

Sent to: Amanda.culpepper@wildlife.ca.gov on date shown

January 22, 2019

Amanda Culpepper
Environmental Scientist
California Department of Fish and Wildlife
Timberland Conservation Program
Amanda.culpepper@wildlife.ca.gov

RE: EPIC Comments to CDFW for 2019 Northern Spotted Owl Stakeholder Forum

Dear Ms. Culpepper and California Department of Fish and Wildlife:

The following comments are presented on behalf of the Environmental Protection Information Center—(EPIC) as part of the 2019 Northern Spotted Owl Stakeholder Forum, to be held on January 29, 2019, in Santa Rosa, California. EPIC appreciates the opportunity to participate in the Stakeholder forum and to provide these comments to CDFW for its consideration.

EPIC appreciates the opportunity to provide comments to CDFW for the 2019 NSO Stakeholder Forum. As the petitioner before the California Fish and Game Commission to list the NSO under CESA, EPIC wishes to see and assure that the full benefit of CESA listing is afforded to the NSO that conservation of NSO is advanced to the point where CESA listing is no longer necessary.

Need for a Cohesive, Coordinated Strategy to Conserve and Recover Northern Spotted Owls

The California Department of Fish and Wildlife, as the Trustee Agency acting as surrogate for the people of the State of California, is charged with, among other things, administering the California Endangered Species Act (CESA). The Northern Spotted Owl (NSO) is listed as a “Threatened” species under CESA.

The purpose of CESA as expressed in the California Fish and Game Code by the California State Legislature is to “Conserve” native species listed as either “Threatened” or “Endangered” pursuant to the Act. (*See*: California Fish and Game Code section 2050). “Conserve” as expressed in the Act, means, “use of, all measures and procedures which are necessary to bring any threatened or endangered species to a point at which the measures provided pursuant to this chapter are no longer necessary.” (*See*: California Fish and Game Code section 2061).

To achieve and effectuate the full mandates, purpose, and benefit to the NSO as a “Threatened” species listed under CESA, simply preventing “take” of NSO as defined, or working exclusively to reduce competition with non-native barred owls (*Strix varina*) does not satisfy the provisions of the Act. In the absence of a comprehensive goal, approach, plan or end-game, “Conservation” of the NSO to the point where CESA listing becomes no longer necessary will be impossible to attain.

Further, given the great uncertainties at the Federal level, it is fool-hardy, at best, to assume that the U.S. Fish and Wildlife Service will execute any of the Recovery Actions contemplated in its 2012 Revised Recovery Plan for the NSO, particularly as those actions contemplated for NSO in California.

Given the multiple threats to the NSO and its survival and conservation in California by the Department in its 2016 Status Review and Report for the Northern Spotted Owl, presented to the California Fish and Game Commission and used as a basis for the determination that NSO warranted listing as a “Threatened” species under CESA, a comprehensive coordinated, and cohesive plan must be devised and executed.

Contemporary and on-going timber harvesting on Federal, and non-Federal State and private lands in California continue to be permitted without comprehensive oversight, particularly on non-Federal lands under exempt an emergency permitting frameworks offered by the California Forest Practice Rules at Title 14, California Code of Regulations section 1038 and 1052.

There appears to be no comprehensive accounting of habitat conditions, classification, gain or loss underway or being conducted in a systematic way by CDFW, or anyone else. It is known and can easily be shown that NSO habitat loss due to timber harvest is continuing, and it is well-known that industrial forestry practices that result in mono-culture evenaged conifer plantations exacerbate wildfire intensities, which further results in losses in NSO suitable habitat.

Experimental barred owl removal will avail CDFW nothing in the absence of accounting for, and arresting NSO habitat loss in a systematic, thoughtful, and coordinated manner, and in the absence of an overarching plan to ensure conservation of the NSO to the point where CESA listing is no longer necessary.

EPIC appreciates the opportunity to provide these comments and look forward to attending the 2019 NSO Stakeholder Forum.

Respectfully Submitted,



Rob DiPerna
California Forest and Wildlife Advocate
Environmental Protection Information Center (EPIC)