

Screening Form
Low-Effect Incidental Take Permit Determination and
National Environmental Policy Act (NEPA)
Environmental Action Statement

I. HCP Information

- A. HCP Name: Habitat Conservation Plan (HCP) for Balmorhea State Park Management Plan**
- B. Affected Species: Comanche Springs pupfish (*Cyprinodon elegans*), Pecos gambusia (*Gambusia nobilis*), diminutive amphipod (*Gammarus hyalleloides*), Phantom tryonia (*Tryonia cheatumi*), and Phantom Spring snail (*Pyrgulopsis texana*)**
- C. HCP Size (in stream miles and/or acres): 46 acres**
- D. Brief Project Description (including minimization and mitigation plans):**

The Texas Parks and Wildlife Department (TPWD) owns and operates Balmorhea State Park located in Reeves County, Texas, a developed recreational park with a popular spring-fed swimming pool. TPWD is requesting a 10-year Section 10(a)(1)(B) incidental take permit. The covered activities are the operation of the swimming pool at San Solomon Springs and related maintenance actions. The covered species, all federally endangered, will be conserved by the management of the park including the minimization of impacts to species by prohibiting the use of herbicides and biocides in the pool and surrounding area, minimizing swimming pool drawdowns for pool maintenance, and continuing the ongoing management of the restored ciénega that provides a refugium for the covered species.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes. The purpose of the Park is to provide for recreational swimming and related activities, and for protection of the Comanche Springs pupfish, Pecos gambusia, Phantom tryonia, diminutive amphipod, and Phantom springsnail. The sole purpose of the restored ciénega is for the conservation of these species. The ciénega also provides an opportunity for the public to see a facsimile of a desert wetland that historically occupied the area. The maintenance and cleaning of the pool is conducted annually and is accomplished with minimal impacts to listed fish species that occur in the spring-fed pool. Therefore, the purposes of the park is consistent with the conservation and preservation of federally listed species. The impacts that result from the operation of the park are done in a manner to support listed species.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures?

Yes. Operation of the Park is intended to preserve cultural resources and promote recreational use of the San Solomon Springs while conserving sensitive fish and aquatic invertebrates. The operations of the Park have no impact on air quality, geology, soils, water quality, socio-economic considerations, or visual resources. Impacts to water quantity are negligible as the park uses a very small amount of water compared to other water uses in the area. The Park's water is secured in perpetuity through a Memorandum of Agreement with the Reeves County Water Improvement District #1. Cultural resources are protected as this location is owned and operated by the State of Texas in cooperation with the Texas Historical Commission.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) *not* result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be considered significant?

Yes, the operation of the Park is will not contribute to any cumulative effects for the covered species or any other resources. Though on-going activities (e.g., ground water pumping for agricultural uses) will affect these species outside the Park, the effect of Park operations will not cumulatively contribute to these effects because these are the only activities that are affecting the species. No other actions are affecting the species thus there are no effects to accumulate.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP? No

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No. Maintenance of the pool is conducted to promote public health and safety.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No. Park operations are conducted for the preservation of historic and cultural resources, the preservation of a unique remnant of the San Solomon Springs ciénega (desert wetland), as well as recreation. No other resources would be impacted.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No. The continued operation of the Park is desirable to the public that uses the pool and for Park visitors who will appreciate the opportunity to view the ciénega. There are no known objections to the operation of the Park.

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

No. Much of the Park was constructed by the CCC in 1936. During 1995 and 1996, a cooperative project involving several governmental, community, and non-governmental organizations, sponsored the restoration of a facsimile of the original ciénega (destroyed during construction of the swimming pool), utilizing water channeled from San Solomon Spring through an inlet gate off of the main irrigation canal. The Comanche Springs pupfish refugium (canal) surrounding the San Solomon Courts on the north and east sides, constructed in 1975, was developed solely for the purpose of providing habitat for the Park's two endangered fish species.

The purpose of the Park has been consistent over the past 30 years. It is to provide recreation for the public, preserve endangered fish species, and preserve historic resources in the Park. It is most likely that without the Park, these resources would be neglected. Therefore, operation of the Park does not represent significant environmental effects or involve unique or unknown environmental risks.

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

No. Balmorhea State Park is a small and remotely located facility. Though unique, it is not the only spring-fed swimming facility with threatened or endangered species in Texas. The use of and issues surrounding the Park are simple compared to other similar facilities such as Barton Springs Pool in Austin, Texas or in the San Marcos River in San Marcos, Texas.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. The operation of Balmorhea State Park is not related to other activities in the area. Other activities in the area affecting ground water resources are mostly agricultural, with some rural residential use. The operation of the pool consists of a small portion of the overall ground water use in the area. It is possible that these other uses could impact the Park as the use of ground water is likely to increase over time. However, the Park's water is secured in perpetuity through a Memorandum of Agreement with the Reeves County Water Improvement District #1.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No. Part of the operations and purpose of the Park is to preserve historic structures constructed by the CCC in 1936.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No. The San Solomon pool is a human-made structure surrounding a natural spring. There is no natural stream course or floodplain. The ciénega is maintained as a remnant of the original ciénega or desert wetland. The purpose of the Park is to provide for recreational swimming and protection of the Comanche Springs pupfish, Pecos gambusia, Phantom tryonia, diminutive amphipod, and Phantom springsnail. The sole purpose of the ciénega is for the conservation of these species and provides an opportunity for the public to see a facsimile of a desert wetland that historically occupied the area. The pool maintenance and cleaning is conducted annually and is accomplished with minimal impacts to the fish

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No. Balmorhea State Park is legally operated by the State and its operation does not violate any Federal, State, local, or tribal law.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No. The issuance of this permit and implementation of the HCP will not alter existing economic conditions within the park, access to the park, nor the surrounding community. Balmorhea State Park is a tourist attraction within Reeves County, and this will not change due to the issuance of the permit. Therefore this federal action will not result in a disproportionate environmental or human health impact or adverse effect on low income or minority populations.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Access to federal land will not be limited, curtailed, or denied because there are no federal lands involved.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No. The park is managed to control non-native species including cattails and other invasive wetland plants and invasive snails.