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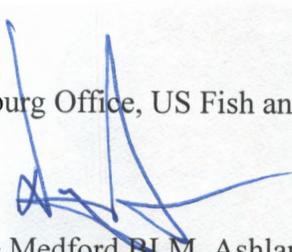
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MAR 16 2012

Memorandum

To: Field Office Supervisor, Roseburg Office, US Fish and Wildlife Service

From: District Manager, Medford 

Subject: Amendment Submission to the Medford BLM, Ashland and Butte Falls Resource Areas, Fall FY12 LAA BA

The Medford District of the Bureau of Land Management (BLM) is amending the Medford BLM, Ashland and Butte Falls Resource Areas, Fall FY12 LAA BA to include an analysis of the 2012 Proposed Northern Spotted Owl Critical Habitat. The proposed Critical Habitat was released by the Service (February 28, 2012) after the Medford BLM Fall FY12 LAA BA was submitted to the Service (received October 5, 2011). All of the projects in the FY12 Fall LAA BA include some treatment units within proposed critical habitat. Nothing else has changed from the original BA. Therefore, only the effects from the proposed action on the 2012 proposed CHU will be discussed in this amendment.

Attached is the Amendment to the Medford Fall FY12 LAA BA, including four Section 7 Watershed Vicinity Maps with the Proposed Action and the proposed NSO Critical Habitat Units.

For further information, please contact Robin Snider (541) 618-2496.

Attachments

Amendment to the Medford FY12 Fall May Affect, Likely to Adversely Affect (LAA) Biological Assessment

1. Introduction

New information has become available since the Medford Fall FY12 LAA BA was submitted to the Service (received October 5, 2011) and needs to be addressed in this amendment so the Service can adequately analyze the effects of the proposed action. At the time of the original Medford FY12 LAA BA, no projects or units were located within the 2008 designated CHU and effects to CHU was therefore not analyzed in the BA (pg. 11). However, since the BA was submitted to the Service, the 2012 proposed critical habitat units were released by the Service (February 28, 2012) and portions of all of the projects in the BA fall within proposed critical habitat. Nothing else has changed from the original BA. Therefore, only the effects from the proposed action on the 2012 proposed CHU will be discussed in this amendment.

2. Spotted Owl Proposed Critical Habitat

Critical habitat for the northern spotted owl was designated in 1992 in *Federal Register* 57, and includes the primary constituent elements that support nesting, roosting, foraging, and dispersal. Designated critical habitat also includes forest land that is currently unsuitable, but has the capability of becoming NRF habitat in the future (57 FR 10:1796-1837). Critical habitat was revised for the northern spotted owl and the final designation was published by the USFWS in the *Federal Register* and signed on August 12, 2008 (73 Federal Register 157:47326) and became effective on September 12, 2008. The 2008 USFWS's Critical Habitat delineations was challenged in court and the 2008 designation of northern spotted owl CHU was remanded and the USFWS was ordered to revise the CHU designation. On February 28, 2012, the Service released the proposed critical habitat in the form of maps and the draft form of the federal register publication. The proposed rule was published in the Federal Register on March 8, 2012 (77 Federal Register 46:14062-14165). The final CHU rule will be published in November, 2012. The District Biologist will review and work with the Level 1 team at the time of final designation of CHU to make sure the analysis in this amendment is consistent with the final rule.

Section 4(a)(3) of the Act specifies that the Service shall designate critical habitat for endangered or threatened species and may, from time-to-time thereafter as appropriate, revise such designation. Critical habitat is defined as (1) specific areas within the geographical area occupied by the species at the time it is listed, on which are found those physical or biological features that are essential to the conservation of the listed species and which may require special management considerations or protection, and (2) specific areas outside the geographical area occupied by the species at the time it is listed that are essential for the conservation of a listed species. Regulations focus on the "primary constituent elements," or PCEs, in identifying these physical or biological features. The physical or biological features essential to the conservation of the northern

spotted owl are forested lands that are used or likely to be used for nesting, roosting, foraging, or dispersing.

