

FINDING OF NO SIGNIFICANT IMPACT

Related to the Environmental Assessment for a Candidate Conservation Agreement with Assurances for Columbia Spotted Frog (*Rana luteiventris*) at Sam Noble Springs in Owyhee County, Idaho, among the Idaho Department of Lands, the Idaho Department of Fish and Game, the Idaho Governor's Office of Species Conservation, and the U.S. Fish and Wildlife Service

Introduction

The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment (EA) to evaluate the effects of the proposed Candidate Conservation Agreement with Assurances for Columbia spotted frogs (Idaho Department of Lands *et al.* 2006 (Agreement)) among the Idaho Department of Lands (IDL), the Idaho Department of Fish and Game (IDFG), the Idaho Governor's Office of Species Conservation (OSC), and the Service (collectively, the Agencies), and the proposed issuance of an enhancement of survival permit, under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act), to IDL and IDFG, as part of the Agreement, to the IDL and the IDFG. The EA and the Agreement are incorporated herein by reference (IDL *et al.* 2006, USFWS 2006a).

We are selecting the proposed action presented in Alternative B. Of the three alternatives considered, the Proposed Action Alternative B provides the greatest benefit to Columbia spotted frogs while allowing continued revenue generation required of IDL by the Idaho State Board of Land Commissioners. Under the proposed action, the Agreement will be approved and the permit issued over a 680 acre (275 ha) area. The Agreement would provide conservation measures on lands enrolled under the Agreement for protection of Columbia spotted frogs within a 104 acre (42 ha) enclosure, including restoring vegetation cover and eliminating potential mortality from livestock trampling in occupied frog habitat; increasing water availability for frogs within the enclosure; enhancing frog habitat on the western end of the enrolled lands outside the enclosure; and implementing a monitoring and adaptive management program. These conservation measures include specific activities such as maintaining a fence surrounding the core 104 acre (42 ha) wetland area to exclude livestock access for approximately 22 years; reducing the number of animal unit months (AUMs) permitted on the 576 acres (233 ha) outside the enclosure; maintaining a newly constructed pond adjacent to an existing springhead to support increased numbers of spotted frogs and partially fencing the pond to preserve vegetative cover for spotted frogs and limit other livestock-related impacts; and maintaining or refurbishing ponds occupied by spotted frogs within the enclosure as needed. Finally, the IDL's and IDFG's (State's) permit application to the Service, including the Agreement, satisfies the permit issuance criteria and qualifies for a section 10 (a)(1)(A) enhancement of survival permit (IDL *et al.* 2006), which will be issued.

Alternatives Considered

In the Environmental Assessment (EA) (USFWS 2006a), which is incorporated herein by reference, the Service analyzed four alternatives: Alternative A - No Action; Alternative B – Proposed Action; Alternative C – Limited Grazing; and Alternative D – Complete Grazing Exclusion.

Alternative A. No Action

The Agreement would not be approved and the Permit would not be issued, and land use activities and their effects to environmental resources would continue similar to current conditions.

Alternative B. Proposed Action

The Agreement would be approved and the Permit issued for the 680 acre (275 ha) parcel, and Columbia spotted frog conservation measures would be implemented on suitable habitat identified by the Service and the State.

Alternative C. Limited Grazing

The Agreement would not be approved in its current form, but would be approved in a form that allowed limited grazing of the riparian pasture (104 acre or 42 ha enclosure) and would not include habitat enhancement measures on the western end of the parcel.

Alternative D. Complete Grazing Exclusion

The Agreement would not be approved and the Permit would not be issued. All livestock would be removed from the entire 680 acre (275 ha) parcel and a livestock enclosure fence would be constructed.

Our decision to implement Alternative B, the proposed action, would be expected to result in the following positive and negative environmental effects:

- 1) The Columbia spotted frog population and habitat conservation measures in the Agreement would provide beneficial effects to Columbia spotted frogs and other associated wildlife species.
- 2) Excluding livestock from the 104 acre (42 ha) core wetland area has allowed vegetation regrowth and increased cover for spotted frogs and other wildlife, increased invertebrate populations, reduced soil compaction, and increased availability of surface water. This enclosure would be maintained for approximately 22 years. Consequently, water quality within, and hydrologic function of, the wetland complex would likely improve over time in the absence of livestock use.

3) The combination of reduced AUMs on the parcel and dispersed water sources would improve habitat condition of this area and benefit dispersing spotted frogs and many other native wildlife species.

