

Frequently Asked Questions about Northern Spotted Owl Recovery

Recovery Plan for the Northern Spotted Owl:

What is a recovery plan?

The most significant provision of the Endangered Species Act is that all listed species are protected from “take” (meaning to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct). Two other major provisions supplement “take” protections to help listed species rebound. These are recovery plans and critical habitat designations.

Recovery plans consolidate the best available scientific information on listed species and make recommendations on actions needed to achieve recovery. They guide conservation and habitat management activities to help listed species rebound to the point they no longer need the protection of the Endangered Species Act. Recovery plans are usually developed by a recovery team that includes representatives of state and federal agencies, tribes, academic institutions, and private organizations. The U.S. Fish and Wildlife Service seeks public review and comment on draft recovery plans before they are finalized.

Recovery plans do not establish regulations or restrictions on activities such as land use and management. They do, however, play an important role in the U.S. Fish and Wildlife Service’s consultation with other federal agencies when their proposed actions have the potential to affect a listed species. Under the Endangered Species Act, federal agencies must avoid activities that jeopardize listed species or adversely modify areas of their designated critical habitat. The scientific information in recovery plans is often used to inform critical habitat designations as well.

What is the status of the northern spotted owl recovery plan?

The U.S. Fish and Wildlife Service finalized a revised northern spotted owl recovery plan in June 2011.

The history of recovery planning in the case of the northern spotted owl is unique. After the species was listed under the Endangered Species Act in 1990, a draft recovery plan was developed in 1992, but it was not finalized. In 1994, the Northwest Forest Plan was created as a broad conservation framework to address the needs of many late-successional forest-dependent species, including the spotted owl (late-successional forests are dominated by stands of mature and old growth age classes of trees). The Northwest Forest Plan served many of the same purposes as a recovery plan.

Guiding federal land management and protection measures for the spotted owl and many other species, the Northwest Forest Plan amended federal land use plans within 19 National Forests (19.4 million acres) and seven districts of Bureau of Land Management lands (2.7 million acres). Six National Parks (totaling 2 million acres) also were covered under the Northwest Forest Plan. Part of the Northwest Forest Plan framework was a network late-successional reserves to be managed for conservation while other areas were classified as “matrix” lands to be managed for timber production.

Most recovery plans do not include special land classifications or reserve networks. However, it is not uncommon for recovery plans to identify habitat characteristics or areas of habitat that are considered important to achieve recovery. The scientific information in recovery plans is often used to inform critical habitat designations as well.

The U.S. Fish and Wildlife Service finalized the first official recovery plan for the spotted owl in 2008, but we decided to revise it after it faced legal challenges and negative peer reviews from leading scientific organizations (see: [“Why was the northern spotted owl recovery plan revised?”](#)). We released a draft revised recovery plan in September 2010 and invited public review and comment for a 90-day period. An updated appendix relating to a new habitat

modeling tool was later made available for an additional 30-day public review and comment period. We reviewed about 12,000 public comments altogether on the draft revised plan before it was finalized in June 2011.

Why was the northern spotted owl recovery plan revised?

The original 2008 northern spotted owl recovery plan and a 2008 revised critical habitat designation were challenged in court shortly after they were completed. In addition, in December 2008, the Inspector General of the Interior Department issued a report concluding that the integrity of the decision-making process for the recovery plan was potentially jeopardized by improper political influence. As a result, in July 2009, the federal government requested voluntary remand of the 2008 recovery plan and revised critical habitat designation. In September 2010, the court issued an opinion remanding the 2008 recovery plan to the U.S. Fish and Wildlife Service for issuance of a revised plan within nine months (by June 1, 2011, but this deadline was later extended until July 1, 2011). The court subsequently ordered the U.S. Fish and Wildlife Service to propose a revised critical habitat designation by November 15, 2011 (extended until February 28, 2012) and a final designation by November 15, 2012.

