ENVIRONMENTAL ACTION STATEMENT (EAS)

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action of implementing Safe Harbor activities on The Nature Conservancy-owned lands and non-Federal activities which may affect the reestablishment sites designated within the Agreement within the Aravaipa watershed, Pinal and Graham counties, Arizona:

_X_ is a categorical exclusion as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1 and no further NEPA documentation will be made.

____ is found not to have significant environmental effects as determined by the attached Finding of No Significant Impact.

____ is found to have significant effects, and therefore further consideration of this action will require a notice of intent to be published in the *Federal Register* announcing the decision to prepare an EIS.

____ is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policies, regulations, or procedures.

____ is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Supporting Information

Issuance of a Section 10(a)(1)(A) enhancement of survival permit will contribute to the conservation and recovery of the Gila topminnow and desert pupfish. The overall effect of the proposed action should be beneficial, as the Agreement is designed to provide a net conservation benefit for both species. The proposed action will provide level 3 populations (those in need of continued management) of topminnow and pupfish, and can also serve as a source of fish for other reestablishment efforts. The topminnow and pupfish can be used in genetic exchange between level 2 (those populations believed to be self-sustaining) and level 3 populations. The proposed action is compatible with step-down objectives 1.1, 2.1, 2.2, 2.4, 2.6, 5, and 6 of the Draft Revised Gila topminnow Recovery Plan (Weedman 1998) and 2, 5, and 7 of the Desert Pupfish Recovery Plan (USFWS 1993).

The loss of individuals or even entire populations of topminnow and pupfish in the reestablishment sites is possible. Topminnow and pupfish could be removed from reestablishment sites before known management actions occur that might cause their extirpation. If populations in these reestablishment sites are extirpated, they will be reestablished as necessary, and appropriate, for the duration of the Agreement. Fish stocked in these sites would

be additional fish to the current baseline for both species, so loss of the populations would have no significant negative impact on the overall recovery of either species.

Management actions occurring at the site may cause short-term negative impacts, but provide long-term beneficial effects on the health of the watershed and, therefore, the populations covered under the Agreement. Those impacts which may occur are anticipated to be minimized and mitigated by complete Agreement implementation. Critical habitat will not be affected by the Agreement

Other supporting documents:

____ FONSI
__x_ Biological Opinion
__x_ Findings Document
__x_ Conservation strategy and recovery plan for Gila topminnow and desert pupfish

Linda Robert — 9/7/05
Acting Regional HCP Coordinator — Date

09/07/05
Regional NEPA Coordinator — Date

Joy E Nicholopoulos — 9/9/05
Assistant Regional Director — Date

ACTING Jeffrey L Bell — 9/13/05
Deputy Regional Director — Date