

**Screening Information for Consideration of Categorical Exclusion
for NEPA Review Purposes
Martin Branch Woodland (Lambert) SHA
April 2005**

I. Project Information

A. Project name:

Application for an Enhancement of Survival Permit Associated with a Safe Harbor Agreement for the threatened gopher tortoise (*Gopherus polyphemus*) and red-cockaded woodpecker (*Picoides borealis*) on Martin Branch Woodland, Covington County, Mississippi.

B. Project size (preferably in acres):

Also known as the enrolled lands, the Martin Branch Woodland property is approximately 754 acres and includes portions of sections 29, 30, 31 and 32, Township 6 North, Range 15 West. It is located about 2 miles southeast of Sumrall, Mississippi.

C. Brief project description:

The Service proposes to issue an Enhancement of Survival Permit that would authorize J. Lambert (the Applicant or Landowner) to take the threatened gopher tortoise and endangered red-cockaded woodpecker (RCW) in accordance with activities stipulated in the Safe Harbor Agreement (Agreement) on the 754 acres of land mentioned above..

The baseline for the gopher tortoise was determined by visual observations of burrows, habitat availability, and an assessment of habitat utilization based upon the current scientific knowledge of the species. Within the Landowner's property, the baseline for the gopher tortoise is 57.3 acres of suitable habitat. The baseline for the RCW was also determined by visual observation and available habitat; no RCW or RCW suitable habitat are found within the Landowner's property. The baseline for RCWs is zero. More information regarding the baselines for either/both of the covered species is found in the Service's Biological Opinion.

Under the Agreement, the Applicant will voluntarily implement conservation measures to biologically benefit the gopher tortoise and RCW over a 20-year period. The Applicant has agreed to restore, enhance, and increase habitat in a suitable condition for these species. The gopher tortoise currently inhabits portions of the property. The RCW does not currently reside on the property.

To benefit the gopher tortoise, the Applicant will manage pine forests to create open, sunny conditions for basking and egg incubation and to stimulate growth of a well developed herbaceous plant layer for forage. These conditions will be created by thinning timber and prescribing frequent fire to control encroachment by fire intolerant shrubs and hardwoods in habitat occupied by the tortoise as well as in unoccupied habitat. The forest will be maintained in an open condition by limiting the tree stocking so as not to exceed 70 square feet of basal area per acre. Also, the Applicant will restore

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longleaf pine by natural and artificial regeneration in existing timber stands. Except possibly in abandoned agricultural fields, mechanical site preparation will not be used to regenerate or reforest longleaf pine. Habitat enhancement and restoration will occur in habitat currently occupied by the gopher tortoise as well as in unoccupied habitat on the property. Collectively, about 480 acres of gopher tortoise habitat will be restored, enhanced, and maintained.

To benefit the RCW, the Applicant will implement management guidelines described in the Services' RCW recovery plan according to the management for RCW stability on private lands (Appendix 1, U.S. Fish and Wildlife Service 2003). Such management will create open pine forests, similar to those established for the gopher tortoise. By these standards, the Applicant will designate and manage a 10-acre cavity cluster area by growing and retaining potential RCW cavity trees of a suitable size and age. Also, a sufficient number of pine trees 10" dbh or greater will be retained and stocked on 75 or more acres to provide at least 3,000 square feet of basal area. By deferring timber harvests and managing habitat elsewhere on the property by converting short-rotation loblolly pine plantations to long rotation longleaf pine stands, additional suitable foraging habitat will be generated during the Agreement.

Upon termination of the Agreement, the Applicant may decide to return the enrolled property to the baseline conditions that existed prior to implementation of the Agreement. Returning the enrolled property to baseline conditions may result in the loss of all enhanced habitat that was provided by the Agreement. As a result, take of the gopher tortoise and RCW, through habitat loss, may occur in the future on the enrolled property. However, the Service does not expect this to occur.

II. Do any of the exceptions to categorical exclusions apply to this project? (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" must be accompanied by an explanation.

