

SOUTHWEST REGION
Screening Form for Low-Effect CCAA Determination and
NEPA Environmental Action Statement

I. Agreement Information

The Texas Parks and Wildlife Department (TPWD), with U.S. Fish and Wildlife Service (USFWS) cooperation, has developed a programmatic Candidate Conservation Agreement with Assurances (CCAA) for the Texas kangaroo rat (*Dipodomys elator*) as part of TPWD's application for an Enhancement of Survival Permit (Permit) under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA). The Permit would authorize take of Texas kangaroo rat (TKR), should it become listed as "endangered" or "threatened" under the ESA during the 10-year term of the CCAA. The permitted take would result from activities undertaken in accordance with the CCAA entered into by eligible non-Federal landowners (Participants) who are willing to engage in voluntary conservation actions on their properties for TKR and abide by the terms and conditions of the Permit as well as a Cooperative Agreement developed in coordination with each Participant. TPWD will hold the Permit and issue Certificates of Inclusion (CI) authorizing incidental take to each Participant.

The purpose of the CCAA is to maintain, enhance, and establish self-sustaining populations of TKR in the wild through the implementation of specific conservation measures. The conservation measures implemented by the participants are expected to manage, create, and restore TKR habitat/populations throughout the species' range.

A. Agreement Name:

Candidate Conservation Agreement with Assurances for the Texas Kangaroo Rat

B. Affected Species:

The only covered species is the TKR, which has been petitioned for listing under the ESA. The TKR is a nocturnal rodent with long hind feet, a long tail, and external cheek pouches. The hind feet have four toes, and its laterally white-striped, thick tail has a conspicuous white tuft of hair on the tip and is about 160 percent of the length of the body. By comparison the Ord's kangaroo rat, (*Dipodomys ordii*), the only other kangaroo rat that occurs within the TKR's habitat, is smaller, lacks the long white hairs at the tip of the tail, has five toes on the hind feet, and lives in sandy soil uncharacteristic of TKR habitat.

Habitat that supports the TKR's life history generally includes an accumulation of loose, friable soil, usually associated with a minor topographic uplift (e.g., prairie mounds) or physical support, including woody vegetation (roots of shrubs and cacti) and other natural (e.g., rocks, upturned rootballs) or manmade structures. A common characteristic of TKR habitat is the presence of bare ground and short grasses, often expressed as a lack of dense vegetation. The TKR digs a subterranean tunnel, usually within loam/clay-loam/sandy-loam soils, with multiple chambers branching from the main tunnel, which are used for shelter, reproduction, and food storage. Resource needs for individual TKR generally include:

- Friable, loam/clay-loam soil for burrowing;
- Predominately native grasses and forbs;
- Short grass prairie with bare ground and limited woody cover; and,
- Topographic relief not prone to flooding events.

C. Agreement Size (acres, miles, and/or stream miles):

The area covered by the CCAA is approximately 5,300 square miles and includes Montague, Clay, Wichita, Archer, Wilbarger, Baylor, Hardeman, Foard, Childress, Cottle, and Motley counties in Texas, which encompasses the known historical range of the TKR in Texas (see Permit Coverage Area); all non-Federal lands within this area are eligible.

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

The Proposed Agreement

The proposed CCAA is to maintain, enhance, and establish self-sustaining populations of TKR in the wild through the implementation of specific conservation measures. The conservation measures that can be implemented by participating property owners are expected to manage, create, and restore TKR habitat/populations throughout the species' range.

A conservation strategy will guide the implementation of the conservation measures described in the CCAA. The strategy sets goals (desired biological outcome for the species), objectives (conditions necessary for achieving the goal in terms of reduction or elimination of threats), and criteria (values for determining that the objectives have been met).

The biological goal is to provide a net conservation benefit to the TKR by maintaining, improving, and/or creating habitat and reducing or eliminating threats on enrolled properties. The conservation strategy for TKR will primarily target working lands (e.g., agriculture, ranching) within the historical range of the species in Texas to improve incompatible land uses and reduce their impacts on TKR and its habitat.

