

EXECUTIVE SUMMARY

**Environmental Impact Statement for Authorization
for Incidental Take and Implementation of
Fruit Growers Supply Company's Multi-Species
Habitat Conservation Plan**



LEAD AGENCIES

**NOAA National Marine Fisheries Service
United States Fish and Wildlife Service**

June 2012

Executive Summary

ES-1 Introduction to the Federal Action

The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), collectively the “Services,” have received applications from Fruit Growers Supply Company (FGS, or applicant) for Incidental Take Permits (ITPs) in accordance with Section 10(a)(1)(B) of the federal Endangered Species Act (ESA), as amended. The applicant is seeking this authorization so that activities associated with implementing the FGS Multi-Species Habitat Conservation Plan (FGS HCP or Proposed Action) comply with the ESA, while providing protection for five species that are either listed under the ESA or could become listed during the permit term (the proposed Covered Species). The proposed Covered Species and their status appear in Table ES-1.

TABLE ES-1
Proposed Covered Species

Common Name	Scientific Name	Status	
		Federal	State
Terrestrial			
Northern spotted owl	<i>Strix occidentalis caurina</i>	Threatened	None
Yreka phlox	<i>Phlox hirsuta</i>	Endangered	Endangered
Aquatic			
Coho salmon (Southern Oregon/Northern California Coast ESU)	<i>Oncorhynchus kisutch</i>	Threatened	Threatened
Steelhead (anadromous) (Klamath Mountains Province ESU)	<i>Oncorhynchus mykiss</i>	None	None
Chinook salmon (Upper Klamath and Trinity Rivers ESU)	<i>Oncorhynchus tshawytscha</i>	None	None

Note:

ESU = evolutionarily significant unit

Because the proposed issuance of ITPs would be a federal action that may significantly affect the human environment, this issuance is subject to review under the National Environmental Policy Act (NEPA). NEPA provides an interdisciplinary framework for federal agencies to evaluate environmental consequences of programs and projects over which they have discretionary authority. NMFS and the USFWS are the co-Lead Agencies under NEPA for proposed issuance of the ITPs. This Environmental Impact Statement (EIS) evaluates the impacts of issuing the ITPs and implementing the FGS HCP.

The FGS HCP was prepared to cover the continued timber harvest and various other timber management activities within the Plan Area which lie within the geographic range of the northern spotted owl, Yreka phlox, and coho salmon. The northern spotted owl and the

Southern Oregon/Northern California Coast Coho salmon evolutionarily significant unit (ESU) are federally listed as threatened. Coho salmon are also listed as threatened by the State of California. A final recovery plan for the northern spotted owl was published in May 2008 (USFWS 2008) and a revised recovery plan was published in June 2011 (USFWS 2011). The Yreka phlox is federally and state listed as endangered; the Yreka phlox final recovery plan for the species was issued in July 2006 (USFWS 2006).

Pursuant to the ESA, USFWS regulations prohibit the take of species listed as threatened or endangered, and USFWS regards the harvest of suitable habitat in areas occupied by northern spotted owls as having the potential for take in violation of the ESA. California Board of Forestry regulations restrict timber harvest operations in suitable habitat within occupied owl territories in order to prevent the take of northern spotted owls. Similarly for listed ESUs of coho salmon, NMFS and the California Department of Fish and Game (DFG) prohibit take, and consider various forest management activities (such as harvest in riparian zones, road construction, and harvest on unstable slopes) as potentially resulting in take of coho salmon. Due to the federal listing of coho salmon, timber harvest activities in riparian areas are restricted within the historic range of coho salmon. The state listing of coho salmon further restricts activities in watersheds that support coho salmon due to the implementation of new regulations such as the "Protection Measures in Watersheds with Coho Salmon." Yreka phlox is addressed in the HCP in order to be covered by the "No Surprises" assurances in the USFWS and NMFS ESA implementing regulations.

