United States Department of the Interior

FISH AND WILDLIFE SERVICE

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July 1, 2002

James L. Elmore, Ph.D.
Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

Subject: Informal Consultation For The Programmatic Environmental Assessment For The Management Of Potentially Reusable Uranium Materials
File # 506.0000 FWS # 1-4-02-I-0167

Dear Mr. Elmore:

The U.S. Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, proposed, and/or candidate species which may be present in the area of the Idaho National Engineering and Environmental Laboratory (INEEL) located in Bingham, Bonneville, Butte, and Jefferson Counties, Idaho. The list fulfills requirements for a Species List under Section 7(c) of the Endangered Species Act of 1973 (Act), as amended. If the project decision is not made within 180 days of this letter, regulations require that you request an updated list. Please refer to the FWS number above in all correspondence and reports.

Section 7 of the Act requires Federal agencies to assure that their actions are not likely to jeopardize the continued existence of endangered or threatened species. Federal funding, permitting, or land use management decisions are considered to be Federal actions subject to Section 7. If the proposed action may affect a listed species, consultation with the Service is required. Formal consultation must be initiated for any project that is likely to adversely affect a threatened or endangered species. If a project involves a major construction activity and may affect listed species, Federal agencies are required to prepare a Biological Assessment (BA). If a proposed species is likely to be jeopardized by a Federal action, regulations require a conference between the Federal agency and the Service.

The Service understands The Department of Energy Oak Ridge Operations (DOE ORO) proposes to implement a management program for potentially reusable uranium materials. DOE is preparing an Environmental Assessment (EA) to cover the packaging, transportation, receipt, storage, and disposition of the material at one or more sites. One of the potential storage sites includes the INEEL; however, the preferred alternative is for centralized storage at the Portsmouth Gaseous Diffusion Plant in Ohio. The EA will address 14,200 metric tons of

uranium materials thought to be potentially reusable; thus, uranium waste is not part of the scope. The uranium material would either be shipped in 55 gallon drums or full size (7 x 4 x 4 ft), strong, tight metal boxes via either rail or trucks. The Service also understands that storage at the INEEL would require substantial new construction with associated permanent habitat destruction. This 7-acre commitment would occur at a highly developed site already undergoing other ground disturbances associated with remediation.

Threatened and Endangered Species

Threatened and endangered species that may occur in the proposed project area (enclosure) include: Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), bald eagle (*Haliaeetus leucocephalus*), Ute ladies'- tresses (*Spiranthes diluvialis*), bull trout (*Salvelinus confluentus*), and Bliss Rapids snail (*Taylorconcha serpenticola*). However, for your information, we also have provided you with a list of Species of Special Concern and ask that you consider them, and their habitats, during project planning and review; although they do not have legal status under the Act. Additionally, the whooping crane (*Grus americana*) appears on the species list for Bonneville County. This population of whooping cranes was an experimental/non-essential population. Furthermore, the last two known surviving whooping cranes remaining in the population have not returned this year and are thought to have not survived the winter. Therefore, they need not be considered in your EA.

Based on our knowledge of the INEEL area, sufficient habitat for Canada lynx or bull trout is not available. The proposed project area does not occur in lynx habitat (i.e., not in a Lynx Analysis Unit) and there are no linkage areas in the project area. Furthermore, there is not adequate surface water present in the area of the INEEL area for bull trout survival. The closest known bull trout habitat exists in the Little Lost River, which is located northwest of the project area. However, any available information documenting Canada lynx or bull trout presence in the project area should be noted in the project EA.

The gray wolf is listed as nonessential experimental within the central Idaho area. However, if gray wolf denning sites or rendevous areas are found near or within the project area, the Service asks that project activities be planned to minimize disturbance to wolf activities.

There are no known bald eagle nests within the project area. However, the project EA should document the most recent bald eagle survey information regarding any breeding territories in the project area and address effects of proposed project activities on any newly established breeding territories that may occur in the project area. The Guidelines for Management of Breeding Areas (Bald Eagle Management Plan for Greater Yellowstone, 1996 Final Draft) should guide the timing of any project activities with regard to potential disturbance of Nest Site Management Zones (NSMZ) from human activity, and to bald eagle foraging habitat outside NSMZs. It also should be noted that transient, wintering bald eagles may occur anywhere throughout Bingham, Bonneville, Butte, and Jefferson counties, including the project area.

