

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

I. Project Information

A. Project name: Draft Safe Harbor Agreement for Nene at Haleakala Ranch, Maui

B. Affected species: Nene (Hawaiian goose, *Branta sandvicensis*)

C. Project size (in acres): 3,056 acres

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

The purpose of this SHA is to establish a self-sustaining population of the nene on Haleakala Ranch on the island of Maui. In 2011, the estimated population of nene on Maui was approximately 350 to 375 birds. Under the SHA, the Ranch will work cooperatively with DLNR or its designee to promote survival and recovery of the species by: (1) maintaining or improving approximately 3,056 acres of habitat that may be suitable for the nene on the Ranch for a period of 10 years by continuing livestock ranching operations in a manner sensitive to the presence of the nene, and maintaining open, short-grass habitat; (2) establishing and maintaining a nene release pen on the designated portion of the property; (3) controlling predators around nene breeding and release sites; and (4) providing access to the release pens.

This SHA will likely benefit recovery of the nene by providing a protected pen where nene chicks can mature and then be released into the suitable surrounding unoccupied habitat. The biological goal of this SHA is to establish a self-sustaining population of 200 nene, thereby expanding the species' range onto the Ranch and adjacent lands containing suitable nene habitat. The activities implemented under this SHA will aid in increasing the current range of the Covered Species, restoring these species to part of their historic ranges, increasing the total population of these species, thus contributing to their overall recovery. Without this cooperative government/private landowner effort, these lands would not otherwise be utilized by nene in the foreseeable future. For these reasons, this SHA and the activities it covers, which are facilitated by the allowable incidental take, would provide a net conservation benefit to the nene.

The duration of the SHA will be for a term of 10 years, although it may be renewed upon approval by the Service. The term of the enhancement of survival permit (ESP) is 50 years. The Ranch would be authorized through the 50-year permit and a State Incidental Take License to incidentally take nene on the enrolled lands as a result of lawful activities at the Ranch in conjunction with implementation of the SHA. Such incidental take is not expected to modify the net conservation benefit of this SHA for the nene. The Ranch may continue current land use practices, undertake new ones, or make any other

lawful use of the property, even if such use incidentally results in the loss of nene or their habitat covered under this SHA.

If at the end of the term of this SHA the Ranch plans to return to baseline conditions, they will notify DLNR and the Service to provide time to relocate nene from the property. At the end of the term of the SHA, the Ranch may also remove any nene habitat and return the property to the baseline conditions existing prior to the SHA. The baseline population for this SHA is zero (0) nene.

II. Does the SHA fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria? Yes.

- 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 issuance of an enhancement of survival permit for nene will cause no or negligible environmental disturbance. The Covered Activities as part of this ESP are routine ranching activities. The avoidance, minimization, and mitigation measures contained in the SHA involve non-invasive vegetation and predator control around an existing (or extension of) a nene pen. These actions will cause no measurable environmental disturbance.
- 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. This permit action only affects the enrolled lands as described in the SHA. There are no recreational, cultural, or visual resources at the project site.
- 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)** Yes. The SHA only covers enrolled lands on Haleakala Ranch. There are no reasonably foreseeable projects planned for this site or nearby areas that combined with this SHA would result in significant cumulative effects to environmental values or resources.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this SHA? No.

Would implementation of the SHA:

A. Have significant impacts on public health or safety? No. The Service has determined that no significant adverse effects on public health or safety are anticipated from providing and maintaining 3,056 acres of predator-free nesting, roosting, and foraging habitat for the nene on the Haleakala Ranch.

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? No. It is anticipated that the proposed SHA will not have an adverse effect on park areas, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, or ecologically significant or critical areas, or natural landmarks. The project is located entirely within the boundaries of the Haleakala Ranch and none of the above are located within or surrounding the project area. All activities proposed under the SHA are considered to be undertakings that have minor to no potential to impact to historic or cultural resources and thus do not require further Section 106 review. No adverse impacts are expected to wetlands since no jurisdictional wetlands occur within or in the vicinity of the project area. The proposed SHA does not involve the emission of substances into the air and therefore, will not affect air quality. The effects of the SHA are minor or negligible on other environmental values and resources.

