

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

I. Project Information

A. Project Name:

Chinook Forest Partners, LLC Site Plan under the 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 approximately 62,000 acres of Chinook Forest Partners, LLC (CFP) managed lands in Douglas, Jackson, Josephine, and Klamath Counties, Oregon.

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. This CCAA will serve to avoid impacts to known fisher den sites, support further research, surveys, and potential future reintroductions.
- Research and surveys conducted allowed and/or funded through this CCAA provide an opportunity to fill key information gaps regarding fisher distribution, densities, and response to timber management activities. CFP 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 section 10(a)(1)(A) permit are on-going and commonly practiced forest land management activities. These include

timber harvest and hauling, site preparation and reforestation, and road maintenance and construction. Additionally, there may be some collection of minor forest products, fire suppression, and recreation (including legal hunting and trapping).

- The duration of the controlling template CCAA is 30 years and the duration of the associated section 10(a)(1)(A) permit is the remaining duration of the CCAA at the time of permit issuance. In the case of CFP, this is 28 years.
- Goals and objectives for fisher include: improving our understanding of fisher distribution, densities, and habitat use, especially on non-federal lands where information is more lacking; conserving active fisher den sites to increase the survival of young; increasing public participation and support for fisher recovery and reintroduction by providing long-term assurances; and, monitoring potential future reintroduced fishers as they disperse from their release sites to determine success rates and provide information for improving success rates.
- Commitments and beneficial actions under the CCAA:
 - Allowing the U.S. Fish and Wildlife Service 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.
 - Determining if female fisher are occupying dens and raising kits. Denning females will be detected by radio-telemetry or by incidental observation.
 - Evaluating fisher presence for the term of the CCAA 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.
 - Protecting 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, brush pile or other structure).
 - Providing protection of denning female fishers by prohibiting trapping and nuisance animal control activities on enrolled lands within 2.5 miles of known occupied dens.
 - Covering 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 placing 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 enrolled lands are not known to contain fisher. Priority for carrying out conservation measures 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)(1)]

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 disturbance. The information gained from monitoring will guide and promote the future reintroduction of fisher. Fishers are not currently known to be present on the covered lands, and only through future reintroduction that will potentially occur on Federal lands will they be likely to expand their range. At the end of the CCAA term we do not expect fisher to occupy all of the covered lands, but we do expect the potential for 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 effects on components of the human environment since they involve only temporary placement of cameras, traps to collect DNA samples, trapping of fisher to attach 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 fisher on lands not covered under the CCAA are expected to have 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 on these privately-owned lands covered under the CCAA because the public does not have open access to these lands. Also, the actions being taken as part of the CCAA are not new to the enrolled lands. They are a continuation of on-going activities related to typical forest management.

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 land are 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. Most 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 the CFP to receive ESA assurances for these types of actions where they are expected to benefit fisher and support 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 fisher 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 because we are not aware of any properties listed, or eligible for listing on the National Register of Historic Places. The enrolled lands have been extensively managed for timber production and the activities proposed under the CCAA are a continuation of those on-going activities.

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 CFP under 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, especially with any surveying and monitoring efforts that are 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 must be obtained and regulations must be followed, as applicable.

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

No. Participation under the CCAA will have no disproportionately high and adverse effect on low income or minority populations. The lands enrolled are non-federal forest lands on which there are few to no residents.

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 statues, 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 Chinook Forest Partners, LLC 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;
- Chinook Forest Partners, LLC site plan;
- Conference Opinion on the issuance of an Enhancement of Survival Permit Template Candidate Conservation Agreement with Assurances for Fisher in Oregon.

Signature Approval:

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

Date: _____