

**FINDING OF NO SIGNIFICANT IMPACT FOR ISSUANCE OF AN AMENDED  
INCIDENTAL TAKE PERMIT FOR THE THREATENED NORTHERN SPOTTED  
OWL ON GREEN DIAMOND RESOURCE COMPANY PROPERTIES, HUMBOLDT  
AND DEL NORTE COUNTIES, CALIFORNIA**

The U.S. Fish and Wildlife Service (Service) is proposing to issue an amendment to a section 10(a)(1)(B) Incidental Take Permit (ITP) under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544) as amended (Act) to Green Diamond Resource Company ("Green Diamond", previously Simpson Timber Company [Simpson]). The original ITP was issued in 1992, in association with Simpson's Habitat Conservation Plan for the Northern Spotted Owl (NSO HCP). The 1992 ITP authorized incidental take of up to 50 pairs of the federally-threatened northern spotted owl (*Strix occidentalis caurina*) (NSO) in association with otherwise lawful timber harvesting on Green Diamond's properties in Humboldt, Del Norte, Trinity and Mendocino counties, California. The proposed ITP amendment would only apply to Green Diamond's commercial timberlands within 11 hydrographic planning areas (HPAs) on the west slopes of the Klamath Mountains and the Coast Range of California in Del Norte and Humboldt counties, California. The area which would be covered by the ITP amendment currently consists of 406,962 acres of Green Diamond's lands, but is subject to adjustment as Green Diamond buys and sells property. The amended ITP would authorize the incidental take of up to eight additional owl pairs during the existing permit term expiring in 2022.

On August 24, 2006, Green Diamond submitted an application to the Service for an amendment to their existing ITP. The application includes an amended HCP and IA, which describe minimization and mitigation measures to reduce the effects of the proposed action upon the NSO and its habitat. Under the amended ITP, Green Diamond would continue to conduct timber harvesting and related operations in accordance with existing State and Federal regulations, including the California Forest Practice Rules, as well as the Green Diamond Aquatic HCP/Candidate Conservation Agreement, NSO HCP and ITP, and other operational and policy management actions currently being implemented by Green Diamond. In addition to those in the 1992 NSO HCP, Green Diamond's amended NSO HCP would provide the following minimization and mitigation measures to reduce the effects of the proposed project upon northern spotted owl and its habitat: (1) reinstate, through either (a) September 16, 2012, or (b) until the 8 additional incidental takes authorized under the permit amendment have occurred, whichever occurs later, the company's monitoring and management obligations, as described in the IA, including no-take restrictions, for a special management area consisting of the 20,310 acres of the original 1992 special management area which are still owned by Green Diamond<sup>1</sup>; (2) implement new research on the habitat overlap and interaction between the barred owl (*Strix varia*) and the NSO on the covered lands; (3) provide a second HCP review in 2012; and (4) add measures to Green Diamond's current NSO survey protocol for situations where barred owls occupy a spotted owl site, to reduce the potential effect of barred owl presence reducing the

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<sup>1</sup> This special management area is in addition to the 39 NSO "set asides", representing 13,252 acres, established under the 1992 HCP and ITP where timber harvesting is prohibited for the 30 year permit term to protect existing owl sites in select areas and to promote development of suitable owl habitat.

probability of detecting spotted owls. The HCP Amendment is attached for reference. The following paragraph briefly describes the rationale for the four minimization and mitigation measures.

The special management area will provide an area supporting a cluster of spotted owl sites which would be protected from take over the term of the permit. The new research on barred and spotted owls would address a recent, substantial threat to northern spotted owls, competition by barred owls, and is expected to contribute to northern spotted owl conservation by providing information that would inform future management decisions for the NSO, both on the covered lands and elsewhere in the species' range. The HCP review in 2012 would supplement the HCP's existing 10-year comprehensive review, providing a further evaluation of the efficacy of the HCP's conservation measures. The added measures to the survey protocol would reduce the chance that harvest would occur unknowingly, and without being counted as an incidental take, within an occupied NSO site.

The Service prepared an Environmental Assessment (EA) to evaluate the potential environmental impacts, beneficial and adverse, associated with three alternatives: (1) No Action (The 1992 NSO HCP would not be amended); (2) Proposed Action (The 1992 NSO HCP and ITP would be amended providing for additional incidental take of eight owl pairs); and (3) Proposed Project Alternative A (Extension of the 1992 NSO HCP with additional incidental take of eight owl pairs and release of three Set-Asides). The EA is attached for reference.

The Service finds that the proposed issuance of an amended section 10(a)(1)(B) ITP for take of NSO in association with timber harvesting on the 11 HPAs on Green Diamond properties in northern California, and implementation of the amended HCP will not have a significant impact on the natural environment for the following reasons:

1. The potential loss of up to 1,864 acres of occupied NSO habitat, and the loss of up to 8 pairs of NSO is not likely to jeopardize the survival or the recovery of the northern spotted owl. Based on current forest conditions on Green Diamond lands in the Action Area, the potential habitat loss constitutes only 0.8 percent of the suitable NSO habitat (forest 31 years or older), and only 0.6 percent of the older NSO habitat (forest 46 years or older) that are most often used by NSO as nesting and roosting habitat. Across the Green Diamond ownership, harvested habitat will be replaced through maturing of younger timber stands with no net loss through the permit period of habitat in the older age classes used by NSO for nesting or roosting. The total amount of suitable NSO habitat present on Green Diamond lands is expected to increase by about 3 percent overall between 2006 and 2022, the remaining period of the ITP, with the older, higher quality potential nesting-roosting habitat projected to increase by about 23 percent (27,643 acres) during this same period. Therefore, suitable NSO habitat will not be significantly adversely affected by the Proposed Action, and in fact, should increase over the life of the permit.
2. Green Diamond would reduce the impacts to northern spotted owls by implementing the minimization and mitigation measures cited above, including (1) managing a 20,310 acre special management area for NSO conservation, by limiting timber harvest to avoid take of NSO, and (2) completing a comprehensive HCP review in 2012, year 20 of the HCP, which

