Petition for Rulemaking
Northern Spotted Owl
November 13, 2019

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Petition for NSO Rulemaking

Objectives:

• Forest Practices NSO rules for FPA’s within Spotted Owl Special Emphasis Areas (SOSEA)
• Petition and staff recommendations
Forest Practices NSO Rules
Overview/History

• 1990 ESA listed as Threatened
• Mid-1990s circle management
• 1996 Board rules: circles, SOSEAs, best 70 acres, SFLO exemption, timing restrictions, LOPs
• SOSEA’s are a landscape-level approach complementing adjacent NSO protection strategies on federal lands
Landscape Level Approach
SOSEAS

• Spotted Owl Special Emphasis Areas
• Defined geographic areas: 4 in eastern WA
• Demographic and/or dispersal goals support recovery efforts on federal lands within or adjacent to SOSEAs
• See WAC 222-16-086 (maps)
Management within SOSEAs
Habitat Circles

(1) Columbia Gorge SOSEA

- Demographic Support
- Dispersal Support
- Combination of Dispersal Support and Demographic Support
- SOSEA Boundary
Management within SOSEAs
Habitat Circles

“Suitable habitat” (WAC 222-16-085):
• Old forest habitat, Sub-mature habitat, &/or
  Young forest marginal habitat

“Median home range circle” (WAC 222-16-010):
• Centered on NSO site center
• 1.8 mile circle, includes 0.7 mi inner circle
WAC 222-16-050 *Classes of forest practices*
• T/E Class IV-special (1)(b)

WAC 222-16-080 *Critical habitats of T/E species*
• NSO Class IV-special (1)(f):
  • harvest, road const. or aerial pesticide
  • in suitable habitat within a SOSEA circle
NSO Class IV-special FPA SEPA Rules

WAC 222-10-041 Northern spotted owls

- informs evaluation of Class IV's FPA potential impacts via suitable habitat acres in circles
- E WA SOSEA circles is 2605 acres
- more current, accurate, or specific data used upon WDFW consultation

Additional SEPA review if FPA would reduce acres further (e.g. EIS)
Case Study
E WA N. Blewett SOSEA

8/2016 through 9/2019 in Ruby Creek circle:
• 10 FPAs potentially in NSO habitat
• proposed harvests and road work
• 30 acres or less except one
• all field-verified via ID-Team or WDFW staff
• all in non-habitat so approved as Class III
Petition for NSO Rulemaking

North Central Washington Audubon Society concerns re. NSO SEPA rule WAC 222-10-041

Requests harvest moratorium in E WA SOSEA sites pending:
• NSO SEPA rule reconsidered, &
• correct implementation of current rules confirmed
Deny petitioner’s moratorium request for harvests in E WA SOSEA circles:

1. Board has no moratorium authority (AGO Opinion 2015 No.1)

2. SEPA policies don’t establish substantive standards for harvests or locations if a proposal does not include harvest in habitat