



**ARIZONA DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL PLANNING**

Biological Scoping Guidelines

May 2024

BIOLOGICAL SCOPING GUIDELINES

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ACRONYMS AND ABBREVIATIONS

ADOT – Arizona Department of Transportation
AGFD – Arizona Game and Fish Department
BIA – Bureau of Indian Affairs
BLM – Bureau of Land Management
CE – Categorical Exclusion
ED – Environmental Determination
EP – Environmental Planning
ESA – Endangered Species Act
FHWA – Federal Highway Administration
Forest – US Forest Service
IPaC – Information, Planning, and Conservation System
LPA – Local Public Agency
NPS – National Park Service
NNDFW – Navajo Nation Department of Fish and Wildlife
NNHP – Navajo Natural Heritage Program
NEPA – National Environmental Policy Act
Reclamation – Bureau of Reclamation
ROW – right-of-way
USFWS – US Fish and Wildlife Service

1. INTRODUCTION AND GENERAL GUIDANCE

This guidance is intended to be used in conjunction with the *Guidelines for Scoping Projects with Categorical Exclusions*, hereafter referred to as “CE Scoping Guidelines”, and the *Biology Procedures for Consultants*. The consultant should read and be familiar with the applicable sections of these guidance documents prior to completing biology scoping.

As described in the CE Scoping Guidelines, a general scoping letter will be sent to all entities on the contact list included in the CE Scoping Guidelines. However, additional biology-related information and/or modified scoping letters will need to be provided to some agencies/organizations/biological contacts, depending on project location. This initial biological scoping will ensure early coordination with the appropriate resource or land management agency biological contacts and will also help determine if there are any specific biological issues related to the project. The table below provides a general summary of biology scoping requirements, depending on project location. Letters specified in the table below should all include an additional paragraph describing biologically relevant impacts of the scope.

General Biology Scoping Requirements		
Agency/Organization	When to Scope	Scoping Method
AGFD	Most all projects located on non-tribal land	AGFD Environmental Review On-Line Tool query and one modified scoping letter
USFWS	All projects	IPaC query and/or one modified scoping letter, as determined through coordination with the ADOT biologist
Federal Land Managing Agencies other than BLM (e.g., Forest, Reclamation, NPS)	Projects located on easement from a federal land managing agency For most projects, NEPA scoping letter is sufficient. Contact ADOT biologist to determine if biology specific scoping letter should be included in scoping package	One modified scoping letter to an agency biology contact. For the Forest Service, this is typically the Ranger District biologist.
BLM	Projects located on easement from BLM	For BLM, the biology concerns request will be incorporated into the general scoping letter. For state-funded projects the letter will come from the Environmental Planner. For federally-funded projects, a cooperating agency letter on ADOT letterhead will be sent. See the CE Scoping Guidelines.
Navajo Nation	Projects located on the Navajo Nation	NNHP species data request or “No BE” letter sent to the NNDFW.
Other Tribal Communities	Projects located on other tribal lands	One modified scoping letter to the tribal biology contact, as determined through coordination with the ADOT biologist
Invasive Species Coordination	All projects on State Highway System (not LPA projects)	Copy of a general scoping letter emailed to the ADOT Invasive Species Contact with a cc to the ADOT biologist (see ADOT Invasive Species contact map on the ADOT Biology webpage).

Desert Tortoise Council	Major projects with ground disturbance in Desert Tortoise Habitat	One general scoping letter addressed to Desert Tortoise Council and emailed to eac@deserttortoise.org
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Other than the scoping procedures described in this guidance document, **do not contact any external agencies, including tribes, regarding biological concerns on ADOT projects without specific prior approval from the ADOT biologist.** The ADOT biologist will determine the appropriate person to make contact with external agencies (ADOT or consultant). Many agencies have provided data or recommendations to ADOT and do not want to be contacted repeatedly for the same request. Also, some agencies and tribes have requested only direct ADOT contact for project related coordination.

Biological Impacts Summary Paragraph

The same scoping letter used for general agency scoping should be used as the basis for the biology scoping letters but modified to include the additional information described in this guidance as applicable. This includes a paragraph following the bullet list of scope items that summarizes biologically-relevant effects that could be associated with the scope, such as:

- Ground disturbance
- Vegetation removal
- Work in flowing waters
- Night-time work
- Noise levels above typical traffic for the area
- Length and timing of construction
- Seasonal restrictions as needed for the purposes of construction (paving temperatures, etc.).

All biology scoping letters will be accompanied by a state location and project vicinity map as described in the CE Scoping Guidelines unless otherwise indicated in this document.

Please ensure that within the body of any scoping letters prepared that the correct comment return address is shown. The address shown on the ADOT letterhead is not always the appropriate return address. The biology scoping letters will be signed by the ADOT biologist, who may have a different mailing address than indicated on the ADOT letterhead.

This Scoping Guidance assumes the reader is working on an ADOT sponsored project, but the guidance is also applicable to Local Public Agency (LPA) sponsored projects. When adapted for an LPA project, the LPA is responsible for understanding who will be impacted and interested in their project. The ADOT Biologist should be invited to do a courtesy review of any biology scoping documents. Consult with your ADOT Biologist for more details. Please note that scoping letters for LPA projects do not use ADOT letterhead – either the LPA or their consultant’s letterhead should be used; scoping letters for LPA projects are signed by the LPA planner or the consultant, not the Environmental Planner or ADOT biologist.

If a response is received to a biology scoping letter for an ADOT project, the consultant biologist must immediately relay that response to the ADOT biologist to coordinate any necessary reply prior to the biological report being submitted for review. Any responses received should be attached to the project biological report. If no response is received from a land managing agency, AGFD or USFWS, a copy of the biology scoping letters sent to that agency should be attached to the project biological report.

Although this guidance covers most situations for typical projects, please note that the biology scoping process may need to be altered to accommodate special situations as necessary and as determined through coordination with the ADOT biologist.

2. ARIZONA GAME AND FISH DEPARTMENT

AGFD scoping will normally consist of completing an AGFD online environmental review tool query and also sending the AGFD project evaluation program a modified scoping letter as described below. In some cases, the ADOT Biologist may exercise discretion on whether to send a scoping letter in addition to using the online tool.

