July 18, 2010

TO: Chairman Goldmark and members of the Forest Practices Board

FROM: Chuck Turley, DNR on behalf of the Spotted Owl Implementation Working Group

SUBJECT: Update on Activities of the Spotted Owl Implementation Working Group

Background

At its February 10, 2010 meeting the Board – after accepting the consensus recommendations of the Spotted Owl Working Group - requested that DNR form an implementation working group of 5 members (DNR-Chair, WDFW, industry, conservation caucus, and a land trust group).

The Implementation Working Group was asked to:

1. provide the Board with a prioritized work plan for implementing the consensus recommendations;
2. coordinate with the federal agencies with regard to the Barred Owl control experiments;
3. convene a technical team to assess spatial and temporal allocation of conservations efforts on nonfederal lands using best available science.

The team consists of: Shawn Cantrell (Seattle Audubon representing the Conservation Caucus), Kevin Godbout (Weyerhaeuser representing industry), Bettina von Hagen (EcoTrust), Chuck Turley (DNR-Chair), and Dave Whipple (WDFW). Cindy Mitchell of WFPA and Paula Swedeen are providing assistance to Kevin and Shawn respectively.

Update

Since our last update to you, the team has had three meetings (June 3, 21 and 24) and has one additional meeting scheduled (July 19) before your next Board meeting. All meetings are utilizing teleconference and "GO TO MEETING" to minimize travel time of members. All meetings are compliant with Open Public Meetings Act requirements.

At this time the team has:

- Completed draft Charter and Ground Rules (attached) for the team
- Established contact with the federal recovery plan revision team
    - Received briefing on recovery plan revision status and timeline

    - Discussed means of implementation team providing input to the recovery team as the state's "stakeholder group"
    - Discussed importance of barred owl research
- Received updates on status of east- and west-side pilot projects and a "flagship incentives project" under development/discussion
- Developed process, potential assignments, and list of possible member (attached except for names) for the technical team we are directed to convene

I will be available at your August meeting to answer any questions you may have.

DRAFT CHARTER

Washington State Forest Practices Board Northern

Spotted Owl Implementation Team (NSOIT)

1. Introduction

At the February 10, 2010 Forest Practices Meeting, the Board unanimously adopted a motion that:

- Accepted the consensus recommendations of the Northern Spotted Owl Policy Working Group.
- Directed DNR to form an Implementation Team (NSOIT) of five members: DNR (Chair), WDFW, industry, conservation caucus, and a land trust group.
- Directed the NSOIT to come back to the Board with a work plan for the recommendations, including prioritization.
- Directed the NSOIT to coordinate with the federal agencies with regard to the Barred Owl control experiments.
- Directed the NSOIT to convene a technical team to assess spatial and temporal allocation of conservation efforts on nonfederal lands using best available science.
- Directed the DNR to report to the Board in May with a proposal for how the group will operate, a recommendation of ether the group needs facilitation, and draft charter.

2. NSO Implementation Team Purpose and Duties

A Northern Spotted Owl Implementation Team (NSOIT) is established to implement the Board's Febbruary 10, 2010 motion. The NSOIT will apply the following principles in fulfilling this purpose:

- Recommendations must be based on the best available science and should consider guidance in the federal Northern Spotted Owl recovery plan. "Based on the best available science" means that current, peer-reviewed and published scientific information is sought out and carefully considered. "Based on the best available science" does not mean that only courses of action advocated by scientists are credible, acceptable solutions. However, there is a presumption that acceptable solutions will be grounded in science. The NSOIT will be developing public policy recommendations, and must consider both science and policy. When making any recommendation, the NSOIT should describe how the best available science was considered, and the policy bases for that recommendation.

- Voluntary, incentive-based measures should be the primary focus. The Board's Rules may need to be modified. However, the Board believes that emphasis

should be placed on providing meaningful incentives for landowners to provide spotted owl habitat where it is needed and to voluntarily assist with other conservation efforts. The Board believes an important objective of this process is to change the current dynamic of fear and resistance, to a dynamic of partnership and participation.