The revised spotted owl recovery plan, finalized in June 2011, includes new scientific information and addresses concerns raised by members of The Wildlife Society, Society for Conservation Biology, and American Ornithologists' Union who provided negative peer review on the 2008 plan. We regarded these organizations' concerns as legitimate and compelling enough to warrant further consideration. Along with our recovery partners, we moved forward with implementing many aspects of the original 2008 recovery plan while developing certain refinements to address legal and scientific concerns.

What are the main provisions of the northern spotted owl recovery plan?

The U.S. Fish and Wildlife Service is working to recover the northern spotted owl in coordination with the U.S. Forest Service, Bureau of Land Management, National Park Service, and many other state, tribal, and private sector partners. The spotted owl recovery plan includes 34 recovery actions and makes three overarching recommendations: 1) protect the best of the spotted owl's remaining habitat, 2) revitalize forest ecosystems through active management, and 3) reduce competition from the encroaching barred owl.

- To **protect the best of the spotted owl's remaining habitat**, we recommend conserving spotted owl sites and high quality habitat across the landscape. This means the habitat protections provided under land use plans on federal lands will continue to be a focus of recovery, but protection of other areas is likely needed to achieve full success (including some areas previously slated for timber production on federal lands, and possibly some non-federal lands in certain parts of the owl's range where federal lands are limited).
- To **revitalize forest ecosystems through active management**, we recommend actions that make forest ecosystems healthier and more resilient to the effects of climate change and catastrophic wildfire, disease, and insect outbreaks. This involves an "ecological forestry" approach in certain areas, which may include carefully applied prescriptions such as fuels treatment to reduce the threat of severe fires, thinning to help older trees grow faster, and restoration to enhance habitat and return the natural dynamics of a healthy forest landscape. We also recommend continually evaluating and refining active forest management techniques.
- To **reduce competition from the encroaching barred owl**, we recommend managing barred owl populations to give the spotted owl a chance to rebound enough that the two species may eventually be able to co-exist. To test the feasibility and effectiveness of barred owl management, we are proposing experimental removal of barred owls in certain portions of the spotted owl's range to see what effect this has on spotted owls. If the experiment proceeds and the effects on spotted owls are positive, we may consider the efficacy and feasibility of barred owl removal on a broader scale.

How does the northern spotted owl recovery plan affect federal lands?

The bulk of federal lands potentially affected by northern spotted owl recovery are managed by the U.S. Forest Service (about 20 million acres) and the Bureau of Land Management (about 2 million acres). Recovery efforts are carried out in close coordination with these and other agencies and partners.

When the spotted owl recovery plan was finalized in June 2011, the Forest Service and BLM recognized the importance of interagency collaboration in achieving recovery objectives. The Forest Service said the effect on the vegetation management program would be substantially smaller than the agency originally estimated and the BLM said that the recovery plan was likely to have few or limited effects on the timber program in the near term (see [Forest Service Letter](#) and [BLM Letter](#).)

In the spotted owl recovery plan, two recovery actions (#10 and #32) in particular relate to the Forest Service and BLM's land use programs. The U.S. Fish and Wildlife Service, Forest Service, and BLM worked together to develop recommendations that enable the conservation of high quality spotted owl habitat (e.g., older growth and occupied forest) in a prioritized fashion and reduce the likelihood that following the recovery plan recommendations would inadvertently encumber otherwise appropriate timber harvest or vegetation management aimed at restoring forests through "ecological forestry" management practices. (The ecological forestry approach will vary in different areas, but may involve fuels treatment to reduce the risk of catastrophic wildfire, disease outbreaks, and insect infestations, and careful thinning to help older trees grow faster.) This was especially necessary to make sure that appropriate dry forest restoration treatments were not unintentionally affected.

Habitat conservation for the spotted owl has contributed to stronger forest protections since the species was listed under the Endangered Species Act in 1990. There are a number of other contributing factors to the decline in timber harvest in the Northwest over the last few decades. These include:

- Federal land managers' requirements to protect riparian reserves under the Aquatic Conservation Strategy, part of the Northwest Forest Plan;
- Specific legal requirements, such as those under "Survey and Manage" litigation affecting the BLM. These requirements relate to a host of late-successional forest-dependent species included in the conservation provisions of the Northwest Forest Plan (late-successional forests are dominated by stands of mature and old growth age classes of trees).
- Other specific timber sales, especially in old growth forests, have repeatedly been stalled due to litigation that is not necessarily related to the spotted owl (in some cases, the U.S. Fish and Wildlife Service has officially determined timber sales will not jeopardize the spotted owl population, yet the sales face other legal challenges that prevent harvest).

