

1                    Activity Center Clarification for Northern Spotted Owl, 2010

2  
3                    [45 Day Notice Published March 19, 2010]

4  
5                    Amend

6                    14 CCR § 919.9, 939.9 - Northern Spotted Owl

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8                    **§ 919.9.[939.9] Northern Spotted Owl.**

9                    \*\*\*\*\***(c)** Where certification is made by the RPF and adequate records  
10                    are kept showing that owl surveys were conducted sufficient to  
11                    demonstrate the absence of owls from an area, the THP will be reviewed  
12                    on a high priority basis. The THP shall contain verification that:

13                    **(1)** The surveys have been conducted throughout the area within  
14                    .7 miles of the boundary in accordance with the USFWS approved  
15                    protocol ("Protocol for Surveying Proposed Management Activities That  
16                    May Impact Northern Spotted Owls"; USFWS; March 17, 1992).

17                    **(2)** The surveys were conducted during the current or immediately  
18                    preceding survey period as prescribed by the previously cited USFWS  
19                    approved protocol.

20                    **(3)** The surveys reveal no nest sites, activity centers or owl  
21                    observations in the area surveyed; and

22                    **(4)** The surveys reveal no activity centers, ~~active nest sites~~ or  
23                    repeated observations indicating the presence of mates and/or young  
24                    within 1.3 miles of the boundary based on a review of the landowner's  
25                    and RPF's personal knowledge and the Department of Fish and Game's  
26                    spotted owl data base.

27                    **(d)** If the plan submitter proposes to proceed under an "incidental  
28                    taking" permit or any other permit covering the northern spotted owl  
29                    issued by the U.S. Fish and Wildlife Service or the Department of Fish  
30                    and Game, the submitter shall supply a copy of the permit upon the  
31                    Department's request.\*\*\*\*\*

1 \*\*\*\*\***(g)** Where an nest site or activity center, unless otherwise  
2 abandoned, has been located within the ~~THP~~ plan boundary or within 1.3  
3 miles of that boundary, the RPF shall determine and document in the  
4 plan ~~within the THP that~~ activity center-specific protection measures  
5 to be applied during timber operations and owl the habitat described in  
6 ~~(1) (5) below~~ that will be retained after the proposed operations are  
7 completed:

8       **(1)** Within 500 ft. of the ~~active nest site or pair~~ activity  
9 center the characteristics of functional nesting habitat must be  
10 maintained. No timber operations shall be conducted in this area  
11 during the northern spotted owl breeding season unless reviewed and  
12 approved by the Director as not constituting a take. Timber  
13 operations may be conducted in this area outside the breeding season  
14 if appropriate measures are adopted to protect nesting habitat.

15       **(2)** Within 500-1000 ft. of the ~~active nest site or pair~~ activity  
16 center, retain sufficient functional characteristics to support  
17 roosting and provide protection from predation and storms. No timber  
18 operations shall be conducted in this area during the breeding season  
19 unless reviewed and approved by the Director as not constituting a  
20 take.

21       **(3)** 500 acres of owl habitat must be provided within a .7 mile  
22 radius of the ~~active nest site or pair~~ activity center, unless an  
23 alternative is reviewed and approved by the Director as not  
24 constituting a take. The 500 acres includes the habitat retained in  
25 subsections (1) and (2) above and should be as contiguous as possible.

1 Less than 50% of the retained habitat should be under operation in any  
2 one year, unless reviewed and approved by the Director as not  
3 constituting a take.

4 (4) 1336 total acres of owl habitat must be provided within 1.3  
5 miles of each ~~nest site or pair~~ activity center, unless an alternative  
6 is reviewed and approved by the Director as not constituting a take.  
7 The 1336 acres includes the habitat retained within subsections (1) -  
8 (3) above.

9 (5) The shape of the areas established pursuant to subsections  
10 (1) and (2) shall be adjusted to conform to natural landscape  
11 attributes such as draws and streamcourses while retaining the total  
12 area required within subsections (1) and (2) above.\*\*\*\*\*

13 Note: Authority cited: Section 4551, Public Resources Code. Reference:  
14 Sections 4513, 4551.5, 4582.75 and 4583, Public Resources Code; and 50  
CFR 17.11.