Primary Constituent Elements of Critical Habitat

Based on current research on the life history, biology, and ecology of the northern spotted owl and the requirements of the habitat to sustain its essential life history functions, as described above, the Service has identified the following PCEs for the northern spotted owl are:

- 1) Forest types that may be in early-, mid-, or late-seral states and support the northern spotted owl across its geographical range**
- 2) Habitat that provides for nesting and roosting.** This habitat must provide:
 - a) Sufficient foraging habitat to meet the home range needs of territorial pairs of northern spotted owls throughout the year.
 - b) Stands for nesting and roosting that are generally characterized by:
 - (i) Moderate to high canopy closure (60 to over 80 percent),
 - (ii) Multilayered, multispecies canopies with large (20- 30 in (51-76 cm) or greater dbh) overstory trees,
 - (iii) High basal area (greater than 240 ft²/acre (55 m²/ha)),
 - (iv) High diversity of different diameters of trees,
 - (v) High incidence of large live trees with various deformities (e.g., large cavities, broken tops, mistletoe infections, and other evidence of decadence)
 - (vi) Large snags and large accumulations of fallen trees and other woody debris on the ground, and
 - (vii) Sufficient open space below the canopy for northern spotted owls to fly.
- 3) Habitat that provides for foraging, which varies widely across the northern spotted owl's range, in accordance with ecological conditions and disturbance regimes that influence vegetation structure and prey species distributions.** (see specific description for the Klamath province below).
- 4) Habitat to support the transience and colonization phases of dispersal, which in all cases would optimally be composed of nesting, roosting, or foraging habitat (PCEs (2) or (3)), but which may also be composed of other forest types that occur between larger blocks of nesting, roosting, and foraging habitat. In cases where nesting, roosting, or foraging habitats are insufficient to provide for dispersing or nonbreeding owls, the specific dispersal habitat PCEs for the northern spotted owl may be provided by the following:**
 - a) Habitat supporting the transience phase of dispersal, which includes:
 - (i) Stands with adequate tree size and canopy closure to provide protection from avian predators and minimal foraging opportunities; in general this may include, but is not limited to, trees with at least 11 in (28 cm) dbh and a minimum 40 percent canopy closure; and

- (ii) Younger and less diverse forest stands than foraging habitat, such as even-aged, pole-sized stands, if such stands contain some roosting structures and foraging habitat to allow for temporary resting and feeding during the transience phase.
- b) Habitat supporting the colonization phase of dispersal, which is generally equivalent to nesting, roosting, and foraging habitat as described in PCEs (2) and (3), but may be smaller in area than that needed to support nesting pairs.

Specific Klamath Province Foraging Habitat PCEs:

- Stands of nesting and roosting habitat; in addition, other forest types with mature and old-forest characteristics;
- Presence of the conifer species, incense-cedar, sugar pine, Douglas-fir, and hardwood species such as bigleaf maple, black oak, live oaks, and madrone, as well as shrubs;
- Forest patches within riparian zones of low-order streams and edges between conifer and hardwood forest stands;
- Brushy openings and dense young stands or low-density forest patches within a mosaic of mature and older forest habitat;
- High canopy cover (87 percent at frequently used sites);
- Multiple canopy layers;
- Mean stand diameter greater than 21 in (52.5 cm);
- Increasing mean stand diameter and densities of trees greater than 26 in (66 cm) increases foraging habitat quality;
- Large accumulations of fallen trees and other woody debris on the ground;
- Sufficient open space below the canopy for northern spotted owls to fly.

3. Proposed Action Summary

The proposed action for the Friese Camp, Friese Stew, Heppsie, and Sterling Sweeper are described in detail in the Medford BLM Fall FY12 LAA BA (pgs. 7-16).

4. Proposed CHU Baseline

The projects proposed in the Medford Fall FY12 BA are located within proposed Critical Habitat unit 10 (Klamath East – KLE). Two of the projects are in the KLE-5 subunit and one is in the KLE-6 subunit.

