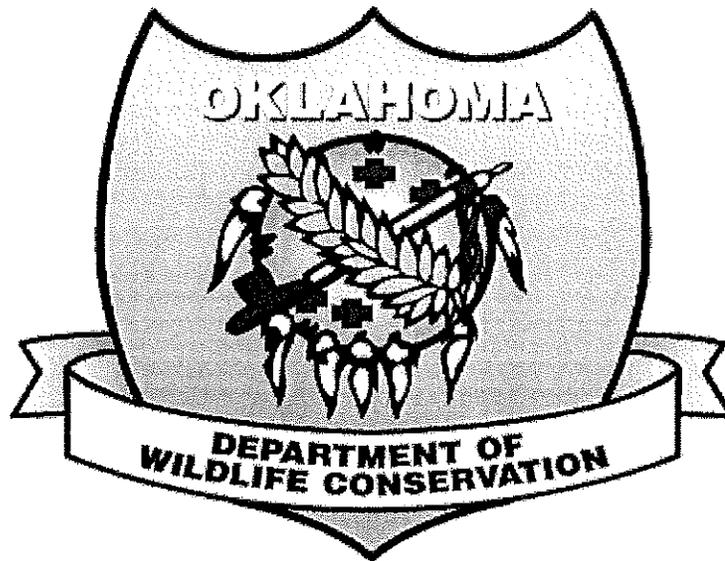


FINAL PERFORMANCE REPORT



FEDERAL AID GRANT NO. F07AF00017 (T-15-2)

**DEVELOPMENT AND IMPLEMENTAION OF FISH AND
WILFLIFE RESOURCES IMPACT REVIEW PROGRAMS**

OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION

July 1, 2007 through June 30, 2012

Final Performance Report

State: Oklahoma

Grant Number: F07AF00017 (T-15-2)

Grant Program: State Wildlife Grant

Grant Name: Development and Implementation of Fish and Wildlife Resources Impact Review Programs

Grant Period: 1 July 2007 – 30 June 2012

Reporting Period: 1 July 2007 – 30 June 2012

I. Abstract:

Many projects and activities in the State of Oklahoma require additional information regarding resulting negative effects on fish and wildlife resources including species of greatest conservation need. Other activities have caused injury to such species and warrant investigation into the cause of the injury or have been established as superfund sites and/or 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 concerning these impacts on the environment; proceed with investigations that could affect threatened and endangered species, species of special concern, and species of greatest conservation need; and proceed with NRDAR activities. Over the 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 with which we are concerned involve recent activities or acute events, some activities have resulted in long term, possibly irreversible environmental damages. Through our response, both reactive and proactive opportunities exist for representing fish and wildlife conservation concerns. Either action is necessary to avoid or minimize the need for extensive mitigation, recovery, remediation and restoration efforts.

II. 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.

III. 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).

IV. Results:

Work completed under Approach Component 1

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.) Participated in Trustee Councils of Tristate meetings, Spring River Watershed Meetings, Trustee Council meetings and associated activities;
2. Surface mining impacts for coal mining and limestone quarries
 - a.) Review mine permit applications
 - b.) Review quarry expansion requests;
3. Various Integrated Natural Resources Management Plans for military installations
4. Grand River Dam Authority and FERC related issues concerning Pensacola dam, Markham Ferry, and Pine Creek Dams
5. Use of Eagle Picher Superfund settlement
6. Use of Double Eagle Superfund settlement
7. Pipeline projects
 - a.) Review of proposed projects for both oil & gas and municipal water projects.
8. Transmission Line projects
9. Cell Towers
10. Long Term Holding Facilities (LTHF) for wild horses
11. Wind power issues
12. Arkansas River Navigation System US Army Corp of Engineers (USACE) project

Work completed under Approach Component 2:

The ODWC has reviewed and responded through correspondence to approximately 1158 environmental projects for endangered species compliance. These projects involved natural gas pipelines, oil pipelines, communication towers, Indian housing projects, telecommunication lines, reconstruction of highway segments, landfills, recycling centers, water lines, highway construction and bridge replacement, BLM grazing leases, and construction of federal facilities. In these response letters 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.), 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.

Work completed under Approach Component 3:

The ODWC has coordinated with other state wildlife agencies in order to ascertain information regarding the development of procedures for the investigation of fish kills. The ODWC has investigated and/or documented approximately 9 fish kills/pollution events that have occurred throughout the state of Oklahoma under this grant. These fish kills/pollution events required coordination with appropriate agencies including the various local city offices, Oklahoma Department of Environmental Quality, Oklahoma Department of Agriculture, Oklahoma Corporation Commission, and U.S. Fish and Wildlife Service. During this reporting segment, there were an elevated number of events related to oil and gas activities. Several events involved oil spills on or near Wildlife Management Areas. As a result of the increased incidences, ODWC staff has begun coordination with ODEQ staff to facilitate a better response to these events. Additionally, staff developed a reporting form to be used by both agencies when water samples are collected.

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, surfacing mining impacts and potential mitigation options, and water quality standards. ODWC staff reviewed 2010 revisions to the Oklahoma Water Quality Standards and drafted response letter addressing ODWC concerns to proposed changes. ODWC staff participated in Oklahoma Water Quality Board Meetings, the Marginal Quality Waters Working Group and Environmental Quality Board meetings, Oklahoma Rural Water Association meeting, and attended OSU phosphorus remediation technology presentation in Stillwater. The ODWC coordinated with various state cooperators in response to public meetings and notices involving transportation issues, and the Oklahoma Water Quality Standards. The ODWC prepared its annual Sykes Act coordination report for the USFWS. Environmental staff participated and presented an update to the Oklahoma Clean Lakes and Watershed Association at the annual meeting.

V. Discussion:

The ODWC hired an Energy Biologist in 2010. As a result of this new position, there has been a transition in review energy related projects. Review of most projects related to oil and gas or power lines have been reassigned to this new position with the exception of projects with a significant impact to aquatic communities. Additionally, the Environmental Program has incorporated the use of generalized protocols for when

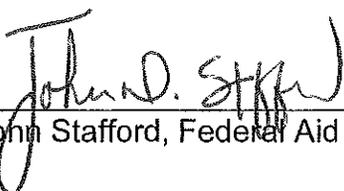
formal review of projects is not warranted. This information in the form of blanket clearance letters was sent out to several entities and was used in lieu of formal requests. This helped to stream line the process and reduces redundancy in requests from the same entities. The ODWC has successfully participated 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 restoration projects and activities, and mitigation projects. 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 with particular focus to species of greatest conservation need not addressed under formal consultations under the Endangered Species Act. Such responses addressed direct and indirect affects on natural resources, habitat modification and potential threats to threatened and endangered species and species of greatest conservation need. Further, 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. This grant has been instrumental in allowing funding for staff to review projects and take part in activities that allow ODWC to incorporate concerns of SGCN into activities occurring within the state.

Prepared by: William Ray, Oklahoma Department of Wildlife Conservation

Date: 7 September 2012

Approved by:  19 SEPT 12

Fisheries Division Administration/ODWC

 9/17/12
John Stafford, Federal Aid Coordinator/ODWC