



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
222 S. Houston, Suite A
Tulsa, Oklahoma 74127

In Reply Refer To:
FWS/R2/OKES/02-14-02-I-0173

February 19, 2003

**COPY FOR YOUR
INFORMATION**

U.S. Army Corps of Engineers
Attn: Larry D. Hogue,
Planning, Environmental and Regulatory Division
1645 South 101st East Avenue
Tulsa, Oklahoma 74128-4609

Dear Sir:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Assessment for the Sawyer Bluff land disposal at Hugo Lake (draft EA). The proposed project would sell approximately 64.3 acres to the Choctaw County Industrial Authority, Hugo, Oklahoma for a housing development. The land is presently part of the Sawyer Bluff Public Use Area. Our comments on the draft EA are in addition to those provided in letters dated July 30, 2001, November 30, 2001, February 8, 2002, and verbal comments provided during a meeting on January 30, 2002, at the Hugo Lake Project Office.

The Service's comments are primarily related to the mitigation plan. It was our understanding that the plan would be developed cooperatively among the U.S. Army Corps of Engineers (Corps), the Oklahoma Department of Wildlife Conservation (ODWC), and the Service to compensate for the proposed sale of 64 acres of land at Hugo Lake. However, it appears that the mitigation plan in the draft EA was developed without any consultation with Service, ODWC, or Corps biologists. The proposed mitigation does not reflect recommendations previously provided by the Service, ODWC, or Corps biologists and dramatically differs from mitigation we assumed was agreed to in the January 30, 2002 meeting. Our February 8, 2002, comment letter with recommendations for mitigation and supporting Alternative 4 was not included in the draft EA and should be added (along with this letter) in the final EA.

Specific Comments

The Sawyer Bluff area is zoned for recreational purposes, and has developed into relatively good wildlife habitat. The existing uses such as fishing, hunting, birding, etc. are recreational uses that coexist with lower maintenance management. Previous uses such as camping have been discontinued by the Corps and we are unaware of any plans to reestablish more intensive recreational use. The sale of the land would diminish the fish and wildlife resources in the area and the public's opportunity for recreational use at Hugo Lake.

The Service does not agree with the draft EA's determination that there are no aquatic communities on the land being conveyed (III, E, 4, page 6). The three sewage lagoon cells (of which only one is used) have seasonal water and at least the two cells that are not used for sewage disposal may provide habitat for amphibians, aquatic birds, and invertebrates.

The Service also disagrees with the draft EA's evaluation of the environmental impacts of the proposed action on biological resources (IV, B, page 10). Speculation on the rate of land

development and short-term impacts is somewhat irrelevant in considering the effects of the proposed action. The long-term effects of the proposed housing development are the same if it takes 10 years or 20 years to be fully developed. The extent of development is much more important in determining the level of predicted effects to natural resources. However, assuming the Corps relinquishes any control over development with the sale, it would be more conservative to assume all of the transferred lands would be developed.

The statement that "Future short-term disturbance to the land should have less effect on the resident flora and fauna than prescribed burns currently do" is confusing. It is unclear what is meant by "Future short-term disturbance", but it is difficult for the Service to consider housing development a short-term disturbance. Prescribed burns can have short-term impacts to native species, but have primarily beneficial effects and are considered an important wildlife management practice in habitats such as those at Sawyer Bluff. The proposed action may make it more difficult or unsafe to continue controlled burns at the Sawyer Bluff Wildlife Management Unit and may adversely affect wildlife habitat over time by eliminating this management tool. The Service also does not agree with the statement that "Conditions are not favorable for management of deer, squirrels, or doves"(page 11). Over 50 percent of the area is comprised of soils that would be suitable for food plots, establishment of native grasses, shrubs and trees, and has potential to become excellent habitat for many game and non-game species.

The draft EA does not properly address other cumulative and indirect effects of developing the property for single family homes. Increased disturbance of wildlife on adjacent Corps land is likely with the proposed action. People and pets associated with the housing development could impact the wildlife on lands outside of the land that would be sold. Unauthorized ATV use, roaming pets, increased noise, and other disturbances are frequently a problem on Corps properties near housing developments. The existing travel corridor for wildlife is likely to be adversely affected by the proposed action.

Mitigation

Most of the proposed mitigation alternatives, with some modifications, have potential to provide adequate mitigation. However, several alternatives are rejected as cost prohibitive without providing any information on costs. Other justifications for rejecting or supporting alternatives reflect misunderstandings or inaccurate information related to the Service's mitigation policy and recommendations for the proposed action. The purpose of mitigation is to replace the habitat value lost due to the proposed land sale and related development. It is important to remember that it is the value of the habitat impacted by the proposed action that needs to be replaced, not necessarily the acreage. The preferred alternative (Alternative 5) does not replace or create any habitat. It only partially protects or preserves existing habitat that has no known or anticipated threats. The result of the proposed action with implementation of Alternative 5 would be a net loss of habitat value. The value of the habitat affected by the proposed action should be assessed by the Service's Habitat Evaluation Procedures (HEP) or some other acceptable method. The Corps would only have an accurate means of measuring the potential costs of land management or land acquisition mitigation alternatives after assessing the value of the habitat affected. Mitigation ratios based on acreage or area can only be determined after an assessment of habitat values at the sites that are to be impacted and the sites proposed for mitigation.

