

Agenda Item No.:	6
Work Plan:	State Forests Work Plan
Topic:	State Forest Management
Presentation Title:	State Forests Participation in U. S. Fish and Wildlife Service Barred Owl Removal Project and Possible Safe Harbor Agreement
Date of Presentation:	November 5, 2015
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SUMMARY

The purpose of this agenda item is to inform the Board of ODF- U.S. Fish and Wildlife Service (Service) discussions related to the Service’s Barred Owl Removal Research Project, ODF’s participation in the project, and related discussions on a Safe Harbor Agreement. At the November Board meeting, staff will provide additional updates to the project status details presented below.

As part of the Northern Spotted Owl Recovery Plan, the U.S. Fish and Wildlife 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 discussion with the Service on our level of participation in the project, and on the possibility of a Safe Harbor Agreement. A Safe Harbor Agreement is a tool to protect the interests of the state, while participating in the project.

CONTEXT

The U. S. Fish and Wildlife Service (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 once barred owls are removed from an area, spotted owls in the treatment area will do better than those in the control area. 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.

To address landowner concerns regarding potential increases in spotted owl site occupancy on their lands as a result of barred owl removal, the Service has proposed the development of “Safe Harbor Agreements” for participating non-federal landowners. 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 Coast Range site includes ODF Western Lane lands within the treatment area; the Union/Myrtle site includes ODF Southwest Oregon lands in the control area. 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 permission for the purposes of surveying, and requested more information and discussion on the project and the possibility of a Safe Harbor Agreement, prior to granting access permission for Barred Owl removal. The State Forests Division has had discussion with the Service on our role in the project, and on the possibility of a Safe Harbor Agreement. At this time, ODF believes an agreement is an appropriate tool for protecting the interest of the state, and has been in discussion with the Service on development of the “baseline” condition (i.e. list of currently occupied northern spotted owl sites), an initial step in the development of the agreement. Subsequent to the finalization of baseline conditions, the formal Safe Harbor Agreement can be drafted, which states the protection measures and allowable activities for baseline sites and non-baseline areas. Once the SHA is drafted, it enters the federal NEPA process and is finalized once that process is done.

NEXT STEPS

Discussions with USFWS to agree on the current “baseline” of northern spotted owl sites is continuing. Once agreement on the baseline is reached, we will then discuss protection measures and allowable activities that will be applied to the baseline and any additional owl sites that occur as a result of barred owl removal (i.e. “non-baseline” sites). Any protection measures associated with these additional, non-baseline sites will likely only be applied for the duration of the study (anticipated 2015 – 2019). After the research study is completed State Forests is free to return to the established baseline conditions, and will have an incidental take permit for a period of years to cover any activities associated with returning to the baseline. We hope to have ODF/ Service agreement on the baseline in the near future, and negotiate other terms of the agreement this fall. While it may be optimistic, we hope to have an agreement drafted and ready to enter the federal NEPA process by the end of this year. We will not proceed with an agreement if we determine it is not in the best interests of the state.

RECOMMENDATION

Information only.