2.1 AGFD Online Review Tool Query

For ADOT projects, the ADOT Biologist will complete an AGFD Environmental Review On-Line Tool query for all projects that are not located on tribal lands. Results will be included as an attachment to the PEDS.

For LPA projects, we recommend completing an AGFD Environmental Review On-Line Tool query for all projects that are not located on tribal lands. If only a portion of the project is on tribal lands, complete the review tool query. Do not complete a review tool query for projects located entirely on tribal lands.

Note: When the PEDS is completed for LPA projects, State species list results from AGFD will be provided as an attachment to the PEDS.

The AGFD on-line tool requires delineation of the project on a map by drawing a point, line, or polygon. In most cases, ADOT projects should be delineated using the line or point tool, as the system automatically includes a three-mile buffer to incorporate species occurrences. Discuss with the ADOT biologist if you feel it is necessary to delineate a project area by drawing a polygon.

Once the project has been drawn and the drawing has been accepted, additional information is input as shown in the following table.

Information to Include in AGFD Online Review Tool Queries

Information Requested	Recommended Input
Project Title	<i>The project H number, route, and name, e.g., "H1234, I-17 Agua Fria Bridges" (For LPAs, enter the project S number and location)</i>
User Project Number	<i>Federal Aid Number and Complete TRACS number (if possible)</i>
Project Type	<i>Transportation & Infrastructure</i>
Project Sub-Type	<i>Choose the sub-type you feel most appropriate for the project</i>
Project Description	<i>Include a general project description</i>
On Behalf of	<i>"ADOT" For LPAs, select "CITY", county name or other (as appropriate)</i>
Contact Information	<i>Enter consultant contact information</i>
Project Edit Status	<i>Choose "Saved"</i>
File Attachments	<i>Do not upload attachments</i>

If the review tool brings up concerns that need to be addressed prior to submitting the project biological document, forward the review tool report and discuss with the ADOT biologist. Otherwise, the review tool report is to be included as an attachment to the biological report.

In some cases, the review tool cannot be used (usually if the project is too large). In these cases, only a modified scoping letter will be sent as described below.

2.2 AGFD Letter Contents

Once the online environmental review tool query has been completed, the scoping letter to AGFD can be prepared. Use the general scoping letter as a basis for the AGFD letter but include:

- 1) A biological effects paragraph after the scoping bullets and,
- 2) The following paragraphs immediately above the contact information as applicable

Paragraph to include if the AGFD online environmental review tool was used

A list of species potentially occurring within the project area was obtained using the AGFD On-Line Environmental Review Tool. This project was submitted on-line for your review on [date] and is recorded as Project ID: [ID number from review tool report]. If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project please let us know. This can include information on wildlife movement, habitat issues, or seasonal concerns, to name a few.

Paragraph to include if the AGFD online environmental review tool could not be used

Due to (state reason), the AGFD Online Environmental Review Tool did not accurately depict the project area. This letter serves both as a request for a list of potential species occurring in the project area and as your agency's invitation to review the project based upon the scope of work outlined above. If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project please let us know. This can include information on wildlife movement, habitat issues, or seasonal concerns, to name a few.

Paragraph to include for all letters to AGFD

If the AGFD would like to have continued involvement with this project please include an expression of interest, individual contact information and a description of specific concerns. If no concerns or requests for future coordination are identified, ADOT will consider our coordination complete for the project.

2.3 AGFD Letter Transmittal

The letter should be addressed to:

Ms. Cheri Bouchér
Transportation Project Evaluation Specialist
Arizona Game and Fish Department
WMHB - Project Evaluation Program
5000 W. Carefree Highway
Phoenix, AZ 85086-5000

Do not send a hard copy of the letter. Instead, email a pdf of the scoping letter and maps to the AGFD Project Evaluation Program (pep@azgfd.gov). Please cc: the ADOT biologist. Note that AGFD's email system does not accept zip files or attachments over 10 MB in size.

2.4 Updating the AGFD On-line Review Tool Query (6 months)

AGFD online review tool receipts are valid for 6 months. Contact the ADOT biologist to determine whether a new review tool query is needed if the query receipt is greater than 6 months old at the following milestones:

- Approval of the biology document
- Submittal of the final CE (or other NEPA document)
- Environmental clearance to advertise the project for bid

3. US FISH AND WILDLIFE SERVICE

USFWS scoping will normally consist of completing an Information, Planning, and Conservation (IPaC) query to obtain an ESA species list for the project. The IPaC allows for generation of two types of species lists: a preliminary list where no Consultation Code is generated and an official list where a Consultation Code is generated. USFWS scoping may also include sending the USFWS Arizona Ecological Services Field Office a letter in addition to (or instead of) obtaining an IPaC species list as described below.

3.1 USFWS IPaC Query

For ADOT projects, the ADOT biologist will use the IPaC system to generate a species list for the project. An official IPaC report will be included as an attachment to the PEDS.

For LPA projects, we recommend using the following methods to generate an ESA species list from the IPaC system:

- **Before running an IPaC query**, prepare a project description that is a maximum of 500 characters (including spaces) and includes the general nature of the project and any biologically-relevant effects, e.g., “The project would widen the existing roadway from two to four lanes, which would require extension of drainage culverts. The project would require ground disturbance, vegetation removal, and night work.”
- Perform an official IPaC query: <http://ecos.fws.gov/ipac/>.
- IPaC requires delineation of the project on a map by drawing or uploading a line or polygon. The shape should reflect the action area (area of potential biological effects) for the project.
- For the project name, enter the federal project number, TRACS number, route, and project name if possible.
- To request the official list, go to the “Design” tab and enter the project name and the 500-character project description, then return to the “Overview” tab and select “Request an official species list” in the “Tasks” box.
 - For contact information, enter the consultant’s contact information. Under the “Agency” drop down list, scroll down to STATE OF ARIZONA and select Arizona Department of Transportation or for LPA projects, select the appropriate town/city/county in the “Agency” list. At the bottom of the form, check “Yes” next to “Are you a consultant?” and also check the box to verify that the project is legitimate and requires an official species list.
- If the project is complex or in a biologically sensitive area, the ADOT biologist may request that a scoping letter also be sent to USFWS in addition to (or instead of) obtaining an official species list via IPaC. Be sure to include the USFWS Consultation Code from the official species list if a scoping letter is sent in addition to the IPaC query.

