

**A Biological Assessment of Impacts to
Threatened and Endangered Species
from the Special Use Permit/Commercial Use Authorization Program in
Redwood National and State Parks (RNSP)**

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I. INTRODUCTION

The purpose of this biological assessment (BA) is to review the proposed Redwood National and State Parks (RNSP or “parks”) action, the Special Use Permit/Commercial Use Authorization Program, in sufficient detail to determine if the proposed action may affect any threatened or endangered species and/or their critical habitats. This biological assessment is prepared in accordance with legal requirements set forth under section 7 of the Endangered Species Act (19 U.S.C. 1536 (c), 50 CFR 402), and meets the criteria for informal consultation with the United States Fish and Wildlife Service (USFWS).

II. CONSULTATION TO DATE

Redwood National and State Parks obtained a list from the Arcata Fish and Wildlife Service Office website identifying the endangered, threatened, proposed, and candidate species that may be present or may be affected by park activities dated 7 May 2009 (Document Number 1198080-161914). This list included 22 species currently listed as threatened or endangered, two species listed as proposed threatened or endangered, and four species that are candidates for listing in Humboldt and Del Norte Counties.

Endangered

Western Lily (*Lilium occidentale*)
Beach Layia (*Layia carnosa*)
Tidewater Goby (*Eucyclobius newberryi*)
Leatherback Turtle (*Dermochelys coriacea*)
California Brown Pelican (*Pelecanus occidentalis californicus*)
Short-tailed Albatross (*Phoebastria albatrus*)
Sperm Whale (*Physeter macrocephalus*)
Blue Whale (*Balaenoptera musculus*)
Humpback Whale (*Megaptera novaengliae*)
Fin Whale (*Balaenoptera physalius*)
Sei Whale (*Balaenoptera borealis*)

Threatened

Oregon Silverspot Butterfly (*Speyeria zerene hippolyta*)
California Coastal Chinook Salmon (*Oncorhynchus tshawytscha*)
Northern California Steelhead (*Oncorhynchus mykiss*)
Southern Oregon/ Northern California Coho Salmon (*Oncorhynchus kisutch*)
Green Turtle (*Chelonia mydas*)
Olive Ridley Sea Turtle (*Lepidochelys olivacea*)
Loggerhead Turtle (*Caretta caretta*)
Northern Spotted Owl (*Strix occidentalis caurina*)
Marbled Murrelet (*Brachyramphus marmoratus*)
Western Snowy Plover (*Charadrius alexandrinus nivosus*)
Steller Sea Lion (*Eumetopias jubatus*)

Proposed Endangered

Black Abalone (*Haliotis cracherdii*)

Proposed Threatened

Southern Eulachon DPS (*Thaleichthys pacificus*)

Candidate

Mardon Skipper (*Polites mardon*)

Xantu's Murrelet (*Synthliboramphus hypoleucus*)

Yellow-billed Cuckoo (*Coccyzus americanus*)

Fisher (*Martes pennanti*)

California state threatened or endangered species occurring in the parks include the Bald Eagle (*Haliaeetus leucocephalus*) and American Peregrine Falcon (*Falco peregrinus anatum*).

Critical habitat is designated for nine species on the list. Critical habitat for coho salmon, Chinook salmon, steelhead, and the marbled murrelet occurs within the parks. Marbled murrelet critical habitat occurs in two units; unit CA-02-a includes Jedediah Smith Redwoods and Del Norte Coast Redwoods State Parks and unit CA-02-b includes Prairie Creek Redwoods State Park. Critical habitat for the marbled murrelet does not occur on federal parklands. Critical habitats for the tidewater goby, leatherback turtle, northern spotted owl, western snowy plover, and Steller sea lion are not designated within the park.

Two species on the list, Xantu's murrelet and Yellow-billed cuckoo, do not occur in the park except as extremely rare vagrants. Eulachon has been extirpated within the park for at least 30 years. These species will not be addressed in this document.

This is a renewal of a consultation set to expire this year (2009). Informal consultation on this program was originally initiated in September of 1998. Although the original BA (dated 25 Jun 1999) stated "[t]he coho salmon, chinook salmon, and steel head trout (sic) will be consulted on in a separate biological assessment with the National Marine Fisheries Service (NFMS)", there is no record or document in RNSP files supporting that consultation.

Species to be addressed in this consultation include the northern spotted owl, marbled murrelet and marbled murrelet critical habitat, western snowy plover, peregrine falcon, bald eagle, Steller sea lion, Southern Oregon/Northern California coastal coho salmon, Chinook salmon, steelhead, mardon skipper, and fisher.

III. CURRENT MANAGEMENT DIRECTION

Please refer to *A Conservation Strategy for Managing Threatened and Endangered Species in Redwood National and State Parks* (Sakai 2003) for a detailed summary of laws and policies that influence management direction in RNSP.

Public Use, Concessions and Commercial Services

Management strategies are outlined in the parks' final Environmental Impact Statement/Report General Management Plan/General Plan (FEIS/R GMP/GP; USDI and CDPR 1999) for public use and recreation within the parks. They include support and facilitation of appropriate public use and enjoyment of the parks and participation in activities related to the parks' resources, and

authorization of commercial services that enhance public access to or use and enjoyment of RNSP resources. The GMP/GP encourages the private sector to provide commercial support services based in gateway communities for such visitor services as bus tours, hiking tours, and bicycle tours, horseback riding, outfitter and guide services, boat tours or rentals, shuttle services, and specialized interpretive or ecotourism efforts that focus on natural or cultural resources within and/or near the parks. Any services authorized will be awarded in accordance with applicable laws and regulations, and charged appropriate fees (FEIS/R GMP/GP pp. 65 and 69).

