



Skagit Audubon Society

**P.O. Box 1101
Mount Vernon, WA 98273**

January 15, 2024

Robin Bown
U.S. Fish and Wildlife Service Headquarters
MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041–3803.

Attn: Docket No. FWS–R1–ES–2022–0074

Submitted via Internet at <https://www.regulations.gov>

Dear Ms. Bown:

We are writing on behalf of Skagit Audubon Society concerning the *Draft Barred Owl Management Strategy* (Strategy) and *Environmental Impact Statement* (EIS). We have carefully read these documents and appreciate the opportunity to comment.

Skagit Audubon is the chapter of the National Audubon Society centered on Skagit County, Washington. Our 486 members live in or near Skagit County and share our organization's mission of preserving and restoring wildlife species, particularly birds, and the habitats on which they depend. Skagit County is within the range of the Northern Spotted Owl.

Having read the Strategy and EIS as well as analysis by the Washington Department of Fish & Wildlife¹, we understand the urgency of acting to prevent the extirpation of the Northern Spotted Owl (NSO) in our state. Its looming extinction throughout its range as the population of the invasive, non-native Barred Owl increases and spreads requires decisive and timely action. Skagit Audubon has consistently supported preservation of the old-growth habitat Spotted Owls require and will continue to do so, but we realize the Barred Owl now presents a threat as great as habitat loss, and possibly a greater one, to the continued existence of the Northern Spotted Owl.² Having read the U.S. Fish & Wildlife Service's (USFWS) conclusions following the multi-year experimental removal of Barred Owls from several areas and the positive response of the Northern Spotted Owl in its survival and reproductive success, and also the agency's analysis of other approaches, we support the proposed removal of Barred Owls.

¹ Buchanan, Joseph B., *Periodic Status Review for the Northern Spotted Owl in Washington*, July 2023 ([Periodic Status Review for the Northern Spotted Owl \(wa.gov\)](#))

² Strategy, p.9: "The primary stressors affecting the northern spotted owl's current biological status include lag effects of past habitat loss, continued timber harvest, wildfire, and incursion of the nonnative northern barred owl (*Strix varia varia*), which is currently the stressor with the largest negative impact on northern spotted owls (88 FR 41578)." (emphasis added)

Of the six alternatives presented in the draft environmental impact statement for this project, we support Alternative 2, the agency's preferred alternative. It makes sense to do as the Strategy describes and first implement the plan at sites recently occupied by breeding pairs of Spotted Owls.

We offer the following additional comments and suggestions.

We are concerned with the voluntary nature of the strategy, and in the case of federal lands, this approach seems out of compliance with the Endangered Species Act.

Both the *Draft Barred Owl Management Strategy* and the *Environmental Impact Statement* are at pains to state that the actions proposed are strictly voluntary for both public land managers and private land owners. Given the consensus of the USFWS and scientists with other affiliations that the Northern Spotted Owl is in imminent danger of extirpation and extinction due to competition with the Barred Owl and given the agreement that removing Barred Owls is the only feasible alternative to prevent the Northern Spotted Owl's demise, a completely voluntary approach seems clearly inadequate.

Most habitat on which the Northern Spotted Owls depends is public land. Most is federally owned and managed. Section 7 of the Endangered Species Act (ESA) requires that federal agencies act to conserve listed species:

“All other Federal agencies shall, in consultation with and with the assistance of the Secretary (of Interior), utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.”³

Given the potentially controversial nature of the proposed strategy, we imagine that some federal land managers, given the choice, would choose not to implement it. While some managers might argue that other actions being taken (such as protection of old growth forest) are sufficient, the USFWS has determined that habitat protection is not adequate to stem the decline of the Northern Spotted Owl. Therefore, the USFWS should require other federal agencies to comply with the ESA by implementing the approach the USFWS as the responsible agency has determined necessary.

The Strategy and EIS repeatedly mention the lack of recent surveys for Northern Spotted Owls in many areas of their range. This lack is clearly a significant drawback in effectively planning and implementing the Strategy. We suggest straightforward and strong wording, directed particularly to federal land managers, that new surveys are a high priority, again in compliance with their responsibilities under the Endangered Species Act.

