



# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

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In reply refer to:

AESO/SE

02EAAZ00-2012-I-0397

November 20, 2012

NOV 26 2012

Ms. Karla S. Petty, Division Administrator  
U.S. Department of Transportation  
Federal Highways Administration  
4000 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012-3500

Dear Ms. Petty:

Thank you for your correspondence of November 7, 2012, received on November 13, 2012. This letter documents our review of the Virgin River Bridge No. 6 Geotechnical Investigation Project (Project No. 015-A9208)S) in Mojave County, Arizona, in compliance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). You have requested our concurrence that the proposed action is not likely to adversely affect the endangered Virgin River chub (*Gila seminuda*) and its critical habitat, the endangered woundfin (*Plagopterus argentissimus*) and its critical habitat, and the conservation agreement species Virgin spinedace (*Lepidomeda mollispinis mollispinis*) (collectively, Virgin River fishes). You also determined that the proposed action would not affect the endangered southwestern willow flycatcher (*Empidonax trailii extimus*) and is not likely to adversely affect its critical habitat. We concur with your determinations and provide our rationale below.

### Description of the Proposed Action

A complete description of the proposed action is found in your November 6, 2012 biological evaluation (BE) and the accompanying maps. Pier 2 beneath Bridge No. 6 was constructed in the channel of the Virgin River. Although the foundation of Pier 2 is anchored into the bedrock beneath the sediments deposited by the river, flows are eroding and scouring the sediment around the foundation, which can compromise the integrity of Pier 2 over time. As a result of this, Pier 2 must be reinforced and strengthened. Additionally, the Arizona Department of Transportation (ADOT) has received a grant to reconstruct Bridge No. 6 and its roadway approaches to better accommodate increased traffic volumes. The proposed action is to conduct geotechnical studies to collect subsurface data at the bridge site to support development of geotechnical engineering recommendations for the proposed widening of the existing bridge and reinforcement of Pier 2. Habitat disturbing activities include drilling 14 test borings with casing advancer and triple-tube

coring methods to depths of 10 to 75 feet below existing grades. Of the 14 proposed drilling sites, only two will occur within the channel of the Virgin River; however, drilling at these two sites will only occur when the gravel bar is above water. As a result of the geotechnical investigation, the total ground disturbance for all activities is anticipated to be less than one acre. Please refer to the BE for a complete description of the boring equipment and locations.

### *Conservation Measures*

The following is a summary of the key conservation measures that will be implemented to minimize effects to the Virgin River fishes and their critical habitat and critical habitat for the southwestern willow flycatcher. A complete list of all Best Management Practices can be found in the project description and Appendix A of the BE.

- No drilling will occur when water is above the sand bar for the two boring sites in the Virgin River Channel. Additionally, protective mats will be placed under the drilling equipment and work areas at these two drilling sites to help minimize sediment from entering the Virgin River.
- In addition to the protective mats described above, either a temporary sediment basin or filter will be constructed to reduce sediment from entering the water, or sediment fences will be installed between areas of disturbance and flowing water to minimize the amount of sediment entering the water.
- All equipment staging areas will be located outside of the Virgin River channel and in disturbed areas along Interstate 15.

### DETERMINATION OF EFFECTS

We concur with your determination that the proposed action may affect, but is not likely to adversely affect, the Virgin River chub and its critical habitat, the woundfin and its critical habitat, the Virgin spinedace, or critical habitat for the southwestern willow flycatcher for the reasons provided below. For our determination of effects to the fishes, we have included all three fish species together due to similarity of habitats and effects to both the fishes and their habitats.

#### **Virgin River Fishes and Critical Habitat**

- No drilling activities will occur within flowing parts of the Virgin River; therefore, there will be no direct effects to the fishes.
- For activities occurring within the Virgin River channel, conservation measures such as sediment barriers and protective mats will minimize any sedimentation into the Virgin River to a level such that any effects to the fishes or the primary constituent elements of critical habitat for the fishes will be insignificant and discountable.
- Effects to habitat and critical habitat resulting from drilling at two sites within the channel will be short-term and will not result in residual changes to habitat or the primary

constituent elements of critical habitat. Therefore any effects will be insignificant and discountable.

### **Southwestern Willow Flycatcher Critical Habitat**

- No flycatcher nesting or roosting habitat will be removed as a result of drilling activities, and drilling activities will occur outside of the flycatcher breeding season (May 1 to August 30). Therefore, there will be no effects to the flycatcher as a result of these activities.
- Approximately 0.05 acres of sparse tamarisk will be removed for drilling activities within designated critical habitat for the flycatcher. Because the amount of vegetation removed will be very limited and will not impact the functionality of the critical habitat, the effects of drilling activities on the primary constituent elements of critical habitat will be insignificant and discountable.

In keeping with our trust responsibility to American Indian Tribes, for proposed actions that may affect Indian lands, Tribal trust resources, or Tribal rights, we encourage you to invite the affected Tribes and Bureau of Indian Affairs to participate in the comment process and, by copy of this letter, are notifying the Hopi, Kaibab Band of Paiute, and the Colorado River Indian tribes, as well as the Bureau of Indian Affairs. We also encourage you to coordinate the review of this project with the Arizona Game and Fish Department.

Thank you for your continued coordination. No further section 7 consultation is required for this project at this time. Should project plans change, or if information on the distribution or abundance of listed species or critical habitat becomes available, this determination may need to be reconsidered. In all future correspondence on this project, please refer to consultation number 02EAAZ00-2012-I-0397.

Should you require further assistance or if you have any questions, please contact Brian J. Wooldridge at (928) 556-2106 or Brenda Smith at (928) 556-2157 in our Flagstaff Suboffice.

Sincerely,



 Steven L. Spangle  
Field Supervisor

cc (electronic):

Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ  
Supervisor, Region 2, Arizona Game and Fish Department, Flagstaff, AZ (Attn: Andi Rogers)  
Environmental Coordinator, Federal Highways Administration, Phoenix, AZ  
(Attn: Rebecca Swiecki)  
Biologist, ADOT Environmental Planning Group, Phoenix, AZ (Attn: Kris Gade)  
Field Manager, Arizona Strip Field Office, Bureau of Land Management, St. George, AZ

Assistant Field Supervisor, Fish and Wildlife Service, Phoenix, AZ  
(Attn: Lesley Fitzpatrick and Greg Beatty)

cc (Hard Copy):

Director, Hopi Cultural Preservation Office, Kykotsmovi, AZ  
Director, Resource Center, Chemehuevi Tribe, Havasu Lake, CA  
Cultural Compliance Technician, Museum, Colorado River Indian Tribes, Parker, AZ  
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