August 15, 2006

TO:
Northern Spotted Owl Recovery Team
Attn: Dave Wesley, Team Leader
U.S. Fish and Wildlife Service
911 NE 11th Ave.
Portland, OR 97232
nsoplan@fws.gov

FROM:
Lindsey Holm
Environmental Protection Information Center
PO box 147
Eureka, California 95501

RE: **Northern Spotted Owl Recovery Planning Comments**

VIA EMAIL

To Whom It May Concern,

These comments are submitted on behalf of the staff, board, and members of the Environmental Protection Information Center (EPIC). Based in Humboldt County, California, EPIC has worked for nearly three decades to address the impacts of industrial forestry practices on both private and public lands. These comments are focused on the Northern Spotted Owls (NSO) of Northern California.

With approximately 1/4 of the NWFP area, 5.4 million acres of public land and some of the wildest least populated areas, Northern California offers important opportunities for NSO conservation. Due to increasing threats to NSO and the apparent failures of the NWFP, Northern California may be an increasingly important part of the picture for NSO survival and recovery.

Habitat Associations

We think it is very important that the recovery plan is sensitive to the variable habitat association of NSO in Northern California where we have at least two different ecological provinces;

a) The western half of California NSO range- The north coast of California is wet, low elevation and has a more concentrated NSO population. Private industrial timberlands dominate this zone.
b) The eastern half of California NSO range- The Klamath-Siskiyou is dry, higher elevation, heterogeneous and has a low NSO population density due to mosaic habitat. Forests are currently fire prone and historically fire adapted. Public Lands are the dominant ownership.

In addition, the difference in prey base (tree voles vs. wood rats) in California brings complexity to the NSO's recovery needs that must not be overlooked.

Private Industrial logging

EPIC has been observing Pacific Lumber's logging practices for many years and have seen declining populations and gross non-compliance[1] with HCP and California's Forest Practice Rules. Reports of logging in NSO habitat, clearcutting next to nests, logging oldgrowth when and where they are not supposed to is all too common for comfort. We do not think that PL is a unique case in this regard. Despite existing state logging regulations and endangered species laws, current industrial forest practices show that neither existing California law, regulation, nor enforcement are adequately preventing the rapid loss of NSO habitat.

Any future HCPs must be such that the mitigation is clearly equivalent or greater than the "take" of owls. Also, HCPs where "take" is front-loaded should no longer be permitted. 'Front-loaded' HCPs allow "take" early on and put off recovery of owls and habitat to the end of the HCP timeframe.

We think that a moratorium on HCPs would be beneficial to the NSO. The owl needs a clear recovery plan that addresses the NSO's survival and recovery needs across the board so HCPs aren't necessary. HCPs present an opportunity for rule bending that is too often exploited.

Barred Owl

Information we have received indicates that the Barred Owl is having different levels of impact –from severe to trivial- and different levels of presence across California's NWFP area.

The Barred Owl is a serious threat to NSO in at least parts of NW California. There is clear evidence of Barred Owl impacts in specific cases where NSO have been directly harmed, displaced, or have drastically altered their behavior in response to Barred owls.

On the coast we have heard reports of Barred Owl presence in Del Norte County (especially in redwood national park), Pacific Lumber Company's oldgrowth stands, Green Diamond lands and Mendocino Redwood Company lands. Inland movement has reached (at least) the Willow Creek area and Pilot Creek in the six rivers national forest.

Many of these reports are just anecdotal evidence from owl surveyors and researchers -not proof- but we see some pretty important patterns. It appears that Barred Owls are spreading down the coast rapidly and are 'exploding' in the redwood parks and oldgrowth forests of coastal Del Norte and Humboldt Counties. Expansion inland seems less rapid and more subdued in terms of impacts. We think this may have a lot to do with the dry climate.

Obviously barred owls are a problem but this clearly does not negate the need for habitat protection. The invasion of the Barred Owl means that remaining NSO habitat has become all the more important.

[1] http://www.wildcalifornia.org/cgi-files/0/pdfs/1085604039_PL_Violation_Report_2004.pdf
http://www.wildcalifornia.org/cgifiles/0/pdfs/1085606989_PL_Violation_Rpt_Appendix_B_2004.pdf

Regulatory Failure

It is our understanding that Wildlife agencies have failed to enforce of section 3503.5 of the California Fish and Game code, which has resulted in significant take of NSO and NSO habitat. Fish and Game section 3503.5 provides that:

> It is unlawful to take, possess, or destroy any birds in the orders *Falconiformes* or *Strigiformes* (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

The NSO is in the order *Strigiformes*. Despite this provision, California routinely allows destruction of NSO activity sites, in violation of Fish and Game Code.

