ENVIRONMENTAL ACTION STATEMENT
SCREENING FORM
FOR CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES
(CCAA)

I. Project Information

A. Project name: Candidate Conservation Agreement with Assurances (CCAA) for Fisher (*Martes pennanti*) for the Stirling Management Area between Sierra Pacific Industries and the U.S. Fish and Wildlife Service.

B. Affected species: Fisher (*Martes pennanti*)

C. Project size (in acres): The CCAA would encompass the Stirling Management Area (approximately 160,000 acres). The lands enrolled in the CCAA are private lands owned by Sierra Pacific Industries (SPI) that contain suitable habitat for the covered species. These lands are located in Butte, Plumas, and Tehama Counties, California.

D. Brief project description including conservation elements of the plan: The project (Federal Action) is the issuance of an Enhancement of Survival Permit (Permit) associated with a Candidate Conservation Agreement with Assurances (CCAA) between the U.S. Fish and Wildlife Service (Service) and Sierra Pacific Industries (SPI, Applicant). The purpose of this CCAA is to address selected conservation needs of the fisher—a federally designated candidate species. Under this 20-year CCAA, SPI and the Service propose to work together within the Stirling Management Area to maintain or improve the status of the covered species and/or its habitat. The Stirling Management Area is located in a portion of the northern Sierra Nevada that was historically occupied by fisher. Based on recent survey efforts conducted primarily on U. S. Forest Service land surrounding the Stirling Management Area, fishers are not suspected to occur on the enrolled lands at the present time. The conservation measure consists of management of fisher denning/resting habitat (mid-mature to mature forests). The maintenance and growth of denning/resting habitatt is expected to enhance the fisher's ability to successfully re-occupy the enrolled lands. Over the 20-year period of the agreement there will be a net increase in the amount of fisher denning/resting habitat on the enrolled lands from the current amount of approximately 23 % to approximately 33% of the total enrolled acreage. This net increase is expected to provide a conservation benefit to fishers in the northern Sierra Nevada, should fisher re-occupy this portion of their former range.

When signed, this CCAA will serve as the basis for the Permit under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) for the incidental take of included species. The CCAA program encourages proactive conservation measures by private landowners while providing them certainty that

future property-use restrictions will not be imposed if their efforts attract any covered species to their enrolled property or result in increased numbers or distributions of the covered species already present. In return for voluntary conservation commitments, the CCAA will extend assurances to the landowner that will allow future alteration or modifications of the enrolled property that are in accordance with the agreed upon conservation measures. Without this cooperative government-private effort, the fisher would be less likely to occupy habitat, important for its conservation in the foreseeable future.

Efforts to recover the fisher without involving and incorporating private lands would limit our ability to make measurable progress towards future connectivity of fisher populations in California. SPI intends to implement measures to maintain and restore fisher denning/resting habitat and to allow for the reintroduction of fishers onto enrolled lands if the California Department of Fish and Game (CDFG) should implement such a reintroduction into the northern Sierra.

This agreement produces a net conservation benefit to the fisher and contributes to conservation in the following ways:

- Provides denning/resting habitat within an area that has been identified in the draft CDFG "Feasibility Assessment and Implementation Plan for the Experimental Reintroduction of Fisher (*Martes pennanti*) to Portions of their Historic Range in the Sierra Nevada" as important to re-establishment of fisher populations within their historical range in the Sierra Nevada;

- Contributes to recovery of fisher denning/resting habitat by moving the enrolled SPI forestlands to a condition that supports more denning/resting habitat for the fisher than that which exists today.

- Provides necessary low- to mid-elevation habitat on private lands in an area of limited federal ownership.

The following additional conservation benefits beyond the conservation measures may occur with the completion of the CCAA:

- Management practices implemented by SPI as corporate policy are expected to maintain and provide for structures (hardwoods, snags, trees with cavities, and down logs) and other habitat characteristics that are also believed to be essential for maintaining fishers on the enrolled lands beyond the time period of the permit;

- Provides incentive and regulatory assurances to SPI should the Stirling Management Area be determined by CDFG to be an appropriate location to experimentally reintroduce fisher in the northern Sierra Nevada;

- Provides the opportunity to evaluate future larger scale reintroduction efforts on private industrial and federally managed forests, should CDFG move forward with the experimental reintroduction on SPI's enrolled lands;

- Provides the land and habitats necessary to implement the experimental design and monitoring efforts to assist with determining and describing mortality, movement patterns, and habitat use of released fishers on private industrial timberlands;

- Provides a foundation for evaluating possible broader reintroduction efforts. Benefits of such efforts could include: 1) an increase in the fisher population; 2) an increase in the potential to connect fisher populations; and 3) a reduction in the effects of any local extirpation to existing fisher populations.

