# NTMP Spotted Owl Resource Plan

# Overview

Non-Industrial Timber Management Plans (NTMP) are long-term plans for land ownerships of 2,500 acres or less. “Nonindustrial timber management plan” means a management plan for nonindustrial timberlands with an objective of an uneven-aged managed timber stand and sustained yield for each parcel or group of contiguous parcels meeting the requirements of [PRC § 4593.3](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000220&refType=LQ&originatingDoc=I575d40001a4711e9abfae3c553971ecc&cite=CAPHS4593.3).  NTMPs are available to small landowners seeking to manage their property as uneven-aged timberland on a long-term basis. The Legislative findings and declaration in PRC 4593(b) state that:

*“The Legislature further finds and declares that minimal environmental harm is caused by prudent management of non-industrial timberlands because low volume production and dispersion around the state of these small tracts reduces damage to aesthetics, air quality, watersheds, and wildlife.”*

There are over 650 NTMPs currently within the range of the Northern Spotted Owl accounting for over 250,000 acres of potential NSO habitat. Given their uneven-aged management, NTMPs typically don’t modify NSO habitat in the sense of reducing it, but rather result in maintenance or improvement of habitat.

Spotted Owl Resource Plan (SORP), according to 14 CCR §895.1, *means a plan that demonstrates an approach to preventing a taking of northern spotted owl while conducting timber harvest operations. A Spotted Owl Resource Plan necessarily involves more than one timber harvest plan area.* The purpose of this SORP is to:

* recognize the benefits of landowners with NTMPs as long-term strategies for maintaining and growing NSO habitat
* work with small landowners in providing regulatory relief where appropriate
* engage multiple NTMP holders on a landscape scale to be enrolled in a SORP

Because habitat is likely not a limiting factor specifically for NTMPs, then take avoidance strategies can focus on other take avoidance measures and consider site specific measures. There are several options for NTMPs to demonstrate NSO take avoidance. The following three options outline the primary manner in which an NTMP may demonstrate take avoidance under this SORP.

1. Follow the Prescriptive Take Avoidance Option
2. Provide documented consistency with a previously approved Habitat Retention Agreement from the USFWS
3. Design a site-specific take avoidance strategy based upon site-specific conditions and survey data.

Project proponents can amend their NTMP to identify and include which method of take avoidance above is being applied along with documented endorsement from agency staff. Once amended into the NTMP, the take avoidance measures would remain valid as long as habitat conditions are consistent with the analysis provided in the chosen NTMP take avoidance option. If habitat conditions have changed since the previous amendment of take avoidance measures into the NTMP, modification of the take avoidance measures and subsequent corresponding amendment of the NTMP would be necessary.

Please note, this SORP was developed by staff from CAL FIRE and CDFW, some of whom are designated as a Spotted Owl Expert as defined in 14 CCR §895.1.

## 1. Prescriptive Take Avoidance Option

Proponent prepares an “NTMP NSO Take Avoidance Strategy” information packet including the following elements and submits it to CAL FIRE for review and consideration of endorsement.

* Provide a description of **Current Conditions**-
	+ Summarize NSO Activity center history for the plan area and within 0.7-mi.
	(1.3-mi. inland).
	+ Identify any NSO core areas within 0.7-mi. (1.3-mi. inland) of the plan area. NSO core area is a predetermined 100 acre area consisting of the most recent nesting activity and contiguous higher quality nesting/roosting habitat.
	+ Summarize the NSO survey activity for the plan area and, if available, within 0.7-mi.
	(1.3-mi. inland) of the plan area. Summary should include survey results, survey station map, detection map, and AC search summaries.
	+ Summarize current NSO habitat as defined by current USFWS habitat guidance for the plan area and for NSO activity centers within 0.7-mi. (1.3-mi. inland) of the plan area.
	+ Demonstrate that the future condition (NSO habitat typing) of the plan area will maintain (nesting/roosting) or improve NSO habitat (e.g., non-habitat to foraging to nest/roost) consistent with the growth and yield demonstration of the NTMP.
	+ Current NSO database information.
* Provide a plan for **Monitoring and Reporting-**
	+ AC searches within the plan area and within 0.25 mi. of plan area (if access is allowed) conducted prior to operations and optional determination of reproductive status after May 15th.
	+ Pre-operative surveys- for the appropriate physiographic province[[1]](#footnote-1)
		- Plans with no recent survey history will require a 1-year, six-pass survey with at least one survey after June 1st, prior to operations.
		- Plans with recent survey history will require a 1-year, three-pass survey prior to operations.
		- Knowledge of past Barred Owl presence or new Barred Owl detection will require additional 3 visits for the survey area.
	+ Survey/Monitoring results to be included in the plan prior to operations.
	+ Unless otherwise specified, surveys should adhere to the USFWS 2012 NSO Survey Protocol guidance.
* **Disturbance minimization**
	+ Operations will be precluded starting February 1st, until necessary surveys are completed for the area of operations. Continuation of existing operations into February may occur if proposed to, and concurred with, CAL FIRE, prior to January 15th and included in the plan.
	+ No operations will be conducted within 0.25-mi. of an active AC unless proposed to, and concurred with, CAL FIRE prior to commencement of operations.
* **Habitat Modification**- after completion of annual surveys
	+ Outside of a Core Area, Proposed Harvest will not reduce the pre-harvest habitat type
		- Nest/Roosting habitat will maintain >60% canopy and 150 ft2 of trees greater than or equal to 18-inch DBH. Up to 20% of the basal area can be hardwoods and/or can be legacy trees.
		- Foraging habitat will maintain at least 75 ft2 per acre of trees greater than or equal to 11-inch DBH. Up to 10% can of the basal area can be hardwoods and/or legacy trees.
		- Harvest no more than 40% of the pre-existing conifer basal area.
		- Limit group openings to no larger than 0.9 acre for every 10 acres within 0.7-mi. les of an AC (1.3-mi. inland).
		- Retain or recruit legacy trees and snags to a minimum level of 1 per acre and retain all down logs. Legacy trees are considered green culls, snags, malformed or non-merchantable trees. Maintain a mix of dominant tree species including hardwoods.
		- All past NSO nest trees and screen trees (intermingling limbs) shall be retained.
	+ Within core area- after the AC has been determined to be non-nesting after May 15 or if status is not determined- after August 15.
		- No more 33% of the core area (acres) within any rolling five-year period may have operations conducted (while maintaining Nest/Roost standards below), inclusive of years prior to this take avoidance strategy. Please note, 33% of the entire core area, not just the core area on the landowner’s property. The entire core area is utilized not just the portion under the ownership/control of the landowner. Please note, this is a first come, first serve situation. Adhering to this standard may require close coordination with neighboring/adjacent landowners. [[2]](#footnote-2)
		- Maintain Nest/Roost habitat as follows
			* Maintain at least 66% of the trees greater than 18-inch DBH and 66% of trees greater than 30-inch DBH.
			* Maintain at least 60% canopy cover of trees greater than 18-inch DBH.
			* Maintain at least 150 ft2 per acre of trees greater than 18-inch DBH. Up to 10% can be hardwoods and up to 10% can be legacy trees.
			* Retain or recruit legacy trees and snags to a minimum level of 1 per acre and retain all down logs. Legacy trees are considered green culls, snags, malformed or non-merchantable trees. Maintain a mix of dominant tree species including hardwoods.
			* All NSO nest trees and associated screen trees (intermingling limbs) shall be retained.