Fire

Because the forests of the Klamath-Siskiyou region are adapted to fire, the recovery plan must contain certain recovery actions and delisting criteria that are fine-tuned for this region. It is important that management responses to fire are in the best interests of the NSO. In California - and especially on public lands- we have seen fire used as a justification for more logging of large old trees. This is not appropriate and any future management should serve to lower the risk of stand replacing fires through "thinning from below".

Public Lands -Dry Zone Issues

Most of the public lands in Northern California are in the higher elevation, steeper and drier zones. The following are complicating issues specific to these regions that should be addressed in the recovery plan.

- Extensive disturbance of natural fire regimes through fire suppression has led to more, hotter, stand-replacing fires.
- Because the Klamath-Siskiyou/Dry zone already has a low carrying capacity for NSO and forests with natural heterogeneity, the tenuous nature of the species is exacerbated by additional fragmentation - particularly fragmentation caused by roads and especially by logging.
- These areas are also prone to disease/pathogen complications such as Sudden Oak Death, West Nile Virus and Avian Flu.

Perhaps a 'plan A/Plan B' approach would be an appropriate way for the recovery plan to address these kinds of looming threats.

"Edge" and Franklin et al. 2000

We have reviewed an Allen Franklin study which was done near Willow Creek, California –one of the aforementioned heterogeneous and mesic ecosystems. It is critical that this study is interpreted in context and that its results not be extrapolated onto forests outside the region it was conducted in. We understand that NSO in this area use a "mosaic" of habitat but want to be clear that we don't think that this means NSO habitat with oldgrowth should be cut or that more logging-caused edges are appropriate. We have not seen any evidence that logging benefits the NSO (in the willow creek area or elsewhere).

Franklin (2000) states, "Current logging practices probably do not generate the kind of mosaics we observed in high-fitness territories; clear-cut logging leaves large, regularly shaped patches with clean edges. Fire-disturbance, on the other hand, tends to leave smaller, irregularly shaped patches having convoluted edges.".

It is also important to note that the positive effects of (natural) edges may be limited to portions of the owl's range that selectively feed on Dusky-footed woodrats.

Recommendations

De-listing criteria
I recommend that the different ecological provinces be effectively treated as separate owl populations. Recovery actions and delisting criteria need to be tailored to each province because the threats are different in each.

Trends need to be stable or increasing over a ten year period with little variability (not an average between some really good and really bad years) with high (i.e. 95%) confidence in trend detections.

Monitoring
A well funded monitoring program will –of course- be necessary. Otherwise we might as well go home and let Ed Murphy sort out these darn owls.
It would be practical and efficient if this monitoring is built on the foundation of past long-term demographic studies and should be done by non-timber employee researchers and biologists. Timber companies have been too inconsistent in their monitoring and have a conflict of interest.

Recovery of each ecological province should be monitored and achieved before recovery of the entire Northern California population can be claimed.

Fire
In the eastern part of California NSO range fire is becoming an increasing threat to NSO survival. Plantations need to be dealt with and we need to drastically slow down the creation of more plantations.

General
In general I recommend low impact, low intensity forestry which will encourage biological sustainability and have the added benefit of economic sustainability.

No take, without exception. no more loss of habitat. Mandate habitat growth in heavily logged areas.

No more take, without exception. The USFWS has to stop writing take statements.

Large buffers (see Folliard 1993 and Thome et al. 1998). Buffers should be enforced outside of the breeding season and should include longer-term protection of historic sites to accommodate re-use.

Enforcement of California Fish and Game Code 3503.5

Stop clearcutting -too much damage has already been done.

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More retention of oldgrowth trees. Again, too much has already been taken and we continue to see old growth targeted for logging while plantations go unmanaged.

A cap on road density to curb fragmentation.

Respectfully Submitted,

/s/ Lindsey Holm

August 16, 2006

Lindsey Holm
Timber Harvest Plan Monitor
EPIC - the environmental protection information center
POB 147 Eureka CA 95502
707.476.8340 or 8365 fax
Lindsey@wildcalifornia.org

References

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