

# Emergency Timber Operations and Northern Spotted Owls



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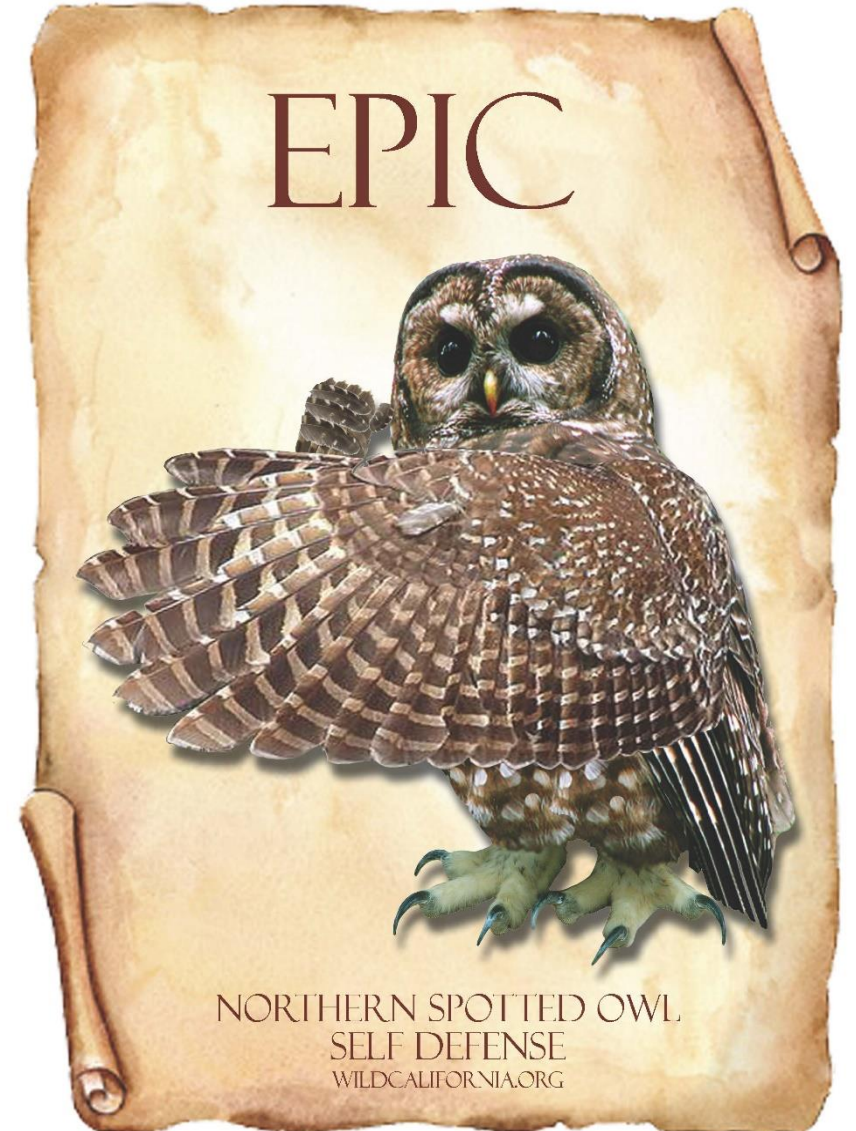
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# Northern Spotted Owl

*(Strix occidentalis caurina)*

- Listed under Federal ESA in 1990
- Listed under CESA in 2017
- Demographics=Nearly 4% decline-per-year, rate increasing
- Habitat loss, barred owls, toxicants, and genetic isolation primary driving factors



