



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306  
Albuquerque, New Mexico 87103

June 26, 2019



In Reply Refer To:  
FWS/R2/RD-WSFR

Scott Thompson, Executive Director  
Oklahoma Department of Environmental Quality  
P.O. Box 1677  
Oklahoma City, Oklahoma 73101-1677  
DUNS: 933601569

Attn: Cheryl Dirck, PPCTA

Subject: Notice of Grant Award F19AP00437

Dear Mr. Thompson:

The Oklahoma Department of Environmental Quality's (Department) application for Federal financial assistance, titled OK V-20-D-1 CVA Pump-outs submitted to the U.S. Fish and Wildlife Service's (Service) CFDA Program number 15.616, is approved for funding. This award is made under the authority of the Clean Vessel Act Grant Program and is based on the Service's approval of the Department's application, hereby incorporated by reference into this award. For a complete list of this program's authorizing legislation, go to <https://beta.sam.gov/> and search by the CFDA Program number. Funds under this award are to be used to install five CVA pump-out facilities at the Arrowhead Yacht Club & Marina, Eufaula Cove Marina, Newberry Creek Resort & Marina, Redbud Marina & RV Park, and Evergreen Marina; and purchase a pump-out boat at the Evergreen Marina.

The grant period of this award is June 18, 2019 through May 30, 2020. Only allowable costs resulting from obligations incurred during the grant period and any authorized pre-award costs may be charged to the award. All obligations incurred under the award must be liquidated no later than 90 calendar days after the end of the grant period, unless the Service approves a final financial reporting period extension.

The Department has completed enrollment in U.S. Treasury's Automated Standard Application for Payment (ASAP) system. When requesting payment in ASAP, your Payment Requestor will be required to enter an Account ID. When entering the Account ID in ASAP, the Payment Requestor should enter the Grant Award number identified in the subject line on letter followed by a percent sign (%). Refer to the [ASAP.gov](https://asap.gov) Help menu for detailed instructions on requesting payments in ASAP.

This grant is funded as follows:

<b>Program Subaccount – 9310</b>	<b>Approved Funding</b>	
Federal	\$	489,703.55
State	\$	163,234.47
<b>Grant Total</b>	<b>\$</b>	<b>652,938.02</b>

The Department is eligible to request Federal obligated funds up to but not in excess of an amount equal to **75** percent of the total project expenditures.

Awards are based on the application and supporting documents submitted to and approved by the Service. Acceptance of this grant award carries with it the responsibility to be aware of and comply with Program legislation, Federal regulations, special award terms, conditions, and provisions, including those assurances submitted annually by the Department. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. The Federal regulations applicable to Service awards are listed by recipient type in the **Service Financial Assistance Award Terms and Conditions** posted at <http://www.fws.gov/grants/>. The “Department of the Interior (DOI) Award Provisions” attached to this Notice of Award also apply (Attachment A). If you do not have access to the Internet and require a printed copy of the award terms and conditions, contact the Service Project Officer identified in the Project Contacts section.

This following Terms, Conditions and Provisions are applicable to this award:

1. Reporting requirements are as follows:

<b>Report Title</b>	<b>Report Period</b>	<b>Due Date</b>
Final Federal Financial Report (SF-425)	June 18, 2019 to May 30, 2020	August 28, 2020
Final Performance Report	June 18, 2019 to May 30, 2020	August 28, 2020

- a) All required reports must be sent to [fw2fa@fws.gov](mailto:fw2fa@fws.gov). Cost accounting is required at the subaccount level. The Standard Form (SF) 425, Federal Financial Report must be used for all financial reporting and is available at [http://www.whitehouse.gov/omb/grants\\_forms](http://www.whitehouse.gov/omb/grants_forms). For additional information regarding financial reporting requirements, including sanctions for noncompliance, please reference <http://www.fws.gov/policy/516fw1.html>.
- b) Performance reports must contain: a) the Service award number identified in the subject line of this letter; b) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work outline in the proposal; c) a description of reasons why established goals were not met, if appropriate; and d) any other pertinent information relevant to the project results. For additional information regarding performance reporting requirements, including sanctions for noncompliance, please reference <http://www.fws.gov/policy/516fw2.html>.

- c) Financial and performance reporting due dates may be extended by the Service upon receipt of a written request addressed to the Service at fw2fa@fws.gov identifying the type of report to be extended, the requested revised due date, and a justification for the extension. Requests for reporting due date extensions must be received by the Service no later than **1 day before** the original reporting due date.
  - d) Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, notify the Service Project Officer in writing as soon as the following types of conditions become known: 1) Problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation and/or; 2) favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.
  - e) Recipients are responsible for notifying the Service Project Officer in writing of any conflicts of interest that arise during the life of this award, including those reported to them by any subrecipient under the award. Conflicts of interest include any relationship or matter that might place the recipient, including their employees and subrecipients, in a position of conflict, real or apparent, between their responsibilities under the award and any other outside interests. Conflicts of interest include direct or indirect financial interests; close personal relationships; positions of trust in outside organizations; consideration of future employment arrangements with a different organization; and decision-making authority related to the proposed project. Conflicts of interest are those circumstances real or perceived that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the recipient, or the recipient's employees or subrecipients, in matters pertaining to the award. Recipients must notify the Service in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee within the Federal program issuing this award. The term employee means any individual engaged in the performance of work under the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. The Service will examine each conflict of interest disclose based on its particular facts and nature of the project and will determine if a significant potential conflict exists. If it does, the Service will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the Service may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of this award.
2. Indirect costs under this award are approved on the condition that the Department will submit an indirect cost rate proposal to their cognizant agency immediately after the award is made and no later than 90 calendar days past the award project period start date.

