

**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR RELICT LEOPARD FROG
ENHANCEMENT OF SURVIVAL PERMIT AND
PROGRAMMATIC CANDIDATE CONSERVATION AGREEMENT
WITH ASSURANCES BETWEEN
NEVADA DEPARTMENT OF WILDLIFE AND
U.S. FISH AND WILDLIFE SERVICE**

I. Project Information

A. Project name: Programmatic Candidate Conservation Agreement with Assurances (CCAA) for the Relict Leopard Frog (*Lithobates onca*) in Clark County, Nevada between the Nevada Department of Wildlife (NDOW) and the U.S. Fish and Wildlife Service (Service).

B. Affected species: Relict leopard frog (*Lithobates onca*) (RLF)

C. Project size (in acres): The planning area for the Programmatic CCAA includes approximately 275,300 acres of non-Federal lands, which comprises approximately 8.6 percent of the Potential Management Zone (figure 1 in the CCAA) for relict leopard frog conservation and management identified by the interagency Relict Leopard Frog Conservation Team. Only a small portion of this area represents suitable aquatic/riparian habitats for relict leopard frogs; however, these non-Federal lands support a significant proportion of the total riparian and aquatic habitats that occur within Clark County including areas of known historic occurrence and distribution for the frog.

D. Brief project description including conservation elements of the plan:

The Service proposes to issue an Enhancement of Survival Permit (Permit) pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) to NDOW for their Programmatic CCAA for the relict leopard frog in Clark County, Nevada. The Permit and CCAA are intended to promote conservation of relict leopard frog consistent with the Relict Leopard Frog Conservation Agreement and Rangewide Conservation Assessment and Strategy (CAS) that was completed and approved in 2005. One of the primary goals of the CAS is to establish additional populations of relict leopard frog within its historic range to secure species persistence into the future. However, the CAS does not provide a mechanism to establish populations on non-Federal lands while providing regulatory assurances to the landowner in the event the species becomes listed in the future. Therefore, this Programmatic CCAA has been developed to promote establishment of relict leopard frog populations on non-Federal land to meet the goals of the CAS and to provide regulatory assurances to potential non-Federal cooperators.

Upon signature of the CCAA and issuance of the Permit, NDOW would extend take authorization, via a certificate of inclusion, to any landowner who enters into a cooperative agreement with NDOW. As part of the cooperative agreement, the landowner (Cooperator) would agree to implement or allow the implementation of conservation actions on the

enrolled property to protect or improve the status of relict leopard frog. The CCAA would encourage landowners to implement conservation measures for relict leopard frog on their property by providing them certainty that additional land use restrictions and mitigation requirements beyond those agreed to in the CCAA and cooperative agreement would not be imposed in the future if relict leopard frog is listed as endangered or threatened.

Conservation actions to be carried out on enrolled properties under the CCAA will be related primarily to the establishment of additional populations of relict leopard frog through the use of an ongoing translocation program described in the CAS and implemented by the Relict Leopard Frog Conservation Team (RLFCT) established under the CAS. Under the CCAA, NDOW and the Cooperator will be responsible for ensuring that any compliance requirements and required documentation necessary for release of animals to the wild are completed in a timely manner and consistent with the implementation schedule provided in the CAS. Specific compliance requirements and necessary authorizations will vary with the location and nature of translocation actions and the Cooperator that enrolls lands under the CCAA. For the translocation and release of animals to establish populations at historically occupied or new site locations, additional compliance actions may be required, including preparation of a site assessment, compliance checklist, or other project documentation.

The Permit would be issued to NDOW for a term of 30 years. Cooperators that enroll their properties under the CCAA would make habitat available to the relict leopard frog and would assist with habitat conservation for a minimum period of 10 years or the remainder of the 30-year Permit, whichever is the longer duration.

The conservation goals of the CCAA are to protect, enhance, and expand habitat (spring, springbrook and outflow, pond, and wetland habitats and associated riparian areas) for the relict leopard frog, and to provide locations for the establishment of additional secure populations of, or in some cases, allow for subsequent natural population expansion of, the species on non-Federal lands below approximately 1,000 meters Above Mean Sea Level within the Virgin, Muddy, and Colorado River drainages in Clark County, Nevada. The CCAA is intended to assist in achieving the following management and conservation objectives described in the existing CAS:

1. Enhance existing habitat and/or create new habitats where feasible.
2. Establish additional populations of relict leopard frog in existing or created habitats.
3. Manage relict leopard frogs and their habitats to ensure persistence in diverse aquatic ecosystems, and facilitate processes that promote self-sustaining populations.
4. Monitor relict leopard frog populations.

