

Guidance for Registered Professional Foresters (RPFs) on the Submission of Northern Spotted Owl (NSO) Survey Information to Approved Plans

The California Department of Forestry and Fire Protection (CAL FIRE) is providing Plan preparers this guidance document to facilitate efficient evaluation of annual Northern Spotted Owl (NSO) survey information submitted annually to the Review Team for approved timber harvesting documents. Depending on the nature of the NSO survey data being submitted to CAL FIRE and in conformance with 14 CCR §§ 895.1, 1039 and 1040, the Review Team Chair makes the final determination whether it is considered: 1) information to the plan; 2) a minor deviation/amendment; or 3) a substantial deviation/amendment. Provision of the information in the format indicated below (and in the attachments) will assist the Review Team Chair in making the determination and processing the NSO survey information in an efficient and timely manner.

NSO survey information submissions should include:

- 1) A clear statement by the submitter that either: a) there are no changes to the approved Plan necessary based upon the completed surveys; b) minor deviations to the approved Plan are necessary based upon the completed surveys; c) substantial deviations from the approved Plan are being proposed based upon the completed surveys; or d) actions normally considered substantial deviations are being proposed as minor deviations based upon the completed surveys.
- 2) A narrative summary of the NSO protocol survey effort (relative to the 2012 US Fish and Wildlife Service (USFWS) guidance) that includes the following information:
 - a. Identification and explanation of any site specific measures proposed that differ from the 2012 USFWS survey protocol.
 - b. A statement of “no changes to the NSO protection measures in the approved plan” **OR** a summary of either changes to protection measures based on survey results or changes in operations (e.g., to the operational distance contingency relative to activity center reproductive status or to haul route designations, etc.)
- 3) A summary table of the NSO survey results
- 4) Results of visits/status determinations for known activity centers
- 5) Results of nocturnal surveys and associated follow-up visits
- 6) Data sheets (copies of original field forms or spreadsheet data compilations)
- 7) Results of any pre-consultation with the California Department of Fish and Wildlife (CDFW) and/or CAL FIRE

Based on the NSO survey information submission, the CAL FIRE Review Team will process the information under one of the three following categories:

Information to the Plan

If the results of your NSO surveys do not change the NSO protection measures in the approved plan, the NSO survey information submission will be processed as “**information to the plan.**” Examples of “information to the plan” include, but are not limited to the absence of NSO detections outside of known Activity Centers (ACs); NSO observed only at known ACs; or the absence of new ACs, etc. Additionally, if the NSO information

submission is covered under a Habitat Conservation Plan (HCP) and the protection measures and operational requirements are addressed in the HCP, the information submission will likely be processed as “information to the plan.” When RPFs state their submission is “information to the plan,” they are certifying that:

- 1) An updated check of the California Natural Diversity Database (CNDDDB) has been conducted;
- 2) The NSO surveys submitted were conducted in accordance with USFWS guidance or other previously agreed-upon alternative survey recommendations (or provisions approved in the plan with the USFWS 2012 NSO Survey Protocol guidance, and;
- 3) The NSO protection measures in the approved plan that have been determined to avoid take remain as detailed in the approved plan.

Minor Deviation/Amendment

If the results of your NSO surveys require minor deviation from NSO protection measures in the approved plan, submit the NSO survey information as a “request for amendment.” Examples where an amendment may be processed as a minor include, but are not limited to the following:

- 1) Short haul road segments now within 0.25 mi. of occupied Activity Center(s) and mitigation measures previously approved in the Plan for similar occurrences or typically considered appropriate to ensure take avoidance are now incorporated;
- 2) A pre-consultation with the California Department of Fish and Wildlife (CDFW) and/or CAL FIRE addresses the deviation and the determination is included in the information submission;
- 3) Changes to protection measures that conform, without exception, with current USFWS guidance;
- 4) The NSO Activity Center has moved, but the measures previously approved in the plan for protection of ACs are appropriate for the new location and will be applied and requires additional review by Review Team to determine if protection measures for the new location are appropriate.

Substantial Deviation/Major Amendment

If the results of your NSO surveys require new NSO protection measures or changes to the NSO protection measures in the approved plan that are not simply in conformance, without exception, to current USFWS guidance, submit the NSO survey information as a “request for amendment.” Examples where an amendment may be processed as a major include, but are not limited to the following:

- 1) A new Activity Center(s) detected within a harvest area, or;
- 2) An Activity Center has moved to within 1,000 feet of a harvest area and operations are proposed to remain the same, or;
- 3) An Activity Center has been determined to be abandoned by the USFWS since approval of the Plan and changes to silviculture, yarding, etc. are now being proposed in the area, or;
- 4) CDFW and/or CAL FIRE were not pre-consulted to develop mitigation measures to address changes in operational measures.

