

SCHWENNESEN & ASSOCIATES LLC

DATE: October 20, 2009
TO: Forest Practices Board
FROM: Lois Schwennesen, Facilitator
SUBJECT: Northern Spotted Owl Policy Working Group Update

Since the last quarterly report to your Board, the working group took a collective stance regarding barred owls and delivered the attached letter to the U.S. Fish and Wildlife Service. In addition, the group developed a Pilot Project proposal related to forest thinning and owl habitat for your consideration and action on November 10. The group unanimously requests your support of this initiative to support habitat development and address fire, disease and economic constraints affecting forest managers. Also, the working group identified and supports an incentives project on the Olympic Peninsula developed by a sub-group representing Rayonier Timber and the Seattle Audubon Society. This project will thin young forests to allow spotted owl flight on 90 acres adjacent to the core of a highly productive spotted owl site center. Finally, the group supports the *Community Forestry Conservation Act of 2009* before the 111th Congress.

Ongoing work is taking place to address your charge to the group "... to recommend measures that result in strategic contributions from non-federal lands in Washington to the broader goal of conservation of a viable population of the Northern Spotted Owl".

On October 26-27 the group is holding a public work session to further develop its package of recommendations to your Board. A report will be delivered to you prior to your meeting, and a presentation will be made on November 10. Work group members plan to attend and be available for your questions. The work group members are:

Ken Berg, Manager, U.S. Fish and Wildlife Service, Washington
Shawn Cantrell, Executive Director, Seattle Audubon Society
Mark Doumit, Executive Director, Washington Forest Protection Association
Kevin Godbout, Director, External & Regulatory Affairs, Weyerhaeuser
Don Halabisky, representing the Sierra Club Cascade Chapter
Chris Lipton, General Manager, Washington Operations and Forestry, Longview Timber
Robert Meier, Manager, Forest and Land Policy, Rayonier
Vic Musselman, Washington Farm Forestry Association and small landowners
Miguel Perez-Gibson, representing National Audubon Washington
Tom Robinson, Washington Association of Counties
Paula Swedeen, Swedeen consulting, representing Audubon
Chuck Turley, State Forester, Washington Department of Natural Resources
David Whipple, Forest Policy Coordinator, Washington Department of Fish & Wildlife

We look forward to meeting with you on November 10.



August 19, 2009

Robyn Thorson
Pacific Regional Director
US Fish and Wildlife Service:

Dear Director Thorson:

This letter is from the Washington Forest Practices Board's Northern Spotted Owl Policy Working Group, which represents various timber, conservation, and government interests. Our group also serves as Washington's Non-Federal Landowners Work Group of the USFWS Spotted Owl Recovery Plan Implementation Structure. Our charter asks us to recommend measures that will result in strategic contributions from non-federal lands in Washington to the broader goal of conservation of a viable population of northern spotted owl.

We request that the Service move quickly to understand the effects of barred owl competition and other impacts on the northern spotted owl (NSO), and ways to mitigate those impacts through barred owl control experiments in Washington.

Efforts to recover the spotted owl have largely been focused on habitat management strategies. Providing habitat is an essential element of any conservation plan but it may not be sufficient. While the application of conservation strategies have reduced the threat of loss of suitable habitat since the species was listed, particularly on federal lands, the invasion of barred owls is a potential threat of unknown dimension. In the 2007 Buchanan et al paper "A Synopsis of Suggested Approaches to Address Potential Competitive Interactions Between Barred Owls and Spotted Owls" scientists believe "...the consequences of the (Barred Owl) invasion are potentially dire for the Spotted Owl and that research and management actions, including the use of adaptive management, are required to inform the near- and long-term decision-making process for conservation of Spotted Owls."

There is an urgency and opportunity for scientists and science to help understand the barred owl problem. Because of the rapid spread of barred owls and the status of spotted owl populations through much of the region we urge you to move forward on barred owl control experiments immediately, using principles of adaptive management where appropriate.

The interests that underlie our group's support for initiating experiments are:

- Making a clear statement that there is adequate information to state that the barred owl poses a threat to the survival of the northern spotted owl in Washington
- Learning which mechanisms best address the barred owl impacts
- Obtaining more clarity about the future of barred owl/spotted owl interaction
- Supporting the conservation and future viability of the northern spotted owl population.

We appreciate your consideration of our interests and call to action.



Weyerhaeuser



WASHINGTON STATE
ASSOCIATION OF COUNTIES



Washington Department of
FISH and WILDLIFE



WASHINGTON STATE DEPARTMENT OF
Natural Resources



Shawn Cantrell, Executive Director
Seattle Audubon

Mark Doumit, Executive Director
Washington Forest Protection Association

Vic Musselman, NSO Policy Workgroup
Washington Farm Forestry Association

Charles W. Turley, State Forester
Washington Department of Natural Resources

Tom Robinson, Timber Program Manager
Washington State Assoc. of Counties

David Whipple, Forest Policy Coordinator
Washington Department of Fish & Wildlife

Miguel Perez-Gibson, NSO Policy Group
WA State Audubon Conservation Committee

Robert Meier, Manager, Forest and Land Policy
Rayonier

Kevin Godbout, Director,
External & Regulatory Affairs
Weyerhaeuser

Chris Lipton, Manager - Washington Timberlands
Longview Timberlands LLC

CC: Paul Henson, Oregon State Supervisor, USFWS
Paul Phifer, NSO Recovery Coordinator, USFWS



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Forest Practices Board

Subject of possible rule making: Northern Spotted Owl Habitat Development and Improvement

Statutes authorizing the agency to adopt rules on this subject: The Forest Practices Board's authority to adopt forest practices rules is granted under RCW 76.09.040, .050, and .370. The pilot project process is authorized by RCW 34.05.313.