Note: When the PEDS is completed for LPA Projects, IPaC species list results will be provided as an attachment to the PEDS.

3.2 USFWS Letter Contents

Scoping letters should be sent to USFWS only in limited circumstances; typically, only for EA or EIS projects. The IPaC query will suffice for the vast majority of projects. If requested by the ADOT biologist, a letter to USFWS would be prepared after the IPaC query. If an official IPaC species list request was completed, the Consultation Code **must be included** in the subject line of the letter to USFWS. If the ADOT biologist requests a scoping letter to be sent to USFWS per the steps above, use the general scoping letter as a basis for the USFWS letter but include:

- 1) A biological effects paragraph after the scoping bullets and,
- 2) The paragraph below immediately above the contact information

Paragraph to include for scoping letters to the USFWS

If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project please let us know by responding to the address listed below. This can include information on wildlife movement, habitat issues, or seasonal concerns to name a few.

3.3 USFWS Letter Transmittal

As noted above, scoping letters are not typically sent to USFWS. If one will be sent, the scoping letter should be emailed to the USFWS as described below and addressed as follows:

Arizona Ecological Services Office, Field Supervisor
Attn: Bob Lehman, ADOT Liaison
US Fish and Wildlife Service
9828 N. 31st Avenue, Suite C3
Phoenix, AZ 85051

Do not send a hard copy of the letter. Instead, email a pdf of the scoping letter and maps to (incomingazcorr@fws.gov) and cc: the ADOT biologist. If an official IPaC species list request was completed, the Consultation Code **number must be included** in the subject line of the email.

3.4 Updating the IPaC Query (90 days)

IPaC species lists are valid for 90 days. Contact the ADOT biologist to determine whether an updated IPaC species list is needed if the species list is greater than 90 days old at the following milestones:

- Approval of the biology document
- Submittal of the final CE (or other NEPA document)
- Environmental clearance to advertise the project for bid

NOTE: A Consultation Code and email address used from the original official species list must be used to obtain an updated official species list.

4. FEDERAL LAND MANAGING AGENCIES

ADOT highways through federal lands such as Forest or BLM lands are almost exclusively on easements. This means that ADOT does not actually own the land but has permission to operate within the highway easement. When a project or portion of a project is located on any federal lands, the biology scoping process will be used to determine if there are any specific issues or species the agency would like to see addressed in the biological document. In some cases, scoping letters are also sent to these agencies when projects take place on ADOT right-of-way adjacent to federal land as determined through coordination with the ADOT biologist and ADOT Environmental Planner.

Scoping letters to federal land management agencies will consist of one general letter sent to the agency administrator contact and one biology letter sent to an agency biological contact. The table below provides some examples of agency administrator and biological contact personnel for federal land management agencies most commonly scoped on ADOT projects. Coordinate with the ADOT biologist if the appropriate administrator and biologist contacts cannot be determined using readily available information such as the agency’s website. For other federal land managing agencies such as military Installations, coordinate with the ADOT biologist to determine the appropriate administrator and biological contacts.

Typical Contacts for Scoping Letters to Federal Land Managing Agencies

Agency	Administrator Contacts (Receives general scoping letter from ADOT Environmental Planner)	Biological Contacts (Receives biology scoping letter from ADOT biologist)
Forest	District Ranger	District Biologist or Forest NEPA Coordinator
BLM	Biology paragraph will be incorporated into a single letter sent to the Field Manager with cc: to the Realty Specialist, as detailed in the BLM section in the main CE Scoping Guidelines.	
Reclamation	Area Manager	Biologist Environmental Resource Manager
NPS	Park Superintendent Monument Manager	Park Biologist

4.1 Federal Land Managing Agency Letter Contents (other than BLM)

Use the general scoping letter as the basis for the biologist letters but include:

- 1) the biological effects paragraph after the scoping bullets, and
- 2) the paragraph below immediately above the contact information.

Paragraph to include in the biologist letter

Please respond if you have biological concerns related to this project or if you have specific species you would like addressed in the document. We will send the biology document to you for your file once it is complete.

NOTE: There are additional requirements for letters to BLM that must be met. See the main CE Scoping Guidelines for further direction on scoping letters to BLM.

4.2 Federal Land Managing Agency Letter Transmittal

Letters should be addressed to the applicable administrator or biologist contact. Copy the biologist on the administrator letter and copy the administrator on the biologist letter so that both contacts know who in their agency received the letter (note that the biologist is not copied for BLM letters). PDFs of the letters should be sent by email unless a different method of transmittal is determined through coordination with the ADOT biologist.

5. TRIBAL COMMUNITIES

Similar to federal land management agencies, ADOT highways through tribal lands are almost exclusively on easements. When a project or portion of a project is located on any tribal lands, the biology scoping process will be used to determine if there are specific biological issues or species the community would like to see addressed in the biological document. In some cases, scoping letters are also sent to tribal communities when projects take

place on ADOT right-of-way adjacent to tribal land as determined through coordination with the ADOT biologist and ADOT Environmental Planner.

Because state agencies and regulations do not apply on tribal land, do not complete an AGFD Environmental Review On-Line Tool query or otherwise coordinate with AGFD for projects located entirely on the tribal lands.

5.1 Navajo Nation

Coordination related to biological resources on the Navajo Nation is handled by the Navajo Nation Department of Fish and Wildlife (NNDFW).

5.1.1 Navajo Nation Species Data Request or “No BE” Letter

Complete an NNDFW species data request or “No BE” letter for all projects occurring either partially or entirely on the Navajo Nation as described in the *NNHP Data Request/Endangered Species Information Procedures & Fees* Guidance: <http://www.nndfw.org/nnhp/drs2012.pdf>.

No BE Letter: Under the Navajo Nation Biological Resource Land Use Clearance Policies and Procedures (RCP), certain projects are exempt from the requirement to prepare a Biological Evaluation. See Attachment A for more details.

