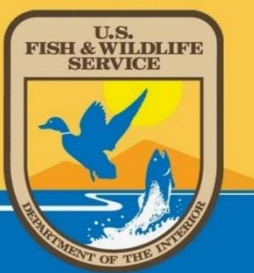


# Southwestern Willow Flycatcher and Yellow-billed Cuckoo NM Specific ESA Section 7 Consultation Guidelines



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# Consultation Basic Guidelines

**ALWAYS START OUT WITH IPaC TO GET THE MOST UP TO DATE SPECIES LIST (<https://ecos.fws.gov/ipac/>)**

**No effect >>> IF >>> project area/impacts from the project are:**

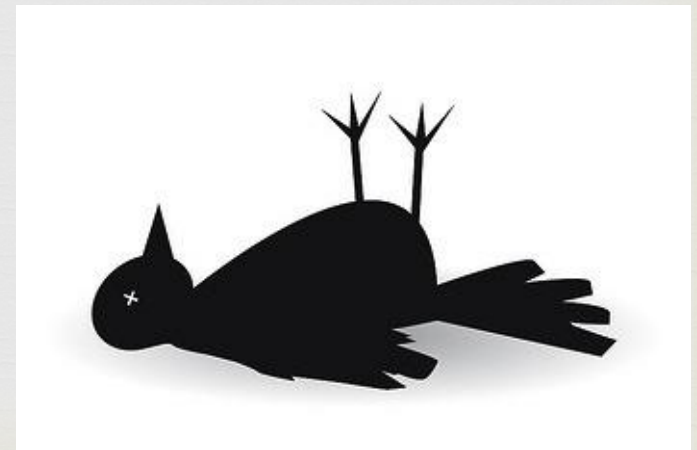
- Outside of riparian habitat
- Farther than 1/4 mile of a historically occupied flycatcher territory - or - 2 miles of historically occupied cuckoo territory and habitat not considered “suitable”
- No Primary Constituent Elements present/impacted



# Consultation Basic Guidelines

**Likely to Adversely Affect/Formal Consultation - if you would answer YES to any of these:**

- Does your project remove or decrease value of habitat within **40 meters** of a historically occupied **flycatcher** territory or **300 meters** of historically occupied **cuckoo** territory (could be caused from hydrology changes, mechanical removal, etc)?
- Does your project remove critical habitat considered “suitable” or “moderately suitable” without active replacement of vegetation within 1-2 years regardless of occupancy status?
- Does your project increase noise disturbance that begins after territory establishment?
- Will your project directly kill a bird, damage eggs or the nest, harass in some other way?



# Consultation Basic Guidelines

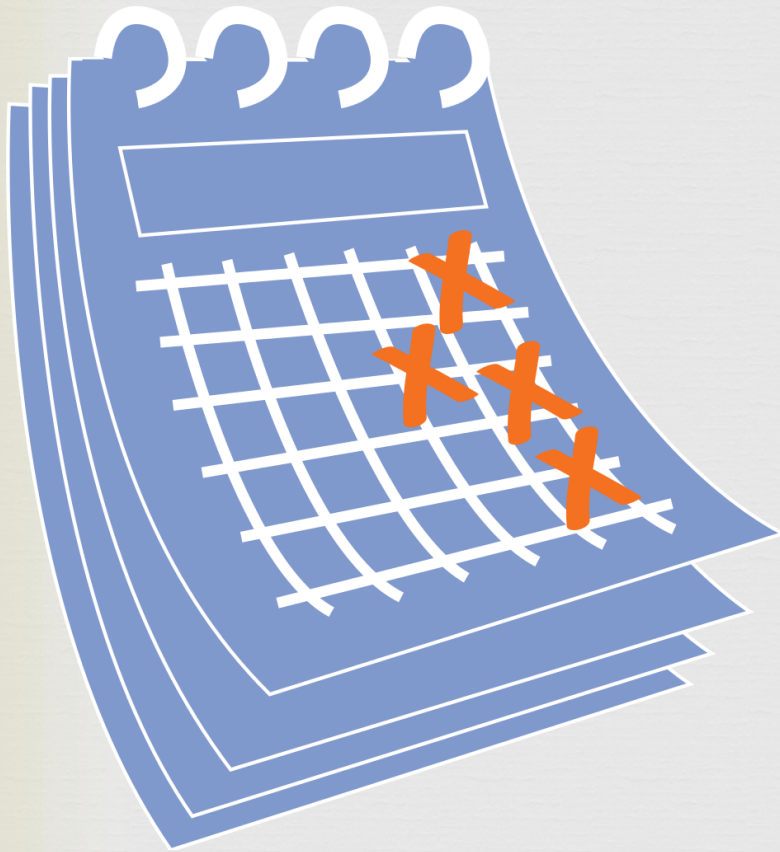
**May Affect - Could go Formal or Informal – Call FWS if yes to any of these:**

