

Northern Spotted Owl Disclosure and Impacts Analysis Using 14 CCR 939.9(g)

The following impacts disclosure and analysis is intended for use in timber harvesting and non-industrial timber management plans that propose to avoid take of the northern spotted owl (NSO) through the use of 14 CCR § 939.9(g). The information may be needed in order for the California Department of Forestry and Fire Protection (CAL FIRE) to evaluate whether the proposed timber operations avoid take of the NSO per 14 CCR § 939.10. Take avoidance strategies that propose the use of 14 CCR § 939.9(g) must meet the requirements of 14 CCR §§ 895.1 and 939.9(g), but are not required to meet the currently-recommended U. S. Fish and Wildlife Service (USFWS) standards for activity center protection and post-harvest habitat retention. However, since USFWS has indicated that use of 14 CCR 939.9(g) may not avoid take of NSO¹, CAL FIRE may need additional information, which clearly and substantively demonstrates why the proposed, site-specific protection measures and the level and configuration of post-harvest habitat retention avoids take of the NSO. The following questions are meant to elicit the information that CAL FIRE may need to determine whether the proposed timber operations avoid take of the NSO.

NSO Habitat Definitions

1. Which definition of NSO habitat is used?
 - 14 CCR § 895.1: Functional nesting, functional roosting and functional foraging habitat.
 - USFWS Attachment B: High quality nesting-roosting, nesting-roosting, foraging and low quality foraging habitat.
 - Other (provide basis):
2. If using functional nesting, roosting and foraging habitat contained in 14 CCR § 895.1 or “Other,” discuss how using non-USFWS recommended habitat definitions will provide for the biological needs of the NSO:

NSO Activity Center Impacts Analysis

Complete the following tables and accompanying impacts analysis for each NSO activity center within 1.3 miles of the plan area and within 0.25 mile of appurtenant roads. The **Habitat Summary** in the following table presumes use of the owl habitat definitions of functional nesting, roosting and foraging habitat contained in 14 CCR § 895.1.

¹ See:

[http://www.fire.ca.gov/resource_mgmt/downloads/USFWS %20NSO TakeAvoidanceGuidelines ScienceSupportDocument 121409.pdf](http://www.fire.ca.gov/resource_mgmt/downloads/USFWS_%20NSO_TakeAvoidanceGuidelines_ScienceSupportDocument_121409.pdf).

Activity center:					
Habitat Summary					
Within 0.5 mile radius (503 acres) of the activity center (acres)		Pre-harvest	Post-harvest	Net change	
Nesting habitat					
Roosting habitat					
Foraging habitat					
Total owl habitat					
Non-habitat					
Within 0.7 mile radius (985 acres) of the activity center (acres)		Pre-harvest	Post-harvest	Net change	
Nesting habitat					
Roosting habitat					
Foraging habitat					
Total owl habitat					
Non-habitat					
Within 1.3 miles radius (3398 acres) of the activity center (acres)		Pre-harvest	Post-harvest	Net change	
Nesting habitat					
Roosting habitat					
Foraging habitat					
Total owl habitat					
Non-habitat					
Effect on USFWS Habitat					
Are timber operations proposed in NSO habitat that meets the USFWS definition of habitat within 0.5 mile of the activity center?			If yes, provide the pre- and post-harvest habitat quantities and the net change in habitat (acres):		
	No	Yes			
			Pre-harvest	Post-harvest	Net change
High quality nesting-roosting					
Nesting-roosting					
Foraging					
Low quality foraging					
Total owl habitat					

Effect on USFWS Habitat					
Are timber operations proposed in NSO habitat that meets the USFWS definition of habitat between 0.5 mile and 1.3 miles of the activity center?			If yes, provide the pre- and post-harvest habitat quantities and the net change in habitat (acres):		
	No	Yes			
			Pre-harvest	Post-harvest	Net change
High quality nesting-roosting					
Nesting-roosting					
Foraging					
Low quality foraging					
Total owl habitat					

Proposed Timber Operations			
During the NSO breeding season will timber operations occur within any of the following distances to an occupied or unsurveyed activity center?		If yes, describe the type, timing and extent of timber operations:	
	Yes	No	
0 – 500 feet?			
500 – 1000 feet?			
1000 feet – 0.25 mile?			
0.25 – 0.5 mile? (Helicopter Use only)			
During the non-breeding season will timber operations occur within any of the following distances to the activity center?		If yes, describe the type, timing and extent of timber operations:	
	Yes	No	
0 – 500 feet?			
500 – 1000 feet?			

Impacts Analysis

1. If the answer to any item under **Effect on USFWS Habitat** above is yes, address what measures have been incorporated into the plan in order to retain the best available habitat in light of the requirements of the Forest Practice Rules to avoid take of the NSO, the current USFWS recommendations regarding NSO habitat and the biological requirements for feeding, breeding, nesting and sheltering for the NSO:

2. If the answer to any item under **Proposed Timber Operations** above is yes, address whether the proposed timber operations have the potential to harass the NSO. Each item should demonstrate lack of direct and indirect impacts, and any conclusions will need to be supported by substantial evidence².
 - a. Because the prey base or the ability to catch prey could be impaired, demonstrate how the proposed timber operations will avoid significantly disrupting feeding habits:

 - b. Demonstrate how the proposed timber operations will avoid significantly disrupting breeding success:

 - c. Because activities could be conducted near to the activity center, demonstrate how the proposed timber operations will avoid significantly disrupting nesting behavior:

 - d. Because the ability to escape predators, survive severe weather, and find appropriate microclimes could be adversely altered, demonstrate how the proposed timber operations will avoid significantly disrupting sheltering, which includes roosting, nesting, and feeding:

3. If timber operations are proposed within 1.3 miles of an activity center, address the following relative to whether the proposed timber operations have the potential to harm the NSO. Each item should demonstrate lack of direct and indirect impacts, and any conclusions will need to be supported by substantial evidence.
 - a. Because the prey base or the ability to catch prey could be impaired, demonstrate how the proposed timber operations will avoid significantly impairing feeding habits:

 - b. Because of a possible reduction in surrounding owl habitat before the young have had an opportunity to successfully disperse from the activity center, demonstrate how the proposed timber operations will avoid significantly impairing breeding success:

² 14 CCR §15384(b): Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

- c. Because the activity center or adjoining area up to 500 feet from the activity center could be adversely altered, demonstrate how the proposed timber operations will avoid significantly impairing nesting behavior:
- d. Because the ability to escape predators, survive severe weather, and find appropriate microclimes could be adversely altered, demonstrate how the proposed timber operations will avoid significantly impairing sheltering, which includes roosting, nesting, and feeding:

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