Unit 10: Klamath East (KLE)

Unit 10 contains 1,111,790 ac (449,926 ha) and seven subunits. This unit consists of the eastern portion of the Klamath Mountains Ecological Section M261A, based on section descriptions of forest types from Ecological Subregions of the United States (McNab and Avers 1994c, Section M261A), and portions of the Southern Cascades Ecological Section M261D in Oregon. This region is characterized by a Mediterranean climate, greatly

reduced influence of marine air, and steep, dissected terrain. Franklin and Dyrness (1988, pp. 137-149) differentiate the mixed-conifer forest occurring on the “Cascade side of the Klamath from the more mesic mixed evergreen forests on the western portion (Siskiyou Mountains),” and Kuchler (1977) separates out the eastern Klamath based on increased occurrence of ponderosa pine. The mixed-conifer/evergreen hardwood forest types typical of the Klamath region extend into the southern Cascades in the vicinity of Roseburg and the North Umpqua River, where they grade into the western hemlock forest typical of the Cascades. High summer temperatures and a mosaic of open forest conditions and Oregon white oak woodlands act to influence spotted owl distribution in this region. Spotted owls occur at elevations up to 1,768 m. Dwarf mistletoe provides an important component of nesting habitat, enabling spotted owls to nest within stands of relatively younger, small trees.

KLE-5

The KLE-5 subunit consists of approximately 37,646 ac (15,325,ha) in Jackson County, Oregon, and comprises lands managed by the BLM and the State of Oregon. The 37,606 ac (15,219 ha) of BLM land are managed per the NWFP (USDA and USDI 1994, entire) while the State of Oregon lands are managed under the Southwest Oregon State Forests Management Plan (ODF 2010b, entire) and may be considered for exclusion in the final critical habitat designation. Special management considerations or protection are required in this subunit to address threats from current and past timber harvest, losses due to wildfire and the effects on vegetation from fire exclusion, and competition with barred owls. **This subunit is expected to function primarily for north-south connectivity between subunits, but also for demographic support.**

According to the draft proposed rule, the Service’s evaluation of sites known to be occupied at the time of listing indicate that approximately 86 percent of the area of KLE-5 was covered by verified spotted owl home ranges at the time of listing. When combined with likely occupancy of suitable habitat and occupancy by non-territorial owls and dispersing subadults, we consider this subunit to have been largely occupied at the time of listing. In addition, there may be some smaller areas of younger forest within the habitat mosaic of this subunit that were unoccupied at the time of listing. We have determined that all of the unoccupied and likely occupied areas in this subunit are essential for the conservation of the species to meet the recovery criterion that calls for the continued maintenance and recruitment of spotted owl habitat (USFWS 2011, p. ix). The increase and enhancement of spotted owl habitat is necessary to provide for viable populations of spotted owls over the long term by providing for population expansion, successful dispersal, and buffering from competition with the barred owl.

KLE-6

The KLE-6 subunit consists of approximately 167,089 ac (67,619 ha) in Jackson County, Oregon, and Siskiyou County, California, all of which are Federal lands managed by the BLM and Forest Service per the NWFP (USDA and USDI 1994, entire). Congressionally reserved natural areas in Federal ownership are proposed for exclusion in the final critical habitat designation. Special management considerations or protection are required in this subunit to address threats from current and past timber harvest, losses due to wildfire and the effects on vegetation from fire exclusion, and competition with barred owls. **This**

subunit is expected to function primarily for north-south connectivity between subunits, but also for demographic support.

