



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office
2800 Cottage Way, Suite W-1834
Sacramento, California 95825
www.ca.blm.gov

June 21, 2007

In Reply Refer To:
6840 (CA930)P

EMS TRANSMISSION: 6/21/07
Information Bulletin No. **CA-2007-019**

To: Field Managers, Arcata, Redding, and Ukiah

From: State Director

Subject: Proposed Rule to Revise Critical Habitat for the Northern Spotted Owl **DD: 8/06/07**

On June 12, 2007, the Fish and Wildlife Service (Service) published a proposed rule (*Federal Register* 72:32450-32616) to revise critical habitat for the northern spotted owl (*Strix occidentalis caurina*). (See Attachment 1.) The proposed rule would designate approximately 120,442 acres of BLM administered lands in California as critical habitat for the northern spotted owl. These acres are distributed among the following critical habitat units: Coastal Redwoods (49,308 acres), King Range (40,308 acres), South Fork Mountain Divide (4,126 acres), King Range (40,308 acres), Eel-Russian River (21,940 acres), Western Klamath/Siskiyou Mountains (3,670 acres), and Shasta-Trinity Lakes (1,090 acres). The proposed rule solicits information on several topics, including whether any areas should or should not be excluded from the revised designation under section 4(b)(2) of the Act and why.¹

Unlike the proposal published last year to revise critical habitat for the marbled murrelet, the current proposed rule does not propose to exclude Federal lands managed pursuant to the Northwest Forest Plan. Under the marbled murrelet proposal (*Federal Register* 71:53837-53951), no Federal lands were included among the areas in California proposed for final critical habitat designation.²

The proposed critical habitat revision also does not exclude recently designated California wilderness areas, even though that was one of the Service's exclusion criteria for the original

¹ Section 4(b) of the ESA requires the Service to designate critical habitat, and make revisions thereto, on the basis of the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. **The Service may exclude any area from critical habitat if it determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat**, unless it determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

² Page 53847 of the murrelet proposed critical habitat rule stated: "We now believe that the late successional reserves (LSRs) designated through the Northwest Forest Plan are appropriate for evaluating for exclusion from the final designation under section 4(b)(2) of the Act."

critical habitat designation. The proposed rule does make the following commitment, however, with respect to Wilderness Areas designated by Public Law 109-362 (October 17, 2006):

We are not proposing to modify the decision made in our 1992 designation that Wilderness Areas and National Parks do not meet the statutory definition of critical habitat under section 3(5)(A) of the Act, therefore these areas are not proposed as critical habitat here. Due to data and time constraints, some of the mapped critical habitat units in California include newly designated Wilderness Areas (PL 109-362, October 17, 2006). However, all critical habitat units in California will be adjusted to be consistent with our approach to Wilderness Areas in Oregon and Washington and will be removed from the final critical habitat designation.

Please review the proposed rule, and associated maps, and advise CA-930 (Attn: Ed Lorentzen) if you have comments or suggestions regarding the proposed rule. The deadline for submitting comments to the Service is August 13, 2007. Please provide us with your comments, if any, in electronic format by the close of business August 6, 2007, to allow time for coordinating our comments with the Oregon and Washington Offices.

Questions regarding this proposed rule may be directed to Ed Lorentzen at (916) 978-4646.

Signed by:
James Wesley Abbott
Associate State Director

Authenticated by:
Richard A. Erickson
Records Management

Attachment

- 1 - Proposed rule to revise critical habitat for the northern spotted owl (*Strix occidentalis caurina*) (67 pp.)

Distribution

WO-230 (Attn: Steve Lydick)