The Barred Owl Management Strategy lacks an incentive plan for implementation by non-federal land managers and private land owners.

In the case of non-federal managers of state and local public lands or owners of private lands with Northern Spotted Owl habitat, USFWS needs to provide some form of incentive for

³ SEC. 7. [16 U.S.C. 1536] (a) Federal Agency Actions and Consultations ([Microsoft Word - Document1 \(omnilearn.net\)](https://www.omnilearn.net))

implementing the plan. We urge that the final version of the Strategy include a plan for incentives to implement the plan that go well beyond simply stating it is voluntary.

There is insufficient rationale for limiting the percentage of a General Management Area (GMA) where implementation of the strategy can be taking place.

In the discussion of Alternative 2 we note this statement:

“To encourage distribution of implementation across the provinces and range of the northern spotted owl and to set more reasonable expectations on the level of management likely to be feasible at a province scale, the total area of barred owl removal within GMAs would be limited under this alternative.”⁴

If a land manager or private landowner were willing and able to implement the strategy over a larger area, why set a limit? In some cases available funding and staffing may be geographically restricted as to where they can be used. There needs to at a minimum be a process for making exceptions when available resources cannot simply be reallocated elsewhere.

The Finney Block here in Skagit County is mentioned in the EIS as a designated Spotted Owl Special Emphasis Area. The EIS states that Barred Owl management could take place on 25% of such an area but apparently no more.⁵ Again it is not clear why this limitation is necessary.

The Strategy should note that the Northern Spotted Owl does successfully nest in burned areas with a mosaic of burned and unburned terrain.

The Strategy and EIS rightly consider the likelihood that wildland fire will degrade some Northern Spotted Owl habitat with an increasing possibility of such loss due to climate change. It should also be noted, however, that the NSO can successfully nest in areas where the burn pattern comprises a mosaic. This, for example, was the case in the Stehekin drainage of Lake Chelan National Recreation Area. In 2007 and 2008, a survey team from The Institute for Bird Populations found four pairs of NSOs in the Stehekin Valley and detected one additional NSO. Three of the four pairs were nesting in mosaic burned areas; for example, in the vicinity of Flat Creek.⁶

⁴ EIS, page 37

⁵ EIS, page 42

⁶ Personal communication, Roger Christophersen, Wildlife Biologist, North Cascades National Park Service Complex, January 10, 2024, and *Surveying Spotted Owls on the East Slope of North Cascades National Park Service Complex, 2007-2008 Report for the 2007 and 2008 Field Seasons*, Natural Resource Technical Report NPS/NCCN/NRTR—2009/184, Robert B. Siegel et al. and Robert C. Kuntz II, p.23 “Low- to moderate-severity fires do not necessarily preclude successful Spotted Owl reproduction in following years.”

We note that Lake Chelan National Recreation Area and adjacent areas of the Mount Baker-Snoqualmie and Okanogan-Wenatchee National Forests are not included in any of the General Management Areas despite having Northern Spotted Owl habitat.⁷

In 2007 and 2008, The Institute for Bird Populations, surveying for the National Park Service throughout the Stehekin River watershed and along Lake Chelan, confirmed four pairs of NSOs and one additional NSO.⁸ Although the only more recent surveying for the NSO in the Stehekin Valley has been in conjunction with Section 106 compliance for projects in the lower valley, these smaller scale, focused surveys provided incidental additional information about the presence of the NSO. The last known successful NSO nesting in the lower Stehekin Valley, Lake Chelan National Recreation Area, was in 2017 when two young fledged. There was a known pair of Barred owls about a mile away at that time. (A single NSO was detected near a previously occupied lower Stehekin Valley site from 2018 through 2021. A 2023 project compliance survey did not detect NSOs in that vicinity.)

Given that the Stehekin drainage has within fairly recent years been home to Northern Spotted Owls and that more remote and possibly even better habitat lies nearby, it would appear worthwhile to include in the Strategy a General Management Area (GMA) incorporating that watershed and extending at least westward to the North WA West Cascades GMA.

The General Management Area termed the Canadian Connector should be rated higher than priority D.

