United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
P. O. Box 848
Ephrata, Washington 98823
Phone: 509-754-8580 Fax: 509-754-8575

April 23, 2002

Steven H. Wisness
Department of Energy
P.O. Box 550
Richland, Washington 99352

RE: Species List Request
FWS Reference: 02-SP-E0187

Thank you for your request dated march 25, 2002. The following threatened, endangered and candidate species may be present near the proposed DOE project in Benton County, Washington:

BENTON COUNTY

LISTED
Endangered
None

Threatened
Bald eagle *(Haliaeetus leucocephalus)*
Bull trout *(Salvelinus confluentus)*
Ute ladies'-tresses *(Spiranthes diluvialis)*, plant

PROPOSED
None

CANDIDATE
Umtanum wild buckwheat *(Eriogonum codium)*, plant

SPECIES OF CONCERN
Animals
Black tern *(Chlidonias niger)*
California floater (mussel) *(Anodonta californiensis)*
Columbia pebblesnail *(Fluminicola (=Lithoglyphus) columbianus)* [great Columbia River spire snail]
Ferruginous hawk *(Buteo regalis)*
Fringed myotis (bat) *(Myotis thysanodes)*
Loggerhead shrike *(Lanius ludovicianus)*
Long-eared myotis (bat) *(Myotis evotis)*

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Long-legged myotis (bat) *(Myotis volans)*
Lynn's clubtail (dragonfly) *(Gomphus lynnae)*
Margined sculpin *(Cottus marginatus)*
Northern sagebrush lizard *(Sceloporus graciosus graciosus)*
Pacific lamprey *(Lampetra tridentata)*
Pale Townsend's (= western) big-eared bat *(Corynorhinus (=Plecotus) townsendii pallescens)*
River lamprey *(Lampetra ayresi)*
Small-footed myotis (bat) *(Myotis ciliolabrum)*
Western burrowing owl *(Athene cunicularia hypugea)*
Yuma myotis (bat) *(Myotis yumanensis)*

Plants
Columbia milk-vetch *(Astragalus columbianus)*
Columbia yellow-cress *(Rorippa columbiae)*
Gray cryptantha (*Cryptantha leucophaea*)
Hoover's desert-parsley *(Lomatium tuberosum)*
Palouse goldenweed *(Haplopappus liatriformis)*

This list fulfills the requirements of the U. S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act of 1973, as amended (Act).

If there is federal agency involvement in this project (funding, authorization, or other action), the involved federal agency must meet its responsibilities under section 7 of the Endangered Species Act of 1973, as amended (Act), as outlined in Enclosure A. Enclosure A includes a discussion of the contents of a Biological Assessment (BA), which provides an analysis of the impacts of the project on listed and proposed species, and designated and proposed critical habitat. Preparation of a BA is required for all major construction projects. Even if a BA is not prepared, potential project effects on listed and proposed species should be addressed in the environmental review for this project. Federal agencies may designate, in writing, a non-federal representative to prepare a BA. However, the involved federal agency retains responsibility for the BA, its adequacy, and ultimate compliance with section 7 of the Act.

Preparation of a BA would be prudent when listed or proposed species, or designated or proposed critical habitat, occur within the project area. Should the BA determine that a listed species is likely to be affected by the project, the involved federal agency should request section 7 consultation with the U. S. Fish and Wildlife Service (Service). If a proposed species is likely to be jeopardized by the project, regulations require conferencing between the involved federal agency and the Service. If the BA concludes that the project will have no effect on any listed or proposed species, we would appreciate receiving a copy for our information.

Candidate species receive no protection under the Act, but are included for your use during planning of the project. Candidate species could be formally proposed and listed during project planning, thereby falling within the scope of section 7 of the Act. Protection provided to these species now may preclude possible listing in the future. If evaluation of the subject project indicates that it is likely to adversely impact a candidate species, we encourage you to modify the project to minimize/avoid these impacts.

