

**National Environmental Policy Act (NEPA)
Screening Form for CCAA Determination and
Environmental Action Statement**

I. Agreement Information

The Trinity River Authority (TRA) seeks approval for a Candidate Conservation Agreement with Assurances (CCAA or agreement) developed in cooperation with the U.S. Fish and Wildlife Service (Service). The purpose of the CCAA is to reduce threats and increase the viability of populations of four species of freshwater mussels and two species of aquatic turtles while ongoing and future water supply, reservoir management, and water and wastewater treatment activities continue, as needed, to meet the demands of an increasing human population within the Trinity River basin over the 10-year term of the agreement. Although this agreement is targeted to benefit specific at-risk species, it is anticipated that the conservation measures implemented as part of this agreement may also improve conditions for other aquatic-dependent species.

The CCAA is part of TRA'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, if issued, would authorize incidental take for specific activities and conservation measures described in the CCAA in the event one or more of the species identified in the CCAA is subsequently listed as threatened or endangered during the 10-year term of the CCAA. TRA will hold the Permit and issue Certificates of Inclusion (CI) extending incidental take coverage to participating non-Federal landowners (Partners), including the North Texas Municipal Water District, Tarrant Regional Water District, City of Dallas, and City of Fort Worth; these Partners and the TRA are collectively known as the Covered Parties. If the CCAA is approved, the Covered Parties will enroll voluntarily in the CCAA and abide by the terms and conditions of the Permit.

A. Agreement Name: (i.e., the "CCAA")

Candidate Conservation Agreement with Assurances to Conserve Six At-Risk Species in the Trinity River basin

B. Affected Species: (i.e., the "Covered Species")

The CCAA includes four species of freshwater mussels:

- 1) Texas Fawnsfoot, *Truncilla macrodon*; proposed as federally threatened
- 2) Texas Heelsplitter, *Potamilus amphichaenus*; under review
- 3) Trinity Pigtoe, *Fusconaia chunii*; no status (not under review by the Service)
- 4) Louisiana Pigtoe, *Pleurobema riddellii*; under review

and two species of turtle:

- 1) Alligator Snapping Turtle (AST), *Macrochelys temminckii*; proposed as federally threatened
- 2) Western Chicken Turtle (WCT), *Deirochelys reticularia miaria*; under review

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

The area covered by the CCAA encompasses the entire 18,000 mi² of the Trinity River basin to the extent that the Covered Parties have management authority. The basin was delineated into

five Conservation Zones (A – E) based on species occupancy, watershed characteristics, geography, and recovery potential. Each Zone includes multiple stream reaches and reservoirs where activities could affect the Covered Species and where conservation measures will be applied. The approximate size of each Conservation Zone is based on major stream segments and one reservoir, as presented in Table 1.

Table 1. Major stream reaches and the reservoir that comprises each Conservation Zone, and their approximate size in river miles or acre-feet.

Zone	River Segment	River Miles	Acre-feet
A	Clear Fork Trinity River	49.6	-
A	East Fork Trinity River	3.8	-
A	Elm Fork Trinity River	84.3	-
A	West Fork Trinity River	144.9	-
A	Zone A Total	282.6	-
B	Clear Fork Trinity River	11.4	-
B	East Fork Trinity River	29.3	-
B	Elm Fork Trinity River	29.4	-
B	Trinity River	53.5	-
B	West Fork Trinity River	58.8	-
B	Zone B Total	182.4	-
C	Chambers Creek	54.9	-
C	Richland Creek	33.0	-
C	Trinity River	207.1	-
C	Zone C Total	295.0	-
D	White Rock Creek	41.8	-
D	Lake Livingston (Conservation Capacity)	-	1,741,867
D	Zone D Total	41.8	1,741,867
E	Trinity River	115.2	-
E	Zone E Total	115.2	-
Conservation Zone Total		917.1	1,741,867

Zone Descriptions

Zone A – Zone A is defined as all stream reaches upstream of the major reservoirs in the upper reaches of the Trinity River basin. Water in these tributaries is solely dependent on rainfall.

Zone B – Zone B is defined as highly urbanized with highly modified stream reaches in the Dallas-Fort Worth Metropolitan area. Flows in Zone B are influenced by a combination of rainfall, reservoir releases, and treated municipal wastewater return flows. The Trinity Pigtoe is present on the East Fork, Elm Fork, mainstem Trinity River, and Denton Creek; the Texas Fawnsfoot is known to occur on portions of the East Fork Trinity River. The Louisiana Pigtoe is known historically from the upper

Trinity River but is believed extirpated from the Trinity River basin.

