

**BARRED OWL WORK GROUP  
NORTHERN SPOTTED OWL RECOVERY PLAN  
CHARTER**

**November 10, 2008**

## **1. INTRODUCTION**

The northern spotted owl (NSO) (*Strix occidentalis caurina*) was listed in 1990 as a threatened species under the Federal Endangered Species Act of 1973, as amended (Act) by the U.S. Fish and Wildlife Service (Service). In 1992, a draft recovery plan was developed for the NSO but was never signed. The Northwest Forest Plan was developed in 1994 and subsequently implemented, providing the federal land management agencies' contribution to NSO recovery. In 2006, a new recovery team was appointed by the Service's Region 1 Director, and in May 2008 the Service completed and signed a recovery plan for the northern spotted owl.

The Act authorizes the Service to appoint recovery teams to assist in the development and implementation of recovery plans. The Act specifically exempts recovery teams from the Federal Advisory Committee Act (FACA), but otherwise does not provide specific guidance related to the conduct of recovery teams. This charter defines the structure, roles, responsibilities, and rules of conduct for the NSO Recovery Plan's Barred Owl Work Group (BOWG), an implementation team of the NSO Recovery Plan.

## **2. THE BARRED OWL WORK GROUP**

### **2.1 Role of BOWG**

The role of the BOWG is to advise and assist the Service with implementation of the Recovery Plan's strategy for managing the apparent threat posed by barred owls (*Strix varia*). Specifically, the BOWG will provide the NSO Recovery Plan Implementation Team (see below) with recommendations to implement Recovery Actions 21 to 31, and possibly with elements of Recovery Action 32 (see Attachment 1). Prior to the completion of the recovery plan an interim BOWG met on several occasions and began developing priorities for implementation. The formal BOWG's first priority is implementation of Recovery Action 29 (designing and implementing large-scale barred owl control experiments). Prioritization of other actions is at the group's discretion. Concurrently, the BOWG has prioritized working on recovery actions 23 (developing barred owl protocols), 24 (spotted owl protocol update), and 26 (outreach strategy). Implementation of these actions is necessary for successful implementation of removal experiments. BOWG member organizations and their representatives must be supportive in conducting the necessary staff work for successfully implementing these recovery actions.

As mentioned above, the BOWG will advise and assist the NSO Recovery Plan Implementation Team (IT). The IT serves as a managerial level group directing NSO Recovery Plan implementation (Attachment 2). It is anticipated that the IT will meet quarterly and will be overseen by the NSO Recovery Plan Executive Group. BOWG members are appointed by their respective IT organizations and serve on their behalf. Currently, the Service's Oregon Fish and Wildlife Office (OFWO), with Paul Henson as State Director, functions as the lead office for NSO recovery efforts.

## **2.2 Team Lead**

The Team Lead for the BOWG will be appointed by the State Director of the OFWO. The BOWG Team Lead will report BOWG activities to the NSO Recovery Plan Coordinator and to the OFWO State Director as appropriate. Direct supervision of the Team Lead will occur by the respective OFWO Division head, who will also be receiving reports as described below.

The current Team Lead for the BOWG is Jim Thrailkill of the OFWO. The Team Lead is the spokesperson for the Team, and is responsible for all aspects relating to the successful operation of the BOWG, including being responsible for meeting management and logistical support. The Team Lead is responsible for overseeing preparation of all documents from the BOWG, and for ensuring the internal decision-making process, as described below, is followed effectively. The Team Lead is also the first contact for all issues associated with the BOWG. Media contacts to BOWG members should be directed to the Team Lead, who will ensure that such inquiries are handled consistently and with the input of USFWS Public Affairs staff as appropriate. Paul Phifer, the Northern Spotted Owl Recovery Coordinator, is available to assist as needed, including with meeting planning and facilitation.

## **2.3 Role of BOWG Members**

BOWG members agree to constructively contribute to the implementation process. BOWG members are chosen for their familiarity with the issues surrounding the NSO, including scientific expertise and/or understanding of management operations. BOWG members are expected to participate in each relevant meeting, and as available, any associated public meetings and scientific workshops while retaining an objective, science-based perspective in executing the recovery actions.

Recovery of the NSO is an issue of regional importance, even though some aspects of recovery may be more important locally or within a single state. Although some barred owl issues may have only local relevance, all members of the BOWG are expected to participate in discussions of all issues, regardless of regional application, to ensure better consistency and acceptance among recovery priorities and actions throughout the range of the NSO.

## **2.4 Confidentiality and Meetings**

BOWG meetings will, in general, be closed to the public, but may be open if the BOWG deems it necessary or appropriate. Meetings will be called by the BOWG Team Lead in consultation with BOWG members. Meeting minutes will be recorded and provided to all BOWG members. The Team Lead will be responsible for recording and disseminating meeting minutes, unless those tasks are otherwise delegated at the time of the meeting. Documentation of the BOWG's decision-making process, including meeting minutes and all other pertinent information, will be recorded in an administrative record and kept on file at the OFWO. Drafts of all documents (e.g., meeting notes, reports, etc) generated by the BOWG, in whole or part, are considered internal working documents to be kept confidential, not to be shared outside the BOWG or their member's agency, until the Service approves them for public release. Authority for document release is anticipated to be approved by Paul Henson and/or the Recovery Plan IT. It is

anticipated that document review to the Recovery Plan IT will be coordinated through the Recovery Plan Coordinator.

