

**FINDING OF NO SIGNIFICANT IMPACT
REGARDING ISSUANCE OF FUTURE ENDANGERED SPECIES ACT
SECTION 10(a)(1)(B) INCIDENTAL TAKE PERMITS
IN ASSOCIATION WITH THE
DOUGLAS COUNTY MULTIPLE-SPECIES GENERAL CONSERVATION PLAN
DOUGLAS COUNTY, WASHINGTON**

INTRODUCTION AND DECISION SUMMARY

The U.S. Fish and Wildlife Service (Service) proposes to issue future Incidental Take Permits (ITP or Permits) for up to 50-year duration to individual Permittees under the programmatic Habitat Conservation Plan: Douglas County Multiple Species General Conservation Plan (MSGCP). A General Conservation Plan (GCP) is a type of programmatic habitat conservation plan (HCP) under which multiple Section 10 permits can be issued. The FCCD also contributed to development of an Environmental Assessment (EA). The MSGCP was developed by Foster Creek Conservation District (FCCD) with assistance from the Service. The MSGCP addresses incidental take of four covered species: the endangered Columbia Basin distinct population segment of the pygmy rabbit (*Brachylagus idahoensis*), the candidate Washington Ground Squirrel (*Urocitellus washingtoni*), the candidate Greater Sage-Grouse (*Centrocercus urophasianus*), and the species of concern Columbian Sharp-tailed grouse (*Tympanuchus phasianellus columbianus*) (see Table 1, below). The contents of an HCP are defined in section 10 of the Endangered Species Act (ESA) and its implementing regulations. The MSGCP is a programmatic HCP, also referred to as a General Conservation Plan (GCP), and individual farmers (Applicants) would apply for individual permits voluntarily. Incidental take of the four covered species may occur during agricultural activities, including dryland farming, ranching, and limited irrigated farming. The MSGCP covers most agriculture lands within Douglas County, Washington. Applicants will apply for ITPs after developing Farm Plans and Site Plans as expected under the MSGCP. The FCCD will assist in development of the farm plans and site plans. Issuance of future ITPs would be done under the authority of section 10(a)(1)(B) of the ESA, and would be conditioned upon proper implementation of the MSGCP and resultant ITPs. ITPs may be issued for a term of up to 50 years from date of approval of the MSGCP, and take exemption for the pygmy rabbit would be effective upon permit issuance, while the three other covered species would receive take exemptions upon listing as a threatened or endangered species.

The Service has completed its review of the MSGCP, and prepared an intra-Service section 7 biological opinion and conference opinion, and Findings and Recommendations for issuance of the ITP; these documents, as well as the EA and MSGCP, are herein incorporated by reference. The EA describes three alternatives that were identified by the Service as comprising a range of reasonable alternatives: (1) the No-Action Alternative; (2) the Proposed Action Alternative (the MSGCP); and (3) the Expanded MSGCP Alternative (with additional conservation lands). The Proposed Action Alternative was selected as the environmentally preferred alternative because it resulted in the greatest net benefit to covered species when balanced with the acceptable economic impacts to farmers and ranchers as a result of implementing the best management practices (BMPs) in the MSGCP.

DECISION RATIONALE

Following a comprehensive review and analysis of the EA and the MSGCP, the Service has selected the Proposed Action Alternative because it will have the greatest net benefit to covered species when balanced with the acceptable economic impacts to farmers and ranchers as a result of implementing the BMPs in the MSGCP. The Proposed Action Alternative includes covered activities on willing landowner's agriculture lands in Douglas County. The Proposed Action Alternative also includes mitigation measures that avoid or reduce the potential adverse effects of a proposed activity on species covered by the MSGCP. These measures are expected to address specific needs of the species involved and be manageable and enforceable. Mitigation measures may take many forms. In the case of the MSGCP, the proposed mitigation measures include good land stewardship practices that are developed during required farm planning and GCP site planning efforts. BMPs are general in nature and are actions that benefit the covered species and habitat in general, and include conservation practices (CPs), and additional land-use and species-specific measures. CPs are specific guidelines of the Natural Resources Conservation Service (NRCS), such as contour buffer strips, and will be utilized for mitigation and minimization for covered activities under the MSGCP. Other BMPs include land-use measures (such as "maintain remnant patches of shrub-steppe") and species-specific measures (such as "schedule essential spring-time agricultural activities near sage grouse leks to occur late in the day"). The farm planning and site-planning process and BMPs are described in Chapter 3 and Appendix E of the MSGCP.

