

Screening Form
Low-Effect Incidental Take Permit Determination and
National Environmental Policy Act (NEPA)
Environmental Action Statement

I. HCP Information

A. HCP Name: The Habitat Conservation Plan for the Yelm subspecies of Mazama pocket gopher (*Thomomys mazama yelmensis*) for Steilacoom Road Infrastructure Improvements and Marvin Road and Mullen Road Intersection Infrastructure Improvements in Thurston County, Washington

B. Affected Species: Yelm subspecies of the Mazama pocket gopher

C. HCP Size: 9.31 acres including the 3.26-acre Steilacoom Road project site, the 2.05-acre Marvin-Mullen Road project site, and 4 acres of proposed compensatory mitigation

D. Brief Project Description (including minimization and mitigation plans):

Project Description: Thurston County Public Works (Applicant) has applied for an incidental take permit (ITP) to cover the take of the threatened Yelm subspecies of Mazama pocket gopher (*Thomomys mazama yelmensis*, hereinafter Yelm pocket gopher) incidental to two road safety and infrastructure improvement projects in Thurston County, Washington. Each project area includes suitable habitat occupied by the Yelm pocket gopher. The Applicant acknowledges that it will not be possible to avoid all adverse effects to this species and its habitat while constructing the road improvements. On that basis, the Applicant prepared a habitat conservation plan (HCP) in partial fulfillment of the requirements under the Endangered Species Act as amended (16 USC 1531 *et seq.*) (ESA) to obtain an ITP from the U.S. Fish and Wildlife Service (Service) authorizing otherwise prohibited take. The Applicant would construct wider roads, sidewalks, a traffic roundabout, and stormwater infrastructure, and mitigate impacts to covered species by funding permanent management and maintenance of four acres within an established permanent conservation site to maintain occupied habitat for the covered species.

The permit area consists of 3.26 acres for the Steilacoom Road project and 2.05 acres for the Marvin-Mullen Intersection project. Covered activities will consist of those associated with development, construction, and restoration of the two projects within the permit area. In order to prepare the sites for construction, the Applicant will clear trees, brush, and other vegetation from the existing and proposed rights-of-way. The Applicant will also modify existing storm drainage facilities and relocate utilities. At Steilacoom Road (Figure 1), the Applicant will widen the existing pavement, add auxiliary turn lanes, install bicycle lanes and sidewalks, restore soil and seeding, install Oregon white oak seedlings, and add a stormwater pond and bio-swales. At the Marvin Road and Mullen

Road T-intersection, the Applicant will construct a roundabout (Figure 2) to improve traffic flow with new sidewalks, street lighting, storm drainage conveyance systems, storm drainage infiltration and treatment facilities, and landscaping. The permit area is within the Thurston County Public Works' service area.

The majority of incidental take associated with the Project is expected to be highest during initial site clearing activities associated with excavation and grading that may extend below ground into burrow systems. During the development and construction phases of the project, the Applicant will use heavy equipment including graders, excavators, dump trucks, and paving trucks. Ground disturbing activities that may affect covered species would occur in existing rights-of-way, temporary construction areas, and existing utility easements (collectively, the construction sites). Impacts to covered species would result from disturbance and habitat loss as a result of initial site clearing, grading, excavating, paving, and operating trucks or heavy equipment off roads on occupied habitat.

