



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
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Consultation Code: 02EKOK00-2016-SLI-1519

June 17, 2016

Event Code: 02EKOK00-2016-E-01680

Project Name: COT Sidewalks - South Lewis Ave Tulsa

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, that may occur within the boundary of your proposed project and/or may be affected by 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.*).

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.

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 sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

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 projects 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.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. 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>

Non-federal entities conducting activities that may result in take of listed species should consider seeking coverage under section 10 of the ESA, either through development of a Habitat Conservation Plan (HCP) or, by becoming a signatory to the General Conservation Plan (GCP) currently under development for the American burying beetle. Each of these mechanisms provides the means for obtaining a permit and coverage for incidental take of listed species during otherwise lawful activities.

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](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>.

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 through our Project Review step-wise process <http://www.fws.gov/southwest/es/oklahoma/OKESFO%20Permit%20Home.htm>.

Attachment



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## Official Species List

### Provided by:

Oklahoma Ecological Services Field Office

9014 EAST 21ST STREET

TULSA, OK 74129

(918) 581-7458

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

**Consultation Code:** 02EKOK00-2016-SLI-1519

**Event Code:** 02EKOK00-2016-E-01680

**Project Type:** Federal Grant / Loan Related

**Project Name:** COT Sidewalks - South Lewis Ave Tulsa

**Project Description:** The City of Tulsa Streets and Stormwater Department will use HUD CDBG funding to install new sidewalks along South Lewis Ave, between 51st street and 61st Street

**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.





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## Endangered Species Act Species List

There are a total of 5 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. 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		
Piping Plover ( <i>Charadrius melodus</i> ) Population: except Great Lakes watershed	Threatened	Final designated	
Red Knot ( <i>Calidris canutus rufa</i> )	Threatened		
<b>Insects</b>			
American Burying beetle ( <i>Nicrophorus americanus</i> ) Population: Entire	Endangered		
<b>Mammals</b>			
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		



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## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.



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## **Appendix A: FWS National Wildlife Refuges and Fish Hatcheries**

There are no refuges or fish hatcheries within your project area.



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## Appendix B: FWS Migratory Birds

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). The MBTA has no otherwise lawful activities. For more information regarding these Acts see: <http://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php> <http://www.fws.gov/birds/policies-and-regulations/laws-legislations/bald-and-golden-eagle-protection-act.php>

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

For information about Birds of Conservation Concern, go to:

<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>

For information about conservation measures that help avoid or minimize impacts to birds, please visit:

<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>

To search and view summaries of year-round bird occurrence data within your project area, go to the Avian Knowledge Network Histogram Tools at:

<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/akn-histogram-tools.php>

### Migratory birds of concern that may be affected by your project:

There are 30 birds on your Migratory birds of concern list.

Species Name	Bird of Conservation Concern (BCC)	Seasonal Occurrence in Project Area
Acadian Flycatcher ( <i>Empidonax virescens</i> )	Yes	Breeding



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Bachman's sparrow ( <i>Aimophila aestivalis</i> )	Yes	Breeding
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	Yes	Year-round
Bell's Vireo ( <i>Vireo bellii</i> )	Yes	Breeding
Bewick's Wren ( <i>Thryomanes bewickii ssp. bewickii</i> )	Yes	Year-round
Black-crowned Night-Heron ( <i>Nycticorax nycticorax</i> )	Yes	Breeding
Dickcissel ( <i>Spiza americana</i> )	Yes	Breeding
Field Sparrow ( <i>Spizella pusilla</i> )	Yes	Year-round
Fox Sparrow ( <i>Passerella iliaca</i> )	Yes	Wintering
Golden eagle ( <i>Aquila chrysaetos</i> )	Yes	Wintering
Harris's Sparrow ( <i>Zonotrichia querula</i> )	Yes	Wintering
Henslow's sparrow ( <i>Ammodramus henslowii</i> )	Yes	Breeding
Hudsonian Godwit ( <i>Limosa haemastica</i> )	Yes	Migrating
Kentucky Warbler ( <i>Oporornis formosus</i> )	Yes	Breeding
Le Conte's Sparrow ( <i>Ammodramus leconteii</i> )	Yes	Wintering
Least bittern ( <i>Ixobrychus</i> )	No	Breeding



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<i>exilis hesperis</i> )		
Least tern ( <i>Sterna antillarum</i> )	Yes	Breeding
Little Blue Heron ( <i>Egretta caerulea</i> )	Yes	Breeding
Loggerhead Shrike ( <i>Lanius ludovicianus</i> )	Yes	Year-round
Mississippi Kite ( <i>Ictinia mississippiensis</i> )	Yes	Breeding
Northern Flicker ( <i>Colaptes auratus</i> )	Yes	Year-round
Orchard Oriole ( <i>Icterus spurius</i> )	Yes	Breeding
Painted Bunting ( <i>Passerina ciris</i> )	Yes	Breeding
Prothonotary Warbler ( <i>Protonotaria citrea</i> )	Yes	Breeding
Red-headed Woodpecker ( <i>Melanerpes erythrocephalus</i> )	Yes	Year-round
Rufous-crowned Sparrow ( <i>Aimophila ruficeps</i> )	Yes	Year-round
Rusty Blackbird ( <i>Euphagus carolinus</i> )	Yes	Wintering
Scissor-tailed Flycatcher ( <i>Tyrannus forficatus</i> )	Yes	Breeding
Short-eared Owl ( <i>Asio flammeus</i> )	Yes	Wintering
Swainson's hawk ( <i>Buteo</i>	Yes	Breeding



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## Appendix C: NWI Wetlands

Wetlands data for your project area was not available at the time of this species list request.