

APPENDIX C. Fish and Wildlife Coordination/Correspondence



U.S. Fish and Wildlife Service

Natural Resources of Concern

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

Oklahoma Ecological Services Field Office
9014 EAST 21ST STREET
TULSA, OK 74129
(918) 581-7458
<http://www.fws.gov/southwest/es/Oklahoma/>

Project Name:

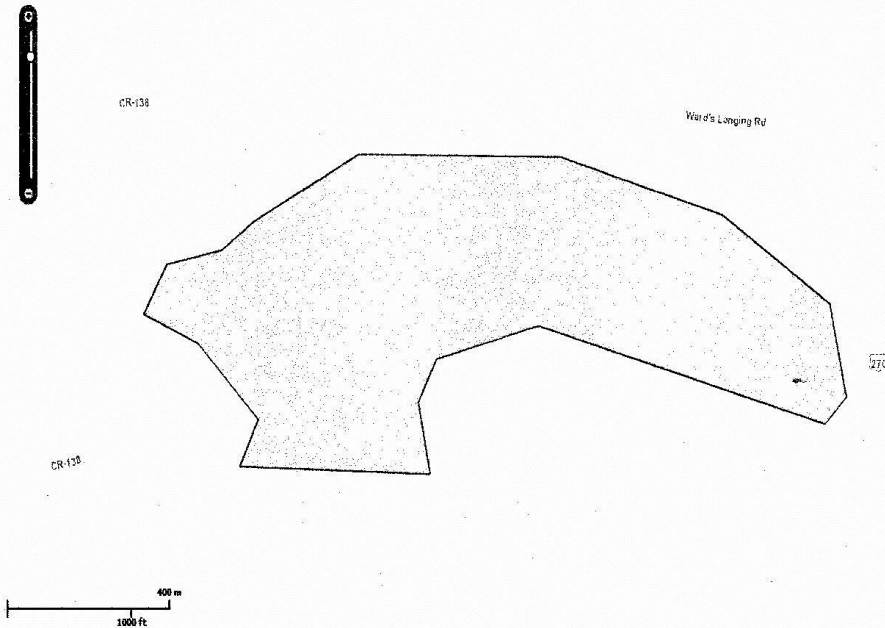
PVIA Wister Lake Alum Application to Quarry Cove



U.S. Fish and Wildlife Service

Natural Resources of Concern

Project Location Map:



Project Counties:

Le Flore, OK

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-94.7174796 34.9442709, -94.7252269 34.9459946, -94.7279724 34.9454142, -94.7284659 34.9446579, -94.728144 34.9433915, -94.7332939 34.9435322, -94.7328004 34.9443589, -94.7344311 34.9456956, -94.7358913 34.9462066, -94.7352701 34.9470851, -94.7337896 34.9473331, -94.7329098 34.9478423, -94.7300774 34.9490198, -94.7246271 34.9489671, -94.7202498 34.9479469, -94.717353 34.9463816, -94.7169024 34.9447458, -94.7174796 34.9442709)))

Project Type:

Water Quality Modification



U.S. Fish and Wildlife Service

Natural Resources of Concern

Endangered Species Act Species List (USFWS Endangered Species Program).

There are a total of 6 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

Species that should be considered in an effects analysis for your project:

Birds	Status		Has Critical Habitat	Contact
Least tern (<i>Sterna antillarum</i>) Population: interior pop.	Endangered	species info		Oklahoma Ecological Services Field Office
Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened	species info	Final designated critical habitat Final designated critical habitat	Oklahoma Ecological Services Field Office
Clams				
Scaleshell mussel (<i>Leptodea leptodon</i>)	Endangered	species info		Oklahoma Ecological Services Field Office
Winged Mapleleaf (<i>Quadrula fragosa</i>) Population: Entire; except where listed as experimental populations	Endangered	species info		Oklahoma Ecological Services Field Office
Insects				
American Burying beetle (<i>Nicrophorus americanus</i>) Population: Entire	Endangered	species info		Oklahoma Ecological Services Field Office
Mammals				



U.S. Fish and Wildlife Service

Natural Resources of Concern

Indiana bat (<i>Myotis sodalis</i>) Population: Entire	Endangered	species info		Oklahoma Ecological Services Field Office
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Critical habitats within your project area:

There are no critical habitats within your project area.

FWS National Wildlife Refuges (USFWS National Wildlife Refuges Program).

There are no refuges found within the vicinity of your project.

FWS Migratory Birds (USFWS Migratory Bird Program).

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the Bald and Golden Eagle Protection Act (16 U.S.C. 668). The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C. 1531 et seq.).

Migratory bird information is not available for your project location.

NWI Wetlands (USFWS National Wetlands Inventory).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these



U.S. Fish and Wildlife Service

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requirements to their project with the Regulatory Program of the appropriate U.S. Army Corps of Engineers District.

The following wetlands intersect your project area:

Wetland Types	NWI Classification Code	Approximate Acres
Lake	L1UBHh	3774.398689



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oklahoma Ecological Services Field Office
9014 EAST 21ST STREET
TULSA, OK 74129
PHONE: (918)581-7458 FAX: (918)581-7467
URL: www.fws.gov/southwest/es/Oklahoma/



Consultation Tracking Number: 02EKOK00-2014-SLI-0629

March 14, 2014

Project Name: PVIA Wister Lake Alum Application to Quarry Cove

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Non-federal entities conducting activities that may result in take of listed species should consider seeking coverage under section 10 of the ESA, either through development of a Habitat Conservation Plan (HCP) or, by becoming a signatory to the General Conservation Plan (GCP) currently under development for the American burying beetle. Each of these mechanisms provides the means for obtaining a permit and coverage for incidental take of listed species during otherwise lawful activities.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit through our Project Review step-wise process <http://www.fws.gov/southwest/es/oklahoma/OKESFO%20Permit%20Home.htm>.