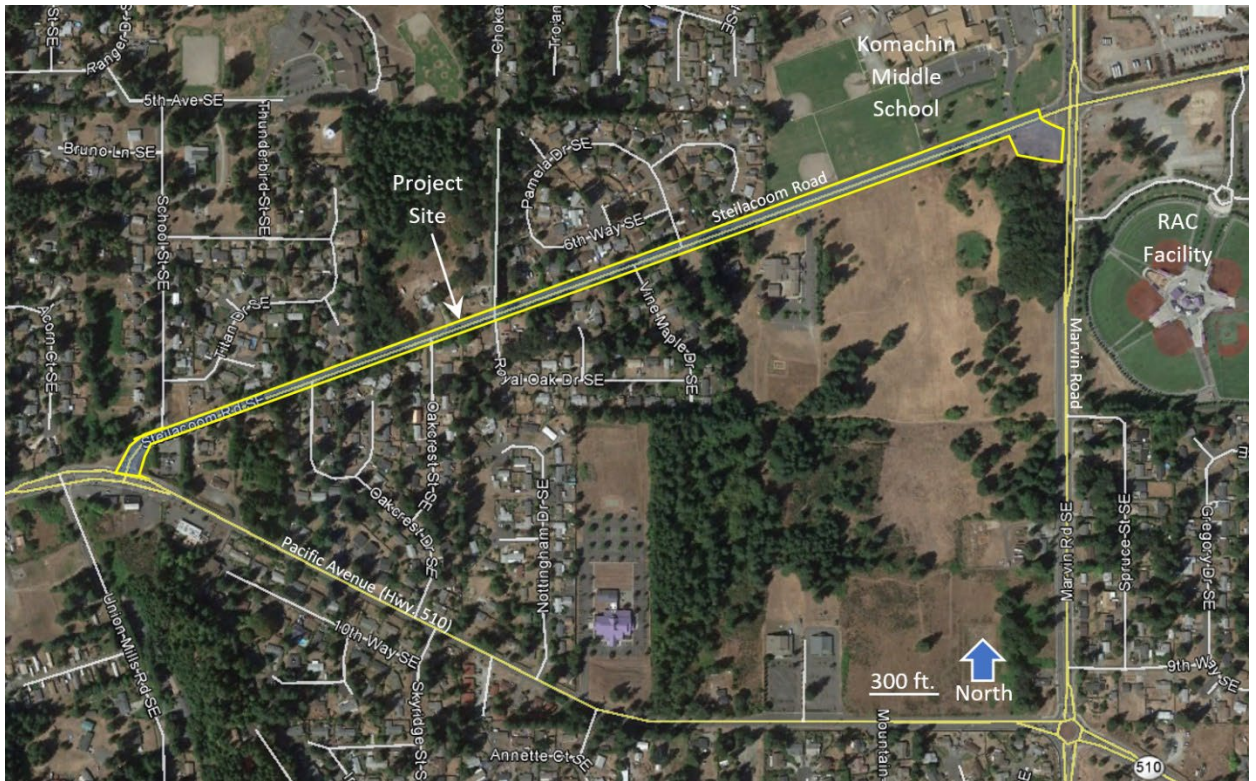


Figure 1. Steilacoom Road Project Site map.

The Applicant's HCP proposes a conservation program intended to avoid, minimize and mitigate unavoidable impacts to the Yelm pocket gopher and its habitat that may occur during construction relating to site development, construction, and restoration actions. Proposed avoidance and minimization measures are identified in the corresponding section of this document. To mitigate for unavoidable impacts to the Yelm pocket

gopher and its habitat, the Applicant will fund permanent management of four acres of Service-approved conservation sites protected in perpetuity under a conservation easement. The advanced mitigation purchased will be deducted from the total balance of advanced mitigation of that site without the future opportunity to be repurchased. Management will include monitoring by a third-party to ensure compliance with the commitments described in the HCP. The Applicant has proposed standards in the HCP for mitigation site selection based on Service recommendations (USFWS 2015, USFWS 2017).

Since drafting the HCP, the Applicant has identified a specific site for the two acres of permanent mitigation to offset impacts resulting from the Marvin-Mullen Road Project. The proposed conservation site is the Leitner Prairie Conservation Site (APN# 09200011007) established by Thurston County as advanced mitigation for their proposed Thurston County HCP (Thurston County HCP 2022).

At this time, the Service has not yet approved the proposed mitigation site for use by the Applicant, however the County's Leitner Prairie Conservation Site meets all criteria for a conservation site proposed under the current HCP. Soils on the proposed conservation site are more preferred by Yelm pocket gopher. The site is occupied by the Yelm pocket gopher. Permanent management, monitoring, and adaptive management consistent with the HCP's conservation program will be incorporated into a permanent conservation easement. The site is located in a priority area for conservation located in the southern service area for Yelm pocket gopher (USFWS 2020). The site is adjacent to existing conservation sites for the Yelm pocket gopher established by the Kaufman HCP and by Washington State Department of Transportation, providing for a larger conservation network.

To mitigate impacts of the Steilacoom Road project, practical conservation sites may include the same site (Thurston County's Leitner Prairie Conservation Site); the Mazama Meadows Mitigation Bank, which is currently in the application phase for Service approval; the Leitner Prairie Conservation site established under the Kaufman HCP, if advanced mitigation credits remain available there; or future conservation sites the Service would consider on an individual basis.

