From: Burak, Greg
To: Rapley, Kathleen
Cc: Jason Pyron
Subject: Re: INL email
Date: Thursday, December 20, 2012 10:45:53 AM

I think those look good, but do we want to incorporate something about converting the CCA to a conference opinion and then to the biological opinion, and how their activities may or may not be covered if the species is listed? Also, how will the BOs incidental take statement come into play regarding take within and outside the conservation area? I think that's an addition big unknown for them, especially when discussing activities not covered under the BO.

Also, I'd confirm with Jason what exactly the enrolled lands will be. I thought it would be the entire INL, though maybe minus lands within facility fences and so many meters outside of them... My memory is so porous!

On Thu, Dec 20, 2012 at 11:15 AM, Rapley, Kathleen <kathleen_rapley@fws.gov> wrote:

> Pls review
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> 1. ESA in a nutshell: All federal agencies are required to consult on their activities if such activities may affect listed species pursuant to the ESA. At this time there are no known ESA listed species that occur in or near the INL or designated Conservation Areas (CA) as outlined in the CCA; therefore, you can assume that for now the INL would be in compliance with the ESA (no section 7 consultation) for listed species (grouse are not currently listed).
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> 2. The entire INL site is considered “enrolled lands” and will be considered in the CCA. If grouse are listed under the ESA the entire INL site will be considered “covered” under the CCA. However, through our analysis in the CCA we (FWS and INL) have concluded that the described conservation measures need only to be applied to those lands as delineated as CAs. Outside of the CAs the CCA provides for more flexibility for INL to implement certain activities (they must still comply with other federal/state laws as necessary (COE, NEPA…..). The conservation measures do not apply to those lands outside of the CAs. Based on the analysis of the CCA we have concluded that the area within the CAs and implementation of the conservation measures within the CAs meet the conservation level necessary to comply with CCAA/CCA policy for grouse.
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> 3. The CCA describes certain activities that may occur on the INL and/or within the CAs. In the event that the INL proposes an activity that is not described in the CCA, they can work with the FWS to amend the CCA to include such an activity provided the activity fits within the range of effects as analyzed within the CCA and for which the stipulated conservation measures will be applied. Because the majority of the analysis will be completed through this CCA we can assume that such an amendment can be expedited if

> the activity fits easily within the scope of the CCA. The FWS could commit to a specific timeline to address proposed amendments. A minor amendment may be able to be completed within 60 days but a major amendment may take longer.
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