

**DRAFT ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR PROGRAMMATIC SAFE HARBOR AGREEMENT BENEFITING WHITE
RIVER SPRINGFISH, HIKO WHITE RIVER SPRINGFISH, PAHRANAGAT
ROUNDTAIL CHUB, AND SOUTHWESTERN WILLOW FLYCATCHER ON
PRIVATE LANDS**

I. Project Information

A. Project name:

Safe Harbor Agreement for Voluntary Enhancement/Restoration Activities Benefiting White River springfish, Hiko White River springfish, Pahrnagat roundtail chub and southwestern willow flycatcher on Non-Federal Lands within Lincoln County, Nevada.

B. Affected species:

White River springfish (*Crenichtheys baileyi baileyi*), Hiko White River springfish (*Crenichtheys baileyi grandis*), Pahrnagat roundtail chub (*Gila robusta jordani*), and southwestern willow flycatcher (*Empidonax traillii extimus*)

C. Project size (in acres):

It is estimated that a total of 12,000 acres of land within the Pahrnagat Valley is under the control of individual landowners (see map below). Of this amount, an estimated 5,000 acres or 40% of total private acres could potentially be affected by the SHA.

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

The project (Federal Action) is the issuance of an Enhancement of Survival Permit (Permit) associated with a programmatic Safe Harbor Agreement (SHA) between the U.S. Fish and Wildlife Service (Service) and Nevada Department of Wildlife (NDOW; Applicant). The purpose of this SHA is to maintain/enhance/recover White River springfish, Hiko White River springfish, Pahrnagat roundtail chub, and southwestern willow flycatcher populations on enrolled properties within Lincoln County, Nevada. Under this 50-year SHA, the Applicant will enroll willing private landowners (Cooperators) in Cooperative Agreements (CAs) and Certificates of Inclusion (CIs) to enhance recovery activities and strategies for covered species on enrolled lands. CAs will describe agreed-upon conservation measures are expected to be in effect for a period of ten years from the time of enrollment.

When signed, this SHA will serve as the basis for the Permit under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) for the incidental take of included species. The Safe Harbor program encourages proactive conservation measures by non-Federal landowners while providing them certainty that future property-use restrictions will not be imposed if those efforts attract any covered species to their enrolled property or result in increased numbers or distributions of the covered species already present. In return for voluntary

conservation commitments, the SHA will extend assurances to the landowner that will allow future alteration or modification of the enrolled property to its established baseline condition. Without this cooperative government/private effort, the included species would not occupy important recovery habitats in the foreseeable future.

Approximately 80 percent of the known historic range and occupied habitat for the White River springfish occurs on private lands. Within Pahranaagat Valley, 100 percent of the known historic range and occupied habitat for Hiko White River springfish occurs on private lands. The only known wild population of Pahranaagat roundtail chub occurs entirely on private lands, as do the majority of historic, unoccupied habitats which have potential for restoration and repatriation of chub. Key Pitman Wildlife Management Area and the Pahranaagat National Wildlife Refuge contain occupied and potential southwestern willow flycatcher habitat; however, over 80 percent of the floodplain lands which contain suitable or potential riparian habitats to support flycatchers are privately owned.

Efforts to recover these species without involving and incorporating these private lands and landowners would limit our ability to make measurable progress towards their recovery. Therefore, NDOW intends to enroll any private landowners in CAs who are willing to allow the reintroduction or expansion of the covered species within their private lands and waters. These CAs will offer protections and assurances to allow for inadvertent takings of the species for individuals who agree to provide voluntary conservation benefits to the species within their private holdings.

Conservation measures that may be implemented on enrolled properties to assist with the recovery of covered species can be as varied as the types of lands and landowner. While many possible conservation measures exist for each management action, all possible measures can not be anticipated. Each cooperator will not be expected to implement the full set of measures. The conservation measures to be implemented will be specific to each individual's baseline, habitat conditions, and management needs. The overall goal of the SHA will be to produce conservation measures that are mutually beneficial to the cooperator and the long-term existence of the included species.

The conservation measures associated with this SHA will contribute, directly and/or indirectly, to recovery of the covered species. Private lands make up a significant portion of the aquatic and riparian habitats within the recovery systems that are critical to these species. Currently, private landowners are reluctant to participate in activities that will benefit the covered species due to fear of regulatory impacts from having an endangered species on their land. Having landowners participate in this SHA will open areas to reintroduction, expansion, and preservation of the covered species populations needed to ensure the genetic viability of the species. Some of the conservation measures that will be used to achieve this include restoring spring pool habitats to approximate historic conditions, restoration of springbrook outflow habitats, nonnative animal control and trapping, control of invasive weed and plant species, modifications to livestock grazing practices, and maintenance of seasonal

flooding and soil moisture through pasture irrigation management strategies.

II. Does the SHA fit the criteria as described in the SHA policy (meet the standard of “net conservation benefit” and contribute to recovery) ?

Yes. The SHA follows the Service’s Safe Harbor Agreement final policy and regulations. The SHA enhances both the reintroduction and recovery of the covered species by encouraging private landowners to voluntarily maintain populations of the species. Enrolling private landowners and their lands creates opportunities for the species to utilize private lands currently unavailable to them and to improve habitats that only exist on private lands and would otherwise have no opportunity for restoration.

