



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arlington Ecological Services Field Office
2005 NE GREEN OAKS BLVD, SUITE 140
ARLINGTON, TX 76006
PHONE: (817)277-1100 FAX: (817)277-1129
URL: www.fws.gov/southwest/es/arlingtontexas/;
www.fws.gov/southwest/es/EndangeredSpecies/lists/

Consultation Code: 02ETAR00-2016-SLI-0109

November 11, 2015

Event Code: 02ETAR00-2016-E-00129

Project Name: CREZ 345 kV Phase I Upgrade Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, which may occur within the boundary of your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under section 7(a)(1) of the Act, Federal agencies are directed to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Under and 7(a)(2) and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether their actions may affect threatened and endangered species and/or designated critical habitat. A Federal action is an activity or program authorized, funded, or carried out, in whole or in part, by a Federal agency (50 CFR 402.02).

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For Federal actions other than major construction activities, the Service suggests that a biological evaluation (similar to a Biological Assessment) be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

After evaluating the potential effects of a proposed action on federally listed species, one of the

following determinations should be made by the Federal agency:

1. *No effect* - the appropriate determination when a project, as proposed, is anticipated to have no effects to listed species or critical habitat. A "no effect" determination does not require section 7 consultation and no coordination or contact with the Service is necessary. However, the action agency should maintain a complete record of their evaluation, including the steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related information.
2. *May affect, but is not likely to adversely affect* - the appropriate determination when a proposed action's anticipated effects are insignificant, discountable, or completely beneficial. Insignificant effects relate to the size of the impact and should never reach the scale where "take" of a listed species occurs. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects, or expect discountable effects to occur. This determination requires written concurrence from the Service. A biological evaluation or other supporting information justifying this determination should be submitted with a request for written concurrence.
3. *May affect, is likely to adversely affect* - the appropriate determination if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action, and the effect is not discountable or insignificant. This determination requires formal section 7 consultation.

The Service recommends that candidate species, proposed species, and proposed critical habitat be addressed should consultation be necessary. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:
<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

For additional information concerning migratory birds and eagle conservation plans, please contact the Service's Migratory Bird Office at 505-248-7882.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: CREZ 345 kV Phase I Upgrade Project

Official Species List

Provided by:

Arlington Ecological Services Field Office

2005 NE GREEN OAKS BLVD

SUITE 140

ARLINGTON, TX 76006

(817) 277-1100

<http://www.fws.gov/southwest/es/arlingtontexas/>

<http://www.fws.gov/southwest/es/EndangeredSpecies/lists/>

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Project Type: TRANSMISSION LINE

Project Name: CREZ 345 kV Phase I Upgrade Project

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

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Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Briscoe, TX | Carson, TX | Castro, TX | Deaf Smith, TX | Oldham, TX | Potter, TX | Swisher, TX



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Endangered Species Act Species List

There are a total of 6 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 3 of these species should be considered only under certain conditions. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Least tern (<i>Sterna antillarum</i>) Population: interior pop.	Endangered		Wind Energy Projects
Lesser prairie-chicken (<i>Tympanuchus pallidicinctus</i>)	Threatened		
Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened		Wind Energy Projects
Red Knot (<i>Calidris canutus rufa</i>)	Threatened		Wind Energy Projects
Whooping crane (<i>Grus americana</i>) Population: except where EXPN	Endangered	Final designated	
Fishes			
Arkansas River shiner (<i>Notropis girardi</i>) Population: Arkansas R. Basin	Threatened	Final designated	



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Critical habitats that lie within your project area

There are no critical habitats within your project area.