Month Day, Year

Mr. Jeff Humphrey, Field Supervisor Submitted by email to incomingazcorr@fws.gov

Attn: Bob Lehman, ADOT Transportation Liaison

U.S. Fish and Wildlife Service

***Example Request for Concurrence from the US Fish and Wildlife Service***

*\*Always use current ADOT letterhead\**

9828 N. 31st Avenue, Suite C3

Phoenix, Arizona 85051

Subject: Request for Concurrence under Section 7 of the Endangered Species Act

I-40, Devil Dog to Williams

040-C(225)T; 040 CN 157 F0131 01C

AESO/SE 02EA AZ00-2017-SLI-0416

Dear Mr. Humphrey:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by the Arizona Department of Transportation (ADOT) pursuant to 23 U.S.C. 326 and a Memorandum of Understanding dated January 3, 2018, and executed by the Federal Highway Administration (FHWA) and ADOT. ADOT, acting as the lead federal agency, is planning a pavement rehabilitation project within ADOT right-of-way on Interstate 40 (I-40) from milepost (MP) 155.2 to MP 161.6, west of the city of Williams in Coconino County, Arizona. The purpose of this project is to maintain the structural integrity and smoothness of the pavement by repaving.

The enclosed Biological Evaluation (BE) describes the proposed project and addresses the list of threatened, endangered, and proposed threatened species provided by the United States Fish and Wildlife Service (USFWS) Information for Planning and Conservation system. One species was evaluated in detail due to known occurrences and the presence of suitable habitat and designated critical habitat near the project:

 **Species Scientific Name Status**

Mexican spotted owl *Strix occidentalis lucida* Threatened

With the submittal of this letter and BE, ADOT is requesting concurrence that the proposed project is not likely to adversely affect the Mexican spotted owl or its designated critical habitat. If you have questions, please contact Joshua Fife, ADOT Biologist, via phone at 602-712-6819 or via e-mail at JFife@azdot.gov. Thank you for your continued assistance.

Sincerely,

|  |  |  |
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| Justin WhiteBiology Program Manager | or | Joshua FifeBiology Team Leader |

Enclosure

Month Day, Year

***Example Initiation of Formal Consultation with the US Fish and Wildlife Service***

*\*Always use current ADOT letterhead\**

Mr. Jeff Humphrey, Field Supervisor Submitted by email to incomingazcorr@fws.gov

Attn: Bob Lehman, ADOT Transportation Liaison

U.S. Fish and Wildlife Service

9828 N. 31st Avenue, Suite C3

Phoenix, Arizona 85051

Subject: Request for Formal Consultation under Section 7 of the Endangered Species Act

Verde River Bridges NB & SB, STR #1731 & #505

017-B(224); 017 MA 143 H7528 01C

AESO/SE 02EAAZ00-2016-SLI-0244

Dear Mr. Humphrey:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by the Arizona Department of Transportation (ADOT) pursuant to 23 U.S.C. 326 and a Memorandum of Understanding dated January 4, 2021, and executed by the Federal Highway Administration (FHWA) and ADOT. ADOT, acting as the lead federal agency, has determined that the northbound and southbound bridges on Interstate 17 (I-17) at Milepost (MP) 288.0 near the town of Verde River, Yavapai County, Arizona, are vulnerable to the scouring effects from periodic high river flow conditions. The purpose of this project is to protect the bridges from further erosion by the Verde River and to maintain the structural integrity of these facilities. Because the project will use federal funds, it is subject to section 7 consultation.

The enclosed Biological Evaluation (BE) includes a project description and considers direct, indirect, and cumulative effects on the list of threatened, endangered, and candidate species provided by the U.S. Fish and Wildlife Service (USFWS) Information, Planning and Conservation (IPaC) system. Seven species were evaluated in detail due to known occurrences and presence of suitable habitat within or near the project area and include:

**Species Scientific Name Status**

Southwestern willow flycatcher *Empidonax traillii extimus* Endangered

Yellow-billed cuckoo *Coccyzus americanus* Threatened

Razorback sucker *Xyrauchen texanus* Endangered

Roundtail chub *Gila robusta* Proposed Threatened

Spikedace *Meda fulgida* Endangered

Northern Mexican gartersnake *Thamnophis eques megalops* Threatened

Narrow-headed gartersnake *Thamnophis rufipunctatus* Threatened\*

\*Though not included on the IPaC list, proposed critical habitat occurs within the project limits; therefore the species was included in the evaluation.

The BE concluded that the proposed project “may affect, but is not likely to adversely affect”, the southwestern willow flycatcher and the western yellow-billed cuckoo. The BE also concluded that the proposed project “may affect, and is likely to adversely affect”:

* designated critical habitat for southwestern willow flycatcher,
* proposed critical habitat for western yellow-billed cuckoo,
* northern Mexican gartersnake,
* proposed critical habitat for northern Mexican gartersnake,
* proposed critical habitat for narrow-headed gartersnake,
* roundtail chub,
* razorback sucker,
* designated critical habitat for razorback sucker,
* spikedace, and
* designated critical habitat for spikedace.

At this time, ADOT is requesting a Biological Opinion that the proposed project may affect, and is likely to adversely affect the northern Mexican gartersnake, razorback sucker, spikedace, and designated critical habitat for the southwestern willow flycatcher, razorback sucker, and spikedace. In addition, a Conference Opinion is requested that the proposed project is likely to adversely affect the roundtail chub as well as primary constituent elements of proposed critical habitat for the western yellow-billed cuckoo, northern Mexican gartersnake, and narrow-headed gartersnake. We are also requesting concurrence that the proposed project may affect, but is not likely to adversely affect the southwestern willow flycatcher and western yellow-billed cuckoo.

With the submittal of this letter and BE, ADOT is initiating formal consultation per 50 CFR § 402.12(j) for the referenced bridge replacement project. If you have questions, please contact Joshua Fife, ADOT Biologist, via phone at 602-622-9622 or via e-mail at JFife@azdot.gov. Thank you for your continued assistance.

Sincerely,

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| Justin WhiteBiology Program Manager | or | Joshua FifeBiology Team Leader |