

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

I. Project Information

A. Project name: Butte Creek Ranch Safe Harbor Agreement

B. Affected species: Northern spotted owl (NSO; *Strix occidentalis caurina*) and gray wolf (*Canis lupus*)

C. Project size (in acres): 3,468 acres

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

The Butte Creek Ranch (Property) is covered by an existing Conservation Easement (Easement) held by Pacific Forest Trust that will ensure preservation and protection of the Property in perpetuity. Easement restrictions on management activities are incorporated into the SHA as conservation measures to benefit and contribute to the recovery of the NSO and gray wolf.

The SHA conservation measures and Easement restrictions related to forest management practices will result in a net conservation benefit to NSO by increasing nesting/roosting and foraging habitat on the Property. The conservation measures and Easement restrictions related to livestock management, habitat maintenance and enhancement, road construction, and use of motorized vehicles are expected to benefit the gray wolf by limiting potential wolf interaction with humans and cattle, improving deer and elk habitat, and avoiding disturbance to wolves. There are conservation measures that are not included in the Easement that are specific to the SHA. These include conducting surveys to monitor use of the Property by NSO and wolves, applying seasonal restrictions to avoid disturbance to NSO and wolves, protecting NSO nest and roost sites during timber harvesting, avoiding wolf den and rendezvous sites, and potentially managing barred owls to reduce their threat to NSO.

II. Does the SHA fit the criteria as described in the SHA policy? *Each response should include an explanation.*

Yes, the SHA follows the Service's Safe Harbor Agreement final policy and regulations. The SHA is expected to provide a net conservation benefit to the NSO and gray wolf and enhance their recovery through implementation of the conservation measures as described in the project description above. Forest management activities under the SHA are expected to improve NSO habitat conditions in the short-term by retaining elements such as snags, large decadent trees, and woody debris. Long-term improvements to NSO habitat will occur as trees grow larger and stand structural complexity increases. Managing the threat of high severity fires on the Property, facilitating the removal of barred owls, and developing long-term forest management plans to guide future improvements to NSO habitat will also benefit NSO. There are currently no known NSO on the Property, but if individuals disperse from adjacent areas and establish a territory on the Property, the net conservation benefit for NSO would be realized because the population on

the Property will have increased. Even if NSO do not establish territories on the Property, the SHA will benefit NSO on adjacent lands by maintaining and developing nearby nesting/roosting, foraging, and dispersal habitat.

The SHA will achieve a net conservation benefit for wolves by maintaining an area of limited human disturbance, providing adequate prey resources, and using livestock husbandry practices to avoid livestock and wolf conflict. Wolves have been observed on the Property and are expected to use the Property in the future because the current level of human activity will not increase under the SHA. The Property is relatively undeveloped, remote, and provides good habitat because of the availability of prey and perennial water, and minimal human presence. Land management practices are expected to improve habitat for deer and elk and may deter wolf depredation on livestock. Because the Property is a secure and relatively undisturbed location, it provides an important landscape habitat component for dispersing wolves and may potentially become part of an established wolf territory.

A. Are the effects of the SHA less than significant on the rangewide population of federally listed, proposed, or candidate species or other wildlife and their habitats covered under the SHA?

Yes, effects of the SHA on the Covered Species will be less than significant. If NSO and gray wolves occupy or establish territories on the Property in the future, their numbers would represent an extremely small proportion of the entire rangewide populations. It is expected that the Property can support no more than one NSO territory and one wolf pack given their average home range sizes of 3,390 acres and over 10,000 acres, respectively. The geographic range of the NSO spans the Pacific Northwest and includes coniferous forests within southwest British Columbia, Washington, Oregon, and northern California. The northwestern subspecies of gray wolf is currently found in Montana, Idaho, Washington, Oregon, Colorado, and California. Therefore, the 3,468 acre Property represents a very minor component of their overall geographic ranges.

Covered activities are expected to result in the incidental take of up to 10 juvenile and two adult NSO over the 50-year permit term during periodic timber harvesting by removing habitat or impairing breeding, feeding, and sheltering if NSO begin occupying the Property. A potentially significant adverse effect to NSO could occur if individuals establish territories on the Property at some time in the future and the Property Owners return the Property to its original baseline conditions at the end of the permit term. However, this is unlikely because the Easement requires that the Property permanently retain and develop older forest conditions that will benefit NSO. Take of gray wolves may occur if management activities significantly affect parental care of dependent young. Take of gray wolves is estimated to be no more than 15 juvenile wolves over the permit term. The actual amount of incidental take will likely be less because of the conservation measures included in the SHA. The effects of the SHA will be less than significant given the small-scale, local, and negligible impacts of the SHA on the rangewide NSO and gray wolf populations. Additionally, the conservation measures are expected to improve conditions and promote the use of the Property by NSO and wolves.

