

SCREENING FORM

For Low-Effect Habitat Conservation Plans, Safe Harbor Agreements, and Candidate Conservation Agreements with Assurances

I. PROJECT INFORMATION

A. Project Name:

Safe Harbor Agreement and Candidate Conservation Agreement with Assurances for the Colorado Pikeminnow, Razorback Sucker, Roundtail Chub, Flannelmouth Sucker, and Bluehead Sucker in the Middle Duchesne River Watershed, Utah

B. Affected Species:

Colorado pikeminnow (*Ptychocheilus lucius*) – federally endangered
razorback sucker (*Xyrauchen texanus*) - federally endangered
bluehead sucker (*Catostomus discobolus*) – conservation agreement species
flannelmouth sucker (*Catostomus latipinnis*) – conservation agreement species
roundtail chub (*Gila robusta*) – conservation agreement species

C. Project Size:

This Agreement covers the wetted areas of: the Duchesne River between Myton and Knight Diversions; the Strawberry River between the confluence with the Duchesne River and Starvation Dam; all wetted tributaries to these two rivers with confluences above Myton Diversion and below Starvation Dam or Knight Diversion; and the entirety of the canal systems which have intake facilities between the Myton diversion, Starvation Dam, and the Knight Diversion. The length of the riverine portion of the covered area is approximately 38.5 miles and is shown in Figure 1. The entirety of the covered area is in Duchesne County, Utah.

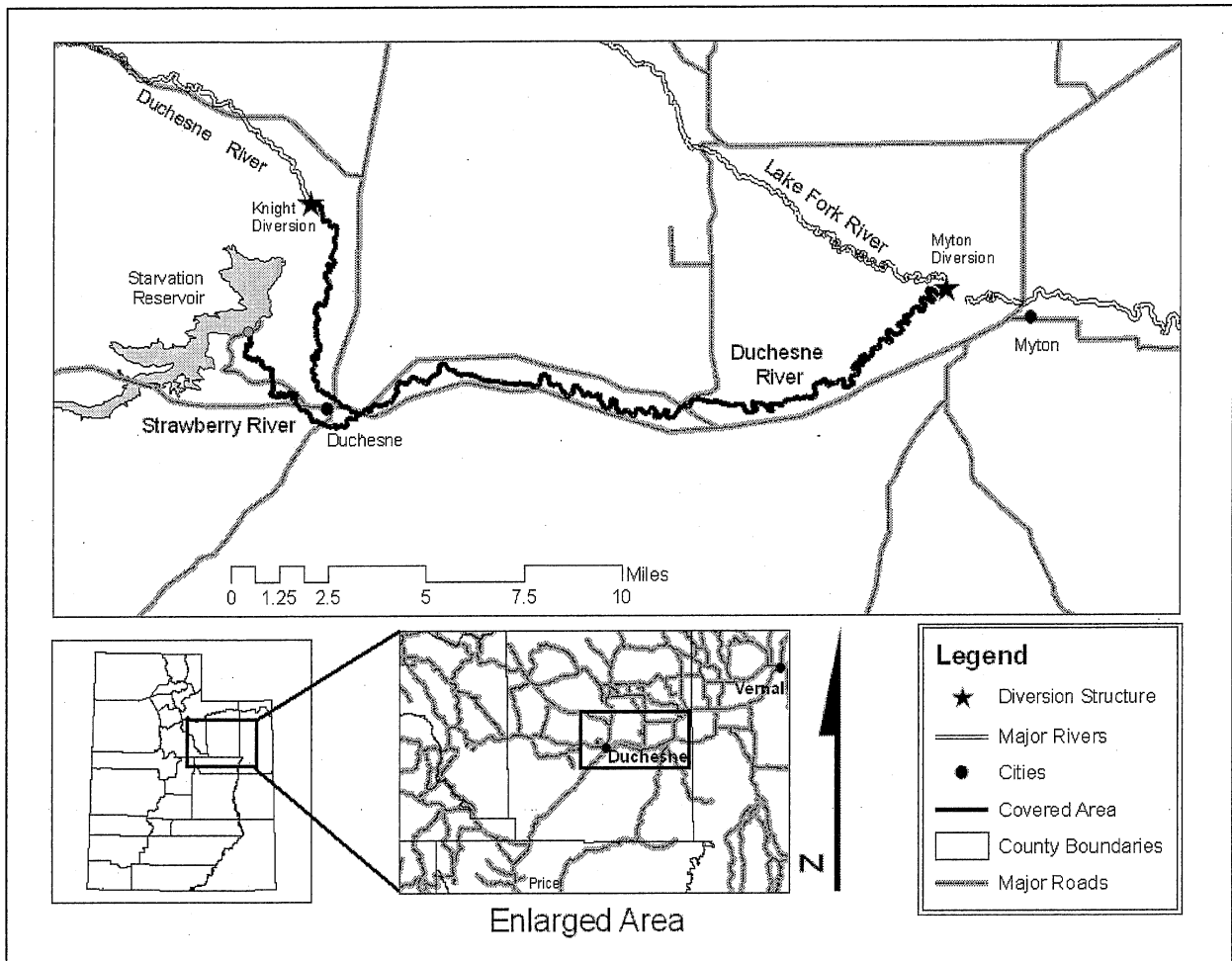


Figure 1. The Agreement covers approximately 38.5 miles of habitat in the Strawberry and Duchesne Rivers, along with agricultural water diversions in this river reach.

