

**FWS ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR SAFE HARBOR AGREEMENTS (SHA)**

I. Project Information

A. Project name: Renewal of a Safe Harbor Agreement between the U.S. Fish and Wildlife Service and Hixon Properties, Incorporated, for the northern Idaho ground squirrel (*Urocitellus brunneus*) on portions of the OX Ranch, Adams County, Idaho

B. Affected species: Northern Idaho Ground Squirrel

C. Project size (in acres): 7,783 acres (3,150 hectares)

D. Brief project description including conservation elements of the plan:

The U.S. Fish and Wildlife Service (Service) received a request on May 30, 2019 from Hixon Properties, LLC to renew the existing Safe Harbor Agreement (Agreement; USFWS 2009a) for the northern Idaho ground squirrel (*Urocitellus brunneus*) on portions of the OX Ranch, Adams County, Idaho. The Agreement is between Hixon Properties Incorporated, owner, Rocky Comfort Cattle Company, LLC, lessee, plus affiliated business entities doing business as the OX Ranch collectively (Cooperator), the Idaho Department of Fish and Game (IDFG) and the Service. The purpose of this Agreement is to conserve northern Idaho ground squirrels (NIDGS) by creating an incentive for the Cooperator to protect currently occupied NIDGS sites, and allow ground squirrel habitat management measures to be implemented on their property. The goal of the Agreement is to allow ground squirrel populations on the Cooperator's property to expand as a result of conservation efforts associated with the Agreement. The Agreement allows for management and conservation of the threatened NIDGS on approximately 7,783 acres of the Permittee's property. Northern Idaho ground squirrels currently occupy approximately 610 acres of the 7,783 acres.

The existing Agreement is set to expire September 28, 2019 while the associated enhancement of survival permit (Permit) is set to expire September 28, 2024 (USFWS 2009a). The purpose of this action is to renew the Agreement for an additional 5 years, so it would expire at the same time as the associated Permit on September 28, 2024. We are not proposing to renew the Permit at this time; therefore, we are not reviewing that action under this Environmental Action Statement. Everything in the existing Agreement will remain in effect, including the conservation measures outlined in the original Agreement.

A full description of the Agreement and management actions can be found in the original 2009 Safe Harbor Agreement. The following are updates regarding the species nomenclature and management actions since the original Agreement was signed in 2009.

In 2012, the NIDGS was identified as a distinct species, *Urocitellus brunneus* (Hoisington-Lopez et al. 2012, entire; Helgen et al. 2009, entire). Subsequently, in 2015, the Service revised the

taxonomy of the species under the Endangered Species Act through a rulemaking in the Federal Register (80 FR 35860). This change in taxonomy does not result in the change of the range of the taxon as it was listed.

The 2009 Categorical Exclusion for the OX Ranch Safe Harbor Agreement identified the following management actions to benefit the northern Idaho ground squirrel (a full description of each action can be found in the 2009 Categorical Exclusion): 1) Habitat Maintenance, 2) Habitat Enhancement, 3) Predator/competitor control, 4) Shooting prohibitions, 5) Outreach, 6) Surveys, 7) Monitoring, and 8) Research (USFWS 2009b).

The OX Ranch have met obligations outlined in the 2009 Safe Harbor Agreement. For example, they have carried out habitat enhancement projects on their land and have participated in multiple habitat enhancement studies by providing access to their property for research purposes (i.e., Suronen and Newingham 2013, Goldberg 2018). They have allowed the installation of no-shooting signs on their property, conducted outreach, allowed needed surveys and monitoring to be carried out on an annual basis by the Idaho Department of Fish and Game (i.e., Wagner and Evans Mack 2019), and have allowed limited predator control to be carried out on their property on an as-needed basis. Renewing the Agreement for an additional 5 years will provide continued conservation benefits on private lands for the northern Idaho ground squirrel.

