ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR GREATER SAGE-GROUSE ENHANCEMENT OF SURVIVAL PERMIT
AND
CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES
BETWEEN SMITH CREEK RANCH LTD
AND
U.S. FISH ANDWILDLIFE SERVICE

I. Project Information

A. Project name: Smith Creek Ranch LTD CCAA

B. Affected species: Greater sage-grouse (*Centrocercus urophasianus*)

C. Project size (in acres): 2,201

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

Smith Creek Ranch LTD, located in Churchill and Lander Counties, Nevada, is a commercial cow/calf operation. Forage is provided for about 850 head of cattle year-long from private and public lands. Much of the grazing during the year occurs on public lands while the private lands are used to produce hay and provide forage during livestock moves and for weaned calves and saddle horses. The objectives for Smith Creek Ranch LTD's conservation plan on private lands include: 1) Improving forage production on fenced rangeland and on irrigated pastureland, and improving hay production on hayland while conserving soil, water, and natural resources; 2) providing habitat for greater sage grouse and mule deer; and 3) providing recreational activities (trophy trout fishing, hunting, camping, and scouting activities) on portions of the ranch.

The Applicant, Smith Creek Ranch LTD, proposes to address the compatibility of livestock management and greater sage-grouse management concerns through the development of a Candidate Conservation Agreement with Assurances (CCAA) on 2,201 acres (enrolled lands) of Smith Creek Ranch LTD private lands. A CCAA can provide assurances to the private ranch owner for greater sage-grouse conservation activities on their private lands which reduces habitat loss, fragmentation, and degradation.

The activities of Smith Creek Ranch LTD to be covered by this CCAA and permit include: 1) Livestock operations–including grazing, herding of cattle, calving, salt placement, supplemental feeding, accessing water or the development of water sources, predator control by employees, gathering and shipping of cattle, and fencing projects; 2) farming operations–including plowing or cultivating of pastures and hay fields, irrigating, clearing or burning of ditch banks and fields, weed control, fertilization, brush thinning and willow thinning as needed, and harvesting and storing of hay or other products; 3) fee-based recreation–including fishing, limited hunting, and camping; and 4) conservation measures as indicated in Tables 3 and 4 and

Appendix E of the CCAA as well as the changed circumstances measures indicated in the changed circumstances section.

The CCAA is intended to reduce threats to the greater sage-grouse, and Conservation Measures selected under the CCAA will address numerous threats/activities which are detrimental to greater sage-grouse. Conservation benefits for the greater sage-grouse from implementation of the CCAA are expected in the form of avoidance and minimization of negative impacts, maintenance, enhancement, and restoration of greater sage-grouse habitats, enhancement of greater sage-grouse populations, and reduction of threats causing direct mortality on the enrolled lands in Churchill and Lander Counties. The expected conservation benefits to the greater sage-grouse from this CCAA are described by subject below.

Habitat Fragmentation

Regulatory assurances conferred to an enrollee provide an incentive for the landowner to maintain their ranch operations and lessen the likelihood these lands will be sold and divided for exurban development. Conservation Measures include agreeing to avoid further habitat fragmentation on the ranch by not constructing new buildings or roads within greater sage-grouse habitats which assists in reducing disruptions to sage-grouse activities. In addition, avoidance of new development and infrastructure benefits greater sage-grouse populations by maintaining habitat quantity and quality and connectivity.

Brush Management

Loss and degradation of sagebrush habitat has negatively impacted the greater sage-grouse by reducing habitat quantity and quality. Conservation Measures include agreeing to avoid sagebrush elimination on the ranch and actively managing sagebrush to achieve various age classes across enrolled lands will benefit greater sage-grouse. Treatments will be planned specifically for selected fields and each will result in a mosaic of remaining sagebrush (treatment details will be determined with NRCS/Service assistance). Brush management on the enrolled lands also includes the removal of rabbitbrush and greasewood from sagebrush stands where they have become dominant.

Livestock Management

The ability to change vegetative conditions occurs primarily through the management of livestock herds by selecting where they graze, when they graze, the length of time they graze, and in what numbers they graze. These choices, in addition to, fence placement, herding techniques, salt and mineral placement, water development, and livestock type, provide most livestock management options. Conservation Measures included in the CCAA avoid or minimize direct physical threats by not concentrating livestock in known nesting or brood-rearing habitat when these areas are being used by greater sage-grouse. Modifying livestock management to address unfavorable impacts to certain habitat includes removing livestock from specific areas during the spring to protect adequate nesting cover. Changes in plant species composition, such as the grass/forbs mixture or shrub cover can also modify habitat. Conservation Measures in the CCAA include implementation of a grazing strategy and addresses

livestock numbers, grazing timing, intensity, and duration which will allow improvement in vegetative conditions where necessary.

