

UNITED STATE FISH AND WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT

Scope of work: Section 10(a)(1)(A) of the Act authorizes the Secretary to permit, under such terms and conditions as he may prescribe, any act otherwise prohibited by Section 9 for scientific purposes or to enhance the propagation or survival of the affected species.

Before issuing permit number ESPER0011726 the Service considered the following factors: (1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit; (2) The probable direct and indirect effect that issuing the permit would have on the wild population of the wildlife sought to be covered by the permit; (3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit would be removed; (4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit; (5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and, (6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the issuance of permit number ESPER0011726 is a categorical exclusion as provided in 516 OM 8, 8.5(C)(1). No further NEPA documentation will therefore be made.

See attached NEPA Compliance Checklist

NEPA COMPLIANCE CHECKLIST

Project Name: ESPER0011726 Empire District Activity Based Informed Curtailment Study

This proposal is completely covered by categorical exclusion in 516 OM 8, 8.5(C)(I).
(Review proposed activities. An appropriate categorical exclusion must be identified before completing the remainder of the Checklist. If a categorical exclusion cannot be identified, or the proposal cannot meet the qualifying criteria in the categorical exclusion, or an extraordinary circumstance applies (see below), an EA must be prepared.)

Extraordinary Circumstances:

Yes No Will this proposal (check yes or no for each item below):

- X 1. Have significant adverse effects on public health or safety.
- X 2. Have significant adverse effects 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); floodplains (Executive Order 11988); national monuments ; migratory birds (Executive Order 131 86); and other ecologically significant or critical areas under Federal ownership or jurisdiction.
- X 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section I 02(2)(E)].
- X 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- X 5. Have a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- X 6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- X 7. Have significant adverse effects on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office, the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, or a consulting party under 36 CFR 800.
- X 8. Have significant adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant adverse effects on designed Critical Habitat for these species.
- X 9. Have the possibility of violating a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- X 10. Have the possibility for a disproportionately high and adverse effect on low income or minority populations (Executive Order 1 2898).
- X 11. Have the possibility to 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).
- X 12. Have the possibility to significantly contribute to the introductions, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introductions, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

(If any of the above extraordinary circumstances receive a "Yes" check, an EA must be prepared.)

This permit includes additional information supporting the Checklist.

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the permit: **is a categorical exclusion as provided by 516 DM 8, 8.5(C)(I). No further NEPA documentation will therefore be made.**

Service Signature Approval:

RO Recovery Permit Coordinator: _____ Date: 7/29/21

Chief of Endangered Species: _____ Date: _____

ATTACHMENT TO NEPA COMPLIANCE CHECKLIST FOR
ISSUANCE OF RECOVERY PERMITS IN REGION 3

Activities covered under 10(a)(1)(A) include, but are not limited to, research, survey, and other management-related recovery actions identified in a recovery plan or other conservation guidance documents and/or recommended by Service personnel. These activities result in both purposeful and incidental take of individuals of a listed species.

1. The issuance of recovery permits under Section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act) within Region 3 will cause no public health or safety concerns.
2. Issuance of recovery permits will not result in adverse effects to unique geographic characteristics such as historical 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. The U.S. Fish and Wildlife Service (Service) Ecological Services Field Office will coordinate with the State Historic Preservation Officer under the National Historic Preservation Act (NHPA) in the event that any activity implemented under any permit will potentially affect cultural or historical resources.
3. Issuance of recovery permits will not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.
4. There are few environmental risks associated with issuing recovery permits. They are understood and are not considered to be significant or unique. Service approved guidelines will be followed on each permit issued.
5. Issuance of recovery permits will not set a precedent for future actions or represent a decision in principle.
6. No other actions are proposed that would have individually insignificant but cumulatively significant environmental effects.
7. As stated in item #2, issuing recovery permits clearly requires coordination with the State Historic Preservation Officer under the National Historic Preservation Act (NHPA) in the event that any activity implemented under the recovery permit potentially affects cultural or historical resources. None are anticipated.
8. There will be no adverse effects on other listed or proposed species found in Region 3. In addition, there will be no adverse effects on designated or proposed Critical Habitat for any species.
9. No laws will be violated by issuing recovery permits.
10. There is no possibility of adversely affecting low income or minority populations by issuing recovery permits.
11. There is no possibility of limiting access to and ceremonial use of Indian sacred sites on Federal lands by issuing recovery permits.
12. Issuance of recovery permits will not significantly contribute to the introduction, continued existence, or spread of noxious weed or non-native invasive species known to occur in Region 3.