Zone C – Zone C is defined as a rural watershed where freshwater mussels are more common, including the Texas Heelsplitter, Texas Fawnsfoot, and Trinity Pigtoe. Although this zone exhibits more natural riverine conditions, it is highly modified hydrologically and absent rainfall or reservoir releases, summertime baseflows are generally over 90% municipal effluent. Although habitat conditions vary, this zone has the highest mussel abundance overall of any zone in the Trinity River and quality habitat is dispersed throughout the zone. All three mussels are found in the mainstem Trinity River; additionally, Texas Heelsplitter is known to occur in Bedias Creek. A Texas Parks and Wildlife Department (TPWD) designated mussel sanctuary is located on the Mainstem Trinity River at the downstream end of this zone.

Zone D – Zone D is defined as Lake Livingston and the surrounding direct watersheds. The Texas Heelsplitter has been documented in Lake Livingston.

Zone E – Zone E is defined as the Lower Trinity River and the Texas Fawnsfoot and Trinity Pigtoe are known to occur in this zone.

The AST may occur throughout portions of all five Conservation Zones wherever there is suitable habitat; survey efforts are ongoing. Less is known about the current distribution of the WCT, but the Trinity River basin is within its historical range, and the species may occur wherever suitable habitat is present. The WCT is not considered a riverine species, instead preferring slower-moving waterbodies such as ephemeral wetlands and swamps. The species is therefore unlikely to utilize the mainstem or major tributaries of the Trinity River and spends most of the year underground at upland estivation sites (a torpid or dormant state to avoid hot, dry conditions).

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

The primary purpose of the CCAA is to provide a net conservation benefit to the Covered Species through implementation of conservation measures on enrolled non-Federal lands. Further, the Service provides regulatory assurances to the Covered Parties that so long as the CCAA is implemented as agreed, the Service will not require additional conservation measures nor impose additional land, water, or resource-use restrictions, beyond those stated and agreed to in the CCAA. The CCAA describes conservation measures chosen specifically to reduce threats to the Covered Species, or maintain or increase their viability (i.e., resiliency, redundancy, and representation), providing a net conservation benefit, while allowing the TRA and Partners to continue to provide water and wastewater services to customers and meet the challenges of future human population growth under highly variable climatic conditions within the Trinity River basin.

A comprehensive conservation strategy will guide the implementation of the conservation measures described in the CCAA. For the mussel species, the conservation strategy is based on national conservation priorities established by the Freshwater Mollusk Conservation Society (FMCS) and tailored to specific threats and hydrologic conditions in the Trinity River basin. For the aquatic turtle species, the strategies implemented as part of this agreement are based on known threats and life-stage needs identified by academic stakeholders, resource managers

including state, Federal, and Tribal agencies, and other resources, such as Species Status Assessments and Service 90-day findings.

Permit Duration or Term

The duration of the CCAA, including enrolled CI, and the associated Permit is 10 years. Should any species become federally listed as “threatened” or “endangered,” the Permit will become effective. So long as an applicant remains in compliance with the terms of CCAA, the applicant and their covered activities will be covered by the Permit until the CCAA’s expiration date, or the date on which the applicant terminates the CCAA or their CI, whichever comes first.

Covered Area and Activities

For the purposes of this CCAA, the Covered Area is defined as properties owned by the TRA and Partners along with areas where the Covered Parties have the legal standing to influence on-the-ground activities within the Trinity River basin. The TRA owns only a small amount of property for administrative offices, water and wastewater treatment plants, supporting infrastructure, and some recreational areas around Lake Livingston, but does not directly control sections of the rivers or tributaries. The overwhelming majority of the adjacent land belongs to private landowners throughout the basin. Similarly, the majority of the property in the area of influence for the Partners belongs to private landowners. However, the TRA and Partners manage water and wastewater resources throughout the basin and are therefore able to influence water quality and quantity. The TRA and Partners separately own and/or operate several reservoirs within the Trinity River basin, including Lake Livingston (TRA), Lake Bridgeport (TRWD), Eagle Mountain Lake (TRWD), Cedar Creek Reservoir (TRWD), Richland Chambers Reservoir (TRWD), Lake Ray Hubbard (City of Dallas), and Lake Worth (City of Fort Worth). No single overarching entity manages water supplies in the Trinity River basin, and a number of regional entities and major cities are involved in the raw water supply chain.

