

ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
for
Amendments to the Agricultural Candidate Conservation
Agreement with Assurances for Lesser Prairie Chickens between the
Oklahoma Department of Wildlife Conservation
and the U.S. Fish and Wildlife Service

February 20, 2013

I. Project Information

A. Project name: Amendments to the Agricultural Candidate Conservation Agreement with assurances for Lesser Prairie Chickens between the Oklahoma Department of Wildlife Conservation (ODWC) and the U. S. Fish and Wildlife Service (USFWS) dated January 25, 2013.

B. Affected Species: Lesser Prairie-Chicken (*Tympanuchus pallidicinctus*) (LEPC)

C. Project Size: The CCAA will include all or portions of the following Oklahoma counties (referred to as the planning area): Alfalfa, Beaver, Beckham, Cimarron, Custer, Dewey, Ellis, Harper, Major, Roger Mills, Texas, Washita, Woods, and Woodward. The planning area covers approximately 10,538,880 acres in western Oklahoma. ODWC's original goal was to enroll a minimum of 100,000 acres under the CCAA by January 1, 2020. The USFWS believed it would be feasible to enroll an additional 100,000 acres between 2020 and the end of the CCAA term (2037). Therefore, in our original analysis (Environmental Assessment dated January 10, 2013) we considered the direct, indirect, and cumulative environmental effects of approving the CCAA for an enrollment up to 200,000 acres and issuing a section 10(a)(1)(A) Enhancement of Survival permit and anticipated future effects of implementation of the CCAA on the human environment. A proposed amendment would double the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 200,000 to 400,000 acres.

D. Brief project description including conservation elements of the plan: The primary purpose of the CCAA is to implement conservation measures on enrolled non-federal lands. The conservation measures are intended to have a long-term beneficial effect to the LEPC. The proposed amendments would: 1) double the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 200,000 to 400,000 acres, 2) editorial correction to reduce the number of days the USFWS will need to review completed Certificates of Inclusion (CI) from 450 to 45 days, and 3) modify Appendix A of the CCAA (Certificate of Inclusion template) so that it is consistent with Section XVI (Withdrawal from CI) of the CCAA in regards to the number of days of written notification a participating landowner must provide ODWC prior to withdrawal from the CI.

II. Do the CCAA amendments fit the criteria of a NEPA Categorical Exclusion (516 DM 2 Appendix 2, 516 DM 8.5)?

Yes. The enhancement of survival permit with its CCAA meets the USFWS categorical exclusion 516 DM 8.5A(1):

“Changes or amendments to an approved action when such changes have no or minor potential environmental impact.”

Pursuant to the National Environmental Policy Act of 1969 (NEPA), the USFWS prepared a final Environmental Assessment (EA) dated January 10, 2013, for the issuance of a section 10(a)(1)(A) Enhancement of Survival permit and implementation of the agricultural CCAA that will result in the conservation of the LEPC in Oklahoma as described in the *Agricultural Candidate Conservation Agreement with Assurances for Lesser Prairie Chickens* dated January 31, 2012. Based upon information contained within the final EA and supporting data in our files, we determined that this action 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. Specifically, although effects to vegetation, wildlife, listed, proposed, or candidate species, soils/geologic formations, land use and socioeconomic environment, water resources and quality, air quality, and cultural resources are identified in the EA, all were determined to be long-term beneficial. This action is not an action that typically would require the development of an Environmental Impact Statement (EIS). Accordingly, preparation of an EIS on the proposed action was not warranted. The final and approved decision was to issue the section 10(a)(1)(A) Enhancement of Survival Permit and begin implementation of the CCAA for the conservation of the LEPC in Oklahoma.

One of the three proposed amendments would be to double the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 200,000 to 400,000 acres. The LEPC would benefit directly from the conservation measures implemented on lands enrolled under the CCAA. The LEPC would benefit from less habitat fragmentation and additional restoration and enhancement of otherwise unsuitable habitat. The net effects of increasing the targeted number of acres for enrollment within the proposed planning area (both short-term adverse and long-term beneficial) would continue to be long-term beneficial and somewhat higher due to doubling the number of acres targeted for enrollment, but the overall effects of the proposed amendment would be cumulatively insignificant.

Proposed amendments also includes two editorial corrections; reducing the number of days the USFWS will need to review completed Certificates of Inclusion from 450 to 45 days, and modifying Appendix A of the CCAA (Certificate of Inclusion template) so that it is consistent with Section XVI (Withdrawal from CI) of the CCAA in regards to the number of days of written notification a participating landowner must provide ODWC prior to withdrawal from the CI. These two amendments are administrative in nature and will have no impact on the human environment.

A. Are the effects of the CCAA amendments less than significant on the range-wide populations of other federally-listed, proposed, or candidate species or other wildlife and their habitats covered under the CCAA?

