

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

regarding

The U.S Fish and Wildlife Service's Proposed Issuance of Two Endangered Species Act Section 10(a)(1)(A) Enhancement of Survival Permits in Association with Implementation of the Safe Harbor Agreement for the Northern Spotted Owl Between Roseburg Resources Company, Oxbow Timber I, LLC, and the U.S Fish and Wildlife Service in the Oregon Coast Ranges Study Area of the Barred Owl Removal Experiment

Introduction

Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), the U.S. Fish and Wildlife Service (Service or USFWS) has completed an Environmental Assessment (EA) for the proposed issuance of an Enhancement of Survival Permit (permit) to Roseburg Resources Company (RRC) and Oxbow Timber I, LLC (Oxbow) to authorize the incidental take of the threatened northern spotted owl (*Strix occidentalis caurina*) in conjunction with their implementation of a Safe Harbor Agreement (SHA) for the spotted owl within the Oregon Coast Ranges Study Area (Study Area) of the Barred Owl Removal Experiment in Lane County, Oregon. Service issuance of the permits would be done under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. 1531 et seq.), and would be conditioned upon full and complete compliance with and implementation of the SHA.

The proposed permits would authorize incidental take of the spotted owl on up to 19 currently unoccupied sites (all of which have not had resident spotted owls respond to surveys in three or more years) over the 10-year term of the permits in return for Service and U.S. Geological Survey (USGS) researcher rights to access RRC and Oxbow lands for barred owl surveys throughout the Study Area and removal of barred owls in the treatment portion of the Study Area. If the Barred Owl Removal Experiment needs to be extended to reach scientifically-credible conclusions up to an additional five years, the permits may be extended by the same period, as analyzed in the EA.

In the EA, the Service evaluated the potential environmental effects associated with the proposed action described above and a "No Action" Alternative. Under the No Action Alternative, the Service would not enter into the SHA and would not issue the permit. Under that alternative, Service and USGS researchers would not have access to RRC and Oxbow lands and roads in the Oregon Coast Ranges Study Area, and as a result, could not remove a potentially significant number of barred owls in the treatment area. In lieu of that removal, spotted owls may not have the opportunity to re-occupy historic sites throughout the treatment area. This would undermine the objective of the experiment, and may require an extension of the experiment and delay work on a long-term barred owl management plan. Barred owls are one of the primary threats to the spotted owl's survival, and failure to manage barred owl populations could lead to extirpation of the spotted owl over large portions of its range, and the eventual extinction of the subspecies.

Decision and Rationale

Based on our review of the SHA, the analyses in the EA, and consideration of public comments, we selected the Proposed Action because it:

- Supports the efficient and effective implementation of Recovery Action 29 under the final recovery plan for the spotted owl through implementation of the Barred Owl Removal Experiment.
- Supports collection of information the Service has identified as crucial for the future development of a barred owl management strategy that is essential for the survival and recovery of the spotted owl.
- Provides benefits to spotted owls that outweigh the potential adverse effects of the incidental take of the spotted owl authorized by the proposed permits.

Finding of No Significant Impact

Potential impacts on the human environment from the Barred Owl Removal Experiment were analyzed in the FEIS for the Barred Owl Removal Experiment (USFWS 2013b). We tiered this EA to the Final Environmental Impact Statement (FEIS), including the Affected Environment and Environmental Consequences (USFWS 2013, Chapter 3). The SHA does not change the analysis of effects of the Preferred Alternative in the FEIS for the Barred Owl Removal Experiment on barred owls, ongoing spotted owl demographic study areas, other species, the social environment, recreation and visitor use, costs of the experiment, or the cultural environment. As noted in the FEIS Effects to the Economy, “[a]ny safe harbor agreements would lessen the effects described in the economic analysis” (USFWS 2013, p 452). Thus, the EA effects analysis focused on the effects of this SHA on the spotted owl.

Based on the information presented in the EA and the SHA, and consideration of public comments, we find that the proposed issuance of ESA section 10(a)(1)(A) permits to RRC and Oxbow for incidental take of spotted owls that may reoccupy currently unoccupied sites and areas as a result of the SHA is not likely to significantly affect the quality of the human environment for the following reasons:

1. The permit will authorize only the removal of spotted owls that may reoccupy non-baseline sites or areas where resident spotted owls have not been detected in the last three years despite extensive surveys. These sites and areas are unlikely to be reoccupied by spotted owls unless barred owls are removed from the area. Any non-baseline sites that become occupied by spotted owls during the experiment would likely be lost as barred owls repopulate the area following the end of the removal experiment.
2. No take of spotted owls on currently occupied sites would be authorized under the proposed permits. By providing Service and USGS access to lands and roads for the survey and removal of barred owls as part of the larger Barred Owl Removal Experiment, these spotted owl sites are more likely to remain occupied.
3. The conservation value of the Barred Owl Removal Experiment, and this SHA which supports the Experiment, is the information the Service will gain about the feasibility and

efficiency of removal as a tool for barred owl management. This information will be crucial for the development of long range barred owl management strategies to support the survival and recovery of the spotted owl.

