

## **Appendix E**

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### *Attachment 1 – Letters*

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
NEVADA FISH AND WILDLIFE OFFICE  
1340 FINANCIAL BOULEVARD, SUITE 234  
RENO, NEVADA 89502

February 12, 2003  
File No. 1-5-03-SP-467

Mr. Douglas Karafa  
Program Manager  
Clean Water Coalition  
Clark County Sanitation District  
5857 East Flamingo Road  
Las Vegas, Nevada 89111

Subject: Species List for the Proposed Systems Conveyance and Operations Program in Clark County, Nevada

This responds to your letter dated January 16, 2003, requesting information on threatened and endangered species, and species of concern that *may* occur in the subject project area. The Clean Water Coalition (comprised of the City of Las Vegas, City of Henderson and Clark County Water Reclamation District) proposes to implement the Systems Conveyance Operations Program. The proposed project would include an effluent interceptor pipeline, and one or a combination of alternatives to discharge highly treated effluent into the Lower Colorado River System.

We have enclosed a list of threatened and endangered species that *may* be present within the vicinity of, or be affected by, the proposed project (Enclosure A). This list fulfills the requirement of the Fish and Wildlife Service (Service) to provide information on listed species pursuant to section 7(c) of the Endangered Species Act of 1973, as amended (Act), for projects that are authorized, funded, or carried out by a Federal agency. Please reference the species list file number 1-5-03-SP-467 in all subsequent correspondence concerning this proposed project.

Enclosure A also lists the species of concern to the Nevada Fish and Wildlife Office that *may* occur in the proposed project area. We have used information from State and Federal agencies and private sources to assess the conservation needs and status of these species. Further biological research and field study are needed to resolve the conservation status of these taxa. One potential benefit of considering these species during project planning, is that by exploring alternatives early in the planning process, it may be possible to provide long-term conservation benefits for these species and avoid future conflicts that could otherwise develop. We also recommend that you contact the Nevada Natural Heritage Program (1550 East College Parkway, Suite 145, Carson City, Nevada 89710, 775-687-4245) and the appropriate regional office of the Nevada Division of Wildlife, as well as other local, State, and Federal agencies for distribution

Mr. Douglas Karafa

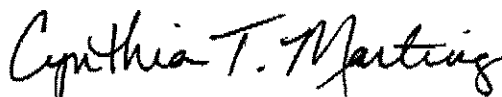
File No. 1-5-03-SP-467

data and information on conservation needs on these and other species of concern that may occur in your proposed project area. Potential impacts to species of concern should be considered during the environmental documentation process.

Enclosure B provides a discussion of the responsibilities Federal agencies have under section 7(c) of the Act and the conditions under which a biological assessment must be prepared by the lead Federal agency or its designated non-Federal representative. Given that some of the proposed activities and infrastructure would be located on lands managed by the National Park Service and Bureau of Reclamation, one or both (as a joint effort) of these Federal agencies should initiate consultation pursuant to 50 CFR § 402.14. Informal consultation may be utilized prior to a written request for formal consultation to exchange information and resolve conflicts with respect to a listed species. If a biological assessment is required, and it is not initiated within 90 days of your receipt of this letter, you should informally verify the accuracy of this list with our office. If, through informal consultation or development of a biological assessment, or both, you determine that the proposed action is not likely to adversely affect the listed species, and the Service concurs in writing, then the consultation process is terminated and formal consultation is not required.

If you have any questions regarding this correspondence, please contact Amy LaVoie in our Southern Nevada Field Office at 702-515-5230.

