



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arcata Fish and Wildlife Office

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In Reply Refer To:
AFWO-11B0091-12TA0122

MAY 16 2012

Ms. Leslie Markham
Deputy Chief, Forest Practice
California Department of Forestry and Fire Protection
135 Ridgeway Avenue
Santa Rosa, California 95402

FILE COPY

Subject: Response to Request for Technical Assistance Regarding "Diamond Hill Estates"
Timber Harvest Plan (1-05-183 NAP), Napa County, California

Dear Ms. Markham:

This responds to a request for Fish and Wildlife Service (Service) technical assistance, received in our office on May 2, 2012, on the above proposed Timber Harvest Plan (THP). The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act). Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Incidental take is defined as take that is incidental to, but not the purpose of, carrying out an otherwise lawful activity. At issue in the request is the potential for incidental take of the federally listed as threatened northern spotted owl (*Strix occidentalis caurina*) as a result of operations conducted under the THP. After review of the information pertaining to this request, the Service provides the following technical assistance.

The Diamond Hill Estates THP comprises 67 acres and is located in Section 6, Township 8 North, Range 6 West, and Section 1, Township 8 North, Range 7 West (Carne Humana L.G.), M.D.B. & M., in Napa County, California. Timber harvest activities may occur in the THP area in 2012. The nearest known northern spotted owl territory, NAP0007, has an activity center located approximately 1 mile south of the THP area. Surveys conducted at the THP area in 2012 confirmed the presence of a northern spotted owl pair at NAP0007, and northern spotted owls were not detected any nearer than 1 mile from the THP area. No barred owls (*Strix varia*) have been detected within NAP0007 or at the THP area. Based on previous habitat assessments near the THP area by consulting biologist Theodore Wooster, Yountville, California, the establishment of northern spotted owl activity centers within 0.25 mile of the THP area is unlikely, based on the presence of vineyards and lack of suitable nesting habitat.

The Service has determined that operations conducted as proposed on the Diamond Hill Estates THP are not likely to result in take of a northern spotted owl. We base this determination on the lack of suitable nesting habitat near the THP area, and continued surveys at and near the THP

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area, which have not detected northern spotted owls closer than about 1 mile from the THP area, and have continued to confirm presence of northern spotted owls at NAP0007.

All maps and data used to provide this technical assistance are on file at this office. If you have questions regarding this response, please contact Bill McIver of my staff at (707) 822-7201.

Sincerely,

1400 3.11



Nancy J. Finley
Field Supervisor

cc:

Theodore Wooster, 6645 Yount Street, Yountville, CA 94599

Aaron Hawkins, 1019 Myrtle Street, Calistoga, CA 94515

Environmental Resources Solutions, Inc., Santa Rosa, CA (Attn: John Williams)