D. Brief Project Description:

The goals of the conservation agreement are to improve native fish habitat quality and quantity in the Duchesne River basin through multiple objectives of augmenting flows and facilitating natural movement of native fish species. Conservation objectives will result from two actions in the Duchesne River Basin:

1. Volumes of Department of Interior fish conservation water will be released from various locations (i.e.: Starvation Reservoir, Big Sand Wash Reservoir, etc.) to assist in meeting flow recommendations in the lower Duchesne River as directed in the 2005 Biological Opinion amendment¹. These water releases will bypass canal company diversions, but not interfere with any existing water rights; and
2. Local agencies, including the Ute Tribe, the Service, the Bureau of Indian Affairs, and the Utah Department of Wildlife Resources (UDWR), will oversee construction of a passage structure for native fish at the Myton Diversion, while also excluding the movement of non-native fish above the Myton Diversion.

¹ U.S. Fish and Wildlife Service. May 4, 2005. 'Update of the Reasonable and Prudent Alternative in the July 1998 Biological Opinion for the Duchesne River Basin. Provided to Bureau of Reclamation, Central Utah Project, and Bureau of Indian Affairs.

II. Does the Agreement fit the low-effect criteria in the Safe Harbor Agreement and Candidate Conservation Agreement with Assurances Handbooks?

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

Yes. Colorado pikeminnow (endangered) and razorback sucker (endangered) are the only federally listed, proposed, or candidate species covered under the Agreement. The conservation measures outlined in the Agreement will improve and create more natural riverine habitat in the covered area and will benefit the Colorado pikeminnow, razorback sucker, and other aquatic and terrestrial species that depend on functioning river habitat. In addition, levels of take are expected to be minor because the only source of take will be in the form of entrainment into irrigation canals. Take should be uncommon at irrigation facilities because any fish that colonize the covered area will be adult fish with strong swimming abilities that typically prefer riverine habitat over habitat conditions at irrigation intakes.

A list of federally listed and candidate species found in Duchesne County is in Table 1. Sensitive species known to occur in the covered area are the federally threatened Ute ladies'-tresses (*Spiranthes diluvialis*), the candidate species Yellow-billed cuckoo (*Coccyzu americanus*), Utah State sensitive species Northern leopard frog (*Rana pipiens*), and Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*). All four of these species will benefit from conservation measures outlined in the Agreement because all four species inhabit riparian and riverine habitats. These habitats will be enhanced through the conservation actions accomplished because of Agreement implementation. Because the Agreement focuses on restoring riverine habitat and connectivity, this Agreement will likely have beneficial effects on all other species within the project area, such as terrestrial species.

B. Are the effects of the Plan 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. The conservation measures outlined in the Agreement will result in no impacts to air quality, geology, water quantity, socio-economic, cultural resources, recreation, or visual resources.

Construction of the fish passage may require disturbance of soil and water resources but this effect will be temporary, highly localized, and minor. The fish passage will be constructed as part of an existing diversion barrier which was rehabilitated in the winter of 2008 and spring of 2009.

Permit issuance under the Agreement will provide water users with regulatory certainty through incidental take authorization and assurances that no further commitments or restrictions other than those agreed to for the covered species will be imposed. Thus, the Agreement would not have adverse impacts on water users.

C. Would the impacts of this Plan, 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. The conservation measures outlined in the Agreement will not, when considered with impacts of other past, present and reasonably foreseeable similarly situated projects, result in significant cumulative effects to environmental values or resources. The Agreement will likely increase the quality of riverine habitat on private lands within the project area.

III. Do any of the exceptions to categorical exclusions apply to this Agreement?

Would implementation of the Agreement:

A. Have significant adverse effects on public health or safety?

No. The conservation measures outlined in the Agreement would result in enhanced flows in the Duchesne River and a fish passage structure at the Myton Diversion. All flows will be within normal river conditions (~50 cubic feet per second) and should not create an unsafe environment. Some aspects of constructing and operating the fish passage structure could present safety concerns if conducted by untrained personnel. However, only trained crews will be contracted to build and operate the structure. We expect the conservation measures outlined in the Agreement will result in consistent flows in the Duchesne River and provide upstream passage for fish. These results will not have an adverse effect on public health and safety.

