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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office

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Corpus Christi, Texas 78412-5837

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August 23, 2013

Alfred C. "A.C." Dumauual, Ph.D.
U.S. EPA Region 6
Air Permits Section (6PD-R)
1445 Ross Avenue
Dallas, TX 75202

Consultation No. 02ETCC00-2012-TA-0129

Dear Dr. Dumauual:

Thank you for your September 6, 2013, letter requesting U.S. Fish and Wildlife Service's (Service) concurrence of determined effects of the proposed project by Occidental Chemical Corporation ("OxyChem") - Ingleside Chemical Plant Natural Gas Liquids Fractionation Facility and Pipeline. The proposed project site is located west of Ingleside, San Patricio County, Texas.

Your letter indicates you have determined that the proposed action would have "no effect" on the red wolf (*Canis rufus*), slender rush-pea (*Hoffmannseggia tenella*), South Texas ambrosia (*Ambrosia cheiranthifolia*), and the candidate species golden orb (*Quadrula aurea*). The Service does not provide concurrences with "no effect" determinations. However, the Service believes your agency has complied with section 7(a)(2) of the Endangered Species Act by making a determination. No further action is required from this office. Candidate species have no legal protection under the (7)(a)(2) of the Endangered Species Act; however, the Service appreciates that you are including the golden orb in your plans to avoid and minimize environmental impacts of the proposed project.

Additionally, you requested the Service's concurrence with your determination of "may affect, but not likely to adversely affect" for the gulf coast jaguarundi (*Herpailurus yagouaroundi cacomitli*), ocelot (*Leopardus pardalis*), leatherback sea turtle (*Dermochelys coriacea*), green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), Kemp's Ridley sea turtle (*Lepidochelys kempi*), hawksbill sea turtle (*Eretmochelys imbricate*), piping plover (*Charadrius melodus*), northern aplomado falcon (*Falco femoralis septentrionalis*), whooping crane (*Grus americana*), and West Indian manatee (*Trichechus manatus*).

The Service agrees that based on the description of the project site, the proposed restricted work area, the proposed project timeline, and the use of an on-site biological monitor, the likelihood of an impact occurring to the gulf coast jaguarundi, ocelot, leatherback sea turtle, green sea turtle, loggerhead sea turtle, Kemp's Ridley sea turtle, hawksbill sea turtle, northern aplomado falcon,

piping plover, whooping crane, or West Indian manatee is insignificant and discountable; therefore, the Service concurs with the determination.

Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination can be reconsidered. If you have any questions or need further assistance, please contact Frank Weaver at (361) 994-9005, ext. 224 or by email at frank_weaver@fws.gov.

Sincerely,

A handwritten signature in cursive script that reads "E. Dawn Whitehead".

Edith Erling,
Field Supervisor