It is recognized that implementation of conservation measures may change as new science emerges. The effectiveness of conservation measures and monitoring methods will be reviewed as new science and technologies become available. As a result, modifications to conservation measures, covered activities, or monitoring methods may occur to further enhance the goals of the CCAA. However, the goal of the CCAA would remain the same. Such modifications may be incorporated into new CIs that take effect after the modifications have been made and to existing CIs with a Participant's consent.

Additional research projects that are designed to determine the effectiveness of management practices will be encouraged and utilized to determine what adaptive management may be necessary. New research and survey data will aid in evaluating the effectiveness of conservation measures. Additionally, information on stressors or threats to the TKR may be considered in the context of the effectiveness of conservation measures.

Permit Duration or Term

The CCAA will have a duration of 10 years from the date of the last signature by TPWD and USFWS. Both the CCAA and permit may be extended in duration if agreed to in writing by USFWS and TPWD. The CCAA will cover a Participant's enrolled property from the effective date of the CI until the CCAA or CI terminates, whichever occurs first.

Should the TKR be listed as "threatened" or "endangered," the Permit will become effective. The Permit shall remain in effect until the CCAA's expiration date or until surrender by the Permittee, unless it is suspended or revoked by USFWS as provided in its permitting regulations.

So long as a Participant remains in compliance with the terms of their Cooperative Agreement, CI, and the CCAA, the Participant and their covered activities on the enrolled property will be covered by the Permit from its effective date until the CCAA's expiration date, or the date on which a Participant terminates the CI for an enrolled property, whichever comes first.

Covered Lands and Activities

Coverage under the Permit will only apply to listed activities on enrolled properties in the CCAA through a CI. The Permit provides the assurances described in the CCAA and coverage for anticipated incidental take associated with the Participant's covered activities and conservation measures on an enrolled property as long as the Participant is in compliance with their Cooperative Agreement.

- Normal Agricultural Operations - In addition to the conservation measures and monitoring, the customary and generally accepted activities, practices, and procedures identified by Texas AgriLife Extension Service for adoption, use, or engagement in the annual production and preparation for market of crops, livestock, and livestock products and in the production and harvesting of agriculture, agronomic, horticulture, silviculture, and rangeland commodities are authorized. This includes on-site facilities and use of equipment necessary to carry out these practices, not limited to greenhouses, nurseries, barns, packing sheds, fences, pens, traps, windmills, water irrigation, and other structures or equipment used in implementing best management practices for planting, cultivating, producing, harvesting, processing, packaging, storing, marketing for wholesale or retail distribution of agricultural commodities and management of agricultural waste.
- Agritourism - Outdoor recreational activities occurring on land suitable for use in the production of fruit or crops grown for human or animal consumption, or plants grown for production of fibers, floriculture, viticulture, horticulture, or planting seed, or suitable for domestic or native farm or ranch animals to be kept for use or profit and engaged in educational or recreational activities are authorized. Those activities include hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving (including ATVs), nature study, cave exploration, water sports, biking, disc golf, walking dogs, radio control flying, and other activities associated with enjoying nature or the outdoors.

