

However MUSY directs resource management not to impair the productivity of the land while giving consideration to the relative values of the various resources, though not necessarily in terms of the greatest financial return or unit output. MUSY provides direction to the Forest Service that wildlife, including the California spotted owl, is a value that must be managed for, though discretion is given to each forest when considering the value of this species relative to the other uses for which it is managing. Although MUSY could provide some protection for the owl, it does not have any provisions specific to the conservation of the owl or its habitat.

The Forest Service also manages national forests under the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) as amended by the National Forest Management Act of 1976 (NFMA). Implementing regulations for NFMA (36 CFR 219.20(b)(i)) require all units of the National Forest System to have a land and resource management plan (LRMP). The purpose of the LRMP is to guide and set standards for all natural resource management activities over time. NFMA requires the Forest Service to incorporate standards and guidelines into LRMPs, including provisions to support and manage plant and animal communities for diversity, and the long-term range-wide viability of native and desired non-native species. Standards and guidelines are based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.

Beginning in 1991 and culminating with the signing of the Record of Decision for the Sierra Nevada Forest Plan Amendments in 2001, the Forest Service initiated several Sierra Nevada-wide planning efforts to maintain viability of California spotted owls on national forest land. These efforts gathered and analyzed technical information as well as developed and refined management direction. These efforts included a technical assessment of the current status of the California spotted owl and issuance of interim guidelines (Verner *et al.* 1992a) for protecting California spotted owl habitat in January of 1993. The guidelines were adopted as the 1993 California Spotted Owl Sierran Province Interim Guidelines Environmental Assessment and incorporated as amendments into the Forest Service's Land and Resource Management Plans.

These guidelines were intended to maintain management options and short-term population viability for the California spotted owl in the short term

(maximum of five years; Verner 1999) until a conservation strategy for the owl was developed. The primary objectives of the interim guidelines were to protect known nest stands, protect large old trees in timber strata which provide suitable owl habitat, and reduce the threat of stand-destroying fires. However, they allowed degradation of suitable nesting and roosting habitat by allowing timber harvest (except in protected activity centers and some acreage in spotted owl habitat areas) to reduce canopy cover to 40 percent in timber types selected by owls and below 40 percent in other types used by owls according to their availability on the landscape. The estimated time of recovery of these treatments was five years. Under the interim guidelines, no mechanism existed to evaluate cumulative impacts of timber harvest on California spotted owls in national forests. After 1993 when baseline surveys for the species were completed within Forest Service managed lands, forest management continued without further requirements to survey for the owl.

In 1995 the Forest Service released a draft environmental impact statement (EIS) for a long-term management plan for California spotted owl habitat. Final direction was not issued due to new scientific information provided by the Sierra Nevada Ecosystem Project (SNEP) report released in 1996. In 1998 the Forest Service initiated a collaborative effort to incorporate new information from the SNEP report into management of Sierra Nevada national forests. This effort became known as the Sierra Nevada Framework for Conservation and Collaboration (Framework).

As part of the Framework, the Forest Service developed the SNFPA Environmental Impact Statement, for which a record of decision was issued on January 12, 2001 (USFS 2001b). This effort amended the land and resource management plans of Forest Service administered lands addressed by the Framework. The SNFPA addresses five problem areas: old forest ecosystems and associated species; aquatic, riparian, and meadow ecosystems and associated species; fire and fuels; noxious weeds; and lower westside hardwood ecosystems. The SNFPA included a conservation strategy for California spotted owls, which replaced the interim guidelines.

Subsequent to the establishment of management direction by the Record of Decision of the SNFPA, Region 5 of the Forest Service has undertaken two efforts that may result in changes in the anticipated impacts of the SNFPA. The first is a management review of the

SNFPA (USFS 2002b), and the second is planning for implementation of an Administrative Study on the Lassen and Plumas National Forests that would evaluate the effects of extensive fuels treatments on the California spotted owl (67 FR 72136). As of yet, neither of these efforts have formally established management direction, so their potential effects are uncertain and subject to change before implementation. Therefore, their potential effects are not included in the assessment of threats to the California spotted owl under this 12-month finding. However, because the outcome of each of these efforts could substantially affect California spotted owls, we will monitor the development of management direction, offer scientific assistance, and review the effects at a later date, if necessary.

The SNFPA applies only to national forests in the Sierra Nevada and Modoc Plateau. Spotted owls in southern California are protected by measures developed by each forest (Ruth and Standiford 1994), which are currently revising their LRMPs to include a strategy to manage habitat for the owl. As a result, no comprehensive strategy currently exists for the California spotted owl on national forests in southern California. The four Forests have completed an ecological assessment (Stephenson and Calcarone 1999) and in September 2001 published a Notice of Intent (NOI) to prepare a single Environmental Impact Statement and Record of Decision (USFS 2001c). The draft EIS is scheduled for release in 2003. Included in the Purpose and Need statement of the NOI is the intent "To more adequately protect plant and animal species and their habitat." The Proposed Action also recognizes that one of the most compelling needs for change in Forest Plan direction is maintenance of viable populations of plant and animal species.

Other Federal agencies have general or specific policies and regulations that would apply to the owl. The National Park Service protects all species from collection, with exemptions only for scientific testing (36 CFR 2.5). The BLM has listed the owl as a Special Status Species that should be addressed prior to approval of actions that may impact the species on BLM lands (USDI 2001).

*State.* Section 3503.5 of the California Fish and Game Code (CDFG 2002) provides that it is unlawful to take, possess, or destroy any birds in the order Strigiformes (owls) or to take, possess, or destroy their nests or eggs. This restriction applies only to individual owls, their nests and eggs and does not place restrictions on