

Agenda Item No.: 8
Work Plan: State Forests Work Plan
Topic: State Forest Management
Presentation Title: U. S. Fish and Wildlife Service Barred Owl Removal Project and Possible Safe Harbor Agreement for State Forests
Date of Presentation: July 23, 2015
Contact Information: Liz Dent
Division Chief, State Forests, Salem, Oregon
(503) 945-7351; Liz.F.Dent@oregon.gov
Rosemary Mannix
Resource Specialist Unit Manager, State Forests Division
(503) 945-7347; Rosemary.MANNIX@oregon.gov
Jody Caicco
Forest Resources Division Manager, U.S. Fish and Wildlife Service
(503) 231-6982; jody_caicco@fws.gov

SUMMARY

The purpose of this agenda item is to inform the Board of discussions between ODF and U.S. Fish and Wildlife Service (Service) related to the Service's Barred Owl Removal Research Project, ODF's participation in the project, and related discussions on a Safe Harbor Agreement.

As part of the Northern Spotted Owl Recovery Plan, the Service is implementing a research project on barred owl removal. One of the possible outcomes of barred owl removal is an increase in the number of northern spotted owl sites. ODF State Forests Division is in discussions with the Service on our level of participation in the project. The Division is also exploring the possibility of a Safe Harbor Agreement that would apply to State Forest lands included in the Service's study. A Safe Harbor Agreement is a tool to consider in order to protect the interests of the state while participating in the project.

CONTEXT

The Service listed the Northern Spotted owl as threatened in 1992. The Service developed and approved a Recovery Plan for the owl in 2008, and revised it in 2011. The plan determined that the three main threats to spotted owls are: competition from barred owls, past habitat loss, and current habitat loss. The plan outlines recovery actions related to these three main threats. Many of the recovery actions are related to activities on federal lands, some mention state and private lands. Recovery Plans are not regulatory, and recovery actions on state and private lands are voluntary. One of the Service's strategies to address the barred owl threat is *Recovery Action 29: "Design and Implement large scale control experiments to assess the effects of barred owl removal on spotted owl site occupancy, reproduction, and survival"*.

To implement this recovery action, the Service is moving ahead with a research project on the effects of barred owl removal on spotted owls. This project has been many years in

development, with a public process and an extensive Environmental Impact Statement (EIS) process. The general hypothesis is that spotted owls will do better in areas with barred owl removal (treatment areas) than in areas without barred owl removal (control areas). This is not an operational barred owl removal program – it is a research study. There are two study areas in Oregon: Coast Range (near Veneta) and Klamath/Union/Myrtle (located near Glendale). Both study sites include a mix of federal, state, and private lands. The project timeline for these Oregon study sites is from 2015 to 2019.

The Service has proposed the development of “Safe Harbor Agreements” for participating non-federal landowners to address landowner concerns regarding potential increases in spotted owl site occupancy on their lands as a result of barred owl removal. Safe Harbor Agreements are voluntary agreements involving state or private property owners whose actions contribute to the recovery of a listed species (spotted owl). In exchange for actions that contribute to recovery, the landowners receive formal assurances that the Service will not require additional protection measures without landowner consent should the listed species occur on or near the enrolled property.

ODF State Forests: The Service’s treatment area includes ODF Western Lane lands and the control area includes ODF Southwest Oregon lands. The Service formally requested access to State Forests for both surveying and for barred owl removal and suggested the possibility of a Safe Harbor Agreement. ODF responded to the Service’s request by granting access for the purposes of surveying. ODF requested more information and discussion on the project and the possibility of a Safe Harbor Agreement prior to granting access for Barred Owl removal. The State Forests Division has had preliminary discussion with the Service on our role in the project and on the possibility of a Safe Harbor Agreement. The Department will continue to evaluate the safe harbor tool to determine if it is appropriate for protecting the interests of the state.

NEXT STEPS

Discussions with the Service will continue. An important first step in exploring a Safe Harbor agreement is to agree on the current “baseline” of northern spotted owl sites. This baseline would reflect the current owl sites on or near State Forests. The Department will then discuss conservation measures that would be applied to any additional owl sites that occur as a result of barred owl removal. State Forests would have the option to return to the established baseline conditions and have an incidental take permit to cover any activities associated with returning to the baseline.

As part of the Service’s Barred Owl Removal research project, ODF and the Service would establish an agreed upon baseline by September and negotiate other terms of the agreement this fall. While it may be optimistic, the goal would be to have an agreement in place by the end of this year. The agreement would apply to the Western Lane district and within the context of the Service’s research project. The Department will not proceed with an agreement if we determine it is not in the best interests of the state.

RECOMMENDATION

Information only.

ATTACHMENTS