The Applicant will implement covered activities at each project site only after fully securing the respective permanent mitigation and obtaining Service approval.

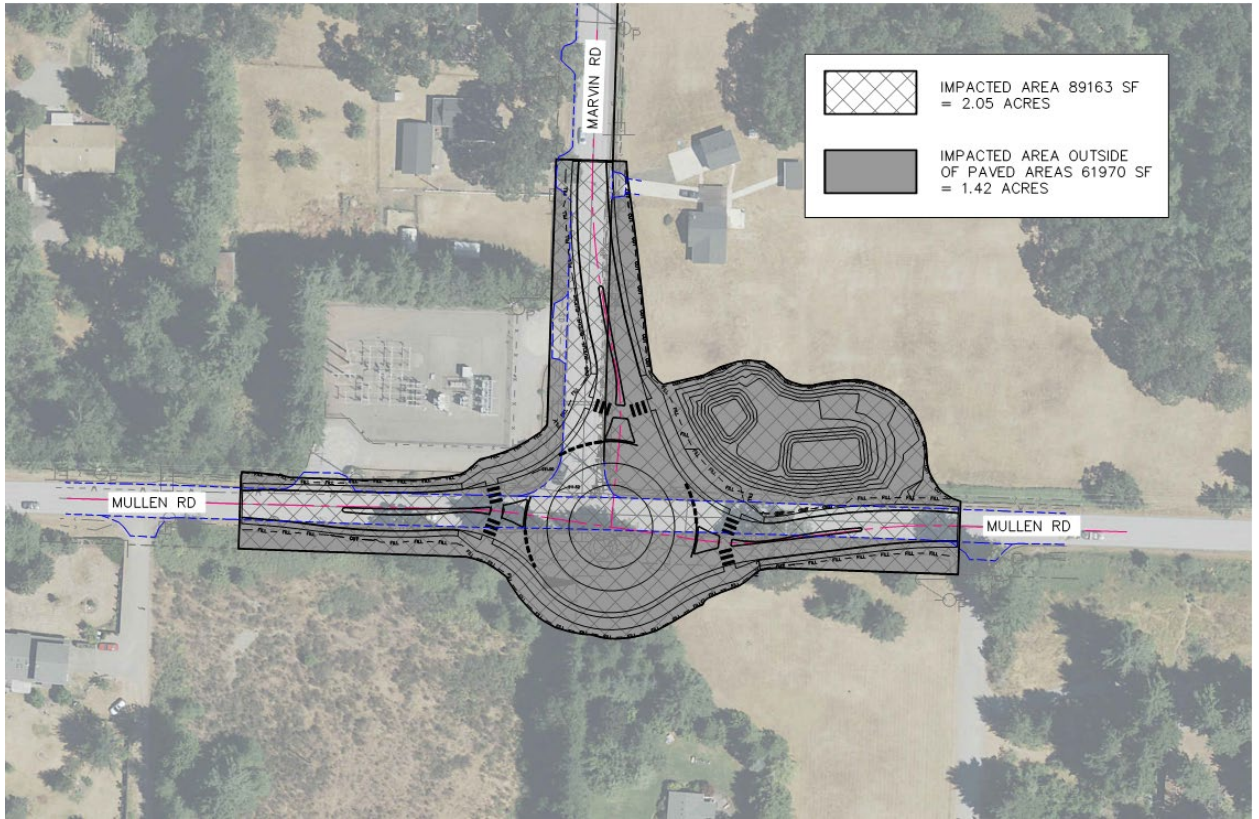


Figure 2. Project Site impact area at the intersection of Marvin and Mullen Roads.

Purpose and Need: The Service’s purpose in considering the proposed action is to fulfill our statutory obligations under section 10(a)(1)(B) of the ESA. Non-Federal applicants, whose otherwise lawful activities may result in the take of fish or wildlife listed under the ESA, can apply to the Service for incidental take authority so that their activities may proceed without potential violations of the take prohibitions under section 9 of the ESA.

To carry out these responsibilities, the Service must comply with a number of laws, regulations, Executive Orders (EOs), agency directives, and policies. To fulfill these responsibilities and obligations, we will:

- Ensure that the issuance of the ITP and implementation of the HCP are likely to achieve long-term species and ecosystem conservation objectives at ecologically appropriate scales.
- Ensure that the conservation actions approved with issuance of the ITP are likely to occur within a spatially explicit landscape conservation design capable of supporting species mitigation over the long-term.