4) The water withdrawal system below Pond #3 may potentially result in adverse effects to the downstream wetland and wildlife species due to reduced surface water availability. These effects are unlikely, however, due to the way the system was constructed: collection would only be allowed while livestock are grazing the parcel, and the amount of water withdrawn is limited to the amount consumed by livestock from the troughs. The proposed action also includes vegetation monitoring designed to detect any changes in vegetation composition (from wetland obligates to more drought tolerant species), and adaptive management provisions that allow the agencies to reduce the amount of water withdrawn from the wetland if necessary.

4) Conservation of Columbia spotted frogs would be enhanced by providing a model for cooperative management efforts and encouraging the development of such cooperative efforts between the agencies and other private landowners.

5) Incidental take of Columbia spotted frogs authorized by the Permit would result in some adverse effects to the species. These impacts to Columbia spotted frogs would be mitigated by the up-front population and habitat enhancement measures such as the enclosure fence, reduction in AUMs, and habitat enhancement on the western edge of the parcel.

6) There would be some indirect beneficial effects to other sensitive species, as identified in the EA.

The No Action Alternative would result in negative effects to Columbia spotted frogs, because current land-use activities would be expected to continue. Most of the threats to Columbia spotted frogs identified in the EA would also continue, particularly those related to habitat degradation. Under the No Action Alternative, there would be no assurances of any Columbia spotted frogs conservation measures being implemented on the 680 acre (275 ha) parcel.

Under the Proposed Action Alternative B, Columbia spotted frog conservation would be enhanced to a greater extent than under the No Action Alternative because implementation of the Agreement would provide conservation benefits for Columbia spotted frogs on the enrolled land. The Proposed Action Alternative B would also have a greater conservation benefit for Columbia spotted frogs than Alternative C because it would exclude grazing from the enclosure for approximately 22 years and would contain provisions for habitat enhancement (pond refurbishment and vegetation management) and monitoring of spotted frog populations and vegetation composition. While Alternative C would result in reduced grazing pressure within the enclosure, some grazing would still be allowed, and impacts would likely result. In addition,

Alternative C does not include provisions for active habitat enhancement measures such as pond refurbishment and targeted juniper removal. Without these measures, some ponds would likely fill in over time and become wet meadows capable of supporting fewer frogs, and juniper encroachment would continue and result in reduced surface water availability for frogs. In addition, Alternative C would not provide the Service with annual information on population status of Columbia spotted frogs at Sam Noble Springs and vegetation composition of the wet meadow. This information is important because it will allow us to assess the status of the population over time, ensure that the water withdrawal system is not adversely impacting the wetland meadow and ponds downstream, and provide information for our annual Candidate Notice of Review.

The Proposed Action Alternative B would have a greater conservation benefit for Columbia spotted frogs than Alternative D. Columbia spotted frogs would receive benefits under Alternative D from the removal of livestock grazing from the entire 680 acre (275 ha) parcel. Under this Alternative, the condition of upland habitat quality may improve more than under the proposed Alternative B, and water withdrawal from Pond #3 (to support livestock) would no longer be necessary. However, the Proposed Action Alternative B includes provisions for active habitat management to benefit Columbia spotted frogs that are not included in Alternative D, and it also allows for reduced amounts of water withdrawal from Pond #3 if needed. Without habitat management actions such as pond maintenance and vegetation management (juniper removal adjacent to springs and aggressive control of non-native, invasive plants), the amount of habitat that currently exists on-site would likely diminish over time. All ponds on the Sam Noble Springs parcel, and on the Big Field parcel, are man-made and spring-fed. Junipers are encroaching on the springs that support Ponds #10 and #14; Alternative D contains no provisions to remove these junipers and conserve spring surface water outflows. The Proposed Action Alternative, in contrast, contains measures to maintain ponds within the enclosure for Columbia spotted frogs, and control vegetation where needed to benefit spotted frogs (primarily focused juniper removal). In addition, Alternative D would not provide the Service with annual information on population status for Columbia spotted frogs and vegetation composition of the wet meadow. This information is important because it will allow us to assess the status of the population over time and provide information for our annual Candidate Notice of Review. Finally, Alternative D would not provide the State with revenue and is therefore not likely to be acceptable. Land owned by the State of Idaho is required to generate revenue to fund schools; Alternative D would preclude adequate revenue generation.