If your species list does not contain the American burying beetle and your projects falls within Marshall, Love, Carter, Murray, Garvin, McClain, Cleveland, Pottawatomie or Adair counties,

the Service recommends that you consider the American burying beetle in your project planning process. There is evidence to suggest (Crawford and Hoagland 2010), that the American burying beetle may occur in these counties.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: PVIA Wister Lake Alum Application to Quarry Cove

Official Species List

Provided by:

Oklahoma Ecological Services Field Office

9014 EAST 21ST STREET

TULSA, OK 74129

(918) 581-7458

<http://www.fws.gov/southwest/es/Oklahoma/>

Consultation Tracking Number: 02EKOK00-2014-SLI-0629

Project Type: Water Quality Modification

Project Description: Alum application on approximately 100 acres of Wister Lake, Oklahoma to 1) remove suspended organic and inorganic matter, 2) decrease internal phosphorous loading from lake sediments within Quarry Cove, and 3) reduce the impact of cyanobacterial harmful algae blooms in the vicinity of the PVIA water intake structure located in the Quarry Cove, Wister Lake, Oklahoma.

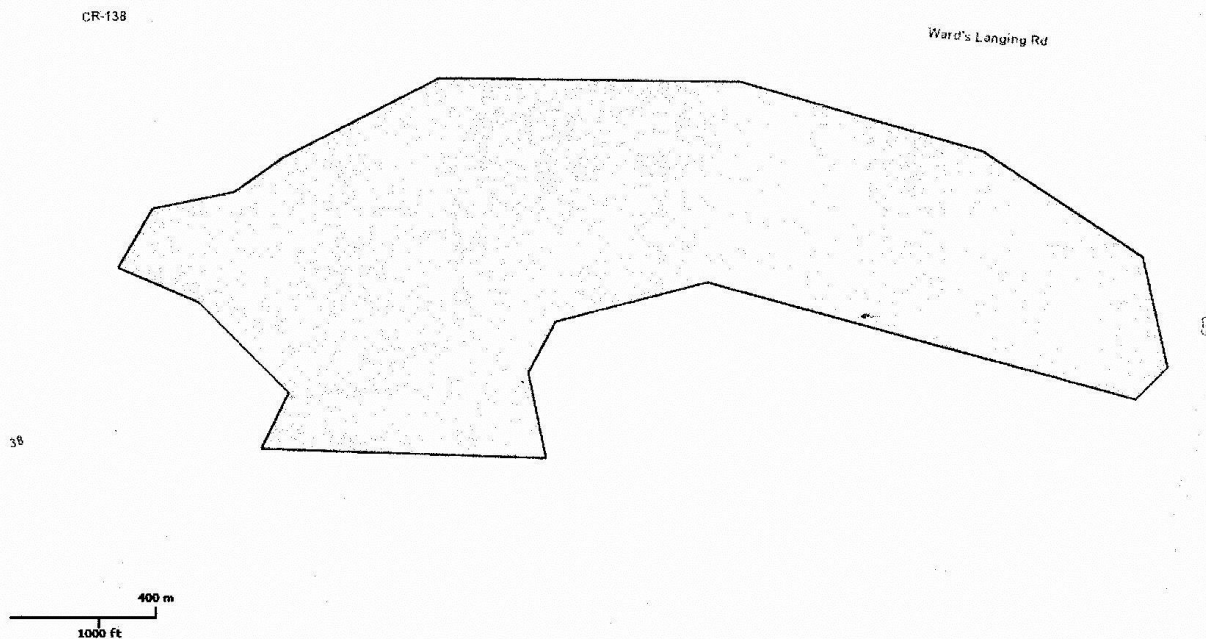
<http://ecos.fws.gov/ipac>, 03/14/2014 09:51 AM



United States Department of Interior
Fish and Wildlife Service

Project name: PVIA Wister Lake Alum Application to Quarry Cove

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-94.7174796 34.9442709, -94.7252269 34.9459946, -94.7279724 34.9454142, -94.7284659 34.9446579, -94.728144 34.9433915, -94.7332939 34.9435322, -94.7328004 34.9443589, -94.7344311 34.9456956, -94.7358913 34.9462066, -94.7352701 34.9470851, -94.7337896 34.9473331, -94.7329098 34.9478423, -94.7300774 34.9490198, -94.7246271 34.9489671, -94.7202498 34.9479469, -94.717353 34.9463816, -94.7169024 34.9447458, -94.7174796 34.9442709)))

Project Counties: Le Flore, OK

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United States Department of Interior
Fish and Wildlife Service

Project name: PVIA Wister Lake Alum Application to Quarry Cove

Endangered Species Act Species List

There are a total of 6 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed on the **Has Critical Habitat** lines may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

American Burying beetle (*Nicrophorus americanus*)

Population: Entire

Listing Status: Endangered

Indiana bat (*Myotis sodalis*)

Population: Entire

Listing Status: Endangered

Least tern (*Sterna antillarum*)

Population: interior pop.

Listing Status: Endangered

Piping Plover (*Charadrius melodus*)

Population: except Great Lakes watershed

Listing Status: Threatened

Has Critical Habitat: Final designated

Scaleshell mussel (*Leptodea leptodon*)

Listing Status: Endangered

Winged Mapleleaf (*Quadrula fragosa*)

Population: Entire; except where listed as experimental populations

Listing Status: Endangered

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United States Department of Interior
Fish and Wildlife Service

Project name: PVIA Wister Lake Alum Application to Quarry Cove

Critical habitats that lie within your project area

There are no critical habitats within your project area.

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