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If there is no federal agency involvement in your project, and you determine that it may negatively impact a listed or proposed species, you may contact us regarding the potential need for permitting your actions under section 10 of the Act.

Several species of anadromous fishes that have been listed by the National Marine Fisheries Service (NMFS) may occur in the project area. Please contact NMFS in Seattle, Washington, at (206) 526-6150, in Portland, Oregon, at (503) 231-2319, or in Boise, Idaho, at (208) 378-5696 to request a list of these species.

If you would like information concerning state listed species or species of concern, you may contact the Washington Department of Fish and Wildlife, at (360) 902-2543, for fish and wildlife species; or the Washington Department of Natural Resources, at (360) 902-1667, for plant species.

This letter fulfills the requirements of the Service under section 7 of the Act. Should the project plans change significantly, or if the project is delayed more than 90 days, you should request an update to this response.

Thank you for your efforts to protect our nation's species and their habitats. If you have any questions concerning the above information, please contact Skip Stonesifer at (509) 754-8580.

Sincerely,

Mark G. Miller

Supervisor

Enclosure

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Enclosure A

Responsibility of Federal Agencies under Section 7 of the Endangered Species Act

Section 7(a) - Consultation/Conferencing

Requires: 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;

2) Consultation with the U.S. Fish and Wildlife Service (Service) when a federal action may affect a listed species to ensure that any action authorized, funded, or carried out by a federal agency will not jeopardize the continued existence of listed species, or result in destruction or adverse modification of critical habitat. The process is initiated by the federal agency after determining that the action may affect a listed species; and

3) Conferencing with the Service when a federal action may jeopardize the continued existence of a proposed species, or result in destruction or adverse modification of proposed critical habitat.

Section 7(c) - Biological Assessment for Major Construction Activities

Requires federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities[1]. The BA analyzes the effects of the action, including indirect effects and effects of interrelated or interdependent activities, on listed and proposed species, and designated and proposed critical habitat. The process begins with a request to the Service for a species list. If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the list should be verified with the Service. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable between the Service and the involved federal agency).

We recommend the following for inclusion in a BA: an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if listed or proposed species are present; a review of pertinent literature and scientific data to determine the species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within the Service, state conservation departments, universities, and others who may have data not yet published in scientific literature; 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; and an analysis of alternative actions considered. The BA should document the results of the impacts analysis, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not any listed species may be affected, proposed species may be jeopardized, or critical habitat may be adversely modified by the project. Upon completion, the

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BA should be forwarded to the Service.

Major concerns that should be addressed in a BA for listed and proposed animal species include:

1. Level of use of the project area by the species, and amount or location of critical habitat;

2. Effect(s) of the project on the species' primary feeding, breeding, and sheltering areas;

3. Impacts from project construction and implementation (*e.g.*, increased noise levels, increased human activity and/or access, loss or degradation of habitat) that may result in disturbance to the species and/or their avoidance of the project area or critical habitat.

Major concerns that should be addressed in a BA for listed or proposed plant species include:

1. Distribution of the taxon in the project area;

2. Disturbance (*e.g.*, trampling, collecting) of individual plants or loss of habitat; and

3. Changes in hydrology where the taxon is found.

Section 7(d) - Irreversible or Irretrievable Commitment of Resources

Requires that, after initiation or reinitiation of consultation required under section 7(a)(2), the Federal agency and any applicant shall make no irreversible or irretrievable commitment of resources with respect to the action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives which would avoid violating section 7(a)(2). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied.

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[1] A major construction activity is a construction project, or other undertaking having similar physical impacts, which is a major action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act [42 U.S.C. 4332 (2)(c)].

