

Proposed Activity Center Rule Language 14 CCR § 895.1

November 6th, 2012

Activity Center means a

Option 1 known northern spotted owl site documented from detections, ~~pursuant to the USFWS document “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls” revised March 17, 1992.~~ *[This option retains some current language but deletes the reference to documented detections per the USFWS protocols. This would eliminate the need to change the rule when the protocols change. However, it may create a conflict over how one makes “detections.” Also, it is not consistent with the current USFWS definition of an activity center.]*

Option 2 location or point representing the most suitable northern spotted owl detections, such as nest stands, stands used by roosting pairs or territorial singles, or concentrated nighttime detections, within the core use area ~~known northern spotted owl site documented from detections, pursuant to the USFWS document “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls” revised March 17, 1992.~~ *[This option adds definitional language from the 2012 USFWS protocols relative to what constitutes an activity center. Deleting the reference to documented detections per the USFWS protocols would eliminate the need to change the rule when the protocols change. However, the USFWS definitional language lacks clarity, and elimination of the requirement to use the USFWS protocol may create a conflict over how one makes “detections.” It also introduces a new definition, “core use area.”]*

Option 3 known northern spotted owl site documented from detections, pursuant to the USFWS document “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls” revised January 9, 2012 ~~March 17, 1992.~~ *[This option retains current language and updates it to the current USFWS protocol. This would require changing the rule when the protocols change, and it is not consistent with the current USFWS definition of an activity center.]*

Option 4 location or point representing the most suitable northern spotted owl detections, such as nest stands, stands used by roosting pairs or territorial singles, or concentrated nighttime detections, within the core use area ~~known northern spotted owl site documented from detections, pursuant to the USFWS document “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls” revised January 9, 2012~~ ~~March 17, 1992.~~ *[This option adds definitional language from the 2012 USFWS protocols relative to what constitutes an activity center and updates existing language to the current USFWS protocol. The USFWS definitional language lacks clarity, and retention of language mentioning the USFWS protocol will require changing the rule when the protocols change.]*

(a) An activity center is established by:

(1) Resident Single Status is established by any one of the following:

(A) The presence or response of a single owl within the same general area on three or more occasions within a breeding season, with no response by an owl of the opposite sex after a complete survey; or

(B) Multiple responses over several years (i.e., two responses in year one and one response in year ~~two~~ 2) from the same general area).

(2) Two Birds-Pair Status Unknown is where the presence or response of two birds of the opposite sex ~~where is detected but~~ pair status cannot be determined and where at least one of the owls member must meets the resident single requirements.

(3) Territorial Pair Status is established by any one of the following:

(A) ~~A wherein~~ a male and female are heard and/or observed (either initially or through their movement) in proximity (less than one-quarter mile apart) to each other on the same visit; or

(B) ~~A a~~ male takes a mouse to a female; or

(C) ~~A a~~ female is detected (seen or heard) on the nest; or

(D) ~~One one~~ or both adults are observed with young; or

(E) Young identifiable based on plumage characteristics observed late in the season by knowledgeable surveyors or young identifiable based on molecular data.

~~(4) Unoccupied Status where no responses have been obtained from a previously identified northern spotted owl activity center after 3 years of survey, barring other evidence to the contrary.~~

~~An activity center with unoccupied status will not be considered an activity center when it has been evaluated and a determination made by the Director. The determination shall be based upon available information on survey history, habitat conditions within the home range, and changes to habitat that may have occurred since the northern spotted owl site was first identified.~~

[If Option 2 or 4 is adopted, then adopt the following definition.]

Core Use Area means an area of concentrated northern spotted owl use within a home range that receives disproportionately high use, and commonly includes nest sites, roost sites, and foraging areas close to the activity center. Core use areas vary geographically and in relation to habitat conditions.