- Conservation contributions from Washington's non-federal lands must be economically sustainable. Non-federal forestry must remain competitive and economically viable for the long term, with the goal of keeping sustainable forestry as a priority land use.

- Recommendations should include proposals that address gaps in the scientific underpinnings of Northern Spotted Owl conservation.

- Thought should be given to how implementation of recommended measures will be evaluated, to determine whether intended outcomes are being achieved.

The Board encourages the NSOIT to think broadly and consider new paradigms. The NSOIT should not restrict its thinking or its recommendations to the existing state regulatory program or other actions within the Board's purview. Recommendations may be oriented to any appropriate decision-maker including landowners, the Board, other state and federal agencies, the Washington State Legislature, and the U.S. Congress.

Group Process

The Board expects the NSOIT to approach its work with a spirit of mutual respect and collaboration, and the behavior of NSOIT members to be considerate and professional at all times. The Board further expects the NSOIT to remain mindful of their responsibility to work on behalf of the broader public interest. The Board encourages the NSOIT to adopt ground rules governing group conduct--such as those created for Timber, Fish & Wildlife--and to hold each other accountable for consistently following the ground rules.

The Board expects the NSOIT to strive for consensus recommendations. However, if consensus cannot be reached on a particular topic, non-consensus recommendations may also be offered, with a discussion of advantages prepared by those who favor the recommendation and a discussion of disadvantages prepared by those who oppose the recommendation. Each perspective will provide the other with an opportunity to review and comment prior to finalizing its discussion. Ultimately, it will be the Board's (and potentially other decision-makers) decision whether to accept recommendations submitted by the NSOIT. Open Public Meetings Act

NSOIT meetings are a part of Board process, and as such are subject to the Open Public Meetings Act (Chapter 42.30 RCW). NSOIT meetings will be open to anyone who wishes to observe the meeting; however, only NSOIT members may participate in the discussion and decision-making. The NSOIT will not take public comment at its meetings but may invite presentations and/or accept written comments from persons with information the NSOIT feels is

relevant to its deliberations.

Requests to make a presentation to the NSOIT should be directed to Chuck Turley at the Department of Natural Resources (DNR). The NSOIT is under no obligation to honor any request to make a presentation. The NSOIT will keep a succinct, written summary of each meeting. Records created as part of the NSOIT's work must be maintained; these records are subject to public disclosure, unless exempt under Chapter 42.56 RCW or another provision of law. Sensitive fish and wildlife data used by the NSOIT are not subject to public disclosure, pursuant to RCW 42.56.430(2).

NSOIT meetings will be held in Olympia or by conference call.

Statements to the media will reflect group processes and positions, not the individual opinions of NSOIT members.

Reporting

The Board expects the NSOIT to deliver status reports at the May, August and Novermber 2010 regular Board meetings.

Support

Logistics, administrative, and Geographic Information System support will be provided by the Department of Natural Resources Forest Practices Division.

Timeline

The Board expects the NSOIT to complete its work by December 31, 2010. However, the Board may extend the charter of the NSOIT based on the submission of the final recommendations to pursue additional work. The NSOIT should be mindful of earlier, significant dates including the need to prepare budget requests and request legislation for the 2011 legislative session.

Proposed Ground Rules for
Forest Practices Board Northern Spotted Owl Implementation Team

1. All participants bring with them the legitimate purposes and goals of their organizations. All parties recognize the legitimacy of the goals of others and assume that their goals will also be respected. The implementation team will try to maximize all the goals of the parties as far as possible;
2. This effort will receive priority attention, staffing and time commitments. Participants agree to spend the time in preparation for meetings, arrive in a timely manner, and be mindful of allotted time;
3. Participants will give the same priority to solving the problems of others as their own;
4. Participants commit to search for opportunities, creativity is essential for successful outcomes;
5. Participants commit to listen carefully, ask questions to understand, and make statements to explain or educate;
6. All issues within the scope of the charter identified by any party must be addressed by the whole team;
7. Participants commit to attempt to reach consensus on recommendations;
8. Participants commit to be an advocate for agreed on recommendations;
9. Participants commit to respect each other with constituencies and general public;
10. Caucuses should be mindful of how appointed participants are perceived by other caucuses --the implementation team is a collaborative effort. Each participant should demonstrate a genuine commitment to problem solving and mutual respect among all the caucuses. Each caucus will ensure that their participants respect these principles;
11. Anyone may leave the process and the above ground rules, but only after telling the entire implementation team why and seeing if the problem(s) can be addressed by the work group;
12. All communications with news media concerning these discussions will be by agreement of the implementation team. Everyone will be mindful of the impacts their public and private comments on related topics will have on the climate of this implementation team's effort;
13. All of the participants accept the responsibility to keep their constituencies informed of the progress of the discussion;
14. Participants commit to adhere to these ground rules and hold each other to them.

