

Second Atoka Pipeline Project Habitat Conservation Plan

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**Second Atoka Pipeline Project
Habitat Conservation Plan**

**Attachment 1
Representative Site Photographs**

Representative Site Photographs



Photograph 1: Maintained Residential/Commercial Lawn



Photograph 2: Agricultural Field

Representative Site Photographs



Photograph 3: Improved Grass Pasture/Hayfield



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Representative Site Photographs



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Representative Site Photographs



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Photograph 8: Emergent Wetland

Representative Site Photographs



Photograph 9: Scrub-Shrub Wetland



Photograph 10: Forested Wetland

Representative Site Photographs



Photograph 11: Canadian River Crossing

**Second Atoka Pipeline Project
Habitat Conservation Plan**

**Attachment 2
USFWS Official Species List for the Proposed Project Area**



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Oklahoma Ecological Services Field Office
9014 East 21st Street
Tulsa, OK 74129-1428
Phone: (918) 581-7458 Fax: (918) 581-7467
<http://www.fws.gov/southwest/es/Oklahoma/>

In Reply Refer To:

October 08, 2018

Consultation Code: 02EKOK00-2019-SLI-0054

Event Code: 02EKOK00-2019-E-00125

Project Name: Atoka Water Line

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). 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(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Oklahoma Ecological Services Field Office

9014 East 21st Street

Tulsa, OK 74129-1428

(918) 581-7458

Project Summary

Consultation Code: 02EKOK00-2019-SLI-0054

Event Code: 02EKOK00-2019-E-00125

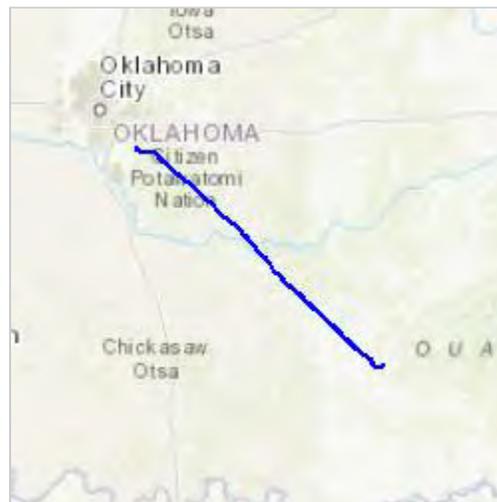
Project Name: Atoka Water Line

Project Type: WATER SUPPLY / DELIVERY

Project Description: Water Line

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/34.87026712324858N96.6937498413944W>



Counties: Atoka, OK | Cleveland, OK | Coal, OK | Pontotoc, OK | Pottawatomie, OK | Seminole, OK

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Least Tern <i>Sterna antillarum</i> Population: interior pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8505	Endangered
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

Fishes

NAME	STATUS
Arkansas River Shiner <i>Notropis girardi</i> Population: Arkansas River Basin (AR, KS, NM, OK, TX) There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4364	Threatened

Insects

NAME	STATUS
American Burying Beetle <i>Nicrophorus americanus</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/66	Endangered

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Arkansas River Shiner <i>Notropis girardi</i> https://ecos.fws.gov/ecp/species/4364#crithab	Final

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

REFUGE INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 1 to Aug 31

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Harris's Sparrow <i>Zonotrichia querula</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Semipalmated Sandpiper <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

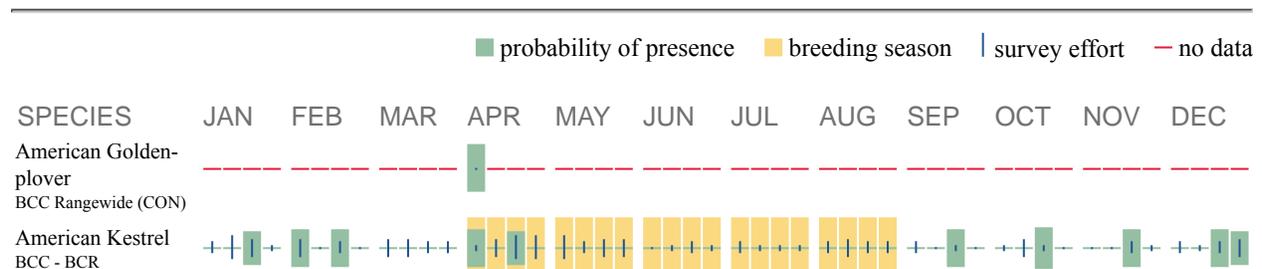
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

