

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

I. HCP Information

A. HCP Name:

NS-374 Bridge over Leader Creek Habitat Conservation Plan (HCP)

B. Affected Species:

American burying beetle (ABB; *Nicrophorus americanus*)

C. HCP Size (in stream miles and/or acres):

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

Circuit Engineering District #4 proposes to construct a new crossing over Leader Creek on off-set alignment along County Road NS-374 near Atwood in Hughes County, Oklahoma. The existing bridge (NBI 1310; Structure 32N3740E1430003) was built in 1923, is narrow (16.4 ft), structurally deficient, and situated on a dangerous curve. The new crossing will be constructed along with new roadway on off-set alignment, which is needed to improve safety. The existing bridge is expected to remain in place. The anticipated crossing will consist of three 10-foot diameter corrugated steel pipes 75 feet in length. The newly constructed roadway will be crushed stone with two 12-foot driving lanes. The total area of impact is expected to be 1.88 acres. The new roadway and crossing will improve driver safety and the existing bridge is expected to remain in place.

A positive survey was conducted for the American burying beetle (*Nicrophorus americanus*, ABB) within the project area on August 25, 2018. Total suitable habitat for the ABB within the project footprint is 0.75 acres. The area surrounding the project is largely rural and mostly used for pastureland. Take of ABB could result from construction of the new bridge and road alignment. Circuit Engineering District 4 has prepared a Habitat Conservation Plan to obtain an incidental take permit.

Covered activities of the HCP include site preparation, crossing construction, and roadway construction. These activities will result in temporary disturbance of soil and vegetation, and permanent vegetation removal where the new bridge and roadway are installed. All activities covered by the plan and authorized by the incidental take permit will occur within the plan area (1.88). Within the plan area, 0.75 acres supports suitable ABB habitat based on field surveys in August 2018. CED #4 is seeking a 3-year incidental take permit from the USFWS. This permit term was selected to encompass all activities associated with roadway and crossing construction in the project area. The proposed term length should also allow for the recovery of any temporary impacts to ABB resulting from the action. No additional take is expected in association with any ongoing right-of-way (ROW) maintenance within the project area.

The HCP's goals and objectives for the ABB include minimizing impacts from the covered activities, including restoring ABB habitat where temporary impacts occur, and mitigating the loss of ABB habitat based on established mitigation ratios within the Conservation Priority Area for the species. Avoidance and minimization measures will be implemented to reduce the potential for direct take of ABB and its habitat, including limiting the use of motor vehicles, heavy equipment, artificial lighting, reducing soil erosion, and preventing establishment of invasive species. After implementation of all avoidance and minimization measures, some unavoidable impacts to ABB habitat remain: permanent cover change impacts (0.5 acres) and permanent habitat loss (0.25 acres) (all habitat types are as defined by FWS). All of these unavoidable impacts will be mitigated in a Service-approved ABB conservation bank according to Service-established mitigation ratios, resulting in a total of 1.0 acres of ABB habitat to be conserved in perpetuity.

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

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes. The majority of unavoidable impacts from the new bridge and off-set alignment project are expected to result in minor temporary loss (for up to 3 years) of ABB habitat. Before minimization and mitigation measures, an estimated maximum of 0.75 acres of ABB habitat would be affected by implementation of the HCP over the 3-year life of the plan. Temporary habitat impacts would occur on up to 0.5 acres, and permanent habitat impacts would occur on 0.25 acres. Circuit Engineering District #4 would mitigate these impacts through on-site restoration of temporary habitat disturbance and off-site compensatory mitigation for habitat impacts in accordance with USFWS ABB compensatory mitigation guidance. Circuit Engineering District #4 would purchase 1.0 credits (acres) from an ABB conservation bank for off-site compensatory mitigation. Relative to the occupied range of the species and the size of the Conservation Priority Areas (CPA), the small area of these habitat impacts (less than 0.001 percent of the CPA) and the on-site and off-site compensatory mitigation to offset these impacts, the effects to ABB would be minor or negligible. Areas of temporary impacts would be restored to ABB habitat, so just 0.25 acre of permanent habitat impacts would result from implementation of the HCP.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures?

