ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR CANDIDATE CONSERVATION AGREEMENTS with ASSURANCES (CCAA)

I. Project Information

A. Project name:

Old Mill District Oregon Spotted Frog CCAA

B. Affected species:

Oregon spotted frog *(Rana pretiosa)*

C. Project size (in acres):

170 acres, including 6,909 linear feet along both banks of the Deschutes River

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

The Old Mill District in the city of Bend, Oregon borders both sides of the Deschutes River and includes commercial real estate and some undeveloped areas. Within the Old Mill District, Oregon spotted frogs occupy the Casting Pond, the Les Schwab Amphitheater (LSA) Marsh, and the riparian habitat on the banks of the Deschutes River above the ordinary high watermark. Spotted frogs breed and over-winter in the Casting Pond which is used for practice casting with fishing rods. The Casting Pond is also part of the Old Mill District stormwater collection system. The LSA Marsh is an undeveloped area that provides breeding, rearing, and overwintering habitat for the Oregon spotted frog. Oregon spotted frogs use the riparian area along the Deschutes River for summer foraging and over-winter in its banks.

Conservation measures include: monitoring and maintaining sufficient water levels for the Oregon spotted frog in the Casting Pond through the use of water control devices; periodically removing invasive plants from the Casting Pond to maintain approximately 30 percent aquatic vegetative cover and 70 percent open water; removal of non-native predators in the Casting Pond should they be discovered during annual surveys; maintaining vegetation along the banks of the Casting Pond to control erosion and potential sedimentation; and, protection of the riparian zone along the banks of the Deschutes River within the covered lands through the use of signs and temporary fencing should public use threaten the integrity of shoreline vegetation that serves as cover for Oregon spotted frogs.

II. Does the CCAA fit the criteria as described in the CCAA policy (remove or reduce threats and preclude the need to list)?

A. Are the effects of the CCAA less than significant on the rangewide population of federally listed, proposed, or candidate species or other wildlife and their habitats covered

under the CCAA?

Yes. Currently, the Oregon spotted frog is found in 15 sub-basins ranging from extreme southwestern British Columbia south through the Puget Trough, and in the Cascades Range from south-central Washington to the Klamath Basin in Oregon. In Oregon, in the Upper Deschutes River sub-basin where the CCAA covered lands are located, there are approximately 13 known spotted frog breeding sites within four watersheds. A minimum population estimate for the Upper Deschutes River sub-basin is 3,530 breeding adults based on surveys from 2006 to 2012 and within the Old Mill District there are over 100 breeding adults. Take of up to 10 adult and juvenile frogs once every three years or 60 over the 20-year term would be associated with maintenance of the Casting Pond to repair potential leaks and to clear excessive emergent vegetation. This activity would maintain and help prevent the degradation of spotted frog breeding and over-wintering habitat which would more than offset the taking of frogs by promoting long-term frog reproduction in the pond. Take of tadpoles associated with one egg mass per year or up to 8,400 tadpoles over the 20-year term could occur from spotted frogs laying eggs in other portions of the stormwater system that are not suitable for rearing tadpoles. This form of take would be minimized by conducting surveys and salvaging eggs and/or tadpoles. This loss would be more than offset by conservation measures to maintain habitat quality in the Casting Pond, LSA Marsh, and the riparian zone of the Deschutes River. Implementation of the CCAA would benefit the Oregon spotted frog by minimizing adverse effects from public use (e.g., soil erosion, trampling of vegetation) to the extent practicable, and minimizing the adverse effects of maintaining the stormwater management structures, but would not be considered significant to the rangewide population.

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. Most of the covered activities involve maintenance of existing conditions and on-going activities that are beneficial to Oregon spotted frogs. Maintenance of existing bio-swales and stormwater ponds that serve as multi-use water features would continue. They control and filter rainwater run-off and also provide wildlife habitat. Some additional bioswale construction would occur as new development occurs. These would be similar to the existing structures in size and function. Maintenance of landscaping would occur that may involve use of herbicides and fertilizer. The use of these products would follow the manufacturer's safety label. Other vegetative maintenance related work would include limiting access to areas of noticeable erosion and/or planting of vegetation in areas with exposed soil due to public use.

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

Yes. As mentioned previously, the impacts would primarily be from on-going

activities associated with stormwater pond and bio-swale maintenance, as well as some new construction of these features. These activities are designed to reduce the impacts from stormwater run-off to rivers and other water bodies. Other maintenance activities (e.g., erosion control, public access control, planting of vegetation in eroded areas) are intended to preserve the habitat values for Oregon spotted frogs and other species. Therefore, similar activities that primarily maintain existing conditions or control stormwater run-off would not be considered significant.

III. Do any of the exceptions to categorical exclusions apply to this CCAA? (from 516 DM 2.3, Appendix 2) *If the answer is "yes" to any of the questions below, the project can not be categorically excluded from NEPA. Each "no" response should include an explanation.*

Would implementation of the CCAA:

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

No. The maintenance activities previously described should have little to no effect on public health or safety. The stormwater basins and bio-swales should help funnel hard surface run-off and reduce puddling as well as filter the water. Additional monitoring for Oregon spotted frogs may increase the likelihood of discovering potential health or safety issues that may arise within the covered lands for reasons not associated with the covered activities.

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 covered activities are mostly associated with on-going maintenance and Oregon spotted frog monitoring. The covered area has been previously impacted by commercial development activities. The only surface disturbing activity likely to take place is the construction of additional bio-swales and stormwater ponds, which may create temporary artificial wetlands.

C. Have highly controversial environmental effects?

No. The environmental effects would be limited to maintaining natural and artificial wetland areas for Oregon spotted frogs. Monitoring would take place to address potential impacts to Oregon spotted frogs from the covered activities, such as repairing the bottom lining of the Casting Pond, and the potential future use of existing or to be constructed stormwater detention ponds, which may not hold water of sufficient depth or duration such that frog egg masses or tadpoles could be stranded.

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

No. The maintenance activities, conservation measures, and monitoring provisions

within the CCAA are routine activities that have been previously carried out do not have uncertain or significant effects.

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

No. The CCAA involves mostly continuing on-going activities and maintaining the status quo, except for the addition of some stormwater ponds and bio-swales. The Casting Pond is a stormwater pond that Oregon spotted frogs are using and will be maintained to allow their continued use of the pond by maintaining the liner and maintaining water levels throughout the year to support breeding and over-wintering.

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

No. We are not aware of any other actions that are tied to this action that would have cumulatively significant effects. The CCAA addresses mostly management and maintenance of existing facilities that serve as Oregon spotted frog habitat.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. We are not aware of any properties listed or eligible for listing on the National Register of Historic Places that would be affected by the covered activities. Most of the covered area has been developed or is maintained in open space.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. The CCAA is intended to maintain existing Oregon spotted frog habitats through monitoring and maintenance activities, and includes measures to minimize effects.

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. The CCAA involves maintaining wetlands and open water bodies that provide habitat for the Oregon spotted frog, and avoiding adverse impacts to these areas.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. We are not aware of any Federal, State, local or Tribal law or requirement that would be violated by the covered activities.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Old Mill District CCAA meets the qualifications for Candidate Conservation Agreements with Assurances whose implementation represents a class of actions which do not individually or cumulatively have a significant effect on the human environment.

Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents: Old Mill District Oregon Spotted Frog CCAA

Concurrence:

Paul Henson

Paul Henson, State Supervisor

9/18/14

Date