

1 **FOREST PRACTICES BOARD**

2 **WORK SESSION MINUTES**

3 August 9, 2005

4 Natural Resource Building, Room 172

5 Olympia, Washington

6  
7  
8 **Members Present:**

9 Pat McElroy, Designee for Doug Sutherland, Chair of the Board

10 Alan Soicher, General Public Member

11 David Hagiwara, General Public Member

12 Doug Stinson, General Public Member/Small Forest Landowner

13 Eric Johnson, Lewis County Commissioner

14 John Mankowski, Designee for Director, Department of Fish and Wildlife

15 Lee Faulconer, Designee for Director, Department of Agriculture

16 Sherry Fox, General Public Member/Independent Logging Contractor

17 Sue Mauermann, Designee for Director, Community, Trade and Economic Development

18 Toby Murray, General Public Member

19 Tom Laurie, Designee for Director, Department of Ecology

20  
21 **Absent:**

22 Bob Kelly, General Public Member

23  
24 **Staff:**

25 Lenny Young, Forest Practices Division Manager

26 Jed Herman, Assistant Forest Practices Division Manager

27 Paddy O'Brien, Assistant Attorney General

28 Patricia Anderson, Rules Coordinator

29  
30 **CALL TO ORDER**

31 Pat McElroy called the meeting to order at 8:30 a.m. Introductions were made by Board members,  
32 staff, and attendees. Patricia Anderson provided an emergency safety briefing.

33  
34 **SPOTTED OWL WORK SESSION**

35 Lenny Young reviewed the work session agenda. Pat McElroy thanked all presenters for attending  
36 and providing the Board with information.

37  
38 **Context of the Forest Practices Spotted Owl Rules**

39 John Mankowski provided the historical background leading to the Board's work session. The  
40 Board adopted the Wildlife Work Plan in March 2003, committing the Board to review the  
41 adequacy of current wildlife rules. The Board agreed to examine owls first and asked the  
42 Department of Fish and Wildlife (WDFW), through its wildlife strategy, to analyze the scientific  
43 analysis and involve stakeholders to help the Board complete its analysis. A first draft of the

1 briefing report was issued in February 2004, initiating the discussion about owls in the state and  
2 experiences with the rules. A facilitator worked through two sessions with technical experts to  
3 improve the document involving the environmental community, large and small landowners, and  
4 various agencies. The next phase involved obtaining ideas, comments, and feedback from policy  
5 stakeholders working through five facilitated sessions. Dan Silver released a report to the Board in  
6 November 2004 on the progress of the stakeholder process. WDFW issued a final report concluding  
7 the first phase of the Board's request to organize the science, document experience in dealing with  
8 the rules and how the rules work, and how owls are faring in Washington State.

9

10 The Board's work session is the vehicle to review the number of studies and analyses underway  
11 both by the federal government and by the state to ensure the Board understands the rules and the  
12 various moving parts. The work session should be viewed as an educational session as well as a  
13 transmission of information from the many entities.

14

15 Cindy Mitchell, Washington Forest Protection Association (WFPA), and Heath Packard, Audubon  
16 Washington, briefed the Board on the spotted owl conservation status; federal, state, and tribal legal  
17 mechanisms designed to manage owl conservation; legal authority and responsibility; intent of the  
18 rule adopted in 1996, objectives, science that led up to the rules, recent scientific findings, and an  
19 overview of rule requirements for review.

20

21 In 1988, the state listed the spotted owl as endangered. In 1990, the federal government listed the  
22 owl as threatened under the Endangered Species Act (ESA) for three risks:

- 23 1. Suitable habitat was declining
- 24 2. Corresponding populations of the owl were in decline
- 25 3. Inadequate regulatory mechanisms to stop the decline

26

27 When the federal government considers listing any species, it considers a five factor test:

- 28 1. Habitat destruction
- 29 2. Over utilization
- 30 3. Predation and disease
- 31 4. Inadequacy of existing regulatory mechanisms
- 32 5. Other factors

33

1 The spotted owl was listed because of habitat destruction and inadequate regulatory mechanisms to  
2 stop the loss.

3

4 In 2004, the U.S. Fish and Wildlife Service (USFWS) conducted a status review to determine  
5 whether the threatened status under the ESA should be maintained, uplisted, or de-listed. Findings  
6 concluded that risk factors identified in 1990 were declining but new risks were identified as  
7 emerging or causing problems for the owls. The new risks were not considered sufficient to  
8 reclassify the owl to endangered, maintaining the status as “threatened.”

9

10 Mitchell displayed and described a series of map overlays depicting federal, state, and tribal  
11 jurisdictions and the legal mechanisms that are in place in Washington State contributing to owl  
12 conservation. The range of the spotted owl is located within three states. After the ESA listing of the  
13 owl, the federal government designated critical habitat located in and around reserve areas, which  
14 was designated on federal lands only. In 1993, the Northwest Forest Plan identified different land  
15 use allocations. The federal government uses Habitat Conservation Plans (HCPs) as a regulatory  
16 tool. No critical habitat was designated on state and private lands at this point and HCPs were a way  
17 to enter into management agreements with landowners to conserve for the owl.

18

19 Mitchell displayed a pie graph representing 12,857,973 acres of federal, state, and tribal land and  
20 the percentage of lands managed under various regulatory and conservation management plans. The  
21 graph represents the context in which the state owl rule was adopted. Spotted Owl Special Emphasis  
22 Areas (SOSEAs) is the state’s rule adopted by the Board to help contribute to federal owl  
23 conservation. Ten SOSEAs in the state are designed to complement federal conservation strategy.  
24 All SOSEAs in the state total 2,060,042 acres, which includes some federal land and HCPs.

25

26 Packard displayed a map of habitat-capable federal land and large reserve blocks from the  
27 Northwest Forest Plan depicting federal lands that are habitat-capable for a viable owl population,  
28 and areas representing land that is not habitat-capable. Other presentations during the work session  
29 will use different graphic representations depicting the same information in various contexts.

30

31 Mitchell reviewed the authority and responsibility of the Board. The primary mission of the Board  
32 is to implement the FPA, which is a balancing act of both economic and environmental protection.

1 The state is not liable for recovery of the owl as defined in the ESA. The Forest Practices Act  
2 requires state and federally listed species to be considered for designation of “critical habitat state,”  
3 a designation that serves as a trigger for State Environmental Policy Act (SEPA) review. Complying  
4 with SEPA requires attaining the widest range of beneficial uses of the environment without  
5 degradation. The duty of the Board under SEPA is to identify or classify forest practices that have a  
6 substantial impact on the environment, such as critical habitat, which triggers a SEPA review.

7  
8 Packard reported in 1994, the Board began efforts to establish a rule to contribute to owl  
9 conservation in Washington State. A goal was adopted to prepare a rule to capture all forest  
10 practices that damage the long-term viability of populations of spotted owls in Washington State.  
11 “Viability” is an important standard on which the 1994 rule was based. Packard described the  
12 definitions of “viability”, “long-term”, and “population”.

13  
14 Mitchell reviewed the Board’s five adopted objectives supporting the rule. The Board  
15 commissioned a scientific advisory group to provide recommendations on how to contribute to owl  
16 conservation. The group provided recommendations on two different tracks. The Board selected to  
17 develop landscape goals that maintain specific owl and habitat that supports them. The Board  
18 adopted a rule effective July 1, 1996, using a three-pronged approach: SEPA trigger, substantive  
19 SEPA guidance; and baseline rules. The rule is designed to complement the federal conservation  
20 strategy and became the federal 4(d) Rule; it protects 70-acre core activity centers and owl circles  
21 within SOSEAs which represent 13 of the original 15 Scientific Advisory Group SOSEAs.

22  
23 Provisions in the rule were included to ensure the effectiveness of the rule. DNR in consultation  
24 with WDFW will review each SOSEA under three triggers:

- 25 1. When a Landowner Option Plan (LOP) is approved
- 26 2. By a landowner petition
- 27 3. When the Department initiates and determines whether the goals are being met through  
28 approved plans, permits, statements, letters, or agreements, and if so, shall recommend the  
29 suspension, deletion, modification, or reestablishment of the SOSEA from the rules

30  
31 The second provision requires DNR to report annually to the Board on the status of the owl to  
32 determine if circumstances exist that interfere substantially with meeting the goals of the SOSEAs.

