

P-2506



United States Department of the Interior

FISH AND WILDLIFE SERVICE
East Lansing Field Office (ES)
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6316

IN REPLY REFER TO:

November 20, 2012

James Nuthals
Environmental Services
Upper Peninsula Power Company
500 North Washington Street
P.O. Box 357
Ishpeming, Michigan 49849-0357

Dear Mr. Nuthals:

We have received and reviewed the Environmental Review and request for informal section 7 consultation for the Escanaba Dam #4 (Boney Falls) Hydroelectric Project, Phase II Embankment Improvement Project. The project currently does not meet the Federal Energy Regulatory Commission's requirement to pass the Probable Maximum Flood (PMF). UPPCO is proposing to raise the left embankment and left detached embankment and remove, reconstruct and replace a portion of the right embankment. The Boney Falls Project is located on the Escanaba River approximately 22 miles upstream from the City of Escanaba, Delta County, Michigan.

You have evaluated the effects to two federally-listed as threatened plants, the dwarf lake iris (*Iris lacustris*) and the Houghton's goldenrod (*Solidago houghtenii*) as potentially being located near or within the Phase II Embankment Improvement Project area. Field surveys for the two listed plants identified dwarf lake iris approximately 500 feet downstream from the project. Houghton's goldenrod or any of the hybrids species were not identified within the project area. The only other federally-listed species potentially found within the project area is the Canada lynx (*Lynx canadensis*). You note that there are no recorded observations of the Canada lynx in Delta or Marquette Counties.

You have determined that the Phase II Embankment Improvement Project may affect but is not likely to adversely affect any of the federally protected species identified in the Environmental Review. We concur with your determination based on the following reasons:

- Dwarf lake iris is located approximately 500 feet from the southernmost extent of the construction area and no direct or indirect effects are anticipated.
- Field surveys did not identify Houghton's goldenrod in the project area.

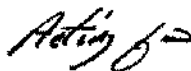
- Construction activities could directly disturb lynx that are within or adjacent to the action area. However, as previously discussed, lynx are extremely unlikely to be exposed to the project activities because they are present at such low numbers, if at all, in the action area.
- The construction will impact only a small area when compared to the surrounding landscape. We expect Canada lynx, if in the area, to utilize other undisturbed areas.

This precludes the need for further action on this project as required by the Endangered Species Act (Act) of 1973, as amended. However, if the project is modified or new information about the project becomes available that indicates listed or proposed species may be present and/or affected, consultation with this Service office should be reinitiated.

We further advise that should any species occurring in the project area become federally-listed or proposed, UPPCO should reevaluate its responsibilities under the Act. Since threatened and endangered species data is continually updated, we suggest UPPCO annually request an updated federal list of the species occurring in the project area.

We appreciate the opportunity to provide these comments and look forward to any future endangered species consultation if necessary. Please direct any questions to Mr. Burr Fisher of this office at 517/351-8286 or burr_fisher@fws.gov.

Sincerely,



Scott Hicks
Field Supervisor

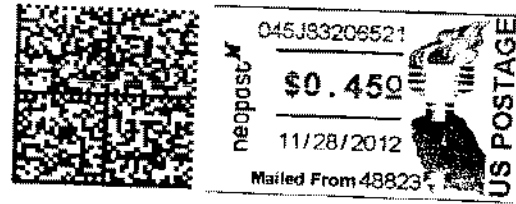
cc: Patricia Grant, FERC, Regional Office, Chicago, Illinois ✓

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OF THE INTERIOR**

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