



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
1201 NE Lloyd Boulevard, Suite 1100  
PORTLAND, OREGON 97232

## National Environmental Policy Act (NEPA) Finding of No Significant Impact

### 1. Background

#### Proposed Action:

Sierra Pacific Land & Timber Company (SPL&T) is the largest private forest landowner in the state of California, with ownership currently encompassing approximately 1.79 million acres of timberland throughout the northern and central portions of the state. Sierra Pacific Industries (SPI) is the authorized representative and manager of SPL&T lands.

SPL&T (the applicant) is applying to the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) for an incidental take permit (ITP) under Section 10(a)(1)(B) of the Endangered Species Act (ESA) for a 50-year period. The ITP would authorize the incidental take of endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), threatened California Central Valley steelhead (*O. mykiss*), and threatened Southern Oregon/Northern California Coast (SONCC) coho salmon (*O. kisutch*). Additionally, SPL&T's ITP application includes Central Valley fall- and late fall-run Chinook salmon (*O. tshawytscha*), which are designated as species of concern by NMFS; the Upper Klamath/Trinity Rivers spring-run Chinook salmon (*O. tshawytscha*), which have been previously petitioned as threatened under the ESA and are currently petitioned for listing as threatened or endangered under the ESA; and Klamath Mountains Province steelhead (*O. mykiss*), which have no current regulatory status. Collectively, these species are henceforth referred to as "Covered Species."

SPL&T is also applying to NMFS for an enhancement of survival permit (ESP) under Section 10(a)(1)(A) of the ESA for a 50-year period. The ESP would authorize the potential future incidental take of ESA-listed species that NMFS proposes to reintroduce into rivers and streams on SPL&T lands that are upstream of constructed man-made barriers to anadromous fish in the Sacramento River and Trinity River basins. The species currently proposed for reintroduction into historic habitat include Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, California Central Valley steelhead, and SONCC coho salmon.

The ITP and ESP (Permits) would require implementation of a Habitat Conservation Plan and Safe Harbor Agreement (HCP/SHA) with measures to conserve, monitor, mitigate, and minimize potential effects of SPI's forestland management activities on the Covered Species for the term of the Permits.

The proposed action is: 1) the issuance of an ITP under Section 10(a)(1)(B) of the ESA; 2) the issuance of an ESP under Section 10(a)(1)(A) of the ESA; and 3) approval of the associated HCP/SHA. The proposed term for both permits is 50-years.



## **Alternatives Evaluated in the Environmental Assessment (EA):**

- Alternative 1: Issue the ITP and ESP
- Alternative 2: No Action

### **Selected Alternative:**

Alternative 1: Issue the ITP and ESP

### **Conservation Measures / Mitigation Measures / Measures to Reduce Impacts:**

Section 10(a)(2)(A) of the ESA requires that the HCP specifies the measures that the permittee will take to minimize and mitigate to the maximum extent practicable the impacts of the taking of any federally listed animal species as a result of activities covered by the HCP. SPL&T fully complies with the California Forest Practice Rules (CFPRs), which set prescriptive standards for natural resource protection minimization measures for all activities. The proposed conservation measures are listed below; detailed lists and descriptions of the conservation measures are included in the HCP/SHA (Section 6.4) and the CFPRs.

- Erosion Control Measures
  - Tractor Operations
  - Waterbreaks
  - Winter Period Timber Operations
  - Tractor Road Watercourse Crossings
- Site Preparation Measures
- Watercourse and Lake Protection Zone Measures
- Road Construction and Maintenance Measures
- Water Drafting Measures
- Grazing Measures
- Fuels Reduction Measures

SPI has also proposed measures to mitigate for unavoidable take. These include:

- Using the Road Erosion and Sediment Delivery Index (READI) model to identify sources of sediment from road runoff and apply road watercourse crossing best management practices (BMPs) (such as new drains and road surfacing) to reduce sediment delivery to the extent practicable.
- Supporting the reintroduction of ESA-listed salmonids on SPL&T lands above impassable barriers.

The READI model addresses forest road sediment production and delivery to streams. A detailed field inventory collected on SPL&T's road network to enumerate, map, and assess all constructed drainage features, forms the foundation for accurate site-specific READI model results. The READI model was designed to link the condition of SPL&T's constructed road network with site-specific road segments and crossings that produce sediment, and to identify locations that potentially deliver erosion to the stream network.

