

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

I. Project Information

A. Project name:

Spotted Owl Programmatic Safe Harbor Agreement with the Oregon Department of Forestry and the Natural Resources Conservation Service (Agreement)

B. Affected species:

Northern Spotted Owl (*Strix occidentalis caurina*).

C. Project Size:

The covered area or geographic scope of this Agreement includes all non-federal properties within the range of the spotted owl in Oregon.

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

The Fish and Wildlife Service (Service) proposes to enter into this Agreement with the Oregon Department of Forestry (ODF or Permittee) to benefit the federally-listed as threatened northern spotted owl. The purpose of this Agreement is to protect existing populations of the spotted owl, and to increase the abundance and distribution of spotted owl habitat over time through voluntary forest management on private forest lands. Deferred harvest (i.e., harvesting at longer rotations than previously planned), uneven-aged management, thinning from below, retention of additional snags and downed wood, and seasonal harvest restrictions are among the forest management actions that are anticipated under the terms of this Agreement.

ODF will be issued a section 10(a)(1)(A) permit that would allow for future incidental take of the spotted owl that may occur during forest management activities. The Agreement would authorize ODF to extend incidental take coverage with assurances to eligible landowners who are willing to carry out habitat management measures that would benefit the northern spotted owl by enrolling them under the Agreement as cooperators through Stewardship Agreements and issuance of Certificates of Inclusion. Incidental take of the spotted owl would be permitted if the landowners decide to return their lands back to the original environmental baseline conditions established when they sign on to the Agreement. In most cases, the environmental baseline is anticipated to be zero (i.e., no habitat and no spotted owls present). The landowners would enroll under the Agreement for a sufficient time to achieve a net conservation benefit. The term of the permit and Agreement is 50 years.

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) is

also a party to this Agreement. NRCS administers the Healthy Forest Reserve Program (HFRP), which is a voluntary program established for the purpose of restoring and enhancing forest ecosystems. The HFRP in Oregon provide funds for permanent easements and management actions on enrolled properties. Landowners will be able to continue to manage the land for timber production while maintaining or developing habitat for spotted owls. Future funding for the HFRP is dependent upon annual Congressional appropriations.

While the boundaries of the project area include all private lands within the range of the northern spotted owl in Oregon, we anticipate that only a small fraction of this acreage to be enrolled under the terms of the Agreement. We have roughly estimated that no more than 50,000 acres are likely to be enrolled under the Agreement and have therefore limited the Agreement to enroll no more than 50,000 acres.

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

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

Yes. This Agreement will have minor or negligible harmful effects along with beneficial effects on the spotted owl and its habitat, especially in the future. There are approximately 26.9 million acres of forest lands that could provide habitat for spotted owls and this Agreement will affect a maximum of 50,000 acres, or less than 0.2 percent of the total. Most of the properties likely to be enrolled in the Agreement will have a baseline of zero for the spotted owl and the acreage will be mostly have a zero baseline at the time of enrollment. During the term of enrollment, landowners would manage forests to develop additional habitat for spotted owls. Due to the limited term of the Agreement and the anticipated baseline conditions, we do not expect high-quality nesting habitat to be created. Cooperating landowners' management activities are most likely to provide additional foraging and roosting habitat and supplement adjacent nesting quality habitat. The permit may result in take of the spotted owl if the property is returned to baseline conditions. However, avoidance and minimization measures have been incorporated into the Agreement in the form of monitoring and notification, prior to returning to baseline conditions to reduce the potential for incidental take to occur.

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 Agreement will have minor or negligible cumulative impacts on other environmental values and resources. The project will occur on private lands and may involve limited ground disturbance associated with forest management activities. In most if not all cases, forest management activities have previously occurred on the enrolled properties. The Agreement generally dictates slight alterations of forest management activities that normally would otherwise occur. The Agreement does not increase the

level of timber harvest and associated impacts, and does contribute to a deferral of harvest that allows for trees to grow larger. A harvest deferral would generally result in fewer entries into a stand that would otherwise be more disruptive to soils due to ground-disturbing activities from clear-cut activities. Standard industry practices would call for harvest when timber stands reach averages ages of about 35-50 years old. In some cases, harvests may be permanently deferred such that the Agreement would reduce the level of negative impacts to environmental values. In other cases, clear-cut harvest may be permanently deferred but limited selective harvest would continue such that forest management activities could increase the diversity and size of trees present on the property. Baseline conditions as they pertain to forest conditions that provide habitat for spotted owls will be maintained for as long as the property remains enrolled under the Agreement. Overall, the project would not change the amount of forest land harvested, and would actually reduce the acres of forest land affected over the time of the Agreement due to the prescribed conservation measures that call for deferred harvest, thinning, and patch cutting. The project would reduce the amount of clear-cutting and other larger-scale forest disturbances that would occur on more typically managed forests.

