

**DRAFT ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR SAFE HARBOR AGREEMENT BETWEEN THE DUCKWATER SHOSHONE
TRIBE AND THE U.S. FISH AND WILDLIFE SERVICE FOR THE RECOVERY OF
THE RAILROAD VALLEY SPRINGFISH, (*CRENICHTHYS NEVADAE*) AT BIG
WARM SPRING, WHITE PINE COUNTY, NEVADA**

I. Project Information

A. Project name:

Safe Harbor Agreement with The Duckwater Shoshone Tribe To Recover The Railroad Valley Springfish (*Crenichthys Nevada*) At Big Warm Spring.

B. Affected species:

Railroad Valley Springfish (*Crenichthys nevadae*)

C. Project size (in acres):

The Big Warm Spring pool is approximately 18 meters in diameter and the water flows into a single thread channel from the source pool downstream approximately 1.5 miles west to the bluff, flowing over a natural waterfall approximately 30 feet in height where it (Duckwater Falls) flows into Duckwater Creek. A newly constructed fence surrounds approximately 170 acres of upland, spring, wetland, and stream habitat that constitutes the enrolled lands. Within the fenced boundaries, approximately 60-65 acres of wetlands (the “dry lakes”) receive water through the newly constructed wetlands diversion intake along the Big Warm Spring outflow. In total, 170 acres of land will be enrolled through this agreement.

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 Safe Harbor Agreement (SHA) between the U.S. Fish and Wildlife Service (Service) and Duckwater Shoshone Tribe (DST; Applicant). The purpose of this SHA is to maintain/enhance/recover Railroad Valley springfish at Big Warm Spring, White Pine County, Nevada. Under this 25-year SHA, the Permittee will enroll Big Warm Spring and the associated stream and wetlands to implement recovery actions including reintroduction of the Railroad Valley springfish.

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 40 percent of the known historic range and occupied habitat for the

Railroad Valley springfish occurs on tribal lands. Within Railroad Valley, 60 percent of the known historic range and occupied habitat for Railroad Valley springfish occurs on state-owned lands.

Efforts to recover this species without involving and incorporating these tribal lands would limit our ability to make measurable progress towards their recovery. Therefore, DST intends to implement reintroduction and maintenance of a recovery population of Railroad Valley springfish at Big Warm Spring. Throughout the 25 year agreement, the DST will ensure that non-native fish will not be introduced at Big Warm Spring in addition to implementing salvage of springfish from the seasonal wetlands during the irrigation season.

This agreement produces a net conservation benefit to Railroad Valley springfish and contributes to recovery in the following ways:

- Provides spring and stream habitat within designated critical habitat for the reintroduction and recovery of the Big Warm Spring population;
- Contributes to recovery goals by seeking to maintain a minimum population of 3,000 Railroad Valley springfish within Big Warm Spring, which exceeds the recovery goal of a minimum of 1,000 individuals;
- Provides a source of Railroad Valley springfish for use in genetic exchanges between Duckwater Shoshone Tribe populations;
- Provides study sites for research related to life-history, genetics, ecology, habitat requirements, and interactions with non-native aquatic species; and,
- Provides a convenient site for education and public relations related to endangered and threatened species recovery, conservation of limited resources, and ecology in general,
- Provides a successful example of Tribal to government cooperative efforts to recovery threatened and endangered species.

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 the DST to voluntarily maintain a population of this species at Big Warm Spring.

Implementation of this SHA is expected to result in increased numbers of the covered species in the wild. If all the DST returns their property to baseline conditions after 25 years, which is not

expected, the negotiated elevated baseline of a minimum of 3,000 fish meets the recovery criteria for the species. The DST has committed to the recovery of the species at Big Warm Spring by demonstrating their willingness to meet the goals of the recovery plan. In addition, populations of springfish will still exist at the Nevada Department of Wildlife's Lockes Ranch. These four populations of fish are secure from habitat alteration and non-native fish introduction and each of these habitats will be restored to accommodate a maximum population of springfish at each site. It is anticipated that over 15,000 fish will exist at Lockes Ranch which will contribute significantly to the maintenance and sustainability of the species.

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 species that could be affected in the White Pine County 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 have undergone 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 increased 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 tribal 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, and agriculture) 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 DST tribal 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 White Pine County area. Lastly, the DST 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 (Big Warm Spring) 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 Railroad Valley springfish Duckwater Shoshone Tribe, Tribal lands within White Pine 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

