

Maine NRCS Practices Effects on the Federally Threatened Canada Lynx

Practice Effect Determinations:

NE – No Effect

NLAA – “May Affect”, “not likely to adversely affect” species and critical habitat (**as long as footnoted conditions apply, no consultation is necessary**)

LAA – May affect, “likely to adversely affect” species and/or critical habitat (**Requires consultation with the with USFWS**)

See glossary, page 6, for definition of effects, and definitions for words in quotations

Consultation for Canada lynx is only required when practices to be applied are within the Canada lynx consultation area, when the action being planned will occur in forest or old fields reverting to shrubs or forest, and for conditions described below. The Canada lynx consultation area is located in the Federally Protected feature dataset of the Maine NRCS Customer Service Toolkit.

When Program financial assistance or other control will be involved, District Conservationists\Planners shall use this table as a guide to help make an effect determination for Canada lynx. The table is based on the application of practices under common planning scenarios. The planner will use this table, and their knowledge of the “action area” and practices to be applied to make decisions regarding effects to this species. When there is any doubt, consult with the US Fish and Wildlife Service (USFWS).

Numbers or symbols adjacent to Xs correspond to footnotes at the end of the table (starting on page 6). Some practices have a **NLAA** ($X^{\hat{0}}$) with additional requirements above and beyond the definition of $X^{\hat{0}}$; these practices have a specific footnote identifier ($X^{\hat{0}a-b}$). *Always read through all footnotes applied to a practice prior to making a final effect designation.*

Forest Stand Improvement actions with a **LAA** X^a (see associated footnote) designation will require specific management prescriptions; the prescription(s) may need to be obtained from the client’s licensed forester. Ensure that accurate maps denoting the location (1:24,000) and extent of practice(s) are clearly identified and on a **ME-ECS-1** provide detailed site-specific practice information to allow the USFWS to make an informed decision on whether they concur with NRCS’ effect determination, and the appropriate next step in the consultation process.

Note: Follow Maine policy ([GM120 Amendment ME 11, Part 408, Subpart C](#)) prior to sharing any personally identifiable information for the purpose of Federal or State consultations.

Practice Name	Practice Code	Practice Effects Designation, Rational, and Criteria		
		NE	NLAA	LAA
Practices which may affect Canada Lynx				
Access Road	560		X ^{0,a}	X
Brush Management	314		X ⁰	X
Early Successional Habitat Development/Management ²	647		X ⁰	X
Forest Stand Improvement	666		X ^{0,b}	X ^a
Practices having no affect on Canada Lynx				
		NE	NLAA	MA
Access Control	472	X		
Agrichemical Handling Facility, <i>Interim Standard</i>	309	X		
Anaerobic Digester - Controlled Temperature	366	X		
Animal Trails & Walkways	575	X		
Atmospheric Resource Quality Mgmt	370	X		
Channel Stabilization	584	X		
Clearing and Snagging	326	X		
Composting Facility	317	X		
Conservation Cover	327	X		
Conservation Crop Rotation	328	X		
Contour Buffer Strips	332	X		
Contour Farming	330	X		
Cover Crop	340	X		
Critical Area Planting	342	X		
Dam	402	X		
Dam, Diversion	348	X		
Deep Tillage	324	X		
Dike	356	X		
Diversion	362	X		
Fencing	382	X		
Field Border	386	X		
Filter Strip	393	X		
Firebreak	394	X		
Fish Passage	396	X		
Fish Pond Management	399	X		
Forage Harvest Management	511	X		
Forest Trails and Landings	655	X		
Grade Stabilization Structure	410	X		
Grassed Waterway	412	X		

Practice Name	Practice Code	Practice Effects Designation, Rational, and Criteria		
		NE	NLAA	LAA
Heavy Use Area Protection	561	X		
Hedgerow Planting	422	X		
Irrigation Pit or Regulating Reservoir	552	X		
Irrigation Storage Reservoir	436	X		
Irrigation System, Microirrigation	441	X		
Irrigation System, Sprinkler	442	X		
Irrigation Water Conveyance, Aluminum Tubing Pipeline	430AA	X		
Irrigation Water Conveyance, Asbestos - Cement Pipeline	430BB	X		
Irrigation Water Conveyance, Non-reinforced Concrete Pipeline	430CC	X		
Irrigation Water Conveyance, High Pressure Underground Plastic Pipeline	430DD	X		
Irrigation Water Conveyance, Low Pressure Underground Plastic Pipeline	430EE	X		
Irrigation Water Conveyance, Steel Pipeline	430FF	X		
Irrigation Water Conveyance, Reinforced Plastic Mortar Pipeline	430GG	X		
Irrigation Water Management	449	X		
Lined Waterway or Outlet	468	X		
Manure Transfer	634	X		
Mulching	484	X		
Nutrient Management	590	X		
Obstruction Removal	500	X		
Pasture and Hay Planting	512	X		
Pest Management	595	X		
Pipeline	516	X		
Pond	378	X		
Pond Sealing or Lining, Bentonite Sealant	521C	X		
Pond Sealing or Lining, Flexible Membrane	521A	X		
Pond Sealing or Lining, Soil Dispersant	521B	X		
Precision Land Forming	462	X		
Prescribed Forestry	409	X		
Prescribed Grazing	528	X		
Pumping Plant	533	X		
Recreation Trail & Walkway	568	X		
Residue and Tillage Mgmt, Mulch Till	345	X		
Residue and Tillage Mgmt, Ridge Till	346	X		
Residue Mgmt, Seasonal	344	X		
Residue and Tillage Mgmt., No-Till, Strip Till, Direct Seed	329	X		
Riparian Forest Buffer	391	X		
Roof Runoff Structure	558	X		
Row Arrangement	557	X		

