

Agenda Item No.:	B
Work Plan:	State Forests Work Plan
Topic:	State Forest Management
Presentation Title:	Endangered Species Acts Agreements: Update on State Forests Participation in U. S. Fish and Wildlife Service Barred Owl Removal Project and Possible Safe Harbor Agreement, and State Forests intent to enroll in a Candidate Conservation Agreement with Assurances (CCAA) for fisher
Date of Presentation:	April 27, 2016
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## **SUMMARY**

The purpose of this agenda item is to inform the Board of the ongoing involvement with the U.S. Fish and Wildlife Service's Barred Owl Removal Research Project, ODF's participation in the project, and related discussions on a Safe Harbor Agreement.

As part of the Northern Spotted Owl Recovery Plan, the U.S. Fish and Wildlife Service is implementing a research project on barred owl removal. One of the possible outcomes of barred owl removal is an increase in the number of northern spotted owl sites. ODF State Forests Division is nearing completion and implementation of the Safe Harbor Agreement, a tool to protect the interests of the state, while participating in the project. Division and Service Staff last updated the Board on the research project and progress towards the Safe Harbor Agreement in November 2015.

### ***Context***

The Service listed the Northern Spotted Owl as threatened in 1992. The Service developed and approved a Recovery Plan for the owl in 2008, and revised it in 2011. One of the Service's strategies to address the barred owl threat is *Recovery Action 29: "Design and Implement large scale control experiments to assess the effects of barred owl removal on spotted owl site occupancy, reproduction, and survival."*

To implement this recovery action, a research project is underway to determine effects of barred owl removal on spotted owls. The general hypothesis is that once barred owls are removed from an area, spotted owls in the treatment area will do better than those in the control area.

Service and Division staff gave presentations to the Board in November 2015. The Service presented information pertaining to the design and status of the research project. Division staff gave an overview of Safe Harbor Agreements, whereby landowners receive formal assurances

that the Service will not require additional protection measures without landowner consent should the listed species occur on or near the enrolled property as a result of landowner actions that contribute to the recovery of a listed species (e.g. spotted owl).

**ODF State Forests.** The Coast Range site includes ODF Western Lane District lands within the treatment area and the Union/Myrtle site includes ODF Southwest Oregon District lands in the control area. ODF granted permission for access for the purposes of surveying in 2015 and began negotiations with the Service to establish a “baseline condition” and draft a Safe Harbor Agreement, after determining that it was the appropriate tool for protecting the interest of the state. The draft Safe Harbor Agreement was reviewed internally by the Service’s Regional Office and readied for publication in the Federal Register. During this period, ODF granted the Service permission to remove barred owls on the Western Lane District in order to facilitate implementation of the research project. Access was granted for removal and survey through August 31, 2016, with access beyond that date contingent on the successful completion of a Safe Harbor Agreement. ODF determined that barred owl removal already occurring immediately adjacent to the Western Lane District on federal lands (and that would be occurring soon on private lands) resulted in continued participation in the Safe Harbor Agreement process being in the best interests of the state.

The draft Safe Harbor Agreement was published in the Federal Register on March 21, 2016, which began a public comment period pursuant to the National Environmental Policy Act (NEPA) that will close on April 20, 2016. At the time of this report, the nature of public comments is unknown. The Service is also in the process of developing a template Safe Harbor Agreement to make it easier for small non-federal landowners to participate in the study. This template is similar to the two existing private landowner agreements. The template does not lessen the requirements of a Safe Harbor Agreement. It will simply provide a standardized format for applying, thereby expediting the process. Any future agreements will still require establishment of a baseline, and environmental assessment and full NEPA review, including public comment. Additionally, much of the analysis done by the Service for the three agreements to date (ODF and two private landowners) can be used for future agreements, which will facilitate Environmental Assessments.

## **NEXT STEPS**

The draft Safe Harbor Agreement and associated Environmental Assessment will be reconciled with public comments received, and then finalized. ODF will only proceed with a final agreement if it is still determined to be in the best interests of the state. After a final agreement is in place, ODF will grant continued access for removal and survey to complete implementation of the research project.

## **RECOMMENDATION**

Information only.

## **ATTACHMENTS**

1. Federal Register Notice. Vol 81, No 54. March 21, 2016. *Oregon Department of Forestry; Proposed Safe Harbor Agreement for the Northern Spotted Owl and Draft Environmental Assessment.*