II. Does the CCAA fit the criteria of a NEPA Categorical Exclusion (516 DM 2 Appendix 1, 516 DM 8)?

Yes. The CCAA follows the Service's Candidate Conservation Agreement with Assurances final policy and regulations. The CCAA enhances both the maintenance and recovery of fishers by encouraging SPI to voluntarily maintain and increase denning/resting habitat, and by providing a potential location for future reintroduction efforts.

Implementation of this CCAA is expected to result in increased amounts of fisher denning/resting habitat and allow for the potential to increase the distribution of fishers in the wild. SPI has committed to the conservation of the fisher by demonstrating their willingness to retain suitable denning/resting habitat for fishers and to allow for the reintroduction of fishers onto the enrolled lands. It is anticipated that the conservation measures and other expected benefits contained within the CCAA will contribute to the conservation and distribution of the species.

A. Are the effects of the CCAA less than significant on the range-wide population of other federally listed, proposed, or candidate species or other wildlife and their habitats covered under the CCAA?

Yes, the effects of the CCAA are less than significant on the range-wide population of federally-listed, proposed, or candidate species or other wildlife and their habitats that are covered under the enrolled properties in this CCAA.

Species that are currently identified as federally listed, proposed, or candidate species either;

a) do not occupy the forested habitat located on the enrolled lands (*Branchinecta conservation, B. lynchi, Desmocerus californicus dimorphus, Lepidurus packardi, Acipenser medirostris, Oncorhynchus mykiss, O. tshawytscha, Ambystoma californiense, Thamnophis gigas, Chamaesyce hooveri, Limnanthes floccosa ssp. californica, Orcuttia pilosa, O. tenuis, Tuctoria greenei, Coccyzus americanus occidentalis, Ivesia webberi*);

b) have a range that is outside the enrolled lands (*Strix occidentalis caurina*);

c) or will not have significant range-wide effects on their populations from the maintenance and growth of fisher resting and denning habitat (*Rana aurora draytonii, Rana muscosa*).

B. Are the effects of the CCAA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.)?

The effects of the CCAA have a minor or negligible affect on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources). SPI manages their land in accordance with an "Option A" sustained yield plan in compliance with the Z'berg-Nejedly Forest Practice Act of 1973 and the Forest Practice Rules (FPRs) in California. Both of these forest management guidance documents contain resource protection requirements via two avenues. First, they set prescriptive standards for minimum protection levels for all timber harvest-related activities for a multitude of natural resource, socio-economic and cultural values. Second, a Registered Professional Forester provides an associated cumulative effects analysis that a State multidisciplinary team reviews and must conclude that a specific Timber Harvest Plan (THP) does not result in a significant adverse impact to soil, air, fish and wildlife, water, or other public trust resource. As such, THPs are intended to provide a functional equivalence of analysis under the California Environmental Quality Act (CEQA).

C. Would the impacts of this CCAA, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects <u>not</u> result, over time, in cumulative effects to environmental values or resources which would be considered significant?

Yes. Significant cumulative effects are not expected to occur as a result of the CCAA and issuance of the Permit. The conservation measures in the CCAA maintain or increase the amount of fisher denning/resting habitat (mid-mature to mature forests) over the 20-year permit period. The low elevation forests in the Sierra Nevada Mountains, on lands covered by this CCAA, have experienced a loss of this forest habitat type in the past due to logging, mining, and forest fires. Increasing forest stands with the fisher denning/resting habitat attributes described in the CCAA would not be considered a significant negative effect to environmental values or resources. In addition the FPRs in California require the completion of a Cumulative Impacts Assessment for each THP (project). Environmental values and resources that must be considered and reviewed as part of the THP preparation process include watershed, soil productivity, biological, recreation, and visual.