Covered activities for the CCAA and enrolled CIs include conservation prescribed through the conservation measures, water supply operations, reservoir operations, routine maintenance of instream structures (e.g., intake, outfalls, boat docks, boat ramps) and levees, wastewater treatment, emergency activities, pipeline operation and maintenance, and invasive aquatic plant control.

Covered Species

Texas Fawnsfoot historically occurred within the Trinity, Colorado, and Brazos River basins. Within the Trinity River basin, Texas Fawnsfoot have been observed in the mainstem of the Trinity River and the East Fork Trinity River. The Texas Fawnsfoot is a rare species, and little is known about its life history. In other river basins, Texas Fawnsfoot prefer deep bank habitats, but they are also found in backwaters and on the upstream end of point bars. Conversely, in the Trinity River basin, Texas Fawnsfoot are primarily found in riffle habitats. Texas Fawnsfoot are known to bury in up to 15-20 cm of sand, or in a mixture of sand and gravel, near the shore in riffles, making it difficult to locate using tactile sampling methods. The presumed host fish for this species is the Freshwater Drum (*Aplodinotus grunniens*).

The Texas Heelsplitter historically occurred within the Trinity, Neches, and Sabine River basins. Within the Trinity River basin, Texas Heelsplitter have been observed in the mainstem Trinity River, Lake Livingston, and Bedias Creek. The Texas Heelsplitter prefers slow to

moderately flowing habitats in deep pools with sand or mud substrate, although recent research has suggested that they prefer bank habitats. This species is capable of surviving in backwater and reservoir habitats. Based on laboratory trials in Texas, the host fish for the Texas Heelsplitter is the Freshwater Drum.

The Trinity Pigtoe was recently distinguished as genetically separate from other Pigtoe species present in Texas and has a distribution restricted to the Trinity River basin, specifically in the mainstem of the Trinity River and several of its tributaries near Dallas-Fort Worth. The Trinity Pigtoe and the Wabash Pigtoe (*Fusconaia flava*), which also occurs in the Trinity River basin, cannot be distinguished using external morphology. In the absence of genetic verification, problems with misidentification can lead to confusion about the abundance and distribution of the species. The species is considered at-risk and is currently classified as threatened by the TPWD but is not currently under review by the Service for potential listing under the ESA. Most habitat preferences and life history traits are thought to be similar to other Pigtoe congeners that occur in Texas. Habitat is thought to include streams and rivers, but the Trinity Pigtoe is not known to inhabit reservoirs. It can be found in nearshore habitats such as banks and backwaters but is most common in main channel habitats such as riffles and runs. Preferred substrates include mud, sand, gravel, and cobble or a mix thereof in moderate to swift currents. Trinity Pigtoe appears to be intolerant of flow alteration and poor water quality and is believed to have a maximum life expectancy of 45 years. Host fish are unknown but likely hosts include members of the Cyprinidae family, such as shiners and minnows.

The Louisiana Pigtoe has a wide range and historically occurred throughout portions of east Texas, Louisiana, west Mississippi, southeast Oklahoma, and southwest Arkansas. Currently, the Louisiana Pigtoe is thought to be extirpated from the Trinity River basin, though the current range in Texas includes drainages directly to the west and east of the Trinity River basin (the San Jacinto and Neches River drainages, respectively). The TRA and Partners expressed an interest in including the Louisiana Pigtoe in the agreement since conservation actions for other Covered Species would also benefit the Louisiana Pigtoe and because the species may be re-discovered in the Trinity River basin. Other native mussel species, such as Trinity Pigtoe and Wabash Pigtoe, can easily be mistaken for Louisiana Pigtoe when identified by shell morphology alone. The Louisiana Pigtoe occurs in medium to large-sized streams and rivers in flowing water on substrates of cobble and rock or sand, gravel, cobble, and woody debris; they are often associated with riffle, run, and sometimes larger backwater tributary habitats. Three potential fish hosts have been reported: red shiner (*Cyprinella lutrensis*), blacktail shiner (*Cyprinella venusta*), and bullhead minnow (*Pimephales vigilax*).