# Spotted Owls and California Forest Practice Rules

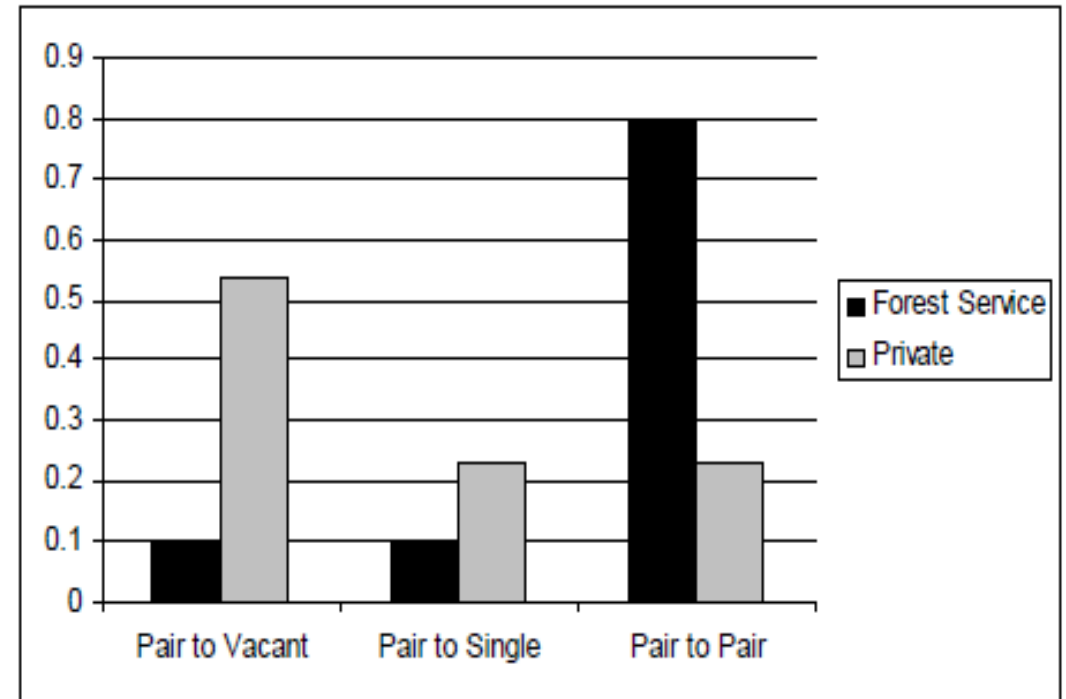
- **Unauthorized “take” prohibited for “plans”**
- **CAL FIRE determining “take” avoidance since 2008**
- **Consultation with listing agencies is not required**
- **1052 Emergency Timber Operations are not “plans”**



# USFWS Findings for NSO and FPRs

- “...our combined experience with hundreds of THPs indicates that the cumulative effects of repeated entries within many NSO home ranges has reduced habitat quality to a degree causing reduced occupancy rates and frequent site abandonment.” (USFWS 2009)

Figure I.B.1. Status of valid historical northern spotted owl activity centers (pair sites only) when resurveyed after 5-10 years. Data are from U.S. Fish and Wildlife Service technical assistance records and USFS monitoring records



