemented, all parties should be reminded that they are not allowed to violate the Endangered Species Act by harming or harassing an Ivory-billed Woodpecker and agencies should be mindful of Section 7(a)(1) responsibilities concerning habitat management and other activities.

Application of these recommendations will remain in effect unless new information concerning the status and location of Ivory-billed Woodpeckers becomes available.

4. Changed circumstances: Changed circumstances would dictate a re-evaluation of these recommendations and development of an action plan. Conclusive, or at least less controversial, documentation could occur in several ways. The most conclusive evidence would be a living specimen. A dead bird, fresh bird parts, or an egg would also be definitive evidence of presence. Although feathers can be confirmed as those of an Ivory-billed Woodpecker, they could be plucked from a long-dead specimen. Conclusive evidence could come in the form of audio, video or still pictures. All photographic evidence will be subjected to rigorous analysis. An example action plan for immediate response to changed circumstances is found in Appendix G of the recovery plan. It is designed to organize immediate response, maximize opportunities for the successful protection and conservation of existing birds, and to establish partnerships aimed at long term conservation and management.

Attachment 1

DRAFT **Ivory-billed Woodpecker** **Potential Range** June 27, 2006

With the rediscovery of the Ivory-billed Woodpecker (IBWO) on the Cache River National Wildlife Refuge (NWR) and Dagmar Wildlife Management Area, the U.S. Fish and Wildlife Service (Service) and our partners have taken measures to protect the habitat of this rare and endangered species. In addition to forming a recovery team and several working groups, conservation land managers are working together to protect and enhance IBWO habitat. Refuges, the Service's Federal Activities office, the Federal Highway Administration, and the Corps of Engineers have entered into Endangered Species Act section 7 consultations with the Service to evaluate activities and make sure that they avoid adverse impacts. More consultations are anticipated in the future. In an effort to provide direction to affected parties and assist action agencies in determining whether consultation would be appropriate, the Service has identified the area where the IBWO would be most likely to occur.

Tanner (1942) classified IBWO habitat outside of Florida as the bottomlands of the Mississippi Delta and other river bottoms outside of the Mississippi Delta. The IBWO potential range for Arkansas and Mississippi is based on this classification and supporting evidence of IBWO presence. The IBWO potential range comprises that portion of Arkansas and Mississippi in and around the bottomland hardwood forest of the lower White River basin where the IBWO was rediscovered, the lower Arkansas River basin, and the batture (floodplain) of the Mississippi River in the vicinity of the confluence of the White, Arkansas, and Mississippi Rivers.

Federal agencies authorizing, funding, or carrying out an action in potentially suitable IBWO habitat in this area are advised to consider potential impacts to the IBWO and enter into section 7 consultation (formal and informal) with the appropriate ES field office¹ as appropriate. For the purpose of assisting affected parties in determining whether they should enter into consultation, the Service defines suitable IBWO habitat as forested areas dominated by trees with a dbh of 16 inches or greater. This definition of suitable habitat and the extent of the IBWO potential range described here are subject to change as new information becomes available. The information in this attachment will be reviewed by an inter-agency team concurrently with the main recommended IBWO survey criteria document (at least every five years).

The Service based the identification of the IBWO potential range on available IBWO biological information; however, because that information is limited, several assumptions were based on best professional judgment.

¹ **Contact:** U.S. Fish and Wildlife Service, Arkansas Field Office, 110 South Amity Road, Suite 300, Conway, Arkansas 72032, 501-513-4470; or Mississippi Field Office, 6578 Dogwood View Pkwy., Ste. A., Jackson, MS 39213, 601-321-1123.

The IBWO potential range includes suitable habitat in parts of Arkansas, Desha, Jefferson, Lincoln, Monroe, Phillips, Prairie, and Woodruff Counties in Arkansas; and Bolivar County, Mississippi. Within these counties the IBWO potential range is confined to:

1. The mostly contiguous forest primarily in the lower White River floodplain encompassing the Service's Cache River and White River National Wildlife Refuges (NWR), the Arkansas Game and Fish Commission's (AGFC) Dagmar and Wattensaw Wildlife Management Areas (WMA), and adjacent forested private lands. This area is commonly referred to as the "Big Woods." The IBWO potential range generally follows the edge of the large, contiguous forest but also includes:
 - a. Forested corridors containing potentially suitable IBWO habitat extending outward from the edge of the core contiguous forest until the width decreases to less than 0.25 mile for a distance of more than 0.25 mile, and
 - b. Forested corridors containing potentially suitable IBWO habitat along Bayou DeView and Bayou LaGrue extending upstream about ten miles from the forest core.

These inclusions and cut-off criteria are based on the following:

The forested corridor along Bayou DeView where IBWO presence was confirmed averages 0.5 mile or more in width. The Service assumes that as corridors become narrower than this, their suitability for IBWO use decreases, and therefore corridors whose width decreases to less than 0.25 mile for a distance of more than 0.25 mile are not considered suitable IBWO habitat.

