

**DRAFT**  
**U. S. FISH AND WILDLIFE SERVICE**  
**NEPA ENVIRONMENTAL ACTION STATEMENT**  
**for**  
**CATEGORICAL EXCLUSION**

**I. Project Information**

**A. Project Name:** Candidate Conservation Agreement with Assurances for the Greater Sage-Grouse between Mr. and Mrs. William Moore and the U.S. Fish and Wildlife Service (Service) for Private Rangelands owned and leased by Mr. and Mrs. William Moore in Baker and Malheur Counties, Oregon (Moore CCAA).

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

**C. Project Size:** Total of 7,290 acres of covered lands (3,662 acres in Baker County, Oregon and 3,628 acres in Malheur County, Oregon).

**D. Brief Project Description:**

The Service proposes to enter into the Moore CCAA and to issue an enhancement of survival (EOS) permit under section 10 of the Endangered Species Act, both with a term of 30 years, to William and Nancy Moore (Landowners) for incidental take of the greater sage-grouse caused by covered activities. The lands covered by the Moore CCAA include 3,662 acres of land (under long-term lease by the Landowners) in Baker County, Oregon and 3,628 acres of land (owned by the Landowners) in Malheur County, Oregon. Covered activities consist of livestock management and rangeland treatments including: grazing of forage; removal of junipers and other encroaching conifers; control of invasive and noxious weeds; and maintenance of fences and water sources. The purpose of this CCAA is to maintain and/or improve sage-grouse habitat and to reduce or eliminate negative impacts to the sage-grouse from rangeland management practices on the enrolled lands while contributing to the economic sustainability of the Landowners.

The enrolled lands are within the current distribution of the sage-grouse and are currently occupied by the sage-grouse. The Baker County property falls within the Oregon Department of Fish and Wildlife's (ODFW) Low Density (and preliminary general habitat or PGH) sage-grouse habitat category although the property contains three active sage-grouse leks. The Malheur County property falls within the ODFW's Core sage-grouse habitat category (also referred to as preliminary preferred habitat [PPH] or Priority Areas for Conservation [PAC]), with the closest sage-grouse lek approximately five miles south of the property. Both properties currently consist of native shrub steppe habitat, with encroaching junipers and conifers.

Implementation of the conservation measures identified in the CCAA is expected to benefit the sage-grouse through maintenance, enhancement, and restoration of sage-grouse populations and their habitats on covered lands, and by reducing threats causing direct and

indirect mortality. Some specific benefits to the sage-grouse provided by rangeland management activities implemented in accordance with this CCAA are (1) maintenance of large tracts of unfragmented and undeveloped land; (2) management of fuels to help reduce the risk of catastrophic wildfires; (3) management of weeds and invasive plant species; and (4) maintenance of healthy, intact sage-grouse breeding, brood-rearing and wintering habitats.

Monitoring under the CCAA will include (1) a baseline assessment of sage-grouse habitat condition on the enrolled lands; (2) photo point monitoring; (3) quantitative assessments and trends of sage-grouse habitat condition at permanent sampling locations every five years; and (4) a sage-grouse population trend assessment based on annual lek monitoring over the 30-year term of the CCAA.

## **II. Does the Moore CCAA fit the following Department of the Interior and Fish and Wildlife Service categorical-exclusion criteria?**

### **A. Are the effects of the Moore CCAA minor or negligible on federally-listed, proposed, or candidate species and their habitats covered under the CCAA, prior to implementation of the minimization and mitigation measures, if any? [516 DM 8.5(C)(2)]**

Yes. The covered area is currently subject to ongoing ranching activities (livestock grazing) that have maintained large tracts of unfragmented and undeveloped land that is currently occupied in part, by the greater sage-grouse. The occupied habitat is used by sage-grouse for lekking (breeding displays), late brood-rearing, and wintering. To date, the ongoing ranching activities involve limited ground disturbance and limited spraying of herbicides, use of bio-controls, or mowing. This condition is likely to be further enhanced by the conservation measures proposed under the CCAA that include the maintenance of large tracts of undeveloped land, management of fuels to reduce the risk of catastrophic wildfires, and enhanced management of weeds and invasive plant species to benefit the sage-grouse.

### **B. Are the effects of the Moore CCAA 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, etc.), prior to implementation of the minimization and mitigation measures? [40 CFR 1508.14; 43CFR 46.205]**

Yes. See the response under II.A. above.