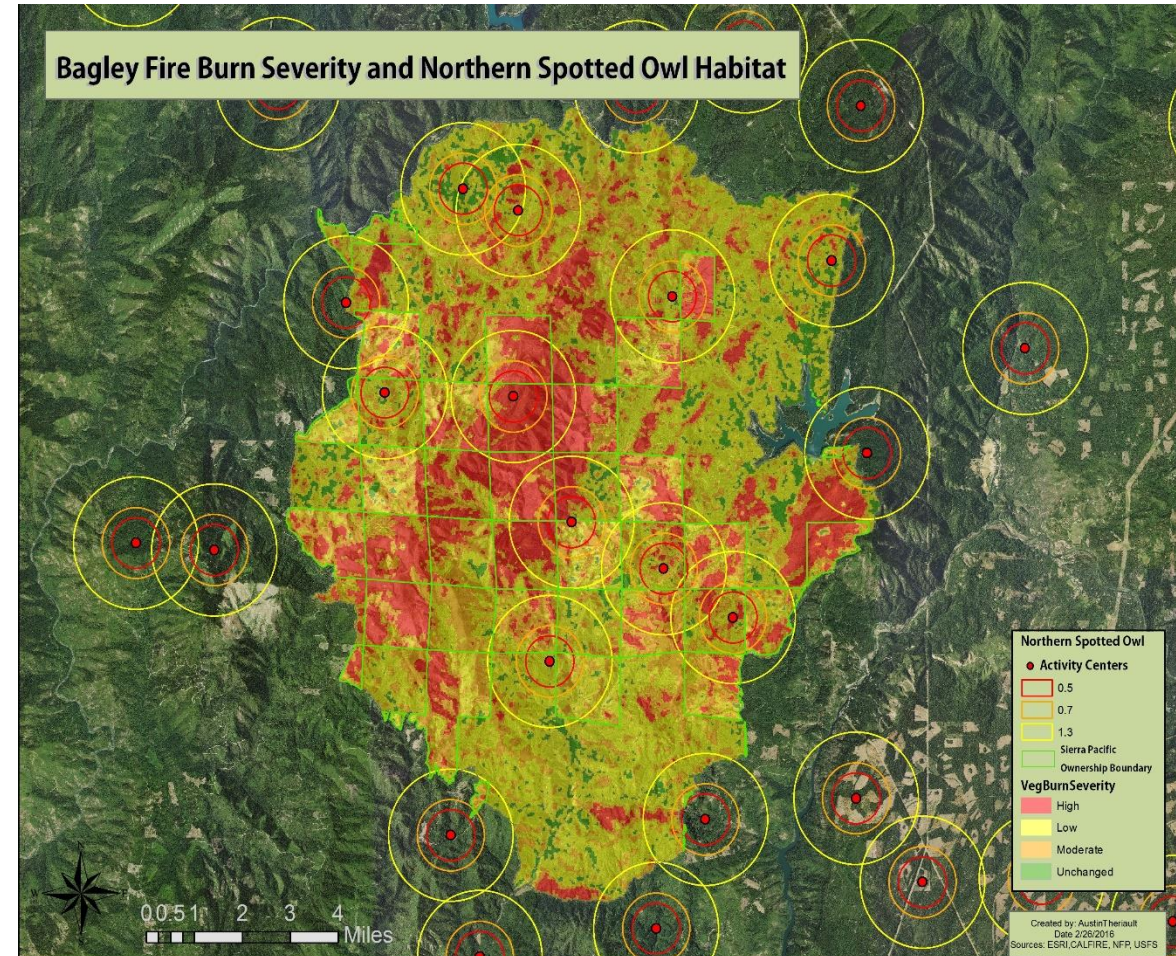
# Fire and Post-Fire Landscapes

- **Many of California's landscapes are naturally fire-adapted**
- **Fire exclusion and suppression create unnaturally dangerous conditions**
- **Salvage logging=clearcutting with far less environmental safeguards!**
- **Evenaged management and plantations make the situation worse**
- **Post-fire landscapes are not "dead"**
- **Fire is better at creating complex forest than industrial logging**



# Spotted Owl, Post-Fire Landscapes and Post-Fire Logging

- Spotted owls can and do use post-fire landscapes
- Post-fire logging not fire is what limits spotted owls
- Post-fire logging sets back forest succession
- Salvage logging and artificial regeneration create exact same conditions that encourage high-severity fires
- No one argues that post-fire logging is beneficial to spotted owls