D R A F T

TECHNICAL TEAM PROCESS, ASSIGNMENT, AND POTENTIAL MEMBERS

Direction from motion passed at 2/10/10 Forest Practices Board meeting: ". . . convene a technical team to assess spatial and temporal allocation of conservation efforts on nonfederal lands using best available science."

Technical Team Assignment: Develop, and possibly conduct, a process to answer the following questions:

1. What is/are the most important strategic contribution(s) that non-federal lands in Washington State could provide to spotted owls to build upon conservation provided by federal lands?
   Strategic contributions could include but might not be limited to barred owl removal/control, protecting existing birds/sites, protecting existing habitat, creating/enhancing habitat, conducting research and experimental assessments, enhancing prey habitat, improving forest health conditions, etc., and it may be that different contributions are most important in different areas.

2. Where would that/those strategic contribution(s) be most important?
   What methods would you recommend for identifying, in a relative sense, what geographic areas are more important than others, and how should a conservation program be designed to focus and set priorities in the event resources are limited? The existing state conservation strategy is designed to support the federal recovery strategy focused on managing large blocks of suitable habitat in designated conservation areas to support self sustaining populations of 15 to 20 pairs of owls. Should a state and private lands conservation strategy be focused on those geographic areas located adjacent to federally designated conservation areas? Given the increased presence of barred owls and the declining distribution of spotted owls on state and private lands should the state re-focus its program on geographic areas not currently designated to support the federal recovery strategy? If so, what conservation benefit would be derived from that type program? While it may be desirable to increase conservation on state and federal lands will such an effort actually result in more habitat being occupied by spotted owls? Given low numbers of spotted owls, isolation, and presence of barred owls are there geographic areas which cannot play an essential role in recovery, have limited conservation value and should be a low priority for a conservation program?

3. What tool(s) should be used to accomplish these contributions in these areas?
   The charter recognizes that voluntary incentive based measures should be the primary focus to accomplish strategic conservation, while recognizing rules may need to be modified.. Key program elements of the voluntary incentives program focus on developing funding sources to support acquisitions and easements and promote ecosystem payments. What set of tools (easements, purchase, conservation reserve, reverse auction, lease payments, safe harbor agreements/landowner option plans, federal funding associated with section 6 grant, regulatory changes, etc.) would best accomplish the desired contributions in the appropriate locations?

((NOTE: The first two questions above are biological in nature. To answer the third, economic considerations must be added to the discussion. It is probably best that the economic experts required for the third bullet be a part of the full discussion to be best grounded in the issues.))

Initial Process:

- A technical team of 8 people will be formed; 6 from the biological arena with knowledge about spotted owls in Washington State, and 2 from the environmental economics field.
- The tech. team will be asked initially to commit one day, to be scheduled in late August/early September when USFWS modeling results are available.
- During that day, the tech. team will be asked to review USFWS modeling results and, if possible, use that in combination with other existing information answer questions #1 and #2 above. If the modeling results and existing information is not sufficient to answer those questions, the tech. team will be asked to outline a process for answering those questions.
- Once questions #1 and #2 are answered, the tech. team will be asked to take up question #3.

The plan is that what is above would be taken to the Forest Practices Board at its August meeting as a recommendation from our Implementation Team, along with our draft charter and ground rules, and an update on the 7 consensus recommendations.

Proposed Technical Team Members
Federal – US Fish and Wildlife Service; US Forest Service
State – WDFW or DNR
Tribal
Industry/Consultant

c. turley – 7/19/10