The Department is not authorized to charge indirect costs under this award until the Department has received, and provided a copy to the Grants Fiscal Officer at [fw2fa@fws.gov](mailto:fw2fa@fws.gov), an approved Negotiated Indirect Cost Rate Agreement (NICRA) from the Federal government. In the event the Recipient fails to establish an approved rate before the end of the award project period, the Service may either: 1) deobligate the Federal amount budgeted for indirect costs and, if not otherwise prohibited by legislation or regulation, allow the Department to use costs otherwise allocable as indirect costs to satisfy cost-sharing or matching requirements; or 2) allow the Department to transfer the amount otherwise allocable as indirect costs to direct costs. Service approval of such budget changes will depend on the particular award circumstance. Indirect costs otherwise allocable to this award may not be shifted to another Federal award unless specifically authorized by legislation.

If the Department has submitted an indirect cost rate proposal to the cognizant agency within the required timeframe but the cognizant agency has delayed approval of the proposal, the Recipient must provide to the Service at [fw2fa@fws.gov](mailto:fw2fa@fws.gov) a letter containing the submitted rate, the name of the cognizant agency, and evidence of the proposal submission date in the form of either a copy of an emailed submission or written confirmation of the proposal receipt date from the cognizant agency. The Service may, upon review of the documentation and consultation with the cognizant agency, give written approval to the Department to charge indirect costs at their proposed rate until their proposal is approved. Service approval to charge indirect costs based on a proposed rate will depend on the circumstance; the Service will not approve a Department to charge indirect costs based on a proposed rate if rate approval delays are due to the Department having submitted a late, incomplete or inaccurate proposal. The Department must receive prior written approval from the Service before charging indirect costs based on a proposed rate. The award may be subject to further revision if the approved rate is higher or lower than the proposed rate.

3. Under the terms and conditions of this award, your organization must maintain an active SAM registration at <https://www.sam.gov/portal/public/SAM/> until the final financial report is submitted or final payment is received, whichever is later. If your organization's SAM registration expires during the required period, the Service will suspend payment under this and all other Service awards to your organization until you update your organization's SAM registration.
4. The Department is permitted to re-budget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved project. However, certain types of post-award changes in budgets and projects shall require the prior written approval of the Service. Refer to **2 CFR 200.308 (c)(1-7)** for additional information on the types of changes that require prior written approval.
5. If additional time is needed to complete the approved project, you must send a SF-424 and written notice to the Service. The SF-424 and written notice must be received by the Service at least **10 calendar days** before the authorized project period end date, and must

include supporting reasons and revised end date. Extensions for time cannot be authorized for the purpose of spending an unused balance of funds that remains after the approved project activities have been completed.

6. During the grant period, an SF-424 and written notice must be sent to the Service at [fw2fa@fws.gov](mailto:fw2fa@fws.gov) to add or delete a project, increase or decrease the Federal funds, and increase the rate of Federal participation.
7. The Service concurs with the useful life of **10** years that the State proposed for each capital improvement that will be constructed under this grant agreement. For capital improvements with a value greater than \$100,000, please reference the method used for the determination.
8. Interim performance reports must describe progress and/or delays and include on-site photographs to document the status of all site/area(s) and associated facilities contained in the grant at the end of the reporting period. The final performance report must include before and after photos and identify the work completed for the all site/area(s) and associated facilities contained in the grant.
9. The U.S. Fish and Wildlife Service approves the acquisition of equipment under this award, as budgeted in the project application. In order to meet the requirements for substantial in character and design, the U.S. Fish and Wildlife Service is applying the additional equipment requirements cited under 2 CFR 200.313(c) as a condition of this award. Beyond the acquisition grant period of performance and throughout the duration of the equipment's useful life, the equipment must continue to be used in the program or project for which it was acquired, as long as needed, whether or not the project or program continues to be supported by the Federal award. When no longer needed for the original program or project, equipment may be used in other activities in the following order of priority:
  - a) Activities supported under a Federal award from the Federal awarding agency which funded the original program or project; then
  - b) Activities under Federal awards from other Federal awarding agencies; then
  - c) Any activities consistent with the administration of the State fish and wildlife agency.

