EXAMPLE 3A

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
222 S. Hanson, Suite A
Tulsa, Oklahoma 74107
January 6, 1994

2-14-94-I-185

Mr. Paul Hairston
Tyson Foods, Inc.
Dept. CP 521
P.O. Box 2020
Springdale, Arkansas 72765-2020

Dear Mr. Hairston:

This responds to your letter dated November 9, 1993, regarding expansion of the Gerald Smith swine farm in Sections 26 and 27, T. 4 N., R. 9 E., Hughes County, Oklahoma. The proposed project would not affect federally listed threatened or endangered species or their habitats. Our main concern is the potential effect of the project on water quality of the Muddy Boggy River and its tributaries.

According to the soil survey map, bottomland soils (alluvial and Verdigris silt loams) occupy the western half of the project area (SE4 SE4 SE4 Section 27), within the historic floodplain of Big Sandy Creek, a tributary to the Muddy Boggy River. To protect these aquatic resources, we recommend no intentional discharges of animal wastes, other chemicals, or fill material into Big Sandy Creek. Precautions should be taken to ensure that digging activities do not affect the ground water table. Holding ponds should safely store animal wastes without leaching into the ground water. A contingency plan for safely storing waste due to extensive repair jobs or other emergencies is desirable. Precautions also should be taken to eliminate or minimize chances that floods would flush the contents of the waste holding ponds or drying fields into the creek. If these protective measures are incorporated into the project design, the Fish and Wildlife Service would have no objections to the action. Please keep us advised of how our recommendations were implemented.

We appreciate the opportunity to review this project during the early planning stage. Please call Laura Hill (918-581-7458) if you have questions.

Sincerely,

Charles M. Scott

Charles M. Scott
Acting Field Supervisor

EXAMPLE 3B

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
222 S. Hanson, Suite A
Tulsa, Oklahoma 74107

December 29, 1994

2-14-95-C-195

Mr. Robert Collins
1330 McFarland Place
Claremore, Oklahoma 74107

Dear Mr. Collins:

This letter responds to your requests dated December 4, 1994, and December 9, 1994, for information on listed species and/or wetlands that could occur on two proposed surface coal mine sites. The proposed mines are to be operated by Phoenix Mineral Company and are located in Rogers and Craig counties, Oklahoma. The Rogers County proposal was evaluated by this office for effects on listed species in January, 1994.

We have provided updated county lists of federally-listed species, including candidate species, for the subject counties. Candidate species receive no legal protection under the Endangered Species Act, and they are included in this document for planning purposes only. Responsible planning could help reverse the declining population trends exhibited by candidate species and delay or prevent the need to list these species in the future.

The only Federally-listed species likely to be affected by the proposed Craig County surface mine is the threatened western prairie fringed orchid. This orchid is found on tallgrass prairies where the native vegetation has been maintained in relatively good condition. If tracts of good quality, tallgrass prairie remain on the site of the proposed mine, they should be surveyed for western prairie fringed orchids.

As per your request, we have enclosed copies of the Fish and Wildlife Service's National Wetlands Inventory maps for both proposed mine sites. For your convenience, we have roughly outlined the project areas in red and highlighted the wetland areas in green.

The Rogers County site contains portions of two seasonally flooded, intermittent streambeds and several small, artificial impoundments. The Craig County site supports temporarily flooded, palustrine, forested wetlands along the boundaries of Thompson Creek and its tributaries. If the forested wetlands along Thompson Creek and its tributaries still remain intact, they could provide high quality habitat and a movement corridor for wildlife. We recommend that these forested wetlands be protected from mining activity. Maintenance of these forested corridors would buffer the streams from runoff from the mine site.

The Tulsa Office of the U.S. Army Corps of Engineers or the Natural Resources Conservation Service (formerly the Soil Conservation Service) should be contacted to determine if jurisdictional wetlands exist on the proposed mine sites.