Implementation of this SHA is expected to result in increased numbers of the covered species in the wild. If all the landowners return their property to baseline conditions after 50 years, which is not expected, populations of the covered species will continue to exist within their current range on public and private lands, including the population of Pahrnagat roundtail chub in the refugium at Key Pitman Wildlife Management Area.

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

Yes. Other federally listed species that could be affected in the Lincoln County area include:

Bald eagle (*Haliaeetus leucocephalus*); Threatened
Yuma clapper rail (*Rallus longirostris yumanensis*); Endangered
Yellow-billed cuckoo (*Coccyzus americanus*); Candidate

The potential effects of implementing this SHA are expected to be less than significant on the range-wide population of yellow-billed cuckoo, bald eagle, and Yuma clapper rail, which are rare in the area.

B. Are the effects of the SHA 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. Effects to air quality are expected to be negligible because livestock, agricultural management, other land uses and facilities, and associated maintenance are expected to occur regardless of approval/implementation of the proposed SHA and issuance of the Permit.

Effects to geology and soils are expected to be minor since livestock, agricultural management, other land uses and facilities, and associated maintenance are expected to occur regardless of approval/implementation of the proposed SHA and issuance of

the Permit. Additionally, streambank stability is expected to improve in areas that undergo riparian restoration.

Effects to water quality and quantity are expected to be minor or negligible because livestock, agricultural management actions, other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Some improvement to water quality and quantity is expected in areas identified for conservation actions to improve stream form, function, or riparian vegetation. However, this effect will be localized.

Socio-economic resource effects from this SHA are expected to be negligible because livestock, agricultural management, other land uses and facilities, and associated maintenance are expected to occur regardless of approval/implementation of the proposed SHA and issuance of the Permit, or beneficial as the SHA facilitates the healthy riparian and stream conditions with a relatively higher value and would likely increase the value of the property.

Impacts to historic and cultural resources from approval of the SHA are expected to be negligible because livestock, agricultural management, other land uses and facilities, and associated maintenance are expected to occur regardless of approval/implementation of the proposed SHA and issuance of the Permit.

Effects to recreation are expected to be minimal since there will be no changes in public use activities at facilities that are open to public recreation. In addition, livestock, agricultural management, other land uses and facilities, and associated maintenance are expected to occur regardless of approval/implementation of the proposed SHA and issuance of the Permit.

Effects to visual resources are expected to be negligible because livestock, agricultural management, other land uses and facilities, and associated maintenance are expected to occur regardless of approval/implementation of the proposed SHA and issuance of the Permit.

C. Would the impacts of this SHA, 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. Significant cumulative effects are not expected to occur as a result of the SHA and issuance of the Permit. Although beneficial effects to populations of the covered species are expected because of activities being permitted, these effects will only occur on non-Federal lands. Federal regulations, such as section 7 consultation, NEPA, etc., will apply on public lands and any federally funded projects on private lands.

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

Would implementation of the SHA:

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

No. Implementation of the proposed SHA would not have significant adverse effects on public health or safety as conservation measures would be restricted to private lands. Moreover, the management associated with various land uses (e.g., livestock, agriculture, golf courses) and associated maintenance is expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit.

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. Implementation of the proposed SHA would not have significant adverse effects on unique geographic characteristics as conservation measures would be restricted to private lands. The addition of the covered species will not have negative effects to nearby geographic features. Additionally, livestock agricultural management actions, other land uses and associated maintenance on the private are expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit.

C. Have highly controversial environmental effects?

No. Approval and implementation of the proposed SHA and issuance of the Permit is not expected to generate highly controversial environmental effects because the conservation measures are intended to improve population numbers for the covered species, which would have beneficial effects to the environment.

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

No. Approval and implementation of the proposed SHA and issuance of the Permit would not pose highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks since it is merely the increase or addition of native species.

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

No. Future actions would be reviewed on their own merits for meeting requirements

under the Act, its implementing regulations, and other laws. Effects from approval of the proposed SHA are minor or negligible, therefore, would not represent a decision in principle about future actions with potentially significant environmental effects.

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

No. Approval and implementation of the SHA is not directly related to other actions with significant cumulative environmental effects.

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

No. The amount of land that may be impacted by the proposed SHA is small compared to the amount of land found within the Lincoln County area. Lastly, the Applicant has the expertise and training to conduct surveys to determine compliance with National Historic Preservation Act.

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

No. Potential effects of implementing this SHA are not expected to have adverse effects on listed or proposed species because the activities are expected to improve or restore aquatic and riparian habitats, potentially including some areas of Critical Habitat for the covered species.

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. Potential effects of implementing this proposed SHA are not expected to have adverse effects on wetlands or floodplains and no activities associated with the proposed SHA are considered to be a water development project. The listed conservation measures are expected to benefit these environments.

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

No. Approval and implementation of this SHA will be in accordance with all applicable laws. A specific condition of the Permit will be that it is carried out in accordance with all applicable federal, state, local, or tribal laws.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Safe Harbor Agreement for voluntary enhancement/restoration activities benefiting White River springfish, Hiko White River springfish, Pahrnagat roundtail chub and southwestern willow flycatcher on non-Federal lands within Lincoln County, Nevada meets the qualifications for implementation of a Safe Harbor Agreement that represents a class of actions that 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 (list): Safe Harbor Agreement.

Concurrence:

Field Supervisor

Date

Attachment 1: Pahrnagat Valley