### **C. Would the incremental impacts of the Moore CCAA, 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 effect to the human environment (the natural and physical environment) which would be considered significant? [40 CFR 1508.7; 43CFR 46.205]**

Yes. As previously stated, the CCAA will not result in any additional livestock and rangeland management activities that are not already likely to take place. Removal of threats on the enrolled lands is expected to provide some overall benefits to sage-grouse and may benefit other resources as well. However the benefits are largely associated with maintenance of existing habitat quality. Therefore, cumulative impacts from additional CCAAs or other similar activities that primarily maintain existing conditions and control threats to sage-grouse would not be considered significant.

**III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this Moore CCAA?**

**Would implementation of the Moore CCAA:**

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

No impacts to public health or safety are anticipated from livestock management activities conducted as a result of the CCAA because (1) they are largely ongoing activities that are not known to affect public health, and (2) they are conducted on private lands where access is limited by the landowner.

**B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, or other ecologically significant or critical areas?**

No. We are not aware of any park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, national natural landmarks, wetlands or floodplains, national monuments, known historic or cultural resources, or other ecologically significant critical areas on or near the lands covered by the proposed CCAA.

**C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources? [see NEPA section 102(2)(E)]**

No. The activities identified in the CCAA are only slight modifications of the same livestock management techniques that have been used for decades on the enrolled lands that have maintained large tracts of unfragmented and undeveloped land that is currently occupied, in part, by the greater sage-grouse. The environmental effects are minimal and no controversy is anticipated.

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

No unique or unknown environmental risks are anticipated from livestock management activities on the lands covered under the proposed CCAA. The areas in which these activities are likely to occur have been previously impacted by similar activities. These activities have maintained large tracts of unfragmented and undeveloped land that is currently occupied, in part, by the greater sage-grouse. Actions under the CCAA are intended to maintain or improve native shrub steppe habitat in the covered area.

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

No. The NRCS is working with landowners in the area to assist in livestock management and juniper encroachment activities. Additionally, the activities included in this CCAA are similar to ongoing activities. Any future CCAAs for the sage-grouse in Oregon will be evaluated based upon the information available at that time, and will consider the status of the covered species and the specific area and actions involved.

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

No. This CCAA involves two landowners in a very small geographic area and involves ranching activities that have been ongoing for decades.

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

No. The activities proposed under the CCAA involve minor ground disturbance in areas previously disturbed by livestock management purposes. We are not aware of any properties listed or eligible for listing on the National Register of Historic Places that would be affected by the covered activities. Therefore, we anticipate no adverse impacts to such 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. The intent of the CCAA is to conduct livestock management activities in a manner that is likely to maintain or enhance sage-grouse habitat conditions and encourage the use of improved habitat conditions by sage-grouse. These management activities are intended to promote the conservation of this species. There are no other known listed species or critical habitats in the area that would be affected by the activities undertaken by the CCAA.

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

No. We are not aware of any Federal, State, local or tribal law or requirement that would be violated by the activities covered under the proposed CCAA.

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

No. Activities covered by the proposed CCAA (e.g., slight modification to ongoing livestock management and rangeland treatments) have no known potential to disproportionately or adversely affect 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. The CCAA only covers private property and there are no known Indian sacred sites associated with this property.

**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. The proposed CCAA is expected to help reduce the continued existence and spread of noxious weeds and non-native invasive species. Invasive vegetation was identified in the CCAA as one of the threats to the sage-grouse and several conservation measures were developed to prevent the establishment of invasive plants and to treat areas where they already occur.

#### **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 information and analysis above, I determine that the proposed issuance of an Enhancement of Survival Permit for the Moore CCAA qualifies for a categorical exclusion, as defined in 40 CFR 1508.4. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Moore CCAA. Therefore, the Service's permit action for the Moore CCAA is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

- Draft Candidate Conservation Agreement with Assurances for the Greater Sage-Grouse between Mr. and Mrs. William Moore and the U.S. Fish and Wildlife Service for private rangelands owned and leased by MR. and Mrs. William Moore in Baker and Malheur Counties, Oregon.

**Signature Approval:**

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Gary Miller, Field Supervisor  
La Grande Field Office  
U.S. Fish and Wildlife Service, La Grande, Oregon

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Date

**Concurrence:**

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Paul Henson, State Supervisor  
Oregon Fish and Wildlife Office  
U.S. Fish and Wildlife Service, Portland, Oregon

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Date