would include determinations of actual and estimated levels of NSO displacement and habitat distribution, as well as a reevaluation of the biological basis for NSO conservation and the efficacy of set-asides. The special management area will provide an area supporting a cluster of spotted owl sites which would be protected from take over the term of the permit; in 2005, 5 spotted owl sites were present in this area. Green Diamond would also implement research on the habitat overlap and interaction between the barred owl and the NSO on their lands. This research would address a recent, substantial threat to northern spotted owls, competition by barred owls, and is expected to contribute to northern spotted owl conservation by providing information that would inform future management decisions for the NSO, both on Green Diamond lands in the Action Area, and elsewhere in the species' range. New information from this research would be considered during the comprehensive review in 2012, which would include an evaluation of the long-term viability of their NSO population and the overlap and interactions of NSO and barred owl populations on Green Diamond's property. The information provided by the 2012 review would inform future decisions regarding NSO and NSO habitat management on Green Diamond lands, and, potentially on other similar lands. The HCP amendment also addresses the threats posed by barred owls by including new measures for NSO surveys conducted on planned timber harvest units where barred owls are present. Barred owl presence can reduce the response of spotted owls under the current survey protocol, and these new measures would reduce the chance that harvest would occur unknowingly, and without being counted as an incidental take, within an occupied NSO site.

3. The 8 additional NSO pairs that would be authorized for incidental take under the Proposed Action represent 3.8 percent of the 213 northern spotted owl activity centers located on or adjacent to Green Diamond lands in 2004-2006 and about 0.6 percent of the roughly 1,400 northern spotted owl activity centers recorded within the California Coast Physiographic Province, the province which includes most of the Green Diamond lands. The eight sites represents about 0.2 percent of the roughly estimated 4,800 northern spotted owl pairs and single territorial owls present in the listed range of the northern spotted owl. The range-wide estimate is based on rough minimum estimates of population size from the 1990's, including information in the 1992 draft recovery plan for the species. More recent estimates are not available, as monitoring has focused on gaining precise estimates of demographic rates rather than on estimates of population size, which are difficult to obtain over large areas with precision. It is expected that the incidental takes will occur when timber harvest occurs within or near occupied owl nest sites or activity centers, removing or reducing the quality of occupied owl habitat, causing the owls to be displaced, or to abandon the site. Based on current and projected amounts of NSO habitat, there is, and will continue to be, a substantial area of unoccupied but suitable northern spotted owl habitat available on the Green Diamond ownership for displaced owls to occupy. Although the take is expected to negatively impact the displaced owls, for example by causing them to move to lower quality habitat and by potentially affecting the survival and fecundity of displaced owls, movement of some displaced owls to unoccupied habitat is expected to reduce the impacts of the take on the species. Because of the small proportion of all NSO in the Action Area and coastal province authorized for take under the Proposed Action, and because of the minimization and mitigation measures proposed, the effects upon northern spotted owl on the Green Diamond

ownership, in the California Coast Physiographic Province, and range-wide would not be significant.

4. The area of forest subject to timber harvest would be similar under the three alternatives evaluated. While some older forest stands near NSO sites would be made available to harvest, this is expected to affect the location of timber harvest within the Action Area, but not the total acreage harvested. No other special status plant or animal species in the project area would be significantly impacted by the Proposed Action, nor would the Proposed Action result in significant impacts to other biological resources, including terrestrial wildlife, aquatic resources, and vegetation.
5. Effects of the Proposed Action on cultural or historic resources are expected to be equivalent to or less than those of the No Action Alternative. Under all of the alternatives, Green Diamond will continue to conduct timber harvest activities in accordance with state regulations under the California Forest Practice Rules, which require steps to identify and protect cultural resources when preparing a timber harvesting plan. Thus no significant impacts to cultural or historic resources are expected to occur as a result of the proposed action.
6. No significant adverse impacts to the physical environment, recreation, socioeconomic conditions, or land use would occur as a result of the proposed action.
7. Implementation of State regulations, the Green Diamond Aquatic HCP/CCAA, and existing conservation measures of Green Diamond's NSO HCP augmented by the additional measures of the amended Green Diamond NSO HCP, would continue to provide benefits to listed species that breed or forage in older trees and late-seral-forest stands, such as northern spotted owls. These measures would also provide comparable benefits for other wildlife species of concern (unlisted species) presumed or known to occur in the Action Area. These would include species that breed or forage in older trees or late-seral stands (e.g., bald eagles, osprey, Vaux's swift, Pacific fisher, Humboldt marten, and Sonoma and red tree voles).
8. The Service is aware of other non-Federal and Federal activities in the California Coastal Province that could potentially affect NSO, including timber harvest by other landowners in the region, implementation of the Northwest Forest Plan on Federal Lands, timber management on Hoopa and Yurok Tribal Lands, and proposed revisions to designated critical habitat for NSO and marbled murrelet. However, no take of NSO, resulting from timber harvest or other activities is allowed except when permitted by the Service under Section 7 or Section 10 of the Act. The amended Green Diamond HCP is not expected to contribute to significant cumulative effects on NSO.

Based on review and evaluation of the attached EA and amended HCP and other supporting documentation, the Service has determined that issuance of an amended section 10(a)(1)(B) permit PRT-767798 for the take of the federally-threatened northern spotted owl due to timber harvesting on Green Diamond's properties in Humboldt and Del Norte counties, California is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required.

  
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Deputy Regional Director  
Region 8

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Date