

1 **“NORTHERN SPOTTED OWL PROTECTION MEASURES AMENDMENTS, 2013”**

2 **Title 14 of the California Code of Regulations (14 CCR):**

3 **Division 1.5, Chapter 4, Subchapters 4, 5, and 6,**

4 **Article 9 – Wildlife Protection Practices**

5  
6 **Amend:**

7 **§ 919.9, § 939.9 – Northern Spotted Owl [Coast, Northern Forest Districts]**

8 **§ 919.9(g), § 939.9(g) – Northern Spotted Owl [Coast, Northern Forest Districts]**

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10 **§ 919.9, § 939.9 Northern Spotted Owl [Coast, Northern]**

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

20 When subparagraphs (a), (b), (c) or (f) are used, the Director, prior to approval of a  
21 THP, shall consult with an SOE and conduct an independent review. ~~An SOE may aid~~  
22 ~~the RPF in fulfilling the requirements within subdivision (g).~~ The SOE may make written  
23 recommendations regarding whether the retained habitat configuration and protection  
24 measures proposed in the THP will prevent a take of the owl.\*\*\*\*\*

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

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

12 ~~**(2)** Within 500-1000 feet of the activity center, retain sufficient functional~~  
13 ~~characteristics to support roosting and provide protection from predation and storms.~~  
14 ~~No timber operations shall be conducted in this area during the breeding season unless~~  
15 ~~reviewed and approved by the Director as not constituting a take.~~

16 ~~**(3)** 500 acres of owl habitat must be provided within a .7 mile radius of the~~  
17 ~~activity center, unless an alternative is reviewed and approved by the Director as not~~  
18 ~~constituting a take. The 500 acres includes the habitat retained in subsections (1) and~~  
19 ~~(2) above and should be as contiguous as possible. Less than 50% of the retained~~  
20 ~~habitat should be under operation in any one year, unless reviewed and approved by~~  
21 ~~the Director as not constituting a take.~~

22 ~~**(4)** 1336 total acres of owl habitat must be provided within 1.3 miles of each~~  
23 ~~activity center, unless an alternative is reviewed and approved by the Director as not~~  
24 ~~constituting a take. The 1336 acres includes the habitat retained within subsections (1)-~~  
25 ~~(3) above.~~

1           ~~(5) The shape of the areas established pursuant to subsections (1) and (2) shall~~  
2 ~~be adjusted to conform to natural landscape attributes such as draws and~~  
3 ~~streamcourses while retaining the total area required within subsections (1) and (2)~~  
4 ~~above.~~

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