



Petition for Rulemaking Northern Spotted Owl

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Petition for NSO Rulemaking

Objectives:

- Forest Practices NSO rules for FPA's within Spotted Owl Special Emphasis Areas (SOSEA)
- Petition and staff recommendations



Forest Practices NSO Rules Overview/History

- 1990 ESA listed as Threatened
- Mid-1990s circle management
- 1996 Board rules: circles, SOSEAs, best 70 acres, SFLO exemption, timing restrictions, LOPs
- SOSEA's are a landscape-level approach complementing adjacent NSO protection strategies on federal lands



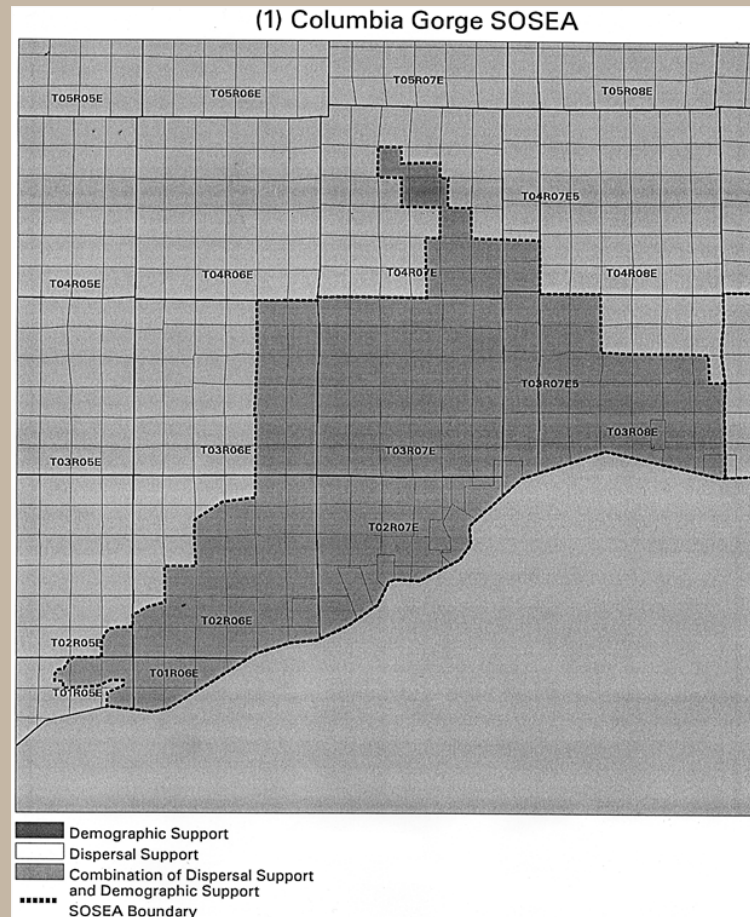
Landscape Level Approach SOSEAS

- Spotted Owl Special Emphasis Areas
- Defined geographic areas: 4 in eastern WA
- Demographic and/or dispersal goals support recovery efforts on federal lands within or adjacent to SOSEAs
- See WAC 222-16-086 (maps)



Management within SOSEAs

Habitat Circles



Management within SOSEAs

Habitat Circles

“Suitable habitat” (WAC 222-16-085):

- Old forest habitat, Sub-mature habitat, &/or Young forest marginal habitat

“Median home range circle” (WAC 222-16-010):

- Centered on NSO site center
- 1.8 mile circle, includes 0.7 mi inner circle



FPA/N Classification

NSO FPA

WAC 222-16-050 *Classes of forest practices*

- T/E Class IV-special (1)(b)

WAC 222-16-080 *Critical habitats of T/E species*

- NSO Class IV-special (1)(f):
 - harvest, road const. or aerial pesticide
 - in suitable habitat within a SOSEA circle



NSO Class IV-special FPA SEPA Rules

WAC 222-10-041 *Northern spotted owls*

- informs evaluation of Class IV-s FPA potential impacts via suitable habitat acres in circles
- E WA SOSEA circles is 2605 acres
- more current, accurate, or specific data used upon WDFW consultation

Additional SEPA review if FPA would reduce acres further (e.g. EIS)



Case Study

E WA N. Blewett SOSEA

8/2016 through 9/2019 in Ruby Creek circle:

- 10 FPAs potentially in NSO habitat
- proposed harvests and road work
- 30 acres or less except one
- all field-verified via ID-Team or WDFW staff
- all in non-habitat so approved as Class III



Petition for NSO Rulemaking

North Central Washington Audubon Society
concerns re. NSO SEPA rule WAC 222-10-041

Requests harvest moratorium in E WA SOSEA
sites pending:

- NSO SEPA rule reconsidered, &
- correct implementation of current rules confirmed



Staff Recommendations on Petition

Deny petitioner's moratorium request for harvests in E WA SOSEA circles:

1. Board has no moratorium authority (AGO Opinion 2015 No.1)
2. SEPA policies don't establish substantive standards for harvests or locations if a proposal does not include harvest in habitat



