

**DRAFT**  
**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM**  
**FOR CANDIDATE CONSERVATION AGREEMENTS WITH ASSURANCES (CCAAs)**

**I. Project Information**

**A. Project name:**

Arizona Electric Power Cooperative Candidate Conservation Agreement with Assurances for Sonoran Desert Tortoise

**B. Affected species:**

Sonoran desert tortoise (*Gopherus morafkai*)

**C. Project size (in acres):**

Arizona Electric Power Cooperative transmission system and substations within suitable Sonoran desert tortoise habitat (approximately 2,152 acres; 197 miles of transmission lines and 1,362 structures)

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

The Service proposes to issue an Enhancement of Survival Permit (Permit) pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) to Arizona Electric Power Cooperative (AEPCO) for their Candidate Conservation Agreement with Assurances for Sonoran Desert Tortoise (*Gopherus morafkai*) (CCAA). The Permit and CCAA are intended to enhance population survival of Sonoran desert tortoise (tortoise) by minimizing direct and indirect effects to tortoises and their habitat as a result of AEPCO operation and maintenance activities.

The CCAA and Permit propose conservation actions on existing rights-of-way and access routes in portions of the following counties where the AEPCO transmission system occurs: Cochise, La Paz, Mohave, Pima, Pinal, and Yavapai (permit area). The permit will provide assurances and incidental take coverage for all conservation actions taken under the CCAA and the ongoing land uses in the permit area, including AEPCO operation and maintenance activities on transmission structures, transmission lines, substations, and unpaved access roads, both within and outside of AEPCO rights-of-way and easements (covered activities). These activities include transmission line access road use, maintenance, repair, and reconstruction; manual, mechanical, and herbicide treatment to control vegetation hazards; and maintenance of transmission line structures, conductors, and associated equipment.

Upon signature of the CCAA and issuance of the Permit, AEPCO would agree to fully implement the conservation measures for the tortoise that would minimize the likelihood of tortoise injuries and fatalities; and reduce the amount of habitat degradation that could occur

absent the CCAA. These conservation measures would include the following: develop and deliver a training and awareness program for all operation and maintenance personnel and contractors along with annual refreshers; provide detailed instruction to all crews regarding proper and legal tortoise handling and relocation protocols; document and analyze any tortoise injuries and fatalities from AEPCO activities; cover augured holes if left unattended and inspect prior to filling; develop and implement standard clearance protocols; include records of tortoises killed, injured, handled, or moved, and identified tortoise shelters in a database; monitor and report on the presence of new locations of non-native buffelgrass (*Pennisetum ciliare*); and minimize the authorized work area for the repair and replacement of transmission structures and unpaved road repairs.

The Service would provide AEPCO certainty that additional land use restrictions and mitigation requirements beyond those agreed to in the CCAA would not be imposed in the future if the tortoise becomes listed as endangered or threatened. The Permit would be issued to AEPCO for the 25-year term of the CCAA. The Permit would not be effective until the effective date of a future listing, if applicable.

The implementation of the conservation measures would reduce the potential for direct fatalities resulting from AEPCO's maintenance activities, and would limit impacts to suitable habitat for the Sonoran desert tortoise to no more than an average of 6.5 acres annually. Implementation of an early notification system for new nonnative grass patches which may colonize an area would help ensure these areas are not overcome by nonnative grasses.

No other alternatives were analyzed as this action meets the purpose and need of protecting Sonoran desert tortoise habitat and enhancing population survival during implementation of AEPCO covered activities.

## **II. Does the Agreement fit the criteria of a NEPA Categorical Exemption (516 DM 2 Appendix 1, 516 DM 8.5)?**

### **A. Are the effects of the CCAA less than significant on the rangewide population of candidate species or other wildlife and their habitats covered under the Agreement?**

Yes. The effects of the CCAA and Permit on other wildlife species in the area are expected to be negligible. No candidate species occur in the affected areas. AEPCO is required to conduct their activities in accordance with local, State, and Federal laws regulating their activities that may impact other wildlife and their habitats and other environmental resources. These activities are ongoing and would continue whether the CCAA is permitted or not. In addition, most conservation actions would occur in locations that have been previously disturbed along access roads or to install and maintain structures and are within existing rights-of-way or easements; and any temporary or permanent disturbance in tortoise habitat, whether new or in previously disturbed areas, would be limited to an annual average of 6.5 acres. Therefore, no additional impacts from the CCAA and Permit above and beyond current use are expected to occur.

### **B. Are the effects of the CCAA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic,**

**cultural resources, recreation, visual resources, etc.)?**

Yes. Consistent with the reasons stated above, the CCAA will have negligible effects on environmental values and resources as it seeks to further protect tortoises related to actions on existing infrastructure. All impacts to air and water resources will be consistent with Federal and State laws and are considered to be minor. The maintenance activities do not occur in rivers or streams and would not affect water resources. Currently, heavy equipment is occasionally needed for maintenance and repair of the transmission system components, and vehicles are used on unpaved access roads periodically for monitoring the system. These operations cause a small amount of dust for a short-term in the vicinity of the activities. Application of the conservation measure that limits the extent of work areas would reduce the small amount and duration of dust impacting air quality.