Under Alternatives C and D, benefits to the Columbia spotted frogs would be greater than under the No Action Alternative because some proactive conservation measures would occur. However, Alternatives C and D are less desirable from an overall conservation standpoint than Alternative B, the proposed action, because neither Alternative C nor D would provide for habitat maintenance or enhancement actions, monitoring of frog populations and trends, and monitoring of vegetation composition and trends.

Cumulative positive effects could result from this project for the Columbia spotted frog at Sam Noble Springs as conservation measures are implemented and neighboring private landowners observe the parties to the Candidate Conservation Agreement with Assurances working together to conserve frogs and maintain grazing on the parcel. If neighboring landowners observe and appreciate the cooperative efforts between the IDFG, IDL, OSC, and the Service, they may decide to develop and enter a Candidate Conservation Agreement with Assurances for Columbia spotted frogs. Effects from additional landowners implementing similar conservation measures would be positive, and in fact, should similar conservation measures be implemented on all similar properties throughout the range of the species, listing of the Columbia spotted frogs under the Act would likely be precluded or removed. Positive cumulative impacts would likely occur beyond the 22-year duration of the proposed action because habitat improvements would be expected to extend over a longer period of time. Positive cumulative effects are expected to contribute to the recovery and sustainability of other species dependant on similar habitats. Cumulative effects to resources other than biological resources (air quality, cultural and historic resources, and visual resources) would be minor or negligible.

Differences in effects to vegetation/hydrologic function, wildlife species conservation, recreation, livestock grazing, and local communities/economic opportunities would be minor or negligible, due to the minor land use change that would occur under the proposed action that may affect these resources. Some minor changes in vegetation and hydrologic function may occur as a result of the Proposed Action Alternative B. Removal of livestock from the 104 acre (42 ha) wetland complex would allow meadow vegetation to grow to full height and remain throughout the year uncropped by livestock, eliminate any risk of wet meadow soil compaction by livestock, and reduce the amount of water consumed and used by cows within the wet meadow complex.

Minor changes in wildlife species conservation, including Columbia spotted frogs, and recreation may occur as a result of the Proposed Action Alternative B. The effect of this action would be to provide increased habitat quality for most wildlife species that depend on wet meadow habitats, including the species listed in the Environmental Assessment (USFWS 2006a). Habitat quality and quantity would also be increased for Columbia spotted frogs within Sam Noble Springs. Minor changes in recreation may occur as a result of the Proposed Action Alternative B from a slight increase in potential opportunities for landscape and wildlife viewing and hunting, compared to past conditions.

Minor changes in livestock grazing opportunities and socio-economic resources may occur as a result of the Proposed Action Alternative B. Under the Proposed Action, the amount of livestock permitted by the State to graze on the Big Field/Sam Noble Springs parcel would be reduced. The reduction in number of animal unit months (AUMs) permitted would impact one permittee on the Big Field parcel. Because there is only one permittee involved with the AUM reduction, the impacts to the community as a whole would be minor. Impacts to the single permittee are also likely to be minor because the permittee owns parcels immediately adjacent to Sam Noble Springs and can likely accommodate the AUMs that would no longer be allowed on Sam Noble

Springs on the neighboring private lands and BLM allotments. The economic impact to the State of Idaho from the Proposed Action would be insignificant. The loss of revenue due to the reduced number of AUMs permitted on the Sam Noble Springs parcel would be replaced by income from the lease signed by IDFG.

Measures to mitigate and/or minimize adverse effects to Columbia spotted frogs from land use activities have been incorporated into the proposal (IDL *et al.* 2006). These measures include:

- 1) Rest vegetation, restore vegetation cover, and eliminate potential for mortality from livestock trampling by eliminating livestock grazing from 104 acres (42 ha) of occupied habitat for approximately 22 years by constructing and maintaining a fence (exclosure).
- 2) Increase the amount of water available within the 104 acre (42 ha) exclosure during the period livestock would be grazing on the enrolled lands. More water is anticipated to be available for frogs because the number of AUMs permitted on the parcel would be reduced by 43 percent and livestock access to the exclosed area would be precluded.
- 3) Improve and provide potential additional breeding and hibernation habitat for Columbia spotted frogs on the western end of the enrolled lands, outside the exclosure.
- 4) Improve the quality and quantity of occupied spotted frog habitat within the enclosure by manipulating vegetation in the wet meadow and spring complex, as needed.

Proposed Decision

Implementing Alternative B, the Proposed Action, is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988. Actions implemented under Alternative B would occur in and affect wetland habitat, and anticipated effects would be beneficial but not significant.