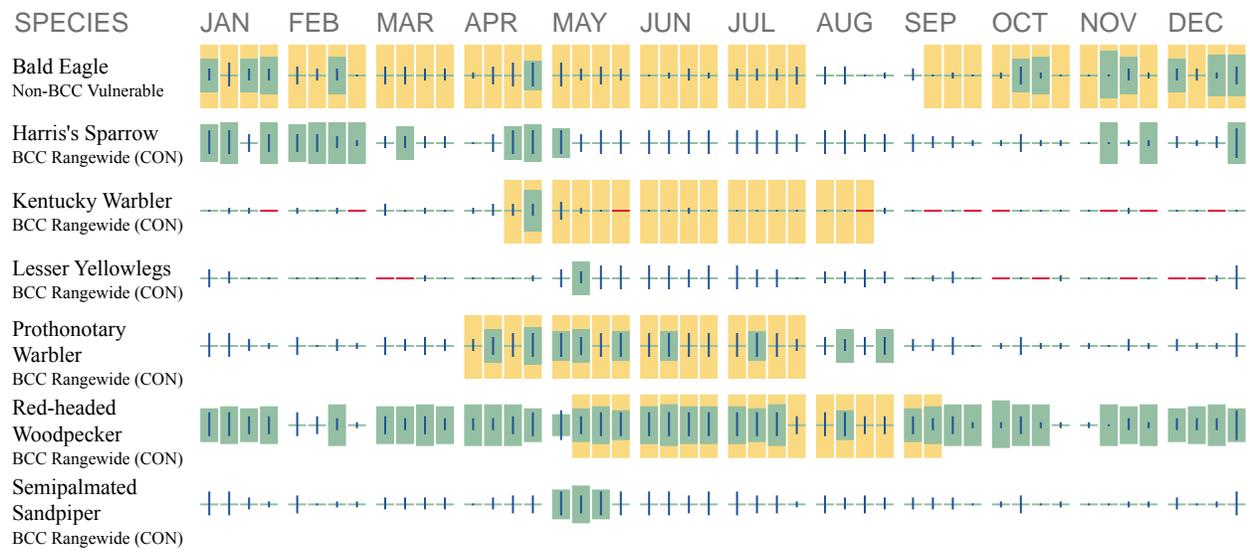
No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
 2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
 3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).
-

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location?”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- [PEM1C](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1A](#)
- [PFO5/UBHh](#)
- [PFO1Ah](#)
- [PSS1C](#)
- [PFO1C](#)
- [PFO1Ch](#)
- [PSS/EM1A](#)

FRESHWATER POND

- [PUBHh](#)
- [PUSCh](#)
- [PUBHx](#)
- [PUBFh](#)
- [PUBFx](#)
- [PUSC_x](#)
- [PUSC](#)
- [PUBH](#)

LAKE

- [L2USCh](#)
- [L1UBHh](#)

RIVERINE

- [R2USC](#)
 - [R4SBA](#)
 - [R4SBC](#)
-

- [R5UBF](#)
 - [R2UBH](#)
 - [R2UBHx](#)
-

**Second Atoka Pipeline Project
Habitat Conservation Plan**

**Attachment 3
USFWS Concurrence on Northern Long-Eared Bat**

From: [Fuller, Brian](#)
To: [Brad Barnes](#)
Subject: Re: [EXTERNAL] NLEB hibernacula
Date: Wednesday, October 17, 2018 3:57:45 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image001.jpg](#)

There are no known caves or roost trees around your project area.

On Fri, Oct 12, 2018 at 12:37 PM Brad Barnes <bbarnes@enercon.com> wrote:

Hello Brian,

I am writing to ask about any known hibernacula of the NLEB within or near the following locations within Atoka County OK:

Sections 34, 35, and 36, Township 1 South, Range 11 East

Sections 2 and 3, Township 2 South, Range 11 East

Sections 30 and 31, Township 1 South, Range 12 East

I also attached a KMZ of the route

Thanks

Bradley W. Barnes

Biologist

Enercon Services, Inc.
1601 Northwest Expressway, Suite 1000
Oklahoma City, Oklahoma 73118
Direct Work (405) 847-6096

Work (405) 722-7693, Ext 291

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Brian Fuller
U.S. Fish & Wildlife Service
Threatened and Endangered Species Biologist
Oklahoma Ecological Service Field Office
9014 E 21st Street, Tulsa, OK 74219
email: brian_fuller@fws.gov
Phone: 918-382-4514

**Second Atoka Pipeline Project
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**Attachment 4
Oklahoma Natural Heritage Inventory Occurrence Records**

OBS Ref. 2018-595-BUS-ENE

Dear Mr. Barnes,

Oct. 12, 2018

We have reviewed occurrence information on federal and state threatened, endangered or candidate species, as well as non-regulatory rare species and ecological systems of importance currently in the Oklahoma Natural Heritage Inventory database for the following location you provided:

Sec. Sec, 29 and 32-T5N-R6E, Seminole County and Pontotoc County

We found 7 occurrence(s) of relevant species within the vicinity of the project location as described.

American burying beetle (*Nicrophorus americanus*), a federally listed endangered species, two occurrences, one each in Sec. 24 and 34-T5N-R6E, Pontotoc County.

Interior Least Tern (*Sternula antillarum athalassos*), a federally listed endangered species, one occurrence in Sec. 18-T5N-R6E, Pontotoc County.