According to the draft proposed rule, the Service’s evaluation of sites known to be occupied at the time of listing indicate that approximately 97 percent of the area of KLE-6 was covered by verified spotted owl home ranges at the time of listing. When combined with likely occupancy of suitable habitat and occupancy by non-territorial owls and dispersing subadults, we consider this subunit to have been largely occupied at the time of listing. In addition, there may be some smaller areas of younger forest within the habitat mosaic of this subunit that were unoccupied at the time of listing. We have determined that all of the unoccupied and likely occupied areas in this subunit are essential for the conservation of the species to meet the recovery criterion that calls for the continued maintenance and recruitment of spotted owl habitat (USFWS 2011, p. ix). The increase and enhancement of spotted owl habitat is necessary to provide for viable populations of spotted owls over the long term by providing for population expansion, successful dispersal, and buffering from competition with the barred owl.

Table 1. Proposed CHU Environmental Baseline for the Analysis Area (Section 7 Watershed) *	
Rogue-Upper Section Seven Watershed	Acres
Total acres all ownership	793,937
Total acres CHU ECS-1	180
Total acres CHU KLE-1	4,807
Total acres CHU KLE-3	25,114
Total acres CHU KLE-4	262,613
Total acres CHU KLE-5	13,074
Total acres CHU WCS-5**	58,501
Total CHU acres	364,289
NRF ACRES	
Total NRF acres CHU ECS-1	157
Total NRF acres CHU KLE-1	1,829
Total NRF acres CHU KLE-3	13,726
Total NRF acres CHU KLE-4	129,069
Total NRF acres CHU KLE-5	4,929
Total NRF acres	149,710
DISPERSAL ACRES (NRF + Dispersal Only)	
Total DISPERSAL acres CHU ECS-1	157
Total DISPERSAL acres CHU KLE-1	1,871
Total DISPERSAL acres CHU KLE-3	17,151
Total DISPERSAL acres CHU KLE-4	129,070
Total DISPERSAL acres CHU KLE-5	9,704
Total Dispersal Acres	157,953

Table 1. Proposed CHU Environmental Baseline for the Analysis Area (Section 7 Watershed) *	
Little Butte Section Seven Watershed	Acres
Total acres all ownership	238,594
Total acres CHU ECS-1	9,828
Total acres CHU KLE-4	43,564
Total acres CHU KLE-5	24,519
Total CHU acres	77,911
NRF ACRES	
Total NRF acres CHU ECS-1	4,284
Total NRF acres CHU KLE-4	17,069
Total NRF acres CHU KLE-5	8,696
Total NRF Acres	30,049
DISPERSAL ACRES (NRF + Dispersal Only)	
Total DISPERSAL acres CHU ECS-1	4,285
Total DISPERSAL acres CHU KLE-4	17,069
Total DISPERSAL acres CHU KLE-5	12,389
Total Dispersal Acres	33,743
Bear Creek Section Seven Watershed	Acres
Total acres all ownership	231,095
Total acres CHU ECS-2	3,462
Total acres CHU KLE-3	2
Total acres CHU KLE-5	1,860
Total acres CHU KLE-6	25,837
Total CHU acres	31,161
NRF ACRES	
Total NRF acres CHU ECS-2	1,393
Total NRF acres CHU KLE-3	2
Total NRF acres CHU KLE-5	869
Total NRF acres CHU KLE-6	13,769
Total NRF acres	16,033
DISPERSAL ACRES (NRF + Dispersal Only)	
Total DISPERSAL acres CHU ECS-2	1,647
Total DISPERSAL acres CHU KLE-3	2
Total DISPERSAL acres CHU KLE-5	1,028
Total DISPERSAL acres CHU KLE-6	14,307
Total Dispersal Acres	16,984

Table 1. Proposed CHU Environmental Baseline for the Analysis Area (Section 7 Watershed) *	
Applegate Section Seven Watershed	Acres
Total acres all ownership	492,884
Total acres CHU KLE-3	12,606
Total acres CHU KLE-6	91,163
Total acres CHU KLW-2	9,671
Total acres CHU KLW-4	105,748
Total CHU Acres	219,188
NRF ACRES	
Total NRF acres CHU KLE-3	3,724
Total NRF acres CHU KLE-6	48,089
Total NRF acres CHU KLW-2	2,681
Total NRF acres CHU KLW-4	52,631
Total NRF Acres	107,125
DISPERSAL ACRES (NRF + Dispersal Only)	
Total DISPERSAL acres CHU KLE-3	7,044
Total DISPERSAL acres CHU KLE-6	50,981
Total DISPERSAL acres CHU KLW-2	2,684
Total DISPERSAL acres CHU KLW-4	60,827
	121,536

* NRF and Dispersal acres were derived from the BLM BA habitat data for the original BA. The dispersal only acres only account for BLM ownership.