IV. DESCRIPTION OF THE PROPOSED ACTION

Redwood National and State Parks issues special use permits and enters into commercial use agreements for a variety of personal and organized public use events on parklands. The types of events may vary slightly from year to year but the list included here has been fairly consistent throughout the previous 10-year consultation time frame. Table 1 describes each public use event and provides additional information relative to the timing, quantification of public use, location(s) of event, and duration or periodicity of use. This consultation is intended to cover this program through 2019. The parks will re-initiate consultation on any changes to this program if necessary within the 10 year interim period.

Table 1. Description of known events for which Special Use Permits or Commercial Use Authorizations are required in Redwood National and State Parks.

Event	Description	Event Date and Time	Number of People	Usual Event Location(s)	Duration and/or Periodicity of Use
Fishing Derbies	Drift boats are launched upstream of Jedediah Smith Redwoods State Park (JSRSP) at the US Forest Service launch ramp of the Smith River to fish for steelhead; a food booth (temporary lean-to) is established on a river bar near Early Hole in JSRSP. Old-growth redwood forests occur along major segments of the river banks on the south side. Residential homes and developments exist along portions of the north side of the river, and mature second-growth forests are more prominent on the north side of the river. Presently up to 3 derby events are held in February and/or March. Presently, two derby events are catch and release, and the other requires the taking of fish.	February and March.	50-75	Smith River- JSRSP	Three weekends. The day following the derby, the group removes lean-to shed.
Day Use of Picnic Areas	Elementary Schools and civic groups. These picnic facilities receive high visitor use throughout most of the year and are equipped with animal-proof trashcans. Occasionally these groups take short walks along established trails.	June-September	Usually $\geq$ 50	Jed Smith and Prairie Creek Redwoods State Parks	Occasional
Use of Campfire Center	Church services are conducted for park visitors and staff. Denominational church services last about 1 hour. No food or beverages are served. This facility receives high visitor use throughout most of the year for other activities.	May – September, Sundays 10 – 11 am.	Up to 100	Jedediah Smith Redwoods State Park	Up to 15 days. 1-2 hours per day.
Wedding Ceremony/ Memorial Services	Ceremonies and services are usually held in old-growth forest or along coastal overlooks that receive high visitor use throughout the year. Usually people walk along established trails or service roads to the ceremonial site. On rare occasions, an applicant may request to get married on horseback along a trail. To transport the party, occasionally people ask to use vehicles if road access is available. Parking space for guests is usually limited to available space and applicants are asked to carpool. Some parties request music of varying types (soft recorded music played	Usually in summer months; between hours of 8 am – 5 pm	2 – 200 people	JSRSP (Walker Road, Stout Grove, Templeton Grove), Del Norte Coast Redwoods State Park, Crescent City Overlook at Crescent Beach, Prairie Creek Redwoods State Park (PCRSP) and adjacent old-growth forests in PCRSP, Lost	Several hours if food is served on site. Twenty or more weddings and services may take place in any given year.

Event	Description	Event Date and Time	Number of People	Usual Event Location(s)	Duration and/or Periodicity of Use
	on a portable CD player or acoustic guitar or other stringed instrument, wind instrument or brass instrument, e.g., a trumpet or saxophone). Music may be played before and/or during the ceremony/service, and during the reception, if a reception is held on site. Occasionally a party seeks permission to hold the reception at picnic sites in old-growth forests or picnic areas near the coast. If food is involved it is usually catered. Cleanup occurs immediately after the guests leave.			Man Creek, Lady Bird Johnson Grove, Tall Trees Grove.	
Filming and photography (non-commercial)	Filming or photography is usually of panoramic vistas or site specific shots of a particular location for an educational television series, interpretive documentaries, or photography classes. Filming usually occurs along or off established trails or locations throughout the park that receive high visitor use throughout most of the year.	Any time of year, dawn to dusk	Small (<5) to larger groups (up to 15 or more)	Throughout the parks	One day to a week
Commercial Filming	Film production, communications, or international film company filming of park features for movie production or other commercial venture. Film companies generally involve more people and equipment use than non-commercial ventures. Filming usually occurs along or off established trails or locations throughout the park that receive high visitor use throughout most of the year. Food occasionally may be served at filming site or at a staging area (area designated by park staff where RVs and trailers are allowed to be park for an extended period).	Any time of year, dawn to dusk	Production crew from 5-150 Individuals	Old-growth and late second-growth forests such as: Tall Trees Grove, Lady Bird Johnson Grove, Fern Canyon area, Stout Grove, Walker Road, Templeton Grove, PCRSP , JSRSP and Del Norte Coast Redwoods State Park; Bald Hills area and Redwood Creek basin; Fresh Water Lagoon	Usually a week to 2 weeks, sometimes longer
Guided Hikes/ Walking Tours	Guided hikes and walking tours occur in various units of the park. Guides converse at normal conversation levels.	Any time of year, dawn to dusk	Usually 10-30	National and State Parks back/front country trails.	About 10 events per year
Bicycling Events	Cyclists bike through the park along Highways 101 and 199 and Newton B. Drury Parkway, and other locations within the parks. Cyclists normally stop occasionally to rest in	Any time of year, dawn to dusk	Up to 100 participants	For one event Freshwater Spit serves as an aid-snack station w/	One to two days per year per group