The AST is one of the heaviest freshwater turtles in the world, and the largest in North America. Alligator Snapping Turtles are generally found in slow-moving, deep water and prefer underwater structure such as submerged trees and root systems. They are usually found in water bodies with a mud bottom and aquatic vegetation. Alligator Snapping Turtles are among the most aquatic of freshwater turtles, with overland movements generally restricted to nesting females and hatchlings moving from the nearshore nest, back to water. The AST has long been prized as a food source, which led to population declines and the creation of laws limiting its capture. Poaching (i.e., illegal harvest) remains a cause for concern, as documented in the recent news of 27 ASTs being returned to East Texas from Louisiana in August 2021. The released individuals were seized in 2016 by law enforcement during an attempt to illegally transport

individuals from Texas to Louisiana.

The WCT is considered rare and declining throughout its range although no range-wide population surveys have been conducted, and there is some uncertainty regarding its population status. The WCT is found in ephemeral or semi-aquatic areas that contain slow-moving and shallow water, such as, ponds, lakes, streams, and swamps. The primary threat to the species is habitat modification although commercial harvest to meet demand by the pet trade industry may also be negatively impacting populations. The WCT is a fairly mobile aquatic species, and in addition to basking on land, it frequently travels overland for a variety of activities including nesting twice per year, migration, and estivation. The species spends a considerable portion of the year buried underground in a state of estivation, making it somewhat cryptic and difficult to survey. In Texas, the WCT's historical range once comprised the entire eastern third of the state.

Beneficial Conservation Activities

The goal of the agreement is to facilitate voluntary conservation for at-risk species and achieve a net conservation benefit for the Covered Species in the Trinity River basin. As part of this agreement, TRA and Partners agree to implement certain conservation measures to reduce threats to the Covered Species. Broadly, these conservation measures include research and monitoring to further knowledge of the Covered Species, avoidance and mitigation to protect existing populations, and outreach to engage the public. The measures will be informed over the life of the agreement by an adaptive management plan that will ensure the best possible science is used and that potential recovery opportunities for the Covered Species are maximized. The plan will be designed and updated through a collaborative partnership with State and Federal agencies. Although additional conservation priorities or measures may be identified and implemented during the term of the agreement, the plan will at a minimum contain the following conservation measures:

1. Targeted water quality data collection and modeling to inform conservation of Covered Species. This measure includes the creation of new or adaptation of existing models to study research questions specific to the Covered Species. Models are tools that can help identify trends in water quality or quantity that may be harmful to Covered Species and can be used to help guide conservation strategies and projects. Targeted water-quality monitoring will be used to inform the development of these models. Models may include water quality, hydrologic and hydraulic, water availability, overland runoff, habitat, and sediment transport.
2. Caged mussel studies. These studies will utilize in-situ biological monitoring to determine the extent to which water quality or water quantity in specific stream reaches may be limiting mussel growth and survival using surrogates or the at-risk species themselves as indicators of habitat suitability.
3. Annual long-term mussel and host fish monitoring. Long-term monitoring, whether through stand-alone studies or augmentation of existing research, will be used to analyze, identify, and reduce threats to Covered Species and assess trends in mussel populations in the basin over time. The information will also be used to determine if protective measures implemented by this agreement and other conservation efforts are adequate to ensure the long-term viability of the species

- and to inform adaptive management of the Covered Species.
4. Funding to support real-time USGS water quality and discharge gages. To support long-term monitoring of water quality within the basin, the Covered Parties will continue to fund U.S. Geological Survey (USGS) stream gages throughout the Trinity River basin that provide real-time flow and water quality data.
 5. Public education and outreach specific to Covered Species. TRA and Partners will increase the awareness of the Covered Species, threats facing them, and practices to help with their conservation by adding species-specific information to existing conservation messaging, materials, and curriculum. Topics will include general awareness and life cycle needs, ecosystem services, threats to persistence, water quality, water conservation, and riparian restoration. For AST, specific topics may include awareness of the threat of by-catch (through accidental hook ingestion or incidental hooking during recreational or commercial fishing), illegal collection/poaching, and the use of circle hooks for passive fishing equipment to reduce AST mortality. For WCT, best management practices, which benefit the species, such as riparian buffers to protect water quality, minimizing impacts to wetland and riverine habitats, and maintenance of natural hydrology, will be promoted to private landowners.
 6. Basin-wide water quality monitoring. The Covered Parties will continue to monitor water quality throughout the basin as part of a long-term monitoring program.
 7. Zebra mussel monitoring. Eleven reservoirs in the covered area are impacted to some level by zebra mussels. Continued monitoring will improve the understanding of potential impacts to the Covered Species from zebra mussels and other invasive species and help inform adaptive management.
 8. Environmental flow protections. Compliance with existing environmental flow standards and continued research to refine these standards to ensure they provide conditions adequate for survival and long-term persistence of the Covered Species.