Section 10 of the ESA specifically directs the Service to issue ITPs to non-Federal entities for take of endangered and threatened species when the issuance criteria in section 10(a)(2)(B) of the ESA are met. Once we receive an application for an ITP, we

need to review the application to determine if it meets issuance criteria. We also need to ensure that issuance of the ITP and implementation of the HCP complies with other applicable Federal laws and regulations such as: National Environmental Policy Act (NEPA); National Historic Preservation Act; treaties; and EOs 11998, 11990, 13186, 12630, and 12962. In addition, the Service enforces other requirements of the ESA, such as compliance with section 7(a)(2). If we issue an ITP, we may condition the permit to ensure the permittee's compliance with other applicable requirements of the ESA.

On March 11, 2020, the Service received an ITP application from Thurston County Public Works. If the application request is approved and the Service issues a permit, the ITP would authorize Thurston County Public Works to take Yelm pocket gophers incidental to two road safety and infrastructure improvement projects in Thurston County. The Service prepared this Environmental Action Statement to document our compliance with the requirements of NEPA and to inform decisions concerning this ITP application.

Requested Permit Term: The applicant requested a permit term of ten years.

Lands Covered under the HCP and ITP: The 5.31-acre permit area in Thurston County is described in the Applicant's HCP and includes all areas where covered activities would occur (approximately 3.26 acres along Steilacoom Road between Pacific Avenue and Marvin Road (Figure 1) and 2.05 acres at the intersection of Marvin and Mullen Roads three miles south of the Steilacoom construction area (Figure 2). Within this area, a total of 2.92 acres (1.50 acres along Steilacoom Road, and 1.42 acres along Marvin/Mullen Road) have suitable habitat for pocket gopher and are considered to be occupied. These numbers also describe the acreage of impacts to habitat for the covered species. The Plan Area includes the permit area in addition to the HCP mitigation site or sites within the range of Yelm pocket gopher, which is four acres across one or two larger Service-approved conservation sites managed to provide advanced mitigation for the covered species.

Species Occurrence: Yelm pocket gophers have been documented to occur on lands in various parts of Thurston County and are believed to have a patchy distribution. Groups of mounds indicative of Mazama pocket gopher occupancy were observed near the intersection of Steilacoom Road and Marvin Road on the south side of Steilacoom Road on May 8, 2017, west of River Ridge Covenant Church on the south side of Steilacoom road in 2014, and on the north side of Steilacoom road adjacent to developed athletic fields in 2013 and 2014. Mazama pocket gopher mounds were also observed in the proposed construction site north of Mullen Road.

The total number of individual Yelm pocket gophers likely to be present in occupied areas in the construction site is unknown, and observing or documenting instances of take may be difficult or impossible because individuals remain underground for most of their lives. Mazama pocket gopher mounds are typically observed on sites with certain soil types that have excessive drainage capacity and herbaceous vegetation cover. Individuals do not occur on all such sites, and their currently fragmented distribution makes it difficult to accurately predict occurrence at a site-specific scale. Yelm pocket gopher

were documented to occur in the suitable habitat at both construction areas. Individuals could occur anywhere in the suitable habitat when covered activities begin. The impacts to suitable habitat on the project sites will therefore serve as a surrogate for the amount and extent of take anticipated over the term of the requested permit. Yelm pocket gophers are well distributed at both mitigation sites.

Goals: The Applicant's goal is to construct safety and infrastructure improvements at Steilacoom Road and the intersection of Marvin and Mullen Roads within Thurston County Public Works' service area in Thurston County over the next ten years while complying with federal, state, and local regulations, and contributing to the conservation of a covered species. The biological goals of the HCP are to contribute to the conservation of the Yelm pocket gopher by acquiring four acres of mitigation from Service-approved conservation sites that are occupied by the Yelm pocket gopher to fully offset the impacts of the taking expected to occur at the project sites.

Avoidance, Minimization and Mitigation Measures: Sections 3 and 4 of the Applicant's Conservation Program (Steilacoom and Marvin-Mullen Roads HCP 2020) outline measures to avoid, minimize, and mitigate impacts to the covered species. Because the Applicant has a legal obligation to maintain road infrastructure, and the proposed construction sites are occupied by Yelm pocket gopher, it may not be possible to avoid all impacts.