Event	Description	Event Date and Time	Number of People	Usual Event Location(s)	Duration and/or Periodicity of Use
	groups of 2 to 3, and sometimes take a short hike along a trail that receives high visitor use throughout most of the year.			trailer, tables and canopy.	
Marbled Murrelet Training and Certification	The parks are the training grounds for certifying marbled murrelet surveyors. Trainees start before daybreak and conduct group counts of murrelets until 1.25 hrs after sunrise. No talking occurs during the designated count periods.	1 year permit but training usually occurs between March and June	10 –15	Boyes Prairie Meadow, Big Tree Parking lot, Lost Man Creek Parking lot, Lower ¼ mi. of Lost Man Creek Trail.	Up to five mornings per week. Number of weeks variable depending on need.
Camping	COASTWALK and other large groups camp overnight at established park campsites. Campers pitch tents, use lanterns, and prepare food.	June- September	< 40 no more than 8 people per camp site	Crescent Beach picnic area, Gold Bluff s Beach Campground. Primitive camp sites along Coastal Trail.	Few days per year.
Brush Dance	Traditional Yurok yearly event that lasts one week. Event is open to the public to view demonstrations on traditional salmon spit cooking and dancing. No mechanical audio equipment or power generator is required. Traditional Yurok, Hupa & Karok songs are sung. Occasional hoots are emitted by a singer during portions of a song. Drums may be used to accompany the singers. One meal is served the last day. Yurok families traveling from outside areas camp overnight.	Usually in July	100 up to 400	Klamath Rver, south side at traditional Brush Dance site.	1 week per year
Redwood Wild River Run	Foot race along Howland Hill Road through mostly old growth forest. Vehicles are not permitted during the run. Many residents live along the eastern section of this road. Some contestants may bring snacks for the run.	One weekend in March	Up to 200	From covered footbridge at Douglas Park Road the runners enter the park at Howland Hill Road and return.	1 day race
Native American Special Events	(1) John O'Malley summer camp at Klamath Brush Dance site to teach students traditional Yurok singing; Indian drums will accompany singers. (2) Tolowa Nation outing is an overnight campout on Crescent Beach for out-of-area Tolowa Nation families. The NPS Maintenance crew usually sets up a backdrop for elders, with extra picnic tables, firewood and water if	1) usually in late July, 2) usually in late September after the 15 th , 3) usually late August	90-150	1) Klamath Beach mouth at Brush Dance site, (2) Crescent Beach picnic and beach area 3) Wolf Creek Lodge	1) 5 days 2) 3-4 days 3) 1 day

Event	Description	Event Date and Time	Number of People	Usual Event Location(s)	Duration and/or Periodicity of Use
	possible. 3) Indian Health Services event is held at Wolf Creek Outdoor School lodge.				
Scattering Human Remains (ashes)	The California Code of Regulations Section 4331 allows the scattering of cremated human remains on land with landowner permission. The parks receive requests to scatter human ashes from private and commercial entities. Cremated remains may be scattered by hand directly onto the forest floor and may also be scattered from boats or aircraft. Scattering of cremated human remains is prohibited without a valid park permit (36 CFR 2.62b) and without landowner permission (CA Health and Safety Code 7116). Our permit or letter of authorization will prescribe specific terms and conditions, including the designated area.	Anytime throughout the year.	Usually ≤ 10 people	Throughout entirety of the park complex; includes forested, grassland, and coastal habitats except those designated restricted.	Several times a year
Horseback Riding	Horse trail use within the parks is by a variety of charitable and for-profit organizations such as St. Judes Children's Hospital, Northwest Trail Riders Association, Redwood Trails Resort, Redwood Outfitters, and Redwood Empire Endurance Riders and by private individuals. Charitable horseback events are normally a one day ride of up to 30 riders. Park horse concessionaires lead groups of up to 15 riders on established horse trails throughout the parks. The Redwood Empire Endurance Riders conduct competitive timed trial events of between 30 to 50 participants within established horse trails within the Redwood Creek basin twice per year in July and August. In this event a single horse rider follows an established route and stops at designated stations where the horse is examined by a veterinarian. Overnight camping may occur on the A-9 deck located on the West Side Access Road, at the Orick Rodeo grounds, or the Elam Creek Horse Camp. Campers at the A-9 deck use RVs. Second-growth forests > 40 years old and hardwood stands occur adjacent to the A-9 deck. Horses either walk or trot along established horse trails within the park complex. Conversations are minimal and	April through October	Group size of 1-6 to larger groups of up to 30 to 50 riders.	Horse trails in Redwood Creek basin, Prairie Creek to Davison Ranch to Skunk Cabbage, Little Bald Hills, and Mill Creek	Day use lasts between 3-7 hours. Frequency of horseback requests varies from none to a few per month. Individuals may camp up to 2-3 days at established horse camp sites. Endurance riders may camp overnight at the A-9 deck site. This event occurs once a year.