Ute ladies'-tresses have the potential to occur in wetland and riparian areas including springs, wet meadows, and river meanders. The plant is known to occur at sites ranging from 1,500 to 7,000 feet in elevation. This species generally flowers from mid-July through September, and can be identified definitively only at that time. The orchid can remain dormant for several years; therefore, we suggest surveys for the orchid be scheduled for sequential years. The species may be adversely affected by modification of riparian and wetland habitats associated with livestock grazing, vegetation removal, excavation, construction for residential or commercial purposes, stream channelization, hydroelectric development and operation, and actions that alter hydrology.

The Bliss Rapids snail is part of the native mollusc fauna of the middle Snake River which characteristically require cold, fastwater or lotic habitats. The Bliss Rapids snail occurs on stable, cobble-boulder substratum only in flowing waters in unimpounded stream reaches. This species does not burrow in sediments and normally avoids surfaces with attached plants. Populations (or colonies) of the Bliss Rapids snail occur in areas associated with spring influences or rapids edge environments and tend to flank shorelines. They are found at varying depths if dissolved oxygen and temperature requirements persist. Currently, the occurrence of snails at the INEEL is unknown; therefore the project EA should document any available survey information addressing the presence or absence of snails or snail habitat in or near the project area. If survey information is not available, we recommend surveys be conducted prior to submission of the EA.

We appreciate your conscientious efforts to comply with Federal requirements and would appreciate the opportunity to be involved in further commenting on the finalized EA. If you need further information, please contact Sandi Arena of this office at (208) 237-6975 x 34. Thank you for your continued interest in endangered species conservation.

Sincerely,

Deb Mignogno
Supervisor, Eastern Idaho Sub-Office

Enclosure

BINGHAM COUNTY

LISTED SPECIES	COMMENTS
Gray wolf (XN) *(Canis lupus)*	Experimental/Non-essential population
Bald eagle (LT) *(Haliaeetus leucocephalus)*	
Bliss Rapids snail (LT) *(Taylorconcha serpenticola)*	
Ute ladies'- tresses (LT) *(Spiranthes diluvialis)*	

PROPOSED SPECIES

None

CANDIDATE SPECIES

None

The Fish and Wildlife Service is interested in the following plants and/or animals, and we are providing this list for your information. We are concerned about their population status and threats to their long-term viability. These species have no legal status under the Endangered Species Act, therefore you are not obliged to account for them. However, in context with ecosystem-level management, we suggest that you consider these species and their habitats in project planning and review.

Mammals

Pygmy rabbit
(Brachylagus idahoensis)

Merriam's shrew
(Sorex merriami)

March 2002

Yuma myotis
(Myotis yumanensis)

Long-eared myotis
(Myotis evotis)

Western small-footed myotis
(Myotis ciliolabrum)

Townsend's big-eared bat
(Plecotus townsendii)

Fish

Snake River fine-spotted cutthroat trout
(Oncorhynchus clarki ssp.*)*

Yellowstone cutthroat trout
(Oncorhynchus clarki bouvieri)

Bonneville cutthroat trout
(Oncorhynchus clarki utah)

Birds

Columbian sharp-tailed grouse
(Tympanuchus phasianellus)

Sage grouse
(Centrocercus urophasianus)

Yellow-billed cuckoo
(Coccyzus americanus)

Ferruginous hawk
(Buteo regalis)

White-faced ibis
(Plegadis chihi)

Trumpeter swan
(Cygnus buccinator)

Black tern
(Chlidonias niger)

Long-billed curlew
(Numenius americanus)

Invertebrates

Idaho Dunes tiger beetle
(Cicindela arenicola)

Amphibians and Reptiles

Western toad
(Bufo boreas)

Northern leopard frog
(Rana pipiens)

Columbia spotted frog
(Rana luteiventris)

Ringneck snake
(Diadophis punctatus)

Common garter snake
(Thamnophis sirtalis)

Short-horned lizard
(Phrynosoma douglassi)

BONNEVILLE COUNTY

LISTED SPECIES	COMMENTS
Canada lynx (LT) *(Lynx canadensis)*	
Gray wolf (XN) *(Canis lupus)*	Experimental/Non-essential population
Bald eagle (LT) *(Haliaeetus leucocephalus)*	Wintering area/nesting area
Whooping crane (XN) *(Grus americana)*	Experimental/Non-essential population
Ute ladies'- tresses (LT) *(Spiranthes diluvialis)*	

PROPOSED SPECIES

None

CANDIDATE SPECIES

None

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<u>Mammals</u>

Western small-footed myotis
(Myotis ciliolabrum)

March 2002

Townsend's big-eared bat
(Plecotus townsendii)

Pygmy rabbit
(Brachylagus idahoensis)

Wolverine
(Gulo gulo)

Uinta chipmunk
(Tamias umbrinus)

Fish

Snake River fine-spotted cutthroat trout
(Oncorhynchus clarki ssp.*)*

Yellowstone cutthroat trout
(Oncorhynchus clarki bouvieri)