The Proposed Action Alternative would not impact visual or air quality, or cultural/historic resources on the lands under the Agreement. Visual resources and air quality are expected to remain similar with or without implementation of the Proposed Action. No cultural resources were identified on the enrolled lands during a 2003 survey (J. Gallagher, Heritage Preservation Resources, *in litt.* 2003), so cultural resources would not be impacted by the Proposed Action.

The Proposed Action Alternative would result in minor and insignificant effects on vegetation/hydrologic function, wildlife species conservation, recreation, grazing opportunities, and socioeconomic opportunities.

The proposed action is similar to actions that do not normally require preparation of an Environmental Impact Statement and is not without precedent.

Public Involvement

The proposal was scoped thoroughly by all interested and/or affected parties. The Service published a Notice of Availability of the State of Idaho's permit application, including the Agreement and EA, in the Federal Register on February 1, 2006 (71 FR 5358). Publication of the notice initiated a 30-day comment period, which closed on March 3, 2006. A news release and Federal Register notice was transmitted (mail, email, and facsimile) to a total of 265 contacts, including local, State, and Federal elected officials; local, State, and Federal agencies; non-governmental organizations; Tribes; local universities and colleges; and private citizens and companies. Copies of the documents were also mailed to two individuals or organizations as a result of requests the Service received after publication of the notice in the Federal Register. In addition, the website address where the documents were posted was provided to six individuals or organizations that requested copies of the documents. The Service received written comments from the Western Watersheds Project, Idaho Conservation League, Office of Species Conservation, and four private citizens.

The Western Watersheds Project provided 124 comments in two letters, both dated February 28, 2006. The Idaho Conservation League provided three comments in a letter dated February 27, 2006. The Service responded to all of these comments in our section 10 findings document (USFWS 2006b), which is incorporated herein by reference.

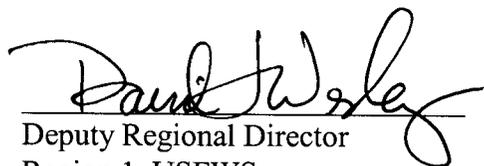
The Office of Species Conservation, in a letter dated March 3, 2006, indicated that they did not have any specific comments on the Agreement and supported the Agreement.

The Agreement will be implemented immediately upon signing of the Finding of No Significant Impact (FONSI), and issuance of the permit by the Service.

Determination

In summary, as documented in the EA and conference opinion, issuance of an enhancement of survival permit, under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended, is not expected to result in significant impacts to the physical and biological resources in the planning area for the Candidate Conservation Agreement with Assurances for Columbia spotted frogs at Sam Noble Springs, Owyhee County, Idaho, or in the surrounding area. The issuance of the enhancement of survival permit and implementation of the Candidate Conservation Agreement with Assurances would not result in significant effects on the human environment.

Therefore, it is my determination that the proposal does 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. As such, an environmental impact statement is not required. An Environmental Assessment (USFWS 2006a) has been prepared in support of this finding and is available upon request at the Snake River Basin Fish and Wildlife Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709, telephone (208) 378-5243.


Deputy Regional Director
Region 1, USFWS

9/29/06
Date

References

- Gallagher, J. 2003. Heritage Preservation Resources, Meridian, Idaho. Subject: Letter to Anan Raymond, Regional Archaeologist, USFWS, regarding the cultural resources survey report for the Sam Noble Springs Parcel.
- (IDL) Idaho Department of Lands, Idaho Department of Fish and Game, Idaho Governor's Office of Species Conservation, and U.S. Fish and Wildlife Service. 2006. Candidate Conservation Agreement with Assurances for Columbia spotted frogs at Sam Noble Springs, Owyhee County, Idaho. July 28, 2006. IDL, Boise, Idaho. 20 pp. plus appendices.
- (USFWS) U.S. Fish and Wildlife Service. 2006a. Environmental Assessment of the issuance of a recovery permit for a Candidate Conservation Agreement with Assurances for Columbia spotted frogs (*Rana luteiventris*) at Sam Noble Springs in Owyhee County, Idaho. July 28, 2006. USFWS, Snake River Basin Office, Boise, Idaho. 47 pp.
- (USFWS) U.S. Fish and Wildlife Service. 2006b. Findings and recommendations on issuance of an Enhancement of Survival Permit for Columbia spotted frogs to the Idaho Department of Lands and the Idaho Department of Fish and Game (Permit Number: TE055219). August 23, 2006. USFWS, Snake River Basin Office, Boise, Idaho. 14 pp.