The project is not anticipated to have any effects on cultural resources due to screening for cultural resources and very limited ground surface disturbance when conducting forest management activities in areas previously harvested. Cultural resource compliance will be completed prior to any ground disturbance at sites that might impact cultural or historic resources.

C. Would the impacts of this SHA, considered together with the impacts of other past, present and reasonably foreseeable projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?

Yes. As previously stated, the Agreement will not result in any additional timber harvest than was already likely to take place. The Agreement will have only minor or negligible harmful cumulative impacts directly or indirectly to environmental values or resources due to limited ground disturbance during forest management activities, especially since most areas are likely to have been previously impacted by similar activities. Furthermore, actions under the Agreement will be spread over a large geographic area and over several decades such that they will not be significant. Forest harvest activities are likely to be smaller in scope, and more spread out over time than without the Agreement. There are no similar projects foreseen at this time that will result in cumulatively significant environmental impacts.

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.*

Would implementation of the SHA:

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

No adverse effects on public health are anticipated from forest management activities conducted as a result of the Agreement on private lands.

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 adverse effects are anticipated, on park, recreation, refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, or known historic or cultural resources. Cultural resources compliance will be completed for projects under this Agreement.

C. Have highly controversial environmental effects?

No. As previously noted, the primary result of this Agreement will be a deferral of timber harvest and a reduction of timber harvest frequency over time. The enrolled lands are generally already being managed for timber resources, and have been for decades.

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

No unique or unknown environmental risks are anticipated from forest management activities on these private lands. The areas in which these activities are likely to occur have usually been previously impacted by similar activities. Actions under the Agreement are intended to allow trees to grow longer and bigger by merely extending the time between harvests and the amount of harvest that occurs at any given time. Selective tree harvesting has been a widely-used technique in forest management.

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

No. We do not anticipate the Agreement will establish a precedent for future actions with potentially significant environmental effects. The ODF and NRCS have previously worked with landowners in the area to assist in forest management activities and the activities included in this Agreement are similar to on-going activities. If this Agreement leads to additional increased habitat for the spotted owl on private lands, the Agreement also allows landowners to return their lands to baseline conditions. Any future safe harbor agreements for spotted owls in Oregon will be evaluated based upon the information available at that time, and will consider the status of the species, and the specific area and actions involved.

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

No. The Agreement is not directly related to other actions that would have significant cumulative effects. This Agreement is intended to address multiple landowners in a geographic area who are willing to engage in similar management activities. No other similar Agreements are proposed or known at this time.

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

No. The activities proposed under the Agreement involve minor ground disturbance in areas previously disturbed by timber management purposes. The enrolled lands will be evaluated as to whether they are listed or eligible to be listed on the National Register of Historic Places and potential impacts to eligible or listed properties will be avoided. We anticipate no adverse effects.

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

No. The intent of the Agreement is to conduct forest management activities that would develop or enhance spotted owl habitat conditions and encourage the use of improved habitat conditions by spotted owls. These management activities are intended to benefit this species. Critical habitat has not been designated on private lands for the spotted owl. Actions taken under the Agreement are intended to improve the quality and quantity of future habitat and create conditions that would promote recovery of the owl. There are no other known listed species or critical habitats in the area that would be adversely affected by the activities undertaken by the Agreement. There is no evidence that the presence of the spotted owl would adversely affect other listed or proposed species or designated critical habitat for those species.

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 Agreement is not expected to adversely affect wetlands or floodplains and does not authorized impacts to them. In addition, this Agreement is not considered a water development project.

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

No. The Agreement is not expected to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

IV. ENVIRONMENTAL ACTION STATEMENT

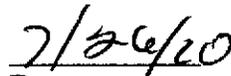
Based on the analysis above, this Agreement meets the qualifications for Safe Harbor Agreements whose implementation represents a class of actions which do not individually or cumulatively have a significant effect on the human environment. This Agreement follows the activities and guidelines established for the Healthy Forest Reserve Program for which an environmental assessment was prepared and a finding of no significant impact was issued and reaffirmed (75 FR 6539) and we tier our environmental analysis to this assessment. Therefore, we hereby determine that 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: Intra-Service Formal Consultation for Issuance of an Endangered Species Act Section 10(a)(1)(A) Permit for the proposed Spotted Owl Programmatic Safe Harbor Agreement.

Concurrence:



State Supervisor
Oregon Fish and Wildlife Office


Date