

1 Northern Spotted Owl Activity Center, 2013

2 DRAFT

3
4 Amend

5 14 CCR § 895.1 - Definitions

6 **§ 895.1. Definitions.**

7 ******* "Active Nest"** means a bird nest site at which breeding efforts
8 have recently occurred as determined by the Department of Fish and
9 Game, as specified below:

10 For the Great Blue Heron, Great Egret, recently means within the
11 last two years.

12 For the Golden Eagle, Osprey, Goshawk, recently means within the
13 last three years.

14 For the Bald Eagle and Peregrine Falcon, recently means within the
15 last five years.

16 Nests that have not been used within this time period are considered
17 abandoned.

18 **Activity Center** means a known northern spotted owl site documented
19 from detections, pursuant to the USFWS document "Protocol For
20 Surveying Proposed Management Activities That May Impact Northern
21 Spotted Owls" revised January 9, 2012 ~~March 17, 1992~~.

22 **(a)** An activity center is established by:

23 **(1)** Resident Single Status is established by consisting of
24 either:

25 **(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 ~~27~~) from the same
general area).

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

5 (3) Territorial Pair Status, established by any one of the
6 following:

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

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

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

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

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

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

20 An activity center ~~with unoccupied status~~ will not be considered
21 an activity center when it has been evaluated and a determination made
22 by the Director. The determination shall be based upon an appropriate
23 analyses by state or federal agencies, which indicates the activity
24 center is no longer likely to support territorial owls due to habitat
25 changes or long-term surveys with negative responses or both available
~~information on survey history, habitat conditions within the home~~

1 ~~range, and changes to habitat that may have occurred since the~~
2 ~~northern spotted owl site was first identified.~~

3 **"Adequate Site Occupancy"** means the range of stocking levels which
4 provide a balance between the largest number of trees per acre capable
5 of maximum individual tree growth on future crop trees and maximum
6 overall stand growth. This balance is achieved when stocking levels
7 are within Zones 2 and 3 of the Langsaeter curve, as shown in "The
8 Practice of Silviculture", by David Smith (1962).****

9 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,
10 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.
11 Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,
12 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and
13 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed
14 following Section 15387 of Title 14 Cal. Code of Regulations), and
15 *Laupheimer v. State*(1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.