

## FINAL REPORT



**FEDERAL AID GRANT NO. T-15-1**

**DEVELOPMENT AND IMPLEMENTATION OF FISH AND WILDLIFE  
RESOURCES IMPACT REVIEW PROGRAMS**

**OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION**

**April 19, 2004 through June 30, 2007**

## FINAL PERFORMANCE REPORT

**State:** Oklahoma

**Grant Number:** T-15-1

**Grant Program:** State Wildlife Grant

**Grant Title:** Development and Implementation of Fish and Wildlife Resources Impact Review Program

**Grant Period:** July 1, 2004 – June 30, 2007

**Report Period:** July 1, 2006 – June 30, 2007

**Project Leader:** William Ray

### **Abstract:**

Many projects and activities in the State of Oklahoma have required additional information regarding negative effects on fish and wildlife resources with particular emphasis on species of greatest conservation need as identified in the Oklahoma Comprehensive Wildlife Conservation Strategy. Other activities have caused injury to such species and warrant investigation or have been established as superfund sites and are undergoing the Natural Resource Damage Assessment and Restoration (NRDAR) process. The Oklahoma Department of Wildlife Conservation (ODWC) has the authority under state and federal statutes to make recommendations, to proceed with investigations affecting threatened and endangered species, species of special concern, and species of greatest conservation need, and to proceed with NRDAR activities. This past year, the ODWC has made recommendations and provided comments based on research and careful consideration of each project. The ODWC has also participated in a plethora of activities involving working groups, trustee councils, tri-state partnerships and general investigations. Although most of the projects which concerned the ODWC involved recent activities or acute events, some activities have resulted in long term, possibly irreversible environmental damages. Both reactive and proactive opportunities now exist for representing fish and wildlife conservation concerns, and both actions are necessary to minimize the need for extensive mitigation, recovery, remediation and restoration efforts.

### **Project Objective:**

To convey information and wildlife conservation concerns with regard to construction activities and state and federal permit or regulatory actions. To develop policies and provide support for the Oklahoma Department of Wildlife Conservation's response to fish and wildlife damage actions and issues that affect fish and wildlife habitat.

## **Approach Methods:**

**Component 1**—Identify activities, particularly those that undergo a state or federal permitting process, that have the potential to substantially impact fish and wildlife resources including state and federally listed threatened and endangered species and species of special concern. For each type of activity, develop a position statement that identifies how the activity affects fish and wildlife resources and recommends measures to minimize these impacts.

**Component 2**—Review proposed construction projects and/or permit actions and provide comments relative to the potential impacts that these actions may have on fish and wildlife resources including state and federally listed threatened and endangered species and species of special concern. In reviewing and preparing comments on these permits and projects, the ODWC will provide recommendations that will minimize the impact of the activity on local wildlife populations (project relocation, construction modifications, use of Best Management Practices, post-construction re-vegetation, mitigation measures). For projects that may require the preparation of an Environmental Assessment or Environmental Impact Statement, we will identify wildlife-related impacts that should be addressed in these documents.

**Component 3**—Work with other Divisions within ODWC to develop a protocol and policy for responding to pollution related fish and wildlife impact event. Use this procedure to respond to reports of damages to fish and wildlife resources in streams, rivers and other public waters. Work with state and federal agencies to develop wildlife resource impact assessments. Coordinate the investigation of these reports with ODWC field personnel and work to determine the causes and evaluate the magnitude (number of fish or wildlife affected) of these events. Where fish and wildlife impact occurs as a result of pollution, the ODWC will work with the appropriate state and federal agencies to see that remediation occurs and those responsible parties resolve their liability. Coordinate with ODWC's field personnel and personnel from other state and federal agencies to evaluate the Department's protocol and policy for the handling of these events and make adjustments as needed.

**Component 4**—Work directly with other state regulatory agencies to incorporate fish and wildlife concerns into state-level permitting programs (e.g. solid waste, mining, discharge permits). Work with environmental agencies such as the Oklahoma Department of Environmental Quality and Oklahoma Water Resources Board to represent fish and wildlife resources in the implementation of state programs funded under the Clean Water Act (e.g. state water quality standards).

## **Results:**

**Work completed under Approach Component 1**—The primary focus of this segment was the natural resource damage assessment activities at the Tar Creek superfund site in Ottawa County. Activities centered around the submission of damage claims in the bankruptcy proceedings of one of the responsible mining companies.



