



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
COLORADO FIELD OFFICE/LAKEWOOD  
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DENVER, COLORADO 80225-0486

IN REPLY REFER TO:  
ES/CO: CDOT  
TAILS: 06E24000-2015-I-0212

**FEB - 2 2015**

Jeff Peterson  
Colorado Department of Transportation  
4201 East Arkansas Avenue, Shumate Building  
Denver, Colorado 80222

Dear Mr. Peterson:

On November 13, 2014, the U.S. Fish and Wildlife Service (Service) reviewed your programmatic biological assessment regarding the effects of the Federal Highway Administration and Colorado Department of Transportation's most common highway maintenance and upgrade activities on federally protected species in Colorado. Our review was performed consistent with our authority under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). The biological assessment does not address any proposed or designated critical habitats; therefore, those impacts will need to be analyzed separately, and a determination of effect will need to be made. If you determine that a project may affect proposed or designated critical habitat, conference or consultation on those effects will be necessary.

Your programmatic biological assessment provides definitions of the covered activities (Chapter 2), life histories and current ranges of the addressed federal species (Chapter 3), a habitat evaluation screen (Chapter 4), proposed minimization measures (Chapter 5), impact tables (Chapter 6), and an individual project-level evaluation (Chapter 7) that will be used if a project does not clearly fall within the guidelines of the process. In addition, sections 3.4 and 3.5 in Chapter 1 (page 16) describe provisions for monitoring, reporting, reinitiating consultation, and updating the process. Implementation of the recommended conservation measures for each activity is expected to reduce the effect of that activity on a particular species to a level that is discountable or insignificant, and is required for the concurrence to be valid. We expect the process to be dynamic, and to change as species are proposed or listed, as critical habitats are proposed or designated, and as we learn more about the effects of various activities and the actions taken to ameliorate those effects.

Given your description of the process and its additional provisions, the Service finds the biological assessment acceptable and concurs with your determination that impacts resulting from projects that use the proposed process are not likely to adversely affect the federally listed

species that it addresses. Impacts to designated critical habitat will need to be consulted on separately because they are not analyzed in the programmatic biological assessment.

Please note that reinitiation of consultation will be required if:

1. New information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion;
2. The agency action is subsequently modified in a manner that causes an adverse effect to the listed species or critical habitat that was not considered in this opinion; or
3. A new species is listed or critical habitat designated that may be affected by the action.

We appreciate your submitting this report to our office for review and comment. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 236-4758.

Sincerely,



Seth L. Willey  
Acting Colorado Field Supervisor

ec: Michael

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