<b>The Service Grant Manager for this award is:</b>	<b>The Federal Aid Coordinator for this award is:</b>
Ramon Martin WSFR – USFWS P.O. Box 1306 500 Gold Ave. SW., Room 8514 Albuquerque, NM 87102 505-248-7466 <a href="mailto:Ramon.Martin@fws.gov">Ramon.Martin@fws.gov</a>	Cheryl Dirck Oklahoma Department of Environmental Quality P.O. Box 1677 701 N. Robinson Oklahoma City, OK 73101-1677 405-702-8179 <a href="mailto:Cheryl.Dirck@deq.ok.gov">Cheryl.Dirck@deq.ok.gov</a>

Scott Thompson, Executive Director

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Please contact the Service Grant Manager with any questions or concerns about the terms of this award.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cliff Schlessner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cliff Schlessner, Chief  
Wildlife and Sport Fish Restoration Program

Enclosures

## **Attachment A: DOI Award Provisions**

### **I. Conflicts of Interest**

#### **(a) Applicability.**

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

#### **(b) Requirements.**

(1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

(2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

(3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

#### **(c) Notification.**

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 USC 1352.

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

## **II. Data Availability**

(a) **Applicability.** The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

(b) **Use of Data.** The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) **Availability of Data.** The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

- (1) The scientific data relied upon;
- (2) The analysis relied upon; and
- (3) The methodology, including models, used to gather and analyze data.



Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text" value="12/20/2018"/>	4. Applicant Identifier: <input type="text" value="OK V-20-D-1"/>	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text" value="F19AP00437"/>	
<b>State Use Only:</b>		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
<b>8. APPLICANT INFORMATION:</b>		
* a. Legal Name: <input type="text" value="Oklahoma Department of Environmental Quality"/>		
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="736017987"/>	* c. Organizational DUNS: <input type="text" value="9336015690000 LF"/>	
<b>d. Address:</b>		
* Street1: <input type="text" value="PO Box 1677"/>	Street2: <input type="text" value="701 North Robinson"/>	
* City: <input type="text" value="Oklahoma City"/>	County/Parish: <input type="text" value="OK"/>	
* State: <input type="text" value="OK: Oklahoma"/>	Province: <input type="text"/>	
* Country: <input type="text" value="USA: UNITED STATES"/>	* Zip / Postal Code: <input type="text" value="73101.1677"/>	
<b>e. Organizational Unit:</b>		
Department Name: <input type="text"/>	Division Name: <input type="text"/>	
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix: <input type="text" value="Ms ."/>	* First Name: <input type="text" value="Cheryl"/>	
Middle Name: <input type="text"/>	* Last Name: <input type="text" value="Dirck"/>	
Suffix: <input type="text"/>	Title: <input type="text" value="Environmental Program Specialist"/>	
Organizational Affiliation: <input type="text"/>		
* Telephone Number: <input type="text" value="405.702.8179"/>	Fax Number: <input type="text" value="405.702.8100"/>	
* Email: <input type="text" value="Cheryl.Dirck@deq.ok.gov"/>		

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

Fish and Wildlife Service

**11. Catalog of Federal Domestic Assistance Number:**

15.616 LF

CFDA Title:

Clean Vessel Act

**\* 12. Funding Opportunity Number:**

F18AS00250

\* Title:

Clean Vessel Act

**13. Competition Identification Number:**

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

Pump out of Oklahoma Marina with mobile boat pump out station

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

LF

\* a. Start Date:  6/18/2019 RM

\* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="489,703.55"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="163,234.47"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="652,938.02"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on .
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes  No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:   
Middle Name:   
\* Last Name:   
Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:  \* Date Signed:

**Project Approach: OK FY19 CVA Pump-outs**

The State of Oklahoma is requesting \$652,938.02 (\$489,703.55 Federal and \$163,234.47 Match) to initiate five pump-out projects and 1 mobile sanitary boat under the Clean Vessel Act (CVA) through the U.S. Fish and Wildlife Service. The proposed projects will be initiated on Grand Lake O' The Cherokee's, Eufaula Lake, Lake Texoma, and Oologah Lake.

The following five (5) CVA pump-out facilities and one (1) pump-out boat will be installed/purchased at the following marinas:

- 1) Arrowhead Yacht Club & Marina is located on the southern section of Grand Lake (Latitude 36° 32' 23.2656", Longitude -94° 58' 29.496") with a total of 125 boat slips and 30 personal water crafts. Approximately 90% of the boats at the marina contain on board sanitary facilities. Little River is the only other marina with a pump-out facility. Calypso Cove Marina is requesting Clean Vessel Act assistance to purchase central vacuum system on the docks at the Arrowhead Yacht Club & Marina. The pump-out waste will be discharged to an onsite septic system. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.
- 2) Eufaula Cove Marina is located on the southern part of Lake Eufaula off of state Highway 9 (Latitude 35.286309, Longitude -95.566782) and has over 400 boat slips. Approximately 65% of the boats at the marina contain on board sanitary facilities. The closest pump out facility is 4.75 miles. Six other marinas serve over the 834 miles of shoreline. Eufaula Cove Marina is requesting Clean Vessel Act assistance to purchase a Zoeller E840 vertical discharge non-auto grinder pump. The pump-out waste will be discharged to city sewage facility. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.
- 3) Newberry Creek Resort & Marina is located on the northeast side of Lake Texoma and north of State Highway 70 (Latitude 34.015422, Longitude -96.562976 degrees) and has 107 wet boat slips and 64 dry boat slips. Approximately 18% of the boats at the marina contain on board sanitary facilities with approximately 48% of them greater than 20 feet. The closest pump out facility is 7 miles. Newberry Creek Resort & Marina is requesting Clean Vessel Act assistance to purchase an EMP Peristalsis pump-out. The pump-out waste will be discharged to lagoon waste system. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.