Substantial Deviation/Major Amendment proposed as a Minor Deviation/Amendment

If the results of your NSO surveys require new NSO protection measures or changes to the NSO protection measures in the approved plan that are not simply in conformance, without exception, to current USFWS guidance, submit the NSO survey information as a “request for amendment.” It is incumbent upon the submitter to clearly detail why the deviation should be considered minor and to provide details related to the changes to protection measures or changes in operations and the results of any pre-consultation with CDFW, USFWS and/or CAL FIRE within the NSO survey information submission. Examples where an amendment may be processed as a minor deviation where they would normally be considered substantial include, but are not limited to the following:

- 1) A new Activity Center(s) detected within a harvest area, or;
- 2) An Activity Center has moved to within 1,000 feet of a harvest area and operations are proposed to remain the same, and;
- 3) An Activity Center has been determined to be abandoned by the USFWS since approval of the Plan and changes to silviculture, yarding, etc. are now being proposed in the area.

Pre-Consultation

For any deviations to the plan and/or protocol where take avoidance must be confirmed, CAL FIRE strongly recommends RPFs pre-consult with CDFW and/or CAL FIRE. If these deviations occur within the owl survey season, it is best to consult with your local CDFW and/or CAL FIRE inspector immediately and prior to operations. Submission of pre-consultation documentation with NSO survey information submissions will greatly assist the Review Team Chair with the determination of how the NSO survey information submission should be categorized and processed.

Example Letters for Annual NSO Survey Information

Please Note:

The majority of annual NSO survey data submissions have been providing the information needed by CAL FIRE, though outliers always exist. The following annotated list is intended to assist submitters with topics to address within their submissions. If past submissions have typically not resulted in request for additional information, continuing to submit information in your existing manner should be sufficient. However, consideration of providing additional information from the list (if pertinent) is encouraged as the intent of the associated guidance is to reduce the number of instances in which CAL FIRE must request additional information.

Examples of information pertinent to Annual submission of updated NSO survey amendment requests

Most annual NSO survey data submissions provide the information needed by CAL FIRE for review. The following annotated list is intended to assist submitters with topics to address within their submissions. Providing additional information from the list (if pertinent) is encouraged and may expedite requests as the intent of the guidance is to reduce the instances in which CAL FIRE may request additional information.

- **Content of submission:** Narrative summary of what is being submitted (e.g., 6-visit surveys, spot checks, 2nd-year, 5th-year, etc., etc.). Please also note whether past survey results were provided in the original plan (Section 5) or submitted in request for previous amendments, date when the SPOWDB was last accessed to determine whether new or moved AC(s) may impact survey efforts or operation of the approved timber harvesting plan.
- **Survey Effort Summary:** Summary of survey effort (dates of survey, variation of station visit order through the season, # of survey nights required for complete (coverage) visits).
- **Survey Coverage and Access Issues:** Discussion of any property access issues that preclude survey or activity center(AC) searches or monitoring due to lack of access permission, safety, blowdown, snow, etc.
- **Detection of NSO:** Narrative summary (or summary table of NSO detections), including discussion of the results of guidance-recommended follow-ups to detections, discussion of project proponent determinations resulting from NSO surveys, detections, mousing efforts (if conducted), etc.
- **Detection of Competing Species:** Discuss any detection of barred owl and if barred owl specific surveys were conducted. Include any other species such as great-horned owl or northern goshawk.
- **Status or Changes to Known, or Establishment of New, Activity Centers:** Discussion of known or new activity centers (ACs) associated with the plan, including proximity to plan, recent/current site status, activity center search results, site monitoring results, changes to the center point of an activity center due to discovery of a new/different nest location, etc.
- **Disturbance (unavoidable):** Unavoidable disturbance (e.g., the only hauling route includes approach within 0.25 mi. of an AC) should include discussion of all pertinent disturbance mitigations (minimizations) that are planned in addition to discussion of 'no alternative' and NSO habituation considerations.
- **Safety & other rare situations:** If daytime (preferably dawn/dusk) surveys are required due to safety concerns (as foreseen in USFWS guidance), or other unusual situations arise, please fully explain the necessity and reasoning for alternative approaches to ensure take avoidance.

- **Include Survey Data and associated Maps:** Scans of field data sheets or office-compiled data sheets, spreadsheets, or summary tables, maps of calling stations, follow-up search tracks, with THP Units, NSO habitat typing, and existing ACs, or reference to where previously-submitted and currently accurate mapping can be accessed.
- **Consider including** a final statement that “take” of NSO is avoided due to existing, or updated as may be appropriate, protection measures in the approved plan, given the results of the current updated annual survey effort and in accordance with USFWS guidance on NSO surveys and take avoidance.

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Example Letters

Example 1. Information to the Plan

CAL FIRE Review Team
135 Ridgway Avenue
Santa Rosa, CA 95401

A clear statement of what is being submitted.

