

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

**I. Project Information**

**A. Project Name:**

Template Candidate Conservation Agreement with Assurances (CCAA) for Fisher in Oregon

**B. Affected Species:**

Fisher (*Pekania pennanti*)

**C. Project Size:**

The geographical area covered by this CCAA includes the potential estimated range of the fisher in Oregon, which includes Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Deschutes, Douglas, Hood, Jackson, Jefferson, Josephine, Klamath, Lane, Linn, Lincoln, Polk, Tillamook, Yamhill, Wasco, and Washington Counties of Oregon. Lands eligible for enrollment include State, Tribal, non-federal publically-owned, or privately-owned forest lands capable of providing fisher habitat. A majority of this area is currently not known to contain any fisher.

**D. Brief Project Description** (including minimization and mitigation plans as appropriate):

- The fisher was once widely distributed throughout forested areas of western Oregon, but due to logging, unregulated trapping, and perhaps incidental mortalities associated with predator control efforts, the range in Oregon has been reduced to one remnant indigenous population and one reintroduced population in southwestern Oregon. The populations have not noticeably expanded their ranges in the past couple of decades, but sufficient surveys have not been conducted to document their current range in Oregon. Additional information is needed to document habitat use patterns and the distribution of fisher in Oregon that will be helpful in planning for future reintroduction efforts on Federal lands. The CCAA will serve as the foundation for developing partnerships with non-federal landowners to support further research, surveys, and potential future reintroductions.
- The primary objective of the CCAA is work cooperatively with landowners to conduct research activities and to avoid potential impacts to denning fishers while conducting routine forest management activities. These efforts should contribute to the recovery of fisher in Oregon.
- This CCAA provides an opportunity to fill the key information gaps regarding fisher distribution, densities, and response to timber management activities, as well as support

the potential establishment of additional populations of fishers in western Oregon through reintroduction that is initiated on Federal lands. Landowners may be involved in camera and trapping surveys, along with radio-tracking of individuals, to better understand habitat use. Knowing and following the location of radio-collared fishers will allow for the avoidance of adverse impacts to known denning females. Such actions will further fisher conservation, increase the likelihood of detecting and protecting denning females, and further collaboration among government and non-government entities. Activities that are covered by this CCAA and the associated Permit are most commonly practiced forest land management activities. These include timber harvest and hauling, site preparation and reforestation, and road maintenance and construction. Additionally, the collection of minor forest products, fire suppression, and recreation (including legal hunting and trapping).

- The duration of the CCAA and associated section 10(a)(1)(A) permit is 30 years.
- The permit area under this template CCAA includes the past and present geographical range of the fisher in Oregon which includes non-federal forest lands within the western Cascades and all of the Coast Range.
- Goals and objectives for covered species: improve our understanding of fisher distribution, densities, and habitat use, especially on non-federal lands where information is more lacking; conserve active fisher den sites to increase the survival of young; increase public participation and support for fisher recovery and reintroduction; and, monitor potential future reintroduced fishers to determine success rates and provide information for improving success rates.
- Commitments and beneficial actions under the CCAA:
  - Allow USFWS or its agents, with reasonable prior notice (defined as no less than 24 hours), to access enrolled lands to perform the monitoring activities described below.
  - Determine if female fisher(s) are occupying dens and raising kits. Denning females will be detected by radio-telemetry or by incidental observation.
  - Evaluate fisher presence for the term of the CCAA (30 years) to determine the long-term success of recovery efforts in Oregon. Methods may include but are not limited to the use of remote cameras, hair-snaring devices, and bait and scent lures.
  - Protect confirmed denning females and their young by limiting or preventing access and disturbance near occupied sites, including preventing the destruction of the denning structure itself (i.e., a tree, snag, log, or other structure).
  - Provide protection of denning female fishers by prohibiting trapping and nuisance animal control activities on enrolled lands within 2.5 miles of known

occupied dens.

-Cover all man-made structures on enrolled lands that pose an entrapment risk to fishers (e.g. large water troughs, old rail cars, or other containers from which fishers cannot escape) or place a device within the structure (e.g., wooden pole to allow fishers to climb out) to prevent mortality of fishers from drowning, starvation or dehydration.

The activities listed above are partly dependent upon the proximity to fishers. Currently, the majority of the potential CCAA enrollment area does not contain fisher. Priority for carrying out these activities will be given to areas that currently support fisher, and those areas suspected of having fisher but for which surveys have not been conducted. Without the CCAA, there would likely not be access to these private forest lands and there would be less information sharing.