Sincerely,



for Robert D. Williams  
Field Supervisor

Enclosures

cc:

Arizona Ecological Services Field Office, Fish and Wildlife Service, Phoenix, Arizona  
(Attn: Lesley Fitzpatrick)

## ENCLOSURE A

### Listed Species and Species of Concern That *May* Occur Within the Proposed Systems Conveyance and Operations Program Clark County, Nevada

File Number: 1-5-03-SP-467  
February 12, 2002

#### Listed Species

##### Reptile

Desert tortoise (T)	<i>Gopherus agassizii</i>
Relict leopard frog (C)	<i>Rana onca</i>

##### Fish

Bonytail chub (E) ◆	<i>Gila elegans</i>
Razorback sucker (E) ◆	<i>Xyrauchen texanus</i>

##### Birds

Yellow-billed cuckoo (C)	<i>Coccyzus americanus</i>
Southwestern willow flycatcher (E)	<i>Empidonax traillii extimus</i>
Bald eagle (T)	<i>Haliaeetus leucocephalus</i>
Yuma clapper rail (E)	<i>Rallus longirostris yumanensis</i>

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T = Threatened      E = Endangered      C = Candidate      ◆ = Designated Critical Habitat

#### Species of Concern

##### Mammals

Pale Townsend's big-eared bat	<i>Corynorhinus townsendii pallescens</i>
Spotted bat	<i>Euderma maculatum</i>
Greater western mastiff-bat	<i>Eumops perotis californicus</i>
Allen's big-eared bat	<i>Idionycteris phyllotis</i>
California leaf-nosed bat	<i>Macrotus californicus</i>
Small-footed myotis	<i>Myotis ciliolabrum</i>
Fringed myotis	<i>Myotis thysanodes</i>
Cave myotis	<i>Myotis velifer</i>
Long-legged myotis	<i>Myotis volans</i>
Yuma myotis	<i>Myotis yumanensis</i>
Big free-tailed bat	<i>Nyctinomops macrotis</i>

**ENCLOSURE A (continued)****File Number: 1-5-03-SP-467****February 12, 2002****Species of Concern (continued)****Birds**

Western burrowing owl	<i>Athene cunicularia hypugea</i>
Black tern	<i>Chlidonias niger</i>
Peregrine falcon	<i>Falco peregrinus</i>
Blue grosbeak	<i>Guiraca caerulea</i>
Least bittern	<i>Ixobrychus exilis hesperis</i>
Phainopepla	<i>Phainopepla nitens</i>
Summer tanager	<i>Piranga rubra</i>
White faced ibis	<i>Plegadis chihi</i>
Vermilion flycatcher	<i>Pyrocephalus rubinus</i>
Lucy's warbler	<i>Vermivora luciae</i>
Arizona Bell's vireo	<i>Vireo bellii arizonae</i>

**Reptiles**

Banded Gila monster	<i>Heloderma suspectum cinctum</i>
Chuckwalla	<i>Sauromalus ater</i>

**Fish**

Flannelmouth sucker	<i>Catostomus latipinnis</i>
Roundtail chub	<i>Gila robusta</i>

**Plants**

Las Vegas bearpoppy	<i>Arctomecon californica</i>
Threecorner milkvetch	<i>Astragalus geyeri var. triquetrus</i>
Las Vegas catseye*	<i>Cryptantha insolita</i>
Sticky buckwheat	<i>Eriogonum viscidulum</i>
Rosy twotone beardtongue	<i>Penstemon bicolor ssp. roseus</i>

\* Taxa presumed extinct

**ENCLOSURE B****FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7 (a) and (c)  
OF THE ENDANGERED SPECIES ACT****SECTION 7 (a); Consultation/Conference****Requires:**

- 1) Federal agencies to utilize their authorities to carry out programs to conserve **endangered and threatened species**;
- 2) Consultation with the Fish and Wildlife Service (Service) when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after determining the action may affect a listed species or critical habitat;
- 3) Conference with the Service when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat.

**SECTION 7 (c): Biological Assessment - Major Construction Activity 1/**

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities. The BA analyzes the effects of the action on listed and proposed species. The process begins with a Federal agency requesting from the Service a list of proposed and listed threatened and endangered species. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the list, the accuracy of the species list should be informally verified with the Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may proceed; however, no construction may begin.

**We recommend the following for inclusion in the BA:**

1. An onsite inspection of the area affected by the proposal which may include a detailed survey of the area to determine if the species or suitable habitat are present.
2. A review of literature and scientific data to determine species distribution, habitat needs, and other biological requirements.
3. Interviews with experts, including those within the Service, State conservation departments, universities, and others who may have data not yet published in scientific literature.
4. An analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat.