Implementation of the Proposed Action Alternative will exempt some incidental take of covered species, and will provide long-term maintenance and improvement of habitat for the covered species, and is not expected to have any significant adverse effects to wetlands, floodplains, or to the human environment.

DESCRIPTION OF ALTERNATIVES

The National Environmental Policy Act of 1969, as amended (NEPA) requires that a range of reasonable alternatives to the proposed action be described and evaluated. Three alternatives were identified by the Service as comprising a range of reasonable alternatives: (1) the No-Action Alternative; (2) the Proposed Action Alternative (the MSGCP); and (3) the Expanded MSGCP (with additional conservation lands). Other alternatives were considered but eliminated from further study, including a wildlife corridor approach, and an alternative that included listed fish as covered species. A summary of the components of each alternative is provided in Table 1 in the EA, and briefly described below.

No Action Alternative

Under the No-Action Alternative, agricultural-management practices would continue in Douglas County much as they do today. The MSGCP would not be implemented and Service would not issue individual ITPs to Applicants for the listed or covered species. The farmers in Douglas County would continue to conduct agricultural operations without ITP coverage for farming and grazing activities. Farmers might continue or not continue some farm bill programs (such as the Conservation Reserve Program) depending on availability and economic considerations. This

alternative would not give landowners regulatory certainty, and actions that could result in take of listed species on non-Federal lands would be prohibited under Section 9 of the ESA. Where potential “take” of ESA listed species exists and the landowner desires to avoid ESA penalties, individual landowners might choose to prepare their own HCP and individually apply to the Service for a Section 10 permit. A Candidate Conservation Agreement with Assurances could also be developed for unlisted species when listed species are not present. However, generally under the No-Action Alternative, landowners would be less likely and have less incentive to enhance habitat for listed or covered species. The No-Action Alternative is summarized in Table 3 of the EA.

Proposed Action Alternative

The Proposed Action is the implementation of the proposed MSGCP for Douglas County, Washington. The MSGCP is incorporated by reference, and briefly summarized below.

The proposed term of the MSGCP is 50 years. Under the MSGCP, private agricultural lands in Douglas County would be managed to maintain or improve healthy functioning ecosystems while providing a sustainable production of agricultural products. This is a programmatic MSGCP, and individual farmers would join it voluntarily. If the MSGCP meets the issuance criteria, individual Applicants will work with the FCCD to develop a Farm Plan and GCP Site Plan. The site-specific Farm Plan/GCP Site Plan will be completed by the Applicant, their appointee, or the FCCD. The Farm Plan would provide a description of on-going and planned agricultural activities for included lands, and would be very similar to a Natural Resource Conservation Service (NRCS) Conservation Farm Plan. The GCP Site Plan would add additional BMPs. After the development of a Farm Plan/GCP Site Plan and review and support from the FCCD, applicants would apply for an ITP. The Service would notice the receipt of the application in the Federal Register, request public comments, and review Farm Plans and applications for consistency with the MSGCP, the NEPA analysis, and related decision documents. If applications are consistent with expectations of the documents listed above, the Service would issue Section 10 permits.

BMPs are general in nature and are actions that benefit the covered species and habitat. BMPs include CPs, and additional land-use and species measures. CPs are specific guidelines of the NRCS, such as contour buffer strips, and will be utilized for minimization and mitigation for covered activities under the MSGCP. Other BMPs include land-use measures (such as “maintain remnant patches of shrub-steppe”) and species-specific measures (such as “schedule essential spring-time agricultural activities near sage-grouse leks to occur late in the day”). The farm planning process and BMPs are described in Chapter 3 and Appendix E of the MSGCP. The FCCD agrees to cooperate and assist with Farm Plan/GCP Site Plan development, implementation, and monitoring and adaptive management as described in Chapter 4 of the MSGCP and in a Memorandum of Understanding (MOU) with the Service (Appendix I in the MSGCP). Implementation of these Farm Plans/GCP Site Plans, coupled with the ongoing management of other reserved lands in Douglas County, should result in improved habitats for the covered species over the term of the MSGCP.