Cooperators who enroll their property under the CCAA would agree to undertake a variety of actions to provide conservation benefits to the relict leopard frog. These actions would be specified in the site-specific cooperative agreement and may include, but would not be limited to, the following:

- Relict leopard frog translocation
- Fencing of site

- Deepening a tank or pool
- Removal of non-native aquatic predators
- Maintenance of existing habitat conditions
- Enhancement of dispersal corridors
- Vegetation enhancement
- Public education

The relict leopard frog will benefit from these conservation measures since viable threats to individual occupied habitats and the species will be reduced, areas of occupied habitat will be increased, habitat quality improved, competing and predatory species removed, connectivity of individual species populations enhanced where appropriate, and public awareness of the conservation needs and requirements of the relict leopard frog increased. Implementation of these conservation measures will lead to increased population viability and persistence, thereby reducing the potential for extirpation of relict leopard frog populations and extinction of the species. Increased public awareness of the conservation needs and requirements of the relict leopard frog will assist in reducing threats to and human impacts on the species and its habitat. Furthermore, conservation measures and monitoring provided generally in the CCAA and more specifically in the individual cooperative agreements will include appropriate controls and best management practices to ensure that any adverse environmental impacts from the Cooperator's land use activities or from implementing the conservation program are minimized.

II. Does the CCAA fit the criteria of a NEPA Categorical Exclusion (from 516 DM 2 Appendix 1 and 516 DM 8.5)? *Each response should include an explanation.*

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

Yes. The CCAA covers only the relict leopard frog. See Section III.H. for additional information.

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. The effects of the CCAA and Permit on other environmental values or resources are expected to be negligible. The purpose of the CCAA is to promote conservation actions for the relict leopard frog on the enrolled properties of Cooperators while allowing Cooperators to continue their land use activities as described in the CCAA. Cooperators who enroll their properties under the CCAA would be required to conduct their activities in accordance with local, State, and Federal laws regulating activities that may impact environmental resources. However, in most cases, these land use activities are ongoing and currently in use, and would continue whether the CCAA is permitted or not. In addition, conservation actions are expected to occur in locations that have been previously disturbed or developed, such as agricultural lands or municipal water treatment sites, or would enhance or improve existing

ponds or pools for the purpose of translocation; therefore, no additional impacts from the CCAA and Permit above and beyond current use is expected to occur.

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

Yes. The impacts of this CCAA, considered together with the impacts of other past, present and reasonably foreseeable projects would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. Overall effects of the CCAA and Permit are expected to be beneficial to the relict leopard frog, and are not expected to result in additional impacts above and beyond those which have already occurred from current land use activities on properties that are enrolled. Frogs would be translocated to properties that would for the most part already have many of the elements of suitable habitat needed to support a viable population. Many of the conservation measures that would be implemented would be focused on enhancement of a potential translocation site, such as fencing or deepening an existing pond or pool, or controlling nonnative aquatic predators, which would provide a benefit to the surrounding environment as well as to translocated frogs.

III. Do any of the exceptions to categorical exclusions apply to this CCAA? (from 516 DM 2 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 implementation of the CCAA:

A. Have significant impacts on public health or safety?

No. Translocation of relict leopard frogs and creation, protection, and/or enhancement of frog habitat on non-Federal lands in Clark County is not expected to significantly impact public health or safety. All conservation efforts are expected to be implemented in controlled access areas.

B. Have significant impacts on such unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; or ecologically significant or critical areas, including those listed on the Department’s National Register of Natural Landmarks?

No. All potential translocation sites are expected to occur on enrolled lands that have been previously disturbed or developed; therefore, no historic or cultural resources, or park, recreation, or refuge lands should be impacted. No potential translocation sites under the CCAA would occur within wilderness areas, wild or scenic rivers, areas designated as sole or principal drinking water aquifers, prime farmlands, national monuments, or ecologically significant or critical areas such as those listed on the Department’s National Register of

Natural Landmarks. Translocation sites may occur within wetlands and floodplains, as these are areas where suitable habitat for relict leopard frog would naturally be located. However, efforts to implement conservation actions under the CCAA for the relict leopard frog in these types of habitats should result in improvements to wetlands and floodplains, and NDOW and the Cooperator would be responsible for complying with any local, State, or Federal laws regulating activities within wetlands and floodplains.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E), 40 CFR § 1501.2(c))?

No. The conservation measures to be implemented under the CCAA are a subset of those provided in the existing Relict Leopard Frog CAS. Translocations and enhancement of habitat have been underway as part of the CAS since approval of the CAS in 2005. No controversial environmental effects or unresolved conflicts concerning alternative uses of available resources have occurred as a result of implementing the CAS. Therefore, none are expected under the CCAA.

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

No. The conservation measures that would be implemented under the CCAA use common methods for translocation and habitat enhancement and restoration, and their effects are well documented.

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

No. Future actions would be reviewed on their own merits for meeting requirements under the Act, its implementing regulations, and other laws. Effects from approval of the proposed CCAA are minor, negligible, or beneficial, and therefore, would not set a precedent or represent a decision in principle about future actions with potentially significant environmental effects.