33

1 Eric Johnson asked whether the status analysis conducted in 2004 considered whether any of the  
2 1990 factors that led to the listing decline or increase. Mitchell said the 1990 risk factors declined.  
3 Packard said the rate of habitat loss has declined on federal lands. Johnson asked whether habitat is  
4 better or worse on federal lands. Packard advised that other experts scheduled for presentations can  
5 respond to the question.

6  
7 Johnson asked about the definition of “habitat capable” and whether there is agreement of the  
8 definition. Packard said he understood there is a definition but was unsure whether the definition is  
9 universally accepted. “Habitat capable” does not refer or allude to suitable habitat, but rather to the  
10 biological parameters necessary to support the type of habitat that would be suitable.

11  
12 Johnson asked whether any landscape planning has been completed within the state. Health said  
13 within the state there has been one recently adopted LOP. Mitchell reported that at the federal level  
14 there are approximately two million acres of HCPs totaling approximately 60% of SOSEAs.

15

### 16 **How the Forest Practices Spotted Owl Rules Work**

17 Lenny Young briefed the Board on standards, definitions, classification of FPAs, SEPA guidance,  
18 and planning options.

19  
20 Young reviewed the core protection provided by SEPA. Forest protection rules protecting spotted  
21 owl habitat are in two sections of the rules; SEPA guidance and in the definitions, which is the  
22 cornerstone for protection of the spotted owl. The key is understanding the requirements of SEPA  
23 and the relationship between SEPA and the classification of FPAs. Another portion of SEPA rules  
24 is guidance for special forest practices that involve any threatened or endangered species.

25 Evaluation is another obligation to determine whether forest practices are likely to have adverse  
26 impacts. Mitigation is a duty. Specific mitigation or conditions need to be designed to reduce  
27 probable significant impacts identified during the evaluation. The Department is directed to  
28 consider the species specific policies that are in the SEPA rules when evaluating SEPA documents  
29 and the impacts of forest practices.

30  
31 An important policy consideration is that suitable owl habitat harvested by a landowner shall be  
32 continued to be counted as part of the total acres necessary if the harvest is conducted pursuant to  
33 agreement or plans approved under a certain section of the definitions. When counting and

1 calculating habitat within a circle to meet threshold acreages, habitat harvested under HCPs could  
2 continue to be counted towards that total even though that habitat no longer exists.

3  
4 Young explained the expectations outside SOSEAs during the nesting season. None of the  
5 protections provided by SEPA are triggered unless an application undertakes a SEPA process.

6  
7 Young reviewed some of the general definitions of terms and concepts contained in the owl rules.  
8 Class IV-Special forest practices applications, which are applications to conduct forest practices  
9 involving certain circumstances that require an environmental checklist in compliance with SEPA,  
10 have been determined to have the potential for a substantial impact on the environment. One type of  
11 application is for specific forest practices on lands designated as critical habitat state, threatened, or  
12 endangered species.

13  
14 Pat McElroy clarified that forest practices that are classified as Class I, II, or III are categorically  
15 exempt from SEPA. The only applications subject to the rule are those that are not exempt from  
16 SEPA.

17  
18 Young reviewed the definition for critical habitat for the Northern Spotted Owl and the definition  
19 for critical habitat outside a SOSEA. An exemption is included in the definitions for lands owned or  
20 controlled by a landowner whose forest land ownership within a SOSEA is less than or equal to 500  
21 acres. This is commonly referred to as the “500 acre exemption.” However, it is not a total  
22 exemption.

23  
24 Young cited the definitions for linkage to federal critical habitat designations. There is an  
25 affirmative duty by DNR in consultation with WDFW to propose critical habitat to the Board for  
26 newly listed species. The definitions also include adaptive management provisions, relating to the  
27 duration of state critical habitat designations that expire for a particular species for specific reasons.

28  
29 It is the Board’s duty to develop a regulatory system to protect threatened and endangered wildlife.  
30 DNR has the duty, in consultation with WDFW, to review SOSEAs and determine whether the  
31 goals are being achieved as well as reporting to the Board.

1 The definition section of the rules includes detailed definitions of what constitutes suitable spotted  
2 owl habitat. The definitions are based on measurable, structural characteristics. Prior to the rules,  
3 spotted owl habitat was more subjectively defined which led to many implementation issues.

4  
5 The last major elements of the rules are two planning provisions: Landowner Option Plans (LOPs)  
6 and Cooperative Habitat Enhancement Agreements (CHEAs). LOPs addresses current habitat.

7  
8 Sue Mauermann asked about the percentage of Class IV Special FPAs triggering a SEPA that have  
9 resulted in determinations of significance. Young replied that very few have resulted in  
10 determinations of significance. DNR has only required an Environmental Impact Statement (EIS)  
11 in one circumstance.

12  
13 Mauermann asked about the incentive for a landowner to use landscape planning. Young said the  
14 incentive concept was for the landowner to design land use that coincides with operations while also  
15 providing protection for owls.

16  
17 Mankowski asked about achieving SOSEA goals if owls are not present. Young said there is no  
18 direct link. In the current rule structure, if land is within a SOSEA boundary and outside a circle  
19 within the SOSEA, the area does not meet the definition of critical habitat state and would not be  
20 defined as Class IV Special. The link that was envisioned is the landscape planning link for the  
21 SOSEA. Mankowski said it was an important point in the stakeholder groups when they realized  
22 that there is no rule today that is landscape based. Rather, it is owl-based.

23  
24 McElroy referred to the guidance for Class IV Special FPA and said the overall thrust appears  
25 focused on the species rather than the individuals. He asked whether it is also the general emphasis  
26 of the rule. Young confirmed that it is, but when applied to the landscape it tends to be at the level  
27 of the landowner.

28  
29 Alan Soicher inquired whether there will be a determination of the threshold for species on state and  
30 private land. Young replied the issue will be addressed later in the meeting.

31  
32 Sherry Fox asked whether the Status 5 sites are maintained in the WDFW database. Young said  
33 yes.

1  
2 McElroy asked whether any FPAs have ever been denied and the consequences upon denial. Young  
3 referred to the case in southeast Washington that resulted in litigation and was settled out of court.  
4 The case resulted in the state paying \$2.7 million to the landowner with the state taking possession  
5 of the property in dispute.

6  
7 **Recent Spotted Owl Habitat Changes on Federal Lands**

8 Joe Lint, U.S. Bureau of Land Management, briefed the Board on how spotted owl habitat changed  
9 during the first 10 years of the Northwest Forest Plan, 1994-2003, with emphasis on Washington  
10 State. Monitoring of spotted owl habitat under the Northwest Forest Plan was initiated to determine  
11 whether habitat was being maintained and restored as prescribed under the plan.

12  
13 His presentation covered an assessment of changes in the amount and distribution of nesting,  
14 roosting, foraging, habitat, and dispersal habitat on federal forest lands. He explained that the  
15 overall objective was to establish a range-wide baseline of habitat conditions using spatial methods  
16 to examine changes over time on federal lands. A step-down approach examined all federal acres  
17 covered by the Northwest Forest Plan, followed by lands capable of growing forests, followed by  
18 land capable of producing habitat. The group of lands favorable to producing habitat was the focus  
19 of the analysis. The report looked at three spatial scales: physiographic (province, state, and range),  
20 land use allocations, and inside and outside of large reserve blocks.

21  
22 Lint reviewed habitat-capable forest lands by province within the state (Olympic Peninsula,  
23 Western Cascades, and Eastern Cascades). He reported how important it is to look at the continuum  
24 of habitat to maintain habitat as well as restoring habitat that was lost. A model was utilized to  
25 examine the spotted owl conditions on the landscape. The model was developed by a number of  
26 individuals from the University of Lausanne, Lausanne, Switzerland, that involves a kit of GIS and  
27 statistical tools to build and validate habitat suitability maps that uses species presence data to  
28 calibrate the model. Lint described a number of variables used in the model that provided a different  
29 view of owl habitat. The model provided a spectrum of conditions.

