

**DRAFT FINDING OF NO SIGNIFICANT IMPACT
CLARK COUNTY WATER RECLAMATION DISTRICT
SEARCHLIGHT WASTEWATER TREATMENT IMPROVEMENT PROJECT**

The United States Environmental Protection Agency (EPA) is considering awarding grant funds in the amount of \$1,006,100 to the Clark County Water Reclamation District (CCWRD) for improvements to the Searchlight, NV wastewater treatment facility (WWTF). The proposed project is part of a larger U.S. Bureau of Land Management (BLM) project which includes water supply improvements. BLM issued a final environmental assessment (BLM EA) on April 28, 2009 that covered both BLM and EPA projects and a finding of no significant impact (FONSI) for both projects on May 8, 2009. BLM also consulted with the U.S. Fish and Wildlife Service (FWS) on the proposed projects under Section 7 of the Endangered Species Act (ESA). On February 27, 2009, FWS issued a Biological Opinion (BO) (attached) under the ESA, concluding the consultation. EPA is adopting, in part, and supplementing the BLM EA because there have been slight modifications to the described proposed wastewater alternative, including a reduction of the volume of WWTF capacity and an expansion from one to three proposed alternatives.

The purpose of the project is twofold: 1) provide treatment capacity to accommodate conversion of existing individual sewage disposal systems and potential future users, and 2) improve existing wastewater treatment to meet new nitrate water quality standards. The target concentration of nitrate in the effluent is 10 mg/L. The plant is operated by CCWRD.

The proposed project will occur within the existing CCWRD property and consist of either a conventional activated sludge, an activated lagoon, or a modular treatment plant and provide a treatment capacity of 0.25 mgd. All three alternatives include new power and phone utility infrastructure as does the proposed project in the BLM EA. The environmental impacts of all three alternatives were analyzed in EPA's supplemental EA (SEA) and do not differ from the impacts identified in the adopted BLM EA because all three proposed alternatives fall within the same footprint as the previous proposed alternative and reduce treatment capacity by 50%. FWS and BLM confirmed in writing on May 10, 2010 and May 26, 2010 respectively, that the BO and BLM EA issued for the earlier proposed alternative still apply to the revised proposed alternatives.

EPA is releasing the adopted BLM EA and SEA for public review and comment.

Support for EPA's FONSI

The context and intensity of potential impacts on cultural resources were considered to determine whether the project would impact historic properties under the National Historic Preservation Act of 1966. A Cultural Resource Assessment was conducted from February 12, 2008 to March 18, 2008 in compliance with NEPA, the National Historic Preservation Act of 1966, and respective implementing regulations and guidelines (36 CFR 60; 36 CFR 800). BLM consulted with the Nevada State Historic Preservation Office (SHPO). The consultation concluded with a determination that the proposed undertaking will not affect sites for the National Register of Historic Places in a letter to BLM from the SHPO on July 29, 2008.

Based on the analysis of the BLM EA and confirmation by BLM and FWS that the EA and BO also apply to the modified proposed project, EPA has determined the action will not have a significant impact on the quality of the human environment. Impacts directly or indirectly associated with new wastewater treatment infrastructure and associated phone and power utilities are not anticipated as indicated in the adopted EA and SEA. Final design of wastewater treatment facilities will be guided by a commitment to reduce environmental impacts within the general boundaries associated with this proposed project.

Coordination with FWS indicated that there are 15 federally listed, threatened or endangered species within Clark County, Nevada. Of these, the desert tortoise (*Gopherus agassizii*) is the only species with the potential to occur within the project area. A total of 38.25 acres of desert tortoise habitat would be adversely disturbed by construction-related activities under the Proposed Action (of which over 20 acres have been previously disturbed). Construction-related impacts resulting from the proposed project may include displacement of some tortoises from the proposed project area due to human and vehicle noise, ground vibrations caused by heavy equipment, as well as adverse impacts on the species caused by limiting the ability of tortoises to dig burrows in some areas compacted by construction equipment, crushing by vehicles, and a potential increase in predators, such as common ravens and coyotes, attracted to the area by litter. Impacts associated with operation of the proposed facilities are not expected.

