

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

**I. Project Information**

Brazos River Authority (BRA), a special district of the State of Texas, is responsible for developing, managing, and protecting the water resources of the Brazos River basin in Texas. Brazos River Authority seeks approval of a CCAA developed in cooperation with the Service. The CCAA involves BRA’s water development and management activities in the basin and a suite of conservation measures. The CCAA specifically addresses the resource needs of native freshwater mussels in the Brazos River basin.

**A. Project Name:** (i.e., the “CCAA”)

Candidate Conservation Agreement with Assurances for the False Spike and Texas Fawnsfoot in the Brazos River Basin (Brazos River Authority, Texas)

**B. Affected Species:** (i.e., the “Covered Species”)

False spike (*Fusconaia mitchelli*) and Texas fawnsfoot (*Truncilla macrodon*)  
Additional native freshwater mussels and other aquatic species are expected to benefit from the conservation measures and can be added to the CCAA through an amendment to the permit.

**C. Project Size (in stream miles and acres):**

While the “Covered Area” includes all portions of the Brazos River basin where the BRA has management authority, the CCAA identifies specific zones (identified stream reaches) where their activities could affect the Covered Species and where conservation measures will be applied:

Zone A	56.4
Zone B	181.6
Zone C	246.2
Zone D	<u>355.1</u>
	839.3 stream miles

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

The CCAA describes conservation measures chosen specifically to maintain and/or increase resiliency, redundancy, and representation, providing a net conservation benefit for the Covered Species, while allowing for ongoing and continued water supply development activities to meet the growing demands of an increasing human population within the Brazos River basin over the term of the CCAA.

The purpose of the CCAA is to provide a mechanism for BRA to implement a variety of conservation measures to benefit the Covered Species within the Covered Area. Further, the Service provides regulatory assurances to BRA 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.

Implementation of the conservation strategy and its conservation measures are expected to result in population increases and habitat improvements for the Covered Species. The anticipated net conservation benefit is created through the implementation of a comprehensive conservation strategy based on priorities established by the Freshwater Mollusk Conservation Society (FMCS) and tailored to specific threats and hydrologic conditions in the Brazos River basin. Specifically, the identification of avoidance and minimization zones will reduce threats linked to physical disturbances associated with construction of new water supply and delivery infrastructure. Applied research, long-term monitoring, and an adaptive management program tied to changed circumstances will reduce threats associated with periods of critical low flows by providing the BRA with specific trigger points that consider the ecological needs of Covered Species when BRA makes drought management decisions. The BRA system of reservoirs provides BRA the flexibility to provide environmental flows and adjust to regional drought conditions. The combination of reduced threats associated with physical disturbance and critical low flows will allow populations to naturally increase in terms of both number of individuals and extent of physical habitat occupied. Although the CCAA specifically provides net conservation to benefit the Covered Species, many of the implemented conservation measures will result in beneficial impacts to other mussel species, fish, and native aquatic biota within the Brazos River basin.

The duration of the CCAA and the associated section 10(a)(1)(A) permit is 20 years.

For the purposes of this CCAA, the Covered Area is defined as properties owned by the BRA along with areas of the BRA's water supply system within the Brazos River basin. BRA owns and operates three reservoirs: Possum Kingdom Lake, Lake Granbury, and Lake Limestone, and conservation storage space in eight U.S. Army Corps of Engineers reservoirs, Lakes Proctor, Belton, Stillhouse Hollow, Georgetown, Granger, Somerville, Whitney, and Aquilla. The Covered Area will include the stream reaches below BRA-operated reservoirs and associated infrastructure. Possum Kingdom Reservoir represents the upstream-most BRA-operated infrastructure in the Brazos River basin, and the current Water Management Plan focuses on operations of the water supply infrastructure from this point downstream. BRA has limited property interests above Possum Kingdom reservoir, and therefore, has no way to directly influence freshwater mussel populations or their habitats in this portion of the basin.

False spike historically occurred, within the Brazos basin, from the Leon River and the mainstem Brazos River. Recently, false spike has been observed in the mainstem Little River, with a few live individuals also found in nearby lower Little River tributaries, including the San Gabriel River downstream of Granger Lake, and Brushy Creek near the San Gabriel River confluence. However, recent surveys failed to find live individuals at ten sites in the mainstem Little River, suggesting that the species' distribution may be restricted in this system. Gravid females have been observed within the Little River, San Gabriel River, and Brushy Creek, and a sub-adult was found in Brushy Creek, indicating

that some recruitment occurs in the Little River basin. Although present in the lower Little River basin, false spike has not been documented recently from either of the major Little River tributaries. False spike is presumed to have been extirpated from the Leon River and there are no recent records of live false spike from the Lampasas River.