Event	Description	Event Date and Time	Number of People	Usual Event Location(s)	Duration and/or Periodicity of Use
	kept to normal conversation levels for all events.				
Student Training- Soils Class	Humboldt State University soils class field training.	March or April	20-30	Davison Road/ Elk Meadow	1 day
Dog Training	The California Rescue Dog Association holds dog and handler training in JSRSP off the Boy Scout Tree Trail and in the Mill Creek acquisition (MCA). Dogs do not bark and handlers do not yell during training exercises.	On occasion throughout the year	10-20	JSRSP- Boy Scout Tree Trail and MCA	5 days per year
Kayak Trips	Guided kayaking	Throughout the Year	4-10	Smith River (JSRSP) Freshwater Lagoon, Redwood Creek from Tall Trees Grove to Orick	Unknown

Measures to Minimize Impacts

The parks will require all park users to comply with measures to minimize impacts that may be associated with a particular public or commercial use event. These measures will be included as Special Park Conditions of all Special Use Permits and Commercial Use Authorizations issued by the park. The conditions address the proper disposal of trash and storage of food items in animal-proof containers, prohibition of harassment of wildlife, and noise levels and restrictions, among other things (see Appendix A). They may be tailored to address specific issues or concerns that may be associated with a given event.

Fishing Derbies: No feeding wildlife; all trash will be removed from the riverbank daily and disposed of properly in animal-proof containers on site or transported off-site to a disposal facility. The food booth will not be left unattended when food is being served or trash being stored. The target species for this event is steelhead; any coho by-catch will be immediately released.

Day-Use of Picnic Areas: No feeding of wildlife; all trash will be removed and disposed of properly in animal-proof containers. All food will be properly stored in animal-proof containers. Plants are not to be removed or destroyed.

Use of Campfire Center: Public address (PA) equipment is regularly used for park interpretive programs, therefore the PA system may be used if the congregation must sit beyond the second row.

Wedding Ceremony/Memorial Services: No amplified equipment will be allowed in or within 500 ft of suitable marbled murrelet habitat or unsurveyed suitable spotted owl habitat from 1 February through 15 September. Recorded music or an instrument will be played at a normal conversation level. Human voices also will be kept at normal conversation levels. No throwing of rice, rose petals, or confetti; food will be kept properly stored in animal-proof containers and attended at all times. The site must be cleaned up immediately after food is consumed and food and trash disposed of properly in animal-proof trash cans or packed out if such trash cans are not available.

Filming and Photography (non-commercial) and Commercial Filming: In or within 500 ft of old growth and second growth stands ≥ 40 years old that have not been surveyed for spotted owl generators will not be used if emitted sound is greater than ambient background level. Sound-proofing generators may be allowed but decibel readings before and after sound-proofing must be conducted off-site and provided to a park wildlife biologist who will determine whether sound-proofing results in an acceptable noise level. Power tools may not be used that produce sound above ambient noise levels; hammering also is prohibited. Props must be constructed off-site and assembled on site with non-power tools. Floodlights may not be used in the old growth at night. Over flights will be restricted to 1000 ft above old growth forest canopy, offshore rocks, rocky coast, and open bottomlands. Food will be kept properly stored in animal-proof containers and attended at all times. The site must be cleaned up immediately after food is consumed and food and trash disposed of properly in animal-proof trash cans or packed out if such trash cans are not available. Trash in excess of what a trash

can will hold will be transported to a disposal site. Film-makers and their associates must stay on designated roads or trails unless cleared by park staff. Activities that modify vegetation, soils or ground cover are prohibited.

Guided Hikes/Walking Tours: No feeding wildlife. Hikers/walkers will stay on established trails. Any food eaten during a hike will be contained and food scraps will be packed out.

Bicycling Events: Bicyclers will stay on established trails. Food eaten during a bike ride will be contained and food scraps will be packed out.

Marbled Murrelet Training and Certification: Trainers and trainees will carpool to the survey area. Participants are cautioned not to slam car doors. Although it's unlikely that food would be consumed during these events, any food scraps or trash will be disposed of properly.

Camping: No feeding wildlife. Campers will stay on designated trails. All food and trash will be packed out or disposed of in animal-proof trash cans.

Brush Dance: Feeding of wildlife is prohibited. All food will be kept secured in wildlife-proof containers. Food scraps and trash will be deposited in animal-proof trash cans or removed from the site if trash cans become full.

Redwood Wild River Run: All food scraps and trash will be deposited in animal-proof containers or packed off site.

Native American Special Events: No feeding wildlife. All food will be kept secured in wildlife-proof containers and food scraps and trash deposited in wildlife-proof trash cans or removed from the site if trash cans become full. A pit barbeque will no longer be allowed at Wolf Creek Education Center. All food must be prepared, served, and eaten inside the lodge.

Scattering Human Remains: Over flights will be restricted to 1000 ft above old growth forest canopy, offshore rocks, rocky coast, and open bottomlands. Boaters will remain 0.25 mi away from rocks where Steller sea lions haul out.

Horseback Riding: Horses and riders will remain on established horse trails. No feeding of wildlife. All food will be kept secured in animal-proof containers. Food scraps and trash will be deposited in animal-proof trash cans or packed out. Voice levels will remain at normal conversational levels. No screaming or shouting is allowed. Horse feed will be stored in animal-proof food lockers at horse camps. Any spilled grain will be cleaned up. At the A-9 deck food will be stored inside RVs.