30  
31 Lint reviewed the results of the three provinces. A habitat condition profile was graphed to show  
32 the percentage of land that fall within different ranges of habitat suitability.

33



1 Mauermann asked whether the 41 to 100 condition range correlates directly to the location of 90%  
2 of the owl pairs. Lint replied it does. Ninety percent of the owls in the Olympic Peninsula fell in a  
3 condition of a score of greater than 56%. Approximately 51% of land in the Olympic Peninsula that  
4 is habitat-capable falls within that range. The western Cascades revealed similar results while the  
5 eastern Cascades reflected somewhat lower numbers. In all areas, there is room for restoration.

6  
7 Lint outlined the two elements leading to the degradation of owl habitat – stand replacement and  
8 wildfire. The contribution of succession – time passing and forest growing was not evaluated.  
9 There were no significant changes in habitat due to stand replacement on federal land either by  
10 wildfire or timber harvest. Lint responded to a question about in-growth and noted the model did  
11 not account for in-growth. In 10 years there was less than a one-half percent change from fire and  
12 harvest in Washington State. Fire plays a much more significant role in the management of habitat  
13 in the eastern Cascades.

14  
15 Lint reviewed the 1994 baseline condition of owl habitat on federal habitat-capable lands.

16 Mankowski asked about the source of the 5% decline. Lint replied the assumption was based on a  
17 decline of 2.5% from timber harvest and 2.5% from wildfire.

18  
19 Lint reviewed examples of reserve blocks and habitat-capable lands that are under the plan designed  
20 to provide the federal contribution to the recovery of the owl. Approximately 9.2 million areas are  
21 within the reserve blocks located in Washington, Oregon, and California. In Washington, the  
22 blocks represent 62% of total habitat-capable land. Lint reviewed the large reserve blocks in the  
23 state. He outlined what occurred in the large reserve blocks from 1994 to 2003. Data from the  
24 National Fire Data Center revealed 13,200 wildfires affected 1.7 million acres. Approximately  
25 75% of the wildfires were ignited by lightning. In the next decade, wildfire will affect the ability to  
26 maintain and restore habitat in dry forest zones, particularly in large, reserved blocks in dry forest  
27 zones.

28  
29 Lint said 95% of federal land in the state is forest-capable resulting in 58% habitat-capable land  
30 with less than 0.5% of habitat-capable acres affected by wildfire and timber harvest. Approximately  
31 62% of habitat-capable land is located in large reserved blocks with 58% of that land in the 41 to  
32 100 range of habitat suitability. Wildfire will be a factor in habitat maintenance and restoration.

33

1 David Hagiwara asked whether it is anticipated for growth to be on regular curve. Lint said it is  
2 anticipated there will be a big wave because of the way federal lands were harvested post World  
3 War II. In the 1970s and 1980s there was much timber harvest that created a huge block of a  
4 grouped age class that will become a wave in the next 40 to 60 years.

5  
6 Eric Johnson commented that the model has shown that for the most part, habitat has been  
7 maintained. He asked about what has happened to the owls that are within those lands. Lint replied  
8 that another presentation will provide insight about the population of owls.

9  
10 Mankowski asked what the federal government is undertaking in maintaining habitat on federal  
11 lands in light of the danger of wildfires. Lint said one of the strong points of the plan is repetition.  
12 The reserve blocks are repeated across the landscape and the state can afford to lose some blocks to  
13 wildfires without destroying the plan because the blocks have been distributed. However, in those  
14 dry areas, silviculture techniques should be applied or other treatments that are suitable to reduce  
15 the fire risk rather than only relying on one aspect of the plan. The plans call for cognizant  
16 management of dry forest conditions and implementing measures to reduce the risk.

17  
18 McElroy asked how National Fire Plan funding is playing out in the landscape activities in dry  
19 forest areas. Lint said he does not have the information available to offer a comment.

20  
21 Soicher referred to newspaper articles about federal lands outside the reserve blocks where the  
22 target of timber harvests has not been met. He asked if there are plans to change that, and if so, what  
23 implications will it have. Lint said the goal is to implement the plan across all phases in both  
24 commodity and in owl management. If the plan is implemented to its full extent it will represent a  
25 2-1/2% decline of owl habitat across the landscape. The plan's analysis demonstrated the plan is a  
26 viable conservation plan for owls with that level of harvest. There is no reason to doubt that  
27 outcome.

28  
29 McElroy asked whether the failure of the US Forest Service to meet its commodity targets for the  
30 last 10 years creates an arrearage that might require a step up in the harvest to make up for the last  
31 10 years in addition to achieving the targets for the next 10 years. Lint said he is not aware if the  
32 U.S. Forest Service will pursue such a policy.

33

1 Lint responded to additional questions and emphasized the Northwest Forest Plan is the federal  
2 contribution to the recovery of the owl in the absence of a signed recovery plan. Normally, in land  
3 use planning with a signed recovery plan, the objectives of the recovery plan are used to frame the  
4 land use plan.

5

### 6 **Recent Spotted Owl Habitat Changes on Non-federal Lands in Washington State**

7 John Pierce, WDFW, presented information on how spotted owl habitat has changed since the 1996  
8 spotted owl rules were implemented. The study was initiated a year ago to assess changes in  
9 conditions on spotted owl habitat on state and private lands since the rule adoption.

10

11 Pierce provided a brief overview of the most significant findings within the *Assessment of Spotted*  
12 *Owl Habitat on Non-Federal Lands in Washington Between 1996-2004*. The project included three  
13 main objectives: 1) estimate the amount of spotted owl habitat in existence on the landscape  
14 affected by the Forest Practices Rules, 2) estimate the amount of suitable habitat that was harvested  
15 on state and private lands since rule adoption in 1996, and 3) review the harvested habitat and  
16 assess how it has changed and how it relates in 2004 to determine the overall relative changes on  
17 the landscape. He described the footprint of the study, which includes some HCP lands. A  
18 statistical based approach was pursued resulting in good estimates in the amount of habitat and  
19 changes to habitat over time. The analysis was tied to landscapes that met the legal definition of  
20 owl habitat consisting of statistically sampling of 1,000 helicopter plots.

21

22 Pierce outlined the modeling and different forms of technical and statistical analysis employed. The  
23 results are based on best estimates of what occurred on the landscape from 1996 to 2004.

24

25 Pierce pointed out the analysis took into account the status of owl sites at the time of their status in  
26 1996, which changed during the study period from Status 1, 2, or 3 to Status 5. Overall, it was  
27 insignificant because less than 3% of the landscape was associated with those status changed sites.

28

29 Pierce reviewed several data tables and shared the results of implications to owl habitat in different  
30 types of landscapes. Pierce shared the results of the Relative Change Index (RCI), which is the  
31 amount of habitat harvested divided by the total habitat in 2004 in addition to the habitat that was  
32 harvested during the study period. Generally, the RCI value is lower when more federal lands are in  
33 the analysis area. There is a smaller rate of change in habitat loss as well as an increase in the

1 habitat on the landscape. Pierce addressed a number of questions from the Board about the accuracy  
2 of the RCI. Overall, twice as much habitat was lost outside of owl circles inside SOSEAs than  
3 within owl circles located inside SOSEAs.

4

5 Murray confirmed Pierce's statement that there has been a loss of less than one percent of owl  
6 habitat per year. Pierce responded yes, maybe 7/9ths of one percent.

7

8 Soicher asked whether the analysis reflects little difference in the management of HCP lands and  
9 lands inside SOSEAs. Pierce responded that there are some differences between HCP lands and  
10 non-HCP lands. Comparing activities between HCP and non-HCP lands is not an accurate  
11 assessment because the rules are applied differently. Mankowski observed that the data reflects that  
12 landowners of HCPs do not necessarily need to avoid owl circles but that the harvest can occur both  
13 inside and outside the circle because the harvests are planned within the HCPs.

