

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

I. Candidate Conservation Agreement with Assurances Information

- A. Project name:** Amendment to the *Agricultural Candidate Conservation Agreement with Assurances (CCAA) 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 includes 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. The ODWC's proposed second amendment would increase the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 400,000 to 1,000,000 acres.
- D. Brief project description including minimization and mitigation plans:** The primary purpose of the CCAA is to provide conservation benefit to affected species through implementation of conservation measures on enrolled non-Federal lands. The conservation measures are intended to have a long-term beneficial effect to the LEPC. The proposed amendment would increase the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 400,000 to 1,000,000 acres.

II. Does the CCAA amendment fit the following Department of Interior and U.S. Fish and Wildlife Service categorical-exclusion criteria?

Yes. The Enhancement of Survival (EOS) 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) and a Findings of No Significant Impact (FONSI), dated January 25, 2013, for the issuance of a section 10(a)(1)(A) EOS permit and implementation of the agricultural CCAA that results in the conservation of

the LEPC in Oklahoma as described in the *Agricultural Candidate Conservation Agreement with Assurances (CCAA) for Lesser Prairie Chickens* dated January 31, 2012. The USFWS subsequently prepared a NEPA screening form and Environmental Action Statement (EAS) dated November 14, 2013, supporting a categorical exclusion on approval of an amendment to the CCAA to increase the enrollment cap from 200,000 acres (ac) to 400,000 ac, and the issuance of an amendment to the section 10(a)(1)(A) EOS permit.

As a requirement of the original CCAA, the administrator submits annual reports to the USFWS. These annual reports include a summary of enrollment, discussion of the implemented conservation measures, and results of the required compliance monitoring. The annual reports document the implementation of the program aligns with the analysis of the previous NEPA analyses.

Based upon information contained within the 2013 final EA, and supporting data in our files, we determined that the action was 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. This determination is documented in the January 25, 2013 FONSI. 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 were identified in the EA, all effects were determined to be long-term beneficial and insignificant on an individual property or within the range of the LEPC. The action was 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) EOS Permit and begin implementation of the CCAA for the conservation of the LEPC in Oklahoma. The first amendment to the section 10(a)(1)(A) EOS Permit and CCAA was also determined to be consistent with our original FONSI, as documented in the final NEPA screening form and EAS on the amendment.

The proposed amendment would be to increase the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 400,000 to 1,000,000 acres within the existing planning area. The analysis from the original 200,000 acre EA, prepared in 2013, is still accurate and relevant regardless of changes to the previous enrollment cap. The insignificance of the impacts from the first amendment that expanded enrollment from 200,000 to 400,000 acres were consistent with our original analysis in our EA. The LEPC would benefit directly from the conservation measures implemented on additional lands enrolled under the amended CCAA. The LEPC would benefit from reduced 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 would continue to be long-term beneficial and are insignificant based upon our original analysis, the analysis from the first amendment, and ongoing monitoring and reporting. More than doubling the number of acres targeted for enrollment and implementing conservation measures, all within the original plan area, is anticipated to have similar impacts on the human

environment over a larger number of acres. The overall effects of the proposed amendment would be cumulatively insignificant.

A. Are the effects of the CCAA amendment minor or negligible on federally listed, proposed, or candidate species 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 planning 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. Anticipated impacts on listed, proposed, and candidate species were determined to be moderate to major beneficial and long-term. The effects within the planning area would be cumulatively insignificant.

B. Are the effects of the CCAA 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?

Yes. Per the January 25, 2013 FONSI, 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 were identified in the final EA, the overall effects were determined to be long-term beneficial and insignificant. The proposed amendment would increase the targeted number of acres for enrollment from 400,000 to 1,000,000 acres within the existing planning area, but the impacts on the quality of the human environment will still be similar to those documented in the original EA and EAS for the first amendment. The overall change in intensity, duration, and type of effects resulting from the proposed amendment would remain cumulatively insignificant.

C. Would the incremental impacts of this amendment to the CCAA, 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?

Yes, the incremental impacts of the amendment would not result in cumulative effects that would be considered significant. The conservation measures in the CCAA for the LEPC would have long-term beneficial impacts to resources, specifically the LEPC on the enrolled lands within the planning area. The proposed amendment would be to increase the conservation benefit of the CCAA for the LEPC by increasing the targeted number of acres for enrollment from 400,000 to 1,000,000 acres.

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

No.

Would implementation of the CCAA Amendment:

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) EOS permit and implementation of the agricultural CCAA that will result in the conservation of the LEPC in Oklahoma as described in the *Oklahoma Agricultural Candidate Conservation Agreement with Assurances for Lesser Prairie Chickens* dated January 31, 2012. Based upon information contained within the final EA, the January 25, 2013 FONSI, and supporting data in our files, we determined that the action was 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. With the currently proposed amendment to the CCAA, the effects within the proposed Plan Area (both short-term adverse and long-term beneficial) would be higher due to increasing 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 (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No. Any activities carried out in association with the CCAA will need to be treated like a federally funded project, in compliance with the National Historic Preservation Act (NHPA). The 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 (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see 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. With the proposed amendment, the effects within the proposed planning 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. 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 planning 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 other CCAAs for the LEPC (in Texas, in New Mexico, and range-wide). 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 and dunes sagebrush lizard (*Sceloporus arenicolus*) 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?

No. Consultation between the ODWC and the Oklahoma SHPO 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 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 species and candidates for listing that are known to occur in the planning area are the endangered whooping crane (*Grus americana*) with designated critical habitat; the threatened Arkansas River shiner (*Notropis girardi*) with designated critical habitat, and the threatened piping plover (*Charadrius melodus*). The CCAA amendments would have no impact on the piping plover. Some conservation measures, such as prescribed fires, could have minor, short-term adverse impacts on the Arkansas River shiner. 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. Anticipated 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 1,000,000 acres under the CCAA. Though with the proposed amendment, the effects of the proposed increase in the number of acres targeted would be higher, 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 EOS 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 NHPA. The ODWC will work with the Oklahoma SHPO to streamline the process to meet the obligations under the 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, the January 25, 2013 FONSI, and the EAS for the first amendment, we determined that the original action's environmental effects, including socioeconomic effects, would all be long-term beneficial. With the proposed amendment, 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 non-Federal 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.