APPENDIX B

U.S. FISH AND WILDLIFE SERVICE SPECIES LIST

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Western Washington Fish and Wildlife Office
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
Phone: (360) 753-9440 Fax: (360) 534-9331

MAR 1 2 2002

Dear Species List Requester:

We are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us (U.S. Fish and Wildlife Service).

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

The Federal agency is responsible for making a determination of the effects of the project on listed species and/or critical habitat. For a Federal agency determination that a listed species or critical habitat is likely to be affected (adversely or beneficially) by the project, you should request section 7 consultation through this office. For a "not likely to adversely affect" determination, you should request our concurrence through the informal consultation process. For a "no effect" determination, we would appreciate receiving a copy for our information.

Candidate species and species of concern are those species whose conservation status is of concern to us, but for which additional information is needed. Candidate species are included as an advance notice to Federal agencies of species that may be proposed and listed in the future. Conservation measures for candidate species and species of concern are voluntary but recommended. Protection provided to these species now may preclude possible listing in the future.

For other federally listed species that may occur in the vicinity of your project, contact the National Marine Fisheries Service at (360) 753-9530 to request a list of species under their jurisdiction. For wetland permit requirements, contact the Seattle District of the U.S. Army Corps of Engineers for Federal permit requirements and the Washington State Department of Ecology for State permit requirements.

Thank you for your assistance in protecting listed threatened and endangered species and other species of Federal concern. If you have additional questions, please contact Yvonne Dettlaff (360) 753-9582.

Sincerely,

for

Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

Enclosure(s)

ATTACHMENT A **March 5, 2002**

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE VICINITY OF THE PROPOSED DEMOLISH AND REMOVE BUILDING PROJECT IN CLALLAM COUNTY, WASHINGTON

(T30N R7W S28)

FWS REF: 1-3-02-SP-0831

LISTED

Wintering bald eagles (*Haliaeetus leucocephalus*) may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) occur in the vicinity of the project.

Marbled murrelet (*Brachyramphus marmoratus*) occur in the vicinity of the project. Nesting activities occur from April 1 through September 15.

Northern spotted owl (*Strix occidentalis caurina*) occur in the vicinity of the project. Nesting activities occur from March 1 through September 30.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species,

2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project, and

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

PROPOSED

None

CANDIDATE

None

CRITICAL HABITAT

Critical habitat for the northern spotted owl has been designated in the vicinity of the project.

SPECIES OF CONCERN

The following species of concern have been documented in the county where the project is located. These species or their habitat could be located on or near the project site. Species in **bold** were specific occurrences located on the database within a 1 mile radius of the project site.

California wolverine (*Gulo gulo luteus*)
Cascades frog (*Rana cascadae*)
Cassin's auklet (*Ptychoramphus aleuticus*)
Long-eared myotis (*Myotis evotis*)
Long-legged myotis (*Myotis volans*)
Makah's copper (*Lycaena mariposa charlottensis*)
Northern goshawk (*Accipiter gentilis*)
Olive-sided flycatcher (*Contopus cooperi*)
Oregon vesper sparrow (*Pooectetes gramineus affinis*)
Pacific lamprey (*Lampetra tridentata*)
Pacific fisher (*Martes pennanti pacifica*)
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)
Peregrine falcon (*Falco peregrinus*)
Olympic torrent salamander (*Rhyacotriton olympicus*)
River lamprey (*Lampetra ayresi*)
Tailed frog (*Ascaphus truei*)
Tufted puffin (*Fratercula cirrhata*)
Valley silverspot (*Speyeria zerene bremeri*)
Van Dykes's salamander (*Plethodon vandykei*)
Western toad (*Bufo boreas*)
Abronia umbellata ssp. *acutalata* (rose-purple sand-verbena)
Astragalus australis var. *olympicus* (Cotton's milk-vetch)

ATTACHMENT B

FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

SECTION 7(a) - Consultation/Conference

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 (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and

3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Construction Projects *

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze 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; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

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* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.