14

15 Pierce reviewed the conclusions of the study. One result demonstrates that within owl circles in  
16 non-HCP lands located within SOSEAs, habitat is below viable levels. Pierce said the data is  
17 reflective of average percentages as some sites will have more or less, and where circles cross inside  
18 and outside SOSEAs. The data was not analyzed on a circle by circle basis but rather on the  
19 footprints to recognize patterns. Relative habitat loss inside circles was approximately 5% with  
20 significantly higher rate of loss outside the circles within SOSEAs.

21

22 Soicher asked whether a review of the FPAs should be undertaken to ascertain if the harvests were  
23 carried out properly. Young explained when the Department receives a harvest application within a  
24 circle within a SOSEA, the Department undertakes an assessment of whether the circle has the 40%  
25 threshold and whether the harvest can proceed. He noted his initial assessment when reviewing the  
26 study results raised the question of where all the change is taking place if the circles are below 40  
27 percent. However, he said he considered the location of the circle where a large portion is located  
28 on federal land with abundant habitat outside of SOSEAs resulting in a surplus habitat within the  
29 circle over 40%. The harvest can occur within the portion of the circle within the boundary.

30

31 Mankowski asked what the analysis reveals about the amount of habitat remaining in SOSEAs  
32 outside of owl circles. Pierce replied the analysis reflects 19% of the landscape is located within  
33 owl habitat based on 2004 conditions.

1 Pierce continued stating that the most important recommendation for the Board to consider is the  
2 ramifications related to landscape planning. A main characteristic of the rule is to move away from  
3 circle management inside SOSEA landscapes. However, it appears not to be occurring. If the  
4 intent of the rule is to deemphasize owl protection within circles through a circle by circle approach,  
5 then it is apparent the rules are not working. The rate of loss on state and private lands is higher  
6 than on federal lands. The danger to SOSEAs is to function solely to provide refuge to owl circles.

7  
8 Mankowski pointed out that the analysis shows a decline in habitat. The trend appears to be clear  
9 that habitat inside circles is declining at some rate and habitat outside of circles is declining at a  
10 higher rate. The question is how the results compare with the Board's objective of demographic  
11 support at the SOSEA level.

12  
13 Pierce reported the final recommendation is to develop of accurate habitat maps inside SOSEAs to  
14 appropriately assess impacts to owls and assist in developing long-term plans. He added that part of  
15 the issue of the habitat inside and outside circles is influenced by the definitions of habitat contained  
16 in the rules. The definitions may be too restrictive or are not capturing the ecologically important  
17 sites. It will be important to reexamine the definitions as habitat maps are developed.

18  
19 Mauermann noted the definition for suitable habitat is different between the federal government and  
20 the state. She inquired whether development of the habitat maps could be achieved utilizing the  
21 federal model if the definitions were identical. Pierce indicated it would be considered as a starting  
22 point. However field work would be necessary to validate the information.

23  
24 Hagiwara asked about logistics and timeframe for accomplishing the melding of habitat maps.  
25 Pierce replied that it will likely require a two-phased approach. New technologies are available that  
26 provide mapping of canopy characteristics as well as field validation and compilation of existing  
27 maps. The task could take several years for SOSEA areas.

### 28 29 **Additional Questions for Presenters and WDFW Staff**

30 Johnson asked whether the protected circles contain owls or whether the lands are only an  
31 administrative set-aside, and how this is linked toward future landscape planning. Pierce said the  
32 Status 1, 2, and 3 circles contain owls. However, the database does not include good or current  
33 information. Owls also utilize habitat outside of circles and there is some re-occupancy of some

1 stands where habitat still exists. Soicher asked how the Department documents newly discovered  
2 nests. Young replied if the discovery is part of a survey to support an FPA, the state receives the  
3 information and WDFW enters the data. However, there is currently no rule compelling someone to  
4 turn over survey information to WDFW.

5

### 6 **Spotted Owl Demographics**

7 Robert Anthony, Oregon Cooperative Fish and Wildlife Research Unit, briefed the Board on the  
8 demographic work on spotted owl productivity, survival, and rates of population change with  
9 emphasis on Washington State.

10

11 Anthony outlined the range of the Northern Spotted Owl and the location of the 14 different study  
12 areas where data was available from 1985 to 2003. In Washington State, the four study areas  
13 included Olympic Peninsula, Rainier, Wenatchee, and Cle Elum. The 14 study areas represent  
14 28,000 square kilometers of land and 12% of the range of the Northern Spotted Owl. The study  
15 more accurately depicts the condition of owls on federal lands and less so on state lands. A large  
16 part of the effort included banding owls with colored leg bands for each sex to identify owls  
17 individually.

18

19 Anthony reviewed the objectives of the study and the variables that were examined. He described  
20 the methods of analysis and the modeling process. The model revealed that most of the study  
21 areas were occupied by adults or owls older than three years. Anthony described the trend in owl  
22 population based on sex, age, and the impact of Barred Owls. There was little evidence that the  
23 presence of Barred Owls has a negative influence on the reproductivity of spotted owls. There is  
24 however, a regional difference and variable time affect. The mixed conifer zones in Washington  
25 State experienced the highest fecundity rates and the Oregon coast range experienced the lowest  
26 fecundity rates. Most owls, after having established their breeding territory, rarely move to other  
27 areas.

28

29 The model revealed the best study areas for survival with the state's study areas at the top of the  
30 range based on sex, age, impact of Barred Owls, and time trends. There is little survival rate  
31 difference between the sexes for 13 of the study areas. Anthony reviewed the estimates for survival  
32 rates over time for Washington State areas. There is a decline in survival rates for spotted owls in  
33 the state with the decline particularly steep in the Gifford Pinchot National Forest. The declining

1 population rate is of concern because the population stability of the species is most sensitive to the  
2 changes in survival rates of adult birds.

3

4 Mankowski asked what factors are contributing to the decline. Anthony noted that some of the  
5 decline can be attributed to the affects of age, time, and Barred Owls.

6

7 Hagiwara commented that one of the struggles for the Board is understanding the impact of forest  
8 activities and silviculture activities on spotted owls. One example is in the Gifford Pinchot National  
9 Forest where there has been fairly stable habitat over time yet there is a decline in owl population.

10 Mankowski recommended one issue that needs to be discussed is that while habitat maybe stable on  
11 federal lands recently, it has not been stable previously. For longer-lived species, there is a lag  
12 effect where the population is declining as a result of early habitat impacts.

13

14 Anthony explained that the analysis is unable, at this point, to document the causes of the decline.  
15 The report lists a number of different potential causes – loss of habitat due to fire or harvest, Barred  
16 Owls, and the potential lag effect based on loss of habitat, such as what occurred during the 1980s.  
17 At this time, it is difficult to ascertain for any of the study areas, which of the factors contribute to  
18 the decline. In areas such as the Olympic Peninsula where there has been little habitat loss, it  
19 appears the cause of population decline must be attributed to other factors. He talked about the  
20 survival rates in Oregon and California, and pointed out that the study did not undertake the analysis  
21 to document the reasons for the decline in Washington State.

22

23 Tom Laurie referred to one of Anthony's slides which showed positive fecundity rates for the  
24 Rainier area when the non-juvenile female survival population has decreased. Anthony replied that  
25 the fecundity rates for Rainier were basically stable over the period of the study.

26

27 Anthony reviewed a graph outlining the estimates for Barred Owl effect on the survival of spotted  
28 owls for the 14 different study areas. In the Wenatchee and the Olympic National Forest areas,  
29 there is a definite negative effect on spotted owl survival. The model showed no positive effects of  
30 Barred Owls on spotted owl survival rates. Within the meta-analysis of survival, the best model  
31 indicated regional and variable time effect on survival, no evidence of a sex effect on survival, or of  
32 latitude or ownership, with survival highly variable among years, and with some evidence of a

1 decline over time, especially in Washington. The highest survival rates for all ages were the coastal  
2 areas of Oregon and the lowest were in Cle Elum.

3

4 Mauermann asked whether the no ownership effect addresses the question about whether there is a  
5 difference between federal and state/private lands. Anthony replied not very well because the study  
6 areas were categorized as federal, private, or mixed federal and private. The study areas were not  
7 divided into owls that were on federal lands versus owls on private lands.

