

**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR PROGRAMMATIC SAFE HARBOR AGREEMENT BENEFITING RAZORBACK
SUCKER AND BONYTAIL CHUB ON PRIVATE LANDS**

I. Project Information

A. Project name:

Safe Harbor Agreement for Voluntary Enhancement/Restoration Activities Benefiting Razorback Sucker and Bonytail Chub on Non-Federal Lands within Clark County, Nevada.

B. Affected species:

Razorback sucker (razorbacks; *Xyrauchen texanus*) and Bonytail chub (bonytails; *Gila elegans*)

C. Project size (in acres):

Natural and manmade closed-system water bodies (ponds, lakes) are located throughout Clark County's estimated 5,051,282 acres of land. Of this amount, an estimated 553,600 acres or 10.9 percent are State, local, or private lands and could be potentially 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; Permittee). The purpose of this SHA is to maintain/enhance/recover razorback and bonytail populations on enrolled properties throughout Clark County, Nevada. Under this 50-year SHA, the Permittee will enroll willing private landowners (Cooperators) in Cooperative Agreements (CAs) and Certificates of Inclusion (CIs) to enhance recovery activities and strategies for razorbacks or bonytails 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; however the minimum duration of obligations will be for 5 years.

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 razorbacks and bonytails. 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 either species to their enrolled property or result in increased numbers or distributions of razorbacks or bonytails 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, razorbacks

and bonytails would not occupy important recovery habitats in the foreseeable future.

A large percentage of the existing population of razorbacks within Clark County, occur in the Lake Mead National Recreation Area and are subject to various factors that could impede recovery of the species, including predation by the non-native game fish, the striped bass (*Morone saxatilis*). No populations of bonytail chub are known to currently occur in Clark County. 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 razorbacks or bonytails 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 razorbacks and bonytails 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 razorbacks and bonytails.

The conservation measures associated with this SHA will contribute, directly and/or indirectly, to recovery of razorbacks and bonytails. Private lands comprise only a small portion of the aquatic habitats within the recovery aquatic systems. However, private land areas provide a holding/rearing water body that will allow the razorbacks and bonytails to achieve a minimum size for stocking into Lake Mead. Stocking fish greater than 300 mm greatly increases the chance of survival in the wild since the threat of predation can be minimized. These private lands are instrumental in recovery efforts by allowing the fish to grow naturally, while minimizing the threat of predation by non-native fishes. Currently, razorbacks and bonytails are found primarily on public lands because private landowners are reluctant to participate in activities that will benefit razorbacks and bonytails due to fear of regulatory impacts from having a threatened species on their land. Having landowners participate in this SHA will open areas to reintroduction, expansion, and preservation of razorback and bonytail populations needed to ensure the genetic viability of the species. It will also help to implement networked populations and increase species numbers for use in stocking networked populations. Private lands will be needed to provide a safe haven for the species until they are stocked into Lake Mead.

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 razorbacks and bonytails by encouraging private landowners to voluntarily maintain populations of the species. Recovery of razorbacks and bonytails is highly dependent upon having larger sized fish stocks available to minimize predation by non-native fishes. Enrolling private landowners and their lands creates opportunities for the species to utilize private lands currently unavailable to them. The potential private lands contribute predation free habitat, thereby creating a better chance for survival and promoting the recovery of the species more quickly.

Implementation of this SHA is expected to result in increased numbers of razorbacks and bonytails in the wild. If all the landowners return their property to baseline conditions after 50 years, which is not expected, populations will still exist within public lands that have become linked due to conservation activities, spawning habitat, and overwintering habitat.

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 Clark County area include:

Bald eagle (*Haliaeetus leucocephalus*); Threatened
Southwestern willow flycatcher (*Empidonax traillii extimus*); Endangered
Yuma clapper rail (*Rallus longirostris yumanensis*); Endangered
Relict leopard frog (*Rana onca*); Candidate
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, southwestern willow flycatcher, and Yuma clapper rail, which are rare in the area and are terrestrial species. Although relict leopard frogs inhabit aquatic systems, the effects of the SHA on the range-wide population are expected to be nominal because there is little distributional overlap.