# Spotted Owls and 1052 Emergency Timber Operations

## What's the Problem?

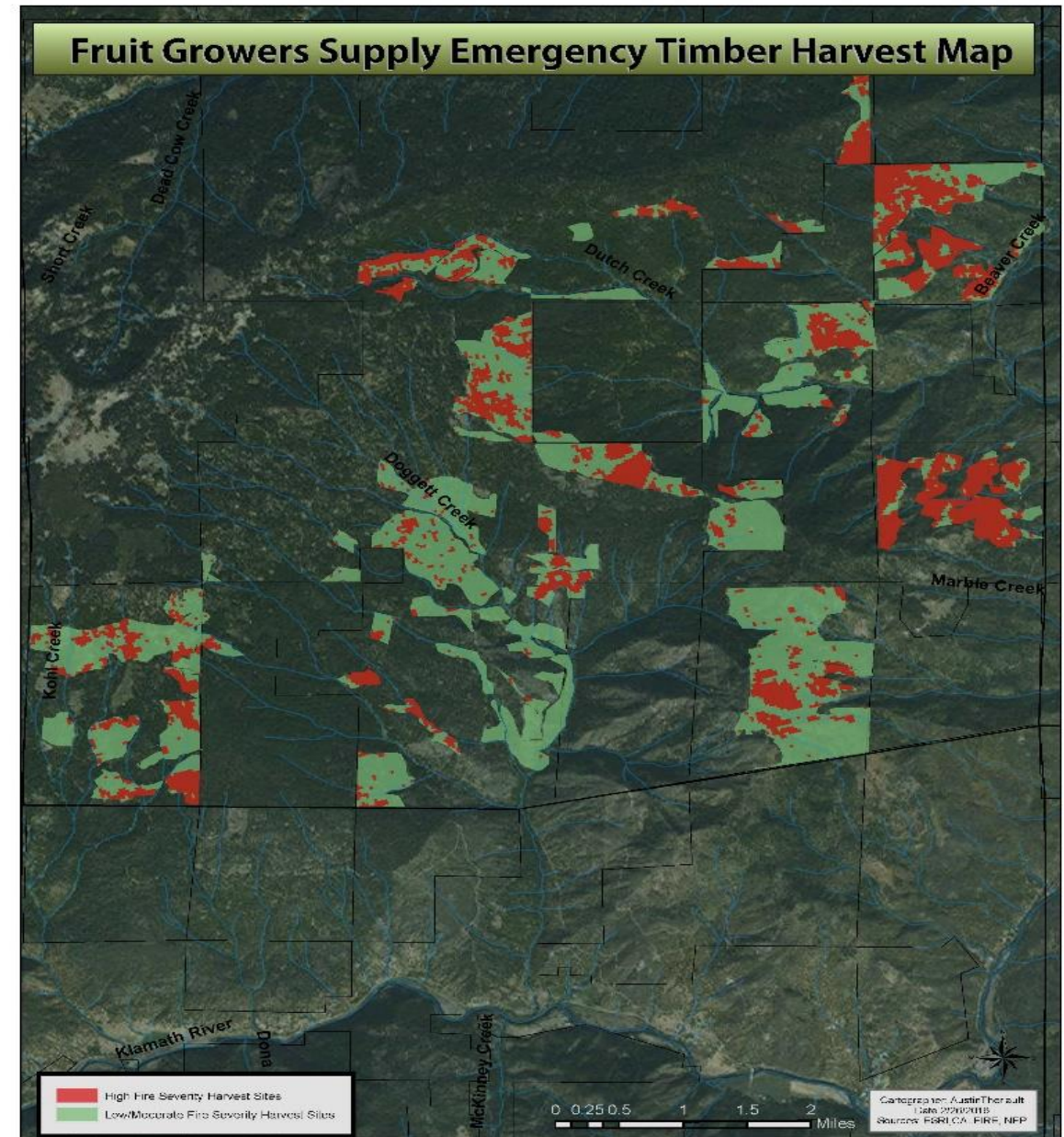
- **No requirement to avoid “take” in 1052**
- **Unclear definitions allow for abuse**
- **No requirement for wildlife scoping or mitigation of impacts**
- **No requirement to notify or consult with listing agencies**
- **Great ambiguity in definitions or absence of definitions**
- **No requirement to meet stocking or replant**
- **No protection for snags or other legacy wildlife trees**





