Northern Spotted Owl Rulemaking Paths

# Form a Working Group

Include small landowners, and also existing NSO Working Group.

# Remove reference to 1991, 1992 Survey Protocol​

See rule text.

# Remove Definitions and Rules not Currently Being Used​

Owl Habitat §919.9 (b) and (g) and §919.10 has reference to Owl Habitat as defined under §895.1 as “Type A, B, and C Owl Habitat” and that terminology is not echoed elsewhere in the rules.

§919.9(b) Includes an aerial photos recommendation but no requirement – see rule text. This rule is not used, consider modifying or repealing.

§919.9(c) Includes references to the 1992 protocol, see rule text. This rule is also not used, consider modifying or repealing.

§919.9(d) When the plan submitter proposes to proceed under an ITP or any other permit covering the northern spotted owl issued by the USFW or the CDFW. Currently only references Incidental Take Permits. Consider addressing process with an HCP or SHA.

§919.9(g) Habitat retention with an existing Activity Center. USFWS has stated that this is not prescriptive enough at this time. This has morphed into g+, Attachment B with extra considerations. Consider modifying.

# Modify SORP definition to include NTMPs and WFMPs​

As more NTMPs with HRAs join SORPs, consider addressing this process explicitly in the Rules.

USFWS has issued some SHAs to NTMP holders and is in the process of issuing more.

# Conduct range-wide habitat analysis and compare with NSO ACs​

Expand usage of Southern Oregon University’s LEMMA data as used for habitat definitions on the Eastside SORP. Use this data to determine whether loss of habitat is a driving factor for declining populations.

# Address NSO Limiting Factors other than Habitat

## Fire

Use literature review to evaluate fire impacts to habitat.

Use LEMMA analysis of habitat to evaluate fire impacts to habitat.

Address how to evaluate Activity Centers significantly damaged by fire, and how to operate near Activity Centers with high fire risk.

## Barred Owl

USFWS Barred Owl ​Management Strategy​ will be delegated from USFWS to an agency – likely CDFW. This strategy is identified in the NSO Recovery Plan​. It will involve streamlining the permit process for barred owl removal via collaboration with State agencies and landowners​. Suggest that there be limited work addressing the impact of the spread of Barred Owl until after the management strategy is public and there is a streamlined process for Barred Owl removal.

## Prey Base

Use literature review to evaluate which habitats and environmental traits impact populations of the NSO prey base, possibly producing a guidance on how to encourage growth of a prey base.

# Remove all 919.9 and 919.10, just rely on 898.2(d) and (f)​

Other listed species do not have specific rules and pathways for protections, they’re protected under §898.2(d) and (f) which requires the director to reject a plan that would result in take and §898.2(f) which requires the director to reject a plan that would result in take or Northern Spotted Owl. Consider removing specific rules for addressing NSO protection.