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 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 both razorback and bonytail populations are expected because of activities being permitted, these effects will only occur on non-Federal lands. The amount of public land that will be opened up to razorbacks and bonytails from reintroductions into non-Federal lands will boost recovery of the species. Federal regulations, such as section 7 consultation, NEPA,

etc., 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. 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 razorbacks and bonytails 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 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 addition of native fish species to an existing closed water system.

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 Clark County area. Additionally, with few exceptions, land disturbance activities would not occur. Lastly, the Permittee 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 will occur in aquatic ecosystems, and where Critical Habitat has not been designated for any aquatic 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 razorback sucker and bonytail chub on non-Federal lands within 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:

Field Supervisor

Date

Clark County Ownership

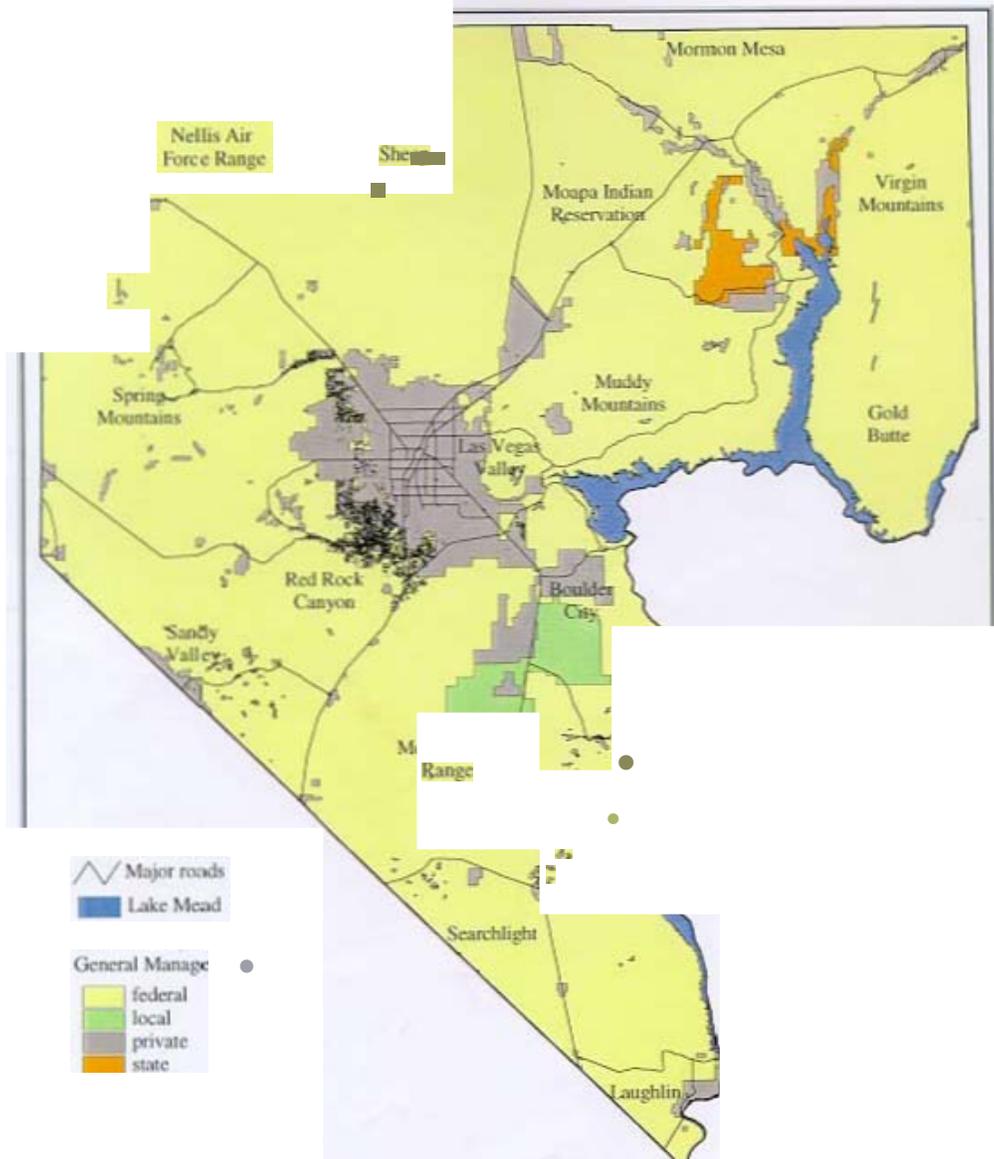


FIGURE 2-1

Plan Area"
 (not including NDOT rights-of-way in
 Lincoln, Nye, Mineral and Esmeralda counties)