The MSGCP does not cover private non-agricultural land uses within Douglas County (approximately 148,761 acres), and it does not cover Federal land. It also does not cover State-owned land (approximately 140,131 acres), unless these lands are leased for agricultural production to private operators, as can occur with lands managed by the Washington State Department of Natural Resources (WDNR).

Covered Activities

Covered activities are described in the MSGCP (Table 1-3 and Appendix E). Covered activities in the MSGCP are those activities conducted by private landowners within Douglas County in the preparation of soil for crop production, the cultivation of crops, and the production and culture of animal products and fiber for human consumption, feed, and/or sale as articles of trade or commerce. Covered activities include dryland farming, ranching, and limited irrigated farming. Covered Activities include actions related to irrigation from ground water sources and from surface water sources on portions of creeks, tributaries, and lakes where those portions of the water bodies do not contain anadromous salmon, steelhead, or bull trout. Covered Activities do not include irrigation water obtained from the mainstem Columbia River, or water piped into Douglas County from the Wenatchee River. Lists of specific activities were developed for each of the agricultural types, and are included in Appendix E of the MSGCP.

Covered Species

The MSGCP includes the covered species shown above in Table 1 (see also detailed discussion in Chapter 1 and appendix D of the MSGCP).

Table 1. Covered Species.

SPECIES	SCIENTIFIC NAME	STATUS
Columbia Basin DPS Pygmy Rabbit	<i>Brachylagus idahoensis</i>	Federal Endangered; State Endangered
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	Federal Candidate; State Threatened
Columbian Sharp-tail grouse	<i>Tympanuchus phasianellus columbianus</i>	Federal Species of Concern; State Threatened
Washington Ground Squirrel	<i>Urocitellus washingtoni</i>	Federal Candidate; State Candidate

Approach to Conservation Lands

The MSGCP requires that Conservation Reserve Program (CRP) and State Acres for Wildlife Enhancement (SAFE) acres be monitored. Under “changed circumstances” in Chapter 4 of the MSGCP, if CRP and/or SAFE contracts are not renewed, farmers enrolled in the MSGCP agree

to enroll in other available conservation programs. If there are none available, they will attempt to maintain the lands in conservation cover. If the conservation contract acres or similarly protected acres in Douglas County decrease by more than 10 percent of the starting point (182,072 acres as of 30 June 2013), and additional acres to get above the 10 percent trigger (163,865 acres) cannot be implemented within two years, then the Service, with assistance of the FCCD and other members of the implementation and management committee, will revisit the MSGCP to ensure it continues to meet issuance criteria. Monitoring requirements (Chapter 4 of MSGCP) ensure evaluation of changes to acres of CRP, SAFE, or similar conservation lands.

Approach to Other Reserved Lands

Only non-Federal agriculture lands from willing landowners (Applicants or Permittees) are covered by the MSGCP, but other entities manage lands that support and benefit covered species and their habitats in Douglas County including WDFW (16,361 acres), The Nature Conservancy (TNC) (21,676 acres), and the Bureau of Land Management (BLM) (53,965 acres). While it is likely that these reserved lands will continue with similar management, and may maintain or increase acres over time, the MSGCP includes a “changed circumstance” requirement (in Chapter 4 of the MSGCP) just in case the total acreage of those lands decreases by more than 10 percent of the 2013 acreage level. At that point, the Service, with assistance of the FCCD, Permittees, and other members of the implementation and management committee, will revisit the MSGCP to ensure it continues to meet issuance criteria. Monitoring requirements (Chapter 4 of the MSGCP) ensure evaluation of changes to the reserved lands.