Texas fawnsfoot historically occurred in the mainstem Brazos River and in multiple tributaries, including the Leon River, Aquilla Creek, Bosque River, and North Bosque River. In 2008, 10 live individuals were observed in the lower Brazos River and the species has since been documented at multiple other locations. Within the Brazos basin, Texas fawnsfoot is currently thought to occur in the lower Brazos River and nearby segments of some tributaries (lower Little River, lower Navasota River), the middle Brazos River between Possum Kingdom Reservoir and Lake Granbury, the Clear Fork Brazos River. In the Clear Fork Brazos River, 223 recently dead shells and one live individual were collected during the drought of 2011 near Fort Griffin. However, surveys at Fort Griffin and two other sites on the Clear Fork in 2017 found only one live mussel and failed to collect any live Texas fawnsfoot, calling into question the status of this population. In the middle Brazos River between Possum Kingdom and Lake Granbury, Texas fawnsfoot was observed as the most abundant mussel species present, although overall abundance and diversity of mussels was rather low. In the lower Brazos River, Texas fawnsfoot was found sporadically, but the species was relatively abundant in some locations, and was observed the Little River upstream of the San Gabriel River confluence and the lower Navasota River in close proximity to the Brazos River confluence.

Goals and objectives for the CCAA are stepped down from the National Strategy for the Conservation of Native Freshwater Mollusks:

1. Understand the status and trends of mollusk populations to better manage and conserve. Surveys will help fill data gaps in distributional information. Long-term monitoring will assess trends in existing populations over time. These data will be provided to resource managers to monitor the current status of the Covered Species in the Brazos River basin over the duration of the Permit and notify experts of potential range expansions or retractions in the basin. In concert with the Habitat Utilization Tool to be developed by BRA, these data will also aid in the prioritization of areas of implementation of various conservation and/or restoration action by BRA, the Service, or private landowners in the basin.
2. Minimize threats to mollusks and their habitats. Future drought scenario modeling will identify spatial and temporal patterns in drought risk to mussel populations and assist in prioritizing conservation actions. Environmental flow protections promote conditions adequate for survival and long-term persistence of Covered Species and strives to assure water quantity. Avoidance measures avoids detrimental activities in areas of optimal habitat for Covered Species and prevents further fragmentation. Applied research aids in identifying habitat, water quality, and flow-related stressors important in structuring populations of Covered Species and will be used to guide adaptive management of environmental flows and avoidance/minimization zones.
3. Increase understanding of physical, chemical, and biological characteristics of

habitat to support sustainable assemblages of mollusks. Future drought scenario modeling will identify spatial and temporal patterns in drought risk to mussel populations and assist in prioritizing conservation actions. Applied research aids in identifying habitat, water quality, and flow-related stressors important in structuring populations of Covered Species and will be used to guide adaptive management. Habitat utilization surveys will assist in understanding habitat requirements of the Covered Species and will be essential to the adaptive management process. Implementation of this greater understanding could then be applied during future augmentation or reintroduction efforts for the Covered Species in the basin. Avoidance measures conserves habitat through avoidance of detrimental activities in areas of optimal habitat for Covered Species.

4. Increase fundamental knowledge of the biology of mollusks so managers can more effectively conserve them. Proposed applied research studies will increase the knowledge on the biology of Covered Species at the individual and population level and long-term monitoring will provide important data on the ecological needs of Covered Species. These data could be used to identify currently unrecognized threats to the Covered Species, inform propagation and introduction guidelines, and identify other potentially limiting factors to the long-term survival of the Covered Species, such as water quality or fish host availability limitations.
5. Conserve and restore viable populations and communities of mollusks. Population demographic data from long-term monitoring will assist in determining if populations are self-sustaining. Reintroduction cage studies will evaluate areas suitable for reintroduction of Covered Species. Should restoration or supplementation of existing populations be desired, successful captive propagation of Covered Species will be necessary to supply organisms. A goal of the CCAA is also to re-establish at least one population each of the false spike and Texas fawnsfoot in the Brazos River basin
6. Improve science-based consideration of the social and economic values of mollusk communities and functioning aquatic systems. Education and outreach activities will highlight the ecosystem services of freshwater mussels and the social and economic value of functioning aquatic systems
7. Increase information sharing and communication among citizens and decision-makers at multiple levels regarding conserving mollusk resources. Information sharing will occur with state and federal agency personnel through an interagency workgroup, and communication with the public will occur through education and outreach opportunities.
8. Provide a suite of training opportunities to the greater conservation community and inspire future generations to work on the conservation of mollusks. Education and outreach activities will include presentations of conservation accomplishments to the greater conservation community and will also focus on educating youth and young professionals about mussel conservation through social media and other avenues.
9. Increase funding for mollusk conservation. The CCAA represents a long-term funding commitment by BRA to support mollusk conservation in the Brazos basin through the funding captive propagation efforts at USFWS fish hatcheries and applied research to better understand the threats posed to freshwater mussels in

the Brazos River basin.