Student Training- Soils: Food scraps and trash will be deposited in animal-proof trash cans.

Dog Training: Food scraps and trash will be deposited in animal-proof trash cans. Dogs will not bark and handlers will speak in normal conversational voice levels (no screaming or shouting).

Kayak Trips: Food scraps and trash will be carried out or deposited in animal-proof trash cans. Human waste also will be transported off-site for disposal. Fishing will not be allowed. Guides will educate their clientele on the appearance of redds and instruct them on how to get in and out of the raft in gravel areas so that fish redds are not disturbed.

As part of the application process each applicant is required to answer a series of questions to aid park biologists in determining whether the planned activity is the same as, or close to, the description of a particular action as described and analyzed in this BA (see Appendix B).

Specific Measures to Minimize Impacts to Snowy Plovers: A number of special use and commercial use activities may take place in or near the beach environment. The parks' "Redwood National and State Parks Staff Responsibilities and Management Strategy for Western Snowy Plovers" (June 30, 2008) will be implemented to ensure no harm comes to snowy plovers from permitted activities taking place within the beach environment. Specifically, the strategy directs the following:

Nest Protection- Regulatory signs and symbolic fencing will be used to designate a temporary nest protection area (NPA) that could extend up to 0.25 mi north and south of the nest, based on the nest's proximity to and the potential for human disturbance.

Brood protection – If broods are detected within 0.25 mi of a high visitor use area, then managers will have the option of designating a temporary brood protection area (BPA), depending on the brood's proximity to, and the potential for, human disturbance. Regulatory signs and symbolic fencing will be used to designate the BPA, which could extend up to 0.25 mi north and south of the brood and extending across the sandy beach area up to 1000 ft inland from the waveslope. No human access would be allowed within the BPA.

Outside of the breeding season if two or more plovers are detected within 0.25 mi of a high visitor use area, managers will have the option of designating a temporary plover protection area (PPA), depending on the total number of birds present and both their proximity to and the potential for human disturbance. Regulatory signs and symbolic fencing will be used to designate the PPA, which could extend up to 0.25 mi north and south of the plovers and extending across the sandy beach area up to 1000 ft inland from the waveslope. No human access would be allowed within the PPA.

V. EXISTING ENVIRONMENT

Many of the permitted activities occur in potentially suitable habitat for the listed species addressed in this document. Table 2 provides a summary of the known status for the 5 terrestrial listed species relative to the likelihood of their presence and habitat suitability within 0.25 mi of each permitted action. The only actions that may occur in coho critical habitat are the fishing derbies and guided kayaking. The only action that may occur in Chinook and steelhead critical habitat is the guided kayaking. Scattering of human remains and filming are the actions that may occur in the vicinity of Steller sea lions.

Table 2. Numerical codes are: **1** = the action could occur in **unsuitable** habitat for the species; **2** = the action could occur in **unoccupied suitable** habitat (based on surveys to date); **3** = the action could occur in **occupied (or assumed occupied)** habitat.

Action	Spotted Owl	Snowy Plover	Marbled Murrelet	Peregrine Falcon	Bald Eagle
Fishing Derby	2	1	3	1	3
Day Use Picnic Areas	2	2	3	1	1
Campfire Center Use	2	1	3	1	1
Wedding Ceremony/Memorial Services	2,3	2	3	1	1
Filming and photography (non- commercial)	2,3	2	3	3	3
Commercial Filming	2,3	2	3	3	3
Guided Hikes/Walking Tours	2,3	1	3	1	3
Bicycling Events	2	1	3	1	1
Marbled Murrelet Training and Certification	2	1	3	1	1
Camping	2	2	1	3	1
Brush Dance	1	2	1	1	3
Redwood Wild River Run	2	1	3	1	1
Native American Special Events	1	2	1	1	1
Scattering Human Remains	2,3	2	3	3	3
Horseback Riding	2	1	3	1	3
Student Training-Soils Class	1	1	1	1	1
Dog Training	2	1	3	1	1
Kayak Trips	2	1	3	3	3

V. STATUS AND DISTRIBUTION OF LISTED SPECIES

Please refer to *A Conservation Strategy for Managing Threatened and Endangered Species in Redwood National and State Parks* (Sakai 2003) for detailed species accounts and habitat status.

VI. IMPACTS TO THREATENED, ENDANGERED, AND CANDIDATE SPECIES

Spotted Owl

The spotted owl is rapidly disappearing from the forests in the parks. Much of the suitable habitat is no longer occupied, and in many cases it is occupied by the barred owl (*Strix varia*). For this reason alone, most of the permitted actions would not have an impact on this species. However, there are some areas that are not routinely surveyed for spotted owls. Weddings and memorial services and commercial filming may take place in some of these areas. If spotted owls are present they may experience some level of visual or auditory disturbance if the event

takes place in or within 500 ft of a nest or a pair with recently fledged young. These activities would take place in areas also accessible to the general public, so any spotted owls nesting in these areas would undoubtedly be habituated to some degree of human disturbance. Therefore, any additional disturbance associated with permitted activities is not expected to be significant.

