United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon Fish and Wildlife Office
2600 SE 98th Avenue, Suite 100
Portland, Oregon 97266
Phone: (503) 231-6179 FAX: (503) 231-6195

Reply To: 12-0550
File Name: NSOCH2012_PRletter__13march2012_SRC.doc
TS Number: 8181.0764B
TAILS: NA
Doc Type: NA

March 13, 2012

«AddressBlock»

«GreetingLine»

The U.S. Fish and Wildlife Service (Service) recently released to the public the Proposed Revised Critical Habitat Rule for the Northern Spotted Owl. To ensure that the best biological and commercial information was used in the rule-making process, as well as to ensure that reviews by recognized experts are incorporated into the review process, we are soliciting your review of the science applied in the proposed rulemaking. In addition, we are requesting your review as a member of the Scientific Review Committee (SRC) for the Northern Spotted Owl. Your peer-review will assist us as we revise and improve the rule, which is scheduled for final publication in November of 2012. Please let us know by **April 13, 2012** whether you are able to review the rule.

This proposed rule was published in the Federal Register on March 8, 2012. We will send a copy for your use, should you chose to review the rule. In addition, we will provide the *White Paper on Habitat Modeling* (also referred to as Dunk et al. 2012) which provides additional detail on the methods used to identify proposed critical habitat. We will also include *Appendix C* from the *2011 Revised Recovery Plan for the Northern Spotted Owl*, which describes the foundation of the modeling process, as a reference document. If you chose to review, please let us know whether you would prefer to receive these documents via email or on CD. The public comment period will be open until **June 6, 2012**; your comments must be received during this period to be considered in the preparation of the final rule for designation of critical habitat.

The Service requests your review of all scientific and technical elements of the rule, but there are key areas we wish to highlight for you to focus on. Although the rule contains a large amount of material pertaining to policy, we are particularly interested in your review of the underlying science. Please tier your responses, as appropriate, to the goal of designating those specific areas that meet the definition of critical habitat for the northern spotted owl, and to your specific areas of expertise. The following are some of the most important aspects of the proposal we would like you to focus on; however, we welcome your comments on any aspect of the science incorporated in the proposed rule.

1. This proposed rule represents a potential increase in the total acreage included in critical habitat, incorporating both the impact that barred owls likely have on spotted owl population performance and the need to conserve high-quality habitat.

    a. Given the assumptions about barred owl effects, does this critical habitat network provide a sufficient amount and distribution of habitat for the northern spotted owl?

    b. Have the physical and biological features that are essential to the conservation of the owl been properly described? Do the areas identified as proposed critical habitat adequately capture these features? Are there areas we identified that should not be included in the designation?

2. Does the critical habitat network adequately encompass the geographic range of the northern spotted owl and represent the range of habitat types used by the species?

3. The proposed rule identifies the need to conserve high quality (i.e., older) forest habitat, especially occupied habitat, at greater rates than originally anticipated under the Northwest Forest Plan (NWFP) in 1994. Thus, we have identified areas on Federal lands in the "Matrix" classification (i.e., areas designated for timber harvest under the NWFP) as proposed critical habitat, as well as some State and private lands where Federal lands are lacking. Do you agree or disagree with this approach? Why or why not?

4. Section 2 of the Endangered Species Act states: "The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved." Therefore, this proposed rule (and the Revised Recovery Plan) attempts to reconcile single-species management for northern spotted owls with the restoration and conservation of the broader forest ecosystem within which spotted owls occur. To accomplish this goal, this proposed rule considers emerging science on the application of ecological forestry methods to maintain or restore ecological processes, both to address impacts from past forest management as well as potential impacts due to future climate change.

    a. Does the proposed rule appropriately cite the scientific literature on ecological forestry to recommend restoration of ecological processes and the conservation of late-successional forests while also providing sufficient habitat conservation for northern spotted owls?

    b. The proposed rule makes general management recommendations for consideration in the different types of forest habitats. Do the proposed guidelines for vegetation management, including forest fuels treatments and restoration of fire regimes, represent an appropriate application of ecological science?

    c. Do you believe the proposed rule appropriately balances the potential risks of taking action with the potential risks of a passive (i.e., "no action") management approach, especially in the face of ongoing climate change and the need to manage for the entire forest ecosystem, not just spotted owls?

5. The Service initiated a spatially-explicit demographic modeling process as part of the 2011 Revised Recovery Plan, in part as a consequence of scientific peer review of the

2008 Recovery Plan. This model process was used to inform and evaluate various options for proposing critical habitat.

a. Is there relevant information available we did not incorporate into the critical habitat modeling process (thoroughness), and have we interpreted the existing scientific information in a reasonable way (scientific consistency)?

b. The modeling process attempted to incorporate both scientific uncertainty and demographic (stochastic) variation. Were methods used to incorporate uncertainty and variability appropriate?

c. Does the proposed critical habitat rule correctly express the key assumptions and uncertainties underlying the scientific and technical information it used, particularly in regard to spotted owl habitat, demographic trends, and influence of barred owls on spotted owls?

d. Was the combination of analytical methods (MaxEnt, Zonation, Hexsim) with professional judgment (please see *Criteria Used to Identify Critical Habitat*, pp. 137-159 in the proposed rule for details) appropriate for identifying critical habitat? Are there additional analyses you would recommend? Please refer to the attached Modeling Methods White Paper for details about methods.

Please let us know if you are willing to be a reviewer. As mentioned above, we need completed reviews by June 6, 2012. You have been selected for a review request because of your professional credentials. Therefore, we request that any review you provide explicitly represent the expressed, professional opinions as yours (and where applicable, also as a representative of your agency or organization) in relation to the aspects above. Your review will become part of the administrative record and will be available for public review.

Thank you for considering being a reviewer for this proposed critical habitat designation. Please contact Betsy Glenn of my staff at 503/231-6170 or betsy_glenn@fws.gov regarding your decision to review the rule and with any questions about the review process. You may send your comments on the rule to the address on the letterhead, or via the Federal eRulemaking Portal at *http://www.regulations.gov*. We look forward to hearing from you.

Sincerely,

Paul Henson, Ph.D.
State Supervisor