Reasons why rules on this subject may be needed and what they might accomplish:

The purpose of this proposed pilot is to explore the potential to improve or create habitat for the Northern Spotted Owl in forest stands with high stem densities in the Eastern Cascades physiographic province. There are operational, economic, and rule-based explorations involved in this pilot. In general, forest stands in the eastern Cascades of Washington may meet conditions where high stem density limits the functionality of spotted owl habitat and decreases its overall longevity due to increased water stress leading to susceptibility to insect and disease infestation, and higher risk of loss to fire. These stands may be amenable to management activities that result in stands that meet the definition of Northern Spotted Owl habitat (WAC 222-16-085), have a higher proportion of larger trees, down wood and snags, and improved variable spacing, all of which can improve functionality for spotted owls and their prey. This pilot seeks to conduct management operations with the explicit goal of improving habitat quality without the deterrence of the time and expense of SEPA compliance or development of a long-term management plan. If the pilot is successful in improving habitat quality while streamlining operation costs, then one outcome may be recommendation to the Forest Practices Board of a proposed new rule allowing beneficial management activities and providing a procedure that is less administrative work for landowners.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Personnel from the Department of Natural Resources, the Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service, along with volunteers from the Conservation Caucus, will participate in planning, field visits, and layout of management activities with staff from Longview Timber. The Forest Practices Board will be briefed on the progress and results of the pilot.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) See Attachment A for description.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Mail, fax, or email comments to:

Patricia Anderson, Forest Practices Board Rules Coordinator
Department of Natural Resources
Forest Practices Division
1111 Washington Street SE, 4th floor
PO Box 47012
Olympia, WA 98504-7012
Fax: (360) 902-1428; email: forest.practicesboard@dnr.wa.gov

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| DATE |
| NAME (TYPE OR PRINT) Peter Goldmark |
| SIGNATURE |
| TITLE Chair |

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Attachment A

The proposed pilot project, on lands owned and managed by Longview Timber within the Entiat or Blewett Spotted Owl Special Emphasis Areas, would explore whether management activities in overstocked stands to improve spotted owl habitat quality is operationally and economically feasible. Where high stem density conditions occur in a currently occupied circle that has less than 2,605 acres of habitat within a 1.8 mile radius of the site center (WAC 222-10-041(4)), Forest Practices regulations may classify the proposed operations as Class IV-Special (WAC 222-16-080(1)(h)) and thus require either compliance with SEPA (WAC 222-16-050(1)(b)) or a long-term management plan (a Landowner Option Plan or a Habitat Conservation Plan, WAC 222-16-080 (6)(a) or (e)). The management activities would occur in up to 640 acres located in one or more parcels, conducted under one Forest Practices application. The application will be processed as a Class III (WAC 222-16-050(5)), which requires a waiver from the existing rules for Class IV special or general applications. WAC 222-16-050(1) & (2).

Some stands may not meet the definition of Northern Spotted Owl habitat prior to management activities, and some likely will meet the definition. For stands that do not meet any owl habitat definition, prescriptions will be designed to ensure management activities result in a trajectory to meet Young Forest Marginal and Sub-Mature as future conditions. In stands that meet habitat definitions, prescriptions will be designed to enhance habitat at a future date while maintaining current habitat conditions and improving forest health.

Field visits will be conducted as will modeling during the planning stages of the pilot to determine whether prescriptions can be designed for the application area to meet the goals of the project. Personnel from the Department of Natural Resources, the Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service, along with volunteers from the Conservation Caucus, will participate in planning, field visits, and layout of management activities with staff from Longview Timber.

This pilot will at a minimum involve monitoring stand conditions before and after operations to test assumptions about whether the prescriptions have the intended effects on structural attributes of spotted owl habitat. If funding is available, monitoring may be conducted on effects of thinning on spotted owl prey and on spotted owl use.

Conditions

Carrying out this pilot is contingent on the following conditions:

1. Funding is secured before operations to allow Longview Timber and its partners to carry out planning, marking, harvesting, pre- and post-harvest stand measurements, and monitoring. Longview may terminate the pilot if funding is not available by January 2012.
2. The U.S. Fish and Wildlife Service (USFWS) evaluates the application and prescriptions and concludes either that the proposed project will not likely result in a Section 9 “take” of spotted owls and issues a No Take Letter, or authorize take. If the USFWS can not issue a No Take Letter or authorize take, Longview Timber may terminate the pilot.
3. Longview Timber determines that either there is adequate financing or economic conditions for selling the resulting products.

4. The Departments of Natural Resources and Fish and Wildlife and the Conservation Caucus agree that the proposed prescriptions will improve Northern Spotted Owl habitat quality.
5. No operations will occur during Northern Spotted Owl nesting season and limited operations will occur within habitat within 0.7 miles of a Northern Spotted Owl site center.
6. Longview Timber maintains ownership of property for 10 years after the pilot project is approved by the Forest Practices Board, and if funds are available, either conducts agreed upon monitoring or allows other agencies or agreed upon groups to conduct monitoring. Longview Timber will report on the completion of the management activities for the forest practices application to the Forest Practices Board. Personnel from the state agencies and the conservation caucus will report on monitoring results to the Forest Practices Board.
7. Longview Timber may terminate its participation in the pilot if the pilot is challenged legally (including administrative appeals). Groups participating in the pilot agree not to challenge the project.
8. Longview Timber is released from any and all obligations regarding the pilot in the event of catastrophic loss due to insects and/or fire.