- Geographic Restriction - Is project (or indirect effects of project) within 1/4 mile of a historically occupied flycatcher territory - or - 2 miles of historically occupied cuckoo territory?
- Seasonal Restriction - Does project takes place from April 15 to September 1<sup>st</sup>?
- Is project within critical habitat and have dense vegetation in a patch greater than 4 acres in area for flycatchers or 12 acres for cuckoos and width greater than 100 feet?

**IF in doubt, Always just give a call, email, fax, snail mail...**



# Conservation Measures



- Work outside of April 15 to September 1<sup>st</sup> whenever possible
- Replace native plants at a 10:1 ratio (5:1 if original plants removed were particularly young, stressed, diseased, or in otherwise just bad shape)
- If removing vegetation (for invasive species management, creating backwater channels or embayments for example), areas should be replanted mechanically or by hand if not naturally replaced within 1-2 years
- Spoil piles should be placed outside of active floodway
- Develop a Flycatcher and/or Cuckoo specific Management Plan

# Habitat Restoration Minimums – Beneficial MA, NLAA

- **To create BREEDING flycatcher or cuckoo habitat:**
- Must have at least 50% canopy cover (1133 whips per acre)
- Vegetation must be at least 10 feet tall
- Depth to groundwater less than 6 feet (saturated or flooded areas preferred)

- **Flycatcher Specifics:**

- Vegetation = coyote willow and/or tree willow
- Must be a patch at least 4.5 acres in area and 100 feet wide.
- Within 50 meters of water or moist area.

- **Cuckoo Specifics:**

- Vegetation = tree willow, cottonwood, NM olive
- Must be at least 12 acres in area and 100 feet wide
- “Edge effect” for perching on the fringe and finding prey in adjacent sparse areas



# References & Additional Information/Details

- IPaC (<https://ecos.fws.gov/ipac/>)
- 2002 Flycatcher Recovery Plan  
([http://www.fws.gov/carlsbad/SpeciesStatusList/RP/20020830\\_RP\\_SW\\_WF.pdf](http://www.fws.gov/carlsbad/SpeciesStatusList/RP/20020830_RP_SW_WF.pdf))
- Flycatcher & Cuckoo Listing/Proposal/Designation in Federal Register  
([https://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=B094](https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B094))  
([https://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=B06R](https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B06R))
- Survey Protocol for flycatcher & cuckoo  
(<http://pubs.usgs.gov/tm/tm2a10/pdf/tm2a10.pdf>)  
([http://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/YellowBilledCuckoo/YBCU\\_Survey\\_Protocol\\_FINAL%20DRAFT\\_06-08-2015.pdf](http://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/YellowBilledCuckoo/YBCU_Survey_Protocol_FINAL%20DRAFT_06-08-2015.pdf))
- Siegle, R., D. Ahlers, and V. Ryan. 2013. Southwestern Willow Flycatcher Habitat Suitability 2012, Middle Rio Grande, New Mexico. Bureau of Reclamation, Technical Service Center, Fisheries and Wildlife Resources. Denver, CO.