BOWG members will be allowed to inform their managers as to the progress and direction of the BOWG as they believe appropriate and necessary.

## **2.5 Reporting Progress**

The BOWG, through the Team Lead, will provide updates on its progress at each formal meeting of the IT. Such updates may be provided verbally by the Team Lead or in writing. It is anticipated that coordination of this information will occur from the NSO Recovery Plan Coordinator. Other updates as determined necessary by the BOWG and/or the Team Lead will be provided to the Coordinator and OFWO State Director. BOWG members may be required, at times, to assist the Team Lead in the preparation and presentation of such reports and updates, as may be necessary.

## **2.6 Decision-making process**

The BOWG will make decisions in a collaborative manner, striving for consensus with no objections. If such consensus cannot be reached on a particular issue after reasonable discussion, the BOWG will document the opinions by fully explaining the conclusions and assumptions pertaining to the issue, providing a clear rationale for each conclusion and assumption, and providing an honest, unbiased assessment of the pros and cons of each conclusion.

Decision voting will be conducted by BOWG members, as described in Attachment 3. If a BOWG member is absent from a meeting, conference call, etc, follow-up by the Team Lead will occur to that individual seeking comment on the BOWG decision.

## **2.7 Conflicts of Interest**

BOWG members are advised to avoid conflicts of interest and other ethical problems. Employees of Federal agencies are expected to follow the Standards of Ethical conduct for Employees of the Executive Branch, as presented in Title 5 of the Code of Federal Regulations, Part 2635. Examples of ethical behavior expected of all Team members include the following:

- Members should not solicit business or seek economic advantage for themselves, their firms, or their clients, nor participate in BOWG decisions that would result in such solicitation or advantage based on their position on the BOWG.
- Members should hold any non-published information (e.g., materials presented to the BOWG by outside contributors) obtained as a result of their service on the BOWG in confidence and ensure that it is used exclusively for official purposes of the BOWG. Members should not use nor will members provide the use of such information for their own private gain or the gain of another person.
- Members should not use the resources available to the BOWG for the purposes of assisting a political campaign or for any campaign business.
- Members should not represent themselves as speaking for the Service.

## **2.8 Compensation**

Within budget constraints, the Service may provide funds as needed for travel expenses of non-governmental BOWG members' travel and per diem during BOWG business; however, the Service does not pay salaries. Non-governmental BOWG members' time contribution will not be compensated by the Service. Pending Service approval, the BOWG may initiate contracts for scientific services (e.g., data analyses, workshops) in support of BOWG business.

## **2.9 Composition**

The BOWG membership will be comprised of representatives from Federal, State, Tribal governments and non-governmental organizations with interests in implementing the NSO recovery actions, in particular the actions described above. As the BOWG primarily handles scientific issues, knowledge and problem-solving ability of technical and scientific issues is necessary for participation in the BOWG.

It is understood that the team's composition may change as different issues are prioritized. In addition, the BOWG has the authority to establish subgroups (e.g., NSO protocol subgroup, barred owl survey methods, outreach, etc) as a method of obtaining specific expertise or outside information. The subgroups will not make decisions and are not covered by FACA.

## **2.10 Duration of Charter**

These Terms of Charter will remain in effect as long as the BOWG is in place or until superseded by another written document.

## **3. SIGNATURES**

By signing the Charter, BOWG members agree to the conditions stated above. The U.S. Fish and Wildlife Service extends its gratitude for your contribution to this recovery implementation effort.

\_\_\_\_\_  
Barred Owl Work Group Member

\_\_\_\_\_  
Date

**Attachment 1.** Barred owl related actions in the 2008 Northern Spotted Owl Recovery Plan.

**Recovery Action 21:** Establish a work group of entities involved with barred owl research and management (Federal and State agencies, Tribes, timber industry, universities, and non-governmental organizations) to coordinate actions relative to barred owl research, management, monitoring, and public outreach.

**Recovery Action 22:** Analyze existing data sets from the demographic study areas relative to the effects of barred owls on spotted owl site occupancy, reproduction, and survival.

**Recovery Action 23:** Establish protocols to detect barred owls and document barred owl site status and reproduction.

**Recovery Action 24:** Ensure that protocols adequately detect spotted owls in areas with barred owls.

**Recovery Action 25:** Analyze resource partitioning of sympatric barred owls and spotted owls.

**Recovery Action 26:** Create and implement an outreach strategy to educate the public about the threat of barred owls to spotted owls.

**Recovery Action 27:** Expedite permitting of experimental removal of barred owls.

**Recovery Action 28:** Identify key spotted owl areas. “Key spotted owl areas are those judged most likely to retain spotted owls for the future, given current declines. Barred owl control experiments and other efforts (described in other Recovery Actions) should focus on these areas...”