The applicant is requesting coverage for potential incidental take of covered species for a term of 50 years. The HCP would provide measures to minimize and mitigate impacts of potential incidental take of covered species through modification of the habitats upon which they depend. The applicant is proposing specific activities for which take authorization would be provided; these are described in more detail in Section 2 of the EIS. These include activities associated with timber harvest, road construction and maintenance, silviculture, stand regeneration, harvest of minor forest products, and fire prevention. In addition to the ESA and California Endangered Species Act (CESA), activities affecting the covered species occurring in the Plan Area are subject to numerous other state and federal laws. All covered activities would be implemented in accordance with the HCP and ITPs, and other applicable federal and state regulations.

ES-2 Purpose and Need

The purpose of the proposed action is to enable the applicant to continue to operate its commercial timberlands on a long-term basis while complying with the ESA.

The need for the proposed action is to provide broad protection and conservation for listed and unlisted species, while allowing the applicant to sustainably manage its timber operations over the long term. The applicant's needs and goals are to (1) provide cost-effective measures to minimize and mitigate the incidental take of listed and unlisted species that may occur on or near its lands as a result of its timber operations, and (2) ensure long-term economically feasible timber operations. The Services' needs and goals are to conserve listed and unlisted species and their habitats during the applicant's timber management activities to ensure compliance with the ESA.

ES-3 Alternatives

This EIS analyzes a No Action Alternative, the Proposed Action, Alternative A, and Alternative B. A brief summary of each alternative is provided below. Section 2.0 of the EIS, Proposed Action and Alternatives, provides detailed descriptions of the four alternatives.

ES-3.1 No Action Alternative

Under the No Action Alternative, the applicant would continue to conduct timber harvesting and related operations in the Plan Area in accordance with existing state and federal regulations as well as the operational and policy management actions it currently implements. The Services would not issue ITPs and, therefore, the applicant would remain subject to the prohibition on unauthorized taking of state and federally listed species as well as the provision of the California Forest Practice Rules (CFPRs) that no timber harvesting plan (THP) may be approved that would result in the unauthorized take of a listed species. Further, the applicant would remain subject to state requirements to avoid or mitigate significant adverse impacts of timber harvesting on all wildlife, including species listed or proposed for listing under the ESA and California Endangered Species Act (CESA). In addition, the applicant would remain subject to state and federal laws, such as the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and the prohibitions on taking of certain raptors pursuant to Sections 3503.3 and 3511 of the California Fish and Game Code. The applicable regulations that provide the framework for implementing the No Action Alternative are summarized in Section 1.5 of the EIS.

Activities that would continue to occur as part of the No Action Alternative pursuant to existing laws and regulations (where incidental take is not authorized) are described in detail as components of the No Action Alternative. These include the growing, harvesting, and transporting of timber products on and off the property; conducting ancillary activities necessary to protect the property from fire, insects, disease, and vandalism; complying with various local, state, and federal laws and regulations that assess and seek to protect environmental resources (including listed fish and wildlife species); and voluntarily conducting research on wildlife and fish species and their habitats.

The following activities are associated with the applicant's timber harvesting and forest management practices under the No Action Alternative:

- Timber harvest
- Road and landing construction, maintenance, and management
- Other management activities
- Stand regeneration and improvement
- Harvest of minor forest products
- Fire prevention and suppression
- Miscellaneous activities

No take of northern spotted owl, coho salmon, or other listed species would be authorized and the Services would not issue ITPs.

ES-3.1 Proposed Action

Under the Proposed Action, USFWS would issue an ITP with a 50-year term, covering northern spotted owl. NMFS would issue an ITP, also with a term of 50 years, for three ESUs of anadromous salmonids. Under the Proposed Action, the applicant would continue to conduct timber harvesting and related operations in accordance with existing state and federal regulations, including the CFPRs, and consistent with their operational and policy management actions currently being implemented. The applicant would also implement its proposed HCP within the Plan Area. Operations within the Plan Area would be subject to the terms and conditions of the HCP and the associated Implementing Agreement (IA). While incidental take of Yreka phlox would not be authorized under the Proposed Action, the applicant addressed this species in the HCP in order to receive assurances under the “No Surprises” in the USFWS and NMFS ESA implementing regulations.