SPI will plan and implement road construction and maintenance based on the READI model results by giving highest priority to locations that would provide the greatest conservation benefit based on the following criteria. In the Trinity River basin, SPI will give highest priority to

implementing road improvements on unstable lands based on the landslide risk assessment results and watersheds occupied by ESA-listed species. Improvements in the Sacramento River basin will be prioritized using the NMFS Recovery Plan guidelines (NMFS 2014), which include Core and reintroduction classifications, beginning with Core 1 and Core 2 watersheds, followed by Primary and Candidate classifications.

SPI will complete the READI model fieldwork and data analysis during the first three years of the permit period. This schedule provides prompt benefits to ESA-listed species, as the analysis would be completed during the minimum life cycle period for salmonid species. Road improvements will continue throughout the permit period until reaching the 85 to 90 percent disconnection goal for SPL&T roads.

SPL&T will also support ESA-listed species reintroduction efforts proposed by NMFS. This will be achieved by maintaining or improving aquatic habitats in the reintroduction areas by reducing potential sediment delivery through use of the READI model and road improvement projects; enhancing watershed resiliency by identifying and implementing projects designed to reduce wildfire behavior, intensity, potential and magnitude; and improving stream crossings at existing or new roads during post-fire salvage and reforestation. Additionally, SPL&T will support NMFS' reintroduction efforts by providing physical access to SHA Plan Area lands and related items such as specific access information, maps, gate key/combination information, physical escort, and relevant existing data.

#### **Related Consultations:**

NMFS completed an ESA Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) Response on the issuance of the ESA Section 10(a)(1)(B) ITP and the ESA Section 10(a)(1)(A) ESP to SPL&T for SPI's Forestland Management Program HCP and SHA (WCRO-2020-03564).

The proposed issuance of an ITP and ESP by NMFS is considered a federal undertaking subject to National Historic Preservation Act (NHPA) compliance. SPL&T complies with Section 106 of the NHPA by following the State Forest Practice Rule's California Environmental Quality Act (CEQA) functional equivalent process that includes archeology surveys and training for Timber Harvest Plan (THP) approval. Consequently, NHPA requirements will be addressed through individual forest practices permits through the State. A letter transmitting NMFS' findings under Section 106 of the NHPA (54 U.S.C. § 300108), as amended, and its implementing regulations found at 36 CFR 800 (as amended), was sent to the California State Parks, Office of Historic Preservation (CA-OHP) on June 21, 2021. With three exceptions, NMFS determined that the undertaking (*i.e.*, issuance of the permits to SPL&T) has "no potential to cause effects" pursuant to 36 CFR § 800.3(a)(1) to properties either included in or eligible for inclusion in the National Register of Historic Places. This conclusion was reached due to the limited nature of the federal undertaking to authorize incidental take, rather than the underlying non-federal actions that do not require federal authorization (*i.e.*, timber harvesting). The three activities that in the future may have the potential to impact historic and cultural resources are:

1. Development of small rock pits
2. Fuel break construction in non-timbered brush fields
3. Conversion of non-timbered brush fields to forest cover

Prior to the development of any rock pits and fuel breaks or other work in non-timbered brush fields, the proposed site will undergo review, and NMFS will consult, pursuant to Section 106 of the NHPA, as appropriate. No comments were received from the State Historic Preservation Officer (SHPO) in response to the June 21, 2021 letter. Accordingly, NMFS has determined that its responsibilities under Section 106 of the NHPA have been fulfilled for the proposed undertaking.

## **2. Significance Review**

The Council on Environmental Quality (CEQ) Regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 C.F.R. § 1508.27). In addition, the Companion Manual for National Oceanic and Atmospheric Administration Administrative Order 216-6A provides sixteen criteria, the same ten criteria as the CEQ Regulations and six additional criteria, for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and any measures to reduce impacts, and are considered individually, as well as in combination with the others.

### **1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?**

No. The proposed action is not reasonably expected to cause both beneficial and adverse impacts that overall may result in a significant effect. The proposed action would allow for continued forestland management activities following the CFPRs and implementation of specific measures and mitigation for the conservation of the Covered Species. Both beneficial and adverse impacts may occur as a result of SPI's continued forestland management and implementation of the proposed Conservation Strategy, which is expected to provide proactive improvements outside the CFPRs' framework, but these do not rise to the level of being significant. NMFS expects some short-term indirect adverse effects associated with timber harvest activities and the use of road watercourse crossings under the proposed action, such as increased sediment delivery, disturbances to habitat, reductions in habitat connectivity and/or availability, loss of ground cover, and compaction of soils resulting in increased runoff. However, implementation of SPI's READI model and the associated road improvement projects are expected to result in beneficial effects, through reductions in road-related sediment delivery to streams and improvements to habitat. Beneficial effects to ESA-listed salmonid populations are also expected to result from SPL&T's support of anadromous salmonid reintroduction efforts proposed by NMFS.