Marbled Murrelet

Weddings and memorial services and commercial filming may take place in old growth forest occupied by nesting marbled murrelets. If marbled murrelets are present they may experience some level of visual or auditory disturbance if the event takes place in or within 500 ft of a nest site. The impact is expected to be very slight due to the height at which murrelet nests occur and the dense screening of most old growth tree canopies.

Many of the permitted activities have some sort of food consumption associated with them. Despite the information provided regarding proper food storage and disposal, there undoubtedly will be times when food is not fully secured or disposed of properly. This may result in increased numbers of corvids temporarily attracted to a site with nesting marbled murrelets, and an increased risk of predation. However, it is expected that these instances would be few due to the conditions specified on the permits and the information posted throughout the parks describing the murrelet/corvid issue.

Marbled murrelet critical habitat would not be impacted by any permitted activities.

Snowy Plover

Snowy plovers have not nested on park beaches since 2005; there are few wintering birds and even fewer spring migrants. However, there is always the possibility that snowy plover activity will increase within the parks. Many of the permitted activities have some sort of food consumption associated with them. Those that may occur in or near snowy plover habitat include day use of picnic areas, filming (if this occurs at the beach), and camping. Despite the information provided regarding proper food storage and disposal, there undoubtedly will be times when food is not fully secured or disposed of properly. This may result in increased numbers of corvids temporarily attracted to the beach, and an increased risk of predation. Implementing the parks' snowy plover management strategy will optimize protection of snowy plovers along with the conditions specified on the permits and the information posted throughout the parks describing the murrelet/corvid issue.

Bald Eagle

Horseback riding may impact bald eagles nesting in the vicinity of the two horse trails that closely approach the two known bald eagle nests. However, this activity has been permitted for many years and the eagles are undoubtedly used to this level of disturbance near their nest sites. Barring any unusual disturbance associated with the rides (e.g., loud voices) disturbance is expected to be minimal.

Kayakers would be permitted on Freshwater Lagoon, Redwood Creek between Tall Trees Trail and Orick, and on the Smith River in Jedediah Smith Redwoods State Park. All of these areas may be used for foraging by bald eagles. However, these events are limited and there is a fair amount of public use of the lagoon, creek and river that eagles foraging in these locations would

be accustomed to.

Peregrine Falcon

Some of the permitted activities may involve people either on foot or in a boat coming within line of sight of nesting peregrine falcons. However, falcons reuse specific eyries in the parks year after year, so some level of acclimation to human activity has undoubtedly occurred.

Steller Sea Lion

Steller sea lions may be impacted by overflights and boating associated with commercial filming activities and scattering of human remains. The measure requiring flights to remain 1,000 ft above the coastline should minimize disturbance to this species when hauled out on nearshore rocks. Likewise, requiring boaters to keep a 0.25 mi distance from Steller sea lion haul out areas should also minimize impacts to this species.

SONCC Coho, Chinook Salmon, and NC Steelhead

The only permitted actions that may impact coho are the fishing derbies and guided kayaking. The fishing derbies take place in February or March, after the majority of coho have spawned. The target species in the derby is steelhead; the Smith River steelhead ESU is not listed. There is always the possibility that coho remaining late in the river may be inadvertently caught; these fish would be immediately released upon catching.

The only permitted activity that may impact Chinook or steelhead is guided kayaking. People's presence would increase in suitable habitat, in some reaches of the creek that are difficult to access on foot. When fish are spawning, boating may temporarily cause a fish to move off a redd and people getting in and out of boats in shallow areas may inadvertently disturb redds. Including a special condition that requires the permittee (guide) to be familiar with the appearance of redds and to educate his/her clientele in the appearance of redds so as to avoid them should minimize this type of impact.

Mardon Skipper

The only permitted action that may impact mardon skipper is horseback riding in the Little Bald Hills. Horses are likely to stay on trails (as required) as the off-trail terrain is rocky and uneven. In the event horses do leave the trail and traverse across the grasslands there is a possibility that larvae or pupae may be crushed.

Fisher

Weddings and memorial services and commercial filming activities may take place in old growth forest occupied by denning or resting fishers. If fishers are present they may experience visual or auditory disturbance if the event takes place in close proximity to a den. The impact is expected to be very slight due to the fact many activities occur in the late spring and summer when fisher kits are mobile.

Loss and Modification of Suitable Habitat

There will be no loss or modification of suitable habitat for any of the species considered in this document.

Cumulative Effects

The only impact that could cumulatively add to the impacts identified in this document is the regulated catch and release of steelhead allowed by California Department of Fish and Game within lower Redwood Creek.

VII. DETERMINATION

Based on the nature and timing of the proposed action, it is my determination that the Special Use Permit/Commercial Use Authorization Program in RNSP may affect, but is not likely to adversely affect, the northern spotted owl, marbled murrelet, western snowy plover, Steller sea lion, SONCC coho salmon, Chinook salmon, and NC steelhead.

VIII. MANAGEMENT RECOMMENDATIONS

There are no management recommendations.

VIX. CONTRIBUTORS

David Anderson, Fishery Biologist, Redwood National and State Parks
Janet Cooper, Program Clerk, Special Park Use Program, Redwood National and State Parks

REFERENCES CITED:

Sakai, H. 2003. A conservation strategy for managing threatened and endangered species in Redwood National and State Parks. Unpub. Rep. on file at South Operations Center, Orick, CA

[USDI] U.S. Department of the Interior and [CDPR] California Department of Parks and Recreation. 1999. Redwood National and State Parks, Humboldt and Del Norte Counties; final general management plan/ general plan; environmental impact statement/ environmental impact report. Vol. 1. Crescent City, CA: USDI National Park Service and California Department of Parks and Recreation.