Riparian Habitat

Riparian habitat is important as it relates to meadow habitat for greater sage-grouse brood-rearing. The CCAA's Conservation Measures include installation of grade stabilization structures and proper livestock grazing which will stabilize and improve stream bank stability. This reduces sedimentation and improves adjacent meadow habitat. In addition, the CCAA includes willow thinning along irrigation systems to maintain water flow and ditch integrity. Willows will be removed or thinned only in those areas where they are interfering with the irrigation system or where they have encroached into meadow habitat reducing its quantity and quality for greater sage-grouse use.

Water Development Design

Watering tanks for livestock can trap greater sage-grouse resulting in drowning. Conservation Measures included in the CCAA to maintain existing escape ramps and install them in new tanks will reduce the potential for direct mortality due to drowning. Water diversions that dry up springs and associated meadows negatively impact sage-grouse brood-rearing habitat. Conservation Measures in the CCAA include spring development which does not capture the entire streamflow at the diversion point but allows water to flow freely with an offsite tank. If necessary, the spring/riparian habitat will be fenced (and marked) to protect it from trampling by livestock or feral horses.

Fences

Fencing is effective in controlling livestock use of pastures and facilitating herd use on the landscape. This can result in avoiding localized impacts to habitat. Fencing can also degrade and fragment habitat, particularly if roads occur adjacent to the fence. Fences can provide a corridor for predators, introduce weeds, and contribute to bird collisions. Conservation Measures in the CCAA to reduce or remove these threats include avoidance of fence construction in important greater sage-grouse habitats, removal of entire fences or portions of fences where no longer needed, or where collisions are known to have occurred. Installation of fence markers to improve the visibility of fences to sage-grouse reduces or prevents collisions is also included as a Conservation Measure in the CCAA.

Invasive Plants

Effective Conservation Measures included in the CCAA to reduce or remove threats associated with noxious weed infestations are the prevention and suppression of wildland fire, especially in important sagebrush habitats. This maintains the existing shrub cover and prevents invasions. Other Conservation Measures included in the CCAA involve livestock management practices which retain residual cover, eradicate known populations of invasive species, and immediate restoration of disturbed sites. Conservation Measures to prevent or suppress wildland fires, particularly those in important greater sage-grouse habitat, include working with NRCS

personnel. Restoration activities post-burn (e.g., native seeding/planting, using weed-free seed mixes and mulches, temporarily removing or reducing livestock use) are also important. Proactive fire planning addresses wildland fire outbreaks and reduces the likelihood of introducing or establishing monocultures of non-natives plant species.

Pinyon-Juniper Encroachment

Encroachment of woodland species (e.g., junipers, conifers) into greater sage-grouse habitat can eventually reduce sage-grouse use, or their complete abandonment of these areas. Conservation Measures included in the CCAA that include removal of these woodland species (Phase I and II) will increase available greater sage-grouse habitat or restore previously occupied habitat on enrolled lands.

Predation

Human activities can increase local predators which can lead to greater sage-grouse injury and mortality. Conservation Measures included in the CCAA include dead animal piles being located outside of sage-grouse habitats, targeting corvid species for removal, and controlling domestic pets in or near important greater sage-grouse habitat. Other Conservation Measures included in the CCAA that address the threat of habitat loss and fragmentation will also reduce the threat of predation. For example, removing fences in greater sage-grouse habitat removes potential perches and travel corridors for predators.

Feral Horses

Concentrated feral horse populations can harm plant communities and riparian areas important to greater sage-grouse, reducing both habitat quality and quantity. Conservation Measures in the CCAA to address this threat include working with BLM personnel to allow horse gathers on non-enrolled ranch lands to remove feral horses to reduce their numbers. This will improve management of enrolled unfenced private lands. This will minimize localized impacts from overgrazing by feral horses, thereby maintaining or improving habitat conditions for greater sage-grouse. Fencing (not specifically mentioned in the CCAA for feral horse management) could also be used to prevent their access or to re-distribute their use of particular habitats or areas.

