Pre-implementation Compliance Review for the Regional Mexican spotted owl Recovery Strategy August 6. 2021

The purpose of this document is to ensure that all vegetation management projects identified within a Forest's 5-year plan 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:	Keger Project, Rim Country EIS		
USFS Forest and District:	**Tonto NF, Payson RD**		
Recovery Plan (RP) implementing (1995, *2012, or both*):	2012		
Which EMU(s) is/are present in the treatment areas?	**Upper Gila Mountains-10**		
Reviewed by qualified Biologist (Name, Title):	**Christina Akins Zoned District Wildlife Biologist**	Prepared by Project Lead (Name, Title):	**Patty Ringle TNF Silviculturist**
Date Project Reviewed:	**12/08/21**		

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	**Force Account Prescribe Burning**
		x			**x**
Project Description: *(Thin, Pile, DBH limit, acres, etc.)*	Thinning approximately 1900 acres via mechanized logging equipment, followed by prescribed broadcast burning to occur over the next 10 years. Ponderosa pine, evergreen oaks, and junipers will be thinned following the Rim Country treatment matrix using uneven-aged management group selection. The project will follow the old and large tree retention strategy.				
Estimated Implementation Timeline	2025-2030				

NEPA Decision Project Name	NEPA Decision Document Type (DM, DN, ROD)	Responsible Line Officer	Decision Date
Rim Country	**ROD**	**Neil Bosworth, et al**	**September 19, 2022**

Review Survey/Monitoring	**Yes/No**	**Completed or Scheduled Survey Dates**
1. Were there 2 years of MSO survey prior to project implementation?	**Yes**	**In most of the project area, suitable owl habitat components for MSO are not located inside or adjacent to the project area beyond**

		habitat found in existing protected activity centers (PACs). There are a few stands identified as foraging / non-breeding but surveys initiated in 2022 have resulted in no response. Surveys will continue in 2023.
2. If the survey information for the project/treatment area is more than 5 years old, 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**	
If two years of pre-implementation surveys have been completed and 5 years have not elapsed, project can proceed.	**N/A**	
If answer to any is *No*, then inform the local Line Officer and contact the Regional Threatened and Endangered Program Manager to determine what remedy is needed.	**N/A**	
Estimated Timeframe for the remedy?	**N/A**	

Review – Habitat and Management Areas (see definitions and terms below) (*If the project is located within MSO habitat refer to and follow the Regional MSO Habitat Treatment Implementation Guidance*)	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 what remedy is needed.**	**Yes (owl habitat was identified in Rim Country EIS analysis)**
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)**?	**Yes – model identified 36 acres.**
7. Is the project within MSO Recovery Foraging **(2012 RP)** or Restricted Non-Target Threshold Habitat **(1995 RP)**?	**Yes – model identified 603 acres.**
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).	

Rim Country GIS layers display foraging non-breeding recovery habitat within the project area and one 36 acres stand of modeled nest/roost. Suitable habitat for nesting owls is not present outside of adjacent PAC habitat. Topographical features such as slope, aspect, and ruggedness that can enhance habitat and provide thermal protection to owls is also lacking. Several stands of modeled foraging – nonbreeding habitat have been surveyed because of their proximity to adjacent PACs.	
If the answer is Yes for any questions above, *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]*	*CMA and PR*

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 PACis 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

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___. 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