Would issuance of the enhancement of survival permit:

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

No. The Martin Branch Woodland currently consists of about 754 acres of pine and mixed pine-hardwood forests in rural Covington County, Mississippi. About 500 acres of this forest will be managed to benefit either the gopher tortoise or RCW. The Applicant manages the forest for mixed purposes, including income from timber production, wildlife, aesthetics, natural values, and recreation. Management to enhance habitat will decrease the frequency of timber harvests in some areas, and control the unnatural encroachment of hardwoods and shrubs in the pine forest understory. Such management uses normal silvicultural methods widely employed by foresters and landowners. The effects of these practices do not have significant adverse effects on public health and safety. The landowner can terminate this Agreement at any time by providing the

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Service with 30 days written notice. However, the Landowner acknowledges that terminating the Agreement will result in a corresponding termination of the Permit and the Landowner's loss of the regulatory assurances provided by the Permit for the covered species. The Landowner may return the enrolled property to baseline conditions, even if the expected net conservation benefits have not been realized, but only if done prior to the termination date. If the Agreement is terminated by the Applicant and the enhanced habitat is returned to current baseline conditions, then current forest management will once again ensue without the control of encroaching understory forest vegetation and more frequent timber harvests. Likewise, these baseline management practices represent normal forest management and do not significantly affect public health or safety.

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. No unique historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically critical areas including those listed on the National Register of Natural Landmarks occur on or adjacent to this property where habitat will be managed to benefit the gopher tortoise and RCW.

C. Have highly controversial environmental effects?

No. The proposed issuance of an enhancement of survival permit is not likely to result in highly controversial environmental issues. The Applicant is willing to manage the property to provide a net conservation benefit to the gopher tortoise and RCW. These habitat enhancements involve normal forest management practices such as thinning timber and controlling vegetation that would compete with longleaf pine. Other enhancements implement less intensive forest management, as compared to current management, by allowing trees to grow larger and older before harvest. At the end of the Agreement, the Applicant may revert management to methods employed prior to this Agreement, including more frequent timber harvests, creating a more dense forest by planting a greater number of trees per acre, and discontinuing the control of fire intolerant hardwoods and shrubs encroaching in the forest understory. When the Agreement is terminated, the environmental effects of the Applicant's forest management will be the same as those prior to the Agreement, which have not been controversial. Changes in forest and habitat management at the end of the Agreement can not, however, cause any incidental take of the gopher tortoise or RCW below that which existed on the property prior to the Agreement.

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

No. The forest management methods to restore and enhance habitat for the gopher tortoise and RCW represent normal silvicultural practices, such as thinning timber and extending the rotation or age of trees before harvest. These practices do not cause unusual, unique or highly uncertain environmental effects and risks.

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

No. The proposed permit issuance does not represent a decision in principle about future actions with potentially significant environmental effects. Issuance of enhancement of survival permits are considered on a case-by-case basis pursuant to the Service's Safe Harbor policy. As a result, individual actions under any Agreement do not necessarily influence future decisions that may have significant environmental effects.

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

No. The proposed issuance of this enhancement of survival permit is not related to other actions that will cumulatively cause significant environmental effects.

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

No. Information and data from the Mississippi State Historic Preservation Office reveal there are no known buildings, structures, archaeological sites, or other features either listed or eligible for the National Register on the Martin Branch Woodland. About 47% (350 acres) of the Woodland consists of loblolly pine plantations that were planted by the landowner on abandoned agricultural fields. Timber has been historically harvested and regenerated on the remaining woodlands, about 390 acres, which were not established from abandoned cotton fields. Thus, the area where management will enhance habitat for the gopher tortoise and RCW has been historically disturbed by farming and timber management since the Applicant's family acquired the property, beginning in 1920. Under the Agreement, the Applicant will voluntarily implement forest and habitat management measures that actually are less intensive silvicultural practices, with less potential to disturb soils as compared to current management without the Agreement and permit.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No net adverse effects will occur. The purpose of the Agreement is to gain conservation benefits for the federally listed gopher tortoise and RCW. The Applicant desires

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regulatory assurances by the Service's enhancement of survival permit that would allow incidental take of gopher tortoises and RCWs above the baseline, if the Applicant chooses to do so, when the Agreement is terminated. The Agreement and permit do not require the Applicant to return the habitat to baseline conditions. A net conservation benefit will still occur if incidental take occurs for individual tortoises and RCWs that increased above the baseline due to beneficial management. The individual tortoises and RCWs above the baseline would not otherwise have existed without the Agreement and voluntary management. Furthermore, current resident tortoises and habitat representing the baseline would have declined without the Agreement's beneficial management to restore longleaf pine forests and control the encroachment of fire intolerant hardwoods and shrubs in the understory. No RCWs currently reside on the property. Overall, these species will benefit when habitat is increased and enhanced on the property during the period of the Agreement.

I. 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. The proposed issuance of the enhancement of survival permit would not result in adverse impacts to wetlands or other aquatic resources. All of the vegetative management and habitat enhancements under the Agreement will occur in upland areas that are not wetlands or floodplains.