- 4) Redbud Marina & RV Park is located at Oologah Lake, 25 miles northeast of Tulsa off highway 169 (Latitude 36.420420, Longitude -95.667310 degrees) and has the capacity to hold 300 boats. Approximately 50% of the boats at the marina contain on board sanitary facilities with approximately 250 of the 300 boats are greater than 20 feet. At this time, the marina does not have a pump-out service because it is out of order and they don't have a location nearby to assist the boaters with sewage disposal. Redbud Marina is requesting Clean Vessel Act assistance to purchase a FLOY AC vacuum pump with a tank, sewer discharge pumps, valves & sensors, VPS Automation & Control panel and remote monitoring of VPS at office via internet. They will install a carbon adsorbent filter for VOCs, corrosive gases and malodourous particles typical of urban sewage. They will also install an enclosure to accommodate the vacuum pump station and odor control equipment. The pump-out waste will be discharged to the lateral system. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.
- 5) Evergreen Marina is located approximately 19 miles northwest of Stigler, OK and north of Highway 71 and Highway 9. Lake Eufaula is the largest lake in OK and this marina is located northeastern portion of the lake. (Latitude 35.290644, Longitude -95.375627 degrees) and has 120 boat slips with 100 of those slips that house boats greater than 20 feet. Approximately 40% of the boats at the marina contain on board sanitary facilities. The closest pump out facility is 4.87 miles to Duchess Creek Marina. Evergreen Marina is requesting Clean Vessel Act assistance to purchase a mobile boat with pump-out equipment, model #23, T-350. Pump-out waste will be discharge to septic tank on land through use of pump-out station at marina. It will be accessible to all recreational vessels. Since this is a mobile system, the marina is only covering the costs of the service site, labor, and fuel. No profit will become of this service. During the main boating season, it is difficult to schedule pump-out services due to the traffic. The mobile pump-out could be used to service ANY boats on the lake at any location. We want to reduce any dumping into the lake. No other marina offers this service which would help the number of boats that use Lake Eufaula and need to dump their waste. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.
- 6) Evergreen Marina is located approximately 19 miles northwest of Stigler, OK and north of Highway 71 and Highway 9. Lake Eufaula is the largest lake in OK and this marina is located northeastern portion of the lake. (Latitude 35.290644, Longitude -95.375627 degrees) and has 120 boat slips with 100 of those slips that house boats greater than 20 feet. Approximately 40% of the boats at the marina contain on board sanitary facilities. The closest pump out facility is 4.87 miles to Duchess Creek Marina. Evergreen Marina is requesting Clean Vessel Act assistance to purchase an on shore vacuum pump system by Shore, SaniSailor Vacuum Pump System. Pump-out waste will be discharge to septic tank on land. The new system has a high vacuum capability to eliminate the need for a separate lift station. It can pull solid waste at a

heavier weight and a longer distance. It will also be more efficient saving water and electricity. It does not have to add water to make it flow. It will be fully automated and only turn on while it is full, saving electricity. At this time the marina has a sewer smell from the existing holding tanks and pump house on shore. The new system would eliminate this smell. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.

Oklahoma Department of Environmental Quality enters into an individual contract with the marina owner for the funds that are expended on the project. Each contract states that the marina is responsible for the maintenance and upkeep of the dock pump out for a minimum of ten years. It is expected that with proper maintenance the unit will have a service life much greater than the ten year contractual agreement; however the ten year period is a reasonable expectation for state oversight on the federal expenditure.

**Endangered Species Act Determinations:** No Effect (see ESA Intra-Service Section 7 BE Form). Installation, operation, and maintenance activities of pump-out facilities will be restricted to existing marina structures and will not result in land/water or habitat disturbance.

**NHPA:** No construction and/or ground disturbing activities are being proposed at this time. No consultation is needed with SHPO and THPO for the purchase and installation of CVA pump-outs.

**NEPA Determinations:** No extraordinary circumstances were triggered by this project so NEPA compliance for these projects has been determined by WSFR to be a categorical exclusion as provided by 516 DM 8, Appendix 1 and/or 516 DM 2, Appendix 1.

B(2) - The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.

B(3) - The construction of new, or the addition of, small structures or improvements, including structures and improvements for the restoration of wetland, riparian, instream, or native habitats, which result in no or only minor changes in the use of the affected local area.

E(2) - Grants for categorically excluded actions in paragraphs A, B, and C, above; and categorically excluded actions in 43 CFR 46.210.

