

**FINDING OF NO SIGNIFICANT IMPACT
FOR
THE PROPOSED ISSUANCE OF A PERMIT FOR INCIDENTAL TAKE OF THE
NORTHERN SPOTTED OWL, MILLICOMA TREE FARM, WEYERHAEUSER COMPANY,
COOS AND DOUGLAS COUNTIES, OREGON**

The U.S. Fish and Wildlife Service (Service) proposes to issue a permit for the incidental take of the threatened northern spotted owl (owl) under section 10(a) of the Endangered Species Act to Weyerhaeuser Company. The permit would cover Weyerhaeuser's Millicoma Tree Farm in Coos and Douglas Counties, Oregon. It would be conditioned upon implementation of a habitat conservation plan designed to support the long-term recovery of the owl.

Documents reviewed in the preparation of this FONSI include: the Millicoma Tree Farm Habitat Conservation Plan (HCP), Environmental Assessment (EA) and Addendum, and Section 7 Biological Opinion.

The Service has analyzed four alternatives: Alternative A is the no action alternative under which no permit would be issued and no HCP would be implemented. Alternative B is the preferred alternative, and would provide for issuance of the permit on the condition that creation and maintenance of a landscape suitable for dispersal of spotted owls between Federal Late Successional Reserve (LSR) areas would be accomplished pursuant to the HCP. In addition, it would provide for the retention of 1,963 acres of existing forest habitat for at least twenty years or until dispersal conditions are achieved. Alternative C is similar to the preferred alternative except the HCP would not provide for retention of any existing habitat for 20 years. Alternative D would result in the creation of a dispersal landscape in addition to protection of additional selected spotted owl pair sites.

Alternative B was selected as the preferred alternative because it would provide contributions identified by owl conservation strategies as important contributions from nonfederal land in this area, namely, the maintenance of connectivity between population clusters in federal reserve areas. This alternative would also address the applicant's objective of sustaining the supply of merchantable timber to its mill in Coos Bay, Oregon. This alternative would provide the best mix of long-term species conservation and long-term assurances regarding a sustainable supply of timber from the Millicoma Tree Farm.

Alternative C was not selected as the preferred alternative because under that plan all remaining nesting, roosting, and foraging (NRF) habitat would be harvested prior to the development of suitable dispersal habitat.

Although implementation of Alternative D would retain more NRF habitat than the preferred alternative, it was not selected because it would not meet the needs of the applicant as well as the preferred alternative. However, both Alternatives B and D provide the same level of dispersal habitat to area owls. Accelerated development of suitable dispersal habitat on the Millicoma Tree Farm is the most important element of plan implementation.

The proposed permit has a term of 50 years from date of issuance with three 10 year extensions possible if certain criteria, outlined in the Implementation Agreement (IA) between the Service and Weyerhaeuser, are met. For the purposes of this and other impacts analyses, the Service assumed that such extensions would be implemented if the specified criteria, related to the status and conservation of the owl, are met.

The permit that would be issued under the preferred alternative would authorize the incidental take of all spotted owls associated with the Millicoma Tree Farm on the condition that the HCP would be implemented. The incidental take is expected to be in the form of harm or harassment on the condition that the HCP would be implemented. Most of the 16,275 acres of suitable NRF habitat as defined in the HCP will likely be harvested during the first 20 years. The Service anticipates that about 35 owl pairs and singles centered on the Millicoma Tree Farm and 14 owl pairs and singles centered off the Millicoma Tree Farm, but within 1.5 miles, could be taken as a result of permit issuance. The permit would only authorize incidental take in the course of otherwise legal forest management and incidental land use activities as specified in the HCP.

Measures to mitigate and/or minimize adverse effects of the proposed take have been incorporated into the proposed HCP. To minimize and mitigate the take of owls, Weyerhaeuser would a) adjust the timing of harvest activity to seasonally protect nesting spotted owls, b) maintain the best 70 acres of core habitat within each active occupied owl site centered on the Millicoma Tree Farm, c) retain existing habitat around four owl sites centered on Weyerhaeuser land and four sites centered on or near adjacent Bureau of Land Management property for at least twenty years, and d) develop and maintain the landscape of the Millicoma Tree Farm in a condition conducive to the dispersal of juvenile spotted owls and connectivity between owl population clusters centered on nearby reserve areas by managing the structure, size, and spacing of forested stands. By the year 2015, 40 percent of the forested area of the Millicoma Tree Farm would be in stand conditions suitable for dispersal, i.e., roosting and foraging by owls. Gaps between such stands would be limited according to standards described in the HCP. This condition would be maintained during the term of the permit. The IA, when signed by the Department of the Interior and Weyerhaeuser, is the formal agreement that assures that all mitigation measures will be implemented.

