

**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR SAFE HARBOR AGREEMENTS**

I. Project Information

A. Project name:

Safe Harbor Agreement for Pahrump poolfish (*Empetrichthys latos*) at the Springs Preserve, Las Vegas, Clark County, Nevada

B. Affected species:

Pahrump poolfish (*Empetrichthys latos*)

C. Project size (in acres):

The Springs Preserve (enrolled property) is 180-acres of private property located entirely within the City of Las Vegas, Nevada. The refugia locations within the enrolled property consist of 9 engineered ponds that are each less than 1 acre in size.

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

The Pahrump poolfish (*Empetrichthys latos*) is listed as endangered under the ESA and is extinct from its native habitat (Manse Spring). Three refugia populations exist and all currently face threats (*e.g.*, habitat manipulation, predation/competition with exotic species, groundwater development). This project as described would create a fourth refugia population on private lands.

The Las Vegas Water District (Applicant) manages the Springs Preserve (enrolled property) which provides a variety of science and natural history exhibits. The Applicant has implemented the following conservation elements in preparation: 1) Construction of straw bale wall along the northern boundary of the Preserve that serves as a thermal/sounds/refuse barrier to I-95; 2) use of resin paving techniques on perimeter fire access road to avoid hydrocarbon-based pavement run-off; 3) elimination of non-organic pesticides and herbicide use at the Preserve; 4) construction of Cienega wetland to serve as a biological filter for urban run-off entering the Meadows Detention Basin; 5) installation of cable and split-rail fencing to reduce access by guests to sensitive resource areas; 6) removal of invasive, noxious, nonnative vegetation and replacement with appropriate native vegetation; 7) restoration of approximately 90 acres of degraded meadow, riparian, mesquite bosque, creosote-bursage, and saltbush communities; 8) removal and complete restoration of gravel roads to increase habitat patch sizes and decrease ecological edge effects; and 9) construction of infrastructure for 9 engineered ponds within the historic Las Vegas Creek bed, as well, as, the water intake infrastructure in the Meadows Detention Basin, and adjacent pumping station.

Additional conservation elements to be implemented, may include: 1) Maintain pond habitat through transplanting native vegetation and removal of excessive native cattail

and/or bulrush; 2) conduct annual population monitoring of Pahrump poolfish; 3) attempt to remove any exotic species that may get introduced into ponds; 4) provide interpretive signage about native and listed species; and 5) conduct *in situ* research on Pahrump poolfish outlined in the recovery plan; 6) increase the number of refugia ponds; 7) maintain water levels and flows in the refugia ponds; and 8) construction and maintenance of trails, bridges, and viewing platforms to further reduce visitor impacts on species and habitats of conservation interest.

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 the recovery of Pahrump poolfish by encouraging the Las Vegas Water District to voluntarily maintain population(s) of the species. The enrolled property will contribute a secure refugia which will provide a better chance for survival and promote the recovery of the species.

Implementation of this SHA is expected to result in increased numbers of Pahrump poolfish and/or increased amount of available habitat. If the landowner returns their property to baseline conditions after 15 years, populations will still exist on public lands.

The landowner will conduct the following activities which provide net conservation benefits to the Pahrump poolfish:

- Create and maintain refugia ponds at the Springs Preserve, Clark County, Las Vegas, Nevada.
- Establish population(s) of Pahrump poolfish
- Contribute *in situ* research to further knowledge, management techniques, conservation strategies, and public education and awareness. Research topics outlined in the recovery plan include diet, genetics, growth, habitat, movements, physiology, reproduction, water quality, and survivorship.

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. There are no other Federally listed, proposed, or candidate species that could be affected by this SHA.

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, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, and visual resources are expected to be

negligible because hosting of visitors, management of drainage (Meadows Detention Drainage), groundwater pumping/associated well-field activities, road grading/contouring, and other land use activities would occur regardless of approval/implementation of the proposed SHA and issuance of the Permit. Effects to recreation, visual resources, and socio-economics may be beneficial as the SHA would provide an aesthetic and educational site which would be open to the public.

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 Pahrump poolfish populations and habitat are expected because of activities being permitted, these effects will only occur on non-Federal lands. Federal regulations (*e.g.*, section 7 consultation, National Environmental policy Act) will apply on public 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. The Applicant allows visitors and has taken steps to ensure safety. Moreover, the management associated with various land uses (*e.g.*, hosting of visitors, management of drainage, groundwater pumping/associated well-field activities, road grading/contouring) 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 Pahrump poolfish to constructed ponds at the Springs Preserve will not have negative effects to nearby geographic features. Additionally,

the management associated with various land uses and associated maintenance 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 Pahrump poolfish, 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. The relationship between conservation measures and habitat responses are well understood and are expected to result in benefits to the environment.

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 Landowner has fulfilled Section 106 National Historic Preservation Act compliance prior to construction of ponds. The enrolled property is located in an area of high cultural resource value and is entered into the National Register of Historic Places. In accordance with Section 106 consultation process as approved by the Nevada State Historic Preservation Office (SHPO), the Landowner tested the ingress/egress and pond footprints via 132 shovel tests, and submitted the results to

SHPO. The SHPO concurred with a Finding of No Significant Impact, allowing work to proceed under a cultural resource monitoring plan.

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 project activities will be confined to an area where no other listed or proposed species occur. Additionally, there is no Critical Habitat designated within the project area.

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.

The Applicant has fulfilled environmental compliance requirements for construction and operation, including, but not limited to: 1) Section 404 of the Clean Water Act; 2) Section 401 Water Quality Certification; and 3) a Nevada Temporary Working in Waterways Permit.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Safe Harbor Agreement for voluntary enhancement/restoration activities benefiting Pahrump poolfish on non-Federal lands at the Springs Preserve, Clark 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:

(1) Field Supervisor

Date