Species Data Request: The NNHP data request procedures (Attachment B) provide a letter template indicating the information required for the data request letter. The “Summary Description of Project” included in the template should generally be the project description from the general scoping letter. The species data request letter will be forwarded to the EGP biologist for review and approval prior to being submitted to NNHP. The data request letter is typically sent by the consultant on their letterhead. The consultant would receive the invoice for the data request from NNDFW and pay it directly, then bill the cost to ADOT as a direct expense.

5.1.2 Navajo Nation Letter Contents

When a project or portion of a project is located on the Navajo Nation, do not modify the general scoping letter(s) typically prepared per the CE Scoping Guidelines and do not send a scoping letter to NNDFW. Do submit the data request or “No BE” letter to NNDFW for the appropriate portion of the project.

5.1.3 Navajo Nation Letter Transmittal

PDFs of the letters should be sent by email unless a different method of transmittal is determined through coordination with the ADOT biologist.

5.2 Tribal Communities other than Navajo Nation

Discuss the approach with the ADOT biologist. Guidelines vary for different communities.

5.2.1 Letter Transmittal to Other Tribal Communities

PDFs of the letters should be sent by email unless a different method of transmittal is determined through coordination with the ADOT biologist. Tribal letters should be addressed to the applicable biology contact. Consult with the Environmental Planner and ADOT biologist to determine the appropriate contacts.

6. INVASIVE SPECIES COORDINATION

In the initial scoping phase of the project, invasive species coordination is completed internally within ADOT. See the ADOT Herbicide and Invasive Species Contacts map posted on the ADOT Biology webpage to determine the appropriate contact. Email a copy of the general scoping letter and request a list of any known invasive species within the project limits. Allow 30 days for a response with any invasive species issues. If the invasive species contact responds with invasive species issues and/or requests non-standard mitigation, coordinate with the ADOT biologist on how to proceed. Contact the ADOT Biologist for any projects occurring off the ADOT Highway System.

7. BIOLOGY SCOPING RESPONSES

Any responses to biology scoping that include project specific questions, concerns, or proposed mitigation will be sent to the ADOT biologist and to the Environmental Planner. The ADOT biologist and/or Environmental Planner will determine the appropriate response to the letter. Any concerns identified in response letters are to be addressed in the biological document as described in the *Consultant Biological Procedures* and/or the individual biology report format guidance documents as applicable. The following should be attached to the project biological report (as applicable):

- AGFD online environmental review tool report
- IPaC query results
- NNHP data request response
- Copies of any biology scoping responses received from agencies/tribes; if a response to scoping was not received include the scoping letter that was sent to the particular agency or tribe.

8. SUBMITTING BIOLOGY SCOPING LETTERS FOR REVIEW

- When submitting a **draft** of scoping items to the ADOT Biologist for review, include the following as separate attachments:
 - One copy of the biology scoping letter in Word format (including the biological effects paragraph)
 - State map & vicinity map
 - Confirmation from the Environmental Planner of scope of work and map review completion
- When submitting **final** scoping items to the ADOT Biologist, include the following as separate attachments:
 - Each biology scoping letter
 - State map & vicinity map

9. EXAMPLE BIOLOGY SCOPING LETTERS

See the following appendices for AGFD, USFWS and Navajo Nation example letters.



Environmental Planning

Katie Hobbs, Governor

Jennifer Toth, Director

Greg Byres, Deputy Director for Transportation/State Engineer

Paul O'Brien, Environmental Planning Administrator

[Date]

Ms. Cheri Bouchér
Transportation Project Evaluation Specialist
Arizona Game and Fish Department WMHB - Project Evaluation Program
5000 W. Carefree Highway
Phoenix, AZ 85086-5000

Submitted by email to pep@azgfd.gov

Re: [Federal Project Number]
[ADOT Project Number]
[Project Name]
AGFD Online Review: [Enter Review Number here]

Dear Ms. Bouchér:

AGFD EXAMPLE

The Arizona Department of Transportation (ADOT) is planning to construct a roundabout on State Route (SR) 87 between milepost (MP) 253.69 and MP 253.76 at the intersection of Airport Road/Airline Drive and improve southbound (SB) SR 87 at MP 254.40 just north of the Tyler Parkway roundabout. The project is located within the Town of Payson, Gila County, Arizona (see enclosed Figures 1 and 2).

Airport Road/Airline Drive in the project area consists of one travel lane in each direction of travel, and SR 87 consists of two travel lanes in each direction of travel with a continuous center turn-lane. Currently, the intersection of SR 87 and Airport Road/Airline Drive is a conventional unsignalized intersection with two-way stop signs on Airport Road/Airline Drive. There are no traffic control mechanisms on SR 87; thus, vehicles traveling on SR 87 continue through the intersection without stopping. The SB SR 87 travel lanes located north of the Tyler Parkway roundabout are straight, and vehicle speeds when entering the roundabout may exceed the posted limit.

Heavy traffic volumes on SR 87 make it difficult for vehicles on Airport Road/Airline Drive to travel through the intersection causing traffic backups particularly during peak morning and evening travel periods. SB traffic entering the Tyler Parkway roundabout may enter the roundabout at higher speeds than posted. The purpose of the project is to reduce traffic backups at the SR 87 and Airport Road/Airline Drive intersection by maintaining a continuous flow of traffic with a traffic roundabout, and to slow vehicle movement on the SR 87 SB lanes entering the Tyler Parkway roundabout by reconstructing the curb and gutter to provide a slight curve in the road forcing vehicles to slow down.

The scope of work for the project consists of:

- Constructing a roundabout at the SR 87 and Airport Road/Airline Drive intersection
- Installing new curb, gutter, overhead lighting, and sidewalks at the new roundabout
- Removing and replacing the curb and gutter on the SB approach of the Tyler Parkway roundabout
- Relocating a light pole to accommodate the new curb and gutter fixtures
- Reseeding all disturbed areas with native vegetation seed mix
- Control of weeds during construction using manual and/or chemical methods

Include paragraph here that summarizes biologically-relevant effects that could be associated with the scope (vegetation removal, ground disturbance, work in flowing waters, night-time work, noise levels above typical traffic for the area, length and timing of construction) – see Appendix for bio scoping guidelines for more details.

