

**Screening Form for National Environmental Policy Act Categorically Excluded Safe Harbor Agreement Determination**

**I. Project Information**

**A. Project Name:**

Safe Harbor and Cooperative Habitat Enhancement Agreements, Lake Chaplain Tract, July, 2015

**B. Covered Species:**

Northern Spotted Owl (*Strix occidentalis caurina*) and Marbled Murrelet (*Brachyramphus marmoratus*)

**II. Project Description:**

**Overview:**

The City of Everett (Everett) requests an Endangered Species Act Enhancement of Survival permit for a term of 50 years for the northern spotted owl and the marbled murrelet on their 3,729 acre Lake Chaplain Tract (LCT) in Snohomish County, WA, several miles north of Sultan. The permit would authorize incidental take of the northern spotted owl and marbled murrelet from forest management activities (SHA 4.1) associated with implementation of their Safe Harbor Agreement (SHA). Forest management activities are described in detail in the SHA. Everett is also requesting a Cooperative Habitat Enhancement Agreement from the Washington State Department of Natural Resources.

Everett manages the LCT for timber and drinking water production. Within the LCT, non-forest areas total approximately 715 acres and include Lake Chaplain, portions of Sultan River, non-forested wetlands, water filtration facilities and rights-of-way. The LCT is characterized by forest stands composed primarily of Douglas-fir (*Pseudotsuga menziesii*) and western hemlock (*Tsuga heterophylla*), with some western red cedar (*Thuja plicata*), red alder (*Alnus rubra*), and other conifers and hardwoods. There is a diversity of stand ages, as displayed in Table 1 below.

Table 1: Stand Ages on the LCT.

	0 to 20 years	21 to 40 years	41 to 60 years	61 to 70 years	> 81 years
ACRES	702	222	253	292	1,545

**Covered Species Baseline:**

There are no known spotted owl site centers on the covered lands. There is one marbled murrelet occupied site in the vicinity of the diversion dam, and there is some overlap of habitat on the covered lands in this vicinity (SHA figure 4-1). The LCT does not occur within a Washington State Spotted Owl Special Emphasis Area (WAC 222-16-086 ) but is within a marbled murrelet detection area (WAC 222-16-010).

To satisfy the Safe Harbor Policy, a baseline was established between the applicant and the Service. The baseline for both species is the same in acreage and location and consists of 4 separate forest polygons totaling 447 acres (SHA Figure 4-1). See the Safe Harbor Agreement and Section 10 Findings for a thorough description of how the baseline was set.

### **Conservation Benefits:**

In addition to the baseline habitat blocks, two categories of special set-aside areas (SSAs), totaling approximately 210 acres, are established on the covered lands. There are approximately 20 acres of old-growth management areas (OMAs) and approximately 190 acres of permanent mixed forests (PMFs) that will be retained to provide mature mixed forest habitat. These areas will not be harvested during the term of the agreement and are expected to provide additional habitat beyond the baseline for both species.

Legacy trees will be retained in green tree areas at a minimum rate of 9.5 trees per acre of harvest according to the preferences (SHA Table 4-1). When sufficient numbers of desired species are not available, western hemlock may be substituted for hardwoods, Douglas-fir may be substituted for western red cedar, and large diameter trees may be substituted for smaller target diameters. When inventory data indicates insufficient stocking of larger target diameters, smaller diameter trees may be substituted to the extent necessary. Green tree areas will not be harvested for the duration of the SHA (SHA 4.1.3.1).

Washington State Forest Practices Rules (WAC 222-30) establish riparian and wetland management zones (buffers) for various stream and wetland types and specify conditions under which harvesting may occur within the buffers. The buffers under this agreement are more robust than the standard Forest Practice Rules and result in more trees within the buffer zones. These buffers will be enhanced on LCT forest lands as follows:

- Fish habitat streams (Type S and Type F): Buffer zones will be at least equal to the total width of the riparian management zones specified by Forest Practices Rules. Portions of the lake buffer lying west of the Lake Chaplain Road may be harvested with adjacent even-age harvest units to protect facility infrastructure from windthrow damage. Otherwise, buffer trees will only be harvested where stream-crossing roads or cable yarding corridors are necessary.
- Non-fish habitat streams (Type Np and Type Ns): Buffer zones will be at least 50 feet wide along the entire stream length. Buffer trees will only be harvested where stream-crossing roads or cable yarding corridors are necessary.
- Wetlands (Type A and Type B): Buffer zones around non-forested wetlands, greater than 5 acres, will be at least 200 feet. Portions of the wetland buffer lying west of the Lake Chaplain Road may be harvested with adjacent even-age harvest units to protect facility infrastructure from windthrow damage. Otherwise, buffer trees will not be harvested during the term of the agreement.