APPENDIX A

SPECIAL PARK CONDITIONS

The Permittee shall keep food covered and attended at all times. Unattended food may attract ravens, crows, jays, bears mountain lions, and other wildlife. The Permittee shall clean up after eating and dispose of all food and trash properly in animal-proof trashcans immediately after dining. Permittee will not overfill trashcans and will pack out trash if animal-proof trashcans are not available.

A Humboldt or Del Norte County Food Handler Permit is required for the permittee to serve food to the public. The permittee should be aware of food safety as directed by the USPHS/FDA Food Code as included in the Reference Manual 83, Temporary Event Food Safety and Backcountry Sanitation Guidelines that are attached to this permit.

Harassment and feeding of wildlife is prohibited. Do not disturb or displace wildlife.

Noise restrictions: Human voice is to be kept to a normal conversation level (i.e. no shouting or screaming). Carpool to the event site. Permittee shall remind participants not slam car doors when closing them. In addition, the use of a radio, CD player, or other device with an external speaker that generates music or amplifies noise at levels exceeding those of normal conversation is prohibited.

Participants of this event and their vehicles must remain on designated trails and roads, as shown in the official *Trail Guide*, at all times. Permittee and participants will not damage or alter any portion of existing trails. Participants must respect the privacy of resident housing areas by staying clear of these areas and any such administrative function. Participants should not block sidewalks, trails or roadways. **Safety First!**

Care will be taken to not disturb other campers or residents in the area. Vehicles should park in designated parking areas **only**.

Issuance of the permit is for one specific time and location only and does not imply or give approval for the conduct of any future events of this type other than specified.

Permittee should assure security of equipment and be available to answer questions from the public. The permittee acknowledges that this permit grants **non-exclusive use of the site**. Permittee shall ensure that the rights and privileges of other park visitors are recognized.

APPENDIX B

ADDENDUM-- T& E APPLICATION QUESTIONS

Due to threatened and endangered species which inhabit our forests, beaches, rivers, and coastlines we must solicit detailed information for all events or activities. Please complete the following section which will enable us to meet the requirements of our consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (regulatory agencies) on our Special Use/Commercial Use Program. If the proposed event/activity falls outside of the scope of the existing consultations on this program, further consultation with the regulatory agencies may be required. Complex compliance issues may result in an increased workload for our employees necessitating the park to charge higher fees to recover costs associated with this process.

Describe all activities planned in Redwood National and State Parks. Detailed answers to all questions of relevance to your event/ activity will greatly expedite the application process. Take extra space if necessary.

A) Is singing planned? If so, what type, how many voices, microphone use, etc. _____

B) Will musical instruments be played? If so what kind, how many of each type, how long to be played? Explain approximate music volume, amplification, duration and frequency.

C) Will radios or compact disc players (or tape players) be used? (same information as Item B above)

D) Will a generator be used ? (same information as Item B above)._____

E) List anything else that may produce excess noise _____

F) Is anything to be built? If so, what type of equipment will be used? _____

G) Will motorized vehicles be used? If so what type and where? _____

H) Describe exact location of the activity relative to any trail, facility (e.g. campground or picnic area) or road. Is it necessary that the activity occur off roads/trails? If the site is not on a trail, road, or facility (e.g., parking lot) what is the distance from the nearest development? _____

The following stipulations are applicable to any activity in our Parks.

1. The applicant will comply with all applicable federal, state, and county regulations.
2. The applicant is responsible for clean up of any refuse resulting from this event.
3. The applicant agrees to indemnify and hold harmless the United States of America and the State of California against any liability for injury or damage to persons or property arising from the use of the premises.

I accept this authorization subject to the conditions expressed or implied herein. (Depending on the nature of the event, other conditions may apply.)

(Signed)

(Date)

(Organization)

Return the completed application with fee to the above address, Attn: Janet Cooper.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arcata Fish and Wildlife Office
1655 Heindon Road
Arcata, California, 95521
Phone: (707) 822-7201 FAX: (707) 822-8411

In Reply Refer To:
8-14-1999-73
81331-2009-I-0108

Memorandum

To: Park Superintendents, Redwood National and State Parks
Crescent City, California

From: Field Supervisor, Arcata Fish and Wildlife Office
Arcata, California

Subject: Informal Consultation on the Special Use Permit/Commercial Use Authorization Program in Redwood National and State Parks, Humboldt and Del Norte Counties, California

This memorandum responds to your July 1, 2009, letter requesting the Fish and Wildlife Service's (Service) concurrence with your determination of effects for the Special Use Permit/Commercial Use Authorization Program in Redwood National and State Parks (Parks). You determined the action may affect, but is not likely to adversely affect the federally threatened marbled murrelet (*Brachyramphus marmoratus*), northern spotted owl (*Strix occidentalis caurina*), and western snowy plover (*Charadrius alexandrinus nivosus*). This response is prepared in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act) and its implementing regulations (50 CFR §402).