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

No. The habitat, vegetation, and forest management activities to enhance and increase habitat for these listed species, or to return the property to baseline conditions are not regulated under any other Federal, State, local, or tribal law to protect the environment in Covington County, Mississippi.

III. Additional information requested for consideration of a categorical exclusion determination.

A. Extent of public involvement in enhancement of survival permit application.

Service policy requires public notification for any proposed Safe Harbor Agreement and corresponding enhancement of survival permit. As a result, the Service notified the public by publishing a notice of the application for an enhancement of survival permit in the Federal Register on July 21, 2003, soliciting public comment for a 30-day period. During the public comment period, the Service received two requests for the documentation. One of the requestors submitted a comment letter strongly supporting the need and objectives of the Agreement.

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B. Existing uses of lands within the enrolled property and effects of the issuance of the enhancement of survival permit on these uses.

The primary existing use of the property is for the production of timber and wildlife, and the restoration of longleaf pine stands. The enrolled property consists predominately of woodlands that have been managed by the Applicant or his family since 1920. Almost half of these pine woodlands were planted on old, abandoned cotton fields. The remaining timber has been selectively harvested and regenerated for decades. Timber and wildlife will continue to be produced during implementation of this Agreement, with modifications to reduce the frequency of timber harvest in some stands and to eliminate the encroachment of fire intolerant shrubs and hardwoods where gopher tortoise and RCW habitat will be enhanced. If the Applicant wishes to return the enrolled property to baseline conditions following termination of the Agreement, all existing land uses would remain unchanged.

C. Effects of issuance of an enhancement of survival permit on adjacent landowners.

Habitat on adjacent property consists of either woodlands or agricultural fields. Habitat suitability for the gopher tortoise and RCW on adjacent property was assessed using aerial photography, soil maps, and a ground examination from the Applicant's property line. Habitat for the RCW is unsuitable on adjacent property because these timber stands are either too young for foraging substrate or too dense with encroaching hardwoods in the understory. Any RCWs that may occupy enhanced habitat in the future on the Applicant's property are not expected to disperse and occupy unsuitable habitat on adjacent landowners. Gopher tortoise habitat on adjacent property is either unsuitable or, at best, marginally suitable in small patches because the stands predominately are overgrown, with a dense and unsuitable understory. In marginally suitable habitat, tortoises frequently abandon their home ranges as hardwoods and shrubs continue to grow and encroach in the understory. Dispersing tortoises in landscapes with marginally suitable and poor habitat search for and temporarily reside in small patches of marginally suitable habitat for short periods, until such habitat naturally degrades in the absence of management, when they once again disperse. If any gopher tortoises reside on adjacent property, the Applicant's habitat enhancements are expected to attract such tortoises from adjacent property to the Applicant's property. With a continuation of the lack of habitat management on adjacent property, habitat that is currently marginally suitable for the gopher tortoise will be unsuitable at a future time when the Applicant may decide to terminate the Agreement and return to baseline conditions. Thus, tortoises on the Applicant's property are not expected to disperse to adjacent property.

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Conclusion:

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, we have established the following administrative record and have determined that the issuance of a section 10(a)(1)(A) Enhancement of Survival Permit TE 075424-0 and approval of the associated Martin Branch Woodlands Safe Harbor Agreement as proposed by Dr. John Lambert:

X is a categorical exclusion as provided by 516 DM2, Appendix 1 and 516 DM 6, Appendix 1.4c(2). No further documentation will be made.

is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

is found to have significant effects, and therefore a "Notice of Intent" will be published in the Federal Register announcing the decision to prepare an Environmental Impact Statement before the project is considered further.

is not approved because of unacceptable environmental damage, or a violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.

is an emergency situation within the context of 40 CFR 1 506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

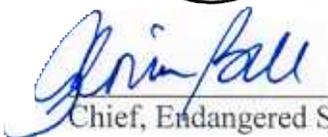
Supporting Documents:

Biological Opinion, Statement of Findings, Safe Harbor Agreement, Enhancement of Survival Permit.

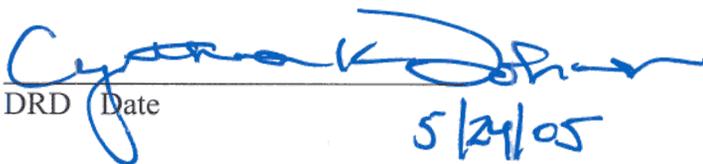
Signature Approval:

 4/29/05
RO Safe Harbor Coordinator Date

 5/3/05
REC, Ecological Services Date

 5/12/05
Chief, Endangered Species Date

 5/12/05
Acting ARD-AES Date

 5/24/05
DRD Date