10. Increase coordination and information sharing among local, state, national, and international partners in conserving mollusk resources. Coordination with state and federal agency personnel will occur through and interagency workgroup. Conservation successes of the program will be communicated to national partners in mollusk conservation.

The CCAA is likely to provide net conservation benefit to the Covered Species through implementation of a comprehensive conservation strategy based on priorities established by national freshwater mollusk experts tailored to specific threats and hydrologic conditions in the Brazos River basin. The strategy includes research and monitoring to further knowledge of the Covered Species, avoidance to protect existing populations, education and outreach to engage the public, and employs both collaborative conservation and adaptive management principles. It also includes the development of conservation zones and future hydrology modeling to prioritize areas for implementation of specific conservation measures designed to reduce current and future threats to the Covered Species. Conservation measures include: compliance with existing environmental flow standards, where applicable, and continued research to refine these standards specific to freshwater mussels; avoidance of specific activities in areas known to harbor key populations of the Covered Species; additional applied research to examine the effects of various stressors to Covered Species; updated hydrologic modeling to evaluate future risk to Covered Species; education and outreach to garner public interest in mussel conservation and habitat enhancements; and supporting development of emergency short-term refugia protocols and captive propagation for the Covered Species.

Long-term monitoring of Covered Species populations, host fish, water quality, and substrate/channel morphology in key areas (years 1, 5, 10, 15); surveys to fill existing data gaps in distributional information (years 1-2). The agreement will be monitored annually through annual coordination meetings and reporting.

## **II. Does the CCAA fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?**

Note that 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). Specifically, this CCAA falls under 43 CFR 46.210 (e) as the proposed activities within the CCAA consist of “Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities”

### **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 will result in a relatively low level of take that may occur under CCAA implementation, no federally listed or proposed species are expected to be affected by any actions described by the CCAA. The low level of take may occur would consist of harm caused by the downstream effects of individual plan treatment of aquatic-approved herbicides, releases of water from stilling basins that is of high temperature, low dissolved oxygen or otherwise degraded, through sediments transported downstream following infrastructure maintenance, or mussels being inadvertently killed or injured during population surveys or long-term monitoring activities. However, accounting for the comprehensive conservation program, the CCAA is expected to result in impacts to candidate species and their habitats so minor as to be considered negligible as the cumulative incidental take associated with these activities are not expected to be great enough to compromise the viability of the populations of false spike or Teas fawnsfoot in the Brazos River basin. The CCAA is designed to provide a net conservation benefit to covered candidate species, and other native aquatic species, as described above. The CCAA will result in avoidance of harm to covered species habitat and harm to individuals resulting from implementation of the CCAA is expected to be minimal and rare.

The Service anticipates that implementation of the CCAA will result in a net conservation benefit to candidate species and their habitats. Candidate mussels do not fully occupy the Covered Area, but we do expect candidate mussel to expand in population size and extent by the end of the 20-year CCAA and permit. The Service and BRA expect that not more than 10% of the potential habitats within the designated zones within the covered area will be adversely affected by the CCAA during the agreement term, not to exceed a total of 83.93 stream miles over the 20-years of the CCAA and permit, and those habitat effects are not expected to become permanent.

### **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 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, and avoidance of important aquatic habitats. 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. Because the CCAA implementation involves management of water resources in their natural state and restoration of riparian zones, air quality, geology, and soils, are not expected to be negatively affected. Proposed conservation actions including environmental flow protection are expected to improve water quality and the lack of proposed major construction activities is anticipated have no effects on socio-economic, cultural, recreation, or visual resources in the Brazos 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 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 human environment over the 20-year term of the CCAA. Future construction of the Allen's Creek Reservoir is planned by BRA and is independent of the approval and permitting of the CCAA. It represents a separate action that in itself might result in an effect to the human environment and will be permitted separately; however, if the Allen's Creek Reservoir is constructed, its management is contemplated in the CCAA and expected to contribute to the conservation measures described in the CCAA. The management of a future Allen's Creek Reservoir is part of the Service's permitting decision and the likelihood of the CCAA providing a net conservation benefit. The incremental effects of the CCAA are not expected to be additive such that past, ongoing, and future actions that 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 BRA to deliver clean water to customers and provide clean flowing water for freshwater mussels and other aquatic organisms in important conservation areas. While the CCAA includes a measure to work with USACE on flood operations, the CCAA will have no effect on how the USACE or BRA dams are managed in terms of flood or other emergency responses. 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. None of the above referenced natural resources or unique geographic characteristics are located within or along the streambeds where BRA's conservation actions will take place.