Birds

Columbian sharp-tailed grouse
(Tympanuchus phasianellus)

Sage grouse
(Centrocercus urophasianus)

White-faced ibis
(Plegadis chihi)

Trumpeter swan
(Cygnus buccinator)

Harlequin duck
(Histrionicus histrionicus)

Northern goshawk
(Accipiter gentilis)

Ferruginous hawk
(Buteo regalis)

Black tern
(Chlidonias niger)

March 2002

Long-billed curlew
(Numenius americanus)

Flammulated owl
(Otus flammeolus)

Great gray owl
(Strix nebulosa)

Invertebrates

Idaho Dunes tiger beetle
(Cicindela arenicola)

Amphibians and Reptiles

Western toad
(Bufo boreas)

Northern leopard frog
(Rana pipiens)

Columbia spotted frog
(Rana luteiventris)

Ringneck snake
(Diadophis punctatus)

Common garter snake
(Thamnophis sirtalis)

Short-horned lizard
(Phrynosoma douglassi)

Plants

Payson's milkvetch
(Astragalus paysonii)

Payson's bladderpod
(Lesquerella paysonii)

Mountain twin bladderpod
(Physaria integrifolia var. *monticola)*

BUTTE COUNTY

LISTED SPECIES	COMMENTS
Gray wolf (XN) *(Canis lupus)*	Experimental/Non-essential population
Canada lynx (LT) *(Lynx canadensis)*	
Bull trout (LT) *(Salvelinus confluentus)*	
Bald eagle (LT) *(Haliaeetus leucocephalus)*	Wintering area
Ute ladies'-tresses (LT) *(Spiranthes diluvialis)*	

PROPOSED SPECIES

None

CANDIDATE SPECIES

None

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<u>Mammals</u>

Western small-footed myotis
(Myotis ciliolabrum)

Long-eared myotis
(Myotis evotis)

March 2002

Townsend's big-eared bat
(Plecotus townsendii)

Long-legged myotis
(Myotis volans)

Merriam's shrew
(Sorex merriami)

Pygmy rabbit
(Brachylagus idahoensis)

Kit fox
(Vulpes macrotis)

Birds

Sage grouse
(Centrocercus urophasianus)

Ferruginous hawk
(Buteo regalis)

Loggerhead shrike
(Lanius ludovicianus)

Long-billed curlew
(Numenius americanus)

Amphibians and Reptiles

Western toad
(Bufo boreas)

Northern leopard frog
(Rana pipiens)

Columbia spotted frog
(Rana luteiventris)

Ringneck snake
(Diadophis punctatus)

Common garter snake
(Thamnophis sirtalis)

March 2002

Short-horned lizard
(Phrynosoma douglassi)

Plants

Obscure phacelia
(Phacelia inconspicua)

Slender moonwort
(Botrychium lineare)

March 2002

JEFFERSON COUNTY

LISTED SPECIES	COMMENTS
Canada lynx (LT) *(Lynx canadensis)*	
Gray wolf (XN) *(Canis lupus)*	Experimental/Non-essential population
Bald eagle (LT) *(Haliaeetus leucocephalus)*	Wintering area/nesting area
Ute ladies'- tresses (LT) *(Spiranthes diluvialis)*	

PROPOSED SPECIES

None

CANDIDATE SPECIES

None

The Fish and Wildlife Service is interested in the following plants and animals, and we are providing this list for your information. We are concerned about their population status and/or threats to their long-term viability. These species have no legal status under the Endangered Species Act, therefore you are not obliged to account for them. However, in context with ecosystem-level management, we suggest that you consider these species and their habitats in project planning and review.

Mammals

Pygmy rabbit
(Brachylagus idahoensis)

Birds

Sage grouse
(Centrocercus urophasianus)

Yellow-billed cuckoo
(Coccyzus americanus)

March 2002

White-faced ibis
(Plegadis chihi)

Trumpeter swan
(Cygnus buccinator)

Ferruginous hawk
(Buteo regalis)

Black tern
(Chlidonias niger)

Long-billed curlew
(Numenius americanus)

Fish

Yellowstone cutthroat trout
(Oncorhynchus clarki lewisi)

Invertebrates

Idaho Dunes tiger beetle
(Cicindela arenicola)

Amphibians and Reptiles

Western toad
(Bufo boreas)

Northern leopard frog
(Rana pipiens)

Columbia spotted frog
(Rana luteiventris)

Common garter snake
(Thamnophis sirtalis)

Short-horned lizard
(Phrynosoma douglassi)

Plants

Slender moonwort
(Botrychium lineare)