B. Are the effects of the SHA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.)?

Yes, the effects of implementing the SHA are expected to be minor or negligible on other environmental values or resources. Effects to air quality, geology and soils, water quality and quantity, socio-economic, historic and cultural resources, and visual resources are expected to be negligible or minor because summer livestock grazing, timber harvesting, and other Covered Activities will be of low intensity, short duration, and occur at small scales. Because of its remote location, the Property is not visible to significant numbers of people. Water quality may improve by implementing the conservation measures to improve meadows and restrict livestock grazing in sensitive riparian areas. Effects to recreation will not occur since the property is gated and access is subject to permission of the landowner.

C. Would the impacts of this SHA, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant? *The same concept is also included in the exception to categorical exclusions, III. F. below.*

No significant cumulative effects are expected to occur as a result of implementing the SHA and issuing the enhancement of survival permit (permit). The Covered Activities will occur at a small scale and low intensity. Timber harvesting on the Property does not generally occur every year, but rather periodically once every 5-15 years. The Property is not managed for industrial timber production. Timber harvesting is focused on removing unhealthy trees and retaining healthy growing trees by applying light unevenaged silviculture and thinning. Immediately following harvesting, the area remains well forested. Between harvests, forest and soil conditions stabilize to the point where no ongoing impacts to environmental resources persist. Livestock grazing does occur every year but relatively few cattle are present on the Property at any one time. Livestock are carefully managed to avoid adverse impacts to riparian areas, meadows, or other resources. The road network on the property is essentially complete and no significant road construction or maintenance will occur. For these reasons, any minor effects resulting from implementing the SHA will not accumulate into significant effects at the local or regional scale. Potentially returning the Property to the baseline condition would not result in a cumulative effect to any of the resources considered in this assessment.

III. Do any of the exceptions to categorical exclusions apply to this SHA? (from 516 DM 2.3, Appendix 2) *If the answer is “yes” to any of the questions below, the project can not be categorically excluded from NEPA. Each “no” response should include an explanation.*

None of the exceptions to categorical exclusions apply to this SHA.

Would implementation of the SHA:

A. Have significant adverse effects on public health or safety?

No, adverse effects to public health and safety are not anticipated. This private property is not accessible to the general public and no impacts are expected to occur or affect off-site areas.

B. Have significant adverse effects 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, there are no known historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, registered National Landmarks, or prime farmlands known to occur on the Property. The conservation measures that are expected to improve elk and deer habitat through monitoring and restricting livestock grazing in sensitive areas and enhancing native vegetation will likely benefit drinking water aquifers, wetlands, floodplains, or ecologically significant or critical riparian areas that might occur on the Property.

C. Have highly controversial environmental effects?

No, given the relatively small size of the project area, minor, negligible, or no impacts to the resources present will occur. There are no controversial environmental effects associated with this SHA.

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

No, the Covered Activities are routine and common for this area and have occurred for decades on the Property. These activities have not previously resulted in significant adverse environmental effects and none are anticipated. Therefore, approval of the SHA will not have highly uncertain or potentially significant environmental effects or involve unique or unknown environmental risks.

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

No, future actions will be reviewed on their own merits for meeting requirements under the Endangered Species Act, its implementing regulations, and other laws. Effects from implementing the SHA are expected to be beneficial, but may potentially result in temporary minor or negligible adverse environmental effects. This SHA is based on site-specific circumstances and does not affect decisions regarding future actions.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No, approval and implementation of the SHA is not directly related to other actions with significant cumulative environmental effects.

G. Have significant adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No, there are no parcels on the Property that are listed or known to be eligible for listing according to the National Register of Historic Places database (<https://www.nps.gov/subjects/nationalregister/database-research.htm>, accessed December 17, 2018). Enrollment under the SHA will not affect the Property from eligibility for listing on the National Register of Historic Places.

H. Have significant adverse effects on listed or proposed species, or have significant adverse effects on designated Critical Habitat for these species? *In making this determination, actions undertaken by the applicant to avoid “take” are not considered mitigation.*

The Service has completed an intra-agency Section 7 consultation and determined that the authorized incidental take under this SHA is not likely to jeopardize the continued existence of NSO or gray wolves in the wild. No designated critical habitat will be affected because there is no NSO or gray wolf critical habitat on the Property. We also determined that no significant adverse impacts to other listed or proposed species would result from the issuance of the permit or implementation of this SHA.

Ongoing Covered Activities, such as summer livestock grazing, timber harvesting, and road use, could impact the Covered Species if they begin to inhabit the Property at some time in the future. However, these effects would be minor because of the SHA conservation measures and the commitment of the Property Owners to work cooperatively with the Service to ensure that individuals are not harmed or killed. For these reasons, adverse effects to NSO and gray wolves will be avoided to the maximum extent practicable. In addition, the SHA conservation measures will result in a net conservation benefit for NSO and gray wolves by managing threats and improving habitat.

I. Have significant adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No, potential effects from implementing this SHA will not have any adverse effects on wetlands or floodplains. The SHA is not a water development project. Therefore, compliance with the above referenced orders and statute are not required.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

A condition of the permit is that the SHA must be carried out in accordance with all applicable Federal, State, or local laws.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Butte Creek Ranch meets the qualifications for 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 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents (list): Safe Harbor Agreement

Concurrence:

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