The applicant is proposing two general habitat conservation programs (terrestrial and aquatic) and two species-specific strategies (northern spotted owl and Yreka phlox). The habitat-based components focus on maintaining and increasing the value (amount and/or quality) of aquatic and terrestrial habitats used by the covered species in the Plan Area, thus enhancing survival and reproduction of the covered species. Under the Proposed Action, a system of conservation support areas would be established around owl activity centers with high conservation values based on Critical Habitat Units. The habitat-based conservation approach is augmented by species-specific objectives designed to minimize direct effects to covered species from forest management practices, minimize threats to the covered species, and contribute to the federal conservation strategies for northern spotted owl and Yreka phlox.

ES-3.2 Alternative A

Under Alternative A, USFWS would issue the applicant an ITP with a 50-year term, covering northern spotted owl. NMFS would issue an ITP, also with a term of 50 years, for three ESUs of anadromous salmonids. Under Alternative A, the applicant would continue to conduct timber harvesting and related operations in accordance with existing state and federal regulations, including the CFPRs, and the operational and policy management actions currently being implemented by the applicant. The applicant would also implement a modified HCP within the Plan Area. Operations within the Plan Area would be subject to the terms and conditions of the modified HCP and the associated IA.

This alternative differs from the Proposed Action in the manner in which conservation support areas for northern spotted owl are selected and in the level of protection to aquatic species provided by the riparian buffers (see subsection 2.3.4 of the EIS). Northern spotted owl conservation areas would be based on the Northwest Forest Plan (NWFP) system of late-successional reserves (LSRs) and the aquatic strategy would be based on concepts outlined in the NWFP for the protection of aquatic habitats. Under Alternative A, management and conservation measures for Yreka phlox would be the same as under the No Action Alternative.

ES-3.3 Alternative B

Under Alternative B, USFWS would issue the applicant an ITP with a 50-year term, covering northern spotted owl. NMFS would not issue an ITP for the three species of anadromous salmonids covered under the Proposed Action.

Under Alternative B, the applicant would continue to conduct timber harvesting and related operations in accordance with existing state and federal regulations, including the CFPRs and the operational and policy management actions currently being implemented by the applicant. The applicant would also implement an HCP within the Plan Area covering the northern spotted owl. Operations within the Plan Area would be subject to the terms and conditions of the modified HCP and the associated IA.

Alternative B provides a different approach to northern spotted owl conservation by providing moderate quality foraging and dispersal habitat across the applicant's ownership as mitigation for incidental take of owls. In this manner, conservation would be achieved by landscape-level actions rather than by preserving specific owl habitat within home ranges. The terrestrial conservation program in the Alternative B modified HCP would not include conservation measures for Yreka phlox, and there would not be an aquatic species conservation program. Species protection measures for Yreka phlox and anadromous salmonids would be the same as under the No Action Alternative.

ES-4 Potential Effects of Alternatives

The potential environmental effects associated with the four alternatives are summarized in Table ES-2 and are described in detail in Section 4.0 of the EIS, Environmental Consequences.

TABLE ES-2
Summary of Potential Impacts

Category	No Action	Proposed Action	Alternative A	Alternative B
Geology				
Hillslope mass wasting	Slight reduction resulting from implementation of CFPRs, including "ASP Rules"	Greater reductions through implementation of slope-stability measures	Similar to No Action Alternative	Similar to No Action Alternative
Road-related sediment production	Reduction over time as roads are maintained, upgraded, and decommissioned on a THP-by-THP basis	Greater reductions through implementation of the Road Management Plan – Operations Guide	Similar to No Action Alternative	Similar to No Action Alternative
Surface erosion	Slight reduction resulting from implementation of CFPRs, including "ASP Rules"	Similar to No Action Alternative	Greater reduction due to wider, no-harvest riparian buffers	Similar to No Action Alternative
Water Resources				
Surface and groundwater hydrology	No change from existing conditions	Improvements due to reduction in clearcut acres and road management measures	Improvement due to wider, no-harvest riparian buffers	Improvements due to reduction in clearcut acres
Water temperature	Slight decreases as canopy coverage increases	Similar to No Action with greater reductions in Class A lands	Similar to No Action with greater reductions due to wider, no-harvest riparian buffers	Similar to No Action Alternative
Sediment	Slight reduction resulting from implementation of CFPRs, including "ASP Rules"	Greater reductions through implementation of slope-stability and road management measures	Greater reduction due to wider, no-harvest riparian buffers	Similar to No Action Alternative
Nutrients	Generally maintained at existing levels, possible reduction in sediment-bound nutrients	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Dissolved oxygen	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative

TABLE ES-2
Summary of Potential Impacts

Category	No Action	Proposed Action	Alternative A	Alternative B
Biological Resources – Covered Species				
Northern spotted owl	No change from existing conditions	Improved demographic support through 24 CSAs	Improved demographic support through 26 CSAs	Improved demographic support at landscape level
Yreka phlox	No change from existing conditions	Greater protection through the addition of botanical surveys to identify undiscovered phlox populations, use of certified weed-free mulch within the EEZs established around Yreka phlox occurrences, and restrictions on the felling and yarding of trees within the EEZs	Similar to No Action Alternative	Similar to No Action Alternative
Anadromous salmonids	General improvement in aquatic habitat conditions	Greater improvements in aquatic habitat conditions through reductions in sediment and increased LWD	Greater improvements in aquatic habitat conditions through reductions in sediment and increased LWD	Similar to No Action Alternative
Biological Resources – Other Species				
Bald eagle	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Western yellow-billed cuckoo	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Great gray owl	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Northern goshawk	No change from existing conditions	Increase in highly suitable habitat	Increase in highly suitable habitat	Increase in highly suitable habitat
Osprey	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Golden eagle	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Greater sandhill crane	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative

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Summary of Potential Impacts

Category	No Action	Proposed Action	Alternative A	Alternative B
American peregrine falcon	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Long-eared myotis bat	No change from existing conditions	Increase in highly suitable habitat	Increase in highly suitable habitat	Similar to No Action Alternative
Long-legged myotis bat	No change from existing conditions	Increase in foraging habitat	Increase in foraging habitat	Similar to No Action Alternative
Fisher	Maintenance of resting/denning habitat; increased foraging habitat	General improvement in habitat quality and decreased fragmentation	General improvement in habitat quality and decreased fragmentation	Increased resting/denning habitat; reduction in foraging habitat and fragmentation
Tailed frog	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Southern torrent salamander	No change from existing conditions	Marginally greater protection in riparian areas	Marginally greater protection in riparian areas	Similar to No Action Alternative
Siskiyou Mountains salamander	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Scott Bar salamander	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Northern red-legged frog	No change from existing conditions	Marginally greater protection in riparian areas	Marginally greater protection in riparian areas	Similar to No Action Alternative
Foothill yellow-legged frog	No change from existing conditions	Marginally greater protection in riparian areas	Marginally greater protection in riparian areas	Similar to No Action Alternative
Pacific lamprey	General improvement in aquatic habitat conditions	Greater improvements in aquatic habitat conditions through reductions in sediment	Greater improvements in aquatic habitat conditions through reductions in sediment	Similar to No Action Alternative

TABLE ES-2
Summary of Potential Impacts

Category	No Action	Proposed Action	Alternative A	Alternative B
Special-Status Plant Species				
Gentner's fritillary	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Siskiyou mariposa lily	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Applegate's milkvetch	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Socioeconomics and Environmental Justice				
Socioeconomic conditions	Possible future reduction in timber harvest volume	Marginal benefits compared to No Action Alternative	Similar to No Action Alternative	Marginal benefits compared to No Action Alternative
Environmental justice	No change from existing conditions	Marginal benefits compared to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Air Quality				
Air quality	No change from existing conditions	Marginal benefits compared to No Action Alternative	Similar to No Action Alternative	Marginal benefits compared to No Action Alternative
Climate change	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative
Cultural Resources				
Cultural resources	Increase in disturbance compared to existing conditions	Marginal benefits compared to No Action Alternative	Similar to No Action Alternative	Marginal benefits compared to No Action Alternative
Land Use				
Land use	No change from existing conditions	Similar to No Action Alternative	Similar to No Action Alternative	Similar to No Action Alternative