

Finding of No Significant Impact for the Designation of Critical Habitat for the Neosho mucket and the Rabbitsfoot Mussels

The U.S. Fish and Wildlife Service (Service) is designating critical habitat for the Neosho mucket (*Lampsilis rafinesqueana*) and rabbitsfoot (*Quadrula cylindrica cylindrica*) mussels pursuant to section 4 of the U.S. Endangered Species Act of 1973, as amended (Act). The Neosho mucket was listed as endangered and the rabbitsfoot as threatened on September 17, 2013 (78 FR 57076). Areas proposed for designation as critical habitat for the mussels include only stream channels within the ordinary high water line, and do not include any adjacent lands above the ordinary high water line, developed areas, structures, or areas inundated by lakes and reservoirs because such lands or structures usually lack physical or biological features for these mussels. The ordinary high water line defines the stream channel and upland-stream interface. An Environmental Assessment was completed in accordance with the National Environmental Policy Act to identify and disclose the environmental consequences resulting from the proposed action of designating critical habitat for the two mussels and to determine whether the proposed action would have significant impact on the human environment.

Two alternatives were considered in the Environmental Assessment: the No Action Alternative, under which no critical habitat would be designated; and the Proposed Alternative, under which all of the originally proposed units would be designated: 8 units totaling 779 river kilometers (rkm) (484 river miles (rmi)) for Neosho mucket and 32 units (with 3 units consisting of 2 subunits each) totaling 2,662 rkm (1,654 rmi) for the rabbitsfoot. All originally proposed critical habitat units are occupied by one or both mussel species. The potential economic impacts of the Proposed Alternative were evaluated in an Economic Analysis, which is included as an appendix to the Environmental Assessment.

A draft of the Environmental Assessment was made available to all interested and/or affected parties on May 9, 2013, for a 30-day public comment period (78 FR 27171). The Service reopened the public comment period twice more, from August 27, 2013, through October 28, 2014 (78 FR 52894), and from May 14, 2014, through July 14, 2014 (79 FR 27547). All comments received were analyzed and, where appropriate, were incorporated into the Final Environmental Assessment, as well as the final Economic Analysis, and the final rule designating critical habitat.

The environmental issues identified in the Environmental Assessment include: conservation of the mussels, water resource management, energy development and production, socioeconomic conditions and environmental justice. The Service concludes that the adverse impacts of critical habitat designation would not be significant, based on the following determinations:

- The potential impacts may be both beneficial and adverse, but minor.
- There would be no impacts on public health or safety or on unique characteristics of the geographic area.
- Potential impacts on the quality of the environment are not likely to be highly controversial, and no project modifications would be required that would not be required in section 7 jeopardy consultations under the Act for the same action.
- Potential impacts on the quality of the environment do not involve any uncertain, unique, or unknown risks.

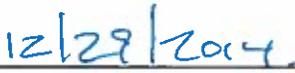
- The designation of critical habitat for endangered and threatened species is not a precedent-setting action with significant effects.
- The designation of critical habitat is not related to other actions which cumulatively could produce significant impacts. There would not be significant cumulative impacts because the cumulative impacts would be limited to administrative efforts of existing section 7 consultations for other listed species. Cumulative impacts of this designation would not occur because land management restrictions only apply where a Federal project, authorization, or funding may be required, and the conservation measures that would accompany a Federal project, authorization, or funding would not impose major restrictions on management activities.
- The designation of critical habitat would not adversely affect any other endangered or threatened species or its habitat.
- The designation of critical habitat is not likely to affect significant cultural, historical, or scientific resources.
- The critical habitat designation may have a beneficial effect on both mussels through education and awareness.
- The designation of critical habitat would not violate any Federal, State, or local laws.
- The designation of critical habitat to the maximum extent prudent and determinable is required by law in order to comply with the Act.

The recommended final designation for the Neosho mucket consists of 7 critical habitat units totaling 777 rkm (483 rmi) in Arkansas, Kansas, Missouri, and Oklahoma. The recommended final designation for the rabbitsfoot consists of 31 critical habitat units (with 3 units consisting of 2 subunits each) totaling 2,312 rkm (1,437 rmi) in Alabama, Arkansas, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, and Tennessee. The recommended final designation results in a net decrease from the Proposed Alternative of approximately 3 rkm (2 rmi) for the Neosho mucket and approximately 349 rkm (217 rmi) for rabbitsfoot. It is my determination that the recommended final designation is not significantly different from the Proposed Alternative and does not warrant additional analysis under the Environmental Assessment as an additional alternative.

Based on a review and evaluation of the information contained in the Environmental Assessment, it is my determination that the designation of critical habitat for the Neosho mucket and Rabbitsfoot mussels do not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). Accordingly, an Environmental Impact Statement is not required.



 Regional Director, Region 4



 Date