

**Pre-implementation Compliance Review for
the Regional Mexican spotted owl (MSO) Recovery Strategy
March 4, 2022**

The purpose of this document is to ensure that all vegetation management projects in MSO habitat with signed NEPA decisions are compliant with the appropriate MSO recovery plan(s).

This document should be prepared and reviewed by interdisciplinary specialists who have knowledge of the project area, MSO habitat and recovery needs, and the treatments to be implemented. At minimum, this will normally require the project lead, such as a forester &/or fuels specialist, a certified silviculturist, and qualified biologist.

Project Name:	49er East		
USFS Forest and District:	South Zone Kaibab National Forest		
Recovery Plan (RP) implementing (1995, 2012, or both):	2012		
Which Ecological Management Unit(s) (EMU) is/are present in the treatment areas?	Upper Gila Mountains		
Reviewed by qualified biologist (Name, Title):	Justin Schofer 10/10/2023	Prepared by Project Lead (Name, Title):	Travis Largent
Date Project Reviewed:	9/6/2023		
Reviewer Signature:	<i>Justin Schofer</i> 10/10/2023		

Project Type (check all that apply):			
<input checked="" type="checkbox"/> Thinning (i.e., tree cutting)	<input type="checkbox"/> Mastication	<input type="checkbox"/> Prescribed burning <input type="checkbox"/> <i>includes pile burning</i>	<input type="checkbox"/> Other _____
Project Description: (Project type, prescription summary, acres, etc.)	Mechanical treatment. Approximately 272 acres of foraging non-nesting. Use an intermediate treatment to create and enhance groups and openings, with a target basal area of 60-80 ft2 BA/ac including junipers and oak. Retain all oaks, pines >24" DBH, snags >18" DBH", and downed woody debris.		
Estimated Implementation Timeline	Offered in Fall of 2023. Implementation between Fall 24-29		

Project Documents			
NEPA Decision Project Name	NEPA Decision Document Type (DM, DN, ROD)	Responsible Line Officer	Decision Date
4FRI	ROD	Mike Williams and EARL Stewart	4/17/2015
ESA Consultation Number	Consultation Document Type (Concurrence, BO)	USFWS Office	Date
22140-. 2011-F-0145	BO	Arizona Ecological Services Office, Phoenix, AZ.	October 20, 2014

Review – Survey/Monitoring	Yes/No/NA	Completed or Scheduled Survey Dates
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1. Were MSO surveys <u>completed to protocol</u> (or are they scheduled to be prior to project implementation)?	Yes	Year 1 was complete in 2023 Year 2 will be complete in 2024
2. If the survey information for the project/treatment area is <u>more than 5 years old</u> , have you conducted or planned another year of inventory survey prior to implementation of treatment?	N/A	
3. If approaching the 5-year mark, do we have plans during the current Fiscal Year to complete the additional year survey prior to implementation?	N/A	
<i>If FS completed two years of pre-implementation surveys and 5 years have not elapsed, project can proceed.</i>		
If answer to any is No, then inform the local Line Officer and contact the Regional Threatened and Endangered Program Manager to determine how to proceed.		
What is the planned path forward?	N/A	
Estimated timeframe to complete surveys?	N/A	

Review – Habitat and Management Areas (see definitions and terms below) <i>(If the project is located within MSO habitat refer to and follow the Regional MSO Habitat Treatment Implementation Guidance)</i>	Yes/No
1. Is protected habitat (PACs or steep slopes) and/or restricted habitat identified? Including target/threshold habitat (1995 RP)? Or, is PAC and recovery habitat, including recovery nest/roost habitat, identified (2012 RP)? If No, then inform the local Line Officer and contact the Regional Threatened and Endangered Program Manager to determine how to proceed.	No
2. Is project within MSO PAC Core?	No
3. Is project within MSO PACs outside of Core?	No
4. Is project within MSO Critical Habitat?	Yes
5. Is project within MSO Recovery (2012 RP), Protected (Outside of PACs) (1995 RP), or Restricted Habitat (1995 RP)?	Yes
6. Is project within MSO Recovery Nest/Roost (NR) (2012 RP) or Target/Threshold Habitat (1995 RP)?	No
7. Is the project within MSO Recovery Foraging/Dispersal (2012 RP) or Restricted Non-Target Threshold Habitat (1995 RP)?	Yes

Remarks on Habitat Determinations	
Please add a short statement about the vegetation in the project area to provide context to MSO habitat in this EMU (e.g., the vegetation is pure ponderosa or PJ; the EMU does not include pine-Gambel oak; etc.).	The timber sale has 272 acres of pine-oak foraging non-nesting/dispersal Recovery Habitat. This is pine oak with natural openings
<i>If the answer is Yes, for any questions 1-7 in Review - Habitat and Management Areas, ensure that treatments are consistent with the direction in the Regional MSO Mgt Strategy and the MSO Recovery Plan and/or the ESA Section 7 consultation. [Initials.]</i>	<i>TL</i>

Definitions and Terms

The section below provides information to help define the terms used in the tables above. For additional information please refer to the parent documents.