III. Do any of the exceptions to categorical exclusions apply to this CCAA? (from

516 DM 2.3, Appendix 2) *If the answer is "yes" to any of the questions below, the project can not be categorically excluded from NEPA. Each "no" response should include an explanation.*

Would implementation of the CCAA:

A. Have significant adverse effects on public health or safety?
No. Implementation of the proposed CCAA would not have significant adverse effects on public health or safety, as conservation measures would be restricted to private lands. Moreover, the management associated with the Stirling Management Area is currently managed in accordance with the Z'berg-Nejedly Forest Practice Act of 1973 and the FPRs in California that have been developed to address potential adverse effects on public health and safety. Continuation of forest management on the enrolled lands is expected to occur regardless of approval and implementation of the proposed CCAA and issuance of the Permit.

B. Have adverse effects on such unique geographic characteristics as historical or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?
No. Implementation of the CCAA will not have significant adverse effects on such areas. In the future, if any such areas are identified and meet criteria for consideration and protection in the State of California, SPI will be required by the State of California to comply with all applicable sections of the FPRs.

C. Have highly controversial environmental effects?
No. The Stirling Management Area has been in private ownership and managed for timber production since about 1903. Over the last 100 years the amount and spatial distribution of mid-mature and mature forests and forest elements have fluctuated over time. The Stirling Management Area is currently being managed under SPI's state-approved Option A forest management plan. Currently there is approximately 23% of the areas acreage in mid-mature and mature forests. The current forest management practices being implemented by SPI are in accordance with California FPRs. The modeled increase in the amount of mid-mature and mature forests to 33% over the next 20 years exceeds current FPRs requirements.

Controversy does exist over the environmental effects that may occur from forest management of the enrolled lands. Continuation of forest management on the enrolled lands is expected to occur regardless of approval and implementation of the proposed CCAA and issuance of the Permit. However, the conservation measures in the CCAA are a commitment by SPI to increase the amount of mature and mid-mature forest on the enrolled lands over the 20-year period of the permit. Thus, the conservation measure could serve to reduce controversy regarding the retention of forest characteristics important to fishers.

On the enrolled lands, the primary risks to existing and future fisher habitat are the loss of denning/resting habitat due to forest management activities. The implementation of SPI's Option A plan and other company policies will allow trees to grow larger before harvest than required under the California FPRs. In addition, the applicant's snag management and habitat retention areas within units will provide an increasing trend in forest structural elements important to fishers during, and primarily after the 20-year life of this CCAA. The expected benefits are expected to be positive for fishers, as well as for other wildlife species that utilize mid-mature and mature forest stands.

Recent inventory and monitoring efforts conducted on U.S. Forest Service lands around the enrolled lands have not detected fishers. Therefore, since the enrolled lands are not currently occupied by fisher, this agreement could not have highly controversial environmental effects to resident fisher. The conservation measures provided in this CCAA provide an opportunity to maintain and improve denning/resting habitat conditions for fishers if a fisher reintroduction or colonizing event should occur in the future within the Stirling Management Area.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. Approval and implementation of the proposed CCAA and issuance of the Permit would not pose highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks, because it is promoting the increase of mid-mature and mature forests and providing incentive for the reintroduction of a native species.

The Stirling Management Area is currently being managed under SPI's State approved Option A forest management plan. This CCAA does not propose to alter the existing management of these forestlands beyond the commitment to the conservation measure proposed. Fishers have not been detected on the enrolled lands. Therefore, given the absence of fishers and the continuation of existing management of these lands, there are no highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.

The completion of this CCAA provides the applicant with incentive and the regulatory assurances to allow for the reintroduction of fisher to a currently unoccupied portion of their historical range. CDFG is currently assessing the feasibility of conducting an experimental reintroduction of fishers into the Stirling Management Area because it has been predicted to provide habitat that is suitable in both spatial extent and structure. The feasibility assessment currently being conducted by CDFG also considers fisher prey availability, potential predators of fishers, transmission of disease, and impacts to California species of conservation concern. In the area being considered for the reintroduction CDFG is also evaluating the genetics and potential impact of removal of fisher from source

populations in California.