** NRF/Dispersal acres aren't available at this time in the BLM layer for WCS-5

5. Effects to the Proposed Critical Habitat

This amendment will address the effects of the proposed action to two proposed Critical Habitat sub-units (KLE-5 and KLE-6) within four section 7 watersheds (Rogue-Upper, Little Butte, Bear, and Applegate). The Section 7 watershed was used in the BA as the Analysis Area and for the habitat baseline and will therefore be used in the proposed Critical Habitat Analysis. Additionally, a habitat baseline for the proposed CHU hasn't been created yet for SW Oregon. The current BLM habitat layer (3/7/12) was used for this amendment.

The proposed actions will not alter the CHU sub-units' ability to provide demographic support for northern spotted owls because no spotted owl known site nest patches will be treated and treatments within the 0.5 mile core area would treat, but maintain NRF and dispersal habitat. No removal of NRF or dispersal habitat would occur within the core. (BA, pgs. 23-25).

5.1 Effects to NRF in Proposed CHU

Proposed CHU Sub Unit (watersheds)	Project	Baseline	NRF Removed	NRF Downgrade	NRF T&M	% change
KLE-5		14,494				
(Bear, Little Butte, Rogue Upper)	Friese Camp		8	0	427	
	Friese Stew		0	0	0	
	Heppsie		0	7	85	
	Total		8	7	512	- 0.1%
KLE-6		61,858				
(Applegate, Bear)	Sterling Sweeper		0	0	29	0 %

The District has determined that the downgrading of 7 acres and removal of 8 acres of NRF habitat within critical habitat will contribute to a reduction of suitable NRF habitat within these two CHU sub-units, and is **likely to adversely affect (LAA)** spotted owl critical habitat. However, the proposed action will not affect the intended conservation function of this unit (north-south connectivity between subunits and demographic support) because the proposed action would result in a reduction of less than 0.1% at the Section 7 Watershed scale of existing NRF within KLE-5. Additionally, when compared to the total CHU (692,549) acres and NRF acres in CHU (302,918) within these four Section 7 watersheds, the change is significantly less. Even though the proposed action will remove a small amount of NRF habitat within the KLE-5 CHU sub-unit, the overall objectives of these projects are to restore ecological processes or long-term forest health to forested landscapes, which is consistent with the 2011 Revised Recovery Plan and the 2012 Proposed CHU.

The District has determined that the proposed maintenance of 1,053 acres of NRF habitat within critical habitat will have an insignificant effect to spotted owl critical habitat and is **not likely to adversely affect (NLAA)** critical habitat because:

- Canopy cover within treated NRF stands will be retained at or above 60 percent.
- Decadent woody material in the treatment area, such as large snags and down wood, will remain post-treatment.
- Any multi-canopy, uneven-aged tree structure that was present prior to treatment will remain post-treatment.
- No spotted owl nest trees will be removed.