Without the SHA, Service and USGS researchers would lack access to important locations within the treatment area, creating pockets of barred owls within the treatment area. This would provide a source of barred owls to reoccupy spotted owl sites following the removal experiment that would continue to displace spotted owls from these sites and areas, thus reducing the power of the experiment to measure the utility of barred owl removal for purposes of conserving the spotted owl. This, in turn, may potentially lengthen the duration of the Barred Owl Removal Experiment in order to measure that utility.

Because spotted owls have been displaced from these sites and areas, likely by barred owls, all of the spotted owl habitat covered by the permit is currently available for harvest by the permit applicants without ESA restrictions. Issuance of the permits reduces their incentive to remove this habitat quickly to avoid potential regulatory complications from removal of barred owls from neighboring lands.

4. After conducting a review under section 7 of the ESA, the Service concluded that issuance of the two permits for the SHA would not be likely to cause an appreciable reduction in the likelihood of survival and recovery of the spotted owl (USFWS 2015c). The Service reached this conclusion because any adverse impacts caused by take of the spotted owl that is authorized under the proposed permits will be tempered by the temporary beneficial effects of allowing spotted owls to re-occupy historic sites and by enhancing the credibility of the experiment to inform the development of a large scale and long-term barred owl management strategy. As noted above, the proposed permit action is consistent with the final recovery plan for the spotted owl.

Public Involvement and Comments Received

The Service conducted extensive scoping and outreach on the Environmental Impact Statement (EIS) for the Barred Owl Removal Experiment (USFWS 2013b, pp. 7-8; 188-193; and 343-350). We established a Barred Owl Stakeholder Group including a broad range of environmental, animal welfare, and industry groups; Federal, State, and local governments; and Native American Tribes to assist with early scoping. We conducted public comment periods for scoping on the draft EIS, including one public meeting, five public webinars, and meetings with affected Federal agencies. We mailed notices of the availability of the draft EIS to over 600 individuals and organizations.

On November 3, 2015, we issued a Notice of Availability in the Federal Register (80 FR 67779) for the draft SHA and draft EA for public review. A 30-day public review and comment period closed December 3, 2015. The draft SHA and draft EA were available on the website of and in

hard copy from the Oregon Fish and Wildlife Office in Portland, Oregon. We received two public comments from non-governmental organizations. Both comments were concerned about the potential loss of spotted owl habitat under the SHA. For a detailed description of substantive comments and Service responses please see Appendix A.

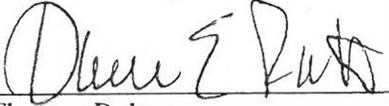
Changes Made Between the Draft and Final EA

A few changes were made to the EA to address public comments and incorporate new information. We added some additional information on the potential effects of incidental take of the spotted owl, and added some clarification on the information already provided. We chose to expand on the Cumulative Effects analysis to discuss some potential future SHAs in the affected area, though these future SHA actions have not yet reached the level of reasonably foreseeable.

Conclusion

Based upon my review and evaluation of the information contained in the EA, SHA, and other supporting documents cited herein, I have determined that issuance of the Enhancement of Survival Permits and implementation of the SHA, as proposed, is not a major Federal action that will significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, preparation of an Environmental Impact Statement on the Proposed Action is not required.

Documents used in preparation of this Finding Of No Significant Impact include the EA (USFWS 2015a), SHA (USFWS 2015b), and Intra-Service Section 7 Biological Opinion (USFWS 2015c). All documents are incorporated herein by reference, as described in 40 CFR 1508.13. All supporting documents are on file and available for public inspection, by appointment, at: U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave, Suite 100, Portland, Oregon, 97266; telephone (503) 231-6179.



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Jan 14 2016
Date

Supporting References

USFWS (U.S. Fish and Wildlife Service). 2015a. Final Environmental Assessment Draft Environmental Assessment for the Roseburg Resources Company and Oxbow Timber I, LLC Safe Harbor Agreement. U.S. Fish and Wildlife Service, Portland, Oregon.