**CWA/Water Quality:** N/A



Grant Manager

June 18, 2019

Date

## Memorandum

To: File – *Clean Vessel Act Program, OK V-20-D-1 CVA Pump-outs*  
From: Ramon Martin, *Grant Manager, Region 2, WSFR*  
Subject: Environmental Action Statement for the OK FY 19 CVA Pump-out Projects

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the proposed action does not individually or cumulatively have a significant effect on the human environment. Therefore, this action is Categorically Excluded from NEPA documentation requirements (i.e., preparation of an Environmental Assessment or Environmental Impact Statement) consistent with guidance provided in 43 CFR 46.210, 43 CFR 46.215, and 516 DM 8.5. No further NEPA documentation will therefore be made.

**Proposed Action Description:** Provide funding to the Oklahoma Department of Environmental Quality (ODEQ) to install five boat sewage pump-out facilities at the Arrowhead Yacht Club & Marina, Eufaula Cove Marina, Newberry Creek Resort & Marina, Redbud Marina & RV Park, and Evergreen Marina; purchase a pump-out boat at the Evergreen Marina; and also to educate boaters about such facilities. The proposed action will help reduce the amount of wastewater being discharged to Oklahoma's waterbodies from vessels.

The no action alternative would not provide funding to the construction and renovation of stationary and portable pump out stations and dump stations; mobile pump out vessels for Type III marine sanitation devices; or provide outreach to boaters in Oklahoma. Recreational boaters will not have adequate pump-out facilities to discharge their wastewater at marinas. Moreover, water quality will continue to be affected by wastewater discharged from vessels at the Grand Lake O' The Cherokee's, Eufaula Lake, Lake Texoma, and Oologah Lake.

**Extraordinary Circumstances:** I have also reviewed the extraordinary circumstances listed below and determined that none are applicable to the proposed action.

### Yes    No    Will the Proposed Action:

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (a) Have significant impacts on public health or safety.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.  |

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- (f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- (g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.
- (h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
- (i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- (j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- (k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
- (l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

**Categorical Exclusion:** The Categorical Exclusions listed below are excerpted from the Department of the Interior’s Departmental Manual for the Fish and Wildlife Service 516 DM 8.5, and are often applicable for habitat restoration projects. The Categorical Exclusion(s) checked below apply(*ies*) to the proposed action:

This Action will purchase pump-out vacuum equipment and install it at the Arrowhead Yacht Club & Marina, Eufaula Cove Marina, Newberry Creek Resort & Marina, Redbud Marina & RV Park, and Evergreen Marina. The Project will have a small footprint; be on an existing structure; have no ground disturbance; and have impacts that are only temporary in nature. The installation of Clean Vessel pump-out facilities will benefit the water quality in these lakes.

- A (1) Changes or amendments to an approved action when such changes have no or minor potential environmental impact.
- A (2) Personnel training, environmental interpretation, public safety efforts, and other educational activities, which do not involve new construction or major additions to existing facilities..
- A (3) The issuance and modification of procedures, including manuals, orders, guidelines, and field instructions, when the impacts are limited to administrative effects.
- A (4)The acquisition of real property obtained either through discretionary acts or when acquired by law, whether by way of condemnation, donation, escheat, right-of-entry, escrow, exchange, lapses, purchase, or transfer and that will be under the jurisdiction or control of the United States. Such acquisition of real property shall be in accordance with 602 DM 2 and the Service's procedures, when the acquisition is from a willing seller, continuance of or minor modification to the existing land use is planned, and the acquisition planning process has been performed in coordination with the affected public.
- B (1) Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem.
- B (2) The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.

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- B (3) The construction of new, or the addition of, small structures or improvements, including structures and improvements for the restoration of wetland, riparian, instream, or native habitats, which result in no or only minor changes in the use of the affected local area. The following are examples of activities that may be included:
  - A) The installation of fences.
  - B) The construction of small water control structures.
  - C) The planting of seeds or seedlings and other minor revegetation actions.
  - D) The construction of small berms or dikes.
  - E) The development of limited access for routine maintenance and management purposes.
- B (4) The use of prescribed burning for habitat improvement purposes, when conducted in accordance with local and State ordinances and laws.
- B (5) Fire management activities, including prevention and restoration measures, when conducted in accordance with departmental and Service procedures.
- (6) The reintroduction or supplementation (e.g. stocking) of native, formerly native, or established species into suitable habitat within their historic or established range, where no or negligible environmental disturbances are anticipated.
- B (7) Minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures.
- B (8) Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.
- B (9) Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated. Examples could include minor changes in the type and location of compatible public use activities and land management practices.
- B (10) The issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned. Examples could include an amended public use plan or fire management plan.
- B (11) Natural resource damage assessment restoration plans, prepared under sections 107, 111, and 122(j) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); section 311(f)(4) of the Clean Water Act; and the Oil Pollution Act; when only minor or negligible change in the use of the affected areas is planned.
- C (8) Actions where the Service has concurrence or coapproval with another agency and the action is a categorical exclusion for that agency. This would normally involve one Federal action or connected actions where the Service is a cooperating agency.
- E (1) State, local, or private financial assistance (grants and/or cooperative agreements), including State planning grants and private land restorations, where the environmental effects are minor or negligible.
- E (2) Grants for categorically excluded actions in paragraphs A, B, and C, above; and categorically excluded actions in 43 CFR 46.210.

