

APPENDIX B

Correspondence Regarding Threatened and Endangered Species



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA, 95814-2922

Environmental Resources Branch

September 17, 2009

Mr. Larry Crist
Field Office Supervisor
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119

Dear Mr. Crist:

This is our biological assessment (BA) for the Wide Hollow Water Supply Storage (WSSF) Facility Project in Escalante, Utah. This BA summarizes the project features, as well as the effects of the project on the Federally listed animal and plant species that could occur in or near the project area. Support documents provided include the draft "Environmental Assessment (EA), Wide Hollow Water Supply Storage Facility Project, Escalante, Utah," September 2009, and "Threatened and Endangered Species Assessment Report (T&E Report), Wide Hollow Water Supply Storage Facility Report," July 2009 (enclosures 1 and 2, respectively).

The proposed project would restore the WSSF's original water storage capacity to help ensure a dependable supply of irrigation water in this farming area of south-central Utah. In addition, the project would bring the WSSF into compliance with current dam safety standards as required by the Utah State Engineers' Office. The main features of the project are summarized below and described in detail in Section 2.3 of the draft EA (enclosure 1).

- Drain water impoundment area.
- Remove, reconstruct, and enlarge earthen structure.
- Reconstruct spillway and construct new emergency spillway.
- Construct earthen embankment to protect Escalante Petrified Forest State Park facilities.
- Relocate County road above new ordinary high water mark (OHWM).
- Implement mitigation to compensate for loss of wetland and riparian habitats.
- Restore disturbed areas and refill improved water impoundment.

A current list of Federally listed threatened, endangered, and candidate species for Garfield County, Utah, was obtained from the U.S. Fish and Wildlife Service's (USFWS) website on March 3, 2009. This list includes five threatened species, seven endangered species, and one candidate species for the county. In addition, one species designated as endangered for the entire state of Utah was evaluated as recommended by Ms. Betsy Herrmann of your office because previous studies indicated the potential for this species to occur in the general vicinity of the project area. The 14 species are as follows:

- Utah prairie dog (*Cynomys parvidens*) (T)
- California condor (*Gymnogyps californianus*) (E)
- Mexican spotted owl (*Strix occidentalis*) (T)
- Southwestern willow flycatcher (*Empidonax traillii extimus*) (E)
- Yellow-billed cuckoo (*Coccyzus americanus occidentalis*) (C)
- Bonytail (*Gilia elegans*) (E)
- Colorado pikeminnow (*Ptychocheilus lucius*) (E)

- Humpback chub (*Gila cypha*) (E)
- Razorback sucker (*Xyrauchen texanus*) (E)
- Autumn buttercup (*Ranunculus aestivalis*) (E)
- Jones' cycladenia (*Cycladenia humilis* var. *jonesii*) (T)
- Maguire daisy (*Erigeron maguirei*) (T)
- Ute ladies'-tresses (*Spiranthes diluvialis*) (T)
- Kanab ambersnail (*Oxyloma haydeni kanabense*) (E)

At the Corps' request, Frontier Corporation USA prepared a detailed T&E Report (enclosure 2) for the construction and operation of the project in accordance with Section 7 of the Endangered Species Act, as amended. The report (1) identified the Federally listed species that could occur in or near the project area, (2) evaluated the effects of the construction and operation of the project on those species, and (3) proposed measures to avoid or minimize any effects, if necessary.

The T&E Report first discussed the presence or absence of these 14 Federally listed species and their potential habitat in or near the project area. This was based on a literature search, field visits, and coordination with State and local agencies. Frontier found that the only species that could occur in or near the project area are the endangered southwestern willow flycatcher (SWFL) and candidate yellow-billed cuckoo. There is no suitable habitat for the Utah prairie dog, California condor, Mexican spotted owl, bonytail, Colorado pikeminnow, humpback chub, razorback sucker, autumn buttercup, Jones' cycladenia, Maguire daisy, Ute ladies'-tresses, or Kanab ambersnail in the project area.