The mitigation measures would provide short-term retention of suitable NRF habitat around eight owl site centers, and dispersal habitat connecting spotted owl pair-deficient reserves on nearby federal land. The development and maintenance of dispersal condition on the Millicoma Tree Farm over the term of the will decrease the potential isolation and local extirpation of populations in LSRs RO261 and RO263 in the short term, allowing these support and supplement each other. In the long-term, as habitat conditions improve in these LSRs over the next several decades, maintenance of dispersal conditions on the Millicoma Tree Farm will assist in speeding the restocking of the LSRs. Given the importance of connectivity between the population-poor Coast Range Province and the moderately-stocked Cascade and Klamath Provinces, the Service believes that the recovery contribution of dispersal habitat in this critical provincial connector outweighs the recovery value of the approximately 21 spotted owl pairs that may be displaced as a result of

the permit. Such loss may slightly increase the short-term rate of population decline and temporarily result in a smaller remaining population following the decline. However, when the population increases, as expected, the enhanced connectivity between the LSRs provided by the Millicoma Tree Farm will benefit the local owl population, and is more critical to the long-term conservation and recovery contribution of the LSRs. In addition, short-term retention of some suitable existing habitat and maintenance of landscape conditions conducive to owl dispersal is expected to mitigate against the loss of these sites and minimize the impact of such loss.

Under the preferred alternative, Weyerhaeuser would avoid incidental take of marbled murrelets by protecting forest stands determined to be occupied. Occupancy would be determined by surveying the 6,707 acres of potential murrelet habitat on the Millicoma Tree Farm for occupancy by murrelets. Therefore, current murrelet reproduction potential within the Millicoma Tree Farm should be maintained. Further, potential murrelet nesting habitat on the Millicoma Tree Farm is limited in quantity and the quality is relatively low due to the effects of small patch size and fragmentation associated with previous timber harvest practices. While the loss of up to 6,707 acres of potentially suitable but unoccupied murrelet habitat (determined on the basis of tree age and size) may limit expansion of future murrelet nesting within the Millicoma Tree Farm, the proposed action would not affect the conservation of the murrelet within the action area. The preferred alternative would avoid take of the murrelet in occupied stands identified on the Millicoma Tree Farm and these occupied stands would remain as a potential source of murrelets for adjacent LSRs as the forested lands within these adjacent LSRs continue to develop into suitable habitat. Because the Millicoma Tree Farm is surrounded by two large LSRs which are expected to provide for a local population of murrelets, and the current reproductive potential of any murrelets on the Millicoma Tree Farm will not be lost in the short term, the Service believes that the proposed action will not have significant impacts on the murrelet.

Foreseeable actions on lands in the vicinity of the Millicoma Tree Farm that could result in cumulative impacts are fully analyzed in the EA, Addendum to the EA, and the Biological Opinion. The most significant of these include implementation of the Northwest Forest Plan on Federal forests and the proposed management plan for the Elliott State Forest.

The major concerns in assessing the cumulative impacts of the proposed activities are the loss and fragmentation of suitable owl and murrelet habitat and maintenance of viable populations of these species in the region. The Northwest Forest Plan provides for the conservation of spotted owls and marbled murrelets on federal land and is the most significant aspect of the overall strategy for long-term maintenance and recovery of these species. The Forest Plan establishes LSRs which currently support or are expected to support multiple pairs of owls, murrelets, and other late successional forest species. The reserves and their owl population clusters are arranged throughout the range of the species in a manner generally consistent with the Interagency Scientific Committee (ISC) and Draft Recovery Plan strategies. In addition, all known murrelet occupied stands on Federal land will be protected whether or not they are in LSRs.

