



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Washington Fish and Wildlife Office
Central Washington Field Office
215 Melody Lane, Suite 119
Wenatchee, WA 98801

January 19, 2010

In Reply Refer To:

USFWS Reference: 13260-2009-TA-0154

Hydrologic Unit Codes: 17-02-00-07

RE: Okanogan Lynx Management Zone Interim Management Guidelines and Recommendations

Loren Torgerson
Northeast Region Manager
Washington State Department of Natural Resources
225 S. Silke Road
Colville, Washington 99114-0190

Dear Mr. Torgerson:

This responds to requests from your staff seeking U.S. Fish and Wildlife Service (Service) agreement that the Washington State Department of Natural Resources (DNR) 2006 Lynx Management Plan, in conjunction with the DNR's Okanogan Lynx Management Zone Interim Management Guidelines and Recommendations, are likely to avoid the take of Canada lynx (*Lynx canadensis*). Under Section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), a Habitat Conservation Plan is required when non-federal actions are likely to result in the incidental take of a listed species. As discussed below, the Service believes that implementation of the 2006 Lynx Management Plan along with the Okanogan Lynx Management Zone Interim Management Guidelines and Recommendations are not likely to incidentally take Canada lynx.

On April 26, 2002, the Service's Upper Columbia Fish and Wildlife Office issued a letter to the DNR regarding the 1996 Lynx Management Plan (file number 805.0000). In that letter the Service evaluated the plan and determined that its implementation would maintain the function of the landscape and its ability to support lynx reproduction. The Service also determined that implementation of the plan is not likely to result in the mortality or injury to Canada lynx through significant impairment of breeding, feeding, sheltering, or other essential behaviors and is therefore not likely to result in the incidental take of Canada lynx.

In response to the federal listing of Canada lynx as a threatened species in 2000, the DNR revised their 1996 Lynx Management Plan to include measures that would meet federal requirements for protecting Canada lynx. The revised plan was published in April of 2006.

Since that time, there has been a significant loss of mature boreal forests, primarily as a result of wildfire, in the Okanogan Lynx Management Zone (LMZ), and it is believed that the lynx population has been reduced. As this LMZ is the only one in the state where lynx reproduction has been confirmed in the last two decades, it is important to not further degrade the conditions

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that support lynx in this LMZ until the areas that have been impacted by fire and other activities have regenerated to a condition where they are once again able to support lynx.

In order to assure the conservation of existing quality lynx foraging habitat in the Okanogan LMZ, the DNR has proposed to implement additional protection measures above and beyond those identified in the 1996 Lynx Management Plan and the updated 2006 Lynx Management Plan. These protection measures are designed to assure "no net loss" of quality foraging habitat as a result of timber harvest on DNR-managed land within the Okanogan LMZ. Quality foraging habitat is defined as stands currently supporting snowshoe hare (*Lepus americanus*) densities of equal to or greater than 0.5 hares per hectare.

To facilitate implementation of the additional protection measures, lynx habitat conditions will be identified on DNR managed lands in all Lynx Analysis Units (LAU) within the Okanogan LMZ. Various habitat components (forage, denning, travel, temporary non-lynx, etc.) will be identified to establish a baseline condition. The following management guidelines and recommendations will be implemented on all DNR-managed lands within the Okanogan LMZ until such a time as it is recognized by the DNR, Service, and the Washington Department of Fish and Wildlife that these additional management restrictions are no longer necessary conservation measures within the Okanogan LMZ:

- Harvest is allowed in stand types designated as mature Travel Without Forage on the accepted baseline layer of habitat components. No replacement of this unsuitable foraging habitat is required. The baseline layer will be continually updated as more detailed information regarding habitat conditions becomes available during the recon of stands within the LAUs. DNR Northeast Region Wildlife staff will be responsible for updating and maintaining the baseline layer.
- If harvest is proposed in stands designated as mature Travel With Forage on the baseline layer, the current density of snowshoe hare occupancy must be determined. No timber harvest will occur in Travel With Forage stand types where snowshoe hare densities have been determined by pellet transects to equal or exceed 0.5 hares per hectare unless replacement forage is identified, and the snowshoe hare density in the replacement stand is > 0.5 hares per hectare as confirmed by pellet transects. As replacement stands are identified the baseline layer will be updated by DNR Northeast Region Wildlife staff. Replacement must occur on an acre for acre basis within the same LAU.
- Timber harvest will be allowed in mature Travel With Forage stand types on the baseline layer where snowshoe hare densities have been confirmed by pellet transects to be less than 0.5 hares per hectare. No replacement of this lower quality foraging habitat is necessary. Preference for proposed harvest will be given to non-boreal forest types (Dry Subalpine fir/ Douglas fir/ western larch/ ponderosa pine habitat types) whenever choices allow. A list of plant associations/habitat types that are associated with boreal forests will be developed prior to harvest by DNR Northeast Region Wildlife staff and shared with DNR District staff.