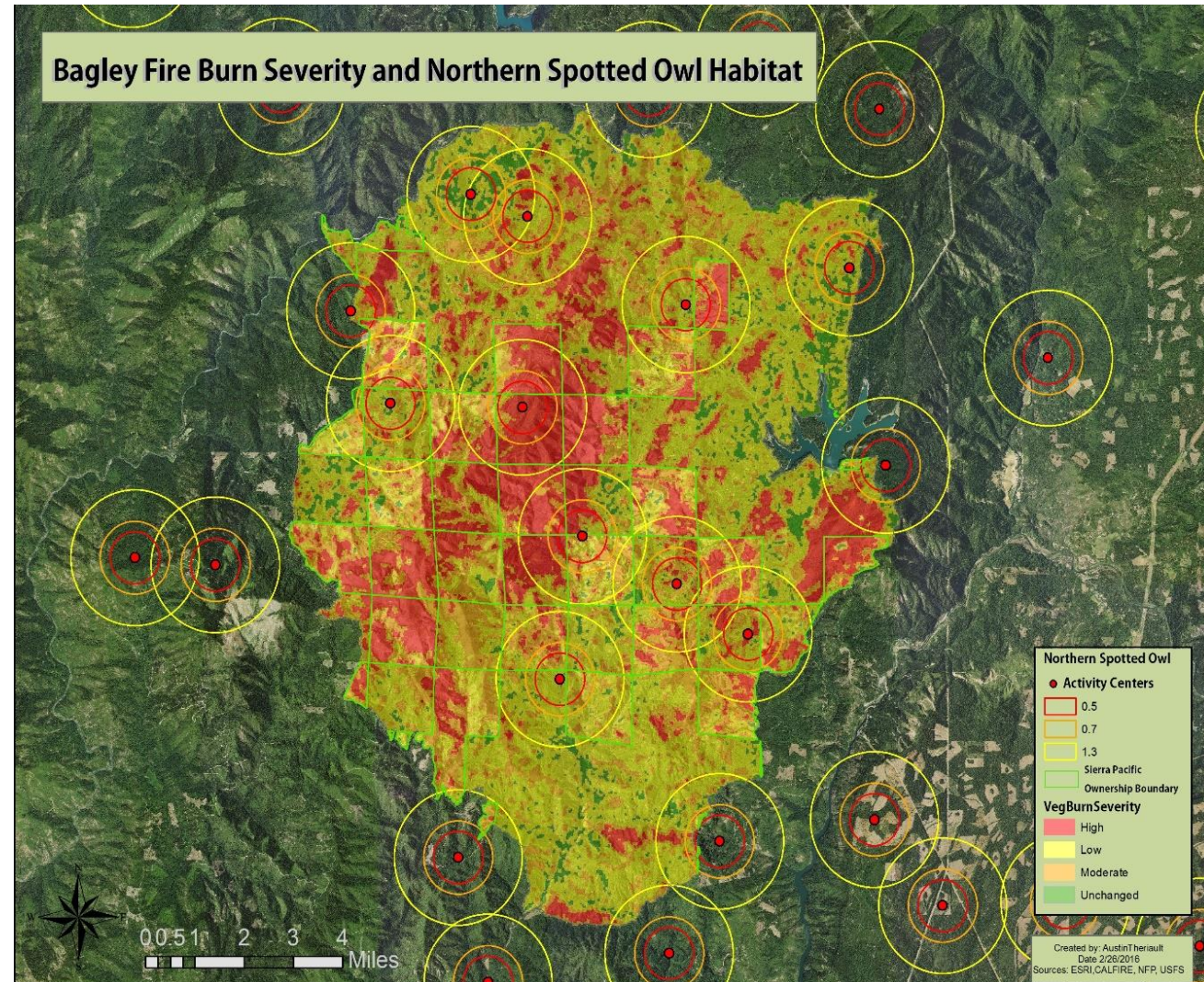
# Evidence Emergency Timber Operations are Impacting Owls

- We observed current FGS harvesting operations in a green low severity burned stand just outside the core of SK454 (occupied by a single male in 2015) in an area of likely use . . . We observed multiple decks consisting entirely of green trees, green branches on the ground, and activity fuels decks primarily composed of green material . . . . [T]he company is not harvesting in habitats burned at moderate and high severity fire only. (USFWS 2016).

