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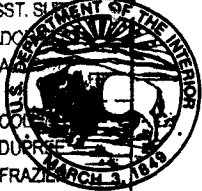
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# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services

222 S. Houston, Suite A

Tulsa, Oklahoma 74127

February 28, 2001

District Engineer  
U.S. Army Corps of Engineers  
1645 South 101 East Avenue  
Tulsa, Oklahoma 74128-4629

Dear Colonel Flor:

The U.S. Fish and Wildlife Service (Service) has reviewed the Tenkiller, Fort Gibson, Hulah, and Keystone Shoreline Management Plans (Plans) that are currently available for public comment. We appreciate the information included in the Plans and the opportunity to provide comments.

The Service's concerns about shoreline development on U.S. Army Corps of Engineers' (Corps) lands generally apply to all Corps' reservoirs and are not restricted to the lakes listed above. The wildlife habitat quality in portions of most projects have clearly declined (during the life of the project) due to shoreline development. Some of this development is unavoidable and is supported by the Service to provide public access and recreational opportunities. However, the Service is very concerned about the cumulative loss of habitat value over time and a lack of monitoring and mitigation for these losses related to approved and unauthorized shoreline development.

Most Corps projects included at least some mitigation for wildlife habitat impacts when they were built. However, additional impacts have occurred over time with each permit for shoreline development. These shoreline developments have been authorized without any assessment of cumulative effects to wildlife resources and little or no mitigation for losses of habitat.


Shoreline development activities, such as private docks and vegetation removal or mowing on project lands near private homes or developments, reduce wildlife habitat values with little added benefit to the general public. Reservoirs like Tenkiller already have nearly twice as much shoreline designated for intensive recreation relative to wildlife use. The Service is not necessarily opposed to such shoreline development in limited areas, but we recommend that the Corps quantify and monitor the cumulative effects of such permits and mitigate for these losses to maintain wildlife habitat values at least equal to those of the original project. Both the National Environmental Policy Act and the Endangered Species Act of 1973 (Act), as amended, require the Corps to consider these cumulative effects.

The Service also is concerned about portions of the Plans that propose to apply a Grandfather Rights Clause to "every privately owned facility presently on the lake". It would appear that even illegal or unauthorized developments would be permitted and allowed to continue or be maintained without any penalty or mitigation. There is little incentive for potential applicants to apply for permits if their actions will be allowed through a grandfather clause when shoreline management plans are revised every five years. This also greatly reduces any protections for shorelines provided by the Plans.

In summary, the Service supports most of the proposed Plans; however, we know habitat for migratory birds and other wildlife has certainly been reduced by shoreline development, clearing of shoreline vegetation, dredging, dock construction, increased boat traffic, and other disturbances related to permits issued by the Corps, in addition to unauthorized activities. The Service recommends 1). quantifying these cumulative effects, 2). protecting and setting aside an appropriate amount of existing, good quality, shoreline or riparian habitat, and 3). mitigation of past and ongoing impacts. In most cases mitigation areas should be in addition to any lands already owned by the Corps since existing Corps lands are already being used to mitigate for original project impacts. We recommend that a meeting be arranged among your planning and operations staff and the Service to discuss these issues.

Thank you for the opportunity to provide comments on the proposed Plan. If you have any questions concerning our comments contact Kevin Stubbs of the Oklahoma Ecological Services Field Office at (918) 581-7458, extension 236.

Sincerely,



for Jerry Brabander  
Field Supervisor

cc: Director, Oklahoma Department of Wildlife Conservation, Oklahoma City, OK  
(Attn: Natural Resources Section, Wildlife, and Fisheries Sections)  
Director, Oklahoma Department of Environmental Quality, Oklahoma City, OK  
Regional Administrator, Environmental Protection Agency, Dallas, TX  
(Attn: 6E-FT, Jim Harrington)  
Regional Director (AES, AFR, ARW), Albuquerque, NM