Practice Name	Practice Code	Practice Effects Designation, Rational, and Criteria		
		NE	NLAA	LAA
Sediment Basin	350	X		
Solid/Liquid Waste Separation Facility	632	X		
Spring Development	574	X		
Stream Crossing	574	X		
Stream Habitat Improvement & Mgmt	395	X		
Streambank & Shoreline Protection	580	X		
Stripcropping	585	X		
Structure for Water Control	587	X		
Subsurface Drain	606	X		
Surface Drainage Field Ditch	607	X		
Surface Drainage - Main or Lateral	608	X		
Terrace	600	X		
Transition to Organic Farming, <i>Interim Standard</i>	789	X		
Tree and Shrub Establishment	612	X		
Tree and Shrub Site Preparation	490	X		
Tree and Shrub Pruning	660	X		
Underground Outlet	620	X		
Upland Wildlife Upland Habitat Mgmt.	645	X		
Vegetated Treatment Area (formerly Wastewater Treatment Strip)	635	X		
Waste Storage Facility	313	X		
Waste Treatment Lagoon	359	X		
Waste Utilization	633	X		
Water and Sediment Control Basin	638	X		
Water Well	642	X		
Watering Facility	614	X		
Wetland Enhancement	659	X		
Wetland Restoration	657	X		
Wildlife Wetland Habitat Mgmt	644	X		
Windbreak/Shelterbelt Establishment	380	X		

Definitions for words in quotations are attached to the back of the document.

X⁰ – Practice is not likely to adversely affect (NLAA) Canada lynx when planned for and applied to:

- existing “hayland”, “pastureland”, or “cropland”, or these landuses “recently” producing an “agricultural commodity”,
- “animal feeding operations”, farm “headquarters”, or work on land already developed for “commercial” or “residential” purposes.
- Existing orchards, nurseries, or sugarbush operations
- Idle fields reverting to shrubland or forest less than 10 years old, as long as the treatment area is < 10 acres in total for the life of the contract
- forest land or shrubland, as long as the treatment area is < 10 acres in total for the life of the contract.

X^{0,a} – Access Road, Practice Code 560 – is NLAA Canada lynx when a new road or road repair is < ¼ mile in length; otherwise, consult.

X^{0,b} - Forest Stand Improvement (FSI), Practice Code 666 – is NLAA Canada lynx when planned and applied to:

- create snag trees
- release individual mast-trees, or apple trees
- spot chemical applications to control invasive species
- “commercial thinning” of pine plantations, no matter the size of the treatment area
- “pre-commercial thinning” of pine plantations, as long as the treatment area is < 10 acres in total for the life of the contract
- “sanitation” or “salvage” cuts, where the treatment area is < 10 acres in total for the life of the contract.

FSI - MA (X^a)

If needed, contact the client’s licensed forester to obtain a concise paragraph that provides the following information for the FSI activities below.

1. Consult with the USFWS for planned “partial cutting” that involve “pre-commercial thinning” of trees with a diameter at breast height (DBH) of less than 6 inches, or non-plantation “commercial thinning” of trees with a DBH of 6 inches or more, when thinning(s) involve ≥ 10 acres in total for the life of the contract. The following information will need to be provided to the USFWS: Stand type, mapped treatment area, the extent of the treatment in acres, the specific type of thinning operation, and associated details including, but not limited to: species to be removed (not mixed-wood, softwood, hardwood – be specific), and existing and planned stem densities.
2. Consult with the USFWS when a planned regeneration partial cutting, such as “shelterwood” or “seedtree”, involves ≥ 10 acres in total for the life of the contract. Stand type, mapped treatment area, the extent of the treatment in acres, the specific type of regeneration cut, and associated details including, but not limited to: species to be removed (not mixed-wood, softwood, hardwood – be specific), number of stand entries, and existing and planned stem densities.