USFWS (U.S. Fish and Wildlife Service). 2015b. Final Safe Harbor Agreement for the Northern Spotted Owl between Roseburg Resources Company, and Oxbow Timber I, LLC, and the

U.S. Fish and Wildlife Service in the Oregon Coast Ranges Study Area of the Barred Owl Removal Experiment. U.S. Fish and Wildlife Service, Portland, Oregon.

USFWS (U.S. Fish and Wildlife Service). 2015c. Biological Opinion on Biological Opinion Regarding the Issuance of an Enhancement of Survival Permit in Conjunction with the Implementation of a Safe Harbor Agreement for the Northern Spotted Owl between Roseburg Resources Company Oxbow Timber I, LLC, and the U.S. Fish and Wildlife Service. U.S. Fish and Wildlife Service, Portland, Oregon.

Appendix A- Public Comments and Responses

Comment Issue 1: Oregon Wild is concerned that allowing the removal of habitat would undermine the information value of the experiment and render the barred owl control effort useless to spotted owl recovery. They point out that the purpose of experiment is to allow spotted owls greater access to suitable habitat so that they can live and reproduce in habitat that would otherwise remain unavailable due to barred owl occupancy. They asked how the Service would be able to detect if barred owl control was working in light of the loss of habitat during the Experiment. Friends of Animals also questioned the effect of habitat removal on the experiment.

Service Response: The models used to generate the spotted owl population trends include habitat as a covariate, allowing us to estimate how much impact habitat loss (or gain) has on the observed rates population change. Thus, we can detect whether barred owl removal is affecting the spotted owl population trend even with the loss of some habitat during the study. This is particularly true given the small amount of habitat that may be removed under the conditions of the SHA.

The total amount of potential habitat that could be lost within the non-baseline sites as a result of the Permit is 308 acres, less than 0.6% of the 52,000 acres of suitable spotted owl habitat in the treatment portion of the Study Area. Federal lands contain 76 percent of the remaining habitat. The companies own no habitat within 7 of the site's Thiessen polygons (estimated use area of spotted owls on the site in the past). On 8 of the remaining sites, RRC and Oxbow own less than 20 acres of habitat. The largest amount of habitat owned by RRC or Oxbow on any one site is 99 acres. Based on the experience in the Green Diamond study (Diller et al. 2014), we anticipate that spotted owls will likely reoccupy historic sites.

An additional 522 acres of habitat occur in areas where spotted owls have not been located despite over 20 years of surveys. Thus, the total habitat that could be removed under this SHA is 830 acres, which represents less than 1.6 percent of the habitat within the treatment portion of the Study Area, and less than 0.1 percent of the estimated 606,800 acres of suitable habitat in the Oregon Coast Ranges Physiographic Province, one of the 12 identified recovery units for the northern spotted owl. It is important to note that all of the spotted owl habitat involved in the Permit, whether within or outside a spotted owl site, is currently available for harvest by the Company without restrictions.

The conservation value of the Barred Owl Removal Experiment, and this SHA which supports that Experiment, is the information the Service will gain about the feasibility and efficiency of removal as a tool for barred owl management. This information will be crucial for the development of long range barred owl management strategies. The 2011 Revised Recovery Plan for the Northern Spotted Owl clearly identified the need for the information that would be provided from the Barred Owl Removal Experiment. Thus, even with some small amount of habitat loss, the Barred Owl Removal Experiment still has significant value to the recovery of the spotted owl.

Comment Issue 2: Friends of Animals stated that the Barred Owl Removal Experiment and corresponding SHA constitute a major Federal action, and as such FWS must prepare an Environmental Impact Statement (EIS). They also stated that the Service should have evaluated the application and SHA concurrently with the Barred Owl Removal Experiment.

Service Response: Federal agencies are required to conduct an analysis under the National Environmental Policy Act (NEPA) for proposed Federal actions. If the significance of the environmental effects are uncertain, the agency may conduct an Environmental Assessment (EA) to determine if an EIS is required. We conducted such an analysis, provided for public comment, and have reached the conclusion that the action of issuing an Enhancement of Survival Permit for the Northern Spotted Owl, to RRC and Oxbow will have no significant impact on the human environment and does not require the preparation of an EIS.