Yes. The CCAA will cover only the LEPC. Potential impacts to federally-listed species and those species that are proposed and/or candidates for federal listing that occur in the Plan Area were addressed in the USFWS's Conference Opinion, dated January 22, 2013, and the final EA. The USFWS determined that conservation measures to be implemented as a result of the CCAA will lead to restored native ecosystems over the long-term. Changes to the impacts on listed, proposed, and candidate species were determined to be **moderate to major beneficial and long-term**. The effects within the planning area (both short-term adverse and long-term beneficial) due to the proposed amendment would be higher due to doubling the number of acres targeted for enrollment, but the overall effects to federally-listed, proposed, and candidate species that occur within the Plan Area would be cumulatively insignificant and not reach the scale where take would be expected to occur.

B. Are the effects of the CCAA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socioeconomic, cultural resources, recreation, visual resources, etc.)?

Yes. Although effects to vegetation, wildlife, listed, proposed, or candidate species, soils/geologic formations, land use and socioeconomic environment, water resources and quality, air quality, and cultural resources are identified in the final EA, all were determined to be long-term beneficial. The proposed amendment would be to double the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 200,000 to 400,000 acres. The effects within the proposed Plan Area (both short-term adverse and long-term beneficial) would be higher due to doubling the number of acres targeted for enrollment, but the overall change in intensity, duration, and type of effects would be cumulatively insignificant.

C. Would the impacts of this amendment to the CCAA, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, not result, over time, in significant cumulative effects to environmental values or resources?

Yes. The conservation measures proposed in the CCAA for the LEPC (Preferred Alternative) would have long-term beneficial impacts to resources, specifically the LEPC on the enrolled lands within the Plan Area. The proposed amendment would be to double the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 200,000 to 400,000 acres. The effects within the proposed Plan Area (both short-term adverse and long-term beneficial) would be higher due to doubling the number of acres targeted for enrollment, but the overall change in intensity, duration, and type of effects would be cumulatively insignificant.

III. Do any of the exceptions to categorical exclusions apply to this CCAA? (from 516 DM 2.3, Appendix 2) If the answer is "yes" to any of the questions below, the project cannot be categorically excluded from NEPA. Each "no" response should include an explanation.

Would the CCAA Amendments:

A. Have significant impacts on public health or safety?

No. Pursuant to the NEPA, the USFWS prepared a final EA dated January 10, 2013 for the issuance of a section 10(a)(1)(A) Enhancement of Survival permit and implementation of the agricultural CCAA that will result in the conservation of the LEPC in Oklahoma as described in the *Agricultural Candidate Conservation Agreement with Assurances for Lesser Prairie Chickens* dated January 31, 2012. Based upon information contained within the final EA and supporting data in our files, we determined that this action 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. Specifically, although effects to vegetation, wildlife, listed, proposed, or candidate species, soils/geologic formations, land use and socioeconomic environment, water resources and quality, air quality, and cultural resources are identified in the EA, all were determined to be long-term beneficial. The effects within the proposed Plan Area (both short-term adverse and long-term beneficial) would be higher due to doubling the number of acres targeted for enrollment, but the overall change in intensity, duration, and type of effects would be cumulatively insignificant.

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 (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas?

No. Any activities carried out in association with the CCAA will need to be treated like federally funded projects, in compliance with the National Historic Preservation Act (NHPA). ODWC will work with the Oklahoma State Historic Preservation Office (SHPO) to streamline the process to meet the obligations under NHPA. It is anticipated that any potential effects to cultural resources will be avoided, minimized or mitigated in accordance with SHPO requirements. Construction, ground breaking, and any other activity that may impact cultural resources will be better managed under this alternative than if there were no State or Federal agency involvement. Therefore, it is anticipated that no significant local or cumulative impact to cultural resources is likely to occur due to increasing the number of acres targeted for enrollment.

While some projects may occur on recreation lands, the projects will be coordinated with administrators of those lands to ensure that the activities are compatible with current uses or desired future conditions. Only private, Tribal, and State-owned lands will be enrolled under the CCAA; no wilderness areas will be enrolled. No Wild and Scenic Rivers occur within the CCAA Plan Area. The conservation measures to be implemented under the CCAA will target upland prairie habitat. Minimization practices have been developed to protect aquatic habitat such as wetlands and rivers (e.g., the use of erosion control devices to prevent ash from prescribed burn from entering aquatic habitat). Therefore, no significant impacts on aquifers, wetlands, floodplains, or ecologically significant areas are anticipated due to the proposed amendment.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?

No. The practices covered under the CCAA are currently on-going in western Oklahoma. The effects of these habitat management activities are well-known, and are not highly controversial. The effects within the proposed Plan Area (both short-term adverse and long-term beneficial) would be higher due to doubling the number of acres targeted for enrollment, but the overall change in intensity, duration, and type of effects would be cumulatively insignificant.

