

## FINDING OF NO SIGNIFICANT IMPACT

### **Related to the Environmental Assessment for a Programmatic Candidate Conservation Agreement with Assurances for Southern Idaho Ground Squirrels (*Spermophilus brunneus endemicus*), in Gem, Payette, Washington, and Adams Counties, Idaho, between the Idaho Department of Fish and Game, the Governor's Office of Species Conservation, and the U.S. Fish and Wildlife Service**

#### Introduction

The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment (EA) to evaluate the effects of the proposed Programmatic Candidate Conservation Agreement with Assurances for southern Idaho ground squirrels (Idaho Department of Fish and Game *et al.* 2004) (Agreement) between Idaho Department of Fish and Game (IDFG), Idaho Governor's Office of Species Conservation (OSC), and the Service (collectively, the agencies), and to issue an enhancement of survival permit, under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act), to IDFG, as part of the Agreement. The term of the permit is for 20 years and would become effective upon the listing of the southern Idaho ground squirrel. Documents reviewed in preparation of this Finding of No Significant Impact include the EA, Agreement, and intra-service section 7 conference opinion, which are incorporated herein by reference, as described in 40 CFR § 1508.13.

We are selecting the proposed action as presented in Alternative B in the EA. Of the four alternatives considered, the Proposed Action Alternative B provides the greatest benefit to southern Idaho ground squirrel populations and habitat over the largest area. Under the proposed action, the Agreement will be approved and the permit issued over an approximate 1,051,752-acre (425,630 ha) area. The Agreement will provide conservation measures on lands enrolled under the Agreement for protection of ground squirrel populations at occupied sites, including prohibiting shooting, trapping, or poisoning of southern Idaho ground squirrels; allowing control of Columbian ground squirrels and badgers where necessary; allowing translocation/ reintroduction of ground squirrels into currently unoccupied habitat if necessary; allowing agency access for survey, monitoring, and habitat maintenance/enhancement work; and enhancing, protecting, or rehabilitating shrub/grassland and other habitats with the purpose of conserving southern Idaho ground squirrels. Participating landowners will develop individual site-specific southern Idaho ground squirrel management plans, and after signing a certificate of inclusion, will be covered under the Agreement and permit. Participating landowners and the agencies will implement ground squirrel conservation measures on the lands covered under each site-specific plan. Finally, the IDFG's permit application to the Service, including the Agreement, satisfies the permit issuance criteria and qualifies for a permit (IDFG *et al.* 2004).

## Alternatives Considered

In the EA (USFWS 2004a), which is incorporated herein by reference, the Service analyzed four alternatives: Alternative A - No Action; Alternative B – Proposed Action; Alternative C – Landowner by Landowner Permitting; and Alternative D – Protected Areas.

### Alternative A. No Action Alternative

The Agreement would not be approved and the permit would not be issued. Existing land use activities and their effects to environmental resources would continue similar to current conditions.

### Alternative B. Proposed Action Alternative

The Agreement would be approved and the permit issued for the 1,051,752-acre known range of the species. Southern Idaho ground squirrel conservation measures would be implemented on suitable habitat identified by the Service and the landowners, and participating landowners would be enrolled through the development and approval of site-specific plans under the Agreement.

### Alternative C. Landowner by Landowner Alternative

The Agreement would not be approved in its current form. Individual agreements would be developed, on a case-by-case basis, with each landowner interested in conserving ground squirrels. Each landowner would obtain their own permit from the Service.

### Alternative D. Protected Area Alternative

State and Federal wildlife agencies would identify sites occupied by southern Idaho ground squirrels. The Service would then negotiate a conservation easement, with each individual landowner, that would protect ground squirrels and their habitat at each site such that all impacts to ground squirrels would be avoided.

## Effects and Finding of No Significant Impact

The Service's proposed action is to issue a permit to IDFG under section 10(a)(1)(A) of the Act, pursuant to the proposed terms in the Agreement.

Our decision to implement Alternative B, the proposed action, would be expected to result in the following positive and negative environmental effects:

- 1) The Agreement will provide beneficial effects to southern Idaho ground squirrel populations and habitat, as well as associated wildlife species, through implementation of the conservation measures outlined in the Agreement and site-specific plans.
- 2) Both individual southern Idaho ground squirrels, and their habitat, will be protected on all enrolled lands from land use activities that may have adverse affects at currently

occupied sites, any sites identified in the future as occupied by southern Idaho ground squirrels, and sites identified by the agencies as reintroduction/translocation sites.

3) Reintroduction of southern Idaho ground squirrels to unoccupied, suitable habitat, which is expected under the proposed action alternative, would provide environmental benefits by contributing towards the restoration of a native species that has declined throughout its historical range.

4) Since non-Federal landowners control the majority of sites occupied by southern Idaho ground squirrels, conservation of ground squirrels would be enhanced by providing a model Agreement, and encouraging cooperative management efforts between the agencies and additional landowners.

