

## **Attachment 1 – Agency Correspondence**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825

IN REPLY REFER TO:

1-1-03-SP-0162

October 28, 2002

Thomas R. Grim, Document Manager  
Department of Energy  
National Nuclear Security Administration  
Livermore Site Office  
1301 Clay Street  
Oakland, California 94612-5208

Subject: Species List for Lawrence Livermore National Laboratory Site-Wide  
Environmental Impact Statement, Livermore-Tracy Area, Alameda and  
San Joaquin Counties, California

Dear Mr. Grim:

We are sending the enclosed list in response to your October 21, 2002, request for information about endangered and threatened species (Enclosure A). This list fulfills the requirement of the Fish and Wildlife Service (Service) to provide species lists under section 7(c) of the Endangered Species Act of 1973, as amended (Act).

The animal species on the Enclosure A quad list are those species we believe may occur within, *or be affected by projects within*, the following USGS quads, where your project is planned: Midway and Altamont Quads.

Any plants on the quad list are ones *that have actually been observed* in the project quad(s). Plants may occur in a quad without having been observed there. Therefore we have included a species list for the whole county in which your project occurs. We recommend that you survey for any relevant plants shown on this list.

Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them. Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.

Executive Order 13186, January 17, 2001, directs Federal agencies to take specific steps to conserve migratory birds. *Species of Concern* (see below) are specifically included in this Executive Order. (The Order can be found at [www.nara.gov/fedreg/eo.html](http://www.nara.gov/fedreg/eo.html)) Birds are shown on

our species lists regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

If a species has been listed as threatened or endangered by the State of California, but not by us nor by the National Marine Fisheries Service, it will appear on your list as a Species of Concern.

*However you must contact the California Department of Fish and Game for official information about these species.* Call (916) 322-2493 or write Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814.

Some of the species listed in Enclosure A may not be affected by the proposed action. A trained biologist or botanist, familiar with the habitat requirements of the listed species, should determine whether these species or habitats suitable for them may be affected. For plants, we recommend using the enclosed Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Species (Enclosure C).

Some pertinent information concerning the distribution, life history, habitat requirements, and published references for the listed species is available upon request. This information may be helpful in preparing the biological assessment for this project, if one is required. Please see Enclosure B for 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.

Formal consultation, under 50 CFR § 402.14, should be initiated if you determine that a listed species may be affected by the proposed project. If you determine that a proposed species may be adversely affected, you should consider requesting a conference with our office under 50 CFR § 402.10. 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.

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as *critical habitat*. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal. Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, this will be noted on the species list. Maps and boundary descriptions of the critical habitat may be found in the *Federal Register*. The information is also reprinted in the *Code of Federal Regulations* (50 CFR 17.95).

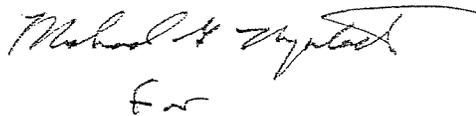
*Candidate species* are being reviewed for possible listing. Contact our office if your biological assessment reveals any candidate species that might be adversely affected. Although they currently have no protection under the Endangered Species Act, one or more of them could be proposed and listed before your project is completed. By considering them from the beginning, you could avoid problems later.

Your list may contain a section called *Species of Concern*. This term includes former *category 2 candidate species* and other plants and animals of concern to the Service and other Federal, State and private conservation agencies and organizations. Some of these species may become candidate species in the future.

If the proposed project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by the U.S. Army Corps of Engineers (Corps), a Corps permit will be required, under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act. Impacts to wetland habitats require site specific mitigation and monitoring. You may request a copy of the Service's General Mitigation and Monitoring Guidelines or submit a detailed description of the proposed impacts for specific comments and recommendations. If you have any questions regarding wetlands, contact Mark Littlefield at (916) 414-6580.

Please contact Dan Buford at (916) 414-6625, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of Species Lists at this address. You may fax requests to 414-6712 or 414-6713. You may also email them to [harry\\_mossman@fws.gov](mailto:harry_mossman@fws.gov).

Sincerely,



Jan C. Knight  
Chief, Endangered Species Division

Enclosures