Monitoring and Adaptive Management

The Proposed Action Alternative includes an adaptive management and monitoring plan to gauge the effectiveness of the MSGCP, to retain the option to propose additional or alternative conservation measures, and to deal with changed or unforeseen circumstances. This is described in Chapter 4 of the MSGCP. Periodic monitoring and review at both the site-specific and county-wide level will be used to evaluate management objectives and techniques to better achieve MSGCP goals. The monitoring process includes a county-wide habitat-suitability-index modeling effort, which is discussed in Chapter 4 and described in more detail in Appendix G of the MSGCP.

Approach to Cultural Resources

The MSGCP includes a process to ensure that section 106 of the National Historic Preservation Act is considered by the Service or other Federal agencies during implementation as appropriate. This process is described in Appendix F of the MSGCP, and provides a list of activities that would not require additional review, and a process for other activities that may require additional review.

Expanded MSGCP Alternative

The Expanded MSGCP Alternative would include many of the same expectations as described for the Proposed Action Alternative, including covered activities, covered species approach to other reserved lands, and monitoring and adaptive management. The key difference would be in the approach to conservation lands. In recent years, the conservation of wildlife species in Douglas County has been considerably improved by implementation of the CRP. Prior to 2009,

about 33 percent of the “eligible lands” in Douglas County (186,144 acres (MSGCP 2012)) were enrolled in CRP. This alternative would increase the lands in CRP, SAFE, or similar protected lands by 100,000 acres above the 2009 benchmark of 186,144 CRP acres over the next 10 years, to result in conservation of about 50 percent of the eligible lands in Douglas County. This would be a voluntary commitment on the part of landowners. This alternative would require an additional, unidentified funding to pay Permittees for the commitment to conserve additional lands important to the covered species. The FCCD has developed no payment or funding mechanism to date for this alternative.

Alternatives Considered But Not Analyzed in Detail

At various times during the MSGCP development process the FCCD and the Service considered other conservation approaches that were not developed into alternatives for NEPA analysis. One alternative was a wildlife-corridors approach, but it was likely to have extremely unequal impact to farmers depending on the location of corridors. Some farmers would be unlikely to sign up and therefore this approach would not meet the purpose and need. Another alternative included listed fish as covered species under the MSGCP. The FCCD seriously considered this approach but slow progress on the development of a conservation strategy caused the FCCD to eliminate this alternative in order to focus on terrestrial-species alternatives. The FCCD also considered alternatives covering many more terrestrial species, but eventually decided to focus on four covered species. The FCCD also considered a programmatic HCP where they would hold the incidental take permit, and issue certificates of inclusion to individual landowners. After discussions with the Service, the FCCD agreed to use the GCP process.

FCCD INVOLVEMENT AND PUBLIC REVIEW

Under the Service’s NEPA implementing procedures, public scoping is not required to prepare an EA. However, both the Service and the FCCD conducted scoping and public workshops on several occasions. The scoping process is an early and open process for determining the issues to be addressed related to the proposed action. Steps used in the scoping process included the following.

- Identifying the lands affected.
- Assessing FCCD, Service, WDFW, and public involvement needs and inviting public participation.
- Determining the issues to be analyzed in depth.
- Identifying and eliminating from further study those issues not significant or important to the proposed MSGCP action.
- Identifying resource needs or management opportunities that contribute to development of alternatives.

From these elements, alternatives and issues were developed to reflect concerns and resource needs of various agencies, the public, and FCCD members and staff. The public scoping summary and workshop notes are filed at the FCCD Office, Waterville, Washington, and at the Service’s Eastern Washington Field Office in Spokane Valley, Washington.

Throughout the MSGCP planning process, FCCD members and the public have been kept informed through public meetings, mailings, meeting with various concerned agencies, the FCCD website, news releases, individual contacts, and telephone conversations.

A notice of intent to conduct public scoping and prepare an Environmental Impact Statement was published in the Federal Register on May 30, 2000. On June 22, 2000, the Service distributed a news release and letter to approximately 107 individuals, describing the scoping process and notifying them of a public workshop on June 29, 2000, in Waterville Washington. Two orchardists, a representative of Chelan County, and a representative from the Colville Confederated tribes attended the public scoping workshop. No issues were brought up at the workshop. One written comment was received during the public comment period and is summarized as: Douglas County has a diverse avifauna that continues to be impacted by agriculture.