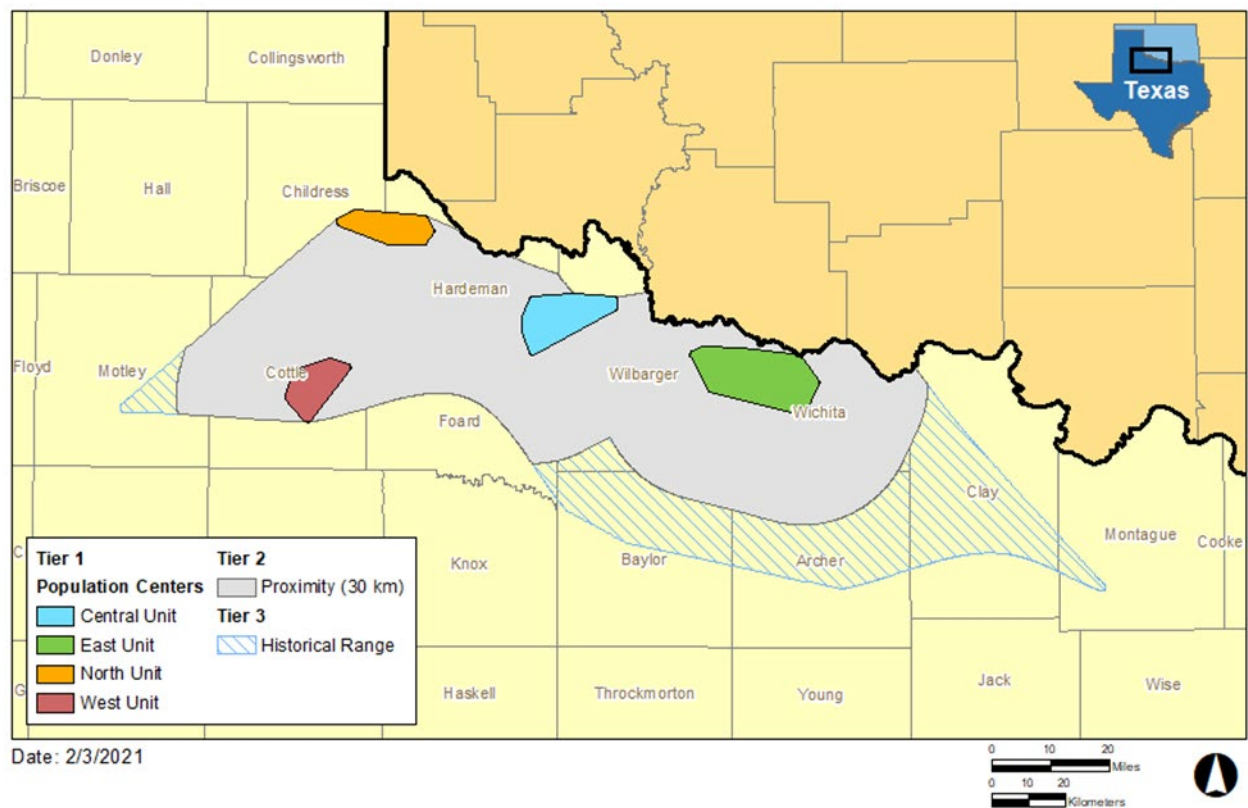
Permit Coverage Area

The Permit provides the assurances described in the CCAA and coverage for anticipated

incidental take associated with the Participant's Covered Activities on an enrolled property as long as the Participant is in compliance with their Cooperative Agreement and the CI.

Lands to be enrolled under the CCAA will receive tiered priority of importance as follows:

- Tier 1 - Top priority will be given to those properties located within a known TKR population center (colored polygons in figure below).
- Tier 2 - Properties within 30 kilometers of known population centers (but within the historical range; gray shaded area in figure) or properties with documented TKR presence. Thirty kilometers is based on average distance between currently known population centers.
- Tier 3 - properties located within the historical TKR range (hatched area in figure).



Species Occupation and Baseline

Rangewide surveys were conducted from 2015 to 2018 resulting in 285 TKR detections in Texas and no evidence of occupied areas in Oklahoma, where it is considered extirpated. Utilizing these survey data, we determined the TKR currently exists within four groups, or population centers, within its range in Texas (see figure). The total area of the four population centers is approximately 429 square miles, ranging from the largest (East Unit) of approximately 180 square miles to the smallest (West Unit) of approximately 70 square miles.

Goals and Objectives

- Target outreach efforts to those landowners with properties that overlap with current

populations of TKR.

- Increase the amount of suitable habitat on the landscape that could support additional populations of TKR.
- Increase connectivity among current populations of TKR.

Beneficial Conservation and Land Management Activities

There is limited information on management applications specific to creating, restoring, or enhancing TKR habitat. However, based on habitat structure and historical information, some techniques may be effective in producing habitat conditions that favor TKR foraging, dispersal, and burrow construction. Research is needed to determine a range of effective prescriptions using the following management techniques that would best suit TKR management. The following are recommended conservation measures for TKR habitat conservation. The conservation measures may be amended in the future as new data becomes available through ongoing and future research efforts. Habitat management for the TKR should be directed at lands that could support the species; these areas may be categorized as rangeland or pasturelands with loam/clay loam soil associations or lands that have the potential to act as dispersal corridors (i.e. edges of cropland) and are prioritized as previously described (see Permit Coverage Area). Due to the small home range of TKR, the application of these measures do not have to cover entire properties and may be limited to only specific areas that have the greatest potential of benefiting the species.

