

1976

[Letter from New England Regional Director to
Division Engineer, New England Division, U.S.
Army Corps of Engineers]

U.S. Fish and Wildlife Service

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UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

One Gateway Center, Suite 700

NEWTON CORNER, MASSACHUSETTS 02158

IN REPLY REFER TO:

1120-305-44

Division Engineer
New England Division
Corps of Engineers
424 Trapelo Road
Waltham, MA 02154

Dear Sir:

This report is intended to aid you in your planning for the Dickey-Lincoln School hydroelectric project, Maine, which is now in advanced planning stages.

It provides you with the results of appraisals conducted jointly by this Service, the Maine Department of Inland Fisheries and Wildlife, and your agency concerning bald eagle, osprey, peregrine falcon, and great blue heron.

The investigation consisted of three aerial surveys of the project area, consultation with local people, and observations made while engaged in other duties. Representatives of this Service, the State of Maine, Department of Inland Fisheries and Wildlife, and your agency were involved in the survey flights. The purpose of these flights was to locate nests (eyries) or rookeries of these species and determine the presence of individuals.

A routine U.S. Fish and Wildlife Service flight on April 15, 1976 was directed into the St. John River area. Two experienced observers accompanied the pilot on this flight. No bald eagle nests were found, but one roosting bald eagle was seen.

On June 15, 16, and 17, 1976 flights were made by helicopter throughout the project area. Observers on the flights consisted of Corps of Engineers and State personnel. The June 15 flight included the Little Black River and Rocky Brook drainages from their mouths to the Canadian border. No nests were seen, and only one osprey was observed near the mouth of the Little Black River. On June 16 a flight was made over the St. John



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River from Fort Kent to Nine Mile Brook. Four osprey nests, of which two were active, and one inactive great blue heron rookery were located. On June 17 two flights were made which covered the Big Black River drainage, from its mouth to the Canadian border and the north and south shoreline of the St. John River from the Big Black River upstream to Nine Mile Brook. Two active osprey nests and one heron rookery, consisting of two active nests, were found in the Big Black River. One inactive osprey nest was found on the St. John River.

In summary, the June 15-17 flights observed a total of nine ospreys and four active osprey nests during flights of about 8.5 hours. Two heron rookeries were observed. No bald eagles or peregrine falcons or their nests were seen.

Information as to possible nests were graciously provided by Mr. John Sinclair of the Seven Islands Land Company. On October 19, 1976 personnel of the Corps of Engineers and the Maine Department of Inland Fisheries and Wildlife investigated the six sites where nests or eagles were reported. Dates of observations, back to 1939 were provided and special attention was paid to 1975 and 1976 sightings. No nests were located in five and one-half hours of flight time. A Great Blue Heron nest is known to be located within one-half mile of the location of a reported eagle nest and could have been mistaken for an eagle nest; at another site a large ball of spruce and mistletoe could be mistaken for a nest from a distance. An area up to one mile from each reported location was checked. A new location of a Great Blue Heron nest was found.

In addition to the above specific searches for birds or nests, Corps of Engineer personnel during the past two years have reported observations of several eagles and ospreys in the project area.

As a result of the investigations it is felt highly probable that peregrine falcon, an endangered species, is not found nesting within the area to be inundated. Transient birds may use the area during spring and fall migration, but there is no direct evidence that this occurs. During the Summer of 1976, three Great Blue Heron nesting sites were found within the proposed impoundment area, as were four active osprey nests. No effort was made to search out other heron nests, therefore, the three rookeries must be considered as a minimum. Occasional observation of eagles, which appear to be visitors to the area, were reported during the summer. Since the eagle is of outstanding interest, a few additional notes about the eagle population in Maine are in order.

Maine's eagle population is concentrated along the southeast coastal and east central section of the state. Only two nesting territories are known to exist in the northern third of the state, despite the number of large lakes and river systems. Eagles are seen infrequently throughout northern Maine during the summer and a few unknown nests may exist in the Fish River chain or the Allagash waters. The closest known active nest is on Eagle Lake, T8R12, Piscataquis County, about twenty miles from the boundary of the proposed project. We conclude that as of this time, there is no evidence of bald eagle nesting in the proposed impoundment area or its vicinity.

The following is taken from the article by Marshall, David B. and Paul R. Nickerson, for further explanation of the national status of the bald eagle*.