AGFD EXAMPLE

The project would occur within the existing ADOT right-of-way (R/W) through private lands. Approximately 1 acre of new R/W and temporary construction easements (TCEs) are required to construct the roundabout. The new R/W and TCEs requirements will be determined during final design. Construction is anticipated to begin in summer 2022 and is expected to take approximately 4 months to complete. The roundabout will be constructed in phases. This project will require temporary lane closures along SR 87 and Airport Road/Airline Drive; however, at least one lane of traffic in each direction will be maintained and temporary signage will be employed for lane closures or turning restrictions.

If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project please let us know by responding to the address listed below. This can include information on wildlife movement, habitat issues, or seasonal concerns to name a few.

Please submit your comments or concerns by [Date] to ADOT c/o consultant's name address, phone number, fax, and email. Thank you for your time and continued assistance.

Sincerely,

[ADOT Biologist Name]

[Title]

ADOT Environmental Planning

Enclosures: Figure 1 – State Location Map
 Figure 2 – Project Vicinity Map

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ADOT pursuant to 23 U.S.C. 326 [23 U.S.C. 327] and a Memorandum of Understanding dated December 20, 2023 [April 16, 2019], and executed by FHWA and ADOT.



Environmental Planning

Katie Hobbs, Governor
Jennifer Toth, Director

Greg Byres, Deputy Director for Transportation/State Engineer
Paul O'Brien, Environmental Planning Administrator

[Date]

Arizona Ecological Services Office Field Supervisor
Attn: Bob Lehman, ADOT Liaison
US Fish & Wildlife Service
9828 N. 31st Avenue, Suite C3
Phoenix, AZ 85051

Submitted by email to incomingazcorr@fws.gov

Re: [Federal Project Number]
[ADOT Project Number]
[Project Name]
[USFWS Consultation Code]

USFWS EXAMPLE

Dear Field Supervisor:

The Arizona Department of Transportation (ADOT) is planning to construct a roundabout on State Route (SR) 87 between milepost (MP) 253.69 and MP 253.76 at the intersection of Airport Road/Airline Drive and improve southbound (SB) SR 87 at MP 254.40 just north of the Tyler Parkway roundabout. The project is located within the Town of Payson, Gila County, Arizona (see enclosed Figures 1 and 2).

Airport Road/Airline Drive in the project area consists of one travel lane in each direction of travel, and SR 87 consists of two travel lanes in each direction of travel with a continuous center turn-lane. Currently, the intersection of SR 87 and Airport Road/Airline Drive is a conventional unsignalized intersection with two-way stop signs on Airport Road/Airline Drive. There are no traffic control mechanisms on SR 87; thus, vehicles traveling on SR 87 continue through the intersection without stopping. The SB SR 87 travel lanes located north of the Tyler Parkway roundabout are straight, and vehicle speeds when entering the roundabout may exceed the posted limit.

Heavy traffic volumes on SR 87 make it difficult for vehicles on Airport Road/Airline Drive to travel through the intersection causing traffic backups particularly during peak morning and evening travel periods. SB traffic entering the Tyler Parkway roundabout may enter the roundabout at higher speeds than posted. The purpose of the project is to reduce traffic backups at the SR 87 and Airport Road/Airline Drive intersection by maintaining a continuous flow of traffic with a traffic roundabout, and to slow vehicle movement on the SR 87 SB lanes entering the Tyler Parkway roundabout by reconstructing the curb and gutter to provide a slight curve in the road forcing vehicles to slow down.

The scope of work for the project consists of:

- Constructing a roundabout at the SR 87 and Airport Road/Airline Drive intersection
- Installing new curb, gutter, overhead lighting, and sidewalks at the new roundabout
- Removing and replacing the curb and gutter on the SB approach of the Tyler Parkway roundabout
- Relocating a light pole to accommodate the new curb and gutter fixtures
- Reseeding all disturbed areas with native vegetation seed mix
- Control of weeds during construction using manual and/or chemical methods

Include paragraph here that summarizes biologically-relevant effects that could be associated with the scope (vegetation removal, ground disturbance, work in flowing waters, night-time work, noise levels above typical traffic for the area, length and timing of construction) – see Appendix for bio scoping guidelines for more details.

The project would occur within the existing ADOT right-of-way (R/W) through private lands. Approximately 1 acre of new R/W and temporary construction easements (TCEs) are required to construct the roundabout. The new R/W and TCEs requirements will be determined during final design. Construction is anticipated to begin in summer 2022 and is expected to take approximately 4 months to complete. The roundabout will be constructed in phases. This project will require temporary lane closures along SR 87 and Airport Road/Airline Drive; however, at least one lane of traffic in each direction will be maintained and temporary signage will be employed for lane closures or turning restrictions.

USFWS EXAMPLE

If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project please let us know by responding to the address listed below. This can include information on wildlife movement, habitat issues, or seasonal concerns to name a few.

Please submit your comments or concerns by [Date] to ADOT c/o consultant's name address, phone number, fax, and email. Thank you for your time and continued assistance.

Sincerely,

[ADOT Biologist Name]

[Title]

ADOT Environmental Planning

Enclosures: Figure 1 – State Location Map
 Figure 2 – Project Vicinity Map

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ADOT pursuant to 23 U.S.C. 326 [23 U.S.C. 327] and a Memorandum of Understanding dated December 20, 2023 [April 16, 2019], and executed by FHWA and ADOT.

ATTACHMENT A: Summary and Excerpts from the Navajo Nation Biological Land Use Clearance Policies and Procedures (RCP) (NNDFW “No BE” Letter Conditions)

The RCP can be found online at <https://www.nndfw.org/docs/BRLC%20Policies%20and%20Procedures.pdf> and a map of the different zones is available here: <http://www.nndfw.org/zones/rcp.html>.