The Final EIS for the Barred Owl Removal Experiment (FEIS) was completed and a decision signed in September 2013. In that FEIS, we stated that “[i]n the removal areas, the Service will explore the potential for Safe Harbor Agreements with nonfederal landowners willing to cooperate with the experiment” (USFWS 2013, p. 218). We also responded to a comment on the FEIS noting that we had not analyzed the effects of SHAs in our economic analysis (USFWS 2013, p 452). As we noted in our response, SHAs are applicant driven, voluntary, and would be developed with individual landowners specific to their individual situation, therefore we could not reasonably anticipate the number, extent, or contents of such agreements at that time. Our earliest discussions with landowners concerning SHAs did not begin until February of 2015. We could not have reasonably included an analysis of this SHA with the FEIS for the Barred Owl Removal Experiment.

The Barred Owl Removal Experiment is currently being implemented on this Study Area and barred owls are being removed from Federal lands within the treatment portion of the Study Area. This SHA contributes to the full implementation of the experiment. This analysis evaluates effects not reasonably foreseeable at the time of the FEIS.

Nevertheless, in order to ensure that we fully considered the effects of this permit, the final EA considers the cumulative impact of this action when added to the effects identified in the FEIS on the Barred Owl Removal Experiment and the two potential SHAs still in development. Since the FEIS fully considered the effects to the barred owl of this experiment across this Study Area, regardless of ownership, there are not cumulative effects to barred owls. Therefore, our final EA focuses on any cumulative impacts to the northern spotted owl.

The Service is now in conversations with two other non-Federal landowners concerning potential SHAs in the Oregon Coast Ranges Study Area, however. No applications have even been received to date and we have made no decision to issue section 10 permits to either of these potential applicants; such decisions would be made only after all applicable substantive and procedural requirements have been met. There is no certainty that the applicants will follow through with an application, and applicants can withdraw at any time. Therefore, we do not believe these potential actions are reasonably foreseeable.

Weyerhaeuser owns approximately 7,489 acres of forest lands within the treatment portion of the Oregon Coast Ranges Study Area in Lane County, Oregon. The Weyerhaeuser SHA and permit, if completed and issued, may authorize incidental take of spotted owls that may reoccupy up to 16 non-baseline sites or areas as a result of the harvest or modification of 829 acres of suitable habitat. The Oregon Department of Forestry (ODF) manages approximately 20,000 acres of forest lands within the treatment portion of the Oregon Coast Ranges Study Area. The ODF SHA and permit, if completed and issued, may authorize take for of spotted owls that may reoccupy up to 16 non-baseline sites and areas, as a result of the harvest or modification of 4020 acres of suitable habitat. The current draft of the ODF SHA provides for an elevated baseline, and as such is ODF would not receive take authorization for some sites that are covered in the RRC SHA.

All three of the SHAs (RRS and Oxbow, Weyerhaeuser, and ODF) do or will likely contain the same basic requirements of the applicants: 1) access to lands and roads for the survey of barred owls on the applicant's lands throughout the study area; 2) access and permission to remove barred owls from the applicant's lands within the treatment portion of the study area; and 3) avoidance of disturbance of actively nesting spotted owls. All three SHAs contribute to the implementation of Recovery Action 29 through support of the Barred Owl Removal Experiment.

The information from this experiment is critical to the development of a long-term management strategy to address the barred owl threat to the spotted owl as part of the recovery strategy for the northern spotted owl. Access to the lands included in this SHA is crucial to efficient and effective implementation of this experiment. This SHA, in conjunction with the two potential SHAs, will contribute to our ability to remove the majority of barred owls from the treatment area and avoid creating pockets of barred owls within the treatment area that could reduce the power of the experiment to detect the effect, and thereby lengthen the duration of the study.

Comment Issue 3: Applicants' proposed permit and SHA are not in compliance with the ESA because they would not provide a net conservation benefit to northern spotted owls and would allow habitat loss beyond the end of the experiment period.

Service Response: The Service described our analysis of the conservation value and net conservation benefit of the SHA in section 4.3 – Net Conservation Benefits. See Comment Issue 1 for a discussion of habitat loss.

The length of the permit is based on the length of time before the Service anticipates conditions on the study area in terms of barred owl populations will return to baseline condition. The effects of the Barred Owl Removal Experiment do not vanish immediately following the last removal period. The Service anticipates that the barred owl population will take three to five years to recover following the removal. The permit length was established to coincide with the return to baseline conditions.

Comment Issue 4: Friends of Animals contend that “[b]ecause FWS has never analyzed how

information from the Barred Owl Removal Experiment could lead to a long term strategy to conserve northern spotted owls, no reasonable person could conclude that the Experiment or the safe harbor agreement promote northern spotted owl conservation or recovery. They also stated that the experiment itself was not expected to provide long term conservation, based on the statement in the FEIS that the Service “did not anticipate long-term conservation value from the spotted owls that might reoccupy historic sites in the Study Area.” (USFWS 2013, p 11, 16).

