

FINDING OF NO SIGNIFICANT IMPACT  
FOR  
ISSUANCE OF A PERMIT TO ALLOW THE INCIDENTAL TAKE OF  
THE NORTHERN SPOTTED OWL (Strix occidentalis caurina) UNDER  
SECTION 10(a) OF THE ENDANGERED SPECIES ACT ON MURRAY PACIFIC CORPORATION  
LANDS IN LEWIS COUNTY, WASHINGTON

The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment (EA) concerning the federally threatened northern spotted owl (Strix occidentalis caurina) on lands owned by Murray Pacific Corporation (Murray) in Lewis County, Washington. The EA evaluates the potential environmental effects of the issuance of a section 10(a)(1)(B) permit, required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (Act), for the incidental take of northern spotted owls during timber harvest operations by Murray in suitable spotted owl habitat on their lands.

The Habitat Conservation Plan (HCP) and associated Implementation Agreement (IA) establish measures to minimize and mitigate the take of spotted owls in the form of: 1) seasonal protection of future active spotted owl nest sites; 2) maintenance of 1,222 acres of habitat reserves; and 3) management of Murray's 54,610 acres of commercial timberland to increase, maintain, and evenly distribute spotted owl dispersal habitat over the landscape. The permit, HCP, and IA would be in effect for a period of 100 years. The permit allows the take of up to 20 individual owls for the first 10 years, and up to 10 owls per decade for the remaining 90 years of the permit.

ALTERNATIVES CONSIDERED

The alternatives to this project considered were: 1) the Proposed Action, 2) the No Action alternative, and 3) two other alternatives.

1. Proposed Action

The Proposed Action is the issuance of a permit under section 10(a)(1)(B) of the Act to Murray authorizing the lawful incidental take of northern spotted owls during timber harvest operations on their land in Lewis County, Washington. The permit, HCP, and IA would be in effect for a period of 100 years. Permit issuance would allow Murray to resume harvest of suitable spotted owl habitat within owl activity circles. Approximately 2,430 acres of resident owl habitat (habitat used for nesting, roosting, and foraging) within 1.8 miles of known activity centers would be harvested by 2003, and owls residing in them may be displaced. Three owls (one pair and one resident single) known to currently reside on the ownership are the only owls expected to be displaced; however, the risk of take extends to additional owls using eight activity centers on or near the ownership which would lose a combined total of 476 acres of suitable habitat. The permit would allow the take of up to 20 individual owls for the first 10 years, and up to 10 owls per decade for the remaining 90 years of the permit.

Under the Proposed Action, the incidental take of spotted owls will be minimized and mitigated. Minimization of incidental take would occur by seasonal protection of any future spotted owl nest sites found on Murray's property. Although no such sites currently exist, Murray would survey forest stands on its ownership that have potential for spotted owl nesting, and not allow any harvest or alteration of suitable habitat within 1/4 mile of an active nest site from 1 March through 30 September. Murray will provide mitigation by maintaining habitat reserves, and managing their entire land ownership to provide dispersal habitat for juvenile spotted owls. Under the permit and HCP, Murray will establish and maintain 1,222 acres of habitat reserves free from timber harvesting, and manage their ownership to increase the amount of owl dispersal habitat from the current level of 11,412 acres to approximately 23,233 acres by the year 2043. Dispersal habitat will be maintained at an average of 23,000 acres through 2093. The amount of gap between stands of dispersal habitat (areas beyond 1/4 miles from dispersal habitat stands) will be managed to decrease from the current area of 25,556 acres to 8,720 acres by 2043, and be maintained at this level through 2093. In addition, the distribution of owl dispersal habitat across the landscape of the Murray ownership will be improved and maintained over the term of the permit and HCP. Habitat for dispersing owls will be provided by silviculturally manipulating commercial forest stands to produce structural characteristics important to owls. The HCP establishes a monitoring process to track permit compliance and an amendment process. Funding for the HCP will come from revenues generated by the harvest and sale of commercial timber on the ownership, and will be assured because the permit and HCP will become a covenant running with the land in the nature of an encumbrance, binding Murray and any possible successor to their terms.

Dispersal and resident habitat are two recovery goals for the area which includes Murray's ownership, that were identified in the Draft Recovery Plan for the northern spotted owl. The Proposed Action is the Service's preferred alternative because it provides for dispersal habitat, well distributed over the 54,610 acres of Murray's ownership, that will aid in dispersal of juvenile owls between Habitat Conservation Areas (HCA) to the west and east of the Murray property. Providing dispersal habitat in this area should also assist in owl movement between populations on the Olympic Peninsula and the Cascade Mountains of Washington. The three owls that are known to occur on the ownership, and that are expected to be displaced if timber harvest is permitted under the permit and HCP, occur in activity circles that are below the minimum level of suitable habitat (40%) believed necessary to support reproductive owls. In addition, the suitable habitat that is remaining is highly fragmented. Since Murray can continue to harvest timber in non-suitable owl habitat within active owl circles, the amount of suitable habitat available to these owls is not expected to increase significantly in the future. Should the owls eventually abandon their circles, Murray would be free to harvest suitable habitat within the circles, which would further degrade the area for resident spotted owls. The potential for continued occupancy of the Murray ownership by resident owls is low even with protection of all existing suitable

habitat. The remaining owls within the eight other circles are unlikely to be displaced due to the small amount of habitat on Murray's land that would be removed.