5. An analysis of alternative actions considered.
6. Documentation of study results, including a discussion of study methods used, any problems encountered, and other relevant information.
7. Conclusion as to whether or not a listed or proposed species will be affected.

Upon completion, the BA should be forwarded to our office with a request for consultation, if required.

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<sup>1/</sup> A construction project (or other major undertaking having similar physical impacts) is a major Federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332 (2) C).

# Nevada Natural Heritage Program

Department of Conservation and Natural Resources

1550 East College Parkway, Suite 145 \* Carson City, Nevada 89706-7921

voice: (775) 687-4245 fax: (775) 687-1288 web: [www.state.nv.us/nvnhp/](http://www.state.nv.us/nvnhp/)

13 February 2002

Bobby Tuttle  
PBS & J  
901 North Green Valley Parkway  
Henderson, NV 89704

RE: Data request received 19 February 2002

Dear Mr. Tuttle:

We are pleased to provide the information you requested on endangered, threatened, candidate, and/or sensitive plant and animal taxa recorded within or near the Effluent Interceptor project area. We searched our database and maps for the following: a three mile buffer zone utilizing the jpeg map provided in:


Township 21S	Range 62E	Section all
Township 21S	Range 63E	Section all

The enclosed printout lists the taxa recorded within the given area. Please be aware that habitat may also be available for: the chuckwalla, *Sauromalus obesus*, a Nevada Bureau of Land Management (BLM) Sensitive Species; the unusual catseye, *Cryptantha insolita*, a Nevada BLM Special Status Species; the spotted bat, *Euderma maculatum*, a Nevada BLM Special Status Species; and the greater western mastiff bat, *Eumops perotis californicus*, a Nevada BLM Sensitive Species. We do not have complete data on various raptors that may also occur in the area; for more information contact Ralph Phenix, Nevada Division of Wildlife at (775) 688-1565. Please note that all cacti, yuccas, and Christmas trees are protected by Nevada state law (NRS 527.060-.120), including taxa not tracked by this office.

Please note that our data are dependent on the research and observations of many individuals and organizations, and in most cases are not the result of comprehensive or site-specific field surveys. Natural Heritage reports should never be regarded as final statements on the taxa or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Thank you for checking with our program. Please contact us for additional information or further assistance.

Sincerely,



Eric S. Miskow  
Biologist III/Data Manager

**Sensitive Taxa Recorded near the Effluent Interceptor project area**  
 Compiled by Nevada Natural Heritage Program for PBS&J  
 19 February 2002

Scientific name	Common name	Usfws	Blm	Usfs	State	Grank	Townrange	Section	Lat	Long	Prec	Last observed
<b>Plants</b>												
<i>Arctomecon californica</i>	Las Vegas bearpoppy	<C2	S		CE	G3	021S063E	08:09	36.133889	114.956944	S	1993-02-12
<i>Arctomecon californica</i>	Las Vegas bearpoppy	<C2	S		CE	G3	021S062E	11-14,24,25	36.113056	115.003889	S	1993-06-14
<i>Arctomecon californica</i>	Las Vegas bearpoppy	<C2	S		CE	G3	021S063E	05-08,18,19				
<i>Arctomecon californica</i>	Las Vegas bearpoppy	<C2	S		CE	G3	021S063E	17	36.121389	114.970000	S	1993-06-14
<i>Penstemon bicolor</i> ssp. <i>roseus</i>	rosy twotone beardtongue	<C2	S		CE	G3	021S063E	08:17	36.129444	114.961944	S	1993-02-12
		<C2		S		G3T3Q	021S063E	14	36.122778	114.905000	S	1980-04-04
<b>Amphibian</b>												
<i>Bufo microscaphus</i>	southwestern toad		N			G3G4	021S062E	08	36.136111	115.077778	S	1998-PRE
<b>Reptiles</b>												
<i>Gopherus agassizii</i>	desert tortoise (Mojave Desert pop.)	LTNL	S	T	YES	G4	022S063E	03	36.067500	114.935556	S	1998-04-29
<i>Gopherus agassizii</i>	desert tortoise (Mojave Desert pop.)	LTNL	S	T	YES	G4	021S063E	09	36.132500	114.941111	S	1987-PRE
<i>Gopherus agassizii</i>	desert tortoise (Mojave Desert pop.)	LTNL	S	T	YES	G4	021S063E	19	36.110556	114.989167	S	1987-PRE
<i>Heloderma suspectum cinctum</i>	banded Gila monster	<C2NL	S		YES	G4T4	020S062E				G	1991-06
<b>Mammals</b>												
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	(PS)	N	S,I,L		G4	021S062E				M	1929-05-31
<i>Macrotus californicus</i>	California leaf-nosed bat	<C2	N	C		G4	021S062E				S	1946-PRE
<i>Nyctinomops macrotis</i>	big free-tailed bat	<C2	N			G5	022S062E	13	36.041111	114.995833	S	1964-10-13
<b>Birds</b>												
<i>Rallus longirostris yumanensis</i>	Yuma Clapper Rail	LE			YES	G5T?	021S062E				M	1959-09-19
<i>Sterna anillarum</i>	Least Tern	(PS,LE)	S		YES	G4	021S062E	22	36.113333	115.029722	M	1986-07-06