8

9 Anthony reviewed the survival rate of owls in the 14 study areas based on the type of landscape and  
10 the reproduction effect on survival in different regions. He said there appears to be an effect on  
11 survival rates in the year following a successful reproduction rate in areas with a higher elevation or  
12 more northern latitude.

13

14 Anthony reviewed the results of annual population change from year to year describing a  
15 hypothetical example. The data revealed fairly significant declines in population in the four areas in  
16 Washington. He reviewed the population decline in the Oregon and California areas.

17

18 Mankowski referred to the Northwest Forest Plan and the assumption that there would be a decline  
19 when the plan was adopted. He asked how the actual population data compares with what was  
20 anticipated when the federal plan was adopted. Anthony said this would need to be reviewed on an  
21 individual study basis but that his personal opinion is that Washington State declines are greater  
22 than was expected under the Northwest Forest Plan. The habitat changes that were projected  
23 factored a 1% or 2% decline in habitat annually. When the plan was under development there was  
24 discussion about experiencing a much higher decline as the older forests in the matrix were  
25 harvested. However, the analysis shows that more decline is occurring in the first decade in  
26 Washington study areas. The declines are steeper than what was anticipated under the Northwest  
27 Forest Plan. He noted the study's dataset does not enable the identification of the major cause for  
28 the decline.

29

30 Mauermann asked whether the trend in the decline is increasing or decreasing to which Anthony  
31 replied the rate is steady for the most part. He acknowledged that he would need to review  
32 population estimates to provide a more accurate answer for each study area. Soicher asked whether  
33 the report includes recommendations about protecting habitat to which Anthony said no.



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**Federal Northern Spotted Owl (NSO) Status Review and Barred Owl Interactions**

Steven Courtney, Sustainable Ecosystems Institute (SEI), provided a summary of information available from a recent workshop held in California on Barred Owls. Courtney said that SEI was contracted to provide the independent science evaluation for U.S. Fish and Wildlife Service (USFWS). More recently, some work has focused on the Barred Owl that included a recent workshop. He outlined the scientific review process of the spotted owl conducted over the period of eight months. He said that SEI did not provide management recommendations to USFWS.

Courtney summarized some of the main conclusions: The NSO is distinct; habitat and prey vary throughout the range; past habitat loss could still be having effect; and current conservation strategies for the spotted owl are based on sound scientific principles and findings.

McElroy asked whether the conclusions are based on sound scientific principles, and whether findings also include state-based rules. Courtney indicated the effort also included a review of the state's efforts, but the conclusion essentially determined that the Northwest Forest Plan is the major cornerstone in the protection of the spotted owl.

Courtney referred to previous comments about the decline of spotted owls under the Northwest Forest Plan that were predicted. A decline was predicted but not the level of the decline. With no firm numbers, it was difficult to determine whether the situation is worse or better than predicted.

As part of the status review, the monitoring group spent some time reviewing Barred Owls. At the onset, most of the participants believed Barred Owls are a major threat. However, there was some diversity among the participants as to how strong the link is between spotted owls and Barred Owls. There was no clear evidence that fragmenting habitat increases probability of invasion, but there is some evidence of Barred Owls displacing spotted owls in some study areas. There is also evidence that Barred Owls like all types of forests – older, late successional reserves, and young forests.

Courtney responded to questions from Board members and said the USFWS provided the monitoring group with summaries of habitat loss in different areas by ownerships and how much

1 was caused by wildfire and harvest. He verified the conclusion that most habitat loss is occurring on  
2 non-federal lands. He said the Barred Owl is a recent colonizer to the Northwest, and its arrival is  
3 not entirely known as to whether it was a natural range expansion. The Barred Owl moved into  
4 Washington State in the 1960s and its population has expanded considerably. McElroy noted the  
5 graph depicting the new and cumulative sites of the Barred Owl represents a classic example of an  
6 invasive species.

7

8 In Washington State, the top two Barred Owl territories are the Cle Elum and Olympic Peninsula  
9 study areas. The Barred Owl is highly dispersive and its territory size is much smaller than the  
10 spotted owl's. Barred Owls are predators to many species, including other owls.

11

12 An important study that has not been published is work by Kent Livezey, USFWS, on habitat use by  
13 Barred Owls. The study compared the habitat use between the two owls which revealed there are  
14 some similarities; both like big trees large enough for cavity nesting, broken-top structures and  
15 lower stem densities for unimpeded visibility. However, there are differences. Barred Owls also  
16 like suburban areas and highly fragmented areas. There are approximately 30 Barred Owls on  
17 Bainbridge Island. Barred Owls are more often associated with lower and mid-level, flatter, wetter  
18 forested habitats with a deciduous component. Barred Owls use a much wider variety of forests  
19 allowing them to create many source populations in surrounding areas occupied by spotted owls.  
20 Barred Owls make formidable competitors and pose a serious threat to spotted owls.

21

22 Mankowski pointed out that invasion of Barred Owls has not occurred globally and in some areas  
23 the spotted owls remain the dominant species. Courtney acknowledged the comment and indicated  
24 there is some evidence in the drier habitat where the rate of invasion is slower. The drier habitat  
25 might be a refuge for spotted owls. However, some believe it is a temporary condition and that  
26 Barred Owls are invading in wetter areas first.

27

28 Courtney referred to Scott Gremel's work in the Olympic National Park. He displayed a graph  
29 showing the population trend of Barred Owls. The numbers are increasing dramatically. Barred  
30 Owls were first detected in the park in the early 1980s. A total of 72 sites have been documented  
31 within the park. Gremel tracked both species of owls and there is clear evidence of displacement of  
32 spotted owls beginning in the lower elevations in riparian and old growth conditions. As the

1 displacement progresses, spotted owls are moving higher in elevation, which is the case in western  
2 Washington but less so in eastern Washington.

3  
4 Courtney reviewed some of the interactions between the two species and probable threats to spotted  
5 owls. Three of the possible outcomes that are clearly plausible include 1) Barred Owls replacing  
6 the Northern Spotted Owl throughout its range, and/or 2) Barred Owls replacing spotted owls in the  
7 northern, more mesic areas of its range, and/or 3) both species competing, with the outcome being  
8 an equilibrium favoring Barred Owls over spotted owls in most but not all of the present spotted  
9 owl habitat range.

10

11 Courtney reviewed the options developed during the workshop:

- 12 • Do nothing – let nature run its course
- 13 • Engage in directed studies to evaluate interactions
- 14 • Engage in habitat management that benefits spotted owls over Barred Owls
- 15 • Engage in diversionary or supplemental feeding
- 16 • Trap and translocate Barred Owls back to the east
- 17 • Disrupt Barred Owls nesting
- 18 • Conduct removal experiments
- 19 • Exterminate Barred Owls rangewide

20

21 McElroy referred to the removal options and noted the similarities between the two species. He  
22 asked how often the correct species could be identified and how long the removal process might  
23 take. Courtney said it would be an issue to identify an expert who can distinguish between the two  
24 species. The USFWS will be responding to the recommendations and for pursuing future actions.  
25 Removal is not necessarily something that will happen. Many people believe it is the appropriate  
26 action while others do not.

27

28 The workshop resulted in the development of a resolution describing the risk of extinction and  
29 participant recommendations to 1) convene a panel of biometricians, field biologists, managers, and  
30 policy makers to develop and design a scientific removal experiment, and 2) develop programmatic  
31 research and management agenda/options (the initial formulation of this recommendation was by  
32 Joseph Buchanan).

33

1 McElroy inquired about the target of the resolution. Courtney replied the resolution is to the larger  
2 society as a whole. Presently, the state of the Barred Owl and its threat to the spotted owl is in a  
3 critical stage and if actions are to be undertaken they need to be done swiftly. Another 20 years to  
4 study the issue is not possible. Courtney cited the number of agencies that are working on the issue  
5 including WDFW, who have been supportive in taking the lead and encouraging other Washington  
6 State agencies to take the lead. The USFWS is actively working on the issue and was a major  
7 supporter of the workshop. There is much concern among the entities and leadership is moving  
8 forward on the issue.

