

To: Northern Spotted Owl Stakeholder Forum Convenors
From: Claire McAdams
Re: Public Comment for NSO Stakeholder Forum
Date: January 15, 2017

In 2015 The Buckeye Conservancy opened a dialogue process between NSO stakeholders and California Department of Fish and Wildlife, Calfire, and USFWS. The subsequent efforts by William Condon's staff at California Department of Fish and Wildlife brought about this Forum. The Buckeye Conservancy remains concerned about NSO-related problems unique to our part of California, which small non-industrial landowners who steward NSOs experience. The Buckeye produced key recommendations for improvement; these recommendations are attached. Can you tell us what progress has occurred toward meeting those recommendations?

USFWS appears to be moving in the opposite direction: "As of June 30, 2017, the Arcata Fish and Wildlife Office is no longer providing NSO Technical Assistance for individual THP/Non-Industrial Timber Harvest Plans" (USFWS, 2017: 2); only to state agencies. This economically harms small forest landowners who steward NSOs. The USFWS office, in ending direct technical guidance to small forest landowners and their foresters, has left them with no affordable mechanism to achieve compliance with the ESA while harvesting timber in areas of NSO activity centers. By contrast, industrial landowners achieve ESA compliance via use of Habitat Conservation Plans and safe harbor agreements, whose price can be in the millions of dollars and which take years to obtain. Small landowners can't afford that; thus their legitimate ability to harvest timber on their lands, in the presence of NSOs, is foreclosed.

This matters because at least 25% of NSO-containing lands are held by small non-industrial owners. Without these lands, full NSO protection is not possible.

The USFWS office announced that it is in process of developing a template for a landscape-scale safe harbor agreement that would bundle small landowners, at the June 30, 2017 meeting. Six months later this mechanism has not been completed, nor has a completion date been announced. This leaves small forest landowners with NSOs without direct guidance, moving into the 2018 timber harvest season.

Were the landscape-scale safe harbor agreement template to become the sole mechanism of complying with the ESA, its use would ignore the private property rights of individual owners. Each landowner bears responsibility for stewardship of his or her own land, but does not have the right to determine the management of other owners' lands. It would be imprudent to assume that unanimity could be attained between disparate owners. USFWS would be requiring unknowable but ongoing expense from individual landowners to participate, or not, in a landscape-scale safe harbor agreement.

USFWS now communicates only with the state agencies, CA Department of Fish and Wildlife and Calfire.. Each has limited staff for NSO protection, and staffers who are skilled but lack field background as 'NSO experts'. Has USFWS transferred authority to the state agencies, to make decisions regarding the NSO activity centers, as needed when NSOs die or move?

At present, small landowners remain without guidance or recourse to fix NSO database errors and changes as owls die or move onto small owners' forestland following timber harvest in adjacent HCP-covered industrial forestlands.

In short, small forest landowners are being economically harmed by the USFWS refusal to offer direct guidance to them on NSOs. We urge you to correct this very unfortunate situation.

The recent study "Improving the Health of California's Headwater Forests" (Butsic et al 2017) notes that the majority of small forest landowners lack the financial capacity to obtain Timber Harvest Plans or Non-Industrial Management Plans from the state due to "the high cost per acre of planning and permitting" (Stewart et al, 2016; page 7 of Butsic et al, 2017). The addition of NSO-surveying costs and forester/agency communication costs, leaves a majority of small landowners in NSO territory without the economic ability to actively manage their forests.

Without the financial ability to actively manage, owners increasingly sell. Conversion to cannabis production is rampant in the North Coast. Over 70% of owls sampled in such areas have been found to have rodenticides (commonly used on cannabis grow sites) in their tissues (). NSOs are being harmed when small forestlands' use converts from forestry to cannabis production. California regulated cannabis must be pesticide-free (Greenson, 2017: 15-18). But with less than 20 percent of the estimated 15,000-plus grows in Humboldt seeking to become legal/regulated, rodenticides remain ubiquitous, endangering groundwater and wildlife food chains (Houston, 2014: A3).

We strongly urge the USFWS Arcata office to resume giving direct guidance to ALL NSO stewards, even and especially small/non-industrial landowners. Require that office to craft a locally-adapted mechanism at ownership scale, which does not bundle owners with disparate needs and abilities. Such a mechanism might look like the 'habitat retention agreements" used successfully by USFWS in past years on the North Coast.

We also urge USFWS and the state agencies to work together, to implement The Buckeye Conservancy's suggestions in Attachment A to repair the direct guidance process problems, and NSO database administration problems.

Finally, I suggest that you find ways that non-industrial NSO stewards could be compensated for their costs to survey NSOs, and for the income from timber lost to production due to NSO activity center buffers. If NSOs are to be protected, the landowners who steward them must survive economically.

Respectfully,

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