In addition, estimates on the impacts of spotted owl recovery on timber harvest also should take into account:

- The recovery plan recommends some modification of Northwest Forest Plan guidelines relating to harvest in late-successional reserves if doing so is part of forest management to promote ecosystem health, which may increase timber output in some areas where it does not jeopardize the spotted owl population, and
- Some additional timber output can be expected from ecological forestry management practices recommended in the recovery plan. The U.S. Fish and Wildlife Service is providing expertise and technical support for three forest pilot projects on BLM lands in southwestern Oregon that demonstrate the ecological forestry approach. So far we have approved two timber sales that are part of these projects.

How does the northern spotted owl recovery plan affect non-federal lands?

All species listed under the Endangered Species Act are protected from "take" anywhere they occur, whether or not they have a recovery plan or a critical habitat designation ("take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct). Recovery plans do not regulate, restrict, or

dictate any land uses on non-federal lands (or federal lands). The purpose of recovery plans is to identify a species' greatest conservation needs and recommend the best ways to provide for them so that a listed species will no longer need Endangered Species Act protection. Because more than two-thirds of all listed species live all or part of their lives on privately owned land, non-federal landowners are often important partners in endangered species recovery.

Protecting habitat on federal lands has been the focus of recovery efforts since the northern spotted owl was listed in 1990. In more recent years the sufficiency of conserving habitat primarily on federal lands has been increasingly questioned. The spotted owl recovery plan acknowledges that certain areas on non-federal lands can (and do) play a valuable role in recovery and recommends working collaboratively with valuable conservation partners such as state agencies, private landowners, and tribes.

The spotted owl recovery plan does not lay out specific details on a role for non-federal lands in recovery. Rather, the U.S. Fish and Wildlife Service recommends ongoing dialogue and collaborative decision-making with state agency partners and citizens to determine the best way forward. We also will continue to consult and collaborate with tribal governments in accordance with their status as sovereign nations with inherent powers of self-governance. Several tribes have long worked to monitor and conserve spotted owls on their lands, making valuable contributions to recovery.

Our goal is to work with partners and citizens to evaluate the potential contribution of state and private lands to recovery in areas where federal lands are limited. In those areas, we will work together to develop economic and other sensible incentives for voluntary habitat conservation partnerships such as Safe Harbor agreements and Habitat Conservation Plans.

A Safe Harbor is a voluntary agreement between the U.S. Fish and Wildlife Service and a private landowner. Safe Harbors are area- and species-specific, though they sometimes cover more than one species with similar habitat needs. Safe Harbors encourage private landowners to carry out habitat conservation measures on their land to benefit listed species. In exchange, we provide assurances that future land use restrictions will not be imposed if the species is then attracted to the site. This provides landowners with more certainty for their land use planning.

Under Safe Harbors, some "incidental take" of individual species may potentially occur in return for the landowner's commitment to conservation measures that contribute to the species' population overall. ("Incidental take" refers to take that occurs as an indirect, unintended result of an otherwise lawful activity. We can authorize such take through a special permit process—a key part of Safe Harbor agreements and Habitat Conservation Plans.)

Similarly, Habitat Conservation Plans are for non-federal landowners, usually government agencies, private organizations, or businesses, whose otherwise lawful activities are expected to occasionally result in incidental take of a listed species. We work with these landowners to develop provisions for monitoring, minimizing, and mitigating for potential incidental take.

There are currently five Safe Harbor agreements for the spotted owl—two in Washington, one (statewide) in Oregon, and two in northern California. There are currently 12 Habitat Conservation Plans for the spotted owl: six in Washington covering more than 2 million acres, two in Oregon covering 200,000 acres, and four in California covering more than 200,000 acres.

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