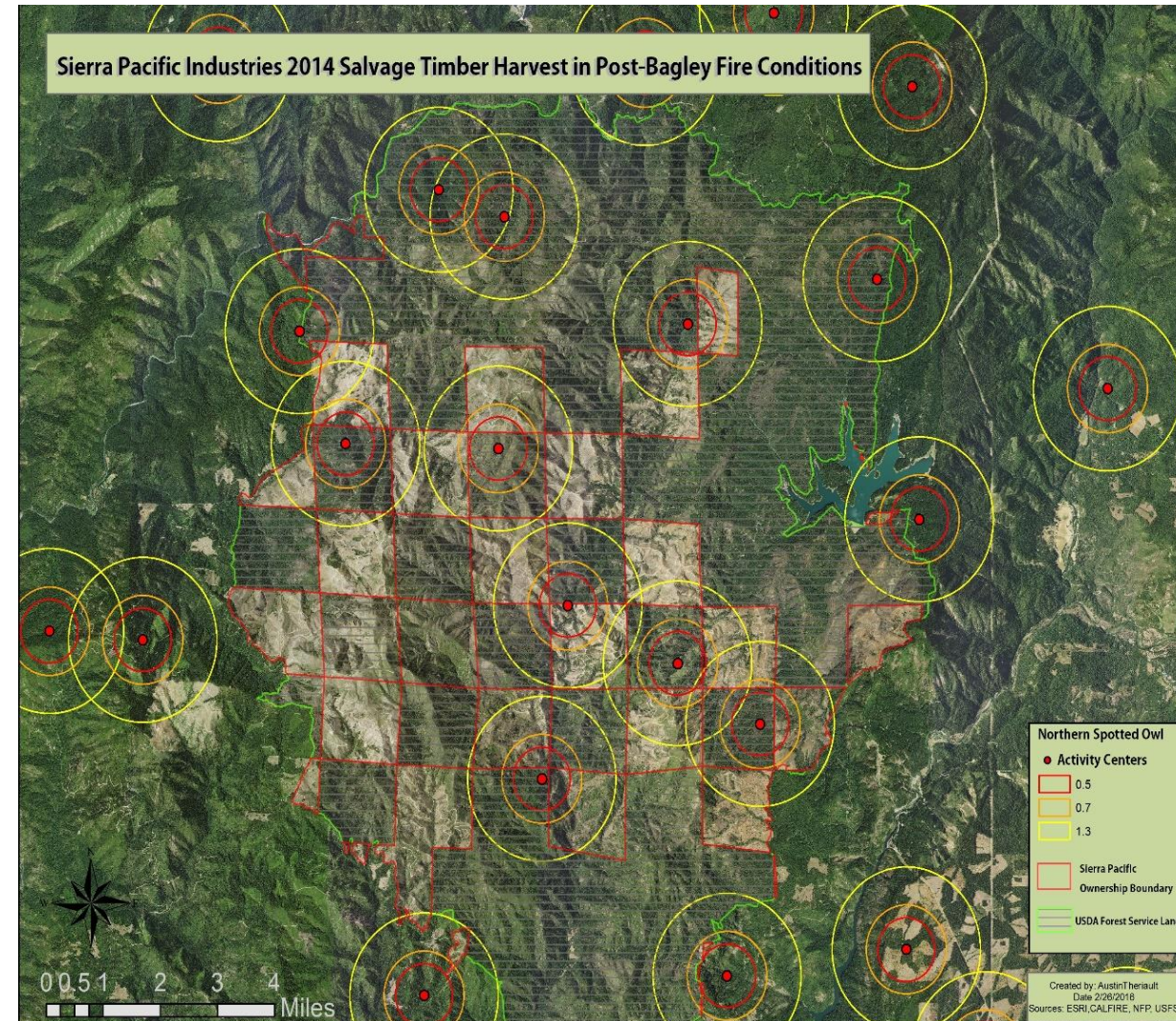


# Abuse of 1052

Bagley Fire Burn Severity and Northern Spotted Owl Habitat

