

To: Mark Foley[mfoley@blm.gov]; Cynthia Staszak[cstaszak@blm.gov]; Matthew Betenson[mbetenso@blm.gov]
From: Hughes, Amber
Sent: 2017-05-09T18:58:10-04:00
Importance: Normal
Subject: Fwd: SCC Johnson Canyon to Cannonville EA
Received: 2017-05-09T18:58:19-04:00

First, I want to say I don't think this is an emergency. I just want to let you all know what has come down from the FWS, we can work with them and give SCC some options which Osmer will provide to SCC tomorrow. If the phones start ringing you'll understand.

Amber L Hughes

Planning and Environmental Coordinator
Grand Staircase Escalante National Monument
Bureau of Land Management

PO Box 225
Escalante, UT 84726

435 826 5602
435 826 5650 fax

"Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and freedom" Viktor E Frankl

----- Forwarded message -----
From: **Cameron McQuivey** <cmcquive@blm.gov>
Date: Tue, May 9, 2017 at 9:55 AM
Subject: Re: SCC Johnson Canyon to Cannonville EA
To: "Hughes, Amber" <ahughes@blm.gov>
Cc: Osmer Beck <obeck@transcon.com>

Just spoke again to USFWS about this project. They said we basically have two options. 1) We can formally consult, identify suitable nesting habitat and then write a Biological Assessment, which would probably result in a May Affect Not Likely to Adversely Affect determination at which time south central can proceed at their discretion; or 2) come up with a suitable nesting habitat area and then agree to avoid work within a 1/2 mile buffer of that area until September 1. This allows for a No Effect determination and no consultation.

(B)(5) DPP

We're probably talking about a few miles here or there.

Please keep me informed on how we want to proceed here.

Sent from my iPhone

On May 5, 2017, at 3:43 PM, Hughes, Amber <ahughes@blm.gov> wrote:

They're looking at summer now, June 1st ish through August. I think they said something about 2.5 months of good weather so maybe through end of August first part of September.

Amber L Hughes

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On Fri, May 5, 2017 at 3:23 PM, Cameron McQuivey <cmcquive@blm.gov> wrote:

What I need from owner is an updated timeline being that spring if 2017 has come and gone. (B)(5) DPP

[REDACTED]

[REDACTED] I'll have to work on this on Monday.

Sent from my iPhone

On May 5, 2017, at 7:55 AM, Hughes, Amber <ahughes@blm.gov> wrote:

Good Morning Cameron,
Joseph Moore with the FWS has provided comments for the SCC Fiber Optic line EA. Could you look at them and provide some feedback? Please let Osmer and I know if the EA needs to have

wildlife added to the document ASAP.

Thanks,
Amber

Amber L Hughes

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On Thu, May 4, 2017 at 3:37 PM, Moore, Joseph <joseph_moore@fws.gov> wrote:

Hi Amber,
I have an additional question about the SCC Johnson Canyon to Cannonville EA. What is the anticipated timeframe for the project? The EA states that construction will likely begin in spring 2017 on page 8 of the EA, but on page 2 of the interdisciplinary team checklist it states that vegetation removal would not begin until after July 15 under the *Fish and Wildlife Excluding USFW Designated Species* section.

The criteria you use to evaluate effects of the project to Mexican spotted owl (a threatened species), and its' critical habitat, does not appear compatible with responsibilities of federal agencies under section 7 of the Endangered Species Act. You have made a determination that the proposed project is present, but not affected to a degree that detailed analysis is required. Therefore, you propose to drop it from detailed analysis in your EA. We recommend that you use the following definitions to determine a) whether to carry Mexican spotted owl forward for detailed analysis in your EA, and b) whether consultation is necessary under section 7 of the ESA:

No Effect: the appropriate conclusion when the action agency determines its proposed action will not affect a listed species or designated critical habitat.

May affect: the appropriate conclusion when a proposed action may pose **any** effects on listed species or designated critical habitat.

May affect, not likely to adversely affect: the appropriate finding if any adverse effect on listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and all effects are: discountable, insignificant, or beneficial. A discountable effect is one that is extremely unlikely to occur. An insignificant effect relates to the size of the impact and is impossible to meaningfully measure, detect, or evaluate.

We further recommend that you make these determinations separately for the species, and for its critical habitat. You state that much of the project area is within designated MSO critical habitat and that MSO have been observed in the project area. To determine whether the proposed project will affect Mexican spotted owl, we recommend that you identify presence/absence of suitable nesting habitat within 0.5 miles of your project area. If suitable nesting habitat exists, you should specifically evaluate whether noise from construction will adversely affect nesting Mexican spotted owl. Will construction be performed within the nesting season for MSO (March 1 – August 31)? If so, have surveys for the species been conducted within suitable nesting habitat? You state that equipment will not be staged within 0.25 miles of Bull Valley Gorge and Sheep Creek to alleviate potential impacts to MSO. We recommend a 0.5-mile buffer of suitable owl habitat for temporary actions unless the action occurs entirely outside the breeding season or no owls are found during occupancy surveys.

To determine whether the proposed project will affect designated critical habitat for the species, you should evaluate the physical and biological features of critical habitat, and if present within your project area, you should identify how the proposed action may affect those features. The physical and biological features of MSO critical habitat are: the presence of water; clumps or stringers of mixed-conifer, pine-oak, pinyon-juniper, and/or riparian vegetation; canyon walls containing crevices, ledges, or caves; and, a high percentage of ground litter and woody debris.

The same definitions we provided for species effect determinations

apply to determinations for critical habitat.

Best Regards,

Joe

On Mon, May 1, 2017 at 3:58 PM, Hughes, Amber

<ahughes@blm.gov> wrote:

Hi Osmer,

Can you provide shapefile maps to Joe with the USFWS for the current SCC fiber optic line project?

Thanks,

Amber

Amber L Hughes

Planning and Environmental Coordinator

Grand Staircase Escalante National Monument

Bureau of Land Management

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From: **Moore, Joseph** <joseph_moore@fws.gov>

Date: Mon, May 1, 2017 at 3:40 PM

Subject: SCC Johnson Canyon to Cannonville EA

To: Amber Hughes <ahughes@blm.gov>

Hi Amber,

I reviewing the SCC Johnson Canyon to Cannonville EA. Do you have shapefile of the project area that I can use?

Thank you,

Joe

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Joe Moore

Fish & Wildlife Biologist
U.S. Fish and Wildlife Service
Utah Field Office
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119
(801) 975-3330 ext. 129

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Joe Moore

Fish & Wildlife Biologist
U.S. Fish and Wildlife Service
Utah Field Office
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119
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