The creation and maintenance of the dispersal landscape on the Millicoma Tree Farm is expected

to contribute to owl recovery efforts on public lands by increasing the potential for successful dispersal between the LSRs. The preferred alternative, therefore, would not appreciably reduce the chances for the spotted owl to survive and recover in the wild, and would not have substantial cumulative adverse impacts on the owl in the Oregon Coast Range Province. In fact, the preferred alternative is expected to support the long-term ability of the LSRs to develop healthy owl populations. With regard to murrelets, because the Millicoma Tree Farm is surrounded by two large LSRs which are expected to provide a local population of marbled murrelets and the current reproductive potential of the Millicoma Tree Farm will not be lost in the short-term, murrelet populations are not expected to be significantly impacted by the cumulative effects of implementation of the proposed HCP in conjunction with management of nearby Federal lands.

The 93,000 acre Elliott State Forest is adjacent to the Millicoma Tree Farm. The Oregon Department of Forestry has developed a management plan, and is in the process of developing a Habitat Conservation Plan (Elliott Plan) that will guide future management. Under the Elliott Plan, some take of owls will occur and may slightly increase the short-term rate of population decline in the province. In the long-term, under the proposed Elliott Plan the Elliott State Forest should support 10-12 pairs of owls and several resident singles. Improved habitat conditions should enhance the fitness and viability of these pairs compared to most of those currently occupying the Elliott State Forest. The Millicoma Tree Farm dispersal landscape, in conjunction with the Elliott State Forest, would allow continuous movement of owls from federally-managed LSRs north of the Elliott Forest to the LSRs to the south and east of the Millicoma Tree Farm. Implementing the proposed Elliott Plan could result in the short-term loss of 2,640 acres of potential marbled murrelet habitat. However, in the long-term, potential murrelet habitat will increase and exist in more contiguous blocks.

Additional incidental take of owls from the regional population may occur in the Federal matrix lands and Elliott State Forest. Incidental take on Federal lands will be reviewed through section 7 consultation on individual timber sales planned under the Northwest Forest Plan. Therefore, such incidental take would not result in population reductions that would compromise the viability of the regional population. Incidental take under the proposed Elliott State Forest management plan may result in the loss of up to 49 spotted owls, but would be offset by the development and support of high quality habitat for 10-12 pairs that would contribute young to the regional population. For these reasons, the cumulative regional effects of incidental take would not result in local extirpation or loss of viability of the regional population.

It is expected that the amount of suitable habitat for spotted owls and marbled murrelets on private lands will be reduced over time. Because most private forest land in the area is used for timber production, little late successional habitat remains on these lands other than in small isolated patches. The best available information indicates that the cumulative effects of the proposed Millicoma HCP, combined with continued timber harvest on other private lands will not significantly affect local owl or murrelet populations.

Natural disturbances are potential impacts to owl and murrelet habitat and expansion of barred

owl (*Strix varia*) populations may impact the spotted owl. Little data exists with which to predict the effect these natural disturbances may have on spotted owl and murrelet populations. Because the implementation of the HCP will support the recovery of the spotted owl and would not provide for the incidental take of murrelets, the preferred alternative is not expected to significantly increase these natural risk factors.

Cumulatively, the Northwest Forest Plan and Millicoma HCP are not expected to have significant adverse impacts on spotted owl or marbled murrelet populations. In fact, these actions are expected to contribute to their long-term conservation in the region.

Effects to other species of concern are not considered to be significant for reasons discussed in the EA. The proposed permit would not authorize the take of any other Federally listed species.

The current dominant land use on the Millicoma Tree Farm, commercial timber harvest, would continue under the preferred alternative. Timber harvest can adversely affect water quality through increased delivery of sediment to water courses. Degraded water quality can also adversely affect fish. However, effects to water quality and fish from issuance of an incidental take permit for spotted owls and implementation of the HCP are expected to be minimized for the following reasons. The amount and distribution of mid-successional forest conditions would be increased and managed for rapid creation of habitat suitable for dispersal of spotted owls between reserves. Timber harvests are expected to be less frequent and more uniformly distributed than under the No Action alternative. To meet the stated mitigation, Weyerhaeuser would have to distribute harvest activity in a relatively uniform manner throughout the ownership, avoiding creation of large expanses of recently cut-over land. The likelihood of any particular drainage being heavily cut-over, and hence, subject to deteriorated hydrologic condition and excessive erosion would be minimized. Maintaining substantial portions of the Millicoma Tree Farm in a forest landscape suitable for owl dispersal combined with smaller harvest areas and longer harvest rotations would result in steep slopes being in more stable conditions. More stable slopes would greatly reduce the potential for sediment delivery to water courses.