Once presence or absence of species was identified, the T&E Report evaluated the potential direct, indirect, and cumulative effects of the project on the Federally listed species. First, it was determined that the project would have no effect on those 12 species without suitable habitat in the project area. This determination also included an evaluation of effects on downstream flow to ensure that the project would not result in flow changes that would affect potential habitat for the four listed fish species in the Colorado River or Lake Powell. Frontier then evaluated the potential effects of the project on the yellow-billed cuckoo and SWFL as discussed below.

Construction of the project would result in the short-term loss of approximately 15 acres of cottonwood forested habitat around the perimeter of the existing WSSF. This cottonwood forest could be used by the candidate yellow-billed cuckoo. However, this habitat would be reestablished according to a required Mitigation and Monitoring Plan (MMP) after the project is completed. In addition, this bird requires large tracts of cottonwood forest from 25 to 100 acres in size for breeding/nesting habitat. As a result, it was determined that the project would have no effect on the yellow-billed cuckoo because the existing cottonwood habitat is of marginal size and quality for breeding/nesting habitat, and because implementation of the MMP would ensure that there would be no net loss of potential habitat for yellow-billed cuckoo in the project area. In addition, the operation of the project would have no effect on yellow-billed cuckoo.

Construction of the project also would result in the short-term loss of approximately 36 acres of willow-dominated habitat around the existing WSSF. Both of these cottonwood and willow habitats are suitable for the endangered southwestern willow flycatcher (SWFL). In coordination with the Corps and the USFWS, Frontier completed formal SWFL surveys in May, June, and July 2009, following the USFWS's 1997 and 2000 SWFL protocols. A total of five survey periods were conducted in accordance with USFWS's protocol for a project-related survey. The SWFL was detected during the first two survey periods in May and June, but no SWFL were detected during the last three survey periods in June and

July. In addition, no breeding or nesting pairs of SWFL were observed. The SWFL is a riparian-dependent species, and it was determined that SWFL was using the project area as transitory habitat during its spring migration.

The MMP also includes construction of a (1) 1.3-acre upland buffer, (2) 3.5-acre willow-dominated wetland creation area, (3) 25.4-acre wetland/riparian reestablishment zone, and (4) anticipates 22.5 acres of willow regrowth around the OHWM of the enlarged WSSF. Implementation of the MMP would create replacement habitat suitable for SWFL, and there would be no net loss of suitable habitat for SWFL in the project area. As a result, it was determined that the project may affect, but would not likely adversely affect, the SWFL because there would be no effect to known breeding habitat and because there would be no net loss of suitable habitat for SWFL.

The Corps has reviewed the T&E Report and protocol survey reports, and concurs with the evaluation and the determination of no effect on the listed Utah prairie dog, California condor, Mexican spotted owl, yellow-billed cuckoo, bonytail, Colorado pikeminnow, humpback chub, razorback sucker, autumn buttercup, Jones' cycladenia, Maguire daisy, Ute ladies'-tresses, or Kanab ambersnail. We also agree with the evaluation and determination that the project may affect, but would not likely adversely affect, the SWFL.

Based on the information in this letter and the enclosed draft EA and T&E Report, we request your concurrence with our determination that the WSSF project is not likely to adversely affect the Federally endangered SWFL. Please send your response to the above address, Attn: Ms. Lynne Stevenson, Planning Division (CESPK-PD-R). If you have questions or need additional information, Ms. Stevenson may be contacted at (916) 557-6774 or email: Lynne.L.Stevenson@usace.army.mil. Thank you for your assistance with this project.

Sincerely,

/original signed by/

Francis C. Piccola
Chief, Planning Division

Enclosures



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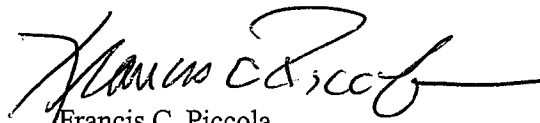
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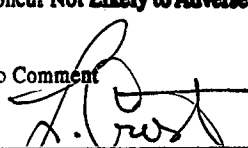
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Sincerely,


Francis C. Piccola
Chief, Planning Division

Enclosures

<input type="checkbox"/>	Concur No Effect
<input checked="" type="checkbox"/>	Concur Not Likely to Adversely Affect
<input type="checkbox"/>	No Comment
	
_____ Utah Field Supervisor	
Date <u>11/6/10</u>	