Drought

Extended periods of drought can negatively impact habitats important to greater sage-grouse. Implementation of a drought management plan, a component of the grazing strategy, as a Conservation Measure in the CCAA for Smith Creek Ranch LTD can help maintain or reduce potential loss of greater sage-grouse habitat and ultimately increase the survival rates of greater sage-grouse. For example, adjusting livestock use (season, intensity, and/or duration) can reduce adverse impacts on perennial herbaceous cover, plant species diversity, and plant vigor, and increase soil moisture by increasing plant litter. This Conservation Measures includes working with NRCS personnel who may identify other options available to further reduce impacts during dry conditions.

Haying

Haying operations can injure or kill greater sage-grouse as well as eliminate cover for the species. Recognizing which haying areas are used by greater sage-grouse and adjusting cutting times and cutting design can eliminate or reduce these negative impacts. Conservation Measures in the CCAA delay mowing until after early to mid-June to avoid the nesting period and until mid-morning to 6 pm at night when most birds have moved elsewhere. Conservation Measures also include cutting in a pattern that allows for birds to escape to adjacent fields which can eliminate or reduce injury and death to greater sage-grouse.

Planting of Rangeland/Pastureland with Crops

Rangeland and pastureland need to be replanted periodically as production decreases over time. These enrolled lands are replanted every 7 years, generally. Loss of these areas during planting can impact sage-grouse use of this habitat. Conservation Measures that will reduce this impact include rotating fields so that only one field is replanted in any given year leaving the other fields available for greater sage-grouse use.

Additionally, a monitoring program is an important aspect of the CCAA and consists of 1) Compliance monitoring which includes: a) annual self-reporting by the Applicant; and b) compliance evaluations conducted by the Service; and 2) biological monitoring which includes: a) baseline assessment by the enrolled landowner; b) periodic but intensive greater sage-grouse habitat monitoring conducted by the Applicant with assistance from NRCS; and c) periodic greater sage-grouse observation monitoring conducted by the Applicant.

II. Does the CCAA fit the criteria of a NEPA Categorical Exclusion (from 516 DM 2 Appendix 1 and 516 DM 8.5)? *Each response should include an explanation.*

Yes. The CCAA follows the Service's Candidate Conservation Agreement with Assurances final policy and regulations. The CCAA enhances maintenance and recovery of greater sage-grouse by encouraging Smith Creek Ranch LTD to voluntarily maintain and increase nesting, brood-rearing, and winter habitats for the species.

Implementation of this CCAA is expected to result in increased quality and quantity of greater sage-grouse habitats and allow for the potential to increase the number and distribution of the species in the wild. Smith Creek Ranch LTD has committed to the conservation of greater sage-grouse by demonstrating their willingness to retain and increase suitable nesting, brood-rearing, and winter habitats for greater sage-grouse. It is anticipated that the conservation measures and other expected benefits contained in 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 populations of 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. The greater sage-grouse's range and distribution, though reduced from pre-settlement times, remains extensive across North America. The greater sage-grouse currently is found in portions of 11 States and 2 Canadian provinces (Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, Utah, North and South Dakota, Alberta, and Saskatchewan) (75 FR 13909, March 23, 2010). In Nevada, greater sage-grouse occur in Churchill, Elko, Eureka, Humboldt, Lander, Lincoln, Nye, Pershing, Story, Washoe, and White Pine counties (this list does not include the counties considered occupied by the Bi-State Distinct Population Segment of the greater sage-grouse). The combined number of acres of preliminary priority habitat (PPH) and preliminary general habitat (PGH) for greater sage-grouse in Churchill and Lander Counties is 285,200 and 1,921,500, respectively (U.S. Bureau of Land Management and U.S. Forest Service 2013). The number of acres enrolled in the CCAA total 2,201.

While the Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*), a federally-threatened species, may at times occur on a portion (1.3 miles of stream and adjacent 480 acres) of the enrolled lands covered under this CCAA, the Lahontan cutthroat trout is not covered by this CCAA. A programmatic Safe Harbor Agreement was established for Lahontan cutthroat trout on non-Federal lands within the Upper Humboldt River area in 2006. Smith Creek Ranch LTD obtained a Certificate of Inclusion to the agreement in 2009 and the 1.3 miles and 480 acres of associated riparian and uplands are covered under that agreement as well. Regardless, the effects of implementation of this CCAA would be less than significant (but beneficial) to Lahontan cutthroat trout which occur in eastern California, southern Oregon, and northern Nevada.

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, socioeconomic, cultural resources, recreation, visual resources, etc.)?

Yes. Air quality will suffer only minor or negligible impacts during any construction or habitat manipulation because it will be of limited duration.

Impacts to the geology and soil of the area are anticipated to be minor or negligible because any construction or habitat manipulation will be of limited duration.