If CDFG should implement a reintroduction action, they will have determined that reintroducing fishers into areas of their former range do not pose potentially significant environmental effects of unique or unknown environmental risks. The experimental reintroduction proposed by CDFG does contain an amount of uncertainty of the feasibility of the release areas to support a reintroduced population of fishers. If the reintroduction does proceed, this CCAA will provide the opportunity to evaluate future larger scale reintroduction efforts based on monitoring mortality, movement patterns, and habitat use of released fisher.

If CDFG should determine that the experimental reintroduction of fishers to the Stirling Management Area is not appropriate at this time, the CCAA will not have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks. This determination is based on the fact that fishers do not currently occur in the management area and that the conservation measures as provided for in this CCAA meet all other applicable federal and state environmental laws.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Future actions would be reviewed on their own merits for meeting requirements under the Act, its implementing regulations, and other laws. Effects from approval of the proposed CCAA are minor or negligible, and therefore, would not represent a decision in principle about future actions with potentially significant environmental effects.

It is anticipated that this CCAA will establish an example for the development of CCAAs for fisher with other private timber companies and Candidate Conservation Agreements with federal land managers. This example, however, is not expected to represent a decision that will create future actions with potentially significant environmental effects, because each land owner will have unique opportunities on the lands they manage for addressing the various needs for fisher conservation.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. Approval and implementation of the CCAA is not directly related to other actions with significant cumulative environmental effects. This action is, however, directly related to supporting an experimental fisher reintroduction effort to the Sierra Nevada by the CDFG. The CDFG is currently assessing an experimental reintroduction effort under the Categorical Exemption Process of California Environmental Quality Act of 1970, as amended. In order to proceed with the experimental reintroduction, CEQA regulations require that CDFG's actions will not be expected to create cumulatively significant environmental

effects.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?
No. There are no properties listed or eligible for listing on the National Register of Historic Places on the enrolled lands.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. There is no critical habitat designated for any species in the Stirling Management Area; therefore, none will be affected by this action.

We do not expect the conservation measures or actions envisioned by the CCAA will have adverse effects on any other currently listed or proposed species or designated critical habitat.

Surveys for other federally listed species will not be required by SPI. However, neither regulatory assurance nor incidental take authorizations will be conveyed to SPI for any federally listed animal not identified in their Certificate of Inclusion or the Permit. No other currently listed species are expected to be adversely affected by implementation of this action. Should other federally listed species be discovered, then the Parties will seek cooperative and comprehensive solutions to implement management actions which avoid take and/or minimize any disturbance of these species.

It is important to note that in accordance with ESA regulations, the fisher will be treated as if it were listed under the ESA, regardless of its current regulatory status. Upon approval of the CCAA, the FWS will issue SPI a section 10(a)(1)(A) permit, in accordance with 50 CFR 17.32 (d), that would provide SPI with authorization for incidental take of fisher and provide regulatory assurances should the species be listed under the ESA in the future. Listing of the fisher may or may not occur during the life of the CCAA and Permit. Further, this CCAA does not prevent Service from utilizing its authorities to list the fisher, if necessary.

I. Have adverse effects on wetlands, floodplains, or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?
No. The conservation measures will not have an adverse affect on wetlands, floodplains and are not considered a water development project. Additionally, water resources within the Stirling Management Area are protected by measures in the Z'berg-Nejedly Forest Practice Act of 1973 and the FPRs.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?
No, implementation of this CCAA does not conflict with any Federal, State, local, or tribal law or other requirement imposed for the protection of the environment. Specifically, the CCAA does not violate the Z'berg-Nejedly Forest Practice Act of 1973 and the FPRs in California, which provide protection for the environment by providing a mechanism in the timber harvest review process to consider protections for laws imposed by federal (ESA specifically), local and tribal governments.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the "Candidate Conservation Agreement with Assurances (CCAA) for Fisher (*Martes pennanti*) for the Stirling Management Area between Sierra Pacific Industries and the U.S. Fish and Wildlife Service" project meets the qualifications for Candidate Conservation Agreement with Assurances whose implementation represents a class of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents (list): Candidate Conservation Agreement with Assurances

Concurrence:

Field Supervisor

OCT 5, 2007
Date