Buffer zones are well distributed across the LCT and total approximately 310 acres outside of baseline blocks and SSAs. The portions that could potentially be harvested to protect facility infrastructure from windthrow damage total approximately 22 acres; thus, at least 288 acres will not be harvested, except for necessary stream-crossing roads or cable yarding corridors, during the term of the agreement (SHA 4.1.4).

Snags and downed wood occurring naturally in deferred-harvest areas will be supplemented during regeneration harvest activities. Ten percent or more of trees grown under the LCT silvicultural regime are projected to equal or exceed 20 inches DBH before regeneration harvest occurs. Two such trees per acre will be transformed into snags by topping at a height of sixteen feet or more. The tops of these trees will serve as downed wood. In addition, old-growth stumps from western red cedar and Douglas-fir trees, along with logs exhibiting unique habitat value, such as large diameter logs exhibiting active wildlife usage, will be protected during harvest operations. Other decaying logs exhibiting no more than a trace of intact bark will also be retained as downed wood (SHA 4.1.5).

An important component of Everett's forest management strategy is longer harvest rotations. This commitment is augmented by a series of management options that will improve habitat conditions and are expected to result in conservation benefits to the covered species. Where even-age management is intended (SHA, Figure 4-1), regeneration harvests will occur at age 60 years or later. Where uneven-age management is intended, regeneration harvesting will not recur within harvest groups until regenerated trees reach age 120 years (4.1.6.1).

### **III. Does the SHA fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?**

Yes, this SHA qualifies for the categorical-exclusion (40 CFR 1508.4). Additionally, our Safe Harbor Policy (64 FR 32717) states that a Safe Harbor Agreement with its associated permit may be categorically excluded if individually or cumulatively it will not have a significant impact on the quality of the human environment or other natural resources.

#### **A. Are the effects of the SHA minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the SHA, prior to implementation of the SHA?**

Yes, the effects to federally listed, proposed, and candidate species is considered to be negligible. Currently, there appears to be a low likelihood of presence of ESA species on the covered lands, other than for the marbled murrelet in association with a portion of baseline habitat near the diversion dam. This SHA is expected to increase quantity and quality of habitat for the northern spotted owl and the marbled murrelet over the term of the SHA, which is considered a benefit to the species. The following listed, proposed, and candidate species that are commonly, or might have some association with forested habitats, were also considered in this negligible effect determination: yellow-billed cuckoo (*Coccyzus americanus*), Oregon spotted frog (*Rana pretiosa*), Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), grizzly bear (*Ursus arctos horribilis*), North American wolverine (*Gulo gulo luscus*), fisher (*Martes pennant*), bull trout (*Salvelinus confluentus*), Puget Sound Steelhead (*Oncorhynchus mykiss*), and

Chinook salmon (*Onchorhynchus tshawtscha*). There is no critical habitat designated within the covered lands, thus critical habitat will not be impacted from the SHA.

**B. Are the effects of the SHA minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.), prior to implementation of the minimization and mitigation measures?**

Yes, it is our assessment that implementing the proposed SHA will have no, to negligible effects, to the different elements of the human environment [40 CFR 1508.14; 43CFR 46.205]. We note that the SHA covered lands are within the City of Everett's municipal watershed. To protect water quality and associated infrastructure, public access is not allowed. Conservative forestry with the goal of protecting water quality has been implemented on the covered lands for many decades. The SHA will not change the public access or water quality and quantity aspect of the environment. Cultural resources, environmental justice, unstable soils (geology), socio-economics, air quality and other elements of the human environment will not be affected by implementing the SHA over what is currently occurring.

In 2006, the National Marine Fisheries Service and U.S. Fish and Wildlife Service completed their NEPA analysis in the Final Environmental Impact Statement for the Washington State Forest Practice Habitat Conservation Plan. That analysis has detailed descriptions of implementing forest practice activities on the human environment and was informative for understanding and evaluating this SHA.

**C. Would the incremental impacts of this SHA, considered together with the impacts of other past, present and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative effect to the human environment (the natural and physical environment) which would be considered significant?**

Considering past, present, and reasonably foreseeable future actions and this SHA, there will be no negative cumulative effect to the human environment. There is no discernable difference in impacts to the human environment in implementing the SHA, or not, over the 50 year SHA time frame. However, there are positive benefits for some species of wildlife associated with mature and old forest.

**IV. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this SHA?**

No.