9  
10 Stinson commented on the love affair with the spotted owl over the last 20 years. He pointed out  
11 the Barred Owl problem could be viewed as a natural occurrence and that it might not be  
12 appropriate to interfere. Courtney acknowledged that there are many people who feel the same  
13 way. The question is whether it is a natural event. There has been much discussion about that and  
14 whether there is some evidence that Barred Owls did not locate in the Northwest without some  
15 human encouragement. However, it is likely that the question will remain unanswered. Secondly,  
16 if it's natural, then perhaps it should be left alone. It is a philosophical question of whether people  
17 want spotted owls in the Northwest.

18  
19 Soicher asked if the threat would be as serious if the spotted owls were in a better condition.  
20 Courtney replied Barred Owls would continue to be a big problem regardless of the condition of  
21 spotted owls.

22  
23 Mankowski said the presentation to the Board was important because there is the question about  
24 what role Barred Owls play in the spotted owl demise. Those agencies that have the authority and  
25 responsibility to do something should be doing something. The presentation about the workshop  
26 was provided to let the Board know that the other entities are aware of the situation and are working  
27 as quickly as possible because it's similar to the salmon problem. It is important for the Board to  
28 know there are entities charged with doing something and that they are doing their share.

29  
30 McElroy said he was unsure whether the presentation conveyed that but something needs to done.  
31 Courtney confirmed that Mankowski's comments are correct. McElroy said his inquiry pertained to  
32 whether anybody is doing anything or is the situation at the scientific and bureaucratic stage.  
33 Courtney indicated everyone has had a reflective wakeup call.

1  
2 Hagiwara commented that Courtney's presentation did not convey that Barred Owls are likely a  
3 factor but that Barred Owls are clearly a factor. The Board regulates forest practices on a relatively  
4 small amount of habitat for the spotted owl. He asked whether the Board can really have a positive  
5 influence for the spotted owl. Courtney replied that the scale of the issue with Barred Owls is large,  
6 is growing, and there is a need for action. The study participants did not indicate habitat is  
7 unimportant and that it should not be protected. The issues of how much and in what location are  
8 questions the Board may want to consider. In terms of priorities, restrictions, and regulations,  
9 Courtney indicated he is unsure that there has been sufficient thought to give the Board any advice.  
10 Hagiwara commented that if the Board should consider altering habitat, there appears to be little  
11 time to do so, and the potential consequences are economically significant, considering that we do  
12 not know if there would be a positive outcome.

13

#### 14 **USFWS Response to the Status Review**

15 Jim Michaels, USFWS, described his experience and background. He provided the Board with an  
16 overview of the USFWS and recent ongoing activities with the NSO.

17

18 The USFWS anticipates developing a recovery plan in summer 2006 with a draft available by fall  
19 2006. The recovery plan will provide guidance for recovering species listed under the ESA as well  
20 as management actions necessary to achieve species recovery. The action must be objective and  
21 measurable, and result in the removal from the federal list of threatened or endangered species.  
22 Recovery plans are not regulations and do not mandate landowners to take action but they provide  
23 guidance for recovering a listed species.

24

25 It is anticipated the USFWS will request the Washington, Oregon, and California Governors to each  
26 nominate an individual to represent the state on the recovery team.

27

28 Michaels shared information on recent settlements and lawsuits. A revision to the Critical Habitat  
29 Regulations will be published in the Federal Register by December 15, 2006 with final Critical  
30 Habitat Regulations issued by December 2007. He described the regulatory oversight of the  
31 regulations. New information on the spotted owl and how it is impacting spotted owls will be  
32 considered. The USFWS is pursuing studies to determine the affects and interaction between

1 Barred Owls and Northern Spotted Owls to determine whether additional management actions are  
2 needed.

3  
4 Michaels reported that working through the stakeholder process, several issues have come forward  
5 that the Board may want to immediately undertake. The first is the decertification of owl circles  
6 particularly within SOSEAs. The second is landscape management of Northern Spotted Owl  
7 habitat within SOSEAs. SOSEAs were originally developed for the risk of take and were never  
8 intended for management of spotted owls. He said another Board undertaking could be the  
9 development of quantitative objectives for SOSEAs to enable landowners to better understand how  
10 they achieve goals in terms of landscape management.

11  
12 Johnson referred to information shared about the Barred Owl and whether there are any actions that  
13 the USFWS will do in advance of a recovery plan. Michaels said the USFWS will work with  
14 stakeholders to develop a set of research projects as well as other short-term efforts, which may  
15 mean some experimental removal of Barred Owls to gauge what is happening between the two owl  
16 species. Permits have been issued for such an effort in California.

17  
18 Mankowski asked whether there is a description of what is going to be considered in the  
19 development of the recovery plan, and to what extent, such as broader questions about SOSEA  
20 placement, landscape level features, and other factors that were considered when the state rule was  
21 adopted. Michaels replied that the demography data that was presented earlier by Anthony will be  
22 reviewed as well as critical habitat and all other factors to determine how the puzzle fits together.  
23 Mankowski said one of his frustrations with federal scientific analysis is that the information is not  
24 very helpful if it does not pertain to state and private lands. Having a representative from each state  
25 on the recovery team may help to ensure some of the analysis and questions are helpful to the states.  
26 Michaels affirmed that the efforts by the state are considered and that the effort is a partnership in  
27 conserving the species.

28  
29 McElroy said the federal approach to the conservation of the Northern Spotted Owl has been  
30 focused primarily on federal land with the role of state and private lands in a supporting role. He  
31 asked Michaels if he anticipates that the emphasis on the recovery on federal lands will continue.  
32 Michaels said the Northwest Forest Plan and the provisions for forest-related species pertained to  
33 the federal recovery of spotted owls. Everything the state has done is tied to that effort, such as the

1 HCPs and the state program. One of the reasons SOSEAs were developed was to provide support  
2 and to strengthen the forest plan and provide either demographic support to those areas that lacked  
3 owl numbers nearby, or to provide demographic exchange between late successional reserves so  
4 that owls would have connectivity for population connectivity.

5  
6 Sherry Fox said she understands the decertification protocol is not currently within the state rule and  
7 is actually a process the federal service developed and that the state took the process and more or  
8 less implemented it. She suggested the federal service should also look at decertification and what  
9 the protocols should be for that type of a process and present the information to the Board.

10  
11 Mankowski said decertification is somewhat like a subtext within the survey protocol the USFWS  
12 developed. The state uses it to classify owl sites that the Board designates for protection or non-  
13 protection. According to Department guidelines, Status 1, 2, and 3 owl sites are to be protected.  
14 There is a need for a joint effort to figure out how to update the survey protocol to account for the  
15 impacts to owls and adopt it as a policy strategy.

16  
17 Fox referred to landowners who put time, money, and effort in developing landscape plans and  
18 asked whether the USFWS is going to stand behind those efforts. Michaels said the USFWS is  
19 supporting HCPs and it is important to work together to ensure there are good, solid scientifically  
20 supported plans that contribute to the species while allowing commercial activities to occur on the  
21 property. Fox said she has participated in an HCP process as a small landowner and the process  
22 does not work. What is needed is a state process of planning that meets USFWS intent. She asked  
23 how that bridge can occur. Michaels said it could be through the Forests and Fish Report and  
24 develop some agreement. He said the USFWS was prepared to develop a 4(d) rule because of the  
25 state's involvement through regulatory action. It is possible the USFWS could revisit this and  
26 consider a 4(d) rule through a Forests and Fish process.

27  
28 Johnson referred to the first presentation on the context of the rules and asked if it was the original  
29 intent of the rules to complement the federal conservation strategy and become a federal 4(d) rule.  
30 It now appears brainstorming is occurring about whether the Board should consider that as an  
31 alternative. Michaels described how the USFWS had previously developed a 4(d) rule and  
32 completed an EIS which was eventually discarded in 1998. Johnson asked if the strategy is still  
33 valid regarding whether the rules should be complementary to the federal conservation strategy.