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

No. Because the habitat treatments covered under the CCAA are common practices, and their effects are well documented. The effects of the proposed increase in the number of acres targeted for enrollment within the proposed Plan Area (both short-term adverse and long-term beneficial) would be higher due to doubling the number of acres targeted for enrollment, but the overall change in intensity, duration, and type of effects would be cumulatively insignificant.

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

No. The USFWS has entered into several programmatic CCAAs for other species and two CCAA for the LEPC (in Texas and New Mexico). All CCAAs are subject to the same regulatory requirements.

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

No. The CCAA amendment is not directly related to other actions. The CCAA is indirectly related to a CCAA for the LEPC in Texas and a CCA/CCAA for the LEPC in New Mexico. These programs do not have cumulatively significant environmental effects because they are conducted on a limited scale and in a manner consistent with regulatory requirements and best management practices.

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

No. Consultation between the ODWC and the State Historic Preservation Office will ensure that individual projects will not adversely affect historic resources.

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. The LEPC, a proposed species, would benefit directly from the conservation measures implemented on lands enrolled under the CCAA. The LEPC would benefit from less habitat fragmentation and restoration and enhancement of otherwise unsuitable habitat.

Other federally-listed and species that are candidates for listing known to occur in the planning area are the endangered whooping crane (*Grus americana*) with designated critical habitat, and interior least tern (*Sterna antillarum*); the threatened Arkansas River shiner (*Notropis girardi*) with designated critical habitat, and piping plover (*Charadrius melodus*); and the Arkansas darter (*Etheostoma cragini*) and Sprague's pipit (*Anthus spragueii*), both candidates for Federal listing. The CCAA amendments would have no impact on the piping plover, and would not jeopardize the continued existence of the Arkansas darter or Sprague's pipit. Some conservation measures, such as prescribed fires, could have minor, short-term adverse impacts on the Arkansas River shiner and/or interior least tern. However, appropriate minimization practices have been incorporated into the conservation measures to ensure that adverse impacts on listed species and species that are candidates or proposed for listing will be avoided. Significant impacts to Arkansas River shiner designated critical habitat are not anticipated due to the incorporation of appropriate minimization practices. The proposed action would occur only on private lands and is not anticipated to have any impact on whooping crane designated critical habitat at the Salt Plains National Wildlife Refuge in Alfalfa County.

The conservation measures to be implemented will lead to restored native ecosystems over the long-term. Changes to the impacts on listed, proposed, and candidate species were expected to be moderate to major beneficial and long-term during the initial NEPA analysis which considered the impact of enrolling up to 200,000 acres under the CCAA. The effects of the proposed increase in the number of acres targeted for enrollment within the proposed Plan Area would be higher due to doubling the number of acres targeted for enrollment, but the overall change in intensity, duration, and type of effects would be cumulatively insignificant.

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

No. All activities undertaken pursuant to this CCAA or the associated permit must be in compliance with all applicable state and federal laws and regulations. The Cheyenne-Arapaho Tribe and Wichita and Affiliated Tribes have tribal jurisdictions and historical reservations within the southern portion of the planning area. These areas may contain cultural resources for these tribes. Any activities carried out in association with the CCAA will need to be treated like federally funded projects, in compliance with the National Historic Preservation Act (NHPA). ODWC will work with the Oklahoma State Historic Preservation Office (SHPO) to streamline the process to meet the obligations under NHPA. It is anticipated that any potential effects to cultural resources will be avoided, minimized, or mitigated in accordance with SHPO requirements.

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

No. Based upon the final EA, we determined that this action's environmental effects, including socioeconomic effects, would all be long-term beneficial. The effects within the proposed Plan Area (both short-term adverse and long-term beneficial) would be higher due to doubling the number of acres targeted for enrollment, but the overall change in intensity, duration, and type of effects would be cumulatively insignificant.

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 (EO 13007).

No. Only private and State-owned lands will be enrolled under the CCAA.

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 EO 13112)?

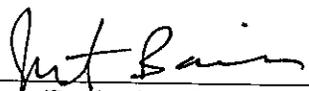
No. As directed by Executive Order 13112, conservation measures also will include invasive species management.

IV. Environmental Action Statement

Based on the analysis above, the proposed amendments to the Agricultural CCAA for the LEPC between the ODWC and USFWS is a member of a class of actions which do not individually or cumulatively have a significant impact on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 2, 516 DM 8.5, and 43 C.F.R. 46.215.

Other supporting documents (list):

- Candidate Conservation Agreement with Assurances
- Final EA dated January 10, 2013
- Final Conference Opinion dated January 24, 2013 on the proposed issuance of a section 10(a)(1)(A) Enhancement of Survival Permit (Permit) to the ODWC for take of the LEPC associated with the implementation of the CCAA

For 
Oklahoma Ecological Services Field Supervisor

11/13/13
Date

Concurrence:


Deputy Regional Director

NOV 14 2013
Date