### **2. Can the proposed action reasonably be expected to significantly affect public health or safety?**

No. The proposed action is not reasonably expected to significantly affect public health or safety. Fire fuels management may benefit public health and safety through a reduction in the frequency of forest wildfires. Installation of fuel breaks would also help to reduce the frequency. Development in the HCP Plan Area and the SHA Plan Area is limited to forest roads, and use includes timberland management. There are no human residential, urban, or commercial

properties within the HCP Plan Area or SHA Plan Area. Much of the land owned by SPL&T is uninhabited and the likelihood of impacts to public health is low.

A limited number of SPI patrol personnel and some employees of logging and forest management contractors live in mobile trailers on the property during late spring, summer, and autumn. However, BMPs will provide guidance and ensure safety for timber harvest workers.

**3. Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?**

No. The proposed action is not reasonably expected to result in significant impacts to unique characteristics of the geographic area. SPL&T owns land near the Trinity River, which is designated as a wild and scenic river. The proposed action could result in minor, short-term turbidity/sedimentation impacts due to timber harvest activities and roadway construction and maintenance. However, these impacts are not likely to be significant or over current baseline conditions and are expected to be reduced over time through implementation of the proposed conservation measures (*i.e.*, use of the READI model).

Across the Sacramento and Trinity River basins, there are cultural sites, including some within the HCP Plan Area and the SHA Plan Area, that are protected under the archaeology rules of the CFPRs. Timber harvest and forestland management activities will occur throughout the HCP/SHA Plan Areas, following applicable rules and regulations (*i.e.*, the CFPRs and its functional equivalent process under CEQA). The current use of SPL&T-owned timberlands by Native American tribal groups is minimal, and records of such use are reviewed during THP development. Direct and indirect effects to cultural and historic resources are analyzed and regulated by the CFPRs for each THP. The implementation of required measures during THP development results in less than significant direct and indirect effects to cultural resources during timber harvesting and associated activities. SPL&T will continue to implement ownership-wide mitigation, management, and monitoring measures for protection of cultural resources.

NMFS has determined that issuance of the ITP and ESP has "no potential to cause effects" pursuant to 36 CFR § 800.3(a)(1), to properties either included in or eligible for inclusion in the National Register of Historic Places, because of the limited nature of the federal undertaking to authorize incidental take, rather than the underlying non-federal actions that do not require federal authorization (*i.e.*, timber harvesting).

NMFS identified three activities that in the future may have the potential to impact historic and cultural resources are:

1. Development of small rock pits
2. Fuel break construction in non-timbered brush fields
3. Conversion of non-timbered brush fields to forest cover

Prior to the development of any rock pits and fuel break or other work in non-timbered brush fields, the proposed site will undergo review, and NMFS will consult, pursuant to Section 106 of the NHPA, as appropriate.

**4. Are the proposed action's effects on the quality of the human environment likely to be highly controversial?**

No. The proposed action's effects on the quality of the human environment are not likely to be highly controversial. NMFS has carefully considered the effects of the proposed project activities to the human environment. The conclusion from the evaluation of the NEPA EA is that the proposed action will not result in any significant adverse direct, indirect, or cumulative impacts to the human environment. Adherence to CFPRs (and CEQA) will reduce potential impacts to the human environment. Additionally, much of the project area is uninhabited, reducing overall likelihood of impacts to the human environment. Therefore, the level of controversy associated with this proposed action is expected to be low.

**5. Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?**

No. The proposed action's effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks. Climate change does present some uncertainty given the longer proposed permit term (50 years). There are some assumptions regarding the CFPRs becoming increasingly conservative over time, however, as recent history has shown through addition and application of Anadromous Salmonid Protection (ASP) rules, which require increased buffer width and canopy cover along streams. Uncertainty will be minimized through adaptive management, necessary permit modifications and/or new information leading to reinitiation of the ESA Section 7 Consultation.