U. S. Fish and Wildlife Service (Usfws) Categories for Listing under the Endangered Species Act:

- LE Listed Endangered - in danger of extinction in all or a significant portion of its range
- LT Listed Threatened - likely to be classified as Endangered in the foreseeable future if present trends continue
- <C2 Former Category 2 Candidate, now species of concern
- NL Not Listed (no status) in a portion of the species' range
- PS Partial Status, Protected in a portion of entire species' range

Bureau of Land Management (Blm) Species Classification:

- S Nevada Special Status Species - USFWS listed, proposed or candidate for listing, or protected by Nevada state law
- N Nevada Special Status Species - designated Sensitive by State Office

United States Forest Service (Usfs) Species Classification:

- S Region 4 (Humboldt-Toiyabe NF) sensitive species
- I Region 5 (Inyo NF) sensitive species
- L Region 5 (Lake Tahoe Basin Management Unit) sensitive species
- C Region 5 sensitive species, not yet known from Inyo NF or LTBMU
- T Region 4 and/or Region 5 Threatened species

Nevada State Protected (State) Species Classification:

- Fauna: YES Species protected under NRS 501.
- Flora: CE

Critically endangered - species whose survival requires assistance because of overexploitation, disease or other factors, or because their habitat is threatened with destruction, drastic modification or severe curtailment (NRS 527.260-.300)

Precision (Prec) of Mapped Occurrence:

Precision, or radius of uncertainty around latitude/longitude coordinates:

- S Seconds: within a three-second radius
- M Minutes: within a one-minute radius, approximately 2 km or 1.5 miles
- G General: within about 8 km or 5 miles, or to map quadrangle or place name

Nevada Natural Heritage Program (Grank) and State (Srank) Ranks for Threats and/or Vulnerability:

- G Global rank indicator, based on worldwide distribution at the species level
- T Global trinomial rank indicator, based on worldwide distribution at the infraspecific level
- S State rank indicator, based on distribution within Nevada at the lowest taxonomic level
- 1 Critically imperiled and especially vulnerable to extinction or extirpation due to extreme rarity, imminent threats, or other factors
- 2 Imperiled due to rarity or other demonstrable factors
- 3 Vulnerable to decline because rare and local throughout its range, or with very restricted range
- 4 Long-term concern, though now apparently secure; usually rare in parts of its range, especially at its periphery
- 5 Demonstrably secure, widespread, and abundant
- A Accidental within Nevada
- B Breeding status within Nevada (excludes resident taxa)
- H Historical; could be rediscovered
- N Non-breeding status within Nevada (excludes resident taxa)
- Q Taxonomic status uncertain
- U Unrankable
- Z Enduring occurrences cannot be defined (usually given to migrant or accidental birds)
- ? Assigned rank uncertain