**Supporting Documents:** All environmental compliance documentation is contained in the project files located in the Region 2, Wildlife and Sport Fish Restoration. Supporting documents for this determination include relevant office file material and the following key references.

*ESA Intra-Service Section 7 BE Form to support no significant effects on listed species or their critical habitat.*

  
 \_\_\_\_\_  
 Grant Manager

6/18/2019  
 \_\_\_\_\_  
 Date

**CONSIDER THIS MEMO AS DOCUMENTATION**

**REGION 2**  
**INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM**

**Originating Person:** Ramon Martin \_\_\_\_\_  
**Telephone Number:** 505-248-7476 **E-Mail:** ramon\_martin@fws.gov  
**Date:** 6/18/2019

**PROJECT NAME (Grant Title/Number):** OK V-20-D-1 CVA Pump-outs

- I. Service Program: Federal Aid**  
 **Clean Vessel Act**  
 **Coastal Wetlands**  
 **Endangered Species Section 6**  
 **Partnerships for Wildlife**  
 **Sport Fish Restoration**  
 **Wildlife Restoration**  
 **Farm Bill Section 390**

**II. State/Agency:** Oklahoma Department of Environmental Quality

**III. Station Name:** WSFR Region 2

**IV. Description of Proposed Action (attach additional pages as needed):**

The State of Oklahoma is requesting \$652,938.02 (\$489,703.55 Federal and \$163,234.47 Match) to initiate five pump-out projects and 1 mobile sanitary boat under the Clean Vessel Act (CVA) through the U.S. Fish and Wildlife Service. The proposed projects will be initiated on Grand Lake O' The Cherokee's, Eufaula Lake, Lake Texoma, and Oologah Lake.

The following five (5) CVA pump-out facilities and one (1) pump-out boat will be installed at the following marinas:

- 1) Arrowhead Yacht Club & Marina is located on the southern section of Grand Lake (Latitude 36° 32' 23.2656", Longitude -94° 58' 29.496") with a total of 125 boat slips and 30 personal water crafts. Approximately 90% of the boats at the marina contain on board sanitary facilities. Little River is the only other marina with a pump-out facility. Calypso Cove Marina is requesting Clean Vessel Act assistance to purchase central vacuum system on the docks at the Arrowhead Yacht Club & Marina. The pump-out waste will be discharged to an onsite septic system. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.
- 2) Eufaula Cove Marina is located on the southern part of Lake Eufaula off of state Highway 9 (Latitude 35.286309, Longitude -95.566782) and has over 400 boat slips. Approximately 65% of the boats at the marina contain on board sanitary facilities. The closest pump out facility is 4.75 miles. Six other marinas serve over the 834 miles of shoreline. Eufaula Cove Marina is requesting Clean Vessel Act assistance to purchase a Zoeller E840 vertical discharge non-auto grinder pump. The pump-out waste will be discharged to city sewage facility. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping

Oklahoma lakes clean.

- 3) Newberry Creek Resort & Marina is located on the northeast side of Lake Texoma and north of State Highway 70 (Latitude 34.015422, Longitude -96.562976 degrees) and has 107 wet boat slips and 64 dry boat slips. Approximately 18% of the boats at the marina contain on board sanitary facilities with approximately 48% of them greater than 20 feet. The closest pump out facility is 7 miles. Newberry Creek Resort & Marina is requesting Clean Vessel Act assistance to purchase an EMP Peristalsis pump-out. The pump-out waste will be discharged to lagoon waste system. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.
- 4) Redbud Marina & RV Park is located at Oologah Lake, 25 miles northeast of Tulsa off highway 169 (Latitude 36.420420, Longitude -95.667310 degrees) and has the capacity to hold 300 boats. Approximately 50% of the boats at the marina contain on board sanitary facilities with approximately 250 of the 300 boats are greater than 20 feet. At this time, the marina does not have a pump-out service because it is out of order and they don't have a location nearby to assist the boaters with sewage disposal. Redbud Marina is requesting Clean Vessel Act assistance to purchase a FLOY AC vacuum pump with a tank, sewer discharge pumps, valves & sensors, VPS Automation & Control panel and remote monitoring of VPS at office via internet. They will install a carbon adsorbent filter for VOCs, corrosive gases and malodourous particles typical of urban sewage. They will also install an enclosure to accommodate the vacuum pump station and odor control equipment. The pump-out waste will be discharged to the lateral system. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.
- 5) Evergreen Marina is located approximately 19 miles northwest of Stigler, OK and north of Highway 71 and Highway 9. Lake Eufaula is the largest lake in OK and this marina is located northeastern portion of the lake. (Latitude 35.290644, Longitude -95.375627 degrees) and has 120 boat slips with 100 of those slips that house boats greater than 20 feet. Approximately 40% of the boats at the marina contain on board sanitary facilities. The closest pump out facility is 4.87 miles to Duchess Creek Marina. Evergreen Marina is requesting Clean Vessel Act assistance to purchase a mobile boat with pump-out equipment, model #23, T-350. Pump-out waste will be discharge to septic tank on land through use of pump-out station at marina. It will be accessible to all recreational vessels. Since this is a mobile system, the marina is only covering the costs of the service site, labor, and fuel. No profit will become of this service. During the main boating season, it is difficult to schedule pump-out services due to the traffic. The mobile pump-out could be used to service ANY boats on the lake at any location. We want to reduce any dumping into the lake. No other marina offers this service which would help the number of boats that use Lake Eufaula and need to dump their waste. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.
- 6) Evergreen Marina is located approximately 19 miles northwest of Stigler, OK and north of Highway 71 and Highway 9. Lake Eufaula is the largest lake in OK and this marina is located northeastern portion of the lake. (Latitude 35.290644, Longitude -95.375627 degrees) and has 120 boat slips with 100 of those slips that house boats greater than 20 feet. Approximately 40% of the boats at the marina contain on board sanitary facilities. The closest pump out facility is 4.87 miles to Duchess Creek Marina. Evergreen Marina

