

**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR SAFE HARBOR AGREEMENTS (SHA)
BENEFITTING LAHONTAN CUTTHROAT TROUT**

I. Project Information

A. Project name:

Safe Harbor for Voluntary Enhancement/Restoration Activities Benefiting Lahontan cutthroat trout on Private Lands within the Oregon Portion of the Northwest Geographic Management Unit

B. Affected species:

Lahontan cutthroat trout

C. Project size (in acres):

All private lands within the Northwest Geographic Management Unit within Oregon

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

The project (Federal Action) is the issuance of an incidental take permit associated with a Safe Harbor Agreement (SHA) between the U.S. Fish and Wildlife Service and the Oregon Department of Fish and Wildlife. The primary objective of this Safe Harbor Agreement is to encourage voluntary habitat restoration, maintenance, or enhancement activities to benefit Lahontan cutthroat trout.

A small, but integral portion of the existing Lahontan cutthroat trout occupied habitat and streams within the Oregon portion of the Northwest Geographic Management Unit have private lands within their perennial reach. To encourage the cooperation of private landowners, the Oregon Department of Fish and Wildlife intends to enroll into Cooperative Agreements, private landowners who are willing to allow the introduction or expansion of Lahontan cutthroat trout within their private lands and waters within.

Each cooperator will not be expected to implement the full set of measures. The conservation measures to be implemented will be specific to each individual's baseline, habitat conditions, and management needs. The overall goal of the SHA will be to produce conservation measures that are mutually beneficial to the cooperator and the long-term existence of Lahontan cutthroat trout. Implementation of this Agreement is expected to result in increased numbers of Lahontan cutthroat trout and amount of occupied habitat.

II. Does the SHA fit the low effect criteria as described in the SHA policy?

Yes, the Agreement follows the Service's Safe Harbor Agreement final policy and regulations. The SHA enhances both the reintroduction and recovery of Lahontan cutthroat trout by encouraging private landowners to voluntarily create, enhance, maintain, or restore Lahontan cutthroat trout habitat. Recovery of Lahontan cutthroat trout is partly dependent on networked populations and expansion of occupied habitat. Networked populations use interconnected streams through which they can move freely. Enrolling private landowners and their lands creates opportunities for Lahontan cutthroat trout to utilize private lands and adjacent federal lands. Establishment of networked habitats and expansion of occupied habitat would contribute to the recovery of Lahontan cutthroat trout.

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, the populations of Lahontan cutthroat trout residing within Oregon are a portion of the entire distribution of the species. Although actions taken to recover Lahontan cutthroat trout in Oregon contribute to the recovery of the species, the effects to the species rangewide would not result in significant negative effects to the species. The proposed SHA will not affect any other listed or candidate species.

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 are expected to be minor or negligible. Effects to air quality and quantity are expected to be negligible or minor because livestock, agricultural management actions, other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Effects to geology and soils are expected to be minor since livestock agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Effects to water quality and quantity are expected to be minor or negligible because livestock, agricultural management actions, other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Improvement to water quality and quantity is expected in areas identified for potential conservation actions to improve stream form, function, or riparian vegetation. Socio-economic resource effects from approval of the SHA are expected to be negligible because livestock, agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Impacts to historic and cultural resources are expected to be negligible because livestock, agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Effects to recreation are expected to be negligible since the proposed action is restricted to private lands and these lands are open to public recreation only when approved by the landowner. In addition, livestock agricultural management actions, and other land uses

and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Effects to visual resources are expected to be negligible because livestock, agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

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 the Agreement and issuance of the permit. Although beneficial effects to both Lahontan cutthroat trout habitat and populations are expected because of activities being permitted, these effects will occur on private lands. Additional benefits will result from the expansion of occupied Lahontan cutthroat trout habitat onto and from the adjacent public lands.

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.*

There are no exceptions to categorical exclusions that apply to this SHA.

Would implementation of the SHA:

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

No, livestock agricultural management actions, other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

B. Have 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, registered National Landmarks, recreation or refuge lands, wilderness areas, wild or scenic rivers, or prime farmlands known to occur on the private lands included in this SHA. Additionally, livestock, agricultural management actions, other land uses and associated maintenance on the private land are expected to occur regardless of approval of the proposed SHA and issuance of the permit.

C. Have highly controversial environmental effects?

No, given the small project area with minor or negligible impacts to all resources, there is no scientific controversy over environmental effects.

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

No, the proposed management and conservation activities within the SHA are routine and common for this area and would have minor or negligible effects. Therefore, approval of the SHA would 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 would be reviewed on their own merits for meeting requirements under the Endangered Species Act, its implementing regulations and other laws. Effects from approval of the SHA are minor or negligible; therefore approval of the SHA would not represent a decision in principle about future actions with potentially significant environmental effects.

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

No, there are no parcels known to be listed or known to be eligible for listing according to the National Register of Historic Places database (<http://www.nps.gov/nr/research/> accessed April 25, 2011). Enrollment under the SHA would not affect a property from eligibility for listing on the National Register of Historic Places.

Have adverse effects on listed or proposed species, or have 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.*

No, there is no designated Critical Habitat for Lahontan cutthroat trout and all activities are designed to improve habitat or the existing population. No other listed species would be affected by implementation of the SHA.

H. Have 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 are not expected to have any adverse effects on wetlands or floodplains and no activities associated with the SHA are considered to be a water development project.

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

No, approval of the SHA will be in accordance with all applicable laws. A specific condition of the permit will be that it be carried out in accordance with all applicable federal, state, or local laws.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the "Safe Harbor Agreement for Voluntary Enhancement/Restoration Activities Benefitting Lahontan Cutthroat Trout on Private Lands within the Oregon Portion of the Northwest Geographic Management Unit" project 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:



State Supervisor
Oregon Fish and Wildlife Office
U.S. Fish and Wildlife Service



Date