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

Yes, there would be no anticipated cumulative effects to the Sonoran desert tortoise that would be significant. The majority of AEPCO transmission line structures occur in medium or low value Sonoran desert tortoise habitat, which limits potential adverse effects to Sonoran desert tortoise populations and habitat. The transmission system is already constructed; new expansion or construction is not included in the CCAA. The CCAA covers ongoing maintenance and operation of the transmission system, which is located across portions of southern, central, and western Arizona, where numerous electrical transmission and distribution systems also occur and are maintained. The CCAA would limit new temporary and permanent disturbance to 162.5 acres over its 25-year duration; all other operations (e.g. vehicle-based inspections) would occur within existing access roads and previously disturbed areas within easements.

Other activities in the CCAA area include ongoing recreational use (e.g. off-highway vehicle use, hunting, hiking) that occasionally occurs on the same access roads covered by this CCAA; and livestock grazing along the easements on private, state, and public lands. Because much of the CCAA area is in remote locations, these activities are infrequent and have insignificant impacts to tortoise populations and habitat. No other projects are proposed within the CCAA area. Combined with these ongoing activities, the existing and proposed actions conducted by AEPCO along the transmission system would result in insignificant cumulative impacts to resources.

**III. Do any of the exceptions to categorical exclusions apply to this CCAA? (from 516 DM 2.3, Appendix 2)**

**Would implementation of the CCAA:**

**A. Have significant adverse effects on public health or safety?**

No. AEPCO visits each structure along the transmission system twice annually to conduct a visual inspection from the ground to identify and correct potentially hazardous conditions. Implementation of the CCAA does not affect AEPCO's responsibilities or management of their electric power transmission system for safety and reliability.

**B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?**

No. The CCAA does not affect any of the items listed or trigger any of the exceptions to categorical exclusions in 516 DM 2 Appendix 2.

**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 purpose of the CCAA is to enhance survival of the Sonoran desert tortoise by minimizing the effects of ongoing operation and maintenance activities along AEPCO's existing transmission system. These activities in the CCAA are only slight modifications to current operation and maintenance activities.

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

No. Activities proposed in the CCAA are slight modifications of operation and maintenance actions in order to minimize effects to tortoises and their habitat. We do not anticipate any potential significant effects or uncertainties associated with implementation of the CCAA.

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

No. The CCAA was developed within the CCAA policy, and actions under this agreement would not be precedent setting.

**F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?**

No. Implementation of the CCAA only affects the existing operation and maintenance activities. These activities are part of the existing environment with insignificant environmental effects.

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

No. There are no known historic properties that are on or eligible for the National Register of Historic Places within the affected areas.

**H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?**

No. The effects of the CCAA and Permit on listed and proposed species in the area are expected to be negligible (for a detailed review see “Analysis of Effects from AEPCO’s Proposed CCAA for Sonoran Desert Tortoise”, Arizona Ecological Services Office, Flagstaff, May 2016).

**I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?**

No. 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. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?**

No. Activities under the CCAA are consistent with Federal, State, and tribal law as applicable.

**K. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).**

No. The electrical transmission system infrastructure is already present. The actions under the CCAA are ongoing, with the exception of the conservation program. The implementation of the conservation program should have no effect on adjacent landowners or communities regardless of economic or minority status.

**L. 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. The proposed actions in the CCAA would not restrict access to or prevent use of Native American sacred sites. Our action would not result in significant adverse effects to the physical integrity of such sacred sites, as the CCAA and associated permit would reduce future impacts to vegetation on the landscape and soil disturbance related to maintaining and operating existing electrical transmission. The CCAA and permit would not cover new electrical generation or transmission projects.

**M. 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. Most operations will occur along existing access roads and easements, which will avoid new introductions or spread of noxious/invasive plants. AEPCO will notify the Service if new noxious weeds are found near or adjacent to the CCAA area, which would not likely be detected. This will provide an opportunity for early control of weeds before infestations have an opportunity to spread. Limiting the areas of new disturbance to the minimum necessary for repair/replacement of transmission system structures will also avoid spread of noxious weeds. Existing operations include vegetation clearing around structures, which eliminates noxious or nonnative vegetation in these areas.

**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 Arizona Electric Power Cooperative Candidate Conservation Agreement with Assurances for Sonoran Desert Tortoise qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in 516 DM 6, Appendix 1, Categorical Exclusion 1.4 C (1): the issuance, denial, suspension, and revocation of permits for activities involving fish, wildlife, or plants regulated under 50 CFR Chapter 1, Subsection B, when such permits cause no or negligible environmental disturbance. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Arizona Electric Power Cooperative Candidate Conservation Agreement with Assurances for Sonoran Desert Tortoise. Therefore, the Service's permit action for Arizona Electric Power Cooperative Candidate Conservation Agreement with Assurances for Sonoran Desert Tortoise 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; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

- Arizona Electric Power Cooperative Candidate Conservation Agreement with Assurances for Sonoran Desert Tortoise, August 2017
- Analysis of Effects from AEPCO's Proposed CCAA for Sonoran Desert Tortoise", Arizona Ecological Services Office, Flagstaff, May 2016

Signature Approval:

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Field Supervisor  
Arizona Ecological Services Office

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Date

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