- **Prescribed Grazing** - Livestock grazing can maintain a mosaic of short herbaceous vegetation along with a patchwork of soil disturbance (i.e., bare soils), while limiting shrub mottes, which may benefit TKR habitat. A rotational grazing prescription may be necessary to promote a mosaic of habitat types and avoid overutilization by cattle. Overutilization of native grasses (i.e., excessive or intensive grazing without sufficient recovery periods) reduces competition from grasses and could lead to an increase of woody vegetation that would be detrimental to TKR habitat. A grazing plan that meets site-specific objectives and addresses stocking rate, frequency of rotation and rest, and contains a plan for drought conditions should be developed and agreed upon by a resource specialist and the Participant. Highly utilized areas (e.g., supplemental feeding and watering areas) should be strategically dispersed across the site, allowing for interspersed patches of bare ground.
- **Prescribed Fire** - Applying fire to the landscape, in general, promotes healthier grasslands and deters woody vegetation encroachment. Fire can also maintain a shortgrass plant community and areas of bare ground. A prescribed burn plan should be developed and agreed upon by a resource specialist and the Participant. Plans must include measures that minimize impacts to known occupied TKR sites. Care should be taken to avoid active TKR burrows when creating fire breaks.
- **Brush Management** - Brush management typically includes mechanical and chemical methods, or a combination of both of these treatments. Managing woody vegetation encroachment on grasslands, particularly mesquite, redberry juniper, and eastern red cedar, may help improve TKR habitat conditions. Slash piles should not be located near TKR burrows known to be occupied. Where chemical control methods are used, standing dead timber may be left behind to avoid debris piles. If standing dead timber is undesirable for Participants, then standing dead timber could dry for a period of time and then be chained and burned in rapid succession.

- Early Successional Habitat Maintenance/Development - TKR is an early successional habitat specialist so it may be beneficial to use early successional habitat development techniques to create or maintain TKR habitat. Shredding, mowing, and disking can be used to create and maintain the desirable plant structure (i.e. height) TKR requires; disking of native range should be limited, follow a prescription outlined in a conservation plan, and must comply with cultural resource compliance rules. Care should be taken to minimize impacts to known occupied TKR sites and avoid burrows when possible.
- Disturbed Edge Habitat - While TKR do not generally inhabit cropland, edges of fields that have bare ground and short grass/forb ground cover are frequently used, especially when an adjacent unimproved road is present. TKR may also use buffer/contour strips, field borders, center pivot corners and fence lines that contain short herbaceous cover and patches of bare ground. Early successional habitat management should be used to maintain optimal structure and habitat in these areas. Care should be taken to protect any TKR burrows. In some cases, seeding may be necessary to support or restore native grasses and forbs.
- Range Planting/Reseeding - Seeding may be necessary to improve degraded TKR habitat or convert pastures dominated by exotic grasses to native grasslands. Seeding mixtures, rates, and techniques should be tailored to the ecological site.
- Maintenance of Dirt Roads - TKR are known to use a variety of disturbed areas including dirt roads. TKR use the edges of roads for foraging and burrow construction in place of unavailable traditional habitat. Maintenance of the roads to limit tall vegetation and woody encroachment may help support TKR on private lands. Care should be taken to protect TKR burrows, and the timing of grading/disking of roads and mowing of bar ditches may be important to minimize disturbance of active burrows along the roadsides.
- Prairie Dog Colony Conservation - Once numerous and expansive across the Great Plains, the historical range of the black-tailed prairie dog fully encompassed that of the TKR. Colonies of prairie dogs still exist in the TKR range, but on a substantially smaller scale, both in size and abundance. Prairie dog towns effectively keep herbaceous vegetation short and reduce woody vegetation encroachment. It is unclear what ecological relationship historically existed between prairie dogs and TKR; however, it is likely that prairie dog colonies facilitated TKR foraging and dispersal. Conservation of existing prairie dog colonies, including limited control or disease management, may help to maintain or improve TKR habitat is authorized. Reintroduction of new prairie dog colonies to suitable habitat may benefit TKR and is encouraged, but not required, on enrolled properties.