## 2. Documented consistency with a previously approved Habitat Retention Agreement from the USFWS Option

 Proponent prepares an “HRA Consistency Take Avoidance Strategy” information packet consistent with and including the original Habitat Retention Agreement with the USFWS. Submit the information packet to CAL FIRE for review and consideration of endorsement.

## 3. Site-Specific Take Avoidance Strategy Option

Proponent prepares a “Site-Specific Take Avoidance Strategy” information packet including the following elements and submits it to CAL FIRE for review and consideration of endorsement.

* Provide a description of **Current Conditions:**
	+ Summarize NSO Activity center history for the plan area and within 0.7-mi. (1.3-mi. inland) of the plan area.
	+ Identify any NSO core areas within 0.7-mi. (1.3-mi. inland) of the plan area. NSO core area is a predetermined 100-acre area consisting of the most recent nesting activity and contiguous higher quality habitat.
	+ Summarize the NSO survey activity for the plan area and, if available, within 0.7-mi. (1.3-mi. inland) of the plan area. Summary should include survey results, survey station map, detection map and AC search summaries.
	+ Summarize current NSO habitat for the plan area and NSO activity centers within 0.7-mi. (1.3-mi. inland) of the plan area.
	+ Demonstrate the future conditions (NSO habitat typing) of the plan area will maintain (nesting/roosting) or improve NSO habitat (e.g., non-habitat to foraging to nest/roost) consistent with the growth and yield demonstration of the NTMP.
	+ Current NSO database information.
* Provide **Monitoring and Reporting Strategy**, along with necessary explanation and justification for take avoidance.
* Provide **disturbance minimization** and habitat modification strategy, along with necessary explanation and justification.
* Plan proponent may wish to pre-consult with CAL FIRE prior to submittal.

This list of site-specific scenarios is not exhaustive and there may be additional items to consider and included.

## NTMP SORP Enrollment

Step 1.
The project proponent will request endorsement for NSO take avoidance from a CAL FIRE SOE as described in 14 CCR §919.9(a) [§939.9(a)]. CAL FIRE will coordinate with a CDFW for the appropriate area. For the endorsement, the project proponent shall provide the following information to the CAL FIRE SOE:

* A statement requesting enrollment in the NTMP SORP;
* Identification of the method for take avoidance options listed above;
* Measures for NSO take avoidance corresponding with the chosen option;

Once the CAL FIRE SOE has completed review of the package, an endorsement letter will be provided to the project proponent.

Step 2.
The project proponent submits the enrollment package and endorsement letter as an amendment to the appropriate CAL FIRE Review Team office. CAL FIRE Review Team will then review the proposed amendment consistent with 14 CCR §1090.24 and 14 CCR §1090.25. Once the amendment has been approved by the CAL FIRE Review Team, the SORP enrollment can be utilized as the NSO take avoidance strategy.

1. In the 2012 USFWS “Protocol for Surveying Proposed Management Activities that may Impact Northern Spotted Owls,” the general survey period for NSO begins March 15 and for the California Coast Range the survey period begins March 1st. [↑](#footnote-ref-1)
2. If status of the NSO activity center is determined to be unoccupied as defined in 14 CCR §895.1, then the measures related to this bullet point may be waived. [↑](#footnote-ref-2)