

1 Definition of Northern Spotted Owl Evaluation Area, 2008

2 [45 Day Notice Published July 11, 2008]

3
4 Amend 14 CCR § 895.1 - Definitions

5 Amend 14 CCR § 919.9, 939.9 - Northern Spotted Owl

6
7 **895.1 - Definitions**

8 ******* Nest Tree** means the tree, snag, or other structure that contains
9 the nest of a species of special concern.

10 Northern Spotted Owl Evaluation Area means the following
11 counties: Marin, Napa, Del Norte, Mendocino, Colusa, Tehama (west of
12 Interstate-5), Sonoma, Humboldt, Lake, Trinity, and Glenn (west of
13 Interstate-5). The Evaluation Areas also includes south from the
14 California-Oregon border along the east boundary of Township 48N,
15 Range 2W, MDB&M; thence west along the south boundary of Township 48N,
16 Range 2W, MDB&M; thence south along Secret Spring Road; thence south
17 and east along Meiss Lake Sams Neck Road; thence southwest along U.S.
18 Highway 97; thence, at the southern end of the town of Macdoel, south
19 along Old State Highway to due east of Orr Mountain; thence east and
20 south along Tennant Road to about one half mile south of the town of
21 Tennant; thence east along Forest Highway 77 (44N01) to its junction
22 with Forest Highway 15; thence east along 44N01; thence south along
23 the line dividing Ranges 4E and 5E, MDB&M; thence west along the line
24 dividing Townships 42N and 41N, MDB&M; thence south along the line
25 dividing Ranges 2E and 3E, MDB&M; thence south along State Highway 89;

1 thence west along the Pit River to Shasta Lake; thence west along the
2 south shore of Shasta Lake to Interstate 5; thence south along
3 Interstate 5 to the Shasta County line.

4
5 **Occupied Nest** means a nest currently being used by one or more
6 adult birds with eggs or young present.*****

7 *******Quality of Water** means level of water quality is specified by the
8 applicable Water Quality Control Plan, including its water quality
9 objectives, policies and prohibitions.

10 ~~**Range of the Northern Spotted Owl** means the following counties:~~
11 ~~Marin, Napa, Del Norte, Mendocino, Colusa, Shasta (north of HWY 299,~~
12 ~~west of I 5), Tehama (west of I 5), Sonoma, Humboldt, Lake, Trinity,~~
13 ~~Siskiyou, Glenn (west of I 5), Modoc (west of HWY 139).~~

14 **Reasonably Foreseeable Probable Future Projects** means *****

15 ******Sustained Yield** means the yield of commercial wood that an area of
16 commercial timberland can produce continuously at a given intensity of
17 management consistent with required environmental protection and which
18 is professionally planned to achieve over time a balance between
19 growth and removal.

20 **Take for federally listed species** means to harass, harm, pursue,
21 hunt, shoot, wound, kill, trap, capture, collect or attempt to engage
22 in any such conduct as stated in 16 United States Code 1532(19)and 50
23 Code of Federal Regulations 10.12~~with regard to a federally listed~~
24 ~~wildlife species. For state listed species, Take means to hunt,~~
25 ~~pursue, catch, capture, or kill, or attempt to hunt, pursue, catch,~~
~~capture, or kill as stated in Fish and Game Code, Section 86 and 14~~
CCR § 1.80.

Temporary Road means*****

1 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,
2 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.
3 Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,
4 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and
5 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed
6 following Section 15387 of Title 14 Cal. Code of Regulations), and
7 Laupheimer v. State(1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

8 **919.9, 939.9 Northern Spotted Owl [Coast, Northern]**

9 Every proposed timber harvesting plan, NTMP, conversion permit,
10 Spotted Owl Resource Plan, or major amendment located in the ~~range of~~
11 ~~the northern spotted owl~~ Northern Spotted Owl Evaluation Area or
12 within 1.3 miles of a known northern spotted owl activity center
13 outside of the Northern Spotted Owl Evaluation Area shall follow one
14 of the procedures required in subsections (a)-(g) below for the area
15 within the boundary as shown on the map and also for adjacent areas as
16 specified within this section. The submitter may choose any
17 alternative (a)-(g) that meets the on-the-ground circumstances. The
18 required information shall be used by the Director to evaluate whether
19 or not the proposed activity would result in the "take" of an
20 individual northern spotted owl.****

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

24 File: Plead Eval Area and Take 6_26_08