

**Pre-implementation Compliance Review for  
the Regional Mexican spotted owl Recovery Strategy  
June 7, 2021**

*The purpose of this document is to ensure that all projects 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:   | Handy Hunter Project – Christopher-Hunter EA and Rim Country EIS |   |  |
| USFS Forest and District :                            | <b>Tonto NF, Payson RD</b>                                       |   |  |
| Recovery Plan (RP) implementing (1995, 2012, or both: | Both   |   |  |
| Which EMU's are present in the treatment areas?       | <b>Upper Gila Mountains-10</b>                                   |   |  |
| Reviewed by qualified Biologist (Name, Title):        | <b>Christina Akins<br/>Zoned District<br/>Wildlife Biologist</b> | Prepared by Project Lead (Name, Title): | <b>Patty Ringle<br/>Silviculturist</b> |
| Date Project Reviewed:                                | <b>12/08/2021</b>  |   |  |
|   |  |   |  |

|   |                                    |  |                                       |   |  |
|---|------------------------------------|--|---------------------------------------|---|--|
| Project Type:   |                                    |  |                                       |   |  |
| Timber Sale   | Service Contract with tree cutting | Grant or Agreement with Tree Cutting   | Force Account Thinning / tree cutting | Grant or Agreement with Prescribe Burning | <b>Force Account Prescribe Burning</b> |
| <b>x</b>  |                                    |  |                                       |   | <b>x</b>                               |
| Project Description:<br><i>(Thin, Pile, DBH limit, acres, etc.)</i> |                                    | Mechanical felling of trees < 18 inches DBH<br>Chipping/removal of biomass -or- mastication<br>Broadcast burning<br>1200 acres |                                       |   |  |
| Estimated Implementation Timeline                                   |                                    | Timber Contract to be awarded FY25; Prescribed burning to occur in FY26-30   |                                       |   |  |

| NEPA Decision Project Name               | NEPA Decision Document Type (DM, DN, ROD) | Responsible Line Officer                                      | Decision Date         |
|--|---|---|-----------------------|
| Christopher-Hunter EA<br>Rim Country EIS | DN<br>ROD                                 | Gene Blankenbaker and<br>Neil Bosworth, Forest<br>Supervisors | 4/6/2009<br>9/19/2022 |

|   |            |
|---|------------|
| Review – Habitat and Management Areas (see definitions and terms below)<br><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 project within MSO PAC Core?  | <b>No</b>  |
| 2. Is project within MSO PACs outside of Core?  | <b>Yes</b> |
| 3. Is project within MSO Critical Habitat?  | <b>Yes</b> |

|  |     |
|--|-----|
| 4. Is project within MSO Recovery (2012 RP), Protected (Outside of PACs) (1995 RP), or Restricted Habitat (1995 RP)?   | Yes |
| 5. Is project within MSO Recovery Nest/Roost (NR) (2012 RP) or Target/Threshold Habitat (1995 RP)?   | Yes |
| 6. Is the project within MSO Recovery Foraging (2012 RP) or Restricted Non Target Threshold Habitat (1995 RP)?   | Yes |
| <b>Remarks on Habitat Determinations</b>   |     |
| If answer is <i>No</i> for all questions above, then the project can proceed. 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).  |     |
| If the answer is <i>Yes</i> for any questions above, <i>then refer to the Regional MSO Habitat Treatment Implementation Guidance on how to proceed.</i>  |     |
| <p>Minor amounts of restricted habitat identified during NEPA. Field verified that these areas do not contain basal area of 20 ft/ac Gambel oak. Also, project has an 18” diameter cap under the Christopher-Hunter NEPA. Prescriptions followed proposed treatments outlined in EA. Areas with greater numbers of larger trees will be left denser due to cap.</p> <p>MSO detected during inventory surveys in 2019. The detections resulted in the establishment of Hunter PAC and cut units within the new PAC were dropped from the sale area. Timing restrictions will be placed on harvesting operations within ½ mile of MSO PAC boundaries.</p> <p>Project work will follow design features outlined in Rim Country EIS and/or conservation measures outline in Handy Hunter EA when applicable.</p> |     |

| <b>Review Survey/Monitoring</b>  | <b>Yes/No</b> | <b>Completed or Scheduled Survey Dates</b>                    |
|--|---------------|---|
| 1. Were there <u>2</u> years of MSO survey prior to project implementation?  | Yes           | Completed two years of MSO inventory surveys. (2018 and 2019) |
| 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           | An additional survey will be completed 2025.                  |
| If answer to all is <i>Yes</i> can project proceed? yes  |               |   |
| If no, why?  | -             |   |
| If answer to any is <i>No</i> , then what remedy is needed?  | -             |   |
| Estimated Timeframe?   | -             |   |

## **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 buffer that is developed around Mexican spotted owl nest/roost sites that incorporates the best nest/roost habitat. Within the PAC, an established 100 acre buffer (core area) is developed 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 Mexican spotted owl habitat occurring in pine-oak (depending on EMU), mixed conifer, and riparian forests. These habitats may be or have the potential to be used by owls for nesting, roosting, foraging, dispersal, and/or other life history needs.
  - Restricted Target/Threshold Habitat: Habitat outside of PAC's 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 is found within a Protected Activity Center (PAC). A PAC is a 600 acre buffer that is developed around Mexican spotted owl nest/roost sites. Within the PAC, an established 100 acre buffer (core area) is developed around nest or primary roost areas.
- **Recovery Habitats:** Currently unoccupied Mexican spotted owl habitat occurring in pine-oak (depending on EMU), mixed conifer, and riparian forests and/or rocky canyons. These habitats may be or have the potential to be used by owls 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: 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](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>