MSO 1995 Recovery Plan (USDI Fish and Wildlife Service 1995)

- Protected Habitats:
 - Protected Activity Centers (PAC): a minimum of 600-acre area around MSO nest/roost sites that incorporates the best nest/roost habitat. Within the PAC, designate a 100-acre area (core area) around nest or primary roost areas.
 - All areas in mixed conifer and pine-oak types with slope >40% where timber harvest has not occurred in the past 20 years outside of PAC's.
- Restricted Habitats: Currently unoccupied suitable MSO habitat occurring in pine-oak (depending on EMU), mixed conifer, and riparian forests. Owls may use these habitats for nesting, roosting, foraging, dispersal, and/or other life history needs.
 - Restricted Target/Threshold Habitat: Habitat outside of PACs where nesting structure currently exists or can be managed to be met in the future (Table III.B.).
 - Restricted Non-Target/Threshold Habitat: Habitat outside of PAC's that is currently not in nesting structure or less likely to be met in the foreseeable future. Forested stands managed to provide foraging, dispersal, wintering, or other habitat needs.

MSO 2012 Recovery Plan (USDI Fish and Wildlife Service 2012)

- Protected Habitats: Protected habitat encompasses the area that within a Protected Activity Center (PAC). A PAC is a 600-acre area designated around MSO owl nest/roost sites. Within the PAC, designate a 100-acre core area around nest or primary roost areas.
- Recovery Habitats: Currently unoccupied suitable MSO habitat occurring in pine-oak (depending on EMU), mixed conifer, and riparian forests and/or rocky canyons. Owls may use these habitats for nesting, roosting, foraging, dispersal, and/or other life history needs.
 - Forested Recovery Habitat: Forested habitat occurring in mixed-conifer and pine-oak (depending on EMU) forests outside of PAC's.
 - ❖ Recovery Nest/Roost Habitat: Forested stands identified as meeting or exceeding owl nest/roost conditions (See Tables C.2 & C.3 of MSO Recovery Plan).
 - ❖ Recovery Foraging/Non-breeding Habitat (Foraging/Dispersal): Forested stands managed to provide foraging, dispersal, wintering, or other habitat needs.
 - Riparian Recovery Habitat: Riparian forests are plant communities affected by surface and subsurface hydrologic features of perennial or intermittent water bodies. Riparian forests are: 1) distinctively different tree and shrub species than the adjacent areas; and/or, 2) tree species similar to adjacent areas but exhibiting more vigorous or robust growth forms.

Critical Habitat (USDI Fish and Wildlife Service 2004)

Critical Habitat is specific geographic areas that are essential for the conservation of a threatened or endangered species and that may require special management considerations. Designated critical habitat only exists in areas defined as MSO habitat in the 1995 Recovery plan and its 2012 revision.

- Primary constituent elements (PCE's): PCE's are essential to the conservation of the owl and include those physical and biological features that support nesting, roosting, and foraging. Primary constituent elements (PCE's) are only found within designated specific geographic areas of critical habitat.
 - ❖ Primary constituent elements related to forest structure.
 1. a range of tree species, including mixed conifer, pine-oak, and riparian forest types, composed of different tree sizes reflecting different ages of trees, 30 percent to 45 percent of which are large trees with a trunk diameter of 12 inches (0.3 meters) or more when measured at 4.5 feet (1.4 meters) from the ground;
 2. a shade canopy created by the tree branches covering 40 percent or more of the ground; and
 3. large dead trees (snags) with a trunk diameter of at least 12 inches (0.3 meters) when measured at 4.5 feet (1.4 meters) from the ground.
 - ❖ Primary constituent elements related to prey base.
 1. High volumes of fallen trees and other woody debris;
 2. A wide range of tree and plant species, including hardwoods; and
 3. Adequate levels of residual plant cover to maintain fruits, seeds, and allow plant regeneration.
 - ❖ Primary constituent elements related to canyon habitat (one or more of the following).
 1. presence of water (often providing cooler and often higher humidity than the surrounding areas.
 2. clumps or stringers of mixed conifer, pine-oak, pinyon-juniper, and/or riparian vegetation.
 3. canyon wall containing crevices, ledges, or caves.
 4. high percent of ground litter and woody debris.

Literature Cited

USDI Fish and Wildlife Service. 1995. Recovery plan for the Mexican spotted ow. Vol. 1. Albuquerque, New Mexico. 172pp. Available at

<https://www.fws.gov/southwest/es/arizona/Documents/RecoveryPlans/MexicanSpottedOwl.pdf>

_____. 2012. Final Recovery Plan for the Mexican Spotted Owl (*Strix occidentalis lucida*), First Revision. U.S. Fish and Wildlife Service. Albuquerque, New Mexico. 413 pp. Available at

https://ecos.fws.gov/docs/recovery_plan/MSO_Recovery_Plan_First_Revision_Dec2012.pdf

_____. 2004. Final designation of critical habitat for the Mexican spotted ow. Final Rule. Fed. Regist. 69 (168): 53182- 53298. Available at <https://www.govinfo.gov/content/pkg/FR-2004-08-31/pdf/04-19501.pdf#page=2>