(RE: Draft Barred Owl Management Strategy, 10.2.3.1 Canadian Connector – Priority D and Appendix A4.2.B.3.a. Canadian Connector – Priority D)

In assigning the Canadian Connector as Priority D for implementation, the Strategy appears to all but write off this large General Management Area in recovering the Northern Spotted Owl, regarding it only as an adjunct to NSO restoration efforts in southern British Columbia (BC). The Strategy states, “The primary reason for mapping this area was to provide future opportunities to support the Canadian spotted owl reintroduction should that become possible.”⁹ This contradicts the Strategy’s own description of the Canadian Connector’s abundance of spotted owl habitat. The Canadian Connector encompasses almost the entire area of the North Cascades from the Skagit River to the Canadian border and west of the Cascade Crest including most of North Cascades National Park, Ross Lake National Recreation Area, and adjacent parts of the Mount Baker-Snoqualmie National Forest. Much of this area is designated Wilderness (Stephen Mather Wilderness and Mount Baker Wilderness), and none is subject to timber harvest. It has a great deal of well-protected NSO habitat.

We understand the need to prioritize managing Barred Owl impacts on Northern Spotted Owls based on the immediacy of the threat and the most efficient allocation of resources, but it does not seem to make sense to give such a low priority to such a large area of habitat. Although, as

⁷ *Draft Barred Owl Management Strategy*, map 3 on page 28 and Draft EIS for the Barred Owl Management Strategy, p.117, “Barred owl management could occur on all or part of ten National Park or Monument units managed by the National Park Service in the range of the northern spotted owl ...”

⁸ *Surveying Spotted Owls on the East Slope of North Cascades National Park Service Complex, 2007-2008 Report for the 2007 and 2008 Field Seasons*, Natural Resource Technical Report NPS/NCCN/NRTR—2009/184, Robert B. Siegel et al. and Robert C. Kuntz II

⁹ Strategy, A4.2.B.3.a. Canadian Connector – Priority D, page 144, first bullet point

mentioned¹⁰, there have not been recent surveys to confirm the continued presence of NSOs in this large area, last year 25 or more Acoustic Recording Units were deployed at random sites in the North Cascades National Park Service Complex (i.e. North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas). The voluminous data from these units is now being analyzed at the U.S. Forest Service’s Corvallis Forestry Sciences Laboratory and may provide the needed information about the continued presence or absence of NSOs in the Canadian Connector. It is notable that some of these units were placed in burned areas and could also offer important information about NSO use of such sites.¹¹ The previous most recent survey for NSO in portions of the Upper Skagit Valley in North Cascades National Park and Ross Lake National Recreation Area provides a useful comparison.¹²

We appreciate that the Strategy recommends short-term management in the form of removing Barred Owls near occupied NSO sites and longer-term actions including protection of NSO habitat blocks to provide connectivity. However, we believe that the Strategy’s low Priority D categorization for the so-called Canadian Connector could mean that the recommended actions are not taken or are taken in an insufficient manner to achieve the intended effects.

We agree that providing connectivity between areas with more recently documented NSO occupancy and with the areas where NSO reintroduction is taking place in British Columbia is an important reason to protect any remaining NSO occupancy sites in the Canadian Connector, but we disagree that this is the area’s primary function. B.C.’s captive breeding program began in 2007. The few NSOs released so far have died and as of last year only one Northern Spotted Owl remained in the wild in British Columbia.¹³ (The estimated B.C. population of Northern Spotted Owls before massive removal of old growth forest and arrival of the Barred Owl was 1,000.)

Information in the Strategy’s Appendix A4.2.B.3.a. itself supports a higher priority for the Canadian Connector in its own right. Additional reasons given for protecting NSOs in this area include:¹⁴

- the presence of a large amount of high-quality habitat and historic activity centers capable of supporting northern spotted owl populations according to Northwest Forest Plan modeling.
- the inclusion of “large habitat areas mapped as fire and climate refugia.”
- the connection to “a General Management Area to the south and to habitat in the Washington East Cascades province with recent spotted owl presence.”