Monitoring

- Biological monitoring will be used to evaluate abundance trends in the TKR over the life of the CCAA and indirectly associate trends with the effectiveness of the CCAA. Biological monitoring will be accomplished through nighttime spotlight surveys along unpaved roads, which will be used to review the effectiveness of the CCAA. This survey method has been used in previous research and surveys for the TKR. Spotlight surveys will be conducted at a minimum of every other year by TPWD, USFWS, or other agreed upon parties. Prior to the monitoring implementation, a sub-committee of representatives of TPWD and USFWS will meet to develop survey protocols and locations based on current information. The monitoring subcommittee should meet every other year (on

survey off-years) to evaluate current data, make modifications to survey methods through the adaptive management process, and coordinate any other survey issues.

- Compliance Monitoring and reporting related to implementation of the CCAA and the associated individual CI will be the responsibility of TPWD. Each Participant will be required to submit a Landowner Reporting Form (LRF) to TPWD that describes the conservation measures that were implemented on their property from January 1st through December 31st as well as photo documentation of range conditions each year the property is enrolled. TPWD will review each LRF upon receipt for compliance and will report any non-compliance issues to USFWS.

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

Yes. The most recent CCAA policy (81 FR 95164) states that “the Services expect that most CCAAs and associated enhancement-of-survival permits will result in minor or negligible effects on the environment and will be categorically excluded from individual NEPA analysis” (p. 95173). The CCAA’s proposed activities fall under 516 DM 8.5 B(1), 516 DM 8.5 B(2), 516 DM 8.5 B(3), 8.5 B(4), 8.5 B(6), 8.5 B(8) and 8.5 E(1) in the U.S. Fish and Wildlife Service Department Manual *Managing the NEPA Process*. The list of categorical exclusions in the Department Manual include the following Service actions, which are designated categorical exclusions unless the action is an exception to the categorical exclusion:

- 516 DM 8.5 B(1) Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem.
- 516 DM 8.5 B(2) The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.
- 516 DM 8.5 B(3) The construction of new, or the addition of, small structures or improvements, including structures and improvements for the restoration of wetland, riparian, instream, or native habitats, which result in no or only minor changes in the use of the affected local area.
- 516 DM 8.5 B(4) The use of prescribed burning for habitat improvement purposes, when conducted in accordance with local and State ordinances and laws.
- 516 DM 8.5 B(6) The reintroduction or supplementation (e.g., stocking) of native, formerly native, or established species into suitable habitat within their historic or established range, where no or negligible environmental disturbances are anticipated.
- 516 DM 8.5 B(8) Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.
- 516 DM 8.5 E(1) State, local, or private financial assistance (grants and/or cooperative agreements), including State planning grants and private land restorations, where the environmental effects are minor or negligible.

The CCAA activities: prescribed grazing, prescribed fire, brush management, disturbed edge habitat, range planting/reseeding, prairie dog colony conservation, and biological monitoring fall

under the above categorical exclusions.

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

Yes. Outside of the proposed action, which is expected to result in minimal incidental take of the TKR, no federally listed, proposed, or candidate species are expected to be affected by any actions described by the CCAA. The CCAA is designed to provide a net conservation benefit to the TKR. The implementation of the CCAA will result in a net benefit to the TKR and its habitat.

B. Are the effects of the Agreement 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? [40 CFR 1508.14; 43CFR 46.205]

Yes. Implementation of the CCAA is expected to result in only minor effects, if any, to the human environment, including environmental values and environmental resources. In fact, the CCAA is specifically designed to provide a net conservation benefit to the covered species and contains conservation measures that encourage a healthy environment. Since a Conservation Strategy will guide the implementation of the conservation measures described in the CCAA, its implementation is not expected to have any detrimental effects to air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, or visual resources.

C. Would the incremental impacts of this Agreement, 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 a cumulative effects to the human environment (the natural and physical environment) which would be considered significant? [40 CFR 1508.7; 43CFR 46.205]

Yes. The CCAA involves many land management actions that are currently being undertaken to manage private lands in the area. The actions are intended to avoid negative effects to the natural and physical environment. Implementation of the CCAA is expected to result in a net conservation benefit to the Covered Species and the conservation measures described in the CCAA are not expected to result in a significant cumulative effect to the human environment but are designed to improve and maintain the health of the human environment. The incremental effects of the CCAA are not expected to be additive such that past, ongoing, and future actions are not in themselves significant, nor would those actions result in significant effects due to implementation of the CCAA.

