



Q&A: FWS Critical Habitat Proposal For the Northern Spotted Owl

Q. What action is the Fish and Wildlife Service taking?

The Service is proposing to revise the 1992 critical habitat designation for the northern spotted owl, a threatened species protected under the federal Endangered Species Act. In 1992, about 6.9 million acres of land were designated as critical habitat; the current proposal is to designate about 5.3 million acres in the same area. These lands are distributed across the range believed to be occupied by the northern spotted owl, including the Olympic Peninsula, the Cascade Mountains of Washington, Oregon and northern California, the Coast Ranges in Oregon and California, and the Klamath Provinces in Oregon and California. Only federal land is proposed to be designated as critical habitat for the northern spotted owl. The acreage proposed, by state, rounded to the nearest 100,000 acres is:

	<u>2007 Proposal</u>	<u>1992 Designation</u>
Washington	1.8 million	2.2 million
Oregon	2.2 million	3.3 million
California	1.3 million	1.4 million
TOTAL	5.3 million	6.9 million

Q: When does this proposal become final?

The Service is inviting comment on this proposal for the next 60 days. Comments and information must be received by the Service by close of business on August 13, 2007. Before a final designation is determined, potential economic impacts of the proposal will be analyzed and released for public comment. All comments on the proposed designation and the draft economic analysis will be carefully considered before a final rule designating critical habitat for the northern spotted owl is published.

A final decision is due to the Federal Register by June 1, 2008.

Q: Why does the Fish and Wildlife Service designate critical habitat?

Designation of critical habitat is required by the Endangered Species Act when a species is listed, unless it is found not prudent to do so. The Service originally designated critical habitat for the northern spotted owl on January 15, 1992, after listing the bird as a threatened species in 1990. In 2004, the Service completed a 5-Year Status Review of the species, which found that it continues to require the protections of the Endangered Species Act.

Q: What criteria are used to select land to be designated as critical habitat?

According to the Endangered Species Act, a critical habitat designation is for land within the range of a species at the time it is listed that has the physical or biological features essential for the conservation of the species and that may require special management. For the northern spotted owl, these features include particular forest types of sufficient area, quality and configuration to support the needs of territorial owl pairs throughout the year distributed across the species' range, including habitat for nesting, roosting, foraging and dispersal.

Q: How were these specific areas selected as proposed critical habitat for the northern spotted owl?

The Service followed the conservation strategy set forth in the 2007 Draft Recovery Plan for the Northern Spotted Owl, including that strategy's reliance on federal lands. Areas were selected for their conservation benefit to the northern spotted owl within the geographical area occupied by the species. The draft Recovery Plan proposes two different options, both based on the same science, for managing for owl conservation on federal lands. The options differ in that Option 1 identifies specific conservation area boundaries, or habitat blocks, called Managed Owl Conservation Areas (MOCAs). Option 2 also relies on a network of habitat blocks but instead of identifying specific conservation area boundaries it provides a set of rules to guide federal land managers in identifying owl conservation areas on their lands. Both options provide a network of large blocks of contiguous habitat capable of supporting 20 pairs of owls and smaller blocks capable of supporting 1 to 19 pairs of owls. Blocks must be spaced at appropriate dispersal distances (12 miles apart for large blocks and seven miles apart for small blocks) and include habitats that are representative of the historic geographic and ecological distributions of the northern spotted owl.

The conservation areas identified in the draft Recovery Plan are found entirely on federal lands managed by the U.S. Forest Service and the Bureau of Land Management. Therefore, in developing this critical habitat proposal, the Service worked closely with these land management agencies to identify those areas best suited for owl conservation and recovery on lands within their jurisdiction. The proposed critical habitat units on Forest Service land in Washington, Oregon and California – and BLM land in California – overlay the MOCAs identified in Option 1. The proposed critical habitat units on BLM land in Oregon overlay areas identified by the BLM, utilizing the draft Recovery Plan's Option 2 approach, as best suited for management for owl conservation.

Q: What is the 2007 Draft Recovery Plan for the northern spotted owl?

Under the Endangered Species Act, the Service is usually required to outline the goals and objectives that must be met in order to recover an endangered species. The guiding document, called a recovery plan, is a road map on how to help species recover to the point that the protections of the Act are no longer necessary. The draft Recovery Plan for the northern spotted owl was released to the public on April 26, 2007. The draft plan identifies the invasive, non-native barred owl as the number one threat to the recovery of the northern spotted owl, followed by the effects of historic and on-going habitat loss.