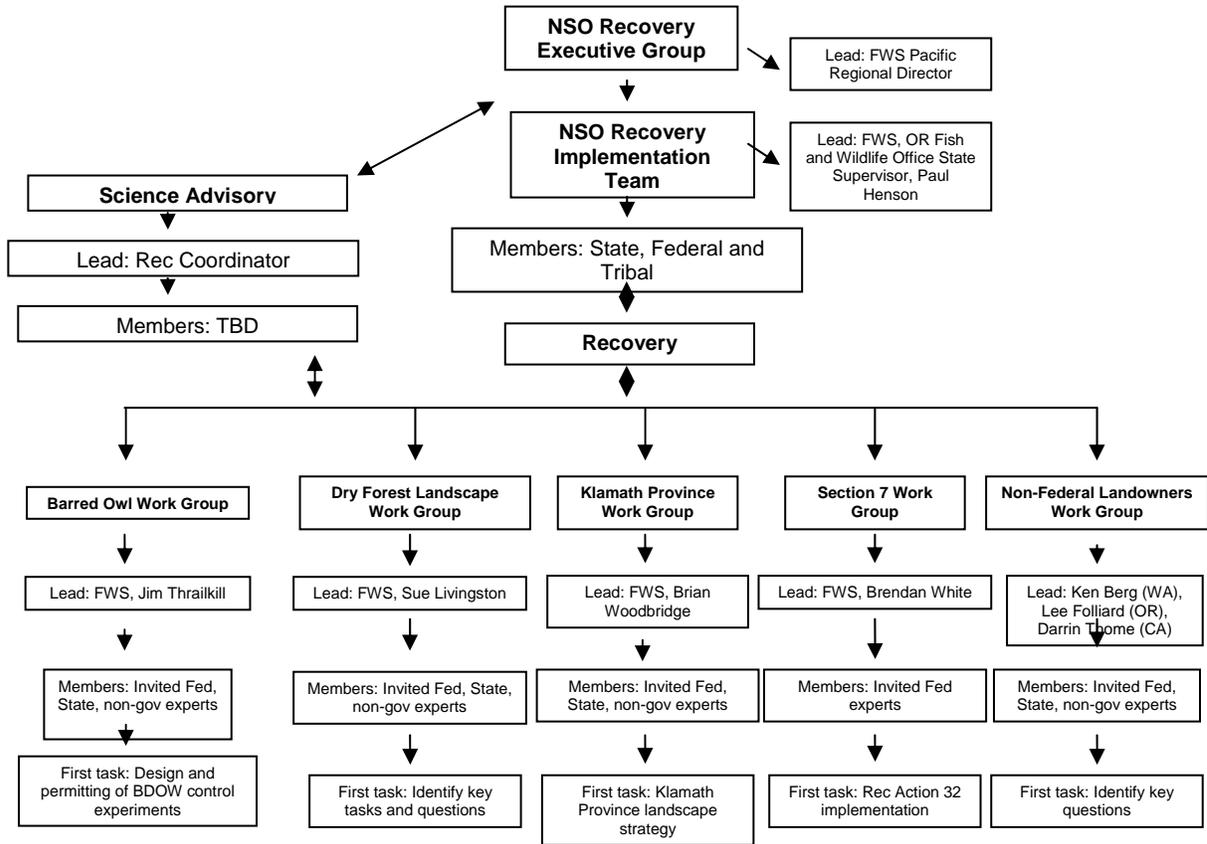
**Recovery Action 29:** Design and implement large-scale control experiments in key spotted owl areas to assess the effects of barred owl removal on spotted owl site occupancy, reproduction, and survival.

**Recovery Action 30:** Manage the negative effects of barred owls on spotted owls so that Recovery Criteria 1, 2, and 3 can be met.

**Recovery Action 31:** “Develop mechanisms for land-owners and land managers to support barred owl management...”

**Recovery Action 32:** “Maintain substantially all of the older and more structurally complex multi-layered conifer forests on Federal lands outside of MOCAs ...”

**Attachment 2. Organizational chart of Northern Spotted Owl Recovery Plan implementation.**



**Attachment 3.** List of Barred Owl Working Group member organizations.

The OFWO will strive to have this list of organizations compose the BOWG; others may be added as necessary. These organizations and stakeholder groups will have voting rights associated with the BOWG. Individuals representing the organizations will cooperatively collaborate on all BOWG business and will actively problem solve issues and conduct the necessary staff work toward implementation of the Recovery Actions identified by the BOWG as immediate priorities (see Section 2.1 above). If the USFWS representatives do not believe individuals are behaving in a constructive manner in helping the BOWG achieve its purposes, the FWS will work with the respective organization(s) to remedy the situation.

**BOWG Member Organizations**

USDA, Forest Service R6

USDI BLM, Oregon State Office

USFWS, Oregon Fish and Wildlife Office (Region 1)

USFWS, Arcata, Yreka or Red Bluff Field Office (Region 8)

USFWS, Washington Fish and Wildlife Office (Region 1)

National Park Service

Private industry representative

Tribal representative

Oregon Department Fish and Wildlife

Washington Department of Fish and Wildlife

California Department of Fish and Game

Oregon Department of Forestry

Conservation group representative