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

A. Have significant impacts on public health or safety?

No. Implementation of the CCAA is not expected to result in any significant negative impacts to

public health or human safety. Instead, conservation measures are anticipated to improve the overall health of the land. The activities will not violate applicable Federal, tribal, or State water quality or land use standards. CCAA activities will be conducted consistent with applicable Federal, State, and local laws and regulations.

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. Implementation of the CCAA is not expected to result in any significant impacts to natural resources and unique geographic characteristics. The activities and conservation measures are not expected to affect any historic or cultural areas, parks or refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, drinking water aquifers, prime farmlands, wetlands, floodplains, national monuments, migratory birds, or other ecologically significant areas. All project sites will be reviewed for compliance under Section 106 of the National Historic Preservation Act (NHPA). A reasonable effort will be made to learn if any known cultural or historical sites are within the project site. Efforts to identify known sites may include: walking over the entire project site, talking with the landowner, Tribal Historic Preservation Officer (THPO) and others, checking the State Historic Preservation Officer's (SHPO) known sites/surveys database, and reviewing historic documents, such as old plat maps and aerial photos. If a potential adverse effect to a cultural or historical resource is determined, the project site or project actions will be avoided, minimized, or mitigated to the extent that any effect is sufficiently reduced to a degree that it no longer constitutes a potentially significant impact under NEPA.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?

No. The CCAA environmental effects are non-controversial and do not result in conflicts concerning alternative uses of available resources.

To reduce controversial environmental effects and eliminate conflicts, most practices in the CCAA meet the standards and specifications found in the Natural Resources Conservation Service's Field Office Technical Guide (FOTG). The practices found in the FOTG include: prescribed grazing; prescribed fire; brush management; early successional habitat maintenance/development; disturbed edge habitat; and, range planting/reseeding.

All CCAA practices are directly related to the conservation of the TKR, which includes the maintenance of dirt roads (TKRs are known to use these roads) and the conservation and potential reintroduction of prairie dog colonies. Prairie dogs are native to the CCAA implementation area and surrounding lands. Additionally, TKR may be reintroduced from captive bred populations or translocation from existing populations to achieve a net conservation

benefit from willing Participants. Should the reintroduction of prairie dog colonies or TKR occur, such reintroductions will be within formerly native or established prairie dog habitat and TKR historical range where no or negligible environmental disturbances are anticipated.

As a precaution to ensure overall success of the CCAA, research projects that are designed to determine the effectiveness of management practices will be encouraged and utilized to determine what adaptive management may be necessary. New research and survey data will aid in evaluating the effectiveness of conservation measures. Additionally, information on stressors or threats to the TKR may be considered in the context of the effectiveness of conservation measures.

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

No. The CCAA does not involve uncertain, potentially significant, unique, or unknown environmental risks.

To reduce or eliminate environmental risks, most practices in the CCAA meet the standards and specifications found in the Natural Resources Conservation Service's FOTG. The practices found in the FOTG include: prescribed grazing; prescribed fire; brush management; early successional habitat maintenance/development; disturbed edge habitat; and, range planting/reseeding.

All CCAA practices, however, are directly related to the conservation of the TKR, which includes the maintenance of dirt roads (TKRs are known to use these roads) and the conservation and potential reintroduction of prairie dog colonies. Should the reintroduction of prairie dog colonies to benefit the TKR ever occur, such reintroductions will be within formerly native or established prairie dog habitat where no or negligible environmental disturbances are anticipated.

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

No. Approval of the CCAA does not establish a precedent for future action nor does it represent a decision in principle about future actions with potentially significant environmental effects. Many of the covered activities are currently being used to manage private lands in the area. Future actions will be independent of the approval and permitting of the CCAA.

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

No. The CCAA impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions is not anticipated to have cumulatively significant environmental effects. Most of the covered activities are ongoing practices used to manage private lands in the area.

G. Have significant impacts on properties listed, or eligible for listing, on the National

Register of Historic Places?