Q: Who wrote the draft recovery plan?

The draft northern spotted owl recovery plan was prepared by the Service with the assistance of a Recovery Team representing federal agencies, state governments, the timber industry and the conservation community. The draft plan will be peer-reviewed before being finalized.

Q. Why is the Service proposing to designate critical habitat on the basis of a recovery plan that is only draft?

The draft recovery plan is based on the best scientific information that has become available since the northern spotted owl was listed as a threatened species in 1990. The draft plan reflects the most current assessment of the species' conservation needs and provides a roadmap for the owl's recovery. The draft recovery plan is expected to be finalized before a final decision is made on critical habitat.

Q. In areas where the proposed critical habitat units overlay Managed Owl Conservation Areas (MOCAs), what accounts for the difference in acreage between them?

The MOCAs, totaling 7.7 million acres, include wilderness areas and national parks, which are managed in ways that benefit the conservation of the northern spotted owl and therefore do not meet the definition of critical habitat, resulting in the 5.3 million acres being considered. Wilderness areas and national parks were not included in the 1992 critical habitat designation and area not included in the proposed revision.

Q. What is the reason for the proposed change from the original critical habitat designation?

Of the 5.3 million acres in the critical habitat proposal, 4.5 million acres are on lands designated in 1992. Some areas are different. Changes from the current designation in the proposed revision are due largely to:

- Recommendations of the 2007 Draft Recovery Plan for the Northern Spotted Owl, which reflects the most current assessment of the conservation needs of the species and proposes a more efficient configuration of habitat blocks emphasizing otherwise-reserved areas such as Late-Successional Reserves, identified in the Northwest Forest Plan, that were established after critical habitat was designated in 1992.
- Refinements in modeling and mapping technology since 1992 that allow for improved definition of owl conservation areas. An example of this refinement is that the 1992 rule had to move all critical habitat unit boundaries to the next section line beyond the actual habitat, due to mapping abilities at the time. Today's proposal relies on Geographic Information System mapping, which does not require this kind of rounding-up.
- Improvements in biologists' understanding of northern spotted owl use of habitat. The northern spotted owl has been one of the most-studied owls in the world for more than 15 years and much information and data have been gathered since its 1990 listing. Additional information was gathered during the scientific review of the bird's status in 2004. All of this information was used in the development of the 2007 Draft Recovery Plan and this critical habitat proposal. One example involves better understanding of limitations on the owl's use of high-elevation areas that may be in the current designation but are not included in the proposal. Yet another example is the proposed elimination of the 60,506-acre critical habitat

designation on Fort Lewis in Washington, where no northern spotted owls are known to occur.

- A table showing areas of overlap and differences between the current critical habitat designation and the proposed revised designation can be found on pages 76 to 79 of the proposed rule, with maps starting on page 65. Descriptions of the proposed critical habitat units are pages 84 to 94.

Q: Why are you proposing to designate only federal lands?

The foundation of the current recovery strategy, as set forth in the 2007 Draft Recovery Plan for the Northern Spotted Owl, is a network of owl conservation areas located on federal lands where recovery actions will be focused, including the possible control of barred owls in certain study areas. As wilderness areas and national parks are not included in critical habitat, the remaining federal lands are managed entirely by the Forest Service and the BLM. The Service relied on the draft Recovery Plan's recommendations for the purposes of proposing a critical habitat designation and worked with the primary land managers, the Forest Service and the BLM, to identify those areas most likely to contribute to the recovery of the species.

Q. Why is the Service revising its earlier critical habitat designation for this species?

This proposed revision of critical habitat was initiated in response to a court-approved settlement agreement with the Western Council of Industrial Workers, American Forest Resource Council, the Swanson Group and Rough and Ready Lumber Company. The proposal incorporates the latest information regarding the northern spotted owl and its habitat; land-use allocations such as Late-Successional Reserves added since the 1992 critical habitat designation; and refinements in modeling and mapping technology. These factors allow for the more-precise definition of owl conservation areas presented in the 2007 Draft Recovery Plan, used as the basis for this proposal.

Q. What is the effect of a critical habitat designation?

Critical habitat designates areas that contain habitat essential for the conservation of a threatened or endangered species and that may require special management considerations. Under the Endangered Species Act, all federal agencies must ensure any action they authorize, fund or carry out does not adversely modify designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area.

