



CALIFORNIA
LICENSED
FORESTERS
ASSOCIATION

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February 21, 2011

Oregon Fish and Wildlife Service Office
2600 SE 98th Ave.
Portland Oregon, 97266

RE: *Formal request on behalf of the afflicted landowners represented by our members to allow a one year grand fathering of the 1 year, six-pass NSO survey protocol (1992) for the 2011 calling season (transition period).*

Dear Betsy Glen,

With the recent release of the 2011 NSO protocol it has become clear that the one-year 6-pass survey option has been removed as a mechanism for landowners to demonstrate NSO presence or absence, as it is related to timber harvest operation. This omission has left numerous landowners, holding state approved Timber Harvest Plans (THPs) and Non-Industrial Timber Management plans (NTMPs), without access to their timber assets in 2011. As you know, these state plans require the investment of tens of thousands of dollars to prepare and develop; in addition THP's are only valid for a period of 3-5 years. Failure to access any remaining available timber on these plans would represent a significant financial impact to landowners in light of their significant monetary investment.

The following is a list of reasons why a 1-year grand fathering of the 1-year 6-pass survey described in the AFWO modified 1992 protocol should be allowed and endorsed during the 2011 transition period.

- CLFA recognizes that the 2010 Draft protocol (10/06/2010) page 1 of 4 stated, "A one-year survey following the AFWO modified 1992 Protocol is acceptable until the 2010 Protocol is no longer draft." **However** two paragraphs above this statement the documents states, "that the draft 2010 Protocol will be finalized after the, 2012 survey season." These statements formed the foundation on which landowners and their foresters and biologists based their decisions to survey or not survey in 2010.
- USFWS rolled out the revised protocol in 2011 almost two years ahead of the original schedule and only days before the beginning of the 2011 survey season. This provides a limited timeframe to landowners to adapt to the new protocol and has left many landowners without a mechanism to harvest private timber in 2011. The reliance on published statements by USFWS from only a year ago has proven to be poor council.

- Due to poor market conditions many of the affected landowners could not have been expected to invest in NSO surveys in 2010.
- Failure to provide a workable mechanism during the transition period puts the USFWS in a position of facing potential litigation and legal action, as landowners **will be** financially harmed by these actions.
- As stated by USFWS staff, the prescribed use of high quality electronic callers under the 2011 protocol is predicted to elicit more responses from NSO. If they are not present, the confidence of a one-year 6 pass survey using digital callers, provides reasonable evidence NSOs are absent in the calling area.

The impacts of failing to immediately endorse a grandfather clause in the California appendix of the protocol, for 2011, will be unacceptable to our members and the landowners they represent. The economic recovery of America should be a primary concern of all levels of government, especially in rural areas. Adding to the already burdensome regulatory process in California will be a further disincentive to promoting healthy forest management and counter productive to the recovery of the Northern Spotted Owl. We respectfully request that this matter be clarified prior to March 1, 2011. Thank you for your consideration.

Sincerely yours,



Jason S. Poburko
RPF # 2769
President
California Licensed Foresters



CC: CAL FIRE, Sacramento, CA
USFWS Office, Yreka, CA
USFWS Office, Arcata, CA
USFWS Office, Redbulff, CA

The California Licensed Foresters Association, with a membership responsible for the sustained management of millions of acres of California forestland, represents the common interests of California Registered Professional Foresters. The Association provides opportunities for continuing education and public outreach to its membership, which includes professionals affiliated with government agencies, private timber companies, consultants, the public, and the academic community. Governed by an elected Board of Directors, CLFA was established in 1980 after the passage of the landmark California Professional Foresters Law.