Service Response: The 2011 Revised Recovery Plan for the Northern Spotted Owl clearly identified the need for the information that would be provided from the barred owl removal experiment (Recovery Action (RA) 29), in part to implement RA 30 - *Manage to reduce the negative effects of barred owls on spotted owls so that Recovery Criterion 1 can be met.* RA 30 describes the potential for management that could include “. . . local or large-scale control of barred owl population, and/or other activities at present unforeseen but informed by research results.” (USFWS 2011, p. III-65).

The FEIS for the Barred Owl Removal Experiment describes the purpose and need for the information that the Experiment will provide. Friends of Animals erroneously assumed that because we stated that we did not anticipate long term conservation value from the individual spotted owls that may temporarily reoccupy the historic sites where spotted owls had not responded for at least three years, this meant that the study itself had no long term conservation value. In fact, the long term conservation value of the experiment lies in the information on the effectiveness of removal as a tool for improving spotted owl population dynamics.

This SHA contributes to our ability to remove the majority of barred owls from the treatment area. In the absence of this SHA, the Service would lack access to important areas within the treatment area. The lack of access for barred owl surveys and removal on RRC and Oxbow lands and roads could create pockets of barred owls within the treatment area, providing a source of barred owls to reoccupy spotted owl sites following removal, continue displacing spotted owls from these sites, reducing the power of the experiment to detect the effect, and thereby lengthen the duration of the study.

Comment Issue 5: Friends of Animals stated that “[i]f northern spotted owl habitat is destroyed as part of the Experiment, as proposed in the SHA, then no benefit can come from conducting the Barred Owl Removal Experiment.” They note that the loss of habitat would have long term effects while the experiment is short term, and will end.

Service Response: Friends of Animals provided no evidence that the loss of habitat would negate any benefit of the Barred Owl Removal Experiment. As stated before, loss of habitat at the low level associated with the SHA will not affect our ability to detect the effect of barred owl removal on spotted owl populations, nor will it impact the long term prospects for the survival and recovery of the spotted owl. However, lack of access for barred owl surveys and removal on RRC and Oxbow lands and roads could impact the time required for spotted owls to respond to removal by creating pockets of barred owls within the treatment area. These pockets would provide a source of barred owls to reoccupy spotted owl sites following removal

and would continue to compete with spotted owls for habitat in the area.

The Barred Owl Removal Experiment will end when we acquire the information needed to answer the questions posed in the FEIS, specifically when we have sufficient information to determine the efficacy and efficiency of barred owl removal as a management tool for spotted owl conservation. The information from this experiment is one of the critical missing pieces of information the Service identified as needed as part of an effort to determine what we can, and should, do to manage barred owl populations to allow the survival of the threatened Northern Spotted Owl. While the experiment may be short term (maximum of 10 years), the information gained will have long term effects on the survival and recovery of the spotted owl.

Comment Issue 6: The Friends of Animals state that the proposed permit and draft SHA are not in compliance with the ESA because they could reduce the likelihood of survival and recovery of the spotted owl, and that this should be grounds for denying the permit. They contend that “If northern spotted owl habitat is destroyed as part of the Experiment, as proposed in the Safe Harbor Agreement, then no benefit can come from conducting the Barred Owl Removal Experiment, and it could actually reduce the likelihood of spotted owl survival and recovery.”

Service Response: The Service has completed a consultation on the issuance of the permit to RRC and Oxbow under this SHA and found that the action would not jeopardize the northern spotted owl. 50 CFR 402.02 contains the definition of Jeopardy – “Jeopardize the continued existence of means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.” In that determination, the Service considered the effect of the potential habitat loss to the species. See Comment Issue 1 for a discussion of the effect of the habitat loss.

Comment Issue 7: Friends of Animals claimed that the Service failed to adequately evaluate the impacts of the issuance of the permit and the subsequent loss of habitat. In particular, they state that the EA did not analyze “how additional information from the Applicant’s land would affect future conservation or how the absence of such information would impact conservation.” In addition, they claim the Service failed to examine how such data contributes to conservation.