This consultation is based on information provided in your June 30, 2009, biological assessment and other sources of information. The biological assessment contains a complete description of the proposed action and its effects on the marbled murrelet, northern spotted owl, and western snowy plover and is hereby incorporated by reference. Documents related to this consultation are on file in this office.

The Parks propose to issue an unspecified number of permits under the Special Use Permit/Commercial Use Authorization Program from the date of this correspondence through December 31, 2019. The permits would authorize 18 types of public events which are categorized

as follows: fishing derbies; day use of picnic areas; use of the Campfire Center; wedding ceremony/memorial services; filming (non-commercial); commercial filming; guided hikes/walking tours; bicycling events; marbled murrelet training and certification; group camping events; Native American brush dances; Redwood Wild River Run foot race; Native American special events; scattering of human remains (ashes); horseback riding events; student training (soils class); California Rescue Dog Association training; and guided kayaking trips. The biological assessment describes each type of event and provides information relative to the timing, quantification of public use, location of events, and duration or periodicity of use. Specific events may occur once or several times a year. Although most events are likely to occur in areas that receive high public use, some events may occur in areas of low public use.

The Parks will include Special Park Conditions in all permits to minimize impacts. The conditions address the proper disposal of trash, storage of food, and restrictions on noise levels, floodlight use, and over-flights. Refer to the biological assessment for a description of minimization measures specific to each type of event.

Concurrence

Marbled Murrelet

The Service concurs with your determination that the project may affect, but is not likely to adversely affect the marbled murrelet, based on the following factors:

1. No suitable marbled murrelet nesting habitat will be removed or degraded.
2. The proposed action would allow some events to occur during the breeding season in nesting habitat. Individual marbled murrelets may see or hear people gathered at events and react by altering their behavior to some extent. These activities would take place in areas open to the general public; therefore, murrelets nesting in these areas would likely be habituated to some amount of human disturbance. As a result, we anticipate some change in the murrelet's behavior, but do not expect this to result in abandonment of the breeding effort, disruption of nesting activities, or premature dispersal of juveniles.
3. Noise disturbance to marbled murrelets, due to the use of mechanized equipment, is not anticipated because no amplified equipment or noise producing equipment, such as generators and power tools, that produce sound greater than ambient level will be allowed within 500 feet of nesting nesting habitat from February 1 through September 15.
4. Food may be present at some events; however, use and disposal of food will be controlled to minimize the attraction of scavenging birds such as jays and ravens. It is expected that instances where food is not properly secured or disposed of will be rare; however, when this occurs it may result in an increased number of corvids temporarily attracted to the site.
5. Injury or harm to marbled murrelets is not anticipated because no trees will be cut.

Northern Spotted Owl

The Service concurs with your determination that the project may affect, but is not likely to adversely affect the northern spotted owl, based on the following factors:

1. No suitable nesting and roosting nesting habitat will be removed or degraded.
2. The proposed action would allow some events to occur during the breeding season in unsurveyed suitable nesting and roosting habitat. If nesting spotted owls are present they may experience some level of visual or auditory disturbance. These activities would take place in areas open to the general public; therefore, it is anticipated that any owls nesting in these areas would be habituated to some amount of human disturbance. As a result, we anticipate some change in the owl's behavior, but do not expect this to result in abandonment of the breeding effort, disruption of nesting activities, or premature dispersal of juveniles.
3. Noise disturbance to northern spotted owls, due to the use of mechanized equipment, is not anticipated because no amplified equipment or noise producing equipment, such as generators and power tools, that produce sound greater than ambient level will be allowed within 500 feet of unsurveyed or occupied nesting and roosting habitat from February 1 through September 15.
4. Injury or harm to northern spotted owls is not anticipated because no trees will be cut in suitable nesting and roosting habitat from February 1 through September 15.

Western Snowy Plover

The Service concurs with your determination that the project may affect, but is not likely to adversely affect the western snowy plover, based on the following factors:

1. No suitable nesting habitat will be removed or degraded.
2. Food may be present at some events; however, use and disposal of food will be controlled to minimize the attraction of scavenging birds such as ravens. It is expected that instances where food is not properly secured or disposed of will rare; however, when this occurs it may result in an increased number of corvids temporarily attracted to the site.
3. The Parks' plover management strategy was included as part of the proposed action in the 2008 vehicle beach access consultation (File number 8-14-2001-953). This strategy provides guidance on future plover surveys and minimization measures. Plover surveys will be conducted twice a month from March through August on Freshwater Spit/Beach and Gold Bluffs Beach north of Major Creek; once a month from September through February on Freshwater Spit/Beach and Gold Bluffs Beach north of Major Creek; and once a month from March through September on Mussel Beach, Gold Bluffs Beach south of Major Creek, and Crescent Beach. The presence of plovers on the Parks' beaches will result in implementation of protective measures described in the plover management strategy.

This concludes informal consultation on the Special Use Permit/Commercial Use Authorization Program in the Parks. Unless new information reveals that the proposed action: (1) may affect listed species in a manner, or to an extent, not considered in your correspondence; (2) the action is modified in a manner that causes an effect on the listed species or critical habitat not considered in your correspondence; or (3) a new species is listed or critical habitat is designated that may be affected by the proposed action no further action pursuant to the Act is necessary.

If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Robin Hamlin at (707) 822-7201.

cc:

RNSP, Orick, CA (Attn: K. Schmidt)

CDFG, Eureka (Attn: W. Condon)