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

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

Yes. The proposed survey, monitoring, and avoidance measures proposed under the CCAA are intended to not disrupt denning fisher females with young and avoid their harm or harassment. The information gained from monitoring will guide and promote the future reintroduction of fisher. Fisher are not currently present on all the covered lands, and only through future reintroduction that will potentially occur on Federal lands will they likely to expand their range. At the end of the 30 year CCAA we do not expect fisher to occupy all of the covered lands, but we do expect some expansion from their current range where suitable habitat exists.

### **B. Are the effects of the 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. The majority of the covered activities under the CCAA are currently on-going, and would occur with or without the CCAA; therefore those effects are negligible. The surveying and monitoring that will be conducted under the CCAA will have minor or negligible on components of the human environment since they involve only temporary placement of cameras, traps to collect DNA samples, trapping of fisher to attached radio tracking collars, and surveyors walking through the forest. Harvest and trapping of other species will only be suspended if denning female fishers are located on the property. The proposed activities are not expected to affect environmental, socioeconomic or cultural resources in any significant way.

### **C. Would the incremental impacts of this 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]**

The impacts, under the CCAA, even considered with other similar projects, are not expected to result in significant cumulative effects to environmental values or resources due to the limited nature of the activities (i.e., primarily surveying and monitoring and some alteration in the timing of activities). Other surveying and monitoring for fishers on lands not covered under the CCAA are expected to negligible impacts and not result in significant cumulative impacts.

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

**Would implementation of the CCAA:**

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

No. Public health and safety should not be affected by the proposed activities covered under the CCAA.

**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. Covered activities that may occur on the enrolled lands are not expected to result in any major ground disturbance that could affect the types of resources listed above. In addition, all enrolled lands will be in non-federal ownership, so no Federal resource lands that fit the categories above will be affected.

**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. Many of the covered activities are on-going. Additional surveying and monitoring related activities are not considered controversial and have been on-going for fisher for decades. Only the timing of some forest management related activities may be affected if they occur near a known fisher den site.

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

No. The on-going activities related to forest management have occurred for over a hundred years. The surveying and monitoring activities have also been practiced for many decades and there are no known environmental risks associated with these activities.

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

No. As mentioned above, the types of activities that may occur under the CCAA have been occurring for many years and are not uncommon. Establishing a CCAA that will allow landowners to receive ESA assurances for these types of actions where they are expected to benefit covered species and support species recovery efforts is not expected to set a new precedent that could result in potentially significant environmental effects.

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

No. As mentioned above, the impacts of the activities associated with the CCAA, even considered with other similarly situated projects, are not expected to result in significant cumulative effects to environmental values or resources due to the limited nature of the activities (e.g., surveying and monitoring), and the limited total area potentially containing fishers that will be affected overall.

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

No. Participation and enrollment of lands under the CCAA should have no bearing on properties that are listed or eligible for listing on the National Register of Historic Places.

**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 activities of landowners that may enroll in the CCAA are intended to benefit the fisher. Avoidance measures for known fisher den sites should result in the avoidance of potential incidental take. Some adverse effects may occur as activities are implemented if fisher are not identified as being present prior to the engagement of those activities. This is expected to be rare with the surveying and monitoring efforts that are to be implemented. There is no proposed critical habitat for fisher at this time.

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

No. Prior to conducting work, all permits will be obtained and regulations will be followed, as applicable.

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

No. Participation and enrollment of lands under the CCAA will have no disproportionately high

and adverse effect on low income or minority populations. Properties that are eligible for enrollment are non-federal forest lands on which there is little to no residents. Eligible property owners will have the opportunity to participate in the program and enroll in the CCAA if they become interested in supporting recovery efforts, or if they become concerned about benefits to listed species on or near their properties.

**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. All enrolled lands will be in non-federal ownership, so no Federal resource lands that fit the categories above will be affected.

**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. Surveying and monitoring should have no effect on the presence of noxious or non-native invasive species. The on-going forest management activities are continuing activities on lands that have been in forest management for a long time. The intent of forest management is to provide optimal conditions for tree growth and measures are taken to reduce or eliminate noxious weeds or invasive species.

#### **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 Template Candidate Conservation Agreement with Assurances for Fisher in Oregon 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 CCAA. Therefore, the Service's permit action for this 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:

- Template Candidate Conservation Agreement with Assurances (CCAA) for Fisher in Oregon;
- Conference Opinion on the issuance of an Enhancement of Survival Permit Template Candidate Conservation Agreement with Assurances for Fisher in Oregon.

Signature Approval:

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Paul Henson, Ph.D.  
State Supervisor  
Oregon Fish and Wildlife Office

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Date