5) Incidental take of southern Idaho ground squirrels authorized by the permit would result in some adverse effects to the species. These impacts to southern Idaho ground squirrels would be mitigated by the up-front population and habitat enhancement measures.

6) There would be some indirect beneficial effects to other sensitive species, as identified in the EA.

The No Action Alternative would result in negative effects to southern Idaho ground squirrels, because current land-use activities would be expected to continue. Most of the threats to southern Idaho ground squirrels identified in the EA would also continue, particularly those related to habitat degradation. Under the No Action Alternative, there would be no assurances of any southern Idaho ground squirrel conservation measures being implemented on any of the 1,051,752-acre range of the species, with the exception of 43,145 acres of Soulen Livestock Company lands, which are already enrolled in an Agreement with the Service for southern Idaho ground squirrel (Soulen Livestock Company *et al.* 2002).

Under the Proposed Action Alternative B, southern Idaho ground squirrel conservation would be enhanced to a greater extent than under the No Action Alternative since implementation of the Agreement and site-specific plans would provide conservation benefits for southern Idaho ground squirrels on enrolled lands, with net acreage totaling up to 763,995 acres (309,178 ha), (approximated acreage of non-federal lands that occur within the known range of the species). The Proposed Action Alternative B would also have a greater conservation benefit for southern Idaho ground squirrels than Alternatives C and D, because it would include reintroduction efforts and provide protection at occupied sites identified in the future. Southern Idaho ground squirrels would receive benefits under Alternative C from the site-specific conservation measures applied at each of the protected sites on enrolled lands. However, developing individual agreements for each landowner would be expensive and time-consuming to produce, and would likely result in less landowner participation than through the proposed action, which includes much of the costs and efforts in the initial development of the programmatic

Agreement. Under Alternatives C and D, benefits to the southern Idaho ground squirrel would be greater than under the No Action Alternative since some proactive conservation measures would occur. However, Alternatives C and D are less desirable from an overall conservation standpoint than Alternative B, the Proposed Action, since Alternative D would not provide for opportunities to reintroduce southern Idaho ground squirrels into unoccupied habitat, and both Alternatives C and D would require a greater length of time to develop and permit each agreement (site-specific or conservation easement) on an individual basis. Alternatives C and D would result in a piecemeal approach, and broad, overall planning for southern Idaho ground squirrel conservation within the project area would be minimal as opposed to that which would occur under the Proposed Action.

Cumulative positive effects to the southern Idaho ground squirrel could result from this project as populations of ground squirrels expand and occupy habitat on lands throughout its historical range as conservation measures are implemented by landowners who enter this Agreement. Effects from many landowners implementing similar conservation measures would be positive, and in fact, should similar conservation measures be implemented on all necessary properties throughout the range of the species, the listing of the southern Idaho ground squirrel under the Act would be precluded or removed. Positive cumulative impacts would likely occur beyond the 20-year duration of the proposed action since habitat improvements would be expected to extend over a longer period of time. Positive cumulative effects are expected to contribute to the recovery and sustainability of other species dependant on similar habitats as the ground squirrel. Cumulative effects to resources other than biological resources (air quality, geology and soils, water quality and quantity, cultural and historic resources, and visual resources) would be minor or negligible.

Differences in effects to air quality, geology and soils, recreation and water quality and quantity would be minor or negligible, due to the minor land use changes that would occur under the proposed action that may affect these resources. Some minor changes in recreation may occur as a result of enforcement of restrictions on recreational shooting of southern Idaho ground squirrels under the proposed action; however, effects to recreation would be negligible due to existing prohibitions against this activity. Southern Idaho ground squirrels are currently protected from shooting under State law; therefore, recreational shooting should not occur under any alternative, including the No Action Alternative. Socio-economic resources would not be significantly affected, although a slight increase in stability of local economies is possible due to the reduced likelihood of listing the ground squirrel associated with the implementation of the Proposed Action Alternative. Some long term benefits may occur to air quality due to reduced wildfire incidence in the future.

Measures to mitigate and/or minimize adverse effects to southern Idaho ground squirrels from land use activities have been incorporated into the Agreement. These measures include:

- 1.) Conservation measures will be implemented to benefit southern Idaho ground squirrel populations and habitat over the 1,051,752-acre known range, covered under the

proposed action. Regulatory certainty would be provided to participating landowners as an incentive to conserve southern Idaho ground squirrels and to cooperate with the agencies in southern Idaho ground squirrel conservation efforts.

- 2.) Financial compensation will be provided, when possible, to landowners that are recipients of translocated southern Idaho ground squirrel (according to details specified in the Agreement). Conservation of the southern Idaho ground squirrel would be enhanced under the proposed action compared to the other alternatives.

Implementing Alternative B, the proposed action, is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988. Actions implemented under Alternative B would not occur in, or affect wetland or floodplain habitats.

The proposed action will have no or minor impacts to fisheries, air and water quality, or visual resources although some long term benefits could occur to air quality due to a decline in exotic species and longer fire intervals due to native species restoration. Some beneficial impacts to cultural or historical sites found in the area could occur in areas that have gone previously undisturbed and still contain native habitat. All proposed site-specific plans will be reviewed by a Service archaeologist who will assess the potential for planned activities to affect any cultural or historic properties. Further explanation of this process can be found in Section IV and Section V of the EA.

