

FOREST PRACTICE NOTES

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OREGON DEPARTMENT OF FORESTRY
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This information is to help operators, landowners and the general public understand the Oregon Forest Practice Rules for protecting northern spotted owl sites. Oregon Department of Forestry forest practice rules apply to commercial forest operations on all non-federal forest lands in Oregon.

Landowners and operators must realize that compliance with Oregon Department of Forestry forest practice rules does not imply compliance with the federal Endangered Species Act, which is enforced by the U.S. Fish and Wildlife Service. Parties conducting operations on state and private forest lands are subject to all federal requirements under the Endangered Species Act, as well as any requirements of the forest practice rules. Questions pertaining to the federal Endangered Species Act should be directed to the Portland office of the U.S. Fish and Wildlife Service at 503-231-6179.

Why all the fuss about the status and welfare of this particular bird? The numbers, distribution and welfare of spotted owls are closely associated with mature and old-growth forests. Habitats have been significantly reduced since 1850 (mostly since 1950) by the clearing of forested land for agriculture and urban development; by natural events such as wildfire and windstorms; and by logging.

The Northern Spotted Owl

The spotted owl is a brown-eyed, medium-sized owl, with a round head and no ear tufts. As the name implies, the owl is spotted. Its dark brown plumage is dotted with creamy white spots. The spotted owl is widely distributed in forested regions of western Oregon and Washington, and in northwestern California, primarily in forest habitat structure and function typically associated with mature and old-growth conifer stands.

Mostly nocturnal, spotted owls forage in forests, consuming small mammals such as flying squirrels, wood rats, and voles (a small, mouse-like rodent). During the day, it roosts in trees. Spotted owls mate for life, although they do not breed every year. Spotted owls

SPOTTED OWL



Photograph by Milo Burcham

lay their eggs in tree cavities, or on a platform, often in a tree that has had its top broken off. One to three eggs (usually two) are laid in March or April, with the female doing the incubating. The young hatch in April or May. They leave the nests when about 35 days old (typically May or June), but the parents continue to feed them until late summer or early fall. By October, the young become independent and disperse from the parental area.

Protected Sites

Current Oregon Administrative Rules require protection of specified resource sites. Spotted owl sites protected under Oregon Department of Forestry forest practice rules are nest sites. Nest sites include nest trees and "activity centers." The intent is to select a resource site location that identifies a point on the ground around which protection measures can be applied. The ideal observation is a nest tree. However, spotted owls of breeding age do not necessarily nest every year, nor do they return to the same tree to nest, though it is likely they will nest within the same area when conditions are favorable. Therefore, it is often necessary to interpret owl survey information to determine an activity center.

Site determination is based upon consultation among

the landowner, operator, Oregon Department of Forestry, Oregon Department of Fish and Wildlife biologists, and any other agency group, or private consultant who may have information that is beneficial in designating the nest site. Foraging habitat is not considered to be a specific resource site and is not protected under the forest practice rules.

Forest Practices Act Protection Requirements

Proposed and ongoing forest operations within one-half mile of a spotted owl nest site or activity center are evaluated by the Oregon Department of Forestry to determine if conflicts exist with protection of the resource site.

The Oregon Department of Forestry will notify the affected landowner and operator when a proposed operation is within one-half mile of an identified owl site. Failure of the Oregon Department of Forestry to notify a landowner and operator of a site does not relieve the landowner and operator of the obligation to obtain prior approval, or to protect a site. Landowners and operators aware of an owl nest site — whether or not previously identified by the Oregon Department of Forestry — remain responsible for the site's protection.



Photograph by Milo Burcham

Operations must leave a minimum 70-acre “core area,” (see illustration, right) which encompasses the nest site. The core area must consist of the best available suitable habitat in the vicinity of the site. Research indicates that this core area is essential for the welfare of juvenile spotted owls. Mortality in juvenile owls is very high, with predation from great horned owls being a primary cause of death.

Having a relatively closed canopy of a continuous block of suitable habitat is important to their dispersal, as it provides protection from predation. Juvenile spotted owls spend an average of 104 days in the core area, then disperse between mid-September and mid-October.

Forest practices that do not maintain the core area's habitat suitability are not allowed. This means, in most cases, timber harvesting within the core area will not be allowed.

Forest practices inside and outside of the core area that disturb owls' nesting behavior, and may possibly contribute to nest failure, must be deferred until the end of the breeding and fledgling season. The period between March 1 and September 30 is when nesting owls can least tolerate disturbance.

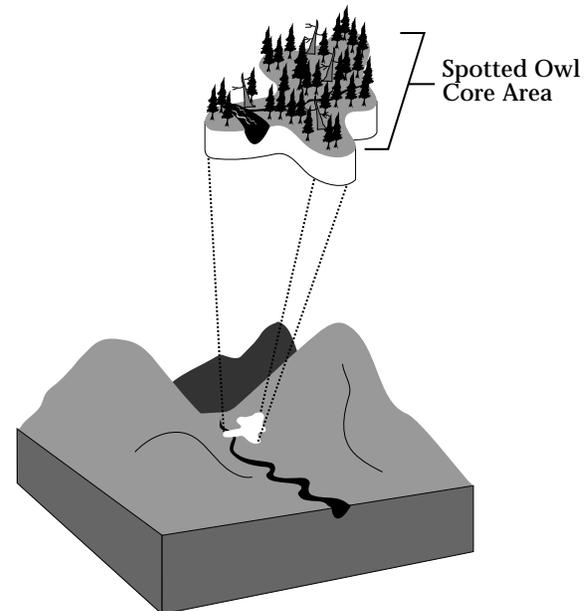


Photograph by Milo Burcham

Know Your Responsibilities And Plan Ahead

Parties who intend to conduct operations in areas where spotted owl sites exist, or are likely to exist, are encouraged to contact an Oregon Department of Forestry office early in the operation's planning stages. This contact will provide the landowner and operator with an opportunity to better understand their responsibilities and options under the forest practice rules.