Tanner (1942) found that the IBWO travels distances of 0.75 to 1.0 mile from its nest during nesting season. However, foraging distance for the IBWO during the non-breeding season is unknown. Based on anecdotal information, Tanner (1942) believed IBWO winter ranges were much larger than nesting season ranges (Jackson 2002). The Service assumes that the IBWO may travel six to ten miles from its roost during the non-nesting season.

2. The bottom lands of the Mississippi River extending from the vicinity of the mouth of White River to about eight to ten miles south of the mouth of the Arkansas River in Desha County, AR and Bolivar County, MS.
3. The forest encompassing the AGFC's Black Swamp WMA, Cache River NWR, and adjacent forested private lands. Although, separated from the contiguous forest of the Big Woods, these areas are included because they constitute a large block of potentially suitable forest habitat and because there is evidence, but not verification, of IBWO presence.
4. The portions of the lower Arkansas River floodplain inside the levees in Desha, Lincoln and Jefferson Counties, Arkansas from the confluence of the Arkansas and Mississippi Rivers to about 12 miles upstream of Dam 2.

The IBWO potential range includes the lands described above because of a) verified sightings of IBWO along Bayou DeView on Cache River NWR; b) sound recordings of possible IBWO "double knocks" and "kent" calls on lower White River NWR; c) predominant forest composition of the area that meets the working definition of suitable IBWO habitat; and d) contiguous forest is of sufficient size to support one or more IBWO breeding pairs. Tanner (1942) reported breeding densities of IBWO ranging from a maximum density of one pair per 6.25 square miles to one pair per 17 square miles in bottomland hardwood habitat of the Singer Tract in Louisiana.

The AGFC's Bayou Meto WMA and adjoining private land are not included in the IBWO potential range because they are isolated from the included areas by expanses of at least several miles of predominantly agricultural lands and no evidence of IBWO presence has been documented there.

The Service assumes that non-contiguous forested tracts (fragments) of less than 40 acres outside of the Big Woods forested matrix are not suitable IBWO habitat. The landscape outside the Big Woods forested matrix (IBWO potential range) is a predominantly agricultural matrix and there is little or no connectivity between forest fragments. The Service assumes the IBWO would tend to avoid small, disjunct forested tracts when contiguous forest is available. The 40-acre cut-off is also based on one of the cut-off criteria for forested corridors extending outward from the forest core. For such forested corridors, the cut-off is reached when the width of the corridor decreases to less than 0.25 mile for a distance of more than 0.25 mile. A 0.25 mile by 0.25 mile square tract equals 40 acres.

The Service assumes that forested tracts greater than 40 acres outside the described potential range, but in proximity to the Big Woods forested matrix, and small forested tracts less than 40 acres that are in proximity to, and mostly surrounded by, the Big Woods forested matrix could be used by the IBWO. Therefore, we recommend that action agencies contact the appropriate ES field office to determine if consultation would be appropriate for actions in these forested tracts.

The Service assumes the IBWO would avoid using areas directly adjacent to human habitation, and therefore does not consider as potentially suitable habitat forested areas within 200 ft. of an occupied structure including residences, farm sheds, hunting cabins, and churches. This does not apply to duck blinds, box stands, or abandoned structures.

Within the IBWO potential range, section 7 consultation (formal or informal) is advised only for lands that contain suitable IBWO habitat, which is defined as forested areas dominated by trees with a dbh of 16 inches or greater. The IBWO requires forested habitat to fulfill its life cycle requirements. Larger trees are more suitable for foraging because of their increased susceptibility to decay and insect infestation. Tanner (1942) reported that 87 percent of IBWO foraging in northeastern Louisiana was on trees with a dbh greater than 12 inches. Ivory-billed Woodpeckers also need larger trees to accommodate the size of their nest and roost cavities. Furthermore, Tanner's (1942) investigation of IBWO cavities in the southeastern United States showed that nests typically ranged from 40 to 70 feet above ground, with the lowest nest cavity

being at 25 feet above the ground. To accommodate a cavity of suitable size for IBWO nesting (minimum inside cavity diameter of seven inches) at 32 feet above the ground, a dbh equal to or greater than 16 inches is necessary. Various tree species are used by the IBWO for nesting, roosting, and foraging (Tanner 1942).

References

Tanner, J.T. 1942. The Ivory-Billed Woodpecker. Research Report No. 1, National Audubon Society, New York.

Jackson, J.A. 2002. Ivory-billed Woodpecker (*Campephilus principalis*). The Birds of America Online (A. Poole, Ed.). Ithaca: Cornell Laboratory of Ornithology; Retrieved from Birds of North America Online database;
http://birds.cornell.edu/BNA/Account/Ivory_billed_Woodpecker/.