The proposed action should not interfere with achieving environmental justice. No residents or businesses will be displaced or relocated and no adverse or significant effects from the proposed action are anticipated on minority populations, low-income populations, or Tribes.

The proposed action is similar to actions that do not normally require preparation of an Environmental Impact Statement and is not without precedent.

#### Public Involvement

The proposal was scoped thoroughly by all interested and/or affected parties. The Service published a Notice of Availability of Idaho Fish and Game's permit application, including the Agreement and EA, in the Federal Register on May 7, 2004 (69 FR 25600). Publication of the notice initiated a 30-day comment period, which closed on June 7, 2004. A total of 183 copies of the press release and Federal Register notice was transmitted (mail and facsimile) to members of the Idaho Federal and State congressional delegations, Federal and State government agencies, County governments, environmental organizations, private landowners, and other interested individuals and groups. Copies of the documents were also mailed to two interested individuals or organizations as a result of requests the Service received after publication of the notice in the Federal Register. The Service received written comments from the Idaho Department of State Parks and Recreation, Valley County Commissioners, U.S.

Department of Agriculture – Animal and Plant Health Inspection Service (APHIS), Environmental Defense, Western Watersheds Project, Center for Biological Diversity, Idaho Conservation League, and Office of Species Conservation.

Idaho Department of State Parks and Recreation provided two comments in a letter dated May 20, 2004. The Valley County Board of Commissioners provided seven comments in a letter dated May 20, 2004. APHIS submitted three comments in a letter dated June 1, 2004. Environmental Defense submitted seven comments in a letter dated June 4, 2004. The Western Watersheds Project and the Center for Biological Diversity submitted combined comments. The two groups provided 25 comments in a letter dated June 7, 2004. The Idaho Conservation League provided six comments in a letter dated June 7, 2004. The Service responded to all of these comments in our section 10 findings document (USFWS 2005b), which is incorporated herein by reference.

The Office of Species Conservation, in a letter dated June 7, 2004, indicated that they did not have any specific comments on the Agreement and supported the Agreement.

The Agreement will be implemented immediately upon signing of the Finding of No Significant Impact (FONSI), and issuance of the permit by the Service.

#### Determination

In summary, as documented in the EA and conference opinion, issuance of an enhancement of survival permit, under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended, is not expected to result in significant impacts to the physical and biological resources in the Planning Area for the Programmatic Candidate Conservation Agreement with Assurances for southern Idaho ground squirrels, or in the surrounding area. The issuance of the enhancement of survival permit and implementation of the Candidate Conservation Agreement with Assurances would not result in significant effects on the human environment.

Therefore, it is my determination that the proposal does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969, as amended. As such, an environmental impact statement is not required. An Environmental Assessment (USFWS 2004a) has been prepared in support of this finding. It and the Finding of No Significant Impact are available upon request at the Snake River Fish and Wildlife Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709, telephone (208) 378-5243.

  
Deputy Regional Director  
Region 1, USFWS

3/17/05  
Date

## References

- Soulen Livestock Company, Inc., U.S. Fish and Wildlife Service, Idaho Department of Fish and Game, and the Idaho Governor's Office of Species Conservation. 2002. Candidate Conservation Agreement with Assurances for the southern Idaho ground squirrel, September 3, 2002. 41pp.
- (IDFG) Idaho Department of Fish and Game, U.S. Fish and Wildlife Service, and Idaho Governor's Office of Species Conservation. 2004. Programmatic southern Idaho ground squirrel candidate conservation agreement with assurances. December 20, 2004. IDFG, Boise, Idaho. 36 pp.
- (USFWS) U.S. Fish and Wildlife Service. 2004a. Environmental Assessment in Support of a Programmatic Candidate Conservation Agreement with Assurances for Southern Idaho Ground Squirrels (*Spermophilus brunneus endemicus*), in Gem, Payette, Washington, and Adams Counties, Idaho, between the Idaho Department of Fish and Game, the Governor's Office of Species Conservation. December 20, 2004. USFWS, Snake River Basin Office, Boise, Idaho. 50 pp.
- (USFWS) U.S. Fish and Wildlife Service. 2005b. Findings and Recommendations on Issuance of an Enhancement of Survival Permit for Southern Idaho Ground Squirrels to the Idaho Department of Fish and Game (Permit Number: TE097632). March \_\_, 2005. USFWS, Snake River Basin Office, Boise, Idaho. 19 pp.
- (USFWS) U.S. Fish and Wildlife Service. 2005c. Intra-service Section 7 Conference Opinion on the Proposed Issuance of a Section 10(a)(1)(A) Enhancement of Survival Permit for the Southern Idaho Programmatic Ground Squirrel Candidate Conservation Agreement with Assurances. March 7, 2005. USFWS, Snake River Basin Office, Boise, Idaho. 29 pp.