- As existing temporary non-lynx habitat develops and becomes capable of supporting greater than or equal to 0.5 hares per hectare, and is confirmed with transects, an equal amount of acreage of Travel With Forage habitat would be available for harvest in the same LAU. Preference for harvest will be for those stands with the lowest hare densities.
- Isolated stands of mature Travel With Forage that are less than ten acres in size will not require special management consideration and may be harvested when included with an adjoining stand of mature Travel Without Forage habitat. The same is true for isolated stands of Travel Without Forage less than ten acres in size if surrounded by mature Travel With Forage habitat.
- Lodgepole pine stands that have been initially typed as mature Travel Without Forage habitat on the baseline layer, based on vegetative characteristics, will be verified as having snowshoe hare densities less than 0.5 hares per hectare before becoming available for harvest to ensure they are not serving as high quality lynx foraging habitat.
- Proposed sale design will emphasize establishing a well-distributed mosaic of habitat conditions through space and time, with a focus on harvest units widely spread across the landscape as to not focus impact of harvest activities on individual sub-drainages with the larger LAU. DNR District Wildlife staff and Northeast Region Wildlife staff will coordinate sale planning to incorporate the economic and habitat constraints.
- Silvicultural treatments (i.e. burning) will be avoided that will appreciably reduce tree stocking levels for species preferred by snowshoe hare and lynx on sites that support boreal forest timber types. DNR Northeast Region Wildlife staff will provide a list of habitat types designated as "boreal". DNR District and Northeast Region personnel recognize that completing such treatments may delay the development of quality lynx foraging habitat and as a result may delay additional harvest of mature stands.
- Harvest of designated lynx travel corridors will be avoided and emphasis will be placed on maintaining good connectivity across the landscape to facilitate movement of lynx between favored habitat types for foraging.
- Harvests occurring adjacent to existing temporary non-lynx habitat will be designated such that the cumulative acreage of the temporary non-lynx habitat will not exceed 100 acres/40 hectares. Planned harvest will be separated from adjacent temporary non-lynx habitat by mature timber or travel habitat at least 150 meters in width.
- Harvests occurring near permanent non-lynx habitat (natural openings, meadows, etc.) where the cumulative average of non-habitat would be greater than 100 acres will maintain forested cover adjacent to the non-lynx habitat in sufficient conditions that the ability of lynx to move across the landscape will not be impaired by large openings.

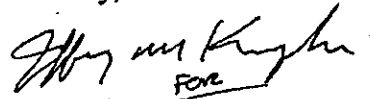
- Stands of Young Forage and Travel With Forage habitat will be managed so as to maintain adjacent forested habitat conditions of at least 100 meters in width such that these high quality lynx foraging habitats remain accessible to lynx and do not become "island" habitats.

The Service has evaluated the DNR's Okanogan Lynx Management Zone Interim Management Guidelines and Recommendations as modifications to the 2006 Lynx Management Plan, and assessed the potential for DNR activities implemented under these conditions to result in the incidental take of Canada lynx. The Service believes that actions implemented in accordance with the conditions set forth in the above mentioned documents will maintain the function of the landscape and its ability to support lynx reproduction, and are not likely to result in mortality or injury to Canada lynx through significant impairment of breeding, feeding, sheltering, or other essential behaviors. Therefore, the Service believes that implementation of the Okanogan Lynx Management Zone Interim Management Guidelines and Recommendations as modifications to the 2006 Lynx Management Plan are not likely to result in the incidental take of Canada lynx.

Our determination is based upon the implementation of the April 2006 Lynx Management Plan and full implementation of the Okanogan Lynx Management Zone Interim Management Guidelines and Recommendations as listed above. If further modifications to the plan are proposed, or actions proposed for implementation are not consistent with it, we recommend you notify the Service before proceeding. Additionally, our concurrence with your modified plan does not authorize the take of any species listed pursuant to the Act. As previously agreed, please submit biennial monitoring reports of DNR actions to the Service's Central Washington Field Office by March 31 of every other year.

The Service commends DNR's proactive commitment to the management and conservation of Canada lynx and its habitat. We look forward to continued work with you in management and conservation of this and other listed species. If you have any questions or comments regarding this letter, please contact Gregg Kurz at the Central Washington Field Office in Wenatchee at (509)665-3508, extension 22, or via e-mail at Gregg_Kurz@fws.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken S. Berg". The signature is written in a cursive style and is positioned above the printed name.

Ken S. Berg, Manager
Washington Fish and Wildlife Office