1 Michaels said it is likely the National Marine Fisheries Services (NMFS) would not have the same  
2 fear as it did at the time of the negotiation. It is in the realm of possibilities if it is determined that  
3 an HCP is not an acceptable vehicle to move forward.  
4

#### 5 **TFW Stakeholder Discussions**

6 Dan Silver briefed the Board on the results of the final meeting of the Spotted Owl Policy Group on  
7 January 24, 2005.  
8

9 The group agreed to tie the decertification hiatus to a time and policy context. Members discussed  
10 owl protocol and agreed it made sense to revisit protocol, how it is applied, and how it would affect  
11 decertification.  
12

13 The group agreed to move forward with landscape management planning because it is key toward  
14 making progress that the rule envisioned. The group identified three alternatives for simplifying the  
15 SEPA process. There was agreement to have discussion on resource objectives and then turn  
16 attention to EIS alternatives.  
17

18 The group concurred that an agreement on measurable objectives would increase the likelihood that  
19 landscape management would occur and that the Board should initiate a policy level discussion on  
20 measurable objectives. The group agreed it would be useful to gain a higher profile on upland  
21 wildlife issues and merge the spotted owl discussions with upland wildlife discussions as part of the  
22 Board's work plan.  
23

24 The group agreed that the requirement in the rule for an annual review is not a good idea as the  
25 timeline is too short. A five-year review makes more sense.  
26

27 Silver reviewed issues the group did not attain agreement on:

- 28 • Differences of opinion about whether there should be new SOSEAs
  - 29 • Differences of opinion about adjusting SOSEA boundaries
  - 30 • Differences of opinion about whether the size of owl circles should be changed
- 31

32 Doug Stinson asked how Silver perceived the landscape management working. Silver indicated it is  
33 difficult, and despite all the conversation about landscape management, there has only been one



1 small agreement. However, HCPs are a type of landscape management and there is a considerable  
2 number of acres under HCPs. The issue pertains to the application of SEPA and simplifying the  
3 process. If that issue can be resolved, the steps to landscape management would be much easier to  
4 achieve.

5

#### 6 **Additional Questions for Presenters and WDFW Staff**

7 McElroy asked about the relationship between the Barred Owl and the spotted owl if the Board  
8 were to halt all harvesting. Courtney qualified his comments based on his opinion after reading the  
9 research, and said that the Barred Owl is a very serious threat. It has been demonstrated that Barred  
10 Owls are replacing spotted owls in areas where no timber harvest has occurred, and will move into a  
11 large number of areas currently occupied by spotted owls regardless of any management actions.

12

13 Laurie asked for examples of resource objectives. Mankowski reported the current rules speak to  
14 landscape objectives in the SOSEAs within a broad context – demographic support, dispersal  
15 habitat, or a combination of the two. There is a broad space of decision about the objectives as it is  
16 not clear in the rules. The Board has not provided the same level of detail that it has with Forests  
17 and Fish resource objectives. It is a stumbling block when negotiating an LOP or an HCP. Some of  
18 the issues could likely be resolved through a policy discussion by the Board, and eventually  
19 clarified in the rules, leading to more success in landscape planning.

20

21 Silver reported there are many that would argue that the rule already has resource objectives. The  
22 issue of counting numbers of owls and acres is of concern to the timber industry, as the industry is  
23 uncomfortable with being held accountable for the numbers of owls and less concerned about the  
24 number of acres. There is a wide range of perspectives.

25

26 McElroy asked for an explanation from a statistical standpoint about the issues involved in  
27 correlations, particularly correlation without the notion of causation. Lint replied that correlative-  
28 type studies show that there is some relationship between two different conditions and as one  
29 condition is increased, the other element either increases or decreases. It is possible to have  
30 correlations between different types of factors or different kinds of conditions that can be explained  
31 by other factors; whereas the cause and effect relationship is usually demonstrated through an  
32 attempt to try to control for the significance or importance of environmental conditions to  
33 demonstrate a response or effect based on factors. McElroy pointed out that so much of the work is

1 correlations and it is not necessarily correct to draw conclusions. Lint agreed that correlative  
2 studies can be very suggestive and are dependent upon the body of information, which can be  
3 suggestive but not necessarily conclusionary.

4  
5 Mankowski asked what the practical experience has been with working with the surveys over the  
6 last 10 years in implementing the rule. Lint replied the general process that occurs when  
7 evaluations are completed involve the landowner/consultant conducting surveys that are submitted  
8 and then evaluated against the survey protocol. In most instances, the station layout has been  
9 reviewed and there will be some assurances that the surveys are being conducted. After the  
10 information is evaluated, a decision is made about whether the survey was completed in the manner  
11 consistent with the protocol.

12  
13 Soicher asked whether the decertification issue could be easily solved by changing the rules to  
14 apply consistently to all status sites. Fox said it is important that there be a process. If a landowner  
15 has not had owls on the property for over a decade, there should be a process that the landowner can  
16 undertake.

17  
18 **Caucus Perspective on the Information Presented to the Board**  
19 Washington Farm Forestry Association (WFFA). Sherry Fox distributed a map depicting  
20 ownerships of small landowners across the state. WFFA is supportive of planning and what it  
21 means to the natural resource. However, planning in the past has been quite cumbersome for small  
22 landowners who lack the technical expertise or the funds to hire staff and this can result in exclusion  
23 from the process. Fox suggested the Board consider the model used in Lewis County. In Lewis  
24 County, a group of small landowners have applied for an HCP for both riparian and upland species.  
25 The approach includes 2,200 small forest landowners who would have the ability to voluntarily  
26 participate in the program with the county holding the permit. She described the steps the  
27 landowners would follow to be included.

28  
29 Fox described the funding challenges and grant opportunities.

30  
31 Responding to a question from McElroy, Fox indicated the briefing is not a recommendation but  
32 rather a sharing of a process that is working. She urged the Board to consider alternative processes  
33 and how to create a different approach for resource protection. There are incentives the Board could

1 consider and address to help both large and small landowners grow larger and older habitat.  
2 Currently, there is only one thing to do with old trees and that is to cut them down as there is fear of  
3 what the rules and regulations might do. Incentives for growing habitat are very important. The  
4 association supports a moratorium on decertification until the USFWS and agencies can review the  
5 issue.

6  
7 Fox described the poor state of forests in eastern Washington because of the threat of overstocked  
8 stands, poor forest health, fire danger, and insects. As the Board begins to examine issues of spotted  
9 owls on the eastside it would also be appropriate for the Board to consider the fire impacts because  
10 of overstocked stands and diseased trees.

11  
12 Fox reported the association supports the Dan Silver stakeholder process and encouraged the group  
13 to resume meetings to begin working with the USFWS on the recovery plan.

14  
15 Fox advocated for a complete upland approach that addresses all species of concern. She noted  
16 landowners will not undertake a planning process without federal assurances.

17  
18 Washington Forest Protection Association. Josh Weiss reiterated the importance of the Board  
19 considering the objectives of the rule adopted in 1996. Judging success and failure needs to be  
20 considered within the timeframe. The opinion of the industry is that the rule has been fairly  
21 successful in some areas. Weiss cited the data documenting habitat decline and noted that setting  
22 aside more habitat on private lands will not arrest the decline. The evidence does not suggest owl  
23 population decline is occurring due to harvesting over the last nine years. Owl population decline is  
24 occurring in areas where no harvesting has occurred. Habitat losses on state and private lands are  
25 offset by gains made on federal land.

26  
27 Weiss reviewed impacts of the Barred Owl on spotted owl population and safeguards the state has  
28 enacted to protect the NSO. He noted the recommendations of the Silver stakeholder group have not  
29 been vetted through the various groups and that the recommendations may not have consensus from  
30 the industry.

31  
32 Weiss' recommendations to the Board included:

- 33
- Resist any requests to enhance the owl circle approach.

- 1 • Review the state’s database that created the owl circles on the landscape. Additionally, the  
2 industry is concerned with the idea of decertification, especially based on a moratorium on  
3 decertification against data that is old and antiquated and based on standards.
- 4 • Examine the results of what has worked and not worked with respect to landscape management  
5 planning.

6

7 Court Stanley, Port Blakely Tree Farms, commented on Port Blakely’s HCP plan that is a multi-  
8 species plan primarily crafted for the Northern Spotted Owl. One incentive in the plan is to  
9 accelerate the development of spotted owl habitat through actively managing the stands. Since  
10 1996, owl habitat has been increased from 2,772 acres to 3,230 acres based on accurate  
11 measurements. He noted this is counter to the data included in the Pierce report (*An Assessment of*  
12 *Spotted Owl Habitat on Non-Federal Lands in Washington between 1996 and 2004*).