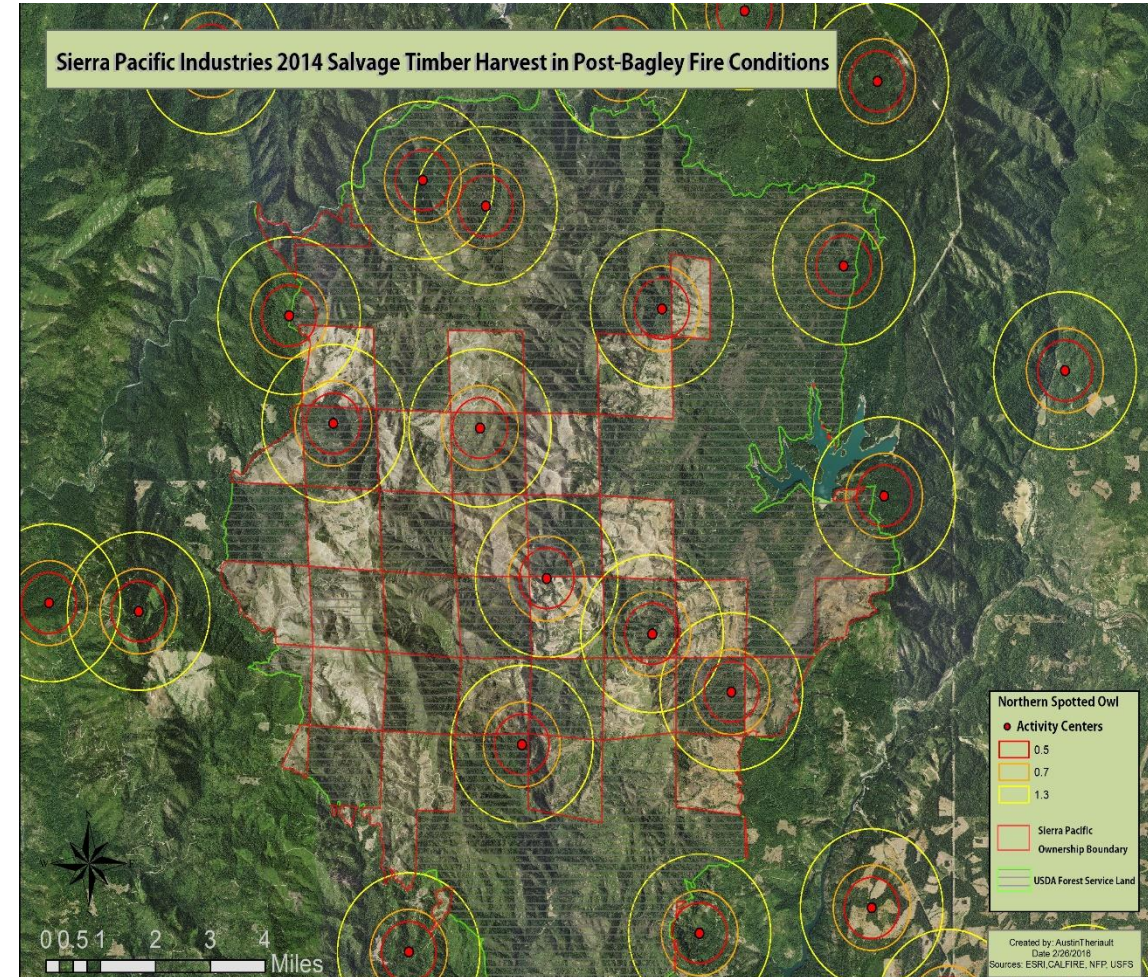


Sierra Pacific Industries 2014 Salvage Timber Harvest in Post-Bagley Fire Conditions