¹⁰ Strategy, A4.2.B.3.a. Canadian Connector – Priority D, page 144, second bullet point

¹¹ Personal communication with Roger Christophersen, Wildlife Biologist, North Cascades National Park Service Complex, January 10, 2024

¹² *Surveying for Spotted Owls in the Upper Skagit Watershed of North Cascades National Park Complex, 2009-2010*, Natural Resource Technical Report NPS/NOCA/NRTR—2012/597, Robert B. Siegel (The Institute for Bird Populations), Robert C. Kuntz II (National Park Service), et al.

¹³ Kamnitzer, Ruth, *One left: British Columbia’s last chance on northern spotted owls*, May 18, 2023, in *Mongabay, News and Inspiration from Nature’s Frontline*.

¹⁴ Strategy, A4.2.B.3.a. Canadian Connector – Priority D, page 144 & 145

We believe that these additional considerations, along with the connectivity to habitat in BC, outweigh the cited lower density of suitable habitat and lower number of historical activity sites and that they support elevating this area to Priority C, either separately or as part of the North WA West Cascades GMA. In the face of accelerating climate change and increasingly destructive wildfires, the presence of fire and climate refugia in this area are of special importance.

To adequately protect the Marbled Murrelet during implementation of the Strategy the plan needs to give specific direction.

The EIS addresses the potential for the use of shotguns in implementing the strategy to disturb Marbled Murrelets at their nest sites because this species uses the same old growth habitat as the Spotted Owl. The text mentions that no evidence has been found of Barred Owl predation on Marbled Murrelet adults, young, or eggs but states it is possible given the Barred Owl's broad diet. This possibility provides another compelling reason for removing Barred Owls from old growth habitat. However, given the precipitous decline of the murrelet population in Washington, it is essential that every effort be made to avoid disturbing Marbled Murrelets during their nesting season. Surveying should take place beforehand for the presence of active murrelet nests. Shotguns should not be discharged near active murrelet nests. In these situations, live capture of Barred Owls or use of the much less noisy firearms mentioned in the Strategy is in order. The Strategy should include a clear and mandatory procedure to be followed to avoid disturbing nesting Marbled Murrelets. Ideally, shotgun use should not take place during Marbled Murrelet nesting season in an area with known or recent murrelet nest sites. The Strategy as written has no mention of this state and federally listed species.

We suggest applying the type of analysis which the USFWS used in the October 2020 document "Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets."¹⁵ Although this advisory does not specifically address discharge of firearms near Northern Spotted Owl or Marbled Murrelet activity sites, it does describe a possibly applicable approach to adding specific direction to the Strategy.

In closing, the Skagit Audubon board was not united in its support of the Strategy.

It must be understood that the above comments do not represent a consensus among our board of directors. There was objection to the *Strategy* on ethical grounds from those who do not consider the lethal management of one species to save another to be within the moral purview of human beings. Some board members supporting the *Strategy* felt it not within the moral purview of human beings to decline to take action to prevent human-caused extinction of a species or sub-species. While our board feels an aversion towards lethal management in general, the majority of our members believe that drastic measures are required in this instance. Two of our esteemed board members chose to abstain from voting in favor of our position for

¹⁵ *Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northern California* (October 1, 2020), U.S. Fish and Wildlife Service, Arcata Fish and Wildlife Office, Arcata, CA, October 28, 2020 (<https://docslib.org/doc/12611259/estimating-the-effects-of-auditory-and-visual-disturbance-to-northern-spotted-owls-and-marbled-murrelets-in-northwestern-california>)

the reason stated above. We are also aware that some of our organization's non-board members oppose the *Barred Owl Management Strategy* while others support removing Barred Owls.

We recognize that decisions to lethally reduce the population of Barred Owls and to prioritize some management areas over others are difficult to make and necessarily require tradeoffs to respond to the accelerating decline and likely imminent extinction of the Northern Spotted Owl. We commend the USFWS for taking on this task and for your hard work in developing the Strategy and EIS.

Thank you for considering our comments. Please address any questions about them to the address above or to president@skagitaudubon.org.

Sincerely,

A handwritten signature in blue ink that reads "John Day". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Day".

John Day
President
Skagit Audubon Society

A handwritten signature in blue ink that reads "Timothy Manns". The signature is cursive and somewhat stylized, with the first name "Timothy" and last name "Manns" clearly visible.

Timothy Manns
Conservation Chair
Skagit Audubon Society