Arkansas River shiner (*Notropis girardi*), a federally listed threatened species, two occurrence in Sec. 4-T5N-R6E, Pontotoc County and two occurrences in Sec. 4-T5N-R6E, Seminole County.

Additionally, absence from our database does not preclude such species from occurring in the area.

If you have any questions about this response, please send me an email, or call us at the number given below.

Although not specific to your project, you may find the following links helpful.

ONHI, guide to ranking codes for endangered and threatened species:
http://vmpinzel.ou.edu/heritage/ranking_guide.html

Information regarding the Oklahoma Natural Areas Registry:
http://www.oknaturalheritage.ou.edu/registry_faq.htm

Todd Fagin
Oklahoma Natural Heritage Inventory
(405) 325-4700
tfagin@ou.edu

**Second Atoka Pipeline Project
Habitat Conservation Plan**

**Attachment 5
ABB Habitat Assessment**

May 20, 2020

Oklahoma Water Utilities Trust
 420 West Main, Suite 700
 Oklahoma City, Oklahoma 73102

**RE: American Burying Beetle Habitat Assessment
 Oklahoma City Water Utilities Trust – Atoka Water Line
 Atoka, Cleveland, Coal, Pontotoc, Pottawatomie, and Seminole Counties, Oklahoma**

To Whom It May Concern:

Enercon Services, Inc. (Enercon) conducted an American burying beetle (ABB) habitat assessment on the Atoka Water Line, which connects Atoka Lake and Lake Stanley Draper in Oklahoma. The project area is approximately 1,243 acres in size. Coordinates for the approximate beginning of the project area are 34.44497 x -96.08292 (NAD 83). Coordinates for the approximate ending of the project area are 35.32434 x -97.34031 (NAD 83). The project area is currently leased by Oklahoma City Water Utilities Trust (OKCWUT).

This effort included a preliminary review of the project area using GIS data, topographic maps, and aerial photographs to identify and map areas within the project study area that could potentially be excluded as ABB habitat. Following review of available GIS data, fieldwork was conducted to further assess the project area. Our assessment was based on the current US Fish and Wildlife Service’s (USFWS) ABB Impact Assessment for Project Reviews document (dated March 2016). Although some areas could be excluded as ABB habitat, the majority of the project study area supports suitable ABB habitat. Unsuitable habitat types are categorized by exclusion criteria. Parts of the study area that provide potentially suitable ABB habitat are depicted on Figure 4 of the associated Biological Evaluation, however we did not further categorize these areas into specific habitat types.

HABITAT TYPES

Excluded ABB habitat types that were identified in the project area included developed areas, areas of vegetation maintained below 8 inches by frequent mowing, roads and railways, wetlands, row crop agricultural fields, and surface water features. The following table provides information regarding habitats mapped during this effort. The table also provides acreages for the complete project area and the project area within the current ABB range. Please note that the acreages listed below do not represent project impacts.

TYPE	ABB HABITAT	AREA (ACREAGE)
COMPLETE PROJECT AREA		
ABB Habitat	Suitable Habitat	999
ABB Non Habitat	Excluded	245
PROJECT AREA WITHIN CURRENT ABB RANGE		
ABB Habitat	Suitable Habitat	777
ABB Non Habitat	Excluded	215

ABB HABITAT

Suitable ABB habitat occurs within the project area. These habitats include improved, mixed, and native grass pastures and hayfields, upland forest, and riparian forest. Marginally suitable habitat was also present in minimally maintained road, railway, and oil/gas pipeline rights-of-way (ROWs).

ABB NON HABITAT

Disturbed and Maintained Areas – These areas include a minor and major pump stations, buildings located within the ROW, a Cedar Valley Nursery, oil/gas locations, and minor areas of dirt work created by local landowners. Some of these areas exhibited no herbaceous layer while others supported some herbaceous growth although had a gravel base. Additionally, maintained lawns around businesses and residences and maintained pipeline and overhead power ROW's had grass that has been maintained through frequent mowing at a height of 8 inches or less and is also considered unsuitable habitat for the ABB.

Roadway, Railway, and Oil/Gas Pipeline ROWs – The surfaces of roadways (paved roads, gravel roads, and regularly traveled two track ranch roads) and railways were excluded as ABB habitat.

Surface Water – Surface water features, including ponds and streams in the study area, were excluded as ABB habitat.

Wetlands – Emergent, scrub-shrub, and forested wetlands are located throughout the project area. These wetland areas likely support inundation and wet conditions for extended periods throughout the year. Wetlands are considered to be unsuitable habitat for the ABB.

Row Crop Agricultural Fields – This included portions of the study area that were disked, cultivated, and planted with wheat. Row crop agricultural fields are also considered unsuitable for the ABB.

CONCLUSION

Ground disturbance within suitable ABB habitat could result in take of the species providing the habitats are occupied at the time of the disturbance. Presence-absence surveys can be conducted during the ABB active season to determine if areas of suitable habitat are occupied. If surveys are negative, project area development can commence providing initial ground disturbance is conducted within the timeframe the survey is considered valid.

Best regards,



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