The agreement will be monitored by the Service through annual meetings and reporting that will include a review of the previous year's activities, plans for the upcoming year, and a data summary. The annual reports will include an in-depth, technical review of the data, modeling efforts, programmatic project review, discussion of adaptive management needs or changed circumstances, climate change review, suggestions for future work priorities, and any other relevant material. The annual report will be reviewed by TRA, the Partners, TPWD, and the Service followed by a stakeholder meeting to discuss the overall status of the CCAA, including efficacy of conservation measures being implemented, adaptive management, opportunities for collaboration, and future direction.

II. Does the CCAA 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 National

Environmental Policy Act (NEPA) analysis” (p. 95173). Specifically, the proposed activities of this CCAA fall under 516 DM 8.5 B(1) and 516 DM 8.5 B(2) 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.
- 516DM 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.

A. Are the effects of the CCAA minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the CCAA, prior to implementation of the minimization and mitigation measures? [516 DM 8.5(C)(1)]

Yes. Outside of the proposed action, which is expected to result in minimal incidental take of the Covered Species, 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 Covered Species. The implementation of the CCAA will result in a net benefit to the Covered Species and their habitat.

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, etc.), prior to implementation of the minimization and mitigation measures? [40 CFR 1508.14; 43CFR 46.205]

Yes. Implementation of the CCAA is expected to result in benefits, or only minor or negligible effects 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 other native aquatic organisms, as described above, and contains conservation measures that encourage a healthy environment, including but not limited to, improved water quality and quantity. Further, the majority of the Covered Activities under the CCAA are currently ongoing or would otherwise occur with or without the CCAA; therefore, those effects are negligible. Proposed conservation actions, including research, environmental flow protection, and educational outreach to landowners, will serve to protect water quality. Since new construction activities are not covered in the agreement, the CCAA is anticipated to have no effect on socio-economic, cultural, recreation, or visual resources in the Trinity River basin. Therefore, implementation of the CCAA 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 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 effect 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 water, wastewater, reservoir, and aquatic species resource management actions that are currently being undertaken or are planned to be expanded in the future. These actions are taken 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 other aquatic species, and the conservation measures described in the CCAA are not expected to result in a significant cumulative effect to the human environment. Rather, conservation measures are anticipated to improve and maintain the health of the natural and physical environment over the 10-year term of the CCAA. 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 because of the CCAA.

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

Would implementation of the CCAA:

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. Water quality and air quality are not expected to be adversely affected. Instead, conservation measures are anticipated to improve or maintain the ability of the TRA and Partners to deliver water to customers and provide water for freshwater mussels, aquatic turtles, and other aquatic organisms in important conservation areas. 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, or other ecologically significant or critical areas?

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.

Specifically, covered activities are not expected to result in any major ground disturbance that could adversely affect natural or cultural resources. No Bureau of Land Management or

National Park Service lands exist along the stream reaches identified within the conservation zones in the CCAA. Although a portion of the Sam Houston National Forest and the Trinity River National Wildlife Refuge abut Lake Livingston and the Trinity River, respectively, activities outlined in the CCAA will either have no effect on these Federal lands or will be beneficial (e.g., improve water quality or increase native biodiversity). No stream segments in the covered area have been designated as wilderness area, wild or scenic rivers, or national natural landmarks. Proposed activities will not impact drinking water aquifers, as they do not involve pumping or excavation into aquifers. No prime farmland areas or wetlands will be affected, as no ground disturbance, dredging, or filling is anticipated in areas not previously disturbed by activities or projects that pre-date this agreement. Implementation of the CCAA is not anticipated to result in adverse effects to flood plains or result in increased flood risks because the proposed activities do not deviate from the TRA's currently implemented flood management actions. Migratory birds and riparian vegetation will benefit from the CCAAs conservation measures.

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. Many of the covered activities are ongoing. Highly controversial environmental effects are not anticipated. The conservation measures proposed by the TRA are wholly within their statutory authority and represent a logical extension of the TRA's conservation activities in the basin.