The RCP identifies six types of wildlife areas that are found on the Navajo Nation:

1. Highly Sensitive Area – recommended no development with few exceptions.
2. Moderately Sensitive Area – moderate restrictions on development to avoid sensitive species/habitats.
3. Less Sensitive Area – fewest restrictions on development.
4. Community Development Area – areas in and around towns with few or no restrictions on development.
5. Biological Preserve – no development unless compatible with the purpose of this area.
6. Recreation Area – no development unless compatible with the purpose of this area.

Preparation of a Biological Evaluation (BE) is required for development in any area, except in Area 4, and for certain exceptions (see below).

****If an ADOT project may fall into one of these categories, contact the ADOT biologist to verify that a “No BE” letter is appropriate for the project.****

EXCEPTIONS – Projects that do not require preparation of a BE

1. CHAPTER TRACTS (project completely within existing tract)
2. RENEWAL OF EXISTING BUSINESS SITE LEASES and NPDES Permits (not including expansion of lease area)
3. NHA RENOVATIONS/RECONSTRUCTIONS (project within previously withdrawn areas)
4. Installation of new equipment on existing communications towers.
5. Transfer of federal lands.
6. **Installation of highway signs, pavement markings, traffic signals, railroad warning devices, small passenger shelters, where there will be minimal ground disturbance within an existing right-of-way.**
7. Maintenance of an existing utility pump house and substation (not including expansion of right-of-way or lease area).
8. **Alterations to facilities to make them accessible to elderly and handicapped persons.**
9. Maintenance and improvements to track and rail beds when carried out within the existing right-of-way.
10. **Modernization of existing paved roads & highways including resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes, except in the areas below where *Puccinellia parishii* must be addressed:**
 - US 89 & US 89A
 - US 491 (from Naschitti to Colorado state line),
 - US 160 (from HWY 89 to Tuba City and from Red Mesa to 4 Corners Monument)
 - US 64 (from Teec Nos Pos to Hogback)
 - NM SR 134 (from Sheepsprings to 10 miles west of jct US 491)
 - AZ SR 64 (from US 89 to NN boundary)
 - Navajo Rte. 5 (from US 491 to Chaco River bridge)
 - Navajo Rte. 12 (from Window Rock to Tsaile)
 - Navajo Rte. 13 (from Red Valley to 491)
 - Navajo Rte. 19 (from US 491 to Toadlena)
 - Navajo Rte. 36 (from 491 east to Hogback)
11. Any other agreements with NNDFW and outside entities for expediting project approval.

ATTACHMENT A: Summary and Excerpts from the Navajo Nation Biological Land Use Clearance Policies and Procedures (RCP) (NNDFW “No BE” Letter Conditions)

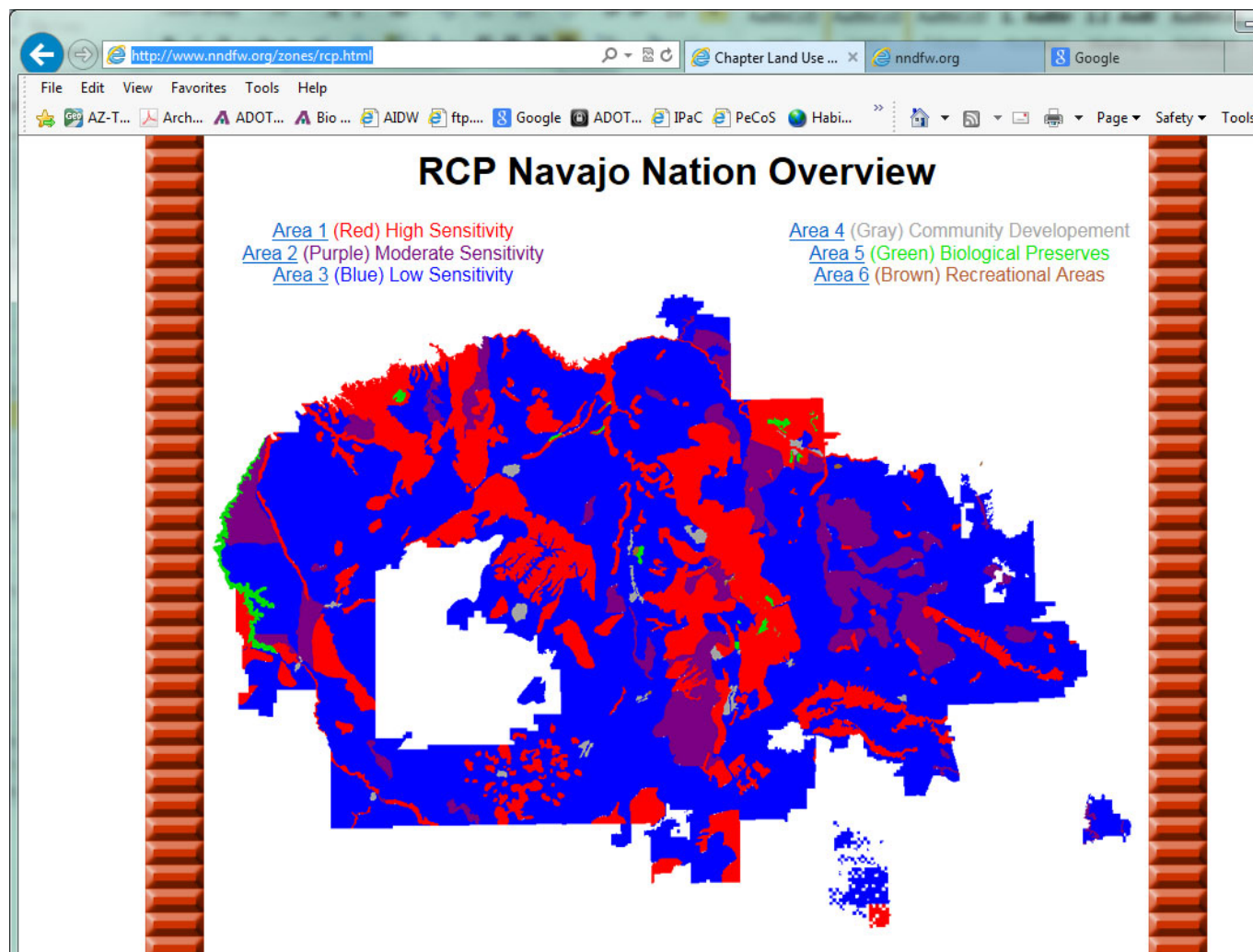
Community Development Areas.