"With many people working for eagle preservation and with eagle decline apparently checked, the question must be asked whether the bald eagle should be called an endangered species. To understand this issue, both the bald eagle's taxonomic classification and legislation pertaining to endangered species passed by Congress must be understood. Even before the turn of the century it was recognized that bald eagles from Alaska averaged 10 to 15 percent larger than bald eagles from Florida. There is no clear breaking point between the smaller birds in the south and larger ones in the north because the size change is gradual. Nonetheless, as allowed by biological classification systems, the southern birds were designated southern bald eagles (Haliaeetus leucocephalus leucocephalus) and the northern birds as bald eagles (Haliaeetus leucocephalus alascanus). The boundary between the two subspecies was vaguely defined but followed approximately the Maryland/Pennsylvania boundary in the East and the Oregon/California line in the West.

The Endangered Species Preservation Act of 1966 called for a formal list of endangered species for the United States. Subspecies were recognized for the list, and the southern bald eagle was listed. The fortieth parallel for want of a more definitive boundary, was set as the northern edge of the southern bald eagle's range. This boundary actually split a population in northern California. The northern bald eagle did not qualify for the list because of large numbers in Alaska and Canada.

The Endangered Species Act of 1973 changed the criteria for listing and provided for listings within any significant part of an animal's range. This change opens the way for possible listing of the bald eagle south of Canada, or in certain other geographical areas regardless of taxonomic status. The biologically unsound fortieth parallel can now be replaced with a more practical boundary.

The U.S. Fish and Wildlife Service is currently reviewing the bald eagle relative to just such a reclassification under the new Endangered Species Act. It could list some populations as "threatened", a new category under the act that means "likely to become endangered". Certainly the Maine population, which

* Marshall, David B. and Paul R. Nickerson; 1976; "The Bald Eagle: 1776-1976"; National Parks and Conservation Magazine, July 1976 (reprint).

is not currently listed, deserves special consideration. The Fish and Wildlife Service will be seeking and reviewing scientific data on possible reclassification of the bald eagle throughout its range. Although this discussion considers only federal endangered species actions, some states have endangered species acts that recognize both southern and northern bald eagles under various labels, depending upon the state."

Without-the-project (a period of 100 years from the date of construction of the dams) it is expected that generally the project area will remain in forest management for forest products. Moderately increased human use is expected, however. Osprey and Great Blue Heron populations will remain about at the current level with possibly some fluctuations from year-to-year.

With-the-project the area will be dominated by the two large reservoirs, the dams, pool fluctuations, and with great increases in human activity. We believe that the osprey numbers can be expected to increase slightly, as will heron breeding numbers. The magnitude of the increase of these species will be dependent upon the presence or absence of suitable nesting sites and food conditions.

The impact of the proposed pool upon bald eagle is controversial. It is our considered estimate that the project, if constructed, will not enhance the eagle population; at least for many years to come, if ever. The existing scarcity of nesting eagles in northern Maine, in spite of large natural lakes, is a negative indication. Ospreys and eagles are water-orientated and include fish as a major part of their diet. The new lake is not expected to develop adequate populations of fish for some time, therefore, any increase of fish-eating birds will be slow. Addition of another lake is not expected to change eagle breeding habits or numbers.

The above conclusions are based upon limited available data and are subject to reevaluation and modification if new information is provided.

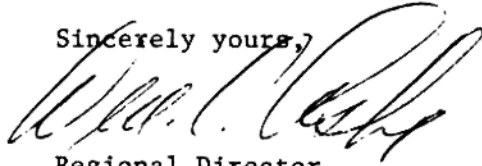
Before any clearing is done, should the project be constructed, investigations are necessary from elevation 910 upwards to locate trees or groves, having a potential as nest sites for osprey or eagles. Such trees should be protected including an adequate buffer zone. There is no certainty that the trees would be used, but this is the only way to encourage such use. If this is not accomplished, such potential nesting sites could be cut for timber or during land clearing. The object is to preserve what appears to be the best potential nest sites.

We believe that flights over the project area by trained observers should be continued. The studies should consist of at least two flights annually and the purpose is to determine presence and utilization patterns of eagles, osprey, peregrine falcons, and herons. Nesting and production survey flights should be made in April and June respectively. The flights should be continued until the project is abandoned or for at least five years after the pond is filled. This Service and the Maine Department of Inland Fisheries and Wildlife is conducting a raptor study of this nature and coverage of the project area can be included at little cost.

We recommend that:

- (1) Potential nesting sites for eagles and ospreys be protected; and
- (2) Investigations of raptor and Great Blue Heron nesting areas be continued to the fifth year after the pool is filled or until the project is abandoned.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "W. M. C. C. C.", written in black ink.

Regional Director

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U.S. Fish and Wildlife
Service.

[Letter from New England
Regional Director to Division
Engineer, New England Division,
U.S. Army Corps of Engineers]