Measures to avoid or minimize impacts on covered species that would be implemented on all project sites include:

- Accessing construction areas from existing developed areas including paved roads, gravel road shoulders, and parking lots;
- Restricting the staging of construction materials to a designated staging area and to existing developed areas including paved roads, gravel road shoulders, and parking lots;
- Minimizing the loss of forage vegetation for Yelm pocket gopher by the measures described above;
- Minimizing the number of Yelm pocket gopher directly affected by construction by minimizing the construction footprint; and,
- Using tracked vehicles to reduce soil compaction.

Additional measures to avoid or minimize impacts on covered species that would be implemented include:

- Restoration of the staging area for the Steilacoom Road construction site by de-compacting soils and seeding with an erosion control grass mix;
- Where storm water bio-swales are built in habitat areas on the east portion of the Steilacoom Road construction site, surfaces will be restored using native soils mixed with compost and seeded with an erosion control grass mix; and,

- Where stormwater infiltration and treatment facilities are built at the Marvin-Mullen Road construction site, surfaces will be restored using native soils mixed with compost for infiltration and treatment capacity and seeding the side slopes of the facilities with an erosion control grass mix.

With the minimization measures summarized above, and detailed in the HCP, the Applicant anticipates the loss of approximately 2.9 acres of suitable habitat occupied by the Yelm pocket gopher. The impacts to suitable habitat on the project sites function as a surrogate for the amount and extent of incidental take of the covered species anticipated over the term of the requested permit.

The Applicant proposes to mitigate for the impacts to Yelm pocket gopher associated with infrastructure improvements at Steilacoom Road and the Marvin-Mullen intersection by ensuring the perpetual protection and management of four acres of occupied habitat for Yelm pocket gopher on established conservation sites. Two acres of mitigation for the Marvin-Mullen intersection project is currently proposed at Thurston County's Leitner Prairie Conservation Site (APN# 09200011007), which was recently proposed as advanced mitigation for the proposed Thurston County HCP (Thurston County HCP 2022). The landowner (Thurston County) would manage the site or contract a qualified habitat management specialist to manage the site. Similarly, Thurston County or a qualified habitat management specialist would also be responsible to monitor and report on covered species habitat maintenance in perpetuity.

For the remaining mitigation obligation (two acres of permanent conservation to offset impacts from the Steilacoom Road project), the Applicant may elect to secure mitigation at the same site (Thurston County's Leitner Prairie Conservation Site); the Mazama Meadows Mitigation Bank, which is currently in the application phase for Service approval; the Leitner Prairie Conservation site established under the Kaufman HCP, if advanced mitigation credits remain available there. Alternatively, other conservation sites may be considered on an individual basis. Conservation sites must meet the HCP's conservation criteria and must be secured ahead of implementing the covered activity.

Management of occupied Yelm pocket gopher habitat in a larger landscape of contiguous occupied habitat is proposed to offset the effects of development of lower-quality, non-contiguous habitat for Yelm pocket gopher. By extinguishing development rights and enhancing prairie characteristics on the mitigation sites, the HCP will provide areas of higher quality and less fragmented habitat than is provided on the proposed construction sites. The Applicant will complete the above tasks prior to initiating any ground-disturbing activities covered by the HCP.

This mitigation proposal is consistent with the principles outlined in the Service's *Mazama Pocket Gopher Conservation Strategy and Minimization Guidance* (USFWS 2015) because the proposed conservation site:

- a) Is legally and permanently conserved, managed, and endowed to help ensure the species' long-term ecological value is consistent with the conservation needs of the species;

- b) Provides suitable habitat with low-stature forbs and grasses, with minimal invasive plant species; and
- c) Is occupied by Yelm pocket gophers.

Monitoring and Reporting: The HCP includes measures for monitoring covered activities and conservation actions.

Compliance monitoring for this project includes providing documentation to the Service that describes when offsite mitigation is formally dedicated to this project, the status of onsite avoidance and minimization measures, and the project completion date.

An Annual Report describing Covered Activities for each of the project sites will be prepared by the Applicant and submitted to the U.S. Fish and Wildlife Service Washington Fish and Wildlife Office in Lacey, Washington no later than February 1 each year for the duration of the permit, or until the year the safety and infrastructure improvement project is completed, whichever comes first.