II. Does the SHA fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria? *The answer must be “yes” to all three questions below for a positive determination. Each response should include an explanation. If the answer is “no” to any question, the action cannot be categorically excluded, and an Environmental Assessment or an Environmental Impact Statement must be prepared.*

A. Will the issuance, denial, suspension, and revocation of permits for activities involving fish, wildlife, or plants regulated under 50 CFR Chapter 1, Subsection B, cause no or negligible environmental disturbance? *(516 DM 8.5(C)(1))*

Yes. The enhancement of survival permit (TE218846-0) associated with the Agreement was issued on September 28, 2009 and will expire September 28, 2024. There has been no known negligible environmental disturbances due to issuing of the Permit and we do not expect any disturbances through the life of the Permit.

B. Are the effects of the SHA minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.)? *(40 CFR 1508.14; 43CFR 46.205)*

Yes. Effects to air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, and other fish, wildlife, and plant species as a result of approval of renewing the Agreement for an additional 5 years are expected to be minor or negligible as described in the 2009 categorical exclusion document for the original Agreement (USFWS 2009b).

Effects to environmental justice are expected to be minor or negligible. Renewal of the Agreement is not expected to result in the unfair treatment of all people regardless of race, color, national origin, or income. Use and maintenance of the land, houses, and facilities is expected to occur regardless of the renewal of the Agreement.

- C. Would the incremental impacts of this SHA, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be considered significant? (40 CFR 1508.7; 43CFR 46.205) The same concept is also included in the exception to categorical exclusions, III. F. below.**

Yes. No significant cumulative effects are expected to occur as a result of renewing the Agreement for an additional 5 years. Use and maintenance of the land for ranching and limited timber production and use of the Cooperator's houses and other facilities is expected to occur regardless of approval of renewing the Agreement. There are several other structures on the enrolled lands, and use and maintenance of the Cooperator's houses and related facilities are not expected to significantly change the general character of the area or result in significantly greater impacts or growth-inducing effects. The subject property is surrounded by a large amount of Federal lands, and activities on these lands are not expected to change significantly in the foreseeable future.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this SHA? If the answer is "yes" to any of the questions below, the project cannot be categorically excluded from additional NEPA analysis, and an Environmental Assessment or an Environmental Impact Statement must be prepared. Each "no" response should include an explanation.

Would implementation of the SHA:

- A. Have significant impacts on public health or safety?**

No. The minor negligible effects that are anticipated to all resources are not likely to result in impacts to public health or safety. There have been no known significant impacts since the Agreement and Permit was originally implemented on September 28, 2009.

B. Have significant impacts on such unique geographic characteristics as historic 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?

There are two Class I streams flowing through the OX timberlands. Both Lick Creek and Bear Creek have been fenced off from livestock. Three Class II intermittent streams (Steve's Creek, Cow Creek, and Gladheart Gulch) flow through the ranch timber base. There are also numerous unnamed Class II intermittent streams that are tributaries to the larger streams. Care has been taken, and will continue in operating near the appropriate stream protection zones as per the Idaho Forest Practices Act.

National Wetland Inventory data indicates there are approximately 600 acres of multiple wetland types within the enrolled lands: freshwater emergent wetlands (~439 acres), freshwater forested/ shrub wetlands (~101 acres), freshwater ponds (~12 acres), and riverine (~51 acres).

The upper portions of Bear Creek above the ranch ownership do have Bull Trout. Part of the timber base is Northern Ground Squirrel habitat which is listed as a threatened species.

There are no historical or cultural resources, parks, registered National Landmarks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, or ecologically significant or critical areas. There have been no known significant impacts since the Agreement and Permit was originally implemented on September 28, 2009. We do not anticipate impacts to the listed geographic characteristics through renewing the Agreement for an additional 5 years

C. Have highly controversial environmental effects? *see 43 CFR 46.30 for definition of controversial*

No. Given the small changes to the current land uses and the minor or negligible impacts anticipated to all resources, there is no scientific controversy over environmental effects. There have been no known controversial environmental effects since the Agreement and Permit was originally implemented on September 28, 2009.

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

No. The action (ranching and limited timber harvest) is routine and common in this area and would have minor or negligible effects. Therefore, renewing the Agreement for an additional 5 years would not have highly uncertain or potentially significant environmental effects or involve unique or unknown environmental risks. There have been no known environmental effects or risks since the Agreement and incidental take permit was originally implemented on September 28, 2009.