As there had been considerable evolution in the MSGCP development since the first scoping workshop, the FCCD hosted another public workshop. The second workshop was held in Waterville, Washington on January 26, 2005. More than 50 participants were present. During the workshop, environmental issues identified in an early draft MSGCP were reviewed with the participants in small “breakout” discussion groups. The attendees built on those issues, and also explored opportunities to address many of the issues, both through development of alternatives, and through analysis of effects.

Drafts of the MSGCP and EA were made available for public review during a 60-day public comment period between November 14, 2014, and January 13, 2015. A news release providing notice of the draft MSGCP and draft EA was shared with multiple entities, including Congressional representatives, Senators, County Commissioners, Tribal representatives, many State and Federal agencies, and media outlets.

During the public comment period for the draft MSGCP and the draft EA, the Service posted a news bulletin on the Washington Fish and Wildlife Office website (<http://www.fws.gov/wafwo>). The draft MSGCP and the draft EA were also available on the website.

On November 14, 2014, the Service also sent a “dear interested party letter” to 499 individuals on a mailing list we received from the FCCD. Approximately sixteen of those letters were returned to sender.

During the comment period, hard copies of the draft documents were available at the FCCD office in Waterville, Washington, and in the Service’s Eastern Washington Field Office in Spokane Valley, Washington.

During the comment period, several electronic and hard-copies of the draft EA and draft MSGCP were distributed directly to individuals who requested them.

The Service received comments from 5 different parties. The comments, and any changes to the EA or MSGCP as a result of the comments, are described in Appendix A of our Findings and Recommendations document. In addition, based on additional review of the draft documents, the

Service and FCCD made a few additional changes to the MSGCP between the draft and final. These are also described in Appendix A of our Findings and Recommendations document.

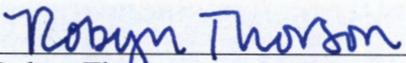
CONCLUSIONS

Based on a review and evaluation of the information contained in the EA and the MSGCP, supporting references, the Service's Findings and Recommendations document for this proposed action, and public comments, I have determined that the Proposed Action Alternative is not a major Federal action that would significantly affect the quality of the human environment, within the meaning of section 102(2)(c) of NEPA. Accordingly, the Service is not required to prepare an environmental impact statement for this action. Furthermore, I have found that implementing the Proposed Action Alternative will have no significant impact on any of the environmental resources identified in the EA. Generally, since the potential Permittees in Douglas County are already implementing many of the MSGCP conservation measures in the covered area, or the implementation of additional BMPs will not be a significant change to currently ongoing activities (i.e., farmers will continue to farm), implementation of the Proposed Action Alternative is not expected to have a significant impact on any of the analyzed resources (i.e., expected adverse and beneficial impacts will be small relative to the affected environment).

This Finding of No Significant Impact and supporting references are on file and are available for public inspection, by appointment, at the following U.S. Fish and Wildlife Service offices:

Eastern Washington Field Office
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Robyn Thorson
Regional Director

SEP 17 2015

Date

Documents Incorporated by Reference

FCCD. 2015. Final Multiple Species General Conservation Plan for Douglas County, Washington. May 2015.

U.S. Fish and Wildlife Service. 2015a. Biological Opinion and Conference Opinion for the

future issuance of Section 10(a)(1)(B) incidental take permits under the Douglas County Multiple Species General Conservation Plan. (Reference Number: 01EWF00-2015-F-0160; August 28, 2015).

U.S. Fish and Wildlife Service. 2015b. Final Environmental Assessment for the Multiple Species General Conservation Plan, Douglas County, Washington. May 2015.

U.S. Fish and Wildlife Service. 2015c. Findings and recommendations regarding issuance of future Endangered Species Act Section 10(a)(1)(b) incidental take permits in association with the Douglas County Multiple-Species General Conservation Plan, Douglas County, Washington