**6. Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?**

No. The proposed action is not reasonably expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. We analyze each proposed action individually based on the criteria set forth in the ESA (whether Section 7, Section 10(a)(1)(A), or Section 10(a)(1)(B)). Furthermore, NMFS has previously issued ESA Section 10(a)(1)(B) ITPs for timber harvest activities in California and ESA Section 10(a)(1)(A) ESPs for SHAs in California. Therefore, the proposed action is not expected to establish any precedent for future actions.

**7. Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?**

No. The proposed action is not related to other actions that when considered together will have individually insignificant but cumulatively significant impacts. While there are adverse impacts to the environment and to aquatic species that have occurred from past Federal and non-Federal actions in the Sacramento and Trinity River basins, the proposed action is not likely to contribute to significant adverse cumulative impacts. Potential cumulative impacts considered include recreation, agricultural activities, wildfire suppression, habitat restoration, climate change, chemical use, and residential development and infrastructure.

As described in the supporting NEPA EA, following the CFPRs within the context of the CEQA functional equivalent program results in conditions where all potential effects associated with proposed timber harvest projects, including cumulative effects, have been mitigated to insignificance (as defined by CEQA).

**8. Can the proposed action reasonably be expected to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources?**

No. The proposed action is not reasonably expected to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources. SPL&T complies with Section 106 of the NHPA by following the CFPRs and the functional equivalent process (under CEQA) that includes archeology surveys and training for THP approval.

On June 21, 2021, NMFS transmitted its findings under Section 106 of the NHPA to the CA-OHP and the SHPO. With three exceptions, NMFS determined that the undertaking (*i.e.*, issuance of the permits to SPL&T) has "no potential to cause effects" pursuant to 36 CFR § 800.3(a)(1) to properties either included in or eligible for inclusion in the National Register of Historic Places. This conclusion was reached because of the limited nature of the federal undertaking to authorize incidental take, rather than the underlying non-federal actions that do not require federal authorization (*i.e.*, timber harvesting). The three activities that in the future may have the potential to impact historic and cultural resources are:

1. Development of small rock pits
2. Fuel break construction in non-timbered brush fields
3. Conversion of non-timbered brush fields to forest cover

An initial review of potential rock pit and non-timbered brush field locations has not revealed any sites included in or eligible for inclusion in the National Register of Historic Places. However, prior to the development of any rock pits and fuel breaks or other work in non-timbered brush fields, the proposed site will undergo review, and NMFS will consult, pursuant to Section 106 of the NHPA, as appropriate.

No comments were received from the SHPO in response to the June 21, 2021, letter and the associated findings transmitted by NMFS. Accordingly, NMFS has determined that its responsibilities under Section 106 of the NHPA for the proposed undertaking have been fulfilled.

**9. Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?**

No. The proposed action is not reasonably expected to have a significant impact on endangered or threatened species, or their designated critical habitat as defined under the ESA of 1973, as amended. ESA-listed Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, California Central Valley steelhead, SONCC coho salmon, and their designated critical habitats are likely to be affected by the proposed action. However, adherence to the

CFPRs and implementation of the proposed conservation measures (including the proposed SHA) are expected to minimize impacts to greatest extent practicable. Effects are expected as a result of increased sedimentation from high densities of roadways, including short-term impacts due to increased turbidity/sedimentation from timber harvest activities and forest road construction, but adhering to the CFPRs (including the ASP rules) and implementation of the READI model will reduce those impacts. SPI will complete the READI model fieldwork and data analysis within the HCP Plan Area during the first three years of the permit period, with road improvements commencing shortly afterwards, based on the model results. This schedule provides swift benefits to Covered Species, as the fieldwork and data analysis would be completed during the minimum life cycle period for salmonid species. Road improvements will continue throughout the permit period until reaching the 85-90 percent disconnection goal for SPL&T roads. In addition, the longer permit term (50 years) is intended to allow for benefits associated with the proposed HCP/SHA conservation measures to be realized. The SHA and issuance of the ESP is also expected to result in benefits through the support of NMFS' proposed reintroduction efforts for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, California Central Valley steelhead, and SONCC coho salmon.