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

No. Approval and implementation of the CCAA would not be directly related to other actions with individually insignificant but cumulatively significant environmental effects. The goals of the CCAA, which are to establish additional populations of relict leopard frog on non-Federally owned or managed lands with potential habitat are unique, and no other actions are expected to be directly or indirectly related to actions associated with this CCAA.

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

No. Properties expected to be enrolled under the programmatic CCAA are either previously disturbed with existing potential habitat or have undergone previous consultation between the landowner and the State Historic Preservation Office. No cultural resources are expected to be impacted by new ground-disturbing activities as a result of implementing the CCAA.

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 effects of implementing the CCAA are expected to be minor or negligible; therefore, effects to other species that are listed or proposed to be listed, or effects to designated critical habitat for these species are also expected to be minor or negligible. To ensure that activities covered under the CCAA are not likely to adversely affect federally listed species or their designated critical habitat, NDOW will coordinate with the Service's Southern Nevada Field Office prior to enrollment of properties if NDOW determines that the enrolled property is within the range of a listed species, a species proposed for listing, or designated critical habitat. The following listed species may occur within the planning area of the CCAA:

Woundfin (*Plagopterus argentissimus*) and Virgin River chub (*Gila seminuda*) and their designated critical habitat:

Both species are listed as endangered with critical habitat designated along the Virgin River south to the confluence of Halfway Wash in Nevada, which is within the CCAA planning area. Activities covered under the CCAA are not expected to impact the listed fishes or their critical habitat because existing ponds would likely be used for relict leopard frog translocations with some possible habitat modifications to improve conditions if needed. Ponds that may be used for translocation efforts along the Virgin River would most likely be located in the flood plain adjacent to the river and no habitat disturbance would occur within the river channel.

Southwestern willow flycatcher (*Empidonax traillii extimus*) and its designated critical habitat:

The southwestern willow flycatcher is listed as endangered with critical habitat designated along the Virgin, Colorado, and lower Muddy rivers in Nevada, which are within the CCAA planning area. Activities covered under the CCAA are not expected to impact southwestern willow flycatcher or its critical habitat because existing ponds in previously disturbed areas would likely be used for relict leopard frog translocations with some possible habitat modifications to improve conditions if needed. Densely vegetated areas more suitable for flycatchers would be avoided since relict leopard frogs require open habitat.

Yellow-billed cuckoo, Western U.S. Distinct Population Segment (*Coccyzus americanus*):

The yellow-billed cuckoo is listed as threatened. It occurs in low numbers along the Virgin and Muddy rivers, which are within the CCAA planning area. Yellow-billed cuckoos require densely vegetated habitat, which is not suitable for relict leopard frogs. Therefore, no adverse effect to yellow-billed cuckoo is expected as a result of translocation and establishment of relict leopard frog populations under the CCAA.

Yuma Ridgway's (clapper) rail (*Rallus obsoletus yumanensis* [= *R. longirostris yumanensis*]):

The Yuma Ridgway's rail (formerly known as Yuma clapper rail) is listed as endangered and has been detected in low numbers along the Virgin River, which is within the CCAA planning area. Habitat for Yuma clapper rail is limited along the Virgin River, and occurs mostly on federally-administered land. Since Yuma clapper rail numbers are low and most of the habitat occurs on federal land, adverse effects to Yuma clapper rail from translocation and establishment of relict leopard frog populations under the CCAA are not expected.

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

No. Activities implemented under this CCAA will not violate a Federal law, or a State, local, or tribal law or other requirement imposed for the protection of the environment. Activities will be implemented on non-federally owned or managed land so no tribal law will be affected. NDOW will ensure that all activities approved to be implemented under each landowner's CA are in compliance with State and local laws, ordinances, and best management practices.

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

No. Impacts of implementing this CCAA are expected to be minor or negligible, and project activities would be confined to the respective landowner's enrolled property. Therefore, implementation of this CCAA will not have a disproportionately high and adverse effect on low income or minority 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 (EO 13007)?

No. Only privately owned or managed lands will be enrolled under this CCAA. Therefore, no Indian sacred sites on Federal lands will be affected.

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. Translocation and establishment of additional relict leopard frog populations on enrolled properties will be conducted in accordance with previously established translocation protocols for the Relict Leopard Frog CAS, which will minimize the likelihood of causing or promoting the introduction or spread of invasive species.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, implementation of the Programmatic Candidate Conservation Agreement with Assurances for the Relict Leopard Frog between the Nevada Department of Wildlife and the U.S. Fish and Wildlife Service represents a class of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 8.5.

Other supporting documents (list): Programmatic Candidate Conservation Agreement with Assurances for the Relict Leopard Frog, Clark County, Nevada, including template Certificate of Inclusion, template Cooperative Agreement, and template Nevada Department of Wildlife Letter of Take Authorization

Concurrence:

Field Supervisor

Date