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. No wilderness areas, wild or scenic rivers, park, recreation, or refuge lands occur in the covered area. Actions may result in localized water quality improvements; however, there will be no adverse effects to principal drinking water aquifers, wetlands, or floodplains. Actions will occur in river habitats that border farmlands; however, actions will not impact actual farmland areas, as the actions will only impact the river corridor.

C. Have highly controversial environmental effects?

No. Flows provided in the covered area are within normal baseflows for the river and attempt to

consistently keep fish habitat available. The flows will not cause flooding, erosion, or inundation to any area outside of normal river conditions. The operation of the fish passage will be conducted in such a way that non-native fish species will not be able to colonize the covered area, therefore no new biological invasions will occur.

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

No. As mentioned above (see response C), the conservation measures outlined in the Agreement represent normal river conditions in the covered area and have built-in measures to prevent non-native fish species from colonizing the area. These conservation measures do not have highly uncertain and potentially significant environmental effects or pose 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. The Agreement and subsequent issuance of a section 10 (a) (1) (A) enhancement of survival permit would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. All actions described in the Agreement are self-contained and do not rely on any future action, nor would they cause any future action. Operation of the fish passage structure will not have significant environmental effects because non-native fish species will not be able to use the structure.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. This Agreement is not directly related to any other actions not described in the Agreement.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. Consultation between UDWR and the State Historic Preservation Office will occur as needed to ensure that individual projects will not result in adverse impacts to historic resources.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. We do not expect the conservation measures described in the Agreement to have adverse effects on any other listed or proposed species or designated critical habitat (for entire list of status species by county see Table 1). The purpose of the Agreement is to obtain conservation benefits for the covered species. The Service will provide Participants regulatory assurances through the Permit and the Certificate of Inclusion that would allow, under certain conditions, a level of incidental take for Colorado pikeminnow and razorback sucker that is consistent with the SHA standard. We expect this Agreement meets the SHA standard because the conservation actions improve habitat conditions, support a larger forage base, and provide connectivity to new habitat, while simultaneously introducing only a minor source of incidental take.

There is no critical habitat designated in the covered area; therefore none will be affected by this action. Critical habitat for the razorback sucker, Colorado pikeminnow, bonytail, and humpback chub occur downstream approximately 40, 42 and 100 miles respectively. However, the only downstream effect of this Agreement would be to provide more water to these areas, which is a beneficial effect.

All listed plant and animal species that utilize riverine habitats within the covered area would benefit from improved habitat conditions (i.e. consistent baseflows). The conservation measures

are tailored to improve conditions for native fish species. *Spiranthes diluvialis* (Ute-ladies' tresses) is the only listed plant species that occurs in the covered area. Because it relies on wetted floodplain habitats, the species will also likely benefit from the conservation measures described in the Agreement.

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. The conservation measures described in the Agreement would not result in adverse impacts to wetlands or other aquatic resources. The conservation measures will improve riverine, wetland, and floodplain function.

J. Threaten to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment?

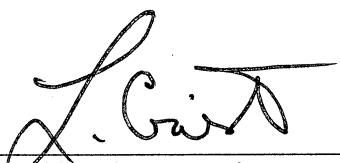
No. All activities are in compliance with Federal, State, local, and tribal laws and requirements.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Safe Harbor Agreement and Candidate Conservation Agreement with Assurances for the Colorado Pikeminnow, Razorback Sucker, Roundtail Chub, Flannelmouth Sucker, and Bluehead Sucker in the Middle Duchesne River Watershed, Utah qualifies as a "Low Effect" Plan. Therefore, this action is categorically excluded from further NEP A documentation as provided by 516 DM 2, Appendix I and 516 DM 6, Appendix 1.

Other supporting documents (list): Final Draft Safe Harbor Agreement & Candidate Conservation Agreement with Assurances

CONCURRENCE:



Utah Field Office Supervisor

7/2/2013
Date

Region 6 Assistant Regional Director-Ecological Services

Date

Table 1. Candidate, Threatened, & Endangered Species That May Occur Within Potential Project Area

Greater sage-grouse (<i>Centrocercus urophasianus</i>)	Candidate
Mexican Spotted owl (<i>Strix occidentalis lucida</i>)	Threatened
Yellow-Billed Cuckoo (<i>Coccyzus americanus</i>)	Candidate
Bonytail chub (<i>Gila elegans</i>)	Endangered
Colorado pikeminnow (<i>Ptychocheilus lucius</i>)	Endangered
Humpback chub (<i>Gila cypha</i>)	Endangered
Razorback sucker (<i>Xyrauchen texanus</i>)	Endangered
Barneby ridge-cress (<i>Lepidium barnebyanum</i>)	Endangered
Graham beardtongue (<i>Penstemon grahamii</i>)	Proposed threatened
Pariette cactus (<i>Sclerocactus brevispinus</i>)	Threatened
Uinta Basin hookless cactus (<i>Sclerocactus wetlandicus</i>)	Threatened
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	Threatened
Canada Lynx (<i>Lynx canadensis</i>)	Threatened