Water quality effects will be minor or negligible. The present surface waters in the project area are supplied naturally (streams) and artificially by irrigation (ditches). Proposed activities which involve streambank protection (installation of grade stabilization structures and managed grazing) will be minor but beneficial to water quality as these activities will reduce erosion and sedimentation.

The socio-economic value will be improved, but negligibly. Improving habitat conditions for greater sage-grouse will also improve ranch conditions thus improving its productivity.

Cultural resources will not be impacted. This is a type of activity that does not have the potential to cause effects to historic properties.

The impacts to the recreational value of the area are anticipated to improve but to a minor extent. The land is privately held and traditionally used for ranching and farming. Some economic benefit is gained through recreational hunting and fishing. This will continue with the CCAA and is likely to improve with enhanced habitat conditions.

Effects on the visual resources of the area will be negligible given that project activities are habitat-based and are related to habitat improvements for the greater sage-grouse.

C. Would the impacts of this CCAA, considered together with the impacts of other past, present and reasonably foreseeable projects <u>not</u> result, over time, in cumulative effects to environmental values or resources which would be considered significant? *The same concept is also included in the exception to categorical exclusions, III. F. below.*

Yes. No significant cumulative impacts to the greater sage-grouse are expected as a result of the Applicant's project considered with other projects. While beneficial effects to the greater sage-grouse in the area are expected because of the activities being permitted, these effects will only occur on private lands and the incremental contribution of the effects of the CCAA will be minimal.

III. Do any of the exceptions to categorical exclusions apply to this CCAA? (from 516 DM 2 Appendix 2) *If the answer is "yes" to any of the questions below, the project cannot be categorically excluded from NEPA. Each "no" response should include an explanation.*

Would implementation of the CCAA:

A. Have significant impacts on public health or safety?

No. The CCAA will have no significant impacts on public health or safety as conservation measures would be restricted to private lands and only minor or negligible impacts will occur during any construction or habitat manipulation as it will be of limited duration.

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 (EO 11990); floodplains (EO 11988); national monuments; migratory birds; or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. Implementation of the proposed CCAA would not have significant impacts on unique geographic characteristics as conservation measures would be restricted to private lands which do not contain these characteristics.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E), 40 CFR § 1501.2(c))?

No. No controversial environmental effects will occur as the enrolled lands have been used for farming and grazing for years. The conservation measures are intended to improve habitat and therefore population numbers of greater sage-grouse. This would have beneficial effects to the environment. No other significant habitat is located on the project area. Applicants are in compliance with State and Federal environmental laws and have addressed in the CCAA environmental concerns regarding the property.

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

No. The issuance of the permit would not involve significant environmental effects or involve unique or unknown environmental risks because the proposed activities are generally routine with predictable and negligible impacts.

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

No. Future actions will be reviewed on their own merits for meeting requirements under the Endangered Species Act of 1973, as amended, its implementing regulations, and other laws. No significant environmental impacts are anticipated from this project as effects from implementing this proposed CCAA are minor or negligible. Therefore, the issuance of this permit would not establish a precedent for future actions with potentially significant environmental effects.

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

No. This project is not directly related to other actions with significant cumulative environmental effects.

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

No. This project has been reviewed by the U.S. Fish and Wildlife Service's Cultural Resource Team in compliance with the National Historic Preservation Act and has been determined to be one that does not have the potential to cause impacts to historic properties.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No. Lahontan cutthroat trout may occur at times in Edwards Creek, an intermittent stream. A short segment of Edwards Creek occurs on a portion of the enrolled lands. Conservation

measures (such as managed livestock grazing) under this CCAA which improve riparian and adjacent uplands would improve habitat for Lahontan cutthroat trout, though not significantly. Critical habitat has not been designated for Lahontan cutthroat trout, therefore, none will be impacted.

While take of greater sage-grouse may occur as a result of implementation of this CCAA, any such take would result in minor or negligible effects to the persistence of the species as explained in Section II.A. above.

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

No. Implementation of the CCAA would not violate Federal, State, local, or tribal law imposed for the protection of the environment.

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

No. The project is located on private ranch/farm lands with no disproportionately high or 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 (EO 13007)?

No. The project will not 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 because there are no known sacred sites in the area on private or public 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 EO 13112)?

No. In fact this CCAA addresses noxious and other invasive plant species and provides for their control where this is an issue on enrolled lands.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Smith Creek Ranch LTD CCAA 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 8.5.

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

Concurrence:

_____ _____

Field Supervisor Date