3. Consult with the USFWS for all “sanitation cuts” or “salvage cuts” ≥ 10 acres in total for the life of the contract, provide the USFWS the following information: the pest to be controlled, stand type, mapped treatment area, the extent of the treatment in acres, the species of tree to be removed, and the removal method (e.g., selective tree removal, partial stand removal with, or whole stand removal), and existing and planned stem densities.

Glossary of Terms

Action Area: All areas to be affected directly or indirectly by the NRCS action and not merely the immediate area involved in the action [50 CFR §402.02]

Actively Managed: Land receiving annual management treatments which include, but are not limited to: grazing, tillage, crop rotation, fertilization, mowing, weed control, and may be irrigated.

Adverse Modification: Means direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of listed species.

Agricultural Commodity: Any crop planted and produced by annual tilling of the soil including tilling by one-trip planters, or sugarcane. [FSA Manual, Part 525]

Animal Feeding Operation: A lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.

Commercial: Land on which a dwelling or dwellings are constructed or placed for the interchange of goods or commodities.

Commercial Thinning: Any type of thinning producing merchantable material at least equal to the value of the direct costs of harvesting.

Cropland: An area used primarily for the production of cultivated crops.

Direct Effect: The immediate effects of the project on the species or its habitat.

Effects of An Action: the direct and indirect impacts of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action.

Harm: To include significant habitat modification or degradation that results in the death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.

Harrass: Actions that create the likelihood of injury to listed species to such and extent as to significantly disrupt normal behavior patterns which include, but are not limited to breeding, feeding or sheltering.

Hay: Herbage of grasses, legumes, or comparatively fine-stemmed forbs cut and cured for later use as livestock feed.

Hayland: An area used primarily for the production of hay.

Headquarters: Land used for dwellings, barns, pens, corrals, or other facilities used in connection with farm and ranch operations.

Incidental Take: Take of a listed species that results from, but is not the purpose of, carrying out an otherwise lawful activity conducted by a Federal agency. [50 CFR §402.02]

Indirect Effects: Those effects that are caused by or will result from the proposed action and are later in time, but are still reasonably certain to occur. [50 CFR §402.02]

Interdependent Actions: actions having no independent utility apart from the proposed action. For example a water control structure to be installed concurrently with a dam has no independent utility but for the presence of the dam, and is therefore interdependent and interrelated (see below) with the proposed action to build a dam.

Interrelated Actions: An action that is part of a larger action, and depends on the larger action for its justification. For example a stream crossing is often interrelated to the construction of a road or trail that leads to the stream.

Introduced Species: Species of plant that are not part of the original flora of the area in which they are planted.

Likely to Adversely Affect (LAA): the appropriate finding if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions and the effect is not discountable, insignificant, or beneficial.

No Effect (NE): The appropriate conclusion when a proposed action will not affect (positively or negatively) a listed species or designated critical habitat.

Not Likely to Adversely Affect (NLAA): the appropriate conclusion when effects on listed species are expected to be “discountable”, or “insignificant”. Based on best professional judgment or science, a person would not be able to meaningfully measure, detect or evaluate insignificant effects; or expect discountable effects to occur.

Off-site effects: Those effects which are reasonably certain to occur outside the immediate boundary of the site or property as a result of the proposed action.

Off-site effects: Those effects which are reasonably certain to occur outside the immediate boundaries of the site or property as a result of the proposed action.

Partial Cutting: Any removal of only part of a stand for purposes other than regenerating a new age class: partial cutting is not considered a regeneration method.

Pastureland: Grazing lands comprised of introduced or domesticated forage species that are used primarily for the production of livestock.

Pre-commercial Thinning: A thinning that does not yield trees of commercial value, usually designed to reduce stocking to concentrate growth on more desirable trees.

Recently: Within 12 months.

Residential: Land on which a dwelling or dwellings are constructed or placed for human inhabitancy.

Salvage Cuts: The harvesting of dead or damaged trees - or of trees in danger of being killed by insects, disease, flooding, or other factors - in order to save their economic value.

Sanitation Cuts: The removal of trees to improve stand health by stopping or reducing actual or anticipated spread of insects and disease.

Seedtree Cuts: An even-aged regeneration method in which a new age class develops from seeds that germinate in fully exposed micro-environments after removal of all the previous stand except a small number of trees left to provide seed. Seed trees are removed after regeneration is established.

Shelterwood Cuts: A method of regenerating an even-aged stand in which a new age class develops beneath the moderated micro-environment provided by the residual trees. The sequence of treatments can include three distinct types of cuttings: 1) An optional preparatory cut to enhance conditions for seed production; 2) an establishment cut to prepare the seed bed and to create a new age class; and, 3) a removal cut to release established regeneration from competition with the overwood. Cutting may be done uniformly throughout the stand (Uniform Shelterwood), in groups or patches (Group Shelterwood), or in strips (Strip Shelterwood).

Take: To “harass”, “harm”, pursue, hunt, shoot, wound, kill, trap, capture, collect or attempt to engage in any such conduct.