3.2 Effects to Dispersal in Proposed CHU

Proposed CHU Sub Unit (watersheds)	Project	Dispersal Baseline	Dispersal-only Removed	Dispersal T&M	% change
KLE-5		23,121			
(Bear, Little Butte, Rogue Upper)	Friese Camp		6	448	
	Friese Stew		0	104	
	Heppsie		103	116	
	Total		109	668	- 0.5%
KLE-6		65,287			
(Applegate, Bear)	Sterling Sweeper		223	21	-0.03%

The District has determined that the removal of 332 acres of dispersal-only habitat within critical habitat will contribute to a reduction of suitable dispersal habitat within these two CHU sub-units, and is **likely to adversely affect (LAA)** spotted owl critical habitat. However, the proposed action will not affect the intended conservation function of this unit (north-south connectivity between subunits and demographic support) because the proposed action would result in a reduction of less than 0.5% at the Section 7 Watershed scale of existing dispersal within both sub-units. The effects to dispersal removal would actually be even smaller because at the time of this analysis, only dispersal data was available for BLM land. Additionally, when compared to the total CHU acres (692,549) and Dispersal CHU Acres (330,217) within these four Section 7 watersheds, the change is significantly less. The Medford BLM Fall FY12 BA describes in more detail affects of dispersal removal at the Section 7 watershed scales and explains that all four watersheds will continue to provide for dispersal across the landscape (pgs. 29-30). Even though the proposed action will remove a small amount of dispersal habitat within these two CHU sub-units, the overall objectives of these projects are to restore ecological processes or long-term forest health to forested landscapes, which is consistent with the 2011 Revised Recovery Plan and the 2012 Proposed CHU.

The District has determined that the proposed maintenance of 689 acres of dispersal habitat within critical habitat will have an insignificant effect to spotted owl critical habitat and is **not likely to adversely affect (NLAA)** critical habitat because:

- Canopy cover within affected stands will be maintained at 40 percent or greater post-treatment.
- Decadent woody material, such as large snags and down wood, will be retained in the same condition as prior to the treatment.
- The proposed treatments will be dispersed in relatively small patches within the CHU to further minimize the potential for adversely affecting stand characteristics for dispersal habitat.

3.3 Beneficial Effects to Proposed CHU

The following beneficial effects may be realized as a result of implementation of the proposed action:

- Treated stands are likely to be more ecologically sustainable because residual stands will be less susceptible to suppression mortality.
- Fuels/vegetation management treatments are designed to reduce the intensity and rate of spread of large, stand replacement fires common to the action area.
- Very dense stands will be opened by thinning, thereby improving the ability for spotted owls to disperse within these stands. Thinning stands that currently provide poor quality dispersal habitat will improve the dispersal function for spotted owls by providing more “flying space,” and encouraging residual trees to develop more size and structural diversity.
- The quality of spotted owl foraging habitat in treated stands may improve in response to the relatively more open structure of the treated stands.
- Thinning treatments are likely to contribute to reducing the rate of spread and intensity of wildland fires common to the action area.
- Thinning in young stands that do not currently provide dispersal or NRF habitat, will accelerate the development of spotted owl habitat.
- The 8 acres of NRF habitat removal in the Friese Camp project is in a laminated root rot (*Phellinus weirii*) pocket. Treatments will reduce the spread of disease and make adjacent stands more resilient (BA, pg. 24).

In addition to these beneficial effects listed above, the District is following Recovery Actions listed in the 2011 Revised Recovery Plan (BA, pg. 4). The Medford BLM Fall FY12 BA also identified several conservation measures consistent to all projects (pg. 11), as well as ones specific to each project (pgs. 13-16).

6. Conclusion

Project	Proposed CHU Sub-unit	Effects to pCHU	Comments
Friese Camp	KLE-5	LAA	NRF removal (8 acres) and dispersal removal (7 acres)
Friese Stew	KLE-5	NLAA	Only Treat and Maintain would occur
Heppsie	KLE-5	LAA	NRF downgrade (7 acres) and dispersal removal (103 acres)
Sterling Sweeper	KLE-6	LAA	Dispersal removal (223 acres)

7. Literature Cited

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8. Appendices

- Map 1: Applegate Section 7 Watershed Vicinity Map
- Map 2: Bear Section 7 Watershed Vicinity Map
- Map 3: Little Butte Section 7 Watershed Vicinity Map
- Map 4: Rogue Upper Section 7 Watershed Vicinity Map