For project approval of all developments that are completely contained within Area 4, submit documentation to Department Director, including (but note exceptions below):

- a. Location plotted on a 7.5' USGS topographic quadrangle map or reasonable facsimile;
- b. Brief description of project, including acreage.

Exceptions:

- 1. This applies to all development except that which may have significant impacts outside the community. An example of this is large-scale industrial development that may impact air or water quality. For projects of this type, follow the standard “Process for planning and approval of development” (Page 4).
- 2. For certain communities, there are exceptions where one species have the potential to occur. For these exceptions, the biological evaluation need only address that species, and be submitted to the Department for approval. These communities are:
 - Pinon (Mountain Plover)
 - Tuba City (*Puccinellia parishii*)



Navajo Nation Heritage Program Data Request is available here:

Navajo Natural Heritage Program Data Request/Endangered Species Info Procedures and Fees (available online at <https://www.nndfw.org/nnhp/drs2012.pdf>)

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Mon. Day, Year

Ms. Leanna Begay
Navajo Nation Department of Fish and Wildlife
Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515

Submitted by email to: reviews@ndfw.org

Subject: 163-A(202)T
163 NA 400 H8929 01C
US 163, Little Capitan Valley (MP 400.4)

Dear Ms. Begay:

The Arizona Department of Transportation (ADOT) is planning a roadway profile realignment and drainage project on US 163 at milepost (MP) 400.4 on the Navajo Nation, Navajo County, Arizona (Figure enclosed). The project extends from MP 399.9 to MP 401.1. Temporary advance-warning signs will be embedded in the existing roadway right-of-way up to a mile beyond the project limits on US 163. Adjacent lands are under the jurisdiction of the Navajo Nation.

Within the project limits, US 163 consists of one through lane in each direction. The project is a roadway profile realignment initiated in response to local flooding observed at the existing wash near MP 400.4. The two 72-inch-by-114-foot corrugated metal pipes that conveyed the wash flows under US 163 have been completely silted in and are approximately 5 feet below the current wash flowline. The purpose of this project is to improve drainage at this wash crossing to mitigate the periodic roadway overtopping and sediment deposition during storm events.

The scope of work for this project will consist of:

- Removing the existing corrugated metal pipes at MP 400.4
- Removing the existing asphaltic concrete pavement
- Installing two new precast 28-foot-by-6-foot concrete arch structures with headwalls and wingwalls
- Raising the existing roadway profile grade to accommodate the new structure
- Constructing a temporary, at-grade detour around the construction site within the existing ADOT easement
- Installing new pavement markings and signage
- Installing new cattle guards and fence
- Extending other existing corrugated metal pipes within the project limits
- Improving roadway turnouts at MP 400.98 and MP 401.01
- Seeding disturbed areas, as needed

Project construction is tentatively scheduled for summer 2021, with an expected duration of six months. Traffic will be controlled to minimize impacts on motorists and construction personnel, as needed. All work and improvements will occur within the existing roadway easement. No new easement will be required. The contractor will be allowed to stage and stockpile materials within the project limits.

We have reviewed the “Biological Resource Land Use Clearance Policies and Procedures” (RCP) and, according to the RCP, the referenced project occurs in Area 3—Less Sensitive Area of the Kayenta chapter. Area 3 has a low, fragmented concentration of species of concern. The RCP states that projects occurring in Area 3 will typically require a Biological Evaluation, but there are exceptions, as listed in the RCP. One exception, modernization of existing paved roads and highways, applies to this project and precludes submittal of a Biological Evaluation to your department. According to the RCP, projects that do not require a Biological Evaluation require that a brief project description and a US Geological Survey 7.5-minute topographic series map showing the project vicinity be submitted to the Navajo Nation Department of Fish and Wildlife. This letter hereby represents this submission and provides the information required by the RCP. No Biological Evaluation of the project will be submitted to your department. If you agree with this determination, please return a Biological Resources Compliance Form at your earliest convenience.

ADOT appreciates the development of resource programs such as the RCP that assist our agency in meeting regulatory requirements of the Navajo Nation.

If you have any questions, please contact me by phone at 602.622.9622 or by email at jfife@azdot.gov; or *consultant biologist* by phone at 480.xxx.xxxx; by fax at 480.xxx.xxxx; by email at xxxx@xxxx.com; or mail to:

Arizona Department of Transportation
c/o Consultant Biologist
Company
Address
Address

Thank you for your time and assistance.

Sincerely,

“ADOT Biologist”
Title
Environmental Planning

Enclosure: Figure

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ADOT pursuant to 23 U.S.C. 326 [23 U.S.C. 327] and a Memorandum of Understanding dated December 20, 2023 [April 16, 2019], and executed by FHWA and ADOT.

Mon. Day, Year

Navajo Nation Department of Fish and Wildlife
Natural Heritage Program
ATTN: Endangered Species Program
P.O. Box 1480
Window Rock, AZ 86515

NNDFW
EXAMPLE BE
Transmittal/BRCF
Request

Subject: Request for T&E Info

This letter constitutes a formal request from the Navajo Nation Department of Fish and Wildlife for a list of Special Status Species from the Department's Natural Heritage Program for the following project.

PROJECT NAME/NUMBER: Black Creek Bridges EB & WB and Houck TIUP
040 AP 347 F0088 01C
040-E(222)T

LOCATION: Interstate 40 near Houck, Apache County, Arizona (Milepost 347.5 to MP 349.0)

SUMMARY DESCRIPTION OF PROJECT: The Arizona Department of Transportation (ADOT), in coordination with the Federal Highway Administration (FHWA), is planning a bridge deck replacement project for three bridges along Interstate 40 (I-40): The Black Creek eastbound and westbound bridges and the Houck Traffic Interchange and Underpass (TIUP) near Houck, Apache County, Arizona. The Black Creek eastbound bridge (ADOT Structure No. 1134) and westbound bridge (ADOT Structure No. 1642) are located at milepost (MP) 347.9 and the Houck TIUP bridge (ADOT Structure No. 955) is located at MP 348.16. The project area will consist of an approximately 1.5-mile-long section of I-40 between MP 347.5 and MP 349 to account for construction staging and traffic control. The project will be constructed within the existing ADOT right-of-way (ROW) and easement on Navajo Nation lands. The roadway ROW and easement width along I-40 is variable. No new ROW, easement or temporary construction easements are anticipated to be needed. An encroachment permit may be necessary if project activities occur on adjacent Navajo Nation lands.