**Would implementation of the SHA:**

**A. Have significant impacts on public health or safety?**

No. There will be no changes to public health or safety with implementation of the SHA compared to current practices. The covered lands will continue to be closed to

the general public as is the case without the SHA. The protection of the water supply will remain unchanged with implementation of the SHA.

**B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, or other ecologically significant or critical areas?**

There will be no significant impacts on natural resources or unique geographic characteristics. The covered lands will remain in a forested condition and continue to receive general forest management with the SHA. Baseline habitats are expected to increase in structural diversity. The covered lands occur with the City of Everett's municipal watershed, which has as its highest priority to protect the water supply. This will not change under the SHA.

**C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources? [see NEPA section 102(2)(E)]**

There are no highly controversial environmental effects or unresolved conflicts regarding available resources. The Washington Department of Fish and Wildlife and the Washington State Department of Natural Resources have been closely involved with the development of the SHA and CHEA. The uses of the property will remain unchanged with implementation of the SHA. The potential environmental effects resulting from implementing the activities associated with the SHA are reasonably understood and do not pose a threat to public and private resources.

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

There are no highly uncertain and potentially significant environmental effects, or unique or unknown environmental risks associated with the SHA. The forest management activities associated with the SHA are scientifically understood, and do not involve any practices that are unusual or experimental. None of the activities associated with the SHA are novel or involve risks at the local or regional scale.

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

There is no precedent for future actions from implementing the SHA regarding

potentially significant environmental effects. In general, this SHA is expected to have positive benefits for the environment and if other landowners implemented similar conservation, certain wildlife species would potentially increase in abundance.

**F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?**

There is no direct relationship. As stated above, if other landowners implemented the SHA conservation actions, the covered species (and other wildlife) would potentially increase in abundance. The SHA does not change how Everett maintains water quality, quantity, or delivery to its customers.

**G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?**

There will be no significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as a result of implementing the SHA. The Horseshoe Bend Placer Claim located on the covered lands was listed on the National Register of Historic Places in 1981 as Item No. 81000590 NRIS (National Register Information System). In addition, the diversion dam and associated structures were found to be eligible for listing on the National Register as part of the Jackson Project relicensing studies. Implementing the SHA will not impact these two properties.

**H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical Habitat for these species?**

There will be no significant impacts on listed or proposed species, or on designated critical habitat. See response to II and IIIA above.

**I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.**

The SHA will not violate any Federal law, State, local or tribal law, or any requirement imposed for the protection of the environment. We note that the City of Everett has worked closely with our agency, the Washington Department of Fish and Wildlife and the Washington State Department of Natural Resources (WDNR). The WDNR expects to make a State Environmental Policy Act determination regarding the Cooperative Habitat Enhancement Agreement.

**J. Have a disproportionately high and adverse effect on low income or minority**

**populations (Executive Order 12898).**

The harvest of timber, the continued purpose for supplying municipal water, and the additional contribution of wildlife habitat will not effect low income or minority populations.

**K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).**

The SHA does not occur on Federal lands. However, Everett has a practice of allowing members of the Tulalip Tribe access to the lands to peel cedar bark on sold timber sales. Everett has no intention of changing this practice with implementation of the SHA.

**L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).**

The SHA will not contribute to, continue the existence, or promote noxious or invasive weeds on the covered lands. Everett has a noxious weed management plan for areas covered by the SHA and training is provided annually to the maintenance crew and watershed patrol. Most weeds are identified and pulled by the watershed patrol, but occasionally a licensed contractor is used to get rid of certain weeds. This practice will not change with implementation of the SHA.

## **V. ENVIRONMENTAL ACTION STATEMENT**

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statues, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

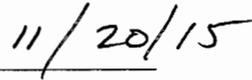
Based on the information and analysis above, I determine that the proposed Enhancement of Survival Permit for City of Everett's Safe Harbor and Cooperative Enhancement Agreements, Lake Chaplain Tract, July, 2015 qualifies for a categorical exclusion, as defined in 40 CFR 1508.4. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Safe Harbor Agreement. Therefore, the Service's permit action for the City of Everett's Safe Harbor and Cooperative Enhancement Agreements, Lake Chaplain Tract, July 2015 is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents

- 1) Safe Harbor and Cooperative Habitat Enhancement Agreement, Lake Chaplain Tract, July, 2015
- 2) Final Environmental Impact Statement for the Proposed Issuance of Multiple Species Incidental Take Permits or 4(d) Rules for the Washington State Forest Practices Habitat Conservation Plan, January 2006

Concurrence:

  
\_\_\_\_\_

  
\_\_\_\_\_

Eric V. Rickerson, State Supervisor  
Washington Fish and Wildlife Office

Date