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is requesting Clean Vessel Act assistance to purchase an on shore vacuum pump system by Shore, SaniSailor Vacuum Pump System. Pump-out waste will be discharge to septic tank on land. The new system has a high vacuum capability to eliminate the need for a separate lift station. It can pull solid waste at a heavier weight and a longer distance. It will also be more efficient saving water and electricity. It does not have to add water to make it flow. It will be fully automated and only tum on while it is full, saving electricity. At this time the marina has a sewer smell from the existing holding tanks and pump house on shore. The new system would eliminate this smell. It will be accessible to all recreational vessels. Signs will be displayed at the location. A brochure will explain the regulations and procedures as well as the environmental benefits eliminating sewage the proper way keeping Oklahoma lakes clean.

Oklahoma Department of Environmental Quality enters into an individual contract with the marina owner for the funds that are expended on the project. Each contract states that the marina is responsible for the maintenance and upkeep of the dock pump out for a minimum of ten years. It is expected that with proper maintenance the unit will have a service life much greater than the ten year contractual agreement; however the ten year period is a reasonable expectation for state oversight on the federal expenditure.

**V. Pertinent Species and Habitat:**

**A. Include species/habitat occurrence map:** See ECOS Range Information for each OK listed species at <https://ecos.fws.gov/>.

**B. Complete the following table:**

SPECIES/CRITICAL HABITAT	STATUS <sup>1</sup>
Red-cockaded Woodpecker ( <i>Picoides borealis</i> )	E
Interior Least tern ( <i>Sternula antillarum</i> )	E
Piping plover ( <i>Charadrius melodus</i> )	T
Red knot ( <i>Calidris canutus rufa</i> )	T
Whooping crane ( <i>Grus americana</i> )	T; CH
Gray bat ( <i>Myotis grisescens</i> )	E
Indiana bat ( <i>Myotis sodalis</i> )	E
Northern Long-eared bat ( <i>Myotis septentrionalis</i> )	T
Ozark Big-eared Bat ( <i>Corynorhinus townsendii ingens</i> )	E
Neosho Madtom ( <i>Noturus placidus</i> )	T
Leopard Darter ( <i>Percina pantherina</i> )	T;CH
Arkansas River Shiner ( <i>Notropis girardi</i> )	T;CH
Ozark Cavefish ( <i>Amblyopsis rosae</i> )	T
Neosho Mucket ( <i>Lampsilis rafinsequeana</i> )	E; CH
Rabbitsfoot ( <i>Quadrula cylindrica</i> )	T; CH
Ouachita Rock Pocketbook ( <i>Arkansia wheeleri</i> )	E
Scaleshell ( <i>Leptodea leptodon</i> )	E

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Winged Mapleleaf ( <i>Quadrula fragosa</i> )	E
American burying beetle ( <i>Nicrophorus americanus</i> )	E
Harperella ( <i>Ptilimnium nodosum</i> )	E
Black Rail ( <i>Laterallus jamaicensis</i> )	PT
Rattlesnake Master-borer Moth ( <i>Papaipema eryngii</i> )	C

<sup>1</sup>STATUS: E=endangered, T=threatened, PE=proposed endangered, PT=proposed threatened, CH=critical habitat, PCH=proposed critical habitat, C=candidate species

**VI. Location (attach map):**

**A. Ecoregion Number and Name:**

**B. County and State: OK Statewide**

**C. Section, township, and range (or latitude and longitude):**

- 1) Arrowhead Yacht Club & Marina (36° 32' 23.2656", -94° 58' 29.496")
- 2) Eufaula Cove Marina (35.286309, -95.566782)
- 3) Newberry Creek Resort & Marina (34.015422, -96.562976)
- 4) Redbud Marina & RV Park (36.420420, -95.667310)
- 5) Evergreen Marina (35.290644, -95.375627)