The project scope of work includes:

- Replacing the existing bridge decks including concrete slabs and superstructures, as needed
 - Repairing bridge pier cracks and spalls as necessary
 - Rehabilitating the substructure including integral pier and abutment caps
 - Repairing bearings as necessary
 - Removing, replacing and constructing guardrails and barriers
 - Installing new bridge deck drains and expansion joints
 - Removing and replacing approach slabs

- Milling and filling the bridge approach and departure roadway to match new deck elevations
- Improving drainage and erosion control protection
- Placing temporary false work within the limits of Black Creek during construction
- Relocating utilities within the project limits, as needed
- Conducting geotechnical activities

The Houck TIUP is anticipated to be closed to traffic for duration of approximately 3-4 months. The project would be completed via phase construction and the need for median crossovers along I-40 to shift traffic during construction will be determined during the design process. Detour routes will be needed along the frontage road north of I-40 starting from the Pine Springs Road Traffic Interchange Overpass (TIOP) and extending approximately five miles east to the Allentown Road TIUP. A detour route will also be needed along the frontage road south of I-40 starting from St. Anslem Road (near the Houck TIUP) and extending approximately 1.6 miles west to the Pine Springs Road TIOP. Temporary concrete barriers may be needed for traffic control. Temporary embedded advance warning signage will be needed and is anticipated to be placed throughout the project area along I-40 from approximately MP 345 to MP 353 within the ADOT ROW/easement. Embedded signage will also be needed north and south of I-40 along St. Anslem Road as well as on the frontage roads along the detour routes. A contractor use area for parking, staging and stockpiling will be located within the project limits. Noise levels may increase temporarily during construction but are expected to return to pre-construction levels upon its completion. Construction-related noise will be controlled in accordance with ADOT Standard Specifications. Construction is anticipated to begin in 2021/2022 and is estimated to take 10 months to complete.

MAP NAMES: Burntwater Wash, Ariz. (1975) and Houck, Ariz. (1975)

Requestor Info./Company/Organization Name: Company

Contact Person: Name

Mailing Address (Street/P.O. Box): Address

City:

State/Zip:

Phone#:

Fax#:

Email:

Thank you for your time and assistance.

Sincerely,

Name

Consultant Biologist

Mon. Day, Year
040 AP 347 F0088 01C
Page 2

Enclosure: State Location Map (Figure 1)
Project Vicinity Map (Figure 2)
Topographic Map Series (Figures 3 through 5)

cc: ADOT Biologist

Mon. Day, Year

Ms. Leanna Begay
Wildlife Manager
Navajo Nation Department of Fish and Wildlife
Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515-1060

Subject: Biological Evaluation
BR-264-A(212)T
264 AP 446 H6768 01C
Ganado Wash Bridge #2886

NNDFW EXAMPLE

BE Transmittal

BRCF Request

Dear Ms. Begay:

The Arizona Department of Transportation (ADOT), in association with the Federal Highway Administration (FHWA) is planning a bridge replacement project for Ganado Wash Bridge on State Route (SR) 264 at milepost (MP) 446.20. The project limits will extend along SR 264 from MP 446.05 to MP 446.34 in the Town of Ganado, in Apache County, Arizona. A portion of the project would occur within existing ADOT easement through Navajo Nation lands. All work will be conducted within the existing easement and no new easement will be required.

A Biological Evaluation (BE) was completed for the project, and a copy is enclosed for your files. The BE includes a project description and a determination that the project *"may affect and is likely to adversely affect"* the Zuni bluehead sucker but will have *"no effect"* to any other federally threatened, endangered, proposed, or candidate species. The BE also includes a determination that the project may impact migratory birds, if they are nesting in trees proposed for removal. Mitigation measures are included in the BE to avoid or minimize potential effects to the Zuni bluehead sucker and impacts to migratory birds.

If you feel the document is satisfactory, please return a Biological Resources Compliance Form (BRCF) to me at following address: 205 S. 17th Ave., MD EM02, Phoenix, AZ 85007. Upon receipt of the BRCF, FHWA with ADOT designated as the non-federal representative for purposes of Section 7 consultation, will request formal consultation with the US Fish and Wildlife Service regarding the project's potential effects to the Zuni bluehead sucker.

If you need any additional information, or have any comments, please feel free to contact me by phone at 602.712.6819, by email at jfife@azdot.gov, or in writing at the address listed above. In

Ms. Begay
Mon. Day, Year
264 AP 446 H6768 01C
Page 2

order for the project to remain on schedule, it would be appreciated if the BRCF could be received by

Mon. Day, Year
Thank you for your time and assistance.

Sincerely,

"ADOT Biologist
Title
ADOT Environmental Planning

Enclosures: As noted

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ADOT pursuant to 23 U.S.C. 326 [23 U.S.C. 327] and a Memorandum of Understanding dated December 20, 2023 [April 16, 2019], and executed by FHWA and ADOT.

AMENDMENTS TO CE SCOPING GUIDELINES

Description of Modification

Version*	Change	Date	By
V1	Start of 327 MOU	4/19/19	PAO
V1a	<p>ADOT logo updated throughout.</p> <p>Clarification on LPA and LPA Certification Acceptance Agency requirements (pg. 1, 7, 8)</p> <p>Clarification that LPAs should send BIO scoping letters to the ADOT Biologist for review pg. A-2.</p> <p>Clarification of USFWS scoping procedure in Section 3 of the Appendix</p>	5/10/21	PAO
V2	Biological Scoping Guidelines separated from CE Scoping guidelines. Desert Tortoise Council Added to page 1 General Biology Scoping Requirements	2/29/23	JF