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 in meeting requirements under the ESA, its implementing regulations, and other laws. Effects from renewing the Agreement for an additional 5 years are minor or negligible, therefore, approval of renewing the agreement would not represent a decision in principle about future actions with potentially significant environmental effects.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. Renewing the Agreement for an additional 5 years is not directly related to other actions with significant cumulative environmental effects.

G. Have significant adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. Properties listed or eligible for listing on the National Register of Historic Places are not known to occur on the property and would not be affected.

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

No. Under the current Permit, some incidental take of northern Idaho ground squirrels would be authorized on the enrolled lands. Although some take will be authorized with the Squirrel Management Area, little take is actually anticipated to occur in this area. The predominant land use with the Squirrel Management Area is ranching, and that activity will continue. No incidental take has been reported to the Service by the Cooperator since the original Agreement was implemented on September 28, 2009.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment?

No. Renewing the Agreement for an additional 5 years will be in accordance with all applicable laws. In fact, one specific condition of the existing Permit will be that it be carried out in accordance with all applicable federal, state, or local laws.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?

No. Renewing the Agreement for an additional 5 years will not have a disproportionately high and adverse effect on low income or minority populations.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?

No. Renewing the Agreement will not restrict access to adjacent federal lands.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?

No. Existing noxious and invasive weeds are present on the enrolled lands. Researchers visiting enrolled lands to carry out research and monitoring have been advised to clean vehicles and equipment to limit spread of invasive and noxious weeds onto or off of enrolled lands. Renewing the agreement is not expected to contribute to the introduction, continued existence, or spread and expansion of noxious or non-native invasive species known to occur in the area.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the analysis above, the _____ Project meets the qualifications for a Safe Harbor Agreement 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 43 CFR 46.215; 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents (list): *for example: Safe Harbor Agreement, Recovery Plan, etc.*

Goldberg, A. R. 2018. Diet, disease, and hibernation of northern Idaho ground squirrels. A Dissertation Presented in Partial Fulfillment of the Requirements for the Degree of Doctorate of Philosophy with a Major in Natural Resources in the College of Graduate Studies. University of Idaho. December, 2018. 158 pp.

Helgen, K.M., F. Russell Cole, L.E. Helgen, and D.E. Wilson. 2009. Generic revision in the holarctic ground squirrel genus *Spermophilus*. *Journal of Mammalogy*, 90(2): 270-305.

Hoisington-Lopez, J.L., L.P. Waits, and J. Sullivan. 2012. Species Limits and Integrated Taxonomy of the Idaho Ground Squirrel (*Urocitellus brunneus*): Genetic and Ecological Differentiation. *Journal of Mammalogy*. 93(2):589-604.

Suronen, E. F. and B. A. Newingham. 2013. A Starting Point: An Ecosystem of Reference for Habitat Restoration of the Northern Idaho Ground Squirrel, *Urocitellus brunneus brunneus*. *Northwestern Naturalist*. 94:110-125.

U.S. Fish and Wildlife Service (USFWS). 2009a. Safe Harbor Agreement for the OX Ranch, Bear, Idaho, for Northern Idaho Ground Squirrels (*Spermophilus brunneus brunneus*), and associated Section 10(a)(1)(A) permit. Prepared by USFWS, Idaho Fish and Wildlife Office, and Northwest Natural Resource Group, LLC. July, 2009. 94 pp.

U.S. Fish and Wildlife Service (USFWS). 2009b. U.S. Fish and Wildlife Service Environmental Action Statement for Categorical Exclusion – Safe Harbor Agreement and the issuance of a section 10(A)(1)(a) enhancement of survival permit for the northern Idaho ground squirrel. July, 2009.

Wagner, B. and D. Evans Mack. 2019. Long-term Population Monitoring of Northern Idaho Ground Squirrel: 2018 Implementation and Population Estimates. Endangered Species Section 6 Grant F17AF01082 and Cooperative Agreement No. F17AC00437. Idaho Department of Fish and Game. January 15, 2009. 22 pp.

Signature Approval:

State Supervisor

Date

Idaho Fish and Wildlife Office