The proposed mitigation in the draft EA is confusing. Wording in the draft EA implies that the entire 393-acre area at Salt Creek would be rezoned for wildlife management, but the Wildlife Habitat Mitigation Plan, in Appendix VI, calls for designating only 64 acres at Salt Creek for mitigation and using the rest of the 393-acre public use area as a mitigation bank. The proposed mitigation plan states that the 393 acres would be rezoned as recreation low-density, but does not

specifically propose that it be managed for wildlife. The proposal to mitigate at the Salt Creek Cove Public Use Area would need to be modified to provide some increased level of management that would replace the habitat value lost at Sawyer Bluff. Rezoning the Salt Creek Cove Public Use Area does not change the existing habitat value or provide any mitigation. Preservation of existing habitat does not mitigate habitat loss unless the Corps can demonstrate that the habitat value in the area is threatened by some proposed development and the draft EA states that "there are no other known requests for public land on Hugo Lake either pending or anticipated". The draft EA implies that there are no anticipated development threats at the Hugo Lake Project and thus no need for a mitigation bank.

The Service previously supported Alternative 4 because it proposed enhanced wildlife habitat through more intensive management and provided some protection from future recreational development (see comments in our February 8, 2002 letter). The Service believed the habitat in the Kiamichi Park Public Use Area had some reasonable threats of development and rezoning would help protect habitat in that area. If there are no anticipated development threats at the Hugo Lake Project, as stated in the draft EA, then any mitigation alternative on existing Project lands needs to include habitat improvement. The only other means of mitigating for the habitat loss is to acquire or lease property that is under some threat of development and preserve or enhance it. The Service recommends that we schedule another meeting to discuss mitigation for the proposed action at Sawyer Bluff.

Cumulative Effects

The Service has stressed the need for the Corps to address the cumulative effects of many relatively small habitat impacts at all Corps projects. The Corps frequently permits actions such as clearing of vegetation, docks, leases for marinas and concessions, donating, selling, or leasing lands, easements for pipelines, encroachment of private buildings, and other relatively small projects that impact wildlife habitat at Corps projects. The Corps continues to address these small project impacts individually and consistently determines the effects to be insignificant. Some of these actions are considered (by the Corps) exempt from NEPA and are not even sent to the Service for review. No mitigation is implemented for many of these actions. The cumulative effect of these actions is that wildlife habitat is degraded, fragmented, or eliminated with little or no mitigation provided. This violates the intent of the Fish and Wildlife Coordination Act and NEPA.

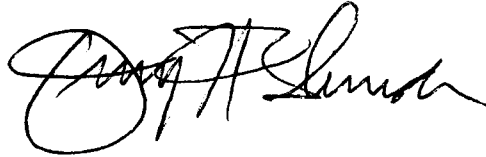
The proposed action at Sawyer Bluff is another example of project lands and wildlife habitat being affected without any assessment of the cumulative effects. The Service is not opposed to most of these individual actions proceeding, if the Corps considers the cumulative effects and adequately mitigates for those effects, but we are unaware of any efforts by the Corps to assess or mitigate for these cumulative effects. Similar comments were provided for shoreline management plans and these problems were discussed at a March 13, 2001 meeting at the Corps Tulsa District Office. Additional comments on this subject were provided in a November 9, 2001, letter. The Corps responded with a December 17, 2001, letter from Colonel Suthard that stated the Tulsa District was waiting for guidance from their headquarters office, but would respond to our comments after reviewing the information from headquarters. However, we are unaware of any progress being made in assessing and mitigating for cumulative effects related to out-grants, permits, leases, and other land-use issues on Corps lands. The Hugo Lake Project may be less affected by cumulative effects than most other Corps projects, but the number of actions that affect habitat at all Corps' lands may be accelerating. The proposed action at Sawyer Bluff illustrates that all Corps projects are potentially vulnerable to development pressures and related habitat impacts.

District Engineer

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We appreciate the opportunity to provide comments on the draft EA. We object to the proposed plan of mitigation for the Sawyer Bluff land disposal and again strongly recommend an assessment of cumulative impacts for this and similar actions. Please contact Mr. Kevin Stubbs of our office at (918) 581-7458, extension 236, to discuss comments and schedule a meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry J. Brabander". The signature is fluid and cursive, with a large initial "J" and "B".

Jerry J. Brabander
Field Supervisor

cc: Director, Natural Resources and Wildlife Sections, ODWC, Oklahoma City, OK