The annual report will summarize the following information:

- The development status of the project sites.
- The Applicant’s anticipated development timeline for the project sites (if known).
- The date on which construction of the projects is completed.
- On the first annual report date following completion of activity at each of the project sites, the Applicant will describe the site as “completed” or “fully developed”. No annual report for the completed construction will be due following the final year.

Mitigation monitoring and management are ongoing in perpetuity under the conservation easements. After the permit expires, ongoing documentation of conservation easement performance will be maintained by the easement holder. Service-approved conservation sites will necessarily have existing commitments for monitoring and reporting, consistent with standards set under this HCP. Applicants are responsible for ensuring purchased credits include funding for permanent monitoring and reporting along with providing Service-approved mitigation.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?

Yes. For the reasons discussed below, we find that the proposed HCP meets all three criteria for a categorical exclusion determination.

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP? [516 DM 8.5(C)(2); HCP Handbook]

Yes. The anticipated impacts of covered activities from safety and infrastructure improvements within Thurston County are expected to be minor or negligible to the population of the Yelm pocket gopher with implementation of the applicant's proposed conservation program. The anticipated effects to the species from improving roads and right-of-way infrastructure and providing permanent conservation of occupied and suitable habitat for the Yelm pocket gopher are consistent with the Service's *Mazama Pocket Gopher Conservation Strategy and Minimization Guidance* (USFWS 2015) and are not expected to result in a detectable demographic-level effect on the Yelm pocket gopher. The conservation sites under consideration by the Applicant for mitigation are located outside of the service area within which the project is located. Service guidance, developed with technical assistance by the Lacey Field Office (USFWS 2015), recommends a cross service area surcharge. No other listed, proposed, or candidate species are likely to be affected by the covered activity.

B. Are the effects of the HCP 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, environmental justice, etc.), after implementation of the minimization and mitigation measures? [43 CFR 46.205; HCP Handbook]

Yes, the effects of the HCP are negligible on all other components of the human environment, including environmental values and resources after implementing minimization and mitigation measures. The current project site condition is degraded road-side right-of-way. Road edges, gravel shoulders, and grassy areas will be replaced by additional road-related infrastructure and sidewalks. Construction and associated activities are expected to result in minor environmental effects by temporarily disturbing roadside soils. The project areas are already used for vehicular and pedestrian travel, but lack proper, safe infrastructure for the mixed uses. Ground disturbance will be limited to the minimum areas necessary for construction activities, as described in the HCP. The project is expected to improve transportation safety for vehicular and pedestrian travel. The mitigation provided for impacts to Yelm pocket gopher will also provide protections for the increasingly rare South Puget Prairie ecosystem, though the construction site does not contain intact native prairies. Otherwise, the infrastructure improvements are in an urbanized setting where native vegetation composition is already degraded. The project areas are used by the local community for high-density vehicular and pedestrian travel. The project will support these ongoing uses in the permit area, so the effects of the HCP are negligible on all other components of the human environment, including environmental values and resources after implementing minimization and mitigation measures.

C. Would the incremental impacts of this HCP, 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 cumulative effects to the human environment (the natural and physical

environment) which would be considered significant? [40 CFR 1508.1; 43 CFR 46.205; HCP Handbook]

Yes, the project would not result in cumulative effects to the human environment that would be considered significant because the applicant's proposal is to upgrade and expand road infrastructure adjacent to current roads, rather than building new roads. The proposed project would result in making the current road system safer and operate more efficiently. Nearby the Marvin-Mullen Road project site, a residential subdivision called "Oak Tree Preserve" is currently being developed with plans to use the round-about provided through the HCP covered activities as a public access route to the neighborhood. Permitting of that development by Thurston County did not have a federal nexus, is not part of the proposed HCP activities, and underwent public review under the Washington State Environmental Policy Act, which resulted in a mitigated determination of non-significance by Thurston County on December 2, 2014. The residential development will comply with local development permits and countywide comprehensive planning and does not contribute to significant cumulative effects related to the proposed action. Considered together with past, present, and reasonably foreseeable future actions, the potential effects on the human environment related to the proposed action would not result, over time, in a cumulative effect to the human environment that would be considered significant.

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

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No significant effects to human health or safety would result from the proposed project. There will be no significant effects to air quality, water quality, or noise levels from the proposed Federal action of issuing the requested ITP or from the proposed road upgrades. The applicant has requested an ITP under the commitment to implement the proposed project in compliance with all applicable Federal, State, and local laws, regulations, ordinances, ensuring that public health and safety standards will be maintained. The purpose of the project is to improve safety on vehicular and pedestrian traffic at two locations in Thurston County.