Specifically, covered activities are not expected to result in any major ground disturbance that could adversely affect natural or cultural resources. No National Wildlife Refuge, Forest Service, Bureau of Land Management or National Park Service lands exist along the stream reaches identified as conservation zones in the CCAA. The conservation values of the state-designated John Graves Scenic Riverway will not be affected and no stream segments in the covered area have been designated as wilderness area 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. 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 BRA's currently implemented flood management actions. The proposed actions will not affect the Waco Mammoth National monument managed by the National Park Service. 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. Some conflict has occurred in the past concerning delivery of water to municipalities and downstream users, but BRA has made changes to its drought operations permit to resolve those conflicts, and the implementation of the CCAA is expected to reduce the potential for future conflicts through the implementation of environmental flow protections. The conservation measures proposed by BRA are wholly within their statutory authority and represent a logical extension of BRA'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 (hydrological modeling, future drought assessments, environmental flow protections, adaptive management provisions) that reduce uncertainty in the Brazos River basin, and benefit stream habitats. Species reintroductions are anticipated in the future, perhaps within the 20-year term of the CCAA. However, those reintroductions will be separate actions authorized by the Service and will be evaluated at that time as they are independent of the approval and permitting of the CCAA. No unique or unknown environmental risks are anticipated as the applicant has a long history of environmental management in the Brazos River basin and identified no such risks.

**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 BRA manages water in the Brazos River basin and does not include the establishment of any permanent changes to the landscape. Many of the covered activities are ongoing actions. Future construction of the Allen's Creek Reservoir is contemplated and is independent of the approval and permitting of the CCAA. The construction is outside the scope of the CCAA and will be analyzed separately if the reservoir is constructed in the future. Construction of the reservoir is not contingent upon the CCAA. Management of the Allen's Creek Reservoir would support the goal of the BRA and the CCAA to be able to deliver water to maintain wetted stream reaches important for mussels in the event of extended drought conditions.

**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 ongoing daily operations and maintenance of existing facilities. If new activities or construction projects are proposed, they will be analyzed separately as independent projects. For example, if the Allen's Creek Reservoir is constructed, the impacts of the construction of the project will be analyzed separately as the construction is independent of the approval and permitting of the CCAA. Management of the Allen's Creek Reservoir is not expected to result in significant environmental effects, as it will be

managed to maintain flows in the basin as part of BRA's existing system of reservoirs. The construction of the Allen's Creek Reservoir is equally likely to be constructed whether or not the CCAA is implemented.

**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 (i.e., management of stream zones and species conservation efforts). 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. No other proposed or listed species occur in the action area (i.e., designated stream zones) or are otherwise expected to be impacted by the actions and conservation measures described in the CCAA (i.e., previously listed species or species proposed to be listed are not aquatic and otherwise do not occur in the designated stream zones). The action area does not affect any proposed or final critical habitat designations because none are in the action area. Although some relatively low level of take is likely to occur under CCAA implementation, accounting for the minimization and avoidance measures in combination with the conservation program, this CCAA is expected to result only in impacts to candidate species so minor as to be negligible. The CCAA and the conservation plan described therein is anticipated to provide a net conservation benefit to candidate species identified in the CCAA. Further, take of the Covered Species, if they were to become listed, is expected to be negligible. No proposed or listed species occur in the action area (i.e., within the designated stream zones) or are otherwise expected to be impacted by the actions and conservation measures described in the CCAA (i.e., previously listed species or species proposed to be listed are not aquatic and otherwise do not occur in the designated stream zones).

**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 BRA's role in managing waters in the Brazos River basin. CCAA activities will be conducted consistent with applicable Federal, State, and local laws and regulations. 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. 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 because none are in the action area.

**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 (Executive Order 13007).**

No. Implementation of the CCAA is not expected to have any effect on any Indian 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 because the CCAA has provisions to monitor and prevent the spread of aquatic invasive species, which are part of the ongoing activities of BRA.

#### 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, I determine that the proposed Incidental Take Permit for Candidate Conservation Agreement with Assurances for the False Spike and Texas Fawnsfoot in the Brazos River Basin (Brazos River Authority, Texas) qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and Section 8.4 B(1) and B(2) 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 False Spike and Texas Fawnsfoot in the Brazos River Basin (Brazos River Authority, Texas). Therefore, the Service's action of entering into this Candidate Conservation Agreement with Assurances for the False Spike and Texas Fawnsfoot in the Brazos River Basin (Brazos River Authority, Texas) 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 the False Spike and Texas Fawnsfoot in the Brazos River Basin (Brazos River Authority, Texas)

Signature Approval:

\_\_\_\_\_  
Tanya Sommer  
Branch Supervisor – Consultation and Conservation Planning  
Austin, Texas Ecological Services Field Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Adam Zerrenner  
Field Supervisor  
Austin, Texas Ecological Services Field Office

\_\_\_\_\_  
Date