The below list reflects all activities for which ODWC has developed position statements and/or recommendations to minimize impacts to fish and wildlife resources including species of greatest conservation need:

1. Tar Creek Superfund Site
  - a. Tri-State Partnership meetings, Trustee Council meetings and associated activities;
  - b. Tri-State Mining District Forum
  - c. NRD claim calculation and other meetings associated with bankruptcy proceedings for mining companies
2. Surface mining impacts
3. Various Integrated Natural Resources Management Plans for military installations
4. Grand River Dam Authority and FERC related issues concerning Pensacola dam and Markham Ferry
5. Use of Double Eagle Superfund settlement
6. Long Term Holding Facilities (LTHF) for wild horses
7. Wind power issues
8. Arkansas River Navigation System US Army Corp of Engineers (USACE) project

**Work completed under Approach Component 2**—The ODWC has reviewed and corresponded on approximately 845 environmental projects for endangered species compliance. These projects involved natural gas pipelines, communication towers, telephone lines, Indian housing projects, telecommunication lines, reconstruction of highway segments, construction of federal facilities, fiber optic lines and Bureau of Land Management (BLM) drilling permits. In our responses we included information on how to minimize impacts to fish and wildlife resources, threatened and endangered species, species of special concern, and species of greatest conservation need. This information included areas of special concern (i.e., wildlife management areas, wetlands, etc.), the occurrence of sensitive species, use of BMP's, revegetation of right-of-ways, construction modifications near aquatic resources (i.e. directional boring underneath perennial streams on pipeline projects) and avoiding avian mortality near communication towers. Key personnel participated in meeting with the Oklahoma Natural Heritage Inventory (ONHI) on transferring many of the duties of responding to environmental reviews. A cooperative agreement was put in place to have the ONHI prepare responses of no impact findings.

**Work completed under Approach Component 3**—The ODWC has coordinated with other state wildlife agencies to gather information regarding the development of procedures for the investigation of fish kills. In addition, all agency information relating to fish kill investigation rules and regulations has been gathered for review. The ODWC has investigated and/or documented approximately 78 fish kills/pollution complaints that have occurred throughout the state of Oklahoma. These fish kills/pollution complaints required coordination with agencies such as the Oklahoma Department of Environmental Quality, Department of Agriculture, Corporation Commission, and U.S. Fish and Wildlife Service. The ODWC participated in 10 sampling events for *P. parvum* at Lake Texoma.

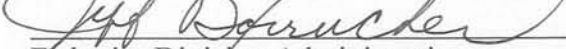
**Work completed under Approach Component 4**—The ODWC has successfully worked with other state regulatory agencies on issues related to mitigation, 404 and 401 permits, surface mining impacts, and water quality standards. The ODWC coordinated with various state cooperators in response to public meetings and notices involving transportation issues, and the Oklahoma Water Quality Standards. Additionally, the ODWC submitted the first draft of the agencies Water Quality Standards Implementation Plan in accordance with state statutes. Key personnel coordinated with state and federal agencies in efforts to recalculate the criteria for copper using freshwater mussel data.

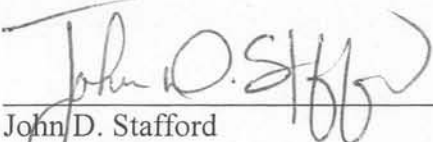
**Discussion:**

The ODWC has successfully participated in trustee councils, working groups and task forces that directly address the needs of fish and wildlife resources including threatened and endangered species, species of special concern and species of greatest conservation need. Resulting comments and recommendations were a primary component of decision making processes including, but not limited to permitting, relicensing, NRDAR, and mitigation.

The ODWC's review and response to numerous environmental projects has provided state and federal agencies, consultants, tribes and the private sector with additional information regarding the State's fish and wildlife resource concerns. Such responses addressed direct and indirect affects on natural resources, habitat modification and potential threats to threatened and endangered species, species of special concern and species of greatest conservation need. Coordination efforts with Oklahoma state agencies, interstate agencies and federal agencies provided an effective mechanism for responding to projects that could have environmental impacts, fish kills, and pollution events. As a result, the ODWC was able to respond to potential and/or substantial environmental threats with confidence and credibility.

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