No. Implementation of the CCAA is not expected to significantly impact any listed or eligible Historic Place; however, all Participant's projects will be screened using the State Historic Preservation Officer's (SHPO) eTRAC system (<https://www.thc.texas.gov/etrac-system>) and other available databases within SHPO and/or THPO to streamline project review under the Antiquities Code of Texas and Section 106 of the NHPA. If a potential adverse effect on a historic property is determined, the project site or project actions will be avoided, minimized, or mitigated to the extent that any effect is sufficiently reduced to a degree that it no longer constitutes a potentially significant impact under NEPA.

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 CCAA will not have significant impacts on federally listed species or critical habitat; it is designed to provide a net conservation benefit to TKR. No other proposed or listed species or critical habitat occurs in the action area or is otherwise expected to be impacted by the actions and conservation measures described in the CCAA. Although some relatively low level of incidental take of TKR may occur under CCAA implementation, accounting for the minimization and avoidance measures in combination with proposed conservation practices, the CCAA is expected to result in a net benefit to the TKR.

Should the TKR be listed and critical habitat designated, it is anticipated that any impacts to listed species would be minimal and result in an overall net benefit, and impacts to "proposed to be listed" species would be insignificant, due to the nature of the conservation measures, which are designed to improve habitat conditions.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. Activities proposed in the CCAA would have no effects on wetlands, floodplains, or water development projects. No impacts would occur to projects that are subject to the jurisdiction of the Fish and Wildlife Coordination Act.

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

No. No provisions of the CCAA are expected to violate any Federal, State, local or tribal law or environmental requirement. CCAA activities will be conducted consistent with applicable Federal, State, and local laws and regulations. The CCAA has provisions for compliance monitoring and reporting related to implementation of the CCAA. Each Participant will be required to submit a Landowner Reporting Form (LRF) to TPWD that describes the conservation measures that were implemented on their property from January 1st through December 31st.

TPWD will review each LRF upon receipt and will report any issues or violations of law to USFWS.

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

No. Implementation of the CCAA is not expected to have any effect on low income or minority populations. Conservation measure will be implemented in non-populated areas on the landscape.

L. 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. Implementation of the CCAA would not occur on Federal lands, and therefore, is not expected to have any effect on Indian sacred sites on Federal lands. Additionally, no sacred sites are known to exist in the CCAA covered area; thus, the CCAA would not limit access or adversely affect such areas.

M. 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. Implementation of the CCAA does not involve the introduction of non-native species and is not expected to contribute to the introduction or spread of non-native or invasive species. The CCAA has provisions for compliance monitoring and reporting related to implementation of the CCAA. Each Participant will be required to submit a LRF to TPWD that describes the conservation measures that were implemented on their property from January 1st through December 31st as well as photo documentation of range conditions each year the property is enrolled. Photo documentation will provide an opportunity to identify the introduction, growth, or spread of any noxious weeds or non-native invasive species. TPWD will review each LRF upon receipt and will report any issues to USFWS.

IV. DRAFT ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations 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, we determine that the proposed Enhancement of Survival Permit for a Candidate Conservation Agreement with Assurances for the Texas Kangaroo Rat (*Dipodomys elator*) qualifies as a categorical exclusion, as defined in 40 CFR 1508.4 and Section 8.5 B(3), 8.5 B(4), 8.5 B(6), 8.5 B(8) and 8.5 E(1) in the U.S. Fish and Wildlife Service "Managing the NEPA Process" Department Manual.

Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Candidate Conservation Agreement with Assurances for the Texas Kangaroo Rat (*Dipodomys elator*).

Therefore, the Service's permit action for CCAA for the Texas Kangaroo Rat (*Dipodomys elator*) 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.

Other supporting documents:

- Candidate Conservation Agreement with Assurances for the Texas Kangaroo Rat (*Dipodomys elator*)
- Draft Species Status Assessment Report for the Texas Kangaroo Rat (*Dipodomys elator*)

Signature Approval:

Omar R. Bocanegra, Supervisory Fish & Wildlife Biologist
Branch of Environmental Review, Classification & Recovery
Arlington, Texas Ecological Services Field Office

Date

Debra Bills, Field Supervisor
Arlington, Texas Ecological Services Field Office

Date