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, eagles, or other ecologically significant or critical resources?

No unique geographic characteristics are known or expected to occur within the identified HCP plan area. Therefore, none will be affected by issuance of the requested ITP.

We completed review under Section 106 of the National Historic Preservation Act of 1966 on November 15, 2019 for the Marvin and Mullen intersection, and on August 24, 2020 for Steilacoom Road to determine if any historic or cultural resources might be affected by issuance of the requested ITP or implementation of the associated HCP. A signed copy of the Regional Historic Preservation Officer's Section 106 determinations that no historic or cultural resources would be affected is available through the Service's Washington Fish and Wildlife Office in Lacey, Washington.

No park, recreation or refuge lands, wilderness areas, wild or scenic rivers, or national natural landmarks occur within the HCP plan area. Therefore, none will be affected by issuance of the requested ITP.

The issuance of the requested ITP and resulting road infrastructure upgrades are not expected to impact groundwater, and no growth-inducing or other related impacts are expected to impact prime or unique farmlands. No wetland, floodplains, or national monuments are within the HCP plan area, and none are likely to be affected by issuance of the requested ITP.

Migratory birds are found in the HCP Permit Area. The Migratory Bird Treaty Act of 1918 (MBTA) (16USC 703-713) applies to incidental take of migratory birds associated with covered activities. The ITP would not authorize take of a migratory bird species. The Service has provided the applicant with written best practices for avoiding take of migratory birds in association with its covered activities. The applicant is advised to follow applicable MBTA regulations whenever take of migratory birds is unavoidable. The Service is available to consult on MBTA compliance matters upon the applicant's request. No other ecologically significant or critical areas are known to occur within the proposed plan area. Therefore, none are expected to be affected.

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)]?

No. Highly controversial environmental effects or unresolved conflicts concerning short- or long-term potential uses of natural resources are not expected within the proposed plan area as a result of the proposed ITP action or from implementation of the HCP.

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

No highly uncertain and potentially significant environmental effects or unique or unknown environmental risks are expected from the proposed Federal action of issuing the requested ITP or from implementation of the associated HCP for the reasons discussed in subsections A-L of this section.

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

No. Precedents for future actions or decisions about future actions with potentially significant environmental effects are not expected to be established by the proposed Federal action of issuing an ITP for road upgrades at the project sites or from implementation of the associated HCP for the reasons discussed in subsections A-L of this section.

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

No. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. There is no known relationship of the proposed Federal action of issuing the requested ITP for road upgrades with other actions that have individually insignificant, but cumulatively significant, environmental effects.

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

No. Implementation of the HCP is not expected to have any adverse effects on properties listed or eligible for listing on the National Register of Historic Properties. The Service consulted with the Regional Historic Preservation Officer (RHPO) for the Marvin-Mullen project on November 19, 2019 and on the Steilacoom Road project on August 24, 2020. The RHPO determined that no properties listed or eligible for listing on the National Register of Historic Places will be affected by the proposed Federal action. The RHPO's determination is on file in the Washington Fish and Wildlife Office, Lacey, Washington.

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?

No. Implementation of the proposed HCP is not expected to have significant impacts to species listed or proposed for listing under the ESA or to any designated critical habitats.

The anticipated impacts of covered activities on the Yelm pocket gopher are expected to be minor or negligible to the population of this species with implementation of the Applicant's proposed conservation program. The anticipated adverse effects to this species resulting from the proposed road upgrades affecting approximately three acres of occupied but degraded habitat will be offset by the conservation and management of four acres of high-quality occupied habitat connected to additional permanently managed occupied habitat. This approach is consistent with the Service's *Mazama Pocket Gopher Conservation Strategy and Mitigation Guidance* (USFWS 2015) and is not expected to result in a detectable demographic-level effect upon the gopher.

The project sites are not located within designated critical habitat for the Yelm pocket gopher or other listed species. The construction sites do not have suitable habitat for any other species listed or proposed for listing under the ESA. The impacts of covered activities will be contained within the proposed permit area. Therefore, no impacts to

designated critical habitat or to other listed or proposed species are expected.