13

14 Stanley described why landscape planning is the best option rather than owl circles. Landscape  
15 planning must be based on good, up-to-date data and science. It is important to incorporate the 15-  
16 20% habitat that will grow within the Forests and Fish buffers. Incentives are needed by the  
17 landowners and the agencies to be successful as well as a reliable and predictable streamlined  
18 process to work through the administrative process.

19

20 Johnson asked for an example of what constitutes an incentive for landowners. Stanley replied  
21 incentives may include streamlining the permitting process, eliminating disincentives for managing  
22 on a landscape basis, and ensuring predictability of the process.

23

24 Discussion followed between the Board and presenters about the details associated with  
25 streamlining the permitting process. McElroy said it is important for the Board to fully understand  
26 the issue of streamlining. Weiss said the predictability of the process is important to the landowner.

27

28 McElroy commented that it appears landowners are indicating landscape planning is a good tool.  
29 But, as evidenced in the Pierce report, that may be the landowner’s desire, but it is not occurring.  
30 Weiss replied that the evidence indicates that landowners are growing and harvesting habitat within  
31 SOSEAs and it may not be that different than the landscaping process. Stanley added that most of  
32 the HCPs developed during that time period anticipated removal of suitable habitat. In return, the  
33 plans call for a very long-term distribution and growth and maintenance of foraging and dispersal-

1 type habitat to complement the federal recovery strategy. The data, after only nine years, may  
2 reflect some of that removal that was permitted in the plan in return for the longer retention, growth,  
3 and management of dispersal, foraging, and in some cases, nesting habitat.

4  
5 Mankowski said he sees that in the plan most HCPs eventually achieve that; but absent an HCP and  
6 a SOSEA, approximately 10% of the habitat has been harvested outside SOSEAs, and it is unknown  
7 whether habitat has been grown. Without a planning process, it's difficult to determine the  
8 conditions.

9  
10 Conservation Caucus. Heath Packard, Audubon Washington, briefed the Board on the  
11 organization's frustration with the status of the owl, the rule, the decision-making bodies, and their  
12 jurisdictions. He proposed some approaches to move forward for a viable owl population and  
13 upland wildlife management. Packard's presentation covered:

- 14 • Problems and solutions – owl population down 40% to 60% in 10 years, faster rate than  
15 predicated.
- 16 • The Board's duty – act decisively, immediately, exercise authority, make science-based policy  
17 decisions, and exercise the Board's influence.
- 18 • Habitat is key – adequate habitat is critical for species' viability, non-federal landscapes are  
19 critical to recovery, Board jurisdiction is 33% of spotted owl habitat range, and the Board's  
20 rules are not protecting adequate habitat.
- 21 • Rules status – embedded risks identified in the 1996 Final Environmental Impact Statement  
22 have been realized: viability goals have not met, rules rely on inadequate circle management and  
23 there has been no landscape planning, no annual review, no adaptive management, and no rules  
24 revision.
- 25 • Immediate action to stop the bleeding – need moratorium on decertification, require reporting of  
26 owl observations to WDFW within one year, establish all habitat in SOSEAs/circles as Class  
27 IV- Special, and establish and implement long-term plans to revise upland wildlife rules to  
28 include timelines, staffing plans, and funding plans for participation by all stakeholders.
- 29 • Long-term actions – establish a blue ribbon scientific panel to evaluate effectiveness of SOSEAs  
30 and risk assessment, explore non-regulatory approaches and incentives, explore pilot landscape  
31 projects in SOSEAs, institute adaptive management for upland wildlife and amend rules  
32 accordingly.

1 Packard requested the Board take swift and decisive action. The stakeholders would like to see  
2 some long-term solutions and will collaboratively participate to assist the Board in leveraging  
3 resources needed to move the discussion forward.

4  
5 Johnson referred to the suggestion for establishing a blue ribbon panel and asked whether the  
6 suggestion is in conjunction with the federal government's efforts. Packard said the interim actions  
7 are critical at this time and do not have a bearing on when or how the federal government provides  
8 leadership in developing a recovery plan. The Board needs to provide a leadership role in  
9 participating in and providing momentum for the development of the federal recovery plan. The  
10 loss of owls is occurring at 7% each year and it is imperative not to wait for the federal government  
11 but move ahead. Johnson asked why it would be the role of the Board to initiate efforts rather than  
12 the WDFW and the WDFW Commission. Mankowski pointed out that the suggestion does not  
13 appear to recommend the Board should initiate recovery planning. Packard indicated the blue  
14 ribbon panel would undertake further analysis of the effectiveness of rules, determine the  
15 population that is being maintained, and make recommendations for improvements.

16  
17 McElroy asked about the identity of the scientists as the existing population of scientists that work  
18 in this area is relatively small. Packard said it is up to the Board to decide and it is likely the Board  
19 will engage the caucuses in helping to construct the membership of the panel. Packard said the  
20 stakeholders are willing to pursue funding and leverage resources.

21  
22 Fox asked about the vision for non-regulatory approaches. Packard said there have been some  
23 offline conversations about policy initiatives but no major efforts have been expended about non-  
24 regulatory approaches.

25  
26 Johnson asked about the caucus's view on previous and current recommendations made by Silver.  
27 Packard said the recommendations address some critical components of the solution. Many are  
28 articulated in the memo provided to the Board, such as decertification, examining streamlined  
29 landscape planning, pilot projects, and implementing adaptive management for upland wildlife.  
30 The caucus would like to see those things that were treated in the negotiations addressed quickly by  
31 the Board.

32

1 Soicher asked whether the request to the Board is to pursue a change in strategy or build on current  
2 strategy. Packard indicated a complete analysis is lacking to respond to the question, which is why  
3 the caucus is recommending long-term solutions of evaluating the rules and their effectiveness and  
4 whether they need to be discarded or amended. In the short-term, the caucus would like to see the  
5 rules implemented as strongly as possible to protect habitat.

6  
7 Discussion followed about dual efforts for a recovery plan effort. Packard said the caucus is  
8 concerned about how nimble and timely the Board might be compared to the federal government  
9 and depending on resources.

10  
11 McElroy said the fundamental fact is that the state-based rule is predicated on support of what is  
12 occurring on federal lands. He asked whether the caucus's proposal is a recommendation to the  
13 Board to sever the relationship and pursue efforts independently irrespective of what is occurring on  
14 federal lands and whether the caucus agrees the premise for recovery is based on federal lands.  
15 Packard said the recommendation is not suggesting the work is completed in a vacuum or not  
16 coordinated with partners, but that the Board should encourage the federal government to work  
17 quickly. McElroy noted the USFWS is under a federal court order and the timeframes are  
18 established in the court rules. Packard said the caucus would like the Board to review its rules and  
19 ensure they continue to complement what the federal government is attempting to accomplish.  
20 Currently, because landscape planning at the state level is not working, the caucus believes suitable  
21 habitat should be established as a special class.

22  
23 Mankowski asked for clarification about a process for establishing funding for stakeholder  
24 participation. Packard said the recommendation pertains to the suite of long-term options. McElroy  
25 asked if it refers to the Board's overall forest practices work plan. Packard affirmed it is, and also  
26 to the upland wildlife rules; the caucus assumes there is a process surrounding the development of  
27 the wildlife rules.

28  
29 Soicher said he appreciated the clarity and thoughtfulness of the presentation to the Board.

30  
31 The presentation from the Northwest Indian Fisheries Commission was deferred to a later date.

32  
33

1 **Closing Remarks**

2 McElroy thanked Department staff, presenters, and authors for their efforts for an exceptionally  
3 detailed and informative work session. Mankowski concurred with the comments and said he was  
4 very pleased with the presentations. McElroy acknowledged the Board for their diligence and  
5 thoughtful questioning.

6

7 McElroy adjourned the work session at 6:15 p.m.

8

9

10

11

12 Prepared by: Valerie Gow, Recording Secretary

13 Puget Sound Meeting Services