Yes. Activities for new bridge and off-set alignment project in the plan area would result in temporary ground disturbance and vegetation removal along the existing roadway. Therefore, impacts to other environmental resources or values would be minor or negligible. Based on record review and field surveys, no cultural sites exist within the plan area. The incidental take permit is necessary for Circuit Engineering District #4 to obtain an Army Corps of Engineers Nationwide Permit under section 404 of the Clean Water Act. Given that there is already an existing roadway there, any impacts would be minor or negligible relative to existing conditions.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be considered significant?

Yes. The plan area is along an existing roadway. Therefore, the incremental impact of this HCP to the human environment is negligible. Implementation of the HCP would result in 0.25 acres of permanent development in the HCP plan area. The effects of this HCP are also to conserve in perpetuity 1.0 acres of undisturbed land for ABB habitat within the ABB Conservation Priority Area to offset impacts from the project. Together with revegetating areas of temporary impacts in the plan area, this off-site conservation would offset any incremental adverse effect on the human environment by preserving contiguous natural land cover. As such, the incremental impacts of the HCP, when considered together with the impacts of other past, present, and reasonably foreseeable future actions would not result in a cumulative effect to the human environment that would be considered significant.

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

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No. The plan area exists exclusively along an existing roadway. All construction activities would occur adjacent to the existing roadway and be conducted according to standard safety protocols and best management practices, would occur over a short time period (less than one year), and are not expected to result in any significant adverse effects to public health or safety.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No. The HCP plan area is entirely along an existing roadway. Covered activities would not result in long-term or significant effects to any natural resources of unique geographic characteristics within the permit term. Based on record searches and field surveys, no cultural resources exist in the plan area. Implementation of the HCP would not result in any significant impacts to natural resources or unique geographic characteristics.

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. Construction activity will be temporary and the new road and bridge alignment would be adjacent to the existing roadway. The new bridge and alignment would benefit the community by increasing the safety of the bridge and roadway for the traveling public. There is no known controversy or opposition to the project.

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

No. The new bridge and off-set road alignment comprising the plan area (1.88 acres) is not unusual in any way. Installation of culverts and new off-set roadway will pose no unusual, significant or uncertain effects or risks of any kind. Construction methods employed would be routine and well established and are not anticipated to result in any unique or unknown environmental risks.

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

No. Implementation of this HCP employs methods, such as impact avoidance, restoring ABB habitat on disturbed sites, and mitigating for habitat impacts according to Service-established mitigation ratios, that have already been developed and employed elsewhere without significant effect. Approving this HCP will not set a precedent for future actions; future actions will be reviewed on their own merits.

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

No. The plan area for the new bridge and off-set road alignment occurs along the existing roadway. Except for the very small area (0.25 acres) with permanent impacts from the new bridge and off-set alignment, all other impacts are temporary and would occur alongside the existing road. As such, the project is not anticipated to result in any significant environmental effects.

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

No. A search of the National Register of Historic Places (NRHP) revealed no NRHP properties within the plan area and no significant cultural sites were discovered during field surveys in the plan area.

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. Impacts to the ABB from implementation of the HCP would be minor or negligible, as explained in Section II.A above. Implementation of the HCP would not have significant impacts on other listed or proposed to be listed species. No Critical Habitat is designated within the HCP plan area. Based on the known ranges of ESA listed and candidate species and the habitat that is present within the HCP plan area, no other listed species have the potential to occur.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No. The proposed plan is compliant with all applicable federal, state, and local laws. The plan area does not include tribal land, and no covered activities are proposed to occur on tribal land.

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

No. Implementation of the HCP would beneficially affect services equally to all socio-economic groups.

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. Tribal consultation was initiated on September 12, 2019, with a letter sent to the Tribal Historic Preservation Offices of the Choctaw Creek Nation. No comments or concerns were identified by Tribes.

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. Circuit Engineering District #4 will monitor areas with vegetation disturbance in the plan area to ensure revegetation with preexisting species or of similar composition to surrounding areas and will use weed-free seeds for revegetation.

IV. ENVIRONMENTAL ACTION STATEMENT (DRAFT)

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statues, 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 NS-374 Bridge over Leader Creek HCP qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the NS-374 Bridge over Leader Creek HCP. Therefore, the Service's permit action for NS-374 Bridge over Leader Creek HCP 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:

NS-374 Bridge over Leader Creek Habitat Conservation Plan
2018-108 Leader Creek Bridge Cultural Report

Signature Approval:

Jonna Polk
Field Supervisor
Oklahoma Ecological Services Field Office

Date