Re: Deer Creek THP 1-19-00000-CTY 2021 NSO Annual Survey Data Submittal

Dear Director,

The plan submitter is providing 2021 NSO survey data related to THP 1-19-00000-CTY to commence full timber operations. The 2019 and 2020 NSO survey data have been provided to the approved THP.

There are two known NSO ACs located within 0.7 miles of the plan area, CTY0058 and CTY1129. CTY1129 is the only AC located on the ownership. Permission to access off-ownership ACs is not granted by the adjacent landowner. See attached map for the subject THP with survey locations. (*NOTE: a map is intentionally not provided for this example*)

The subject THP is in Year 5 of the NSO survey and six surveys were conducted across the entire ownership. The 2021 NSO surveys were conducted on the following dates: 03/16, 04/02, 04/28, 05/15, 06/03, and 06/20. A male and female pair were detected at station 11 on 04/02. A follow-up visit on 04/04 located the pair at CTY1129. No other NSO detections occurred for the remainder of the surveys. A barred owl was detected at Station 27 during normal NSO surveys. Barred owl specific surveys were not conducted.

A new query of CDFW's Spotted Owl Database was done on February 16, 2021 for the THP and no new ACs were detected or moved.

There are no changes to the operational measures in the THP based on the current year survey results and the plan submitter believes take of NSO will be avoided.

A clear statement that after all the survey results and information provided, operational measures will not change and therefore, the plan does not change.

Example 2. Information to the Plan

CAL FIRE Review Team
135 Ridgway Avenue
Santa Rosa, CA 95401

Re: Deer Creek THP 1-19-00000-CTY 2021 NSO Annual Survey Data Submittal

Dear Director,

The plan submitter is providing 2021 NSO survey data related to THP 1-19-00000-CTY to commence full timber operations. The 2019 and 2020 NSO survey data have been provided to the approved THP.

There are two known NSO ACs located within 0.7 miles of the plan area, CTY0058 and CTY1129. CTY1129 is the only AC located on the ownership. Permission to access off-ownership ACs is not granted by the adjacent landowner. See attached map for the subject THP with survey locations. (NOTE: a map is intentionally not provided for this example)

The subject THP is in Year 5 of the NSO survey and six surveys were conducted across the entire ownership. No barred owls were detected during NSO surveys and no specific barred owl surveys were conducted.

	03/16	04/02	04/28	05/15	06/03	06/20
1	X	X	X	X	X	X
3	X	X	X	X	X	X
4	X	X	X	X	Skipped**	X
11	X	MF*	X	X	Skipped**	X
15	X	X	X	X	Skipped**	X
15a	X	X	X	x	X	X

X = non-detect

* Follow-up on 04/04 – MF pair detected in 24-inch dbh Doug-fir

** Daytime survey search of CTY1129 found MF pair nesting in same location as 04/04

The plan submitter contacted CDFW biologist to consult about the location of the nest site. CDFW agrees with the new nest location and the pair is identified as CTY1129. The consultation with CDFW is attached. (NOTE: the “consultation” is intentionally not provided for this example. Providing consultation correspondence with annual surveys is strongly encouraged)

Consultations help build in the plan record and allow Review Team to make quick determinations.

A new query of CDFW’s Spotted Owl Database was done on February 16, 2021 for the THP and no new ACs were detected or moved. The plan submitter provided the SPOWDB manager with the new location for CTY1129.

There are no changes to the operational measures in the THP based on the current year survey results and the plan submitter believes take of NSO will be avoided.

A clear statement that after all the survey results and information provided, operational measures will not change and therefore, the plan does not change. Also, the plan submitter’s determination take is avoided is helpful.

Example 3. Minor Amendment

CAL FIRE Review Team
135 Ridgway Avenue
Santa Rosa, CA 95401

Re: Deer Creek THP 1-19-00000-CTY 2021 NSO Annual Survey Data Submittal

Dear Director,

The plan submitter is providing 2021 NSO survey data related to THP 1-19-00000-CTY to commence full timber operations. The 2019 and 2020 NSO survey data have been provided to the approved THP.

There are two known NSO ACs located within 0.7 miles of the plan area, CTY0058 and CTY1129. CTY1129 is the only AC located on the ownership. Permission to access off-ownership ACs is not granted by the adjacent landowner. See attached map for the subject THP with survey locations. (*NOTE: a map is intentionally not provided for this example*)

The subject THP is in Year 5 of the NSO survey and six surveys were conducted across the entire ownership. The 2021 NSO surveys were conducted on the following dates: 03/16, 04/02, 04/28, 05/15, 06/03, and 06/20. A male and female pair were detected at station 11 on 04/02. A follow-up visit on 04/04 located the pair in a 24-inch dbh Douglas-fir about 1,000 feet NE of CTY1129. The pair was found nesting on 06/03 at the same Doug-fir as 04/04. No barred owls were detected during NSO surveys and no specific barred owl surveys were conducted.