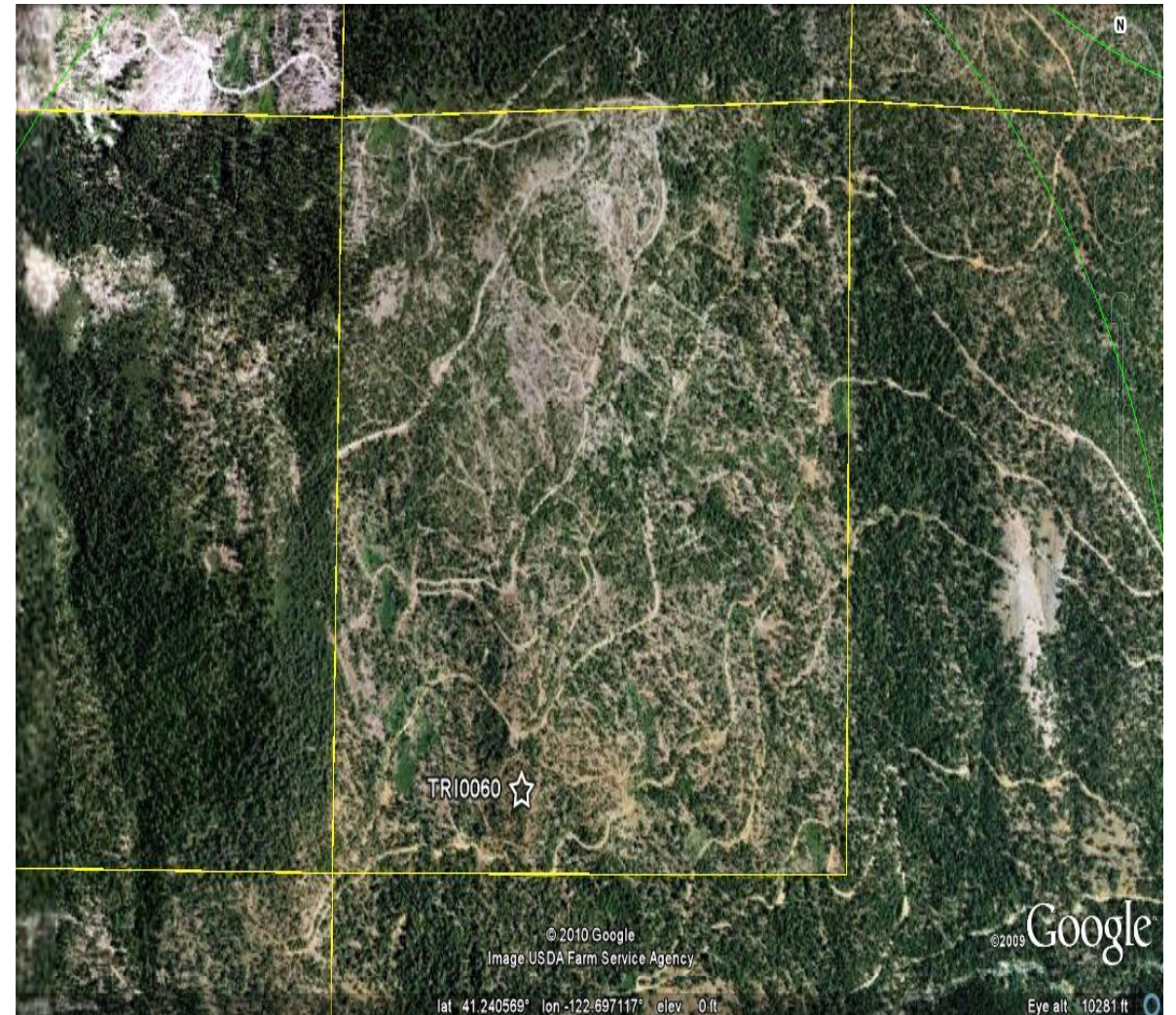
# Who's Enforcing the Law for Emergency Timber Operations?

- “Take” still prohibited by ESA/CESA, but no agency is watching/enforcing
- Emergency Timber Operations are not included in THP evaluations for cumulative impacts



# Petition for Rulemaking for Emergency Timber Operations

- **Revise ambiguous definitions, define undefined terms**
- **Plainly state requirement to avoid “take” unless otherwise authorized**
- **Require retention of minimum stocking standards or a post-operation artificial regeneration plan**
- **Require circulation and notification of listing agencies**
- **Require wait-period to allow for listing agency input**



# “Recovery” and “Conservation”—How Can We Get There??

- **Purpose of the ESA is to “recover” listed species.**
- **Purpose of CESA is to attain, “conservation” of listed species.**
- **Recovery and conservation of spotted owls cannot be achieved by implementing actions on public lands alone.**



# Recommendations

- CDFW and USFWS:
  - Prepare an NSO Recovery Strategy
  - Provide clear guidance about post-fire “take” of owls (similar to Attachment A & B)
- CAL FIRE/BOF: Fix your Forest Practice Rules!