C. Have highly controversial environmental effects? *see 43 CFR 46.30 for definition of controversial* No. The proposed SHA and covered activities will be conducted in compliance with Federal and State regulations. There are no controversial environmental effects or unresolved conflicts concerning alternative uses of the available resources.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? No. No uncertain and potentially significant environmental effects or unique or unknown environmental risks are anticipated from managing habitat for the nene on Haleakala Ranch or from providing predator-reduced nesting and foraging habitat for the nene on Haleakala Ranch, Maui.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. We do not anticipate the SHA will establish a precedent for future action or represent a decision in

principle about future actions with potentially significant environmental effects as nene are already present on the island of Maui.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? No. The proposed SHA is not directly related to other actions with individually insignificant but cumulatively significant environmental effects. The impacts of this SHA, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects will not result, over time, in cumulative effects to environmental values or resources, which would be considered significant. There are no present or reasonably foreseeable projects planned to provide habitat for the nene on Maui, and therefore, none that would result in significant changes to environmental values or resources.

G. Have significant adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No. We have concluded that all activities proposed under the SHA are considered to be undertakings that have minor to no potential impacts to cultural resources and thus do not require further Section 106 review. No adverse effects to properties listed or eligible for listing on the National Register of Historic Places are anticipated as a result of implementing the proposed SHA.

H. Have significant impacts on listed or proposed species, or have adverse effects on designated Critical Habitat for these species? No. No listed or proposed species are known to occur within the proposed project area, except for the nene, which will be introduced to the proposed project area. No adverse effects are expected for the nene, apart from a possible return to baseline conditions at a potential point in time between year 6 and the end of the 10-year term of the SHA. The Ranch has expressed commitment to providing sufficient notice to move nene, should they decide to return to baseline. Meanwhile, the Ranch (in coordination with DLNR) has agreed to implement beneficial management actions for nene which are expected to promote recovery by increasing the overall population on the enrolled property as well as surrounding habitat. The overall effects to the species range-wide are anticipated to be beneficial.

No impacts to critical habitat are anticipated since none was designated for the covered species. In addition, the area within the proposed project has not been designated or proposed as critical habitat for other listed or proposed plant, animal, or invertebrate species.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment? No, the SHA is not expected to violate Federal, State, local or tribal laws or requirements imposed for the protection of the environment. The Service believes the SHA is in compliance with State requirements. Haleakala Ranch currently has an Incidental Take License issued by Hawaii DLNR in accordance with state requirements under HRS section 195D-4 and section 195D-21. The proposed activities covered under an SHA must be otherwise lawful for the Service to issue the requested permit. The applicant has committed that the project will comply with all applicable Federal, State, and local laws or requirements imposed for the protection of the environment, and the Service is not aware of any such law or requirement that would be violated by issuing the permit or by implementing the SHA.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)? No, due to the nature of Ranch operations and its location the SHA will not have any 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. Haleakala Ranch lands covered by the SHA are privately owned on the island of Maui, Hawaii. No Federal resource lands that fit the categories above occur on Maui, so none 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. As part of the SHA, DLNR will be conducting vegetation management around the nene pen which will include removal of invasive or noxious weeds from the project area. Actively managing for predator control will also not increase the risk of establishment of non-native 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 analysis above, the Haleakala Ranch 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; 516 DM 6, Appendix 1; and 516 DM 8.5(C)(1). A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents (list):

The Safe Harbor Agreement for Nene at Haleakala Ranch, Island of Maui

Signature Approval:

Mary Abrams

Field Supervisor

Pacific Islands Fish and Wildlife Office

Date