Least Bell's Vireo Restoration Re-treatment Guidance

Ventura Fish and Wildlife Office • U.S. Fish and Wildlife Service
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Problem statement:
Restoration practitioners working toward improving riparian habitat in areas occupied by Least Bell's vireos (*Vireo bellii pusillus*), requested input and guidance on streamlining procedures for protecting least Bell's vireos during the nesting season, while not compromising the integrity and trajectory of habitat restoration efforts. Currently the standard practices for implementing restoration re-treatments during the nesting season calls for the establishment of set buffers around least Bell's vireo observations (often 500 feet) where no restoration work can occur. At some restoration sites, these buffers preclude any activity within the nesting season and can lead to the backsliding of habitat conditions during the nesting season (which can create "islands of Arundo" around least Bell's vireo nesting areas - counter to the intent of restoring habitat for the species), which leads to longer recovery/restoration time and greater overall cost of restoration. These measures are likely too protective and may miss the intent of the restoring habitat for the least Bell's vireo to assist in promoting the species' recovery through increased reproduction and productivity.

Applicability:
- These recommendations only apply to riparian habitat where invasive vegetation has previously been removed, and re-treatments during the nesting season are required to prevent substantial re-growth of invasive vegetation (particularly *Arundo donax* or *Tamarix spp.*) during the nesting season.
- These recommendations only apply to situations where re-treatment activities consist of a small number (4 or less) of workers traveling through sensitive habitat by foot and using hand tools (i.e., loppers, spray equipment, etc.).
- These recommendations do not apply to highly mixed stands where invasive vegetation occurs in low densities interspersed with native cover.
- These recommendations do not apply to habitat that also supports Southwestern willow flycatcher (*Empidonax traillii extimus*) nesting. Areas that could support southwestern willow flycatchers should be evaluated on a case-by-case basis.

Recommended Protective Measures:
- In restoration areas where surveys for least Bell's vireo have not been conducted previously, three surveys, 3-5 days apart, should be conducted by a qualified least Bell's vireo biologist prior to any re-treatment action during the nesting season. The final survey should be the morning of the first re-treatment workday. The biologist would approximate nesting locations that occur adjacent to work areas, and identify locations of nests, if feasible.
- In restoration areas where least Bell's vireos have been documented in previous breeding seasons, it is assumed that the birds will return to the general area. During the nesting season, a qualified least Bell's vireo biologist will conduct a survey within five days of re-treatment activities. A second survey will be conducted the morning of the re-treatment workday.
- At the conclusion of the surveys, the biologist should identify native habitat areas that are being used by least Bell's vireos, and safe access corridors into the treatment area (i.e., routes of least disturbance to least Bell's vireos). Before work begins, the biologist will describe to the work crew lead the areas that are being used by vireos and identify any active nests.
- No re-treatment activities should occur within 50 feet of approximate nesting areas being used by least Bell's vireos. If the location of the nest can be determined, no re-treatment should occur within 50 feet of the nest (Figure 1).
- A biological monitor does not need to be present during the re-treatment activity, after the no-work buffer areas are clearly delineated and described to the work crew lead. The biological monitor must ensure that the no-work buffer areas are clearly conveyed to the work crew by providing a map, or other tools appropriate to the work location.

- Buffers may be reduced below 50 feet in size if a qualified biological monitor is present to observe the birds during the re-treatment activities. The biological monitor must use best professional judgement to ensure that the treatment activities DO NOT cause "take," (i.e., adults to flushing from the nest, fledglings changing their behavior, or any other forms of disturbance).

Reporting Requirements

- The Ventura Fish and Wildlife Office and California Department of Fish and Wildlife must be notified of the intent to implement this guidance prior to conducting surveys or re-treatments in least Bell's vireo habitat (contact information is below).
- Following the end of nesting season, a summary of the number of birds, approximate nesting areas, and nest locations (if found) should be provided to the U.S. Fish and Wildlife Service.
- If work is conducted within 50 feet of approximate nesting areas, the biological monitor must provide details of the buffer distance implemented during the treatment activities, including the distance from native vegetation that was authorized for re-treatment and survey methods used to determine an appropriately protective buffer to ensure take did not occur.

Justification

- Least Bell's vireos are somewhat tolerant of human activity. The primary threats to least Bell's vireos from re-treatment activities during the nesting season would be the accidental destruction of a nest, prolonged noise or activity near a nest that may cause it to be abandoned, and/or vegetation manipulation that may make the nest more vulnerable to cowbird parasitism or predation and micro-climate changes.
- These recommendations are anticipated to minimize activities in areas where least Bell's vireos occur to an extent that effects to least Bell's vireos are insignificant, and will never rise to the level of take.
- A Endangered Species Act 10(a)(1)(A) permit is not required for least bell's vireo surveys, and the level of disturbance we anticipate from implementing these guidelines is the same or lower than the level of disturbance from typical survey activities.

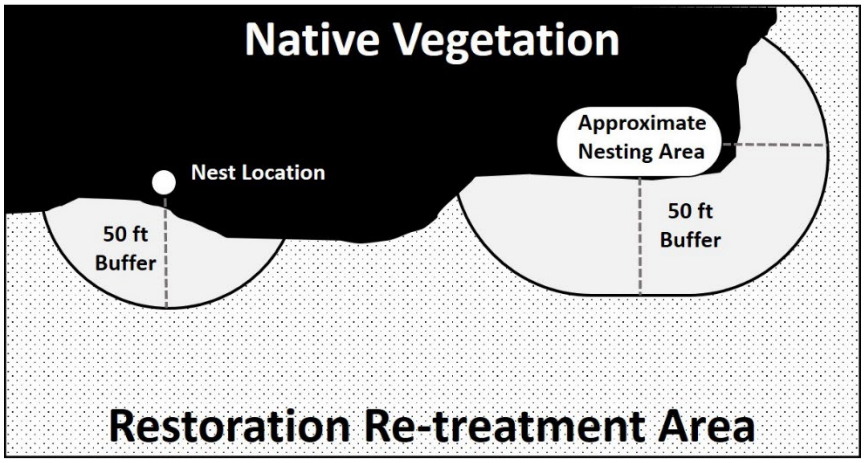

Figure 1. Schematic of no-work buffer zones 50 feet around nest locations and approximate nesting areas. Re-treatment activities may occur within the 50 foot buffer only if a qualified biologist is directing work to ensure take does not occur.

Contact Information

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