Q. Will northern spotted owl habitat be adequately protected if the proposed designation is finalized?

Areas designated as critical habitat receive protection by requiring reconsideration of destruction or adverse modification through actions authorized, funded or carried out by a federal agency or occurring on federal land. In areas where northern spotted owls occur, federal agencies already are consulting with the Service on potential effects of proposed actions, regardless of whether these lands are designated as critical habitat. This will not change.

This critical habitat proposal benefits from the 2007 recovery planning effort, which used all scientific information on the northern spotted owl available before and since the 1992 critical habitat designation to identify areas with the best long-term attributes for owl conservation.

These are the areas included in the proposed critical habitat revision and are the best assessment of the habitat on federal lands needed to conserve and recover the owl.

Q: How does this designation relate to BLM and Forest Service land and resource management planning?

BLM is currently conducting its Western Oregon Plan Revisions, which will revise six western Oregon Resource Management Plans; the revisions are due for completion in 2008 and will include provisions for management of listed species. Current direction for habitat management for the northern spotted owl on the National Forests is found in 18 Land and Resource Management Plans, which are scheduled for revision over the next decade. The draft recovery plan, which is the basis for this critical habitat proposal, provides recovery criteria, objectives and actions specific to the northern spotted owl. It offers guidance for all federal efforts to recover the northern spotted owl. Because the Forest Service and the BLM manage most of the lands managed as northern spotted owl habitat, the Service worked closely with these agencies on the development of the recovery plan and the critical habitat proposal and we will continue to work closely with them as they work on any revisions to their management plans.

Q: How can someone comment on this proposal?

If you wish to comment, you may submit your comments and materials concerning this proposal by any one of these methods:

- You may mail or hand-deliver written comments and information to Kemper McMaster, Field Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Suite 100, Portland, OR 97266.
- You may send comments by electronic mail (e-mail) to northernspottedowlCH@fws.gov
- You may fax your comments to our Oregon Fish and Wildlife Office at 503-231-6195.
- You may go to the Federal “eRulemaking” Portal, and follow the instructions provided for submitting comments: <http://www.regulations.gov>

Q: What kinds of comments are sought?

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible, so comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry or any other interested party concerning this proposed rule are solicited. In particular, the Service is seeking comments concerning the following:

- The reasons any habitat should or should not be determined to be critical habitat as provided by section 4 of the Endangered Species Act, including whether the benefit of designation would outweigh any threats to the species caused by designation;
- Specific information on the amount and distribution of northern spotted owl habitat, what areas should be included in the revised designation that were occupied at the time of listing that contain the features that are essential for the conservation of the species and why, and what areas that were not occupied at the time of listing are essential to the conservation of the species and why;
- Land use designations and current or planned activities in the subject areas and their possible impacts on proposed revised critical habitat;

- Any foreseeable economic, national security, or other potential impacts resulting from the proposed revised designation and, in particular, any impacts on small entities;
- Whether any areas should or should not be excluded from the revised designation under section 4(b)(2) of the Act and why; and
- Whether the proposal's approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist the Service in accommodating public concerns and comments.

Q: Where can I get a copy of the proposal?

You can download a copy of the Critical Habitat Proposal for the Northern spotted Owl from the Internet at <http://www.fws.gov/pacific/ecoservices/nsopch.html> . A copy also may be obtained by contacting the Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Suite 100, Portland, OR 97266. The office's phone number is 503-231-6179.

Biological Background:

The northern spotted owl (*Strix occidentalis caurina*) is a medium-sized owl and the largest of three subspecies of spotted owls currently recognized by the American Ornithologists' Union. It is dark brown with a barred tail and white spots on the head and breast, and has dark brown eyes surrounded by prominent facial disks. Non-migratory and highly territorial, northern spotted owls generally remain in the same areas throughout the year but they will expand their territories in fall and winter when prey becomes harder to find. The current range of the northern spotted owl extends from southwest British Columbia through the Cascade Mountains, coastal ranges and intervening forested lands in Washington, Oregon and California, as far south as Marin County. Spotted owls feed primarily on northern flying squirrels in the northern western hemlock/Douglas-fir forests and dusky-footed woodrats in the southern, drier, mixed-conifer/mixed-evergreen forests. They will also prey on other small mammals, birds, reptiles and insects. Spotted owls generally rely on older forested habitats that contain the structures and characteristics required for nesting, roosting, and foraging. Like most species of owls, spotted owls do not build nests. They nest in cavities or on platforms in large trees in nests built by other species. They are primarily nocturnal and they mate for life.