Use of existing maintained roads would continue at moderate levels, while construction of new permanent roads would be limited. All road construction would be conducted in accordance with Oregon Forest Practices rules which have been developed to reduce erosion associated with road construction. There may be an occasional, short-term localized delivery of fine and coarse sediments to water courses, but the main activities associated with sediment delivery to water courses (new road construction and associated mass wasting) are expected to be limited.

All fish bearing streams adjacent to harvests would have riparian buffers of widths specified by Oregon Forestry Practices regulations. These riparian buffers are designed to minimize sediment entering water courses. Also, during the length of the permit, riparian conditions and stream structure would be expected to improve due to the expected increase in the recruitment of large woody debris. Because all fish bearing streams would be buffered and harvest activities would be temporally and spatially distributed over the Millicoma Tree Farm sedimentation would be

minimized.

Potentially, the habitat of some sensitive plant species could be disturbed. However, because most of these species are unlikely to occur on the Millicoma Tree Farm or are associated with unique habitats which would receive special protection under Oregon Forestry Practices regulations, significant impacts to sensitive plant species are not expected to occur under the preferred alternative.

Air quality may be impacted by localized generation of dust from road use and smoke from slash burning, however these impacts are expected to be minor when compared to the baseline since the main activities affecting air quality (slash burning) will be small scale and infrequently conducted.

Cultural resource sites or features may be potentially disturbed, but because most cultural resource sites would be expected to occur in close proximity to aquatic areas and because Oregon Forest Practices regulations prohibit ground disturbing activities near aquatic resources, it is expected that the potential to adversely impact cultural resources will be low.

In summary, as has been documented in the EA and the Addendum to the EA, issuance of a section 10(a) permit for incidental take of owls associated with the Millicoma Tree Farm is not expected to result in significant impacts to the physical and biological resources of the Millicoma Tree Farm or in the surrounding area. The issuance of the permit and implementation of the HCP would not result in significant effects on the human environment.

Interested and/or affected parties were provided with copies of the HCP, IA and EA for comment. Parties contacted include: Federal, State, Confederated Tribes, and County governments, and various public and private organizations and individuals. A complete list is provided in the EA. Comments received are analyzed in the Service's Findings document with respect to issuance of the incidental take permit for northern spotted owls to Weyerhaeuser Company for their Millicoma Tree Farm, Coos and Douglas Counties, Oregon. This Finding of No Significant Impact will also be made available to all known interested parties.

It is my determination that the proposal does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act. As such, an environmental impact statement is not required. An environmental assessment and addendum has been prepared in support of this finding and is available upon request from the USFWS, Habitat Conservation Plan Office, located at 3773 Martin Way E. Bldg. C-Suite 101, Olympia, WA 98501.



Deputy Regional Director

2/14/95
Date

References

- U.S. Fish and Wildlife Service. 1994. Environmental assessment and addendum to the environmental assessment for the proposed issuance of a section 10(a) permit to allow incidental take of the northern spotted owl, Millicoma Tree Farm, Coos and Douglas Counties, Oregon.
- U.S. Fish and Wildlife Service. 1995. Intra-Service section 7 consultation on the proposed issuance of a section 10(a)(1)(B) incidental take permit for northern spotted owls by Weyerhaeuser Company on the Millicoma Tree Farm.
- U.S. Fish and Wildlife Service and Weyerhaeuser Company. 1995. Implementation agreement by and between Weyerhaeuser Company and the U.S. Fish and Wildlife Service regarding section 10(a) permit for incidental take of the northern spotted owl.
- Weyerhaeuser Company. 1994. Habitat conservation plan for the northern spotted owl - Millicoma Tree Farm, Coos and Douglas Counties, Oregon. Weyerhaeuser Company, North Bend, Oregon. November, 1994.