Limited information about landowners' and operators' obligations under the federal Endangered Species Act may be obtained from Oregon Department of Forestry offices. Specific direction about the requirements under the federal Endangered Species Act should be obtained from the Portland field station of the U.S. Fish and Wildlife Service at 503-231-6179.



Northern Spotted Owl Core Area

The shape of the core area protecting a northern spotted owl nest site is determined by several factors, such as size and density of the forest, height of the understory, and amount of dead and dying material. The boundary of the core area is configured to make a contiguous habitat. The shape represented by this illustration is only one example; the actual shape of a core area may vary greatly.

Questions & Answers

How Are Private Landowners Affected?

Less than ten percent of spotted owl habitat in Oregon is thought to exist on private forest land. All landowners and operators are required to follow the state requirements *and* avoid a “taking” as prohibited by the federal Endangered Species Act.

A taking is defined as harming, killing, pursuing or capturing a threatened or endangered species. The U.S. Fish and Wildlife Service has established four guidelines that assist landowners and operators to avoid a taking.

The federal Endangered Species Act creates different expectations for federal and private land. On federal land, the act requires full measures be taken to provide recovery of a species. On private land, the act prohibits a taking of a threatened or endangered species. The U.S. Fish and Wildlife Service is responsible for administering and enforcing the federal Endangered Species Act. Questions pertaining to the federal Endangered Species Act should be directed to the U.S. Fish and Wildlife Service Portland Field Station, 503-231-6179.

A high priority for the Oregon Department of Forestry as it works with private landowners and operators is to help them understand their responsibility under the state requirements *and* their responsibility to comply with the federal Endangered Species Act.

An Example of How This Will Work.

1. A private landowner is planning a harvest. Under the Forest Practices Act, the landowner files a notification of operation with the Oregon Department of Forestry.
2. The Oregon Department of Forestry reviews the notification and compares the location of the planned operation with known owl nest sites. If the operation is within one-half mile of these sites, prior approval is required from Oregon Department of Forestry before the operation may begin.
3. An evaluation is also made by foresters and biologists, and if it becomes apparent the planned operation will conflict with the protection requirements for spotted owls in the Oregon Forest Practices Act, then the landowner is responsible for obtaining approval of a written plan before commencing the operation. The landowner is responsible for preparing a written plan that describes how the operation will be conducted to provide for a 70-acre core area encompassing the nest site and prevention of

disturbances resulting from operation activities which cause owls to flush from the nesting site. Oregon Department of Forestry forest practices foresters and Oregon Department of Fish and Wildlife biologists will provide technical assistance to landowners in determining the boundaries of the 70-acre core area.

The Oregon Department of Forestry will also advise landowners and operators of their obligations to meet the requirements of the federal Endangered Species Act. ***Compliance with the state forest practices requirements does not imply compliance with federal requirements.***

4. If it is apparent the operation poses no forest practice rule conflict with an owl site, the operation may proceed as soon as approval is granted. However, this does not imply compliance with federal Endangered Species Act requirements.

On What Is The Oregon Department Of Forestry Basing Its Knowledge Of “Known” Sites?

The Oregon Department of Forestry is using the best available inventory information. This consists of on-site observations and owl site maps created by private, state and federal agencies. Many landowners are conducting spotted owl inventories which are turning up an increased number of known spotted owls.

Owl sites on federal land may also affect harvest activity on private forest land, where operations are planned near the owl site.

Will This Really Protect The Northern Spotted Owl?

Under current forest practices rules, the state’s protection is limited to site-specific areas as opposed to the broad-scale habitat restrictions you might be familiar with on federal forest lands.

The Oregon Board of Forestry adopted the 70-acre core area based on scientific evidence which shows that spotted owl fledglings use at least 70 acres for daily activities. The protection afforded spotted owl nest sites is expected to adequately protect these specific sites to fledge young owls, and is not designed to provide enough spotted owl habitat to maintain breeding pairs. The forest practices rule is not designed to protect the owl. The federal Endangered Species Act protects the owl.

ODF Field Offices Directory

Northwest Oregon Area

Astoria District
Route 1, Box 950
Astoria, OR 97103
503-325-5451

Tillamook District
4907 E. 3rd St.
Tillamook, OR 97141
503-842-2545

Forest Grove District
801 Gales Creek Road
Forest Grove, OR 97116
503-357-2191

Clackamas-Marion District
14995 S. Hwy 211
Molalla, OR 97038
503-829-2216

West Oregon District
25433 Alsea Hwy
Philomath, OR 97370
503-929-3266

Southern Oregon Area

Douglas Forest Protection
Association
1758 N.E. Airport Road
Roseburg, OR 97470
503-440-3412

Western Lane District
P.O. Box 157
Veneta, OR 97847
503-35-2283

Eastern Lane District
3150 Main St.
Springfield, OR 97478
503-726-3588

Linn District
4690 Hwy 20
Sweet Home, OR 97386
503-367-6108

Southwest Oregon District
5286 Table Rock Road
Central Point, OR 97502
503-664-3328

Coos District
300 5th St., Bay Park
Coos Bay, OR 97420
503-267-4136

Eastern Oregon Area

Central Oregon District
Route 2, Box 357
Prineville, OR 97754
503-447-5658

Klamath-Lake District
3400 Greensprings Drive
Klamath Falls, OR 97601
503-883-5681

Northeast Oregon District
611 20th St.
La Grande, OR 97850
503-963-3168

Salem Headquarters

2600 State Street
Salem, OR 97310
503-945-7470



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