**10. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?**

No. The proposed action is not reasonably expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection. The NEPA EA evaluated the proposed action and determined that the implementation of the HCP/SHA would not violate federal, state, or local law or requirements imposed for the protection of the environment. The HCP/SHA provides a summary of relevant laws and regulations that SPL&T complies with while implementing the proposed Covered Activities. These include the Federal ESA, the Z'Berg-Nejedly Forest Practice Act and its implementing regulations, the CFPRs, and California Fish and Game Code, which establishes several processes pertinent to the CFPRs and implementation of the California Endangered Species Act (CESA). The review of the proposed HCP/SHA, pursuant to Sections 10(a)(1)(A) and 10(a)(1)(B) of the ESA, is designed to ensure compliance with the ESA and to protect the Covered Species and their habitat, which is part of the purpose and need for the proposed action.

**11. Can the proposed action reasonably be expected to significantly adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act?**

No. The proposed action is not reasonably expected to significantly adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act. The general reductions in salmonid production that could result in indirect impacts to marine mammals are not likely to occur. Impacts from the proposed action are likely to be from increased sediment/turbidity, resulting in salmonid avoidance or behavioral impacts. If reintroduction activities are successful through increased support resulting from the proposed SHA and issuance of the ESA Section 10(a)(1)(A) ESP, salmonid production in the Sacramento and Trinity River watersheds could be increased, potentially benefiting marine mammals during the permit term.



**12. Can the proposed action reasonably be expected to significantly adversely affect managed fish species?**

No. The proposed action is not reasonably expected to significantly adversely affect managed fish species. The Covered Species (which include Chinook salmon, coho salmon, and steelhead) may be adversely affected in the near-term from Covered Activities, due to entrainment from water withdrawals, increased turbidity/sedimentation from road construction, and reductions in large woody material. However, benefits realized over the long-term through adherence to the CFPRs, implementation of the proposed conservation measures, and the elevated baseline conditions as part of the SHA should provide benefits to these species.

**13. Can the proposed action reasonably be expected to significantly adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act?**

No. The proposed action is not reasonably expected to significantly adversely affect EFH as defined under the Magnuson-Stevens Fishery Conservation and Management Act. The proposed action may affect EFH through temporary increases in sediment, turbidity, and removal of large woody material, *etc.* However, implementation of the CFPRs and the proposed conservation measures (including implementation of the READI model) are expected to reduce sediment-related impacts and improve habitat conditions.

**14. Can the proposed action reasonably be expected to significantly adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?**

No. The proposed action is not reasonably expected to significantly adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems. The proposed action area (HCP and SHA Action Areas) does not include (and is not anywhere near) marine or coastal ecosystems and does not involve activities that would adversely affect these vulnerable areas.

**15. Can the proposed action reasonably be expected to significantly adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?**

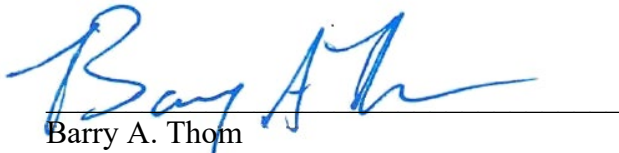
No. The proposed action is not reasonably expected to significantly adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, *etc.*). Impacts to biodiversity and ecosystem functions are not expected to be significant. Minor and temporary increases in turbidity and removal of riparian vegetation may occur. However, these short-term impacts are not expected to result in changes to predator-prey relations, especially as compared to baseline conditions. Furthermore, adherence to the CFPRs and implementation of the proposed conservation measures are expected to minimize these impacts.

**16. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?**

No. The proposed action is not reasonably expected to result in the introduction or spread of a nonindigenous species. The proposed action does not involve the introduction, removal, or movement of any non-indigenous species into or out of the HCP/SHA Action Areas. Adherence to the CFPRs and implementation of the proposed BMPs by SPI should reduce the likelihood of the spread or introduction of nonindigenous species. Therefore, spread or introduction of nonindigenous species is not reasonably likely to occur.

**3. Determination**

In view of the information presented in this document and the analysis contained in the supporting NEPA EA prepared for Sierra Pacific Land & Timber Company's Sierra Pacific Industries Forestland Management Program Habitat Conservation Plan and Safe Harbor Agreement, it is hereby determined that the approval of the HCP/SHA and the issuance of the ESA Section 10(a)(1)(B) ITP and the ESA Section 10(a)(1)(A) ESP for a 50-year period will not significantly impact the quality of the human environment, as described above and in the supporting NEPA EA. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.



Barry A. Thom  
Regional Administrator  
West Coast Region  
National Marine Fisheries Service

September 29, 2021

Date