Service Response: In the draft SHA, Section 4.3 b-- Net Conservation Benefit, we describe the value of the Barred Owl Removal Experiment, and the value of access to the RRC and Oxbow lands to the efficient operation of the experiment. We note that lack of access will likely reduce the detection power of the experiment which, in turn, would lead to extending the term of the experiment and delay results. As Friends of Animals notes, spotted owl populations are in decline. Any delay in acquiring information important to potentially addressing the threat from barred owl competition will only exacerbate the decline. (See also response to Comment Issue 5)

Comment Issue 8: Friends of Animals did not consider the EA to contain a reasonable range of alternatives that would avoid or minimize adverse impacts or enhance the human environment.

Specifically, they stated that the Service omitted several reasonable alternatives from its analysis including: 1) studying the interaction between barred owls and spotted owls without removal; and 2) preserving additional habitat for northern spotted owls as part of the SHA.

Service Response: The option of studying the interaction between barred owls and spotted owls without removal was considered in the FEIS on the barred owl removal experiment and is described in Section 2.3 -- Alternatives Considered and Dismissed from Detailed Analysis, in particular Section 2.3.5 -- Studies of Species Interaction without Removal (USFWS 2013, p 48.) SHAs are applicant driven and may include discussions between the Service and the Applicant. Early in the process, several minor modifications to the action alternative were options that were discussed and rejected as not meeting the purpose and need of this EA, the goals of the Applicant or the goals of the Service (by not providing for a net conservation benefit.) These include the following:

Longer permit duration: We discussed a permit duration that would run past 2025, or more than 5 years following the cessation of barred owl removal on the Experiment. The Service anticipates that the barred owl populations on the study area will return to the pre-experiment levels at the end of the permit in 2025. At that point, any spotted owls remaining on the landscape are not present due to the diminished barred owl population resulting from the removal experiment, and we do not believe it would be appropriate to authorize take under this SHA. Because we do not yet have hard data to test our assumption on return to pre-removal conditions within 5 years, we will consider extending the permit if barred owls have not returned to pre-experiment levels by 2025.

Shorter permit duration: We considered a permit duration of 5 years, ending with the end of barred owl removal. This would not meet the Applicant's goal of retaining the current level of regulatory restriction on the management of their lands. The effects of the barred owl removal do not evaporate at the end of the barred owl removal. It will take time, an estimated three to five years, before barred owl populations will recover to pre-removal levels. The presence of spotted owls on non-baseline sites immediately following the removal portion of the experiment would reflect the effects of the experiment. Under this approach, the applicant would be burdened with additional restrictions on their lands as a result of their participation in the SHA. This did not meet the goals of the applicant and would provide an incentive to the applicant to harvest these lands quickly, before the end of the permit. This approach could lead to less habitat on the landscape over a shorter time.

Maintain habitat in the nesting area for duration of experiment. This approach would result in increased restrictions on the applicant's lands if spotted owls occupied core areas on the applicant's land. This did not meet the goals of the applicant. It is also very unlikely that this would be invoked as there are no known historic core areas on the applicant's lands. Based on the results from the Green Diamond barred owl removal study, spotted owls generally reoccupy historic sites, and there are not historic nest sites on RRC or Oxbow lands. The applicants were willing to protect these nest stands while

spotted owls were actively nesting or raising young.

Comment Issue 9: Friends of Animals stated that the Service should consider and disclose the ethical impacts of its proposed actions. They stated that “[t]he EA or EIS should include a serious discussion of the ethical implications of the proposed action, killing barred owls and destroying the habitat of and harassing spotted owls.” They also stated that “[i]n order to make an informed decision and include the public in the decision making process, FWS must include a detailed discussion of the impacts of its proposed action on owls as well as other wildlife affected by its activities.”

Service Response: In the FEIS for the Barred Owl Removal Experiment, the Service detailed our extensive efforts to examine social issues, including ethical issues (Section 3.6, USFWS 2013, pp 188-194). We incorporated this information by reference in the EA.

References Cited

- Diller, L.V., J.P. Dumbacher, R.P. Bosch, R.R. Bown, and R.J. Gutiérrez. 2014. Removing Barred Owls from Local Areas: Techniques and Feasibility. *Wildlife Society Bulletin* 38(1):211–216
- USFWS (U.S. Fish and Wildlife Service). 2011. Revised Recovery Plan for the Spotted Owl (*Strix occidentalis caurina*). U.S. Fish and Wildlife Service, Portland, Oregon.
- USFWS (U.S. Fish and Wildlife Service). 2013. Final Environmental Impact Statement for the Experimental Removal of Barred Owls to Benefit Threatened Spotted Owls. U.S. Fish and Wildlife Service, Portland, Oregon.