## 2. No Action

Under the No Action alternative, the incidental take permit would not be issued and the proposed project would not occur. Murray would not harvest any suitable spotted owl habitat within the 1.8 miles of the known activity centers on or near its ownership. Murray would harvest non-suitable habitat within the circles, and habitat of all types outside the circles. Should any of the activity centers be abandoned by owls in the future, harvest of suitable habitat would resume. Given the small amount of suitable habitat currently present within the circles, and the fragmented nature of the habitat that is present, abandonment is a real possibility. No conscious effort would be made to create or maintain dispersal habitat on the Murray ownership, although dispersal habitat would exist both within the protected resident habitat and near the end of each commercial rotation in second-growth stands managed solely for timber production. There would be approximately 17,000 acres of owl dispersal habitat available by the year 2043 under the No Action alternative. This dispersal habitat, created incidental to timber management, would likely be in larger, more widely spaced patches than dispersal habitat created under the Proposed Action, since there would be no specific effort to adjust harvest size and spacing to meet owl requirements.

## 3. Two Other Alternatives Considered

The third alternative is similar to the No Action alternative, except that the area to be protected from timber harvest would be reduced to 500 acres within 1/2 mile of each owl activity center. The best 70 acres of habitat surrounding each activity center would be protected as part of the 500 acres. The impacts of this alternative would be similar to those of the No Action alternative, except that fewer acres of suitable habitat would be protected, and the chance of owls abandoning the circles would be greater. The ownership would contain approximately 15,310 acres of dispersal habitat in 2043 under this alternative.

The fourth alternative would be the protection and maintenance of suitable spotted owl habitat on Murray lands within DCA WD-10. Approximately 4,574 acres of Murray land occurs within the boundaries of DCA WD-10, of which 296 acres are suitable habitat. Under alternative four, the 296 acres would be protected from harvest and the remaining 4,278 acres would be allowed to develop into suitable habitat. This could, over several decades, contribute to supporting two or more reproductive owl pairs. Suitable spotted owl habitat on Murray ownership outside DCA WD-10 would be harvested, and no attempt would be made to manage for dispersal habitat as under the Proposed Action.

#### 4. Summary

The Service does not believe the issuance of a section 10(a)(1)(B) permit for the incidental take of northern spotted owls on Murray's land will have a significant impact on the human environment, because:

- a. The loss of suitable habitat associated with timber harvest activities by Murray should not jeopardize the survival or recovery of the northern spotted owl.
- b. The minimization and mitigation measures specified under the HCP are adequate to offset the loss of suitable owl habitat and will contribute to the recovery of the spotted owl. The current level of suitable habitat within owl activity circles on Murray lands is below what is believed to be necessary to support reproductive owls, and is not expected to increase significantly in the future. In addition, this suitable habitat is highly fragmented. Under the HCP, incidental take of spotted owls will be minimized by seasonal protection around any active owl nests. Mitigation will be the protection of 1,222 acres of reserves from timber harvest activities, and timber management to provide approximately 23,000 acres of dispersal habitat for juvenile owls distributed across the entire Murray ownership.
- c. The impact upon populations of native species, including sensitive species, will be minimal.
- d. Irreversible and irretrievable commitments of Service resources will be limited primarily to the employee hours, supplies, and funds used to process the application for the section 10(a)(1)(B) permit, and for administering permit compliance.
- e. The proposed action has precedence, and therefore, usually would not require an environmental impact statement.

#### PUBLIC AVAILABILITY AND PUBLIC COMMENT

The Service published a Notice of Availability of an EA to Allow Incidental Take of the Threatened Northern Spotted Owl, by Murray Pacific Corporation, Lewis County, Washington, in the Federal Register on June 11, 1993. Publication of the notice initiated a 30-day comment period, which closed on July 11, 1993. Copies of the EA, HCP, and IA were mailed to the Washington Congressional delegation, Federal and State government agencies, County and City governments, environmental organizations, and the news media listed in the EA. Copies of these documents were also sent to 29 other interested individuals and/or groups as a result of requests the Service received after publication in the Federal Register. This Finding of No Significant Impact will be made available to the public through the same means as stated above.

The Service received four sets of comments. These comments were incorporated into the EA and HCP and/or addressed by the Service in the Set of Findings Memorandum as part of the administrative record for this action.

RELATED DOCUMENTS

Lujan M., Jr., D.R. Knowles, J. Turner, and M. Plenert. 1992. Draft recovery plan for the northern spotted owl. USDI - Fish and Wildlife Service, Portland, Oregon.

Murray Pacific Corporation. 1993. Habitat conservation plan for the northern spotted owl (*Strix occidentalis caurina*) on timberlands owned by the Murray Pacific Corporation, Lewis County, Washington. Prepared by Beak Consultants, Inc., Kirkland, Washington.

Thomas, J.W., E.D. Forsman, J.B. Lint, E.C. Meslow, B.R. Noon, and J. Verner. 1990. A conservation strategy for the northern spotted owl. Interagency Scientific Committee to Address the Conservation of the Northern Spotted Owl, Portland, Oregon.

U.S. Fish and Wildlife Service. 1993. Environmental assessment for the proposed issuance of a permit to allow the incidental take of the northern spotted owl [a threatened species under section 10(a) of the Endangered Species Act of 1973, as amended) on Murray Pacific lands in Lewis County, Washington. Prepared by Beak Consultants, Inc., Kirkland, Washington.

DETERMINATION

Based upon the information in the EA and the documents referenced above, the Service has determined that the approval of section 10(a)(1)(B) Permit PRT-777837 for take of the federally threatened northern spotted owl during timber harvest activities by Murray Pacific Corporation on their lands in Lewis County, Washington, will not significantly affect the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

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Date

  
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Deputy Regional Director