**D. Distance (miles) and direction to nearest town:**

**E. Species/habitat occurrence:** See ECOS <https://ecos.fws.gov/> for occurrence information in OK.

**VII. Determination of Effects:**

**A. Explanation of effects of the action on species and critical habitats in item V. B (attach additional pages as needed):**

SPECIES/ CRITICAL HABITAT	IMPACTS TO SPECIES/CRITICAL HABITAT
Red-cockaded Woodpecker	No listed, proposed, or candidate species and/or critical habitat are found within the project sites. Project activities will not impact any vegetation, wetlands, sandbars, shorelines or riverine habitats where listed shorebirds or other migratory birds may occur. Project activities will also not occur in Red-cockaded woodpecker habitat in southeast OK. No activities associated with this grant will occur within or near bat hibernacula or roost trees; therefore, no impacts are expected to listed bats. The Neosho mucket, Rabbitsfoot, Ouachita Rock Pocketbook, Scaleshell, and Winged Mapleleaf are also not found at the project sites in the reservoirs. These mussels are associated with shallow riffles in stable gravel substrate in moderate to swift currents in rivers and creeks. The marinas are located in lentic water at depths >13 feet. The Arkansas River Shiner occurs in the Canadian River upstream of Lake Eufaula and is not found in the reservoir. The Neosho madtom occurs within a 5-8 mile
Interior Least tern	
Piping plover	
Red knot	
Whooping crane	
Gray bat	
Indiana bat	
Northern Long-eared bat	

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Ozark Big-eared Bat	<p>stretch of the Neosho River far upstream of any marina site. The Ozark Cavefish occurs in subterranean watersheds within the Springfield Plateau of the Ozark Highlands and is not found near any of the project sites. The leopard darter is not in any of the reservoirs and only occurs throughout the upper Little River watershed in medium to large streams with rubble and boulder substrate. American burying beetle (ABB) and Rattlesnake master-borer moth are not found at project locations in man-made structures over water. The black rail inhabits heavily-vegetated wetlands which are not found at the project sites. Harperella has a limited geographic range in Oklahoma and has been documented only along the shoreline of the lower Mountain Fork River below Broken Bow Reservoir. No designated or proposed critical habitat are found at CVA project sites.</p> <p>Installation, operation, and maintenance activities of pump-out facilities will be restricted to existing marina structures and will not result in land/water/vegetation disturbance. Some noise effects may occur during installation and/or operation but these will be temporary in nature. No listed species or habitat occur within each marina facility. Therefore, no impacts to listed species or habitats are anticipated for any of these activities.</p>
Neosho Madtom	
Leopard Darter	
Arkansas River Shiner	
Ozark Cavefish	
Neosho Mucket	
Rabbitsfoot	
Ouachita Rock Pocketbook	
Scaleshell	
Winged Mapleleaf	
American burying beetle	
Harperella	
Black Rail	
Rattlesnake Master-borer Moth	

**B. Explanation of actions to be implemented to reduce adverse effects:**

SPECIES/ CRITICAL HABITAT	ACTIONS TO MITIGATE/MINIMIZE IMPACTS
	<p>Marina areas will be visually inspected prior to any installation/maintenance activities to ensure no listed species would be impacted. In the unlikely event that any listed species are encountered during CVA pump-out installation or during operations and maintenance activities the marina will cease CVA pumpout activities at that location and coordinate with the OK DEQ and OK ESFO.</p>

**VIII. Effect Determination and Response Requested:**

SPECIES/Critical Habitat	DETERMINATION <sup>1</sup>			RESPONSE <sup>1</sup>
	NE	NA	AA	
Interior Least tern	X			Concurrence
Piping plover	X			Concurrence
Red knot	X			Concurrence
Whooping crane	X			Concurrence
Red-cockaded Woodpecker	X			Concurrence
Gray bat	X			Concurrence
Indiana bat	X			Concurrence
Northern Long-eared bat	X			Concurrence
Ozark Big-eared Bat	X			Concurrence
Neosho madtom	X			Concurrence
Leopard Darter	X			Concurrence
Arkansas River Shiner	X			Concurrence
Ozark Cavefish	X			Concurrence
Neosho Mucket	X			Concurrence
Rabbitsfoot	X			Concurrence
Ouachita Rock Pocketbook	X			Concurrence
Scaleshell	X			Concurrence
Winged Mapleleaf	X			Concurrence
American burying beetle	X			Concurrence
Harperella	X			Concurrence
Black Rail	X			Concurrence
Rattlesnake Master-borer Moth	X			Concurrence

<sup>1</sup>DETERMINATION/RESPONSE REQUESTED:

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat. Response Requested is optional but a "Concurrence" is recommended for a complete Administrative Record.

NA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response Requested is a "Concurrence".

AA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response Requested for listed species is "Formal Consultation". Response Requested for proposed or candidate species is "Conference".

\_\_\_\_\_  
signature (State Representative)

\_\_\_\_\_  
date

\_\_\_\_\_  
title