BLM initiated formal consultation with FWS for the proposed project. On February 27, 2009, the FWS issued a BO for the proposed project and determined the proposed project was not likely to jeopardize the continued existence of the threatened desert tortoise (Mojave population) based on 1) a level of take of 1 desert tortoise estimated to be killed or injured by project activities, 2) populations in the project area are low, and 3) measures have been proposed by BLM for the funding applicants to minimize the effects of the proposed action on the desert tortoise. Through its grant agreement provisions, EPA will require CCWRD to implement all terms, conditions, and stipulations presented in the BO. Based on review of the impacts discussed in the BO and consideration of the project design criteria, EPA has concluded that the proposed project is not likely to jeopardize the continued existence of the threatened desert tortoise. FWS confirmed in writing on May 10, 2010 that the BO is applicable to the modified proposed project described in the SEA.

Cacti and yucca are protected under Nevada Revised Statute NRS 527.050-527.110, and salvaging cacti and yucca from projects that are disturbed will be required. Thirty six Joshua trees and 2,347 Mojave yucca are found at the Searchlight WWTF site and some of them may need to be relocated depending of the final design of the improvements to the treatment plant.

Mitigation Measures

The greatest potential for "take" of desert tortoises resulting from Proposed Action activities would be from project-related vehicles and heavy equipment traveling on existing Off Highway Vehicle (OHV) and access roads where there is the potential to injure or crush a tortoise crossing the road, and thus creating a vehicle-wildlife related accident. This "take" risk would be reduced through application of the mitigation measures specified in the BO, including the following

measures. A maximum speed limit of 25 miles per hour for vehicles traveling on unpaved OHV and access roads will be maintained. Temporary tortoise-proof fencing will be installed around work sites. Temporary fencing will undergo an initial tortoise clearance survey of the fence line prior to fence construction, and a tortoise clearance survey following fence construction. All project areas, including construction sites, access routes, and fence lines, will be cleared by a qualified biologist before the start of construction or ground disturbance. If found, tortoises will be relocated by a qualified tortoise biologist in accordance with FWS-approved protocol to a suitable habitat. Desert tortoises moved during their inactive or estivation seasons will be placed in an adequate burrow. Environmental education for all workers will be provided prior to construction by an authorized desert tortoise biologist. A qualified tortoise biologist will be on site during all phases of construction during the tortoise active period and on call during the inactive period. Procedures to treat heat-stressed tortoises will be followed by a qualified tortoise biologist to relieve this stress. Trenches will be dug in a manner that avoids tortoises or other wildlife inadvertently falling in and a means to climb out will be provided. A litter-control policy will be implemented to minimize predation on tortoises by ravens, coyotes, or other predators. All terms, conditions, and stipulations presented in the BO issued by FWS to BLM will be implemented.

All threatened, endangered, and BLM sensitive plant species located within the survey areas will be inventoried. A site location plan will be prepared to assist in rehabilitation or restoration of disturbed areas. A noxious weed management plan will be prepared and implemented to prevent and control the spread of noxious weeds during and following construction.

Erosion and runoff will be controlled using Best Management Practices during and after construction and a NPDES plan or storm water pollution prevention plan will be prepared for the project to ensure that project-related drainage will be retained on site.

A fugitive dust permit will be obtained prior to construction.

Fuel or hazardous waste leaks or spills will be contained immediately and cleaned up at the time of occurrence.

Fire prevention and suppression measures will be implemented to reduce the risk of fire during construction.

A spill prevention and contingency plan will be implemented to minimize the risks of hazardous materials spills. A NaOCI solution will be stored in two 240 gallon polyethylene storage tanks. Training of personnel for handling, storage and disposal of NaOCI will be conducted to comply with federal, state, and local government requirements.

Public Review

The SEA, FONSI, and BLM EA are available for public review at the offices of EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94015-3901. To make an appointment to review the EA at this location contact Cheryl McGovern at 415-972-3415. Copies of the EA are also available at

Clark County Water Reclamation District, 5857 E. Flamingo Road, Las Vegas, CA 89122, by contacting Ms. Shilpa Ghia at 702-668-8229.

EPA must receive comments on the FONSI for consideration within 30 calendar days from the date of publication. EPA will take no administrative action on the above-described project prior to expiration of this comment period. Comments should be mailed to Cheryl McGovern at US EPA Region, 75 Hawthorn Street, San Francisco, CA 94105 or faxed to Cheryl McGovern at 415-947-3537.

After EPA assesses any comments received, those comments, EPA's responses and this FONSI will be forwarded to the Water Division Director for review and signature. If this FONSI is signed by the Water Division Director, it will not be re-circulated for review, but will be available to any individual upon request.