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

No. Highly uncertain or potentially significant environmental risks are not anticipated because the CCAA includes measures (modeling of water quality and hydrology, environmental flow protections, a detailed adaptive management plan) that reduce uncertainty in the Trinity River basin and benefit stream habitats. Reintroduction or repatriation of ASTs or other Covered Species may occur within the 10-year term of the CCAA. However, those reintroductions, should they occur, would be within the historical range of the species and would be authorized and evaluated separately by both the Service and TPWD. Additional conservation priorities or measures may be identified and implemented during the 10-year agreement, but the adaptive management plan involves a collaborative partnership between the TRA and Partners, Service, TPWD, and other entities to ensure that proper evaluation of the benefit to the Covered Species and any potential environmental impacts are considered. No unique or unknown environmental risks are anticipated, as the applicants have a long history of water quality monitoring and environmental management in the Trinity River basin.

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. The CCAA reflects possible minor changes to how the TRA and Partners manage water

in the Trinity River basin and does not include the establishment of any permanent changes to the landscape. Many of the covered activities are ongoing actions, such as daily operations or maintenance of existing facilities.

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

No. Approval of the CCAA is not expected to result in cumulatively significant environmental effects because the covered activities under the agreement include on-going daily operations and maintenance of existing facilities. If new activities or construction projects are proposed, they will be analyzed separately as independent projects.

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 Places because the only historical structures in the designated stream zones are bridges, or historical markers, which are not expected to be affected by the implementation of the CCAA. The CCAA does not propose any actions that are likely to affect any historic places.

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 the six Covered Species. Both the Texas Fawnsfoot and the AST, two of the six Covered Species, have been proposed for listing under the ESA as threatened. Critical habitat has been proposed for the Texas Fawnsfoot. No other proposed or listed species or critical habitat currently 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 the Covered Species may occur under CCAA implementation, accounting for the minimization and avoidance measures in combination with proposed conservation measures, the CCAA is expected to result in a net benefit to the Covered Species, including the two species that have been proposed for Federal listing.

I. 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. Instead, the CCAA acknowledges existing state requirements related to the TRA's role in managing waters in the Trinity River basin. CCAA activities will be conducted consistent with applicable Federal, State, and local laws and regulations.

J. 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 measures will be implemented in aquatic habitats, such as streams, rivers, and lakes (i.e., non-populated areas).

K. Limit access to and ceremonial use of Tribal sacred sites on Federal lands by Tribal religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No. Implementation of the CCAA is not expected to have any effect on any Tribal sacred sites on Federal lands because none are in the action area. Implementation of the CCAA will not result in alterations to sacred sites or access to sacred sites because none are in the area.

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 Executive Order 13112).

No. Implementation of the CCAA is not expected to contribute to the introduction or spread of non-native invasive species. On the contrary, the CCAA has provisions to monitor and prevent the spread of aquatic invasive species, which are part of the ongoing activities of the TRA and Partners.

IV. DRAFT ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the NEPA 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, I determine that the proposed 10(a)(1)(A) enhancement-of-survival permit for Candidate Conservation Agreement with Assurances for Six At-Risk Species of the Trinity River basin qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and Section 8.4 B(1) and B(2) in the Service's *"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 Six At-Risk Species of the Trinity River basin.

Therefore, the Service's action of entering into this Candidate Conservation Agreement with Assurances for Six At-Risk Species of the Trinity River basin 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; and 516 DM 8.5. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

- Candidate Conservation Agreement with Assurances for Six At-Risk Species of the Trinity River basin.

Signature Approval:

Omar Bocanegra, Acting Field Supervisor
Arlington, Texas Ecological Services Field Office

Date

DRAFT ENVIRONMENTAL ACTION STATEMENT (EAS)

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), as well as other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record. In addition, I have determined that the action of issuing and amended Permit to Cibolo for their EA/HCP in Bexar County, Texas, qualifies as a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service Habitat Conservation Planning Handbook:

XX is a categorical exclusion as provided by 516 DM 8 5 B(1) and B(2) and no further NEPA documentation is necessary.

_____ is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

_____ is found to have significant effects, and therefore further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.

_____ is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policies, regulations, or procedures.

_____ is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents:

_____ Environmental Assessment

XX Biological Opinion

XX Findings Document

Branch Supervisor, Environmental Review

Date

Division Supervisor, Environmental Review

Date

Assistant Regional Director,
Ecological Services

Date

Deputy Regional Director,
Southwest Region

Date