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Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

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03-CLO-0060

Mr. Mark Miller, Supervisor
Ephrata Field Office
Ecological Services
U.S. Fish and Wildlife Service
P.O. Box 848
Ephrata, Washington 98823

Dear Mr. Miller:

HANFORD SITE SOLID (RADIOACTIVE AND HAZARDOUS) WASTE PROGRAM ENVIRONMENTAL IMPACT STATEMENT (EIS)

The U.S. Department of Energy (DOE) is completing a revised draft of an EIS for the management and disposition of radioactive hazardous solid waste at the Hanford Site near Richland, Washington. We previously requested a listing for this action by letter dated March 25, 2002. We received a letter from you dated April 23, 2002, containing a list of threatened, endangered, and candidate species. Since we have not completed this action, and nearly a year has gone by, DOE requests that the U.S. Fish and Wildlife Service provide a current list of species that may be affected by the proposed action. The EIS will contain an analysis of proposed actions as it relates to listed and candidate, threatened, and endangered species.

Activities covered by the EIS are likely to occur throughout the Benton County, Washington, portion of the Hanford Site, including areas near the Columbia River. Some limited actions will also occur on the Fitzner-Eberhart Arid Lands Ecology Reserve in the southeast corner of T12N R25E and the southwest corner of T12N R26E.

If you have questions regarding this request, please contact Dana Ward, of my staff, on (509) 372-1261.

Sincerely,

Steven H. Wisness, Director
Closure Division

CLO:DCW

cc: G. M. Hughes, USFWS

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Central Washington Ecological Services Office
215 Melody Lane, Suite 119
Wenatchee, Washington 98801
Phone: (509) 665-3508 Fax: (509) 665-3509

February 26, 2003

Steven H. Wisness
Department of Energy, Richland Operations Office
P.O. Box 550
Richland, Washington 99352

RE: Species List Request
FWS Reference: 03-SP-W0160

Thank you for your request received on February 18, 2003. The following threatened and endangered species, and candidate species may be present near the proposed activities in Benton County, Washington:

LISTED

Threatened
Bald eagle *(Haliaeetus leucocephalus)*
Bull trout *(Salvelinus confluentus)*
Ute ladies'-tresses *(Spiranthes diluvialis)*, plant

Proposed
Critical habitat for bull trout

Candidate
Umtanum wild buckwheat *(Eriogonum codium)*, plant
Yellow-billed cuckoo (*Coccyzus americanus*)

This list fulfills the requirements of the U. S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act of 1973, as amended (Act).

Preparation of a BA would be prudent when listed or proposed species, or designated or proposed critical habitat, occur within the project area. Should the BA determine that a listed species is likely to be affected by the project, the involved federal agency should request section 7 consultation with the U. S. Fish and Wildlife Service (Service). If a proposed species is likely to be jeopardized by the project, or proposed critical habitat is likely to be adversely modified or destroyed, regulations require conferencing between the involved federal agency and the Service. If the BA concludes that the project will have no effect on any listed or proposed species, we would appreciate receiving a copy for our information.

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Candidate species receive no protection under the Act, but are included for your use during planning of the project. Candidate species could be formally proposed and listed during project planning, thereby falling within the scope of section 7 of the Act. Protection provided to these species now may preclude possible listing in the future. If evaluation of the subject project indicates that it is likely to adversely impact a candidate species, we encourage you to modify the project to minimize/avoid these impacts.

Several species of anadromous fishes that have been listed by NOAA Fisheries (NOAA) may occur in the project area. Please contact NOAA in Ellensburg, Washington, at (509) 5962-8911 to request a list of these species.

If you would like information concerning state listed species or species of concern, you may contact the Washington Department of Fish and Wildlife, at (360) 902-2543, for fish and wildlife species; or the Washington Department of Natural Resources, at (360) 902-1667, for plant species.

This letter fulfills the requirements of the Service under section 7 of the Act. Should the project plans change significantly, or if the project is delayed more than 90 days, you should request an update to this response.

Thank you for your efforts to protect our nation's species and their habitats. If you have any questions concerning the above information, please contact Gregg Kurz at (509) 665-3508 extension 22.

Sincerely,

Mark D. Miller

Supervisor

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