A new query of CDFW's Spotted Owl Database was done on February 16, 2021 for the THP and no new ACs were detected or moved.

While the location of the NSO AC has moved, the plan submitter contends there are no changes to the operational measures in the THP based on the current year survey results and the plan submitter believes take of NSO will be avoided.

While the submitter is stating there are no operational changes to the plan, the movement of an AC, and operational measures that may be associated with the movement, should be verified.

Example 4. Major Amendment

CAL FIRE Review Team
135 Ridgway Avenue
Santa Rosa, CA 95401

Re: Deer Creek THP 1-19-00000-CTY 2021 NSO Annual Survey Data Submittal

Dear Director,

The plan submitter is providing 2021 NSO survey data related to THP 1-19-00000-CTY to commence full timber operations. The 2019 and 2020 NSO survey data have been provided to the approved THP.

There are two known NSO ACs located within 0.7 miles of the plan area, CTY0058 and CTY1129. CTY1129 is the only AC located on the ownership. Permission to access off-ownership ACs is not granted by the adjacent landowner. See attached map for the subject THP with survey locations. *(NOTE: a map is intentionally not provided for this example)*

The subject THP is in Year 5 of the NSO survey and six surveys were conducted across the entire ownership. The 2021 NSO surveys were conducted on the following dates: 03/16, 04/02, 04/28, 05/15, 06/03, and 06/20. A male and female pair were detected at station 11 on 04/02. A follow-up visit on 04/04 located the pair in a 24-inch dbh Douglas-fir about 3,200 feet SE of CTY1129. The pair was found nesting on 06/03 at the same Doug-fir as 04/04. No barred owls were detected during NSO surveys and no specific barred owl surveys were conducted.

Attached is a map of the new NSO AC location. The AC is approximately 450 feet outside of the plan area. Pre- and post-harvest maps of the new AC with habitat tables are provided. *(NOTE: maps and tables are intentionally not provided for this example)*. Based on the 2021 survey results, new NSO AC information and operational measures the plan submitter believes take of NSO will be avoided.

Operational measures in the plan are being changed and the measures to avoid take of NSO should be reviewed by the Review Team. Reviewing these measures along with the maps and survey results provided will likely result in a longer review timeframe as afforded by a major amendment. It is strongly encouraged that any new NSO information that may rise to the level of a major amendment be pre-consulted with CAL FIRE and/or CDFW to streamline review processes.

Rule References

14 CCR § 895.1 provides definitions for “Minor Deviations” and “Substantial Deviations” to plans which can translate to the Review Team if and how to process new plan information as an amendment

Minor Deviations means any change, minor in scope, in a plan which can reasonably be presumed not to make a significant change in the conduct of Timber Operations and which can reasonably be expected not to significantly adversely affect Timberland productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment.

Substantial Deviation means changes that are not “minor deviations” as defined in § 895.1 and are presumed to be substantial deviations because they could significantly affect the conduct of Timber Operations and potentially could have a significant adverse effect on timber productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation and aesthetic enjoyment. Such actions include, but are not limited to:

- (1) Change in location of timber harvesting operations or enlargement of the area to be cut.
- (2) Change in the silvicultural method and cutting system on any portion of the plan area.
- (3) Change in type or location of logging (Yarding) system or basic type of equipment.
- (4) Change in location, nature or increase in length of proposed Logging Roads incorporating one or more of the following criteria:
 - (A) Any road in the Watercourse and Lake Protection Zone or where sidecast will extend into the Watercourse and Lake Protection Zone.
 - (B) Any road located in an extreme Erosion Hazard Rating area in the Coast or Northern Forest District, or a high Erosion Hazard Rating area in the Southern Forest District.
 - (C) Any road where the average side slope exceeds 50%.
 - (D) Any road where unstable areas, active soil movement, or slide areas must be traversed.
 - (E) Any increase in gradient allowed by the District Rules as an exception and not provided for in the original plan.
 - (F) Any road extension of more than 600 feet (182.9 m).
- (5) Any use of existing roads not shown in the original plan when reconstruction work to allow for vehicle travel will be substantial. Substantial work on an existing road means more than minor repair and dressing of the travel surface and removal of vegetation to allow for vehicle passage.
- (6) Use of any roads not shown in the plan which would affect the key habitat of rare or endangered species or other critical wildlife habitat.
- (7) Enlargement of Landings where such enlargement was not justified in the original plan.
- (8) Any change of operation in, or designation of, the Watercourse and Lake Protection Zone.
- (9) Any downgrading of Stream classification.
- (10) A change to winter operation where summer operations was previously specified.