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

No. The proposed activities covered under an HCP must be otherwise lawful for the Service to issue the requested permit. The applicant has committed that the project will comply with all applicable Federal, State, local, or tribal laws or requirements imposed for the protection of the environment, and the Service is not aware of any such law or requirement that would be violated by issuing the permit or by implementing the HCP. In conducting the covered activities, Thurston County Public Works is responding to their legal obligations to maintain and improve transportation infrastructure.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No. Issuing a Permit for Thurston County Public Works to implement the HCP would result in road infrastructure improvements that are designed to maintain existing road capacity and improve safety. The covered activities serve the entire community in the Plan Area regardless of income or background. The mitigation established under the HCP would maintain existing land cover on four acres at a permanent mitigation site. The proposed construction work and the Service's issuance of a Permit to cover the associated incidental take of covered species, would not have an adverse effect on low income or minority human 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).

No. Issuance of the ITP and implementation of the proposed HCP will occur on road right-of-way areas owned and maintained by the Applicant and would not limit access to or use of ceremonial Indian sacred sites on Federal lands or affect the integrity of any such sites.

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).

No. Issuance of the requested ITP and implementation of the proposed HCP are not expected to contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the Plan Area or facilitate actions that may promote the introduction, growth, or expansion of the range of such species. The proposed project will incorporate a planting plan that would preclude the establishment and persistence of noxious weeds.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulation for implementing the National Environmental Policy Act and other statutes, 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 Incidental Take Permit for *The Habitat Conservation Plan for the Threatened Yelm Subspecies of Mazama Pocket Gopher (Thomomys mazama yelmensis) for Steilacoom Road Infrastructure Improvements and Marvin Road and Mullen Road Intersection Infrastructure Improvements in Thurston County, Washington* qualifies for a categorical exclusion as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook* (Services 2016). Therefore, the Service's permit action 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.

List of other supporting documents:

The draft Habitat Conservation Plan for the Threatened Yelm Subspecies of Mazama Pocket Gopher (*Thomomys mazama yelmensis*) for Steilacoom Road Infrastructure Improvements and Marvin Road and Mullen Road Intersection Infrastructure Improvements in Thurston County, Washington.

Mazama Pocket Gopher Conservation Strategy and Minimization Guidance.

Section 106 of the National Historic Preservation Act (NHPA) for Steilacoom Road Intersection Infrastructure Improvements HCP, Thurston County, Washington.

Section 106 of the National Historic Preservation Act (NHPA) for Marvin-Mullen Intersection Improvements HCP, Thurston County, Washington.

Signature Approval:

Brad Thompson,
State Supervisor,
Washington Fish and Wildlife Office.

Date

Literature Cited

Krippner Consulting. 2016. The Kaufman Habitat Conservation Plan. Thurston County,

Washington. 32 pp.

Krippner Consulting. 2020. Habitat Conservation Plan for the Threatened Yelm Subspecies of Mazama Pocket Gopher (*Thomomys mazama yelmensis*), for Steilacoom Road Infrastructure Improvements and Marvin Road and Mullen Road Intersection Infrastructure Improvements. Prepared for Thurston County Public Works. Olympia, Washington.. March 2020. 58 p. + 1 appendix.

Services (U. S. Department of the Interior Fish and Wildlife Service and U. S. Department of Commerce National Oceanic and Atmospheric Administration National Marine Fisheries Service). 2016. Habitat Conservation Planning and Incidental Take Permit Processing Handbook.

Thurston County 2022. Thurston County Habitat Conservation Plan Pre-Permit. February 22, 2022. 182 pp. + appendices.

USFWS (U.S. Fish and Wildlife Service). 2015. Mazama Pocket Gopher Conservation Strategy and Mitigation Guidance. Prepared by U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office. July 1, 2015. Memorandum on file at the Washington Fish and Wildlife Office in Lacey, Washington. 22 pp.

USFWS (U.S. Fish and Wildlife Service). 2017. Revised service areas for Mazama pocket gopher mitigation, Thurston County, Washington. Prepared by US Fish and Wildlife Service, Washington Fish and Wildlife Office. November 16, 2017. Memorandum on file at the Washington Fish and Wildlife Office in Lacey, Washington. 5 pp.

USFWS (U.S. Fish and Wildlife Service). 2020. Draft Recovery Plan for Four Subspecies of Mazama Pocket Gopher (*Thomomys mazama glacialis*, *T. m. pugetensis*, *T. m. tumuli*, and *T. m. yelmensis*). Portland, Oregon. xi +33 pp.+ appendices.