Distribution of Land Ownership- Clark County

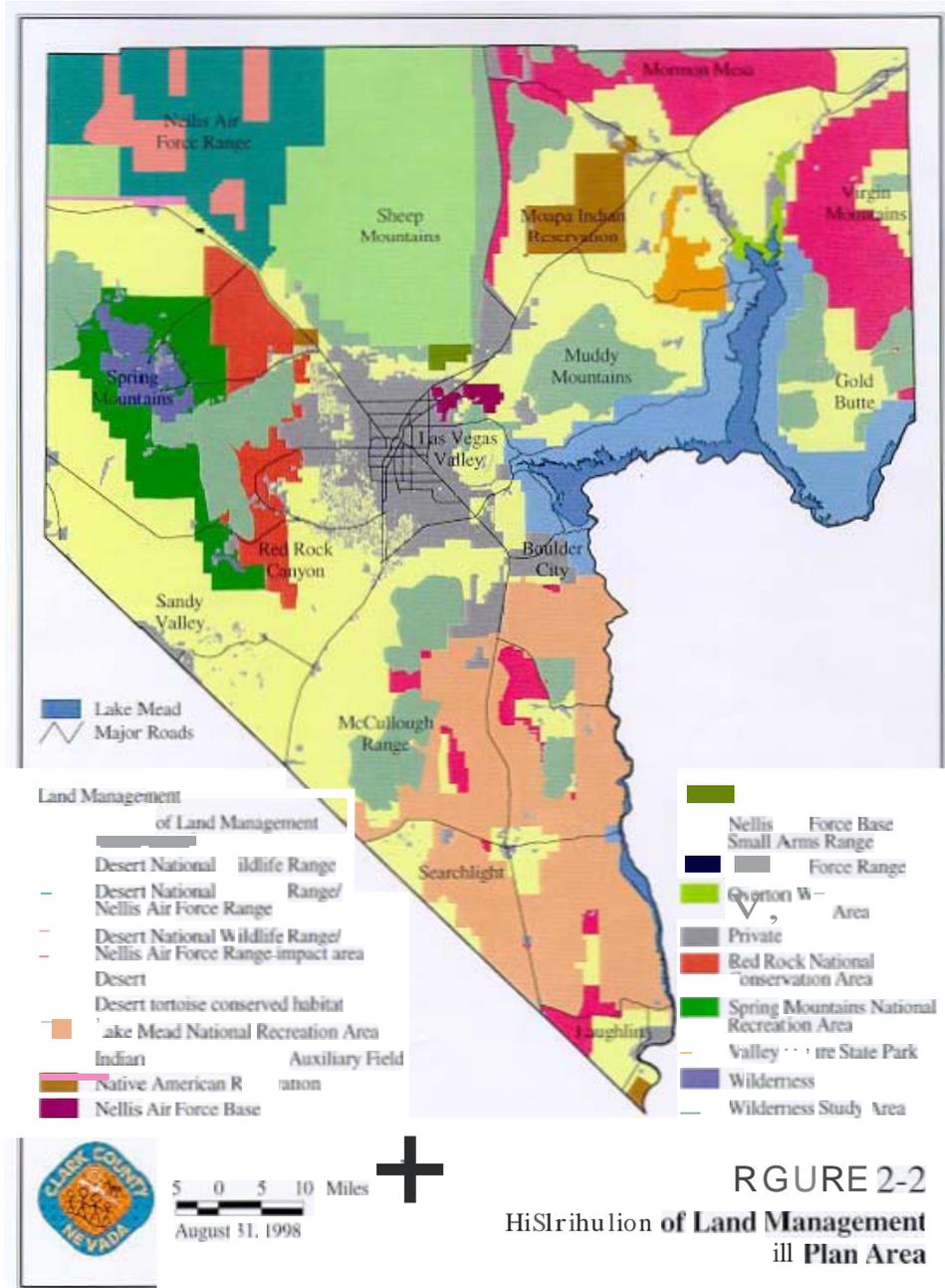


FIGURE 2-2
Distribution of Land Management in the Plan Area