

Regulatory Mechanisms

Northern Spotted Owl
5-Year Review

Regulatory Mechanisms

- Federal Laws and Regulations
 - Protective Regulations
 - Migratory Bird Treaty Act

Regulatory Mechanisms

- Federal Laws and Regulations
 - Federal Land Management
 - Forest Service
 - National Forest Management Act
 - Multiple Use Sustained Yield Act
 - Bureau of Land Management
 - Oregon and California Lands Act
 - Federal Land Policy and Management Act
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Regulatory Mechanisms

- Federal Laws and Regulations
 - Federal Land Management
 - National Park Act
 - National Wildlife Refuge System Administration Act
 - Wilderness Act
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Regulatory Mechanisms

- Federal Land Management Plans
 - Northwest Forest Plan
 - Land use allocation based

Regulatory Mechanisms

- Federal Land Management Plans
 - Northwest Forest Plan
 - Allocations that support clusters of reproductive owls
 - Late-successional Reserves
 - Managed Late-successional Areas
 - Congressionally-reserved Areas
 - Reserve Pair Areas
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Regulatory Mechanisms

- Federal Land Management Plans
 - Northwest Forest Plan
 - Allocations that support connectivity
 - Adaptive Management Areas
 - Administratively Withdraws Areas
 - Riparian Reserves
 - Matrix
 - Connectivity Blocks
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Regulatory Mechanisms

□ Non-Federal Laws and Regulations

■ State Laws

□ Endangered Species Acts

■ Washington - endangered

■ Oregon - threatened

■ California - bird species of special concern

Regulatory Mechanisms

- Non-Federal Laws and Regulations
 - State Laws
 - Forest Practices Act – Washington
 - Focus on special emphasis areas
 - Provisions differ within and outside special emphasis areas
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Regulatory Mechanisms

□ Non-Federal Laws and Regulations

■ State Laws

□ Forest Practices Act – Oregon

- Where owls are known, protect 70 acre core of habitat
 - Activity restricted within $\frac{1}{4}$ mile of a known nest between March 1 and September 30.
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Regulatory Mechanisms

- Non-Federal Laws and Regulations
 - State Laws
 - Forest Practices Act – California
 - Require pre-project surveys
 - specified amounts of habitat retention near owl activity centers and within radii of 500 feet, 1,000 feet, 0.7 miles and 1.3 miles
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Regulatory Mechanisms

□ Non-Federal Plans

■ Incidental Take Permit

□ Issuance of incidental take permits authorizes incidental take of listed species

□ requires that the effects of the take will be minimized and mitigated to the maximum extent practicable

Regulatory Mechanisms

□ Non-Federal Plans

■ Incidental Take Permits

□ 13 Permits cover Northern Spotted Owls

■ 7 in Washington, 3 in Oregon, 3 in California

□ Range in size from 480 to 1.6 million acres

Regulatory Mechanisms

□ Non-Federal Plans

■ Incidental Take Permit

□ Level of take varies

- no individuals to nearly 180 pairs/resident single owls

- no loss of habitat to removal of nearly 42,500 acres

Regulatory Mechanisms

- Non-Federal Plans
 - Incidental Take Permit
 - applicants are required to minimize and mitigate the impact of the take to the maximum extent practicable.
 - Approaches include
 - reserve based
 - retaining certain amounts of habitat
 - focus on providing a specific life history
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Regulatory Mechanisms

- Non-Federal Plans
 - Tribal Management

Trends in Spotted Owl Habitat on Federal Lands from 1994 to 2003

Federal Habitat Trends

- Very limited focus
 - Federal lands
 - Rates of habitat change
 - For comparison to similar information in the listing
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Federal Habitat Trends

□ USFWS database

- Contains all consultation data since 1994
 - Updated by agencies for most recent implementation
 - Also requested information on habitat loss from catastrophic “natural” events (fire, windthrow, insect, disease)
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Federal Habitat Trends

- Process used to develop estimates
 - Step 1 - Determine appropriate baseline for starting habitat level
 - NW Forest Plan baseline
 - Range wide
 - Consistent methodology
 - Consistently applied over 9 years
 - Recognized by the Land Management agencies
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Federal Habitat Trends

- Process used to develop estimates
 - Step 2 – compile data
 - Update with latest information
 - Compile for management and natural events
 - Step 3 – Calculate percentage
 - Range-wide
 - Physiographic province
 - By agency and region/state
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Federal Habitat Trends

□ Preliminary Results

Preliminary Results – Federal Habitat Removal

Range-wide rates of habitat removal

	Acres removed	Rate (1994 – 2003)	Annual Rate
Management	156,000	2.11	0.23
Natural Disturbance	224,000	3.03	0.34
Total	380,000	5.14	0.57

Results – Comparison to Listing

Acreage and annual rate of change

	Listing Document		Current
Agency/state	Prelisting period (~ 1981 to 1990)	Anticipated rates (1991 to 2000)	Calculated rates (1994 to 2003)
Forest Service (WA/OR)	64,000 (1.5)	39,400 (1)	10,341 (0.21)
Forest Service (CA)	Not reported	4,700 (0.4)	1,653 (0.14)
BLM (OR)	22,000 (3)	23,400 (3)	4,911 (0.52)
Total		67,500 (1)	16,905 (0.24)

Federal Habitat Trends

□ Habitat development

- Very limited information available
 - Projection model developed for other purposes, not specific to spotted owl habitat
 - Estimates 600,000 acre of late successional forest development per decade
 - Based on several assumptions
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Summary

- ❑ Very specific and limited question, for use in comparison to listing document
 - ❑ Reduction in rate of Federal management-based habitat losses from ~ 1 %/yr to 0.24 %/yr
 - ❑ Rate of loss of habitat to natural catastrophic events was 0.34 %/yr
 - ❑ Limited projection information on development of older forest
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