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## California Land Trust Balances Habitat Restoration, Logging Under Safe Harbor Agreement for Spotted Owl

By April Reese, E&E Western Reporter

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The Fish and Wildlife Service and a Northern California land trust have put in place a "safe harbor agreement" that balances timber harvesting with habitat restoration for the northern spotted owl. The land trust is also certified by the state to sell carbon credits for protecting old-growth trees, which provide both carbon sequestration benefits and habitat for the owl.

The agreement commits the San Francisco-based Pacific Forest Trust to restore habitat for the threatened spotted owl while also harvesting coastal redwoods in the 2,200-acres belonging to the Fred M. van Eck Forest Foundation. Proceeds from van Eck timber sales go to support forest research at Purdue University. The safe harbor agreement builds upon a 2001 conservation deal struck between the land trust and university.

The 90-year agreement – one of the longest approved by FWS – includes an "incidental take" permit that provides a sort of insurance policy for the trust against incurring an Endangered Species Act violation if it inadvertently harms or kills an owl during harvesting.

"Over time, more habitat will grow, more owls may move into the forest as a result, and for the landowner you get protection from ESA as long as you stick to the management plan – even in the unlikely event that an owl is unintentionally harmed while conducting timber harvest," said Matt Baun, a spokesman for FWS's Yreka, Calif., office.



The Pacific Forest Trust will manage the van Eck forest for timber harvesting and northern spotted owls under a newly minted "safe harbor agreement" with the Fish and Wildlife Service. *Photo courtesy of Pacific Forest Trust.*

Laurie Wayburn, president of the Pacific Forest Trust, said forest restoration under the existing conservation agreement had helped create ideal conditions for the northern spotted owl. While biologists have not found nesting owls on the van Eck forest, two owls, nicknamed "Arnold" and "Maria," after Gov. Arnold

Schwarzenegger (R) and his wife, Maria Shriver, have been seen exploring the area. Biologists will conduct a new owl survey in the forest starting next week.

"What I think was so positive here was that the service recognized the easement was benefiting the

species," Wayburn said. "So rather than applying the ESA in a very cookie-cutter way, which they recognized would be a real disincentive for people doing the right thing, they said, 'Let's do this safe harbor agreement instead.' And they recognized this actually gets them what they want in terms of habitat."

While the agreement accepts the possibility that some owls could be killed by timber harvesting, Baun said he expects few, if any, owls to be harmed by the trust's logging activities. Operators will avoid any nesting sites the owls may establish. "On balance, there's going to be a lot more positives for the spotted owl than anything negative associated with the trust's timber harvest," he said.

The northern spotted owl, which became a lightning rod for controversy over ESA restrictions during the 1990s, has benefited in recent years from reduced logging and more sustainable harvesting practices. But it now faces a new threat in its Eastern forest cousin, the barred owl, which has encroached into northern spotted owl habitat. Baun said barred owl proliferation, along with temperature increases associated with climate change, are now the biggest threats to the species.

That makes voluntary conservation measures on private lands all the more important, he added. "FWS is hopeful that other organizations will take a look at the van Eck [safe harbor agreement] and see value in developing an agreement of their own," Baun said.

In its owl recovery plan issued last May, FWS identified forest conservation as a key component of improving the bird's status throughout its range, which includes Northern California, Oregon and Washington (Land Letter, May 22, 2008).

But Wayburn said it may be difficult to convince timber companies to enter safe harbor agreements.

"Is this kind of management typical in the region today? No," Wayburn said. "Is it something that people, as they understand it more, will recognize for the return they'll get and see as increasingly attractive? I think the answer is yes."

The Pacific Forest Trust's management of the van Eck forest demonstrates that sustainable timber harvesting, even while restoring endangered species habitat, can be financially viable in coastal redwood forests, Wayburn added. "I think what's positive here is we're showing how it can work," she said. "We're harvesting more timber per acre, and we have high quality wood supplies."

### **State certifies carbon credits**

Under a separate agreement with the state, the van Eck forest receives credits for reducing forest-based carbon dioxide emissions and sequestering CO<sub>2</sub> through its sustainable forestry practices. The Van Eck Forest Project will remove 500,000 tons of CO<sub>2</sub> from the atmosphere over the next 100 years – more than would be sequestered under conventional forest harvesting practices.

The project was one of the first in the state to be registered and certified under new forest protocols established by the California Air Resources Board. Under California's Global Warming Solutions Act, passed in December, the state must cut its emissions to 1990 levels by the year 2020.

The first major buyer of the forest's carbon credits was Natsource Asset Management LLC, an emissions and renewable energy asset manager, which purchased the credits last year to offset 60,000 tons of carbon emissions from its clients' operations.

*[Click here](#) to take a virtual tour of the van Eck forest.*